

The Collectio Avellana (CA) has an extraordinary richness and variety of content. Imperial rescripts, reports of urban prefects, letters of bishops, and exchanges of letters between popes and emperors, some of which only this compilation preserves, constitute an exceptional documentary collection for researchers of various sectors of antiquity. This volume is the first publication to reconstruct the history of this compilation through the fascinating questions that it poses to the scholar. There are essays on its general structure, and on some of the most singular texts preserved therein. Other papers offer a comparison between this compilation and the other canonical collections compiled in Italy between the fourth and sixth centuries, as well as between the CA and other contemporary literary products.

Adopting a new approach, some contributions also ascertain who could physically have access to the materials that were collected in the CA, and where the compiler could find them. All these fresh studies have led to new hypotheses regarding the period in which the collection, or at least some of its parts, took shape and the personality of its author.

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The Collectio Avellana and Its Revivals

Rita Lizzi Testa
Giulia Marconi



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Collectio
Avellana
and Its
Revivals

Edited by Rita Lizzi Testa and Giulia Marconi

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INTRODUCTION

RITA LIZZI TESTA

The *Collectio Avellana* (*CA*), due to the richness and variety of its content, is one of the canonical collections that is most cited by Late Antiquity scholars. Imperial rescripts, reports of urban prefects, letters of bishops, exchanges of letters between popes and emperors, some of which are preserved solely in this compilation, constitute an exceptional documentary collection for researchers of various sectors of antiquity, no less because the texts are available in the excellent edition of Günther, the most recent editor of the *CA* for the Vienna Corpus.¹ Not all those who draw on the documents of the *CA*, however, know the history of this collection and the fascinating questions that it poses to the scholar. Being numbered among the canonical collections, despite not containing many conciliary canons,² it first interested canonists. After the reform of ecclesiastical studies initiated by the Apostolic Constitution *Deus scientiarum Dominus* (1931) and the subsequent *Ordinationes*

¹ Of the 244 documents contained in the *CA*, 200 are transmitted only in this compilation: Otto Günther, ed., *Epistulae imperatorum, pontificum, aliorum inde ab a. CCCLXVII usque to a. DLIII datae, Avellana quae dicitur collectio*. I. Prolegomena. *Epistulae I-CIV*, II. *Epistulae CV-CCXXXVIII*. *Appendices. Indices* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898). The latter, a Latin translation of Epiphanius of Salamina's treaty on the allegorical interpretation of the 12 buds of the pectoral of the high priest of the Jews, was certainly added later.

² *CA* 99 (*Gesta de nomine Acaci*) and *CA* 103 (*Gesta de absolutione Miseni*) are exceptional among the texts of the collection, being reports of Synodal meetings: this detail has been also noted by Kate Cooper and Julia Hillner, eds., *Religion, Dynasty and Patronage in Early Christian Rome 300-900* (Cambridge: Cambridge University Press, 2007), 70, n. 41.

of the Congregation for Seminaries (1931), knowledge of the sources acquired considerable importance. Since, in fact, the history of canon law was divided into three main areas (*historia fontium*; *historia scientiae*; *historia institutorum*), scholars started to study also those ancient texts that contained behavioural and doctrinal norms, later taken up into canon law.³ Ancient historians, on the other hand, started to deal with the *CA* relatively later, within the framework of more general research work either on canonical collections⁴ or on particular events of the relations between Church and Empire, or between the See of Rome and other episcopal seats.⁵

³ The great development of studies in this field, a real renaissance for Brian Edwin Ferme, *Introduction to the History of the Sources of Canon Law* (Milan: Mursia, 1998), 22, is linked to the works of Alphonse Van Hove, *Prolegomena. Commentarium Lovaniense in codicem iuris canonici*, I, 1 (Rome: Mechliniae H. Dessain 1945²), Alfonso M. Stickler, *Historia iuris canonici Latini*, I: *Historia fontium* (Turin: Tip. F.lli Pozzo Salvati, Gros Monti e C., 1950), Willibald M. Plöchl, *Geschichte des Kirchenrechts* (Wien, Munich: Herold, 1953-1969), and Jean Gaudemet, *Le sources du droit de l'église en occident du II^e au VII^e siècle* (Paris: Editions du Cerf, 1985), that have transformed Canon Law into a real science (Péter Erdő, "La storiografia del diritto canonico medievale all'alba del terzo millennio. Aspetti di un messaggio attuale," *Ius ecclesiae* 13 [2001]: 3-22). The promulgation of the new *Canon Law Code*, with the Apostolic Constitution *Sacrae Disciplinae Leges* of 1983, that in various passages signals the importance of the study of the history of Canon Law, including its establishment in the remote past, has encouraged the production of a multitude of syntheses in the field: Gian Luigi Falchi and Brian Edwin Ferme, *Introduzione allo studio delle fonti dell'Utrumque Ius* (Vatican City: Lateran University Press, 2006), 25.

⁴ The commented edition of *Publizistische Sammlungen zum acacianischen Schisma* by Eduard Schwartz 1934 remains fundamental for *CA* research. A useful support to research on the canonic collections is the updated inventory of those produced in Italy between mid fifth and the sixth century A.D. It constitutes the first result of a new research project on the *CA*, presented in Bologna in 2014 with a view to producing a monograph in the journal *Cristianesimo nella Storia*, whose premises and aims are clarified in the introductory notes: Rita Lizzi Testa, "La *Collectio Avellana* e le collezioni canoniche romane e italiane del V-VI secolo: un progetto di ricerca," con *Appendice* a cura di Giulia Marconi e Silvia Margutti, *Cristianesimo nella Storia* 35 (2014): 103-236.

⁵ Exemplary in that sense is the volume by Eckhard Wirbelauer, *Zwei Päpste in Rom: der Konflikt zwischen Laurentius und Symmachus* (Munich: Tuduv, 1993). Publishing a critical first edition of the documents produced during the schism between Pope Symmachus and Laurentius, the scholar established the foundation for the historical analysis of the most important canonical collections of the fifth-sixth centuries, suggesting possible

Only recently did this exceptional collection of late antique sources—whose first modern editor defined without emphasis *corpus insigne* for the quantity, quality and long chronological span (from the fourth to sixth century) of the documents preserved therein⁶—become an autonomous subject of research. After two International Conferences, organised in Rome, above all to examine questions regarding the historical context and the political significance of some of the *CA* texts,⁷ a Seminar was organised in Perugia, Gubbio and in the Monastery of Santa Croce at Fonte Avellana in September 2016.⁸ Some contributions to this latter International Meeting, which brought the process of the formation of the *CA* to the forefront, have been collected in a first brief publication.⁹ Interesting discussions followed the papers given at the Seminar, and they have allowed the formulation of hypotheses regarding the period in which the collection (or at least parts of it) took shape

chronologies in their formation stages, the exchanges and the relationship between the different compilations. Philippe Blaudeau, *Le siège de Rome et l'Orient (448-536): étude géo-ecclésiologique* (Rome: École française de Rome, 2012), also dedicates the first chapter of his volume on the See of Rome and the East (p. 13-133) to the sources (almost all derived from canonical collections) that allow the reconstruction of the geopolitical dynamics of inter-ecclesial relations between the fourth and sixth centuries.

⁶ Günther, *Epistulae*, II.

⁷ The first, *Emperors, Bishops, Senators: the Significance of the Collectio Avellana 367-553 AD*, Rome 1-2 April 2011, is now in print, entitled *Religion, Power, and Politics in Late Antiquity: Bishops, Emperors, and Senators in the Collectio Avellana 367-553 AD*, eds. Alexander Evers and Bernard Stolte. The second was entitled: *East and West, Constantinople and Rome: Empire and Church in the Collectio Avellana 367-553 AD*, Roma 5-6 April 2013.

⁸ The Seminar “*La Collectio Avellana e le altre Collezioni canoniche di ambiente italico: formazione, contenuti e contesti. Seminario Internazionale*” (Perugia-Gubbio, 21-24 September 2016) was organised thanks to co-funding by the Foundation of the Cassa di Risparmio di Perugia, the Department of Letters of Perugia, the Siro Moretti-Costanzi Foundation of Perugia, and the Foundation for Religious Science Giovanni XXIII of Bologna.

⁹ Rita Lizzi Testa, ed., *La Collectio Avellana tra tardoantico e altomedioevo*, monographic issue of *Cristianesimo nella Storia* 39.1 (2018).

and the personality of its author. Important confirmations on both subjects are found in the essays collected in this volume.

1. When the *Collectio Avellana* was compiled

The *CA* is a literary product of the late Antiquity, notwithstanding the long chronological span in which the formation of the collection should be placed.¹⁰ The texts are transcribed in their integrity, as in the ancient collections—defined “non-systematic”—of the fifth-ninth centuries. Such a feature, in particular, distinguishes it from the so-called “systematic” collections that, after some early examples in the fifth-sixth centuries, became widespread as of the high Middle Ages.¹¹ In the latter, decretals or citations from the Councils were organised in logical order, to respond to the needs of the canonist intent on solving specific cases.¹² An analysis of the structure of the *CA* (Evers) confirms its late antique dating. For the way in which the texts are inserted, with no respect for chronology, preferring different and not always decipherable principles,¹³ it recalls the most important ancient collections of letters. Modern editors often order them in chronological sequence but in their original structure they were organised by addressee or by theme, following the principle of artistic variety and juxtaposition.¹⁴

¹⁰ The *terminus post quem* is represented by the letter sent on 14th May 553 to Justinian by Pope Vigilius with the *Constitutum de tribus capitulis* (the latest document contained in it), while the *terminus ante quem* is given by its two most ancient manuscripts of XI–XII centuries.

¹¹ Together with the author of the *Statuta ecclesiae antiqua*, Ferrandus of Cathage was one of the first to create this type of collections: see, in this volume the essay by Perrin on the relationship between the *Breviarium* and Cresconius’ work.

¹² Gerard Fransen, *Les collections canoniques* (Turnhout: Brepols, 1973), 13–20.

¹³ See Rita Lizzi Testa, “La *Collectio Avellana*: il suo compilatore e i suoi fruitori, tra Tardoantico e Alto Medioevo,” in Lizzi Testa, *La Collectio Avellana* 12–27, for the organisation given to section *CA* 82–*CA* 93.

¹⁴ Roy Gibson, “On the Nature of Ancient Letter Collections,” *Journal of Roman Studies* 102 (2012): 56–78. Cfr. Cristiana Sogno, Bradley K. Storin, and Edward J. Watts, eds.,

The study of other contemporary literary products offers a comparison through analogy and contrast. *Liber Pontificalis* reflects the same social-cultural environment, in which at least the first stage of the *CA* matured. The comparison appears useful to verify how, in the same period, analogous materials could be selected and organised in different ways and several draftings. In contrast to what Duchesne imagined, it has been suggested here (Verardi) that three versions of the future *Liber* were produced at the same time, between 514 and 535 AD. The collection of canons traditionally attributed to the Council of Elvira is, in turn, exemplary of the operations of assembly and disassembly that could be practised on ecclesiastic normative material. According to Vilella, the assembling was done in the same period in which the *CA* was compiled, so the scholar's contribution is useful in order to better understand what aims compiling techniques were pursuing in the sixth century. Like *Liber Pontificalis*, also the *Variae* are a product of the Gothic War, whether Cassiodorus revised and assembled this collection of letters between 538 and 540 (according to current opinion), or whether he responded with them from Constantinople to the outcome of the Gothic War and to Justinian's ways of governing, as Bjornlie believes. *Liber Pontificalis* and Cassiodorus' *Variae*, even in their heterogeneity, responded to the sense of frustration and disorientation that the profound institutional and political changes in progress caused in the ruling classes (ecclesiastical and secular, with little difference, both being of similar social background). The *CA* is studied here as an example of the ability of sixth century political culture to react creatively to the crisis (Bjornlie).

The assumption that the *Variae* (or one of their final versions?) reflect the torments of the people taking refuge in Constantinople after 540 compels us

to attempt an even closer comparison with the *CA*, whose final composition occurred certainly later than 553 (date of its last document), even though some of its sections could have been put together previously. A valuable comparison with the other canonical collections compiled in Italy between the fourth and sixth centuries, as suggested by Moreau, shows that it does not in fact belong to the great era of the Roman *publizistische Sammlungen* (from 440, possible dating of the first of the collections reaching us, up until 530), but to a phase of the Italic compiling process that was inaugurated by the Roman Council of 531, and that, towards the end of the century, saw the production of many North Italian collections.

Two other essays in the volume help determine the features of this particular collection: the one dedicated to the canonical production of Dionysius Exiguus (Sardella) and that on *Concordia canonum* by Cresconius(Perrin). The compiler of the *CA* worked very differently from both of them. Dionysius' *Praefationes* clarify the *iter* of his *Collectiones*. He produced three successive editions of a collection of apostolic and conciliar canons which, according to Cassiodorus (*Inst.* I, 23), Stephen, Bishop of Salona, had asked him to compile. He collected the decretals of popes Siricius and Anastasius under Pope Symmachus and probably upon the wish of Julian, presbyter of the church of St Anastasia of Rome to whom they are dedicated.¹⁵ Under commission of Pope Hormisdas, finally, he gathered the Greek synodal canons in a Greek-Latin collection, of which only the preface survives. Although the historiographic tradition does not agree on a description of this highly complex handwritten material, it is clear that Dionysius constantly worked on commission. Also Cresconius declares he wrote upon the invitation of Bishop Liberinus, explicitly to compensate for

¹⁵ He put it together with a second edition of the first *Codex canonum ecclesiasticorum*, forming the so-called Dionysiana.

the inadequacies of the *Breviarium* of Ferrandus of Carthage. Perrin recalls their reasons: since Ferrandus merely indicated the references to the canons, without providing their texts, the *Breviarium* was no longer sufficient for the *indocti*, *quorum est maxima multitudo* (“uneducated people, of which the multitude is great”).¹⁶ Conversely the compiler of the *CA*, did not work on commission but (I believe) for himself. An analysis of some sections of the work does give the impression that the *CA* is a sort of draft. It was not meant to be a collection to be published and circulated as such, which would have perhaps implied numerous reviews in order to organise the material, as in the case of Dionysius’ canonical work. It was put together by a man who wanted to have first-hand documentation, consisting of complete texts, found in the original in various archives. He also worked on it at different times, like Dionysius, with aims that changed with the circumstances.

2. The compiler of the *CA*: a hypothesis

Assuming that the material of the *CA* was assembled on a number of different occasions after 530 AD and until the end of the sixth century, I suggested elsewhere that Cassiodorus himself was to some extent implicated in compiling some parts of the collection.¹⁷ The first section for example

¹⁶ The motivation expressed in the *praefatio* of Cresconius, to which Perrin rightly gives importance, seems to me significantly indicative that the canonical collections were also used as school textbooks, as well as helping the bishops in exercising their function as judges. *Indocti* is from Augustine’s works (*de catechizandis rudibus* 8, 12, 1-2), from a context in which the neophytes are distinguished according to their cultural preparation: Rita Lizzi Testa, “Tradizione e innovazione nella scuola tardoantica: Note introduttive,” in *Pratiche didattiche tra centro e periferia nel mediterraneo tardoantico. Atti del Convegno Internazionale (Università La Sapienza, Roma, 13-15 maggio 2015)*, eds. Gianfranco Agosti and Daniele Bianconi (forthcoming).

¹⁷ Rita Lizzi Testa, *Rome Elects her Bishop: The Collectio Avellana and Cassiodorus’ Variac Compared*, in Evers and Stolte, *Religion, Power, and Politics in Late Antiquity* (forthcoming); ead., “La *Collectio Avellana*,” 28-32; Hillner, in this volume, well summarises the different hypotheses of Wirbelauer and Blaudeau on the compiler of the *CA*.

collects documentation on two of the most serious Roman schisms of the fourth-fifth centuries AD: the Damasus-Ursinus conflict and the one between Boniface and Eulalius. In the sixth century AD, they were regarded as exemplary episodes, because they had been regulated according to the ecclesiastical custom (*mos*) and Roman laws, and because they appeared very similar to some contemporary electoral crises. In particular, the Damasus/Ursinus' division showed—albeit in a new form—socio-political dynamics comparable to the Laurentian Crisis. Moreover, it had been resolved, in an original way, providing useful details with which to challenge the appointment of the new pope by the predecessor, a practice that Felix IV and Boniface II had tried blatantly to impose. Cassiodorus may have wanted to gather a plentiful legislative documentation when, chosen as Praetorian Prefect of Italy in 533 AD, he was charged by Athalaric to write an Edict to regulate episcopal elections, following the spiritual degradation and the economic ruin in which also the last electoral campaign (after the death of Boniface II) had thrown the Church, forcing the Senate to issue a decree *de ambitu*.¹⁸ Ordering the clerics to rely on the King's judgement (*iudicium regis*), Cassiodorus' Edict punished ecclesiastical suffrage and also provided new rules for the election of the Bishop of Rome. None of the previous constitutions had established that the judgement of the king had to be resorted to if the dispute was not resolved, and before it led to public riots.¹⁹ Instead, it was just this type of intervention that was supported by the

¹⁸ Cass. *Var.* IX, 15, 2, on which Rita Lizzi Testa, "Cassiodoro, *Variae* IX, 15 (Il re Atalarico a papa Giovanni)," in *Cassiodoro, Varie. IV (libri VIII, IX, X)*, eds. Andrea Giardina, Giovanni Alberto Cecconi, and Ignazio Tantillo, with the assistance of Fabrizio Oppedisano (Rome: L'Erma di Bretschneider, 2016), 92-97 (tr.); 339-57 (comm.).

¹⁹ The edict, which should have regulated the episcopal elections of Rome, established also a mechanism for the elections of all the metropolitans and bishops, thus indirectly recognising to the Bishop of the Apostolic Seat a power of jurisdiction over the whole Empire: Lizzi Testa, "Cassiodorus, *Variae* IX, 15," 346-47, and 355-57.

documents collected in the first section of the *CA* (1-40), following the Roman Imperial tradition of the fourth-fifth centuries AD. The compiler had therefore chosen them because they showed that, in the ‘antique’ period and under legitimate Roman emperors, institutional forces charged with maintaining order, such as the Urban Prefect and his Vicar, were called upon to act in divisive electoral situations, when the Emperor’s intervention became decisive.²⁰

Another group of documents of the *CA* refers to Cassiodorus; those of the section (*CA* 82-93), that was probably the last to enter the collection. It contains the exchange of letters of Popes John II, Agapetus and Vigilius with Emperor Justinian, as a self-standing group among the letters of Pope Gelasius. Despite the odd order of the texts, it is clear from their content that the compiler was interested in understanding whether the doctrinal thinking of each of those bishops concurred with that of Gelasius or whether it had undergone deviations following the doctrinal interventions of Justinian. It is relevant to note, in particular, which documents of Pope Vigilius are recorded in the collection. The compiler decided to use only Vigilius’ *Constitutum* (*CA* 83), leaving out both the retraction the Pope wrote on 23 February 554 AD and the *Indicatum* that Vigilius had delivered to the patriarch Maena on 3 April 548 AD,²¹ prior to the first *Constitutum*. This leads

²⁰ The content of the first section of the *CA* could, in my opinion, have corroborated Cassiodorus’ edict. The latter redeemed Theoderic because of the way in which, probably thanks to the suggestions of Cassiodorus, he had recommended Felix IV as the new Pope, resolving a new electoral crisis in 525 AD.

²¹ As he was hesitating, Vigilius was forcibly carried to Constantinople, where he handed the *Indicatum* to Maena and where, redeclaring the validity of Chalcedon, he condemned the Three Chapters. Faced with the violent reactions from the West, the Pope then withdrew his paper, requested the convocation of a ecumenical council and while waiting, composed the *Constitutum* of 14 May 553 AD, the only one conserved in the collection (*CA* 83): Claire Sotinel, “Pontifical Authority and Imperial Power in the Reign of Justinian: Pope Vigilius,” *Mélanges de l’École française de Rome. Antiquité* 104 (1992): 439-63 = ead., *Church and Society in late Antique Italy and Beyond* (Farnham,

us to believe that the compiler wanted to use the only document in which that Pope—having retracted the *Iudicatum*—had thereby declared many doctrinal propositions as false on a theological level, above all those of Theodore of Mopsuestia, but refused to condemn him *post mortem* together with Theodoret of Cyrrus and Ibas of Edessa (the Three Chapters), as in fact the Emperor and the Monophysites would have wanted and as he himself had done in texts left out of the collection. The compiler's aim therefore, was to redeem Vigilius' action, demonstrating that his Christology conformed to that of the other bishops of Rome, in particular to Agapetus'. Indeed, both the letter that Agapetus had written to Justinian on 18 March 536 AD (CA 82 = CA 91) and the first exchange of letters between Pope Vigilius and the Emperor after the former's ascent to the pontificate (CA 92),²² are included in the collection. In the former, Agapetus praised Justinian's *professio fidei* not because he admitted *auctoritas praedicationis* among the laity, but because he approved of the Emperor's zeal in attesting to a faith, which fully conformed to the rules of the Holy Fathers. As for Vigilius, in his letter, he was glad to see that God had conceded to the Emperor, not just an imperial soul but a priestly one too,²³ but he exhorted him not to undertake anything new in matters of faith, limiting himself to apply only the decisions taken by the Councils of Nicaea, Constantinople, Ephesus and Chalcedon.²⁴

Burlington: Ashgate, 2010), 1-25; ead., “*Vigilio*,” in *Enciclopedia dei Papi* (Rome: Istituto della Enciclopedia italiana, 2000), 512-29; ead., “Bishop Vigilius of Rome and the *Collectio Avellana*,” in Evers and Stolte, *Religion, Power, and Politics in Late Antiquity* (forthcoming).

²² The letter, which Justinian had sent to Vigilius in 540 AD through the *comes domesticorum* Domnicus, who reached Ravenna to negotiate the surrender of Vitiges, is not preserved and its content is reconstructed by the papal reply, which is conserved in CA 92.

²³ CA 92, 348, ll. 18-21: *Unde nos in domino nimium convenit gloriari, quod non imperialem solum sed etiam sacerdotalem vobis animum concedere sua miseratione dignatus est.*

²⁴ CA 92, 349-351.

Thus, the compiler of the *CA* would seem to belong to that group of seculars and ecclesiastics fleeing from an Italy devastated by the Gothic War, who converged upon Constantinople at different times and stayed close to Pope Vigilius while the 'Three Chapters' crisis grew.²⁵ Only from Vigilius in Constantinople, and not from others, could the compiler have received in real time that first *Constitutum*, which, by Justinian's decision, was never disseminated. If we therefore consider section *CA* (82-93), it is clear that the compiler only included the texts that portrayed Pope Vigilius as a fervent defender of the Three Chapters. Precisely by referring to it, in the early days of the pontificate of the following Pope Pelagius I (556-561), a part of the educated elite, having returned from Constantinople, tried to keep the centrality of the Petrine See alive, with a view to achieving a reconciliation with the Italian churches which, in growing numbers, were separating themselves from Rome.

Some further elements, usually neglected, lead us to think of Cassiodorus as compiler also of this last part of the *CA*: some manuscripts of the last canonical collections of the sixth century come from *Vivarium*; here some African clerics found refuge, maintaining their opposition to the condemnation of the Three Chapters; at *Vivarium*, between 550 AD and 580 AD and under the supervision of Cassiodorus, the Latin translation of the Codex Encyclius was produced, a collection commissioned by Emperor Leo in 457 to defend the Council of Chalcedon from the accusation of Nestorianism,²⁶ which Pelagius II used himself in 585-586 AD, to challenge the partisans of the schism of the Three Chapters; in the final drafting of the

²⁵ Also based on recent approaches, the doctrinal position of Cassiodorus at Constantinople did not differ from that of Pope Vigilius: Peter Van Nuffelen and Lieve Van Hoof, "The Historiography of Crisis: Jordanes, Cassiodorus and Justinian in Mid Sixth-Century Constantinople," *Journal of Roman History* 107 (2017): 13.

²⁶ Paul Fries and Tiran Nersoyan, eds., *Christ in East and West*, Macon (Atlanta: Mercer, 1987), 66-70.

Institutiones, the ancient official of the Ostrogothic kings mentioned only four of the ecumenical councils—the same over which Monophysites and Chalcedonians had split during the crisis of the Three Chapters—omitting the fifth of Constantinople, which had initiated that schism.²⁷

3. New confirmations and further questions

The *CA* contains many more documents than those mentioned until now. To verify what has been hypothesized so far, in the first part of this volume the investigation has widened to include some of the most singular texts that it preserves. A strict stylistic analysis (Torres) scrutinises both the fierce pro-Ursinian pamphlet against Damasus, and the appeal that two Luciferians made to the Court of Constantinople against the same unpopular Bishop of Rome, and compares them with the other eleven imperial rescripts associated with that schism (*CA* 1-13).²⁸ This analysis confirms that the compiler explicitly included them for their content, being attracted to the problem of the disputed episcopal elections of Rome, which is also found at the centre of the documentary section relating to the schism between Boniface and Eulalius in 418-419 AD (*CA* 14-37).

The two subsequent texts (*CA* 39-40) are the only documents of Magnus Maximus to have been preserved. His provisions were in fact annulled after Theodosius I had eliminated him, having officially declared him a usurper.²⁹ As is clear from the superscription of *CA* 40 (*Epistola Maximi tyranni to Valentinianum Aug. iuniorum Contra Arrianos et Manichaeos*), the compiler

²⁷ Cass. *Institutiones* I, 11. Cfr. Fabio Troncarelli, Vivarium. *I libri, il destino* (Turnhout: Brepols, 1998), 40; 35; see also Moreau in this volume.

²⁸ *CA* 4, on the election of Pope Siricius, and *CA* 3 on the enlargement of the Basilica of Saint Paul Outside the Walls are not relevant to such schism. On the possible reasons why these two texts were also included in the collection, see Lizzi Testa, "La *Collectio Avellana*," 32-36.

²⁹ *CTb* 15, 14, 6 (22 Sept. 388), 7 (10 Oct. 388), and 8 (14 Jan. 389) rescinded Maximus' decisions and provisions.

considered both letters to be useful documents to indicate which imperial provisions had been issued in the fourth century AD against heretics (Escribano). They showed how even a usurper had acted against heresies and in conflicts between ecclesiastics, respecting the conciliar resolutions rather than legislating autonomously.

The group of anti-Pelagian letters and rescripts of the collection (*CA* 41-50) is very different from that preserved by the Quesnelliana and the collections deriving from it (Colbertina and Vaticana). This shows that Pelagian heresy was still alive during the fifth-sixth century (Di Berardino). The comparison between all these materials (Marcos) validates what Günther had already supposed: the compiler had at his disposal the documents of an African dossier, which could have been preserved in the archives of the Church of Carthage. This data now assumes relevance. Taking into account that many African exiles, who were hostile to the condemnation of the Three Chapters, which Justinian had forcibly imposed in the region, took refuge at Vivarium, the presence of such documentation in the *CA* points again to Cassiodorus as its possible collector. Why they were included is a question connected with the relations between the Roman See and the Church of Africa and more generally with the desire to affirm the authority of the bishop of Rome, showing him capable of resolving the ecclesiastical affairs of the West. Defining and instituting orthodoxy and heresy, in fact, was a question of power, as is clear from an analysis of the rhetoric with which Gelasius in two of his letters (*CA* 97-98) condemned Pelagianism (Kahlos). After the period of Pope Leo and of Gelasius, the last condemnation of that *multiplex perniciosa perversitas* (multiple pernicious perversity) took place in the Second Council of Orange of 529, presided by Caesarius of Arles, but discussions on grace, free will and predestination, which that doctrinal current had given rise to, continued well beyond. Cassiodorus had been

influenced by those problems and did not fail to express his thoughts on the subject when he wrote to Pope John.³⁰

The milieu in which discussions of this kind continued to be held was indeed that of high-ranking officials, who actively collaborated with the Ostrogoth regime, and above all the Senate of Rome itself, since the assembly was in constant dialogue with the Urban Prefect, the Prefect of the Praetorium, the officials of Ravenna and the delegations of the Eastern court about the main problems related to governing the Urbs and to international relations. Issues, such as those posed by Pelagianism, were not simply doctrinal, as we would tend to consider them today, judging with our modern categories of separation of the affairs of State and Church. They raised serious political concerns within the governing bodies, because from the late fifth century AD Christianity had become the new civic religion, and schisms and heresies called for acts of prevention and /or repression of public unrest that could arise therefrom.

The need to look at the texts collected in the *CA*, taking into account the profound interaction between religion and secular power, is brilliantly motivated in Clemente's essay, not surprisingly placed as the first one in this first section. Salzman suggested a new and valid approach to the study of the responsibilities that the senators once again took up, as individuals and as members of the senate, particularly during the Ostrogoth reign. Her essay, examining among other things the image that the *CA* documents convey of the Senate, the senatorial elite and the Italic aristocracy, helps illustrate how much its compiler was involved in the senatorial politics of support for the Ostrogothic regime. It is for this reason too that it is difficult to agree with

³⁰ Cass. *Var.* XI, 2, on which Rita Lizzi Testa, "Cassiodoro, *Variae* XI, 2 (Il prefetto al pretorio Senatore a papa Giovanni)," in *Cassiodoro, Varie. V (Libri XI, XII)*, eds. Andrea Giardina, Giovanni Alberto Cecconi, and Ignazio Tantillo, with the assistance of Fabrizio Oppedisano (Rome: L'Erma di Bretschneider, 2015), 21-23 (tr.); 152-64 (comm.), spec. 157-59.

the idea, recently expressed, that “the *Collectio* has an anti-Ostrogothic thematic unity”.³¹

With respect to Rome’s relations—as episcopal see and seat of the Senate—with the East, the copious letters of Pope Hormisdas still require further historical study. Some essays in the volume offer important glimpses for fresh research. In the *CA* there are two *Indiculi* delivered by Pope Hormisdas to the legates sent to Constantinople: the first time in 515 AD (*CA* 116), when the Acacian schism was still unresolved, then in 519 AD (*CA* 158), after a reconciliation with the more accommodating Justinus. The two texts raise the curtain on the world of late antique journeys and diplomacy (Margutti), to be compared with the better explored ones of later centuries.³² The pope warned his legates of the risks they could incur: being robbed of the secret documents they carried, possible misrepresentation of news and consequent pressure on the emperor by officials and clerics hostile to the pope; being held at discretion for too long, or even being imprisoned; being poisoned before reaching the Court or in Constantinople itself, before completion of their mission.³³ We still know too little of diplomatic journeys

³¹ Dana Iuliana Viezure, “*Collectio Avellana* and the Unspoken Ostrogoths: Historical Reconstruction in the Sixth Century,” in *Shifting Genres in Late Antiquity*, eds. Geoffrey Greatrex and Hugh Elton, with the assistance of Lucas McMahon (Surrey and Burlington: Routledge, 2015), 93-103.

³² Maria Pia Alberzoni and Pascal Montaubin, eds., *Legati, delegati e l'impresa d'Oltremare, secoli XII-XIII* (Turnhout: Brepols, 2015).

³³ Although relations between Rome and Constantinople were more relaxed than in 515 AD, when the legation led by Ennodius of Pavia had produced no results, the ambassadors of 519 had with them the *libellus fidei* that emperor and patriarch had to sign to officially end the schism. They were also the bearers of the request by Hormisdas to erase from the diptychs the names not only of Acacius and his successors in the schism but even of the emperors Zeno and Anastasius, thus condemning bishops and sovereigns *post mortem*. *CA* 158, 606, ll. 18-22. On the affair, Rita Lizzi Testa, “Principi e usurpatori a messa: la preghiera per l'imperatore nella liturgia cristiana tardoantica,” in *Usurpatori in età tardoantica: organizzazione, finanze e strategie del consenso, convegno internazionale (École française de Rome, Roma 17-18 febbraio 2017)*, forthcoming.

between East and West in late Antiquity. These were normally undertaken by the legates at their own expense, lasting for months and implying various halts and exposure to unpredictable risks because, in politically fibrillating periods, alliances between the bishoprics of the lands they travelled changed dramatically as did international relations between East and West.³⁴ The *CA* offers truly valuable material also on this topic.

Among these, some rare documents are letters that the new emperor Justinus exchanged with Pope Hormisdas immediately after he was elected Emperor on 10 July 518 AD (*CA* 141-148). Although it was diplomatic practice to send letters communicating one's own ascent to the throne, few examples are preserved, and those of the collection throw light on the procedure with which an Oriental ruler (probably from emperor Marcian onward) deemed it necessary to inform of his own election not only the institutional leaders of the Western government but also the bishop of Rome (Szidat). In this specific case, the letters of the new Eastern emperor and some of his collaborators were all the more important, because they reopened diplomatic contacts between the Bishop of Rome and the emperor—interrupted two years earlier—and started again the theological dialogue. Several letters were necessary to this end, because doctrinal questions were addressed in specific letters not only by Justinus (*CA* 143), but also by the patriarch of Constantinople (*CA* 146) and by Justinian (*CA* 147). To fully appreciate this dossier, one would like to know more about Gratus, *magister scrinii memoriae* of Constantinople,³⁵ whom the pope hastened to request as

³⁴ On the burdensome expenses involved, Cass. *Var.* XII, 20, on which Rita Lizzi Testa, “Cassiodoro, *Variae* XII, 20 (Il prefetto al pretorio Senatore ai clarissimi Tommaso e Pietro arcari),” in *Flavio Magno Aurelio Cassiodoro Senatore, Varie.* V (libri XI-XII), 102-3 (testo e trad.); 278-84 (comm.).

³⁵ *PLRE* II, 519, on which see Massimiliano Vitiello, *Momenti di Roma ostrogota. Aduentus, feste, politica* (Stuttgart: Franz Steiner, 2005), 78; Detlef Liebs, *Hofjuristen der*

mediator and whom Justinus, even before the papal request reached the Court, had already dispatched to Rome with the letters of the patriarch and his nephew. Justinian, then, made a point of informing the pope that Gratus was one of his dearest friends (*Gratum virum sublimem unanimum mihi amicum*).³⁶ The office of *magister memoriae* held by Gratus does not in itself explain the important role that the man played in this situation. It was the *magister officiorum*'s duty to welcome embassies, arrange visits and maintain relations with foreign delegations, ordinary citizens and senators.³⁷ Nor was the *magister memoriae*, apparently, responsible for the documentation collected in the *scrinia* (Castello), but Gratus, whatever his office, having received a special commission from the emperor, had the authority to have the prior correspondence with the Bishop of Rome handed over to him by the person in charge of the *scrinium epistolarum*. Apart from that, one would like to know more about Gratus' aristocratic affiliations and the relations he kept with the group of Latin-speaking Italics, who had resided in Constantinople since before the exodus of Western senators and aristocrats during and after the Gothic war.

Of these we know the most illustrious exponent, Anicia Iuliana, descendant of the Theodosian dynasty—as she was the granddaughter of Valentinian III and Licinia Eudoxia—and of one of the most renowned families of the late antique Roman aristocracy, being the daughter of Anicius Olybrius.³⁸ The *CA* conserves three of her letters (*CA* 164, 179, 198) that she exchanged with Pope Hormisdas, and this is rare to find in late antique

römischen Kaiser bis Justinian (Munich: Verlag der Bayerischen Akademie der Wissenschaften in Kommission beim Verlag C. H. Beck, 2010), 146.

³⁶ *CA* 147, p. 593, ll. 7-8.

³⁷ Cass. *Var.* VI, 6, on which Francesco Maria Petrini, “Cassiodoro. *Variae* VI, 6 (Formula della dignità magisteriale),” in *Flavio Magno Aurelio Cassiodoro Senatore, Varie. III* (libri VI-VII), eds. Andrea Giardina, Giovanni A. Cecconi, Ignazio Tantillo, with the assistance of Fabrizio Oppedisano, 14-15 (testo e trad.); 132-36 (comm.).

³⁸ *PLRE* II, s.v. Anicia Iuliana 3, 635-636, and stemma 3, 1309.

collections of letters. They are compared, in this volume, with the other “female voices” preserved in late antique letter anthologies and in the *CA* in particular (Hillner). They emanated from a group of Roman and Italic aristocrats, identified only in part, and it would be useful to explore the previous suggestions of Arnaldo Momigliano and more recent interventions by Lellia Cracco Ruggini and Giuseppe Zecchini on their cultural and political role in Constantinople, also in the pre-Justinian period.³⁹

The exchange of letters of some women present in this community, as preserved by the *CA*, suggests that the group, despite possible different individual choices, hardly conformed to the politics of the rulers of Constantinople. This did not happen under Anastasius, when Anicia Iuliana's husband was in vain acclaimed emperor in place of the ruler,⁴⁰ nor under Justinian, when Anicia Iuliana's son, Olybrius, did avoid the death sentence (imposed instead on Hypatius and Pompeius), but was exiled (as Probus)

³⁹ Arnaldo Momigliano, “Cassiodorus and Italian culture of his time,” *Proceedings of the British Academy* 41 (1955): 207-45 = id., *Secondo contributo alla storia degli studi classici* (Rome: Edizioni di storia e letteratura, 1960), 191-229; id., “Gli Anicii e la storiografia latina del VI secolo d. C.,” in id., *Secondo contributo*, 231-53; Lellia Cracco Ruggini, “Nobiltà romana e potere nell'età di Boezio,” in *Atti del Congresso internazionale di studi boeziani* (Pavia, 5-8 ottobre 1980), ed. Luca Obertello (Rome: Herder, 1981), 73-96 = in *La parte migliore del genere umano. Aristocrazie, potere e ideologia nell'Occidente tardoantico*, ed. Sergio Roda (Turin: Scriptorium, 1994), 105-40; ead., “The Anicii in Roma and provinces,” *Mélanges de l'École française de Rome. Moyen Âge* 100 (1988): 69-85; Giuseppe Zecchini, “I Gesta de Xysti Purgatione e le fazioni aristocratiche a Roma alla metà del V secolo,” *Rivista di storia della chiesa in Italia* 34 (1980), 60-74; id., “La politica degli Anicii nel V secolo,” in Obertello, *Atti del Congresso internazionale di studi boeziani*, 123-38; id., “La politica religiosa di Aezio,” in *Religione e politica nel mondo antico*, ed. Marta Sordi (Milan: Vita & Pensiero, 1981), 250-77; id., *Aezio. L'ultima difesa dell'Occidente romano* (Rome: L'Erma di Bretschneider, 1983). Lastly, Brian Croke, *Count Marcellinus and his Chronicle* (Oxford: Oxford University Press, 2001), 86-93.

⁴⁰ PLRE II, s. v. *Fl. Areobindus Dagalaiphus Areobindus I*, 143-44. That episode is described by Marc. Com. s. a. 512; Ioh. Mal. 407; Chron. Pasch. s. a. 512; John. of Nikiou 89, 65. We must wonder whether the name of Vitalianus, in Theoph. *AM* 6005, 159,16, appears in error for Areobindus, or if Theophanes interpreted his sources thinking that they should be wrong in quoting Areobindus, being Vitalianus responsible for many rebellions against Emperor Anastasius.

after the Nika Revolt.⁴¹ The Western senatorial aristocracy, still at the time of Justinus and Justinian, was hoping for Italic self-government overseen by the Senate of Rome (and materially guaranteed by Ostrogothic forces), being primarily concerned with maintaining its own leadership. Even the Latin nobility resident in Constantinople tended to pursue its own policy of autonomy vis-a-vis the Byzantine rulers and, to this end, some of its members tried to implement a cautious political mediation, such as that reflected in the women's letters of the collection. It would be important to verify how much their autonomy from the Eastern kings was strengthened through their ties with the members of the Senate of Rome and with the Bishops of the Petrine Seat. In fact, some "Italics" residing in Constantinople were ready to support not only popes like Hormisdas or Agapetus, defenders to the end of the Nicene-Chalcedonian doctrine, but also exasperating Hamlet-like bishops, such as Vigilius. Obviously all of this is of interest in order to explore the *CA* compiler's involvement with that community, given the above hypothesis of recognising Cassiodorus as the one who collected some of its texts at different times.

The *CA*, therefore, the more it is studied, the more it reveals itself to be a motherlode of materials of immense interest. To produce a new digital critical edition remains one of the main aims, precisely because of the opportunities this would provide to conduct a cross-examination with other canonical collections and other digitized texts. With this purpose in mind, important indications are given in this volume by Paolucci, who also offers a careful evaluation of the results that the digitization of other late antique works has already produced.

⁴¹ Alan Cameron, "The House of Anastasius," *Greek, Roman and Byzantine Studies* 19 (1978): 259-76.

4. Notaries, archives, compilations and compilers

To read the texts of the *CA*, establishing their relations with the other canonical collections and other late antique compilations, even in a hoped-for digital critical edition, may not yet be sufficient to reveal all of the mystery surrounding the work. Research must also be directed in other directions, multiplying approaches. A central issue is, for example, ascertaining who could physically have access to the materials that were collected therein, and where he could find them. For this reason, some essays of the volume address the diplomatic aspects of the *scrinium Romanae Ecclesiae* (Ronzani); the *exceptores* and *notarii* of the Damasian Church (Raimondi); the existence or otherwise of a general archive and the accessibility of a multitude of archives, both administrative and ecclesiastical (Castello); the epigraphic testimonies (and not only) of *notarii* (notaries) and *tribuni and notarii* (tribunes and notaries) of the imperial administration (Orlandi). These are important contributions, not only to improve our knowledge of the *CA*, but because research is still in progress on the archives of Late Antiquity, on their administrators and their users.

Some notes on the diplomatic aspects of the papal or Lateran *scrinium*—which served as a place of production, preservation and dispatch of documents—describe the main characteristics of the very first texts produced there (nature, form and materials used), such as the use of reference number (*superscriptio*), final greeting formula (*scriptio*), and date—and reveal the role of the *scrinium* also as a register of collections of letters: the first missive preserved therein is considered to be the letter of Pope Liberius to Dionysius of Milan, Lucifer of Cagliari and Eusebius of Vercelli (Ronzani). While

archaeologists still have doubts on the origin of the Lateran *scrinium*,⁴² the literary testimonies are collected here and studied by Raimondi, who deserves credit for having examined familiar documents with new eyes. She was the first to recognize in the *exceptor* of the famous epigram of Damasus, originally set in the entrance to the basilica of San Lorenzo in Damaso (*ED* 57.1), a clear reference to the first office held by the Bishop of Rome's father. The term does a fine natural correspondence in the inscriptions of the *exceptores* (stenographers, often carrying out also the functions of notaries) of the public administration offices, or of the Senate. The career stages of Damasus' father (*exceptor*, *lector*, *levita*), therefore, allow the scholar to draw close parallels with what was happening at the same time in public administration. Studying the extent to which that ecclesiastical *scrinium* could have been reorganized when it expanded its functions in view of the increasing amounts of documentation received, sent and archived—looking at a presumed general administrative archive of Rome—is the object of Castello's research. With her investigation of local and general archives, their users and their managers, the scholar suggests that precisely the *schola notariorum* with their *primicerius* could have been the main counterpart of a Roman imperial archive. This is a good hypothesis, also based on the observation that the management of the papal *scrinium* was later entrusted to notaries under the responsibility of a *primicerius notariorum* (Castello).

The body of *notarii* progressively acquired importance after 367, when Valentinian I elevated them to the rank of *clarissimi*, so that in 381 *primicerius* and *secundicerius* were considered equivalent to *proconsules*, while the *exceptores* of

⁴² We lack the contribution of an archaeologist in this volume. Unfortunately, our colleague Paolo Liverani, who could have summarised the most recent data on the theme, during the dates of our Seminar on the *CA*, was engaged in the Conference on *The Lateran Basilica. A Conference held at the British School of Rome (19-21 September 2016)*, yet unpublished. From the Conference programme, however, no intervention on the *scrinium Lateranense* appears to have taken place.

the various *scrinia* (*memoriae*, *epistolarum* and *libellorum*) became *clarissimi* only in 410, when the *notarii* were already *spectabiles*. To these facts, already recognised by Teitler, a not only epigraphic research work (Orlandi) now adds other elements, above all on the ever-increasing need of fifth-sixth century secular and ecclesiastical society to employ good experts in tachygraphy, transcription and even conservation of documents. Especially in the public sphere (secular and ecclesiastical), the *notarii* came to manage “sensitive documents” of a confidential nature, so that they were chosen among trusted people, were raised in rank (tribunes and notaries) and came to carry out functions of control and mediation in particularly serious situations. Their role as “documentation functionaries” in a broader sense, which is the least attested to in the available documentation, makes them interesting figures for the study of the *CA*. It must not necessarily be assumed that all canonical compilations were always the work of *exceptores* or *notarii*, nor that they were always “cultured archivists of the ecclesial milieu,” as Günther thought of the author of the *CA*. Given, however, the limited accessibility of the papal *scrinium* and of the local and general archives to non-insiders, the *notarii* must have had a non-secondary function in compiling collections such as the *CA* and other properly canonical ones, because they acted as intermediaries between the collectors and the archived materials.

5. The *Collectio Avellana*’s transcribers and annotators in the High Middle Age

The *Collectio Avellana*, as is known, owes its name to an error by Pietro and Girolamo Ballerini. They called the collection *Avellana* because the two oldest manuscripts that preserve it were copied at a distance of a few decades in the XI-XII centuries but, compared to BAV ms. vat. lat. 3787 (devoid of any reference to possession and provenance), BAV ms. vat. lat. 4961—which in

the last sheet indicates with a note in capital letters its belonging to the Monastery of Santa Croce di Fonte Avellana and identifies the person who had acquired the code as *domnus* Damianus—seemed to them more authoritative and more ancient.⁴³ In 1895-1898 Günther, proceeding philologically, established instead that the Avellanite code (BAV ms.v. lat. 4961) had been copied from BAV ms. vat. lat. 3787. Thus, he called *V* the latter and *α* BAV ms. vat. lat. 4961, which is a direct apograph. A new autoptic observation of the two Vatican manuscripts has now confirmed that the relationship between the two codes, as identified by Günther, is correct, while his hypothesis of the existence of a third witness does not seem to be. The small traces, which the publisher had believed to have found in a minimal portion of the text of the *CA*, are not enough to support it (Crociani-Palma). Moreover, in rereading the two Vatican Manuscripts, it seemed appropriate to transcribe all the notes or comments that are present in the margins and white spaces of the two specimens, with particular attention to those attributable to eleventh or twelfth century hands. We believed, in fact, that it would be feasible to identify possible clients, users or simple high medieval readers of the collection from those notes and comments (Crociani-Palma, Appendix).

Interesting results emerged from the investigation. Being a copious collection of complete and first-hand sources—an increasingly rare characteristic in Medieval compilations, the absence of which Bishop

⁴³ Pietro and Girolamo Ballerini, *Sancti Leonis Magni Opera*, III: *Appendix ad Sancti Leonis Magni Opera, seu vetustissimus Codex canonum ecclesiasticorum et constitutorum Sanctae Sedis Apostolicae* (Venice: Simone Occhi, 1757), CLVIII-CLXVIII, spec. CLVIII-CLIX = PL LVI, 179-190, spec. 180. In particular, on the last sheet of BAV ms. vat. lat. 4961 two notes of different hands appear: *Iste liber est monasterii sancte Crucis fontis Avellane Engubini. Dioc.*, which for Mirella Ferrari, “Fonte Avellana, Polirone e la *Collectio Avellana*,” in *Studi in onore di Maria Grazia Albertini Ottolenghi*, eds. Marco Rossi, Alessandro Rovetta, and Francesco Tedeschi (Milan: Vita & Pensiero, 2013), 23-29, spec. 26, is of a fourteenth century and of another hand: *Hunc librum adquisivit domnus Damianus Sanctae Cruci*.

Liberinus already lamented in the *Breviarium* of Ferrandus in the second half of the sixth century—it was considered particularly useful during the periods of Gregorian reform and of the Investiture Controversy. Both Gregory VII's supporters, especially those who experienced the doctrinal fervor and the legislative renewal promoted by Matilde of Canossa, and the Ravennese supporters of the anti-Pope Clement III (Marconi)⁴⁴ availed themselves of the collection. What they sought is evident from analysis of the most frequently marked passages in the two Codes. These are principally from texts concerning the apostolic primacy (*de primatu sanctae romanae ecclesiae*), which showed how in the Antique period that principle had been applied in jurisdiction, in relation to charges brought before the Bishop of Rome, to determine the relationship between Pope and Emperor.

The reconstruction of the milieu of Polirone, where BAV ms. vat. lat. 3787 was commissioned, and that of Nonantola, where Damianus (attested between 1084 and 1107) had it transcribed as BAV ms. vat. lat. 4961, then ordering other eleven codes that he took to the Monastery of Santa Croce of Fonte Avellana (Marconi), allows several conjectures. The copyists of BAV ms. vat. lat. 3787 recorded Notes of attention and comments together with the text. It therefore seems probable that they had been written on the oldest manuscript (perhaps from the ninth century) precisely by whoever ordered a copy from Polirone. BAV ms. vat. lat. 3787, much a rough draft and much a contrast to the many “luxurious” codes that the copyists of Polirone painstakingly dedicated themselves to, was probably to be used as a working tool for a canonist, who would use the marked passages for his “systematic” collection. In the absence of cogent confirmation in the works of Pier Damiani (which have yet to be systematically read for this purpose),

⁴⁴ For the use that the latter made of it, see the essay by Nicolangelo D'Acunto, “La ricezione della *Collectio Avellana* alla fine del secolo XI tra il *milieu* di Matilde di Canossa e quello dell'antipapa Clemente III,” in Lizzi Testa, *La Collectio Avellana*, 249-61.

everything seems to point to Anselm of Lucca. In the oldest edition of his *Collectio canonum*, he used texts preserved only in the *Collectio Avellana*, as Günther had already noted and now Marconi confirms. Having fled his seat, one may assume that—in Rome or in Lucca—he had found the antigraph of BAV ms. vat. lat. 3787, which he read, annotated and took with him to Polirone to be copied.

The main purpose of the *CA*, as a collection of texts to be used for more systematic works, was thus renewed centuries later. Its general aims were also renewed. The late antique compiler had gathered “ancient” rescripts, reports of urban prefects, letters from popes, bishops and emperors of the East, because they were exemplars of that “civilization of norms” built on imperial legislation and on ecclesiastical costum (*mos*), from which it was possible to distil new law. The high Medieval canonists recognised this fact. Thus, this compilation, studied and restudied between the eleventh and twelfth centuries, provided valuable material for the creation of the *utrumque ius*, or European *ius commune*.

I. THE *COLLECTIO AVELLANA*
AND ITS MATERIALS

CHAPTER ONE

THE POWER AND THE DOCTRINE FROM GELASIUS TO VIGIL

GUIDO CLEMENTE

We know by now that in 476 AD the Roman Empire did not fall. However, much happened in the following decades, so that the world was not the same for long. The establishment in Italy of Odoacer first, and then of Theoderic with his Ostrogoths, after three years of heavy warfare, made a great difference.¹

This was the first major development after 476. The other being, almost contemporary, the schism between East and West, the consequence of the controversy over the *Henotikon* of Zeno inspired by the patriarch of Constantinople, Acacius, in 484.²

¹ Arnaldo Momigliano, “La caduta senza rumore di un impero nel 476 d.C.,” *Annali della Scuola Normale Superiore di Pisa. Classe di Lettere e Filosofia* s. 3, III, no. 2 (1973): 397-418, reprint in *Sesto contributo alla storia degli studi classici e del mondo antico*, I (Roma: Edizioni di storia e letteratura, 1980), 159-79; for an up-to-date survey of the period and the most important problems Jonathan Arnold, Shane Bjornlie, and Christina Sessa, eds., *A Companion to Ostrogothic Italy* (Leiden, Boston: Brill, 2016); Averil Cameron, Bryan Ward-Perkins, and Michael Whitby, eds., *The Cambridge Ancient History. XIV. Late Antiquity: Empire and Successors, AD 425-600* (Cambridge: CUP, 2001); also Ottorino Bertolini, *Roma di fronte a Bisanzio e ai Longobardi* (Bologna: Cappelli editore, 1941); John Moorhead, *Theoderic in Italy* (Oxford: Clarendon Press, 1992); Patrick Amory, *People and Identity in Ostrogothic Italy, 489-554* (Cambridge: CUP, 1997); still very useful Ernst Stein, *Histoire du Bas-Empire*, II (Paris, Bruxelles, Amsterdam: Desclée De Brower, 1949).

² Teresa Sardella, *Società, Chiesa e Stato nell'età di Teoderico. Papa Simmaco e lo scisma laurenziano* (Soveria Mannelli: Rubbettino, 1996); different interpretation in Eckhard Wirbelauer, *Zwei Päpste in Rom: der Konflikt zwischen Laurentius und Symmachus (498-514):*

Religion became an all-pervasive issue, that defined the policies of the major actors on the stage of what was left of the Roman Empire: the old ones, the Eastern emperor, the Roman senate and the bishop of Rome, and the newcomer, the Gothic king. Religion and secular power interacted in an almost inextricable way.

Odoacer and then Theoderic, despite the hostile sources on the former, to contrast him with the latter, both established a government that was largely acceptable to the relevant forces in Italy. They were Arians, but the religious issue did not play a significant role, least of all a divisive one, in the relations with the papacy and with the catholic senate.³ There were various motives for this attitude, understandable in terms of political benefits. One, widely discussed, is the variety of Arianism of the Goths. The prevailing idea is that the religious persuasion of the Goths was part of their “national” identity; as such, it was not in conflict with the catholic religion of the leading forces in Italy, nor with its head, the bishop of Rome. Theoderic built Arian churches, gave the Goths something to be proud of, but never acted to impose his faith to the Italo-Romans. Nonetheless, he was the ruler of Italy, who had to be in control; so he had to deal with church affairs, the fights over the elections of the pope, the Laurentian schism; most of this happened in Rome; it was local politics, but the presence of the pope and of the senate put the city, and what happened there, on the international stage.⁴ This

Studien und Texte (Munich: Tuduv, 1993); Charles Pietri, “Le Sénat, le peuple chrétien et les partis du cirque à Rome sous le pape Symmaque (498-514),” *Mélanges d'archéologie et d'histoire* 78 (1966): 123-139, reprint in Christiana Respublica. *Eléments d'une enquête sur le christianisme antique*, II (Rome: École française de Rome, 1997), 771-87; Allen D. Lee, “The Eastern Empire: Theodosius to Anastasius,” in Cameron, Ward-Perkins, and Whitby, *The Cambridge Ancient History*, 33-62.

³ Samuel Cohen, “Religious Diversity,” in Arnold, Bjornlie, and Sessa, *A Companion*, 503-31; Brian Swain, “Goths and Gothic Identity in the Ostrogothic Kingdom,” in Arnold, Bjornlie, and Sessa, *A Companion*, 202-32; see n.1.

⁴ Lellia Cracco Ruggini, “Il Senato tra due crisi (III-VI secolo),” in *Il Senato nella storia. I. Il senato in età romana*, ed. Emilio Gabba (Rome: Istituto Poligrafico e Zecca dello

double feature of Roman politics, both local and international, is the distinctive characteristic of the period.

Rome was the sacred city, home of the successors of Saint Peter, and of the senate, the only Roman institution that could lend legitimacy to the rule of the king of Italy, and could act as the interlocutor of the Eastern emperor when he wanted to be heard in the West. Recent studies on the composition of the senate have shed new light: few families, the Decii, the Anicii, the Valerii, in their various branches, were rich and powerful enough to provide most of the *illustres*, consuls and what was left of the magistracies.⁵ The king had appointed a few Gothic senators, but with a procedure respectful of the privileges of the senate. Few leading senators were appointed to court offices, and exercised real power collaborating with the king. Individual senators had an important role as ambassadors of popes and kings, but this role could not be exercised effectively without the senate still functioning as an institution.⁶ The assembly did not have any relevant legislative power, but it had become more indispensable than ever; having learnt that it had everything to lose by occupying the imperial throne with some of its members, it had gained in prestige and ability to maneuver between the new ruler of Italy, the Eastern emperor and the pope.⁷

Stato—Archivi di Stato, 1998), 223-375; Guido Clemente, “Il Senato e il governo dell’impero tra IV e VI secolo. La religione e la politica,” in *Costantino prima e dopo Costantino / Constantine before and after Constantine*, eds. Giorgio Bonamente, Noel Lenski, and Rita Lizzi Testa (Bari: Edipuglia, 2012), 321-31.

⁵ See now Adolfo La Rocca and Fabrizio Oppedisano, *Il senato romano nell’Italia ostrogota* (Rome: L’Erma di Bretschneider, 2016) for a valuable analysis of the Senate during the Ostrogothic rule; also Christine Radki, “The Senate at Rome in Ostrogothic Italy,” in Arnold, Bjornlie, and Sessa, *A Companion*, 121-46 for a general survey of the problems.

⁶ Guido Clemente, “Senatorial Ambassadors between East and West: the Politics of Religion,” in *Dinamiche politico-ecclesiastiche nel Mediterraneo tardoantico. Studi per Ramón Teja*, eds. Silvia Acerbi and Giorgio Vespignani (Rome: L’Erma di Bretschneider, 2017), 83-93

⁷ Clemente, “Il Senato e il governo,” 121-31.

In order to illustrate these points, we may recall a few episodes that made a difference in defining the issues at stake.

In 483 the praetorian prefect Caecina Decius Maximus Basilius, in a meeting with some bishops present, issued what must have been a decree, on two very important items: the election of the bishop of Rome, on which the senate had to be consulted, and the property of the church, that could not be alienated.⁸ It is quite clear that the senate, after a few years, was stepping in to fill the vacuum left by the absence of a Western emperor. There may have been various reasons behind the move, some sound, like the attempt to curb the use of the donations to the *tituli* to buy the papal election. Simony was widespread, in fact, and was not eliminated in the following decades; but these aims cannot conceal the sheer fact that the aristocrats were trying to keep control of the church finances; those decisions started a fight between senate and papacy that lasted for a long time.

Pope Felix, the first aristocrat to become pope in 483, had to deal immediately after his election with the Acacian schism, on which he took a very firm position. In 484 Acacius was ex-communicated, after the failure of the legacy of two papal envoys, who in the end sided with the patriarch of Constantinople. In a letter to the emperor Zeno, Felix stated that the emperor could not decide in matters of faith. The split between East and West in religious matters dominated the action of all the parties involved for over 30 years.⁹

⁸ The text of the *scriptura* is known from the discussion which took place in the synod of 502, where it is defined as a *scriptura*, a document without legal value: *Acta Synodorum* III 4 (MGH, AA, XII), 445-46; Giovanni Battista Picotti, "Sulle relazioni fra Re Odoacre, il Senato e la Chiesa di Roma," *Rivista Storica Italiana* s. 5, 4 (1939): 363-86; Pietri, "Le Sénat," 771-87 and id., "Aristocratie et société cléricale dans l'Italie chrétienne au temps d'Odoacre et de Theodosie," *Mélanges d'archéologie et d'histoire de l'école française de Rome: Antiquité* 93 (1981): 417-67, reprint in Pietri, *Christiana respublica*, 1044-57.

⁹ Pietri, "Aristocratie et société clerical," 1037 with n.151; Felix, *Ep.* I (ed. Thiel).

The problems of church property, papal elections and the relationship between the senate, the king and the bishop of Rome, although they had local aspects, interacted with the problem of the schism in ways that were not always clear.

The successor of Felix, Gelasius, pope from 492 to 496, but already a powerful force in the previous years, acted with great determination both locally and internationally; he ruled on the matter of church property, curbing the pretensions of the aristocratic landowners sanctioned in Basilios' decree, downgraded to a *scriptura*; then he wrote a letter to the emperor, where he argued for the superiority of the *auctoritas sacrata pontificum* over the *regalis potestas*.¹⁰ It was, at the time, more a move to provide a sound base for his action, than a fully developed theoretical treatise, how it was subsequently interpreted; by asserting the exclusive right of the pope to decide on religious matters, and by arguing for his superiority, Gelasius was defending the oecumenical role of the papacy against any pretension of the Eastern emperor to decide on matters of faith. This position had far-reaching consequences, because it provided sound arguments in favor of the independence of the papacy, after almost two centuries of caesaropapism, and set the stage for the development of the problem in the Middle Age.

Gelasius, however, did not give up negotiations, and here the senate was important. After the experience of the clerical envoys by Felix, he was very firm in setting the limits within which the senators entrusted with embassies to the East could act.¹¹ We have two *commonitoria*, addressed respectively to Andromachus in 489 and to Faustus Niger in 492.¹² In the latter Gelasius

¹⁰ Gelas., *Ep.* 12 (ed. Thiel).

¹¹ For the general problem of communication and the envoys, see Andrew Gillet, *Envoys and Political Communication in the Late Antique West, 411-533* (Cambridge: CUP, 2003); Clemente, "Senatorial Ambassadors," 84-93.

¹² Gelas., *Ep.* 10 (ed. Thiel); the *commonitorium*, addressed to Faustus Niger, mentions the one addressed to Andromachus. The identification with CA 99 is disputed, and so

refers to the one addressed to Andromachus, which may be *CA* 99, written during the bishopric of Felix. The important fact is that Gelasius, now pope, stated bluntly that *ad senatum vero pertinent Romanum, ut memor fidei quam a parentibus se suscepisse meminit, contagia vitet communionis externae, ne a comunione hujus sedis apostolicae (quod absit) reddatur externus*.¹³ Both *commonitoria* treated at length the history of the synods and recalled the Chalcedonian decision on the Christological problem as the right one, without any possible compromise. Both Andromachus, *consiliarius* of Odoacer and *magister officiorum*, and Faustus Niger, former consul, had gone to Constantinople on behalf of the king. They had been entrusted also with negotiations on religious matters, and this is something not to be taken for granted, as a matter of course. Another powerful senator, Festus, had gone on an embassy in 490, and again, from 496 to 498, on behalf of Theoderic, but involved himself deeply in religious matters and contributed, apparently, to the troubles in Rome that started with the Laurentian schism, as we shall see.

The fact of being at the same time lay ambassadors and papal envoys complicated matters, and it is a peculiarity probably to be explained with the difficulties of communication and also with the fact that the senators involved in these embassies had the status, the culture and the experience to do the job; there were not many of the kind; but they had their own agenda, and acted with a certain amount of autonomy. In the end the negotiations on religious matters failed, but the ones on the recognition of Theoderic succeeded finally with Festus.

The senate was called upon to play a double role, on behalf of Theoderic and to deal with the Eastern emperor on the Acacian schism. From the

is the role of Gelasius in writing the former: Pietri, "Aristocratie et société clerical," 1037-38, with n.150. Faustus Niger: Silvia Orlandi, *Epigrafia anfiteatrale dell'Occidente romano. VI. Roma, anfiteatri e strutture annesse, con una nuova edizione delle iscrizioni del Colosseo* (Rome: Quasar, 2004), 476-78, n.62; Festus: *ibid.*, 482-84, n.74.

¹³ *Ep.* 12 (ed. Thiel).

worries of Gelasius it may be inferred that at least a significant number of senators were ready to come to terms with the Eastern emperor even through a compromise on doctrine. It may be going too far, but I think that the stern rebuff inflicted by Gelasius to Andromachus on the *Lupercalia* affair was originated by the desire of the pope to let the senators understand who was in charge of religion in Rome, and in the Empire.¹⁴ Gelasius was a moralist, and a tough defender of orthodoxy, but the attack on the senators is disproportionate in relation to the real problem at the time. I think that the real issue was not paganism; it was more about control and proper behavior of the people subject to papal approval; after all, there was no punishment for what should have been a very serious guilt, only a very long and almost pointless argument on the inappropriate performing of the rite.

Local politics and international affairs were thus two sides of the power game played in Rome. There is really no proof that the senators who acted to mediate in order to reduce the split were interested in helping the Eastern emperor to regain control over the West; the senate as a body, and the senators as individuals, had accommodated themselves to the Gothic rule, and this situation gave them some power and kept their status. The problem with the pope was about elections and property, not over orthodoxy. Possibly, they were driven by the strong and fascinating tradition of the unified empire, without any concrete political aim.

The embassy of Festus, the Laurentian schism, the bishoprics of Symmachus and Hormisdas show that the problems in Rome were still the supremacy of the pope, the ecclesiastical property, the control of the papal elections. The international scenery was in the background, but not

¹⁴ The letter on the *Lupercalia* in *CA* 100; Neil McLynn, "Crying Wolf: The Pope and the *Lupercalia*," *Journal of Roman Studies* 98 (2008): 161-75; Carlos Machado, "The City as a Stage. Aristocratic Commemorations in Late Antique Rome," in *Les frontières du profane dans l'antiquité tardive*, eds. Éric Rebillard and Claire Sotinel (Rome: École française de Rome, 2010), 287-301 both downplay the religious relevance of the letter.

immediately related to what happened in Italy at this time; in fact, the senate and the pope fought harshly, but acted of mutual accord when it became urgent to decide on how to end the Acacian schism. Theoderic, from his point of view, had every reason not to interfere in religious and, least of all, doctrinal affairs; he had to worry about peace in Rome and acceptance in the East, something that needed control over things, not fights. On the Laurentian schism the unsolved problems are more than the certainties we can reach. It seems that, during the short papacy of Anastasius II (496-498) Festus, interpreting a new policy of appeasement, had promised the emperor that the bishop of Rome would accept the *Henotikon*.¹⁵ The pope, however, died, and his succession brought about a schism, with two popes, Symmachus and Laurentius, elected almost simultaneously. Festus was, apparently, the kingmaker of the latter, while among the aristocrats Faustus Niger is mentioned as a strong supporter of the former. There is disagreement among scholars about the sequence of events and their interpretation, that cannot be dealt with here in any detail. I think it is worthwhile to point out the most relevant issues, whose discussion at the time paved the way to far-reaching developments in shaping the role of the institutions involved and in defining some fundamental concepts. Theoderic was called upon to decide; he may have been reluctant, and in fact he swung from one side to the other: he sanctioned the election of Symmachus in 499, and this opened the way for his triumphal *adventus* in 500; but soon afterwards, having received a dossier that accused the pope of

¹⁵ Giovanni Battista Picotti, "I Sinodi romani nello scisma laurenziano," in *Studi storici in onore di Gioacchino Volpe* (Firenze: G.C. Sansoni, 1958), 743-86; John Moorhead, "The Laurentian Schism: East and West in the Roman Church," *Church History* (47, no. 3 (1978): 125-36; Pietri, "Le Sénat," 771-87; Sardella, *Società, Chiesa e Stato*, for a thorough discussion of the schism and its different interpretations; now also Kristina Sessa, "The Roman Church and its Bishops," in Arnold, Bjornlie, and Sessa, *A Companion*, 425-50

immoral conduct with women, of bribery and of squandering the property of the church, convened a synod that was asked to judge on these accusations. The bishops, although strongly pressed by the king, refused to decide, on the ground that the pope could not be judged, being himself the judge. Then, in a second session, dominated by Symmachus, the synod dealt with the *scriptura* of 483, which was read in public by the future pope Hormisdas, and rejected on the ground that it was based on illegal proceedings, since the bishop of Rome was absent when it was issued; then it dealt with the election of the pope, stating that the ecclesiastical order was forbidden from interfering while the pope was alive; the pope designated his successor, and if this did not go through then there would be an election whose procedure made the role of the *ordo ecclesiasticus* marginal. In the heat of the fight Symmachus apparently accused the senate, circulating the clearly false etymology *curia* from *crucior*, in one of the so-called *apocrypha*.¹⁶ In the end, after 4 years during which Laurentius was in Rome, acting *de facto* as pope, while Symmachus was confined in Saint Peter, Theoderic solved the situation by ordering the restitution of the *tituli* to Symmachus and the exile of Laurentius, who retired to a property of Festus. Much had changed in the process: the principle of the intangibility of the pope had been established, the fact that the lay magistrates had no power over church matters was again affirmed; the intervention of the king had been essential in putting an end to the struggle, but he never said anything on doctrinal matters, and confined himself to the task of restoring order in the city. The Eastern emperor did not appear as an interlocutor. In fact, after Symmachus went back to power, there was a heated exchange between the two: the pope answered accusations from the emperor that he had been ill-treated by the senate, and that he had been

¹⁶ *Gesta Silvestri* 16 (ed. Migne PL VIII, 839).

excommunicated *conspirante senatu*.¹⁷ When Anastasius wanted to resume relations with Hormisdas in 516 he wrote to the senate asking to act as mediator between himself, the pope and the king. Not a formality, but the recognition of the role of the assembly, that sided with the pope.¹⁸ This development must be kept in mind when we propose too clear-cut interpretations of the general picture on the base of the Laurentian schism.

It is said that the schism was provoked largely by the doctrinal problem and the relations with the East, favored by the laurentians, but we have no real proof that this had any relevance. Nowhere it is stated, even in the most hostile sources, that Laurentius was in favor of accepting the Acacian formula.

It has been said that the split was between the clerical order in Rome, sided mostly with Symmachus, and the aristocrats with Laurentius.¹⁹ Any attempt to determine their following on this base has encountered difficulties and many different proposals; I did not find a convincing explanation for the fact that Symmachus, in the synods he controlled, tried to curb the role of the priests in the papal elections, nor do I find a satisfactory explanation for the fact that Laurentius was practically in power in Rome exactly in the same years when Faustus Niger, the most important ally of Symmachus, held the post of *quaestor sacri palatii*, from 502 to 505.

In local politics, alliances shifted, the *gentes* had too many branches to side always on the same side. But beyond this there were issues: the fights, over doctrine, over the supremacy of the bishop of Rome, over the position of the king and the senate, had as far-reaching consequences the definition of some of the most relevant problems. There was not, as we know, a definitive

¹⁷ Symm., *Ep.* 10 (*PL* LXII, 69)

¹⁸ The dossier with the correspondence between the emperor, the pope and the senate in *CA* 111-114; Clemente, "Il Senato e il governo," 121-31.

¹⁹ See n.15.

solution, but some essential developments could not be ignored in the times to follow.

Only after the disaster of the Gothic wars, which affected deeply the balance of power in Italy, and the rule of Justinian in the West, the relationship between the bishop of Rome and the emperor in matters of doctrine was solved in favor of the latter; pope Vigil had to comply, reluctantly and after proposing various different doctrinal interpretations:²⁰ it was, however, a balance that shifted quickly to become again one of the most dramatic issues in the centuries to come.

²⁰ Vigil's letter to Justinian in 553 on the *Tria Capitula* in *CA* 83.

CHAPTER TWO

THE *COLLECTIO AVELLANA*— COLLECTING LETTERS WITH A REASON?

ALEXANDER EVERS

Introduction

The *Collectio Avellana* is arguably one of the most fascinating letter collections surviving from Late Antiquity.¹ It is still largely unclear who compiled it, and for what reason. At first glance the material appears rather unorganised. Most of the 244 documents, however, are clearly authentic,² mainly dealing with heresies and schisms within the Church. Episcopal and imperial

¹ Several studies have appeared since the second half of the nineteenth century, for example: Friedrich Maassen, “Über eine Sammlung Gregor’s I. Von Schreiben und Verordnungen der Kaiser und Päpste,” *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien. Philosophisch-historische Classe* 85 (1877): 227-57. See also Otto Günther, “Avellana-Studien,” *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien. Philosophisch-historische Classe* 134 (1896): 1-134. A renewed attention for the *Collectio Avellana* has emerged—two conferences have been organised by this author: “Emperors, Bishops, Senators: the Significance of the *Collectio Avellana* 367-553 AD. Rome, 1-2 April 2011;” and “East and West, Constantinople and Rome: Empire and Church in the *Collectio Avellana* 367-553 AD. Rome, 5-6 April 2013.” A first volume is in press: Alexander Evers and Bernard Stolte, eds., *Religion, Power, and Politics in Late Antiquity: Bishops, Emperors, and Senators in the Collectio Avellana 367-553 AD* (Leuven: Peeters, forthcoming). See also the comprehensive study by Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiane del V-VI secolo: un progetto di ricerca,” with an *Appendix* by Giulia Marconi and Silvia Margutti, *Cristianesimo nella Storia* 35 (2014): 77-236.

² Alphonse Van Hove, *Commentarium Lovaniense in codicem iuris canonici*, I, 1 (Rome: Mechliniae H. Dessain, 1945²), 267.

correspondence, produced by the bishops of Rome and of a number of other bishoprics spread throughout the Roman Empire, and by the emperors in Constantinople, decrees and other pieces of imperial legislation, memoranda, as well as letters of members of the Roman senatorial aristocracy—all these documents provide an insight into the relationship between emperors and bishops, between Constantinople in the East and Rome in the West, between Empire and Church, from the second half of the fourth century, from the events around the election of Damasus as bishop of Rome, well into the sixth century, to just shortly after the second Council of Constantinople, held from 5 May to 2 June 553 AD. Some of the major divisions and conflicts within the Church in the course of this period are represented. The reasons why this remarkable collection was actually brought together, however, still remain in the dark, or at least to a certain degree—as does the identity of the collector. Also, was the person that actually composed this vast body of texts the same as the one that actually instigated this whole enterprise? Throughout time the unity and authenticity of the *Collectio Avellana* have constantly been questioned. And was it, at the time of its actual composition, supposed to be a coherent, unified body of texts?

Collecting the *Collectio Avellana* ought to be seen in the much wider context of the Later Roman Empire. Processes of codification, both of secular, imperial law and of ecclesiastical, canon law, were becoming common features.³ The *Codex Theodosianus*, the *Codex Iustinianus*, as well as

³ See John F. Matthews, *Laying Down the Law: a Study of the Theodosian Code* (New Haven, London: Yale University Press, 2000) and Adriaan Johan Boudewijn Sirks, *The Theodosian Code: a Study* (Friedrichsdorf: Tortuga, 2007). See also Caroline Humfress, *Orthodoxy and the Courts in Late Antiquity* (Oxford: Oxford University Press, 2007); Jill Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge University Press, 1999); and Tony Honoré, *Law in the Crisis of Empire, 379-455 AD: The Theodosian Dynasty and Its Quaestors* (Oxford: Clarendon Press, 1998). On the formation of canon law, see Jean Gaudemet, *Le sources du droit de l'église en occident du IIe au VIIe siècle* (Paris: Editions du Cerf, 1985) and Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca.*

ecclesiastical, conciliar and canonical collections from Rome, Italy, and other parts of the Roman Empire, including the *Liber Pontificalis*, are all part of the formulation and formalisation of rules and regulations.

In a sense these collections can be regarded as a literary genre in their own right—as such, there is a remarkable degree of continuity from Classical to Late Antiquity, in that they are often biographical and historical.⁴ Throughout this entire period, several standard types of letter remained constant: consolatory epistles, letters of recommendation, of exhortation, and of praise.⁵ New and different types, however, developed later on, due to the rise of Christianity. Bishops and other clergy, as well as lay authors, produced a vast epistolary array of theological, dogmatic letters, polemical ones (often as a direct result of the dogmatic texts), pastoral and disciplinary epistles,

400–1140). *A Bibliographical Guide to the Manuscript and Literature* (Washington: The Catholic University of America Press, 1999). On the influence of Roman law on the *Collectio Avellana*, see Peter Heather, “Collecting and compilation in Late Antiquity: the Theodosian Code,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming); Adriaan Johan Boudewijn Sirks, “Some legal aspects of the *Collectio Avellana*,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

⁴ Roy Gibson, “On the Nature of Ancient Letter Collections,” *Journal of Roman Studies* 102 (2012). See some important, recent works: Lizzi Testa, Marconi, Margutti, “La *Collectio Avellana*,” 78, 103–225; Bronwen Neil and Pauline Allen, eds., *Collecting Early Christian Letters. From the Apostle Paul to Late Antiquity* (Cambridge: Cambridge University Press, 2015); Cristiana Sogno, Bradley K., and Edward Watts, eds., *Late Antique Letter Collections: A Critical Introduction and Reference Guide* (Oakland: University of California Press, 2017). On imperial and papal correspondence see Philippe Blauveau, *La Siège de Rome et l’Orient (448–536). Étude Géo-Ecclesiologique* (Rome: École française de Rome, 2012); Eckhard Wirbelauer, *Zwei Päpste in Rom: der Konflikt zwischen Laurentius und Symmachus* (Munich: Tuduv, 1993); Kate Blair-Dixon, “Memory and Authority in Sixth-Century Rome: the *Liber Pontificalis* and the *Collectio Avellana*,” in *Religion, Dynasty, and Patronage*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 59–76; Dominic Moreau, “Le processus de compilation des collections canoniques italiennes pendant l’Antiquité,” in *La Collectio Avellana tra tardoantico e altomedioevo*, ed. Rita Lizzi Testa, monographic issue of *Cristianesimo nella Storia* 39.1 (2018), 41–70; and Michele R. Salzman, “Constructing papal history. The *Collectio Avellana* and the *Liber Pontificalis* on the early fifth-century popes Innocent, Zosimus, and Leo,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

⁵ Gibson, “On the nature,” 59.

administrative writings, advisory letters and letters of admonition, decrees, and judgements.⁶ The *Collectio Avellana* contains all these categories. A fair number of documents, however, are unique to the *Collectio Avellana*—they have not been preserved elsewhere. Furthermore, its absolute value lies in the fact that it continues to provide an infinitely better understanding of the relationships between the various parts and parties within the Roman Empire—political, diplomatic, social, and religious—and between the old, imperial, senatorial, and ecclesiastical powers and the ‘new kings’ in Ravenna.⁷

One collection—or more?

The standard modern edition of the *Collectio Avellana* was published by Otto Günther in the years 1895 and 1898, in two volumes.⁸ An imperial rescript of Emperor Valentinian I, from the year 367, referring to events in 366, is the earliest document in the collection.⁹ A letter of Pope Vigilius to Emperor

⁶ Bronwen Neil, “Continuities and Changes in the Practice of Letter-Collecting from Cicero to Late Antiquity,” in Bronwen and Allen, *Collecting Early Christian Letters*, 3-17, at 7.

⁷ On historiography and context, see John R. Curran, *Pagan City and Christian Capital: Rome in the Fourth Century* (Oxford: Clarendon Press, 2000); Rita Lizzi Testa, *Senatori, popolo, papi. Il governo di Roma al tempo dei Valentiniani* (Bari: Edipuglia, 2004); Blair-Dixon, “Memory and Authority;” Rosamond McKitterick, “Roman texts and Roman history,” in *Rome Across Time and Space: Cultural Transmission and Exchanges of Ideas, c. 400-1400*, eds. Claudia Bolgia, Rosamond McKitterick, and John Osborne (Cambridge: Cambridge University Press, 2011), 19-34; Blaudeau, *La Siège de Rome*; M. Shane Bjornlie, *Politics and Tradition between Rome, Ravenna and Constantinople: A Study of Cassiodorus and the Variae, 527-554* (Cambridge: Cambridge University Press, 2013).

⁸ Otto Günther, *Epistulae Imperatorum Pontificum Aliorum inde ab a. CCCLXVII usque ad a. DLIII datae Avellana quae dicitur collectio*, edited by Otto Günther, I-LXXXIX (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898).

⁹ *Collectio Avellana* 5, addressed to Praetextatus, the prefect of the city of Rome, and dealing with the struggles between Damasus and Ursinus, after the election of the former as bishop of Rome following the death of Liberius on 24 September 366. Amnesty was granted to the followers of Ursinus (*Collectio Avellana* 5); the basilica of Sicinius was returned to Bishop Damasus (*Collectio Avellana* 6). *Collectio Avellana* 7

Justinian I, written on 14 May 553, is the latest piece. The collector may very well have started his compilation shortly after the pope had sent his letter to the emperor.¹⁰ Girolamo and Pietro Ballerini gave the *Collectio Avellana* its name—manuscript BAV ms. vat. lat. 4961 in the Vatican Library originates from the library of the monastery of Santa Croce at Fonte Avellana.¹¹ At first, the collection appears as a completely unorganised body of texts, with no obvious plan or purpose, and thus often disregarded and not appreciated enough. In the past, a limited amount of relevance has been given to the collection simply for the fact that the majority of the documents have only been preserved here—only a small number of texts transmitted have parallels elsewhere.¹²

Dealing with the conflict between Damasus and Ursinus, which broke out after the election of the former to the episcopal See of Rome, following the death of Bishop Liberius, the first thirteen documents of the *Collectio Avellana* cover the years from the very beginning of the schism in 366 until almost two decades later, dealing with some of the consequences following the initial struggles.¹³ The imperial constitution of Emperors Valentinian II,

describes how the prefect restored law and order in the city of Rome. See also Ammianus Marcellinus, 27.9.2, and Sozomen, *Historia Ecclesiastica*, 6.23.2.

¹⁰ *Collectio Avellana* 83.

¹¹ BAV ms. vat. lat. 3787, originates from Nonantola. These two in the Vatican library are the oldest of a total of eleven surviving manuscripts of the *Collectio Avellana*.

¹² Wirbelauer, *Zwei Päpste*, 135.

¹³ See Adolf Lippold, “Ursinus und Damasus,” *Historia* 14 (1965): 105-28; Malcom R. Green, “The supporters of the antipope Ursinus,” *Journal of Theological Studies* 22 (1971): 531-38; Charles Pietri, *Roma christiana: recherches sur l’Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III, 311-440* (Rome: École française de Rome, 1976), 407-431; id., “Damase évêque de Rome,” in *Saecularia Damasiana. Atti del convegno internazionale per il XVI centenario della morte di Papa Damaso I (11-12-384-10/12-12-1984)* (Vatican City: Pontificio Istituto di archeologia cristiana, 1986), 29-58; Neil McLynn, “Christian controversy and violence in the fourth century,” *Kodai* 3 (1992): 15-44. More recently, see Curran, *Pagan City*, 137-42; Lizzi Testa, *Senatori*, 129-95; Ursula Reutter, *Damasus, Bischof von Rom, 366-384* (Tübingen: Mohr Siebeck, 2009); Milena Raimondi, “Elezione *iudicio dei e turpe*

Theodosius I, and Arcadius, concerning the reconstruction of the basilica of St. Paul's Outside-the-Walls (*Collectio Avellana* 3), and written in 386, does not really seem to belong in this first sequence.

In 418 and 419 a schism arose between Eulalius and Boniface—documents 14 to 37 bear witness to this confrontation, which all evolved around the succession to Bishop Zosimus, who had died on 26 December 418.¹⁴

Emperor Honorius corresponded with his colleague Arcadius in Constantinople (*Collectio Avellana* 38), expressing concerns about the occurred aggressions against John Chrysostom, the bishop of Constantinople.¹⁵

convicium. Damaso e Ursino tra storia ecclesiastica e amministrazione romana,” *Aevum* 83.1 (2009): 169-208; Massimiliano Ghilardi, “*Tempore quo gladius secuit pia viscera matris*. Damaso, i primi martiri cristiani e la città di Roma,” in *La città di Roma nel pontificato di Damaso (366-384). Vicende storiche e aspetti archeologici*, eds. Gianluca Pilara and Massimiliano Ghilardi (Rome: Aracne, 2010), 97-186. Gianluca Pilara, “Damaso e la chiesa di Roma,” in Pilara and Ghilardi, *La città di Roma*, 37-43. See also Guido Clemente, “Senate and senators from the fourth to the sixth century: the evidence of the *Collectio Avellana*,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming); Jaqueline Long, “Schismatic violence and churches in Rome: the evidence of *Collectio Avellana* 1,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming); Massimiliano Ghilardi, “The *Collectio Avellana*: a source for the topography of late antique Rome? Some brief observations,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming); Marianne Sághy, “Between prefects and schismatics: the ‘Ursinus Dossier’ in the *Collectio Avellana*,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

¹⁴ Boniface worked hard to establish Roman primacy. See Pietri, *Roma christiana*, 1105-30.

¹⁵ On John Chrysostom, see for example John Hugo Wolfgang Gideon Liebeschuetz, “Friends and enemies of John Chrysostom,” in *Maistor: Classical, Byzantine and Renaissance Studies for Robert Browning*, ed. Ann Moffat (Canberra: Australian Association for Byzantine Studies, 1984), 85-111; id., “The Fall of John Chrysostom,” *Nottingham Medieval Studies* 29 (1985): 1-31; id., *Barbarians and Bishops. Army, Church, and State in the Age of Arcadius and Chrysostom* (Oxford: Clarendon Press, 1990); John N.D. Kelly, *Golden Mouth: The Story of John Chrysostom—Ascetic, Preacher, Bishop* (London: Duckworth, 1995); Susanna Elm, “The dog that did not bark. Doctrine and patriarchal authority in the conflict between Theophilus of Alexandria and John Chrysostom of Constantinople,” in *Christian Origins: Theology, Rhetoric, and Community*, eds. Lewis Ayres and Gareth Jones (London, New York: Routledge, 1998), 68-93. On this particular document, Juana Torres, “Concerning John Chrysostom. *Collectio Avellana* 38 and his

The usurper Maximus, who came to power in 383, wrote a letter to Emperor Valentinian II (*Collectio Avellana* 39), on the violence against the Arians. Subsequently, he proceeded to lecture the emperor on God's greatness, as well as on orthodoxy. The next document (*Collectio Avellana* 40) the very same Maximus wrote to Pope Siricius, letting the bishop of Rome know that he believed that it was for a council of Catholic priests to decide on the fate of another member of the Catholic clergy.¹⁶

The following four letters are of the hand of Pope Innocent I (*Collectio Avellana* 41 to 44); six pieces date to the time that Zosimus (*Collectio Avellana* 45 to 50) held the episcopacy of Rome. Both Innocent I and Zosimus had to deal with the Pelagian controversy. Innocent, however, died before he was able to actually deal with Pelagius' appeal against the accusations that were uttered against him. Pope Zosimus eventually acquitted Pelagius, as the legal procedures showed many irregularities.¹⁷ Next in the *Collectio Avellana* are five

Controversy in the West," in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

¹⁶ See Anthony Birley, "Magnus Maximus and the persecution of heresy," *Bulletin of the John Rylands University Library of Manchester* 66 (1983): 13-43; Neil McLynn, *Ambrose of Milan: Church and Court in a Christian Capital* (Berkeley, Los Angeles: University of California Press, 1994), 208; id., "McLynn, Neil B. "Tyrants, Arians, and Manichees: Magnus Maximus in the *Collectio Avellana*," in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

¹⁷ Three of Zosimus' letters (*Collectio Avellana* 45, 46, and 50) have been edited, translated, with a commentary, by Laurence Dalmon, "Trois pièces de la *Collectio Avellana*: édition critique, traduction et commentaire," *Recherches augustiniennes et patristique* 36 (2011): 195-246. For the context of the Pelagian schism, see Otto Wermelinger, *Rom und Pelagius. Die theologische Position der römischen Bischöfe im pelagianischen Streit in den Jahren 411-432* (Stuttgart: Anton Hiersemann, 1975); Pietri, *Roma christiana, 1177-224*. See also Werner Marschall, *Karthago und Rom. Die Stellung der nordafrikanischen Kirche zum apostolischen Stuhl in Rom* (Stuttgart: Hiersemann, 1971), 127-60; Mathijs Lamberigts, "Co-operation between Church and State in the condemnation of the Pelagians," in *Religious Polemics in Context*, eds. Theo L. Hettema and Arie Van der Kooij (Assen: Royal Van Gorcum, 2004), 363-75; Mar Marcos, "Papal authority, local autonomy and imperial control: Pope Zosimus and the Western Churches (a. 417-18)," in *The Role of the Bishop in Late Antiquity: Conflict and Compromise*, eds. Andrew T. Fear, José F. Ubiña, and Mar Marcos (London, New

letters written by Pope Leo I (440-461), all from 460. These letters have only been preserved here—51 to 55.¹⁸ Leo's letters as well as the documents 56 to 78 from the pontificates of Simplicius (468-483) and Felix III (483-492), are all dealing with the exponents of Monophysitism (or better; *Miaphysitism*) within the churches of Alexandria and Antioch at the time of Timothy Ellurus, Peter Mongus, and Peter Fullo.¹⁹

The next section holds documents that are of various time periods, and that jump around in time—all of them, however, are related to the Council of Chalcedon (451), and to the Acacian schism (484-519), as well as one of its consequences in Rome, the conflict between Symmachus and Laurentius (498-506). Three letters, *Collectio Avellana* 79 to 81, are either written by or addressed to Pope Gelasius (492-496).²⁰ Twelve dogmatic texts, documents

York: Bloomsbury, 2013), 145–66; ead., “Anti-Pelagian Legislation in Context,” in *Lex et Religio. XL Incontro di Studiosi dell'Antichità Cristiana (Roma, 10–12 maggio 2012)* (Rome: Institutum Patristicum Augustinianum, 2013), 317–44; Geoffrey Dunn, “The Emergence of Papal Decretals: The Evidence of Zosimus of Rome,” in *Shifting Genres in Late Antiquity*, eds. Geoffrey Greatrex and Hugh and Elton, with the assistance of Lucas McMahon (Farnham: Ashgate 2015), 81–92. See also Salzman, “Constructing Papal History”, and Mar Marcos, “The Documents of the Pelagian controversy in the *Collectio Avellana* and the *Collectio Quesnelliana*,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

¹⁸ Bronwen Neil, *Leo the Great (The Early Church Fathers)* (Abingdon, New York: Routledge, 2009); Salzman, “Constructing papal history.”

¹⁹ In order to better understand the political-religious chaos of the time, particularly after the Council of Chalcedon, see Volker-Lorenz Menze, *Justinian and the Making of the Syrian Orthodox Church* (Oxford: Oxford University Press, 2008); also Blaudeau, *Le siège de Rome*, and id., “À propos des sections 3 et 4a de la *Collectio Avellana*. Comment documenter le rejet de Chalcedoine manifeste en Orient,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming). See also Richard Price and Mary Whitby, eds., *Chalcedon in Context: Church Councils, 400-700* (Liverpool: Liverpool University Press, 2011).

²⁰ See Eduard Schwartz, *Publizistische Sammlungen zum acadianischen Schisma* (Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1934). During the Acacian schism, Gelasius provided a model for the supremacy of the bishop of Rome in times to come. On his papacy, see, for example, Walter Ullmann, *Gelasius 1., 492–496: das Papsttum an der Wende der Spätantike zum Mittelalter* (Stuttgart: Hiersemann, 1981). On Gelasius' letters in the *Collectio Avellana*, see Rocco Ronzani, “A note on the Gelasian

82 to 93, follow, and are from the reigns of Popes John II (532-535), Agapetus (535-536), and Vigilius (537-555); the *Collectio Avellana* then return in time to the reigns of Popes Gelasius, Anastasius II (496-498) and Symmachus (498-514).²¹ Letters 82 to 93 clearly constitute a break in the chronology within the *Collectio Avellana*, which indicates that it was either inserted later or in any case separately—but these twelve texts deal with orthodoxy, as well as the controversy of the Three Chapters and the Council of Chalcedon—hence, they are in concordance with the other segments.

The last, and also largest, part of the *Collectio Avellana* consists of texts from the time of Pope Hormisdas (514-523): documents 105 to 243. Hormisdas most definitely played his part in ending the Acacian schism. He made huge efforts to reestablish the orthodoxy of Chalcedon, and to have it recognised throughout the empire—as well as the authority of the See of Rome.²² A treatise of Epiphanius of Konstantia (Salamis) concludes the

letters in the *Collectio Avellana* and on the authorship of the letter to Laurentius of Lychnidus (CA 81),” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

²¹ On the Acacian schism, see Blaudeau, *Le siège de Rome*; Jan-Markus Kötter, *Zwischen Kaisern und Aposteln. Das Akakianische Schisma (484–519) als kirchlicher Ordnungskonflikt der Spätantike* (Stuttgart: Franz Steiner Verlag, 2013). On the Laurentian schism, see Wirbelauer, *Zwei Päpste*; and also Teresa Sardella, *Società, Chiesa e Stato nell'età di Teodorico. Papa Simmaco e lo scisma laurenziano* (Soveria Mannelli: Rubbettino, 1996). On episcopal elections in Rome, see Rita Lizza Testa “Rome elects her Bishop: The *Collectio Avellana* and Cassiodorus’ *Variae* compared,” in Evers and Stolte, *Religion, Power, and Politics* (forthcoming). On Pope Vigilius, see Claire Sotinel, “Pontifical Authority and Imperial Power in the Reign of Justinian: Pope Vigilius,” *Mélanges de l'École française de Rome. Antiquité* 104 (1992): 439–63 = ead., *Church and Society in late Antique Italy and Beyond* (Farnham, Burlington: Ashgate, 2010), 1–25. Richard Price, ed. *The Acts of the Council of Constantinople of 553; with Related Texts on the Three Chapters Controversy*, (Liverpool: Liverpool University Press, 2009) provides not only an English translation, but also an extremely useful analysis of the second Council of Constantinople and the Three Chapters Controversy.

²² The entire second volume of Günther’s edition is dedicated to Hormisdas. On his papacy, see Menze, *Justinian*, particularly 58-105; Alexander Evers, “East and West, emperor and bishop: Hormisdas and the authority of the See of Rome,” in Ubiña and Marcos *The Role of the Bishop*, 167-87. See also David Lambert, “The *Collectio Avellana*, the revolts of Vitalian, and the Council of Heraclea,” in Evers and Stolte, *Religion*,

Collectio Avellana, possibly as an appendix to all the texts related to Hormisdas—*De duodecim emmis* (document 244).²³

As already stated, collecting decrees, documents, letters, and treatises was a regular feature throughout Antiquity—and continued to be so in the Later Roman Empire, even into Mediaeval times. Such collections were intended to ultimately be published.²⁴ The first one to try to make sense of the *Collectio Avellana* as a whole, and also to distinguish subdivisions, was Friedrich Maassen. He recognised six distinct parts: (1) documents 1 to 13; (2) texts 14 to 37; (3) letters 38 to 50; (4) documents 51 to 78; (5) 79 to 104; and (6) all the letters and documents from 105 to 243, and ultimately including 244.²⁵ Maassen argued that these divisions could be made on the basis of the documents' content.

Almost two decades later, however, Günther produced a convincing alternative—almost immediately after the publication of the first volume of his edition of the *Collectio Avellana* in 1895. Günther distinguished five subdivisions, smaller collections—*collectiunculae*—in their own right. He merged Maassen's first and second group into one, comprising documents 1 to 40, joining the Ursinian and Eulalian schisms, and also adding the three letters from the emperors Honorius and Maximus.²⁶ Günther also moved

Power, and Politics (forthcoming). On the influence of the aristocracy on resolving Acacian schism, in particular Anicia Iuliana, see Julia Hillner, "Anicia Iuliana and the *Collectio Avellana*: What difference do her letters make?," in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

²³ Wirbelauer, *Zwei Päpste*, 135.

²⁴ Friedrich Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters*, I (Graz: Leunschner & Lubensky, 1870). See also Blaudeau, *Le Siège de Rome*, 14–23—he underlines the notion of *Publizistik*, which is derived from Schwartz, *Publizistische Sammlungen*; see Lizzi Testa, "La *Collectio Avellana*," 89; as well as Moreau, "Le processus de compilation."

²⁵ Maassen, "Über eine Sammlung," 239ff. See also Günther, "Avellana-Studien," 2–3.

²⁶ Lizzi Testa, "La *Collectio Avellana*," 98: one cannot be certain that it was Cassiodorus who ordered the compilation of the first section as one unit, in which case it must have been an anonymous clerk in the office of the urban prefect of Rome—it seems

around some elements of the third, fourth, and fifth subdivisions initially suggested by Maassen. Günther's second subdivision consisted of documents 41 to 50: these documents must have all originated from the archives in Carthage, dealing with Pelagianism—and hence, Günther argued, they belonged together. The letters of Pope Leo I form a perfectly united segment: unquestionably the third section. All the letters and documents from the reigns of a number of prolific popes from the fifth and sixth centuries—Simplicius, Felix III, Gelasius, Anastasius II, Symmachus, John II, Agapetus, and Vigilius are all brought together in the fourth part. The texts from the later pontificates—those of John II, Agapetus, and Vigilius—seem to have been inserted as a previously independent collection. All the documents are expressing concerns about Monophysitism. They strongly favour, obviously, Rome's theological opposition against this alternative belief, vehemently disagreeing with Emperor Justinian's efforts to look for a compromise with the Monophysite position.²⁷ For this reason they seem to fit rather nicely with the reports of events and circumstances at the times of the earlier bishops Simplicius, Felix III, Gelasius, Anastasius II, and Symmachus. And finally, because of the sheer number of documents and their internal coherence, Günther attributed his entire final section to Pope Hormisdas, and added Epiphanius' treatise, like Maassen had done before him.

Coincidence—or what?

For Günther it was more than certain that the *Collectio Avellana* was not a coincidental, miscellaneous gathering of material. According to him an editor,

obvious, though, that it was collected as a whole; see also Detlef Liebs, "From the archives of the city prefecture in Rome: *Collectio Avellana* 1-40 (367-420)," in Evers and Stolte, *Religion, Power, and Politics* (forthcoming).

²⁷ Blair-Dixon, "Memory and authority," 68.

a scholar even, had brought all the documents together—and he must have done so around the middle of the sixth century, the time of Pope Vigilius. The collector must have been someone with access to all the material from a number of various archives, both in the city of Rome and elsewhere.²⁸ Günther was convinced that the first section of his own, modern edition had been an integral part prior to being included in the *Collectio Avellana*. The documents on the Ursinian and Eulalian schisms most likely came from the archives of the urban prefect of Rome. These could easily have been the starting-point for the compiler—whoever he may have been. Ample indications and internal comments suggest a careful organisation as well as a coherent editorial policy.²⁹

Günther also firmly believed in a sixth-century composition of the *Collectio Avellana*, soon after the date of its latest document—the letter, which Pope Vigilius wrote to Emperor Justinian. As Blair-Dixon states, this offers us a clear *terminus post quem* for the *Collectio Avellana* being put together. The only certain *terminus ante quem* until now is set by the two manuscripts in the Vatican Library—from the eleventh century. What happened in the centuries between these two markers, between the sixth and the eleventh century, is impossible to know. An original collection from the sixth century could of course have been altered—no longer a match with the two eleventh-century manuscripts. At this point, however, it is still best to follow Günther in his opinions: back in the sixth century, someone must have had good reasons to compile a *corpus* of documents, letters, and other accounts of an ongoing struggle between the bishops of Rome and the emperors at Constantinople.³⁰

²⁸ Günther, “Avellana-Studien,” 66: “Die Avellana ist vielmehr nichts als eine Materialsammlung, die wir dem Sammeleifer eines Gelehrten verdanken, der um die Zeit des Vigilius in Rom lebte und aus diesen und anderen Quellen die Sammlung zusammenschrieb, die uns heute vorliegt.”

²⁹ Blair-Dixon, “Memory and authority,” 62.

³⁰ Blair-Dixon, “Memory and authority,” 61. See Günther, “Avellana-Studien,” 2.

Whoever it was that issued the collection, or who actually carried out the work, if such a distinction can be made: they, or he, must have regarded the *Collectio Avellana* as a vehicle to attempt to settle the argument.

The un-edited character of the assembled and transmitted texts in the *Collectio Avellana* actually make it plausible that the principal objective of the collector must have been to complement and complete documentation that could already be found in a number of other collections that were in use and in circulation elsewhere, as is noted by Dalmon in a recent article.³¹ The papacy was going through a fairly serious crisis of authority and representation, throughout the first half of the sixth century. At such a point in time, in such a given situation, it is not unlikely that all the documents in the *Collectio Avellana* were brought together to constitute an apologetic Petrine dossier—which could then be used in order to establish and safeguard the primacy of Rome in the face of a growing hegemony of Constantinople and the oriental metropolitans. Its values and virtues as such, of course, albeit in different contexts in time and of usage, would certainly not have escaped ecclesiastical attention during the Middle Ages, when papal authority repeatedly found itself in times of trouble.³² Dalmon does not believe that the *Collectio Avellana* was composed at a later stage, for opportunistic, church-political reasons, perhaps around the time of Pope Gregory VII. It clearly belongs to the category of “primitive” canonical collections. Unlike the collections of later, mediaeval times—organised in a structured way, in methodical rubrics—the compilations of Late Antiquity are anything but models of homogeneity, and it is difficult to discover any notion of an editor. When it comes to chronology, documents of the most varied provenance and

³¹ Laurence Dalmon, “Suivi d’une collection canonique entre antiquité tardive et haut Moyen Âge. L’*Avellana*,” in *L’Antiquité tardive dans les collections médiévales*, eds. Stéphane Gioanni and Benoît Grévin (Rome: École française de Rome, 2008), 113–38, at 115.

³² Dalmon, “Suivi d’une collection,” 113–14.

disparate genres are generally hardly ordered, or not ordered at all. Conciliar texts, pontifical decrees, synodal letters, legal texts, both profane and canonical, patristic treatises, and other *variae* (statutes; symbols; lists of popes; lists of bishoprics, classified per province; apocryphal writings) all find a destination, which at first might not appear logical in any sense.³³ Gibson, in his sample of ancient collections, identifies two dominant patterns of arrangement: (1) “by addressee or by loose topic,” and (2) “for the sake of (artistic) variety.”³⁴ Internal chronology is very often, and easily, abandoned. One can never recognise one, single pattern of organisation throughout any of the ancient collections. Such an understanding might actually help to better appreciate the apparent lack of coherence in the *Collectio Avellana*.

One thing is clear: the various subdivisions in the *Collectio Avellana* were created in their own time, their own place, and to their own specific purpose, until they were finally collected by one person, who had his own reasons to do so—which must have been shortly after 553, the year of Pope Vigilius’ document. The nature and origin of all the documents concerned must be taken into account. Most of them seem to come from papal archives kept at the Lateran in Rome. It seems that the papal *scrinium* had started to keep *Regesta*, or copy-volumes, and these began to serve as blueprints for the papal correspondence. As for the *Collectio Avellana*, Günther did not believe that the collection of documents was a formal one, with someone’s intention to be published and copied, and to be widely distributed. Or perhaps the intention was there, but the rough form in which it has come down to us, certainly did not render it suitable for publication. Günther regarded the *Collectio Avellana* as the private enterprise of a scholar, who happened to live in the right place, at the right time: in Rome, during the papacy of Vigilius. His own personal

³³ Gérard Fransen, *Les collections canoniques* (Turnhout: Brepols, 1973), 13-14.

³⁴ Gibson, “On the nature,” 64.

interest made him collect all the material, using the papal *scrinium*, and compiling it in exactly the way in which it has been transmitted.

There are sufficient reasons to disagree. Wirbelauer already suggested a connection between the *Collectio Avellana* and the collector's own time. All of the texts in the first two subdivisions refer to internal conflicts within the Roman Church, drawing on contemporary documentation. All of them, and also all the pieces in the remaining three parts of the *Collectio Avellana* clarify the position of the bishop of Rome in matters of heresy and schism, in internal and external debates. According to Wirbelauer, the *Collectio Avellana* was compiled as a result of the next major conflict after Eulalius and Boniface, namely that between Symmachus and Laurentius (498-514). The documents that are of a later date simply were later additions, unordered and erroneous. It is a collection of rather disparate elements: there was no particular reason to bring together the various sections in one single *corpus* after 553.³⁵

There are sufficient reasons to disagree, again. Blair-Dixon argues that the compiler of the *Collectio Avellana* showed a great interest in heresies and schisms. Orthodoxy was far from being established, as these issues and conflicts continued for a long time. The Church was not at all one body, the world was full of mini-Christendoms. The authority of the Church was still not always recognised—partly due to the lack of orthodoxy, of unity. In search of its roots, in order to become firmly established, the past could—and would—often help. The *Collectio Avellana* needs to be viewed as an exponent of the search for authority, and for the establishment and consolidation thereof. A series of ecumenical councils had not brought unity within the Church. East and West were at times strongly divided. In fact:

³⁵ Wirbelauer, *Zwei Päpste*, 134-38. See also Blair-Dixon, "Memory and Authority," 63f.

those divisions often seemed to keep growing even wider. And so letters of support from the imperial powers in the West; epistles to and from Africa; to and from some of the most influential leaders of the Church in the West in the fourth and fifth centuries; letters from members of the senatorial aristocracy; all could help to establish authority in the search for, and establishment of, orthodoxy. Furthermore, at this point in time, around 553, the influence of the East was perhaps felt stronger again in the West: the secular power of the emperor in Constantinople, and the spiritual authority of the patriarchs of the East. The *Collectio Avellana* could very well be the result of political and religious circumstances, which forced the Church in the West to collect.

CHAPTER THREE

THE PRESENCE OF DAMASUS, URSINUS AND THE LUCIFERIANUS IN THE *COLLECTIO AVELLANA*: STYLISTIC OR THEMATIC REASONS?

JUANA TORRES

1. General considerations

The documents concerning the schism between Damasus and Ursinus are contained only in the *Collectio Avellana* (*CA*),¹ and do not appear in any of the other Italic canonical collections from the fifth and sixth centuries. The same thing is true of most of the letters in said Collection, as about 200 were never included in any other compilations. The most recent edition of the *CA* was by Otto Günther² in the nineteenth century, and contains 243 letters from popes, emperors and high officials on legal or canonical issues. They are divided into 5 parts and refer to events dating from 367 to 553. In this study I will focus on the 13 initial documents of the *CA*, paying special attention to the first two, *Quae gesta sunt inter Liberium et Felicem episcopos (Gesta)* (1) and

¹ Cf. Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiane del V-VI secolo: un progetto di ricerca,” *Cristianesimo nella Storia* 35 (2014): 77-236.

² Otto Günther, *Epistolae Imperatorum Pontificum Aliorum Inde ab a. CCCLXVII usque DLIII datae Avellana Quae Dicitur Collectio* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898).

Libellus quorundam schismaticorum (*Libellus*) (2a), as the most important part in the dossier, along with the imperial responses regarding legislative measures.

The *editio princeps* of letters 1, 2 and 2a was produced in the seventeenth century by Jacques Sirmond,³ to whom we owe the titles by which they are currently known: *Libellus precum ad Imperatores*, and *Rescriptum Theodosii pro Marcellino et Faustino presbyteris* (*Lex Augusta*). Letter 1 corresponds to the *Praefatio* in Sirmond's edition. The most recent edition of 2 and 2a, from 2006, is by Aline Canellis, and is accompanied by a translation into French.⁴ Surely Otto Günther took into account the *editio princeps* of the initial documents of the *CA* when he produced his edition, as he explains in the first note of the *Gesta* that Sirmond published them along with the *Libellus* and the *Rescriptum*.⁵ He did the same thing, placing this text first, as a preface, because it constituted a synthesis of the main events in the schism between Damasus and Ursinus, arising from the divisions between the popes Liberius and Felix.

All scholars agree that *Collectiones* were created with precise objectives in mind, although they disagree about exactly what those were, there being a whole range of views in this regard.⁶ The main purpose of this chapter is to examine the possible factors that spurred the compiler to include the *Collectio Avellana's* first 13 documents. The historical reconstruction of the events now concerning us has been carried out so thoroughly⁷ that I do not intend to

³ Jacques Sirmond, ed., *Marcellini et Faustini presbyterorum Libellus precum ad Imperatores* (Paris: Apud Sebastianum & Gabrielem Cramoisy fratres, 1650).

⁴ Aline Canellis, *Faustin (et Marcellin) Supplique aux Empereurs* (*Libellus precum et Lex augusta*) (Paris: Les éditions du Cerf, 2006).

⁵ Günther, *Epistolae Imperatorum*, 1: *Edidit una cum n. 2 et 2a Iac. Sirmond, Marcellini et Faustini*.

⁶ Cf., among others, Eckhard Wirbelauer, *Kirchenrechtliche Sammlungen*, in *Lexikon der antiken christlichen Literatur*, III (2002): 429; Philippe Blauveau, *Le siège de Rome et l'Orient (448-536): étude géoecclésiologique* (Rome: École Française de Rome, 2012).

⁷ To cite only the most recent studies, cf. Rita Lizzi Testa, "La politica religiosa di Teodosio I. Miti storiografici e realtà storica," *Rendiconti Accademia Nazionale dei Lincei*

contribute new information in this regard. Rather, my interest is in the genesis of the *CA*, as I seek to find an explanation for the inclusion in it of the documents on the schism between Damasus and Ursinus, and their placement at the beginning of the collection. The utility of this study is enhanced by the fact that, as stated, the dossier is not preserved in any of the other Italic canonical collections. The historical data described in these letters has been extensively analysed. However, their philological aspects have not, and I believe that they may serve to better understand the compiler's intentions. With this objective, I will analyse the rhetorical/stylistic features of these texts, in order to determine whether they feature a homogeneity and stylistic quality that could have induced the compiler to employ them as a rhetorical model.

2. The *Gesta*

Given the placement of the *Gesta* before the *Libellus* in the editions by Sirmond and Günther, it has been considered to constitute a kind of prologue—*praefatio* in Sirmond—, having them the same historical/legal value as the *Libellus*. However, a careful reading reveals that the two documents were not written at the same time, and that their objectives and intended readers were also different. It is evident that it is not an objective

7, s. 9 (1996): 323-61; José Fernández Ubiña, "El *Libellus precum* y los conflictos religiosos en la Hispania de Teodosio," *Revista de Estudios de la Antigüedad Clásica* 8 (1997): 103-23; Manlio Simonetti, "Lucifero di Cagliari nella controversia ariana," *Vetere Christianorum* 35 (1998): 279-99; Aline Canellis, "Arius et les 'ariens' dans le *Libellus precum* de Faustin et Marcellin," *Studia Patristica* 36 (2001): 489-501; Giuseppe Corti, *Lucifero di Cagliari. Una voce nel conflitto tra Chiesa e impero alla metà del IV secolo*, (Milano: Studia Patristica Mediolanensia 24, 2004); Rita Lizzi Testa, *Senatori, popolo, papi. Il governo di Roma al tempo dei Valentiniani* (Bari: Edipuglia, 2004), 129-206; Victoria Escribano Paño, "Teodosio I y los heréticos: la aplicación de las leyes en el *Libellus precum* (384)," *Antiquité Tardive* 16 (2009): 125-40; Milena Raimondi, "Elezione *iudicio dei* e *turpe convicium*. Damasus e Ursino tra storia ecclesiastica e amministrazione Romana," *Aevum* 83 (2009): 182-90.

account of the events that took place, first between Liberius and Felix, and later between Damasus and Ursinus, in their dispute for the seat in Rome, as the author is utterly one-sided, and employs a virulent tone against Damasus. He was probably a supporter of Ursinus and, as such, distorted reality.⁸ Despite the title of this document (*Quae gesta sunt inter Liberium et Felicem episcopos*),⁹ alluding only to the conflicts between the bishops Liberius and Felix, little space is actually dedicated to them (*Gesta* 1-4). In contrast, there are extensive descriptions of the supposed outrages committed by Damasus, with numerous details included. In addition, it is much longer than the first part of the work (*Gesta* 5-14). He blames Damasus for numerous altercations and even murders, which the culprit, presumably, managed to conceal from the imperial authorities by means of bribes. The author's manifest bias is surprising, as his version of events conflicts with that by the pagan historian Ammianus Marcellinus, who distributed the blame equally. The latter accused both anti-popes of a boundless ambition to seize the episcopal throne, and their respective followers of engaging in violent clashes that left many dead and wounded. He concludes by stating that the winner of the dispute was Damasus: "Ultimately Damasus got the best of the strife by the strenuous efforts of his partisans."¹⁰ As Rita Lizzi suggests, the explanation for this discordance is probably that the *Gesta* were intended for circulation amongst the supporters of Ursinus, as a defamatory and propagandistic pamphlet, not for the Court, as in the case of Letter n° 2.¹¹

In violation of the epistolary conventions prevailing at the time, the *Gesta* do not mention their reader, nor is there any allusion to a presumed interlocutor, nor any formulaic expression of courtesy at the end. The style is

⁸ Cf. Lizzi Testa, *Senatori, popolo, papi*, 131-32.

⁹ In the edition by Sirmund the *Praefatio* has the subtitle: *De eodem scismate Ursini*.

¹⁰ Amm. 27.3.13: [...] *et in concertatione superauerat Damasus, parte, quae ei fauebat, instante*.

¹¹ Lizzi Testa, *Senatori, popolo, papi*, 153-54.

basically descriptive and follows the chronological order of events, including frequent temporal expressions.¹² The number of references to precise times in such a brief text reveals the author's concern with pinpointing the dates in question, perhaps to render his account more plausible.

As for its lexicon, there are a great number of epithets and condemnations of acts committed by Felix, Damasus and his followers.¹³ In contrast, there are but four or five positive observations, always referring to Ursinus and his followers, such as: *Uir uenerabilis, plebs fidelis* (*Gesta* 6); *Uir sanctus et sine crimine* (*Gesta* 11). Clearly, the author's objective was to project an extremely negative image of Damasus in order to generate a state of opinion favourable to Ursinus, in contrast. The style of this document is very simple, consisting of a few paragraphs and not including any rhetorical elaboration. Probably due to its propagandistic purpose, the author did not find it necessary to make the effort to employ rhetorical figures or stylistic adornments typical of a literary level; he had no such aspirations, nor was it written for submission to the Court.

3. The *Libellus precum*

The second letter of the *CA*, known as the *Libellus precum*, was written between 383 and 384 in Constantinople by Faustinus, an ultra-Nicene priest. It constitutes a plea (*preces*) for protection against the attacks suffered by the followers of Lucifer of Cagliari, and it is signed by Faustinus and Marcellinus, both members of Rome's community of Luciferians, presided over by the

¹² Among others: (*Gesta* 1): *temporibus Constantii*; (*Gesta* 3): *post annos duos*; (*Gesta* 4): *post annos octo Ualentiniano et Ualente consulibus X Kalendarum Decembrium die*; (*Gesta* 4): *octauo Kalendas Octobres Gratiano et Dagalaifo consulibus*; (*Gesta* 7): *hora diei secunda septimo Kalendarum Nouembrium die Gratiano et Dagalaifo consulibus*; (*Gesta* 10): *septimo decimo Kalendarum Octobrium Lupicino et Iouino cons.*, etc.

¹³ For example: (*Gesta* 2): *ambitione corruptus, cum summo periuri scelere*; (*Gesta* 3): *manus perfidia, cum magno dedecore*; (*Gesta* 6): *ingenti pretio corrupt*; (*Gesta* 9): *homicidae, tanta impietas*; (*Gesta* 13): *factum crudelissimum, precibus apud eos molitur et pretio*, etc.

Bishop Ephesius. It is situated in the context of the conflict that arose as a consequence of the readmission into the Church, following the Council of Alexandria (in 362), of the “fallen”—*lapsi*—during the second session of the Council of Rimini (in 359). At this council the pro-Arian Christians performed certain manoeuvres to mask their intentions, and had the Nicene bishops sign a statement affirming that the Son was similar to the Father; that is, they supported the doctrine of the homoians. While some bishops, such as Hilary of Poitiers and Pope Liberius, believed that the *lapsi* had been deceived, Lucifer of Cagliari and his followers insisted that they had been stained with the sin of heresy and, as such, they did not receive them in their communion.¹⁴ As a result of this position, it appears that the Luciferians were subjected to all kinds of abuse, which explains the drafting of the *Supplicatio* which I will now analyse.

The petition is addressed to the emperors Valentinian II, Theodosius and Arcadius, beseeching them to cease the humiliations perpetrated by Damasus and other western bishops against the Luciferians. The author insists on pointing out that they are not heretics, but rather faithful Christians and “true Catholics.” He describes the unjust persecution to which they are subjected, a denunciation he justifies by stating that they are sometimes mistreated through the application of laws against the heretics dictated by the emperors, especially Theodosius. He expresses confidence that a favourable response from the imperial power shall suffice to resolve the conflict, as it has the force of law.

In this document one can detect a remarkable use of rhetoric and stylistic elaboration. Based on its characteristics, it can be associated with the judicial

¹⁴ Another fundamental work on the Luciferian schism is the *Altercatio Luciferiani et Orthodoxi*, written by Jerome, in 378-379. Cf. Juana Torres, “El uso retórico de la violencia en el *Libellus precum* y en la *Altercatio Luciferiani et Orthodoxi*,” *Revista de Estudios Latinos* 16 (2016): 101-17.

genre insofar as it makes judgments about past events, accusing Damasus's followers of committing injustices. But, in addition to conforming to certain norms of a legal nature, due to the unique nature of the *Supplicatio*,¹⁵ it also observes the formal requisites of the epistolary genre, thereby bridging the two literary forms. Faustinus commences with a respectful expression of courtesy: *Deprecamur mansuetudinem uestram, piissimi imperatores Ualentiniane, Theodosi et Arcadi [...]* (*Libell.* 1.1),¹⁶ and throughout the text uses numerous expressions of respect to refer to the emperors.¹⁷ Sometimes he addresses Theodosius only, employing similar terms of courtesy. As I said, the letter is signed by the priests Faustinus and Marcellinus, separately, each ending with a rhetorical formula featuring auspicious auguries, traditional in the epistolary genre. The author's rhetorical training is evident in both the general features of the work, its structure, and in concrete details. Following the classic *dispositio* of judicial discourse, it consists of *exordium* (*Libell.* 1-4), narration (*narratio*), argument (*argumentatio*) (*Libell.* 5-119) and epilogue, which includes the *peroratio* (*Libell.* 120-124); that is, the section intended to win over the listener, drawing upon his sympathies, appealing to his compassion and arousing his indignation. In the *exordium* he praises the emperors (*Libell.* 1-2), in a clear exercise of the *captatio beneuolentiae*.

The recurrent theme throughout the argument is exemplary divine punishment, which shall be meted out upon those who do not profess the

¹⁵ On this genre, cf. Jean Gaudemet, "L'empereur interprète du droit," *Festschrift Ernst Rabel* (1954): 169-203; id., *La formation du droit séculier et du droit de l'Église aux IV^e et V^e s.*, (Paris: Sirey, 1957); id., *Le droit romain dans la littérature chrétienne occidentale du II^e au V^e siècle*, (Milano: Giuffrè, 1978).

¹⁶ In the quotes I will follow Günther's version of the *CA*, which is practically identical to the last edition of the work by Canellis, 2006, but I preferred the line numbering in the latter.

¹⁷ Among others: *Libell.* 2: *uestra tranquillitas et prouisio*; *Libell.* 5: *mansuetudo et deuota Deo religio uestra*; *Libell.* 11.18: *piissimi et religiosissimi imperatores*; *Libell.* 49: *imperatores qui [...]* *uenerabilis Ecclesiae diuinam sanctimoniam uindicatis*; *Libell.* 96: *piissimi imperatores et rectae fidei uindices*, etc.

true faith. This is an idea dating back to the early Christian authors, and consolidated in the fourth century by Lactantius in his work *De mortibus persecutorum*. The belief was that, just as the persecuting emperors suffered horrible deaths, preceded by tremendous suffering, God also gave and would continue to give the heretics what they deserved. To support this theory Faustinus provides a series of paradigmatic examples. Thus, he describes, in a detailed and gruesome way, Arius's death in the latrines (*Libell.* 6.7-8).¹⁸ Another example that appears is that of Hosius of Cordoba, for having followed a form of pro-Arian theology. After a confrontation with Gregory of Elvira, Hosius was supposedly unable to express his opinion, as his head twisted and he fell to the ground, where he died, according to some; or was rendered mute, according to others (*Libell.* 38.1-5). Potamius of Lisbon paid for his "prevarication of the sacred faith" with death (*Libell.* 41.4-11). Florentius of Merida, who shared the views of Hosius and Potamius, also suffered extraordinary tortures (*Libell.* 43-44). It was said that the prevaricating¹⁹ bishop Zosimus of Naples could not perform his episcopal functions, or speak a single word in the basilica, because when he tried to his tongue lengthened, and came out of his mouth like a panting ox (*Libell.* 62-65). The author himself expresses his awareness that his work would be far too long if he were to recount all the examples of the punishments imposed by God on transgressors, so he concludes his enumeration (*Libell.* 46-47).

He also shows great rhetorical ability when he employs different types of argumentation to support his assertions. As a suppliant, he portrays himself, and also Marcellinus, with humility at all times, and with modesty, as can be seen in these examples:

¹⁸ A standard element (*tópos*) in apologetic literature, especially used against heretics; among others, see Tert., *Scap.* 3.14 ss.; Lact., *De mort. persec.* 1.7.

¹⁹ Faustinus uses this term to refer to the bishops who signed the homoian formula in Rimini, and he uses it repeatedly in the work.

Your sublime kingdom rises to the highest heights [...] when you do not spurn the truth of the ‘humble’, and when you do not spread the lies of those who are many and powerful (*Libell.* 1.4-7).

We entreat you, beseeching you to lend your imperial ear to us, who are so ‘small’, as we prove that we are not heretics [...] (*Libell.* 4.2-5).

There are repeated manifestations of indignation at the injustices and offenses they are enduring, such as:

[...] How is it that in religious matters the truth of the holy faith is being weakened and beleaguered by a band of wicked men and their very fraudulent machinations? (*Libell.* 2.5-7).

[...] We are not heretics and, yet, we are violently attacked, while those who so attack us and their acolytes could not now say or prove that we are heretics (*Libell.* 4.4-7).

He reiterates, formulaically, his intention to be brief, a hallmark of the epistolary genre, repeating that he shall only cite some cases of persecution, among many, in his eagerness to abridge the text. For example, he asks for his reader’s patience, and for them to listen “in broad lines” (*summatim*) to his narration (*Libell.* 48.1-4); and states that he shall only cite a few of the many cases: “There are many other similar examples” (*Libell.* 70.8-9). He also feigns to refrain from sharing other calamities, of which the emperors are, presumably, already aware (*Libell.* 113.1-2).

The stylistic flourishes are numerous and I will point out only the most striking, as it would be prolix to indicate them all. Plays on words and antitheses are constant, following the anti-heretical tradition, as we can see in some examples:

They change their minds, condemning [...] the faith of the apostles that they had defended and accepting the impiety of Arius that they had condemned (*Libell.* 19.9-12).

Not to mention the fact that Constantius, no matter how terrible he may have been because of his imperial power, could have been refuted and defeated by the ‘constancy’ of many united bishops (*Libell.* 28.1-3).

In this case there is an evident semantic game played involving the name of the emperor, endowed with enormous power, and the virtue of the bishops’ constancy, as a weapon even more powerful than imperial authority. He does the same thing when, upon referring to Emperor Valens, he states: “Here is what also deceived the Emperor Valens, when he sees among the heretics the ‘constancy’ of their support (to the error), but, among those illustrious bishops, the ‘inconstancy’ of their faith” (*Libell.* 66.1-3). Sometimes these puns are formulated through parallel constructions such as:

‘Is it not the worst kind of impiety’ to defend, under the name of Christ, their own injustices and sacrileges? ‘Is it not the worst kind of impiety’ to designate, with the names of men the pious doctrine consecrated by the name of Christ?²⁰

Metaphors and comparisons also play an important role in the work, similar to its word play. The author personifies the truth by giving it physical characteristics, such as the ability to breathe or to suffer the lies and deceptions of the prevaricators, as “the truth is painfully smothered, as it is not allowed to breathe [...]” (*Libell.* 3.7-9). He also insists on the wickedness of Arius who, despite his death, continues to spread evil through his heirs: “in fact,

²⁰ *Libell.* 91.9-12: *An non summa impietas est iniquitates suas et sacrilegia sub Christi nomine vindicare? An non summa impietas est piam doctrinam sub Christi nomine consecratam humanis appellationibus denotare?*

worms have never ceased to emerge from his rotten corpse.”²¹ On the subject of Theodore, another adversary, he comments: “What is surprising if, like a wolf, he does not cease from attacking the sheep and their good shepherd?” (*Libell.* 99.8-10).

In order to win the emperors’ sympathies Faustinus uses exaggerated contrasts, describing the Catholics as true saints, comparable to the martyrs and biblical heroes.²² In contrast, he condemns their adversaries, painting caricatured portraits of them, in a way akin to the most eminent examples found in Juvenal’s satires. For example, referring to the error of the prevaricators, he writes that:

It is no lesser sacrilege or impiety than having performed a sacrifice in honour of a pagan idol in the face of a persecutor; for to support a heresy out of fear is to sacrifice in honour of demons, since, according to the teachings of the Holy Scriptures, heresy is ‘a doctrine of demons’, as is idolatry (*Libell.* 29).

That is, he equates the crime of heresy with that of idolatry. In addition, he continues to accuse them of the most terrible crimes:

At the same time, the priests of Satan come to this place and break the doors of the Church of St. Vincent, and steal everything for the sacred ministries of the church. And, finally (a horrible fact to relate, the ultimate sacrilege!), after uprooting the altar itself from the house of God, they placed it in a temple, at the feet of an idol (*Libell.* 76).

²¹ *Libell.* 12.1-3: *Sed licet Arrius sit sepultus in stercoribus, reliquit tamen suae impietatis heredes; denique non defuerunt uermes, qui de eius putrido cadauere nascerentur.*

²² *Libell.* 22.1-2: *Apostolicus uir Lucifer de Sardinia episcopus*; *Libell.* 25: *Maximus de Neapoli martyr in Domini pace requieuit*; *Libell.* 77.3-4: *inclutus Paulinus in exilio martyr animam dedit*; *Libell.* 94.11: *Sanctus Heracles*; *Libell.* 109.7-9: *catholicae fidei episcopus Lucifer [...] fidelissimus sacerdos*, etc.

Let them deny that, among other atrocities, they have destroyed its door with axe blows, and, throwing themselves upon Lucifer [...] spilled the divine sacraments upon the ground, defiling with impious an murder each of the brothers gathered there (*Libell.* 99.7-11).

In order to defend the bishop of Cagliari, Faustinus distinguishes between the deceptive and insidious loquacity of the heretics and the truths inspired by the Scriptures, when he says:

But [Bishop] Lucifer, though he lacked artful eloquence, wrote in the manner of the Prophets, the Gospels and the Apostles, which surpasses all human eloquence, receiving the grace of the Holy Spirit for his righteous faith and his very pure conscience (*Libell.* 89.1-5).

This is a literary trope employed by most Christian authors in their desire to distinguish their style from that of their adversaries, especially that of pagans and heretics. In apologetic literature, presumptive stylistic simplicity and a lack of eloquence are feigned, as the author claims to transmit naked truth, without adornment. This hardly corresponds to the reality, however, as almost all the works feature an abundant use of classical rhetorical devices.²³

In the epilogue of the *Libellus* the author offers a recapitulation of all that he has set forth, and draws on hyperbole in order to provoke indignation and anger in his audience. He has already appealed to the emperors with these words:

²³ Cf. Bernard Pouderon, "Origins du genre de l'apologie," in *L'Apologétique Chrétienne. Expressions de la pensée religieuse de l'Antiquité à nos jours*, eds. Didier Boisson and Élisabeth Pinto-Mathieu (Rennes: Presses Universitaires de Rennes, 2012), 15-34, esp. 33; Juana Torres, *Ars persuadendi: estrategias retóricas en la polémica entre paganos y cristianos al final de la antigüedad* (Santander: PubliCan, 2013), 24-25.

Will you consent, very pious emperors, under the authority of your name, to impiety continuously tyrannising the faithful everywhere? Is it expedient for the Roman Empire [...] that those who piously preach Christ suffer persecution and death, such that they are not allowed to erect pious altars to honour God in any place, or, when they do, for them to be destroyed? (*Libell.* 110.5-11).

Aware that his supplication is winding to an end, Faustinus exaggerates his descriptions of the sufferings of the Luciferians, and warns that he pretends to move the emperors, as he says: “what we are going to say may provoke terror in your heart, dedicated to the true faith” (*Libell.* 115.2-4). He explains why he submitted the grievance: “to prevent, due to your ignorance, the spilling of more blood of Christians who defend our very pious faith” (*Libell.* 120.1-3). That is, he discreetly threatens the emperors with divine reprisal if they do not react appropriately, warning them that the crimes perpetrated against true Catholics were punished very harshly by Divine sanction, and asking rhetorically: “Where do the numerous calamities with which the world is shaken and oppressed come from?” (*Libell.* 112.6-7). That is, in Faustinus's view, many of the evils affecting the world have been brought about by the heretics and their provocation of Divine retaliation.

Finally, he again employs the *captatio benevolentiae* addressing Theodosius, in particular, whom he flatters profusely:

Especially under your rule, most pious Augustus Theodosius—you, who, with an admirable devotion piously share and defend the Christian religion against all heretics—we thought that we would suffer God's great wrath if, before you, such a religious emperor, so pious, so dedicated to Christ God through Divine fear and the greatest, you whom Christ God truly has chosen for the Empire, we remained silent about the nature of the true faith and the true Church (*Libell.* 123.1-8).

With sound judgment, the author believes that this dithyramb will convince the emperor to heed his complaint and prevent the torments suffered by the followers of Lucifer de Cagliari (*Libell.* 123.9-13).

In short, Faustinus's stylistic quality and rhetorical skills are beyond question, in light of this look at the *Libellus* and its main features. His literary and theological qualifications are also evident in another document that has been preserved: *De Trinitate*, addressed to the Empress Elia Flacilla, Theodosius's wife.

After analysing letters 1 and 2 of the *CA* and appreciating the enormous differences in style between the two, it is evident that they were not penned by the same person, nor did they pursue the same objectives. The compiler probably placed the shorter one as a preface to the other, but only based on the content, and not taking into account other characteristics.

4. The *Rescriptum Theodosii* (or *Lex Augusta*)

In any case, the appeal proved effectual, as Theodosius answered Faustinus and Marcellinus through the praetorian prefect of the East Cinesius, sending to the latter a *rescriptum*, the document 2a of the *CA*, which ordered that the Luciferians be protected. It also decreed that against “abuses committed by dishonest and heretical men” (*Lex Augusta* 8.6-7) the followers of Gregory of Elvira and Heraclides were to be respected and protected as members of the Catholic faith too. It is striking that the imperial *rescriptum*, by endorsing Damasus's detractors, actually controverted the Edict of Thessalonica, which recognised Damasus as a qualified exponent of the authentic faith, together with Peter of Alexandria. If the followers of Lucifer of Cagliari denounced Damasus and called him perfidious for his conduct against them, it is difficult to reconcile the two camps as subscribing to the same beliefs. Perhaps it was for this reason that Theodosius wished to defend himself by stating that it is

not for the emperor to add anything to the faith (*Lex Aug.* 2.7-8). That is, that it was incumbent upon him to protect those who were victims of injustice, but not to enter into theological disquisitions.

The *rescriptum* exhibits the literary conventions typical of this type of document, of a legal nature. It is concise, addresses the question posed, and proposes a solution, since the imperial response has the force of law, and serves to ratify measures aimed at resolving a conflict. It begins with the traditional epistolary greeting: *Salve, Cynegi carissime nobis!* Conventional expressions of courtesy appear, such as: *clementia nostra* (*Lex Aug.* 2); *sublimitas tua*; *nostra serenitas*; *Cynegi, parens carissime atque amantissime* (*Lex Aug.* 7), etc. Adjectives abound, both positive and negative, to refer to different figures. Marcellinus and Faustinus are called *plenissimi fidei sacerdotes* (*Lex Aug.* 2); Gregory and Heraclides are described as *sancti sane et laudabili episcopi* (*Lex Aug.* 6) and *sacrae legis antistites* (*Lex Aug.* 8); and it attributes to the followers of Lucifer *bonae mores et caelestia instituta* (*Lex Aug.* 4). | In contrast, reference is made to the *improbi homines atque haeretici* (*Lex Aug.* 8), who have set traps—*insidiati*—, and are guilty of detestable insinuation—*detestanda insinuatione*—, and are criminals—*criminosi*—(*Lex Aug.* 4), who oppress, pursue and attack Catholics by means of machinations (*Lex Aug.* 5). Although the text is brief, several parts can be distinguished: it starts by posing the situation, as an *exordium* (*Lex Aug.* 1-3), summarises the facts and their stages (*Lex Aug.* 3-5), sets out the decision taken (*Lex Aug.* 6-8), and concludes by instructing Cinegius to execute the sentence (*Lex Aug.* 8).

5. The other *Rescripta*

The eleven remaining letters are also imperial *rescripta* on various issues related to the schism pitting Damasus against Ursinus. Günther gave each one a title that synthesises its argument. Number 3 refers to the construction

and characteristics of the new Basilica of St. Paul Outside the Walls in 384. Number 4 celebrates the ordination of Pope Siricius, successor to Damasus in 384. Number 5 contains the edict of Valentinian that allowed Ursinus and his companions to return from exile in 367. Number 6 decrees the restitution of the Basilica of Liberius—*Sicinini*—, the latter in the hands of the allies of Ursinus, which Damasus had demanded. Number 7 features the confirmation of Ursinus's exile, only 2 months after having allowed him to return to Rome. The next three—8, 9, and 10—date from around 368, and address the tumults spawned by the gatherings of Ursinus's followers around the tombs of the martyrs, after the Basilica of Liberius was wrested from them. To prevent public disorder, Valentinian forbade such meetings within 20 miles of Rome. Letter number 11 orders the arrest of Ursinus in a place in Gaul, as an instigator of the clashes at the Basilica of Saint Agnes, in 369; and in number 12 he is allowed to fix his abode anywhere far from Rome. Finally, number 13 is considerably longer than the others, and addresses issues of great importance, such as Gratian's order to expel the bishops who had endorsed the creed affirmed at Rimini, and against whom Damasus had already ruled in the Council of Rome in 378. It also refers to the trial to which Pope Damasus was subjected, following Isaac's accusation of adultery, and to one of its fundamental repercussions: the differentiated delineation of juridical powers, with minor cases reserved for the ecclesiastical court, and major ones, for the civil courts. As can be seen, the order of the *rescripta* does not follow a chronological sequence. Rather, they appear to be added one after the another without following any clear criterion, apart from thematic association.

The formal aspects of these documents coincide, as they conform to the literary tradition of the imperial *rescripta*. Almost all of them begin with the author's name and dedication: *Valentinianus Theodosius et Arcadius Augusti*

Sallustio praefecto urbis (ep. 3); *Valentinianus Ualens et Gratianus Praetextato praefecto urbis* (ep. 6); *Idem Augusti Praetextato p.u.* (ep. 7); *Idem Augg. Olybrio p.u.* (ep. 8); *Idem Augg. ad Aginatium uicarium* (ep. 9); *Idem Augg. ad Olybrium p.u.* (ep. 10); *Idem Augg. ad Ampelium p.u.* (ep. 11); *Idem Augg. Maximino uicario urbis Romae* (ep. 12); *Gratianus et Valentinianus Augg. Aquilino uicario* (ep. 13). There is a profusion of expressions of respect for their interlocutors, mainly prefects of the city (*Salustius, Praetextatus, Olybrius, Ampelius*) and vicars (*Aginatius, Maximinus* and *Aquilinus*) and also towards themselves, with the usual formulas expressing courtesy.²⁴ Salutations are also a constant, sometimes accompanied by interpellations in the same decorous tone.²⁵ At times the farewells contain the obligatory compliments, full of good wishes: *Diuinitas te seruet per multos annos, parens karissime atque amantissime* (ep. 3); *Uale Ampelli karissime atque amantissime* (ep. 11). Some letters include the date of their issuance, as is customary with laws. We can see this in number 4: *Data VI. Kal. Mar. Mediolani*; and in number 7: *Data pridie Idus Ianuar. Triu. AA. Cons.* In short, they are characterised by specific canons and written in accordance with traditional rhetorical models, regardless of the author.

6. Conclusions

After analysing the 13 letters, the existence of three types of documents can be observed:

²⁴ Ep. 3: *Tua sublimitas, nostra clementia, nostra serenitas*; epp. 5, 6 and 7: *praecelsa sublimitas tua*; ep. 8: *egregia sublimitas tua*; ep. 9: *prudencia tua*; epp. 9, 12 and 13: *serenitas nostra*; *sinceritas tua*; ep. 10: *sublimitas tua, illustris auctoritas tua*; epp. 10, 11, 12 and 13: *mansuetudo nostra*.

²⁵ Ep. 4: *Haue Piniane carissime nobis, Piniane karissime ac iocundissime*; ep. 5: *Haue Paetextate carissime nobis, Paetextate karissime ac iocundissime*; ep. 6 and 7: *Pratextate parens karissime atque amantissime*; ep. 8: *Aginatius clarissimus uir, Olybrii parens karissime atque amantissime*; ep. 9: *Aginati karissime ac iocundissime, Olybrius clarissimus atque illustris uir*; ep. 11: *Ampeli parens karissime atque amantissime*.

1. The *Gesta*. They constitute one-sided synthesis of events, taking on the features of a propagandistic pamphlet, in defence of Ursinus and against his adversary, Damasus. We do not know the name of the author, who described events in a simple style, without literary pretensions, and for the sole purpose of their disclosure.

2. The *Supplicatio*. Addressed to the Court, it requests protection for the Lucifarians. It is the longest document, written by Faustinus, a cultured priest expert in the wielding of rhetorical resources. Even the smallest detail was seen to in order to impress the emperors, spark their indignation, and achieve the objective pursued.

3. The imperial *rescripta*. The first of them calls for the protection of the devotees of Lucifer of Cagliari, who have suffered unjust persecution. It is proof that Faustinus's plea was heard. The other letters decree measures aimed at preserving the peace and averting public disorder. All of them conform to the conventional norms of the legal-epistolary genre.

Therefore, irrespective of their location within the *corpus* of the *Avellana*, I conclude that the person responsible for the *CA* gathered the texts alluding to the schism between Liberius and Felix and between Damasus and Ursinus as part of a section dedicated to papal schisms. He first placed the preface, shorter and more generic; followed by a detailed description of specific incidents; and, finally, all the legislation emanating from that conflict, without a diachronic succession.

Returning to the question raised in the title of this chapter, why the compiler chose these 13 letters, and decided to begin the *CA* with them, it seems clear that his interest was a specific objective, independent from the rest. Taking into account that, together with the texts related to the schism between Boniface and Hilarius, they constitute one of the collection's five

sections, perhaps the explanation is related to the hypothesis proposed by Rita Lizzi with respect to those 40 first documents.²⁶ In 533 King Athalaric had commissioned the Praetorian prefect Cassiodorus to draft an edict containing provisions against ecclesiastical *suffragium*, and had also asked him to dictate rules to prevent episcopal elections from giving rise to new schisms.²⁷ Beginning in the fourth century, the economic and social power of the bishop had become as great as that of the highest-ranking officials. Thus, the selection process for an episcopal seat involved a genuine labyrinth marked by the purchasing of influence, conflicts of interest, and the rendering of favours, all of which took precedence over religious and moral considerations. Especially serious were the struggles related to the elections of the bishops of Rome when support was not unanimous, such that the emperor often had to intervene to resolve the conflict. In the East this became the norm for the election of the Bishop of Constantinople, from the moment the permanent court was established there under Theodosius I. In contrast, in the West imperial intervention in papal elections only occurred in the event of internal conflicts and divisions such as, in time of Valentinian I, the schism between Damasus and Ursinus (in 366); and, later, with Honorius, when he was forced to mediate between Eulalius and Boniface (in 418).²⁸ During Cassiodorus's time, problems often arose related to papal elections, so efforts were made to modify the electoral procedure. To this end, the

²⁶ Lizzi Testa, "La *Collectio Avellana*," 94-99.

²⁷ Cf. Ramón Teja, "Cismas papales en la Roma tardía: violencia urbana e intervención imperial," *Edades. Revista de Historia* 8, (2000): 109-17.

²⁸ Cf. Ramón Teja, "Un concilio imperial en Occidente: l'intervento dell'imperatore Onorio nella scisma romano del 418-19," in *I concili occidentali. XXX Incontro di Studiosi dell'antichità cristiana* (Roma: Istituto patristico Augustinianum, 2002), 485-98; and Juana Torres, "Las elecciones episcopales y el *cursus honorum*," in *El obispo en la Antigüedad tardía*, eds. Silvia Acerbi, Mar Marcos, and Juana Torres (Madrid: Editorial Trotta 2016), 273-288.

prefect decided to select some documents showing how conflicts arising from the election of the bishop of Rome had been resolved in earlier times.

After noting that the *CA* only addresses a few papal schisms, while leaving out others, such as the famous confrontation between Symmachus and Lawrence I, the Italian scholar suggests that the exclusion of these conflicts was due to the fact that they coincided with Theodoric's reign, and that when Cassiodorus set about drafting the edict he sought to reconstruct the traditional procedure that had governed papal elections only under Roman emperors. Certainly, the specificity of the first 40 letters, like an *ad argumentum* section, would make it possible to summarise their content in just a few words: "Regarding the election of the bishop of Rome. A procedure adopted in imperial times in those cases in which division amidst the clergy makes it necessary to turn to the emperor."²⁹ I find this hypothesis plausible, and it is conceivable that Cassiodorus commissioned the compilation of the first section of the *Collectio Avellana*, or some official of the imperial administration, but we cannot say with any certainty.

Therefore, following this analysis, a first explanation of the selection of the 13 letters and their location at the beginning of the *CA* could be their content. But neither can it be ruled out that the dossier was placed there as a stylistic model. While it is true that the 13 documents deal with the same historical contents, and lack a uniform style, it is also possible that the compiler had a stylistic/rhetorical interest in them, to perfect his own legislative style, using them as a model, as they were texts not included in the official *Codices*, but rather constitutions directly from some fourth-century Roman emperors. In addition, the dossier is located at the beginning because it was the first conflict in that century (in 366) involving a papal election in

²⁹ Lizzi Testa, "La *Collectio Avellana*," 97.

which the emperor intervened. The texts on the schism between Hilary and Boniface (in 418) follow, in successive order.

At the same time, it should be remembered that the first 13 letters were probably the oldest in the papal *scrinium*, as this was initiated in the time of Pope Damasus. The compiler of the *CA* placed them at the beginning because that was where they belonged, given that the 243 documents that compose it are arranged in chronological, as well as thematic, order.

Ancient sources

Amm. = Ammianus Marcellinus, *Rerum Gestarum*, with an English translation by C. D. Yonge, London: Bohn, 1862.

Ep. = Günther, *Epistolae*.

Lex Augusta = Günther, *Epistolae*, and Canellis, *Faustin*.

Libell. = Faustinus presbyter. *Epistolae Imperatorum Pontificum Aliorum Inde ab a. CCCLXVII usque DLIII datae Avellana Quae Dicitur Collectio*, ed. O. Günther. *CSEL* vol. 35, I, Prague- Vienna-Leipzig 1895; and *Libellus precum et Lex augusta. Faustin (et Marcellin) Supplique aux Empereurs*, texte établi et traduit par A. Canellis, Paris: Sources Chrétiennes 504, 2006.

CHAPTER FOUR

MAXIMUS' LETTERS IN THE *COLLECTIO* *AVELLANA*: A COMPARATIVE STUDY

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The *Collectio Avellana*, compiled in Rome in the mid-sixth century,¹ preserves two letters from the usurper Magnus Maximus,² one to Valentinian II and the

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¹ For background see Rita Lizzi, “La *Collectio Avellana* e le collezioni canoniche romane e italiche del V–VI secolo: un progetto di ricerca,” *Cristianesimo nella Storia* 35 (2014): 77–102; Kate Blair-Dixon, “Memory and authority in sixth-century Rome: the *Liber Pontificalis* and the *Collectio Avellana*,” in *Religion, Dynasty, and Patronage in Early Christian Rome (300–900)*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 22–59.

² Regarding Maximus see Jean-Remy Palanque, “Sur l’usurpation de Maxime,” *REA* 31 (1929): 33–36; Wilhelm Ensslin, “Maximus,” 33, in *RE* 14 (1930): 2546–555; Jean-Remy Palanque, “L’empereur Maxime,” in *Les empereurs romains d’Espagne. Actes du Colloque International Madrid-Italia, 31 mars–6 avril 1964* (Paris: Editions du centre national de la recherche scientifique, 1965), 255–63; Hans Roland Baldus, “Theodosius der Grosse und die Revolte des Magnus Maximus—der Zeugnis der Münzen,” *Chiron* 14 (1984): 175–92; Christian R. Raschle, “Ambrosius in psalm. 61, 16–27: eine Predigt gegen den Usurpator Magnus Maximus,” *Göttinger Forum für Altertumswissenschaft* 5 (2002): 225–43; id., “Ambrosius’ Predigt gegen Magnus Maximus: eine historische Interpretation der explanatio in psalmum 61 (62),” *Historia* 54 (2005): 225–43; Sophie Lunn-Rockliffe, “Commemorating the Usurper Magnus Maximus: Ekphrasis, Poetry, and History in Pacatus’ Panegyric of Theodosius,” *Journal of Late Antiquity* 3 (2010): 316–36; Christopher Kelly, “Pliny and Pacatus, Past

other to bishop Siricius of Rome.³ The information they contribute on the basilicas conflict in Milan in 385–386 (*CA* 39) and the trials against Priscillianists at Trier in 384/385 (*CA* 40), has shaped their analysis, making recent research focus on the study of these subjects.⁴ The reason why two letters from a *tyrannus* would be incorporated into the *CA*⁵ remains an insufficiently addressed matter.⁶ Both letters deal with the interference of imperial power in ecclesiastical matters from the viewpoint of the writer; additionally, the combat against heresy as one of the imperial functions, plays a central part. The *superscriptio* of *CA* 39, on the Arian issue, *Epistola Maximi tyranni ad Valentinianum Aug. iuniorem contra Arrianos et Manichaeos*, which anticipates the content of *CA* 40 alluding to the condemnation of Manichees, indicates that either both letters may have circulated as a dossier prior to their inclusion in the compilation or that the editor of the *Collectio* noticed the texts

and Present in Imperial Panegyric,” in *Contested Monarchy: Integrating the Roman Empire in the Fourth Century AD*, ed. Johannes Wienand (Oxford: Oxford University Press, 2014), 215–38; Joachim Szidat, “Gaul and the Roman Emperors of the Fourth Century,” *ibid.* 119–34, especially 130–31.

³ Documents 39 and 40 in the edition by Otto Günther, *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII ad a. DLIII datae Avellanae quae dicitur collectio*, I. Prolegomena. Epistulae I–CIV, II. Epistulae CV–CCXXXIII. Appendices. Indices (Prague, Wien, Leipzig: Tempsky and Freytag, 1895–1898), I, 88–90.

⁴ See Timothy D. Barnes, “Ambrose and the Basilicas of Milan in 385 and 386: The Primary Documents and their Implications,” *Zeitschrift für antikes Christentum* 4 (2000): 282–99; Anthony R. Birley, “Magnus Maximus and the persecution of heresy,” *Bulletin of the John Rylands University Library of Manchester* 66 (1983): 13–43.

⁵ After Maximus' fall in 388 the *rescissio* of his *acta* had been implemented. *CTh* 15.14.6. (388), 7 (388), and 8 (389), repealed the *honores* and *dignitates* granted by the usurper and rescinded his *leges et indicia*. Yet Ambrose in *De Obitu Theodosii* (5) and Pacatus in his panegyric (*Pan. Lat.* 2 [12].45.5–6) refer to the amnesty given by Theodosius in 388 exempting many from repaying the salaries received under the usurper. The compilers of the *Codex Theodosianus* preserved some of Maximus' laws removing his name from the *inscriptio*: *CTh* 9.36.1 (385); 6.28.4 (387).

⁶ Save for two recent contributions: Mark Humphries, “Magnus Maximus and the Roman Church, *Collectio Avellana* 39,” in *Emperors, Bishops, Senators: The Evidence of the Collectio Avellana*, eds. Alexander Evers and Bernard Stolte (Leuven: Peeters, forthcoming); Neil B. McLynn, “Tyrants, Arians, and Manichees: Magnus Maximus in the *Collectio Avellana*,” *ibid.* I thank Professor McLynn for letting me read his text before publication.

were related to each other. In both cases, not necessarily exclusive, a comparative analysis of the letters seems appropriate in order to understand the context of where they were dispatched from in the fourth century and the reasons for their preservation in the sixth century.

Bearing in mind the time gap between the writing of Maximus' letters and their inclusion in the *CA*, it is the purpose of this paper to analyse the common points in these texts and to discern what their aim and function may have been at the aforementioned points in time.

1. *CA 39: [...]* *neque te medius interseras*

The overthrow of Maximus in 388 enabled Theodosius to achieve militarily what the usurper had intended to attain via diplomacy after defeating Gratian. In 389 Valentinian II, aged seventeen, set off for Trier, a destination he had tried to avoid since 383. After the defeat of the usurper on 28 August 388 in Aquileia, the Homoean Valentinian II, who had become a fervent Nicene,⁷ left Milan in late February 389 for Trier on the orders of Theodosius.⁸ Sources suggest Justina died soon after or around the time of Valentinian's journey to Gaul,⁹ where he remained under the authority of *comes* Arbogast¹⁰ until Valentinian died in mysterious circumstances at Vienne on 15 May 392.¹¹ Theodosius, in turn, after celebrating his triumph in Rome on 13 July 389, accompanied by his younger son, five-year-old Honorius,

⁷ Thdt., *Hist. eccl.* 5.15.3.

⁸ Zos. 4.47.1–2. See *CTb* 4.22.3 (389), issued at Trier.

⁹ Soz., *Hist. eccl.* 7.14.7; Rufin., *Hist. eccl.* 2.17; *Chron. Gall.* s.a. 388. Zos. 4.47.2.

¹⁰ For Arbogastes see *PLRE* 1, 95–97.

¹¹ It is uncertain whether Valentinian II committed suicide or was murdered by general Arbogast. Variant versions are given by Soc., *Hist. eccl.* 5.25; Soz., *Hist. eccl.* 7.22.2; Rufin., *Hist. eccl.* 11.31; Aug., *Civ. Dei.* 5.26.1; Ps.-Aur. Vict. 48; Oros., *Hist.* 7.35.2; Zos. 4.54.1–4. See Meaghan A. McEvoy, *Child Emperor Rule in the Late Roman West, AD 367–455* (Oxford: Oxford University Press, 2013), 95–102.

settled his court in Milan, Valentinian II's own capital, where the emperor would reside until his return to the east in 391.¹²

Indeed, the first peace offer sent by Maximus to the court of Milan in the autumn of 383 incorporated a proposal to have young Valentinian II and his mother Justina sent to Trier. This involved placing the heir and Gratian's territories under the usurper's command. Maximus was determined to use diplomacy to procure for himself a place in the government of Milan and thereby gain the support of the Roman senate as well as obtaining the fiscal resources attached to the rule of Italy and Rome.¹³

Maximus had his petition dispatched to Milan via his legate, *comes* Victor,¹⁴ and through Valentinian's ambassador in Trier, bishop Ambrose.¹⁵ Both Victor and the new ambassadors sent from Milan to the Gauls reported to Maximus Milan's refusal to satisfy his aspirations.¹⁶ Valentinian II and his

¹² See Pacatus, *Pan. Lat.* 2 [12].45.3; 12.11.5.

¹³ Maximus therefore failed to receive any form of political endorsement from the Roman senate, whose prestige and *auctoritas* would have procured him legitimacy and recognition from others. Roland Delmaire, "Les usurpateurs du Bas-Empire et le recrutement des fonctionnaires. Essai de réflexion sur les assises du pouvoir et leurs limites," in *Usurpationen in der Spätantike. Akten des Kolloquiums "Staatsstreich und Staatlichkeit"* (6.–10. März 1966, Solothurn–Bern), eds. François Paschoud and Joachim Szidat, (Stuttgart: Franz Steiner Verlag, 1997), 111–26, highlights the small number of high officials, mostly military officials, whose names are known, both from the Gallic phase of the usurpation and from the Roman phase. Cf. Federico Fatti, "Trame mediterranee: Teofilo, Roma, Costantinopoli," *Adamantius* 12 (2006): 105–39.

¹⁴ Ambr., *Ep.* 30 (Maur. 24).6: *Nonne intra Gallias iuxta urbem Mogontiacum comes Victor occurrit mihi, quem direxisti, ut pacem roget?*

¹⁵ Ambr., *Ep.* 30 (Maur. 24).7. *Qui ubi primum ueni, cum diceres, Valentinianus ad te quasi filius ad patrem uenire deberet, responderim non esse aequum, ut aspero hiemis puer cum matre uidua penetraret Alpes; sine matre autem tanto itinere dubiis rebus committeretur?* Ambrose's first embassy took place in late autumn 383. See Neil B. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital* (Berkeley, Los Angeles: University of California Press, 1994), 161–63. See Gérard Nauroy, "Ambroise de Milan ambassadeur à la cour de Trèves d'après la lettre 30 (24 M) à Valentinien II," *Connaissance des Pères de l'Église* 129 (2013): 2–18, especially 18.

¹⁶ Ambrose passed the new legates in Valence on his return trip. Ambr., *Ep.* 30 (Maur. 24).7: *Illum (Victor) autem liquet me retento peruenisse Mediolanum negatumque ei quod*

court insisted on staying put in Italy. Direct diplomatic talks were complemented with the dispatch of imperial *epistulae*. When Ambrose was received for the second time at Trier after the debate on the *ara Victoriae* and prior to Easter 385,¹⁷ he brought an imperial rescript from Valentinian which means the objective still remained¹⁸ and was readdressed in less friendly terms.¹⁹ The support of Theodosius for Valentinian II was pivotal in these circumstances.²⁰ As soon as news of Maximus' revolt arrived in Constantinople, Theodosius prepared to intervene; but when envoys from Maximus arrived offering negotiations, all military preparations were promptly stopped. In 384 an agreement seems to have been reached between Theodosius and Maximus' envoys and Valentinian II apparently also gave his

postulabat: de pace tantum conspirare studia, non de aduentu imperatoris [...] Legati iterum missi ad Gallias, qui eius aduentum negarent, apud Valentiam Gallorum me reppererunt.

¹⁷ His stay at Trier began after the end of the first part of the *iudicia* against Priscillian and his followers, when Itacius was the accuser: (Ambr., *Ep.* 68 [Maur. 26].3: *Sed uehementior facta est, posteaquam episcopi reos criminum grauissimorum in publicis iudiciis accusare, alii et urgere usque ad gladium supremamque mortem, alii accusationes huiusmodi et cruentos sacerdotum triumphos prouare coeperunt*) and his departure before the spring of 385 and the beginning of the basilica crisis in Milan. Estimated dates for this embassy have ranged from 384 to 387. See list of proposed dates in Yves-Marie Duval, "Les ambassades de Saint Ambroise auprès de l'usurpateur Maxime en 383 et 384," in *Humana sapit: études d'Antiquité tardive offertes à Lellia Cracco Ruggini*, eds. Jean-Michel Carrié and Rita Lizzi (Turnhout: Brepols, 2002), 239–51, especially 240–41, n. 13. It is unlikely that Ambrose's second embassy and the writing of his *Ep.* 30 took place after the basilica crisis and Maximus' letter to Valentinian in 386. In *Ep.* 76 (Maur. 20) to Marcellina written after Easter 386, Ambrose refers to the events described in *Ep.* 30. Ambr., *Ep.* 76 (Maur. 20). 23: [...] *caueret tamen, ne ipse sibi tyrannum faceret, cui Deus aduersarium non excitauit. non hoc Maximum dicere, quod tyrannus ego sim Valentiniani, qui se meae legationis obiectu queritur ad Italiam non potuisse transire; Cf. Ambr., Ep. 30 (Maur. 24).4: [...] quoniam me lusistis! [...] quod si ego (Maximus) tunc temporis, quando uenisti, non essem retentus, quis mihi obstitisset et uirtuti meae?*

¹⁸ Ambr., *De ob. Val.* 28: [...] *ego tuus iterum legatus repetui Gallias et mihi dulce officium fuit pro salute tua primo, deinde pro pace et pietate qua fraternas reliquias postulabas, nondum pro te securus et iam pro fraternae sepulturae honore sollicitus.*

¹⁹ Ambr., *Ep.* 30 (Maur. 24).2: *Cum peruenissem Treniros, postridie processi ad palatium. Egressus est ad me uir Gallicanus, praepositus cubiculi, eunuchus regius. Poposci adeundi copiam. Quaesivit num rescriptum haberem clementiae tuae. Respondi haberi.*

²⁰ Ambr., *Ep.* 30 (Maur. 24).11. Cf. Ambr., *Ep.* 72 (Maur. 17).12. Them., *Or.* 18.220c–221a.

agreement to it. Maximus could be recognized as an imperial partner if he allowed Valentinian II to keep his territories in Italy, Africa, and Illyricum, and did not insist on having the young Augustus sent to Trier.²¹ Such recognition, however, was tinged with mutual distrust and provisionality, as Rufinus and Zosimus report.²² In turn, Ambrose had completed the *expositio* on his second *legatio* in Gaul, advising Valentinian II to remain on guard against a man who disguised war under the appearance of peace.²³

While the letter Maximus sent to Valentinian II (CA 39) in 386 falls within diplomatic contacts between both courts, it was composed under different circumstances. Religious conflicts did not figure at the top of Maximus' political agenda, despite the attention given to the matter by Christian sources.²⁴ The Priscillianist dispute and the basilicas crisis, however, procured him fresh spheres of activity and the chance to undermine Valentinian II's position in Milan. His commitment to Nicene orthodoxy in the Priscillianist conflict contrasted with the defeat of Valentinian II's Arianism by Ambrose, a failure amplified by the timely finding of the remains

²¹ *Chron. Gall.* a. 384: *Maximus, timens Orientalis imperii principem Theodosium cum Valentiniano foedus iniitit.* Zos. 4.37.2–3 describes the embassy from Maximus to Theodosius and its effect. The praetorian prefect of the East, Cynegius, on a visit to Egypt, publicly showed official portraits of Maximus in Alexandria. See Robert M. Errington, *Roman Imperial Policy from Julian to Theodosius* (Chapel Hill: University of North Carolina Press, 2006), 32, whom we follow faithfully in this part.

²² Rufin., *Hist. eccl.* 2.15 points out Valentinian's reservations and mistrust in accepting peace from Maximus (*pax simulatione oblata*). Zosimus 4.37.3 states that Theodosius accepted Maximus as the emperor, though he secretly plotted war against him. See Domenico Vera, "I rapporti fra Magno Massimo, Teodosio e Valentiniano II nel 383–384," *Athenaeum* 53 (1975): 267–301; John Matthews, *Western Aristocracies and Imperial Court A.D. 364–425* (Oxford: Clarendon Press, 1975; reprinted 1990), 174–78; McLynn, *Ambrose*, 154; McEvoy, *Child Emperor Rule*, 86–88.

²³ Ambr., *Ep.* 30 (Maur. 24).13: *Haec est expositio legationis meae. Vale, imperator, et esto tutor aduersus hominem pacis inuolucro bellum tegentem.*

²⁴ See Jill Harries, "Church and State in the Notitia Galliarum," *Journal of Roman Studies* 68 (1978): 38.

of martyrs Gervasius and Protasius on 17 June 386.²⁵ On the other hand, the political situation was favourable to the aspirations of the Augustus at Trier. Evodius, the praetorian prefect of Maximus, whom he appointed consul in 386, was accepted in the East as the legitimate consular colleague of Theodosius' infant son Honorius.²⁶ The prefect had acted as a judge and found Priscillianists guilty in the trials at Trier.²⁷ If we bear in mind the role played by Theodosius in combatting heresy, both facts—Maximus' behaviour in defence of orthodoxy and his recognition by the court of Constantinople—could well be related.²⁸

While the letter constituted an act of direct communication with Valentinian II, it did not involve negotiation. It cannot be established with certainty whether the letter was part of the preparation for the invasion of Italy which took place in 387, yet its content delegitimized Valentinian II's religious stature, presenting him as a persecutor of Nicene Christians—though such discrediting was conducted in observance of the conventions applying to written diplomacy between two Augusti. The amiable *commonitio*, *exhortatio* and *suasio* that the letter feigns, outwardly contradict Maximus' recurrent reminder that it is not written by an *inimicus* and his demand for

²⁵ The removal and *depositio* of the relics in the basilica Ambrosiana took place on 20 June. Ambr., *Ep.* 77 (Maur. 22).7; 14; Paul. Med., *Vit. Ambr.* 15–16.

²⁶ *CTb* 2.33.2 (386); 3.4.1 (386); 8.5.48 (386); 9.44.1 (386); 12.6.21 (386). See Roger S. Bagnall, Alan Cameron, Seth R. Schwartz, and Klaas A. Worp, *Consuls of the Later Roman Empire* (Atlanta: Scholars Press, 1987), 307; Baldus, "Theodosius," 175–92.

²⁷ Sulp. Sev., *Chron.* 2.50.3: *is (Evodius) Priscillianum gemino iudicio auditum convictumque malefici [...] nocentem pronuntiavit redegitque in custodiam, donec ad principem referret. gesta ad palatium delata censuitque imperator, Priscillianum sociosque eius capite damnari oportere.* Cf. Sulp. Sev., *Vit. Mart.* 20.4: *uir quo nihil umquam iustus fuit.*

²⁸ Cf. Barnes, "Ambrose," 298, who links the recognition to Valentinian II's support of the Arians in Milan: "It is hard not to connect Theodosius' recognition of Maximus with Valentinian's political support of the 'Arians' in Milan and his conflict with Ambrose."

credibility.²⁹ As a matter of fact, the letter was unquestionably composed by an *inimicus*: Maximus had murdered Gratian and had sent troops to the Alps in 383.³⁰ Now, after Ambrose's victory over the Homoean court Maximus was determined to deprive him of support in Milan and to weaken his imperial image by accusing him of impiety.

The preamble to the letter drew up a sharp dichotomy between Maximus and Valentinian and their respective territories. Maximus directly tackles the religious issue, which he claims to be aware of through hearsay (*dicuntur*). He claims that the *catholicae legis turbatio atque conuulsio* in the *pars* of the empire under Valentinian's control had prompted him to write, which means that in his own *pars Imperii* the *lex catholica* remained unchallenged. In contrast to the young ruler (*iuventutem tuam*),³¹ the usurper took on the role of adviser placing himself in a position of superiority.³² On the other hand, the Augustus of Trier, despite emitting an ambiguous *professio* of *fides* and *concordia* to refute his stand as an *inimicus*, openly declared that he had his own *rationes* (*rationibus meis*) which benefited from the situation.

The bulk of the letter strives to convey Maximus' judgement on the events that had occurred in Milan in 386, where the source of Valentinian II's law *CTb* 16.1.4 may be placed. The *constitutio*, addressed to the PPO

²⁹ CA 39.1: *idcirco perennitatem tuam credidimus commonendam*; 7: *Videris, in quam partem hanc sedulitatem nostram interpreteris; nullo certe maiore genere curam meam circa clementiam tuam probare te posse, quam si te hortor, ut desinas: puto enim recognoscas, quod nemo hoc suaderet inimicus. Haec amabiliter a nobis dicta esse opto ut intellegas, spero quod credas.*

³⁰ Zos. 4.35.6. An immediate invasion had been forestalled by prompt action and the securing of the Alps by Valentinian's generals. Ambr., *Ep.* 30 (Maur. 24).7.

³¹ On the use of Valentinian's young age by Ambrose to exalt or excuse him, McEvoy, *Child Emperor*, 128. Cf. Ambr., *Ep.* 30 (Maur. 24).7; *Ep.* 72 (Maur. 24).8; *De ob. Val.* 46.

³² CA 39.1: *Sed quoniam serenitati nostrae et in deum religio maior quam <ut eum> uiolari et ab inimicissimo quoque optabile nobis arbitremur, et circa serenissimam iuventutem tuam tam arcta nostri cura, tam sedula est, ut recte facta magis nos sua quam errata delectent: idcirco perennitatem tuam credidimus commonendam, ut introspecta ratione numinis summi et maiestatis ipsius considerata potentia, quid agere debeas, sollicita mente perpendas.*

Eusignius, had contemplated the right to assemble (*copia colligendi*) for all those who professed the faith set forth in Rimini in 359 and in Constantinople in 360 at the time of Constantius. Those claiming that the *copia colligendi* was exclusively reserved for themselves—a way of referring to the Nicene community—should they attempt to cause riots against the imperial *praeceptum*, were threatened with capital punishment as they would be found guilty of sedition, disturbance of the peace within the church and even of *maiestas*.³³

The letter summarily alludes to the law (*nonis clementiae tuae edictis ecclesiis*) though it specifies the effect of its implementation, namely violence that had taken place against catholic churches (*catholicis nim illatam fuisse*). The text itemizes the acts of force in order to criminalize young Valentinian, portraying him as an enraged, impious and greedy emperor, almost a tyrant: the siege of priests in basilicas, the imposition of fines and the death penalty added.³⁴ The *lex sanctissima* had been subverted for the sake of an unknown law. Even if the writer of the letter was Maximus himself, as Honoré suggested,³⁵ the listing of the crimes seems rather technical. These crimes had been dramatically described by Ambrose in his letter to Valentinian after the law of January 386 (*Ep.* 75 [Maur. 21]) and in the *Sermo contra Auxentium*, delivered while enduring the first siege inflicted by the imperial troops upon the *basilica uetus*,³⁶ before Easter 386 (*Ep.* 75a [Maur. 21a]), and in the letter to

³³ Cf. *CTb* 16.4.1 (386). See Jean Gaudemet, “Un problème de la codification théodosienne: *Les constitutions gémées*,” *Revue internationale des droits de l'Antiquité* 4 (1957): 253–68.

³⁴ *CA* 39.3: *audio enim [...] nobis clementiae tuae edictis ecclesiis catholicis nim illatam fuisse, obsideri in basilicas sacerdotes, multam esse propositam, poenam capitis adiectam et legem sanctissimam sub nomine nescio cuius legis everti.*

³⁵ Tony Honoré, *Law in the Crisis of Empire, 379–455 AD: The Theodosian Dynasty and Its Quaestors* (Oxford: Clarendon Press, 1998), 188. “They [*CA* 39 and 40] must be his own work.”

³⁶ Ambr., *Ep.* 75a (Maur. 21a).4: *Circumfusi milites, armorum crepitus, quibus vallata est ecclesia [...];* 7: *frustra perugiles tot noctibus et diebus custodias exhibetis;* 10: *saepserunt nempe*

his sister Marcellina written after the second siege of the *basilica vetus* on 1 and 2 April, during Easter 386 (*Ep.* 76 [Maur. 20]).³⁷ The writer, however, overlooks the particulars and distances himself from his main source of information claiming to be aware of the facts through rumour (*dicuntur, audio enim*). The letter does not mention Ambrose, who had been the besieged *sacerdos* under a death threat from the *praepositus sacri cubiculi*, Calligonus.³⁸ Nor does it identify those on whom the fine was imposed, the *corpus mercatorum* whose members, according to Ambrose would readily defend their faith with their properties and lives. The bishop had deemed their *condemnatio* most severe in terms of the amount and the period of time granted to make the payment—two-hundred pounds of gold, an extremely high penalty, to be paid within three days—,³⁹ plus the demand coincided with the days of the

armati basilicam. According to Paulinus the soldiers had been ordered to arrest the bishop to have him banished: Paul. Med., *Vit. Ambr.* 13. Cf. Rufin., *Hist. eccl.* 2.15; Soz., *Hist. eccl.* 7.13.3–4; Soc., *Hist. eccl.* 5.11.5–6; Thdt., *Hist. eccl.* 5.13.4–6.

³⁷ Ambr., *Ep.* 76 (Maur. 20).13. Ambrose was hounded after successive efforts from the palace to lobby and negotiate with him through *consistoriani*, the praetorian prefect, *decani*, *comites*, and *tribuni*, attempts which had included the occupation of the Portiana and the *noua*, in an urban backdrop of *sedition* and *persecution* (*Ep.* 76.13). See Harry O. Maier, "Private Spaces as the Social Context of Arianism in Ambrose's Milan," *Journal of Theological Studies* 45 (1994), 72–93; Gérard Nauroy, "La crise milanaise de 386 et les lettres d'Ambroise. Difficultés d'interprétation et limites d'un témoignage épistolaire," in *Correspondances. Documents pour l'histoire de l'Antiquité tardive*, eds. Roland Delmaire, Janine Desmulliez, and Pierre-Louis Gatier (Lyon: Maison de l'Orient et de la Méditerranée, 2009), 227–58; Michael Stuart Williams, *The Politics of Heresy in Ambrose of Milan: Community and Consensus in Late Antique Christianity* (Cambridge: Cambridge University Press, 2017), 165–286, with bibliography on the basilica crisis.

³⁸ Ambr., *Ep.* 76 (Maur. 20).28: *Denique etiam speciali expressione Calligonus praepositus cubiculi mandare mihi ausus est: Me uiuo tu contemnis Valentinianus? Caput tibi tollo*. Cf. Ambr., *Ep.* 75a (Maur. 21a).16. References to the death penalty included in law *CTb* 16.1.4, and in Ambr., *Ep.* 75 (Maur. 21).11. Ambrose attributes the inspiration for the law to Auxentius: *Ep.* 75a (Maur. 21a).16. Other allusions to the death penalty resulting from the enforcement of the law of January 386 in Ambr., *Ep.* 75.11; *Ep.* 75a (Maur. 21a).16 and 24; *Ep.* 76 (Maur. 20).21.

³⁹ The highest fines contemplated at the time by laws included in the *Codex Theodosianus* ranged between 20 and 30 pounds of gold. See Lellia Cracco, "Ambrogio e le opposizioni anticattoliche fra il 383 e il 390," *Augustinianum* 14 (1974): 409–49.

Easter amnesty.⁴⁰ Prisons, Ambrose claims, were full of traders. The bishop drew major significance from this imperial action. As a matter of fact, the acquittal of the *negotiatores* appears in the account of Ambrose's victory against Valentinian alongside the order to lift the siege of the basilicas.⁴¹

It was in Maximus' utmost interest to leave a record of his opinion on the seriousness of such events: *hoc quam graue sit, poteris intueri, si dei magnitudinem volueris cogitare*.⁴² The ambiguous relationship between Ambrose and Maximus precludes any conclusive claim that the bishop may have sought the usurper's support,⁴³ though Maximus in his letter does use some arguments put forward in Ambrose's writings which the usurper adapted to his own ends. The possibility that he may have relied on other informants should not be ruled out.

On the one hand, Maximus takes it upon himself to intimidate young Valentinian on the grounds of his isolation. The emperor was isolated and lacked religious allies in the West, a disputed territory between Milan and Trier. The situation in the East and with Theodosius, who is not mentioned in the epistle, was left aside. Nicene unanimity prevailed both in Italy and Africa, territories under the control of Valentinian, and in the *pars* under

⁴⁰ *CTh* 9.38.3 (367 [369]); 4 (370).

⁴¹ Ambr., *Ep.* 76 (Maur. 20).26: *Nec mora, nuntiatur imperatorem iussisse, ut recederem milites de basilica, negotiatoribus quoque quod exacti de condemnationem fuerant redderetur.*

⁴² *CA* 39.3.

⁴³ See Jean-Remy Palanque, *Saint Ambroise et l'Empire romain. Contribution à l'histoire des rapports de l'Église et de l'État à la fin du quatrième siècle* (Paris: É. De Boccard, 1933), 169. According to Norbert Dörner, "Ambrosius in Trier. Zu den Hintergründen der zweiten Gesandtschaft bei Maximus (Ambrosius, epist. 30 [24])," *Historia* 50 (2001): 237–43, Ambrose's *Ep.* 30 must be read as the report of a double agent in Milan and Trier. In this double game, Ambrosius maintained a passive attitude during Maximus' brief dominion over Italy prior to his fall before Theodosius in 388. See Michael Proulx, "Patres orphanorum: Ambrosius of Milan and the Construction of the Role of the Bishop," in *The Rhetoric of Power in Late Antiquity: Religion and Politics in Byzantium, Europe and the Early Islamic World*, eds. Robert M. Frakes, Elisabeth DePalma Digeser, and Justin Stephens (London, New York: Tauris Academic Studies, 2010), 75–97; Williams, *Politics*, 215–20, 270–72.

Maximus which, as he deliberately reiterates, included Gaul, Aquitania and *omnis Hispania*. The *venerabilis* Rome, despite falling within the *pars* of Valentinian, did not follow the pro-Arian emperor either. Any objections are anticipated by the writer. The only dissenting territory, Illyricum, had endured harsh divine punishment. Maximus cites as an example the recent defeat suffered in Mursa, which had been the imperial seat of the Homoean Valens, a reference which may be read as a premonitory warning of further events.⁴⁴ While Valentinian's isolation was not exactly true,⁴⁵ Maximus accuses him of imperilling the Empire through his impiety: *Periculose, mihi credas, diuina temptantur*.⁴⁶

Ambrose, in his letter to Valentinian refusing to abide by the imperial *mandatum* to attend the court to debate *de fide* with Auxentius (*Ep.* 75), had resorted to the very same argument of the emperor's theological isolation: both the Gauls and the Spains followed the *fides Nicaena*, which had been approved by Theodosius himself; the Nicene usurper was thus closer to Theodosius than the Arian legitimate prince.⁴⁷

On the other hand, Maximus challenged one of the basic essentials of the regime of Milan: dynastic legitimacy based on kinship. He raised the question as to whether a heretic emperor could be considered legitimate. Valentinian II had broken with continuity by abandoning the religious policy of his

⁴⁴ *CA* 39.4: *Italia, omnis atque Africa hoc sacramentum credunt; hac fide gloriantur Gallia, Aquitanis, omnis Hispania, Roma ipsa venerabilis [...] solum dissentiebat Illyricum. utinam illud incolume Arrianae legis Mursinense oppidum permaneret et non ad iudicium quondam erroris miseri concidisset, ut, quia ipsos erudisset auctores, praecipua irati numinis ultione procumberit*. Pannonia was attacked by the Goths after the battle of Adrianople: Jord., *Get.* 27.140; Zos. 4.34.2; Iohann. Chrys., *Ad uid. Iun.* 4.

⁴⁵ See Rita Lizzi, "La *certatio* fra Ambrogio e Mercurino Ausenzio, ovvero a proposito di una deposizione mancata," *Studia Ambrosiana* 3 (2009): 39-68, especially 48-50, where the author analyses the forces at play supporting the emperor of Milan.

⁴⁶ *CA* 39.4.

⁴⁷ Ambr., *Ep.* 75 (Maur. 21).14: *Quam fidem etiam parens clementiae tuae Theodosius beatissimus imperator et sequitur et probauit; hanc fidem Galliae tenent, hanc Hispaniae et cum pia diuini spiritus confessione custodiunt*. Cf. Ambr., *De fide* 2.139-142.

father, Valentinian I, who is invoked as an *exemplum*, to the point that those who had been considered priests in his time, were now, under Valentinian II, judged as sacrilegious criminals.⁴⁸ Here too Maximus elides the name of Ambrose, the main victim of the religious *mutatio* introduced by Valentinian II. The latter's rupture with his father's religious policy had precisely been one of the foremost arguments advanced by Ambrose in his letter to the young Augustus of Milan. In that very same letter, Ambrose recalled that Valentinian I had approved his own appointment as a bishop.⁴⁹

The actual interests of the sender are, however, disclosed in the final piece of advice included at the end of the letter, preceded by an evocation of devastating effects for the young Valentinian. The discourse incorporates heresiological terms such as *discordia*, *contentio* and the *crebra et pestifera seditio* to forewarn of the danger of a resurgence amongst Christians of the *imago persecutionis*.

Maximus resumes the persuasive and forceful language used at the beginning of the letter and advises Valentinian II not to destroy what was dedicated to the *sanctum numen*, and to return the whole of Italy, venerable Rome, and the other provinces to their churches and priests,⁵⁰ and not to interfere (*neque te medius interseras*), so that those who dissented from the *catholica ecclesia* because of an *interpretatio Arriana* should be allowed to amend their own deviation. Adopting a dialogical structure and a direct style, he sets forth Valentinian's responsibility in the situation and extends the

⁴⁸ CA 39.5: *Venerabilis memoriae diuus Valentinianus, pater clementiae tuae, hac fide fideliter imperauit [...] quae tanta mutatio, ut, qui antea sacerdotes, nunc sacrilegi indidentur?*

⁴⁹ Ambr., Ep. 75 (Maur. 21).7. See McLynn, *Ambrose*, 25–27.

⁵⁰ CA 39.8. *Unde aequum admodum est, ne sancto numini dicata conuellas, Italiam omnem et uenerabilem Romam ceterasque prouincias suis ecclesiis, suis sacerdotibus reddas neque te medius interseras, cum fas sit iustius, qui a catholica ecclesia Arrianorum interpretatione discesserint, errorem suum uera religione mutare quam recte sentientibus suam immittere prauitatem.* Cf. CTh 16.5.6 (381): *[...] ut cunctis orthodoxis episcopis, qui nicaenam fidem tenent, catholicae ecclesiae toto orbe reddantur.*

emperor/bishop *contentio* to Valentinian's entire *pars*, in correspondence with the *pars tuae tranquillitatis* described in the preamble. The core of the advice, however, is the main issue here: the emperor ought not to intervene in disputes about heresy and should leave the resolution of such matters in the hands of priests and the Catholic churches.

Such advice might initially seem surprising coming from the Augustus who in 385 had sentenced Priscillian of Avila and his most committed followers to death. Maximus, however, after receiving the *preces plenas invidiae et criminum* from Ithacius of Ossonoba against Priscillian,⁵¹ had delegated judgment to the Gallic bishops and convened the council of Bordeaux.⁵² The subsequent sequence of events leading to the trials at Trier was the result of Priscillian's *prouocatio ad principem*. All the attending bishops at Bordeaux agreed to have the matter transferred to the emperor. Sulpicius Severus laments this fact, referring to *inconstantia nostrorum* which allowed (*permisit*) the transfer of *tam manifestis criminibus* to the imperial court.⁵³ Maximus adjourned the *cognitio*, as long as Martin of Tours remained in Trier requesting him to refrain from judging the case. Only after Martin had left, *deprauatus* by bishops Magnus and Rufus, did Maximus resolve to overlook more moderate advice—*et a mitioribus consiliis deflexus*—and allow the trial to start (*permisit causam*), though he delegated it to the praetorian prefect Evodius.⁵⁴ In his

⁵¹ Sulp. Sev., *Chron.* 2.47.2.

⁵² Sulp. Sev., *Chron.* 2.49.2.

⁵³ Sulp. Sev., *Chron.* 2.49.3: *ne ab episcopis audiretur, ad principem prouocavit*. Cf. Prosper. Aquit., *Epit. Chron.* n. 1187. a. 385: *Ad imperatorem prouocauit*; Hyd., *Chron.* 13 b: [...] *appellat ad Caesarem, quia in Gallis hisdem diebus potestatem tyrannus obtinebat imperii*.

⁵⁴ Sulp. Sev., *Chron.* 2.50.2. *Martinus apud Treveros [...] non desinebat increpare Ithacium, ut ab accusatione desisteret, Maximum orare, ut sanguine infelicium abstinere: satis superque sufficere, ut episcopali sententia haeretici indicati ecclesiis pellerentur; saeuum esse et inauditum nefas, ut causam ecclesiae index saeculi indicaret. denique quoad usque Martinus Treveris fuit, dilata cognitio est: et mox discessurus egregia auctoritate a Maximi elicit sponsonem, nihil cruentum in reos constituendum. sed postea imperator per Magnum et Rufus deprauatus et a mitioribus consiliis deflexus causam praefecto Euodio permisit, uiro acri et seuro.*

Dialogi Sulpicius Severus insists that the bishops inspired Maximus' decision (*Maximus imperator, alias sane bonus, deprauatus consiliis sacerdotum*), though he also claims that the emperor was prone to pleasing the bishops (*ille, licet episcopis nimio fauore esset obnoxius*).⁵⁵ Consequently, Maximus did not personally preside over the case but the prefect Evodius did. After the *gesta* had been forwarded to him recording Priscillian's confession of *maleficium*, he deemed it necessary (*censuit*) to condemn Priscillian and his followers to death, abiding strictly by the legislation on the crime of sorcery.⁵⁶ Ambrose himself, on the occasion of his second *legatio* to Trier coinciding with the trials, had noticed the alliance that existed between Maximus and the bishops. An alliance in which the usurper had tried to include the ambassador from the court of Milan.⁵⁷

By delegating to the bishops, the usurper had scrupulously observed applicable regulations whereby religious matters were the exclusive competence of the ecclesiastical court. This had been ruled by Constantius II and Gratian in laws compiled in the *Codex Theodosianus*,⁵⁸ and above all by Valentinian I in an unpreserved rescript evoked by Ambrose of Milan in *Ep.*

⁵⁵ Sulp. Sev., *Dial.* 3.11.2; 12.2. In Sulp. Sev., *Vit. Mart.* 20.1, he presents the bishops in *foedus* with the emperor and accuses them of turning sacerdotal dignity into royal clientelism [...] *et foeda circa principem omnium adulatione notaretur seque degenerare inconstantia regiae clientelae sacerdotalis dignitas subdidisset, in solo Martino apostolica auctoritas permanebat*. Cf. Pacatus, *Pan. Lat.* 2 [12].29.4.

⁵⁶ Sulp. Sev., *Chron.* 2.50.3: *is Priscillianum gemino iudicio auditum convictumque malefici nec diffidentem obscenis se studuisse doctrinis, nocturnos etiam turpium feminarum egisse conventus nudumque orare solitum, nocentem pronuntiavit redegitque in custodiam, donec ad principem referret. gesta ad palatium delata censuitque imperator, Priscillianum sociosque eius capite damnari oportere*. See Klaus Girardet, "Trier 385. Der Prozess gegen die Priscillianer," *Chiron* 4 (1974): 577–608; María Victoria Escribano, "Heresy and Orthodoxy in Fourth Century Hispania," in *Hispania in Late Antiquity. Current Perspectives*, eds. Kim Bowes and Michael Kulikowski (Leiden, Boston: Brill, 2005), 121–49.

⁵⁷ Ambr., *Ep.* 30.12; cf. Paul. Med. *Vit. Ambr.* 19.2.

⁵⁸ *CTb* 16.2.12 (355); *CTb* 16.2.23 (376).

75 to Valentinian in the year 386.⁵⁹ In fact, this rescript and Valentinian I's consequent non-intervention in ecclesiastical matters is one of Ambrose's main contentions in rejecting the mediation of Valentinian II in a *certatio* presented in court between the Arian Auxentius and Ambrose himself on the correctness of their faith.⁶⁰ In the same text Ambrose referred to the precedent of Constantine I in order to maintain that the council was the perfect arena for discussing matters regarding *fides* and he used Constantius to exemplify the consequences resulting from bishops arbitrating in matters *de fide intra palatium*.⁶¹

Maximus accepted Ambrose's opinions and accommodated them to fit his own purposes without risk and to his own advantage. The bishop eventually emerged as victor in the dispute over the control of the basilicas and might prove to be a mighty ally in the near future. Ambrose did actually remain conspicuously quiet during the year Maximus set up his official residence in Milan, after invading Italy. It is unlikely that he did not write at all that year but if he did, he removed his writings from his editorial legacy.⁶²

Following this analysis, Maximus' CA 39 ought to be dated to some time after April 386. Almost simultaneously Maximus wrote to Siricius and resumed, in a different context, the principle of non-intervention in ecclesiastical matters. It is not at all improbable that the letter to Siricius may

⁵⁹ Ambr., *Ep.* 75 (Maur. 21).2: *Augustae memoriae pater tuus non solum sermone respondit sed etiam legibus sanxit: 'In causa fidei vel ecclesiastici alicuius ordinis eum indicare debere qui nec munere impar sit nec iure dissimilis.'* Haec enim uerba rescripti sunt hoc est sacerdotes sacerdotibus uoluit indicare; quin etiam si alio quoque argueretur episcopus et morum esset examinanda causa, etiam hanc uoluit ad episcopale iudicium pertinere. See Manlio Sargenti and Rosa Bianca Bruno Siola, *Normativa imperiale e diritto romano negli scritti di S. Ambrogio*. Epistulae, De officiis, Orationes funebres (Milan: Giuffrè, 1991), 2–12, 41, and 54.

⁶⁰ Ambr., *Ep.* 75 (Maur. 21).2; 3; 5: *Pater tuus deo fauente uir maturioris aevi dicebat: 'Non est meum indicare inter episcopos; tua nunc dicit clementia: Ego debeo indicare.'*

⁶¹ Ambr., *Ep.* 75 (Maur. 21).15.

⁶² Errington, *Roman Imperial Policy*, 210.

have been accompanied by the letter sent to Valentinian II.⁶³ Both letters complement each other.

2. *CA 40: [...] catholici iudicent sacerdotes*

Unlike *CA 39*, the letter from Magnus Maximus to Siricius of Rome (384–398)⁶⁴ preserves the original chancery *inscriptio*, including the glorifying epithets *victor*, *perpetuus triumphator* and the title *Augustus*, which indicates that it was not altered during the transmission process. In terms of structure, the letter is divided into a preamble and three sentences introduced by *ceterum*.⁶⁵ These formalities, plus its coherently argued composition, reveal the participation of the chancery. The introductory part yields abundant data. From the sender's viewpoint, Maximus replied to the *litterae* received from Siricius to consult with him on questions of *fides catholica*. It seems hardly credible that the bishop of Rome asked for Maximus' opinion on faith-related matters. In terms of diplomacy, the verb *consulere* probably refers to Siricius' request for information on ecclesiastical issues taking place in the territory under Maximus' control where the latter could intervene or had intervened. As Ambrose had written to the zealous Christian Theodosius regarding questions of episcopal succession in Antioch and Constantinople in

⁶³ A suggestion put forward by McLynn, "Tyrants," though he indicates a different purpose: "More likely (although no more than a tentative hypothesis, and dependent upon a chronological sequence which must itself remain provisional) would be that the bearer of the letter to Siricius also brought a copy of the letter to Valentinian (which was now happily justified by events), as further proof of the emperor's commitment to catholic unity, and acknowledgement of Roman primacy."

⁶⁴ For the dating of Siricius' episcopate see Christian Hornung, "Directa ad decessorem: Ein kirchenhistorisch-philologischer Kommentar zur ersten Dekretale des Siricius von Rom," *Jahrbuch für Antike und Christentum*, Erg. Bd. Kleine Reihe 8 (2011): 19–22.

⁶⁵ Honoré, *Law*, 188.

the autumn of 381,⁶⁶ it was not unusual for Siricius, the bishop of Rome, to address in writing the Augustus of Trier, who had condemned heretics to death, some of them from the clergy.⁶⁷ Maximus presents his explanations to bishop Siricius whom the former invokes as *parens* and *pater karissime* to demonstrate his *pietas* and position as a providential man and a ruler respectful of the ecclesiastical laws and institutions.

The reply may be summarised in two statements: Maximus was a baptized Christian whose rise to power came about through divine sanction, and he did not meddle in ecclesiastical matters but delegated to priests. He attached documents to demonstrate his claims. Compared to Valentinian II, Maximus would be the antithesis in matters of *fides catholica*.

The first statement is disclosed in the preamble and reproduces the traditional account of the providential choice. These arguments had already been expounded by Maximus before Martin of Tours when the latter stayed in Trier, probably in the late 384 or soon afterwards, to intercede in favour of Priscillian and his followers. Given the ascetic's refusal to accept the invitation of the usurper, Maximus had argued that he had not assumed his imperial position of his own volition but had been invested with it by the *nutus diuinus* through his soldiers, and had no choice but to defend it by arms. His victory constituted eloquent evidence that his position counted on divine sanction.⁶⁸ This time he was not trying to justify his position of power,

⁶⁶ Ambr., *Ep. extra coll.* 9 (Maur. 13), written on behalf of the Italian bishops with Gratian's approval. Cf. later *Ep. extra coll.* 8 (Maur. 14). See McLynn, *Ambrose*, 144; María Victoria Escribano, "De Constantinopla a Roma: La sinodal del concilio de Constantinopla (382) al concilio de Roma (382) (Theod. *Hist. eccl.* 5, 9, 1–18)," in *XLIII Incontro di Studiosi dell'Antichità Cristiana: Costellazioni geo-ecclesiali da Costantino a Giustiniano: dalle chiese "principali" alle chiese patriarcali*, (Roma: Institutum Patristicum Augustinianum, 2017), 93–114.

⁶⁷ See Michel Grandjean, "L'ère de Priscillien ou la grande faute du christianisme ?," *Revue de théologie et de philosophie* 132 (2000): 361–76: "[...] l'exécution de Priscillien marque bel et bien un point de non-retour."

⁶⁸ Sulp. Sev., *Vit. Mart.* 20.2–3: [...] *cum Maximus non sponte sumpsisse imperium*

implicitly recognized in Siricius' enquiry, but his steadfast adherence to the Nicene faith. A comparison was indirectly made to the Augustus of Milan.

The second statement rests on a threefold sequence separated by the term *ceterum* which reproduces Maximus' desired order. The first referred to clerical *cursus*. According to Maximus, Siricius had recalled (*commemoras*) the case of a presbyter named Agroecius, who had been irregularly promoted. Maximus declares that it is up to the catholic priests to judge.⁶⁹ "What higher respect could I show for our catholic religion?" he rhetorically muses. He consequently expresses his disposition to delegate the matter to the bishops to deliberate in council and leaves in their hands the decision as to whether to summon the bishops from the Gauls or just those from the Five provinces—the irregular promotion must have taken place in one of the cities there—and to choose the venue for holding the *conuentum*.

He bases his decision on ecclesiastical *consuetudo*, *lex* and *libri*, corresponding to the arguments he had heard from Martin and Ambrose at the time of the trials at Trier when they both tried to persuade him not to intervene in a clerical dispute, or which Siricius himself had incorporated into his enquiry, which would change the interpretation of its meaning.

It would indeed appear implausible to think that Siricius had written to Maximus with the sole purpose of enquiring after a case of alteration of the clerical *cursus* or that this was the main subject of his question.⁷⁰ Siricius, in

adfirmaret, sed impositam sibi a militibus diuino nutu regni necessitatem armis defendisse, et non alienam ab eo Dei voluntatem uideri, penes quem tam incredibili euentu uictoria fuisset, nullumque ex aduersariis nisi in acie occubuisse. See Joachim Szidat, *Usurpator tanti nominis, Kaiser und Usurpator in der Spätantike (337–476 n. Chr.)* (Stuttgart: Franz Steiner Verlag, 2010), 249–50.

⁶⁹ CA 40.2: [...] *ceterum de Agroecio, quem indebite ad presbyterii gradum concedisse commemoras. quid religioni nostrae catholicae possum praestare reuerentius, quam ut de hoc ipso, cuiuscumodi esse videatur, catholici indicent sacerdotes?*

⁷⁰ This is the thesis defended by Birley, "Magnus Maximus," 37, who places the letter after the invasion of Italy by Maximus: "Siricius enquired about the Catholic faith, in general, and about a certain Agroecius [...]." The rest of the letter was Maximus'

line with his predecessor Damasus, had maintained a cautious attitude during the Priscillianist crisis. On 11 February 385, probably coinciding with the trials at Trier, he had dispatched a decretal to Himerius, the bishop of Tarraco, in an attempt to enforce Roman discipline in the churches of Hispania. The decretal, amongst other questions, contained regulations on the clerical *cursus* setting forth the sequence of positions and the periods of time to be covered for each rank.⁷¹ Furthermore, the bishop of Rome disallowed some practises which could be linked to Priscillian and chose to keep the solution of conflicts in Hispania strictly within the ecclesiastical sphere. The decretal meant that it was the bishops' responsibility to amend deviations and irregularities amongst the clergy, a similar view to that defended by Martin and Ambrose in their visits to Trier in 384/385. In addition to this, in January 386, one year after the letter to Himerius, Siricius had convened a council in Rome to deal with disciplinary matters within the clergy.⁷²

Bearing these precedents in mind it would seem more likely that Siricius used the Agroecius matter (*conmemoras*) as a pretext to enquire about the situation of the clergy in Gaul after the heresiarch had been sentenced to death in a trial where bishops had acted as prosecutors.

The example of Ambrose, who had refused communion with bishops who sympathised with Maximus or who demanded the death penalty for the

contribution. In contrast, Henry Chadwick, *Priscillian of Avila: The Occult and the Charismatic in the Early Church* (Oxford: Clarendon Press, 1976), 147, n. 6, and Honoré, *Law*, 188. Charles Pietri, *Roma christiana Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)*, I–II (Rome: École française de Rome, 1976), II, 970, already pointed out that it was highly unusual for Siricius to enquire of Maximus instead of addressing the clergy.

⁷¹ Siric., *Ep.* 1.8.12; 9.13.

⁷² Siric., *Ep.* 5.9. See Roger Gryson, "Dix ans de recherches sur les origines du célibat ecclésiastique," *Revue Théologique de Louvain* 11 (1980): 160–64.

denios licet a fide,⁷³ may have been followed by others. Ithacius' actions during the trial were denounced after Priscillian was executed. Maximus once more delegated to a synod convened in Trier in 386 which concluded that Ithacius was not guilty. Only one bishop, Theognitus, of an unknown see, had separated himself from communion. Martin of Tours, initially reluctant to hold communion with the bishops who supported Ithacius, eventually yielded. In exchange, Maximus ordered the return of the tribunes *summa potestate armatos* he had sent to Hispania to have heretics captured and their assets seized. The recently restored concord amongst bishops became apparent in a solemn religious act held at the capital of the empire: Martin took part in the election of Felix as the successor of Britto—who had died in May 386—as bishop of Trier and shared communion with the Gallic bishops assembled for the occasion (*Huius diei communionem Martinus initiit*).⁷⁴

Siricius may have seen in this situation of brief and minor discord a chance to address Maximus via diplomacy. The consultation might have even been linked, as in the case of Himerius,⁷⁵ to a petition or complaint expressed

⁷³ Ambr., *Ep.* 30 (Maur. 24).12: *Postea vero cum videret me abstinere ab episcopis, qui communicabant ei, vel aliquos, denios licet a fide, ad necem petebant, commotus eis iussit me sine mora regredi.* Paul. Med., *Vit. Ambr.*, 19.2 *Ipsum uero Maximum a communionis consortio segregauit.*

⁷⁴ Sulp. Sev., *Dial.* 3.12–13.

⁷⁵ Siric., *Ep.* 1.1. In a climate of division amongst churches in Hispania, Himerius had made an enquiry to Damasus of Rome. By the time the letter reached its destination Siricius had succeeded Damasus, who had died on 11 December 384. Daniel Callam, “Clerical Continence in the Fourth Century: Three Papal Decretals,” *Theological Studies* 41 (1980): 25–26, and Teresa Sardella, “Papa Siricius e i movimenti ereticali nella Spagna di Teodosio I,” in *Actas del Congreso internacional La España de Teodosio*, eds. Ramón Teja and Cesáreo Pérez (Salamanca: Junta de Castilla-León/Universidad SEK, 1995), 247–54, surmise that the Spanish bishop sympathised with strict positions which could explain his absence at the council held at Caesaraugusta in 380. See Chadwick, *Priscillian*, 236–37; Josep Vilella, “La epistola 1 de Siricius: Estudio prosopográfico de Himerio de Tarragona,” *Augustinianum* 44 (2004): 337–69; Christian Hornung, “Siricius and the Rise of the Papacy,” in *The Bishop of Rome in Late Antiquity*, ed. Geoffrey D. Dunn (Farnham: Ashgate 2015), 57–65; Alberto Ferreiro, “Pope Siricius and Himerius of Tarragona (385): Provincial Papal Intervention in the Fourth

by a Gallic prelate. Agroecius may have been one of those irregularly promoted by the Ithacians and the diocese of *quinque provinciae* or Viennensis, included *Aquitania secunda* with Burdigala as the capital,⁷⁶ whose bishop Delphinus had been particularly hostile towards Priscillianists in the recent past.⁷⁷

This series of events is consistent with the account introduced by the second *ceterum*. Maximus expresses his wish for the *fides catholica* to remain *illaesa et inviolabilis*, all the bishops in harmony (*concordantibus uniuersis sacerdotibus*) and serving God after the eradication of *dissensio*. He next, elusively and cautiously, summarises the obliteration of the *dissensio*. Soon after his rise to power (*nam noster aduentus*) *aliqua inquinata* were detected and unveiled as well as the pestiferous pollution (*labe polluta*) caused by impious criminals (*scelerati*); if not for Maximus' *provisio* and *medicina*, originating in his position as a pious Christian which made him act promptly, major division and perdition (*diuulio atque perditio*) would have occurred and the *uitia* which had to be healed with much difficulty, would have propagated.⁷⁸ Resorting to a medical metaphor,⁷⁹ Maximus claimed for himself the healing function of preventing and curing, dictating and enforcing the laws without interfering.

Finally, in the third statement introduced by *ceterum*, the Augustus of Trier distances himself from the conviction while defending its legality. Maximus had maintained before Martin that heretics had been correctly convicted in

Century," *ibid.*, 73–85.

⁷⁶ *CTh* 16.10.15 (399). *Macrobio uicario Hispaniarum et Procliano uicario quinque prouinciarum*. Regarding the Gallic reorganization of the territory under Maximus' control see. Harries, "Church," 37.

⁷⁷ Sulp. Sev., *Chron.* 2.48.1.

⁷⁸ *CA* 40.3.

⁷⁹ This degrading lexicon, already used by Constantine in his letter to the heretics of 326, was part of the deprecating rhetoric incorporated by Theodosius' chancery into anti-heretical legislation. In particular, in *CTh* 16.5.6 of February 381, issued after his *ingressus* in Constantinople, the expression *labis contaminatio* is used to refer to Fotinians.

public trials (*haeretici iure damnati more iudiciorum publicorum*) and not at the instigation of bishops.⁸⁰

The crime recently (*proxime*) declared to have been committed by the Manichees was not based on inconclusive or uncertain arguments or suspicions but on their own confessions *inter iudicia*. Maximus would sooner have Siricius discern the particulars of the crime through the *gesta* he attaches rather than from his own speech as he claims to be unable to speak without blushing about crimes so *turpia* and *foeda*.⁸¹ As Sulpicius Severus transmitted, the confessed crime consisted of *maleficium*.⁸² The judicial *gesta* reproduced the confession, showed that despite being Manichees they had not been convicted for being heretics and, above all, demonstrated that Maximus had not acted as a *index* nor meddled in a clerical matter.⁸³ The Augustus placed himself under the authority of the bishop of Rome, as an enemy of division amongst *sacerdotes* and respectful of the decisions made by the bishops.

He nonetheless defended his behaviour before Siricius, who had not questioned Valentinian II in Milan, despite being Ambrose's correspondent.⁸⁴ As is known, the court of Milan had given support and protection to Siricius after his ascent to the episcopate. The young Augustus, in a short imperial letter directed to the urban prefect Pinianus and preserved in the *Collectio Avellana*,⁸⁵ had rejoiced at the election of Siricius to the Roman See in 384, after the death of Damasus, while he denigrated Ursinus.

⁸⁰ Sulp. Sev., *Dial.* 3.12.3.

⁸¹ *CA* 40.4.

⁸² Sulp. Sev., *Chron.* 2.50.3: *is Priscillianus gemino iudicio auditum conuictumque maleficii nec diffitentem obscenis se studuisse doctrinis, nocturnos etiam turpium feminarum egisse conuentus nudumque orare solitum, nocentem pronuntiauit.*

⁸³ On the evidential value of legal proceedings in religious conflicts see María Victoria Escribano, "Legenda sunt gesta ad sanandas animas: leyes, juicios y actas para la correctio de los donatistas en Agustín de Hipona," *Antiquité Tardive* 25 (2017): 95–106.

⁸⁴ Hornung, "Directa," 23–24. Ambr., *Ep.* 41; 46; *Extra coll.* 15; Siric., *Ep.* 7.

⁸⁵ *CA* 4. Valentinian II, *Ep. ad Pinianum*.

If we accept Sulpicius' account, whereas the *discordia episcoporum* in the Spains and the Gauls lasted a long time,⁸⁶ the evidential value of the attached proceedings must have sufficed to convince Siricius, an enemy of Manichees.⁸⁷ The *Liber Pontificalis* claims that it was he who had Manichees unveiled and banished from Rome and who imposed harsh terms for reconciliation.⁸⁸ He probably exerted some influence on the promulgation of *CTb* 16.5.18 (17 June 389), addressed to the prefect Albinus, whereby Theodosius ordered the expulsion of Manichees from Rome. Siricius' apprehension towards the presence of Manichees in the city may be perceived in the letter he sent to Ambrose in 393 warning him of the danger posed by Jovinian. The latter had moved to Milan with his proselytes after having been convicted by a council in Rome.⁸⁹

Siricius' attitude towards the Priscillianist issue was, above all, reactive. As a matter of fact, bishop Felix of Trier—whose ordination had depended on the intervention of Ithacius and, quite probably, Hydatius—was questioned by Siricius only ten years after Maximus' overthrow. A council held at Turin in 398, convened upon the request of the Gallic provinces (*postulatio*), resolved to receive in communion any Gallic bishops who chose to separate

⁸⁶ Sulp. Sev., *Chron.* 2.51.4–5.

⁸⁷ In the fifth century Innocent, Jerome and Leo the Great would consider that Priscillian had been rightly convicted: Innoc. I, *Ep.* 3; Hier., *Ep.* 133.3; Leo I, *Ep.* 15.7.

⁸⁸ *Lib. Pont.*, I, 216. Regarding distrust towards the repentant see Michel-Yves Perrin, "Crevit hypocrisis. Limites d'adhésion au christianisme dans l'Antiquité tardive: entre histoire et historiographie," in *Le problème de la christianisation du monde Antique*, eds. Hervé Inglebert, Sylvain Destephen, and Bruno Dumézil (Paris: Édition de Picard, 2010), 47–62; María Victoria Escribano, "Simulatio, abjuración y delación de maniqueos en África: el testimonio de Agustín," *Antiquité tardive* 23 (2015): 383–94.

⁸⁹ Sir., *Ep.* 7 (Maur. 41a).3. See David G. Hunter, "Rereading the Jovinianist Controversy: Asceticism and Clerical Authority in Late Ancient Christianity," *Journal of Medieval and Early Modern Studies* 33 (2003): 453–70.

from Felix. The decision was taken in accordance with the letters of Ambrose and Siricius, which were read out at the council.⁹⁰

There is no definite answer to the question of the chronology of *CA* 40. It could be suggested that the letter from Maximus to Siricius may have been subsequent to the *concordia episcoporum* achieved after Felix's election to the see of Trier in May 386 and could have been written soon after or at the same time as *CA* 39. The letter from Siricius may have prompted the usurper to address the two centres of power simultaneously. Should this be the case, the bearer of *CA* 40 could plausibly have delivered a copy of *CA* 39 to the bishop of Rome as proof of Maximus' support of the Nicene faith and of his defence of non-interference by the emperor in ecclesiastical conflicts.

In this sense, both letters were mutually linked and could have been written almost simultaneously.

They were probably written by a *quaestor* or at the *scrinium epistolarum* of Trier, but the way sentiments are conveyed (*CA* 39.3: *Erubesco, si quam crediderit serenitas tua astruere vellem rationem et dei agere causam*; *CA* 40.4: *sine rubore non possumus*) suggests that Maximus revised and approved them.

3. The tyrant Maximus in the *Avellana*

The reasons why the two letters were incorporated into the *Collectio Avellana* are yet to be elucidated; currently mere hypotheses may be ventured. The two letters were diplomatic texts at the service of Maximus' political ends in the context of the year 386. In the process of their transmission, however, other interpretations were given based on the various historical and literary backgrounds where they are mentioned or reproduced. We do know that

⁹⁰ *Conc. Taur.* c. 6. (398). Cf. Michael Kulikowski, "Two Councils of Turin," *Journal of Theological Studies* 47 (1996): 159–68; Ralph Mathisen, "The Council of Turin (398/399) and the Reorganization of Gaul ca. 395/406," *Journal of Late Antiquity* 6, no. 2 (2013): 264–307.

both letters circulated separately in the fifth century. Rufinus of Aquileia and Theodoret of Cyrillus seem to have had access to the letter written by Maximus to Valentinian II and give a legitimising interpretation of it. They view it as a prelude to the invasion of Italy, which occurred only in 387. Rufinus wrote in 402/403 and had direct information about the events in Milan through the bishop of Aquileia, Chromatius, Ambrose's friend and correspondent.⁹¹ Rufinus may have had access to the letter after arriving in Rome in 397.⁹² In his opinion, by writing the letter Maximus intended to have done with the infamy of being considered a tyrant and show himself as the legitimate emperor (*qui se exuere tyranni infamia et legitimum principem gestiret ostendere*). Confronting Justina's machinations and obstructions, he had protested and undertaken the conquest of Italy (*inter haec appropinquare Italiae coepit*).⁹³ In turn, Theodoret, independent from Rufinus in this respect,⁹⁴ recorded in 449/450 the admonishing and intimidating dimension of the *epistula* pointing out that the usurper had written to Valentinian to urge him to stop his attacks on piety and not to abandon his paternal religion, threatening him with war should he not yield.⁹⁵

The historian from Cyrillus also reports that Theodosius knew about the usurper's *epistula* and wrote to Valentinian in 387 after the latter took flight from Milan as Maximus advanced through Italy. The Augustus of Constantinople stringently declared that a correlation existed between Maximus' defence of orthodoxy and his supremacy over Valentinian II.

⁹¹ Palanque, *Saint Ambrose*, 407-9; See Yves-Marie Duval, "Sur quelques sources latines de l'Histoire de l'Église de Rufin d'Aquilée," *Cassiodorus* 3 (1997): 131-51, especially 133-36.

⁹² *PCBE* 2, *Italie 303-604*, eds. Charles Pietri and Luce Pietri (Roma: École française de Rome, 2000), II, 1927.

⁹³ Rufin., *Hist. eccl.* 2.16.

⁹⁴ See Gerhard Rauschen, *Jahrbücher der christliche Kirche unter der Kaiser Theodosius dem Grossen. Versuch einer Erneuerung der Annales Ecclesiastici des Baronius für die Jahre 378-395* (Freiburg i. Br.: Herder 1897), 561.

⁹⁵ Thdt., *Hist. eccl.* 5.14.1.

Moreover, he considered that the weakness shown by Valentinian II towards the usurper directly resulted from his pro-Arian attitude.⁹⁶ As a matter of fact, before engaging in war against Maximus, Theodosius demanded Valentinian II abandon Arianism; furthermore, on 14 June 388, by virtue of *CTb* 16.5.15 issued at Stobi in Macedonia, Theodosius abolished the law enacted by Valentinian II in January 386.⁹⁷

The compiler, however, made quite a different interpretation. Some consensus exists on the date of the creation of the *collectio* in the mid-sixth century,⁹⁸ yet the selection criteria applied, the compiler's agenda, and the status given to the various documents within the *collectio* may not be easily established in every case. The fact that the *collectio* may have responded to a precise objective is questioned, as is the possibility of a unified interpretation given the heterogeneity of the compiled material. It is nonetheless accepted that the compiler's foremost interest rested on the controversial elections of

⁹⁶ Thdt., *Hist. eccl.* 5.15.1–4. Only Theodoret refers to this letter written from Constantinople. Socrates and Sozomen ignore it. Zonaras later provided a brief summary (13.18.4).

⁹⁷ The letter could be the first reply given by Theodosius to the request from Valentinian and his mother after fleeing Italy and seeking refuge in Thessalonica in the early summer of 387. Zosimus (4.44.1–2) reports that Theodosius was initially unwilling to intervene and sent legates to Maximus to avert a civil war. Both Socrates (*Hist. eccl.* 5.12.9) and Sozomen (*Hist. eccl.* 7.14.1–2) point out that in Thessalonica Theodosius met not only Valentinian but also an embassy sent by Maximus which may have dispatched both letters to Theodosius. Theodosius only went to war almost a year after Maximus had invaded Italy. Prior to that, according to Theodoret (*Hist. eccl.* 5.15.3), Theodosius had led Valentinian II towards piety.

⁹⁸ Günther confirmed the traditional dating of the *CA* to the mid-sixth century. See Otto Günther, "Avellana Studien," *Sitzungsberichte der Philosophisch-Historischen Classe, Akademie der Wissenschaften Wien* 134 (1896): 15–134. See Blair-Dixon, "Memory," 65–76; Laurence Dalmon, "Suivi d'une collection canonique entre Antiquité tardive et Haut Moyen Âge: l'*Avellana*," in *L'Antiquité tardive dans les collections médiévales. Textes et représentations, VI^e–XIV^e siècle*, eds. Stéphane Gioanni and Benoît Grévin (Rome: École française de Rome 2008), 113–39; Philippe Blaudau, *La siège de Rome et l'Orient (448–536), Étude géo-ecclésiologie* (Roma: École française de Rome, 2012), 42–49; Lizzi, "La *Collectio*," 94–99.

bishops, on the relationship between the emperor and the bishops,⁹⁹ and on depicting the papacy as a powerful institution.¹⁰⁰

The position of the two letters within the *collectio*, the *superscriptio* preceding *CA* 39, the common themes in both letters and how they might compare to Honorius' *CA* 38 *sacra* may give some indications as to the role they played within the compilation. Where the collector may have found them, however, is a question whose answer is uncertain. The pope's *scrinium* appears in the *collectio*,¹⁰¹ in Rome and Constantinople, alongside imperial and private archives and, as it has been pointed out, Maximus may have sent Siricius a copy of his letter to Valentinian.

As is known, Günther divided the collection into five sections. *CA* 39 and 40 figure at the end of the first section, *CA* 1–40, comprising material on the Ursinian schism (*CA* 1–13), the schism between Boniface and Eulalius in 418–419 (*CA* 14–37), and the *sacra* from Roman emperor Honorius (*CA* 38 in 404). Günther suggested that this section existed as a collection prior to its incorporation in *CA* and that it had probably been composed in Rome,¹⁰² which would explain the central relevance given to the two major Roman schisms in the fourth and fifth centuries.¹⁰³ The contents of the three letters placed at the end of the section, however, are not directly related to these schisms.

⁹⁹ Regarding these issues see the paper in this volume by Rita Lizzi Testa.

¹⁰⁰ The discourse of papal authority was central to several contemporary collections. See Geoffrey D. Dunn, "The Emergence of Papal Decretals: The Evidence of Zosimus of Rome," in *Shifting Genres in Late Antiquity*, eds. Geoffrey Greatrex and Hugh Elton, with the assistance of Lucas McMahon (Farnham: Ashgate 2015), 81–92.

¹⁰¹ See Lizzi, "La *Collectio*," 79.

¹⁰² See Blair-Dixon, *Memory*, 62.

¹⁰³ Eckhard Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus (498–514): Studien und Texte* (Munich: Tuduv, 1993), 137, indicates that the first section came from the archives of the prefecture of Rome and considers it of Laurentian origin.

The *superscriptio* describing the content of *CA* 39—dealing exclusively with Arians—alludes to Manichees, who are tackled only in *CA* 40, (*Epistola Maximi tyranni ad Valentinianum Aug. iuniorem. Contra Arrianos et Manichaeos*). This double reference implies that the collector of this section viewed them as a unit. The *superscriptio* also made a clear distinction between the letters from the tyrant¹⁰⁴—relegated to the last part of this first section, altering the chronological order—and the previous imperial letter, *CA* 38, written by the legitimate emperor Honorius. Finally, the *superscriptio* seems to encapsulate the main reasons for the incorporation of both letters into the *collectio*, despite coming from a *tyrannus*: Maximus’s fight against Arians and Manichees. The letter to Valentinian II, in particular, enhanced the anti-Arian content of the *collectio* and could prove useful in Ostrogothic Italy.¹⁰⁵ Additionally, both texts illustrated dissensions resulting from heretical deviations and described different forms of imperial intervention in harmony with the arguments presented in this section of the *CA*, focusing on the combat against Arianism. As for Manichees, the *Liber Pontificalis*, a work roughly contemporary with the *CA*, portrayed Siricius as one of their major enemies in Rome. Eventually, Maximus’ subordination to Siricius—one of the heroes of this section of the *CA* unlike his predecessor in the Roman See, the reviled Damasus¹⁰⁶—could have pleased the compiler who had included

¹⁰⁴ Cf. *CTb* 15.14.7 (388): *Maximus infandissimus tyrannorum*. Szidat, *Usurpator*, 27–32, draws attention to the rarity of the term *tyrannus* being used for a rebel.

¹⁰⁵ See Guido M. Berndt and Roland Steinacher, “The *ecclesia legis* Gothorum and the Role of ‘Arianism’ in the Ostrogothic Italy,” in *Arianism: Roman Heresy and Barbarian Creed*, eds. Guido M. Berndt and Roland Steinacher (Farnham: Ashgate 2014), 219–29.

¹⁰⁶ Particularly in the *Praefatio* and *CA* 2 (*Libellus precum*). See Dennis E. Trout, “Damasus and the invention of Early Christian Rome,” *Journal of Medieval and Early Modern Studies* 33 (2003): 517–36; Milena Raimondi, “Elezione iudicio dei e turpe convivium. Damaso e Ursino tra storia ecclesiastica e amministrazione romana,” *Aevum* 83 (2009): 169–208; ead. “I partiti dei papi nel IV secolo,” in *Partiti e fazioni nell’esperienza politica romana*, ed. Giuseppe Zecchini (Milano: Vita e Pensiero, 2009), 183–212.

Valentinian II's *Gratulatoria de ordinatione papae Siricii* alongside texts on the Ursinian schism (*CA* 4). This notion of subordination of imperial power to the pope is constant throughout the entire *collectio*, as the analysis of its last section reveals.¹⁰⁷

Furthermore, the two letters contributed an unambiguous viewpoint on the relationship between emperors and bishops. A comparative analysis reveals that both letters maintained that the emperor should comply with the council's resolutions and that the emperor should refrain from directly interfering in conflicts between priests. The person defending this line of thought was not a member of the clergy but the emperor himself. In my opinion, this very issue was crucial for the letters to be kept in the *CA*, which would in turn support the traditional belief that the compiler was a member of the clergy. These two lines of argument defined the limits of the emperor's role in the fight against heresy, a matter of the utmost interest to the compiler.

Both letters, through the authority of example, suggested that the emperor should not interfere in heretical disputes (*neque te medius interseras*) and should allow priests to solve their own disagreements (*quid religioni nostrae catholicae possum praestare reuerentius, quam de hoc ipso, cuiusmodi esse uideatur catholici indicent sacerdotes?*). The emperor's intervention ought to serve strictly as *prouisio* and *medicina*, that is, confine itself to dictating rules for the promotion of concord and to applying the bishops' decisions. The recollection of two fourth-century episodes when the emperor himself invoked the ecclesiastical *consuetudo*, *lex* and *libri* was laden with unequivocal exemplifying force in the context of the production of the *CA* in Rome in the mid-sixth century. Such episodes suited the foremost purposes of the

¹⁰⁷ The letters to Justinian all attempt to show the emperor as subjected to the Roman bishop. See *CA* 91, *Agapitus episcopus Iustiniano Augusto*. Agapitus suggests that secular rulers should not involve themselves in theological concerns.

collectio focusing on the schism and papal-imperial relations and the creation of an image of papacy as an independent institution.¹⁰⁸ Maximus defines the boundaries of appropriate imperial intervention in Church affairs. I believe that, alongside the fight against heresy, this was the main reason for incorporating the two letters thus composing a conceptual unit. The presence of Siricius as the addressee of *CA* 39 would suffice to explain its inclusion within the *collectio*, yet the compiler chose to highlight the common authorship and thematic coherence existing between *CA* 39 and *CA* 40.

Such coherence does not apply only to the tyrant's letters. Honorius' voice may possibly be heard in the *collectio* also in this sense. *CA* 38, a letter sent by the legitimate emperor Honorius to his brother Arcadius on the occasion of the John Chrysostom affair in Constantinople,¹⁰⁹ criticising the invasive behaviour of the Augustus of the East, was placed by the compiler before the two letters from Maximus. As Maximus had done in his letter to Valentinian, Honorius—after detailing Arcadius' violent initiatives taken against catholic churches and priests,¹¹⁰ all the more serious as they coincided with the Easter celebrations—warned his brother that *in causa religionis* bishops were responsible for the *iudicium* and *interpretatio rerum diuinarum*; obsequious obedience (*obsequium*) was appropriate for the emperor.¹¹¹ This coherence between the three letters supports my hypothesis regarding the function of Maximus' *epistulae* within the *collectio*. In addition, the fact that all three imperial *epistulae* were placed at the end of Günther's first section (1–

¹⁰⁸ Regarding the thematic coherence in the Avellana, see Dana I. Vezure, "Collectio Avellana and the Unspoken Ostrogoths: Historical Reconstruction in the Sixth Century," in Greatrex and Elton, *Shifting Genres*, 93–103.

¹⁰⁹ Pallad., *Dial.* 3.1–7; Soc., *Hist. eccl.* 6.18.13–18; Soz., *Hist. Eccl.* 8.23.4; Zos. 5.24.3–4. See J.H.W.G. Liebeschuetz, *Barbarians and Bishops: Army, Church and State in the Age of Arcadius and Chrysostom* (Oxford: Clarendon Press, 1990), 208–22.

¹¹⁰ *CA* 38.3: [...] *clausas subito catholicas ecclesias, trusus in custodiam sacerdotes* ...

¹¹¹ *CA* 38.5: [...] *cum si quid de causa religionis inter antistes ageretur, episcopale oportuerit esse iudicium? Ad illos enim diuinarum rerum interpretatio, ad nos religionis spectat obsequium.*

40) grants them a specific purpose. All three give instances of the pernicious consequences of imperial intervention in internal conflicts amongst churches; they all reproduced the voice of the emperor uttering the principle of the subordination of imperial order to the decisions of bishops.

Conclusion

The letters Magnus Maximus sent to Valentinian II and Siricius consist of diplomatic texts which meet a specific function befitting his political strategy in 386. On the one hand he endeavoured to create networks of influence in Milan, undermining the image of the young emperor and, on the other, he undertook to gain adherence from the bishop of Rome by flaunting his Nicene orthodoxy. In both letters, written almost in unison in 386, Maximus strived to justify his part in the trials of Trier, implicitly before Valentinian and explicitly before Siricius, using the arguments he had heard from Martin of Tours and Ambrose: the emperor ought not to intervene directly in heretical disputes; he should delegate to the bishops, who were to resolve the internal conflicts amongst churches. The comparative analysis carried out reveals that both letters defended non-intervention on the side of the emperor in conflicts between priests and that the emperor was to abide by the resolutions of the council.

This was probably the pivotal argument for incorporating them into the *CA* in the mid-sixth century. So much may be inferred from the analysis of the arrangement of the documents within the first section of the *collectio*, the comment in the *superscriptio* preceding *CA* 39, and the thematic affinity found between both letters and Honorius' *sacra* (*CA* 38).

The diverse texts gathered in the *CA*, probably resulting from assembling document dossiers created in different contexts,¹¹² contribute examples which could serve various ends, either purely erudite or didactic or to serve regulatory or political purposes. The two letters from Maximus provided a personal viewpoint, defended by the emperor, on the relationships between emperors and bishops. From the perspective of the editor, probably a cleric, Maximus' letters and Honorius' *sacra* could constitute a useful precedent for disallowing or limiting the intervention of secular authority in ecclesiastical matters, should the occasion or convenience require, though the context where they might have been used cannot be identified. While this is their chief role in the *collectio*, it is not the only one. The letters from the *tyrannus* could also serve to denigrate heresy, praise orthodoxy and extol the figure of the bishop of Rome. Furthermore, the two letters from Maximus challenge the thesis that a coherent discourse exists in the *CA*, not only as a whole, but also within its parts. In the first section, which may have existed as a collection before it was incorporated into the *Avellana*, other documents regarding the Ursinian schism (*CA* 1–13) and the schism between Boniface and Eulalius in 418–419 (*CA* 14–37) could be used to defend the benefits derived from a pacifying imperial intervention. The very emperor who had been execrated for his pro-Arian position in *CA* 39 was the author of the congratulatory letter to the Prefect of the City celebrating the election of pope Siricius (*CA* 4). The collector may have found in the archives texts of various kinds in support of specific circumstances regarding religious controversies. This casuistic approach, never systematized, may prevail in the *collectio*.

¹¹² *Collectiunculae*, according to Blaudeau, *La siège*, 42–49.

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CHAPTER FIVE

IL TARDO PELAGIANESIMO E LA *COLLECTIO AVELLANA*

ANGELO DI BERARDINO

Premessa

Il mio breve intervento riguarda alcune conseguenze della controversia pelagiana, perché, penso, che elementi della dottrina pelagiana non scompaiano mai nella storia della chiesa fino ai nostri giorni. Nessuno oggi, sulla grande stampa di divulgazione, tratta dell'arianesimo, del monofisismo o di altre questioni cristologiche di quel periodo, mentre tanti, anche non teologi, considerano ancora oggi alcune dottrine pelagiane diffuse e operanti¹. La problematica pelagiana percorre tutta la storia del cristianesimo, perché affronta le tematiche fondamentali della grazia divina—necessità ed efficacia—e della libertà umana; del rapporto dell'uomo con Dio, con Cristo redentore; del valore della redenzione operata dal Salvatore; del peccato umano; dei meriti che si acquistano mediante l'ascetismo e la rinuncia alle ricchezze; importanza della volontà per la perfezione personale e della disciplina interiore; il valore dei sacramenti in connessione con la grazia.

¹ Due recenti testi vaticani segnalano ampiamente che due concezioni antiche—gnosticismo e pelagianesimo—, sotto forme diverse e diffuse, minacciano la visione cristiana della salvezza. Essi sono la lettera *Placuit Deo*, del 18 febbraio 2018 della Congregazione della dottrina della fede, e l'esortazione apostolica *Gaudete et exultate* di papa Francesco (numeri 35-62) del 9 aprile 2018.

Qualcuno definisce la nostra società sostanzialmente pelagiana, perché vuole fare a meno della grazia divina.

Nascita, condanna e geografia dei pelagiani

Non espongo qui la dottrina pelagiana, ma parlo dei pelagiani, seguaci della dottrina di Pelagio e di Celestio, detti pelagiani ma anche celestiani. La città di Roma era un centro di attrazione ancora agli inizi del quinto secolo. L'arrivo di Alarico nel 410 aveva causato una fuga di persone, tra le quali Celestio e Pelagio, che prima si erano trasferiti nell'Africa romana e poi si erano recati in altre province, occidentali e orientali. A Roma Pelagio aveva molti discepoli, che, per ragioni diverse e in momenti diversi, si dispersero per ritornare ai rispettivi paesi. In questo modo le dottrine pelagiane si diffusero anche altrove. Lo stesso Pelagio va a vivere in Palestina. Il grande propagatore di quelle idee tuttavia fu Celestio, preparato ed efficace oratore. Fu definito da Vincenzo di Lérins come *prodigiosus discipulus* di Pelagio (*Commonitorium* 81).² I vescovi africani scrivono a papa Innocenzo (deceduto il 12 marzo del 417): “Abbiamo infatti sentito dire che a Roma, ove Pelagio è vissuto a lungo, ci sono molti a lui favorevoli su diversi argomenti. Alcuni cioè perché, si dice, li abbia convinti delle sue idee, altri invece, in numero più grande, i quali non credono ch'egli abbia tali opinioni, soprattutto perché si vantano che nell'Oriente, dove si trova attualmente, sono stati redatti dei Verbali d'un processo ecclesiastico in cui si reputa che si sia stato giustificato” (in Aug., *Ep.* 177.2). Era, dunque, una dottrina ascetica che non cercava l'allontanamento dei suoi seguaci dalla società, ma esortava a vivere nella società.

² *Prodigiosus* potrebbe essere tradotto con “mostruoso,” perché Celestio difende una strana dottrina.

L'anno cruciale fu il 418 per la questione pelagiana in Africa e in Italia. A Roma Pelagio, per la sua lunga permanenza, aveva numerosi amici.³ Il prete Sisto, futuro papa, gli era favorevole.⁴ Il laico Ilario di Siracusa manifesta la diffusione delle idee pelagiane persino in Sicilia.⁵ Pertanto i vescovi africani si muovono su due direttive: la prima è quella di fare reagire la chiesa romana e la seconda di coinvolgere le autorità imperiali. Per loro, conoscendo la situazione romana favorevole a Pelagio e orgogliosi della loro indipendenza, era un gesto di coraggio e di umiltà. La prima cosa importante è manifestare una grande unità con la riunione di due concili: uno a Milevi, in Numidia, con 61 vescovi e l'altro a Cartagine con 69 vescovi, e spedire a papa Innocenzo due lettere sinodali insieme con una lettera firmata da cinque vescovi conosciuti a Roma⁶ e una raccolta di testi. Il loro intento era quello di condannare l'errore di Pelagio e Celestio ed eventualmente ottenere la loro guarigione, piuttosto che la loro separazione dal seno della Chiesa: "noi preferiamo ch'essi vengano guariti in seno alla Chiesa anziché recisi dalla Chiesa una volta perduta la speranza di salvarli, se non si è costretti da forza maggiore."⁷ L'importante è avere un atteggiamento comune e un insegnamento comune.⁸ Lusingare Roma mettendo in rilievo la loro *mediocritas* in confronto della *apostolicae sedis auctoritas* (*Ep.* 175.1 e 4). Una *potior auctoritas* romana sarà più efficace per applicare le loro decisioni. Innocenzo risponde alla tre lettere e invia anche un biglietto personale ad Aurelio. Tutte le risposte sono datate al 27 gennaio del 417; sicuramente non sono state scritte nello stesso giorno, e furono pensate a lungo; il giorno 27 è una data

³ Cfr. Aug., *Ep.* 177.2 s.; 176.2; *De gratia Christi et pecc. orig.* 2.21.24.

⁴ Aug., *Ep.* 191.2; Possid., *Vita Augustini* 8.

⁵ Epistola conservata in Aug., *Ep.* 156.

⁶ Charles Pietri, *Roma cristiana: recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311-440)* (Roma: École française de Rome, 1976), 1187.

⁷ Aug., *Ep.* 176.4: i vescovi di Numidia.

⁸ Aug., *Ep.* 175.1: i vescovi del concilio di Cartagine.

convenzionale. Papa Innocenzo afferma di escludere dalla comunione Pelagio e Celestio, ma si preoccupa anche della loro riconciliazione.⁹ Il clero e i fedeli di Roma hanno conosciuto la sentenza del papa? Invece esplicitamente dichiara che egli investigherà per sapere se a Roma ci siano dei seguaci (*Ep.* 31.2). A noi resta la domanda sulla efficacia di una tale sentenza al di fuori dell'Africa. La sentenza dei vescovi palestinesi non era stata comunicata a Roma, e il vescovo di Roma non comunica a loro la sua sentenza. Gli scomunicati pertanto non si recheranno a Roma, ma potranno scrivere un libello per condannare i loro errori e *veniam postulare* (*Ep.* 31.4);¹⁰ essi possono rivolgersi altrove per essere assolti.

La sentenza romana, anche se non era così forte come era attesa dai vescovi africani, era di grande aiuto per il presente e per il futuro, specialmente dopo una riabilitazione dei due personaggi da parte di papa Zosimo. L'*apostolicae Sedis auctoritas* di Innocenzo viene sempre invocata.¹¹

La via romana è stata efficace con papa Innocenzo, inizialmente fallimentare con il successore Zosimo. Allora i vescovi africani possono sfruttare la loro influenza sulla corte di Ravenna, cercando l'appoggio politico. A Ravenna la corte si mostra molto sensibile alle richieste della chiesa africana. L'azione di Vindemialis e di Firmo è stata molto efficace mediante il comes Valerio, *terror impiorum*, che viene lodato da Agostino, il quale si basa sul grande apprezzamento di Firmo (*Ep.* 200). In ogni caso l'imperatore preferisce appoggiare l'episcopato africano piuttosto che la

⁹ Innocenzo, *Ep.* 30.6. Cfr. Sulla prassi delle riserve Jean Gaudemet, *L'Église dans l'empire romain (IV^e-V^e siècle)* (Parigi: Sirey, 1958), 75; Angelo Di Berardino, "La condanna di Giuliano: l'incidenza ecclesiale e civile di una condanna ecclesiastica nel tardoantico," in *Giuliano di Eclano e l'Hirpinia cristiana (atti del convegno internazionale, Mirabella Eclano, 23-25 settembre 2010)*, ed. Sabino Accomando e Rocco Ronzani (Avellino, Roma: Stampa Editoriale Todisco, 2012), 237-76. Georges de Plinval, *Pélage: ses écrits, sa vie et sa réforme: étude d'histoire littéraire et religieuse* (Losanna: Librairie Payot, 1943), 304, su questa sentenza.

¹⁰ Per questa procedura, Pietri, *Roma Christiana*, 195.

¹¹ Cfr. Aug., *Ep.* 186.8.28; Pietri, *Roma Christiana*, 1221.

sentenza del vescovo di Roma, Zosimo. L'editto imperiale è indirizzato al prefetto al pretorio; mentre da questi sono emanati i decreti di applicazione per il prefetto di Roma.¹² Intanto a Roma si cambia giudizio sul pelagianesimo. Ma quando esattamente? Come conseguenza dell'editto imperiale di espulsione di Celestio e di Pelagio dall'urbe? Anche i loro seguaci (*sectatores*) sono minacciati di esilio dalle disposizioni. Anzi suscitano agitazioni, secondo l'editto del patrizio Costanzo inviato a Volusiano: tali persone vanno espulse dall'urbe e “non possono risiedere entro cento miglia di distanza” (PL 56.500).

Un altro editto della corte di Ravenna viene indirizzato al prefetto dell'urbe, Volusiano, per l'allontanamento dei pelagiani ed evitare ravvedimenti o perdoni vari da parte della chiesa romana. Papa Zosimo (morto il 26 dicembre del 418) invia diverse lettere, tra le quali una circolare, la cosiddetta *Tractoria*, per *totum orbem missa*; la lettera, conservata solo in frammenti,¹³ è stata inviata a Costantinopoli,¹⁴ Tessalonica, Egitto, Gerusalemme.¹⁵ Agostino dice *per orbem catholicum* (Aug., *De gratia Chr. et pecc. orig.* 2.21.24). Nel 419 Onorio pubblica un altro editto contro i pelagiani, inviato il 5 giugno ad Aurelio di Cartagine e anche ad Agostino. Il nuovo papa, Bonifacio (418-422), conserva pienamente le sanzioni ecclesiastiche; e anche il suo successore papa Celestino I (10 settembre 422 - 26 luglio 432): *contra inimicos gratiae Dei non solum apostolicis, sed etiam regis utebatur edictis* (Prosper., *Contra Coll.* 21.1: PL 51.271).

¹² Mansi 4,444-45: PL 45-1726-27; 48.379-86; 56-490-92; Paul Robinson Coleman-Norton, *Roman State and Christian Church. A Collection of Legal Documents to A.D. 535* (Londra: S.P.C.K., 1966), n. 350.

¹³ Aug., *Ep.* 90.23; *De peccato originali* 8.9; 21.24; Mar. Merc. 36; *apud Coelestinum* 21.9;10; 21.8-9; Prosper., *Contra Collatorem* 5.3 (PL 51.228^a).

¹⁴ Cfr. Mar. Merc., *Commonitorium super* 36.

¹⁵ Mar. Merc., *Commonitorium super* 36.

La storiografia cristiana ortodossa, specialmente quella africana, colloca al primo posto la sede apostolica, in particolare la decisione di Innocenzo, poi i concili africani e infine gli interventi imperiali. In realtà per l'allontanamento da Roma e dall'Italia dei pelagiani fu decisiva l'azione delle autorità civili.

Secondo Agostino 19 vescovi, tra cui Giuliano di Eclano, non firmano la *Tractoria*,¹⁶ organizzano l'opposizione alle decisioni romane rivolgendosi anche altrove, come al vescovo di Tessalonica. Tali vescovi dovevano essere di diverse parti dell'Italia ma pochi sono conosciuti: Giuliano, Floro (forse della Campania), Fabio, Oronzio, Marcellino e Persidio, poi Turbanzio (non si conosce la sede episcopale). In Campania già dal 417 la dottrina pelagiana aveva diversi sostenitori (Aug., *Ep.* 186.29). Pelagio personalmente, dopo varie vicende, si era ritirato in Egitto. L'azione di Celestio e di Giuliano continua.

Pelagio, Celestio, Giuliano di Eclano e i loro numerosi seguaci non hanno mai voluto creare uno scisma e fondare una chiesa indipendente (cfr. *PL* 48.427 s.). Essi hanno lottato per restare membri della chiesa cattolica. Erano soprattutto vescovi e chierici di ogni grado; pertanto facilmente erano accolti in altre comunità. Anche quando sono stati scomunicati, hanno cercato in tutti i modi di essere riammessi alla *communio ecclesiae*. Preferivano spostarsi e recarsi in località dove erano accettati. Agostino osserva che molti li seguivano perché restavano in comunione con alcune chiese, anche perché erano vescovi.¹⁷ Celestio, espulso dall'Italia continua la sua azione con scritti e con viaggi.¹⁸ Ad Efeso è ordinato sacerdote verso il 417,¹⁹ a Costantinopoli è cacciato da Attico (†425), il cui successore, Nestorio, è benevolo con lui,

¹⁶ *Contra duas ep. pelag.* 1.1.3.

¹⁷ Aug., *Lib. de pecc. Orig. cap.* 17: *Multi eos propterea sectabantur, quia catholicae communionis videbunt esse sociatos.*

¹⁸ PCBE 2.364.

¹⁹ Cfr. Mar. Merc., *Commonitorium super nomine*, ACO I.5.36; ed. Serafino Prete, 52; Aug., *Epp.* 157.22; 175.12;

poiché Celestio conserva la prima lettera di assoluzione di Zosimo (*Ep.* 3.1).²⁰ Il documento gli era utile per essere accettato nelle chiese orientali. A Costantinopoli sono presenti diversi vescovi condannati, che a più riprese ricorrono a Teodosio II e a Nestorio stesso.²¹ Per questa propaganda e per questi ricorsi Mario Mercatore, presente nella capitale orientale, li combatte con la sua azione e con i suoi scritti, in particolare con il *Commonitorium super nomine Coelesti*, indirizzato a numerose autorità ecclesiastiche e anche all'imperatore Teodosio²². Mercatore ricorda le varie condanne subite da Celestio; in Africa, *ecclesiastica communione privatus est*.

Il concilio di Efeso del 431 condanna nominalmente molti pelagiani: Pelagio, Celestio, Giuliano, Presidio, Floro, Marcelliano e Oronzio. La condanna viene comunicata a papa Celestino il 17 di luglio del 431; successivamente una *epistula generalis* condanna Nestorio, Celestio e i seguaci delle loro dottrine. Papa Celestino nel 432, accogliendo il nuovo vescovo di Costantinopoli, Massimiano, nella comunione romana, lo esorta a combattere i seguaci delle idee di Celestio, a diffondere dappertutto la condanna e a opporsi dovunque (*Ep.* 24.3). Ancora nel 439 Giuliano tenta di essere riammesso dalla chiesa romana.²³ Anche Floro fa lo stesso tentativo a Miseno (Napoli).²⁴ I pelagiani, quindi, hanno tentato in ogni modo di essere accettati nella *communio*, conservando le proprie idee. Altri invece hanno rinunciato alle dottrine pelagiane e sono stati riammessi nella chiesa. A Roma Turbanzio, a cui Giuliano aveva dedicato un'opera in quattro libri, era rientrato nella chiesa

²⁰ *Collectio Avellana* 46: CSEL 35.1.103. Cfr. Mar. Merc., *Commonitorium super nomine, ACO* I.5.36.

²¹ PCBE 2.1179.

²² Scritto in greco e tradotto da lui stesso in latino: *Exemplum Commonitorii, quod super nomine Coelestii graeco sermone a Mercatore datum est, non solum Ecclesiae Constantinopolitanae, sed etiam plurimis religiosissimis viris; oblatum quoque piissimo principi Theodosio semper Augusto; idipsum ex graeco in latinum translatus per eundem Marium Mercatorem Christi servum* (PL 45.1686).

²³ Prosper., *Chronicon ad annum 439*.

²⁴ Cfr. Quodvult., *Liber de promissionibus* 6.12.

cattolica accolto da papa Celestino.²⁵ Secondo la prassi tradizionale, se erano chierici, venivano riammessi come laici e non come chierici; invece in questo caso hanno conservato, se erano vescovi, la loro sede episcopale.²⁶

Una costituzione di Valentiniano III, 9 luglio del 425 segnala l'esistenza di vescovi pelagiani in Gallia.²⁷ Il testo della costituzione parla di diversi vescovi seguaci di Pelagio e Celestio. Patroclo di Arles viene incaricato di convocarli, perché si correggano nello spazio di venti giorni. Non si conoscono i nomi di tali vescovi e neanche l'applicazione della legge imperiale.

Il pelagianesimo si era diffuso anche in Britannia. Palladio, diacono della chiesa romana, nel 429 consiglia papa Celestino di concedere a Germano, vescovo di Auxerre, l'autorità necessaria perché potesse combattere i pelagiani in Britannia, specialmente il vescovo pelagiano Agricola (Prosper., *Chronicon*, MGH AA 9.472). Non sappiamo come sia avvenuto, forse per opera di Agricola e di suo padre, il vescovo Severiano (DSp 2912). Un altro pelagiano sarebbe stato Fastidio, ma la cosa è discussa (DSp 2912 s.). Germano si recò due volte in Gran Bretagna (429 e 446) per combattere il pelagianesimo. Nella *Vita di Germano* è scritto che un concilio della Gallia accoglie l'invito dei vescovi britanni e incarica Lupo di Troyes e Germano di Auxerre in missione nel 429. Prospero di Aquitania attribuisce il merito a papa Celestino. Germano si reca di nuovo in Britannia nel 446 insieme con Severo di Treviri.

Forse Rufo di Tessalonica era un simpatizzante pelagiano, in quanto scrisse anche a Giuliano di Eclano. In Oriente sono condannati in un concilio di Cilicia, dopo la morte di Teodoro avvenuta nel 428. In questa provincia si trovava Giuliano, ospite di Teodoro di Mopsuestia.

²⁵ Aug., *Ep.* 10.1* Divjak.

²⁶ Cfr. PL 48.72; Mar. Merc., *Commonitorium super nomine*, ACO I.5.36:68; ed. S. Prete, 57.

²⁷ CTb 16.2.47 (solo un brano): *Constitutiones Sirmondianae*, no. 6: PL 48.409

Con la morte dei principali esponenti, come Celestio e Giuliano, i seguaci della dottrina pelagiana pubblicamente non esistono più. Tuttavia, si ha una duplice diramazione.

A) Vivente Agostino, nella Gallia meridionale taluni considerano alcune posizioni agostiniane come novità: sono i cosiddetti semipelagiani.²⁸ Il nome non è antico, ma risale al rinascimento. I seguaci di queste posizioni non hanno le stesse idee dei pelagiani, ma abbastanza diverse; tengono conto dei meriti nel conferimento della prima grazia, del libero arbitrio e della giustizia divina. Già Agostino li combatte. Quanti e quali fossero è questione abbastanza dibattuta. Il dibattito continua a lungo nell'antichità.²⁹

B) Una seconda corrente continua a sostenere e a diffondere idee pelagiane. Alcuni, di profonda vita religiosa, continuano a sostenere le stesse idee con scritti anonimi all'interno della chiesa stessa, come constata l'autore del *Praedestinatus*: essi non creano comunità proprie, non rinnegano l'unione cattolica, affermano di avere la stessa fede, la stessa eucaristia. Per questo sono pericolosi.³⁰

La propaganda pelagiana continua in due modi: 1) Facendo circolare scritti di Pelagio sotto altri nomi rispettati, per esempio Sisto III, Sulpicio Severo, Girolamo, Ambrogio di Milano (o di Altino), Ambrogio di Calcedonia. 2) Facendo dei riassunti delle opere pelagiane. Nuvolone ha fatto l'elenco di queste opere. Il *Praedestinatus*, opera anonima, ricorre al trucco di difendere Agostino, in realtà per sostenere altre idee. Nel I libro, eresia 88, fa un'ottima sintesi della dottrina pelagiana. Sono tantissimi gli scritti anonimi o

²⁸ DTC 14.1796-50.

²⁹ DTC 1798-50.

³⁰ I.88: PL 53.617 s.: *Pelagiani tamen seu Coelestiani, catholicae plebi permixti sunt, quia ecclesiam aliam non habent: et ideo ubi eis evenerit, communionem non renuunt. Dicunt enim unius confessionis esse in hac parte, in qua eucharistia conficitur: de quaestione enim aiunt, non de communionem discernimur. Pro hoc ausu, et a nostris, si deprehendantur, periculis subiacent, et a suis execrationi habentur. Habent enim et presbyteros et episcopos suos.*

circolanti sotto altro nome. Nuvolone ha fatto un'ottima rassegna e analisi di questi scritti.³¹

***Collectio Avellana*, Gelasio e la questione pelagiana**

Uno scritto anonimo, dal titolo *Libellus fidei*, detto il *Manifesto di Aquileia* da De Plinval,³² simpatizzante delle dottrine pelagiane, ma non di quelle estreme, rifiuta principalmente il peccato originale sostenendo la bontà essenziale della natura umana. Ad Aquileia ci sono persistenze delle dottrine pelagiane. Il vescovo di Aquileia, Ianuarius, scrive a papa Leone chiedendo istruzioni sulla riammissione degli eretici e degli scismatici nella chiesa, ma non precisa di quale genere siano. Leone risponde lodando anzitutto il suo zelo; afferma che bisogna esigere l'abiura pubblica dell'eresia da tutti (*Ep.* 18: *PL* 54.707-709).³³ Ma questi eretici o scismatici sono pelagiani o celestiani? Non viene detto, ma a me sembra probabile che fossero pelagiani per tre ragioni. Anzitutto normalmente i membri del clero erano pelagiani, e questo è il caso della diocesi di Aquileia. La richiesta di Ianuarius a Leone riguardava le modalità di riammissione di eretici e scismatici. Inoltre, la riammissione di chierici pelagiani è anche il motivo di un'altra lettera di Leone indirizzata al *metropolitanus episcopus Venetiae* (*Ep.* 1: *PL* 54.593-597). Il vescovo di Altino, Settimo, aveva scritto a papa Leone che presbiteri, diaconi e altri chierici di diversi ordini erano ricevuti nella chiesa senza abiurare le dottrine pelagiane o celestiane (cfr. *Ep.* 2: *PL* 54.597-598). Anzi essi facevano anche propaganda delle loro dottrine. L'impegno pastorale viene trascurato dai responsabili. Per questo Leone ordina al metropolita della *Venetia* che si riunisca un concilio provinciale, perché tutti i chierici, di qualsiasi grado fossero implicati

³¹ DS^p 12.2915-26.

³² CPPM IIA.1125: *PL* 45.1732-36; *PL* 48.509-26. Bibl. Nuvolone, DS^p 12.2907, n. 14.

³³ La data consolare apposta alla fine del testo è il 447.

nell'errore, facciano una pubblica professione di rinuncia e la sottoscrivano. Non devono essere riammessi con superficialità e negligenza. Siccome la lettera al metropolita (*Ep.* 1) e la risposta a Settimo non sono datate (*Ep.* 2), non sappiamo se il metropolita sia lo stesso Ianuarius della lettera 18. Probabilmente è un personaggio diverso, perché Leone loda lo zelo di Ianuarius nella lettera 18, invece si mostra severo nella lettera 1 al metropolita.

In questa area geografica, nella quale il controllo del vescovo romano, non era forte, le dottrine pelagiane forse continuano anche dopo il forte intervento di Leone. Infatti, anche papa Gelasio, *romanus natus*, eletto nel marzo del 492 e deceduto il 19 novembre del 496, sente il dovere di intervenire per la presenza di pelagiani a sud della *Venetia*. La *Collectio Avellana* conserva numerose lettere di papa Gelasio. Tre testi riguardano specificamente la questione pelagiana: la lettera 96 al vescovo Onorio (*PL* 59.32-33), il *tractatus* 5 (*CA* 97), e la lettera 94, indirizzata ai vescovi della regione *Picenum*. Questi testi mostrano che i pelagiani ancora si trovavano in diverse regioni italiane.

Gelasio scrive una prima lettera ad Onorio, vescovo di Salona e metropolita della Dalmazia, sulla questione pelagiana (*Ep.* 5: *PL* 59.30-32).³⁴ Questa lettera—non è inclusa nella *Collectio Avellana*—è datata il 28 agosto del 493. Gelasio, dopo aver affermato la responsabilità del suo ufficio, scrive che era venuto a conoscenza³⁵ che nella Dalmazia alcuni diffondevano la zizzania della dottrina pelagiana, che viene giudicata molto dannosa per la salvezza delle anime. Non espone però il contenuto di questa dottrina. Per mezzo di Onorio intende ammonire tutti i vescovi (*Domini sacerdotes*) della Dalmazia di

³⁴ *Ep.* 4 in Andreas Thiel, *Epistolae Romanorum Pontificum genuinae* (Braunsberg: Peter, 1868), I.321-23.

³⁵ *Nuntiatum nobis est enim, in regionibus Dalmatiae quosdam recidiva Pelagianae pestis zizania seminasse* (4.1: Thiel, *Epistolae Romanorum* I.321).

combattere quella dottrina condannata dappertutto, ma non estinta completamente al tempo degli antenati o ora rifiorante, e a non ricevere nella comunione i suoi sostenitori. Nomina i papi che l'avevano condannata—Innocenzo, Zosimo, Celestino, Sisto, Leone—; ma era stata condannata anche dalle leggi imperiali. La sana dottrina è esposta nei libri degli antenati,³⁶ che offrono i rimedi per la guarigione. I pastori devono vigilare attentamente sul gregge con cura e attenzione. Si augura che le notizie siano false per rallegrarsi della solidità della fede dei membri della Chiesa di Cristo. Ormai Gelasio si rivolge direttamente al solito metropolita, responsabile della sua provincia ecclesiastica. Il vescovo Onorio—la riposta non è conservata—non gradisce l'ammonimento del vescovo di Roma e si lamenta con lui; il tono probabilmente è molto risentito.

Allora Gelasio gli scrive una seconda lettera, questa è inclusa nella *Collectio Avellana* (*Collectio Avellana* 96, pp. 398-400: *Ep.* 6: *PL* 59.32-33³⁷). Essa non è datata, ma sembra della fine del 493 e viene riportata a Salona da una delegazione dalmata. Gelasio afferma un principio: la *sollicitudo* che, secondo la tradizione, la chiesa romana aveva per tutte le chiese, è forte anche per quella regione. Pertanto, non ha alcuna importanza chi e come abbia portato a conoscenza di Gelasio la presenza di pelagiani—*pelagiana pestilentia*—nella Dalmazia. La cosa essenziale invece è la responsabilità pastorale, che deve essere intensa e vigilante. Il suo interesse per la chiesa dalmata non deve essere considerato un'offesa alla sua sensibilità, ma un aiuto alla sua solerzia. La *pestilentia pelagiana*, già *divinis humanisque legibus damnatum virus*, va diligentemente ricercata e curata; è meglio essere molto impazienti in tale attenta ricerca, che permettere la sua diffusione. Il silenzio invece nuoce o la negligenza danneggia; i pastori non devono essere pigri; non devono

³⁶ Noris pensa che Gelasio stia facendo riferimento alle opere agostiniane (Cfr. Enrico Noris, *Historia pelagiana* II.17).

³⁷ Corrisponde alla lettera 5 in Thiel, *Epistolae Romanorum* I.324-25.

trascurare le *excubiae pastorales* per la resipiscenza degli erranti. Acclude anche testi per l'istruzione di coloro che vogliono apprendere, in particolare una sua operetta, che viene comunemente indicata con il titolo *Dicta adversus Pelagianum haeresim*, oppure *Tractatus 5*.

Questa opera, nella *Collectio Avellana* è il lungo documento 97, che occupa le pagine 400-436. Non si sa quando Gelasio l'abbia scritto, ma presumibilmente prima della sua elezione a vescovo di Roma. Il che indica che egli ha affrontato la questione pelagiana già da molti anni; si era ben istruito sull'argomento; aveva letto delle opere dei primi autori anti-pelagiani. Il suo interesse, già prima della sua elezione, mostra che il dibattito era ancora vivo; altrimenti non avrebbe scritto contro inesistenti pelagiani. Essendo stato uno stretto collaboratore del suo predecessori Felice III (483-492), aveva informazioni di prima mano di quello che avveniva anche in regioni lontane.

La *Collectio Avellana* riporta un'altra lettera di Gelasio, la numero 94,³⁸ sulla questione pelagiana. Essa, scritta qualche mese dopo quella inviata a Onorio, il 1 nov. 493, è indirizzata ai vescovi della regione del *Picenum* (*universis episcopis per Picenum*).³⁹ Si tratta di una circolare, che doveva essere recapitata a tutti i singoli vescovi. Gelasio non si limita ad inviarla ad un solo, perché—a differenza della Dalmazia—non c'è un metropolita; egli è il metropolita da cui essi dipendono direttamente. La provincia ecclesiastica del *Picenum*, che dipendeva da Roma, comprendeva un territorio grosso modo corrispondente alle Marche di oggi, anche se abbracciava parte dell'Abruzzo.

La lettera non è solo un richiamo a combattere la dottrina pelagiana, ma una esposizione di tre problematiche specifiche. Il papa vuole istruire i vescovi piceni su di esse, forse perché li considerava ignoranti e bisognosi di

³⁸ *Ep.* 7: *PL* 59.34-41, e anche *PL* 45.1763-71. Questa è la 6 in Thiel, *Epistolae Romanorum* I.325-35.

³⁹ Si conserva la denominazione romana di Diocleziano.

essere ammoniti e istruiti. Il testo si apre con un riferimento alla triste situazione italiana del centro-nord per le guerre tra Odoacre e Teodorico e alle difficoltà dei *sacerdotes* nello svolgere il loro ministero, ma anche alla loro grave negligenza nel vigilare che si diffondano false dottrine, condannate dai *maiores ecclesiarum magistri* (2). I vescovi devono informarsi sulla sana dottrina. Un anziano di nome Seneca è immerso nell'eresia pelagiana. Non deve essere tanto stupido, come lo descrive Gelasio, se difende alcune tesi di Pelagio. Gelasio afferma che oltre a quelli che, con competenza, hanno scritto sull'argomento, anch'egli aveva scritto e insegnato (cap. 6). Espone e confuta tre opinioni dell'anziano Seneca: a) che è ingiusto che si ammetta che il bambino nasca dal seno materno con il peccato ad opera di Dio, non avendo in nessun modo potuto volontariamente peccare; b) sulla sorte dei bambini non battezzati; c) l'uomo, seguendo la legge morale della natura umana (*bonum naturae*) e coll'uso della libertà, può salvarsi.

Gelasio rimprovera i vescovi piceni che abbiano permesso a Seneca di esporre pubblicamente le sue opinioni. D'ora in poi non devono permettergli di accedere nelle comunità ecclesiali e di essere unito alla *communio ecclesiae*. Sembra eccessivo che Gelasio intervenga in maniera così forte solo per l'esistenza di un anziano pelagiano. In realtà Seneca doveva essere apprezzato se poteva parlare liberamente nelle chiese e dovevano esserci anche chierici pelagiani. Il linguaggio usato per rimproverare i vescovi è alquanto duro, in quanto li accusa di grave negligenza: di *segnitia* (indolenza), di *dissimulatio* (indifferenza), di *ignavia* (pigritia), di *negligere* (trascurare); esige da loro di *citius curare* (guarire subito), di *diligentius inquirere* (investigare con impegno), *attentius praecavere* (vigilare con grande cura). Il fatto che Gelasio descriva tanto male

questo vecchio ottuso e ignorante,⁴⁰ qual è Seneca, è solo per gettare disprezzo sull'eretico e rimproverare i vescovi.

Quel Seneca doveva essere un vescovo piceno, non conosciuto altrimenti? Secondo Serafino Prete non era un vescovo o un chierico, perché Gelasio non usa i titoli ordinari (*pontifex*, *sacerdos*, ecc., o *clericus*), ma forse un asceta o un monaco, in quanto il pelagianesimo attecchisce specialmente tra gli asceti di ogni genere, e tra i quali si svolgevano anche assemblee comuni tra uomini e donne.⁴¹ Argomenti validi, ma non conclusivi per scartare l'altra ipotesi. Seneca era un personaggio di una certa cultura, perché poteva parlare nelle chiese. Aveva privato della *communio* un presbitero, che non condivideva le sue idee (*Ep.* 94.30). Solo il vescovo lo poteva fare per un presbitero. Si era persino permesso di criticare Agostino e Girolamo, i luminari della Chiesa, pubblicamente, alla presenza di vescovi.⁴² L'espressione *sub conspectu et præsentiali sacerdotum* può essere interpretata alla presenza di qualche riunione episcopale, oppure—ed è più probabile—in qualche assemblea liturgica alla presenza del vescovo locale. L'*adsertor pestis*, Seneca, non doveva più accedere alle chiese e non doveva trovare posto nella *communio catholica*. Aveva dei chierici seguaci—vescovi, presbiteri, diaconi?—, che dovevano essere privati del loro ufficio, se non avessero abbandonato l'errore e non si fossero separati da lui (*Ep.* 94.33). Questo castigo deve servire come esempio agli altri (chierici). Non è da escludere che anche ad essi invia il suo opuscolo sull'eresia pelagiana, ma non viene detto nella missiva.

⁴⁰ Gli aggettivi e gli epiteti si sprecano per qualificare Seneca: *stolidus et obtusus; miserabilis senex; eruditionis alienus; intelligentiae communis prosus alienus; induratus obcaecatione diabolica; ineptissimus senex; abiecta persona; cadaver; musca moritura; vilis hebes persona*.

⁴¹ Serafino Prete, "La lettera di Gelasio I ai vescovi del Picenum sul pelagianesimo (1° nov. 493)," *Studia Picena* 43 (1976): 9-28.

⁴² *Ep.* 94.31: *Adbuc maius scelus adcrevit, ut sub conspectu et præsentiali sacerdotum b.m. Hironymum atque Augustinum, ecclesiasticorum lumina magistrorum [...] lacerare contenderet*.

Conclusione

I pelagiani hanno continuato a diffondersi, nonostante le condanne ecclesiastiche e imperiali, in Occidente. In Oriente sono quasi subito scomparsi con la morte dei protagonisti, perché il problema non era sentito e non rispondeva alla sensibilità della loro teologia e della loro spiritualità. Invece, sotto forme diverse e idee diverse, le dottrine pelagiane hanno percorso tutta la storia cristiana occidentale. E oggi sono molto vive.

La documentazione antica mostra che nella forma più originale si sono diffuse sulla costa adriatica, sulle due sponde. Leone Magno documenta la loro presenza nella *Venetia*. I testi di Gelasio l'attestano nel *Picenum* e nella *Dalmatia*. Sull'argomento Gelasio aveva scritto una trattazione utile, che egli diffuse. Poiché ormai pochi erano in grado di leggere i lunghi testi di Agostino, l'opera del vescovo di Roma offriva una sintesi delle problematiche dibattute e delle soluzioni da sostenere. I vescovi potevano disporre di un vademecum essenziale, efficace e sintetico.

CHAPTER SIX

ANTI-PELAGIAN DOSSIERS IN LATE ANTIQUE CANONICAL COLLECTIONS

MAR MARCOS

Introduction¹

My interest in anti-Pelagian dossiers in Late Antique canonical collections arose from a seminar organized by Alexander Evers on *Emperors, Bishops, Senators: The Significance of the Collectio Avellana (367–553 AD)* (Rome, 2011) as part of a larger, international project to publish a new edition, translation, and commentary of the *Collectio Avellana*.² In that seminar, whose proceedings are forthcoming, I gave a paper on the documents of the Pelagian controversy in the *Avellana*, trying to understand the logic (if any) of the dossier concerning Pelagianism. This consists of ten documents (letters 41–50) related to the decisive phase in the controversy in the years 416–418, when, thanks to the intervention of Aurelius of Carthage, Augustine, and other African bishops before the bishop of Rome and the court of Honorius in Ravenna, Pelagius and his follower Caelestius received ecclesiastical and civil condemnation.

¹ This chapter has been written within the framework of the Research Project HAR2015–66453–R “The Rise of Intolerance in Late Antique Mediterranean” (PI Mar Marcos, Universidad de Cantabria), funded by the Ministry of Economy and Competitiveness (MINECO), Government of Spain.

² <https://www.luc.edu/collectioavellana/labandaavellana/>

When studying the dossier in the *Avellana*, I arrived at the *Collectio Quesnelliana*, containing richer Pelagian documentation, with fifteen documents, some of them legal texts, dated to the same period (416–419). However, the dossiers in the *Avellana* and the *Quesnelliana* are very different in nature. They only share one document (*Avell.* 41 = *Quesnel.* 11), and were gathered from different archives. The issue intrigued me.

The following year I presented a paper in the annual Conference of the *Istituto Patristico Augustinianum* at Rome studying the anti-Pelagian legal dossier,³ which has only been preserved in the *Quesnelliana* and collections related to it,⁴ with the great advantage for the historian that the laws have been copied whole, without undergoing the process of editing—which normally meant abbreviation—by the compilers of Late Antique legal codes, who cut out anything they regarded as “superfluous verbiage,”⁵ thus depriving the laws of their context.

Rita Lizzi’s call in 2014 for the Seminar on “La Collezione *Avellana* e le altre collezioni canoniche di ambiente italico,” whose papers are collected in the present volume, encouraged me to extend the inquiry to other collections, to discover that the interest in Pelagianism is limited to a reduced number of them: the *Avellana*, the *Quesnelliana*, and collections deriving from the latter (*Colbertina*) or using it as its source (*Vaticana*). All of these collections come from Italy, most likely from Rome, and date from a quite early period, the late fifth and the sixth century. Documents relating to the Pelagian controversy are also found in the *Parisiensis*, but, as we shall see, in

³ Mar Marcos, “Anti-Pelagian Legislation in Context,” in *Lex et religio. XL Incontro di Studiosi dell’ Antichità Cristiana (Roma, 10-12 maggio 2012)* (Rome: Istituto Patristico Augustinianum, 2013), 317–34.

⁴ Only one law dealing with Pelagianism has been preserved in a legal code, *Const. Sirmon.* 6, dated in 425. See note 8.

⁵ Using the expression of Jill Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge University Press, 1999), 23–24.

this case it is not a dossier, but their presence responds to the compiler's interest in the African councils.

In this chapter, I will try to explain, as far as possible, the origins of this dossier and the reasons that might have led the compilers to collect it, with the purpose of better understanding this tangle of canon law collections produced in late antique Italy.⁶

Brief outline of the Pelagian controversy in the years 416–419

Much has been written about Pelagianism and it is not my intention here to describe the history of this controversy, which started in North Africa in 411 and lasted, in the West, until the beginning of the sixth century.⁷ I give a brief

⁶ Late canon law collections are still a puzzle. A certain systematization can be found in Jean Gaudemet, *Les sources du droit de l'Église en Occident du IIe au VIIe siècle* (Paris: Ed. du Cerf et du C.N.R.S., 1985); Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature* (Washington D.C.: Catholic University of America Press, 1999); and Eckhard Wirbelauer, “Collezioni canoniche,” in *Dizionario di letteratura cristiana antica*, eds. S. Döpp and W. Geerlings (Rome, 2006), 210–20. For the Italian collections, see Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiane del V–VI secolo: un progetto di ricerca,” *Cristianesimo nella Storia* 35 (2014): 77–236, with a most useful Appendix by Giulia Marconi and Silvia Margutti, 104–236 (henceforth Marconi and Margutti, “La *Collectio Avellana*,” when quoting from the catalogue). See also the contribution of Dominic Moreau in the present volume.

⁷ A complete survey on the topic can be found in Flavio G. Nuvolone and Aimé Solignac, “Pelage et Pélagianisme,” in *Dictionnaire de Spiritualité* XII, 2 (Paris: Beauchesne 1986), 2889–942, with a large bibliography. A more recent historical summary in Mathijs Lamberigts, “Pelagius and Pelagians,” in *The Oxford Handbook of Early Christian Studies*, eds. Susan A. Harvey and David G. Hunter (Oxford: Oxford University Press, 2008), 258–79. For the period of the controversy being studied here, the essential works are Otto Wermelinger, *Rom und Pelagius. Die theologische Position der römischen Bischöfe im pelagianischen Streit in den Jahren 411–432* (Stuttgart: Anton Hiersemann, 1975); Charles Pietri, *Roma Christiana. Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie*, II (Rome: École Française de Rome, 1975), 1172 ff; id., *Oeuvres de Saint Augustine. La crise pélagienne 2. De gratia Christi et de peccato originali libri II. De natura et origine animae libri IV*, introduction, translation and notes by Jean Plagnieux and Francois-Joseph Thonnard (Paris: Desclée de Brouwer, 1975), 9–24; Mathijs Lamberigts, “Co-operation between Church and State in the condemnation of

outline of the events that led to the condemnation of Pelagius and Caelestius, his follower and the most active defender of his theological propositions in the West, during the years 416–419, of which we are well informed owing to Augustine’s personal involvement and his many anti-Pelagian writings.

Pelagius, a layman originally from Ireland, gained renown in Rome in c. 400 for his theological knowledge and his defence of the ascetic ideal. Pelagius denied original sin and defended the freedom of the will, which implied the possibility of salvation without the intermediation of grace. In 411, after the sack of Rome, Pelagius and his follower Caelestius, also an enthusiast for the monastic life, moved to North Africa. From there, Pelagius travelled to Jerusalem, while Caelestius tried to be appointed a priest in Carthage. Accused by the deacon Paulinus of Milan before Aurelius of Carthage, Caelestius was condemned in an African synod for defending heretical doctrines regarding original sin, which he refused to retract (in 411). Caelestius then left Carthage to move to Ephesus, where he became a priest. Augustine then began to write his first “anti-Pelagian” works, in defence of the existence of original sin, the need for baptism and grace, while Pelagius continued his activity in Palestine, publishing his writings and maintaining good relations with his western followers, among them prominent members of the Roman aristocracy now refugees in North Africa. From the Church of Africa a campaign began to discredit him. Orosius, a Spanish priest and pupil of Augustine, while visiting Palestine denounced Pelagius before Bishop John of Jerusalem accusing him of heresy. A synod meeting in Diospolis in December 415 exonerated him from the accusation of heterodoxy.

When the African bishops, led by Aurelius of Carthage, learnt that Pelagius had been absolved, they met in two simultaneous provincial

the Pelagians,” in *Religious Polemics in Context*, eds. Theo L. Hettema and Arie van der Kooij (Assen: Royal Van Gorcum, 2004), 363–75.

Councils at Carthage and Milevis (spring/summer 416), condemned Pelagius' teachings, and sent their agreements to Rome so they could be sanctioned by Pope Innocent I. Innocent did that prudently in a letter sent to five African bishops (Aurelius, Alypius, Augustine, Evodius, and Possidius) dated 27 January 417. Pelagius appealed to Rome. However, in the meantime, Innocent died (12 March 417) and Pelagius's appeal, together with that of Caelestius, was examined by Pope Zosimus (417–418), who took a position in favour of them. The African bishops urged Zosimus to change his position. While waiting for his reply, they communicated with the court of Honorius at Ravenna, who issued a rescript condemning the Pelagian heresy, banishing its *auctores* Pelagius and Caelestius from the city of Rome, and prescribing exile for their supporters (30 April 418). Zosimus then wrote a letter, known as the *Tractoria*, with the categorical and universal condemnation of the Pelagians, which circulated broadly. This was in late 418 and although Pelagius and Caelestius, particularly the latter, remained active in Italy and Gaul, the Pelagians were by then loathed as heretics. The last of the laws dealing with Pelagianism is addressed to Gaul (6 August 425), establishing that the bishops who were followers of this *nefarius error* should return to catholic doctrine, submitting to the authority of the Metropolitan of Arles.⁸

The collections studied here have preserved a set of documents related to this phase of the controversy, which Augustine referred to as “the fiercest battle” (*acerrima conflictatio*) against the Pelagians.⁹

⁸ *Const. Sirm.* 6 (excerpta in *CTb* 16.2.46, 2.47, 5.62, 5.64).

⁹ Aug., *De dono perseverantiae* 21.55.

Pelagian dossiers in the *Quesnelliana*, *Colbertina* and *Vaticana*

One of the many problems posed by the late antique canon law collections is their dating, which is usually established through internal criteria, taking into account the date of the most recent document they contain. The *Quesnelliana*, which takes its name from its French editor, Pasquier Quesnel, includes 102 (more or less) chronologically arranged texts, comprising conciliar canons, doctrinal and disciplinary letters, decretals, and imperial constitutions.¹⁰ The compiler's interest centres on doctrinal controversies and particularly on the Acacian schism, gathering documents in support of the doctrinal position of Leo the Great, whose collection of letters constitutes its core. The *Quesnelliana* was reproduced by Migne in the *Patrologia Latina* (volume 56) as an appendix to Leo's letters,¹¹ and has not been edited later or studied as a whole, but a certain consensus exists about the time and place of compilation:¹² Rome at the end of the fifth or the beginning of the sixth century.¹³ The documents date from 314 (Council of Ancyra) to 492–496

¹⁰ Pasquier Quesnel, *Ad S. Leonis Magni Opera. Appendix 2* (Paris, 1675), 13–242. Quesnel's edition was corrected by Girolamo and Pietro Ballerini, *Codex canonum ecclesiasticorum et constitutorum sanctae sedis apostolicae. Appendix ad S. Leonis Magni opera 3* (Venice, 1757), 1–472. A catalogue of the contents in Friedrich Maassen, *Die Geschichte der Quellen und der Literatur des kanonischen Rechts im Abendlande bis zum Ausgange des Mittelalters* (Graz: Leuschner & Lubensky, 1870), 494–550.

¹¹ Migne follows the Ballerini's edition, *PL* 56, 359–746.

¹² For a state of the question until 1985, see Gaudemet, *Les sources de droit*, 133. For the most recent interpretations, affirming Roman origin, Michael D. Elliot, "Canon Law Collections in England ca. 600–1066: The Manuscript Evidence" (PhD diss., University of Toronto, 2013), 220–21.

¹³ Philippe Blauveau, *Le siège de Rome et l'Orient (448–536). Étude géo-ecclésiologique* (Rome: École Française de Rome, 2012), 32, n. 64. On the *Quesnelliana*, see Charles Lefebvre, "Quesnelliana Collectio," in *Dictionnaire de Droit Canonique* VII (Paris: Librairie Letouzey et Ané, 1965), 434–40; James M. Buckley, "Quesnelliana Collectio," in *New Catholic Encyclopedia* XII (New York: McGraw-Hill, 1967): 22; Joseph van der Speeten, "Le dossier de Nicée dans la Quesnelliana," *Sacris Erudiri* 28 (1985): 384; Marco Petoletti, "Un frammento del sec. IX della 'Collectio Quesnelliana' nell'Archivio Capitolare

(letters of Gelasius I; the latest document is Gelasius' *Generale decretum*, dated to 496). It is one of the oldest canonical collections.

The Pelagian dossier in the *Quesnelliana* contains two groups of documents (see Appendix):

- I. Letters exchanged between the African bishops/councils and Pope Innocent I in 416–417 as a result of the two councils held at Carthage and Milevis, in which Pelagius and Caelestius were condemned (nos. 6–11);¹⁴ a personal letter from Innocent to bishop Aurelius of Carthage (no. 12); nine anti-Pelagian canons from a plenary council in Carthage condemning Pelagius and Caelestius, held on 1 May 418 (no. 13); and the excerpts from the Acts of the Council of Diospolis (December 415).

- II. Imperial rescripts condemning Pelagius and Caelestius, and letters related to their dissemination and enforcement:¹⁵
 - a) Rescript of Honorius and Theodosius II to Palladius, praetorian prefect of Italy, 30 April 418 (no. 14).
 - b) Edict of Palladius, Monaxius and Agricola, praetorian prefects, publishing the imperial rescript (no. 15).
 - c) Letter from Flavius Constantius to Volusianus, prefect of Rome, autumn 418 (no. 19).
 - d) Edict of Volusianus publishing Flavius Constantius' letter (no. 20).

della Basilica di S. Ambrogio a Milano,” *Aevum* 82 (2008): 293–312; Marconi and Margutti, “La *Collectio Avellana*,” 177–186, esp. 186.

¹⁴ Documents are numbered following the *PL* edition.

¹⁵ This legislation has been studied in depth in Marcos, “Anti-Pelagian Legislation.”

- e) Letter from Honorius and Theodosius II to bishop Aurelius of Carthage, 9 June 419, mentioning a decree against Pelagians (no. 16).
- f) Letter from Aurelius of Carthage to the bishops of the provinces of Byzacena and Arzugitana publishing the imperial instructions, 1 August 419 (no. 17).

Documents a) to f) are found only in the *Quesnelliana* and the *Colbertina*, which depends on it. Four of them (c to f) are also found in the *Vaticana*.

The *Collectio Colbertina* (Paris, Bibliothèque Nationale, lat. 1455) derives from the *Italica* (*olim Sanblasiana*), whose documents it fully incorporates, and from the *Quesnelliana*. There is a consensus that the *Italica* was compiled in Italy, probably in Rome, at the time of Pope Hormisdas (514–523).¹⁶ A product of the faction of Pope Symmachus in order to make available to the Italian bishops the canonistic tradition in the Laurentian-Symmachan controversy, it is divided into four parts: conciliar canons, *Symmachiana*, decretals, and dogmatic documents, dated, as in the case of the *Quesnelliana*, from 314 (Council of Ancyra) to 492–496 (letters of Gelasius I). The *Colbertina*, which takes its name from the library of the French state man and bibliophile Jean-Baptiste Colbert (1619–1683), where it was found, combines the entirety of the *Italica* (the first fifty-seven texts in the same order), with materials from other collections, mainly from the *Quesnelliana*. Its place of origin is unknown, and could be Gaul, Italy, and most likely Rome.¹⁷ The

¹⁶ Eckhard Wirbelauer, *Zwei Päpste in Rom: der Konflikt zwischen Laurentius und Symmachus* (Munich: Tuduv, 1993), 125–26: it was assembled under Hormisdas, from a core (canons and decretals) established during the pontificate of Symmachus. Kéry, *Canonical collections*, 31, dates it to the middle of the sixth century at earliest, possibly the seventh or eighth centuries. See Marconi and Margutti, “La *Collectio Avellana*,” 125–31, for a state of the question, leaning for a sixth-century date.

¹⁷ Marconi and Margutti, “La *Collectio Avellana*,” 131.

Quesnelliana and the *Italica*, next to the *Collectiones Dyonisianae*, have a common basis (their latest texts date to the time of Gelasius I) and are the most influential of the fifth and sixth centuries.¹⁸

The *Colbertina* has taken from the *Quesnelliana* the almost complete dossier on Pelagianism, all documents except for two:

- a) *Quesnell. 12*: a private letter from Innocent to Aurelius of Carthage accompanying Innocent's formal rescript to Aurelius, Alypius, Augustine, Evodius and Possidius, both dated 27 January 417.
- b) *Quesnell. 18*: the excerpts from the Acts of the Council of Diospolis (December 415).

Both documents are, in fact, of minor relevance within the dossier selected by the compiler.

The *Collectio Vaticana* (*Vaticanus Latinus* 1342) contains about eighty-nine items, dated equally from 314 (Council of Ancyra) to Gelasius I (492–496). It was produced in the same context as the *Italica*, as a propaganda instrument of the Symmachan schism, under Pope Symmachus (498–514) or Hormisdas (514–523), coming from Italy, probably Rome.¹⁹

The *Vaticana* contains the Pelagian dossier in the *Quesnelliana* in a reduced version (see Appendix): two out of the six letters exchanged between Innocent and the African bishops (letter from the Council of Carthage and Innocent's rescript), and the complete group of legal and related documents (rescript from Honorius to Aurelius of Carthage; letter from Aurelius of Carthage communicating the imperial rescript to the bishops of Byzacena and Arzugitana; letter from Flavius Constantius to Volusianus, prefect of

¹⁸ Wirbelauer, "Collezioni canoniche," 219.

¹⁹ Marconi and Margutti, "La *Collectio Avellana*," 203–11, esp. 211.

Rome; and the edict of Volusianus expelling Caelestius from Rome). The compiler of the *Vaticana* made a selection of “relevant” documents in the dossier, focusing on legal texts.

The *Collectio Parisiensis* (*Parisinus Latinus* 3858C), which Maassen places in the context of the “Gelasian renaissance,”²⁰ composed of twenty-five documents dated between 314 and 453, in the time of Leo the Great, contains some of the reports issued in Africa related to the Pelagian controversy: extracts of the letter of Augustine and Alypius to Paulinus of Nola (= Aug., *Ep.* 186), which communicates to Paulinus that the agreements adopted at the Councils of Carthage and Milevis had been reported to the Roman See with the result of Pelagius’ condemnation; the first part of the letter of the Council of Carthage of 416 to Innocent; and the letter of Innocent to the bishops of Carthage of that same year (see Appendix). But, although these documents are related to Pelagianism, it could not be said that they belong to a Pelagian “dossier” in the *Parisiensis*, but rather serve the compiler’s purpose of collecting canons, particularly from African synods.

Where the Pelagian dossier in the *Quesnelliana* came from? The original documents were found in the offices of the prefect of Rome, who, as it appears from the legal texts contained therein, was responsible for enforcing the expulsion of Caelestius and Pelagius from the City—although the latter was not then in Rome, but in the East.²¹ The rescript of 30 April 418, issued by Honorius and Theodosius II, was sent to the praetorian prefects of Italy, the East, and Gaul, but only the copy of the Italian prefecture is in the *Quesnelliana*. The publication edict issued by the prefects is extant (*Quesnell.* 15). As in the case of the rescript, the *Quesnelliana* preserves a copy of

²⁰ Maassen, *Geschichte der Quellen*, 542–46; Marconi and Margutti, “La *Collectio Avellana*,” 174–76.

²¹ For the juridical functions of the *praefectus Urbi* in Late Antiquity, see André Chastagnol, *La Préfecture urbaine à Rome sous le Bas-Empire* (Paris: Presses Universitaires de France, 1960), 84–136.

Palladius' edict,²² which the compiler must have found in the archives of the prefecture, next to a letter sent from Ravenna to the prefect of Rome, Volusianus, giving the order to enforce the law (*Quesnell.* 19) as well as Volusianus' publication edict (*Quesnell.* 20).²³

According to Blaudeau,²⁴ the compiler of the *Quesnelliana* had at his disposal a compendium commanded by Leo the Great (440–461); Jasper and Fuhrmann go further, pointing out that the compiler was particularly interested in Leo's writings.²⁵ The Pelagian dossier could have been found among this group of documents. Leo was concerned with Pelagianism, a problem that had not disappeared with the ecclesiastical and legal condemnations two decades earlier. In the 440s, Leo wrote two letters (*Ep.* 1 and 2) on the rehabilitation of clergy who had supported Pelagius and Caelestius and who wished to return to the Catholic Church. In *Ep.* 1, addressed to the bishop of Aquileia, he reports that, due to the negligence of the ecclesiastical authorities, the Pelagian heresy has been spreading in Gaul, and heretics have attained to Catholic communion without any recantation of their error. Leo manifests his worries about the future if severe measures are not immediately taken:

You must take heed, therefore, beloved, and with great diligence make provision that offenses which have long been removed be not set up again through such men and that no seed of the same evil spring up in your province from a doctrine which has once been uprooted: for not only will it take root and grow, but also will taint the future generations of the Church with its poisonous exhalations. Those who wish to appear corrected must

²² *PL* 56, cols. 492–93.

²³ For these legal texts, see Marcos, "Anti-Pelagian Legislation."

²⁴ Blaudeau, *Le siège de Rome*, 25.

²⁵ Detlev Jasper and Horst Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington DC: The Catholic University of America Press, 2001), 46–47.

purge themselves of all suspicion: and by obeying us, prove themselves ours. And if any of them decline to satisfy our wholesome injunctions, be he cleric or layman, he must be driven from the society of the Church lest he deal treacherously by others' safety as well as forfeit his own soul.²⁶

In Letter 2, Leo addresses bishop Septimius of Altinum, asking him to cooperate with the metropolitan bishop of Venice, to which the church of Altinum belonged, to enforce his instructions against the Pelagian heretics.²⁷

Pelagianism persisted beyond the times of Leo. Pope Gelasius still laments the recurrence of Pelagius' ideas in Dalmatia and other regions of the West.²⁸ The last condemnation of Pelagianism is found in the second Council of Orange, in 529, but discussions on grace, free will and predestination, which were at the core of Pelagianism, as will be seen later, were still in force in sixth-century Rome.

The Pelagian dossier in the *Avellana*

The *Collectio Avellana* contains two groups of documents related to the Pelagian controversy: letters 41 to 50, belonging to the first intervention of the Roman See in the conflict during the episcopacies of Innocent (401–417) and Zosimus (417–418), and letters 94 and 97 of Gelasius I (492–496).²⁹

²⁶ Leo, *Ep.* 1.4. Trans. *Nicene and Post-Nicene Fathers, Second Series*, XII, eds. Philip Schaff and Henry Wace (Buffalo, NY: Christian Literature Publishing Co., 1895).

²⁷ For Leo's interest in Pelagianism, see Stefania Pietrini, *Religio e ius romanum nell'epistolario di Leone Magno*, *Materiali per una palinogenesi delle costituzioni tardo-imperiali* 6 (Milan: Giuffrè, 2002), 85–88.

²⁸ Bronwen Neil and Pauline Allen, *The Letters of Gelasius I (492–496): Pastor and Micro-Manager of the Church of Rome* (Turnhout: Brepols, 2014), 42–45.

²⁹ Otto Günther, *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII ad a. DLIII datae Avellanae quae dicitur collectio* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895–1898), I, 92–117 (*Epp.* 41–50); II, 357–63 (*Ep.* 94); 400–36 (*Ep.* 97). I study in depth this Pelagian dossier in a chapter of the volume *Emperors, Bishops, Senators: The Significance of the Collectio Avellana (367–553 AD)*, ed. Alexander Evers

Letters 41 to 50, which constitute what we are calling the “Pelagian dossier,” are associated with the climax of the controversy. They are dated between January 417 and late 418/beginning 419, the same period as the dossier in the *Quesnelliana*. The *Avellana*, compiled in Rome in the middle of the sixth century, only includes some of the documents of the controversy dating to this period.

The *Avellana*’s compiler was interested in the exchanges between the Roman See and Africa, and, of these, mainly in the papal letters. However, not all the letters known to have been exchanged between Africa and Rome in this period are included (for instance, Pope Zosimus’ famous *Epistula Tractoria*, with the definitive condemnation of Pelagius and Caelestius is not included), whereas other documents only tangentially related to the core of the controversy were added. The compiler selected four documents from Innocent (nos. 41–44). The most relevant of them is the first one (no. 41), which contains Innocent’s sanction of the condemnation of Pelagius’ teachings, accepting the view of the African Church. This is the only document shared with the *Quesnelliana* and its related collections. The other three documents are only of tangential interest for the controversy: a letter from Innocent to Jerome on the attack to the latter’s monasteries in Bethlehem, supposedly perpetrated by Pelagius’ followers (no. 42); a letter from Innocent to Aurelius of Carthage to ensure that this letter reached Jerome (no. 44); and a letter from Innocent to bishop John of Jerusalem asking him to protect the members of Jerome’s church (no. 43)—this letter must have been attached to the one addressed to Jerome, which may explain its presence in the dossier too.

(Leuven: Peeters, forthcoming). For the documents referred to in the text, see the Appendix.

Innocent died in March 417, and the other six documents in the *Avellana* are from the time of his successor, Zosimus:³⁰ nos. 45, 46, and 50 are from Zosimus to the bishops of Africa, informing them of his decision to support Pelagius; no. 47 is a *libellus* sent to Rome from the main accuser of Pelagius in Africa, Deacon Paulinus; no. 48 is a letter from Augustine to the Roman priest Sixtus (= Aug., *Ep.* 191), who had been a supporter of Pelagius and later (after the publication of the *Tractoria*) had publicly reprobated Pelagian teaching—the compiler must have chosen this letter because of the relevance of Sixtus, who would later become bishop of Rome (432–440); no. 49 is a letter from a priest called Eusebius, whose identity is unknown, to bishop Cyril of Alexandria, reproaching him for giving shelter to the followers of Pelagius when all the churches had condemned them, i.e. after the publication of the *Tractoria*.

Where this dossier in the *Avellana* came from? The compiler gathered the documents from an African dossier, most likely preserved among the archives of the Church of Carthage.³¹ This is clear from the nature of the documents, all of which are connected with Africa, and it can be proven because one of them (no. 50), a letter from Zosimus to Aurelius and “the others gathered in a council in Carthage,” contains a double date: the date it was sent (*dat. XV. Kal. April. Honorio Augu. XII cons*, 18 March 418), and when it was received in Carthage a month and a half later (*Accept. III Kal. Maias*, 29 April). The fact that the dossier was compiled from an African

³⁰ On Zosimus' short episcopacy (18 March 417 to 26 December 418), see Charles Munier, “Zosimus,” in *Dictionnaire de Spiritualité* XVI (Paris: Beauchesne, 1994), 1651–58; Mar Marcos, “Papal authority, local autonomy and imperial control: Pope Zosimus and the Western Churches (a. 417–18),” in *The Role of the Bishop in Late Antiquity: Conflict and Compromise*, eds. Andrew T. Fear, José F. Ubiña, and Mar Marcos (London, New York: Bloomsbury, 2013), 145–66.

³¹ As Otto Günther already pointed out, in: *Avellana-Studien, Sitzungsberichte der philosophisch-historischen Classe der kaiserlichen Akademie der Wissenschaften*, CXXXIV (Wien: Gerold's Sohn, 1896), 1–134, at 2–3, 19–21; and in *Epistulae imperatorum*, lxii–lxiii.

archive helps to explain the inclusion of documents, like the correspondence related to Jerome, that are apparently unconnected with the core of the controversy.

Conclusion

Late antique canon law collections are closely related to the affirmation of the authority of the Bishop of Rome and his capacity to resolve the ecclesiastical affairs of the churches of the West, elevating the precepts of the Roman Church to ecclesiastical norms.³² This explains the objective of the compiler of the Pelagian dossier of the *Avellana*. The documents in the dossier concern the relationship between the Roman See and the Church of Africa, showing the role played by the Roman bishop during the controversy. The presence of a Pelagian dossier in the *Quesnelliana* seems to respond to a different aim, i.e. the desire of the Roman Church to possess documents from the papacy and the imperial chancery condemning Pelagianism, a problem that had not disappeared in the West with the ecclesiastical and civil condemnations from the time of Augustine. In an as yet unpublished article, Raúl Villegas Marín has studied the survival of the debate on the ideas of grace, free will and predestination in late fifth- and early sixth-century Rome, as part of the broader debate aroused by Augustinian ideas on grace. Villegas Marín has identified an anti-Pelagian dossier in Eugippius' *Excerpta ex operibus sancti Augustini* (282–296) written in Rome between 492 and 511. A debate had been revived in Italy and Rome in this period thanks to the refugees from

³² See Dominique Moreau, “*Non impar conciliorum extat auctoritas*. L’origine de l’introduction des lettres pontificales dans le droit canonique,” in *L’étude des correspondances dans le monde romain de l’Antiquité tardive: permanences et mutations*, eds. Janine Desmulliez, Christine Hoët-Van Cauwenberghé, and Jean-Christoph Jolivet (Villeneuve d’Ascq: Université Charles-De-Gaulle-Lille 3, 2010), 487–506.

Africa, fleeing the persecutions of the Vandal Kings.³³ It is the context of this vitality of the anti-Pelagian debate in the fifth and the first half of the sixth centuries that explains the inclusion of the dossier in the early canonical collections.

As these collections have reached us, the compiler of the *Quesnelliana* seems to have had criteria more coherent than the *Avellana*'s, but most likely the Pelagian dossier in the *Avellana* is incomplete. All documents of the Pelagian affair related to the African Church should have been filed in Carthage, where the *Avellana*'s compiler found them. He must have incorporated them all into the *collectio*. Given that documents are found in the dossier that seem only tangentially relevant, we should conclude that others of greater scope, such as the *Epistula Tractoria*, would have been included. The problems of textual transmission of these late antique collections, which are only preserved in medieval copies, must explain the loss of some of the documents originally collected.

The Pelagian dossiers in the *Avellana*, the *Quesnelliana* and related collections gather documents dating from the same period, between 416, when the African Church interposed in the dispute and sought the sanction of the Roman Church, and 419, when the collaboration between imperial and ecclesiastical authorities prohibited Pelagianism in the West. The two collections are, in the end, a response to the same interest: to bring together documents connected with a controversy still alive in the West—regardless of whether both may also have an antiquarian interest. Despite the very similar goal, however, only one document is found in both compilations: Innocent's letter to the African bishops. As the *Avellana* is later than the

³³ Raúl Villegas Marín, "The Anti-Pelagian Dossier of Eugippius' *Excerpta ex operibus sancti Augustini* in Context: Notes on the Reception of Augustine's Works on Grace and Predestination in Late Fifth-Early Sixth Century Rome" (forthcoming).

Quesnelliana, it could be conjectured that the former aimed to complete the Pelagian dossier in the latter.

Appendix: Pelagian dossiers in late antique Canon Law Collections, and their parallels

Quesnelliana

(6) *Epistola concilii Carthaginensis ad Innocentium papam super errore Pelagii et Caelestii de libero arbitrio*. Letter from the Council of Carthage to Innocent (summer 416) = Augustine, *Ep.* 175. *Cum ex more* (also in *Collb*, *Par*, *Vat*, and *Hadriana*).

(7) *Rescriptum ejusdem papae ad idem concilium, in quo dogma Pelagii et Caelestii damnavit*. Letter from Innocent to the Council of Carthage (27 January 417) = Augustine, *Ep.* 181. *In requirendis* (also in *Collb*, *Par* and *Vat*).

(8) *Epistola concilii Milevitani ad Innocentium papam de Pelagii et Caelestii praeuitate, qui Dei adiutorio hominem asserunt non egere, et infantes sine baptismo posse consequi vitam aeternam*. Letter from the Council of Milevis to Innocent (summer 416) = Augustine, *Ep.* 176. *Quia te dominus* (also in *Collb*).

(9). *Rescriptum Innocentii papae ad idem concilium, quo error pariter cum errantibus damnatus est*. Letter from Innocent to the Council of Milevis (27 January 417) = Augustine, *Ep.* 182. *Inter ceteras* (also in *Collb*).

(10) *Epistola Aurelii Carthaginensis episcopi et aliorum quattor familiaris, directa ad Innocentium papam contra sectam Pelagii*. Letter from Aurelius, Alypius, Augustine, Evodius and Possidius to Innocent (summer 416) = Augustine, *Ep.* 177. *De conciliis duobus* (also in *Collb*).

(11) *Rescriptum Innocentii ad eodem quinque episcopos supra damnatione Pelagii* (= *Avell* 41; *Collb*). Letter from Innocent to Aurelius, Alypius,

Augustine, Evodius and Possidius to Innocent (27 January 417) = Augustine, *Ep.* 183. *Fraternitatis vestrae* (also in *Colb*).

(12) *Epistola Innocentii papae ad Aurelium episcopum Carthaginensem familiaris* (27 January 417). Private letter from Innocent to Aurelius of Carthage.

(13) *Concilium plenarium habitum apud Carthaginem contra Pelagium and Caelestium*. Plenary council in Carthage condemning Pelagius and Caelestius (1 May 418). Nine anti-Pelagian canons are preserved. (also in *Colb*).

(14) *Sacrum rescriptum Honorii et Theodosii ad Palladium P.P. post accepta gesta synodi supra scriptae*. Rescript of Honorius to Palladius, praetorian prefect of Italy, condemning Pelagius and Caelestius (30 April 418). *Ad conturbendam* (also in *Colb* and *Vat*).

(15) *Edictum Palladii P.P. de expulsionem Pelagii et Caelestii*. Edict of Palladius, praetorian prefect of Italy, publishing Honorius' rescript (spring 418). *In Pelagium* (also in *Colb*).

(16) *Epistola Honorii et Theodosii ad Aurelium Carthaginensem episcopum super Pelagii et Caelestii sacrilega doctrina et damnatione*. Letter from Honorius to Aurelius of Carthage, condemning Pelagius and Caelestius (9 June 419). *Dudum quidem* (also in *Colb* and *Vat*).

(17) *Epistola Aurelii episcopi ad episcopos provinciae Byzacena et Arzugitanos de Pelagii Caelestique errore damnato*. Letter from bishop Aurelius of Carthage, communicating the imperial decree to the bishops of Byzacena and Arzugitana (1 August 419). *Pelagii damnatione* (also in *Colb* and *Vat*).

(18) *Capitula excerpta de gestis in Palaestina provincia actis ubi Pelagius errori suo finem imposuit*. Excerpts from the Acts of the Council of Palestine (Diospolis) that exonerated Pelagius (December 415).

(19) *Sacrum rescriptum Constantii imperatoris ad Volusianum praepositum, de damnatione Caelestii*. Letter from Flavius Constantius to Volusianus, prefect of Rome, condemning Caelestius (autumn 418). *Quae cum praeteritae* (also in *Colb* and *Vat*).

(20) *Edictum Volusiani praepositi de Caelesti expulsionem*. Edict of Volusianus, prefect of Rome, expelling Caelestius from Rome (autumn 418). *Hactenus Caelestium* (also in *Colb* and *Vat*).

Colbertina

The *Colb* contains the same documents as the *Quesnell* except for:

-*Quesnell* 12. *Epistola Innocentii papae ad Aurelium episcopum Carthaginensem familiaris* (27 January 417).

-*Quesnell* 18. *Capitula excerpta de gestis in Palaestina provincia actis ubi Pelagius errori suo finem imposuit*. Excerpts from the Acts of the Council of Diospolis that exonerated Pelagius (December 415).

Vaticana

-(15)³⁴ Letter of the Council of Carthage of 416 to Innocent, *Cum ex more* (also in *Quesnell*, *Colb* and *Par*).

-(16) Letter of Innocent to the bishops of Carthage of 416, *In requirendis* (also in *Quesnell*, *Colb* and *Par*).

-(23) Letter from Honorius to Aurelius of Carthage, condemning Pelagius and Caelestius (9 June 419). *Dudum quidem* (also in *Quesnell* and *Colb*).

-(24) Letter from bishop Aurelius of Carthage, communicating the imperial decree to the bishops of Byzacena and Arzugitana (1 August 419). *Pelagii damnatione* (also in *Quesnell* and *Colb*).

³⁴ Numbering according to Maassen.

- (25) *Excerpta de gestis habitis contra Pelagium haereticum*. Extracts of the letter of Augustine and Alypius to Paulinus of Nola, *Tandem aliquando* (= Aug., *Ep.* 186), toward the middle of year 416 (also in *Vat*).
- (26) Letter from Flavius Constantius to Volusianus, prefect of Rome, condemning Caelestius (autumn 418). *Quae cum praeteritae* (also in *Quesnell* and *Colb*).
- (27) Edict of Volusianus, prefect of Rome, expelling Caelestius from Rome (autumn 418). *Hactenus Caelestium* (also in *Quesnell* and *Colb*).

Parisiensis

Excerpta de gestis habitis contra Pelagium haereticum. Extracts of the letter of Augustine and Alypius to Paulinus of Nola, *Tandem aliquando* (= Aug., *Ep.* 186), dated toward the middle of year 416. The letter informs Paulinus that the agreements taken at the Councils of Carthage and Milevis were reported to the Roman See that proceeded to confirm Pelagius' condemnation. The letter contains a summary of Pelagius' propositions with a refutation (also in *Vat*).

- (First part of the) Letter of the Council of Carthage of 416 to Innocent, *Cum ex more* (also in *Quesnell*, *Colb* and *Vat*).
- Letter of Innocent to the bishops of Carthage of 416, *Inquirendis* (also in *Quesnell*, *Colb* and *Vat*).

Avellana

- 41. *Epistola tertia Sancti Innocentii ad Episcopos V* (= *CQ* 11). Letter from Innocent to Aurelius, Alypius, Augustine, Evodius and Possidius (27 January 417)=Augustine, *Ep.* 183.

42. *Hieronymo presbytero Innocentius*. Letter from Innocent to Jerome on the attack on the monasteries at Bethlehem (416)=Jerome, *Ep.* 136.
43. *Fratri Iohanni Innocentius*. Letter from Innocent to Bishop John of Jerusalem on the attack on the monasteries at Bethlehem (416)=Jerome, *Ep.* 137.
44. *Fratri Aurelio Innocentius*. Letter from Innocent to Aurelius of Carthage (416)=Jerome, *Ep.* 135.
45. *Exemplum Epistolae I. Zosimi Papae in defensionem Caelestii contra Africanos Episcopos (Magnum pondus)*. Letter from Zosimus to the African bishops in defence of Caelestius (September 417, arriving in Carthage on 2 November).
46. *Zosimus Episcopus Aurelio et universis Episcopis per Africam (Posteaquam a nobis)*. Letter from Zosimus to the African bishops in defence of Pelagius (21 September 417).
47. *Libellus Paulini Diaconi adversum Caelestium Zosimo Episcopo*. Libellus of Paulinus Deacon to Zosimus refusing to go to Rome (8 November 417).
48. *Exemplum epistolarum sancti Augustini ad ea quae supra scripta sunt rescribentis per Albinum acolitum et Firmum presbyterum*. Letter from Augustine to Sixtus (autumn 418)=Augustine, *Ep.* 191.
49. *Beatissimo Papae Cyrillo Eusebius*. Letter from Eusebius (of Cremona?) to Cyril of Alexandria (end 418-419?).
50. *Zosimus Aurelio et ceterisque in concilio Carthaginiensi adfuerunt (Quamvis patrum)*. Letter from Zosimus to Aurelius and the bishops gathered in the Council of Carthage (18 March 418).

CHAPTER SEVEN

MULTIPLEX PERNICIOSA PERVERSITAS (*COLL. AVELL. EP. 97*): THE IMAGE OF PELAGIANISM IN GELASIUS' LETTERS IN THE *COLLECTIO AVELLANA*

MAIJASTINA KAHLOS

Introduction

Gelasius, the bishop of Rome (492–496), describes Pelagianism with such non-flattering phrases as *multiplex perniciose perversitas*, *diabolicae praevaricationes et contagii*, *recidiva Pelagianae pestis zizania*, *mortifer furor*, and *subtile virus funestae pravitatis*.¹ The colourful vocabulary is typical of the polemical writings written by leading ecclesiastical writers and is also familiar in the condemnations declared by church councils.² In this article I will discuss a number of Gelasius' letters in *Collectio Avellana* written against Pelagianism, focusing on the image that they convey of this movement.

¹ Gelasius in *Coll. Avell. ep. 97.1* (ed. Günther, 427); *ep. 97.65* (ed. Günther, 427); *ep. 98.2–4* (ed. Günther, 437).

² For the rhetoric, see, e.g. Maijastina Kahlos, "Ditches of Destruction: Cyril of Alexandria and the Rhetoric of Public Security," *Byzantinische Zeitschrift* 107.2 (2014): 1–32; ead., "Rhetorical Strategies in Jerome's Polemical Works," in *Polemik im Neuen Testament. Texte, Themen, Gattungen und Kontexte*, eds. Oda Wischmeyer and Lorenzo Scornaenchi (Berlin: de Gruyter, 2010), 621–49.

I will not discuss in length what “Pelagianism” and “Semi-Pelagianism” might have been at the time of Gelasius.³ Pelagianism was usually used as a blanket-term for several, more or less individual views on original sin, baptism, predestination, free will and divine grace that the writer himself disapproved of. The authors of these views—Pelagius, Caelestius, Julian of Eclanum, and some anonymous writers of treatises—did not necessarily represent any unified movement or tradition.⁴ However, from the point of view of mainstream ecclesiastical leaders, it was easy to see the arguments as similar and it was convenient to lump the opponents together. For example, writers who challenged Augustine’s views on predestination and free will were almost automatically branded as Pelagians. Pelagianism also functioned as a convenient label later on, during the Middle Ages and even later periods.⁵

In the Pelagian controversies, there were many important theological issues at stake, including basic human issues such as original sin, baptism, predestination, free will, and divine grace. However, the dispute also continued on another level, social and economic level of patronage as has been shown, for example, by Anne Kurdock and Kate Cooper in their

³ The term “Semi-Pelagianism” was coined in the seventeenth century; for the unsuitability of the term, see Brinley Roderick Rees, *Pelagius: A Reluctant Heretic* (Woodbridge: The Boydell Press, 1988), 106. For example, the ascetic movement in southern Gaul, namely John Cassian and his followers, was, according to Rees, closer to the views of Augustine of Hippo than Pelagius. Gerald Bonner, *Augustine and Modern Research on Pelagianism* (Villanova: Villanova University Press, 1972), 3 points out that “one should avoid any facile use of the style ‘Pelagians’ as a blanket-term to cover a number a highly individual personalities.”

⁴ Augustine represented the views of Pelagians in a succinct summary, making a simplification for his polemical ends. Thus, Pelagianism as a consistent system of doctrine should be seen only as a construction of the opponents. For the discussion on the generalizations of Pelagian views, see Mathijs Lamberigts, “Pelagius and Pelagians,” in *The Oxford Handbook of Early Christian Studies*, eds. Susan Ashbrook Harvey and David G. Hunter (Oxford: Oxford University Press, 2008), 258–59, 273. As Bonner, *Augustine*, 1, remarked, “a considerable mythology, not to say demonology, has attached itself to Pelagianism.”

⁵ For examples, see Rees, *Pelagius*, 98–124.

important articles on Roman aristocrat women and the rivalry between ecclesiastical authors on the support of these women. Kurdock has analysed how Jerome, Pelagius, and Augustine in their writings keenly approached the aristocratic heiress Anicia Demetrias in the early fifth century.⁶ Pelagianism indeed found many supporters among the Roman aristocracy, to the great displeasure of Jerome.⁷ Consequently, it constituted a serious threat to the authority of many bishops of Rome. Pelagian influence was felt not only in Rome, but also elsewhere in Italy, Dalmatia, Gaul, and in North Africa, where Augustine was rigorously opposed to Pelagian views. Later on, views labelled as Pelagian or Semi-Pelagian were also found in Britain and Ireland.⁸

In the early fifth century, Pelagius' views and the views related to Pelagius were intensely debated in North African church councils, especially under Augustine's influence. The North African bishops condemned Pelagius' views at Carthage in 418. Their decision was reinforced by the rescript of Emperor Honorius in 418 in which it was decreed that Pelagians were to be expelled from Italy.⁹ This was nothing new in Late Antiquity, for Christian

⁶ Kate Cooper, "Poverty, obligation, and inheritance: Roman heiresses and the varieties of senatorial Christianity in fifth-century Rome," in *Religion, Dynasty, and Patronage in Early Christian Rome, 300–900*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 165–89; Anne Kurdock, "*Demetrias ancilla dei*: Anicia Demetrias and the problem of the missing patron," in Cooper and Hillner, *Religion, Dynasty, and Patronage*, 190–224; for the rivalries, see also Kim Bowes, *Private Worship, Public Values, and Religious Change in Late Antiquity* (Cambridge: Cambridge University Press, 2008), 99–100.

⁷ There has been much speculation on whether the Pelagian emphasis on human achievement and free will had a special appeal to aristocrats, because of its (alleged) ascetic elitism: see, e.g., Bonner, *Augustine*, 13, who describes the ethos of Pelagianism as "an aristocratic asceticism, with the hauteur and exclusiveness which goes with it."

⁸ Pauline Allen and Bronwen Neil, *Crisis Management in Late Antiquity (410–590 CE): A Survey of the Evidence from Episcopal Letters* (Leiden: Brill, 2013), 115–17; Bronwen Neil and Pauline Allen, *The Letters of Gelasius I (492–496): Pastor and Micro-Manager of the Church of Rome* (Turnhout: Brepols, 2014), 44.

⁹ Lamberigts, Mathijs, "Cooperation of Church and State in the Condemnation of Pelagianism," in *Religious Polemics in Context*, eds. Theo L. Hettema and Arie van der Kooij (Assen: Royal Van Gorcum, 2004), 363–75; Geoffrey D. Dunn, "Innocent I on

interest groups appealed to the emperors, looking for solutions in disciplinary and dogmatic disputes. The church authorities, as R.M. Errington points out, were surprisingly quick to adapt to the traditional system of appealing to the central authority of the emperor when defending their interests, often at the local level.¹⁰ Pelagianism was also condemned in the council of Ephesus in 431. Pelagians (if we keep to use this blanket term) nonetheless continued to be a thorn in the flesh to the bishops of Rome, along with other doctrinal and ecclesiastical problems. For instance, Leo I in his first two (extant) letters addressed the problem with the Pelagian clergy who were coming back to Italy from exile in the early 440s.¹¹

Gelasius also confronted the problem of Pelagianism. It was one among other disciplinary matters with heresies as well as many other social, economic and administrative issues that he confronted during his bishopric of Rome. Gelasius' letters reveal a range of social issues, such as patronage, slavery, refugees and crisis management during times of famine, epidemics and war.¹² The bishop of Rome was responsible for administering the wealth of the Church of Rome and heading the developing ecclesiastical bureaucracy.¹³ Pelagianism was hardly problem number one in Gelasius' list of problems, but it was nevertheless urgent enough to draw his attention in some of his letters. For the bishops of Rome—and for the bishops of any

Heretics and Schismatic as Shaping Christian Identity,” in *Christians Shaping Identity from the Roman Empire to Byzantium. Studies Inspired by Pauline Allen*, eds. Geoffrey D. Dunn and Wendy Mayer (Leiden: Brill, 2015), 275–78.

¹⁰ Robert Malcolm Errington, *Roman Imperial Policy from Julian to Theodosius* (Chapel Hill: The University of North Carolina Press, 2006), 8–9.

¹¹ Leo, *ep.* 1–2, dated to 440–42. See Allen and Neil, *Crisis Management*, 118.

¹² There are more than 100 extant letters and fragments written by Gelasius; see Bronwen and Allen, *Letters of Gelasius*, 8–9. According to Walter Ullmann, *Gelasius I (492–496): das Papsttum an der Wende der Spätantike zum Mittelalter* (Stuttgart: Hiersemann, 1981), 162–63, Gelasius' style cannot be considered elegant or fluent.

¹³ Rita Lizzi Testa, “The Late Antique Bishop: Image and Reality,” in *A Companion to Late Antiquity*, ed. Philip Rousseau (Oxford: Wiley-Blackwell, 2009), 525–38.

region—the unity and cohesion of their church was of utmost importance. The bishops of Rome took the self-appointed role as scourges of heresy in Italy and its surroundings, and Gelasius also took a similar role in the affairs of Dalmatia. For example, one of Gelasius’ predecessors, Innocent I, declared as his aim the notion of religious unity, in which there was *nulla diversitas, nulla varietas* (no diversity, no variety).¹⁴ Likewise, in imperial proclamations, consensus and concord were increasingly stressed: as Richard Lim puts it, “the rhetoric of concord assumed greater weight as social reality became increasingly characterized by fragmentation, conflict, and anarchy.”¹⁵

Pelagianism as deviance

“Heresy” was seen as a threat to this unity of “orthodoxy,” both in ecclesiastical and imperial rhetoric. What constituted heresy and orthodoxy was in constant process of defining and redefining. Thus, as is well-known, Pelagian views were at different times condemned as deviant (by Innocent I and Zosimus) and approved as orthodox (by Zosimus).¹⁶ Orthodoxy is a relational concept, which means that it is always defined and understood in relation to the concept of heresy. You can’t have one without the other. Thus, we perceive Augustine defining his views on original sin, predestination and free will in contrast to the views of the Pelagians. The notion of orthodoxy presupposes that there is such a thing as a true doctrine and this presupposition implies that other views are false. Hence, to evaluate a person or group as orthodox is a biased judgment of one party. Consequently, a definition of orthodoxy is never a natural, ahistorical, or

¹⁴ Innocent I, *ep.* 25.1 (*PL* 20, col. 552). Ullmann, *Gelasius*, 38.

¹⁵ Richard Lim, *Public Disputation, Power, and Social Order in Late Antiquity* (Berkeley: University of California Press, 1995), 26.

¹⁶ It seems that it was Augustine’s tireless efforts, particularly his series of tractates against Pelagius and Julian of Eclanum, that eventually led to the condemnation of Pelagian views.

stable ontological category but rather a context-specific category that is continuously negotiated.¹⁷

The boundaries between orthodoxy and heresy were not fixed but were constantly redrawn, as in the boundary marking in the late antique church councils. This was also obvious in the relationship between Pelagian “heresy” and Augustinian “orthodoxy” in which orthodoxy and deviance were shaped in social interaction. Naming groups within Christianity, indeed within any religion, is labelling rather than simply reporting on observable realities. Correspondingly, beliefs, rituals and individuals are not orthodox or heretic as such. Orthodoxy is a “process” through which norms are formulated. In fact, deviance implies that in a community there are some accepted standards or norms from which a person or a group deviates, even though these norms may well be implicit rather than explicit. Definitions of orthodoxy are part of the power struggles within religious communities as well as in relation to other communities.¹⁸

In modern research, deviance is not understood as an “act” as such but rather as a “response” to this act. The shift of the focus is in the construction of deviance and in the role of those, the social audience, who create deviance. Deviance—or what Late Antiquity would call “heresy”—is a violation of

¹⁷ Jacques Berlinerbau, “Toward a Sociology of Heresy, Orthodoxy, and Doxa,” *History of Religions* 40.4 (2001): 331, 335; Eduard Iricinschi and Holger M. Zellentin, “Making Selves and Marking Others: Identity and Late Antique Heresiologies,” in *Heresy and Identity in Late Antiquity*, eds. Eduard Iricinschi and Holger M. Zellentin (Tübingen: Mohr Siebeck, 2008), 1–27; William E. Arnal, “Doxa, Heresy, and Self-Construction,” in Iricinschi and Zellentin, *Heresy and Identity*, 50–101; Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 3.

¹⁸ John M.G. Barclay, “Deviance and Apostasy: Some Applications of Deviance Theory to First-Century Judaism and Christianity,” in *Modelling Early Christianity: Social-Scientific Studies of the New Testament in its Context*, ed. Philip F. Esler (London: Routledge, 1995), 114–18; Outi Lehtipuu, “How to Expose a Deviant? Resurrection Belief and Boundary Creation in Early Christianity,” in *Others and the Construction of Early Christian Identities*, eds. Raimo Hakola, Nina Nikki, and Ulla Tervahauta (Helsinki: Finnish Exegetical Society, 2013), 171–74.

norms. Nothing or no one deviates in a social vacuum, thus an act or an individual (or a doctrine) is not deviant in itself but becomes deviant as other people respond by labelling it deviant.¹⁹ This is also noticeable in the responses to Pelagius, Caelestius, and other “Pelagian” thinkers.

In the modern theory of deviance, deviance is also seen as an important part in the identity building of groups and communities. Deviants are necessary because the identities of groups are based on the idea of uniqueness, singularity and distinctiveness from others. The members of a group need to feel that they are different from others. If there are no real great differences at least to an outside observer, any slight variations are construed as the differences between groups. To outside observers, for example a modern researcher trying to make sense of late antique doctrinal disputes, these differences may appear to be like shades of grey. Groups tend to be particularly hostile to those deviants who as proximate others are not necessarily very far from them in their beliefs, rituals or doctrines.²⁰ For example, the differences between the Pelagians and the mainstreamers were not always particularly clear. Pelagians posed a threat precisely because the boundaries were blurred. Those groups which were real outsiders, distant others, for example “pagans” in the sense of institutions, doctrines and beliefs if not in social reality, and were distinctive enough, were not treated as rigorously as heretical insiders. This is also observable in fifth- and sixth-century ecclesiastical writing.²¹ Pelagians clearly considered themselves true

¹⁹ The classical theory of deviance has been developed by Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press, 1973), and its key points are still relevant in the research of heresy. See also Lehtipuu, “How to Expose,” 171–74 with bibliography.

²⁰ Lehtipuu, “How to Expose,” 171–74.

²¹ In addition, even though there were pagans in the fifth and sixth centuries, they were no longer powerful enough to pose a threat in power struggles. Here, of course, we encounter the problem of how to define pagans.

Christians and high quality Christians at that. The label of heresy is rarely assumed willingly.²²

The portrait of Pelagianism in Gelasius' letters

As mentioned above, Pelagianism was probably not among the foremost administrative and social issues during Gelasius' bishopric, but it is still significant enough to urge him to discuss it in several letters. Gelasius' attitudes towards others—pagans and heretics—have been briefly analysed by Teresa Sardella, who compares the attitudes of ecclesiastical leaders (Gelasius), Gothic leaders (Theoderic) and monastic circles (Cassiodorus) towards the religious others in Ostrogothic Italy.²³

My focus here is on Gelasius' portrait of Pelagianism as a deviance. Indeed, when listing the errors of Pelagianism, Gelasius states that it has deviated from the integer path and proceeds now as a vagrant (*deviarit, ab integro tramite vagus ubique progrediens*). He adds that the more Pelagianism thinks it proceeds strongly the more it is in error (*quanto se currere fortius putet, tanto plus erret*).²⁴

The threat of deviance is frequently depicted as a disease or poison in heresiological treatises and handbooks. Medical arguments lead the reader not only to connect the deviating and rivalling movement (heresy) with images of disease lurking inside, but also to connect the mainstream

²² For a discussion, see Brad Windon, "The Seduction of Weak Men: Tertullian's Rhetorical Construction of Gender and Ancient Christian 'Heresy,'" in *Mapping Gender in Ancient Discourses*, eds. Todd Penner and Caroline Vander Stichele (Atlanta: SBL, 2007), 462–63. In keeping with the notion that heresy is not assumed willingly, Rees's work titled *Pelagius* is subtitled *A Reluctant Heretic*.

²³ Teresa Sardella, "Variations on Religious Otherness through Throne, Altar, and Monastic School (Ostrogoth Italy, 6th Century)," in *The Quest for a Common Humanity: Human Dignity and Otherness in the Religious Traditions of the Mediterranean*, eds. Mathias Morgenstern and Katell Berthelot (Leiden: Brill, 2011), 179–97.

²⁴ Gelas. *Coll. Avell. ep.* 97.1–4 (ed. Günther, 400–1).

(orthodoxy) with cures and medicine. Medical arguments have had a long history in polemics, especially between rivalling religious groups. *Panarion*, or *The Medicine Chest* by Epiphanius of Salamis is the most renowned example of heresiology, employing the imagery of poisons and their remedies throughout the work.²⁵ Gelasius follows these conventions and in one of his letters, ep. 98 in *Collectio Avellana*, against Pelagianism, introduces medical imagery as well as many other images and arguments common in heresiological literature. Gelasius writes that he cannot and should not ignore the problem of Pelagianism in Dalmatia. The whole imagery brings forth a strong sense of grave danger. The opinion of Pelagians is *tristis*, *horrenda* and *vix credibilis* (hardly credible). Pelagianism is called plague (*pestis*). It is a poison (*subtile virus funestae pravitatis*). It has been a hidden wound (*occultum vulnus*) within the church.²⁶ Furthermore, it is *zizania*, the weed that has spread its seeds. *Zizania* with its Biblical references occurs frequently in the attacks against heresies (for *zizania*, see also the discussion below). It is even said to work with the art of perdition of deceitful spirits (*arte fallaciae spiritus perditionis*), connecting the heresy to demons.²⁷

Gelasius' discourse on orthodoxy and heresy

According to Gelasius, Pelagianism is a perversity condemned by the whole world (*perversitas toto orbe damnata*). This refers to the condemnations of Pelagian views in the church councils (discussed in the introduction above). Gelasius also calls Pelagianism a blasphemy that affects simple people with its

²⁵ J. Rebecca Lyman, "Heresiology: the invention of 'heresy' and 'schism,'" in *The Cambridge History of Christianity. 2. Constantine to c. 600*, eds. Augustine Casiday and Frederick W. Norris (Cambridge: Cambridge University Press, 2007), 302–3.

²⁶ Gelas. *Coll. Avell. ep.* 98.2–4 (ed. Günther, 437): [...] *dissimulare nec possumus nec debemus, quam nostram sollicitudinem forma perstringat [...] Ita quippe nos repente tristis horrenda et vix credibilis confecit opinio.*

²⁷ Gelas. *Coll. Avell. ep.* 98.2–4 (ed. Günther, 437).

death-bringing fury (*mortifer furor*).²⁸ Heresies were often depicted as subtleties that were invented to lead simple people astray.²⁹ What made heresies particularly dangerous for simple people, according to the church leaders, was their cunning resemblance to orthodox teaching. Gelasius states in the same letter that Pelagianism is a nefarious error—the more resemblance it has to the truth the more dangerous it is. As its contradiction, Gelasius offers the pure truth of the *catholica fides* and the concord of all the Fathers' teachings. To contrast the imagery of plague, poison and wound, Gelasius presents the medicine (*medicina*) of his orthodoxy.³⁰

Furthermore, in the manner of many other ecclesiastical writers attacking heresies, Gelasius condemns Pelagian views as novel errors (*novicios [...] errores*).³¹ In another letter he also names it as a new plague (*nova pestis*).³² As a contrast to the novelty of the heretical error, the primeval truth of orthodoxy is alleged. In many heresiological treatises, the falsehood of the recent heresy is contrasted with the authenticity of long apostolic succession. Not only the bishop of Rome and the mainstream church—or what became the mainstream church—but also several other rivalling Christian groups claimed to represent and continue apostolic succession. The true doctrine was seen to have been handed down from teacher to disciple, and apostolic succession

²⁸ Gelas. *Coll. Avell. ep.* 98.2–4 (ed. Günther, 437): *recidiva Pelagianae pestis zizania seminasse tantumque illic eorum praevalere blasphemiam, ut simplices quosque mortiferi furoris insinuatione decipiant*. Gelas. *Coll. Avell. ep.* 94.17 (ed. Günther, 363) also speaks of *haeresis Pelagianae doctrina mortifera*.

²⁹ For examples, see, e.g. Kahlos, “Rhetorical Strategies,” 621–49; Kahlos, “Ditches of Destruction,” 1–32.

³⁰ Gelas. *Coll. Avell. ep.* 98.4 (ed. Günther, 437): *Est quidem error ipse nefarius tanto perniciosior ad subripiendum, quanto ad fallendum verisimilitudinis colore versutior [...] fidei catholicae pura veritas concordibus universorum patrum deprompta sententiis*. Gelas. *Coll. Avell. ep.* 93.5 (ed. Günther 5, 356) also lists ponderous concepts and words in one stroke: the *catholicae fidei veritas* and *puritas* are contrasted with the *haeresis* of Pelagianism, which is also *error*, *pravitas* and *anathema*.

³¹ Gelas. *Coll. Avell. ep.* 98.2–4 (ed. Günther, 437).

³² Gelas. *Coll. Avell. ep.* 94.2 (ed. Günther, 357).

was the marker of truth. A genealogical model, a notion of an original pure doctrine, from which heretical doctrines deviate in the course of time, is often developed in the heresiological narratives, such as in the works of Justin, Irenaeus, Hippolytus, and Eusebius.³³ In a corresponding way, heresy was also thought to have been transmitted from teacher to disciple. Heresy had to have the alleged eponymous “founder,” deducing Marcionism from Marcion, Arianism from Arius, and so forth. Deducing Pelagianism from Pelagius followed this tradition of labelling and naming.

Thus, the unity of orthodoxy is represented as the original state of affairs. In the manner of many other ecclesiastical writers, Gelasius refers to *zizania*, the weeds that grow in the middle with the original wheat, stressing the idea that there is the true doctrine, orthodoxy, that the bishop of Rome represents.³⁴ Diversity is, as Teresa Sardella points out, not understood as a generative state, but is instead seen as coming from some unhealthy act of degeneracy.³⁵ Therefore, heresy is something that develops as a twisted addition alongside of the true doctrine, whether it is a weed, disease or cancer that must be eliminated. In this sense, the notion of heresy resembles the ancient ideas of magic. Magic was thought to be a perverse version of religion proper. In the polemic of ecclesiastical writers, heresies were associated with magic, and both were thought to derive from demons.³⁶

³³ A similar genealogy was developed within the Platonic movement. See George R. Boys-Stones, *Post-Hellenistic Philosophy: A Study of its Development from the Stoics to Origen* (Oxford: Oxford University Press, 2001).

³⁴ Gelas. *Coll. Avell. ep.* 98.2–4 (ed. Günther, 437).

³⁵ Sardella, “Variations,” 185.

³⁶ Majastina Kahlos, “*Artis heu magicis*—The Label of Magic in the Fourth-century Disputes and Conflicts,” in *Pagans and Christians in Late Antique Rome*, eds. Michele R. Salzman, Marianne Sághy, and Rita Lizzi Testa (Cambridge: Cambridge University Press, 2015), 162–77.

Heresy as a threat and a tool

Heresy was understood as a grave threat. Gelasius writes to the bishops of Picenum in 493, during the turmoil of the civil war between Odovacer and Theodoric: “We were grieving that the provinces right next to our city were being laid waste by barbarian incursions and the wild storm of war.” In his grandiose manner, Gelasius states that heresies that the devil has brought forth are even more treacherous to the minds of Christians than hostile savagery is to bodies (*periculosiorem diabolus Christianorum mentibus labem quam corporibus hostilis feritas irrogavit*).³⁷ Heresies clearly come from the devil.³⁸ In the same letter, the danger is stressed using the image of poison (*venena, virus*) and contagion (*contagium*). Gelasius speaks of the *Pelagianorum peculiare virus*.³⁹

Here Gelasius is one of several bishops who in their letters and other writings focus their attention on doctrinal issues and often fail to mention contemporary wars and other events. It seems that he mentions the barbarian incursions (*barbaricae incursiones*) only because they function as a point of comparison to an even more significant disaster, heresy. Spiritual wellbeing is seen as more important in the hierarchy than any worldly event. I wonder whether the lack of references to war or current events is not necessarily due to lack of interest as such but due to the genre of the ecclesiastical treatises and letters into which worldly events just do not belong. The letters and treatises of bishops focus on doctrinal problems and church discipline.⁴⁰

³⁷ Gelas. *Coll. Avell. ep.* 94.1 (ed. Günther, 357). Trans. Neil and Allen, *Letters of Gelasius*, 45. For the letter, see Ullmann, *Gelasius*, 223–24 n. 18 and Neil and Allen, *Crisis Management*, 45.

³⁸ This is also stressed in the phrase *obcaecatio diabolica*: Gelas. *Coll. Avell. ep.* 94.5 (ed. Günther, 358).

³⁹ Gelas. *Coll. Avell. ep.* 94.3 (ed. Günther, 357): *virus*; 94.5 (358): *venena*; 94.9; 94.10 (360): *contagium*; 94.26 (365): *peculiare virus*.

⁴⁰ See Bronwen Neil, “The Papacy in the Age of Gregory the Great,” in *A Companion to Gregory the Great*, eds. Matthew Dal Santo and Bronwen Neil (Leiden: Brill, 2013),

Similarly, for instance, Innocent I makes only a passing reference to the Gothic attacks in 408-410. As Pauline Allen and Bronwen Neil point out, “what really upsets all the Roman bishops of this period is heresy,” or, rather it is this issue that is primarily taken up in episcopal discussions.⁴¹

Gelasius’ letter 97 in *Collectio Avellana* contains a long argument attacking the errors of Pelagians. The most insulting thing is that some imagine that they can achieve perfection in this life through their own capacity and will.⁴² Gelasius goes through discussions on the human condition and divine grace providing profuse Biblical references, especially to the Apostle Paul.⁴³ This in-depth discussion is based on Augustine’s doctrine of grace and, according to Walter Ullmann, offers nothing theologically new, original or independent.⁴⁴ I mention this comprehensive argumentation by Gelasius simply to point out that he aims at persuading and clarifying doctrinal matters. The hate-speech kind of rhetoric that I have analysed above is only one aspect of persuasion and follows the conventional discourse of the time on orthodoxy and heresy. In this letter, Gelasius states that the opinions of Pelagians are *blasphemia sacrilege* and have been condemned by both divine and human laws (*tam divinis quam humanis legibus*). Here he also refers to the condemnations of Pelagianism by emperors; Emperor Honorius had condemned Pelagius and expelled his followers from Rome (see the

14. Neil argues that religious disputes were seen as more important than all other crises, even war.

⁴¹ Innocent, *ep.* 16 (*PL* 20, col. 519). See also Allen and Neil, *Crisis Management*, 30–31.

⁴² Gelas. *Coll. Avell. ep.* 97.1–4 (ed. Günther, 400–1).

⁴³ Gelas. *Coll. Avell. ep.* 97.5–50 (ed. Günther, 402–21).

⁴⁴ Ullmann, *Gelasius*, 255. In Augustine’s probably somewhat distorted or at least simplified version of Pelagian views, the idea of the human capacity to achieve perfection through acts of virtue challenged the doctrine of salvation by divine grace. Neil and Allen, *Letters of Gelasius*, 43.

discussion above in the introduction). All in all, Pelagianism is *multiplex perniciosa perversitas*.⁴⁵

Gelasius stresses the unity of the church. The church should be *unum corpus in Christo*.⁴⁶ For him, Pelagianism meant the breakdown of catholic unity.⁴⁷ In his letter (*ep.* 98 in *Collectio Avellana*) to Honorius, the bishop of Salona (490–493), Gelasius tells him to prevent Pelagians from re-emerging in Dalmatia. In intervening in Dalmatian issues, he overstepped the limits of his authority. However, justification was found in the severity of the Pelagian problem.⁴⁸ Thus, on the one hand, for the bishops of Rome, Pelagians (and other deviant groups) constituted a problem, namely they threatened the cohesion of the Christian community. On the other hand, the problem of Pelagianism (and other heresies) offered tools to enhance the authority of bishops in general and the bishops of Rome in particular.⁴⁹

Conclusion

The phases of orthodoxy and heresy are linked to the power position of the bishop of Rome.⁵⁰ Defining and instituting orthodoxy and heresy is an issue

⁴⁵ Gelas. *Coll. Avell. ep.* 97.1 (ed. Günther, 400). Gelasius repeats that the Pelagian views are *opiniones* (*ep.* 97.86: 435), especially *vanae opinioniones* (*ep.* 97.16: 407).

⁴⁶ Gelas. *Coll. Avell. ep.* 97.89 (ed. Günther, 436): *unitas; unum corpus in Christo*.

⁴⁷ Gelas. *Coll. Avell. ep.* 98 (ed. Günther, 436); *ep.* 94 (358). For discussion, see Ullmann, *Gelasius*, 255.

⁴⁸ Gelas. *Coll. Avell. ep.* 98.2 (ed. Günther, 437). For a discussion on the re-emergence of Pelagians in Dalmatia and Gelasius' intervention, see Neil and Allen, *Letters of Gelasius*, 44 and Samuel Cohen, *Heresy, Authority and the Bishops of Rome in the Fifth Century: Leo I (440–461) and Gelasius (492–496)* (PhD diss., University of Toronto, 2014), 147.

⁴⁹ For Gelasius' attacks against other groups such as Manicheans, see Allen and Neil, *Crisis Management*, 51.

⁵⁰ For the development of the power of the bishop of Rome, see Rita Lizzi Testa, "Bishops, Ecclesiastical Institutions, and the Ostrogothic Regime," in *A Companion to Ostrogothic Italy*, eds. Jonathan J. Arnold, M. Shane Bjornlie, and Kristina Sessa (Leiden: Brill, 2016), 451–79 and Kristina Sessa, *The Formation of Papal Authority in Late Antique*

of power. Orthodoxy is claimed to be the true doctrine or belief—by definition, everything else is judged to be in the realm of falsehood. It “is not benign; it entails demarcation and condemnation” and because religious orthodoxy aims at unity and unanimity, it “of its nature seeks to suppress or deny difference.”⁵¹ Labelling one’s rivals as deviants had been part of the struggles for power and control throughout the Christian tradition. In order to secure unity and concord in the community, it was decisive to fix clear boundaries and remove deviants. In the case of Pelagianism, the boundary markers were erected concerning the doctrines of free will, human achievement, and divine grace, along the lines set by Augustine. Views that did not conform were deemed perverse, diabolic and counterfeit. Pelagianism as a private or domestic religiosity was outside the control of the church and therefore, challenged the authority of the bishops of Rome.⁵² Gelasius, following the precedent of his predecessors Innocent I, Zosimus and Leo I, set out to repress Pelagians in Italy and Dalmatia.⁵³

Italy: Roman Bishops and the Domestic Sphere (Cambridge: Cambridge University Press, 2011).

⁵¹ Averil Cameron, “The Violence of Orthodoxy,” in Iricinschi and Zellentin, *Heresy and Identity*, 111, 106.

⁵² For the suspicions towards private religiosity, see, e.g. Cohen, *Heresy, Authority and the Bishops of Rome*, 45, 65–67.

⁵³ Sardella, “Variations,” 185 regards Gelasius’ opposition towards pagans, heretics, and schismatics as the most determined opposition. Neil and Allen, *Letters of Gelasius*, 45, 64 speak of the persecution of Pelagians. For Leo’s procedures against Pelagians and other groups, see also Cohen, *Heresy, Authority and the Bishops of Rome*, 62–67.

CHAPTER EIGHT

CONTESTATIONS BETWEEN ELITES:
ITALO-ROMAN SENATORIAL ARISTOCRATS
AND THE SENATE
IN THE *COLLECTIO AVELLANA*

MICHELE R. SALZMAN

*amplitudinis uestrae es popularium mentes ad quietem consilii salubritate retinere. cum probabilem ac necessariam dilationem nostram dubitare nequeatis. Datae Id. Mart. [419].*¹

It is in keeping with your dignity to keep the minds of the people focused on peace through the wholesomeness of your counsel, although you cannot doubt that our delay (of the council) is commendable and necessary.²

The *Collectio Avellana*, as Dana Iuliana Vezure well observed, is primarily interested in presenting the papacy “as a powerful and independent institution” manifested primarily in schisms and imperial-papal relations.³

¹ Letter 23.13-15 in Otto Günther, ed. *Epistulae Imperatorum Pontificum Aliorum inde ab a. CCCLXVII usque ad a. DLIII datae Avellana quae dicitur collectio* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898), 70. Hereafter cited as *Collectio Avellana*. Citations include page and line numbers.

² Translations of the *Collectio Avellana* are by the author unless otherwise noted.

³ Dana Iuliana Vezure, “*Collectio Avellana* and the Unspoken Ostrogoths: Historical Reconstruction in the Sixth Century,” in Geoffrey Greatrex and Hugh Elton, eds.,

Indeed the compilation may owe its existence to this aim if we follow the view of one of the early twentieth century scholars, E. Schwartz; even if the *Collectio* was most likely produced for private use, Schwartz proposed that it was based on and existed simultaneously with a collection containing similar material, now lost, that was meant as official papal propaganda set out for public consumption by Pope Hormisdas or his chancery.⁴ Even those scholars who agree with E. Schwartz and O. Günther, the first modern editor of the *Collectio*, that this corpus was intended for private use, do not agree about the content, intent and audience of the *Collectio*. This has led some scholars to turn back to the text to discern thematic unities and/or organizational principles behind its diverse content.⁵

My aim in this paper is to contribute to a better understanding of the compilation and its fashioner by shifting focus away from the more prominent actors—popes and emperors—in the *Collectio* to look rather at Italo-Roman senators and the institution that represented their interests - the Senate of Rome. By the time the *Collectio* was compiled under or soon after the papacy of Hormisdas, Italo-Roman senatorial aristocrats were key actors in papal politics. Indeed, it is probable that one of them was a reader—or

with the assistance of Lucas McMahon, *Shifting Genres in Late Antiquity* (Surrey and Burlington: Routledge, 2015), 95.

⁴ Eduard Schwartz, “Publizistische Sammlungen zum akakianischen Schisma,” *Abhandlungen der Bayerischen Akademie der Wissenschaften. Philosophisch-historische Abteilung*, 10 (1934): 287. Günther first proposed the existence of a lost collection X (*Collectio Avellana* LVI), and he also thought that the *Avellana* was compiled for private use (*Collectio Avellana* “Prolegomena,” II). This is discussed with an appreciation for its implications for reading the collection by Viezure, “*Collectio Avellana* and the Unspoken Ostrogoths,” 93-103. For fuller discussion of the theories about the compilation of the *Collectio Avellana*, see the paper by Alexander Evers in this volume.

⁵ Günther first proposed the existence of a lost collection X in the “Prolegomena” to his edition of the *Collectio Avellana* in *CSEL* 35, I-XCIV, here at II. He took this view because the *Collectio* contained such disparate material and was not carefully wrought (*non [...] ex omni parte perfectam*). Viezure, “*Collectio Avellana* and the Unspoken Ostrogoths,” 93-103 has argued for the thematic unities behind the compilation and cites relevant bibliography.

even the producer—of this compilation because the *Collectio* included certain documents that shed favorable light on the influence of the Senate and Italo-Roman senators on the papacy and on certain emperors. And regardless of the status of the composer, the *Collectio Avellana*, with its long timespan—from 367 down to the 550s or arguably the 520s—provides good evidence for certain key changes in the political and religious roles of the Senate of Rome; this evidence has not been sufficiently appreciated by scholars working on the Senate, on Italo-Roman senatorial aristocrats in fifth-sixth century Italy, or on the *Collectio Avellana* per se.⁶

There are some thirteen documents in the *Collectio* that mention the Senate of Rome or of Constantinople (for the citations, see the Appendix to this paper). The references to the Senate of Constantinople (in six documents in the *Collectio Avellana*) are brief and regularly joined with the Eastern emperor and/or the imperial court; typical is the phrase: *sub conspectu principis et senatus* (Letter 167, *Collectio Avellana* 619.29). The Senate of Rome is mentioned more often (in some eight documents). More importantly, only the Senate of Rome is directly addressed in a speech of the Emperor Honorius (*Principis Oratio Ad Senatum* 23, *Collectio Avellana* 69.28), and only the Senate of Rome has its direct response included in the *Collectio* in a letter

⁶ Among those works on the Senate of Rome in the fourth-sixth centuries, I cite several important studies which omit the *Collectio Avellana*: André Chastagnol, *Le Sénat romain à l'époque impériale: Recherches sur la composition de l'assemblée et le statut de ses membres* (Paris, 1992); Lellia Cracco Ruggini, "Il Senato fra due crisi (III-VI secolo)," in *Il Senato nella Storia, Vol. 1: Il Senato nell'età Romana*, ed. Emilio Gabba (Rome, 1998), 223-39; and Christine Radtke, "The Senate at Rome in Ostrogothic Italy," in *A Companion to Ostrogothic Italy*, eds. Jonathan J. Arnold, M. Shane Bjornlie, and Kristina Sessa (Leiden, 2016), 121-46. The *Collectio Avellana* is briefly noted by Adolfo La Rocca and Fabrizio Oppedisano, *Il senato romano nell'Italia ostrogota* (Rome: L'Erma di Bretschneider, 2016), 48, 117. The primary exception to this tendency is the article by Guido Clemente, "Il Senato e il governo dell'impero tra IV e VI secolo: La religione e la politica," *Costantino prima e dopo Costantino*, eds. Giorgio Bonamente, Rita Lizzi Testa, and Noel Lenski (Bari: Edipuglia, 2012), 321-31, but this work is not concerned with the *Collectio Avellana* as a collection nor the representation of the Senate over time.

(Letter 114, *Collectio Avellana* 508-509) to the Emperor Anastasius. These documents represent two key aspects of senatorial political influence. One component of that influence, discussed in Part I of this paper, revolves around the role of the Senate and Italo-Roman senatorial aristocrats in conflicts over papal elections; their role is explicitly stated in documents in the *Collectio* concerning the contested papal elections of 367 (Letter 1, *Collectio Avellana* 2.9) and that of 418-419 (Documents 23, 69, and 81). Honorius's engagement with the Senate in the context of the 418-419 contested papal election must be understood as part of his attempt at rebuilding his relationship with this institution and reasserting his authority in Rome in the wake of his failed policies that led to the sack of 410. But Honorius's intervention was influential, for he set a precedent for later fifth and sixth century changes to Rome's papal electoral system that fostered the growing political and religious influence of Italo-Roman senators and the Senate. The role of the Senate and senators in papal politics continued under Odoacer and subsequent Ostrogothic rule.

A second component of senatorial influence is attested in the Acacian Schism under Pope Hormisdas. The Senates of Rome and Constantinople are involved in this conflict over papal authority and doctrine that separated the Eastern and Western churches from 484-519. As I will show in Part II of this paper, the inclusion of the *Response of the Senate of Rome* to the emperor Anastasius II in this standoff in 516 CE (Letter 114, *Collectio Avellana* 508-509) highlights the important role the Senate played in Rome by this time; Anastasius wanted the Senate of Rome to validate his position and support his authority in opposition to the pope. As a legitimating third party in disputes between pope, emperor and/or king, the Senate had gained political power. But as I show, in this instance the Senate's official stance supported the pope's position. Hence the inclusion of this document highlighted the

image of the papacy as a strong institution that acted with the support of the Senate and people of Rome. At the same time, as I demonstrate, the Senate protected its own interests and maintained its independence in the face of imperial pressure through its politic use of diplomacy and its profession of shared religious values with the eastern court.

By way of conclusion, I consider the implications of the depiction of the role of the Senate and Italo-Roman leading senators in the *Collectio Avellana* for understanding the collection as a whole. I propose that although the fashioner of the *Collectio* selected documents that highlighted the role of the papacy, he also chose to present the Senate of Rome as a legitimating and vital institution that worked to resolve conflict. In most instances, the Senate aligned itself with the papacy in the face of imperial pressure. But it also aligned itself with the emperor in certain key moments. Hence, over the period documented by the *Collectio Avellana*, the Senate of Rome emerges as an increasingly influential force in imperial and papal politics. The wealthy Italo-Roman senators who comprised the membership of the Senate contributed toward this situation. However, by the late fifth century, the political prominence of the Senate and rich senators help explain why the Senate of Rome enjoyed a protected position under Odoacer and then under later Ostrogothic rulers. Thus, I see little evidence for the view that the *Collectio* has an anti-Ostrogothic thematic unity, as Viezure had proposed.⁷ Rather, the pro-papal and pro-senatorial perspective of the *Collectio* would please an elite audience, lay and clerical, drawn from these two institutions. The *Collectio* further underscores why these institutions remained independent actors even under the post-Roman rule of Odoacer and the Ostrogoths.

⁷ Viezure, “*Collectio Avellana* and the Unspoken Ostrogoths,” 93-103.

Part I. Senate and Italo-Roman senatorial aristocrats in documents concerning the contested papal elections of Liberius and Felix (367) and of Boniface and Eulalius (418-419)

The role of the Senate in the *Collectio's* documents concerning the contested elections of Liberius and Felix (367) and of Boniface and Eulalius (418-419) was to maintain peace in the city of Rome. In the papal election of 367, “the Senate or the people” recognized and drove away the flawed papal candidate, Felix, from the city and reinstated the rightful contender, Liberius.⁸ The document reiterates that it was a combination of the senators (literally, the leading men or *proceres*) and the common people who, after Felix had returned to try to celebrate mass in the basilica of Iulius in Trastevere, once more ejected him from the city.⁹ Prior to this point, the document had only described the actions of the *populus Romanus*; the *populus* pressed Constantius II during his visit to Rome for the return of Liberius; the *populus* joyfully exited the city to greet the returning Liberius.¹⁰ But when it comes to the use of force to remove Felix, the text adds the presence of the Senate and the senators; this adds an institutional justification for what would otherwise be a

⁸ Letter 1, *Collectio Avellana* 2.8-9 [367 CE]: *Felix notatus a senatu uel populo de urbe propellitur*.

⁹ Letter 1, *Collectio Avellana* 2.12-13 [367 CE]: *quem omnis multitudo fidelium et proceres de urbe iterum cum magno dedecore proiecerunt*. Since this line follows on the description of the senate or people repelling Felix, *proceres* is best understood simply as senators. This is the standard understanding of *proceres*, see for example, SHA, Pert. 6.2; C. The 6.4.12 (361), and the discussion by La Rocca and Oppedisano, *Il senato romano*, 48 n. 55. However, in other cases *proceres* can be used to indicate leading men belonging to the court, but it is so explained with a genitive, as in *Collectio Avellana* 141.2: *amplissimi proceres sacri nostri palatii et sanctissimi senatus*.

¹⁰ Letter 1, *Collectio Avellana* 2.1-8: *Liberii episcopum susceperunt. Quod factum uniuerso populo displicuit et se ab eius processione suspendit. Post annos duos uenit Romam Constantius imperator; pro Liberio rogatur a populo. Qui mox annuens ait 'habetis Liberium, qui, qualis a uobis profectus est, melior reuertetur'. Hoc autem de consensu eius, quo manus perfidiae dederat, indicabat. Tertio anno redit Liberius, cui obuiam cum gaudio populus Romanus exiuit*.

popular outburst. And it is worth remarking that the text here follows the conventional sequence, as in *Senatus Populusque Romanus*.

The expectation that the Senate can restrain the populace and keep the peace in the city emerges again in relation to another contested papal election in 418-419 after the death of Pope Zosimus (Letters 14-37, *Collectio Avellana*). In this disputed election, one faction in the city elected Eulalius, an archdeacon, and another faction chose Boniface, a priest. To control the street fighting that ensued, the then urban prefect, Aurelius Anicius Symmachus, reported on the disorder to the emperor Honorius in the copy of the letter that opens this series of letters; Symmachus explained his role and asked for guidance (Letter 14, *Collectio Avellana* 59-60).¹¹ A copy of the imperial *rescriptum* that confirmed Eulalius and expelled Boniface follows (Letter 15, *Collectio Avellana* 60-61). The emperor also directed the urban prefect to ensure that there was no urban unrest; indeed, this was the prefect's job and the imperial order is quite what one would expect in a situation of potential civic violence.

Only after petitions of priests arrived in Ravenna alleging that the urban prefect, Symmachus, had omitted some information from his report did Honorius rescind his earlier decision and order the two candidates to come to the imperial court to present their case to a council of bishops summoned from several provinces (Letter 18, *Collectio Avellana* 65-66, 419 CE). At the resulting synod in Ravenna, the bishops could not reach a consensus (Letter 20, *Collectio Avellana* 67-68) other than to ban both applicants from Rome and to call for a larger council to determine the matter. Since Easter was fast approaching, Honorius wrote to the bishop of Spoleto, Achilleus, to hold Easter services for the inhabitants of Rome (Letter 22, *Collectio Avellana* 69).

¹¹ For Aurelius Anicius Symmachus 6, *PLRE* 2. 1043-44. His letters to Honorius are Letters 14, 16, 19, 29, 32 and 34 in the *Collectio Avellana*. Symmachus received Letters 15, 18, 21, 30, 31 and 33 from Honorius in the *Collectio Avellana*.

He also wrote to the urban prefect, Symmachus, to tell him of the situation (Letter 21, *Collectio Avellana* 68-69); if there was any mishandling of the situation by Symmachus, the emperor's letter does not indicate it. Rather, he addresses Symmachus as "a most dear and most loving father," whose "illustrious magnificence" (Letter 21, *Collectio Avellana* 68.25-26: *parens karissime atque amantissime, illustris magnificentia tua... cognoscat*) is praised before urging him to call out the "chief men of each district" (*regionum primatibus euocatis*) to restrain the populace from unrest.¹²

On this same day, Honorius sent an *Oration* to the Senate (Document 23, *Collectio Avellana* 69-70, dated to March 15, 419 CE). This speech was likely read aloud, but not delivered to the Senate in person. Honorius justified his policy and sought senatorial support for keeping the peace and awaiting further decisions of the council of bishops. To gain the good will of the senators, Honorius opened his speech with praise of the Senate, which, as he asserted, appreciated that his delay was to ensure "mature counsels and judgment" (Letter 23, *Collectio Avellana* 70.1: *consiliorum indicique maturitas*). Honorius called upon the Senate to "keep (*retinere*) the minds (*mentes*) of the people focused on peace, a role that the Senate with its traditional respected status can uniquely fulfill; his reference to the Senate's dignity (*amplitudinis*) underscores that he wanted to win over the Senate in order to avert civic strife, although some senators had likely supported the now dismissed archdeacon Eulalius. The imperial appeal to the Senate to keep the civic peace now extends to keeping the peace in the midst of contested papal elections.

Honorius also addressed an edict directly to the People (*ad populum*) to remind them to keep the peace, warning them that "those who will not be

¹² Letter 21, *Collectio Avellana* 69.4-5: *regionum primatibus euocatis disciplinae publicae quietique prospicias*.

restrained from wickedness by our Humanity's guidance will not be pardoned" (Letter 24, *Collectio Avellana* 71.15-18).¹³ Honorius reinforced the need for restraint, using the same verb *retinere* here that he had earlier used to stipulate the role of the Senate.

The role of Italo-Roman senatorial elites in contested episcopal elections in Rome emerges again after 483 when Pope Simplicius issued a *Scriptura* or testamentary statement urging that a small council of clergy and at least one senator, Basilius, be involved in the consultations about the election of his successor upon his death.¹⁴ The inclusion of a lay official in this council has occasioned some scholarly discussion. C. Pietri saw Basilius, whose full name was Caecina Decius Maximus Basilius, as representative of the Senate's collective intervention in this election.¹⁵ If he was chosen to represent the Senate's interests, it would fit well with the role given to the Senate in resolving conflict and maintaining peace in earlier contested elections noted above. Moreover, Basilius was also a member of the influential Roman family of the Decii. However, there is no evidence that he was present in these negotiations as a representative of the Senate per se. Rather, the text simply states that Basilius was acting as praetorian prefect of Italy and a member of Odoacer's court. There were other senators present, though none are specified by name other than Basilius. Certainly, Basilius's presence reflected Odoacer's concern, along with other members of the senatorial elite, that the upcoming papal election, the first to take place without a resident western

¹³ Letter 24, *Collectio Avellana* 71.15-18: *neque enim uenia dignus est, qui ab improbitate humanitatis nostrae monitis non poterit retineri.*

¹⁴ For the *Scriptura* of 483, cited in the proceedings of the synod of 502, see *Acta synodorum Romae*, MGH AA 12: 444-46, ed. T. Mommsen (1894), and the discussion by Kristina Sessa, "The Roman Church and its Bishops," in Arnold, Bjornlie, and Sessa, *A Companion*, 435. For Basilius, see Caecina Mavortius Basilius Decius, Decius 2, *PLRE* 2, p. 349.

¹⁵ Charles Pietri, "Aristocratie e société cléricale dans l'Italie chrétienne au temps d'Odoacre et de Théodoric," *Mélanges d'École française de Rome* 93 (1981): 454-55.

emperor, be a peaceful one. This action shows that Odoacer, as will later Ostrogothic kings, followed earlier imperial precedent by including senators and officials in attempting to maintain civic unrest in the wake of papal elections.

Simplicius's solution to succession did not remain in place for long, judging from the contested papal elections that followed, including most notably the well-known Laurentian schism (498-507/8). Unfortunately, the *Collectio Avellana* does not include other documents that can help us to trace the emerging role of the Senate in restraining civic unrest during late fifth and early sixth century papal elections. However, other texts can shed some light on the important and emerging role of the Senate in papal elections and civic unrest. In 530, in the wake of a deathbed council of clergy and lay aristocrats in which Pope Felix IV allegedly affirmed his successor, Boniface II, the Senate posted a warning (preserved in manuscripts) in all the titular churches of the city addressed to the "the presbiters and deacons and the whole clergy" that, as long as the pope was alive, they not discuss papal secession; the Senate threatened to throw any person out of the city if he accepted a nomination to the episcopate before the death of the current pope.¹⁶ This act of the Senate is not well characterized as "the first of its kind," but rather was a logical development of the role that Senate and Italo-Roman senators had

¹⁶ For the text of the warning, see *Liber Pontificalis*, ed. L. Duchesne, p. 282: *Hoc per omnes propositum est titulos Romanos iubente Papa Beato Felix et Senatus Talia Proposuit: Senatus amplissimus praesbiteris et diaconis et universo clero. In sanctitatis vestrae notitiam duximus perferendum senatum amplissimum decrevisse ut quicumque vivo papa de alterius ordinatione tractaverit, vel quicquam acceperit tractantique consenserit, facultatis suae medietatem multetur fisci viribus applicandam. Is vero qui tam improbum ambitum habuisse fuerit convictus, bonis omnibus amissis, in exilio se noverit esse pellendum. Atque ideo his agnitis ab omni inhibito studio vos convenit amoveri. Explicit Constestatio Senatus.* Although scholars may disagree about the relationship of this senatorial statement to Felix IV's precept (also printed by Duchesne), there is no doubt that the Senate is taking an aggressive role in reasserting control of the situation. The heading to the text itself claims to be acting with the support of Felix IV.

been encouraged to play in the early fifth century when Honorius had called upon the Senate to restrain the populace in the midst of this earlier contested papal election.¹⁷ The posted warning indicates that the Senate had taken on this role, and continued to legislate concerning contested papal elections. Further evidence of the Senate's role after the contentious election of Boniface is also preserved in Cassiodorus's *Variae* 9.15.3; Cassiodorus discusses the precedent set earlier when he discussed the contested elections in 533 when Athalaric, in response to a request for a *defensor* for the Church of Rome to repress the sale of papal elections, ordered the urban prefect to publicly manifest the imperial edict in the atrium of S. Peters where there were also displayed earlier senatorial decrees outlawing payments and other irregularities in papal elections.¹⁸

In the sixth century, as in the early fifth, the Senate could supply a stable, prestigious and venerable institutional presence to bring peace to a contentious urban populace. As discussed earlier, Honorius had wanted to use the Senate and urban prefect Symmachus to restore order in 419 as part of his efforts to reassert his authority and rebuild ties to Roman senatorial elites after the failure of his policies had led to the 410 sack of the city.¹⁹ Similarly, in 530 and again in 533, the Senate could supply the legitimizing institutional force to Ostrogothic rulers or popes as they worked to control unrest in the city.

¹⁷ See the discussion by Sessa, "The Roman Church and its Bishops," 437.

¹⁸ Cassiod., *Var.* 9.15.3: [...] *ut a tempore sanctissimi papae Bonifatii, cum de talibus prohibendis suffragiis patres conscripti senatus consulta nobilitatis suae memores condiderunt, quicumque in episcopatu optinendo sive per se sive per aliam quamcunque personam aliquid promississe declaratur, ut execrabilis contractus cunctis viribus effretur.*

¹⁹ On relations between senatorial elites and Honorius, see Carlos Machado, "The Roman Aristocracy and the Imperial Court before and after the Sack," in *The Sack of Rome in 410 AD.* eds. Johannes Lipps, Carlos Machado, and Philipp von Rummel (Wiesbaden: Reichert Verlag 2013), 49-76. On the role of the Senate in the mid-fifth century, see Michele Renee Salzman, "Emperors and Elites in Rome after the Vandal Sack of 455," *Antiquité Tardive* 25 (2017): 243-62.

Part II. Italo-Roman senatorial aristocrats and the senate in documents concerning the Acacian Schism

The controversy known as the Acacian Schism was a lengthy and complex affair. Most scholars emphasize the rift created by Pope Felix III's refusal to accept the *Henotikon*, the statement of faith that the Emperor Zeno had encouraged, along with the patriarch of Constantinople, Acacius, in an attempt to “compose the theological differences among his disaffected and riotous subjects as the initial step in reconciliation to the imperial rule” in the Eastern Empire in the wake of territorial losses in the West.²⁰ This political dimension, as well as the religious one, fueled the determination of Zeno's successor, the emperor Anastasius, to force the pope of Rome to compromise. But Anastasius failed, frustrated by the recalcitrance of the bishops of Rome, notably Hormisdas, and the controversy ended only in 519 with the Emperor Justin's repudiation of Anastasius's position.²¹

I am not interested here in following the many twists and turns of this schism; other scholars have done that.²² Rather, I focus on the role of the Senate—mostly of Rome but also of Constantinople—in this conflict as it appears in the *Collectio*, and in particular on the year 516 attested in the *Collectio* by a series of letters (112-114, *Collectio Avellana* 505-509): one by Pope Hormisdas to the emperor; one by the emperor to the Senate of Rome; and one by the Senate of Rome in response to the Emperor Anastasius. In this interchange, which is only one section of the larger correspondence, we can

²⁰ Paul Robinson Coleman-Norton, *Roman State and Christian Church. A Collection of Legal Documents to A.D. 535* (London: S.P.C.K., 1966), II, 925 provides a good outline of the issues.

²¹ On the schism, see especially Jans-Markus Kötter, *Zwischen Kaisern und Aposteln. Das Akakianische Schisma (484-519) als kirchlicher Ordnungskonflikt der Spätantike* (Stuttgart: Franz Steiner Verlag, 2013); Philippe Blauddau, *Le Siège de Rome et L'Orient (448-536)* (Rome: École française de Rome, 2012), 135-55; and the chapter by Silvia Margutti in this volume for the dialog that ended this schism.

²² See note 21 above.

see the Senate not just as the recipient of imperial and papal overtures—as it appears in other collections such as that of Cassiodorus’s *Variae*—but almost uniquely, as an actor in its own right when, in Letter 114 (*Collectio Avellana* 508-9), the Senate responds to the emperor. As one of the few senatorial actions recorded in this period, this letter deserves far more attention than it has received.

Faced with an intransigent pope (see for example, Letter 112, *Collectio Avellana* 504-506), the emperor Anastasius wrote to the Roman Senate (Letter 113, *Collectio Avellana* 506-507) in 516; he instructed the Senate to bring the pope to accept the imperial solution to this theological conflict. The Eastern emperor adapted traditional formulae to convey his ideas and to convince the Senate to act. His opening salutation impressed upon the Senate his position, stating all his imperial titles (*Imperator Caesar Flavius Anastasius Pontifex Inclitus Germanicus Inclitus* [...]). He then modified an otherwise formulaic greeting: “If you and your offspring are well, it is well; I and my army are well” (Letter 113, *Collectio Avellana* 506.25-26: *Si uos liberique uestri ualetis, bene est; ego exercitusque meus ualemus*). The addition of “children” (*liberi*) to this standard greeting suggests a personal note that argues against this letter as antiquarianism, as has been suggested; rather the letter shows signs of care as the emperor adopted a politic tone.²³

We see this same care and circumspect attitude in the language the emperor Anastasius adopted to express his imperial request to the Senate:

*non uidetur absurdum tam apud gloriosissimum regem quam apud beatissimum papam
almae urbis Romae patres conscriptos imperiali petitioni coniunctos ea sperare, quae et*

²³ Clemente, “Il Senato e il governo dell’Impero,” 330, in his very insightful essay, sees this use of formulae as “un pezzo di antiquaria” but it is in keeping with traditional titulature; Coleman-Norton, *Roman State and Christian Church*, II, 964 n.3.

nobis et sibi deo annuente in commune proficient [...] ad desideratam pacem acceptabili deo uoluntate concurrant.

Does it does not appear absurd both in the eyes of the most glorious king (Theoderic) and in the eyes of the most blessed pope of the kindly city of Rome for the conscript fathers, having agreed to the imperial request, to hope for those things which, God favoring, may advantage both us and them in common [...] let them (the pope) unite (with us) for a desired peace and with good will acceptable to God.²⁴

The emperor encouraged the Senate to intervene with the “propitious good will for both parts of the State” (Letter 113, *Collectio Avellana* 506.26-27: *quotiens utrisque publicis rebus prospera uoluntate consulitur*). This is a reference to the uniting of the spiritual and temporal powers, a unity that, the emperor claims, is the result of the Senate’s unique position to mediate because:

proinde oportet sanctissimum coetum vestrum sollerti studio ac provido labore contendere tam apud excelsum regem, cui regendi vos potestas vel sollicitudo commissa est, quam apud venerabilem papam, cui intercedi apud deum facultas est praestita.

[the Senate possesses] skilled interest and provident effort both in the interest of the noble kin [Theoderic], to whom has been committed the power and the care of ruling [them], in the interest of the venerable pope [Hormisdas], to whom has been given the faculty of intercession with God.²⁵

Anastasius praised the Senate, for it alone can negotiate between these different forces “for the common good” (*publicae utilitati conueniunt*); so he

²⁴ Letter 113, *Collectio Avellana* 507.7-14. Translation here by Coleman-Norton, *Roman State and Christian Church*, II, 963.

²⁵ Letter 113, *Collectio Avellana* 507.17-20.

urged it to expend its effort in “considering, expecting, demanding” from the pope those things that can bring about a reconciliation.²⁶

The formal tone of the emperor’s letter indicates that this request was not intended to be taken lightly; the *Responsum* of the Senate describes the emperor’s letter as a “sacred order” and a “mandate” (*sacrae iussionis; mandatorum*. Letter 114, *Collectio Avellana* 508.6, 9). The Senate had to exercise careful diplomacy so as to not, on the one hand, raise the suspicion of the Ostrogothic king that they had in any way collaborated against him. On the contrary, the Senate stated openly that they have first consulted with king Theoderic, whose name is included here along with the appropriate honorific, king: *domini nostri inuictissimi regis Theoderici filii uestri* (Letter 114, *Collectio Avellana* 508.8-9).

The Senate is also depicted as supportive of the pope, an image that certainly satisfied the fashioner of the *Collectio Avellana*. The Senate voiced arguments and even included some New Testament citations that Hormisdas had likely used to make his case to them and to the emperor. For example, the Senate included in its Response a passage from Matthew about the need to cut off sinful members of one’s body rather than to sin.²⁷ The citation was intended to justify the papal refusal to accept the views of Acacius. The inclusion of these New Testament citations is noteworthy. First, it allows the Senate to adopt a religious justification for its support of the Pope. Second, it shows that the ideas and positions of a powerful pope, Hormisdas, influenced the Senate, presented here as his peers. That influence does not mean that this letter was written in the papal consistory, but it does show the

²⁶ Letter 113, *Collectio Avellana* 507.23-26: *implebitis enim ueterem consuetudinem et nimis consilio uestro notissimam, si ea, quae publicae utilitati conueniunt, tractando sperando postulando effectum adipisci deo auspice feceritis.*

²⁷ Matthew, 18.8: *Vae mundo ab scandalis, et <absc>idere oportere homines scandalizantem partem membrorum, quam ut in ignem non renuntiando scandalis mittantur aeternum*, in Letter 114, *Collectio Avellana* 508.18-21.

degree to which Christianity is part of elite political life. At the same time, the Senate can claim that it has satisfied the emperor's request/mandate to intervene to try to resolve the impasse (Letter 114, 509.15-16: *pro nostrae tamen obsequio credidimus deuotionis indenda*). As befits this rather politic resolution, the Senatorial response ends by expressing the hope that the Pope and Emperor will act to repress *mala* rather than to allow them to continue to survive, since not to act is to commit an "error" (*errorem*).²⁸

The emperor did not turn to the Senate again for support, or at least there are no further letters from him to this body in the *Collectio*. He did write angrily to the Pope in his last extant letter that he was breaking off the attempt at diplomacy since: "We can tolerate being insulted and being made insignificant, but we cannot tolerate being ordered" (Letter 138, *Collectio Avellana* 565.13-14 [July 11, 517]: *Iniuriari enim et adnullari sustinere possumus, inberi non possumus*). Anastasius died soon after, and his successor, Justin I, reversed policy. Justin I opened negotiations with Hormisdas, and claimed as his support the leading men of his sacred consistory and those of the *sanctissimus senatus* of Constantinople (Letter 141, *Collectio Avellana* 586.5-6). Although by now the Senate of Constantinople was functioning more like an imperial entourage than an independent body, it is still referenced in support of Justin's position.²⁹ After this interchange, the references to the Senate of Constantinople by the later popes are primarily formulaic and refer to the unity of emperor and Senate, without much distinction (See the Appendix,

²⁸ Letter 114, *Collectio Avellana* 509.26-29: *utinam haec iam uobis regnantibus causa coepisset, ut facilius mala reprimerentur nascentia quam prouecta! Nam quis ambigat non potuisse eius existere, cuius corrigi temporibus uideret errorem?*

²⁹ For the gradual loss of independence of the Senate of Constantinople as an autonomous institution and for its role more like an imperial consistory of the most important senators, see G. Gilbert Dagron, *Naissance D'une Capitale. Constantinople et ses institutions de 330 à 451* (Paris: Presses universitaires de France, 1974), 145-46, and Christoph Begass, *Die Senatsaristokratie des oströmischen Reiches, ca 457-518* (Munich: Beck Press, 2018), 478-85.

Collectio, Letters 167, 186, 217, and 223). Even if the Senate of Constantinople is no more than an appendage of the court, it is interesting that the popes in the *Collectio* cast the Eastern Senate's role as a legitimating institution similar to its role in Rome.

Conclusions

The Senate of Rome in the fifth and sixth centuries reflected the interests of the still influential Italo-Roman senators, the *illustres*, whose economic control of vast estates secured their ongoing importance to the state.³⁰ Proximity to the pope in Rome, to the court first in Rome and then in Ravenna, and, after 476, to the court of Odoacer and the Ostrogoths, gave the Senate of Rome and its members, now almost all Italo-Roman senators, new opportunities to play an increasingly important role in the political and religious developments of the age. Indeed, it is ironic that as the western empire contracted over the course of the fifth and sixth centuries, the influence and political importance of the Senate as a legitimating institution grew. We see that situation reflected also in the *Collectio Avellana*, where the influence of the Senate is showcased in situations revolving around papal-imperial relations and in support of the papacy in the Acacian schism in particular.

If the Senate became more influential as a force in the politics and religion of the period, we can see why the fashioner of the *Collectio Avellana* included documents to demonstrate that the strong and independent papacy had good relations with the Senate of Rome especially. Moreover, assuming the *Collectio Avellana* circulated among Italo-Roman senators, the depiction of

³⁰ For *illustres* in the west making up the senate of Rome after the middle of the fifth century, see Christoph Schäfer, *Der weströmische Senat als Träger antiker Kontinuität unter der Ostgotenkönigen (490-540n Chr)*, (St. Katharinen: Scripta Mercaturae Verlag, 1991), 1ff.; Radtki, "The Senate at Rome in Ostrogothic Italy," 128. For the Senate allegedly lobbying the Church and even minting coins under Odoacer, see Arnold Hugh Martin Jones, *The Later Roman Empire* (Oxford: Basil Blackwell, 1964), 253 ff.

the Senate and many of its senatorial members would have also found favor with its readers.

If we use the information from the depiction of the growing importance played by the Senate and Italo-Roman senatorial elites in papal politics documented in the *Collectio Avellana*, we can better understand why lay senatorial aristocrats did not enter the ecclesiastical bureaucracy in the fifth century. Only in the early sixth century do we see the rise of aristocratic bishops in Rome, and this is the result of a complex set of political and religious changes.³¹

Finally, the role of the Senate in the Acacian schism as documented by the *Collectio* leads me to disagree with those scholars who see this compilation as an attack on the Ostrogothic government.³² On the contrary, the documents in the *Collectio* support other studies of the late fifth and early sixth century that show that Roman senators, and their Senate in the west received preferential status under the Ostrogothic kings. The *Collectio* does not undermine that relationship in any way. Rather, it highlights the increasing importance of the Senate to government, both to the lay leaders and to the popes of Rome.

³¹ Only popes Vigilius (537-555), Pelagius I (556-561), and John III (561-574) are of Roman aristocratic families. Here I disagree with the view, as found for example in Sessa, "The Roman Church and its Bishops," 433 that Felix III (483-492) was the first pope from an aristocratic family. The evidence for Felix is not convincing; on this see Michele Renee Salzman, "Lay Aristocrats and Ecclesiastical Politics: A New View of the Papacy of Felix III (483-492 C.E.) and the Acacian Schism," *Journal of Early Christian Studies* 27.3 (forthcoming Autumn 2019).

³² Viezure, "Collectio Avellana and the Unspoken Ostrogoths," 93-103

Appendix

Letter Number in Günther's edition, <i>Collectio Avellana</i> CSEL 35	Page and Line	Year	Pope referred to in the Document	Senate of Rome or of Constantinople	Heading of Letter in the <i>Collectio Avellana</i>
1	2. 9	367	Liberius and Felix	Rome: <i>a senatu uel populo de urbe propellitur</i>	Quae Gesta Sunt Inter Liberium et Felicem Episcopos
3	47. 7-8	386	Letter to Pope Felix	Rome: <i>ac si placuerit tam populo quam senatui</i>	De Constructione Basilicae S. Apostoli Pauli
23	69. 27	419	Contested Election- Boniface and Eulalius	Rome: <i>Senatum (beading); amplitudinis uestrae est</i>	Principis Oratio ad Senatum
34	81. 1	419	Contested Election- Boniface and Eulalius	Rome: <i>Ordo amplissimus et Romanus populus comprobaret</i>	Exemplum Relationis Symmachi P.U. De Ingressu Papae Bonifatii ad Principem Supra Scriptum
70	160.20	485	Simplicius	Rome: <i>clerum plebemque et amplissimum senatum direximus</i>	Sancta Synodus Apud Beatum Petrum Apostolum Congregata Uniuersis Presbyteris et Archimandritis Orthodoxis Constantinopoli et Bithyniae Constitutis Dilectissimis Filiis in Domino Salutem

83	315.20	553	Vigilius	Constantinople: <i>praesentibus pluribus sacerdotibus et glorioso senatu</i>	Vigilii constitutum de tribus capitulis
112	506. 4	516	Hormisdas	Rome: <i>uos senatui urbis Romae, ut me ad pacem hortaretur, iniungitis</i>	Hormisda Anastasio Augusto
113	506.18	516	Anastasius to the Senatus urbis Romae About Rome	Rome: <i>Senatui [...] Romae</i>	Anastasius Augustus Senatui Urbis Romae. Per Theopompum et Severianum VV.CC
114	508.2; 508.6-7; 509.18-19	516	Rescriptum Senatus Urbis Romae ad Anastasium Augustum	Rome: 508.6-7: <i>Sacrae insionis oracula quanta senatus uestri fuerint gratulatione suscepta;</i> 509.18-19: <i>haec suo nomine senatus [...] adiunxit</i>	Rescriptum Senatus Urbis Romae ad Anastasium Augustum, per Theopompum et Severianum VVCC
141	586.5-6	518	Justinus Augustus to Hormisdas Pope	Constantinople: <i>amplissimorum procerum sacri nostri palatii et sanctissimi senatus [...]</i>	Iustinus Augustus Hormisdas Papae
167	619.11; 28-29	519?	Hormisdas	Constantinople: <i>cunctus illic aderat senatus; Relectus est libellus sub conspectus principis et senatus</i>	Suggestio Dioscori ad Hormisdam

186	642.24	519	Pope John	Constantinople: <i>in conspectu senatus</i>	Indiculus qui directus est a Iohanne Episcopo uel ab Epiphanio Presbytero de Thessalonica
217	678.25-26	519	Hormisdas	Constantinople: <i>ante imperatorem et ante senatum</i>	Suggestio Germani etc. ad Hormisdam
223	683.23; 684.2-3	519	Hormisdas	Constantinople: <i>sub senatus cuncti praesentia episcopi; Quanta illic principis pariter ac senatus laetitia fuerit</i>	Item Suggestio Germani et Iohannis Episcoporum Felicis et Dioscori Diaconorum et Blandi Presbyteri

CHAPTER NINE

LE RELAZIONI TRA ANASTASIO E ORMISDA: L'APPORTO DELLA *COLLECTIO AVELLANA*

SILVIA MARGUTTI

Introduzione

Lo scisma acaciano, dopo aver reso drammatici per 36 anni i rapporti tra Roma e Costantinopoli, fu sanato nel 518 d.C., poco dopo l'ascesa al trono dell'imperatore Giustino.¹ Prima di allora le fonti ricordano almeno due tentativi di ricucitura dei rapporti tra le due parti, nel momento in cui a Costantinopoli regnava Anastasio (491-518) e a Roma ricopriva il soglio pontificio Ormisda (514-523). Entrambi furono fallimentari. Le vicende sono note quasi esclusivamente da un gruppo di epistole tramandate dalla *Collectio Avellana*, che conserva in tutto 14 lettere del carteggio tra il papa e l'imperatore scritte negli anni tra il 514 e il 518 d.C. Questi testi forniscono preziose informazioni sulle dinamiche di interazione tra Papato e Impero alle soglie del VI secolo d.C. e sull'atmosfera che si respirava alla corte costantinopolitana nel momento in cui i suoi protagonisti furono chiamati ad interagire con Roma. Il mio intervento si propone di studiare le relazioni tra Anastasio e Ormisda alla luce delle lettere che testimoniano la riapertura del

¹ La bibliografia sullo scisma acaciano è sterminata. Per una sintesi delle principali vicende si veda Silvio Giuseppe Mercati, "Acacio di Costantinopoli," Treccani http://www.treccani.it/enciclopedia/acacio-di-costantinopoli_%28Enciclopedia-Italiana%29/.

dialogo tra il papa e l'imperatore d'Oriente (CA 107-110) e di quelle che descrivono l'organizzazione della prima ambasceria inviata da Ormisda ad Anastasio l'11 agosto 515 (CA 115, 116, 116a, 116b e 125).²

1. Un dialogo che si riapre: le relazioni tra Anastasio e Ormisda alla luce della *Collectio Avellana*

Per ben 27 dei 36 anni complessivi di durata dello scisma acaciano, interlocutore privilegiato dei tentativi di negoziato tra Roma e Costantinopoli fu, per la *pars Orientis*, l'imperatore Anastasio il quale, a varie riprese, dovette confrontarsi con i successori di Felice III per le questioni dottrinarie, giurisdizionali e politiche sollevate dalla rottura con l'Occidente. Questo intervento, come anticipato, si concentra sulle relazioni intercorse tra Ormisda e Anastasio in riferimento al primo dei due tentativi di ricucitura dei rapporti che si verificarono durante il suo pontificato.

CA 107-110 costituiscono una fonte pressoché unica di questa vicenda, se si escludono accenni alla stessa nel *Liber Pontificalis* all'interno della *Vita* di Ormisda e nel *Chronicon* di Teofane Confessore.³ Tralasciando in questa sede l'analisi del passo di Teofane perché fonte più tarda rispetto agli eventi narrati (siamo nell'VIII secolo), per quanto riguarda il *Liber* si può notare che le informazioni riportate sono abbastanza generiche. In cinque righe l'anonimo compilatore del testo fotografa la situazione di divisione tra Occidente e Oriente a causa dello scisma acaciano, accenna all'organizzazione della prima ambasceria di Ormisda ad Anastasio per tentare di ricucire la *fractio* (11 agosto 515), ricordando l'intervento di Teoderico attraverso un *consilium* dato al

² L'edizione di riferimento per le epistole della *Collectio Avellana* è quella di Otto Günther, ed., *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII ad a. DLIII datae Avellanae quae dicitur collectio* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898).

³ Vd. *LP* ed. Duchesne s.v. Hormisdas, 54, 1981, 269; Theoph. *Chronograph.* ad a. 513/514, ed. De Boor, 1961, 160-161.

papa, e annuncia il fallimento della missione da parte degli ambasciatori con la lapidaria sentenza *euntes ad Anastasium Augustum nihil egerunt*. Considerata la propensione del *Liber* a esaltare l'operato dei vari pontefici rispetto all'imperatore, non stupisce che anche in questo caso egli attribuisca esclusivamente ad Ormisda non solo l'iniziativa della riapertura del dialogo tra Roma e Costantinopoli, ma anche la risoluzione dello scisma acaciano nonostante i primi "fallimenti" nel percorso. L'affermazione programmatica della variante Felician *reconciliavit Graecos qui obligati erant sub anathemate*, posta significativamente all'*incipit* del testo, conferma ulteriormente questa tendenza.⁴

Ad esiti differenti, invece, conducono le epistole della *Collectio Avellana*. Il carteggio tra Ormisda e Anastasio, comprendente in tutto 14 lettere, si apre con i quattro testi che documentano la ripresa ufficiale delle comunicazioni tra Roma e Costantinopoli. Si tratta delle due lettere dell'imperatore emesse a Costantinopoli il 28 dicembre 514 (CA 109) e il 12 gennaio 515 (CA 107) e delle risposte del pontefice il 4 aprile 515 (CA 108) e l'8 luglio 515 (CA 110). Delle prime due, inoltre, la *Collectio Avellana* conserva la data di ricezione presso la cancelleria papale: CA 109 venne *accepta* il 14 maggio 515, mentre CA 107 il 28 marzo 515. La cronologia dei testi, come riportata dai manoscritti, evidenzia una situazione interessante circa le tempistiche e induce a riflettere sull'ottica del compilatore. Costui, infatti, pensava che le lettere fossero state mandate in tale ordine:

- CA 107 (Anastasio) 12 gennaio 515 > *accepta* a Roma il 28 marzo 515
- CA 108 (Ormisda) 4 aprile 515

⁴ Cfr. *LP* ed. Duchesne, nt. 6, 1981, 272.

- *CA* 109 (Anastasio) 28 dicembre 514 > *accepta* a Roma il 14 maggio 515
- *CA* 110 (Ormisda) 8 luglio 515

Per *CA* 109, dunque, trascorsero 4 mesi e 16 giorni tra la data di invio da Costantinopoli e quella di ricezione ufficiale da parte della cancelleria romana, mentre per *CA* 107, partita dalla capitale solo alcuni giorni dopo, trascorsero 2 mesi e 16 giorni. Infine tra *CA* 109 e *CA* 107 intercorsero 15 giorni nella spedizione.⁵

Dai dati appena evidenziati emergono almeno due considerazioni interessanti:

1) l'ottica del compilatore dipendeva dalla cancelleria papale: egli, infatti, conosceva la data di invio di tutte le lettere e quella di accettazione delle epistole di Anastasio, ma non era a conoscenza della data di ricezione a Costantinopoli delle missive di Ormisda;

2) si tratterebbe di un compilatore indipendente rispetto al *Liber Pontificalis*, probabilmente un laico, che ricostruiva dalle date ufficiali di

⁵ Gli studiosi che si sono occupati di questo negoziato hanno mostrato perplessità sull'emissione ravvicinata di *CA* 109 e *CA* 107: per Carmelo Capizzi (*L'imperatore Anastasio I, 491-518: studio sulla sua vita, la sua opera e la sua personalità* [Roma: Pont. Institutum Orientalium Studiorum, 1969]) la doppia spedizione epistolare si sarebbe verificata a seguito della decisione di Anastasio di far consegnare *CA* 109 al ribelle scita Vitaliano, che ne aveva sollecitato la scrittura quale richiesta principale a seguito della sua rivolta contro l'imperatore, mentre *CA* 107 fu spedita direttamente da Anastasio a Roma; prima di lui Johannes Sundwall (*Abhandlungen zur Geschichte des ausgehenden Römertums* [Helsingfors: Helsingfors Centraltryckeri och Bokbinderi Aktiebolag, 1919]) ed Ernst Stein (*Histoire du Bas-Empire, II: De la disparition de l'Empire d'Occident à la mort de Justinien, 476-565* [Paris, Brüssel: Desclée de Brouwer, 1949]), ripresi più recentemente da Fiona K. Haarer (*Anastasius I: Politics and Empire in the Late Roman World* [Cambridge: Francis Cairns, 2006]), ritenevano che *CA* 109 fosse stata inviata da Vitaliano alla corte ravennate per essere controllata, mentre *CA* 107 fu spedita direttamente al papa perché Anastasio aveva la consapevolezza che la prima sarebbe stata intercettata.

emissione e arrivo delle lettere scambiate tra il vescovo di Roma e l'imperatore chi aveva fatto il primo passo nel riaprire i rapporti interrotti.

CA 109, emessa a Costantinopoli il 28 dicembre 514 e inviata tramite il *v.c. comes sacri consistorii* Severiano, costituisce l'inizio della ripresa delle comunicazioni ufficiali tra Roma e Costantinopoli. Il motivo contingente, che sollecitò la riapertura del dialogo tra l'imperatore e il neo eletto pontefice Ormisda, fu rappresentato dai conflitti insorti tra ortodossi e monofisiti nelle regioni della Scizia, per la risoluzione dei quali Anastasio chiedeva al papa di intervenire al concilio da lui convocato il primo luglio 515 d.C. ad Eraclea e di adoperarsi per comporre le discordie. Per struttura formale e contenuto questa risulta essere la vera e propria lettera di convocazione al sopradetto concilio: alla sentenza iniziale sull'importanza di anteporre le *res divinae* alle altre occupazioni, seguono sia la motivazione che aveva spinto l'imperatore a voler riunire una sinodo—ovvero le agitazioni scoppiate in *partibus Scythiae* per questioni religiose—sia la volontà di risolvere la situazione ristabilendo l'unità tra le due parti dottrinali ora divise, per evitare che in futuro potessero prodursi ancora dubbi o discordie in merito.⁶ Al concilio avrebbero partecipato un gran numero di vescovi delle province orientali, alcuni vescovi occidentali—questi ultimi scelti direttamente dal pontefice.⁷ Nella parte conclusiva della lettera vengono quindi fornite le indicazioni pratiche sull'organizzazione dell'incontro, la composizione dell'assemblea, il luogo (la città di Eraclea) e la data di presentazione (il giorno prima delle kalende di luglio).

Di tenore differente risulta essere l'epistola 107, emessa a Costantinopoli il 12 gennaio 515 e consegnata a Roma dal *vir spectabilis* Patrizio, assieme ad

⁶ CA 109, 2, 6-7: *ut deinceps nulla possit esse dubitatio vel discordia*.

⁷ CA 109, 3, 8-9: *cum quibus sibi placuerit reverentissimis episcopis*.

un altro testo scritto per il papa dal vescovo Doroteo di Tessalonica (CA 105). L'*incipit* della nostra lettera è particolarmente significativo. Esso richiama la provvidenziale ammonizione delle Sacre Scritture sulla facoltà di parlare o di tacere a seconda dell'opportunità:⁸ si tratta del riferimento alla *vox* salomoniana del *tempus loquendi et tempus tacendi*, che papa Simmaco aveva utilizzato qualche tempo prima per non occuparsi delle questioni tra Roma e l'Oriente.⁹

Risaliva all'8 ottobre 512, infatti, l'ultimo contatto ufficiale tra Roma e Costantinopoli. A quel tempo a Roma il papa era Simmaco: la sua vittoria sull'antipapa Lorenzo per il soglio pontificio aveva decretato un progressivo inasprimento della politica orientale. La contrapposizione di due candidati al seggio di Roma nei primi anni del 500 s'inseriva nel quadro più ampio dello scontro con l'Oriente, favorito dallo scisma acaciano. Anche se le fonti latine sullo scisma laurenziano non chiamano direttamente in causa Anastasio nella vicenda politico-dottrinale legata all'elezione del papa, gli studiosi ritengono che un coinvolgimento dell'imperatore contro papa Simmaco e a favore di Lorenzo fosse molto probabile.¹⁰

⁸ CA 107, 1, 13-14: *quod pro temporis qualitate loquendum atque tacendum etiam divinae scripturae provida est admonitionem dispositum.*

⁹ Ep. 10 Thiel.

¹⁰ Cfr. Teresa Sardella, *Società, Chiesa e Stato nell'età di Teodorico. Papa Simmaco e lo scisma laurenziano* (Soveria Mannelli: Rubbettino, 1996). Lorenzo era sostenuto dalla "fazione filorientale" del clero e dell'aristocrazia senatoriale romana, interessata alla ricomposizione della frattura con l'Oriente; nella figura di Simmaco, invece, si riconoscevano i sostenitori della linea rigida verso Costantinopoli, sulla scia del rigorismo gelasiano, che non accettava cedimenti in ordine alla questione dottrinale, difendeva le tesi calcedoniane e la teoria della primazia di Roma e del suo vescovo. Non solo. Con tale schieramento, la parte avversa a una ricomposizione dello scisma supportava l'azione politica di Teoderico, che proprio intorno al 504/505 d.C. aveva iniziato a muoversi in autonomia rispetto ad Anastasio in area balcanica. Risale a questi anni la conquista della Pannonia II con capitale Sirmium a seguito della sconfitta inflitta a Gepidi e Bulgari, indirettamente sostenuti da Bisanzio. Mentre Teoderico faceva pesare la sua presenza minacciosa sulla Prefettura dell'Illirico, il suo

Il clima di tensione e di ostilità tra l'imperatore Anastasio e papa Simmaco è testimoniato anche dal fatto che le fonti riportano solo due episodi durante i quali si verificò una temporanea ripresa del dialogo tra Occidente e Oriente. In un'epistola del papa in risposta all'imperatore d'Oriente (la cui missiva è perduta), il tono generale è di forte antagonismo, senza la minima volontà di soluzione della scissione tra le due *partes Imperii* nell'aperta affermazione dell'autonomia papale rispetto al potere imperiale attraverso i richiami alla teoria gelasiana dei due poteri, quello dell'*autoritas sacrata* e della *regalis potestas*.¹¹ Il secondo momento risale invece agli anni appena precedenti il 511 d.C., quando i tre vescovi filocalcedoniani Macedonio di Costantinopoli, Elia di Gerusalemme e Flaviano di Antiochia chiesero aiuto al papa contro la predicazione dei monofisiti Filosseno di Mabbug e di Severo di Antiochia, che avrebbe, di lì a poco, comportato la loro destituzione. Essi lamentavano a Simmaco l'ingiustizia di essere caduti in rovina per il fatto di rimanere fedeli alla dottrina espressa a Calcedonia e sottoscritta da papa Leone, e di essere avversi alle eresie di Nestorio ed Eutiche. La risposta del papa, però, fu molto diplomatica: dopo aver ribadito l'anatema contro Acacio, i suoi seguaci e chiunque non si dichiarasse avverso all'eresiarca, dopo aver sollecitato i vescovi fedeli alla formula calcedoniana a non temere persecuzioni ed esili e a mantenersi in comunione con Roma, egli denunciava anche la sua difficoltà ad intervenire con chi da quella comunione si era allontanato. Si trincerava dunque dietro la citazione salomoniana del *tempus loquendi et tempus tacendi*, motivando in termini biblici la decisione di non intervenire (o almeno di non farlo direttamente) presso l'imperatore in difesa dei vescovi filocalcedoniani. Dopo aver rotto temporaneamente il silenzio sull'argomento, Simmaco concluse la lettera dicendo: "finchè non tornerà l'unità, infatti, nessuno dubiti

alleato Mundus compiva scorribande in Dacia e Moesia I, approfittando del fatto che Anastasio era impegnato nelle campagne militari contro la Persia.

¹¹ Symmachus, *Ep.* 10 Thiel, 770 sg.

che non accadranno meno le medesime cose che di recente si verificarono nella chiesa costantinopolitana, delle quali mi sembra opportuno rammaricarsi e allo stesso tempo tacere.”

A distanza di quasi due anni e mezzo i canali di comunicazione si riaprivano dal punto in cui erano stati interrotti. L'utilizzo dello stesso passo dell'Ecclesiaste citato dal papa nell'epistola di Anastasio, inoltre, fa trasparire alcuni modi di funzionamento della cancelleria imperiale e del personale impiegato. Copia delle lettere inviate da Roma a Costantinopoli era conservata negli archivi, ed è rilevante che, nel riaprire il dialogo con l'Occidente, l'imperatore chiedesse alla sua cancelleria di cercare l'ultima epistola scambiata con Roma e, scrivendo al papa, di utilizzarne la citazione biblica, quasi a indicare che proprio a quella lettera si riferiva.

Il tempo del silenzio, dunque, era ormai terminato: se la *duritia cordis* rimproverata a Simmaco dall'imperatore aveva impedito qualsiasi forma di contatto, l'avvento del nuovo pontefice faceva ben sperare in un nuovo spirito di collaborazione (*nunc currens de vobis suavis opinio*) e aiutava a ricordare che doveva essere la bontà dell'affetto paterno (*bonitatem paternae affectionis*) a fungere da guida nelle questioni religiose (*sub religionis specie*).¹² Se il tono della lettera è risolutivo nell'attribuire a Simmaco la responsabilità dell'inasprimento dei rapporti tra Oriente e Occidente, si fa cerimonioso nel corso del testo: l'imperatore riconosce il papa quale depositario degli insegnamenti di Dio attraverso il tramite di San Pietro, sul quale il Salvatore fondò la forza della sua chiesa (*beatum Petrum, in quo fortitudinem ecclesiae suae constituit*), ed esorta il pontefice a presiedere il concilio, che avrebbe potuto risolvere la spiacevole situazione creatasi in Scizia, e ricomporre l'unità della chiesa.¹³

¹² CA 107, 1, 18-22.

¹³ CA 107, 2, 24.

Le repliche del pontefice, come abbiamo avuto modo di notare, non furono subitane. L'epistola 108, consegnata il 4 apr. 515 insieme alla risposta a Doroteo di Tessalonica (CA 106), è incentrata sull'esaltazione da parte di Ormisda della pace, definita in maniera altisonante come "madre e nutrice di tutti i beni" (*omnium bonorum matrem et nutricem*), e dell'unità e della concordia all'interno della chiesa. Una lettura attenta del testo, però, rivela il doppio registro del quale il pontefice si serve nelle sue comunicazioni con l'imperatore: al tono ossequioso e affettato con il quale Ormisda ringrazia Anastasio non solo per aver interrotto per primo un silenzio che durava da molto tempo, ma anche per lo zelo dimostrato nel voler pacificare le discordie religiose sorte in Scizia attraverso la convocazione di un concilio, contrappone brevi e pungenti sentenze con le quali risponde "a tono," ma in maniera velata, alla principale accusa mossa apertamente dall'imperatore all'atteggiamento tenuto da Roma durante lo scisma acaciano e alla *duritia cordis* del predecessore Simmaco. L'unità della chiesa, recita il pontefice, è stata un'aspirazione che da sempre ha coinvolto i suoi predecessori (il riferimento particolare è a papa Simmaco), servitori della tradizione paterna e custodi della retta fede.¹⁴ Nella parte conclusiva del testo Ormisda risponde in maniera cauta circa la menzione dell'indizione del concilio: egli si riserva di replicare in maniera esaustiva nel momento in cui sarà messo al corrente, apertamente (*evidenter*), delle motivazioni della riunione.

Con l'epistola CA 110 dell'8 luglio 515, invece, Ormisda annuncia l'arrivo a Costantinopoli dei fratelli e colleghi nell'episcopato che non solo avrebbero fatto conoscere le sue intenzioni riguardo al concilio, ma attraverso i documenti allegati avrebbero fornito all'imperatore il *modus operandi* col quale ritornare in comunione con la chiesa di Roma. Alla richiesta espressa da

¹⁴ CA 108, 2, 15-17: *decessorum nostrorum fuit semper oratio, quos etiam rerum actus paternae traditionis ministros et rectae fidei declarat fuisse custodes.*

Ormisda in *CA* 108 di conoscere più approfonditamente le ragioni di un concilio convocato ad Eraclea,¹⁵ da *CA* 116 sappiamo che Anastasio aveva risposto mandando direttamente Vitaliano a Roma; al papa, dunque, non restava altro da fare che organizzare la suddetta ambasceria, essendo ormai trascorsa la data che era stata fissata dall'imperatore per l'eventuale riunione del concilio.

Le lettere della *Collectio Avellana*, con date e contenuti, sono testimonianza certa della volontà di Anastasio di fare un primo passo nel riaprire i rapporti con l'Occidente. La decisione di mandare la prima epistola in data 28 dic. 514 non fu casuale. Poche settimane prima, infatti, l'imperatore aveva fronteggiato la prima delle tre rivolte organizzate dal generale scita Vitaliano contro Anastasio (la seconda e la terza, invece, si susseguirono nei primi mesi del 515). Seguendo la datazione di Marcellinus Comes, fonte più vicina ai fatti rispetto ad altre più tarde, alla fine del 514 il *comes foederatorum* Vitaliano, figlio di Patriciolus che aveva combattuto durante la guerra persiana del 503 d.C. al servizio di Anastasio, aveva attaccato Costantinopoli.¹⁶ Della ribellione del generale, le fonti adducono motivazioni di tipo personale (la moglie sarebbe

¹⁵ *CA* 108, 6, 15.

¹⁶ Marc. Com. *Cron. ad a. 514*, in MGH ed. Momsen, 98. Anche gli studiosi Peter Charanis (*Church and State in the Later Roman Empire: the Religious Policy of Anastasius the First, 491-518* [Tessalonike: Kentron Byzantinon Ereunon, 1974]), Brian Croke (*The Chronicle of Marcellinus: a Translation and Commentary* [Sydney: Australian Association for Byzantine Studies, 1995]), Haarer (*Anastasius I*) e Dan Ruscu ("The Revolt of Vitalianus and the 'Scythian controversy'," *Byzantinische Zeitschrift* 101 [2008]: 771) datano al 514 d.C. l'inizio della rivolta di Vitaliano; al contrario John Bagnell Bury (*History of the Later Roman Empire from the Death of Theodosius I to the Death of Justinian: a.D. 395- a.D. 565* [London: Mcmillan and Co., 1923]), Stein (*Histoire du Bas-Empire*) e Capizzi (*L'imperatore Anastasio I*), che seguono Teofane, ritengono che la rivolta del generale scita sia cominciata nel 513 d.C.

stata violentata da Ipazio, nipote di Anastasio),¹⁷ di carattere economico (la sospensione delle *annonae foederaticiae* da parte dell'imperatore)¹⁸ e di difesa dell'ortodossia dal momento che Vitaliano si presentò come sostenitore degli ortodossi di Scizia e Mesia a seguito anche della deposizione di Macedonio e Flaviano da parte di Anastasio.¹⁹ Tra le richieste rivolte all'imperatore, Vitaliano annoverò il reintegro dei sussidi ai *foederati*, la carica di *magister militum per Thraciam* per se stesso e il ritorno dell'imperatore all'ortodossia attraverso il richiamo dei patriarchi deposti (Flaviano di Antiochia e Macedonio di Costantinopoli). Sulle motivazioni e le finalità della rivolta, gli studiosi sono in disaccordo: Peter Charanis e Fiona Haarer ritengono che a spingere Vitaliano alla sommossa fosse la sua aspirazione finale al trono—di cui la carica di *magister militum per Thraciam* avrebbe rappresentato la premessa—, mentre la questione religiosa sarebbe stata solo un pretesto.²⁰ Di opinione differente sono invece Dan Ruscu, per il quale il generale ribelle sarebbe stato uno strumento nelle mani del monachesimo della Scizia, sua regione di origine, che per l'intera durata dello scisma acaciano si era mantenuto in comunione con Roma e, prima di lui, Ernst Stein secondo cui Vitaliano si presentava come il difensore dell'ortodossia contro l'imperatore eretico.²¹ Tali posizioni, però, non fotografano appieno la situazione.

¹⁷ Zaccaria di Mitilene (7, 13) è l'unica fonte che dice che Vitaliano era sposato: egli aveva in odio Ipazio, nipote di Anastasio, perché aveva violentato sua moglie; cfr. Haarer, *Anastasius I*, 164.

¹⁸ Joh. Ant. 311, 1-18.

¹⁹ Theod. Anagn. 143 e Theoph. 157 ritengono che Vitaliano si sia ribellato seguendo l'incitamento da parte degli ortodossi in Scizia e Mesia; vd. anche Marc. com. 514, Zach. Mit. 8, 2 e Vict. Tun. 510 (Haarer, *Anastasius I*, 166, nt. 237). Vict. Tonn. *Chron. ad a. a.* 510 sostiene che Vitaliano si fosse ribellato avendo saputo del rovesciamento della fede cattolica, della condanna di Calcedonia e della deposizione dei vescovi ortodossi sostituiti da eretici; Joh. Nikiou p. 130 afferma che cause della rivolta erano state la deposizione di Flaviano e l'intronizzazione di Severo ad Antiochia.

²⁰ Charanis, *Church and State*, 81; Haarer, *Anastasius I*, 165, 168, 179.

²¹ Ruscu, "The Revolt of Vitalianus," e Stein, *Histoire du Bas-Empire*, 178.

Motivo contingente delle rivolte di Vitaliano fu sicuramente la sospensione della paga ai *foederati* nella regione ove i filocalcedoniani rappresentavano la maggioranza della popolazione. Che poi Vitaliano avesse sposato la causa religiosa per avere l'appoggio dell'Occidente, affinché la richiesta di tornare ad essere finanziati fosse accettata, è più che plausibile. L'Occidente, in questo caso, era rappresentato non solo da papa Ormisda, diretto interlocutore di Anastasio, ma anche, in maniera meno esplicita, da Teoderico. Pur non essendo pervenute testimonianze dirette a riguardo, infatti, possiamo supporre che il legame tra Teoderico e Ormisda fosse piuttosto forte, a partire dal pontificato di Simmaco—del quale Ormisda era il diacono prediletto e la cui elezione fu approvata da Teoderico: per il re goto, infatti, diventare “il campione” della Chiesa di Roma e del suo vescovo attraverso la difesa dell'ortodossia e della “primazia della Sede apostolica,” avrebbe significato garantire a Roma e in generale all'Occidente un peso politico importante nei confronti del crescente potere di Costantinopoli e del suo imperatore, e questo costituiva un tornaconto importante anche per il pontefice. In tal senso, gli interessi delle tre parti in gioco si erano intrecciati a scapito del “nemico comune” Anastasio.

Ma c'è di più. La lettura attenta delle epistole della *Collectio Avellana* prese in considerazione fa intuire che lo scoppio dei disordini in Scizia rappresentasse solo l'ultima goccia che fece traboccare un vaso ormai decisamente troppo pieno per l'imperatore: preoccupato per la stabilità del suo stesso potere e consapevole della comunione di intenti di Vitaliano, papa Ormisda e Teoderico, (come un tempo di papa Simmaco e Teoderico), egli si risolse ad interpellare il pontefice perché la situazione non era per lui più controllabile. In questo senso, il riferimento a Simmaco nelle lettere di riapertura del dialogo tra Oriente e Occidente diventa ancor più significativo: l'impressione, infatti, è che questo papa avesse operato con astuzia durante il

suo mandato e avesse preparato la via al successore, non riaprendo il dialogo in posizione di debolezza, ma costringendo l'imperatore a riaprirlo di fronte alle agitazioni create dai filocalcedoniani nelle "zone sensibili," a partire dall'Ilirico.²²

La prova del reale bisogno da parte di Anastasio di un intervento di papa Ormisda, che potesse risolversi in modo favorevole per lui togliendo fiato alle rivolte, è data proprio dall'invio ravvicinato di *CA* 109 e *CA* 107. È probabile, infatti, che l'imperatore fosse stato informato che la 109 non era stata ricevuta: magari era arrivata, letta, ma non *accepta*, perché il papa non poteva acconsentire—nella condizione di rapporti tesi e per la divisione dottrinale—di essere "convocato" ad Eraclea come un qualunque vescovo suddito di Costantinopoli. Nella *CA* 109, pur avendo scritto al papa che sarebbe potuto intervenire alla sinodo con quanti vescovi avesse voluto, dal momento che le decisioni si prendevano a maggioranza, il problema, per Ormisda, riguardava il numero di vescovi filocalcedoniani che poteva convincere a spostarsi fino ad Eraclea: i vescovi orientali, infatti, avevano il viaggio pagato dall'imperatore, quelli occidentali, invece, dovevano autofinanziarsi. In sostanza, poiché non *accepta*, Anastasio capì di dover cambiare tono e inviò poco dopo *CA* 107, offrendo ad Ormisda la presidenza del concilio e mandando anche la lettera di Doroteo di Tessalonica a supporto delle sue intenzioni. Tolto il tempo del "viaggio" delle epistole (massimo 30 giorni, vd. Szidat in questo convegno), i tempi di accettazione erano legati a quelli della diplomazia pontificia: anche il papa, come l'imperatore, aveva consulenti esperti che si riunivano, leggevano i documenti, facevano il calcolo di quante possibilità vi fossero di avere la maggioranza al concilio e, come in questo caso, presero tempo.

²² *CA* 104.

La lettura delle epistole della *Collectio Avellana*, dunque, porta a individuare alcuni punti fondamentali:

1) la riapertura del dialogo tra Oriente e Occidente—stando all’ordine col quale il compilatore inserì i documenti nella *Collectio Avellana*—è con certezza ascrivibile all’azione di Anastasio che, per primo, ruppe un silenzio che durava ormai da qualche anno;

2) le condizioni che portarono l’imperatore a rivolgersi al papa erano state poste da Simmaco, che aveva preparato bene il terreno per il suo successore, il quale si avvale dell’appoggio interessato di Teoderico e, insieme a lui, approfittò dei problemi di Anastasio con i *foederati* assicurandosi la collaborazione di Vitaliano;

3) l’imperatore, pur essendo messo “alle strette,” nel chiedere aiuto al papa, gli tese allo stesso tempo “un’insidia velata,” invitandolo ad andare in una città molto lontana da Roma, ma vicina a Costantinopoli, per partecipare ad un concilio dove mai avrebbe avuto la maggioranza nelle decisioni, nonostante l’offerta successivamente fatta di presiederlo;

4) la titubanza nel rispondere a lettere, che quasi sicuramente erano giunte a Roma nei tempi previsti, ma che a mio parere la cancelleria papale aspettava a protocollare per dare tempo al papa di consultare i suoi collaboratori, mostra che Ormisda non si fidava affatto del suo interlocutore, dati i rapporti intercorsi fino ad allora tra Papato e Impero. D’altra parte, il papa decise di mandare un’ambasceria, segno che anche lui fosse interessato a riaprire i rapporti con l’Oriente.

Nei mesi di permanenza dei legati a Costantinopoli Vitaliano, ribellatosi per la terza volta perché dimesso da Anastasio dall’ufficio di *magister militum*, fu sconfitto in modo decisivo e dovette abbandonare in fretta la capitale e rifugiarsi ad Antiochia. Liberatosi, almeno temporaneamente, dalle pressioni

di Vitaliano e indirettamente da quelle di Teoderico e di Ormisda, l'imperatore rifiutava di piegare la sua autorità ai voleri del vescovo di Roma che, a suo dire, possedeva "soltanto la facoltà d'intercedere presso Dio," così come a Teoderico era stata commessa "la potestà o cura di governare l'Italia."

2. L'organizzazione dell'ambasceria

L'11 agosto 515 una legazione partì da Roma alla volta di Costantinopoli su incarico di papa Ormisda. Si conoscono le vicende grazie alle lettere riunite nella *Collectio Avellana*: quella di Ormisda che i legati, una volta giunti a Costantinopoli, avrebbero dovuto consegnare ad Anastasio (CA 115); l'*Indiculus*, ovvero una sorta di agenda dettagliata che il papa aveva consegnato ai suoi legati con istruzioni *ad hoc* per lo svolgimento dell'ambasceria (CA 116); le procedure stabilite dalla Sede Apostolica, con valore normativo, per l'attuazione concreta di questioni specifiche trattate nella lettera inviata dal papa (CA 116a); la famosa *Regula rectae fidei Hormisdæ* che doveva essere sottoscritta dall'imperatore e dai vescovi orientali (CA 116b), nonché la risposta dell'imperatore al papa nell'inverno del 516 inviata tramite gli ambasciatori di ritorno a Roma (CA 125).

L'insieme di queste lettere costituisce una sorta di *dossier*, rilevante oltre che per il valore evenemenziale anche per le informazioni che fornisce sulla composizione, sull'organizzazione e sullo svolgimento di un'ambasceria inviata da un papa all'imperatore d'Oriente nel VI sec. d.C. Nonostante la scarsità delle testimonianze sull'argomento, ritengo interessante verificare se ci fossero delle procedure standard da seguire nell'organizzazione di questo tipo di legazioni che nel corso del tempo si sarebbero fissate in modelli più o meno seguiti, ovvero se, invece, questa di Ormisda abbia rappresentato un *unicum* nel suo genere.

Un termine di paragone efficace per questo tipo d'indagine è costituito dall'ambasceria inviata all'imperatore Arcadio a Costantinopoli nel 406 d.C. da papa Innocenzo su sollecitazione scritta di Onorio. Il confronto tra le due è reso possibile dall'analogia delle circostanze: anche per l'ambasciata del 406 d.C., infatti, il compito era di risolvere una situazione di fronte a cui Occidente e Oriente erano in dissidio a causa della deposizione del vescovo costantinopolitano Giovanni Crisostomo nel 403 d.C. durante la sinodo delle Tre Querce, presieduta dal vescovo Teofilo di Alessandria. Da Palladio, la fonte che racconta l'accaduto e descrive l'ambasceria, sappiamo infatti che l'imperatore Onorio ordinò la convocazione di un'assemblea dei vescovi d'Occidente per discutere sulla legittimità o meno del procedimento attuato contro il vescovo di Costantinopoli. Questi, a loro volta, chiesero all'imperatore di scrivere una lettera al fratello Arcadio, perché organizzasse una sinodo a Tessalonica, alla quale avrebbero dovuto partecipare i vescovi d'Oriente e d'Occidente per giungere, insieme e una volta per tutte, ad un verdetto indiscutibile sul *casus Chrisostomi*.

Palladio rappresenta la sola fonte per questa missiva: l'imperatore Onorio, che scriveva al fratello per la terza volta sull'argomento, chiese con insistenza la revisione di quello che definiva un "complotto" nei confronti di Giovanni Crisostomo, allo scopo di garantire la pace all'interno della Chiesa, condizione imprescindibile della pace di tutto l'Impero. Per questo motivo, l'imperatore Onorio annunciava l'arrivo di un'ambasceria organizzata da papa Innocenzo mettendosi nella posizione d'intermediario e garante della stessa; anticipava poi l'elenco di parte dei documenti recati dai legati e, soprattutto, richiedeva la presenza alla futura Sinodo di Teofilo di Alessandria, considerato il principale colpevole dei torbidi che stavano sconvolgendo la chiesa costantinopolitana.²³

²³ Pall. *Dial.* III, 133-157.

L'ambasceria che partì da Roma alla volta di Costantinopoli era composta dai vescovi Emilio di Benevento, Citegio (titolare di una sede sconosciuta d'Italia) e Gaudenzio di Brescia, dai presbiteri Valentiniano e Bonifacio e da un diacono, del quale viene omesso il nome; a questi si unirono altri quattro vescovi orientali (Ciriaco di Synnada, Demetrio di Pessinunte, Palladio di Helenopoli ed Eulisio d'Apamea). I legati portavano con sé diversi documenti: *in primis* la lettera dell'imperatore Onorio per Arcadio, poi quella di papa Innocenzo, la lettera dei vescovi italiani Cromazio di Aquileia e Venerio di Milano, un *memorandum* degli atti della sinodo d'Occidente e i permessi ufficiali (*sunthemata*) per utilizzare il *cursus publicus*. Considerando il tempo del viaggio e quello del soggiorno nella capitale d'Oriente, gli ambasciatori trascorsero lontano da Roma circa quattro mesi, durante i quali accaddero "fatti degni della cattività babilonese" subita dai Giudei.²⁴ Palladio, infatti, racconta con minuzia di particolari le peripezie affrontate dai "malcapitati," dalle difficoltà incontrate lungo il viaggio *terra marique*, durante il quale i vescovi subirono l'attacco di un *tribunus militum* presso Atene, attraversarono l'Egeo in tempesta senza rifornimenti di cibo e sostarono qualche giorno in una fortezza fuori delle mura costantinopolitane prima di entrare in città, fino a narrare il trattamento riservato loro durante il soggiorno nella capitale. Una volta entrati a Costantinopoli, infatti, il gruppo dei vescovi romani fu separato da quello di Ciriaco e gli altri e condotto in un alloggio piccolo e senza un servitore a disposizione. Di fronte al rifiuto degli ambasciatori di consegnare ai collaboratori dell'imperatore le lettere destinate ad Arcadio, Palladio parla di una sorta di "processione" di funzionari imperiali inviati a esercitare pressioni sui legati, a partire dal *notarius* Patrizio fino al *praepositus numerii* Valeriano, il quale addirittura ruppe un dito ad un vescovo per strappargli via le lettere sigillate. Gli stessi vescovi, inoltre,

²⁴ Pall., *Dial.* IV, 14-16.

subirono tentativi di corruzione: in cambio di una grossa somma di denaro, infatti, essi avrebbero dovuto entrare in comunione con il nuovo vescovo costantinopolitano Attico, senza più parlare della questione riguardante Crisostomo. Lungi dall'obbedire a tali richieste, i vescovi pregarono di poter ritornare sani e salvi a Roma: imbarcati di nuovo su un battello e dopo aver affrontato un altro viaggio pieno di insidie, gli ambasciatori riuscirono finalmente a rientrare in patria. L'esito dell'ambasceria fu fallimentare: i legati né riuscirono a perorare la causa di Crisostomo, né conobbero le sorti toccate agli altri vescovi che avevano partecipato alla missione.

Dal testo di Palladio emergono chiaramente alcuni dati:

1) il papa di Roma, con l'avallo e il sostegno dell'imperatore d'Occidente, organizzò un'ambasceria composta di vescovi italiani a lui fedeli per intervenire su una questione prettamente legata alla chiesa di Costantinopoli, ma proprio per questo motivo "appetibile" per affermare una primazia romana sull'Oriente che, dopo i primi segni di frattura politica tra le due *partes* e la politica portata avanti da Teodosio I per valorizzare Costantinopoli, non era più affatto scontata;

2) la difficoltà del viaggio di andata, i soprusi subiti dalla legazione, il clima di paura con cui gli ambasciatori si misurarono durante il soggiorno e l'incertezza del ritorno a casa testimoniano la tensione e la sfiducia dei rapporti nel momento in cui Oriente e Occidente erano chiamati ad interagire su tematiche che minavano la pace nella chiesa e, di conseguenza, nell'impero;

3) per i vescovi che affrontavano un'ambasceria di questo tipo, essa costituiva un'esperienza di grande impatto per i pericoli insiti nel viaggio e nel soggiorno a Costantinopoli "alla mercé" dei funzionari imperiali e senza alcun tipo di protezione, ma garantiva un grande prestigio individuale e per la propria sede;

4) nel IV secolo d.C. i vescovi in missione ufficiale, al pari dei colleghi laici, usufruivano del *cursus publicus*, che comprendeva la possibilità di avere un mezzo di locomozione a disposizione (cavallo o carrozza trainata), rifornimenti di cibo in tutte le tappe previste e la scorta, qualora richiesta.

A circa un secolo di distanza, dunque, anche papa Ormisda si trovava in una situazione simile, anche se più complicata rispetto al suo predecessore, dato che il contesto era quello dello scisma acaciano e gli equilibri nello scacchiere politico erano molto delicati. “Incalzato” da Teoderico (vd. Teofane Confessore) e “spalleggiato” dal ribelle Vitaliano che, per raggiungere i propri interessi di natura politica ed economica, ben si prestava ad appoggiare le intenzioni del papa e del sovrano goto, Ormisda organizzò l’ambasciata che avrebbe cercato di ricomporre la frattura tra Oriente e Occidente.

L’importanza del compito affidato alla legazione si può intuire già dalla composizione del gruppo. Essa è costituita da cinque membri appartenenti a gerarchie diverse della chiesa: dalla titolatura riportata nei codici per ciascuna delle epistole prese in considerazione (eccetto che per CA 116a), risulta che facevano parte dell’ambasceria due vescovi, un presbitero, un diacono e un rappresentante della cancelleria papale, il *notarius* Ilaro. Dei personaggi nominati, soltanto due sono conosciuti attraverso altre fonti, ovvero il vescovo Ennodio di Pavia, molto attivo alla corte del re goto Teoderico e fidato amico di Ormisda già dai tempi del suo diaconato presso papa Simmaco,²⁵ e il presbitero Venanzio, uno dei sacerdoti romani leali a papa Simmaco già nel 502 d.C., come testimonia l’iscrizione del suo nome nelle liste del concilio di quell’anno.²⁶ La partecipazione all’ambasceria del 515

²⁵ Cfr. Charles Pietri and Luce Pietri, eds., *Prosopographie chrétienne du Bas-Empire*, II. *Prosopographie de l’Italie Chrétienne*, 313–604 (Roma: École française de Rome, 2000), s.v. Magnus Felix Ennodius, 620–32.

²⁶ Cfr. Pietri, *Prosopographie*, s.v. Venantius 3, 2251–53.

d.C., invece, risulta l'unica testimonianza sugli altri tre componenti, altrimenti ignoti alle fonti. Come per l'ambasciata del 406 d.C., anche nel 515 Ormisda ebbe cura di scegliere bene i propri rappresentanti, vagliati per le qualità intellettuali e per l'assoluta fedeltà alla chiesa di Roma.

La novità è costituita dalla presenza del *notarius* ecclesiastico: nominato nell'ambasciata del 406 solo in riferimento al funzionario della corte costantinopolitana, compare invece come figura importante in quella del 515. Dalle epistole CA 116 e CA 116a si evince che costui lavorava in un ufficio dello *scrinium* papale romano, dove era stato redatto il *libellus* che i legati avrebbero dovuto consegnare all'imperatore, farlo sottoscrivere a lui e ai vescovi e successivamente diffonderlo nelle diocesi d'Oriente. Il compito di Ilaro in questa legazione, dunque, non si esauriva solo con la custodia dei documenti portati a Costantinopoli (di cui sicuramente rimanevano copie nello *scrinium* a Roma): a lui spettava anche la supervisione della trascrizione corretta degli stessi (nel caso specifico del *libellus*) prima della loro diffusione.²⁷ Dalla funzione di controllo e dal tenore stesso di CA 116b (*libellus*) si evince che i *notarii* erano persone colte e formate alla stesura di testi ufficiali, per la redazione dei quali dovevano essere in possesso, all'interno dello *scrinium*, non solo di "modelli" ai quali ispirarsi, ma anche di tutti i documenti, o di quelli più importanti, che venivano citati. Nel caso di CA 116b, ad esempio, sono nominati gli anatemi contro gli eresiarchi Nestorio, Eutiche, Dioscoro Alessandrino, Timoteo Euluro, Pietro Alessandrino, Acacio e Pietro Antiocheno, il concilio di Efeso, il concilio di Calcedonia e le lettere di papa Leone. L'espressione usata in CA 116, 23 *habetis textum libelli ex scrinio ecclesiae editum* conferma che all'interno dello *scrinium* si redigevano testi di valore normativo. Il *notarius* era il garante della conformità della

²⁷ Sulla figura e sulla funzione del *notarius* in età tardoantica cfr. i contributi di Milena Raimondi e Silvia Orlandi in questa miscellanea.

trascrizione degli stessi prima della loro diffusione e probabilmente egli faceva trascrivere anche i documenti che servivano alla legazione, quali “pezze d’appoggio” per perorare la propria causa di fronte all’imperatore. Ne esce confermata l’idea che lo *scrinium* fungesse anche da grande archivio per la chiesa di Roma, nel quale erano custoditi una serie di documenti quali Canoni di Concili, epistole della corrispondenza papale con la cancelleria imperiale, rescritti, opere dei Padri della Chiesa *et alia*.²⁸ Oltre ai testi ricordati in precedenza, infatti, i legati erano in possesso di un’epistola da consegnare a Vitaliano e di alcune lettere di papa Simmaco, a testimonianza che non era stato lui a interrompere rapporti con l’Oriente.

Il testo che permette però di fotografare in maniera significativa lo stato di tensione e il precario equilibrio su cui si giocavano, al momento, i rapporti tra Roma e Costantinopoli, è CA 116. Consegnata ai membri dell’ambasceria con il nome di *Indiculus*, che potrebbe far pensare ad un testo abbastanza breve e di argomento non troppo impegnativo, l’epistola in realtà si presenta come la più lunga di quelle recate dagli ambasciatori (è costituita da 27 capitoletti), il cui contenuto presenta spunti interessanti di riflessione. La traduzione stessa del termine *Indiculus* come “istruzioni scritte,” “ordini/mandati,” o “agenda dettagliata” proposta dai lessici specialistici e da alcuni studiosi, a nostro avviso non rende appieno la complessità e l’articolazione del testo; per comprenderlo, occorre dividerlo in due parti.²⁹

I primi sette capitoletti, in effetti, contengono istruzioni pratiche su come i legati debbano comportarsi una volta giunti a Costantinopoli. L’elenco minuzioso degli “atteggiamenti convenienti” che i suoi rappresentanti erano chiamati a tenere, mostra come il pontefice fosse preoccupato per la loro stessa incolumità durante il viaggio e presso la corte costantinopolitana.

²⁸ Cfr. il saggio di Rocco Ronzani in questo volume

²⁹ Sul significato del termine *indiculus* cfr. TLL s.v. *indiculum et indiculus*, 1164.

L'ordine di declinare con buone scuse gli inviti ai banchetti e di rifiutare il vettovagliamento è indice del timore di Ormisda che la sua legazione potesse essere avvelenata prima ancora di aver svolto il proprio compito.³⁰ Unica eccezione è concessa per il trasporto (*subvectione*), che evidentemente non era così semplice da procurarsi in una città come Costantinopoli (non si fa esplicitamente cenno al *cursus publicus*). Per evitare qualsiasi rischio, essi sono chiamati a recarsi nel luogo indicato dall'imperatore, senza dare licenza ad alcuno che gli si avvicini (*antequam ipsum videatis, nulli detis ad vos veniendi licentiam*). Il papa, inoltre, invita i suoi legati alla cautela anche nei confronti di quanti sono della stessa comunione ecclesiale: con questi è bene che parlino solo dopo aver visto l'imperatore per evitare fughe di notizie e non prima di aver capito come fosse evoluta la situazione da quando erano partiti.³¹ Il capitoletto conclusivo di questa prima sezione si concentra sulla modalità di consegna delle epistole: una volta presentati ufficialmente all'imperatore, essi avrebbero dovuto dare direttamente a lui la documentazione, senza pronunciarsi sul suo contenuto.³² Ordinando una simile precauzione, il papa cercava di prevenire qualsiasi tipo d'incomprensione dovuta a eventuali interpretazioni errate degli ambasciatori: soltanto ciò che era stato scritto nelle epistole doveva far fede circa le intenzioni del pontefice sull'unità e la pace delle chiese.

Letti alla luce del confronto con l'ambasciata del 406 d.C., questi primi capitoletti dell'*Indiculus* sembrano strutturati per fornire istruzioni ai legati, ricalcando quasi l'elenco delle disavventure subite dai loro predecessori un

³⁰ CA 116, 2, 22-27: *si vero ad convivium vos rogare voluerint, blanda excusatione eos declinate [...] victualia vero vel si qua alia offerre voluerint, excepta tamen subvectione, si causa poposcerit, nolite suscipere.*

³¹ CA 116, 4, 6-10: *postea tamen quam principem sideriti, si qui orthodoxi et nostrae communionis ut habentes zelum unitatis vos videre voluerint, eos sub omni cautela suscipite. Per quos forte et quod agitur deprehendere poteritis.*

³² CA 116, 7-22: *nullius causae mentionem penitus faciatis, nisi prius acceptae litterae relegantur.*

secolo prima, allo scopo di evitare situazioni pericolose. È come se Ormisda e i suoi collaboratori, memori dei rischi corsi dagli ambasciatori di Innocenzo—e forse anche da altri dei quali non ci sono giunte testimonianze—perché avevano letto le loro peripezie nei documenti conservati dalla cancelleria imperiale, avessero voluto realizzare un “prontuario di avvertenze” *ad hoc* per gli ambasciatori ecclesiastici che si recavano alla corte di Costantinopoli. Ci si chiede se dell'*Indiculus* non esistesse nello *scrinium* un modello, quale si era fissato nel tempo in seguito a esperienze di ambasciate scambiate dai papi con l'Oriente, anche se questo testo costituisce un *unicum* per la sua struttura e per il suo contenuto: come genere sembrerebbe ispirarsi in parte alla funzione svolta dal *commonitorium*. In particolare del *commonitorium* simmachiano richiama quella di promemoria per istruzioni; ma soprattutto ricorda il *commonitorium* di Agostino, per il quale tale testo assunse il significato di dispaccio amministrativo, usato per inviare istruzioni oltre che per porre, o risolvere, quesiti di ordine liturgico o dottrinale, arrivando a contenere norme di condotta e regolamenti dottrinali.³³

La *Collectio Avellana* riporta anche altri due esempi di *indiculus*, che aiutano a ricostruire il modello ispiratore. Entrambi sono di Ormisda: si tratta di CA 122, indirizzato al sottodiacono Pollione in missione presso il vescovo Giovanni di Nicopoli e datato 19 novembre 516 e di CA 158, indirizzato ai vescovi Germano e Giovanni, ai diaconi Felice e Dioscoro e al presbitero Blando, inviati presso l'imperatore Giustino a Costantinopoli nel 519 d.C. Nel primo caso si tratta di una serie di istruzioni in merito alle procedure che Pollione avrebbe dovuto far espletare sotto stretto controllo allorché il *Libellus* (CA 116b) fosse stato sottoscritto dal vescovo di Nicopoli e dai

³³ Cfr. Rita Lizzi Testa, “Un’epistola speciale: il *commonitorium*,” in *Forme letterarie nella produzione latina di IV-V secolo: con uno sguardo a Bisanzio*, ed. Franca Ela Consolino (Roma: Herder, 2003), 53-90.

vescovi della sua metropoli. In questo caso il testo si presenta in forma breve (4 capitoletti) e con indicazioni tecniche precise che, per quanto concerne l'ambasceria del 515, si trovano in *CA* 116a (*Capitula singularum causarum*). Nel secondo caso, invece, ritorna la formula già sperimentata in *CA* 116 dell'elenco dei comportamenti che i legati avrebbero dovuto tenere alla corte di Costantinopoli e quello delle possibili domande—assieme alle adeguate risposte—che essi avrebbero dovuto dare all'imperatore e al suo *entourage*. L'ambasciata si recava nella capitale d'Oriente per far sottoscrivere al nuovo imperatore il *libellus fidei Hormisdæ*: questa volta, diversamente dal 515, la firma ci fu e il 28 marzo 519 terminò ufficialmente lo scisma acaciano.

Rispetto ad un secolo prima, dunque, i vescovi che fossero partiti alla volta di Costantinopoli, grazie all'*Indiculus*, avrebbero affrontato il proprio compito con la consapevolezza di ciò a cui sarebbero andati incontro, avendo con sé una gamma di possibili comportamenti da tenere, una serie di risposte da riferire alle probabili domande poste dall'imperatore e dai suoi funzionari e con la supervisione del *notarius* a garanzia della correttezza delle procedure inerenti alla documentazione.

La seconda parte dell'*Indiculus* (*CA* 116), invece, fornisce il modello dell'ipotetico dialogo tra Anastasio e gli ambasciatori, ai quali il papa indica le risposte opportune che dovranno dare se interrogati. Il campione di domande presentato da Ormisda è piuttosto ampio e tocca varie questioni. In primo luogo è ribadita la professione di fede della Sede Apostolica come *conditio sine qua non* per il ricongiungimento delle chiese. Prevede la condanna degli eretici, il rispetto dei *constituta patrum* (sinodo di Calcedonia ed epistole leonine), il

necessario riconoscimento della teoria della supremazia di Roma rispetto alle altre sedi ecclesiastiche in virtù della sua origine petrina.³⁴

Particolarmente interessante è la difesa da parte di Ormisda dell'operato del suo predecessore Simmaco. Già precedentemente abbiamo ricordato come Anastasio, nella lettera inviata al pontefice il 12 gennaio 515, accusasse pubblicamente papa Simmaco di aver avuto un atteggiamento di chiusura e di intransigenza verso la questione orientale. Proprio questo, secondo l'imperatore, aveva reso impossibile la riapertura del dialogo e la risoluzione dello scisma acaciano. Davanti ad Anastasio e al suo *consistorium*, gli ambasciatori avrebbero dovuto chiedere quale fosse il motivo delle discordie insorte tra le chiese delle regioni orientali se, come sostenuto dall'imperatore, i vescovi che le rappresentavano non si erano allontanati da ciò che i Padri avevano stabilito.³⁵ Prevedendo che la risposta dell'imperatore sarebbe stata l'accusa nei confronti di Simmaco—questo era il pensiero che Anastasio aveva già espresso in modo ufficiale—, Ormisda aveva consegnato agli ambasciatori copie delle missive del suo predecessore, a testimonianza del fatto che non era stato Simmaco, con il suo operato, a ingenerare “confusione” negli animi dei vescovi orientali.

Questo testo, inoltre, è anche l'unica fonte che attesta un legame tra il papa e il ribelle Vitaliano, argomento di grande interesse che sarà sviluppato in altra sede. Nell'*Indiculus* si fa anche riferimento a una lettera di Ormisda scritta al *magister militum* Vitaliano, dopo che costui aveva spedito i suoi uomini a Roma per volontà di Anastasio. Per espressa volontà del papa, il contenuto di tale epistola, recata dall'ambasceria, non doveva essere assolutamente rivelato all'imperatore, ma consegnata *de visu* a Vitaliano.

³⁴ CA 116, 15, 21-23: *sancti patres, qui ista constituerunt, beati apostoli Petri fidem secuti sunt, per quam edificata est ecclesia Christi.*

³⁵ CA 116, 13, 6-8: *quae causa est tantum inter ecclesias partium istarum esse discordiae vel quae causa facit in uno Orientis episcopos non sentire?*

L'ultima questione affrontata riguarda, invece, la delicata situazione della sede costantinopolitana. A seguito della deposizione di Macedonio ad opera di Anastasio, era stato insediato Timoteo in qualità di patriarca; nell'*Indiculus* Ormisda insiste molto sul fatto che debba essere la Sede Apostolica a giudicare, attraverso un equo processo, se Macedonio fosse eretico o meno. Nel frattempo, per non lasciare vacante la sede di Costantinopoli durante l'espletamento del processo, chi si fosse trovato in accordo con i canoni della Sede Apostolica avrebbe potuto ricoprire la carica di vescovo costantinopolitano.³⁶ Questo non era il caso del vescovo di Costantinopoli Timoteo, alla presenza del quale gli ambasciatori non avrebbero dovuto fare alcuna menzione del contenuto delle epistole, dato che queste riguardavano anche la sua persona.

Oltre all'*Indiculus* i legati, come già ricordato, recavano con sé documenti molto importanti sui quali è necessario soffermarsi. L'epistola diretta ad Anastasio (CA 115) contiene quelli che per il pontefice rappresentavano i giusti presupposti per il ripristino della fede e il raggiungimento della pace delle chiese (*pro redintegratione fidei et ecclesiarum pace facere libenter ampleximur*). Si tratta di disposizioni precise e indiscutibili quali il mantenimento della definizione di fede stabilita dai Padri riuniti al concilio di Calcedonia, la scomunica di Nestorio e dei suoi seguaci, la condanna dei sei eresiarchi e il riconoscimento del *Tomus Leonis*, che implicitamente fa riferimento all'accettazione della primazia giurisdizionale di Roma, unita alla dichiarazione di voler rientrare in comunione con la Sede Apostolica, grazie alla quale la religione cattolica si era sempre conservata immacolata. Tutta la lettera CA 115 si gioca sull'alternarsi di toni accorati e non privi di abile diplomazia. Il pontefice si complimenta con l'imperatore per l'amministrazione intelligente

³⁶ CA 116, 22, 14-16: *persona, quae consentit confessioni pietatis vestrae et constitutis sedis apostolicae, interim usque ad eventum cognitionis locum Constantinopolitani teneat sacerdotis.*

dell'Impero, come testimoniano la volontà di garantire la pace e l'unità delle chiese e la convocazione del vescovo di Roma per presiedere un concilio.³⁷ Ormisda, d'altra parte, mette subito in chiaro le condizioni affinché si realizzi l'unione delle chiese ed esorta Anastasio a seguire l'esempio dei suoi venerabili predecessori Marciano e Leone.³⁸ All'imperatore è affidato, dunque, l'esito della futura sinodo: se egli, seguendo le *suggestiones* del papa, la proteggerà dalle insidie del diavolo, allora ci sarà la speranza di un confronto pacifico e costruttivo durante l'incontro.³⁹ Questo darà lustro all'imperatore non solo nel tempo presente, ma costituirà un'importante eredità per le generazioni future (*poterit enim pietas vestra hoc custodiens apice et scepra sua post multos annos ad alium saeculum possidere translata*). L'epistola, poi, si conclude con l'esortazione di Ormisda, affinché l'imperatore accolga con animo ben disposto i legati che gli ha inviato (*placidam vice nostra supplicantibus conscientiam commodate*).

Le condizioni esposte dal papa, senza il rispetto delle quali egli non avrebbe partecipato al concilio, oltre ad essere preannunciate in CA 115 vengono riproposte in maniera sistematica nel famoso *Libellus fidei* (CA 116b), sul cui significato gli studiosi tuttora dibattono. Secondo alcuni, attraverso questo documento, il papa non si sarebbe battuto per una causa religiosa, ma avrebbe mirato solo al riconoscimento della supremazia di Roma approfittando dell'appoggio di Teoderico e delle pressioni di Vitaliano. Altri, invece, hanno spiegato il *libellus* come un atto di fede religiosa e politica, sulla stessa linea dell'eredità gelasiana. L'incipit del *libellus* è particolarmente

³⁷ CA 115, 1, 4-7: *Bene atque utiliter serenitas vestra curam principalis acuminis non tantum in administrando rei publicae exercet officio sed melioribus eam nobilitano institutis per curam redintegrandae unitatis auctorem venerandi placat imperii.*

³⁸ CA 115, 9, 19-21: *ut laborem curamque pastoralis officii venerabilium decessorum vestrorum Marciani et Leonis formam secuti etiam principalis potentiae participatione fulciatis.*

³⁹ CA 115, 9, 22-24: *habebitis deo propitio spem de victoriis non piacenter, si pontificalem contra diaboli subreptiones congressionem pacifica ad decertandum instructiones muniatis.*

significativo: attraverso la citazione del Vangelo di Matteo “Tu sei Pietro e su questa pietra edificherò la mia chiesa,” il papa pone l’enfasi sul primato della chiesa di Roma, in quanto sede apostolica, in contrapposizione a Costantinopoli. A partire da Damaso (366-384), infatti, s’iniziò ad elaborare una vera e propria teoria della primazia di Roma, legando la grandezza dell’*Urbs renovata* dal martirio di Pietro e Paolo con la potenza del suo vescovo. Teodosio I con l’Editto di Tessalonica del 380 (*CTb* 16, 1, 2) aveva dato un’importante conferma della politica di Damaso; l’anno successivo con il Canone 3 del Concilio di Costantinopoli aveva riconosciuto al vescovo della città una posizione di primato rispetto agli altri vescovi della chiesa orientale. In virtù di ciò, Roma riteneva suo preciso dovere e diritto d’intervenire, come autorità suprema spirituale, in tutta la chiesa cristiana, e i confini politici e civili non avrebbero costituito un limite per l’esercizio di tale diritto. Non solo. L’accettazione *in toto* delle epistole leonine, richiesta da Ormisda, implicava il rifiuto del canone 28 del Concilio di Calcedonia (che aveva assegnato a Costantinopoli il secondo posto dopo Roma). Serviva, inoltre, a ribadire che l’unione tra Cristo e Pietro garantiva l’eredità apostolica che sopravviveva per mezzo del vescovo di Roma, e che le sedi di Alessandria e Antiochia, in virtù dell’ordine di discendenza offerta dalle Sacre Scritture, avevano la precedenza rispetto alla stessa Costantinopoli.

Il *libellus* è costruito secondo la tecnica della *ring composition*: nella parte conclusiva viene ripetuto che solo presso la sede apostolica si mantiene intatta e vera la solidità della religione cristiana (*in qua est integra et verax Christianae religionis soliditas*); inoltre, i vescovi che lo avrebbero sottoscritto, per rimanere in comunione con Roma, avrebbero dovuto promettere di non recitare più nella celebrazione dei sacri misteri i nomi di coloro che si erano allontanati dalla chiesa cattolica, ovvero degli eresiarchi precedentemente elencati nel testo. Le condizioni dettate da Ormisda, dunque, avrebbero

implicato due importanti conseguenze: dal punto di vista teologico il riconoscimento reale del diritto del vescovo di Roma a giudicare in ultima istanza e in modo definitivo le questioni di dogma e di disciplina ecclesiastica; dal punto di vista “politico-religioso” la sconfessione totale dell'*Henotikon*, ovvero di quel duttile strumento giuridico che aveva permesso ad Anastasio, per oltre 25 anni, di esercitare in Oriente la sua funzione di *imperator ac pontifex*, primo titolo del quale si fregiava, come testimoniato nella *inscriptio* della lettera inviata al Senato di Roma nel luglio del 516 d.C.

Per l'attuazione concreta di tali disposizioni, Ormisda pensò bene di allegare al *libellus* un'epistola nella quale era spiegato passo per passo in che maniera l'imperatore avrebbe dovuto procedere (CA 116a). Anastasio, infatti, avrebbe dovuto inviare una serie di epistole (*sacra generalia*) a tutti i vescovi orientali, nelle quali egli, in maniera chiara e incontrovertibile, affermava di credere e di essere disposto a far rispettare le condizioni espresse dal papa nel *libellus*, e che gli stessi avrebbero ripetuto alle proprie comunità di fedeli. Per evitare qualsiasi tipo di fraintendimento, inoltre, era specificato che alla cancelleria imperiale sarebbero stati affiancati dei *virii venerabiles*, scelti dal papa, con il compito di controllare che i *sacra* fossero compilati seguendo il testo del *libellus* prodotto dai *notarii* della cancelleria papale.⁴⁰

I vescovi che erano stati esiliati da Anastasio avrebbero dovuto essere richiamati, affinché fossero ascoltati e giudicati dalla Santa Sede, la sola che, dopo un attento esame, avrebbe potuto stabilirne il reintegro o di nuovo l'espulsione; la precedenza era riservata a coloro che, pur essendo in comunione con la Sede Apostolica, erano stati ingiustamente allontanati. Alla Sede Apostolica, inoltre, era riservato anche il giudizio sui vescovi che perseguitavano i cattolici.

⁴⁰ CA 116a, 1, 11-13: *haec manu propria praesentibus electis viris venerabilibus scribentes faciunt secundum textum libelli, quem per notarios nostros edidimus.*

Dal confronto con l'ambasciata del 406 e dall'esame della legazione di Ormisda del 515 emergono alcune considerazioni:

1) per la composizione di entrambe le ambascerie, il papa di turno coinvolse personaggi che conoscevano bene le questioni dottrinarie e che erano a lui fedeli; nel 515 d.C., però, ci fu l'esigenza di inserire nel gruppo un *notarius*, ovvero il rappresentante dello *scrinium* di Roma con la responsabilità del mantenimento dell'integrità di quella documentazione con valore normativo che, nel VI sec. d.C., la chiesa stava codificando;

2) sul "cerimoniale di accoglienza" a corte, mentre nel 406 si fece riferimento alla presenza dei soli funzionari imperiali, nel 515 sembra essersi prospettata l'idea di una 'prima accoglienza' da parte dei vescovi (vd. CA 116, 1) prima dell'ingresso a corte, dove i legati si sarebbero trovati di fronte al concistoro dell'imperatore e in presenza del patriarca di Costantinopoli;

3) la richiesta di Ormisda di declinare inviti a banchetti e di accettare, invece, la *subvectio* qualora offerta, farebbe pensare che nel 515, rispetto ad un secolo prima, i vescovi che partivano in missione non usufruissero del *cursus publicus*, e che probabilmente gli stessi dovevano sobbarcarsi interamente del costo del viaggio;

4) in entrambe le ambascerie i legati portano con sé non solo la documentazione da consegnare all'imperatore, ma anche una serie di testi che servivano a dimostrare le tesi sostenute dal papa;

5) l'*Indiculus* del 515 rappresenta un *unicum* nel suo genere (diverso anche rispetto a CA 122), ma simile a CA 158: la loro composizione, infatti, prevede una prima parte d'istruzioni pratiche per l'incolumità degli ambasciatori e una seconda caratterizzata da una serie di interrogativi che toccano varie tematiche (procedure per la consegna della lettere, questioni dottrinali etc.); essi, inoltre, scritti secondo questa formula, sembrano essere

stati impiegati *ad hoc* da Ormisda come strumento di supporto per gli ambasciatori coinvolti nella risoluzione dello scisma acaciano.

Circa l'interrogativo sulla presenza di un "modello standard" nell'organizzazione di tali ambascerie, il raffronto tra le due studiate ha fatto emergere alcuni dati interessanti, che sicuramente andrebbero implementati dal confronto con ulteriore documentazione. Nel passaggio da un secolo all'altro, alcune costanti rimasero: la scelta di candidati idonei e fedeli al papa per la composizione del gruppo; le insidie del viaggio; il pericolo che i rappresentanti del papa potessero subire avvelenamenti o violenze alla corte di Costantinopoli; l'avallo dell'imperatore d'Occidente prima e di Teoderico poi nell'intervento del papa in Oriente; l'abitudine di portare tra la documentazione sia testi che riguardavano la soluzione del problema specifico per cui l'ambasciata era stata organizzata, sia testi che comprovassero le affermazioni dei rappresentanti del papa. Le novità, invece, furono rappresentate dalla presenza della figura del *notarius* quale componente fondamentale del gruppo, dall'utilizzo dell'*indculus* caratteristico delle ambasciate di Ormisda, dal probabile non impiego del *cursus publicus* da parte dei vescovi e, dunque, dal carico economico che essi si assumevano nel momento in cui erano chiamati a far parte di ambascerie di questo calibro che avrebbero costituito un tassello importante per l'avanzamento di "carriera" per chi vi partecipava.

CHAPTER TEN

GEWOHNHEITEN DER DIPLOMATIE UND DIE WIEDERAUFNAHME DES THEOLOGISCHEN DIALOGS DURCH IUSTINUS 518 N.CHR. (*COLL. AVELL.*, *EP.* 141–148)

JOACHIM SZIDAT

Die Korrespondenz zwischen Kaiser Iustinus I. und Papst Hormisdas, die in der *Collectio Avellana* überliefert ist, beginnt mit Iustinus' offizieller Mitteilung, die er von seiner Erhebung an den Papst machte (*Coll. Avell.*, *ep.* 141). Der Text ist stilistisch elegant und wurde wahrscheinlich von Proclus (Proculus), Iustinus' *quaestor sacri palatii*, verfasst.¹ Er ist sehr formell und hat den Charakter einer blossen Mitteilung. Er enthält aber deutliche Signale an Hormisdas. Er betont Iustinus' katholischen Glauben im Sinne Roms und unterstreicht die Legitimität von dessen Erhebung. Seinen eigentlichen historischen Wert erkennt man erst, wenn man ihn mit vergleichbaren Dokumenten und seinem Kontext in der *Collectio* in Beziehung setzt. Dann versteht man auch, weshalb der Kompilator der *Collectio Avellana* daran interessiert war, ihn in die Sammlung aufzunehmen und dort an einem

¹ PLRE II, 924-25 s.v. Proculus 5. Proclus, Iustinus' *quaestor sacri palatii*, schrieb offensichtlich diesen Brief, auch wenn Honoré das Schreiben nicht ausdrücklich ihm zuweist (vgl. Antony Maurice Honoré, *Tribonian* [Ithaca, New York: Cornell University Press, 1978] VII, 231-32); anders Charles F. Pazdernik, "The Quaestor Proclus," *Greek, Roman and Byzantine Studies* 55 (2015): 234, der ihn unter Berufung auf Honoré für ein Schreiben von Proclus hält.

wichtigen Punkt einzuordnen oder zu belassen, auf keinen Fall aber auf ihn zu verzichten.

Iustinus, der damalige Kommandant der *Excubitores* (*comes excubitorum*), wurde am 10. Juni 518 zum Kaiser erhoben, einen Tag nach Anastasius' Tod. Seine Wahl und Proklamation, die bei Constantinus Porphyrogenitus² eingehend beschrieben wird, ist berühmt wegen der damit verbundenen Unruhe (*ἀταξία τις*). Mitglieder der Excubitores und der Scholen versuchten im Hippodrom, einen Herrscher ihrer Wahl zu erheben, aber ohne Erfolg. Auch die Herrschaft des Kaisers war nicht mehr überall anerkannt, denn die Regierung hatte Thrakien nicht mehr unter Kontrolle, weil der General Vitalianus dort schon seit 513 ihre Befehle nicht mehr befolgte.

Der Brief des Kaisers mit der Mitteilung, die Herrschaft übernommen zu haben, der auf den 1. August 518 datiert ist, traf in Rom im Oktober oder spätestens im November ein. Die Antwort des Papstes (*Coll. Avell., ep. 142*) mit seinen Glückwünschen, den er Oktober/November schrieb, erreichte Konstantinopel im Januar 519.

Natürlich war der Papst über Iustinus' Erhebung schon vor der offiziellen Benachrichtigung informiert. Es gab sicher inoffizielle Kontakte, wofür Gratus einen Beleg bildet.³ Ein offizieller Brief, den eine ranghohe Person überbrachte, benötigte etwa drei Monate von Rom nach Konstantinopel oder umgekehrt.⁴ Die Entfernung beträgt etwa 1500 Meilen, wenn man von Rom nach Aquileia und von dort nach Konstantinopel reist. Übermittelt man den Brief mit einem normalen Kurier, benötigte er etwa dreissig Tage oder sogar

² Constant. Porphy., *cerim.* 1.93 (426, 2)

³ Vgl. den Text nach n.41.

⁴ Vgl. z.B. *Coll. Avell., ep.* 107 von Konstantinopel nach Rom: 12.01.514-28.03.514, ungewöhnlich viel Zeit benötigte *Coll. Avell., ep.* 109 von Konstantinopel nach Rom: 28.12.514-14.05.515.

etwas weniger. Wurde dagegen der Brief von Kurier zu Kurier weitergereicht, brauchte er die Hälfte dieser Zeit oder sogar weniger.⁵

Iustinus' Schreiben nimmt die diplomatischen Kontakte zwischen dem Kaiser in Konstantinopel und dem Papst⁶ wieder auf, die ein Jahr vorher mit einem Brief des Kaisers Anastasius unterbrochen worden waren.⁷

Bevor die päpstlichen Glückwünsche bei Iustinus eintrafen, schrieb dieser einen weiteren Brief an den Papst (*Coll. Avell.*, ep. 143), mit dem der theologische Dialog zwischen beiden wiederaufgenommen wurde, der zum Ende des akakianischen Schismas führte. Dieser zweite Brief wurde am 7. September 518 abgesandt und erreichte Rom am 20. Dezember. Zugleich mit ihm wurden zwei weitere Briefe vom kaiserlichen Abgesandten Gratus dem Papst übergeben, nämlich einer von Johannes, dem Bischof von Konstantinopel (*Coll. Avell.*, ep. 146), und einer von Iustinianus, Iustinus' Neffen (*Coll. Avell.*, ep. 147).⁸

Die Antworten des Papstes auf Iustinus' zweiten Brief und auf die beiden anderen gingen Mitte oder Ende Januar 519 aus Rom ab.

Man kann dasselbe Vorgehen beim Briefwechsel zwischen Kaiser Leo I. und dem Papst Leo im Jahr 457 beobachten. Nachdem dieser dem Kaiser zur Erhebung seine Glückwünsche übersandt hatte, ein Schreiben, das uns nicht überliefert ist, richtete der Papst sogleich einen weiteren Brief an den Kaiser,

⁵ Vgl. Joachim Szidat, *Historischer Kommentar zu Ammianus Marcellinus. Buch XX-XXI. Teil 3. Die Konfrontation* (Stuttgart: F. Steiner, 1996), 144, 126.

⁶ Eine sehr eingehende Beschreibung dieser Verhandlungen findet sich bei Erich Caspar, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft* (Tübingen: J.C.B. Mohr, 1933), 149 sqq. Man vgl. auch die von Brian Croke, "Justinian under Justin: Reconfiguring a Reign," *Byzantinische Zeitschrift* 100 (2007), 26-29 unter Bezugnahme auf die Briefe 141-48.

⁷ *Coll. Avell.*, ep. 138 vom 11. Juli 517; vgl. Ernest Stein, *Histoire du Bas-Empire. Tome. II. De la disparition de l'Empire d'Occident à la mort de Justinien (476-565)* (Paris-Brüssel: Desclée de Brouwer, 1949), 191, 225.

⁸ Dieser Brief wurde wahrscheinlich von Iustinianus selbst verfasst (Honoré 1978,7).

in dem er sich über innerkirchliche Streitigkeiten beschwerte.⁹ Wir können daraus schliessen, auch wenn uns nur zwei Fälle bekannt sind, dass für tiefergehende theologische Erörterungen eigene Briefe reserviert waren.

Überliefert ist auch ein Brief des Kaisers Marcianus, in dem er Papst Leo über seine Erhebung informierte. Marcianus wurde am 25. August 450 oder schon am 24. Kaiser und benachrichtigte den Papst Ende August oder Anfang September offiziell davon.¹⁰ Der Brief ist auf Lateinisch und auf Griechisch überliefert. Beide Schreiben entsprechen sich weitgehend, und die Unterschiede haben keine Bedeutung.

In der Regel informieren die Kaiser, der im Westen und der im Osten, gemeinsam in einem offiziellen Schreiben über wichtige Ereignisse, auch wenn nur ein Kaiser betroffen ist. So nennen sich Valentinian III. und Marcianus gemeinsam in diesem Brief an Papst Leo als Absender, in dem diesem Marcianus seine Erhebung mitteilt (*Ad hoc maximum imperium veni*).

Die erste Zeile des Briefes, der an den Papst gerichtet wurde, ist eine Fiktion. Sie gibt vor, dass beide Kaiser zusammen in Übereinstimmung an den Papst schreiben, was der politischen Realität aber nicht entsprach. Marcianus galt für Valentinian III. als Usurpator. Er war nicht konsultiert worden, um einen Kandidaten vorzuschlagen. Das bedeutete eine Brückierung Valentinians III. und die Missachtung einer Gewohnheit. Valentinian III. erkannte Marcianus daher auch nicht vor dem 30. März 452 als Kaiser im Osten an.¹¹

Marcianus erhob dagegen mit der Nennung auch des Namens Valentinians III. den Anspruch, mit dessen Einverständnis zur Herrschaft gelangt und von seinem Kollegen im Westen als Kaiser anerkannt zu sein.

⁹ Leo, *ep.* 145 u. 148.

¹⁰ Leo, *ep.* 73 = ACO 2.1.1 (p. 10, 3-18 griech.; 2.3.1 p. 17, 17-28 lat.)

¹¹ Prosp. Tiro s.a. 452 = Chron. min. I.90: *Iconica (sc. imago imperatoris) Marciani imperatoris Romam ingressa III kal. Aprilis*; vgl. Joachim Szidat, *Usurpator tanti nominis. Kaiser und Usurpator in der Spätantike (337-476)* (Stuttgart: Steiner 2010), 345 n. 1476.

Diese Haltung nahm er auch sonst ein, um seine innenpolitische Stellung zu stärken. Seine innenpolitischen Gegner stellten diesen Anspruch auch nicht erfolgreich in Frage. Marcianus war lediglich von den Monophysiten wenig geschätzt, was aber ohne ernste Konsequenzen blieb, für uns aber noch fassbar ist.¹²

Für Papst Leo war hingegen Marcianus spätestens seit dem 13. April 451¹³ legitimer Kaiser im Osten. Er dürfte ihn schon von Anfang an als rechtmässigen Herrscher betrachtet haben. Kirchenpolitisch war nämlich Marcianus für den Papst wichtig.

Die Haltung des Papstes und Valentinians III. zur Rechtmässigkeit von Marcianus' Herrschaft wich also für längere Zeit voneinander ab.

Die Antwort Leos auf Marcianus' Brief ist nicht überliefert. In den Briefen des Papstes findet sich auch kein Hinweis auf die Glückwünsche, die er an den Kaiser Marcianus richtete.¹⁴ Dass er Marcianus gratulierte, muss man annehmen.

Ein weiterer Brief, in dem ein Kaiser dem Papst seine Erhebung mitteilt, wird in unseren Quellen nur erwähnt, der Brief selbst aber ist nicht überliefert. Es ist die Mitteilung Kaiser Leos I. an Papst Leo von seiner Erhebung. Leo I. wurde am 7. Februar 457 zum Kaiser erhoben. Die verwendeten Ausdrücke zeigen deutlich, dass es zur Norm geworden war, dass der neu erhobene Kaiser den Papst von seiner Erhebung in Kenntnis setzte, der daraufhin seine Glückwünsche übermittelte.¹⁵

¹² Vgl. Szidat, *Usurpator tanti nominis*, 294 n. 1204.

¹³ Leo, *ep.* 78. Vgl. Szidat, *Usurpator tanti nominis*, 346 n.1478.

¹⁴ Vgl. Leo, *ep.* 78: *litteras pietatis vestrae accepisse me gaudio*. Vgl. den Kommentar in der Ausgabe von Migne PL 54, 908.

¹⁵ Leo, *ep.* 145 (= Leo, *ep.* 87 ACO 2.4 p. 95-96) 11.7.457: *Officiis quae ad gratulationem imperii vestri pertinent persolutis*; und Leo, *ep.* 148 1.9.457: *Licet proxime ad clementiam vestram gemina scripta direxerim, quorum unum debitum salutationis impleat, aliud pro statu ecclesiae supplicaret, tamen occasione, quae deo providente se praebuit, iterari utramque convenit, gloriosissime imperator*. Vgl. auch *Coll. Avell.*, *ep.* 143: *debitas beato Petro apostolo imperii vestri primitias*

Dass ein Kaiser seine Erhebung sehr bald dem Papst mitteilte, war also ein normales Vorgehen, wir wissen aber nicht, wann es in Gebrauch kam. Nach Seeck war Marcianus der erste, der seine Proklamation dem Papst mitteilte.¹⁶

Man muss aber vermuten, dass es Konstantin oder einer seiner Söhne waren, die diese Gewohnheit einführten, und zwar, als die Kirche eine Institution von politischer Bedeutung für den Kaiser geworden war. So teilte etwa schon Constantius II. den Bischöfen auch sonst politisch wichtige Dinge mit. Er informierte sie z.B., als sie 343 in Sirmium zu einem Konzil versammelt waren, über die vorgesehenen Feierlichkeiten aus Anlass seiner Tricennalien,¹⁷ also über ein bedeutendes politisches Ereignis.

Mitteilungen dieser Art waren eine alte Gewohnheit im diplomatischen Verkehr innerhalb des römischen Reiches. Man informierte über bedeutsame politische Ereignisse direkt, nicht über die Verwaltung. Ein neuer Kaiser teilte deshalb sofort immer seine Erhebung allen wichtigen und politisch bedeutsamen Gruppen im Reich mit.

Wenn der neue Kaiser an den Papst schrieb, unterstrich er, dass er legitimer Weise erhoben worden sei, und machte besonders darauf aufmerksam, der Beschützer des wahren Glaubens zu sein. In der Regel sind uns solche Texte nicht überliefert, sondern nur, wenn ihnen eine besondere

red<di>distis, quas hac ratione devote suscepimus, quia ecclesiarum per vos proxime futuram credimus sine dubitatione concordiam.

In gleicher Weise spielte auch Papst Gelasius auf die Mitteilung an, die der Kaiser Anastasius von seiner Proklamation an Papst Felix gemacht hatte. Der Papst habe Anastasius seine Glückwünsche zukommen lassen, schreibt Gelasius (Gelas., *ep.* 10 Thiel = *Coll. Veron.*, 7 p. 16, 8 sqq. Eduard Schwartz, *Publizistische Sammlungen zum Acacianischen Schisma* [Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1934]).

Auch dass der Kaiser seine Erhebung dem Papst mitteilt, ist in gewisser Weise geschuldet wie *Coll. Arell.*, *ep.* 141, 2 zeigt (vgl. n. 23).

¹⁶ Otto Seeck, *Geschichte des Untergangs der antiken Welt*. 6. Bd. (Stuttgart: J.B. Metzler, 1920), VI, 270.

¹⁷ Vgl. Szidat, *Usurpator tanti nominis*, 163 n. 641.

Bedeutung für den Kaiser oder den Papst und die katholische Kirche beigemessen wurde, wie es der Fall bei den Kaisern Marcianus und Iustinus war. Zur Zeit ihres Amtsantrittes gab es bedeutsame theologische Auseinandersetzungen und beider Legitimität war nicht unbestritten.

Solche Schreiben sind von grossem Interesse, weil der Kaiser aus der Sicht der Kirche als legitim gilt, der der Kirche hilft und sie als politisch einflussreiche Institution respektiert. Zugleich waren die Kirche und der katholische Glauben wichtig für den Kaiser. Durch seine Stellungnahme für oder gegen die in der Kirche vorherrschende theologische Interpretation des Glaubens und die Gruppe, die sie vertrat, hatte er die Mehrheit der kirchlichen Amtsträger oder deren wichtigste Vertreter wie den Papst auf seiner Seite oder gegen sich.

Die Kirche wusste genau, welches Gewicht der katholische Glaube politisch für die Stellung des Kaisers hatte. Um dessen Bedeutung für ihn zu unterstreichen, vertrat sie die Auffassung, dass der richtige Glaube der Herrschaft des Kaisers nütze. Gott ihn also für dessen Verteidigung schütze.¹⁸

Anastasius dagegen wurde in Konstantinopel vom Volk mehrmals herausgefordert, weil man ihn für einen Monophysiten hielt. Der Patriarch verlangte schon vor Anastasius' Investitur eine Erklärung, dass dieser rechtgläubig sei.¹⁹

Auch die gotischen Könige hielten sich wie die Kaiser an diesen Brauch und teilten den verschiedenen Gruppen ihrer Untertanen oder wichtigen Amtsträgern ihre Erhebung mit. So betonte der gotische König Athalaricus 526 gegenüber Victorinus, einem sonst nicht bekannten Bischof,²⁰ durch den

¹⁸ Vgl. z.B. Leo, *ep.* 82 (= ACO 2.4, p. 41; Leo, *ep.* 148 (Migne).

¹⁹ Zon. 14.3.3.

²⁰ PChBE, 2294, Victorinus 7.

Willen Theoderichs, seines Grossvaters, König geworden zu sein.²¹ Es überrascht, dass ein Brief von Athalaricus an den Papst Felix IV. in den *Variae* fehlt. Er war am 12. Juli 526 gewählt worden. Betrachtet man die Schwierigkeiten, unter denen es zur Wahl Felix IV. gekommen war, könnte der Brief der Auswahl Cassiodors zum Opfer gefallen sein. Selbstverständlich teilte der gotische König seine Erhebung auch dem Kaiser in Konstantinopel mit.²²

Kehren wir zum Inhalt von Brief 141 zurück. Iustinus teilt seine Erhebung dem Papst mit, denn es zieme sich, besonders diesem die Wohltaten Gottes zur Kenntnis zu bringen.²³ Er stellt dann dar, dass er auf legitime Weise erhoben sei. Er erwähnt den Willen Gottes, dank dessen er zum Kaiser gewählt worden sei. Er gebraucht aber dafür nicht eine Wendung wie z.B. *dei providentia*, die sich im Brief Marcians an Papst Leo findet, oder *divino iudicio*,²⁴ sondern spricht von der *inseparabilis trinitatis favore*. Dabei ist *inseparabilis* entscheidend, denn auf die *trinitas* wird zuweilen im 5. Und 6. Jhd. in den Selbstaussagen der Kaiser über ihr Gottesgnadentum oder in vergleichbaren Aussagen offiziellen Charakters verwiesen.²⁵

Durch *inseparabilis* unterstreicht Iustinus seinen katholischen Glauben, d.h. seine Rechtgläubigkeit im Sinn des Papstes. Die Wendung *inseparabilis trinitas* findet sich offenbar niemals vorher in einem Brief im diplomatischen

²¹ Cassiod., *Var.* 8.8: *qui nos in sede regni sui divinitate propitia collocavit.*

²² Cassiod., *Var.* 8.1. Vgl. zu den Briefen des gotischen Königs den Kommentar von Giorgio Bonamente in *Cassiodoro, Varie*, a cura di Andrea Giardina, IV (Roma: L'Erma di Bretschneider, 2016), 173 sqq. und id., „*Puer in regia civitate*: Atalarico e la difficile legittimazione del regno (Cass. *Variae* VIII, 1-8),“ in *Usurpatori in età tardoantica: organizzazione, finanze e strategie del consenso (IV-VII secolo d.C.). Akten des Convegno internazionale* (Rome, im Druck).

²³ Coll. Avell., ep. 141.2: *maxime tamen summis pontificibus convenit indicare, proinde [...]*

²⁴ Zu *dei providentia* im Brief an Papst Leo vgl. n. 10; zu *divino iudicio* vgl. ACO 2.1.2 (p. 138, 28) griech.; 2.3.2 (p. 150, 12 lat.).

²⁵ Vgl. z.B. Constant. Porphy., *cerim.* 1.92 (424, 10: *θείας τριάδος*). Zu weiteren Belegen vgl. Wilhelm Enßlin, *Gottkaiser und Kaiser von Gotter Gnaden* (Munich: Bayerischen Akademie der Wissenschaften 1943), 86-90.

Verkehr, sondern nur in theologischen Texten oder Texten, die sich mit theologischen Fragen befassen. Sie entspricht dabei in der Regel nicht gänzlich der von Iustinus gebrauchten Wendung.²⁶ Hormisdas unterstreicht die Bedeutung der *inseparabilis trinitas* für die Politik des Papstes in einem Schreiben vom Februar oder März 520 an Iustinianus.²⁷

Inseparabilis (ἄχωριστος) findet sich in Bezug auf die Natur Christi schon im Symbolon von Chalkedon, einem offiziellen Text der Kirche, und später in den Akten des 11. Konzils von Toledo vom November 675 in Bezug auf die *trinitas*.²⁸ Auch wenn von dieser gesprochen wird, geht es vor allem um die Natur Christi. Sie war in dieser Zeit das umstrittene Thema.

Wenn Iustinus von der *inseparabilis trinitas* spricht, gibt er also ein klares Signal an den Papst, dass seine Kirchenpolitik sich an den Beschlüssen von Chalkedon orientiert und sich deutlich von der seines Vorgängers, des Kaisers Anastasius, unterscheiden wird. Nicht zufällig unterstreicht später Iustinianus im Codex Iustinianus die *trinitas* im Sinne des Konzils von Chalkedon als Grundlage seiner Religionspolitik.²⁹

Wenn es einen Mitaugustus gab, einen nominellen oder einen mitregierenden, trat dieser sofort die Nachfolge an. Es war in diesem Fall nicht notwendig, dass ein Kandidat vorgeschlagen und gewählt wurde. Im anderen Fall wie bei Iustinus hatten Mitglieder der Verwaltung, des Hofes und des Senates die Aufgabe, einen Kandidaten vorzuschlagen, der dann von

²⁶ Vgl. z.B. zu einem Rechtstext *Cod. Theod.* 16.5.6.2 (10.1.381): *incompactae trinitatis indivisa substantia*. Man vgl. aber zum Gebrauch in theologischen Texten etwa August. *ep.* 120.2.12: *inseparabilis trinitas*.

²⁷ *Coll. Avell., ep.* 206.4: *cuius (trinitas) inseparabilis et indiscreta substantia non potest dividi, non potest sacrilega distinctione separari*.

²⁸ Vgl. ACO 2.1.2.3 (p. 129): ἄχωριστως; 2.3.2 (p. 137): *inseparabiliter*. Vgl. auch ACO 2.3.2 (p. 133): *indivisibiliter*. XI. Konzil von Toledo DS 531: *Ob hoc ergo inseparabilis et inconfusa haec trinitas a nobis et praedicatur et creditur*.

²⁹ *Cod. Inst.* 1.1.5.

den Truppen und dem Volk zum Kaiser ausgerufen wurde. Diese waren zu dieser Zeit im Hippodrom versammelt und erwarteten den Kandidaten, den sie zu wählen, d.h. zu bestätigen hatten. Eine wirkliche Auswahl gab es nicht. Den vorgeschlagenen Kandidaten nicht zum Kaiser zu küren, hätte als Rebellion gegolten und passierte niemals.

Es werden daher jetzt die Gruppen aufgeführt, die Iustinus gewählt hatten. Er war ja vorher nicht Mitaugustus. Zuerst werden die Mitglieder der Verwaltung und des Hofes erwähnt (*amplissimorum procerum sacri nostri palatii*), ohne einzelne zu nennen. Zu ihnen gehören etwa der *magister officiorum* und der *praepostus sacri cubiculi*. Dann erwähnt er den Senat (*amplissimi senatus*), worunter er dessen einflussreichste Mitglieder versteht, nicht den Senat als Körperschaft.

Die Mitglieder der Verwaltung, des Hofes und des Senates, die an der Auswahl des Kandidaten beteiligt sind, sind in keinem antiken Text genau umschrieben. Die Mitglieder dieser Gruppe waren nicht im einzelnen festgelegt. Sie bildete sich nämlich spontan und umfasste Personen in höchster Stellung, die imstande waren, den ausgewählten und dann zum Kaiser erhobenen Kandidaten zu stützen und seine Stellung zu sichern. Von daher waren natürlich gewisse Amtsträger immer in ihr vertreten.

Die Zusammensetzung dieser Gruppe hing auch vom Zufall ab. Eine wichtige Persönlichkeit, die sich aber weit weg von Konstantinopel befand, konnte nicht teilnehmen. Gewöhnlich wartete man nicht, bis diese Person eintreffen konnte. Bei Iustinus' Wahl fehlte z.B. der General Hypatius, ein Neffe des Kaisers Anastasius, der sogar möglicherweise ein Kandidat für den Thron war, aber sich in Antiochia aufhielt, als der Kaiser starb.³⁰

Beim vorliegenden Text überrascht die Wendung *nec non electione fortissimi exercitus*. Am Anfang des VI. Jhd. gibt sie die tatsächlichen Verhältnisse nur

³⁰ Vgl. Szidat, Usurpator tanti nominis, 121.

unvollständig wieder, weil auch das Volk an der Proklamation im Hippodrom teilnahm. Es jubelte wie die Soldaten dem neu erhobenen Kaiser zu. Dies war normal von der Thronbesteigung Leos I. 457 bis zu der von Iustinianus, der im Palast als Kandidat vorgeschlagen und im Palast zum Kaiser erhoben wurde.³¹

Iustinus erwähnt die Reaktion des Volkes nicht. Sie war bei seiner Erhebung nicht umstritten. Er unterstrich dagegen, dass die im Hippodrom anwesenden Soldaten den vorgeschlagenen Kandidaten, ihn, nicht ablehnten, sondern bestätigten. Damit gibt er seine Deutung der Ereignisse wieder. In Wahrheit suchten nämlich die anwesenden Soldaten, d.h. die *excubitores* und *scholares*, von denen unsere Quellen sprechen, nach eigenen Kandidaten, während im Palast die Gruppe, die über einen Nachfolger des Kaisers Anastasius entschied, noch dabei war, sich auf einen Kandidaten zu einigen.

Die *scholares* waren auch dann noch mindestens teilweise unzufrieden, als Iustinus als Kandidat vorgeschlagen worden war.³²

Man findet eine ähnliche Wendung (*cunctae militiae*) im Brief Marcians an Papst Leo,³³ aber zu dieser Zeit nahm das Volk noch nicht an der Proklamation zum Kaiser teil. Die Erwähnung der Soldaten entspricht dem normalen Ablauf einer Erhebung und hat im Brief Marcians keine besondere Bedeutung.

³¹ Szidat, *Usurpator tanti nominis*, 79-80. Die fehlende Erwähnung des Volkes ist schon mehrfach beobachtet worden. Man vgl. z.B. Mischa Meier, *Das andere Zeitalter Justinians. Kontingenzverfabrung und Kontingenzbewältigung im 6. Jahrhundert n. Chr.* (Göttingen: Vandenhoeck & Ruprecht 2003), 123. Ausdrücklich erwähnt wird das Volk in der Beschreibung der Übernahme der Herrschaft bei Constantinus Porphyrogenitus (Constant. Porphy., *cerim.* 1.93).

³² Constant. Porphy., *cerim.* 1. 93 (p. 428, 10-15). Zu den Einzelheiten vgl. Szidat, *Usurpator tanti nominis*, 122-23; Rene Pfeilschifter, *Der Kaiser und Konstantinopel. Kommunikation und Konfliktaustrag in einer spätantiken Metropole* (Berlin, Boston: W. De Gruyter, 2013), 167.

³³ Vgl. n. 15.

Darauf unterstreicht Iustinus, dass er nicht Kaiser habe werden wollen (*licet nolentes et recusantes*), ein Element, das zu jeder Erhebung zum Kaiser gehört. Der Kandidat, der für den Thron vorgesehen ist, lehnt die angebotene Herrschaft erst einmal ab. Dies tun Kaiser wie Usurpatoren vor ihrer Erhebung, obgleich unsere Quellen es sehr häufig nicht berichten und nicht davon sprechen, wenn sie eine Erhebung beschreiben.³⁴

Nachdem Iustinus seine Legitimität unterstrichen hat, bittet er den Papst, dafür zu beten, dass sich seine Herrschaft weiter festige.

Marcianus' Brief ist dem von Iustinus ähnlich, aber weniger knapp und formell. Er spricht mehr von der Rolle des Papstes. Marcianus rechtfertigt seine Erhebung auf die gleiche Weise wie Iustinus. Er sagt, vom *senatus excellentissimi cunctaeque militiae* gewählt worden zu sein. Die Wendung *senatus excellentissimi* schliesst die Teilnahme der Mitglieder der Verwaltung und des Hofes ein. Der Begriff *senatus* kann lediglich den Senat bezeichnen, aber auch den Senat oder einige seiner Mitglieder und andere Personen, die ein hohes Amt innehaben. Weil der Senat niemals allein den Kaiser wählt, müssen notwendigerweise auch andere an der Wahl teilnehmen.³⁵

Marcianus unterlässt es anders als Iustinus zu unterstreichen, dass er gegen seinen Willen zum Kaiser erhoben worden sei, obwohl er damit die Übernahme der Herrschaft, deren Rechtmässigkeit bezweifelt werden konnte, zusätzlich hätte rechtfertigen können.

Auch Marcianus weist deutlich darauf hin, dass er durch die göttliche Vorsehung (*providentia dei*) sein Amt erhalten habe, und unterstreicht seinen katholischen Glauben, aber in anderer Weise als Iustinus. Er schreibt, dass der Papst unter den Bischöfen den Primat (*principatum*) habe, und erwähnt

³⁴ Vgl. Szidat, *Usurpator tanti nominis*, 75-76; 49-50. Anders Frank Kolb, *Herrscherideologie in der Spätantike* (Berlin: Akademie Verlag, 2001), 99, der es nicht als festen Bestandteil einer Erhebung betrachtet.

³⁵ Zur Bedeutung des Wortes *senatus* vgl. Szidat, *Usurpator tanti nominis*, 379-87.

seine Absicht, ein Konzil für den inneren religiösen Frieden einzuberufen. um das Papst Leo schon vorher gebeten hatte.³⁶ Ein solches Detail findet sich nicht in Iustinus' Mitteilung. Diesen Vorschlag zu machen ist ein Zeichen dafür, dass Marcianus den Papst als Freund benötigte, als Verbündeten im Kampf darum, als Kaiser des Ostens im Westen anerkannt zu werden.

Am Ende bittet er den Papst, wie es auch Iustinus tut, für die Stärke und Stabilität seiner Herrschaft zu beten.

Kommen wir zur Antwort, die Papst Hormisdas Iustinus gab (*Coll. Avell.*, ep. 142). Sie steht in der *Collectio Avellana* unmittelbar nach der Mitteilung von der Übernahme der Herrschaft durch Iustinus. Der Kontakt zwischen Kaiser und Papst ist damit wiederaufgenommen.

Die weiteren Briefe bis einschliesslich 144 folgen weiter einer chronologischen Ordnung, wenn man vom Zeitpunkt ausgeht, an dem sie in Rom abgelegt werden konnten. Danach ist diese Ordnung nicht mehr vorhanden.³⁷ Geht man von einem Archiv in Rom aus, hier wohl das päpstliche, das ein- und ausgehende Schreiben chronologisch geordnet hatte und das bei zusammengehörigen Schreiben die Antwort nach dem Eingang des Briefes stellte, folgen die Briefe 141 bis 144 (einschliesslich) einem so geordneten Archiv. Brief 145 (Hormisdas an Johannes, Rom Anfang Janar 519) folgt zwar chronologisch noch dieser Anordnung, ist aber schon die Antwort auf Johannes' Brief an Hormisdas vom 7. September 518. Die Antwort ist also in der Ordnung vorangestellt. Damit ist für die Briefe 141-

³⁶ Seeck, *Geschichte des Untergangs* VI, 270 u. 458. Zur kirchenpolitischen Situation bei der Übernahme der Herrschaft durch Marcianus vgl. jetzt auch Manuela Keßler, *Die Religionspolitik des Kaisers Marcianus (450-457)* (Frankfurt a.M.: Univ.-Bibliothek, 2015), 66-68, die aber nicht auf Seeck Bezug nimmt.

³⁷ Man vgl. die chronologische Übersicht.

148 deutlich, dass man über Brief 144 hinaus nicht die Ordnung eines Archivs in Rom in der *Collectio Avellana* bewahrte.³⁸

Die Antwort des Papstes an Iustinus enthält die Glückwünsche, die zur Erhebung geschuldet sind (*debitas [...] primitias*).³⁹ Hormisdas ist überzeugt, dass Iustinus durch die göttliche Vorsehung (*caelesti [...] providentia*) zum Kaisertum gelangt ist, damit die Ungerechtigkeit, die auf der Religion lastet (*impacta [...] religioni [...] iniuria*) beseitigt wird und die Kirche zur Eintracht zurückkehrt (*futuram [...] concordiam*).

Die Erwartungen des Papstes beruhen auf der korrekten Wahl des Kaisers und seinen guten Absichten, die ihm Gott eingegeben hat. Ein Kaiser, der, wenn auch gegen seinen Willen (*licet nolentes et recusantes*), aber durch den Gottes⁴⁰ auf den Thron gelangt ist, hat seine Herrschaft von Gott empfangen. Sie ist daher gerechtfertigt. Am Ende bittet der Papst darum, den *magister scrinii memoriae* Gratus zu ihm zu senden, um dem Kaiser eine Antwort über die Fragen, die die Einheit der Kirche betreffen, geben zu können.

Hormisdas' Antwort zeigt, dass er den Hinweis auf das Bekenntnis von Chalkedon (*inseparabilis trinitatis favore*) gut verstanden hatte, auch wenn er sich nicht ausdrücklich darauf bezieht.

Gratus war eine wichtige und vertrauenswürdige Person für die Verhandlungen zwischen dem Papst und dem Kaiser Iustinus wie auch für die mit dem König der Ostgoten Theoderich.⁴¹ Offensichtlich kannte Papst Hormisdas Gratus schon vor Iustinus' Proklamation zum Kaiser, und dessen

³⁸ Otto Günther, "Avellana-Studien," *SBerWien, phil.-hist. Classe* 134 (1896): 55 u. 59 sowie passim. Günther erörtert nicht die Anordnung der Briefe 141-44 (einschliesslich)

³⁹ Vgl. n.15.

⁴⁰ *Coll. Avell., ep.* 142.1: *caelesti [...] providentia*; 142.2: *caelesti [...] iudicio*.

⁴¹ Caspar, *Geschichte des Papsttums*, 150; Stein, *Histoire du Bas-Empire*, 225.

Haltung zum katholischen Glauben war ihm bekannt,⁴² denn sonst hätte er ihn nicht als Gesandten erbeten. Die ersten beiden Briefe, die Iustinus an den Papst schickte (*Coll. Avell., ep.* 141; 143), wurden nämlich von einem Alexander überbracht. Es wird berichtet, dass er *vir spectabilis* gewesen sei.⁴³ Auf welche Weise Hormisdas zu seinen Informationen gelangt war, wird nicht überliefert. Hier müssen die inoffiziellen Kontakte eine Rolle gespielt haben. Iustinus hatte Gratus nämlich schon am 7. September 518 zum Papst geschickt (*Coll. Avell., ep.* 143), bevor dessen Brief mit den Glückwünschen und der Bitte, Gratus zu ihm reisen zu lassen, in Konstantinopel im Januar 519 eintraf (*Coll. Avell., ep.* 142).

Durch den Brief, den Gratus dem Papst überbrachte (*Coll. Avell., ep.* 143), wurde der unterbrochene theologische Dialog wiederaufgenommen. Iustinus spricht darin von einer Gruppe religiöser Männer (*virī religiosi*), zu der auch der Patriarch von Konstantinopel und andere Bischöfe gehörten, die Dokumente zur Einheit der Kirche (*concordia*) und zum wahren Glauben (*vera fides*) verfasst hätten. Diese hätten darum gebeten, dass diese Dokumente zusammen mit einem Brief des Kaisers an den Papst geschickt würden. Der Kaiser Iustinus war bereit, es zu tun, und bat den Papst in seinem Schreiben, die Ideen der Bischöfe anzunehmen. Zugleich ersuchte er den Papst, eine Gesandtschaft nach Konstantinopel zu schicken. In seinem Schreiben spielt der Kaiser in keiner Weise auf ein theologisches Problem im einzelnen an, unterstreicht aber den Wunsch nach Einheit und Frieden in der Kirche.

Gratus überbrachte neben diesem Brief des Kaisers auch einen des Patriarchen Johannes von Konstantinopel (*Coll. Avell., ep.* 146) und einen von

⁴² Zu Gratus vgl. PLRE II, 519 s.v. Gratus; Detlef Liebs, *Hoffuristen der römischen Kaiser bis Justinian* (München: Verlag der Bayerischen Akademie der Wissenschaften in Kommission beim Verlag C. H. Beck, 2010), 146; Massimiliano Vitiello, *Momenti di Roma ostrogota. Adventus, feste, politica* (Stuttgart: Steiner, 2005), 78.

⁴³ Vgl. *Coll. Avell., ep.* 142.5: *per Alexandrum u.s.* Vgl. PLRE II, 57 s.v. Alexander 17.

Iustinianus (*Coll. Avell., ep.* 147), dem späteren Kaiser.⁴⁴ Dessen Mutter war Iustinus' Schwester. Iustinus war also Iustinianus' Onkel. Iustinianus wurde von Iustinus adoptiert und machte rasch Karriere. Er wurde 520 Kommandant des Heeres im Osten und 521 Konsul. Am 1. April 527 machte ihn Iustinus zum Mitregenten. Er wurde am 1.8.527 nach Iustinus' Tod dessen Nachfolger und damit Alleinherrscher.⁴⁵ Wahrscheinlich bestimmte er Iustinus' Politik schon vorher entscheidend mit oder war mindestens eine Person von nicht zu unterschätzendem Einfluss. Bei den Auseinandersetzungen nach Anastasius' Tod um dessen Nachfolge war Iustinianus ein von den *excubitores* im Hippodrom bevorzugter Kandidat, nahm aber das angetragene Amt nicht an, wohl weil sein damaliger Rang als *candidatus* zu gering war.⁴⁶ Es gab 40 *candidati*, die unter den scholares ausgewählt wurden.⁴⁷

Als Iustinianus diesen Brief an den Papst schrieb, war er schon *comes*. Der Brief lässt seine Bedeutung in der Umgebung des Kaisers Iustinus erkennen. Im Brief fehlt eine klare Erklärung, warum Iustinianus ihn geschrieben hat. Nach Iustinianus' Worten wurde ihm diese Gelegenheit durch das göttliche Wohlwollen (*libera licentia iam mihi beneficio caelesti indulta*) gegeben, womit er offensichtlich auf die Erhebung seines Onkels zum Kaiser anspielt, mit der sich auch die religiöse Politik verändert hatte. Dass Iustinianus Iustinus'

⁴⁴ Vgl. PLRE II, 645-48 s.v. Flavius Petrus Sabbatianus Iustinianus 7.

⁴⁵ Zu Iustinianus' Laufbahn, bevor er Kaiser wurde, vgl. Croke, "Justinian under Justin." Er glaubt nicht, dass Iustinianus Iustinus' Politik entscheidend aus dem Hintergrund gelenkt habe. Zu Iustinianus' begrenztem Einfluss in dieser Zeit vgl. auch Pazdernik, "The Quaestor Proclus," passim.

⁴⁶ Anders Croke, "Justinian under Justin," 22, ohne Iustinianus' Verzicht zu erklären.

⁴⁷ Arnold Hught Martin Jones, *The Later Roman Empire. II* (Oxford: Blackwell, 1973), 613. Iustinianus' Verzicht ist schwierig zu erklären und kann hier nicht Gegenstand einer umfangreichen Diskussion sein. Pfeilschifter, *Der Kaiser und Konstantinope*, 170 etwa erklärt ihn damit, dass Iustinianus in die Machenschaften seines Onkels eingeweiht und davon überzeugt war, dass dieser Kaiser werden würde.

Neffe war, wusste natürlich jeder. In gleicher Weise betont er etwas vorher die Freundschaft mit Gratus (*Gratum virum sublimem unanimum mihi amicum*).

Iustinianus' Brief lässt erkennen, dass auch er der Einheit der Kirche gewogen war, was für den Papst wichtig war. Aller Wahrscheinlichkeit spricht in diesem Brief schon der zukünftige Mitherrscher und spätere Kaiser. Johannes und Iustinianus' Briefe lassen Iustinus' Herrschaft als gefestigt erscheinen. Sie war von wichtigen Persönlichkeiten akzeptiert.

Gratus traf mit den Briefen des Kaisers, des Patriarchen und des comes Iustinianus am 20. Dezember in Rom ein. Der Papst antwortete im Januar 519 auf alle drei Schreiben.

Zusammenfassung und Schlussfolgerungen

Iustinus' Brief an den Papst Hormisdas (*Coll. Avell., ep. 141*) enthält nur die unbedingt notwendigen Mitteilungen, nämlich die Begründung, warum er den Papst über seine Erhebung unterrichtet, die Betonung der Rechtmässigkeit der übernommenen Herrschaft und die Bitte, für den Kaiser und seine Herrschaft zu beten. In ihm wird eine sehr formelle, aber stilistisch elegante Sprache verwendet.

Das Schreiben macht deutlich, dass Iustinus dem katholischen Glauben im Sinne des Konzils von Chalkedon anhängt und dass auch seine Bestimmung zum Kandidaten für die kaiserliche Würde durch die Excubitores und Scholares im Hippodrom gebilligt wurde. Die Einmütigkeit ihrer Billigung konnte nämlich bezweifelt werden.

Der Brief ist ein seltenes Dokument. Iustinus teilt dem Papst seine Proklamation zum Kaiser mit. Dazu ist die Antwort des Papstes erhalten (*Coll. Avell., ep. 142*). Überliefert ist anscheinend nur ein weiteres Dokument dieser Art, nämlich Marcianus' Brief an den Papst. Die Antwort des Papstes

mit den Glückwünschen ist in diesem Fall aber nicht auf uns gelangt. Daneben gibt es einige wenige andere Hinweise auf solche Dokumente.

Marcianus' Schreiben an den Papst unterscheidet sich ein wenig von dem Iustinus'. Es ist weniger förmlich am Ende, es enthält einige Bezugnahmen auf die aktuelle Situation und spricht von einem zukünftigen Konzil.

Die Mitteilung der Erhebung zum Kaiser ist an sich nichts Besonderes, sondern entspricht diplomatischen Gepflogenheiten. Die diplomatischen Beziehungen waren von Anastasius zwar unterbrochen worden, aber konnten jederzeit wieder aufgenommen werden.

Wann die Gewohnheit beginnt, dass der Kaiser den Papst über seine Erhebung informiert, wissen wir nicht, sicher schon im IV. Jahrhundert.

Diese Mitteilung ist Teil der Gewohnheit, die man in den höheren Gesellschaftsschichten findet, sich gegenseitig über die Übernahme eines hohen Amtes zu informieren und dazu zu gratulieren.

Unmittelbar nach dem Brief, der die Erhebung zum Kaiser mitteilt, eröffnet Iustinus mit drei Briefen den theologischen Dialog. Er wartet die Glückwünsche des Papstes nicht ab. Dasselbe Vorgehen findet sich bei Papst Leo I.

Korrespondenz diplomatischen Charakters und die Erörterung theologischer Fragen im einzelnen finden sich nicht in demselben Brief. Am theologischen Dialog nehmen mehrere Personen teil.

Was den Briefwechsel zwischen Iustinus und dem Papst Hormisdas in der *Collectio Avellana* betrifft, so steht die Mitteilung der Erhebung von Iustinus am Anfang. Sie eröffnet den Briefwechsel. Vorher findet sich kein anderer Brief von Iustinus in der Sammlung. Dieses Schreiben soll dem Leser der *Collectio* deutlich machen, dass Iustinus die zuständige und geeignete Person für die Erörterung und Beilegung der theologischen Differenzen zwischen dem Papst und dem Kaiser in Konstantinopel ist. Er ist legitimer

Herrscher und hängt dem katholischen Glauben im Sinne des Konzils von Chalkedon an. Die Antwort des Papstes, die Iustinus' Schreiben unmittelbar folgt, erkennt diese Rolle von Iustinus an. Der Kompilator der Sammlung war an diesem Auftakt interessiert, stellte ihn dorthin oder übernahm diese Stellung des Briefes schon aus seinem Material. Er bedeutete einen Neubeginn nach dem Abbruch der Kontakte unter Anastasius.

**Chronologie der Briefe, Abgangs- und Eingangsdaten
(nach Günther, Editio u. Günther 1892 mit eigenen
Ergänzungen)**

Coll. Avell.

- | | |
|---------|---|
| ep. 141 | Iustinus an Hormisdas
Constantinopel 1. August 518; Rom Ende Oktober/Nov. |
| ep. 142 | Hormisdas an Iustinus (Antwort auf Brief 141)
Rom Ende Oktober/Nov. 518; Constantinopel Jan. 519 |
| ep. 143 | Iustinus an Hormisdas
Constantinopel 7. September 518; Rom 20. Dezember 518 |
| ep. 144 | Hormisdas an Iustinus (Antwort auf Brief 143)
Rom Anfang Jan. 519; Constantinopel Ende März 519 |
| ep. 145 | Hormisdas an Johannes (Antwort auf Brief 146)
Rom Anfang Jan. 519; Constantinopel Ende März 519 |
| ep. 146 | Johannes an Hormisdas
Constantinopel 7. September 518; Rom 20. Dezember 518 |

- ep. 147 Iustinianus an Hormisdas
Constantinopel 7. September 518; Rom 20. Dezember 518
- ep. 148 Hormisdas an Iustinianus (Antwort auf Brief 147)
Rom zweite Hälfte Jan. 519; Constantinopel Ende
März/Anfang April 519

CHAPTER ELEVEN

PRESERVING FEMALE VOICES: FEMALE LETTERS IN LATE ANTIQUE LETTER COLLECTIONS*

JULIA HILLNER

It is rare that late antique epistolary anthologies contain letters written by women. This chapter considers four exceptions to this rule. They are all collections compiled during the period of Late Antiquity itself, and more precisely in the fifth and sixth centuries, rather than at a later date during the Middle Ages or modern period. They are therefore well suited to give insights into the value put on female letter-writing at that time. After briefly discussing the content of the letters themselves and the motivations behind their composition, I advance possible reasons as to what may have induced late antique letter collectors to preserve them. Here, I will pay particular attention to one collection, the sixth-century *Collectio Avellana*. This collection is unusual not only because it contains female letters, but also because it gives considerable space to voices and opinions of lay senatorial aristocrats, male and female, on matters of theology and church schism.¹ In this, it

* The translations in Appendix II are my own, but many thanks are due to Gisela Hillner for her help in preparing them. All remaining errors are mine alone. I would like to thank Philippe Blaudeau and Claire Sotinel for providing me with copies of their published and unpublished work on the *Collectio Avellana*.

distinguishes itself even from the other collections discussed in this chapter, which preserve mostly letters from clerics or lay rulers, and hence, when it comes to women, only from imperial women or queens.

Female letters in late antique letter collections: an overview

In the following, I discuss female letters ordered by collections, rather than chronologically, although I start with the collection that contains the earliest dated letter and end with the one containing the latest.

1. The *Collectio Avellana* contains seven letters written by women. Three of these are attributed to Galla Placidia, sister of the emperor Honorius, and were written in the context of the episcopal schism in Rome between the contenders Boniface and Eulalius in 418-19.² Galla Placidia's letters, written in March 419, contained invitations to Aurelius of Carthage, seven other African bishops (perhaps originally sent in seven copies) and Paulinus of Nola to attend a synod at Spoleto in spring 419 to settle the matter. The *Collectio Avellana* includes a further female imperial letter, written by Euphemia, wife of Justin I, in July 520, towards the end of the Acacian schism (482-520). From the same context also derive three female aristocratic letters, two by a woman called Anicia Iuliana, written in April 519 and July 520 respectively, and one by an Anastasia, written in April 519.³ As a granddaughter of Valentinian III and Licinia Eudoxia, Anicia Iuliana was a descendant of the Theodosian dynasty, but, as a daughter of Anicius

¹ While late antique lay aristocrats often intervened in debates about heresy and orthodoxy (see e.g. Elizabeth A. Clark, "Elite Networks and Heresy Accusations: Towards a Social Description of the Origenist Controversy," *Semeia* 56 (1992): 79-117) outside the *Collectio Avellana* such intervention is merely mentioned by ecclesiastical or imperial authors, with the result that we seldom have lay aristocrats' own voices.

² CA, *opp.* 25, 27 and 28.

³ CA, *opp.* 164, 165, 194, 198.

Olybrius, also of one of the most famous aristocratic families of Late Antiquity.⁴ Anastasia, in turn, was the wife of Pompeius, a high-ranking imperial official under Justin and nephew of the previous emperor Anastasius.⁵ These two women therefore had strong imperial connections, although technically both were “merely” part of Justin’s senatorial aristocracy. Euphemia, Anicia Iuliana and Anastasia’s letters all appear in letter batches that the papal legate and deacon Dioscorus, who had been sent by pope Hormisdas to liaise with Justin and his nephew Justinian about the end of the schism, mailed back to Rome. On this, see further below.

2. The various letter collections attached to the *Acts of the Council of Chalcedon* also contain seven letters attributed to women, who were all members of the Theodosian dynasty. Five of these date from before the council and two from after. Three were written by female members of the Western imperial family. The context was the deposition, at the second council of Ephesus in 449 and against pope Leo’s wishes, of bishop Flavian of Constantinople, who had opposed the teachings of the Constantinopolitan archimandrite Eutyches on the nature of Christ.⁶ In February 450 Leo persuaded the Western emperor Valentinian III, his wife Licinia Eudoxia, and his mother Galla Placidia, to write to their Eastern imperial relatives and plead for Flavian’s recall and a new council to settle the matter. As a result, Galla Placidia and Licinia Eudoxia wrote to Theodosius II, and Galla Placidia also wrote to Pulcheria, his sister and her niece.⁷ On 22 November of the same year, after Theodosius II had died and Pulcheria married his successor

⁴ PLRE 2, “Anicia Iuliana 3,” 635-636, and stemma 3, 1309.

⁵ PLRE 2, “Anastasia 3,” 77-78.

⁶ For background see Susan Wessel, *Leo the Great and the Spiritual Rebuilding of a Universal Rome* (Leiden: Brill, 2012), 261-63.

⁷ ACO 2.1.1, *ep.* 2-4, pp. 5-7; *ep.* 14, pp. 49-50. Letter numbers for Valentinian, Galla Placidia and Eudoxia’s letters to Theodosius given here are those of the Greek version, contained in Letter Collection M of the Greek Acts. The letter number for Galla Placidia’s letter to Pulcheria is from Letter Collection H. See further below.

Marcian, the new emperor and his wife each wrote a letter to Leo to announce a new council, but not in Italy as he had wished.⁸ This council was first to take place in Nicaea. However, the city proved to be troublesome as we know from another letter by Pulcheria from early September 451. It was addressed to the governor of Bithynia and ordered him to expel troublemakers without an invitation to the council from the city.⁹ The council itself was held not in Nicaea, but in Chalcedon in the autumn of 451. One of its outcomes were riots in Palestine, where local monks refused to accept its decisions. To bring them to order, Pulcheria and Marcian each wrote a letter to the rebellious monks in autumn or winter 452, and Pulcheria also wrote a letter to the leader of a female monastery, Bassa.¹⁰

3. The *Variae* of Cassiodorus contain six letters written by Cassiodorus in the name of Ostrogothic queens, four by Amalasuentha, mother of king Athalaric and regent with king Theodohad (534-536), and two by Gudelina, Theodahad's wife. They date to the three years after Athalaric's death when Theodahad and Amalasuentha were trying to make their unusual royal partnership work in the face of threatening interference from the Eastern empire.¹¹ Two letters from Amalasuentha from late 534, each sent together with a letter by Theodahad, announced the arrangement to emperor and senate.¹² Two more rather non-descript letters were addressed to Justinian and Theodora, and, together with a letter by Theodohad to Justinian sent on the same occasion, seem to reflect or seek an amicable working relationship

⁸ ACO 2.1.1, *ep.* 8-9, pp. 8-10. Letter numbers given here are those of the Greek version, contained in Letter Collection M of the Greek Acts.

⁹ ACO 2.1.1, *ep.* 15, p. 29. Letter number given here is that of the Greek version, contained in Letter Collection M of the Greek Acts.

¹⁰ ACO 2.1.3, *ep.* 26, 27, 31, pp. 124-129, 135-136 (letters are attached to the Greek Acts of Chalcedon).

¹¹ On the background see Massimiliano Vitiello, *Theodahad: A Platonic King at the Collapse of Ostrogothic Italy* (Toronto: University of Toronto Press, 2014), 59-63.

¹² Cassiod., *Var.* 10.1 and 3.

with the emperor, discussing issues of health and common building projects.¹³ The letters from Gudelina, in turn, date from after Amalasuentha had been removed or murdered by Theodohad in April 535, and accompany letters by her husband trying to prevent Justinian from invading Italy.¹⁴

4. Finally, the collection called *Epistulae Austrasicae* from late sixth-century Merovingian Gaul contain five letters attributed to Brunhild, mother of king Childebert of Austrasia. These letters were part of the Austrasian court's efforts to strengthen relationships with the Eastern empire in the face of the hostage of Athanagild, Brunhild's grandchild and Childebert's nephew, at the imperial court in Constantinople. Athanagild was the son of a Visigothic prince, Ermenegild, and Brunhild's daughter Ingund, who had been caught up in Ermenegild's failed coup against his own father, the Visigothic king Leovigild, and ended up in Constantinople.¹⁵ Between 585 and 593, Childebert sent two diplomatic missions to the East which took a host of letters, including four from Brunhild to emperor Maurice, Athanagild, Maurice's mother-in-law Anastasia, and Maurice's wife Constantina on the first occasion, and one from Brunhild to Constantina on the second.¹⁶

As I have argued elsewhere,¹⁷ we need to be cautious about assuming that all the discussed letters provide deeper insight into an individual female letter writer's personal opinions or feelings. With the exception of Pulcheria's letter to the governor of Bithynia, all female letters mentioned were sent as part of diplomatic letter batches containing male and female letters, carefully arranged to suit the sending party's agenda. The format of these batches

¹³ Cassiod., *Var.* 10.8 and 10.

¹⁴ Cassiod., *Var.* 10.21 and 24.

¹⁵ For background see Simon Loseby, "Gregory of Tours, Italy and the Eastern Empire," in *A Companion to Gregory of Tours*, ed. Alexander C. Murray (Leiden: Brill, 2016), 462-97.

¹⁶ Epp. Austr., *epp.* 26, 27, 29, 30, 44.

¹⁷ Julia Hillner, "Empresses, Queens and Letters: Finding a 'Female Voice' in Late Antiquity?," *Gender & History* (forthcoming).

could differ according to the rhetorical strategy pursued.¹⁸ A letter batch could contain letters written with the intention of creating a common ground between sending and receiving party through pointing at shared family roles and corresponding emotions and duties. Several senders and several recipients of letters were matched according to common attributes, including gender (i.e. women wrote to women). In this case of “multiple communication,” the sending party were usually asking the recipient party for a favour. For example, the correspondence of the Western imperial family with the Eastern court in February 450 falls under this category (see 2). Another strategy that included both male and female letters was the sending of a “barrage” of letters to one addressee. This was used to press a central point, made by several the letters but written by different people, on a key decision maker. For example, the batch of letters containing correspondence from the empress, Anicia Iuliana and Anastasia, but also from leading men of the imperial court, that the papal ambassador Dioscorus sent to the bishop of Rome in 520 to announce the end of the Acacian schism can be described as such a “barrage” (see 1 above). Finally, late antique ruling couples used the strategy of pairing their letters to make government pronouncements or orders. This “twin communication” occurred, for example, in the case of Marcian and Pulcheria’s letter to Leo of Rome in November 450 to announce the holding of a council (see 2). Whatever the strategy, the batch of letters was meant to convey a common message and unified image of the sending party in question. In addition, the inclusion in such batches of female

¹⁸ See Andrew Gillett, “‘Advise the Emperor Beneficially’: Lateral Communication in Diplomatic Embassies Between the Post-Imperial West and Byzantium,” in *Ambassadeurs et ambassades au cœur de relations diplomatiques. Rome, Occident Médiéval, Byzance (VIIIe s. avant J.-C.–XIIe s. après J.-C.)*, eds. Audrey Becker and Nicolas Dorcourt (Metz: Centre Régional Universitaire Lorrain d'Histoire site de Metz, 2012), 257–85. In “Empresses, Queens and Letters” I have built on and revised Gillett’s model of epistolographic strategies with regard to the role of female letters in diplomatic strategies.

letters, whose language usually contrasted with that of the male letters, served to highlight the masculinity of male letter-writers, while at the same time personalising and humanising their requests or orders. Ultimately, this means that very few of these letters expressed an individual woman's "authentic voice," because they were usually products of imperial or royal diplomatic court procedures, although, as we shall see, this was not universally the case.

Late antique letter collectors and female letters

It is undeniable that we only have a fraction of the letters that late antique women wrote. This can be postulated on the basis of the fact alone that a large amount of male letters to women addressees survives from this time.¹⁹ It is not plausible that none of these letters were ever answered, even if, as I argue above, replies may often have been heavily regulated. Furthermore, many late antique male letters to women were clearly in response to letters received from their female correspondents.²⁰ Sometimes, male letters also mention non-surviving letters from women.²¹ That so few late antique female letters are extant suggests, then, that female letters were deemed less important to be transmitted to posterity than those written by late antique men. It is therefore worth asking why the letters discussed here have been preserved.

¹⁹ See Joan Ferrante, "Women's Roles in Latin letters from the Fourth to the Early Twelfth Century," in *The Cultural Patronage of Medieval Women*, ed. June Hall (Athens, GA: University of Georgia Press, 1996), 73-104; Bronwen Neil, "Continuities and Changes in the Practice of Letter-Collecting from Cicero to Late Antiquity," in *Collecting Early Christian Letters. From the Apostle Paul to Late Antiquity*, eds. Bronwen Neil and Pauline Allen (Cambridge: Cambridge University Press, 2015), 13-14.

²⁰ A particularly impressive example is Severus of Antioch's (d. 538) substantial correspondence with a woman called Caesaria. He frequently alluded to their previous communication, see e.g. Severus of Antioch, *Select Letters*, *epp.* 4.10, 10.7. It may be the case that these were actually two women, see PLRE 2, "Caesaria 2 and 3," 248-249.

²¹ From one of the contexts considered here see e.g. Leo, *ep.* 60 (ACO 2.4, n. 28, p. 29) which mentions a letter he had received from Pulcheria about the Flavian of Constantinople affair.

This question can only be answered, if at all, with regard to the rationale underlying the collections which contained female letters. As recent research has shown, late antique letter collections need to be considered as “literary works in their own right,” following strategies of selection and arrangements appropriate to their nature and purpose.²² It needs to be remembered, however, that such nature and purposes of letter collections varied. It ranged from the (auto-)biographical over the polemical to the hagiographical. At the formal level, we also need to distinguish between collections put together by the letter-writer and collections put together at a later date by someone else, and between collections containing letters by a single author and multi-authored collections.²³ Given this variety in content, purpose and format, it is therefore necessary to assess each of the letter collection mentioned above on its own terms, to understand what may have interested the respective collector in the female letters it contains. This is not an entirely easy task, since for the majority of the late antique collections, including some of those mentioned above, there are scholarly debates about their purpose and/or date.²⁴ It would go beyond this chapter to make a decisive contribution to all of these. For the letter collections attached to the *Acts of the Council of Chalcedon*, the *Variae* and the *Epistolae Austrasicae* I will follow the consensus view of their purpose, if there is one. For the *Collectio Avellana* I will argue that paying attention to letters written by both male and female members of

²² Cristiana Sogno, Bradley K. Storin, and Edward J. Watts, “Introduction,” in *Greek and Latin Epistolography and Epistolary Collections in Late Antiquity*, eds. Cristiana Sogno, Bradley K. Storin, and Edward J. Watts (Berkeley: University of California Press, 2017), 2. See also Roy Gibson, “On the Nature of Ancient Letter Collections,” *Journal of Roman Studies* 102 (2012): 56-78.

²³ Pauline Allen, “Rationales for Episcopal Letter-Collections in Late Antiquity,” in Neil and Allen, *Collecting Early Christian Letters*, 18-19.

²⁴ See the apt remark by Pauline Allen and Bronwen Neil, *Crisis Management in Late Antiquity. A Survey of Evidence from Episcopal Letters* (Leiden: Brill, 2013), 2: “the rationale behind most compilations of letters from classical and Christian antiquity is a mystery.”

the senatorial aristocracy may help us to understand better the agenda of the *Collectio Avellana*'s compiler.

To begin with, female letters could be included in model letter collections. Both the *Epistulae Austrasicae* and Cassiodorus' *Variae* have at times been interpreted as "style books" for, respectively, use in the late sixth-century Austrasian chancery and whoever Cassiodorus envisaged as his successor as *quaestor* in Italy.²⁵ The *Liber Diurnus*, a collection of model letters for the papal chancery originating probably from the seventh century, opens with a formula on how to write a letter to the empress (along with the emperor). From this we can conclude that at that time, but probably even earlier, imperial women at the court of Constantinople were habitually addressed in diplomatic correspondence.²⁶ The fact that we find letters written in the name of Amal or Merovingian queens in the *Variae* and the *Epistulae Austrasicae* therefore also points to the frequency at which women of late antique ruling dynasties not only received letters, but even wrote them. This applies to both late Roman and post-Roman ruling dynasties, for the style of Roman imperial correspondence was itself taken as a "model" at the time of post-Roman collections.²⁷ The inclusion of female letters also demonstrates in what form drafters of letters could expect such letter-writing

²⁵ For the *Epistulae Austrasicae* the most recent discussion of the scholarship can be found in Graham Barrett and George Woudhuysen, "Assembling the Austrasian Letters at Trier and Lorsch," *Early Medieval Europe* 24 (2016): 3-57, although note that the authors question the conventional early date and the purpose of the whole collection as a style-book. They argue that it was only put together for antiquarian purposes in the late eighth or early ninth century. Nonetheless, Barrett and Woudhuysen also assume that the two letter batches sent from Childebert's court to the imperial court had always been transmitted together since the sixth century, so that this section of the collection at least could have served the purpose of providing a model dossier. For the *Variae* see e.g. Andrew Gillett, "The Purpose of Cassiodorus' *Variae*," in *After Rome's Fall. Narrators and Sources of Early Medieval History: Essays Presented to Walter Goffart*, ed. Alexander Murray (Toronto: University of Toronto Press, 1998), 37-50.

²⁶ *Liber diurnus*, Codex Claromontanus fol. 1va, lines 7-13.

²⁷ Gillett, "Advise the Emperor," 280.

to be required: several of the diplomatic letter strategies involving women that I have mentioned above (in particular, multiple correspondence and “twin” correspondence) we find in these two collections. They may hence have been preserved to provide variety for future letter-drafters.

Yet, this observation can only be partially applied to the *Variae*. Here, diplomatic letters can be found throughout the collection, usually opening and closing individual books due to Cassiodorus’ somewhat obscure organising principles. All female letters the *Variae* preserve, however, are contained in one book only, Book 10. This book covers the years and rule of Amalasuentha, Theodahad and Vitiges and opens with Amalasuentha’s and Theodahad’s letters to the emperor. Occurrence in Book 10 makes sense, of course, for Amalasuentha’s letters, but we should remember the preceding kings also had had female family members, and Theoderic had a wife, Audofleda. It does not seem likely that these women did not write letters if Theodahad’s otherwise relatively obscure wife Gudelina did. That their letters are missing from Cassiodorus’s collection must therefore have a specific reason. Of course, Cassiodorus may have considered Amalasuentha’s and Gudelina’s letters models on how to compose letters for queens in times of peace negotiations. He may have been particularly pleased with their style, for, as a single-authored collection put together by himself, the *Variae* were also probably meant to commemorate Cassiodorus’ rhetorical eloquence in a variety of fields: law-making, appointments and diplomacy.²⁸ Yet, it is also useful to consider another purpose for Cassiodorus’ *Variae*. James O’Donnell has suggested viewing the *Variae* as a sort of mirror of princes, or apology for Theoderic’s rule, put together by Cassiodorus during the Gothic war partly to justify his own complicity in Ostrogothic rule. Shane Bjornlie has recently developed this argument further. In his interpretation, Book 10 presents

²⁸ Gillett, “The Purpose.”

Theodahad's government as "dysfunctional rule" and a "departure" from Theoderic's, Athalaric's and Amalasuentha's benevolent policies and regard for ancient tradition, laid out in the previous nine books and in Books 11 and 12 containing Cassiodorus' own letters written as Amalasuentha's Praetorian Prefect.²⁹ The appearance of female writers in Book 10 only could indeed have intended to show cast Theodahad's weakness through his dependence on women. Arrangement of the letters also may reflect this purpose: in Amalasuentha's and Theodahad's twin letters Amalasuentha's are listed first both times, and the whole book opens with a female letter. This does not necessarily represent the sequence in which these letters were originally delivered or meant to be read,³⁰ but for the contemporary reader of the *Variae* it instantly created a hierarchy perhaps deemed unnatural. Other Ostrogothic kings may hence also have included their womenfolk in correspondence, as did late Roman emperors, and Cassiodorus may well have written their letters. Yet, through preserving only Amalasuentha's from the time of her regency with Theodahad and his wife's Gudelina's among and at times before those of Theodahad Cassiodorus may have wanted to mark him, who was responsible for the outbreak of the Gothic war, as unique among Ostrogothic kings.

Contrary to those of post-Roman queens, who wrote on such varied issues as hostage-taking, the supply of building materials or enquiries about good health, late Roman imperial women's letters were exclusively concerned

²⁹ James J. O'Donnell, *Cassiodorus* (Berkeley and Los Angeles: University of California Press, 1979), 80; M. Shane Bjornlie, *Politics and Tradition Between Rome, Ravenna and Constantinople* (Cambridge University Press, 2012), 314-320; id., "Audience and Rhetorical Presentation in the *Variae* of Cassiodorus," *Revue Belge de Philologie et d'Histoire* 92.1 (2015): 187-207.

³⁰ The pre-eminence of Amalasuentha's letters is usually taken for granted, but we cannot exclude Cassiodorus' editorial hand; see e.g. M. Cristina La Rocca, "*Consors regni*: A Problem of Gender? The Consortium Between Amalasuntha and Theodahad in 534," in *Gender and Historiography. Studies in the Earlier Middle Ages in Honour of Pauline Stafford*, ed. Jinty Nelson (London: Institute of Historical Research, 2012), 127-43.

with religious matters. This is, however, probably again more a consequence of the collections that preserved them than a reflection of which themes Roman imperial women were allowed to write on (or to appear as the letter writers). After all, many of late Roman emperors' letters (apart from their laws/administrative letters preserved in the late antique legal collections)³¹ also derive from the same collections and pertain to religion: the *Collectio Avellana* and the letters that circulated with or in the *Acts* of the fifth- and sixth-century ecumenical councils.³² Still, the question remains why the *Collectio Avellana* and the *Acts of the Council of Chalcedon* preserved female letters.

With regard to the *Acts*, the answer may be found in emperor Marcian's and his patriarch Anatolius of Constantinople's "public relations" strategy in the years just following the Council. As Eduard Schwartz has argued, one of the main aims in assembling the letter collection that was directly attached to the Greek Acts (Letter collection M in his edition) was to downplay Leo of Rome's role in the opposition to the Council of Ephesus of 449 and the deposition of Flavian of Constantinople. This letter collection, produced in Constantinople by someone working for Anatolius in 453-5, contained in its earliest version the three letters of the Western imperial family to Theodosius from 22 February 450, translated from the original Latin into Greek. A later edition of the letter collection added Pulcheria's and Marcian's invitation to Leo from November 450 and Pulcheria's letter to the governor of Bithynia

³¹ On late Roman laws as "letters" and essentially products of internal administrative dialogue see Fergus Millar, *A Greek Roman Empire. Power and Belief under Theodosius II, 408-450* (Berkeley: University of California Press, 2006), 7-13.

³² Some imperial letters, or parts of them, are preserved in literary works, above all the late antique Church Histories starting with Eusebius of Caesarea, so also mainly deal with religious matters; see e.g. Brian H. Warmington, "Eusebius of Caesarea's Versions of Constantine's Laws in the Codes," *Studia Patristica* 24 (1993): 201-7.

from September 451.³³ We can assume the letters were collected in an effort to emphasise the imperial family's, rather than Leo's, united input into the decision to hold a new council. Interestingly, Galla's letter to Pulcheria from February 450 was not part of this collection. It circulated without the other imperial letters in a separate collection and independently from the Greek Acts (Letter collection H), but probably put together at the same time.³⁴ It was also translated into Greek, but its style suggests this was accomplished by a different translator than the one who had translated the other imperial letters contained in M.³⁵ This letter was sharper in tone than the letters Valentinian, Licinia Eudoxia and Galla Placidia wrote to Theodosius II, with the older *augusta* severely rebuking the younger one for not having intervened to prevent the violence that erupted at the council of Ephesus in 449 at which Flavian was deposed. Including this letter into his collection would have suggested disunity between the Western imperial family and Pulcheria, who was later remembered with Marcian as the champion of Chalcedon, so M's collector disregarded it, as it did not fit his agenda. Significantly, Galla Placidia's letter to Pulcheria does appear, together with the other Western imperial letters now translated back into Latin, in the second edition of the Latin Acts (*versio antiqua correcta*) produced in Constantinople between 553 and 564 and favouring a papal position.³⁶ Here, Galla Placidia's letter to Pulcheria is even listed first, before Valentinian, Galla and Eudoxia's letters to Theodosius, perhaps, in turn, to highlight an allegedly entrenched

³³ Schwartz in ACO 2.1.1 pp viii-xii; also see Michael Gaddis and Richard Price, eds., *The Acts of the Council of Chalcedon* (Liverpool: Liverpool University Press, 2005), I, 80 and III, 159; and above ns. 7-9.

³⁴ Schwartz in ACO 2.1.1 pp. xii-xiv; also see Gaddis, Price, *Acts*, III, 164; and see above n. 7.

³⁵ See Hillner, "Empresses, Queens, and Letters," on translation and tone.

³⁶ ACO 2.3.1 *ep.* 18, p. 13 (the other imperial letters are *ep.* 19, 20, 21); see Schwartz in ACO 2.1.1 pp. xiii-xiv, Gaddis, Price, *Acts*, I, 84.

opposition to a new council at the Eastern court, which was then heroically overcome by Leo.

The Latin Acts disregard the letters Marcian and Pulcheria sent after the Council to the riotous monks and nuns of Palestine.³⁷ These are only preserved in the Greek Acts, as part of a collection again probably put together by editors working in Constantinople for Marcian and Anatolius and intent on showing “the ongoing efforts of [...] the imperial government both to enforce and to explain Chalcedon’s Definition of Faith.”³⁸ In order to appease the ascetics, Marcian and Pulcheria had avoided mentioning the central tenet of the Chalcedonian creed, formulated by Leo of Rome, of “one hypostasis in two natures,” emphasising instead that the council was in line with previous orthodox authorities, above all the council of Nicaea.³⁹ It is hence not surprising that the imperial couple’s letters’ studious avoidance of Leo’s formula did not make it into the Latin Acts, and the editor probably also consciously chose to ignore the problems the formula had created in the Eastern provinces. Overall, the preservation of the letters in these various collections connected to the *Acts* of Chalcedon seems to have been due to a wish to highlight either unity or disunity within the imperial family and with the bishop of Rome. For that purpose, the compilers of the various collections suppressed letters or separated letters that had originally been sent together.

³⁷ In fact, there is no Latin version preserved of Pulcheria’s letter to the abbess Bassa at all, while Marcian’s and Pulcheria’s letters to the monks made it to the Latin west and are transmitted in Latin in the ninth-century *Collectio Sangermanensis* (ACO 2.5, *opp.* 2 and 3, pp. 4-8). There are apparently also Syriac versions of these letters (personal comment by Luise Marion Frenkel).

³⁸ Gaddis, Price, *Acts*, III, 180.

³⁹ Aloys Grillmayer, ed., Pauline Allen, trans., *Christ in Christian Tradition*, II.1 (London: Mowbray, 1987), 98-105.

Female aristocratic letters in the *Collectio Avellana*

We are now turning to the *Collectio Avellana* which merits a more detailed discussion, because it unusually includes letters by aristocratic women in addition to female members of ruling dynasties. These letters are connected to the negotiations between Rome and Constantinople about the end of the Acacian schism. The schism had arisen from emperors Zeno's and then Anastasius' attempt to appease both diophysite and miaphysite Christians after the council of Chalcedon through, again, avoiding any reference to the latter's formula on the nature of Christ. As the formula had been developed by the pope, relations between Rome and Constantinople had soured in consequence. In 518, however, the fiercely Chalcedonian emperor Justin ascended the throne and renewed communication with Rome.⁴⁰ As mentioned above, the female letters that originate from this communication appear in batches with male letters. It is therefore useful to begin with considering why these women were included in this correspondence in the first place, the reasons for which may be less evident than including empresses or queens.

There are, altogether, thirteen letters to or from lay senatorial aristocrats concerning the end of the Acacian schism in *Collectio Avellana*, three of which are by women and three to women (translations of all six letters can be found in Appendix II). As Philippe Blaudeau has pointed out, Justin and Justinian's invitation to Hormisdas to discuss the end of the schism that had haunted relationship with the West for a generation was a historic opportunity for the pope.⁴¹ The papal legates' brief was to get the patriarch of Constantinople,

⁴⁰ For background see Philippe Blaudeau, *Le siège de Rome et l'Orient (448-536): étude géo-ecclésiologique* (Rome: École française de Rome, 2012).

⁴¹ Philippe Blaudeau, "Between Petrine Ideology and Realpolitik. The See of Constantinople in Roman Geo-Ecclesiology (449-536)," in *Two Romes. Rome and*

John, and all Eastern bishops to sign a *libellus* to mark their reconciliation with Rome. Yet, as Blaudeau shows, Hormisdas knew that the stakes were high, so he chose his legates wisely, as they needed to be both obedient to Rome and creative enough to evaluate and influence the situation in Constantinople. It can be further assumed that Hormisdas also reflected at length about who these legates should target at court beyond the emperor, his family and ecclesiastical office-holders. He gave his embassy six or more letters to this effect (Batch 1, see Appendix I). These were addressed to the Praetorian Prefect of Illyricum (to be delivered, perhaps, en route to Constantinople) and other unspecified *illustres*, two high courtiers and former military generals, Celer and Patricius, and two noble women, one of whom was the wife of the former emperor Anastasius' nephew, Pompeius.⁴² These individuals did not get personalised letters, but standardized requests for support. Nonetheless, there are interesting differences between the letters addressed to the men and the women. In the former, the pope emphasised his own zeal, to cover the uncomfortable position that it had been the emperor who had sought dialogue first. This is notably absent in the letter to the women, who in turn, are assured the help of St Peter with a paternal attitude. No doubt according to the customs of the time, the pope hence gendered his letters.

How did Hormisdas choose these addressees? Hormisdas' letters, and in particular the fact that he sent the same letter to different people, show that he was not entirely sure about who was the most useful correspondent. What is fairly clear is that Hormisdas targeted aristocrats with an Illyrian connection; the Praetorian Prefect of Illyricum, of course, who was asked to

Constantinople in Late Antiquity, eds. Lucy Grig and Gavin Kelly (Oxford: Oxford University Press, 2012), 364-84.

⁴² PLRE 2, "Celer 2," 275-77; Patricius was probably Flavius Patricius, Anastasius' magister militum, see PLRE 2, "Patricius 11" and "Patricius 14," 839, 840-42; PLRE 2, "Palmatia," 824. On Anastasia see n. 5.

protect the embassy's journey through Illyria, but also Celer, and perhaps Patricius, who were of Illyrian origin, and Anastasia, who was the wife of another Illyrian, Pompeius. It is interesting to note, that the pope did not at first write to a member of what one might call the "Italian" Latin-speaking community in Constantinople, around people like Anicia Iuliana and other previous members of the western senatorial aristocracy.⁴³ Around the time of this correspondence, senators from Illyria must have been seen as the most powerful group in Constantinople, as Anastasius had been and Justin was, of course, from Illyria. Illyrians were also by tradition Chalcedonian and, in the majority, Latin-speaking. Furthermore, Celer and Patricius were men with high imperial offices since at least the early sixth century and highly decorated military generals, who the pope, even though he may not have known them, certainly could have heard about. He may have misjudged their power, however, as the embassy found Patricius exiled when they arrived in Constantinople.⁴⁴ Yet, another reason apart from reputation for selecting his addressees may also have been personal acquaintance. In Anastasia's return letter to Hormisdas (see Batch 2 and Appendix II) it becomes clear that she had been in contact with the pope previously (she speaks of her gratefulness that he remembered her). Finally, the inclusion of two letters to female members of the Constantinopolitan senatorial aristocracy in this first correspondence followed a well-established tradition within ecclesiastic correspondence of addressing letters to women as a subtle and indirect way to influence behaviour of their family members. Women were usually written to because they were part of a wider aristocratic network.⁴⁵

⁴³ On these different Latin-speaking communities see Brian Croke, *Count Marcellinus and his Chronicle* (Oxford: Oxford University Press, 2001), 86-93.

⁴⁴ On Patricius' exile see CA, *ep.* 213.

⁴⁵ See Kate Cooper, "Insinuations of Womanly Influence: An Aspect of the Christianization of the Roman Aristocracy," *Journal of Roman Studies* 82 (1992): 150-64; Anne Kurdock, "*Demetrias ancilla Dei*: Anicia Demetrias and the Problem of the

At first, then, Hormisdas wrote to people he knew or had heard of. Remarkably, in the return batch of letters that were sent to Rome after the embassy arrived in Constantinople, different people appeared. One was Pompeius, Anastasia's husband, who had also been in the delegation who had greeted the embassy just outside Constantinople;⁴⁶ the other one was Anicia Iuliana. This reflects that Hormisdas' strategy of targeting Anastasia had worked, but also that the embassy was able, when in Constantinople, to identify suitable patrons more precisely.⁴⁷ It also reflects that some aristocrats realised while the embassy was in Constantinople that here was a debate worth getting involved in. This was certainly the case with Anicia Iuliana. As I have argued elsewhere, the tone of her first letter shows her surprise and annoyance at not having been written to by the pope in the first place, but also her eagerness to be included in this conversation as a champion of orthodoxy.⁴⁸ In response, Hormisdas now acknowledged her importance, by making reference to her support for the right faith and, importantly, her imperial blood, even if before he may have not had heard of her (see Appendix II).

We must assume that the letter batches going from Constantinople to Rome, and their inclusion of aristocratic and female voices were orchestrated by the imperial chancery according to the diplomatic strategies detailed

Missing Patron," in *Religion, Dynasty and Patronage in Early Christian Rome, 300-900*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 190-224.

⁴⁶ See CA, *ep.* 167.

⁴⁷ Hormisdas warned the ambassadors not to speak to anyone unauthorised by the emperor before their official audience: CA, *ep.* 158, but this implies that they were quite free and encouraged to do so after. See also Andrew Gillett, *Envoys and Political Communication in the Late Antique West, 411-533* (Cambridge University Press, 2003), 229.

⁴⁸ Julia Hillner, "Anicia Iuliana and the Collectio Avellana: What Difference Do Her Letters Make?," in *Religion, Power, and Politics in Late Antiquity: Bishops, Emperors, and Senators in the Collectio Avellana 367-553 AD*, eds. Alexander Evers and Bernard Stolte (Leuven: Peeters, forthcoming).

above, to convey an image of unity at the imperial court.⁴⁹ This is evident in the way the letter batches were arranged to be delivered and read. In his organisation of the letters in the collection, the compiler of the *Collectio Avellana* probably followed the order in which the letters were arranged in the batches and recorded in the papal register, albeit at times interspersing them with other related letters of a different date.⁵⁰ Anicia Iuliana was clearly important enough to the emperor to be included in these batches, which is evidence of her or her family's reputation in both social and theological terms. Yet, the emperors' concept of social hierarchy meant that her letters, just like Anastasia's, had to take up a place at the bottom of the batch, among the women, behind the male aristocrats even if they were of lower rank than these women (see Appendix I). As with female imperial or royal letters, the composition and sending of these letters was hence not an entirely independent enterprise.

Nonetheless, as we shall now see, the content of the aristocratic letters considered here gives the distinct impression that both male and female members of the senatorial aristocracy had some control over their letters' composition—perhaps more than members of the imperial family I have discussed above and perhaps because they used their own notaries and scribes. As a result, Anicia Iuliana, but also some of the other aristocrats, subtly used this communication to advance their own interests. What we can detect in the choice and changes of the pope's aristocratic addressees over the period of the embassy's stay in Constantinople is the frustration of the embassy's objectives. In the summer of 519 the pope sent another batch of letters (Appendix I, batch 3), among which was a whole raft to familiar

⁴⁹ On imperial control of the correspondence in 519/20 specifically see also Erich Caspar, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft*, II (Tübingen: Mohr Verlag, 1933), 175.

⁵⁰ Otto Günther, "Avellana Studien," *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften, Phil.-Hist. Classe* 134 (1896): 59.

aristocratic patrons (Pompeius, Anastasia, Anicia Iuliana), but also entirely new ones (ep. 177: the formulaic tone of detached politeness shows that the pope did not really know this person; ep. 178). This reflects that the embassy found it hard to collect the signatures of Eastern bishops for its *libellus* of reconciliation. While the emperor had agreed to this activity of the embassy, he now did not seem too willing to enforce it.⁵¹ As Hormisdas said quite frankly in his letters to Pompeius and Anastasia, there were traces or seeds of dissent remaining (epp. 174, 180). His rhetoric reflects his increasing degree of acquaintance with these addressees. Pompeius and Anastasia got the most flattering recognition of their personal intervention for ecclesiastical unity, and the pope confided in them with his worries. To Anastasia he expressed his hopes that “the divine mercy [...] in the same way as it has received the beginnings of his reign with grace, [...] will continue to support our good prince’s faith with all the success of prosperity” (ep. 180). While he spoke in respectful tone of the emperor in these letters, it is hence clear that Hormisdas shared doubts about Justin’s future behaviour with his addressees. Hormisdas’ emphasis on Anicia Iuliana’s imperial descent may also have been part of his attempt to raise awareness about the dubious state of the “real” emperor’s faith.

Yet, Hormisdas may not have found it very hard to mobilise these aristocrats against the emperor’s behaviour in this affair, and in fact may have tried to exploit previously existing divisions. Already in their very first letters, both Pompeius and Anicia Iuliana cast doubt over the emperor’s honesty. Pompeius explained that the emperor would make a success of the embassy’s objectives, but only if he could make his public actions count (ep. 163). Anicia Iuliana urged the pope to not let his embassy depart without having

⁵¹ See also Claire Sotinel, “Emperors and Popes in the Sixth century: the Western View,” in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge: Cambridge University Press, 2005), 267–90.

reached their aim, as such indicating that there may be difficulties in doing so (ep. 164). Her second letter, from July 520, makes dark allusions to the enemies of the faith that still exist and pointedly calls the pope the vicar of St Peter, a title that the emperor Justin's nephew Justinian, the real power behind the throne, had recently doubted Hormisdas held with any legitimacy (ep. 198).⁵²

It is not surprising that it was Pompeius and Anicia Iuliana who, among the aristocrats, tried to position themselves as the most ardent papal supporters. Their families were related (Anicia Iuliana's son had married Pompeius' cousin Irene), and hence shared the imperial pedigree of both the Theodosian and the Anastasian house (see Appendix III). They both had opposed the previous emperor, Anastasius, on religious grounds. Anicia Iuliana's household had been a well-known focal point for Chalcedonians during the previous emperor's reign.⁵³ Pompeius, even though he was Anastasius' nephew, had also been a Chalcedonian supporter and had suffered some degree of persecution under his uncle's reign.⁵⁴ Pompeius hence may have harboured hopes of succeeding Anastasius himself, as perhaps Anicia Iuliana had done for her son Olybrius. As this had not happened, they had to find a mark against the new imperial rulers by appearing even more orthodox than these and aligning themselves with the papacy. Some of the other aristocrats Hormisdas wrote to were more cautious. The patrician Celer, for example, who responded to the pope only in the summer of 520, emphasised the role of Constantinople (the "head") in bringing about convalescence of the church, quite in line with imperial propaganda (ep. 197). This may reflect that there were different factions

⁵² CA, *ep.* 235; Sotinel, "Emperors and Popes," 272.

⁵³ See Cyril S., v. Sab. 53.

⁵⁴ On Pompeius' opposition to and persecution by Anastasius see Theoph., *chron.* AM 6005.

within Justin and Justinian's aristocracy that tried to position themselves differently during the papal embassy's visit.

Predictably, it is this very faction around Pompeius and Anicia Iuliana that reappear over a decade later under the reign of Justin's nephew Justinian, during the most dangerous challenge to his rule this emperor ever faced, the Nika riot. Aristocratic opposition against Justin, and above all Justinian, had further increased in the meantime, mainly due to Justinian's attempts to curb aristocratic tax evasion.⁵⁵ The riot itself, which broke out in Constantinople in January 532, originated from a games-related disturbance: whether this had been planned or not, it escalated into a (failed) usurpation against Justinian's rule by Pompeius' brother, Hypatius.⁵⁶ This usurpation also saw involvement of Hypatius' brother Pompeius, his cousin Probus and Anicia Iuliana's son Olybrius (she herself had passed away by this time). After the riot's suppression, Hypatius and Pompeius were executed, Probus and Olybrius exiled.⁵⁷

Let us now return to the motivations of *Collectio Avellana*'s compiler who collected these letters. *Collectio Avellana* is an extraordinary anthology, containing 243 letters (plus one treatise), dating from 368 to 553, written by a variety of individuals (though mainly connected to the imperial or papal administration) addressing a variety of topics, and drawn from several different sources of provenance (including the archive of the urban prefect of Rome and, at least for Hormisdas' correspondence, the papal archive). Its

⁵⁵ Peter Sarris, *Economy and Society in the Age of Justinian* (Cambridge: Cambridge University Press, 2006), 200-1, and 208-17; on Justinian's measures against tax evasion see John Haldon, "Economy and Administration: How did the Empire Work?," in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge: Cambridge University Press, 2005), 48-50.

⁵⁶ On the riot see Geoffrey Greatrex, "The Nika Riot: A Reappraisal," *The Journal of Hellenic Studies* 117 (1997): 60-86.

⁵⁷ See Alan Cameron, "The House of Anastasius," *Greek, Roman and Byzantine Studies* 19 (1978): 259-76.

main interests seemed to lie in documenting episcopal election, schism, lay rulers' interference in ecclesiastical affairs and the Roman bishops' struggle against heresy.⁵⁸ Several attempts have been made to connect these broader interests to a specific context and date. Eckhard Wirbelauer locates the collector among the party of Laurentius, one of the contenders for the papal throne during the so-called Laurentian schism (486-506), who ultimately lost his claim to his rival, Symmachus, due to intervention by the Ostrogothic king, Theoderic. Wirbelauer suggests that this party collected the letters up to the time of the schism (ep. 104), to provide historical continuity for Laurentius' claims. Shortly after 521, the collection was expanded to include Hormisdas' letters, but Wirbelauer leaves it open whether this was also accomplished by Laurentius' followers (who may have been dead by this time). Epp. 82-93, the letters of the subsequent popes John II, Agapitus and Vigilius, are even later additions, according to Wirbelauer.⁵⁹

Philippe Blaudeau believes the collection may have been put together under pope Agapitus (d. 536), with the correspondence of Vigilius (epp. 92, 93) being a later addition. Its aim was, at least partly, to celebrate the work of the deacon Dioscorus, Hormisdas' legate to Constantinople mentioned above. The collection culminated with the correspondence of Hormisdas to emphasise that the papacy in this period, also through the agency of Dioscorus, had overcome schism, both internal (Laurentian) and external (Acacian).⁶⁰ Yet, in the papal election of 530 a further schism emerged, this

⁵⁸ Kate Blair Dixon, "Memory and Authority in Sixth-Century Rome: the *Liber Pontificalis* and the *Collectio Avellana*," in *Religion, Dynasty and Patronage in Early Christian Rome*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 59-75.

⁵⁹ Eckhard Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus* (498-514) (Munich: Tübing, 1993), 134-38.

⁶⁰ Dioscorus was among Symmachus' ambassadors who ultimately convinced the Ostrogothic king Theoderic to eject Laurentius from Rome and install Symmachus as rightful pope. See Charles Pietri and Luce Pietrie, *Prosopographie Chrétienne du Bas-*

time between Dioscorus himself and another contender to the papal throne, Boniface (II). Boniface had been nominated formally as his successor by the previous pope, Felix IV, who had ceremonially handed over his *pallium* to his protégée on his deathbed. Boniface was then elected by a minority, against the majority choice of Dioscorus. Even though Dioscorus died shortly after, Boniface still issued a decree to condemn his memory, which in its turn was later burned by pope Agapitus. The *Collectio Avellana*, so Blaudeau, may have been put together to re-establish Dioscorus' memory at the time of this very pope.⁶¹ A third suggestion has been that the *Collectio Avellana* was commissioned in Italy during the early years of the papacy of Pelagius I, that is, in the 550s. The collector's main concern in this set-up may have been the ascent of the "unelected" pope Pelagius I, whom the emperor Justinian had appointed. Vigilius' letters were included as they showed this pope as resisting imperial pressure in the context of the Three Chapter controversy, during which Pelagius had famously succumbed to the wishes of the emperor.⁶²

In any of these scenarios, a collector could have been interested in highlighting aristocratic opposition. During the schism of 498-506, Laurentius was supported by prominent Roman aristocrats, although he did not have the entire backing by the Roman senate.⁶³ In 530, the senate of Rome, or at least part of it, seems to have tried to resist Boniface's election, who, in turn, may have been favoured by king Athalaric.⁶⁴ The reason for this

Empire, vol. 2: Prosopographie de l'Italie chrétienne, I (Rome: École française de Rome, 1999), 571.

⁶¹ Blaudeau, *Le siège de Rome*, 42-45; also see the Philippe Blaudeau's contribution in this volume.

⁶² Claire Sotinel, "Bishop Vigilius of Rome and the *Collectio Avellana*," in Evers and Stolte, *Religion, Power, and Politics in Late Antiquity*.

⁶³ Wirbelauer, *Zwei Päpste*, 57-65

⁶⁴ Kristina Sessa, "The Roman Church and its Bishops," in *A Companion to Ostrogothic Italy*, ed. Jonathan Arnold (Leiden: Brill, 2016), 437.

resistance was perhaps less antagonism with the Ostrogothic king, however, than opposition to innovation in Roman bishop's election. Traditionally the senate used to have a crucial voice in elections, which was jeopardized by the procedure of popes' nominating a successor.⁶⁵ In the 550s, the remainder of the Roman aristocracy after the war may have resented Pelagius' imperial appointment, but may also have born a grudge against Justinian, because imperial re-conquest of Italy did not give senators back the power they were accustomed.⁶⁶

It is therefore not unreasonable to assume that the compiler of *Collectio Avellana* was intrigued by the aristocratic factionalism arising from his material on the Acacian schism. He may have originated from the milieu of the shunned Italian senatorial aristocracy of the 550s, or may have simply preserved these letters as a document to opposition to a lay ruler's interference in ecclesiastical affairs at the highest level, exemplified by aristocrats like Anicia Iuliana, Pompeius and Anastasia who stood for tradition on account of their ancient families. The opposition of Anicia Iuliana—a descendant of the famous Roman family of the Anicii—to Justinian could have especially caught his eye also because it may, at his time, already been known in the west.⁶⁷ That Anicia Iuliana and Anastasia were women

⁶⁵ In the fifth century, pope Leo explained the aristocrats' role: the clergy proposed the candidate(s), the nobility (*honorati*) approved the candidate list, the people (*plebs*) gave their consent to the candidate ultimately chosen; see Wessel, *Leo the Great*, 163; Egon Flaig, *Die Mehrheitsentscheidung. Entstehung und kulturelle Dynamik* (Paderborn: Schöningh, 2013), 129.

⁶⁶ Thomas Brown, *Gentlemen and Officers: Imperial Administration and Aristocratic Power in Byzantine Italy, AD 554-800* (London: British School at Rome, 1984), 6-8, 114.

⁶⁷ See e.g. the story about Anicia Iuliana's church St Polyeuktos, which she allegedly used as a safe haven from Justinian's greed, in Gregory of Tours, *Glor. Mart.* 102. How much the compiler can have known about the riotous events of 532 is, however, unclear. Pompeius had been executed after the riot, which had disgraced his memory, as the scathing judgment by Marcellinus comes—an erstwhile member of Pompeius' Illyrian circles—shows: *Chron. Marc.* ann. 532. This chronicle was also known in 550s Italy, see Croke, *Count Marcellinus*, 238, and on Marcellinus' Illyrian audience 99-101.

may have been an additional bonus. Including their letters as ostensibly occupying the moral higher ground could have further served the compiler to subtly critique a lay male ruler. To make this point, the collector decided to preserve the letter batches in their entirety, including male and female voices. The significance of this method cannot be stressed enough, for elsewhere the collector seems to have made a much stricter selection, keeping only a few or single male letters from what were probably also larger batches.⁶⁸

Conclusions

Even though very few female letters survive from Late Antiquity, those that have—and the epistolary contexts they were originally written for—were versatile enough that late antique collectors could put them to very different purposes. Female letters appear in collections that may have been style books (the *Epistolae Austrasicae*), in collections that were predominantly propagandistic (the collections in or attached to the *Acts of the Council of Chalcedon*), in collections that can be called biographical, commemorative or apologetic (the *Variae*), and in polemical ones (the *Collectio Avellana*). In each of these cases we can assume that collectors made a conscious choice to preserve a particular female letter in question, rather than other female letters they may have had at their disposal. This is very obvious in the case of the letter collections associated with the *Acts of the Council of Chalcedon*, some of which suppressed female letters that, however, appear in others.

Identifying such strategies of selection allows us not only to make deductions about the purpose of collections, but also raises the question whether female letters were preserved due to the writer's gender. In the case of style books, we can say with some degree of confidence that they

⁶⁸ Gillett, "Advise the Emperor," 269: "It seems likely that some, perhaps many of the other letters between Hormisdas and the emperors preserved in the *Collectio Avellana* are only the 'central' letters of larger packets of correspondence."

preserved female letters as an example of “female” writing (even though the writing itself was taken over by probably male chancery staff). The gender of the letter writer may also have played a role in Cassiodorus’ preserving of Amalasuentha and Gudelina’s letters and in the inclusion of Anicia Iuliana and Anastasia’s letters in the *Collectio Avellana*, as in both cases these letters, to varying degree, may have served to underline the incompetence of male rule. Yet, at least the *Collectio Avellana*’s compiler was probably less interested in women as women than as members of a social group, above all the senatorial aristocracy of Constantinople. The same can be said about the collections associated with the *Acts of the Council of Chalcedon*, where female letter-writers appear as representatives of the imperial family. For the compilers of these collections, what was interesting about these female letters was the vista they opened upon social connections, social networks and social hierarchies, a vista that could then be altered by excluding certain letters and including others. In the case of the *Acts of Chalcedon*, all of a sudden, what looked like disunity of the imperial family in the one case, could be made to look like unity in the other. In the case of the *Collectio Avellana*, an impression of disunity between the imperial family and their aristocracy was already contained in the original batches of letters and may be the reason why these specific batches have, so unusually, been copied over into the collection in their entirety from the papal register. Overall, even though their main interest was not in the gender of letter writers, in both cases the compilers benefited from and manipulated the late antique custom to communicate in matters of diplomacy through a gendered cluster of letters, rather than through a single male letter.

Appendix I. Letters to and from senatorial aristocrats (in bold) in 519/520 in the *Collectio Avellana*

1. Batch dated January 519, sent from Rome to Constantinople

152 Hormisdas to **Celer and Patricius** (in identical copy; *a pari*⁶⁹) [*consul* 508, *magister officiorum* 517-18; *consul* 500; and *magister militum praesentalis* 518 (?), respectively]

153 Hormisdas to the **Praefectus Praetorio Thessalonikensis and other illustres (a pari)**

157: Hormisdas to **Anastasia and Palmatia (a pari)** [wife of Pompeius and unknown noble woman]

2. Batch dated 22 April 519, sent from Constantinople to Rome

163 **Pompeius** to Hormisdas [nephew of emperor Anastasius, *consul* 501, *magister militum* 517 (?)]

164 **Anicia Iuliana** to Hormisdas [daughter of emperor Olybrius and granddaughter of Valentinian III]

165 **Anastasia** to Hormisdas

3. Batch dated 9 July 519, sent from Rome to Constantinople

174 Hormisdas to **Pompeius** [nephew of emperor Anastasius]

177 Hormisdas to unknown addressee at court (Guenther: *notabilis aulae imperialis persona*)

178 Hormisdas to **Gratus, vir spectabilis** [*magister scrinii*; imperial envoy to Rome in 518 and 520, carries to Rome CA 143, 147 and 232; back to Constantinople CA 144, 145 and 159]

179 Hormisdas to **Anicia Iuliana**

180 Hormisdas to **Anastasia**

⁶⁹ For the meaning of the formulation *a pari*, see Günther, “Avellana Studien,” 51.

4. Batch dated 9 July 520, sent from Constantinople to Rome

197 **Celer** to Hormisdas

198 **Anicia Iuliana** to Hormisdas

Appendix II. Translations

Ep. 157 (CSEL 35: 604-605), dated January 519

Hormisdas to Anastasia and Palmatia *a pari* (= they both received a copy of the same letter).

Desire for the benevolent divine will always accompany the success of prosperity. Foresight of our God offers an occasion at this moment in time during which you can strive for a price for your faith. We have sent legates for the sake of our catholic religion, who firstly hope for divine compassion and then for the good conscience of our most clement prince, and through whom we greet your Greatness with the obligation of due reverence. We demand that you do not deny your zeal and work for the restoration of ecclesiastical concord, in order that, when those who the authority of the apostolic see condemned, will be defeated and removed, and the Christian people will have returned to the one rightful communion, you can have the blessed apostle Peter, on whose faith we depend, as support of your actions.

Ep. 164 (CSEL 35: 615), dated 22 April 519

Copy of a letter of Iuliana Anicia.

Iuliana Anicia to the most blessed lord and father Hormisdas.

On request of your Holiness we have come together, at the arrival of the legates of the foremost apostolic see, in the unity of the catholic faith, because the errors of the heretics have been destroyed, having simultaneously congregated at the maternal breasts of the Church on the day of the holy

resurrection. Therefore we admonish your Sanctity, addressing you in venerating style, that you press onto the very honourable men you have sent that in no way they should depart before, as you shall consider it to be necessary, it has been confirmed what they have so well drawn up, in order that strengthened unity will be brought about with continuous effect now that the effort of your Holiness has removed all remains of past error.

Ep. 165 (CSEL 35: 616), dated 22 April 519

Copy of a letter of Anastasia.

To the holy and blessed lord and father of fathers Hormisdas, archbishop of the universal Church.

We confess openly, as it is just, that the grace of divine favour has illuminated us, because we know by declaration of the letter that the reverence of your apostolic Dignity keeps our memory in your holy heart. With true hope, in fact, we trust the heavenly compassion that the conciliation through pontifical intercession may persist, oh most blessed lord and father who carries the apostolic honour! The vigilant guardians of your orations and the admirable faith of the most victorious prince, which always reflects catholic brightness, restored the long-desired concord of peace to the holy churches, which, because all its triumphs are on very solid foundations, rightfully rejoices that it has carried the invincible banner. Therefore, may the undiminished holiness of your Fatherliness persist in offering prayers and intercession for the safety and prosperity of our aforementioned lord Augustus to the all-powerful God in never-ending succession, in order that he may be deemed worthy to preserve the unutterable grace of such honourable achievements, which he himself inspired through his pious dispositions, also for the future advance of joyfulness. May the prayer of your Pontificate, whose protection may with the help of divine favour reach us

with mercy, also be kindly devoted to your son, our husband, to me, your special admirer, and our offspring, which the lord has deemed worthy to give to us.

Ep. 179 (CSEL 35: 635), dated 9 July 519

Hormisdas to Iuliana Anicia.

As we have received the letter of your Greatness we thank our God for the restoration of the catholic faith and wish that due to your affection for his religion, which he has granted, he may deem it worthy to preserve the effort for a long time, so that, in the same way as the vein of imperial blood renders your person noble, your conscience may shine in the light of good works.

While we therefore salute you with corresponding veneration and respect, we demand that you remain firm in what you have begun and to take pains that the undertaking of such a cause will lead to success, so that no seed of evil will remain in future, from which an enemy of the faith could later grow again at any occasion.

Ep. 180 (CSEL 35: 635), dated 9 July 519

Hormisdas to Anastasia.

After our God strengthened the members of his church that returned to the earlier peace, you testify that you long desired what now to your joy has been accomplished. We also continue to pray without fail to the divine mercy so that, in the same way as it has received the beginnings of his reign with grace, it will continue to support our good prince's faith with all the success of prosperity and guard him as well as you all in the holy love to sacred duty, in order that the life of those, whose faith rejected the error of the most abominable dissent, may flourish on earth, as well as be followed by the reward of eternal salvation. Now therefore join your prayers with ours and

pray with all strength to God that all churches follow the example of reform, so that the devil may not rejoice in anything remaining for him, who thankfully had been nearly entirely excluded from our union.

Ep. 198 (CSEL 35: 657), dated 9 July 520

Copy of a letter of Iuliana Anicia.

Iuliana Anicia to the most holy lord and to the most excellent *pontifex* of the apostolic see, the pope and father Hormisdas.

Firstly, we pay your Holiness the respect of your greeting. We hope that divine wisdom will bring it about that your venerable eyes will be able to view this letter and it will be found worthy to support a healthy prolongation of your life, for the strength of the Church. Insofar as you will be able to be vigilant, the position of the Church will be vindicated against its enemies and the raving dogs. For, venerable father, the care that you exhibit for the purity of our faith is appropriate for the vicars of the glorious apostle Peter, to whom the Lord imposed the office to give pasture to the flock. Your holy care for us may therefore recognize that we hold on even more firmly to the immovable steadfastness of the right faith, for which we have struggled thus far, in order not to violate its sacredness. Yet, because your apostleship has advised to maintain a concern for the sake of such piety, we do not give up, in accordance with our strength, to admonish, with the spirit of gentleness, the enemies with the help of God's grace, as much as we can.

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- Chron. Marc.* = Marcellinus Comes, *Chronicon*. Edited by Theodor Mommsen, *Chronica Minora*. *Monumenta Germaniae Historica, Auctores Antiquissimi*, vol. 11. Berlin: Weidmann, 1894.
- Cyril S., v. Sab. = Cyril of Scythopolis, *Life of Sabas*. In *Kyrrillos von Skythopolis*. Edited by Eduard Schwartz, *Texte und Untersuchungen zur Geschichte der Altchristlichen Literatur*, vol. 49.2. Leipzig: J. C. Hinrichs Verlag, 1939.
- Epp. Austr. = *Epistolae Austrasicae*. Edited by Wilhelm Gundlach, *Monumenta Germaniae Historica, Epistolae* vol. 3, *Epistolae Merowingici et Karolini aevi* vol. 1. Berlin: Weidmann, 1892.
- Gregory of Tours, *Glor. Mart* = *Gregorii episcopi Turonensis liber in gloria martyrum*. Edited by Wilhelm Arndt and Bruno Krusch, *Gregorii Turonensis opera*, vol. 2. *Monumenta Germaniae Historica, Scriptores Rerum Merovingicarum*, vol. 1.2. Hannover: Hahn, 1885.
- Liber diurnus* = *Liber diurnus romanorum pontificum*. Edited by Hans Foerster. Berlin: Francke Verlag, 1958.

Severus of Antioch, *Select Letters* = Severus of Antioch, *The Sixth Book of the Select Letters*, 2 vols. Edited by E. Brooks. London: Williams & Norgate, 1904.

Theoph., *chron.* = Theophanes, *Chronographia*. Edited by Carl De Boor. Leipzig: Teubner, 1883.

CHAPTER TWELVE

A NEW DIGITAL CRITICAL EDITION
OF THE *COLLECTIO AVELLANA*
AND THE OTHER CANONICAL COLLECTIONS:
SOME SUGGESTIONS

PAOLA PAOLUCCI

**1. Foreword. The *Collectio Avellana*
between past and future**

It is not advisable to extemporize when dealing with the *Collectio Avellana* and canonical *Collectiones*; and I have to admit, first of all, that I am not an expert on them.¹ Nevertheless I will try to express some proposals about this subject which emerge from my experience in other fields of research, indicating what opportunities an online edition of the entire *corpus* of the so-called canonical collections can provide for scholars: an edition possibly capable of combining traditional editorial methods and computer applications, gleaned from various examples of e-philology visible in the web, and conceived in the context of today's digital humanities, which are able to return to the edition of a text that dynamism and fluidity (to be understood in terms of composition and fragmentation of parts of the collections, and of

¹ See, however, Paola Paolucci, "Un'ipotesi sulla formazione della *Collectio Avellana*. Dai due manoscritti Vaticani 'à rebours'," in *La Collectio Avellana tra tardoantico e altomedioevo*, ed. Rita Lizzi Testa, monographic issue of *Cristianesimo nella Storia* 39.1 (2018), 197–216.

multiplicity of queries) denied (by the obvious necessities of printing) in the traditional monolithic critical editions of the nineteenth-century Germanic philology.

2. Suggestions for a digital critical edition of the *Collectio Avellana* and the other canonical collections

A good online edition of the *Collectio Avellana* and canonical collections,² in my opinion,³ should be based firstly on a suitable constitution of the textual archive, where the texts must be acquired according to the respective critical editions (overall or partial editions), preferably updated. Very useful for this purpose it is the review by Giulia Marconi and Silvia Margutti,⁴ in which the critical editions of reference for each collection, are recorded (together with much more data). I immediately point out the need to use accredited critical editions (with the respective apparatus) to avoid the *sacrificium ingenii* which characterises online publishing projects that aim to archive everything, but sometimes wind up creating a real muddle not a proper “critical” edition. Starting from the requirement for uncompromising criticism of the “works based on selection where the main goal of the editors was to present a unified text that represented their best judgement,”⁵ they achieve only

² For a review of the use of digital tools in the classical and post-classical studies see Alison Babeu, “*Rome Wasn’t Digitized in a Day*”: *Building a Cyberinfrastructure for Digital Classics* (Washington D.C.: Council on Library and Information Resources, 2011), which investigates the existing projects, their uses and related infrastructures; on digital editions see especially pp. 32-44. See also Susan Schreibman, Ray Siemens, and John Unsworth, eds., *A Companion to Digital Humanities* (Malden: Blackwell Publishing, 2004).

³ My point of view is not that of a computer technician but of a philologist who has had the opportunity to participate to the *Musisque Deoque* project and to coordinate a research unit in the *Memorata poetis* project, which will be discussed later.

⁴ See Giulia Marconi and Silvia Margutti, in Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiche,” *Cristianesimo nella Storia* 35 (2014): 77–236, especially p. 106 ff. and p. 236.

⁵ See Babeu, *Rome*, 37.

collections of diplomatic editions, which, while sometimes very useful should however be called coherently uncritical editions.⁶ Even if we reproduce printed critical editions of the collections, for some documents we also need to maintain their different recensions next to each other;⁷ also, if necessary, the Greek versions. But, as I have said, the texts should above all be equipped with the respective critical apparatus,⁸ according to the model applied to Latin poetry in the project *Musisque Deoque*, which can be consulted at the network address www.mqdq.it.⁹

Although I have just spoken about various textual recensions next to each other, I do not mean that we should renounce completely the *constitutio textus*. Maintaining the multiplicity of the recensions of a text does not mean, in my

⁶ Considering the particular textual nature of the Homeric works, which lends itself well to the purpose, the most praiseworthy of these collective initiatives (albeit not without some lack of *perspicuitas*) seems to be the Herculean enterprise of *HMT* = Homer Multitext of the Center for the Hellenic Studies at Harvard which, according to Christopher Blackwell and Neel Smith, “Homer Multitext—The Nine Year Update,” in *Digital Humanities 2009 Conference Abstracts*, eds. Neil Fraistat, Matthew Kirschenbaum, and Kate Singer (University of Maryland: Maryland Institute for Technology in the Humanities, 2009): 6–8, “effort to bring a comprehensive record of the Homeric tradition into a digital library.”

⁷ See below the discussion of the *corpora* of the archive, applying in particular to the letters shared by several collections.

⁸ Although Casey Dué and Mary Ebbot, “Digital Criticism: Editorial Standards for the Homer Multitext,” *Digital Humanities Quarterly* 3 (2009): 1–38, have criticized the specialized nature of the critical apparatus, which can be deciphered only by experts, it must not be an impediment.

⁹ In addition to the information that can be obtained from the specific site, see Loriano Zurli and Paolo Mastandrea, *Poesia latina, nuova e-filologia. Opportunità per l'editore e per l'interprete* (Rome: Herder, 2009); Paolo Mastandrea, “Archivi elettronici di poesia latina e opzioni multiple di ricerca intertestuale,” *Semicerchio* 53 (2015): 60–69; Paolo Mastandrea and Luigi Tessarolo, “Da *Musisque Deoque* a *Memorata Poetis*. Le vie della ricerca intertestuale,” in *Collaborative Research Practices and Shared Infrastructures for Humanities Computing*, eds. Maristella Agosti and Francesca Tomasi (Padua: Cooperativa Libreria Editrice, Università di Padova, 2014): 69–80; Paolo Mastandrea, “Digital humanities e analisi dei testi,” in *Collaborative Research Practices and Shared Infrastructures for Humanities Computing*, eds. Maristella Agosti and Francesca Tomasi (Padua: Cooperativa Libreria Editrice, Università di Padova, 2014): 89–92. The project was carried out as part of the research *PRIN* (= research projects of national interest) 2005 and 2007.

opinion, returning to the textual situation of what Nichols calls “pre-printing culture,”¹⁰ in order to give an account of which it will be enough to refer (with specific links) to reproductions of the manuscripts transmitting the texts.

For example, a number of epistles, according to Günther’s edition,¹¹ such as *Epp.* 56–59, 61–66, 68–81, 95, 99, 101, 103–104 and 140, are shared by the *Collectio Avellana* and the *Collectio Berolinensis*, but among these it is possible to speak properly of two different recensions only for *Ep.* 99, since in the manuscript **V** (*codex Vaticanus Latinus 3787*, the most important manuscript of the *Collectio Avellana*)¹² it has two paragraphs (30–31) which are not shown by the manuscript **B** (*codex Berolinensis Latinus 79*, the manuscript which gives the name to its whole collection). Anyway, if we examine some textual variants from the part of the letter shared by the two collections, we realize that they constitute trivial graphical mistakes, corruptions and *errores vulgares*, insufficient to constitute proper variants and even more insufficient to

¹⁰ Stephen Nichols, “Time to Change our Thinking: Dismantling the Silo Model of Digital Scholarship,” *Ariadne* 58 (2009): 1 (published online at the website address <http://www.ariadne.ac.uk/issue58/nichols>).

¹¹ Otto Günther, ed., *Epistulae imperatorum pontificum aliorumque inde ab a. CCCLXVII usque ad a. DLIII datae, Avellana quae dicitur collectio*, I (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895).

¹² In addition to Günther, *Epistulae imperatorum*, see Martin Morard, “Thomas d’Aquin lecteur de Conciles,” *Archivum Franciscanum historicum* 98 (2005): 298; Laurence Dalmon, “Suivi d’une collection canonique entre Antiquité tardive et haut Moyen Âge. L’Avellana,” in *L’antiquité tardive dans les collections médiévales. Textes et représentations VI^e-XIV^e siècle*, eds. Benoît Grévin and Stéphane Gioanni (Rome: École française de Rome, 2008): 114, 116, 126–31, 136–37; Manfred Oberleitner, *Die handschriftliche Überlieferung der Werke des Heiligen Augustinus*, I, 1 (Wien: Sitzungsberichte der österreichische Akademie der Wissenschaften, 1969), 319 and *ibid.*, I, 2 (Wien: Sitzungsberichte der österreichische Akademie der Wissenschaften, 1970), 278; Alois Goldbacher, ed., *S. Aureli Augustini Hipponensis episcopi Epistulae*, III (Wien: CSEL 44, 1904), 724; *ibid.*, IV (Wien: CSEL 57, 1911): 162; *ibid.*, V (Wien: CSEL 58, 1923), lxiii–lxv and c; Isidorus Hilberg, ed., *Sancti Eusebii Hieronymi Epistulae*, III (Wien: CSEL 56, 1918), 263–64; Marco Palma, “Da Nonantola a Fonte Avellana. A proposito di dodici manoscritti e di un *Domnus Damianus*,” *Scrittura e Civiltà* 2 (1978): 221–30.

delineate a different textual recension; e.g.: *supplicavit-supplicabit* (phonetic mistake of betacism), *impenetrabilibus-in penetralibus* (erroneous distinction of *scriptio continua*), *infirmiores-infirmioris* (phonetic mistake of confusion between the vowels *e/i*), *catholicum-catholicus* (mistake of deciphering a final compendium), *ergo-ego* (mistake from apical compendium of *r*).

For this reason in the *mqdq* website we have presented “authoritative” texts and I believe the same model can be followed for the canonical collections.¹³

In addition to reference information such as like an alphabetical list of the authors, their chronology, critical editions used etc., the *mqdq* website presents specific links which connect the *sigla codicum* for the various poetic works to the manuscripts which transmit them (with reference to the respective libraries and, if possible, to digital reproductions made available by the libraries themselves). This is a first important aspect of the archive *mqdq*, since, starting from their onset, the critical editions, as Blackwell and Crane conveniently observe,¹⁴ have been designed to include images of the manuscripts of the published texts, with attention not only to those available when the editor implements his work, but also to those that will become available at a later date, considering that the most important libraries worldwide are digitizing (luckily) their manuscript patrimony. Instead of creating a collection of digital reproductions,¹⁵ we have thought to connect in the *mqdq* website the set of the *sigla codicum* to the reproductions of

¹³ The question is however much debated (including by scholars not involved in editing Latin texts). See e.g. Joris J. van Zundert and R. Haentjens Dekker, “Code, Scholarship, and Criticism: When is Code Scholarship and When is it not?,” *Digital Scholarship in the Humanities* 32 (2017): 121–33.

¹⁴ See Christopher Blackwell and Gregory Crane, “Conclusion: Cyberinfrastructure, the Scaife Digital Library in a Digital Age,” *Digital Humanities Quarterly* 3 (2009): 1–128.

¹⁵ As it is, for example, the so-called *Virtual Manuscript Room* visible at the web address: <http://vmr.bham.ac.uk/>.

manuscripts that over time are published on-line.¹⁶ Since a large group of manuscripts, preserved in the most important European libraries, transmits the canonical collections, it would not be useless to be able to enrich them in digital reproduction with appropriate links to their respective sites.

The texts which are acquired in the *mqdq* archive display in the margin, in the layout of the page, small yellow icons containing *adnotationes* of commentary. This device could also accompany the edition of the canonical epistles, equipping them with all necessary paratextual information, not least the references to quotations from scriptural or other independently transmitted texts for which the epistles constitute witnesses of indirect tradition. Moreover it could be useful to place there (I refer to the yellow icons) important marginal or interlinear annotations present in the various manuscripts so as to make the texts and their *marginalia* coexist.

But above all the *mqdq* website provides a useful way of querying the texts, which allows lexical searches (for roots, stems, inflected forms or conjugated forms) not only relative to the critically constituted text but also among variants in the apparatus. This range of possible queries allows us to overcome the filter of editor's judgement and to discover meaningful readings left in the apparatus by the editor, or to retrieve a forgotten textual recension, related to a specific manuscript, a particular environment, a given age. For example, if it is conveniently acquired in the archive and it is coherently elaborated, the text of *Ep.* 3 G. could be reached through a query for the term *rex* (made by a user interested to the theme of sovereignty in the *Collectio Avellana*), because *rex* is a variant of the Vatican manuscript 3787,

¹⁶ In the first instance, for this specific case, the connection was made by the operator Linda Spinazzè, but Blackwell and Crane, *Conclusion*, quoted above, hope that «a machine actionable set of *sigla*» will be achieved and that “a mature digital library system managing the digital edition will understand the list of witnesses and automatically search for digital exemplars of these witnesses, associating them with the digital edition if and when they come on line.”

instead of the reading *res* (from a humanistic apograph of second degree) to which Günther gave his trust;¹⁷ otherwise the same *Ep.* 3 could be reached through a query for the form *Ursicin** (made by a user interested in prosopography), although the Vatican manuscript 3787 and the editor write *Ursinum*, which is the form favoured by the editor but non by all scholars.¹⁸

The critical apparatus elaborated by the operators of the research unit which I monitored in the *mqdq* project also indicates readings which may seem insignificant, such as some forms that are not normative phonetically. I would recommend accepting such forms too in the apparatus for the texts of the epistolary collections under examination, as Günther rightly did, not considering it redundant to take note, for example, in the apparatus of *Ep.* 8, 1, l. 10 *populos* pro *populus*, l. 12 *aliquantus* pro *aliquantos*, or in the apparatus of *Ep.* 13, 5, l. 19 *angulos* pro *angulus*; of *Ep.* 13, 7, 2 *poteolannus* pro *Puteolannus*; of *Ep.* 14, 5, l. 27 *habitu* pro *habito*, etc. This confusion between the vowels *o/u* and other phonetic forms can be very important in order to establish the geographical area of origin of a manuscript and can give important information about the history of the Latin language. As the epistles in which we are interested were produced in Late Antiquity, and consequently in Late Latin (that is, different from classical Latin), and moreover they were copied during the Middle Age, they show remarkable phenomena regarding the development of Latin, from Late to Medieval Latin and sometimes the basis

¹⁷ See *Ep.* 3, 1, l. 1 *ut res exigebat* (*in textu*); *in adpar.*: *res o* (= *Ottobon. 1105*, apograph of XVI cent. of the Vatican manuscript 4961, in its turn apograph of the Vatican manuscript 3787); *rex V* (= *Vaticanus latinus 3787*).

¹⁸ See Günther's apparatus to *Ep.* 3, 2, l. 3: *Ursicinum in marg. Bar., hanc formam aliis locis etiam in textum recipiens*.

of the future Romance. So a well-elaborated apparatus could also constitute a source of interesting data for scholars of the history of language.¹⁹

It can be seen in the *mqdq* website that this application also permits searchers for forms according to their position in the verse and that another application, specific for metrical searches, correlated to this and named *Pede certo*, provides options for queries on the same textual archive. It is hardly necessary to explain the convenience of a metrical markup for texts in an archive of Latin poetry, but it is not unnecessary to highlight that this kind of markup would be valuable even for prose texts like the canonical epistles. I suggest providing prosodic or rhythmic markup for the documents of the canonical collections, since they are chronologically situated during the passage from so-called *numerosa* prose to the onset of the *cursus*. The literary, stylistic and rhetorical investigation of these epistles could therefore benefit greatly from the examination of the sentences and clauses made by this kind of search engine.²⁰ For example, we can observe the presence of the *cursus planus* (resulting from cretic + trochee, corresponding to a paroxytone disyllable or paroxytone polysyllable + paroxytone trisyllable) in *Ep.* 73 G. (paragraph III) [...] *et omnem altitudinem **elevátam advérsus** scientiam dei*, a document where you can find, coexisting in the same sentence clause, both the *cursus tardus* (resulting from double cretic, corresponding to paroxytone disyllable or polysyllable + proparoxytone four-syllabic term) and the *cursus velox* (resulting from cretic + two trochees, corresponding to proparoxytone trisyllable or polysyllable + paroxytone four-syllabic term): *Ep.* 73 G.

¹⁹ See Notis Toufexis, "One Era's Nonsense, Another's Norm: Diachronic Study of Greek and the Computer," in *Digital Research in the Study of Classical Antiquity*, eds. Gabriel Bodard and Simon Mahony (Burlington: Ashgate 2010): 105–18.

²⁰ On *cursus* and epistolary genre in the Ravenna environment at the beginning of the sixth century see Paola Paolucci, *Profilo di una dietetica tardoantica. Saggio sull'Epistula Anthimi de observatione ciborum ad Theodoricum regem Francorum* (Naples: ESI, 2002), with bibliography.

(paragraph II) [...] *fatigationibus* ***certámen adprehendere veritátis***. On the other hand, the same epistle begins with the *cursus trispondaicus* (resulting from paeonic meter I + trochee, corresponding to paroxytone disyllable or polysyllable + paroxytone four-syllabic term): *INCIPIT EPISTOLA IUSTINI AD EUNDEM PETRUM ANTIOCHENUM DE EADEM CAUSA Oportet armari militem adversus hostes et athletam **contra resistentés***.

On the side of stylistic analysis of texts,²¹ digital humanities have produced interesting contributions in recent years, such as applications of the “stylometric method” to literary documents of dubious paternity to verify their authorial attribution,²² or methods based on specific algorithms to reveal constant stylistic features in the syntax of literary texts, called “syntactic patterns.”²³ Rather than using these applications merely in relation to the spurious epistles of the *Collectio Avellana* (71–78 G.) or to other documents of dubious authenticity, since these tools are able to achieve a mapping of the textual similarities/correspondences,²⁴ we could think of highlighting through this kind of application the constants of the notoriously formulaic chancellery style characteristic of the canonical collections’ epistles,²⁵ in order to examine its evolution and to infer hypotheses about the attribution of some epistles to certain chancelleries or certain *notarii*.

²¹ See Maciej Eder, “Rolling Stylometry,” *Digital Scholarship in the Humanities* 31 (2016): 457–69.

²² See Enrico Tuccinardi, “An Application of a Profile-based Method for Authorship Verification: Investigating the Authenticity of Pliny Younger’s Letter to Trajan Concerning the Christians,” *Digital Scholarship in the Humanities* 32 (2017): 435–47.

²³ See Francesca Frontini, Mohamed Amine Boukhaled and Jean Gabriel Ganascia, “Mining for Characterising Patterns in Literature Using Correspondence Analysis: An Experiment on French Novels,” *Digital Humanities Quarterly* 11, no. 2 (2017): 1–72.

²⁴ See Maciej Eder, “Visualization in Stylometry: Cluster Analysis Using Networks,” *Digital Scholarship in the Humanities* 32 (2017): 50–64.

²⁵ Also useful on this subject is the paper by Jeffrey Lijffijt, Terttu Nevalainen, Tanja Säily, Panagiotis Papapetrou, Kai Puolamäki, and Heikki Mannila, “Significance Testing of Word Frequencies in *corpora*,” *Digital Scholarship in the Humanities* 31 (2016): 374–97.

In the *mqdq* website there are no translations of the poetic texts, but as the documents of the canonical collections could be interesting not only for those who study rhetorical or formal aspects but also for scholars of material data and of their contents, it may not be useless to provide a translation (for users' convenience) into one or more modern languages. Although the work of translating these documents from Latin (and in some cases from Greek) is a refined and complicated practice, which requires the contribution of data entry operators skilled in the traditional techniques of translation, it is not the case that there is no softwares suitable for the purpose: experiences and projects in the field of digital humanities are not lacking even with regard to this aspect namely so-called *CAT* (= Computer Assisted Translation), applied to complex texts.²⁶ A much more sophisticated operation, but even so, not without examples,²⁷ would be able to examine the translations of the Greek and Latin documents of the collections, in order to investigate their degree of adherence to the models.

The project *Memorata poetis*, visible at the web address www.memorata-poetis.it/public/,²⁸ inherits the experience of the *mqdq* project and joins it to an application of semantic search engines.²⁹ This prototype project submits

²⁶ See Piotr Marecki and Nick Montfort, "Renderings: Translating Literary Works in the Digital Age," *Digital Scholarship in the Humanities* 32 (2017): 84–91 (<http://trope-tank.mit.edu/renderings/>); and Emiliano Giovannetti, Davide Albanesi, Andrea Bellandi, and Giulia Benotto, "Traduco: A Collaborative Web-based CAT Environment for the Interpretation and Translation of Texts," *Digital Scholarship in the Humanities* 32 (2017): 147–62, whose case-study is the Babylonian Talmud.

²⁷ See Yuri Bizzoni, Marianne Reboul, and Angelo Del Grosso, "Diachronic Trends in Homeric Translations," *Digital Humanities Quarterly* 11, no. 2 (2017): 1–83, for algorithms and methods applied to French (even free) translations of the *Odyssey*.

²⁸ Project PRIN 2010–2011.

²⁹ The semantic search constitutes one of the avant-garde frontiers for digital humanities scholarships; see e.g. Valentina Bartalesi, Carlo Meghini, Paola Andriani, and Mirko Tavoni, "Towards a Semantic Network of Dante's Works and Their Contextual Knowledge," *Digital Scholarship in the Humanities* 30 (2015): 128–35; John Bradley and Michele Pasin, "Fitting Personal Interpretation with the Semantic Web: Lessons Learned from Pliny," *Digital Humanities Quarterly* 11, no. 2 (2017): 1–90

the texts of the *mqdq* archive to a thematic query, starting from an *index rerum notabilium*, and simultaneously queries the texts of other poetic archives included there (Greek poetry, Latin poetry from the origins to the seventh century, early medieval epigraphy, Latin poetry of the thirteenth to sixteenth centuries, poetic Greek epigraphy, poetic Arabic epigraphy, Italian poetry from the origins to 1375, Lithuanian poetry, English poetry). It has the advantage of being able to reach the topics pursued regardless of the presence of the searched term in the textual string. If, for example, we are interested in poetry on the god Apollo, we can find there, through the digital *index*, whether the god is called in the text *Phoebus* or *Apollo* or *Arquitenens* or *God* or *θεός* or in any other way. Since it is independent of the “significant” of the term, the semantic search tool of *Memorata poetis* is able to reach effectively even texts in different languages and in various *corpora*. It can be applied to the Greek translations of the canonical documents and moreover it enables keeping the different *corpora* of the collections distinct in the general archive while simultaneously allowing queries across them.³⁰ In alphabetical order these *corpora* could be named as follows:

1. *Collectio Avellana*;
 1a. *Epistularum quarundam collectionis Avellanae textus Graecus*;
2. *Collectio Berolinensis*;
3. *Collectio Casinensis*;

(enlargement of the Pliny Project); Marc Alexander, Fraser Dallachy, Scott Piao, Alistair Baron, and Paul Rayson, “Metaphor, Popular Science and Semantic Tagging: Distant Reading with the Historical Thesaurus of English,” *Digital Scholarship in the Humanities* 30 (2015): 116–27 (this team of the *SAMUELS* Project at Glasgow and Lancaster developed a “semantic tagging software,” based on UCREL that is a “Semantic Analysis System,” and some processes for the “word-sense disambiguation”).

³⁰ After all, the simultaneous display of the texts brings to the extreme the consequences of some particular editorial choices, conceived by nineteenth-century philology for specific texts like those of the ancient technicians, see e.g. Valentin Rose, *Anecdota Graeca et Graecolatina* (Berlin: Dümmler, 1870).

4. *Collectio Colbertina*;
5. *Collectio de schismate Aquileiensi*;
6. *Concordia canonum Cresconii*;
7. *Collectiones Dionysianae*;
8. *Collectio Frisingensis prima*;
9. *Collectio Grimanica*;
10. *Collectio Italica*;
11. *Collectio Iustelliana*;
12. *Collectio Mutinensis*;
13. *Collectio Novariensis de re Eutychie*;
14. *Collectio Novariensis de uno e Trinitate in carne passo*;
15. *Collectio Parisiensis*;
16. *Collectio Quesnelliana*;
17. *Collectio Ratisbonensis*;
18. *Collectio Teatina*;
19. *Collectio Thessalonicensis*;
20. *Collectio Tuberiensis*;
21. *Collectio Vaticana*;
22. *Collectio Vaticana vel Novariensis de rebus Chalcedonensibus*;
23. *Collectio Veronensis de rebus Ephesinis*;
24. *Collectio Veronensis de schismate Acaciano*;
25. *Collectio Weingartensis*;
26. *Collectio Wirceburgensis*.

So, if a scholar is interested in investigating, for example, the female figure, or the role of the senate, he could find relevant passages whether the documents talk about γυνή or *mulier*, about *senatus* or γερουσία, or they use proper names. It all depends on how the index is constructed: that is, on how the

operator sets up the so-called “ontologies” with their main branches and secondary junctions in specific “dendrograms.”³¹ As the collections mainly contain letters, I suggest that the structural categories of the section *de epistolis* from the treatise on rhetoric (*Ars rhetorica*) by Julius Victor should be used to set up the macro-ontologies. These are:

1. *Quis*;
2. *Ad quem*;
3. *Ubi*;
4. *Qua de re*.

The first three macro-ontologies could then lead to ontologies of second degree inferable from the *Indices nominum* (sc. *personarum vel locorum*) of the extant critical editions, while the fourth, more complex, could draw inspiration from the *Indices rerum* of the same editions.

Starting from Neel Coffee’s idea (University at Buffalo, New York), named *Tesserae* (see: tesserae.caset.buffalo.edu), which explicitly proposes creating an interface capable of displaying textual parallels between two selected texts, we could develop the initiative to provide the archive of canonical collections additionally with a dialogue interface with relevant and comparable documents and testimonies, such as, for example, Cassiodorus’ *Variae*, the editions by P. Ewald, L.M. Hartmann and E. Dümmler in the section *Epistolae* of MGH (www.dmgh.de), the collections of epistles by the so-called *auctores antiquissimi* of MGH *Scriptores*, such as Q. Aurelius

³¹ See on the functioning of its ontologies the *BLA-Net* Project (<http://104.236.71.119/bianet/>), concerning juridical sources of the Roman Law, made by the Istituto di Scienze e tecnologie della Cognizione of the CNR, at Catania.

Symmachus (edited by O. Seeck), Alcimus Ecdicius Avitus (edited by R. Peiper), Ennodius (edited by F. Vogel) etc.,³² or with historical sources.

I therefore consider, in the light of the experiences mentioned above,³³ that an online transfer of the *Collectio Avellana* and of the other canonical collections, with collaborative practices, in an open access edition that is the result of interoperability,³⁴ can help, in support of traditional methods,³⁵ the study of these important documents.

³² Thanks to Cristiana Sogno, Bradley K. Storin, and Edward J. Watts, *Late Antique Letter Collections* (Oakland: University of California Press, 2017), we have the whole list of the epistolary collections which could be included in the archive and interconnected. They are the epistles by the Emperor Julian, Basilus of Caesarea, Gregory of Nazianzus, Gregory of Nyssa, Libanius of Antioch, Ausonius, Ambrose of Milan, Evagrius Ponticus, Quintus Aurelius Symmachus, Johannes Chrysostomos, Synesius of Cyrene, Jerome, Augustine, Paulinus of Nola, Theodore, Isidore of Pelusium, Sidonius Apollinaris, Ruricius of Limoges, Avitus of Vienne, Ennodius of Pavia, Aeneas of Gaza, Procopius of Gaza, Barsanuphius and Johannes, Cassiodorus.

³³ Numerous interesting and fruitful ideas can be found among the papers of the Oxford online review *Digital Scholarship in the Humanities* and of the review, published by ADHO (= Alliance of Digital Humanities Organizations) *Digital Humanities Quarterly*. For an overall work see Daniel Apollon, Claire Bélisle, Philippe Régner, *Digital Critical Editions* (Urbana, Chicago, Springfield: University of Illinois Press, 2014).

³⁴ As it was dedicated to the «interoperability of the tools and methodology [...] in the field of digital scholarly editing and research», the project *Interedition* (www.interedition.eu) was conceived in order to encourage contacts between those who develop tools for online editions.

³⁵ I look with mistrust on collations elaborated automatically, as, for example, *Collatex* promises to do. It was created by Peter Robinson in 2009 (realizing, anyway, that the differences between texts are not necessarily variants) for the collation of various recensions of an electronic text. I look also with mistrust on mechanical models of *stemma codicum*. See Ronald Haentjens Dekker, Dirk van Hulle, Gregor Middell, Vincent Neyt, and Joris van Zundert, “Computer-supported Collation of Modern Manuscripts: Collatex and the Beckett Digital Manuscript Project,” *Digital Scholarship in the Humanities* 30 (2015): 452–70 (see however the very good website www.beckettarchive.org); Peter Robinson, “Some Principles for Making Collaborative Scholarly Editions in Digital Form,” *Digital Humanities Quarterly* 11, no. 2 (2017): 1–44; Stephan Jänicke, Annette Gessner, Greta Franzini, Melissa Terras, Simon Mahony, and Gerik Scheuermann, “TRAViz: A Visualization for Variant Graphs,” *Digital Scholarship in the Humanities* 30 (2015): 183–99.

**II. BETWEEN IMPERIAL AND EPISCOPAL
CHANCERIES: THE *NOTARII*
AND THE COMPILERS**

CHAPTER THIRTEEN

NOTES ON THE DIPLOMATIC ASPECTS IN THE DOCUMENTATION OF THE *SCRINIUM* *ROMANAE ECCLESIAE*

ROCCO RONZANI

The diplomatic aspects of the documentation produced by the Lateran *Scrinium* are the specific features that allow historians to better understand this historical epistolary text. This begins not only with the important task of identifying the sender and recipient of a document, but also its date, the type of text that was produced, and many other details. Quite often, diplomatic characteristics also allow for the identification of the ideology that underpins the outward forms of the documentation, as well as the literary devices within the same texts; many outward forms, thus fulfilling their main tasks, are also useful to check the authenticity and value of documents.

As we know, the discipline that is concerned with studying the formal aspects is diplomatics, which investigates the evolution of forms of documents over time—traditionally until no later than the Middle Ages—and studies “all those writing modes and forms and [...] all the characteristics through which facts and legal acts are represented in written documents, and for which document exist, perform their function, and can be studied.”¹

¹ Giovanna Nicolaj, *Lezioni di diplomatica generale*, 1. *Istituzioni* (Roma: Bulzoni, 2007), 89.

Nevertheless, especially in more recent times, diplomatics—in addition to its traditional ancillary service that it shares with many other historical disciplines—has gone back to discussing the foundations and specific nature of such documentation, i.e. the features of the diplomatic document that reconnect it, along with this very discipline, not only to the field of historical research, but also to the primary juridical vocation of such studies, since they came about—both the documents and the discipline—to show and guarantee over time, the rights in the case of the former, and the *utilitatem forensis disciplinae* in the case of the latter.²

The *scrinium Romanae ecclesiae* and the legacy of imperial documentary practices

Ancient collections of dogmatic and canonical letters³ have over time brought together a large number of documents produced by the *Scrinium Lateranense*. They handed down a number of “letters” that, from a strictly formal point of view, are documents of the “chancery.” For this early period, it is preferable to talk about a *Scrinium* rather than a chancery, a term that is more appropriate to define the activities and officials of the medieval pontifical curia. The documents drafted *in apostolico scrinio*, namely in the *Scrinium Lateranense*, were produced in the same place where they were stored and from where they were dispatched. With time, the various activities differentiated to the point that more space and more officials were required

² Cf. *ibid.*, 51-88.

³ Cf. Dominic Moreau, “*Non impar conciliorum extat auctoritas*. L’origine de l’introduction des lettres pontificales dans le droit canonique,” in *L’étude des correspondances dans le monde romain de l’Antiquité classique à l’Antiquité tardive: permanences et mutations. Actes du XXX^e Colloque international de Lille (Lille, November 20-22, 2008)*, eds. Janine Desmulliez, Christine Hoët-Van Cauwenberghe, and Jean-Christophe Jolivet (Lille: Université Charles De Gaulle - Lille 3, 2010), 487-506.

with specific tasks and these processes, as far as we know, already began in the earliest period of the life of the “papal chancery.”⁴

The *Scrinium* was seemingly modelled on the much more complex and articulated organization of the great imperial chancery and, especially, of provincial chanceries, as was very likely the case in Roman Barbarian courts. Over time, however, a gradual and increasingly explicit reference to the Imperial Court in papal diplomatic forms emerged, especially when, in the early Middle Ages, the bishop of Rome aspired more and more consciously to impose and consolidate his sovereignty over the City and the whole Roman district and, later on, over increasingly vast areas, both in spiritual and temporal terms.⁵

It is certain that regarding diplomacy in the period of Late Antiquity, the Roman Church retained much of the institution of the notary.⁶ Between the

⁴ Regarding the *Lateran Scrinium* and its officials until the early Middle Ages, see: Harry Bresslau, *Manuale di Diplomatica per la Germania e l'Italia*, trans. Anna Maria Voici-Roth (Rome: Ministero per i beni culturali e ambientali, 1998), 174-97; Henri Leclercq, s.v. “Chancellerie,” in *Dictionnaire d'archéologie chrétienne et de liturgie*, eds. Fernand Cabrol and Henri Leclercq (Paris: Letouzey et Ané, 1913) (henceforth *DACL*), 3.1: 173-207; Leo Santifaller, “Saggio di un elenco dei funzionari, impiegati e scrittori della cancelleria pontificia dall'inizio all'anno 1099,” *Bulletino dell'Istituto storico Italiano e Archivio Muratoriano* 56 (1940): 1-865. It is always useful, for the most ancient papal documents and chancery officials, to refer to *L'Italia pontificia* I-XII of Paul Fridolin Kehr and successors (1906-1975) and the three volumes of the *Acta Pontificum Romanorum inedita* (748-1198) by Julius von Pflugk-Harttung, published between 1881 and 1888.

⁵ Cf. Bresslau, *Manuale di Diplomatica*, 168-74; Otto Seeck, “*Scrinium*,” in *Real-encyclopädie der classischen Altertumswissenschaft* (Stuttgart: Druckenmüller, 1921), 21.1: 893-904; Guido Clemente, *La “Notitia dignitatum”* (Cagliari: Editrice Sarda Fossataro, 1968), 63-104; Manfred Clauss, *Der magister officiorum in der Spätantike (4.-6. Jahrhundert). Das Amt und sein Einfluss auf die kaiserliche Politik* (Munich: Vestigia, 1980).

⁶ When Roman notaries used to be members of the Papal Chancery, they would often be defined as *scrinarii* in medieval documents. They would work close to the *Scrinium* and were supervised by two officials: the *primicerius* and the *secundicerius*. In the beginning, they used to be laymen (they ranked between deacons and sub-deacons, were often married and were part of the Roman nobility, and their posts in the curia would soon become hereditary). Later on, the *scrinarii* used to be members of the clergy. The combination of *notarius* et *scriniarius* can be found in the *formulae* of the *Liber Diurnus* (Hans Foester, ed., *Liber Diurnus Romanorum Pontificum* [Bern: Francke,

fourth and the fifth century, the imperial chancery was divided into three major sections: the *Scrinia*, the referendary and, indeed, the institution of the notary.⁷ The notaries who were entrusted with the preparation of material acts through a senior official of the Palatine chancery—the *primicerius notariorum*, who was in charge of the *schola notariorum*—, referred directly to the prince. This was a sign of the high esteem they received and the prominent role they had assumed under the court bureaucracy.

The earliest documentation of the bishops of Rome

The earliest documentation of the bishops of Rome preserved in the original form, except for a few fragments, is virtually non-existent. On the total amount of two thousand documents we know about,⁸ from the very beginning—i.e. from the middle of the fourth century when the work of the Roman “chancery” became more intense until the eighth century—, we

1958], 268, 10-11; 268, 35-269, 1). Cf. Bresslau, *Manuale di Diplomatica*, 178-79; Thomas Frenz, s.v. “Notar, Notariat,” in *Lexikon des Mittelalters* (Munich: LexMA, 1993), VI: 1275-276.

⁷ Even if there is a lot of discussion regarding the responsibilities of the different offices which, as it was customary in earlier societies until modern times, would often overlap in many aspects of their work, we can say with certainty that there used to be four *scrinia*. The *scrinium memoriae* who would draft short imperial resolutions, appointments—especially for the military—and probably sent out replies to requests from other offices, in addition to drafting *addenda* to imperial laws, the so-called *adnotationes*. The *scrinium epistolarum* handled external questions, appeals, administrative questions, and special types of requests. The *libellorum* was an office that dealt with requests and investigations ordered by the emperor: the *congnitiones*. Finally, the *dispositionum*, which developed later and is not well known, primarily dealt with internal questions regarding the administration. Each of the first three *scrinia* were presided over by a *magister*, who used to be considered as *iuri spectabiles*; the last *scrinium* was headed by a *comes*, who had the same rank as the other highest-ranking officials. The *magistri* were subject to a superior, the *magister officiorum*, and at first conferred directly with the sovereign. From Constantine onwards, they lost the prestige and political influence they held until that time, being answerable no longer to the Prince but to a higher-ranking official who had considerable power, the *quaestor sacri palatii*.

⁸ Cf. Philipp Jaffé, ed., *Regesta Pontificum Romanorum. Ab condita Ecclesia ad annum post Christum natum MCXCVIII. Editionem secundam correctam et auctam auspiciis G. Wattenbach, curaverunt S. Loewenfeld, F. Kaltenbrunner, P. Ewald*, I (Lipsiae: Veit et comp. 1852).

possess only a fragment of a letter of Adrian I (772-795),⁹ while the first complete document in its original copy was written even later and it was a privilege granted to the church of Paschal I in Ravenna (817-824).¹⁰

The small number of originals is due to, among other reasons, the writing medium on which they were drafted, the fragile papyrus, which was replaced only much later by the more durable parchment. The use of papyrus was a practice of the Imperial chancery and the bishops of Rome, who perhaps wanted to emulate the Emperor and because this was strictly related to the documentary tradition of the Late Antiquity. This practice continued, with very few exceptions, until the ninth century, and sporadically even later, until the beginning of the eleventh.¹¹

As far as we know, the letters of the earliest period are mostly dogmatic and disciplinary in nature. They have survived because of their content—the body of the text—and not to convey their external form that, in fact, was often neglected when they were transcribed into the tradition of the texts. However, concerning these documents—very often for completely random reasons, but at other times with a clear ideological intent—sporadic but important elements with a diplomatic character have been preserved which,

⁹ Paris, Archives Nationales, K 7, n. 92; Jaffé, *Regesta Pontificum Romanorum*, 302, n. 2462; *Monumenta Germaniae Historiae* (henceforth *MGH*), *Epist.* 3, 654; reproduced in Henri Henri Leclercq, s.v. “Chancellerie,” in *DACL*, 3.1: table included in the coll. 204-5.

¹⁰ Pap. Rav. 819; cf. Giulio Battelli, ed., *Exempla scripturarum. Fasc. III. Acta Pontificum*, 5 and Table 1. Paschal’s Privilege was written in Roman curial script by Timothy, *notarius* and *scriiniarius* of the Apostolic See; the Pope signed in uncial script. It is not known whether he signed directly or through a chancery official († *BENE VALE* †). Sergius *Bibliothecarius* was entrusted with dating the document, which also carried the names of Louis the Pious and Lothair. Henri Omont, “Bulles pontificales sur papyrus (IX-XI siècle),” *Bibliothèque de l’école des chartes* 65 (1904): 577.

¹¹ Cf. *ibid.* 575; Carlo Silva-Tarouca, “Nuovi studi sulle antiche lettere dei papi. Originali e registri del secolo IX. Canone critico per le lettere pontificie dei secoli VII-IX,” *Gregorianum* 12 (1931), Collection I: 3-56; III: 349-425; IV: 547-98; later edited in *Nuovi studi sulle antiche lettere dei papi* (Rome: Pontificia università Gregoriana, 1932), I, 23.

to a certain extent, allow us to reconstruct their original appearance, i.e. the external aspect of the “fair copy” of the document. These elements, through the usual channels of transmission of letters, connected the bishop of Rome with the bishops of the local churches, with the Eastern patriarchs, but also with different Roman agents involved in the care of the vast heritage of the City, with the Roman princes who lived on the Bosphorus, with the rulers of the Roman Barbarian kingdoms and, often, with their wives, as well as with the civic and military officials and many other recipients of the impressive production of the *Scrinium Lateranense*.

The oldest documents very likely had a very simple external form, consisting of the *superscriptio*, that is the protocol, which regularly presented the bishop’s name, followed by the word *episcopus* and, starting from the eighth century, by the *intitulatio* of Gregorian origin *seruus seruorum Dei*, by the *salutatio* which could greatly vary, and ultimately by an *incriptio* which could be formed by the single name of the recipient, or enriched by various honorary attributes. Even a *subscriptio* ranged from the classic and neutral *bene uale* to more complex and explicit Christian greetings such as *Deus te incolumem custodiat*, but also there were more complex, refined expressions, appropriate to the circumstances and to the social class of the recipients. A list of these very old formulas was found at the beginning of the *Liber Diurnus Romanorum Pontificum* and the texts it transmits, which were regularly reproduced in Roman documentation between the ninth and the eleventh century, with some adaptations to the political and ecclesiastical changes which occurred over time.¹²

¹² Theodor von Sickel, ed., *Liber diurnus Romanorum Pontificum ex uno codice Vaticano* (Vindobonae: Geroldi filium bibliopolam, 1889), 1-3; Foester, *Liber Diurnus Romanorum Pontificum*, 77-78; 181-82. The *Liber diurnus* was already published in the seventeenth century by the Jesuit J. Garnier (cf. *Patrologia Latina*, henceforth *PL*, 105), and was transmitted in three codices: *Vaticanus* (V, Vatican Secret Archives, *Misc.*, *Arm.* XI, 19. It was discovered by L. Holste in 1646 in the library of the Church of

the Holy Cross in Jerusalem and then transferred to the Vatican. The codex was published by Sickel in 1889), *Claramontanus* (C, was in the library of the Jesuits of Clermont, until their suppression in the eighteenth century. It was worked on by Garnier and known by Holste. It disappeared and then reappeared in the Netherlands, in the library of the Benedictine abbey of Egmond) and *Ambrosianus* (A, Biblioteca Ambrosiana, I 2 *sup.*, discovered by Antonio Maria Cerani [1828-1907] in 1889 in the Ambrosian library. It arrived there in 1606 from Bobbio, and was published, under the auspices of Achille Ratti who had prepared the edition, by L. Gramatica and G. Galbiati in 1921). The *Liber* is a collection of canonical and educational interest, which undoubtedly originated from a typical formulary of the Roman chancery (for other texts incorporated in the collection, we should assume a monastic origin, which is probably where they were written: consider, for example, the formula *praeceptum de concedendo puero in monasterio*, suggesting this origin, cf. Foester, *Liber Diurnus Romanorum Pontificum*, 127-28; 141-42; 404-6). Although the transmitted texts are lacking in nomenclature and historical references, they point to the work of the chancery. The oldest texts seem to date back to the Gregorian period. Others date from the beginning of the seventh century. The *formulae* refer to extremely important subjects for the history of the Roman papacy, such as the election of the bishops of Rome, the relationship between the popes, the emperor of Byzantium and the exarch of Ravenna, the administration of the *Patrimonium Petri*, including matters concerning the erection and consecration of churches, privileges, and protections accorded to monasteries and other ecclesiastical institutions. Foester V 82 (C 63 H 68), 142-45, probably dating back to 715, is the first known description of the mode of election of the bishop of Rome; it also mentions the *Lateran Scrinium* as a repository for the documentary material of the Roman Church: *Hoc uero decretum a nobis factum subter, ut praelatum est, manibus propriis roborantes, in arciuo domine nostrae sanctae Romanae Ecclesiae, scilicet in sacro Lateranensi scrinio, pro futurorum temporum cautela recondi fecimus, in mense illi, indictione illi* (Foester V 82, 145; Sickel 82, 87-90). Cf. Eugène de Rozière, “Recherches sur le *Liber Diurnus* des Pontifes romains,” *Revue historique de droit français et étranger* 14 (1868): 97-145, 367-420; id., “Recherches sur le *Liber Diurnus* ou Recueil des Formules usitées par la chancellerie pontificale du V^e au XI^e siècle, publié d’après le manuscrit des archives du Vatican avec les notes dissertations du P. Granier et la commentaire inédit de Baluze,” *Revue historique de droit français et étranger* 15 (1869): 106-49; Theodor von Sickel, *Prolegomena zum Liber Diurnus*, I and II (Wien: Sitzungsberichte der k. k. Akad. der Wiss. in Wien, 1888-1889), nn. 7, 13; id., “Die *Vita Hadriani Nonantulana* und die *Diurnus*-Handschriften,” *Neues Archiv* 18 (1893): 107-33; id., “Nouveaux éclaircissements sur la première édition du *Diurnus*,” in *Mélanges Julien Havet* (Paris: Leroux, 1895), 14-38; Antonio Maria Ceriani, “Notizia di un antico manoscritto Ambrosiano del *Liber Diurnus*,” *Rendiconti dell’Istituto Lombardo di Scienze* 22 (1889): 367-71; Louis Duchesne, “Le *Liber Diurnus* et les élections pontificales au VII^e siècle,” *Bibliothèque de l’Ecole des Chartes* 52 (1891): 5-30; Ludo Moritz Hartmann, “Die Entstehungszeit des *Liber Diurnus*,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 13 (1892): 239-64; Giulio Battelli, s.v. “*Liber Diurnus Romanorum Pontificum*,” in *Enciclopedia Cattolica* (Firenze: Sansoni, 1951), 419; Leo Santifaller, *Liber Diurnus. Studien und Forschungen*, Pápste un Pápsttum no. 10 (Stuttgart: Hiersemann, 1976); Jean-Marie Sansterre, “La date des formules 60-63 du

The date initially indicated only the day, the month according to the Roman calendar, and the year with the name of the consuls. Towards the end of the fifth century, a Greek indiction was introduced, which was used in Rome until 1088.¹³ From the middle of the sixth century to the end of the eighth century another format was introduced and maintained regularly, that included the year of the emperor, with the phrase *imperante domino nostro N. piissimo augusto anno n.* The emperor's name was often accompanied by the name of his claimant son. The last date including the year of a Byzantine emperor goes back to the time of Adrian I, coinciding with a historic transition in the history of the Roman pontificate,¹⁴ which was connected to the subsequent introduction of the years of his pontificate. Starting with the "renaissance" of the empire in the West, the years of the Pope's reign were accompanied by the year of the government of Emperor Charlemagne, a clear sign of the difficult task which lasted for centuries, on the part of the Bishop of Rome to impose his sovereignty over the City, that remained for many more centuries, a "condominium" of sovereignty: papal, imperial, or ruled by local or foreign elites.

The documents of earlier times were written in new cursive script and then, in the early Middle Ages, in the roman curial, a more rounded style of writing that was typically found in Rome's documents.¹⁵ The signature of the

Liber Diurnus," *Byzantion* 48 (1978): 226-43; Marco Palma, "L'origine del codice vaticano del *Liber Diurnus*," *Scrittura e civiltà* 4 (1980): 295-310.

¹³ Cf. Henri Leclercq, "Indiction," in *DACL*, 7.1: coll. 530-35.

¹⁴ Cf. Jaffé, *Regesta Pontificum Romanorum*, 296, n. 2435; Bresslau, *Manuale di Diplmazia*, 181; 1038; Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi," 35; Paul Rabikauskas, *Diplomatica Pontificia. Praelectionum lineamenta: ad usum auditorum* (Rome: Università Gregoriana, 1998), 30; Thomas Frenz, *I documenti pontifici nel medioevo e nell'età moderna*, trans. Sergio Pagano, *Littera Antiqua* no. 6 (Vatican City: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 1998), 16-18.

¹⁵ About the chancery entries on papyrus from the Late Antiquity and Italian curials see: Guglielmo Cavallo, *La scrittura greca e latina dei papiri. Una introduzione* (Pisa-Rome: Serra, 2008), 175-79; Paolo Cherubini and Alessandro Pratesi, *Paleografia latina*.

pope—handwritten by him or by an official—was written—at least until the middle of the tenth century—in uncial script and later appeared mostly in capital letters.¹⁶

Diplomatic features indirectly transmitted

Copies of documents that were indirectly transmitted in epistolary collections reveal some surprises about the formal aspects of the original letters.¹⁷ Elements of protocol can be found in them, as well as the eschatocol, and often the *datatio*. Based on these fragmented pieces of evidence, and thanks to comparisons with what is preserved in original contemporary documentation of letters on papyrus—letters and private documents,¹⁸ the papyruses of Ravenna,¹⁹ and the famous Butini papyrus²⁰—we can get a

L'avventura grafica del mondo occidentale (Vatican City: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 2010), 131-40; 287-98; Paul Rabikauskas, *Die römische Kuriale in der Kanzlei päpstlichen* (Rome: Pontificia Università Gregoriana, 1958); Jan-Olof Tjäder, “Le origini della scrittura curiale romana,” *Bollettino dell'Archivio Paleografico Italiano* 2-3 (1963-1964): 7-54; Paolo Radiciotti, “La curiale romana nuova: parabola discendente di una scrittura,” *Archivio della Società Romana di Storia Patria* 112 (1989): 39-113.

¹⁶ Cf. Rabikauskas, *Diplomatica Pontificia*, 32.

¹⁷ The letters of Martin I and Leo II arouse particular interest. They include letters transcribed directly from the originals and not from papal registers. Cf. Silva-Tarouca, “Nuovi studi sulle antiche lettere dei papi,” 49-56. See p. 55, a reference to the precious *intitulatio* of Benedict II, Giovanni Diacono, in a letter *ante coronationem* entitled “diacono eletto all’episcopato romano.”

¹⁸ Let us refer to the letter from Vitalis to Achillius (Strasbourg, Bibliothèque Nationale et Universitaire, *Pap. Lat.* 1; CHLA VI, 832 and IX, 687), dating back to the early decades of the fourth century (between 317 and 324) and written in cursive minuscule script on papyrus, perhaps by Christians. The protocol is easily recognized as it starts at the top left with *Domino suo Achillio* and ends at the far right with the name of the sender, *Vitalis*. The *scriptio* is written in different hand, presumably by Vitalis himself: *Domine | dulcissime et uere | amantissime, beatum te | meique Amanter semper | gaudear*. Cf. Paolo Cherubini and Alessandro Pratesi, eds., *Paleografia latina. Tavole* (Vatican City: Scuola Vaticana di Paleografia, Diplomatica e Archivistica, 2004), pl. 14; in the volume of transcripts p. 14.

¹⁹ The expression “papyruses of Ravenna” is a convenient definition for scholars and it simply refers to the fact that the majority of the small number of Italian documents

more accurate idea of the external format of the Roman ecclesiastical documents of the early centuries.

In addition to this useful comparison, in order to recover some *fragmenta* of the external form of *Scrinium* documents, we are also helped out by the older ecclesiastical codices of the *Historia ecclesiastica gentis Anglorum*, a history of the British people (approx. 731) by the Venerable Bede († 735), carefully studied by Elias Avery Lowe.²¹ These are the famous codices of Saint Petersburg (*L*, Sankt-Peterburg, Publichnaja Biblioteka, Q.v.I. 18), Cambridge (*M*, University Library, Kk. V. 16), and London (*B*, Cotton Tiberius A. 14), dated from Lowe between the first decades and the middle

written on papyrus (about thirty-five) dating back to Late Antiquity, came from Ravenna. Cf. Giorgio Cencetti, "Note paleografiche sulla scrittura dei papiri latini dal I al III secolo d.C.," *Memorie dell'Accademia delle Scienze dell'Istituto di Bologna. Classe di Scienze morali* 1 (1950): 37; id., "Dall'unità al particolarismo grafico. Le scritture cancelleresche romane e quelle dell'alto medioevo," in *Il passaggio dall'antichità al medioevo in Occidente* (Spoleto: Centro italiano di studi sull'alto Medioevo, 1962), 236 et seq. The two contributions were reprinted in id., *Scritti di paleografia*, ed. Giovanna Nicolaj (Dietikon-Zürich: Graf, 1993).

²⁰ The Butini papyrus (Genève, Bibliothèque Publique et Universitaire, Lat. 75; CHLA I, 5)—preserved in Geneva but of Italian origin and drafted in the mid-sixth century in the chancery of a *comes sacri stabuli*, with links to John the Sanguinary, *magister militum* of Justinian—is written in the cursive script of a provincial chancery of the sixth century. It was published by Gaetano Marini (*I papiri diplomatici* [Rome: Stamperia della Sacra Congreg. de Propag. Fide, 1805], 108, n. 72), and later studied and developed by Mallon and Tjäder. The *intitulatio* of the *comes sacri stabuli* can be read and recognized, written in elongated lower-case letters, a particular graphic style which is distinctive, as the magnification of letters in other documentary forms is. The two final *salutationes*, one of which is preceded by a small cross, perhaps a symbolic *inuocatio* (*bene uale* | + *bene uale*) are written by a different hand than that of the notary who prepared the text. It was probably added by the issuing magistrate or another official. Cf. Jean Mallon, "Le Papyrus Butini," *Bibliothèque d'humanisme et renaissance* 14 (1952): 283-88; Jan-Olof Tjäder, "Der Genfer lateinische Papyrus ms. lat. 75," *Eranos* 58 (1960): 159-89; Cencetti, *Dall'unità al particolarismo grafico*, 257-58; Francesca Santoni, "Palazzi vecchi e nuovi: il fenomeno grafico tra Ravenna, Pavia e Milano (sec. VIII-IX)," *Ravenna Studi e Ricerche* 9 (2002): 115-36; Cherubini and Pratesi, *Paleografia latina. Tavole*, 20, pl. 24; Cavallo, *La scrittura greca e latina dei papiri*, 175.

²¹ Cf. Elias Avery Lowe, "The Script of the Farewell and Date Formulae in early Papal Documents as Reflected in the Oldest Manuscripts of Bede's *Historia ecclesiastica*," *Revue Bénédictine* 69 (1959): 22-31.

of the eighth century, and more recently by Michael Lapidge between the middle of the eighth and the beginning of the ninth century.

Apart from the dating of the *codices*, the first of them was probably assembled—perhaps in the second half of the eighth century—by four copyists who worked in Bede’s *scriptorium* at the twin monasteries of Wearmouth-Jarrow.²²

Beyond his contribution to the *codices*’ dating, Lowe had the great merit of realizing that the papal letters included in the *Historia* of Bede and handed down by these ancient manuscripts, display distinctive writing styles, in uncial and capital letters, as well as various protocols and the *datatio*.²³

²² Lowe assumed that the *colophon* was from Bede himself and M. Parkes identified his handwriting in that of the fourth scribe, although doubts have been cast on the direct intervention of the author by Michael Lapidge. Cf. Bede, *Storia degli Inglesi*, ed. Michael Lapidge, trans. Paolo Chiesa (Milano: Mondadori, 2008), 1: LXXXV-XCIII. On the codex of St. Petersburg, see: Elias Avery Lowe, *Codices Latini Antiquiores. A Palaeographical Guide to Latin Manuscripts prior to the Ninth Century* (Oxford: Clarendon, 1934-1971) (henceforth CLA), 11, n. 1621; Olga Dobiache-Rojdestvensky, “Un MS de Bède à Leningrad,” *Speculum* 3 (1928): 304-10; David H. Wright, “The Date of the Leningrad Bede,” *Revue Bénédictine* 71 (1961): 265-73; Olof S. Arngart, “On the Dating of Early Bede Manuscripts,” *Studia Neophilologica* 45 (1973): 47-52; id., “Three notes on the St. Peterburg Bede,” in *Names, Places and People: an Onomastic Miscellany in Memory of John McNeal Dodgson*, eds. Alexander R. Rumble and Anthony David Mills (Stamford: Paul Watkins, 1997), 1-7; Malcolm Beckwith Parkes, “The *Scriptorium* of Wearmouth-Jarrow,” in id., *Scribes, Scripts and Readers: studies in the communication, presentation and dissemination of medieval texts* (London, Rio Grande: Hambledon, 1991), 93-120; Michael Lapidge, “Autographs of Insular Latin Authors of the Early Middle Ages,” in *Gli autografi medievali. Problemi paleografici e filologici*, eds. Paolo Chiesa and Lucia Pinelli (Spoleto: Centro italiano di studi sull’alto Medioevo, 1994), 115-19.

²³ The same practice—with the difference that the main body of the text is in a semi-uncial script and the formal elements are in cursive script—can be seen in the letters of Leo I (440-461), from the sixth century *Collectio Corbeiensis* and other codices of older epistolary collections. Cf. BNF ms. lat. 12097; CLA 5, nn. 619-620 (ff. 1-232); cf. Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscripts and Literature* (Washington, D.C.: The Catholic University of America Press, 1999); Wolfgang Kaiser, “Beobachtungen zur *Collectio Corbeiensis* und *Collectio Bigotiana* (Hs. Paris BN lat. 12097 und Hs. Paris BN lat. 2796),” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 92 (2006): 63-110. The signatures were made in a personal writing style even in works of a collegial nature. These were different from what was produced by notaries and scribes in the

According to Lowe, these formal elements were distinguished from the epistolary body with special types of writing, because they probably appeared in this way in the originals and in the transcripts which can be found in the records of the bishops of Rome: "That the tradition of marking a distinction was alive in the time of Gregory the Great and the century following can be inferred, I think, from an examination of the three oldest manuscripts of Bede mentioned."²⁴

The case of Bede is of considerable interest because the Anglo-Saxon author's source is undoubtedly first-hand documentation.²⁵ In fact, Bede used Roman sources to produce his work, as well as transcriptions made by his envoy, the London priest Nothelm, then Archbishop of Canterbury, during a stay in Rome:

*Nothelmus postea Romam ueniens, nonnullas ibi beati Gregorii papae simul et aliorum pontificum epistulas, perscrutato sanctae eiusdem ecclesiae Romanae scrinio, permissu eius, qui nunc ipsi ecclesiae praeest Gregorii pontificis, inuenit, reuersuque nobis nostrae historiae inserendas cum consilio praefati Albini reuerentissimi patris adtulit.*²⁶

body of their texts. Usually, these were introduced by notes such as *alia manu*, as is the case of the emperor's signature *diuina manu principis, imperatoris*. Cf. Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi," 361-74; id., "Originale o registro? La tradizione manoscritta del *Tomus Leonis*," in *Studi dedicati alla memoria di Paolo Ubaldo* (Milan: Vita&Pensiero, 1937); Lowe, "The Script of the Farewell and Date *Formulae* in early Papal Documents," 23-24.

²⁴ Ibid., 24. Lowe, between page 24 and 25 of his essay published in the *Revue Bénédictine*, included a non-numbered page with a synopsis of the transmitted letters in L, M, B, indicating the type of distinctive script that was used for the different protocol sections of the letters.

²⁵ Cf. *ibid.*, 28-31. Bede might also have in his possession letters sent to his monastery from Agatho (678 o 679), Sergius (701), or Gregory II (717), as mentioned in the *Historia ecclesiastica* and in the *Historia abbatum*. In the recent edition of his *Storia ecclesiastica*, Lapidge correctly shows the diplomatic parts of the text in small capital letters that Bede included in his account (96-97; 138-39; 142-43; 144-45; 152-53).

²⁶ Bede, *Storia degli Inglesi*, 1:8. Cf. Patrick Wormald, s.v. "Nothelm," in *Lexikon des Mittelalters* (Munich: LexMA, 1993), 6: col. 1285. Nothelm was in Rome during the pontificate of Gregory II (715-731), and at the time of his successor of the same

Nothelm's Roman source was certainly the series of papal registers, but Bede also used the original letters kept in the *Cantuariense Scrinium*. Scholars have discussed at length about the tradition of the epistolary handed down by Bede: according to Ewald, these letters came at least in part from the originals that had been preserved by the recipients, while Mommsen believed that they all came from the register. The studies of Silva-Tarouca have shown the validity of the observations made by Ewald and specified them further.²⁷

The original documentation, however, in addition to recipients' *scrinia*, was probably preserved in the Lateran and, at least in some cases, as was probably the case with a letter by Gregory the Great (590-604), they were transmitted epigraphically.²⁸ In a letter addressed to Felix, sub-deacon and rector of the Appian patrimony, Gregory ordered the transfer of assets to the Basilica of St. Paul outside the Walls to provide for its lighting, and he specified that the document by which he ordered to proceed as indicated, once his decisions had been implemented, had to be returned to the *Scrinium*. *Facta uero suprascriptarum omnium rerum traditione, uolumus ut hoc praeceptum in scrinio ecclesiae nostrae experientia tua restituat.*²⁹

The Gregorian inscription, which dates back to 604 and is still preserved in the Roman Basilica of St Paul, is a precious source representing, as far as

name. He copied a number of letters by Gregory the Great (590-604), Boniface V (619-625), Honorius I (625-638), and Vitalian (657-672).

²⁷ Cf. Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi," 37-44.

²⁸ Cf. Jaffé, *Regesta Pontificum Romanorum*, 219, n. 1991; *Tabula marmorea ad basilicam S. Pauli parieti affixa* (PL 75), coll. 481-82; 483-88); *MGH*, Epist. 2, 433; Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi," 48; Hartmann Grisar, *Le iscrizioni cristiane di Roma negli inizi del medio evo*, in id., *Analecta Romana: dissertazioni, testi, monumenti dell'arte riguardanti principalmente la storia di Roma e dei Papi nel Medio evo* (Roma: Desclee Lefebvre e C. 1899), 1: 157-60; Henri Leclercq, "Chartes," in *DACL*, 3, 1: coll. 886-88; Angelo Silvagni, ed., *Inscriptiones Christianae Urbis Romae septimo saeculo antiquiores* (Roma: Pont. Institutum archaeologiae christianae, 1935), 2: n. 4790.

²⁹ *Registrum epistularum* XIV,14, eds. Paul Ewald and Ludo Moritz Hartmann, in *MGH*, Epist. 2 (Berlin: Weidmann, 1893), 433-34; *Registrum epistularum*, ed. Dag Norberg, in *Corpus Christianorum Latinorum* 140A (Turnholt: Brepols, 1982), 1086-87.

possible, the essential formal characteristics of a papal letter of the early centuries, or at least from the time of Gregory. In fact, the epigraph's *ordinator* imitated the layout of the original papyrus, by using a larger script for the symbolic invocation, the Gregorian *intitulatio* *SERVVS SERVORVM DEI*, and the *inscription*, which was slightly smaller. The body of the text is written in smaller script. The traditional greeting *BENE VALE* is spaced and separated at the end of the Papal precept outside of the layout, as used to be the norm at that time and is evidenced by the original documents. Lastly, an even smaller script is used, at the bottom of the inscription, for the long *datatio*: day, month, year of the reign of Phocas, year of consulship, and indiction.

The registers of the *Scrinium*

The *Scrinium Lateranense*, which also served as the *archivio Romanae ecclesiae*, has kept at least from the fourth century onwards also a register of collections of letters. It was not a real protocol or a complete collection of letters, but a miscellaneous collection of outgoing and incoming letters, applications, and other kinds of documentation, such as minutes from the Synods, that besides being deemed worthy of preservation also constituted useful precedents to settling matters of pastoral and administrative nature in the Roman See.

Based on indirect witnesses and the so-called “notes of the chancery”—which were entered in the register and then reproduced with the texts according to the manuscript tradition of some letters of Liberius (352-366), Innocent I (401-417), Zosimus (417- 418), and Celestine (422-432)—we can infer the existence of these kinds of “registers” already at an early stage.

The case of Liberius has been investigated extensively by Carlo Silva-Tarouca.³⁰ This Jesuit scholar analysed the letter *Quamuis sub imagine*³¹

³⁰ Cf. C. Silva-Tarouca, “Nuovi studi sulle antiche lettere dei papi,” 357-59.

³¹ Cf. Jaffé, *Regesta Pontificum Romanorum*, 33-34, n. 216.

addressed to the bishops Dyonisius of Milan, Lucifer Calaritanus, and Eusebius of Vercelli. This letter was handed down by Hilary of Poitiers in his *Fragmenta historica*,³² in the collections *Hadriana aucta* and *Dionysiana aucta*, and in a Vercelli codex of the ninth century, now lost, but published by Giovanni Francesco Bonomi in 1581. It is also the oldest papal missive handed down along with the entire diplomatic formulary that included an expression, *littera uniformis*, which was classified as a chancery notation and, therefore, as an evidence that the origin of these texts is the Liberian registry.

Silva-Tarouca—who strongly opposed the notion that certain expressions should always and in all cases be classified as chancery notations—, against the unanimous opinion of Steinacker, Schmitz-Kallemberg, and Caspar, excluded that, at least in the case of Liberius, *littera uniformis* was a chancery notation, arguing that it was just a wording by Hilary, which was later transposed into the collections.

But contrary to what the Jesuit scholar believed, today we can state that there are no reasonable doubts against interpreting the expression *epistula uniformis* as a chancery note. This also applies to another expression, which is certainly the result of the activity of the *notarii*, which can be found in the Liberian text transmitted by the codex of Verona: *et alia manu*. And if we add that, in the latter, the salutations of the *subscriptio* are in the singular form—in contrast to what happens in Hilary and in the collections, where a clear intervention of editorial normalization had transformed the salutations into the plural, because the text is addressed to the three bishops—there is no longer any doubt about the origin of the Liberian letter.

In other words, the codex published by Bonomi, as one can see in the following table, conveys a text that *recta uia* derives its format from the

³² Cf. Hilarius, *Collectio Antiariana Parisina (Fragmenta historica)*, ed. Alfred Feder, in *Corpus Scriptorum Ecclesiasticorum Latinorum* (henceforth CSEL) 65 (Wien, Leipzig: Tempsky-Freytag, 1916), Series B, 7.1: 164-66.

original letter sent to Bishop Eusebius, which was first stored and then transmitted from the transcript made of it in the *Scrinium* of the church in Vercelli.

	Narrative text	<i>Superscriptio</i>	<i>Subscriptio</i>
Codex of Vercelli		DILECTISSIMO FRATRI EUSEBIO, LIBERIUS EPISCOPUS. Quamuis sub imagine ...	Deus te incolumem custodiat, domine frater carissime. Item ipse mei memor esse digneris.
Hilarius, <i>Fragmenta historica</i>	Liberius autem antequam ad exilium iret hanc uniformem epistulam confessoribus scripsit, id est Eusebio, Dionysio et Lucifero in exilio constitutis.	<i>deest</i>	Et alia manu: Deus uos incolumes custodiat, domini fratres.
Canonic collections	Incipit epistola Liberii episcopi uniformis <quam> antequam exiliaretur confessoribus scripsit, id est Eusebio, Dionysio et Lucifero in exilio constitutis.	<i>deest</i>	Et alia manu: Deus uos incolumes custodiat, domini fratres.

As far as the fifth and sixth centuries are concerned, we have evidence of the existence of a collection of letters by Leo the Great.³³ We infer this from the *Liber pontificalis*—*Iterum multas epistulas fidei misit beatissimus Leo archiepiscopus*

³³ Cf. Silva-Tarouca, “Nuovi studi sulle antiche lettere dei papi,” 386-425; 547-98.

*quae hodie reconditae archiuo tenentur*³⁴—and some notes transmitted with the letters refer to this with greater certainty.³⁵ The *Collectio Anellana* handed down four letters by Hormisdas (514-523), which include some ancient notations certainly dating back to the time of the pontiff's register³⁶ along with many other attestations. A certain number of letters that are recorded in the *Scrinium* have been preserved in medieval canon law collections. Just as Roman jurists drew their inspiration from the imperial records, in the same way, according to Bresslau, medieval canonists drew extensively for their collections from the registers of the bishops of Rome. These, for the most part, could be consulted indirectly based on old collections of letters of the fifth and sixth centuries, but also directly from the Lateran archives. Since the eleventh century, we have observed a philological attention of jurists and their direct reference to the Roman manuscripts, which were seemingly still largely preserved, as testified, for example, by the Collection of Cardinal Deusdedit († ca. 1100).³⁷

Among the most ancient registers, the best known is the register of Gregory the Great. The fourteen original papyrus volumes that composed

³⁴ Cf. Louis Duchesne, ed., *Le Liber Pontificalis* (Paris: Ernest Thorin, 1886), 1: 90-91; 238.

³⁵ The expression *a pari* in the letter *Litteras dilectionis tuae: Duas a pari ad synodum litteras feci [...]*, seems to be a chancery note that was added into the text during the course of time, Jaffé, *Regesta Pontificum Romanorum* (PL 54), 69, n. 493; col. 1039B.

³⁶ Cf. *Anell.* 152 (CSEL 35, II, 600): HORMISDA CELERI ET PATRICIO A PARI. *Quamvis [...]*; *ibid.* 153 (CSEL 35, II, 601): HORMISDA PRAEFECTO PRETORIO THESSALONICENSI ET CETERIS ILLUSTRIBVS A PARI. *Licet pro causa [...]*; *ibid.* 155 (CSEL 35, II, 602): HORMISDA THEODOSIO ARCHIDIAcono CONSTANTINOPOLITANO ET VNIVERSIS CATHOLICIS A PARI. *Gratias misericordiae diuinae [...]*; *ibid.* 157 (CSEL 35, II, 604): HORMISDA ANASTASIAE ET PALMATIAE A PARI. *Bonae uoluntatis studium [...]*

³⁷ Cf. Victor Wolf von Glanvell, ed., *Die Kanonensammlung des Kardinals Deusdedit* (Paderborn: Druck und Verlag von Ferdinand Schöningh, 1905); Cf. Silva-Tarouca, "Nuovi studi sulle antiche lettere dei papi," 36; *Repertorium fontium historiae mediæ aevi*, 4. *Fontes: D-E-F-Gez* (Roma: Istituto storico italiano per il Medio Evo, 1976), 182; Harald Zimmerman, s.v. "Deusdedit," in *Dizionario Biografico degli Italiani* (Roma: Istituto della Enciclopedia italiana, 1991), 39: 504-06.

the Gregorian register were still there when Johannes Hymonides,³⁸ at the end of the ninth century (ca. 880), referred to their existence in the Lateran: *Si cui tamen, ut assolet, visum fuit aliter, ad plenitudinem scrinii vestri recurrens, tot charticios libros epistolarum eiusdem Patris, quot annos probatur vixisse, revolvat.*³⁹

After Gregory, with the exception of a copy dating back to the first half of 1070 of a part of the register of John VIII (872-882), the well-known ASV ms. reg. vat. I, perhaps made in Rome, in the Benedictine Cassinian Monastery of Santa Maria in the Pallara on the Aventine hill,⁴⁰ and based on some sporadic information about the register of Stephen V (885-891), we do not have any ascertained document until Alexander II (1061-1073).

According to Silva-Tarouca, the glosses preserved in the registers' tradition attest to the old practices in chancery recording and, to some extent, also allow us to understand which letters, in the manuscript tradition, have been handed down from the original correspondence and which ones,

³⁸ Cf. Paolo Chiesa, s.v. "Giovanni Diacono (Giovanni Immonide)," in *Dizionario Biografico degli Italiani* (Roma: Istituto della Enciclopedia italiana, 2001), 56:4-7.

³⁹ Giovanni Diacono, *Gregorii Magni vita, Praefatio* (PL 75), col. 62C. Cf. Marcella Forlin Patrucco, "Registrum Epistolarum," in *Enciclopedia Gregoriana*, eds. Giuseppe Cremascoli and Antonella Degl'Innocenti (Firenze: Sismel - Edizioni del Galluzzo, 2008), 292-95.

⁴⁰ The copy of the register of John VIII covers the last five and a half years of his pontificate, subdivided by indiction, from September 1, 876 until December 15, 882; years 872 through 876 are missing. Some letters were handed down to us through canonical collections, whereas Indiction XI (875-876) is completely lost. The ASV reg. vat. I of John VIII includes many different texts; see: Erich Caspar, ed., *Registrum Iohannis VIII papae*, in MGH, *Epist.* 7, 1-2; Guido Levi, "Il tomo I dei Regesti vaticani (lettere di Giovanni VIII)," *Archivio della Società romana di storia patria* 4 (1881): 161-94; Paul Ewald, "Die Papstbriefe der Britischen Sammlung," *Neues Archiv für ältere Deutsche Geschichtsforschung* 5 (1879): 322-26; Arthur Lapôte, *L'Europe et le Saint-Siège à l'époque carolingienne. Le pape Jean VIII (872-882)* (Paris: Alphonse Picard et fils, 1895); Erich Caspar, "Studien zum Register Johannis VIII," *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtsforschung* 36 (1911): 140 et seq.; Carlo Cecchelli, "Di alcune Memorie benedettine a Roma," *Bullettino dell'Istituto Storico Italiano* 47 (1932): 122-55; Hans-Walter Klewitz, "Montecassino in Rom," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 28 (1937-1938): 36-47; Dietrich Lohrmann, *Das Register Papst Iohannes VIII. (872-882). Neue Studien zur Abschrift Reg. Vat. I, zum verlorenen Originalregister und zum Diktat der Briefe* (Tübingen: Niemeyer, 1968).

instead, are part of miscellaneous correspondence coming from the chancery. In general, if the protocol is quite sizeable, the texts should come from the original, if they were not part of the register.⁴¹ If *subscriptions*, *adprecaiones*, and many dating elements were included—topical date, chronological date, years referring to the empire or the Consulate, indictions, and any other data—, the letter was probably transcribed from an original. Abbreviated and incomplete dates more likely refer to a register.

The conclusions of Silva-Tarouca have been often criticised over time. Indeed, even in the tradition of the original correspondence, the formal characteristics could be cut out, even if they were not recorded somewhere, in which case the elimination of formal characteristics would happen more frequently. However, we cannot automatically assume that protocols and long transcriptions of documents, whether individual or collegial, came from registers and not from the originals. In special circumstances, officials could have had valid reasons to save all the elements of the original. This is the case of the eschatocol of a letter sent to Gelasius I (492-496) from the *humiles episcopi* of Dardania, which points to a clear recognition of Roman jurisdiction in Illyricum. This is a region which was notoriously disputed between Rome and the episcopal see of Constantinople and therefore worthy of being preserved and fully transcribed in the registers of the *Scrinium Lateranense*.

⁴¹ Cf. Silva-Tarouca, “Nuovi studi sulle antiche lettere dei papi,” 425.

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CHAPTER FOURTEEN

DAMASUS AND THE PAPAL *SCRINIUM*

MILENA RAIMONDI

1. The origins of the *scrinium*: sources and problems

The oldest authentic papal documents in the Roman and Italic canonical collections of the fifth and sixth centuries are those of Damasus (366–384),¹ and they convey an entirely different image of Damasus compared with the very negative portrayal in the *Collectio Avellana*, which, as is well-known, begins with the controversial papal election of 366.² The presence of authentic documents in the collections revives the problem of Damasus' role in the organisation of the so-called *scrinium*³ as an institution involved in the

¹ The letter from Damasus to Paulinus of Antioch, *Per filium*–JK 235 (57)—with the anathemas of the *Tomus Damasi* is present in various collections (*Berolinensis vel Virdunensis*; *Colbertina*; *Frisingensis Prima*; *Italica olim Samblasiana*; *Quesnelliana*; *Vaticana*). The *Collectio Thessalonicensis* contains a dossier of papal letters starting with those of Damasus to Acholius of Thessalonica—JK 237 (60)—238 (61). Catalogue in Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiche del V–VI secolo: un progetto di ricerca,” *Cristianesimo nella Storia* 35 (2014): 77–236.

² Kate Blair-Dixon, “Memory and authority in sixth-century Rome: the *Liber Pontificalis* and the *Collectio Avellana*,” in *Religion, Dynasty, and Patronage in Early Christian Rome, 300–900*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 59–76.

³ Definition of *scrinium* in Charles Pietri, *Roma Christiana. Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311–440)* (Rome: École Française de Rome, 1976), 672–74; Philippe Blauveau, *Le siège de Rome et l'Orient (448–536). Étude géo-ecclésiologique* (Rome: École Française de Rome, 2012), 84–85. Of

production, dissemination and archiving of such documents.⁴ The importance of the episcopate of Damasus⁵ and the recognition of the Pope's legislative function as witnessed by the first decretals or documents such as the *Tomus Damasi* have, in fact, led to the conclusion that in order to prepare these texts, the Pope availed himself of a *scrinium*—in the sense of a chancery, an office provided with an archive and library—and specialised staff such as the *defensores Ecclesiae* (who made their first appearance precisely at the time of Damasus) and the *notarii*.⁶

Accurate information regarding the origin of the *scrinium* is, however, lacking. The provision attributed to Pope Julius I (337–352) by the *Liber Pontificalis*, according to which a series of the clergy's public deeds had to be celebrated *in ecclesia per scrinium sanctum* is anachronistic.⁷ Furthermore, in the

importance in the history of scholarship is Iohannes B. De Rossi, *De origine, historia, indicibus scrinii et bibliothecae sedis apostolicae* (Romae, 1886).

⁴ Blair-Dixon, "Memory," 75, already underlined the need to reconsider the problem.

⁵ Pietri, *Roma Christiana*, 407–27; 461–67; 729–884; *Saecularia Damasiana. Atti del convegno internazionale per il XVI centenario della morte di Papa Damaso I (11-12-384–10/12-12-1984)* (Vatican City: Pontificio Istituto di archeologia cristiana, 1986); Carlo Carletti, "Damaso I, santo," in *Enciclopedia dei papi* (Roma: Istituto della Enciclopedia italiana, 2000), 349–72; Rita Lizzi Testa, *Senatori, popolo, papi. Il governo di Roma al tempo dei Valentiniani* (Bari: Edipuglia, 2004), 91–206; Ursula Reutter, *Damasus, Bischof von Rom (366–384). Leben und Werk* (Tübingen: Mohr Siebeck, 2009); Gianluca Pilara and Massimiliano Ghilardi, *La città di Roma nel pontificato di Damaso (366–384). Vicende storiche e aspetti archeologici* (Roma: Aracne, 2010); Neil B. McLynn, "Damasus of Rome: A fourth-century pope in context," in *Rom und Mailand in der Spätantike. Repräsentationen städtischer Räume in Literatur, Architektur und Kunst*, ed. Therese Fuhrer (Berlin-Boston: W. De Gruyter, 2012), 305–25; Markus Löx, *Monumenta sanctorum. Rom und Mailand als Zentren des frühen Christentums: Märtyrerkult und Kirchenbau unter den Bischöfen Damasus und Ambrosius* (Wiesbaden: Reichert, 2013).

⁶ Charles Pietri, "Damase évêque de Rome," in *Saecularia Damasiana*, 44; Carletti, "Damaso," 363.

⁷ LP 36.3: *omnia monumenta in ecclesia per primicerium notariorum confectio celebraretur, sive cautiones vel extrumenta aut donationes vel commutationes vel traditiones aut testamenta vel allegationes aut manumissiones, clerici in ecclesia per scrinium sanctum celebrarentur*. See Louis Duchesne, *Le Liber Pontificalis. Texte, introduction et commentaire*, I (Paris: E. de Boccard 1981), 205–6; Fabrizio Martello, *All'ombra di Gregorio Magno: il notaio Paterio e il Liber testimoniorum* (Roma: Città Nuova, 2012), 49 and 81–87; Andrea A. Verardi, *La*

Felician and *Cononiana* versions of the *Liber* there are no traces of the *scrinium* of Pope Julius. Even as far as the *notarii* are concerned, the information provided by the *Liber* which deems them to have been established in the first century, is anachronistic.⁸

More reliable information dates from the end of the fourth and the beginning of the fifth century. In 401, Jerome stated that the authenticity of a letter from Pope Anastasius could be verified by checking the *romanae Ecclesiae chartarium*.⁹ At that time the word *chartarium* with the meaning of “archive”¹⁰ was a *hapax*,¹¹ even if *chartae* (documents drawn up on *charta*) was the term normally used to define imperial and ecclesiastical documents.¹² The existence of *scrinium/scrinia*, archival research and dedicated staff (presbyters and *notarii*) is documented a few years later by the letters of Pope Innocent (401–417) and Pope Boniface (418–422) preserved in the *Collectio Thessalonicensis*.¹³

memoria legitimante: il Liber pontificalis e la Chiesa di Roma del secolo VI (Roma: Istituto storico italiano per il Medio Evo, 2016), 154–55.

⁸ Hans C. Teitler, *Notarii and exceptores. An Inquiry into role and significance of shorthand writers in the imperial and ecclesiastical bureaucracy of the Roman Empire (from the early principate to c. 450 A. D.)* (Amsterdam: J. C. Giebe, 1985), 86–87. On the *notarii* see the chapter by Silvia Orlandi in this volume.

⁹ Jer., *Apol.* 3.20: *Si a me fictam epistulam suspicaris, cur eam in romanae Ecclesiae chartario non requiris?* Pierre Lardet, *Saint Jérôme. Apologie contre Rufin. Introduction, texte critique, traduction et index* (Paris: Les éditions du cerf, 1983).

¹⁰ Mario Capasso, *Volumen. Aspetti della tipologia del rotolo librario antico* (Napoli: Procaccini, 1995), 21–30 and 53.

¹¹ Pierre Lardet, *L'apologie de Jérôme contre Rufin. Un commentaire* (Leiden: Brill, 1993), 297.

¹² Capasso, *Volumen*, 29–30, especially 29, n. 39.

¹³ Carolus Silva-Tarouca, ed., *Epistularum Romanorum Pontificum ad vicarios per Illyricum aliosque episcopos Collectio Thessalonicensis ad fidem codicis Vat. Lat. 5751* (Romae: Pontificia Universitas Gregoriana, 1937). 1) *Scrinium/scrinia*: Boniface to Rufus: JK 350 (142) = *ep.* 4.2 = *Coll. Thess.*, *ep.* 8.21–24 Silva-Tarouca: *Frequentia igitur, ut scrinii nostri monumenta declarant, ad caritatem tuam [...] scripta manarunt*; JK 365 (148) = *ep.* 15.3 = *Coll. Thess.*, *ep.* 8 Silva Tarouca: *sicut fides adserit scriniorum*. 2) *Archiva*: Innocent to Rufus: JK 300 (97) = *ep.* 13 = *Coll. Thess.* *ep.* 5.41–43 Silva-Tarouca: *Omnem sane instructionem chartarum in causa archivorum cum presbytero Senecione, viro admodum maturo, fieri iussimus. Itaque et ex priore*

In the belief that the *scrinium* existed in the fourth century,¹⁴ scholarly discussion has long been concerned with: a) the location in S. Lorenzo in Damaso of the papal archives,¹⁵ which, as far as we know, were to be found at a later date in the area of the Lateran Basilica;¹⁶ and b) Jerome's work as Damasus' "secretary."¹⁷

nostra epistola et ex his chartulis bene recensens quid agere debeas, recognosce. 3) *Notarii*: Boniface to Rufus: JK 365 (148) = *Coll. Thess.*, ep. 8.122 Silva-Tarouca: *his litteris... quas a nobis per Severum apostolicae sedis notarium, animis acceptissimum nostris, e nostro latere destinatum, videatis esse directas*; JK 363 (146) = *Coll. Thess* ep. 9.52–56 Silva-Tarouca: *Tuae caritatis est Severum apostolicae sedis notarium animis acceptissimum nostris, ex nostro proprie latere destinatum, peractis omnibus, tota celeritate dimittere, ut gestarum ordinem rerum eodem festinus revertente noscamus.*

¹⁴ Recently Löx, *Monumenta*, 54.

¹⁵ The controversial *archibis/archivis* of the so-called *titulus archivorum* (*ED* [= *Epigrammata Damas*] 57.5) led to the hypothesis that Damasus had placed the archives in the basilica of S. Lorenzo in Damaso: Antonio Ferrua, *Epigrammata Damasiana* (Roma: Pontificio Istituto di archeologia cristiana, 1942), 210. The existence of archives in S. Lorenzo in Damaso is denied and the text of *ED* 57.5 corrected by Paul Künzle, "Del cosiddetto 'titulus archivorum' di Papa Damasus," *Rivista di Storia della Chiesa in Italia* 7 (1953): 14–16; Vittorio Peri, "Gli inconsistenti archivi pontifici di San Lorenzo in Damaso," *Rendiconti della pontificia accademia romana di archeologia* 41 (1968–1969): 191–204; Giuseppe Scalia, "Gli 'archiva' di papa Damasus e le biblioteche di papa Ilaro," *Studi medievali* 18 (1977): 39–52; Pilara and Ghilardi, *La città*, 151; Rita Lizzi Testa, "Essere ricchi di povertà nella Chiesa e nell'Impero postcostantiniani," in *Povertà e ricchezza nel Cristianesimo antico (I–V sec.)*. XLII Incontro di Studiosi dell'Antichità Cristiana (Roma, 8–10 maggio 2014) (Roma: Institutum Patristicum Augustinianum, 2016), 18–19. Archaeological investigations have excluded the presence of archives in S. Lorenzo in Damaso: Margherita Cecchelli, "San Lorenzo in Damaso: la documentazione delle fonti," in *L'antica basilica di San Lorenzo in Damaso. Indagini archeologiche nel Palazzo della Cancelleria (1988–1993)*, eds. Christof L. Frommel and Massimo Pentricci, I (Roma: De Luca, 2009), 280–82.

¹⁶ Fabrizio Bisconti, "L'affresco del S. Agostino," *Mélanges de l'École Française de Rome. Antiquité* 116 (2004): 62–63. Paolo Liverani, "L'area lateranense in età tardoantica e le origini del patriarcato," *Mélanges de l'École Française de Rome. Antiquité* 116 (2004): 17–49.

¹⁷ Jer., *Ep.* 123.9 (CSEL 56/1): *cum in chartis ecclesiasticis inuarem Damasum, Romanae urbis episcopum, et orientis atque occidentis synodicis consultationibus responderem*; Jer., *Apol.* 2.20: *cur ille [sc. Damasus] ecclesiasticas epistulas dictandas credit*. Interpretations range from a presumed role as "archivist" and assistant of the *scrinium* to that of editor of the papal epistles and of the decretal *ad Gallos*: Andrew Cain, *The Letters of Jerome: Ascetism, Biblical Exegesis, and the Construction of Christian Authority in Late Antiquity* (Oxford: Oxford University Press, 2009), 43–67; Yves-Marie Duval, "Sur trois lettres

Nonetheless, the limited number of preserved papal documents not originating from Rome¹⁸ has once again aroused doubts over the existence of the archive.¹⁹ For some scholars, the archive was lost at the beginning of the fifth century,²⁰ while now for others it may not even have really existed before Damasus,²¹ with the consequent assumption that the famous list of the donations of Constantine in the *Vita Sylvestri* of the *Liber Pontificalis* was a latter-day compilation.²² Assuming that there was a lack of archives before Damasus' time, "il est evident que celui-ci y a fait des efforts."²³ It should be noted that the idea that the Roman archives received "a strong impulse"

méconnues de Jérôme concernant son séjour à Rome (382–385)," in *Jerome of Stridon: His Life, Writings and Legacy*, eds. Andrew Cain and Josef Lössl (Farnham: Ashgate, 2009), 29–40.

¹⁸ Dominic Moreau, "Les actes pontificaux comme sources des historiens et des chroniqueurs de l'Antiquité tardive," in *L'historiographie tardo-antique et la transmission des savoirs*, eds. Philippe Blauveau and Peter Van Nuffelen (Berlin: W. De Gruyter, 2015), 23–53.

¹⁹ Blair-Dixon, "Memory," 74–75.

²⁰ Glen L. Thompson, *The Correspondence of Pope Julius I* (Washington D. C.: Catholic University of America Press, 2015), xxvii–xxx.

²¹ Eckhard Wirbelauer, "Réorganiser l'Église italienne: une étape vers la codification du droit canonique à la fin du V^e siècle et au début du VI^e siècle," *Mélanges de l'École Française de Rome. Antiquité* 125 (2013): 483–85.

²² Wirbelauer, "Réorganiser," 484. For the authenticity of the list, perhaps depending on the imperial documents preserved in the papal archives see Charles Pietri, "Évergétisme et richesses ecclésiastiques dans l'Italie du IV^e à la fin du V^e s.: l'exemple romain," *Ktema* 3 (1978): 317–37; Domenico Vera, "Massa fundorum. Forme della grande proprietà e poteri della città fra Costantino e Gregorio Magno," *Mélanges de l'École Française de Rome. Antiquité* 111 (1999): 991–1025; id., "Osservazioni economiche nella *Vita Sylvestri* del *Liber Pontificalis*," in *Consuetudinis amor. Fragments d'histoire romaine (II–VI^e siècles) offerts à J.-P. Callu*, eds. François Chausson and Étienne Wolff (Rome: L'Erma di Bretschneider, 2003), 419–30; Marco Maiuro, "Archivi, amministrazione del Patrimonio e proprietà imperiali nel *Liber Pontificalis*: la redazione del *libellus* copiato nella *vita Sylvestri*," in *Le proprietà imperiali nell'Italia romana*, ed. Daniela Pupillo (Firenze: Le lettere, 2007) 235–58.

²³ Wirbelauer, "Réorganiser," 483, n. 11.

starting with Damasus is also shared by those who believe that some form of archive also existed for the church of Rome.²⁴

The complexity not only of the Christian, but also of Greco-Roman archival practice is an aspect that has emerged from recent research. Reference has appropriately been made to an “archival discourse” as a typical feature of the Christian culture.²⁵ Jerome himself exemplifies this idea when he asks for the authenticity of the papal letters to be checked in the Roman *chartarium*. As far as the lost archives of very important bishoprics such as Alexandria and Antioch are concerned, we have at our disposal some information of great interest.²⁶

Consequently, the scant documentary evidence for the Roman church imposes caution, but does not justify excessive scepticism. The documentation of Sylvester was perhaps still available at the time of Liberius²⁷ and Damasus.²⁸ Liberius was able to produce letters for Constantius II that had been sent to his predecessor Julius.²⁹ Siricius refers to the *generalia decreta* of Liberius.³⁰ Moreover, the *Liberian Catalogue*—the succession of the bishops of Rome included in the compilation produced by the “Chronographer of 354”—seems to derive from archival material. As for the list of the donations of Constantine in the *Vita Sylvestri*, concerning the

²⁴ More recently Alberto Camplani, “Setting a Bishopric/Arranging an Archive: Traces of Archival Activity in the Bishoprics of Alexandria and Antioch,” in *Manuscripts and Archives: Comparative Views on Record-Keeping*, eds. Alessandro Bausi, Christian Brockmann, Michael Friedrich, and Sabine Kienitz (Berlin: W. De Gruyter, 2018), 231-72.

²⁵ Camplani, “Setting,” 231-35.

²⁶ Camplani, “Setting,” 231-72.

²⁷ Hilar., *Collect. Ser. A*, 7.4: *manent litterae Alexandri episcopi olim ad Silvestrum sanctae memoriae destinatae* (CSEL 65).

²⁸ Ambr., *Ep. extra coll.* 7. 11 (CSEL 82/3).

²⁹ Sozom. 4.11.7.

³⁰ *PL* 13, col. 1153.

ecclesiastical properties,³¹ it would be appropriate for systematic analyses to be performed in order to prove the hypothesis that it concerns a creation of the sixth century: the administrative anachronisms of the list reveal the presence of data from the fourth century (prior to 370 or 382),³² which reduces the likelihood of it being a compilation or a simple backdating of complex inventories.

The Christian monumentalisation of Rome promoted by the Popes beginning in 313 with Constantine, and with a particular effort on the part of Damasus,³³ had a direct influence on the economic management of the ecclesiastical property. Such a feat was made possible thanks to aristocratic³⁴ and clerical³⁵ donations, but also thanks to the income from the donations of Constantine which needed to be accounted for and recorded.

As a consequence, the impression gained is that the unique developments of the Roman see starting from the middle of the fourth century—the affirmation of the primacy of the bishop of Rome and his legislative activity,³⁶ the development of the relationship between the Pope and the

³¹ Dominic Moreau, “Les patrimoines de l’Église romaine jusqu’à la mort de Grégoire le Grand. Dépouillement et réflexions préliminaires à une étude sur le rôle temporel des évêques de Rome durant l’antiquité tardive,” *Antiquité Tardive* 14 (2006): 79–93.

³² Paolo Liverani, “Old St. Peter’s and the emperor Constans? A debate with G. W. Bowersock,” *Journal of Roman Archaeology* 28 (2015): 485–504.

³³ For a more recent summary Glen L. Thompson, “The *Pax Constantiniana* and the Roman Episcopate,” in *The Bishop of Rome in Late Antiquity*, ed. Geoffrey D. Dunn (Farnham; Ashgate, 2015), 17–36; Marianne Sághy, “The Bishop of Rome and the Martyrs,” in Dunn, *The Bishop of Rome*, 37–55.

³⁴ Lizzi Testa, *Senatori*, 93–127.

³⁵ Julia Hillner, “Clerics, property and patronage: the case of the Roman titular churches,” *Antiquité Tardive* 14 (2006): 59–68; ead., “Families, patronage, and the titular churches of Rome,” in Cooper and Hillner, eds., *Religion*, 225–61; Lucrezia Spera, “Interventi di papa Damaso nei santuari delle catacombe private: il ruolo della committenza privata,” *Bessarione* 11 (1994): 111–27; Löx, *Monumenta*, 44–48.

³⁶ Dominic Moreau, “*Non impar conciliorum extat auctoritas*. L’origine de l’introduction des lettres pontificales dans le droit canonique,” in *L’étude des correspondances dans le monde romain de l’Antiquité classique à l’Antiquité tardive: permanences et mutations. Actes du XXXe Colloque international de Lille, 20–22 novembre 2008*, eds. Janine Desmulliez,

empire, and the phenomenon of Christianization—all triggered processes of selection and/or supersession of the pre-existing papal documentation which remain to be investigated in order to clarify the fate of the documents of Damasus' predecessors. The canonical collections, especially the *Collectio Isidoriana*, which perhaps originated from the Roman archives at the beginning of the fifth century, suggest the disappearance of “uncodified” material rather than the disappearance of the archives.³⁷

In any case, faced with views that either consider the *scrinium* as a prerequisite for Damasus' activity or underline the limitations of the documentary evidence and lavish on Damasus vague archival undertakings, it is worthwhile considering the origins of the papal chancery not in a static or retrospective way, but so that the debate over the archives also fits into a wider perspective.

The *defensores ecclesiae Urbis Romae sive Damasi* (lay lawyers, appointed to draw up *petitiones* and *interpellationes* on behalf of the church, mentioned for the first time in 367/368)³⁸ suggest that the events linked to the rivalry with Ursinus and with the dissident groups and the debate over the ecclesiastical property led Damasus to strengthen the institutional and legal bases of the

Christine Hoët-van Cauwenberghe, and Jean-Christophe Jolivet (Lille: Université Charles de Gaulle, 2010), 487–506; Maria Teresa Sardella, “La ‘gerarchia delle fonti normative’ nelle decretali di Damaso e Siricio: *lex, traditio, decretalis, consuetudo, ius*,” in *Lex et Religio. XL. Incontro di Studiosi dell’Antichità Cristiana (Roma, 10–12 maggio 2012)* (Roma: Institutum Patristicum Augustinianum, 2013), 557–85.

³⁷ Lester L. Field, *On the Communion of Damasus and Meletius: Fourth-Century Synodal Formulae in the Codex Veronensis LX*, (Toronto: Pontifical Institute of Mediaeval Studies, 2004), 67, n. 60.

³⁸ Rita Lizzi Testa, “*Hi sunt thesauri Ecclesiae*. La ricchezza della povertà nell’Occidente latino,” in *Les réseaux familiaux: Antiquité Tardive et Moyen Âge*, ed. Béatrice Caseau (Paris: Association des amis du Centre d’histoire et civilisation de Byzance, 2012), 96–106.

relationship between the bishop of Rome and the imperial administration,³⁹ with the establishment of roles that demonstrate a substantial coincidence in time between the appearance of the homonymous papal and imperial officials, the *defensores* of Damasus and the *defensores plebis* of Valentinian I: this prevents us from interpreting the former as a simple copy of the latter which were still being formed and it highlights the dynamism of the papacy.

It is in this perspective that documents, even well-known ones, can be newly explored. This is the case of the famous epigram of S. Lorenzo in Damaso (ED 57) that I wish to focus on here, without any claim, in this context, to solve the problem of the archive.

2. ED 57: poetry and ecclesiastical language

Originally located at the entrance to the basilica of S. Lorenzo in Damaso,⁴⁰ and ideally linked with the epigram in the apse to the deacon and martyr Lawrence (ED 58), ED 57.1–4 celebrates the career as deacon of Damasus' father, which acts as a prelude to the election of Damasus himself to bishop:

*Hinc pater exceptor, lector, levita, sacerdos
creverat hinc meritis quoniam meliorib(us) actis;
hinc mihi provecto Christus cui summa potestas,
sedis apostolicae voluit concedere honorem.*

His father, advancing from here—notary, reader, deacon, priest—
had henceforth grown in merit through exceptional acts;
To me, brought forth from here, Christ whose power is greatest,

³⁹ For a legal and administrative interpretation of the election of Damasus see Milena Raimondi, “Elezione *iudicio dei e turpe convivium*. Damasus e Ursino tra storia ecclesiastica e amministrazione romana,” *Aevum* 83 (2009): 169–208.

⁴⁰ Christof L. Frommel and Massimo Pentiricci, eds., *L'antica basilica di San Lorenzo in Damaso. Indagini archeologiche nel Palazzo della Cancelleria (1988–1993)* (Rome: De Luca, 2009).

wished to grant the honor of the apostolic see.⁴¹

Recent studies have underlined the importance of the quotations from the *Aeneid* present in the papal epigram.⁴² In particular, the *incipit* of v. 1: *Hinc pater exceptor* recalls the *incipit* of *Aen.* 12. 166: *hinc pater Aeneas*,⁴³ implying that the relationship between Damasus and his father follows that between Ascanius and Aeneas.⁴⁴ Other points in the epigraph are also reminiscent of Virgil.⁴⁵

On the contrary, various other elements recall the language of the Roman curia. The important expression *sedes apostolica* (ED 57.4) came into use starting from the councils of Damasus.⁴⁶ *Mihi provecto* (ED 57.3) refers to uses of *provebor/provectio* regarding the clerical *cursus* borrowed from the secular *cursus honorum*.⁴⁷

The epigram transfers to an epigraphic context the language of the synodal letters and the decretals, that is to say the matters discussed within the Roman church, emphasising them in order to give a legal and ecclesiastical foundation to the position of Damasus, whose controversial election in 366 had led to a bloody urban riot.⁴⁸

⁴¹ Text and translation in Dennis Trout, *Damasus of Rome: The Epigraphic Poetry; Introduction, Texts, Translations and Commentary* (Oxford: Oxford University Press, 2015), 187–88.

⁴² Reutter *Damasus*, 72–73; Antonio Aste, *Gli epigrammi di papa Damaso. Traduzione e commento* (Tricase: Aracne 2014), 112–13; Trout, *Damasus*, 187.

⁴³ Reutter, *Damasus*, 73 and 147; Trout, *Damasus*, 187.

⁴⁴ Reutter, *Damasus*, 147.

⁴⁵ Reutter *Damasus*, 72–73; Aste, *Gli epigrammi*, 112–13; Trout, *Damasus*, 187–88.

⁴⁶ Michele Maccarrone, “Apostolicità, episcopato e primato di Pietro. Ricerche e testimonianze dal II al V secolo,” *Lateranum* N.S. 42.2 (1976): 161–74.

⁴⁷ Christian Hornung, *Directa ad decessorem. Ein kirchenhistorisch-philologischer Kommentar zur ersten Dekretale des Siricius von Rom* (Münster: Aschendorff, 2011), 200–1.

⁴⁸ On the meaning of *hinc* (ED 57.3) recently Lizzi Testa, “Essere ricchi,” 16–18. On the ecclesiastic regularity of Damasus’ election Raimondi, “Elezione,” 169–208.

3. The Roman church and stenographers

In the context of the above-mentioned references to Virgil and the ecclesiastical issues, in *ED* 57.1 a word such as *exceptor* stands out, as it had been attested to for the first time in Latin in an epigraph of the second century A.D. (*CIL* 9: 5828) and was present almost exclusively in bureaucratic and administrative contexts.⁴⁹

Damasus' father (who died between 306 and 324),⁵⁰ and who, according to *ED* 57.1, had acted as an ecclesiastical stenographer (*exceptor/notarius*),⁵¹ is the only *exceptor* known to us of the Roman church of the third or fourth centuries, while from the fifth century, references to the papal *notarii* multiplied.⁵²

The importance of *ED* 57.1 lies in the fact that the position of *exceptor* (or *notarius*) as a first step of an ecclesiastical career was never considered compulsory in order to attain Holy Orders, in the same way as the position itself was not part of the *cursus*.⁵³ On the contrary, the sequence *lector, levita* (deacon), *sacerdos* (presbyter or bishop) of *ED* 57.1 corresponds both to the provisions referred to in the decretal of Siricius of 385,⁵⁴ and, above all, to the Roman ecclesiastical *cursus* of the fourth century as documented by epigraphs such as those of Pope Liberius and the same Siricius, in which the

⁴⁹ *Exceptor* in *Thesaurus Linguae Latinae*, V (Leipzig: Teubner, 1953), 1225–226; *Exceptor* in *Dizionario epigrafico di antichità romane*, II, parte III, ed. Ettore de Ruggiero (Roma: L'Erma di Bretschneider, 1961), 2180–181; Teitler, *Notarii*, 29–31.

⁵⁰ “Antonius,” in *Prosopographie chrétienne du Bas-Empire*, 2, *Prosopographie de l'Italie chrétienne*, eds. Charles and Luce Pietri (Rome: École Française de Rome, 1999), 160.

⁵¹ Ferrua, *Epigrammata*, 210: “exceptor est notarius ut saepe;” Teitler, *Notarii*, 47–48.

⁵² Teitler, *Notarii*, 87–89; Orlandi in this volume.

⁵³ Alexandre Faivre, *Naissance d'une hiérarchie. Les premières étapes du cursus cléricale* (Paris: Beauchesne, 1977), 337–40; Claire Sotinel, “Le personnel épiscopal. Enquête sur la puissance de l'évêque dans la cité,” in *L'évêque dans la cité du IV^e au V^e siècle. Image et autorité. Actes de la table ronde organisée par l'Istituto patristico Augustinianum et l'École Française de Rome (Rome, 1^{er} et 2 décembre 1995)*, eds. Éric Rebillard and Claire Sotinel (Rome: École Française de Rome, 1998), 109.

⁵⁴ Hornung, *Directa*, 194–215.

positions of *lector*, *levita* and *sacerdos* appear.⁵⁵ By comparing these texts, the unusualness of the reference to the position of *exceptor* in *ED* 57.1 can be deduced, owing to the fact that the epigram is not a regulatory document of the church. At the same time, if the *incipit* of the epigram is a quotation from Virgil, it is surprising that the solemn *pater Aeneas*, founder of the Romans, becomes the *pater exceptor*: in other words, *ED* 57.1 documented the newly acquired importance of that position in the second half of the fourth century which deserves further study.

The word *exceptor* in *ED* 57.1 naturally recalls the homonymous figures of the imperial bureaucracy who were present in the lowest ranks of the offices of the public administration and had different ranks, abilities and organisation.⁵⁶

It is now believed that the terms *exceptor* and *notarius* were interchangeable if applied to ecclesiastical stenographers.⁵⁷ However, in the public administration at the time of Damasus' episcopate, they had acquired different meanings, with acknowledgements that consecrated the "golden age" of the *notarii* who were no longer simple tachygraphists. Between 367 and 375 Valentinian I raised the *notarii* to the rank of *clarissimi*; in 381 *primicerius* and *secundicerius* were considered equivalent to proconsuls,⁵⁸ while the *exceptores* of the *scrinium memoriae*, *epistularum*, *libellorum* became *clarissimi* only in 410 when the *notarii* were already *spectabiles*.⁵⁹

Therefore, even if, for example, use of the term *exceptor* instead of *notarius* in *ED* 57.1 is explained by simple reasons of metre, in Rome between 366 and 384 and even more so after that date, the *exceptor* of *ED* 57.1 found his

⁵⁵ Liberius: *ILCV* 967. 8–10; Siricius: *ILCV* 972. Faivre, *Naissance*, 376–79.

⁵⁶ Teitler, *Notarii*, 73–85. On their activity see Serge Lancel, *Actes de la Conférence de Carthage en 411*, I (Paris: Les éditions du cerf, 1972), 337–53.

⁵⁷ Teitler, *Notarii*, 48.

⁵⁸ Teitler, *Notarii*, 70–71.

⁵⁹ Teitler, *Notarii*, 81.

natural correspondence in the inscriptions of *exceptores* of the offices of the public administration or the senate, including Christian ones.⁶⁰

If it is true that the *defensores Ecclesiae*, whose title recalls that of the imperial *defensores*, made their first reported appearance at the time of Damasus, then the promotion of very humble figures such as the *exceptores* cannot be overlooked either: the coincidence in time of the social advancement of the *exceptores* of some public offices as witnessed by a law of 383 (*CTb* 6.30.5 = *CJ* 12.23.5)⁶¹ and the papal reappraisal of the homonymous role is significant.

If we then consider the duties associated with the ecclesiastical tachygraphists after 313 (*manumissiones in ecclesia*, charters of donation, conciliar acts), the episcopate of Damasus represents a turning point for the Roman church.

As far as the *manumissiones in ecclesia* are concerned, there are no examples from that time.⁶² The drawing up of charters of donation or the establishment of *tituli* resulting from donations or wills was a growing phenomenon at the time of Damasus.

However, the role of the stenographers during the councils is more interesting, as the episcopate of Damasus coincides with the emergence of the Roman councils presided over by the bishop of Rome without the intervention or presence of the emperor. Unlike Constantine and his sons,⁶³ Valentinian I affirmed that, as a layman, it was not his responsibility to settle

⁶⁰ See: 1) Venerius, *exceptor* of the prefect of the Vigiles who died aged 28: Teitler, *Notarii*, 175; 2) Severianus, *exceptor* of the prefect of the Vigiles who died aged 22: Teitler, *Notarii*, 166; 3) Fl. Laurentius *exceptor senatus* editor of the *Gesta* of the *Codex Theodosianus*: Teitler, *Notarii*, 146.

⁶¹ Teitler, *Notarii*, 80.

⁶² Pietri, *Roma Christiana*, 679.

⁶³ Manlio Simonetti, "Il concilio, il papa e l'imperatore," in *I Concili della cristianità occidentale. Secoli III–V, XXX Incontro di studiosi dell'antichità cristiana, Roma, 3–5 maggio 2001* (Roma: Institutum Patristicum Augustinianum, 2002), 25–34.

controversies amongst bishops⁶⁴ and that he had no intention of adjudicating *in causa fidei vel ecclesiastici alicuius ordinis*.⁶⁵

As is well known, the bishop of Rome did not participate personally at the councils of Arles (314), Nicea (325), Serdica (343), Arles (353), Milan (355) or Rimini (359), but sent his delegates (*legati*). The presence of the Pope at the councils coincided with the councils held in Rome. After the first councils of the third century,⁶⁶ councils were held in Rome in 313 presided over by Pope Miltiades to solve the Donatist controversy, and in 341 under Pope Julius I.⁶⁷ Perhaps in 353 a council of Italic bishops begged Liberius to ask Constantius II to call a council.⁶⁸ For Damasus we have details of at least five councils.⁶⁹ Furthermore, he obtained recognition of his innocence in a council of bishops when he was absolved at a criminal trial after being denounced by Isaac.⁷⁰

It is true that we do not have any *acta* or *gesta*⁷¹ referring to these councils of Damasus and we do not know whether any were actually produced or in what form, but what we do have are mostly synodal letters and documents which are, moreover, of paramount importance such as the *Tomus Damasi*. However, this element, which seems to be taken for granted, should be underlined here because it suffices on its own to highlight a fundamental

⁶⁴ Sozom. 6.7.1–2.

⁶⁵ Ambr., *Ep.* 75.2 (CSEL 82/3).

⁶⁶ Simonetti, “Il concilio,” 25–28: of the four Roman councils recorded between the end of the second century and the second half of the third century, only the one that met in 251 to ratify the election of Pope Cornelius and condemn that of Novatian is to be considered.

⁶⁷ Andreas Weckwerth, *Ablauf, Organisation und Selbstverständnis westlicher antiker Synoden im Spiegel ihrer Akten* (Münster: Aschendorff, 2010), 169.

⁶⁸ Hilar., *Collect.* Series B 7, 6 (CSEL 65).

⁶⁹ Karl J. Hefele and Henry Leclercq, *Histoire des Conciles d'après les documents originaux*, I.2 (Paris: Letouzey et Ané, 1907), 980–81; 984–88; II.1, (Paris: Letouzey et Ané, 1908), 53–63; Weckwerth, *Ablauf*, 169–70.

⁷⁰ Pietri, *Roma Christiana*, 738; Lizzi Testa, *Senatori*, 180.

⁷¹ The first *gesta* are those of the council of 465: Weckwerth, *Ablauf*, 241.

moment for the organisation of the Roman council during the episcopate of Damasus. This organisation required the presence of tachygraphists who were capable of performing the work required of them at the councils. The accusations made against Jerome of having tampered with a *codex* containing the works of Athanasius, at the very time a formula of faith was being dictated that Jerome himself had been appointed by Damasus to draft,⁷² conjures up the atmosphere in which those engaged in the complicated task of putting what was dictated to them in writing found themselves. Up until the episcopate of Damasus, the Roman church had limited itself mainly to receiving conciliar acts and canons. Now not only did the stenographers have to make copies, but they also had to record the sessions and transcribe acts or letters deriving from discussions based on materials connected with the councils themselves and/or produced on those occasions.

Even the number of participants at the councils at the time of Damasus underwent a dramatic change. The judgement on Caecilianus of Carthage in 313 took place in the presence of fifteen Italic and three Gallic bishops. Subsequently, from approximately fifty Italian bishops present in Rome in 341, the numbers rose to ninety or ninety-three bishops from Italy and Gaul who assisted Damasus in condemning Auxentius of Milan.⁷³ The synodal letter of 378 speaks of *innumeri episcopi*.⁷⁴ Although the Eastern bishops were invited to the council of 382, they did not participate, but Paulinus of Antioch and Epiphanius were present, two Greek-speaking ecclesiastics like Peter of Alexandria who had already been present in 375 or 378. Classifying these synods simply as Italic or western synods⁷⁵ does not fit with their ecumenical aspirations: Jerome states that in 382 he was appointed to reply

⁷² Rufin., *Adulter*. 13; Jer., *Apol.* 2.20.3–10; Lardet, *L'Apologie*, 203.

⁷³ Pietri, *Roma Christiana*, 734: “le pape d’Alexandrie n’en réunissait pas autant.”

⁷⁴ Ambr. *Ep. extra coll.* 7.1.

⁷⁵ Weckwerth, *Ablauf*, 169–70.

orientis atque occidentis synodicis consultationibus.⁷⁶ The very presence on that occasion of Jerome, a Christian intellectual who was more than bilingual and who had written *De synodis* and had participated at the council of Constantinople in 381, fits in well with this context of establishing the Roman councils. Judging from the *Tomus Damasi*, it was a *translatio* and *continuatio* in Rome of the ecumenical council of Nicaea. Due to the ancient tradition of dictating the texts as well as the practice of formulating texts to be undersigned or proclaiming anathemas during the council, the presence of stenographers during the work of the council was, at the very least, necessary for recording the presence of the participants.

In addition to the councils, the Pope passed judgements on the bishops without imperial interference. Trained stenographers became necessary even for the bishop of Rome in his role as *iudex*, which was redefined on the basis of the civil model of emperor Gratian:⁷⁷ requests made to the Roman administration to proceed with the expulsion of bishops condemned by papal judgement had to be based on the presentation of acts resulting from ecclesiastic trials (*iudicia*) that actually took place in the presence of the condemned.

Above all, the religious policy of Valentinian I, with the lack of an “imperial” synod, meant that the production of acts and documents could only be performed by ecclesiastic staff who were able to prepare such acts,⁷⁸ which were also forwarded to the imperial administration. A *comprobatio* was given by Valentinian I after Damasus, who had already been acquitted in the trial brought against him by Isaac, also underwent judgement by the council of bishops.⁷⁹ The involvement of the imperial chancery is witnessed by the

⁷⁶ Jer., *Ep.* 123.9 (CSEL 56/1).

⁷⁷ Ambr., *Ep. extra coll.* 7 (CSEL 82/3); *Coll. Avell.* 13.11 (CSEL 35. 1).

⁷⁸ Teitler, *Notarii*, 22–23.

⁷⁹ Lizzi Testa, *Senatori*, 177–81.

exemplum synodi habitae Romae episcoporum XCIII ex rescripto imperiali contained in the *Codex Veronensis LX*.⁸⁰

The activity of the *defensores* also necessitated and promoted that of the stenographers, even if only for the drawing up of copies of the ecclesiastical acts to be enclosed with *petitiones/interpellationes*.

Therefore, the presence of *exceptor* in *ED 57* gives the impression of being a sign of the new importance acquired by ecclesiastical stenography at the very time of the episcopate of Damasus. If the Roman church already had stenographers (like Damasus' father) between the third and fourth centuries, the developments during the episcopate of Damasus led to a considerable evolution and redefining of their duties: we are confronted with a true leap in quality and far more complex tasks than just the simple drawing up of lists of the clergy, of the widows or even ecclesiastic property. Consequently, the affirmation of the bishop of Rome's role in his relationship even with the imperial administration had to go hand in hand with the structuring and reorganisation process of the ecclesiastic administrative staff.

4. Ecclesiastical stenographers and the debate on the clergy

The need for tachygraphists within the Roman ecclesiastical organisation raised the question of their recruitment and their characteristics. We know that one of the stenographers at the trial of Photinus in Sirmium in 351 was Anysius, a deacon of bishop Basil of Ancyra. In the fifth-century East there were deacons, archdeacons and presbyters who were *notarioi*.⁸¹ In Aquileia in 381, the *exceptores* of Ambrose were *clerici notarum periti*.⁸² It is not known who

⁸⁰ Field, *On the Communion*, 132–37; Camplani, “Setting,” 262–65.

⁸¹ Teitler, *Notarii*, 89–92.

⁸² Roger Gryson, *Scolies ariennes sur le Concile d'Aquilée* (Paris: Les éditions du cerf, 1980), 54–58 and 282.

performed that function during the councils and judgements of Damasus. Nothing prevented members of the clergy from being used for such a purpose, especially in the case of councils that included complex discussions. The distinction between humble stenographers and clerical ranks is interesting insofar as *ED* 57 suggests that an appointment of that type was distinct from those ranks, but advisable even in the clerical *cursus*.

In the same years in which *ED* 57 was composed, the Roman church drew up the first regulations regarding a clerical career.⁸³ According to the decretal of Siricius of 385, those dedicating themselves *a sua infantia* to the service of the church could not assume the role of reader before the age of 14 or that of deacon before the age of 30/35. The ordination to presbyter could take place between the ages of 35 and 45 and the bishop's throne could be granted only after ten years, but not before the age of 45.⁸⁴ By comparing *ED* 57 with the decretal of Siricius, the following scenario unfolds. On one side, the role of *exceptor* could be undertaken before that of reader even at a very early age.⁸⁵ The similarity to what happened in the public administration is significant. An inscription in Rome mentions the *exceptor* of an office who died at the age of 17.⁸⁶ In Africa at the time of Augustine, the *notarius* of bishop Evodius was a young man, the son of a presbyter, who died aged 22 and who had previously been employed as *exceptor* in the office of the proconsul of Africa.⁸⁷ Young Christians who carried out such tasks in the

⁸³ Faivre, *Naissance*, passim; Geoffrey D. Dunn, "The Clerical *Cursus Honorum* in the Late Antique Roman Church," *Scrinium* 9 (2013): 120–33.

⁸⁴ Hornung, *Directa*, 202.

⁸⁵ The bishop of Pavia Epiphanius (who was born in 439) started the *coelestis militia* as an ecclesiastic reader at the age of 8 to then join the *exceptores* until the age of 16 (Enn. LXXX 9-10): Maria Cesa, *Ennodio. Vita del beatissimo Epifanio vescovo della chiesa pavese* (Como: New Press, 1988), 125–28.

⁸⁶ *CIL* 6: 33717. Severianus (*CIL* 6: 37741 = *ILCV* 451) died aged 22.

⁸⁷ Aug., *Ep.* 158.1 (CSEL 44); Duilio Franchina, "I *notarii* in Agostino," in *L'Africa romana. I luoghi e le forme dei mestieri e della produzione nelle province africane. Atti del XVIII*

imperial administration could be encouraged to perform services that were in part analogous for the church. On the other hand, as it was not essential to have been an *exceptor* in order to receive clerical ordination, nor was an *exceptor* obliged to undertake an ecclesiastic career, we may assume that the situation was mixed: there must have been deacons and presbyters with stenographic skills that were appreciated especially with a view to an episcopal career, together with clerics who did not possess such skills and at the same time there were ecclesiastic stenographers who were not clerics, of different social background and origin, who could remain in such a position, acquiring skills and specialisation over time. In fact, it was this latter perspective that prevailed in the organisation of the papal *notarii* who, at the time of Gregory the Great, formed a hierarchized and specialised group of lay employees with various skills.⁸⁸

5. Conclusions: innovation and reorganisation

In conclusion, the origin of the *scrinium* is an articulated and complex phenomenon. Far from the *scrinium* being a pre-existing institution for Damasus' activity, it was rather the latter who contributed towards creating such an organisation. The appearance of the *defensores* and the newly acquired importance of the stenographers in conjunction with the impact of the production of new types of documents are evidence of a phase of innovation and internal reorganisation which, at that point, must also have affected pre-existing documentation. Spurred by the "primacy" of the bishop of Rome, the papal bureaucratic organisation gradually took shape as a result of the requirements of ecclesiastical and imperial relations, but also because of the church's internal debate regarding the duties of the clergy. Therefore, it is

convegno di studio (Olbia, 11-14 dicembre 2008), eds. Marco Milanese, Paola Ruggeri, and Cinzia Vismara (Roma: Carocci 2010), 1003-20.

⁸⁸ Sotinel, "Le personnel," 109-10; Faivre, *Naissance*, 358-59; Teitler, *Notarii*, 86-89.

even more worthy of note that not only do the authentic papal documents preserved in the canonical collections lead back to the age of Damasus, but so do the very humble figures involved in the process of actually producing such documents.

When the *Liber Pontificalis* was compiled, Damasus already appeared to be an exemplary model of archival research and collector of papal documents, while the question of the origin of the *scrinium* was not even raised: in the fictitious exchange of correspondence at the beginning of the *Liber* we read that to Jerome's question *ut actus gestorum a beati Petri apostoli principatum usque ad vestra tempora quae gesta sunt in sedem tuam per ordinem enarrare digneris*, Damasus replies: *quod gestum est, quod potuimus repperire, nostrae sedis studium*⁸⁹ *ad tuam caritatem direximus*.

Ancient sources

Ambr., *Ep.* = Ambrosius Mediolanensis. *Epistulae. Sancti Ambrosi Opera. Pars X. Epistulae et acta*, recensuit M. Zelzer, Vindobonae: Hoelder-Pichler-Tempsky, 1982 (CSEL 82/3).

Ambr., *Ep. extra coll.* = Ambrosius Mediolanensis. *Epistulae extra collectionem. Sancti Ambrosi Opera. Pars X. Epistulae et acta*, recensuit M. Zelzer, Vindobonae: Hoelder-Pichler-Tempsky, 1982 (CSEL 82/3).

Aug., *Ep.* = Aurelius Augustinus. *Epistulae*, recensuit Al. Goldbacher, Lipsiae: Freytag, 1904 (CSEL 44).

CIL 6 = *Corpus Inscriptionum Latinarum. Volumen VI. Inscriptiones Urbis Romae Latinae. Pars IV. Fasciculus posterior*: collegit et edidit C. Hülsen. Berolini:

⁸⁹ Duchesne, *Le Liber*, 117 believes that *studium* corresponds to *studio*.

G. Reimerus, 1902; *Fasciculus postremus*. edidit M. Bang. Berolini: De Gruyter, 1938.

CIL 9 = *Corpus Inscriptionum Latinarum. Volumen IX. Inscriptiones Calabriae Apuliae Samni Sabinorum Piceni Latinae*. Edidit Th. Mommsen. Berolini: G. Reimerus, 1883.

CJ = *Codex Justinianus. Corpus iuris civilis. Volume 2: Codex Iustinianus*. Edited by P. Krueger. Cambridge: Cambridge University Press, 2014 (= Berlin: Weidmann, 1877)

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Coll. Thess. = *Collectio Thessalonicensis. Epistularum Romanorum Pontificum ad vicarios per Illyricum aliosque episcopos Collectio Thessalonicensis ad fidem codicis Vat. Lat. 5751*. Recensuit C. Silva Tarouca. Romae: Pontificia Universitas Gregoriana, 1937.

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ED = Damasus. *Epigrammata. Epigrammata Damasiana*. Recensuit et adnotavit A. Ferrua, Roma: Pontificio Istituto di archeologia cristiana, 1942.

Enn. = Ennodius. *Opera. Magni Felicis Ennodi Opera*. Recensuit F.Vogel. Berlin: Weidmann, 1885 (Monumenta Germaniae Historica. Auctores Antiquissimi 7).

Hilar., Collect. = Hilarius Pictaviensis. *Collectanea Antiariana Parisina. S. Hilarii Episcopi Pictaviensis Opera. Pars IV.* Recensuit, commentario critico instruxit, praefatus est indicesque adiecit A. Feder. Vindobonae-Lipsiae: Temsky-Freytag, 1916 (CSEL 65).

- ILCV* = Diehl, Ernst. *Inscriptiones latinae Christianae veteres*, Berlin: Wiedmann, 1925-1967.
- Jer., *Apol.* = Hieronymus presbyter. *Apologia in Rufinum*; *Saint Jérôme. Apologie contre Rufin*. Introduction, texte critique, traduction et index par P. Lardet. Paris: Les éditions du cerf, 1983.
- Jer., *Ep.* = Hieronymus presbyter. *Epistulae. Sancti Eusebii Hieronymi Epistulae. Pars III*. Edidit I. Hilberg. Wien: Österreichische Akademie der Wissenschaften (CSEL 56/1).
- JK = *Regesta pontificum Romanorum ab condita Ecclesia ad annum post Christum natum 1908, Tomus primus*. Edidit Ph. Jaffé. Graz: Akademische Druck-U. Verlagsanstalt, 1956 (repr. Lipsiae 1885).
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CHAPTER FIFTEEN

LA *COLLECTIO AVELLANA* E GLI ARCHIVI: UNA QUESTIONE APERTA

MARIA G. CASTELLO

La redazione della *Collectio Avellana*, la cui composizione risalirebbe alla metà del VI secolo, pone agli storici un'infinità di quesiti, alcuni dei quali riproposti di recente da Rita Lizzi Testa.¹ Una delle questioni fondamentali riguarda gli archivi da cui il compilatore attinse il materiale: quali furono? Tale domanda ovviamente ne genera altre relative alla tipologia di archivi, ecclesiastici e imperiali, ai rispettivi responsabili e, soprattutto, alla loro accessibilità.

Provo ad articolare delle risposte, partendo però da una domanda non fatta, ovvero la terminologia. Non esiste in latino un termine univoco per archivio e questo naturalmente costituisce una difficoltà. C'è l'ovvio *scrinium* che designava prima un oggetto fisico, quei bauli in cui venivano trasportati i documenti tra il III e il IV secolo, ma poi finì per indicare un *officium*, vocabolo anche esso polisemantico.² Gli *scrinia* erano naturalmente archivi, ma paradossalmente nelle fonti—per lo più giuridiche—sono poco rappresentati con tale accezione. Due costituzioni del Codice di Giustiniano, *Cod. Iust.*

¹ Rita Lizzi Testa, “La *Collectio Avellana*: il suo compilatore e i suoi fruitori, tra Tardoantico e Altomedioevo,” in *La Collectio Avellana tra tardoantico e altomedioevo*, ed. Rita Lizzi Testa, numero monografico di *Cristianesimo nella Storia* 39.1 (2018): 9-37.

² Francesco De Martino, *Storia della costituzione romana* (Napoli: Jovene, 1967), 235-36; Vincenzo Aiello, “I rapporti tra centro e periferia in epoca costantiniana. L'origine del *magister officiorum*,” *Atti della Accademia Romanistica Costantiniana* 13 (2001): 157-58.

12.20.3.2 e 12.59.10, e una del Teodosiano, *Cod. Theod.* 15.14.8, sembrerebbero alludere alla funzione degli *scrinia* di conservare copie dei diversi documenti, quelli non certificati dall'ufficialità rappresentata dal sigillo imperiale o da quello del *quaestor*.³ Naturalmente ogni *scrinium* avrebbe custodito le copie dei documenti di sua pertinenza.⁴ Seguendo questo ragionamento e tenendo conto delle osservazioni di Jill Harries sulle competenze del *magister memoriae*,⁵ nello *scrinium memoriae* sarebbero state depositate le copie delle leggi non generali e, in aggiunta, le *adnotationes*. Esse, secondo la *Notitia Dignitatum*, erano redatte dal *magister memoriae*⁶ e, almeno dal regno di Diocleziano, costituivano una fonte di diritto: *Cod. Iust.* 1.19.1 del 290 lo esplicita con certezza—e Fergus Millar lo colse con lucidità—collegando l'*adnotatio* al *decretum*.⁷ La separazione da altre forme legislative è vieppiù evidente allorché Costantino stesso la rese esplicita in *Cod. Iust.* 10.10.2 e in *Cod. Theod.* 1.2.1, separando le *adnotationes* dai *rescripta* e dalle *epistulae*, per altro ambiti da cui il *magister memoriae* era estraneo, in quanto di pertinenza di altri *magistri scriniorum*. Tuttavia, pur a fronte di un'indiscutibile

³ Giovanna Nicolaj, "Exemplar. Ancora note di terminologia diplomatica in età tardoantica," in *Scritti paleografici e papirologici in memoria di Paolo Radiciotti*, eds. Mario Capasso e Mario De Nonno (Lecce: Pensa, 2015), 356-58.

⁴ Giorgio Cencetti, "Tabularium principis," in *Studi di paleografia, diplomatica, storia e araldica in onore di Cesare Manaresi* (Milano: Giuffrè, 1953), 140-41, 148-50 e 157: "dobbiamo ritenere che le serie dell'archivio imperiale riproducessero, in sostanza, le competenze e la prassi burocratica dei singoli uffici dell'amministrazione dell'Impero, dei quali l'ordinamento archivistico rifletteva con le sue serie la competenza e il funzionamento."

⁵ Jill Harries, "The Roman Imperial *Quaestor*," *Journal of Roman Studies* 78 (1988): 159-64.

⁶ *Not. Dign.* [Occ.] 17.11: *annotationes omnes dictat, et emittit; respondet tamen et precibus; Not. Dign.* [Or.] 19.6-7: *adnotationes omnes; precibus respondet.*

⁷ *Cod. Iust.* 1.19.1: *Imperatores Diocletianus, Maximianus. Licet servilis condicio deferendae precis facile capax non sit, tamen admissi sceleris atrocitas et laudabilis fidei exemplum super vindicanda caede domini tui bortamento fuit, ut praefecto praetorio iuxta adnotationis nostrae decretum demandaremus (quem adire cura), ut auditis bis, quae in libello contulisti, et reos investigare et severissimam vindictam iuxta legum censuram exigere curet. Diocl. Et Maxim. Aa. Firminae.* Fergus Millar, *The Emperor in the Roman World* (London: Duckworth, 1977), 266.

valenza giuridica, come Millar sottolinea, è difficile capire cosa fosse l'*adnotatio*. I romanisti concordano, a fronte di diverse interpretazioni giuridiche, nel definirla un atto imperiale diverso dalle costituzioni, piuttosto un loro allegato. Più specificamente, una nota che l'imperatore aggiungeva *ad personam* rivolgendola ad alcuni destinatari di *leges generales*.⁸ Il *magister memoriae* perse la responsabilità sulle *adnotationes* nel VI secolo, allorché Giustiniano nel 541 le attribuì al *quaestor*.⁹

La domanda che sorge spontanea è se, tuttavia, in età tardoantica, esistesse o meno un unico grande archivio omnicomprensivo. Nell'età repubblicana e alto imperiale esso era fisicamente depositato nel *Tabularium* di Roma che probabilmente esisteva anche in età tardoantica, ma con una funzione non meglio definibile.¹⁰ Il *tabularium* era prima di tutto un registro censuale e catastale, per questo la sua responsabilità era affidata al *magister census*, ed era collegato ad altri due istituti, l'*aerarium Saturni* e la *praefectura annonae*. Nell'età alto imperiale fu connesso ovviamente con la *praefectura urbis*.¹¹ Ma per il tardo impero? I *tabularii* erano ufficiali pubblici, ma, non

⁸ Ralph W. Mathisen, "Adnotatio and petitio: The Emperor's Favor and Special Exceptions in the Early Byzantine Empire," in *La Pétition à Byzance*, eds. David Feissel e Jean Gascou, (Paris: Association des amis du centre d'histoire et civilisation de Byzance, 2004), 23-32.

⁹ *Nov. Iust.* 114.1: *Nam praesenti lege decernimus nullam divinam inuersionem neque per viri magnifici quaestoris adiutores neque per aliam cuiuslibet militiae aut dignitatis aut officii personam cuiusque iudici confectam a quolibet suscipi cognitore, cui magnifici viri quaestoris adnotatio subiecta non fuerit.*

¹⁰ Vd. *infra*.

¹¹ Sul *Tabularium*, cfr. Samuel Ball Platner, Thomas A. Ashby, *A Topographical Dictionary for Ancient Rome* (Roma: L'Erma di Bretschneider, 1965), 506-8; Anna Mura Sommella, "Tabularium," in *Lexicon Topographicum Urbis Romae*, V, ed. Eva Margareta Steinby (Roma: Edizioni Quasar, 1999), 17-20; Pierre Gros, "Les édifices de la bureaucratie impériale: administration, archives et services publics dans le centre monumental de Rome," *Pallas* 55 (2001): 110-12; Manuel Royo, "Une mémoire fragile et fragmentaire: les archives du monde romain," *Bibliothèque de l'École des chartes* 160 (2002): 513-21; Claudia Moatti, "Les archives romaines: réflexions méthodologiques," in *L'uso dei documenti nella storia antica*, eds. Anna Maria Biraschi et alii (Napoli: Edizioni

sorprendentemente, date queste premesse, subordinati all'ufficio del *comes sacrarum largitionum*.¹² Esigenze fiscali resero necessario che Marco Aurelio predisponesse un loro dislocamento anche a livello provinciale, prassi che rimase in vigore ancora in età tarda.¹³ Se il *Tabularium* romano era però un archivio in senso lato, pronto ad accogliere documenti eterogenei—da quelli censuali alle disposizioni imperiali—i *tabularii* tardoantichi designavano *in primis* registri fiscali o catastali e, con lo stesso nome, si indicavano anche funzionari ad essi preposti.

Sembrerebbe non esserci traccia di una struttura archivistica pubblica. Eppure Ammiano Marcellino parla di *tabularia* in cui venivano custoditi i *dicta* di Costanzo II.¹⁴ Ammiano non solo scrisse a Roma parte delle sue *Res Gestae*, ma consultò archivi, privati e pubblici, quando accessibili.¹⁵ Manuel Royo ha sostenuto che ben poca differenza c'è tra i due quanto a natura della documentazione,¹⁶ ed è noto che gli archivi delle famiglie senatorie erano aperti alla consultazione, anche se Ammiano, per altro nella sua tirata contro l'aristocrazia romana, lamentava la scarsa accessibilità dei luoghi di conservazione di documenti:¹⁷ si riferiva verosimilmente a quelli romani, ma è assai probabile che alludesse a spazi privati.

Scientifiche Italiane, 2003), 35-36; Paola Mazzei, "Tabularium-Aerarium *nelle fonti letterarie ed epigrafiche*," *Rendiconti dell'Accademia dei Lincei*, 9, no. 20 (2009): 270-378.

¹² *Not. Dign.* [Ocr.] 19.90; *Not. Dign.* [Or.] 13.24; *Cod. Theod.* 6.30.7; *Cod. Iust.* 12.23.7.

¹³ *Hist. Aug. Marc.* 9.8; *Cod. Theod.* 8.1.12 del 382; 12.6.30 del 408 (= *Cod. Iust.* 10.72.13).

¹⁴ *Amm. Marc.* 16.12.70: *Exstant denique eius edicta in tabulariis principis publicis condita*. Giovanni Viansino, ed., *Ammiano Marcellino. Storie. Volume I. Libri XIV-XVII* (Milano: Mondadori, 2001), 322 propone la lettura <e>*dicta*.

¹⁵ Guy Sabbah, *La méthode d'Ammien Marcellin: recherches sur la construction du discours historique dans les Res gestae* (Paris: Les Belles Lettres, 1978), 157-62; Matilde Caltabiano, ed., *Ammiano Marcellino. Storie* (Milano: Rusconi, 1989), 79-81; Rita Lizzi Testa, "Alle origini della tradizione pagana su Costantino e il senato romano (*Amm. Marc.* 21.20.8 e *Zos.* 2.32.1)," in *Transformations of Late Antiquity. Essays for Peter Brown*, eds. Philip Rousseau e Manolis Papoutsakis (Aldershot: Ashgate, 2009), 100-2.

¹⁶ Royo, "Mémoire," 515-16.

¹⁷ *Amm. Marc.* 14.6.18.

Cod. Theod. 16.5.55 disponeva che i *gesta* della conferenza di Cartagine del 411 fossero *translata in publica monumenta*;¹⁸ fino ad allora tali documenti erano rimasti nelle mani dell'istruttore della causa, il *tribunus et notarius* Marcellinus, condannato a morte poco dopo la Conferenza e riabilitato evidentemente proprio con questa legge:¹⁹

Cod. Theod. 16.5.55: *Idem aa. Iuliano proconsuli Africae. Notione et sollicitudine marcellini spectabilis memoriae viri contra donatistas gesta sunt ea, quae translata in publica monumenta habere volumus perpetuam firmitatem. neque enim morte cognitoris perire debet publica fides. Dat. III kal. sept. Romae Constantio et constante cons. (414 aug. 30).*

L'espressione usata nella costituzione è stata interpretata come “archivio dello Stato.”²⁰ La norma, emanata a Roma, è indirizzata al proconsole d'Africa Giuliano e suscita più domande. La prima è, ovviamente: a quale archivio pubblico si fa riferimento, quello romano o quello di Cartagine, sede del proconsole cui è destinata la norma? Nella letteratura—a dire il vero scarna—non vi è una risposta univoca.²¹ Si apre anche un'altra riflessione. È

¹⁸ *Cod. Theod.* 16.5.55: *Idem aa. Iuliano proconsuli Africae. Notione et sollicitudine marcellini spectabilis memoriae viri contra donatistas gesta sunt ea, quae translata in publica monumenta habere volumus perpetuam firmitatem. neque enim morte cognitoris perire debet publica fides. Dat. III kal. sept. Romae Constantio et Constante cons.*

¹⁹ Sul funzionario v. il recente Alessandro Rossi, ed., *La conferenza di Cartagine 411* (Milano: Paoline, 2016), 1072-76.

²⁰ Rossi, *La conferenza*, 1073. Sull'accezione di questo termine quale “archivio” cfr. anche Theodor Mommsen, *Römische Strafrecht* (Leipzig: Denker & Humblot, 1899), 519-20.

²¹ Rossi, *La conferenza*, 1073-74 propende per l'archivio di Roma, mentre Serge Lancel, *Actes de la Conférence de Carthage en 411*, I (Paris: Les Editions du Cerf, 1972), 351 e n. 1 ritiene più verosimile un riferimento agli archivi di Cartagine. Simona Tarozzi, “Archivi e *publica fides*. Alcune riflessioni sulla autenticità e conservazione degli atti della *Collatio Carthaginiensis* (*Cod. Theod.* 16.5.55),” *Atti dell'Accademia Romanistica Costantiniana* 16 (2007): 255-56 e n. 12 ritiene che *translata* indichi un processo di trascrizione del contenuto dei documenti, piuttosto che di trasferimento concreto. Sia il *Lexicon* di Forcellini che il *Glossarium* di Du Cange (s.v. *transfere* e s.v. *translatum*, rispettivamente)

vero che la conferenza cartaginese fu sollecitata attraverso una prece rivolta ad Onorio—dunque prevedeva un diretto coinvolgimento dell'autorità imperiale—e riguardava la sfera della religione, ma essa doveva anche regolamentare il diritto pubblico: è dunque logico che i suoi atti fossero destinati alla conservazione presso un archivio pubblico, quale esso fosse. Ma il termine utilizzato è interessante. *Publica monumenta*, nelle diverse occorrenze, compare nelle fonti dall'età repubblicana fino a quella tarda, e rimanda a documentazione ufficiale, verbali o registri;²² tuttavia, esattamente come per *scrinium* e *tabularium*, può essersi verificato un processo di estensione

avallano la possibilità che il termine alluda a una copia o a una trascrizione del documento originale. Tuttavia, seguendo il ragionamento secondo cui solo un documento depositato negli archivi pubblici assumeva valore legale (dato convalidato da *Cod. Theod.* 15.14.8 che non fa riferimento a una cancellazione di documento, quanto a un suo trasferimento dagli *scrinia* depositari di documenti pubblici: *Idem a.a. Constantiano praefecto praetorio Galliarum. Omnes, qui tyranni usurpatione provedi cuiuslibet acceperunt nomen illicitum dignitatis, codicillos adque epistulas et promere iubemus et reddere. Iuris quoque dictionem adque sententias, quas promere nequiverunt qui iudicum nomen habere non potuerunt, ex omnibus publicorum monumentorum scriniis iubemus auferri, ut abolita auctoritate gestorum nullus his indicatis conetur inniti, quae et tempore et auctore delentur. [...]. Dat. XVIII kal. feb. Mediolano Timasio et Promoto vv. cc. cons.*), riproposto giustamente dalla stessa S. Tarozzi nel suo contributo (Tarozzi, "Archivi," 254-55), è difficile pensare che non si sia trattato, in tale occasione, di un trasferimento fisico dei *gesta* originali, soprattutto considerando che essi furono redatti da Marcellino in veste di ufficiale pubblico, *tribunus et notarius* designato dall'autorità imperiale. La domanda che piuttosto si pone, in merito a questa disposizione, considerando che la condanna di Marcellino non fu immediatamente consequenziale alla fine della conferenza, è perché i *gesta* non confluirono subito presso l'archivio ecclesiastico e/o proconsolare di Cartagine, tenendo conto che proprio il fratello di Marcellino, Apringio era al momento il *proconsul Africae* (PLRE II, s. v. *Fl. Marcellinus* 10, 711-712 e s. v. *Apringius* 1, 123). Il quesito è tanto più valido se si considera che le informazioni relative alla loro stesura e pubblicazione ufficiale, durante la notte della terza giornata, avvenne immediatamente dopo la chiusura del procedimento giudiziario (cfr. Rossi, *La conferenza*, 71-119). Sulla vicenda di Marcellino cfr. anche Madeleine Moreau, *Le dossier Marcellinus dans la correspondance de saint Augustin* (Paris: Etudes Augustiniennes, 1973), 137-40.

²² Per l'età tardoantica l'espressione ricorre in *Hist. Aug. Comm.* 11.11; *Gesta coll. Carth.* 1.217; *August. Ep.* 89.3; *August. Contra Petil.* 2. 92.205; *August. Contra Cresc.* 3.61 e in *Cod. Theod.* 10.8.5; 11.30.29; 14.3.12; 15.14.8.

semantica, per cui dal documento il termine è passato ad indicare il luogo.²³ E questo è tanto più vero se si guarda alle testimonianze tardoantiche. Da queste ultime risulta senza ombra di dubbio che esistessero archivi ecclesiastici, archivi pubblici e, in Africa, quelli proconsolari: in tal senso è dirimente la testimonianza di Agostino nelle cui opere si fa costante riferimento ad essi, usando i termini *monumenta*, *tabularia* e *archiva*. Dunque archivi locali esistevano eccome e, di nuovo, stando alla testimonianza di Agostino, sembravano dialogare gli uni con gli altri.²⁴ Un esempio di dialogo diretto è dato da *Cod. Theod.* 16.11.3 e *Gesta* 1.4, ovvero l'editto di convocazione, piuttosto sintetico, della conferenza da parte di Onorio e la sua forma estesa riportata negli atti cartaginesi.²⁵ La versione ridotta può essere frutto di una volontà di "generalizzazione" del testo evidentemente emanato per un contesto locale, ma è un esempio di dialogo tra due cancellerie. Un dialogo che Agostino permette di ritenere costante: e se così era in un contesto locale, si può confidare che fosse una replica del dialogo, sviluppatosi certo più tardi, tra archivio pontificio romano e quello imperiale, ammettendo, senza poterlo provare, che ci fosse una contiguità tra cancelleria pontificia e archivio imperiale dislocato a Roma in quanto capitale. Tuttavia, quest'ultima clausola, si vedrà, non pare indispensabile. Per altro, l'accessibilità degli archivi ecclesiastici sembra confermata—e non è una battuta ironica—da Girolamo, il quale, nell'*Adversus Rufinum*, esorta i propri

²³ Sulla terminologia per indicare archivi e documenti d'archivio si rimanda a Moatti, "Archives," 31-35.

²⁴ August. *Ep.* 43.9; 129.4; *Serm. Nov.* 2D.22; *Contra Petil.* 1.14.15; *Contra Cresc.* 3.45.49; 3.61.49 e 3.70.80; *Brev. coll. don.* 3.8; 3.31; 3.32 e 3.37; *Contra don.* 15.19 e 16.20. In questi passi, Agostino parla esplicitamente di *archiva*.

²⁵ *Cod. Theod.* 16.11.3: *Imppp. Honorius et Theodosius aa. Marcellino suo salutem. Ea, quae circa catholicam legem vel olim ordinavit antiquitas vel parentum nostrorum auctoritas religiosa constituit vel nostra serenitas roboravit, novella superstitione submota integra et inviolata custodiri praecipimus. Dat. prid. id. oct. Ravennae Varane v. c. cons.; Gesta Coll. Carth.* 1.4.7 (= 3.29.7).

avversari, con lo stesso tenore dell'epistolario agostiniano, a verificare le sue affermazioni nell'archivio pontificio.²⁶

A questo punto ci si deve confrontare con una ulteriore questione: ammessa l'esistenza di archivi, ammessa una distribuzione a comparti nell'organigramma palatino—come sembra evidente dalle leggi sopracitate—e forse una parziale riproduzione presente a Roma, chi poteva essere il responsabile degli archivi imperiali? La precisa settorialità delle competenze degli *scrinia*, almeno sulla carta, induce a pensare, complici anche le testimonianze del *Codex Theodosianus*, che vi fossero depositati i documenti “in arrivo” da tutto l'impero e le copie originali, ma non autenticate, delle disposizioni imperiali. È seriamente improbabile che questi potessero essere consultati: in nessun modo essi sono mai stati definiti “pubblici.” Il responsabile della stesura delle leggi era il questore palatino, e sarebbe naturale pensare che egli avesse un suo proprio archivio, ma, come esplicita la *Notitia Dignitatum*, egli non aveva un *officium* né del personale a suo servizio: poteva però disporre dei dipendenti degli *scrinia*.²⁷ Aveva *adiutores* dagli *scrinia* ma non ne era il superiore diretto, non collaborava con i *magistri scriniorum*, eppure proprio da costoro doveva ricevere i documenti necessari al proprio incarico.²⁸

Da quando, negli anni '50 del secolo scorso, uscì un contributo di Cencetti dedicato agli archivi imperiali, si è diffusa una vulgata per cui lo *scrinium memoriae* sarebbe stato il fantomatico “archivio imperiale,” il

²⁶ Jer. Adv. Ruf. 3.20: *si me fictam epistolam suspicaris, cur eam in ecclesiae Romanae chartulario non requiris?*

²⁷ Più precisamente *Not. Dign.* [Occ.] 10.6 specifica che il *quaestor habet subaudientes adiutores memoriales de scriniis diversis*, mentre *Not. Dign.* [Or.] 12.6 registra che egli *officium non habet, sed adiutores de scriniis quos voluerit*.

²⁸ Sul questore e sulle sue competenze v. in generale Giovanni De Bonfils, *Il comes et quaestor nell'età della dinastia costantiniana* (Napoli: Jovene, 1981) e Maria G. Castello, *Le segrete stanze del potere. I comites consistoriani e l'imperatore tardoantico* (Roma: Aracne, 2012), 23-45.

Tabularium principis, di età tarda.²⁹ Le argomentazioni di Cencetti, in definitiva si basano sulla presenza tra il personale dello *scrinium memoriae* di almeno quattro *antiquarii* che sarebbero stati i responsabili di un unico immenso archivio comprendente tutta la documentazione degli *officia palatina*.³⁰ Ciò è desunto solo sulla base di *Cod. Theod.* 9.19.3 che sanzionava gli abusi nella redazione dei documenti ufficiali da parte delle cancellerie provinciali che talvolta adottavano la *forma scribendi* codificata della cancelleria palatina.³¹ L'argomentazione non appare risolutiva ma pure ha avuto successo.³² L'idea di un unico depositario, quanto a competenze e responsabilità, dell'archivio imperiale tardoantico si era fatta strada già in precedenza,³³ in seguito l'argomento è stato pressoché abbandonato dalla ricerca storiografica che, come si è detto, per lo più ha alla fine accettato la prospettiva di Cencetti. Può essere certo verosimile, ma non soddisfa un quesito: chi, in definitiva, era il responsabile di tale, immenso archivio? Non il *magister memoriae*, dal momento che—la *Notitia Dignitatum* parla chiaro—non era il sovrintendente dello *scrinium* omonimo,³⁴ non il *quaestor sacri palatii* che pur aveva un rapporto privilegiato con lo *scrinium memoriae*,³⁵ non certamente il più alto in grado del personale dello *scrinium* che, per altro, non è praticamente mai menzionato esplicitamente dalle fonti. L'unica proposta logica è che il vero responsabile dei *sacra scrinia* fosse il *magister officiorum*.³⁶ Costui, a differenza di altri

²⁹ Cencetti, “*Tabularium*,” 160-63.

³⁰ *Cod. Inst.* 12.19.10: *Imperator Leo. Statutos memoriales praecipimus esse in scrinio quidem memoriae sexaginta duos, epistularum vero triginta quattuor, libellorum quoque triginta quattuor: antiquarios vero, qui habentur in scrinio memoriae, numquam minus esse quam quattuor.*

³¹ Cencetti, “*Tabularium*,” 160-62.

³² Cfr. ad esempio Caltabiano, *Ammiano*, 244, n. 43.

³³ Hermann Peter, *Geschichtliche Litteratur über die römischen Kaiserzeit bis Theodsius I. und ihre Quellen*, I (Leipzig: Teubner, 1897), 232.

³⁴ Infatti gli *scrinia palatina* erano posti sotto la sovrintendenza del *magister officiorum*. *Not. Dign.* [Occ.] 9.10-13; *Not. Dign.* [Or.] 11.13-16)

³⁵ *Cod. Theod.* 1.8.1 e 1.8.2.

³⁶ V. *supra* n. 33

funzionari palatini, è ben rappresentato nelle fonti storiografiche, letterarie e giuridiche ma in nessuna di essa pare associato alla gestione/sovrintendenza di un archivio. Anche questa è tuttavia un'argomentazione *e silentio*.

D'altro canto, se si accetta la prospettiva che gli *scrinia* e i rispettivi *officiales* o *scriniarii* si occupassero di gestire la mole di documenti relativi alle prerogative dei rispettivi *magistri scriniorum*—dato che appare razionale—lo *scrinium memoriae*, come anche sembra confermare la legislazione imperiale già citata (*Cod. Iust.* 12.20.3.2 e 12.59.10), conservava le *preces* rivolte all'imperatore, le *orationes* imperiali a contenuto, forse, non legislativo e le norme associate alle *adnotationes ad personam*.³⁷

Eppure, se si vuole a tutti i costi ipotizzare un referente per un archivio imperiale, c'è un terzo soggetto da tenere in considerazione, connesso con una *schola* i cui membri sono molto più vincolati ai documenti ufficiali e molto più rappresentati nelle fonti allorché si tratta di atti pubblici: sono i *notarii* imperiali, inquadrati nella *schola notariorum* con il suo *primicerius*. I *notarii*, responsabili della registrazione degli atti del concistoro, del *laterculum maius*, materiali estensori delle bozze, stenografate nelle sedute del concistoro, da cui il *quaestor* poi elaborava le leggi definitive, sembrano i migliori indiziati quali responsabili di un archivio imperiale ufficiale.³⁸ In questo caso, in mancanza di documentazione diretta, si segue un ragionamento di tipo deduttivo, corroborato dal fatto che, allorché tra la fine del IV e l'inizio del V secolo si costituì un archivio papale, la sua gestione fu affidata a *notarii* posti sotto la

³⁷ V. *supra*.

³⁸ *Not. Dign.* [Occ.] 16; *Not. Dign.* [Or.] 18. Sul notariato imperiale la monografia più completa rimane ancora Hans Carel Teitler, *Notarii and exceptores. An Inquiry into Role and Significance of Shorthand Writers in the Imperial and Ecclesiastical Bureaucracy of The Roman Empire, (From the Early Principate to C. 450 A. D.)* (Amsterdam: J. C. Gieben, 1985), 38-72.

responsabilità di un *primicerius notariorum*.³⁹ Bresslau scrive: “le istituzioni cancelleresche della Chiesa in un primo momento si rifecero semplicemente al notariato romano antico.”⁴⁰ Per altro, è vero che altre istanze potrebbero aver portato la nomina di un *tribunus et notarius*, Marcellinus, alla presidenza della conferenza di Cartagine—non ultimo il fatto che fosse il fratello del *proconsul Africae* Apringius⁴¹—ma l’impiego di *notarii*, anche imperiali, in atti e conferenze ecclesiastiche è interessante,⁴² tenendo presente che i *notarii* non erano certo solo semplici stenografi.

Può essere che la cancelleria pontificia abbia replicato il modello imperiale? Lo si ritiene fortemente plausibile. Si tenga presente che proprio al *primicerius notariorum* imperiale fu affidata la responsabilità della redazione di uno fra i primi “registri” o *registri* o *registi* della storia della diplomatica, ovvero la *Notitia Dignitatum*, o *laterculum maius*.⁴³ I *registi*, per altro, furono uno dei documenti contraddistintivi della prima cancelleria papale e proprio a partire da tali registri si ritiene siano state realizzate compilazioni quali la *Collectio Avellana*.⁴⁴

³⁹ Sul notariato pontificio cfr. Harry Bresslau, *Manuale di diplomatica per la Germania e l'Italia*, trans. Anna Maria Voci-Roth (Roma: Ministero per i beni culturali e ambientali, Ufficio centrale per i beni archivistici, 1998), 173-80; v. anche il contributo di M. Raimondi in questo volume. Prestando fede al cosiddetto *titulus archivorum* (ED 57; cfr. Antonio Ferrua, *Epigrammata damasiana* (Roma: Pontificio Istituto di Archeologia Cristiana, 1942), 210-12, al tempo del pontificato di Damaso l’archivio papale sarebbe stato collocato presso la basilica di San Lorenzo in Damaso, ma v. le obiezioni recenti in merito nel contributo della stessa Raimondi. In un momento non meglio definito esso fu spostato in Laterano; Bresslau, *Manuale*, 137-40. cfr. *Liber diurnus*, n. 82: *in arxio domine nostrae sanctae Romane Ecclesiae, scilicet in sacro Lateranensi scrinio*.

⁴⁰ Bresslau, *Manuale*, 173-74.

⁴¹ Non da ultimo il fatto che fosse il fratello del *proconsul Africae*; v. *supra* n. 21.

⁴² Costoro furono responsabili della duplice redazione degli atti del concilio di Serdica del 343, su cui v. in generale Hemilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford: Oxford University Press, 2002).

⁴³ *Not. Dign.* [occ.] 16.5; *Not. Dign.* [or.] 18.4.

⁴⁴ Bresslau, *Manuale*, 94-95; Giovanna Nicolaj, *Lezioni di diplomatica generale. I. Istituzioni* (Roma: Bulzoni, 2007), 180-81 e 230-32.

Rimane tuttavia il problema della accessibilità della cancelleria imperiale, per esempio a storici come Ammiano Marcellino, ma anche al clero, l'eventualità di dialogo diretto tra cancelleria imperiale ed ecclesiastica che avrebbe agevolato il formarsi di collazioni giuridiche come la *Collectio Avellana* stessa. Forse è questa, in definitiva, la vera chiave di volta dell'intero discorso che alla fine prescinde da chi fosse il custode dell'archivio imperiale, ma non dalla sua struttura e locazione. E certamente non prescinde da una storia della formazione degli archivi istituzionali romani. Mi riservo di ripercorrerla meglio in altra sede, ma in sintesi essa coincide, nella sua evoluzione, con quella istituzionale romana.

Il *Tabularium* di Roma, archivio per eccellenza, registro prima di tutto fiscale e poi istituzionale, entro cui convergevano documenti di varia natura, da documenti censuali fino agli *acta senatus*, era una struttura legata alla tarda repubblica e alla prima età imperiale: la sua funzione, come ben sottolineato da Cencetti, fu prioritaria fino a quando l'attività di amministrazione e di governo doveva, anche se solo formalmente, passare attraverso il senato.⁴⁵ I documenti personali dei *principes* potevano essere depositati presso il *Tabularium principis*,⁴⁶ e potevano aver dato luogo alla costituzione di un apparato che gestiva le pratiche del principe,⁴⁷ ma gli atti ufficiali erano pronunciati ancora secondo le antiche prassi repubblicane: si pensi, per rimandare ad esempi ben più che noti, al discorso di Claudio *de iure honorum Gallis dando* e alla *lex de imperio Vespasiani*. Tali atti, verosimilmente, venivano

⁴⁵ Cencetti, "Tabularium," 133-34.

⁴⁶ Sul *tabularium principis* e in generale sugli archivi imperiali dell'epoca altoimperiale, si v. Cencetti, "Tabularium," 135-38; Attilio Mastino, "Tabularium principis e tabularia provinciali nel processo contro i *Galilenses* della Barbaria sarda," in *La Tavola di Esterzili: il conflitto tra pastori e contadini nella Barbaria sarda; convegno di studi (13 giugno 1992, Esterzili)*, ed. Attilio Mastino (Sassari: Edizioni Gallizzi, 2003), 105-7; Mario Varvaro, "Note sugli archivi imperiali nell'età del principato," *Annali del Seminario Giuridico dell'Università di Palermo* 51 (2006): 381-431.

⁴⁷ Cencetti, "Tabularium," 134-39.

ancora conservati nel *Tabularium* del Campidoglio. Ma la *forma imperii* cambia nel tempo e non è senza logica che anche le strutture fisiche dell'amministrazione si adeguino. Claudio aveva costruito lo scheletro di un apparato burocratico; la dinastia Antonina, per lo più su impulso di Adriano, lo aveva istituzionalizzato, non solo sottraendolo alla gestione dei liberti, ma anche in conseguenza di una sostanziale modifica della prassi legislativa per cui, anticipando il principio elaborato poi formalmente in età severiana e codificato in età tarda, *quod princeps placet legem habet vigorem*.⁴⁸ Il baricentro legislativo si spostava dal senato all'autorità imperiale, gli *officia* con i loro archivi stavano soppiantando a livello quantitativo di documentazione il *Tabularium* capitolino che, appunto, veniva sempre meno menzionato nelle fonti:⁴⁹ storia istituzionale e documentazione archeologica vanno in questo senso di pari passo.

Gli *officia*, ormai in mano agli *equites*, conservavano la documentazione: i loro responsabili erano per lo più giurisperiti—dato evidente nelle fonti soprattutto a partire dall'età severiana—che elaboravano il diritto all'interno del *concilium principis*. Questa trasformazione, senza pretesa di precisa attribuzione, è evidente a partire dal regno di Adriano che per altro vede l'istituzione dell'*a memoria* sulle cui competenze storici romani e romanisti continuano a dibattere senza giungere a conclusioni certe.⁵⁰ Non c'è però alcun indizio che questo *officium* o il suo responsabile fosse posto a capo unico dell'archivio imperiale. Al contrario: la riforma diocleziana-

⁴⁸ *Dig.* 1.4.1 pr.

⁴⁹ Planket and Ashby, *Topographical*, 507, sostengono che non vi sia più notizia del *Tabularium* dal I secolo d.C.; Mura Sommella, "Tabularium," 20 scrive a proposito di una sopravvivenza del *Tabularium* anche in età tardoimperale e medioevale, ma senza ben specificarne l'uso.

⁵⁰ Cfr. Paul R. C. Weaver, *Familia Caesaris. A Social Study of the Emperor's. Freedmen and Slaves* (Cambridge: Cambridge University Press, 1972), 264; Richard A. Bauman, *Lanyers and Politics in the Early Roman Empire: A Study of Relations Between the Roman Jurists and the Emperors from Augustus to Hadrian* (München: Beck, 1989), 251-321.

costantiniana accentuò la parcellizzazione di competenze con una moltiplicazione di *scrinia*; addirittura, istituzionalizzò per la prima volta un archivio finanziario entro le *sacrae largitiones* gestito da un *primicerius scrinii tabulariorum*⁵¹ e uno entro la casa dell'Augusto e dall'Augusta soggetto all'autorità del *castrensis sacri palatii*.⁵²

A livello di documentazione legislativa, la ripartizione entro gli *scrinia* evidentemente soddisfaceva le esigenze di una struttura imperiale a forte vocazione verticistica. Si può ipotizzare che la documentazione *generalis* fosse in mano al questore o al *magister memoriae* o al *primicerius notariorum*, ma, riconducendo il discorso entro la cornice del problema di accessibilità, questo poco importa: se si può supporre che il *tabularium* repubblicano e alto imperiale avesse un accettabile livello di accessibilità e consultazione, altro discorso è quando a questo si affiancò, per poi diventare preponderante, quello imperiale: non più patrimonio della *respublica*, ma del *princeps*. E quanto più l'autorità del *princeps/imperator* si afferma sulle ormai obsolete istituzioni repubblicane, quanto più l'accessibilità agli archivi si restrinse. Se non ai suoi funzionari.

La grande riforma tardoantica, con l'istituzionalizzazione della corte e del *palatium*, che, soprattutto in Occidente non corrisponde alla capitale—come avviene, almeno dalla seconda metà del IV secolo in Oriente con Costantinopoli—, rese distanti, come mai era mai successo in precedenza, il *populus* dalla *militia*, ovvero dall'apparato di governo. L'imperatore era inaccessibile e tale era la sua *forma imperii*, ovvero i suoi documenti. Ammiano stesso lamenta la difficoltà di accedervi⁵³ e talora deve servirsi di informatori, tra cui, significativamente, un *tribunus et notarius*, tale Discene.⁵⁴ C'è da

⁵¹ *Not. Dign. [Ocr.]* 11.90; *Not. Dign.* 13.24.

⁵² *Not. Dign. [Ocr.]* 15.8-9; *Not. Dign. [Or.]* 17.7-8.

⁵³ V. *supra*.

⁵⁴ Amm. Marc. 19.9.9

dubitare che persone estranee all'amministrazione imperiale potessero accedere ai documenti depositati negli archivi imperiali. Due considerazioni:

- i compilatori del *Codex Hermogenianus* e del *Codex Gregorianus* erano funzionari inquadrati nell'organigramma palatino e non è un caso che costoro fossero gli espliciti referenti della struttura del *Codex Theodosianus*,⁵⁵ struttura non replicata dalla *Collectio Avellana*.
- La natura della *Collectio Avellana*: il suo compilatore ebbe accesso a documenti di natura religiosa, a *rescripta* e *responsa* ma non a *leges generales*.

E allora, in riferimento specifico alla *Collectio Avellana* e alle altre compilazioni affini, a seguito delle argomentazioni proposte, si può avanzare questa ipotesi. I documenti che ne fanno parte riguardano casi pertinenti alla Chiesa ma anche all'ordine pubblico romano e, in generale, afferiscono a questioni cui gli *scrinia* pontifici—che cominciavano a maturare un ordine e una organizzazione—e anche quelli della prefettura urbana di Roma, in una fase di rinnovata centralità politica, erano sicuramente ricettivi: la testimonianza di Cassiodoro è in questo caso imprescindibile. Ciò che interessa è la natura varia dei documenti: in campo amministrativo *rescritti* e *responsa*, ma non leggi generali, in campo ecclesiastico lettere papali e imperiali, ma non, ad esempio, canoni conciliari. Talora essi richiamano in causa funzionari dell'*élite* senatoria romana che, come è noto, era custode di archivi poderosi. Ma ciò che credo

⁵⁵ *Cod. Theod.* 1.1.5: *Impp. Theodosius et Valentinianus Aa. Ad Senatam. Ad similitudinem Gregoriani atque Hermogeniani codicis cunctas colligi constitutiones decernimus, quas Constantinus inclitus et post eum divi principes nosque tulimus, edictorum viribus aut sacra generalitate subnixas.* Se ben poco è noto di Gregorius, Hermogenianus può essere identificato con l'Aurelius Hermogenianus *praefectus praetorio* di *AE* 1987: 0456; André Chastagnol, "Un nouveau préfet du prétoire de Dioclétien: Aurelius Hermogenianus," *Zeitschrift für Papyrologie und Epigraphie* 78 (1989): 165-68.

possa interessare, sono gli archivi ecclesiastici romani, strutturati pressoché negli stessi anni in cui fu realizzata la *Collectio Avellana*⁵⁶ e destinatari, forse, della maggior parte delle disposizioni in essa contenute. Certo, solo un'approfondita analisi dei contenuti può fare chiarezza sulle ragioni per cui la *Collectio* sia stata realizzata. Tuttavia, se si colgono le suggestioni riportate e se si tiene conto delle regole che normavano la prassi legislativa, secondo cui l'imperatore/cancelleria rispondeva alle *preces*—richieste—inoltrate da diverse parti dell'impero e destinatarie di una risposta *ad hoc*, allora si può ipotizzare che il compilatore della *Collectio Avellana* possa essere un funzionario imperiale che, di per sé o per il tramite di *notarii* a sua disposizione, raccolse materiali a lui utili, ovvero un funzionario della cancelleria romana, probabilmente un vescovo, prestando fede alle esperienze di Agostino e di Girolamo.

⁵⁶ Lizzi Testa, "La *Collectio Avellana*."

CHAPTER SIXTEEN

I NOTARII NELLA CORTE IMPERIALE E IN QUELLA PAPALE: IL CONTRIBUTO DELLA *COLLECTIO* *AVELLANA* E DELLE ALTRE FONTI ANTICHE (EPIGRAFICHE, LETTERARIE, PAPIROLOGICHE)

SILVIA ORLANDI

Il termine italiano “notaio” deriva dal latino *notarius*, che però, in età romana, designava una figura professionale molto diversa da quella attuale, le cui origini si collocano nell’Italia di età comunale.¹ I *notarii* romani² erano infatti, originariamente, nient’altro che degli esperti di tachigrafia, che dovevano il

¹ Questa evoluzione è ben delineata da Giorgio Cencetti, “Dal tabellone romano al notaio medievale,” in *Il notariato veronese attraverso i secoli. Catalogo della mostra in Castelvecchio*, ed. Giulio Sancassani, Mario Carrara, e Licisco Magagnato (Verona: Collegio Notarile, 1966), XIX-XXIX; vd. anche Mario Amelotti, “L’età romana,” in *Alle origini del notariato italiano*, ed. Mario Amelotti e Giorgio Costamagna (Roma: Consiglio nazionale del notariato, 1975), 5-23.

² Su cui restano valide le informazioni di Arnold Hugh Martin Jones, *The Later Roman Empire 284-602* (Norman: University of Oklahoma Press, 1964), 103; 127-28; 161-62; 572-75, e lo studio di Hans C. Teitler, *Notarii and exceptores: an inquiry into role and significance of shorthand writers in the imperial and ecclesiastical bureaucracy of the Roman Empire (from the early principate to c. 450 A.D.)* (Amsterdam: J.C. Gieben, 1985), cui si aggiunga, per l’età altoimperiale, Mario Amelotti, “Notariat und Urkundenwesen zur Zeit des Prinzipat,” in *Aufstieg und Niedergang der römischen Welt*, II, 13 (Berlin, New York: W. De Gruyter, 1980): 386-99 e, per il tardo impero, Jean-Michel Carrié, “*Notarii*,” in *Late Antiquity. A Guide to the postclassical world*, ed. Glenn Bowersock, Peter Brown, e Oleg Grabar (Cambridge, London: Harvard University Press, 1999), 611-12.

proprio nome alle *notae* stenografiche³ con cui appuntavano velocemente le parole dette a voce per poi trascriverle in un documento completo, senza che ciò comportasse il riconoscimento del carattere di autenticità di quel documento. Il *notarius* antico, cioè, poteva solo garantire che le parole da lui scritte corrispondessero a quelle che erano state effettivamente dette, ma non che tali parole corrispondessero alla verità, cosa di cui, invece, si fa garante il notaio moderno.

Anche i sigilli di piombo con nomi di *notarii* di età bizantina rinvenuti, ad esempio, negli scavi della Crypta Balbi,⁴ venivano apposti a lettere e documenti redatti da professionisti della scrittura documentale per dichiarare la loro conformità alla legge, ma non davano a questi documenti valore di prova giudiziale.

I *notarii*, cioè, erano abili a comprendere tutto ciò che veniva detto e a trascriverlo in “appunti volanti”: *verba notis brevibus comprehendere cuncta peritus, raptimque punctis dicta praepetibus sequi*, come si legge in un carme di Prudenzio (*Peristephanon* 9.23-24) dedicato a un leggendario insegnante di stenografia, Cassiano da Imola, canonizzato nel 1952 da papa Pio XII e dichiarato patrono degli stenografi italiani.

La loro attività era affine a quella degli *exceptores*, veri e propri stenografi, che trascrivevano discorsi e documenti a partire da *excerpta* presi mentre venivano pronunciati o dettati, e che sono ampiamente attestati, in varie epoche e contesti, sia da fonti letterarie che da testimonianze epigrafiche. In

³ Sulla cui origine vd., da ultimo, Paolo Fioretti, “*Scribae*. Riflessioni sulla cultura scritta nella Roma antica,” in *Storia della scrittura e altre storie*, ed. Daniele Bianconi (Roma: Accademia Nazionale dei Lincei, 2014), 353 con nota 60.

⁴ Per il sigillo *Biti notari*, datato tra VI e VII secolo vd. Federico Marazzi, “Sigilli dai depositi di VII e VIII secolo dell’*esedra della Crypta Balbi*,” in *Roma dall’antichità al medioevo. Archeologia e storia*, ed. Maria Stella Arena (Milano: Electa, 2001), 262-63, nr. II.2.10. Per altri sigilli di notai bizantini conservati nelle raccolte vaticane, vd. Vitalien Laurent, *Les sceaux Byzantins du Médailler Vatican* (Città del Vaticano: Biblioteca Apostolica Vaticana, 1962), 146-49, nrr. 136-42.

greco, i *notarii* possono essere definiti **νοτάριοι**, con una semplice traslitterazione della parola latina, o anche—a indicare più specificamente la loro attività—**ταχιγράφοι** o, con un interessante calco linguistico, **σημειογράφοι**, da **σημεῖα**, termine greco che traduce la definizione latina dei segni stenografici chiamati, come abbiamo visto, *notae*.

Naturalmente, trattandosi di una professionalità “tecnica,” l’esercizio della tachigrafia richiedeva un addestramento specifico e quindi una certa spesa iniziale, come apprendiamo sia da un papiro di Ossirinco⁵ che conserva il contratto per l’addestramento biennale di Chaerammon da parte dell’insegnante di stenografia Apollonius, sia da un passo della copia dell’*edictum de pretiis* di Diocleziano rinvenuta ad Aezani, in Asia Minore, in cui, alla riga 68 del capitolo 7, si quantifica in 75 denari mensili per allievo la paga del maestro *notarius*.⁶

L’esigenza, o, in alcuni casi, il “lusso” di uno stenografo che prendesse nota delle parole pronunciate in determinate circostanze o deliberatamente dettate dal suo datore di lavoro si trova attestata sia tra privati cittadini—specie se dediti ad attività che di questo servizio avevano particolarmente bisogno, come quella degli *advocati*,⁷ e che comunque dobbiamo immaginare piuttosto facoltosi—sia, comprensibilmente, negli *officia* dei magistrati. Tra i primi possiamo annoverare, ad esempio, i *notarii* Sabinus e Diadumenus, che furono liberati per testamento dal loro padrone, come apprendiamo

⁵ P. Oxy. 4, 724, su cui vd. Teitler, *Notarii and exceptores*, 112.

⁶ Michael Crawford e Joyce Reynolds, “The Aezani copy of the prices edict,” *Zeitschrift für Papyrologie und Epigraphik* 26 (1977): 130.

⁷ Tra questi anche il giovane schiavo *Barbatio*, *notarius v(ir) c(larissimi) Eutropi advocati*, sepolto a Tessalonica; va infatti corretta la lettura Eutropia dy/ok (?) presente in Teitler, *Notarii and exceptores*, 117, Barbatio per l’iscrizione *CIL* 3: 14203, 39 = HD028102. D’ora in poi, per non appesantire troppo le note, le iscrizioni verranno citate con il riferimento alle principali banche dati epigrafiche on line (HD-Epigraphische Datenbank Heidelberg: [www. http://edh-www.adw.uni-heidelberg.de](http://edh-www.adw.uni-heidelberg.de); EDB-Epigraphic Database Bari: <http://www.edb.uniba.it>; EDR-Epigraphic Database Roma: www.edr-edr.it), dove il lettore troverà testi, immagini e bibliografia aggiornata.

dall'iscrizione che ne riporta il testo;⁸ tra i secondi, abbiamo testimonianze epigrafiche di *notarii* al servizio di magistrati sia statali, come Dassius, *notarius* del *praeses* della provincia di Dalmazia,⁹ che locali, come nel caso di Teanensis, *notarius* del *Ilvir* di Teano L. Flavius Coelius Priscus.¹⁰

Tra gli stenografi attivi nel servizio pubblico sono particolarmente numerosi quelli attestati nelle province africane, forse anche grazie alla straordinaria ricchezza della documentazione epigrafica di questa zona: li troviamo, ad esempio, al seguito del *legatus Augusti pro praetore* di Numidia, di stanza a Lambesi, dove aveva anche il comando della *legio III Augusta* (come Celsianus, che significativamente svolgeva il doppio ruolo di *notarius* e *actor*,¹¹ o P. Aelius Crescentianus, che si definisce esplicitamente *notarius legati*, e che morì mentre era distaccato nell'*officium* del prefetto al pretorio¹²); nell'ufficio del proconsole d'Africa o, più verosimilmente, dei *procuratores Augusti* addetti alla gestione delle proprietà imperiali e alla riscossione dei tributi in questa provincia dobbiamo invece immaginare i numerosi schiavi imperiali con la qualifica di *notarii* attestati—insieme a *librarii*, *tabellarii* e altri *officiales*—a Cartagine, sede, appunto del governatore della *Proconsularis*.¹³

Si tratta, in ogni caso, prevalentemente di schiavi, solo sporadicamente di liberti e ancor più raramente di ingenui, che, per quanto detentori di un'abilità particolare e quindi “preziosi” anche dal punto di vista economico, sono pur sempre personale subalterno, con una rilevanza sociale minima. Significativa, a questo proposito, la presenza anche di una *notaria*, attestata da un'iscrizione

⁸ Si tratta del famoso *tesamentum Dasumii*, un frammento del quale si conserva a Roma, presso l'Istituto Archeologico Germanico: *CIL* 6: 10229 = EDR078811.

⁹ *CIL* 3: 1938 = 8565 = HD053738

¹⁰ noto da *CIL* 10: 4789 = EDR153628.

¹¹ AE 1955, 80 = HD019233. Come *notarius et actor*, ma al servizio di un privato, lavorava anche lo schiavo Flavianus, noto dalla sua iscrizione sepolcrale *CIL* 6: 9130 = EDR158787.

¹² Come apprendiamo dalla sua iscrizione sepolcrale *CIL* 8: 2755 = *ILS* 2428.

¹³ *CIL* 8: 12620-12621; 12899-12901; 24693-24694.

di Roma,¹⁴ che conferma il riferimento a *notarii utriusque sexus* che troviamo in un passo del Codice di Giustiniano (*Cod. Just.*, 6.43.3.1, del 531).¹⁵

L'attività dei *notarii*, però, li portava ad entrare in stretto contatto anche con aspetti molto privati o delicati della vita dei loro datori di lavoro, specie quando questi erano personaggi pubblici o membri della famiglia imperiale. Di qui il ruolo di “persone di fiducia” cui inevitabilmente assunsero alcuni di loro, con tutti i privilegi ma anche con tutti i rischi che tale ruolo comportava, come si evince da alcuni episodi in cui i *notarii* furono torturati per estorcere i segreti dei loro padroni, o, al contrario, puniti per averli traditi.

In ogni caso, non sorprende che, in queste condizioni, anche i *notarii* che svolgevano la loro attività al servizio dell'amministrazione imperiale siano stati protagonisti, come altre figure professionali, della trasformazione in senso burocratico del personale di palazzo cui assistiamo all'inizio del IV secolo.¹⁶ A partire dall'età di Costantino e Costanzo II, infatti, cambia la funzione—e di conseguenza il rango—dei *notarii*, che mutuano dalla gerarchia militare il grado di *tribuni*: si accentua il loro ruolo di “persone di fiducia” dell'amministrazione imperiale, e si affievoliscono, invece, fino, in molti casi, a sparire del tutto, gli aspetti più tecnici della loro attività di trascrittori di testi nati in forma orale.

Del nuovo ruolo assunto dai *notarii* nell'ambito della corte imperiale sono testimonianza i numerosi episodi in cui personaggi con questa qualifica vengono inviati dagli imperatori come loro rappresentanti, con la funzione di messaggeri o latori di lettere imperiali, di membri di ambascerie, o anche con

¹⁴ *CIL* 6: 33892 = EDR000884.

¹⁵ Cfr. Kim Haines-Eitzen, “Girls Trained in Beautiful Writing: Female Scribes in Roman Antiquity and Early Christianity,” *Journal of Early Christian Studies* 6 (1998): 629-46.

¹⁶ Su questo argomento vd. in generale la documentazione raccolta e analizzata da Ignazio Tantillo, “I cerimoniali di corte in età tardo-romana,” in *Le corti nell'Alto Medioevo* (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 2015), 543-84.

il preciso scopo di fungere da mediatori—o di decisivi sostenitori di una delle due parti—in una situazione di conflitto. Da una serie di lettere della *Collectio Avellana* (in particolare la 15), ad esempio, conosciamo il caso del *tribunus et notarius* Aphrodisius, emblematico del ruolo dei *notarii* come mediatori, in quanto “uomini di fiducia” dell'imperatore: nel 419, accesi la disputa tra i vescovi Bonifacio ed Eulalio, entrambi eletti al soglio pontificio con il sostegno solo di una parte della gerarchia ecclesiastica romana, Aphrodisius fu inviato a Roma da Onorio per supportare l'attività del prefetto urbano nel mantenimento della legalità e dell'ordine pubblico.¹⁷ A stroncare lo scisma donatista in Africa fu inviato, invece, da Onorio il *tribunus notariorum* Marcellinus che poi, nel 413, accusato di connivenza con l'usurpatore Eracliano, fu condannato a morte dal governatore Marino.¹⁸ A un destino simile andò incontro il *tribunus et notarius* Palladius che, inviato da Valentiniano I in Africa a controllare la situazione (*ut gesta per Tripolim fide congrua scrutaretur*, come si legge in Ammiano Marcellino 28.6.12), si appropriò indebitamente di una parte del denaro che gli era stato affidato per pagare il soldo alle truppe africane e, per sfuggire alla condanna, si suicidò.¹⁹ Un vero e proprio mediatore di professione dovette essere il senatore Johannes che nel 394, in qualità, appunto, di *tribunus et notarius*, si sentì chiedere da Ambrogio, allora vescovo di Milano, di prendere le parti, di fronte all'imperatore, di coloro che avevano aderito all'usurpazione di Eugenio, mentre nel 408, divenuto nel frattempo *primicerius notariorum*, fu inviato come ambasciatore presso Alarico.²⁰ Ancora diverso il caso del

¹⁷ Le fonti antiche relative a questo episodio sono raccolte e discusse in *PCBE*, 2, 1, Afrodisius 2.

¹⁸ Su queste vicende vd. André Mandouze, “Le dossier de Marcellinus dans la correspondance de St. Augustin,” *Recherches Augustiniennes* 9 (1973): 23-181; *PCBE*, 1, 671-88.

¹⁹ Teitler, *Notarii and exceptores*, 155, Palladius 2.

²⁰ Teitler, *Notarii and exceptores*, 143, Iohannes 2.

tribunus et notarius Aphrodisius, inviato a Roma ai fini di un controllo del buon uso delle finanze imperiali in occasione dello scandalo edilizio relativo al ponte di Graziano—costruito male e subito crollato—e dell’inchiesta avviata nel 383 dal prefetto urbano Auchenius Bassus, come apprendiamo dalle *Relationes* 25 e 26 di Simmaco: in quest’occasione, il *tribunus et notarius* fu nominato direttore dei lavori non solo della fabbrica del ponte, ma anche di quella della basilica di S. Paolo fuori le mura, la cui costruzione iniziava proprio in quegli anni,²¹ con il chiaro intento, da parte degli organi centrali dell’amministrazione, di esercitare un più stretto controllo sull’uso dei fondi pubblici che erano stati erogati allo scopo.²² Anche la decisione della *inlustris femina* Micce di affidare al nipote Cesario le sue disposizioni testamentarie potrebbe avere a che fare con il ruolo di *tribunus et notarius* di quest’ultimo, come apprendiamo da una novella di Valentiniano III²³. Degno di nota, in ogni caso, il fatto che il *notarius* possa custodire il testamento, ma non farsi garante della sua validità, per la quale serve, appunto, l’intervento dell’imperatore.

In questo quadro di trasformazione politica e sociale del ruolo dei *notarii* s’inseriscono le osservazioni di Libanio, che nell’orazione 42 ricorda polemicamente diversi casi di persone che usarono questa carica, ancora

²¹ Sulla divisione delle responsabilità tra amministrazione imperiale e sede episcopale in questa costruzione cfr. *ICUR* 2: 4778 = EDR074194 e *Coll. Avell.* 3 (un rescritto imperiale del 386 al prefetto urbano Sallustio), con le osservazioni di Hugo Brandenburg, “La basilica teodosiana di S. Paolo fuori le mura: articolazione, decorazione, funzione,” in *San Paolo in Vaticano. La figura e la parola dell’Apostolo delle genti nelle raccolte pontificie*, ed. Umberto Utro (Todi: Tau, 2009), 13-14 e Paolo Liverani, “La cronologia della seconda basilica di S. Paolo fuori le mura,” in *Scavi e scoperte recenti nelle chiese di Roma. Atti della giornata tematica dei seminari di archeologia cristiana (Roma, 13 marzo 2008)*, ed. Hugo Brandenburg e Federico Guidobaldi (Città del Vaticano: Pontificio Istituto di Archeologia Cristiana, 2012), 107-23.

²² Domenico Vera, *Commento storico alle Relationes di Quinto Aurelio Simmaco* (Pisa: Giardini, 1981), 183-98, in particolare 193-94.

²³ *Nov. Val.* 21, 2, del 446, sui cui vd. Teitler, *Notarii and exceptores*, 120, *Caesarius* 2; *PLRE*, II, *Caesarius* 3 e *Pelagia* 2.

qualificata come abilità nella tecnica tachigrafica, per scalare la piramide sociale fino a raggiungere posizioni molto elevate come il proconsolato, la prefettura al pretorio o addirittura il consolato.

Interessante anche l'associazione della carica di *notarius* con quella di *tribunus voluptatum* - che in età tardoimperiale si occupava dell'organizzazione degli spettacoli anfiteatrali e circensi²⁴—attestata per Palladius, un visitatore che, come molti altri, ha lasciato il ricordo di sé in un graffito apposto sulla tomba di Ramsete IV a Tebe.²⁵

In ogni caso, la nuova, significativa rilevanza assunta dai *tribuni et notarii*, svicolati ormai dalla pratica effettiva della stenografia—che continua a essere esercitata da *scribae* ed *exceptores*²⁶—ed entrati a far parte del *cursus* senatorio con il rango di *spectabiles*, rende la loro carica sempre più appetibile anche per i rampolli delle famiglie nobili, con un circolo virtuoso che porta ad annoverare tra i suoi titolari alcuni dei rappresentanti più illustri dell'aristocrazia tardoimperiale.

Da una cospicua serie di testimonianze epigrafiche sono noti, ad esempio, i casi del poeta Claudiano, onorato in un'iscrizione bilingue come *tribuno et*

²⁴ Per fonti e bibliografia relative a questa carica vd. Silvia Orlandi, *Epigrafia anfiteatrale dell'Occidente romano*, VI. *Roma. Anfiteatri e strutture annesse con una nuova edizione e commento delle epigrafi del Colosseo* (Roma: Edizioni Quasar, 2004), 115, cui si aggiungano ora Cassiodoro, *Variae*, a cura di Andrea Giardina, Giovanni Cecconi, e Ignazio Tantillo, II, Libri III-V (Roma: L'Erma di Bretschneider, 2015) 443-44 (commento di Ignazio Tantillo a V. 25) e III, Libri VI-VII (Roma: L'Erma di Bretschneider, 2015), 213-17 (commento di Giovanni Cecconi a VII.10).

²⁵ AE 2010, 1749.

²⁶ Particolarmente famoso il caso di Fl. Laurentius, l'*exceptor amplissimi senatus* cui si deve il verbale della seduta in cui, nel 438, fu presentato, nel senato di Roma, il Codice Teodosiano (*Cod Theod.*, *Gesta Senatus*, p. 4), ipoteticamente identificato con l'omonimo *scriba senatus* noto da un'iscrizione sepolcrale datata al 451, proveniente dalle catacombe di Priscilla, e attualmente conservata nell'atrio di S. Maria in Trastevere (*CIL* 6: 33721 = *ICUR* 8: 23064 = EDB34547); vd. in proposito Lorena Atzori, *Gesta Senatus Romani de Theodosiano publicando: il codice Teodosiano e la sua diffusione ufficiale in Occidente* (Berlin: Duncker & Humbolt, 2008), 162-63 e 294-95.

notario e *praegloriosissimo poetarum*,²⁷ di Petronio Massimo, che raggiunse la carica di *tribunus et notarius* in giovanissima età, come leggiamo in una base di statua onoraria poi trasformata in altare,²⁸ e di Rufius Praetextatus Postumianus, la cui carriera, dalla questura al consolato ordinario, passando, appunto, per il tribunato notarile, è ripercorsa in tutte le sue tappe da un'altra iscrizione, anch'essa poi riutilizzata come sostegno d'altare²⁹ e trova un preciso confronto in quella di Iunius Quartus Palladius, onorato con una statua nella sua *domus* sull'Aventino.³⁰ Nel caso di Rufius Praetextatus Postumianus la qualifica di *tribunus et notarius* porta l'ulteriore specificazione di *praetorianus* che, come si ricava dal testo di una costituzione imperiale del 381 (*Cod. Theod.*, 6.10.3), lo colloca gerarchicamente al di sopra degli altri membri della *schola*, benché ancora al di sotto del suo capo, il *primicerius notariorum*. E nel 423 si dà addirittura il caso di un ex *primicerius notariorum*, Ioannes, che, alla morte di Onorio, si impadronisce del trono imperiale, ma non viene riconosciuto dall'imperatore d'Oriente Teodosio II, che dà ordine al suo generalissimo Aspar di catturarlo e metterlo a morte.³¹

²⁷ *CIL* 6: 1710 = EDR111227.

²⁸ *CIL* 6: 1749 = EDR122364. Giovanissimo doveva essere anche il figlio di Stilicone, Eucherius, quando ricevette la nomina a *tribunus et notarius*, senza peraltro rivestire mai la carica (come sappiamo da Zos. 5.34.7), su cui vd. Teitler, *Notarii and exceptores*. 132, Eucherius. Per Aezio, che ebbe il titolo onorario di *praetorianus* intorno ai 12-13 anni, cfr. Giuseppe Zecchini, *Aezio: l'ultima difesa dell'Occidente romano* (Roma: L'Erma di Bretschneider, 1983), 120 (che lo interpreta come *tribunus et notarius*) e Jeronen W. P. Wijnendaele, "The early career of Aetius and the murder of Felix (c. 425-430 CE)," *Historia* 66 (2017): 469 (che invece lo interpreta come *tribunus praetorianus partis militaris*).

²⁹ *CIL* 6: 1761 = EDR122366.

³⁰ *CIL* 6: 41383 = EDR073082.

³¹ Teitler, *Notarii and exceptores*, 143, Iohannes 3. *PLRE*, II, Ioannes 6.

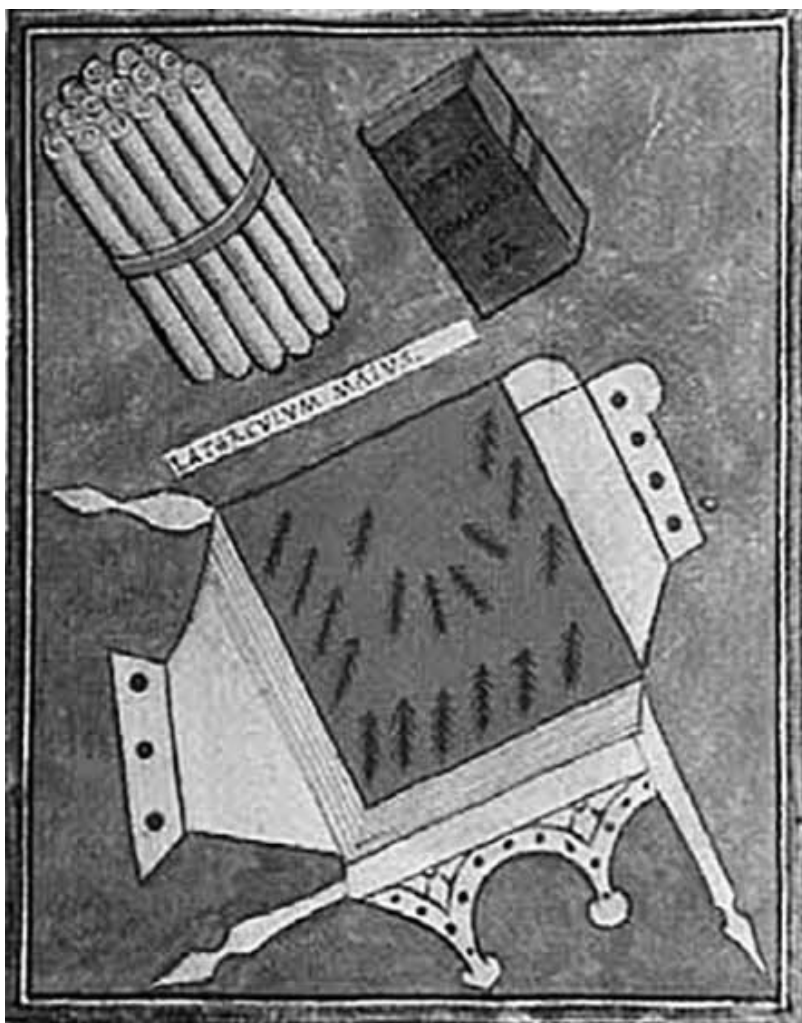


Fig. 15-1. Le insegne del primicerius notariorum nella *Notitia Dignitatum*

Anche Stilicone fu *tribunus*—sottinteso *et notarius*—*praetorianus* prima di arrivare a reggere le sorti dell'impero in qualità di *magister utriusque militiae*,³²

³² *CIL* 6: 1730 = EDR127908.

ma non sono certa che vadano sempre interpretati come *notarii* tutti i *tribuni nude dicti* attestati da fonti sia epigrafiche che letterarie di varia natura, come ad esempio il Faustus *vir clarissimus tribunus* onorato con una statua sorretta da una base iscritta a Sorrento.³³

Anonimi rimangono, invece, i due *primicerii notariorum* che—a conferma sia del maggiore prestigio che della maggiore responsabilità, anche in campo economico, dei titolari di questa carica—si resero protagonisti, a vario titolo, di interventi di restauro di edifici romani in rovina: un *locum sq[ualore sordentem vel confectum]* e una *porticus* che fu ricostruita dalle fondamenta [*detersis*] *squaloribus*, testimoniati da due architravi iscritti reimpiegati, rispettivamente, nelle chiese di S. Cecilia³⁴ e S. Pudenziana.³⁵

Della posizione di privilegio dei *notarii* tardoimperiali troviamo testimonianza anche in alcuni esemplari di *instrumentum inscriptum* degni di essere valorizzati in questo contesto: una delle cosiddette *tabellae immunitatis*, destinate verosimilmente ad esentare dal pagamento di un dazio le merci trasportate dai mezzi così contrassegnati, che menziona l'ex prefetto al pretorio Postumiano e il *tribunus et notarius* Festus,³⁶ e una *fistula aquaria* che, se fosse corretta la lettura *n(o)t(ar)i* che se ne propone, attesterebbe il privilegio della fornitura d'acqua per Pascalis, fin qui ignorato dai principali repertori prosopografici.³⁷

Meno chiara la funzione delle iscrizioni che menzionano il *tribunus et notarius Uranius* apposte, in caratteri piuttosto rozzi che rinviano al IV-VI

³³ CIL 10: 681 = EDR102140. Ancora più incerti, perché noti da testimonianze epigrafiche estremamente frammentarie, casi come quello di *Felix, v(ir) c(larissimus) t(ribunus) ---?*, noto da CIL 6: 31977 = EDR114442.

³⁴ CIL 6: 1786 = EDR130291, nota solo da tradizione manoscritta, in cui un *primicerius notariorum* figura, verosimilmente, come curatore di un intervento promosso dal prefetto urbano.

³⁵ CIL 6: 1790 = EDR111566, da poco ritrovata grazie a un recente intervento di ripulitura, in cui promotore dell'iniziativa è un ex *primicerio notariorum sacri palatii*.

³⁶ CIL 6: 32035 = 15: 7163 = EDR114569.

³⁷ CIL 15: 7579 = EDR158757.

secolo, su un gruppo di quattro blocchi di pavonazzetto scoperti nel 1886 sul Quirinale, durante i lavori di costruzione del palazzo della Banca d'Italia.³⁸ Qualche tempo fa, quando lo studio dei “cantieri di smontaggio” non aveva ancora raggiunto il livello di approfondimento bibliografico che avrebbe conosciuto in seguito, le avevo accomunate ad altre iscrizioni che documentano il coinvolgimento dell'aristocrazia senatoria nello sfruttamento dei materiali derivati dagli edifici antichi in rovina, fenomeno attestato da un numero crescente di testimonianze epigrafiche.³⁹ Recentemente, tuttavia, valorizzando la presenza, accanto al nome in genitivo del magistrato, di un'indicazione numerica in greco espressa in piedi (πό(δες), da intendere forse come piedi cubici), tali iscrizioni sono state piuttosto interpretate come testimonianza non della destinazione dei manufatti ad uso privato, ma dell'attività di controllo sulle operazioni di produzione e distribuzione del marmo, esercitata dal *tribunus et notarius* nell'ambito di lavori edilizi eseguiti con fondi pubblici.⁴⁰ Tale interpretazione, in effetti, ben si accoderebbe con il

³⁸ Pubblicate da Giuseppe Fiorelli, “Roma. Regione VI,” *Notizie degli Scavi di Antichità* (1886): 361-62.

³⁹ Recentemente raccolte da Silvia Orlandi, “Urban Prefects and the epigraphic evidence of Late-Antique Rome,” *Antiquité Tardive* 25 (2017): 213-22.

⁴⁰ Così Lucrezia Spera, in Cinzia Palombi e Lucrezia Spera, “La banca dati e il GIS degli indicatori di produzione. Note topografiche e prime riflessioni di sintesi,” in *Archeologia della produzione a Roma (secoli V-XV). Atti del Convegno Internazionale di Studi (Roma, 27-29 marzo 2014)*, ed. Alessandra Molinari, Riccardo Santangeli Valenzani, e Lucrezia Spera (Bari: Edipuglia, 2016), 48-49 e Lucrezia Spera, “A proposito di quattro blocchi di pavonazzetto con iscrizioni da un'officina marmoraria nell'area del Quirinale,” in *Humanitas. Studi per Patrizia Serafin*, ed. Alessandra Serra (Roma: UniversItalia, 2015), 263-86. Resta, invece, aperta la questione dell'identità di *Urbanus*, assegnato prudentemente alla burocrazia occidentale del V-VI secolo dalla PLRE, II, *Urbanus* 5, messo in rapporto con la famiglia proprietaria del mausoleo degli *Urbanii* sotto la basilica di S. Sebastiano da Giovanni Battista De Rossi, “Il mausoleo degli *Urbanii* cristiani a S. Sebastiano sull'Appia,” *Bullettino di Archeologia Cristiana* 4 (1886): 29-33, ipoteticamente identificato con il destinatario di una costituzione del Codice Teodosiano del 339 (*Cod. Theod.* 11.1.5) da Spera, *A proposito di quattro blocchi*, 272; contra Anna Maria Nieddu, *La Basilica Apostolorum sulla via Appia e l'area cimiteriale circostante* (Città del Vaticano: Pontificio Istituto di Archeologia Cristiana, 2009), 156,

ruolo di rappresentanti del potere imperiale svolto da questi funzionari anche in occasione di attività edilizie che richiedevano il controllo di un garante *super partes*, come nel caso, sopra ricordato, del *notarius* Aphrodisius, inviato a dirimere uno scandalo edilizio ai tempi di Teodosio.

Questa panoramica non può e non vuole essere esaustiva della varietà di casi, ruoli e vicende in cui troviamo attestati i *notarii* romani in ambito civile, in generale, e nel quadro dell'amministrazione imperiale, in particolare. Vuole solo dare, con l'ausilio di una ricca esemplificazione, un'idea dell'evoluzione subita da questa figura professionale nel corso del tempo, con una particolare attenzione alle fonti epigrafiche che di questa evoluzione sono spesso uno specchio significativo.

Lo stesso vale per i *notarii* attestati in ambito non civile, ma ecclesiastico.

Con l'avvento del Cristianesimo, infatti, nuove esigenze legate allo stesso tipo di attività erano sorte anche nell'ambito delle curie vescovili o, più in generale, in occasioni legate al diffondersi della nuova religione, anche se non sembra esserci una divisione netta tra i due ambiti in cui tale professione poteva essere esercitata, tanto che troviamo casi di *notarii* che passarono senza problemi dal servizio civile alla *militia Christi*.⁴¹ Due, fondamentalmente, i campi in cui l'opera degli stenografi era essenziale: la stesura degli atti dei concili e delle sinodoi che si riunivano periodicamente in varie città dell'Impero per discutere temi "caldi" come la definizione del credo cattolico contro le diverse eresie, e, in precedenza, la verbalizzazione dei processi intentati contro i cristiani, i cui estratti diventavano, in alcuni casi, parte integrante degli atti e delle passioni dei martiri. Trattandosi di circostanze in

che interpreta *Uranii* non come elemento onomastico individuale, ma come "nome di gruppo."

⁴¹ È il caso, ad esempio, di un *notarius* che aveva servito presso il *consilium* di un proconsole e poi passò alle dipendenze del vescovo Evodio, menzionato in alcune lettere di Agostino del 414 d.C. (158; 160; 161; 163), su cui vd. Atzori, *Gesta Senatus*, 108.

cui le frasi esatte che venivano pronunciate dalle parti avevano un peso fondamentale, non solo sul piano giuridico, è chiaro che le persone che avevano il compito di fissare in un documento queste frasi svolgevano un ruolo al tempo stesso delicato e rischioso. Non è un caso che troviamo attestati *notarii* specifici per ciascuna delle parti in causa (come Victor e Cresconius, che fungevano da *notarii ecclesiae donatistarum* nella Conferenza di Cartagine del 411⁴² o i notai delle diverse parti coinvolte nel Concilio di Efeso del 449⁴³) e che gli stenografi abbiano potuto essere, in alcune circostanze, oggetto di minacce e tentativi di corruzione. In effetti, i *notarii* ecclesiastici che compilarono il verbale della sinodo di Costantinopoli del 448 furono accusati, l'anno successivo, di aver falsificato i documenti da loro redatti.⁴⁴ Per lo stesso motivo, durante il concilio di Aquileia del 381, uno degli accusati, Palladius, chiese senza successo al vescovo Valerianus⁴⁵ di poter usufruire di un *notarius* “di parte” per poter registrare le proprie dichiarazioni,⁴⁶ temendo, evidentemente, che quelli forniti dalla chiesa aquileiese potessero alterare i verbali.

Notarii o comunque stenografi altrimenti definiti possono essere presenti anche in occasioni meno formali ma altrettanto delicate, come sermoni o discussioni tra vescovi o scrittori ecclesiastici, specie se rappresentanti di opposte convinzioni politico-religiose. L'importanza del loro compito, ma, al tempo stesso, la necessità di un'autorità superiore che garantisse la validità dei

⁴² Per cui vd., rispettivamente, Teitler, *Notarii and exceptores*, 175, Victor 2 e 124-125, Cresconius e *PCBE*, 1, Victor 43 e Cresconius 6.

⁴³ Su cui vd. Fergus Millar, “Verbatim Reports of Proceedings from the Reign of Theodosius II,” in *A Greek Roman Empire: power and belief under Theodosius II (408-450)*, ed. Fergus Millar (Berkeley: University of California Press, 2007), 249-59, in part. 252-53.

⁴⁴ Vd. in proposito Teitler, *Notarii and exceptores*, 108, Aetius 2 e 115, Asterius 3 e Asterius 5.

⁴⁵ *PCBE*, 2, 2, Valerianus 1.

⁴⁶ *Exceptor vester et noster stent et omnia scribant*, come si legge in *Acta concilii Aquileiensis*, 46 (*CSEL*, 82, 3, p. 354).

testi trascritti durante la predicazione è testimoniata, ad esempio, da un episodio come quello di cui fu protagonista Gaudentius, vescovo di Brescia tra la fine del IV e l'inizio del V secolo:⁴⁷ nella prefazione alla sua opera, infatti, egli ricorda dei *tractatus* su alcuni passi delle Sacre Scritture che vengono inviati a Benivolo *emendatos*, con la preghiera di non tenere in considerazione le versioni, verosimilmente incomplete e scorrette (*procul dubio interruptos ac semiplenos*) redatte da *notarii latenter appositi*.⁴⁸

Non sorprende, dunque, che già a partire dal III secolo troviamo *notarii* attivi in ambito ecclesiastico, anche se non in tutti i casi si sarà trattato di stenografi veri e propri, come gli *exceptores*, ma piuttosto di “addetti alla documentazione” in senso più ampio. Nelle iscrizioni sepolcrali di committenza cristiana i *notarii* sono menzionati semplicemente con la loro qualifica professionale, come *notarii ecclesiae* senza ulteriori specificazioni,⁴⁹ o con un riferimento esplicito alla comunità in cui esercitavano la loro professione, come nel caso di Honorius, *notarius sanctae ecclesiae Nuceriae*,⁵⁰ o di Petrus, *notarius sanctae ecclesiae Ravennatis*.⁵¹

Numerosi gli epitaffi di *notarii* della chiesa Romana che sono stati rinvenuti in varie chiese e aree cimiteriali dell'Urbe, come le basiliche di S. Pietro, S. Sebastiano e S. Paolo fuori le mura, o le catacombe di Priscilla e Novaziano. Tra questi spicca per rilevanza monumentale e un certo impegno testuale l'iscrizione in versi del *primicerius notariorum sanctae ecclesiae Romanae* Gerontius, imparentato con papa Ormisda, morto nel 565. L'epigrafe,⁵² che oggi si conserva nel Lapidario Cristiano ex Lateranense dei Musei Vaticani, fu

⁴⁷ PCBE, 2, 1, Gaudentius 3.

⁴⁸ Gaudentius, *Tractatus, Praefatio ad Benivolum* 11 (CSEL, 68, pp. 4-5).

⁴⁹ Ad es. in ICUR 7: 20447 = EDB6704, dalle catacombe di Novaziano sulla via Tiburtina, e in CIL 11: 4970 = EDR164308, da Spoleto

⁵⁰ Attestato da CIL 10: 1108 = EDR121466.

⁵¹ Noto da un lungo epitaffio in versi: CIL 11: 315 = EDR166270.

⁵² ICUR 1: 1477 = CLE 1385 = EDB31264.

vista per la prima volta nel '700 nella chiesa di S. Cesario sul Palatino, ma resta di origine incerta, anche se padre Ferrua ne ipotizzava una provenienza dall'agro Verano. In ogni caso, la presenza di un *primicerius* a capo dei *notarii* che prestavano servizio per la chiesa di Roma fa pensare che anche questi, come i *notarii* imperiali, avessero un'organizzazione gerarchica, anche se non sappiamo né se questa fosse costituita in *schola*, né se al loro *primicerius* fosse affidato il compito di redigere la *notitia omnium dignitatum et administrationum* di ambito ecclesiastico, sul modello di quanto avveniva nell'amministrazione civile.⁵³

Dall'area dell'antica basilica di S. Pietro, dove potrebbe essere stata rinvenuta nel XVI secolo in occasione dei lavori per la costruzione della nuova chiesa, proviene, invece, probabilmente, un'iscrizione ancora più rilevante sia dal punto di vista del supporto che del contenuto, che attualmente si conserva nell'atrio della chiesa di S. Maria Annunziata in Borgo.⁵⁴ Si tratta del sepolcro destinato al *notarius* Eugenius e al resto della sua famiglia: il piccolo Boethius, morto nel 577 ad appena 11 anni, e la moglie Argentea, che lo seguì pochi giorni dopo. Testimonianza significativa della rilevanza economica, oltre che sociale, della famiglia sono le disposizioni testamentarie contenute nelle "carte lapidarie" incise nei due tondi al lato dell'iscrizione principale. In esse si dispone il lascito alla chiesa romana di una parte dei terreni di proprietà della famiglia (sei once di un *hortus Transtiberinus* presso la *Porta Portuensis* e quattro once di un *fundus Eucarpianus* sulla via Labicana⁵⁵), a condizione che i proventi di tali terreni fossero utilizzati per le commemorazioni periodiche e l'illuminazione (*ad luminaria*) del sepolcro. Tuttavia, né il lascito, sia pure condizionato, alla chiesa di Roma, né la

⁵³ Come sappiamo da *Not. Dign.* 16: *Sub cura primicerii notariorum viri spectabilis notitia omnium dignitatum et administrationum tam civilium quam militarium.*

⁵⁴ *CIL* 6: 8401 = 41420a = EDR093646.

⁵⁵ Su cui vd. Daniela De Francesco, "Eucarpianus fundus," in *LTUR—Suburbium*, II (Roma: Edizioni Quasar, 2004): 225-26

provenienza dall'area di S. Pietro da un lato, né, dall'altro, il fatto che il padre di Eugenius fosse il *vir illustris* Micinus, che fu capo della segreteria (*cancellarius*) della prefettura urbana, sono elementi sufficienti a dirimere la questione se il titolare di questo sepolcro fosse un *notarius* civile o ecclesiastico. Per la seconda ipotesi propende J.R. Martindale,⁵⁶ mentre sembra escluderlo Charles Pietri, che non include questo personaggio nella *Prosopographie Chrétienne*. Sospende il giudizio Heike Niquet, autrice della scheda relativa a questa iscrizione dell'ultimo supplemento al VI volume del *Corpus Inscriptionum Latinarum*, che non esclude possa trattarsi di un *notarius* al servizio dell'amministrazione statale. Un elemento a favore dell'attribuzione di Eugenius all'ambito ecclesiastico potrebbe venire dalla sua identificazione con l'omonimo *notarius*, incaricato dell'amministrazione del patrimonio della chiesa romana, citato da Gregorio Magno in alcune sue lettere datate al 599,⁵⁷ ma, dal momento che tale identificazione è tutt'altro che certa, la questione sembra, al momento, destinata a rimanere aperta.

Benché non sia esplicitamente ricordata la loro appartenenza alla chiesa aquileiese, invece, appartenevano sicuramente a questa i numerosi *notarii* che, accanto ad altri dignitari ecclesiastici e a semplici fedeli, sia pure facoltosi, finanziarono—spesso come scioglimento di un voto—porzioni del meraviglioso pavimento musivo della basilica di S. Eufemia a Grado.⁵⁸

Nel complesso, dunque, le fonti epigrafiche relative ai *notarii*—di cui in questo contributo ho voluto dare una carrellata che non ha la pretesa di

⁵⁶ *PLRE*, II, Eugenius 2.

⁵⁷ *PCBE*, 2, 1, Eugenius 5.

⁵⁸ Vd. ad es. i testi pubblicati in Giovanni Brusin, *Inscriptiones Aquileiae*, III (Udine: Deputazione di Storia Patria per il Friuli, 1993), nrr. 3350; 3366; 3368; 3369; 3372, su cui vd. Danilo Mazzoleni, "Le iscrizioni musive della basilica di S. Eufemia a Grado nel Vat. lat. 9071 di Gaetano Marini," in *Marmoribus vestita. Miscellanea in onore di Federico Guidobaldi*, ed. Olof Brandt e Philippe Pergola (Città del Vaticano: Pontificio Istituto di Archeologia Cristiana, 2011), 923-44, in part. 934, nr. 5; 940, nr. 22; 941, nr. 24; 942, nr. 28.

essere esaustiva—illustrano in tutta la sua complessità una categoria professionale che si caratterizza per la presenza, al suo interno, di numerose differenze e sfaccettature a seconda dell'epoca, dell'origine sociale e dell'ambito di lavoro dei suoi rappresentanti. In un'epoca in cui non esistevano altri mezzi per fissare le parole dette e non scritte, l'attività di trascrizione e redazione di documenti, con la responsabilità che comporta e ne deriva, riveste un ruolo fondamentale nel funzionamento di molti meccanismi essenziali dell'amministrazione sia civile che ecclesiastica, e sta alla base della rilevanza sociale, politica e anche economica che i *notarii* finirono per acquisire anche quando il loro ruolo fu svincolato dalla pratica diretta di tale attività.

Tuttavia, bisognerà aspettare l'età medievale, con il nuovo valore legale dato alle testimonianze scritte a partire dalla seconda metà dell'XI secolo, perché i *notarii* comincino ad assumere il ruolo non di semplici estensori, sia pure professionali, ma di garanti dell'autenticità delle affermazioni contenute nella documentazione da loro redatta e sottoscritta, che ancora oggi li qualifica e li caratterizza.

CHAPTER SEVENTEEN

THE COMPILATION PROCESS OF ITALIAN CANONICAL COLLECTIONS DURING ANTIQUITY¹

DOMINIC MOREAU

1. Introduction

The history of the compilation of canonical collections that we consider to be “antique” is not an exact science, since there is no documentation at all on the conditions in which these miscellanies were composed, used or received. For some, we are fortunate to have an author’s name (Dionysius Exiguus, Cresconius, etc.) or a context of use (for example, the Roman synod of 531 for the “*Collectio (Ecclesiae) Thessalonicensis*”); however, the elements that would allow us to reintroduce these works into the grand narrative are totally lacking. This situation has not prevented researchers from studying in depth the content of canonical collections, or from proposing a classification, as well as various hypotheses on their origins and respective objectives.² Yet, if

¹ The English translation was made with the financial help of the Research Department of the University of Lille.

² For a non-exhaustive list of the main theories for this period, cf. above all Jean Gaudemet, *Les sources du droit de l'Église en Occident du II^e au VII^e siècle* (Paris: Cerf, 1985); and Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscript and Literature* (Washington: CUA, 1999), 1-86; to which can be added several passages from: Linda Fowler-Magerl, *Clavis Canonum. Selected Canon Law Collections Before 1140. Access with Data Processing*, 3rd ed. (Hannover:

one's interest lies in antique and early medieval canonical documentation, it should be borne in mind that one's work is purely speculative, as is this paper, which draws a historical picture of what we believe we know of the compilation process of the Italian canonical collections up to the death of Gregory I the Great. This *terminus ante quem* was chosen due to the scantiness of Italian canonical tradition in the century following his death, which consists only of an augmented version of Dionysius Exiguus' canonical works with a limited circulation, the *Collectio Dionysiana Bobiensis*,³ and perhaps a small collection of Biblical and patristic extracts, the *Collectio/Florilegium Pro causa injustae excommunicationis*.⁴

The hypothetical reconstructed history of the compilation process of Italian canonical collections in Antiquity is divided here into three parts. First, we will discuss what we believe we know about the compilation of canon law in Italy before the first collection that has come down to us directly, that is, until the end of the 440s. The study will then focus on the period between then and just before the first third of the sixth century, which for Rome, constitutes the great era of what is referred to by German historiography as *publizistische Sammlungen*. Finally, we will study the period after 530, when, with new compilation procedures, there was a change in the principal centre of production. It was during this time that appeared the final form of the

Hahnsche Buchhandlung, 2005); as well as from (for Italian documentation): Rita Lizzi Testa, with the collab. of Giulia Marconi and Silvia Margutti, "La *Collectio Avellana* e le collezioni canoniche romane e italiane del V-VI secolo: un progetto di ricerca," *Cristianesimo nella storia* 35 (2014): 103-236.

³ Cf. Kéry, *Canonical Collections*, 13; Fowler-Magerl, *Clavis Canonum*, 42-43. For the sake of precision, it would have been preferable to refer to at least one manuscript each time a collection is mentioned in this paper. However, so as not to overburden the text, reference will be made here only to the generic name of the compilations mentioned.

⁴ Cf. Kéry, *Canonical Collections*, 86; Fowler-Magerl, *Clavis Canonum*, 43-44.

collection around which was organised the symposium of Perugia, *viz.* the *Collectio Avellana*.⁵

2. The era of the first Italian collections

The history of canonical compilation in ancient Italy has the peculiarity of seeming inseparable from the increased affirmation of the right of the bishop of Rome to intervene in the domain of ecclesiastical legislation.⁶ The Italian collections were surely not alone in containing Roman episcopal acts, but the presence, form and agency of some of the writings often provide solid arguments for the identification, provenance, and area of dissemination of miscellanies.⁷ It is in fact difficult to geolocalise the origin of antique canonical collections, and the only way to establish acceptable hypotheses is to list the known collections in a series, with the aim of comparing their respective contents.

⁵ On this collection, cf. *infra* n. 41 and 43.

⁶ On the process of the elevation of Roman episcopal precepts to the rank of true ecclesiastical norms, cf. Dominic Moreau, “*Non impar conciliorum extat auctoritas*. L’origine de l’introduction des lettres pontificales dans le droit canonique,” in *L’étude des correspondances dans le monde romain de l’Antiquité classique à l’Antiquité tardive: permanences et mutations. Actes du XXX^e Colloque international de Lille (Villeneuve d’Ascq, 20-22 novembre 2008)*, ed. Janine Desmulliez, Christine Hoët-Van Cauwenberghe, and Jean-Christophe Jolivet (Villeneuve d’Ascq: CEGES, 2010), 487-506; id., “*De rebus exterioribus. Recherches sur l’action temporelle des évêques romains, de Léon le Grand à Grégoire le Grand (440-604 ap. J.-C.). Sources et approches*” (PhD diss., Université Paris-Sorbonne, 2012), 17-66 (in production).

⁷ For an illustration of this, consult the comparative tables in: Moreau, “*De rebus*,” 235-73. Until the publication of this doctoral dissertation, in the “Millenium-Studien/Millennium Studies” series, at Walter de Gruyter, (for the thesis statement: http://www.paris-sorbonne.fr/IMG/pdf/Moreau_Dominic_2011_position_de_these_2_.pdf), one can refer to different descriptions of the contents of manuscripts and collections, the main ones for this subject being: Friedrich Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters*, I (Graz: Leunschnher & Lubensky, 1870); and Lizzi Testa, “*La Collectio*,” 103-236.

This is all the more true, as the vast majority of manuscripts and antique collections are medieval copies conserved far from the place where they originated. The custom of naming the collections that these *codices* contain by where they were assembled or, if that is not known, by the place where their oldest known complete manuscript is conserved, is also of no help for antique miscellanies. The same can be said of compilations named after their discoverer, or of the archive where the work was found. For example, the *Collectio Quesnelliana*,⁸ discovered by Pasquier Quesnel, or the *Collectio Colbertina*, found in the library having belonged to Jean-Baptiste Colbert.

This way of naming antique canonical collections is very old and has no other origin than the medieval practice of citing *ex codici*. The first researchers interested in compilations continued to do the same, for lack of formal titles for the collections. Pietro and Girolamo Ballerini made the practice into a convention in their *De antiquis collectionibus et collectoribus canonum*. This study, published in Venice in 1757 as a chapter in the third volume of the critical edition of the works of Leo the Great, remains a fundamental reference today for historians of canon law.⁹ Their work represents the very first attempt to classify antique and early medieval canonical collections based on scholarly observations, making a true history of these collections, in Italy more than elsewhere, because of the manuscripts the two brothers were able to consult. We will not, of course, review here the whole historiographical tradition that followed, but it should be added that so far as the oldest Italian collections are concerned, it was the work, respectively, of Cuthbert Hamilton Turner, on the old Latin translations of the body of Greek canon law¹⁰ and of Hubert Wurm, on the manuscripts of Dionysius Exiguus' *Liber*

⁸ Cf. *infra* n. 40.

⁹ Reproduced in: *Patrologia cursus completus [...]* Series Latina 56 (1846), 11-354.

¹⁰ Cuthbert Hamilton Turner, ed., *Ecclesiae Occidentalis monumenta juris antiquissima [...]* [= *EOMLA*] (Oxford: Clarendon Press, 1899-1939—completed and edited by Eduard

decretorum,¹¹ which completed the observations of the Ballerini brothers as well as those of Friedrich Maassen,¹² making up the contemporary *doxa*. Some details were obviously added *a posteriori*, but always on the basis of their analyses.

Specialists thus date the first Roman canonical collection, which would also be the first Italian collection, perhaps even the first Western collection, between the years following the Council of Serdica of 343 and the Council of Carthage of 419. Commonly entitled *Versio antiqua Romana* or *Vetus Romana*¹³ (not to be confused with the hypothetical third-century Roman *Bible*), it is a Latin translation of the precepts of Nicaea and Serdica, arranged in a series with a continuous numeration and placed solely in the context of the meeting of 325. Although many traces of it have been found in canonical collections that have come down to us (the manuscripts give the complete Nicaea-Serdica in five different forms, both for the numeration of the canons and in the Latin version of Nicaea they propose), it is impossible at the present time to reconstitute its original state with precision. The existence of this small collection is not only the fruit of philological work on the comparison of manuscripts. Exceptionally, the corpus is known thanks to a well-documented

Schwartz); as well as all the “Chapters in the History of Latin MSS/Manuscripts [of Canons],” and all other works preparatory to his edition and published by the same author in *The Journal of Theological Studies*.

¹¹ Hubert Wurm, *Studien und Texte zur Dekretalensammlung des Dionysius Exiguus* (Bonn: Ludwig Röhrscheid, 1939).

¹² Maassen, *Geschichte*.

¹³ Cf. Eduard Schwartz, *Gesammelte Schriften. IV. Zur Geschichte der alten Kirche und ihres Rechts*, eds. Walther Eltester and Hans-Dietrich Altendorf (Berlin: Walter de Gruyter, 1960), 211-20; Giuseppe L. Dossetti, *Il simbolo di Nicea e di Costantinopoli. Edizione critica* (Roma, Freiburg im Breisgau, Basel, Barcelona, Wien: Herder, 1967), 133-34; Gaudemet, *Les sources*, 76-77; Hamilton Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford: OUP, 2002), 56 and 124-29.

and much studied historical event; in fact, it was the trigger of a polemic at its centre: the famous *Apiarii causa*.¹⁴

Zosimus of Rome had committed the error of sending the Africans the *Vetus Romana*, as the reference Latin translation of the canons of Nicaea only, to assert the role of his see as a court of appeal in religious matters. Carthage initiated an inquiry, which led to the Latin translation of the *Corpus/Syntagma canonum Antiochenum/Orientale*¹⁵ and thus, to the compilation of the *Corpus canonum Africanum(-Romanum)*.¹⁶ The result was a veritable affront to the Roman Church, probably encouraging it to undertake its own translation of the *Collection of Antioch*, generally known as the *Versio Prisca vel Italia*.¹⁷ Unlike the *Corpus canonum Africanum(-Romanum)*, the *Versio Prisca* incorporated the Nicaea-Serdica of the *Vetus Romana*.

This episode was also, certainly, that of the first introduction of Roman episcopal prescriptions into canonical law, the African compiler(s) having probably added bits of Roman episcopal acts into their collection: a passage from the Roman synodal *De explanatione fidei* (M. Schütz, with the collab. of

¹⁴ Cf. Werner Marschall, *Karthago und Rom. Die Stellung der nordafrikanischen Kirche zum Apostolischen Stuhl in Rom* (Stuttgart: Anton Hiersemann, 1971), 173-97; Charles Pietri, *Roma christiana. Recherches sur l'Église de Rome, son organisation, sa politique, son idéologie de Miltiade à Sixte III (311-440)* (Roma: École française de Rome, 1976), 1245-264; Jane E. Merdinger, *Rome and the African Church in the Time of Augustine* (New Haven, London: Yale University Press, 1997), 111-35 and 183-99; and, when published: Dominic Moreau, "Ut nullus ad Romanam Ecclesiam audeat appellare. La réaction canonique de l'Église africaine aux affirmations de la primauté judiciaire romaine pendant les V^e et VI^e siècles," in *La primauté romaine au premier millénaire*, eds. H. Legrand and Ph. Blaudeau (to be published in the series: la Bibliothèque de la Revue d'histoire ecclésiastique, Turnhout: Brepols).

¹⁵ Concerning the *Collectio of Antioch*, cf. above all Schwartz, *Gesammelte Schriften*, 1-110; and only afterwards: Aram Mardirossian, *La collection canonique d'Antioche. Droit et hérésie à travers le premier recueil de législation ecclésiastique (IV^e siècle)* (Paris: ACHCByz, 2010).

¹⁶ On the *Corpus canonum Africanum(-Romanum)* and on the impressive bibliography related to it, cf. above all the suggestions for reading in: Kéry, *Canonical Collections*, 1-2; Fowler-Magerl, *Clavis Canonum*, 24-27.

¹⁷ Cf. Schwartz, *Gesammelte Schriften*, 257-269; Dossetti, *Il simbolo*, 134, 139-40 and 149-51; Gaudemet, *Les sources*, 44 and 78-79; Hess, *The Early Development*, 56-57, 116, 124, 166 and 170.

V. Trenkle *et alii*, *Regesta pontificum Romanorum ab condita Ecclesia ad annum post Christum natum MCXCVII edidit Philippus Jaffé*, 3rd ed. [Göttingen: Vandenhoeck & Ruprecht, 2016] [= Jaffé³], 564) and the first eight anathematisms of the *Tomus Damasi* (Jaffé³, 557).¹⁸ These elements could also have been added from Rome, because the corpus seems to have been supplemented there at an unspecified date.¹⁹ Whatever the case may be, there is no doubt that the first compilation efforts of Roman Episcopal acts came after the “Apiarius affair,” during or shortly after the pontificate of Celestine I. According to Charles Pietri, the publication of the *Corpus canonum Africanum(-Romanum)* showed that “Rome, malgré le prestige de sa tradition, n’était pas la source unique du droit” while ruling out “l’intervention de la juridiction pontificale” in Africa.²⁰ Perhaps the Roman Episcopate sensed it was time to elevate its own precepts to the rank of true canonical texts, on the same level as synodal edicts, thus making it more difficult to set them up against each other.

As with most of the earliest compilations, the first collections of Roman episcopal epistles have come down to us indirectly. One of the oldest is Italian, very probably Roman, and is entitled, according to the different *incipit*: *Epistolae decretales diversorum/universorum episcoporum urbis Romae per diversas provincias missae*.²¹ This small collection, primarily disciplinary, was conserved in its most complete form—six documents from the answer of Innocent I to Victricius of Rouen of 15 February 404 (Jaffé³, 665) to the circular letter of

¹⁸ Cf. Moreau, “*Non impar*,” 499; id., “*De rebus*,” 95-97.

¹⁹ Cuthbert Hamilton Turner saw in the Latin version included in the *Corpus canonum Africanum(-Romanum)* a Roman undertaking, which, from a certain point of view, may not be entirely false, even if the original work is surely African. Cf. notably Turner, *EOMLA*, I, i, 2 (1904), 154.

²⁰ Pietri, *Roma*, 1264.

²¹ Cf. Wurm, *Studien*, 118-19; Gaudemet, *Les sources*, 88-90; Detlev Jasper, “The Beginning of the Decretal Tradition. Papal Letters from the Origin of the Genre through the Pontificate of Stephen V,” trans. St. Rowan, rev. par M. Sommar and D. Jasper, in *Papal Letters in the Early Middle Ages*, ed. id. and Horst Fuhrmann, (Washington: CUA, 2001), 25; Moreau, “*Non impar*,” 501-3; id., “*De rebus*,” 98-105.

Celestine I to the bishops of Apulia and Calabria of 21 July 429 (Jaffe³, 823)—in the *Collectio Frisingensis prima*,²² perhaps a Roman compilation and later than 495, which is also one of the vectors of the *Corpus canonum Africanum*-(*Romanum*). Furthermore, the *Epistolae decretales* are included, more than partially—the only letter of Innocent to Victricius of Rouen (Jaffé³, 665)—in the *Collectio Coloniensis*,²³ a Gallic canonical miscellany of the second half of the sixth century. There is no concrete information on the origin of this first Italian collection of Roman episcopal acts, but a series of elements leads us to link, directly or indirectly, the compilation with the figures of Celestine I and Leo I the Great, even to someone who could have been a close collaborator of the latter—that is, Prosper of Aquitaine.

Prosper is not known to be the author of canonical miscellanies, but it should be kept in mind that he compiled the anti-Pelagian *Praeteritorum Sedis apostolicae episcoporum auctoritates de gratia Dei*, which may have served as an appendix to a letter by Celestine (at least that is how canonical tradition transmitted the work).²⁴ Furthermore, the two other early collections of Roman bishops' letters, composed at the same time as the *Epistolae decretales*, whose existence is more or less certain—the [*Auctoritates vel*] *Canones urbican*²⁵ and the common source for the *Corbeiensis* and *Pithouensis* collections²⁶—are possibly Gallic, which may not be without a link to Prosper of Aquitaine. This context of the years 430-440 seems confirmed by the fact that the first

²² Cf. Wurm, *Studien*, 237-38. On the *Frisingensis prima*, cf. *infra* n. 39.

²³ Cf. Wurm, *Studien*, 277-78. On the *Coloniensis*, cf. Gaudemet, *Les sources*, 144; Kéry, *Canonical Collections*, 44-45.

²⁴ On this anthology of *auctoritates* in the canonical tradition, cf. Maassen, *Geschichte*, 255 (§ 279,12); Wurm, *Studien*, 72; Moreau, "De rebus," 132-36. Research on this work of Prosper is sorely lacking.

²⁵ Cf. Wurm, *Studien*, 116-18; Gaudemet, *Les sources*, 89-90; Jasper, "The Beginning," 23-25; Moreau, "Non impar," 501-2; id., "De rebus," 98-102.

²⁶ Cf. Wurm, *Studien*, 119-20; Jasper, "The Beginning," 26; id., "Non impar," 501-2; Moreau, "De rebus," 98-102.

not only Roman, but also Italian collection to have come down to us directly is the work of the offices of Leo the Great.

Before discussing that compilation, it is interesting to mention that Hubert Wurm proposed the identification of a fourth early collection of Roman letters, which he presented as the common source for the *Pithouensis*, *Diessensis*, *Remensis* collections and possibly for the *Teatina/Chietensis vel Ingilramni*.²⁷ He believes it to be a Gallic or Italian work and places it after 418. His hypothesis, however, has never been accepted by specialists in canon law. Still in the domain of speculation, we can ask whether we shouldn't also consider the famous *Decretale ad Gallos episcopos* (Jaffé³, 586) one of the early Italian efforts to codify ecclesiastical precepts, rather than a simple Roman episcopal letter. That is because—like the collections qualified by tradition as the Council of Laodicea, the Second Council of Arles, the *Statuta Ecclesiae antiqua* and, perhaps also, the Council of Elvira—it is anonymous and is presented by certain manuscripts as resulting from a council.²⁸ Since the enigma surrounding the *Decretale* remains complete, it is a legitimate question, but it seems preferable to leave it aside in this work.

3. The great period of Roman *publizistische Sammlungen*

In the West as well as the East, the 450s mark a turning point in the history of canonical collections. Along with the unprecedented development in the practice of collecting extracts and codifying laws in the previous period, there had been attempts, in waves of trial and error, to compile a few collections with canonical pretension, always with a precise purpose, so without any ecumenical claim. The result was the composition of the first miscellanies of conciliar canons and/or Roman episcopal acts. The experimental period had

²⁷ Cf. Wurm, *Studien*, 120; Moreau, “*Non impar*,” 500, n. 65; id., “*De rebus*,” 98-99, n. 13.

²⁸ Cf. Moreau, “*De rebus*,” 85-87.

also brought to light the true utility of canonical collections, that is, the defence of a theological and/or disciplinary position in the framework of a polemic, through a series of documents or extracts of documents presented as authentic, and most often arranged chronologically. It would be a grave error to consider antique and early medieval compilations as actual canonical codes. The context did not at all lend itself to the establishment of an official law for the Church by the Church. Its norms had the value of institutional custom, making them the source of numerous debates over which rules should be given priority, even if the civil legislator rarely went against them.

For all these reasons, German Science, in the person of Eduard Schwartz, sought an appellation as distant as possible from the concept of formal legal codification, to describe the ancient and early medieval canonical collections, thus: the *publizistische Sammlungen*.²⁹ This expression is not translatable literally in English, because the adjective “publicist” doesn’t have the same meaning in both languages, the German term referring to the work of the journalist or essayist who attempts to convince through a series of arguments by publishing them, whereas the English term describes rather the work of a person responsible for publicising something or someone, the work of a journalist concerned with current affairs, or that of an expert in public law, or more commonly a press agent. Obviously, this second definition does not concern the collections studied here. Thus it seems more convenient to use the term *publizistische Sammlungen* without trying to translate it. However, it should be said that the expression elaborated by Eduard Schwartz has not been universally accepted, and that some of those who wrote after him tended to make a distinction, which he had not at all theorised, between, on

²⁹ For example, Eduard Schwartz uses this expression in the title of his *Publizistische Sammlungen zum acacianischen Schisma* (Munich: Bayerische Akademie der Wissenschaften and C.H. Beck, 1934). On the idea of *Publizistik* (editorial action), as understood by Schwartz, cf. Philippe Blaudeau, *Le Siège de Rome et l'Orient (448-536). Étude géo-ecclésiologique* (Roma: École française de Rome, 2012), 14-23.

the one hand, miscellanies that supposedly had served as a source of canon law during the Gregorian Reform, and on the other hand, the others, that is essentially collections of council acts published in the *Acta conciliorum oecumenicorum*.³⁰ In truth, it is a matter of projecting late medieval understandings onto Late Antiquity and the High Middle Ages, as if the first had been something other than the *publizistische Sammlungen*, and that the official value acquired over time by their content put them without question in a category apart. In the mind of the “Ancients,” this was obviously not the case.

The oldest Italian collection to have come down to us is generally classified among these *publizistische Sammlungen*, rather than among compilations that are sources of medieval canon law. Although only known as a whole by a single manuscript, the documents it contains were nonetheless disseminated through a number of other *codices*. This is especially the case for Leo the Great’s *Tomus Flaviani* (Jaffé³, 934), which is no less than the most copied Roman episcopal act in antique and early medieval canonical miscellanies.³¹ In the midst of the religious polemic provoked by the deposition of Flavian of Constantinople and by the synod of Ephesus in 449, this first Italian collection that has come to us is the *Collectio Novariensis de re Eutychis*, which was probably directly requested by Leo the Great.³² Was

³⁰ Among recent examples, cf. Kéry, *Canonical Collections*, which neglects practically all the collections published in the *Acta conciliorum oecumenicorum* [= *ACO*], ed. Eduard Schwartz *et alii* (Strasbourg, Berlin/Leipzig, New York: Wissenschaftliche Gesellschaft in Strassburg and Walter de Gruyter, since 1914). Even if the author does not say so anywhere, her work clearly positions itself, as is often the case, from a purely medieval point of view of the sole sources of canon law used during the Gregorian Reform.

³¹ Cf. Maassen, *Geschichte*, 261-62 (§ 281, 19); Moreau, “De rebus,” 137, 142, 249 and 262. For the many references in ancient literature, cf. id., “Notes pour servir de complément à la “nouvelle édition” du *Tome à Flavien* (E. Schwartz et E. Mühlberg, in CCCOGD 1 [2006] 127-132),” *Cristianesimo nella storia* 29 (2008): 495-97.

³² Cf. Schwartz, *ACO* II, ii, 1 (1932), v-xii; Moreau, “Notes,” 482 and 511-18; id., “De rebus,” 136-37, 1302 and 1308-309; Lizzi Testa, “La *Collectio*,” 170-71.

Prosper of Aquitaine also associated with this work? And what about the original core of the *Collectio Casinensis* (*epistularum Leonis I papae*),³³ which would have been assembled shortly after, in 449/50? It does not contain the *Tomus Flavianus*, but the fact that the two anti-Eutychian compilations are contemporaneous leads one to believe it was an effort that must have had some link. This very first collection of epistles of Leo the Great, probably mentioned in a passage of the *Liber pontificalis*³⁴ and completed towards 458, could have been composed from the library of a Roman aristocrat (with or without the aid of a great man of letters and theologian?), as shown by Philippe Blandeau in a recent paper (cf. n. 33).

Furthermore, it is a fact that Roman aristocratic milieus participated directly in the religious quarrels that raged during the following decades. In addition, disputing by means of another canonical collection, fully experienced by Rome in the context of the “Apiarius affair,” then in the Eutychian controversy, became the normal mode of argumentation in religious polemics at the turn of the sixth century. This is because the Acacian Schism (484-519) as well as its most manifest politico-religious consequence in Rome—the schism sometimes qualified as Symmachian, sometimes as Laurentian (498/501-506/7)—created a climate particularly

³³ Cf. Above all Philippe Blandeau, “La réfutation d’Eutychès conservée par les pièces 23-26 de la *Collectio Casinensis*: le résultat d’une initiative lancée par un cénacle aristocratique romain?” *Annali di storia dell’esegesi* 28 (2011): 185-204; and, afterwards, Moreau, “De rebus,” 138 and 196-99; Lizzi Testa, “La *Collectio*,” 122-24.

³⁴ *Liber pontificalis* XLVII, 5 (ed. Theodor Mommsen, *Monumenta Germaniae historica* [= MGH]. *Gesta pontificum Romanorum* I [Berlin: Weidmannsche Buchhandlung, 1898], 103-104; Herman Geertman, *Hic fecit basilicam. Studi sul Liber pontificalis e gli edifici ecclesiastici di Roma da Silvestro a Silverio* [Louvain, Paris, Dudley (MA): Peeters, 2004], 211) = *Collectio Mutinensis* XLVII, 1 (ed. Mario Fornasari, “*Collectio canonum Mutinensis*,” *Studia Gratiana* 9 [1962]: 353). Cf. also Dominic Moreau, “Les actes épiscopaux romains dans l’hypothétique partie la plus ancienne du *Liber pontificalis*,” in *Frühmittelalterliche Briefe: Übermittlung und Überlieferung (4.-11. Jahrhundert)/La lettre au haut Moyen Âge: transmission et tradition épistolaires (IV^e-XI^e siècles)*, eds. Thomas Deswarte, Klaus Herbers, and Cornelia Scherer (Köln, Weimar, Wien: Böhlau, 2018), 229-54.

propitious to the development of the type of literature studied here.³⁵ For the period between 495 and 530, we thus find a dozen Italian collections, mostly Roman, composed during these two great ecclesiastical conflicts or around dossiers assembled during them. Moreover, the Symmachian/Laurentian and Acacian schisms fueled the debate for a long time after their respective official ends.

The earliest of the known collections of this important period of religious dispute is usually attributed to the episcopate of Gelasius I, the *terminus ante quem* being dictated by its most recent document, but with no possibility of attribution (thus the idea of a “Gelasian Renaissance,” based nonetheless on an argument *ex silentio*).³⁶ This collection is known as the *Frisingensis prima*,³⁷ and is one of the main vectors of both the *Corpus canonum Africanum* (*-Romanum*) and the *Epistolae decretales*. The document has not yet been studied thoroughly enough to be reinserted in the grand narrative (is that possible?), but it is generally presented as a testimony to the Roman theological and disciplinary positions under Gelasius. It is nonetheless surprising that the *Tomus Flavianus*, is not to be found there, since it is still one of the main documents in the combat against Monophysitism/Miaphysitism. However, it can be found in the *Quesnelliana*,³⁸ contemporary with the *Frisingensis prima*

³⁵ On the Acacian Schism, cf. Blaudeau, *Le Siège*; Jan-Markus Kötter, *Zwischen Kaisern und Aposteln. Das Akakianische Schisma (484-519) als kirchlicher Ordnungskonflikt des Spätantike* (Stuttgart: Franz Steiner, 2013). Concerning the Symmachian/Laurentian Schism cf. above all Eckhard Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus (498-514). Studien und Texte* (Munich: Tuduv, 1993); then Teresa Sardella, *Società, Chiesa e Stato nell'età di Teoderico. Papa Simmaco e lo scisma laurenziano* (Soveria Mannelli: Rubbettino, 1996).

³⁶ Cf. Moreau, “De rebus,” 139-41.

³⁷ Cf. Gaudemet, *Les sources*, 131-32; Kéry, *Canonical Collections*, 2-3; Fowler-Magerl, *Clavis Canonum*, 24-26; Lizzi Testa, “La Collectio,” 146-52.

³⁸ Cf. Gaudemet, *Les sources*, 133; Kéry, *Canonical Collections*, 27-29; Lizzi Testa, “La Collectio,” 177-86.

(according to the last document it contains), though possibly not Roman, or even Italian.

The history of Italian canonical collections during this period of conflict is beginning to become known in detail—starting with the dual election of Symmachus and Laurentius to the Roman see—thanks to the work of Eckhard Wirbelauer on the apocryphal pieces produced by partisans of the two opponents. Wirbelauer identifies four large groups of collections, which he associates with this period in the following manner:³⁹

1) The *Collectio Teatina/Chietensis* (sometimes qualified as *Codex Ingilrammi*) and the later collections that all stem from the same source. The *Teatina/Chietensis* is probably a version revised soon after the death of Hormisdas (523) of a compilation most likely initially produced between 501 and 506, or by a partisan of Symmachus, as a canonical collection related to the Roman synod of 501—Eckhard Wirbelauer proposes a functionary of the Roman Church (*Funktionär der römischen Kirche*)—or by Caelius Johannes, as a dossier justifying the abandonment of his support for Laurentius;

2) The *Collectio Italica* (earlier incorrectly named *Sanblasiana*) and the later compilations influenced by it. Probably composed from an original core dating back to the beginning of the sixth century and likely to have been revised under Hormisdas (514-523), the *Italica* is some kind of code meant for Italian bishops, placing at their disposal the canonical tradition defended by a Symmachus who is claiming to follow the legacy of Gelasius I (whence probably stems the pontiff's posterity particularly in Gaul) and who is opposed to that of his successor, Anastasius II;

³⁹ Wirbelauer, *Zwei Päpste*, 114-38. Cf. also Moreau, "De rebus," 143-46; Blaudeau, *Le Siège*, 42-49 (for the *Avellana*); Lizzi Testa, "La *Collectio*," 107-16, 139-44, 158-63, 192-97. Better not to refer here to Kéry, *Canonical Collections*, which does not sufficiently take into account Eckhard Wirbelauer's research.

3) Dionysius Exiguus' collections and their medieval forms. The *Collectio canonum Dionysiana prima* (*prima* and *secunda* recensions) and the *Collectio epistularum decretalium Dionysiana* were put together by the famous Dionysius Exiguus, doubtless a follower of Laurentius, to counter the *libri canonum* of the other party, notably with the aim of defending the memory of Anastasius II, while showing consideration for the legacy of Gelasius I;

4) The *Collectio Avellana*. This probably constitutes the finalised form, after 553, of a miscellany composed between 521 and 530 (*Collectio Y?*), possibly by the deacon Dioscorus or under his direction, by combining the hypothetical *Collectio X*, composed around 518, with different dossiers assembled by partisans of Laurentius (among whom Dionysius Exiguus, probably) in the archives of the Urban Prefecture, perhaps under the watchful eye of Anicius Acilius Aginantius Faustus Junior.

The publication of two papers, in 2012 and 2014 respectively, added an important building block to the understanding of the *Avellana*. The first is by Philippe Blaudeau, who showed that the reading of the mention *Gesta in causa Abundantii episcopi Traia<no>politani in scrinio habemus*, which follows the document N° 240 in Otto Günther's edition, very probably refers to the "Abundantius of Demetrias affair," which must have been dealt with at the Roman synod of 531, in a session of the meeting lost today.⁴⁰ That implies that the dossier of Hormisdas' correspondence, or at least part of it, would be later than the death of Dioscorus. Two years later, Rita Lizzi Testa, in a paper written together with Giulia Marconi and Silvia Margutti, showed that it is not at all impossible that documents N°s 1-40 had been assembled as a

⁴⁰ Philippe Blaudeau, "Un point de contact entre *collectio Avellana* et *collectio Thessalonicensis*? Autour du cas d'Abundantius de Démétrias," *Millennium* 10 (2013): 1-11. For the passage concerned, cf. Otto Günther, *Corpus scriptorum ecclesiasticorum Latinorum* [= CSEL] XXXV, 2 (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1898), 740²⁰⁻²¹.

whole, or else used as such, under the direction of Cassiodorus, when he was the urban prefect (533-538).⁴¹ As we will see, Cassiodorus' interest in canonical matters is echoed in the second half of the sixth century. As for the *Collectio Avellana*, it is certainly a patchwork, and the study of the stages of its composition is not near concluded.

Other collections should be placed in the context of, or immediately after, the Symmachian/Laurentian Schism. The first of these is the *Collectio Mutinensis*, which could be a testimony of the first edition of the Symmachian *Liber Pontificalis*, and could thus be earlier than its second edition, datable at approximately 530.⁴² We should also mention the *Collectio Vaticana*, which in some way would be the last stage of the propaganda in favour of Symmachus, combining the false documentation composed by his partisans within the Dionysian tradition.⁴³ Dionysius Exiguus and/or Dioscorus may be linked to this work, which would bring us to a compilation under Hormisdas. Dionysius Exiguus was at least mandated by this same Roman bishop to produce a revised version of his *Liber canonum* (possibly to render it less anti-Symmachus). However, only its preface has come down to us, so

⁴¹ Lizzi Testa, "La *Collectio*," 94-99. Cf. also Rita Lizzi Testa, "Rome elects her Bishop: The *Collectio Avellana* and Cassiodorus' *Variae* compared," from a communication given during the international symposium "Emperors, Bishops, Senators: The Significance of the *Collectio Avellana*, 367-553 AD" (Rome, 1-2 April 2011), and to be published shortly in the volume *Religion, Power, and Politics in Late Antiquity: Bishops, Emperors, and Senators in the Collectio Avellana, 367-553 AD*, eds. Alexander Evers and Bernard Stolte.

⁴² Cf. Kéry, *Canonical Collections*, 22; Dominic Moreau, "Et postmodum rediens cum gloria baptizavit Constantinum augustum. Examen critique de la réception et de l'utilisation de la figure de Constantin par l'Église romaine durant l'Antiquité," in *Costantino prima e dopo Costantino/Constantine Before and after Constantine*, eds. Giorgio Bonamente, Rita Lizzi Testa, and Noel Lenski (Bari: Edipuglia, 2012), 575; Lizzi Testa, "La *Collectio*," 167-69; Moreau, "Les actes."

⁴³ Cf. Kéry, *Canonical Collections*, 25-26; Lizzi Testa, "La *Collectio*," 203-11. These references should be considered in the light of Wirbelauer, *Zwei Päpste*, 122-28 and 214-15.

that we have no proof that the *Dionysiana secunda* got past the planning stage.⁴⁴

The struggle between Symmachians and Laurentians had taken on such proportions that the original pretext for the dual election seems to have been forgotten: a college of deacons claiming to be in the tradition of Felix III (II) and Gelasius I for their intransigent position with the East on the issue of the Miaphysitism, on the one hand, and on the other, a college of priests, strongly supported by the aristocracy and claiming to follow Anastasius II and his policy of openness to negotiations. While the *Collectio Veronensis de Schismate Acaciano*⁴⁵ was produced at the start of the affair, the arguments involving the “Oriental question” rapidly disappeared from the Roman contention through intermediary collections. It may be in that context that we can imagine the beginnings of a new centre of production and diffusion of canonical collections in Northern Italy, perhaps on the initiative of the Ostrogothic power. The latter had at first supported the party in favour of concord. The continual worsening of relations with the Orient prompted it in the end, however, to side with partisans of the hardline against the *Henotikon*, which theoretically demanded a strong response towards Constantinople. The *Collectio Vaticana vel Novariensis de rebus Chalcedonensibus*, which can probably be dated to the beginning of the sixth century and which is Italian without being Roman (even if it may have been composed using dossiers

⁴⁴ Dionysius Exiguus, *Præfatio ad Hormisdam papam in Collectionem canonum Dionysianam secundam (quam aliquando dicitur tertia)* (ed. Franciscus Glorie, *Corpus christianorum. Series Latina* [= CCSL] LXXXV [Turnhout: Brepols, 1972], 49-51). This collection is sometimes wrongly called *Dionysiana tertia*, in relation to the two known revisions of the preceding version, which would correspond respectively to a *Dionysiana prima* and a *Dionysiana secunda*. In reality, this cannot be proved. Cf. Dominic Moreau, review of *Die erste Dekretale. Der Brief Papst Siricius' an Bischof Himerius von Tarragona vom Jahr 385* (JK 255), by Klaus Zechiel-Eckes, *Francia-Recensio* 2014, 1:

http://www.perspectivia.net/publikationen/francia/francia-recensio/2014-1/MA/zechiel-eckes_moreau.

⁴⁵ Cf. Blaudeau, *Le Siège*, 34-40; Lizzi Testa, “La *Collectio*,” 217-18.

assembled under Leo the Great), must hypothetically be placed in that geographical sphere, according to Cuthbert Hamilton Turner.⁴⁶ At least the region's firm anti-Monophysite stand certainly played a role in the later creation of an opposition movement to the diktat of the imperial power in religious matters.

Before turning to this last question, for the period concerned here there remains one collection which is very poorly geolocalised and dated, and would require a new study (as with the *Frisingensis prima* and the *Quesnelliana*). This is the *Parisiensis*,⁴⁷ which is necessarily later than the Dionysian compilation and which contains essentially African canons.

4. The time of change

The theoretical reunion of the Churches of the East and the West after the end of the Acacian Schism in 519 did not really end the atmosphere of religious polemics then reigning in the Roman world. Although on paper there was total agreement between Rome and Constantinople, the solutions found by the imperial power to definitively eliminate differences between Chalcedonians and Miaphysites were not unanimously accepted at all. The absence of consensus concerning the application of the agreement found between the two parties is particularly evident in the unprecedented increase in canonical collections in the Mediterranean region after the end of the

⁴⁶ Cuthbert Hamilton Turner, "The Verona Manuscripts of Canons: The Theodosian MS. and its Connection with St. Cyril," *The Guardian*, December 11, 1895: 1921; id., *EOMLA*, II, 1 (1907), ix, § iii, 2; Moreau, "De rebus," 237. The main difficulty with this is that the Vatican City, Vatican Apostolic Library, *Latinus* 1322 (end of the sixth century) could, according to Fabio Troncarelli, correspond to a manuscript sent to Verona from the Vivarium and not the copy of a local or regional manuscript. Cf. Fabio Troncarelli, *Vivarium. I libri, il destino* (Turnhout: Brepols, 1998), 40; Moreau, "De rebus," 238. On the collection itself, cf. Schwartz, *ACO* II, ii, 2 (1936), v-xiii; Lizzi Testa, "La *Collectio*," 212-14.

⁴⁷ Cf. Kéry, *Canonical Collections*, 40; Lizzi Testa, "La *Collectio*," 174-76.

above-mentioned schism. In Italy, the large-scale publication of *publizistische Sammlungen* can be linked to Italian reticence to accept the Theopaschite Formula promoted by Constantinople as a “magic formula” of reconciliation,⁴⁸ then to the rejection by many Italians of the Constantinople exhortation to condemn the Three Chapters.⁴⁹

This last question was so controversial that Justinian had no other choice than to take control of the Roman episcopal elections, to impose his project in the historic capital of the Empire. It was not the first time he interfered to such an extent in the organisation and functioning of the Church, his attitude in the matter being intimately linked to his great geo-ecclesiastical project of creating a patriarchal system under the auspices of the emperor.⁵⁰ The first Italian compilation after 530 is thus both a testimony to the reticence of the Roman Church to accept the Theopaschite Formula, and also a reshuffling of the cards of equilibrium and of traditional ecclesiastical geography.⁵¹

⁴⁸ On the Theopaschite controversy cf. among others A. Grillmeier, *Jesus der Christus im Glauben der Kirche* II, 2, reprint with corr. and updates by Theresia Hainthaler (Freiburg im Breisgau, Basel, Wien: Herder, 2004), 333-63, in the light of Blaudeau, *Le Siège*. Cf. also Dominic Moreau, “*Ipse diebus Bonifacius, zelo et dolo ductus*: The Root Causes of the Double Papal Election of 22 September 530,” in *The Bishop of Rome in Late Antiquity*, ed. Geoffrey D. Dunn (Farnham: Routledge, 2015), 191-93.

⁴⁹ On the “affair of the Three Chapters,” cf. in particular Grillmeier, *Jesus*, 431-84.

⁵⁰ For the beginnings, cf. Blaudeau, *Le Siège*. The bibliography on the Justinian patriarchal system is very important, but a reference study on Antiquity remains to be done. Meanwhile, one can use: Ottorino Pasquato, “Organizzazione ecclesiastica—IV. Patriarcati,” in *Nuovo dizionario patristico e di Antichità cristiane* II, ed. Angelo Di Berardino (Milano, Genova: Marietti, 2007), 3658-662; Vincenzo Lombino, “Patriarcato,” in *ibid.*, III (2008), 3954-959; *id.*, “Pentarchia,” in *ibid.*, 4023-28 (I was unfortunately unable to consult the revised and expanded English edition of the *Nuovo dizionario*).

⁵¹ On the events mentioned in the following paragraph, cf. Dominic Moreau, “The Papal Appeal Court in the Sixth Century: The Example of the Roman Synod of 531,” in *Recht haben und Recht bekommen im Imperium Romanum. Das Gerichtswesen der Römischen Kaiserzeit und seine dokumentarische Evidenz. Ausgewählte Beiträge einer Serie von drei Konferenzen an der Villa Vigoni in den Jahren 2010 bis 2012*, ed. Rudolf Haensch, with the collab. of Frederic Hurlet *et alii* (Warszawa: Taubenschlag Foundation, 2016), 365-403.

In 531, the bishop of Constantinople, Epiphanius, deposed Bishop Stephen of Larissa following a complaint against him from some of his suffragans, invoking his patriarchal power over Eastern Illyricum, since the region was part of the Empire and not of the Ostrogothic Kingdom. Stephen and his partisans then appealed to the Roman Church, which had continued to consider Macedonia and Dacia as part of its zone of influence. There followed an appeal trial in Rome in the form of a council, in the absence of the appellant, which is known from an incomplete transcript (the result is missing, as well as, probably, the session concerning the “Abundantius of Demetrias affair”) and by a canonical collection read during the synod. This “*Collectio (Ecclesiae) Thessalonicensis*,” which is not well named,⁵² is exceptional, since the proceedings which gave it to us form not only one of the few known examples of minutes of an appeal trial in all Late Antiquity, but also of the use of a canonical miscellany in its context. The known form is surely Roman, since it is mentioned that all its pieces were collated in the Roman *scrinium* before being adduced. However, it is not impossible that the compiler(s) had brought their documents from Thessalia (Thessalonica is sometimes suggested, but the local situation did not lend itself to the production of such a collection by the defenders of Stephen of Larissa).

Justinian, who, as we learn in a later document, had manipulated the affair on the Constantinople side (perhaps in view of his war to win back the West), had chosen his moment badly.⁵³ At the time, there was tension in Rome on all sides, to such a point that Cassiodorus mentions the possibility of returning to a certain *pristina contentio*, very certainly the quasi-civil war

⁵² Philippe Blauveau proposes, following Karl Silva-Tarouca, to entitle it *Collectio anti-Constantinopolitana*. Relying on the text of the synod, I suggest instead *Collectio de gubernatione Sedis apostolicae in Illyrico*. Cf. Moreau, “The Papal Appeal,” 397, n. 75.

⁵³ Cf. Agapitus I papa, *Epistulae* IV, 10-14 (Jaffé³, 1757) = *Collectio Avellana* 88¹⁰⁻¹⁴ (ed. Otto Günther, *CSEL* XXXV, 1 [Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895], 337-338¹¹); Moreau, “The Papal Appeal,” 399, n. 81.

situation that had prevailed during the Symmachian/Laurentian Schism.⁵⁴ The main problem of the moment was the acceptance or not of the Theopaschite Formula favoured by Constantinople. The Ostrogoths did not want to reopen old polemic dossiers, and took it upon themselves to name, in 526 and 530, Roman bishops who were non-interventionist in religious matters—Felix IV (III) and Boniface II, especially after John I attempted to secretly negotiate the recognition desired by the emperor and his patriarch.⁵⁵

The fact that a position hadn't been taken, as well as the negation of the principle of episcopal elections, were not to the taste of the whole of the clergy. One hapless and unknown candidate presented himself against Felix IV (III); still more serious, the hotheaded deacon Dioscorus, Symmachian from the start and totally opposed to any recognition of the Theopaschite Formula, was elected at the same time as Boniface II. Schism was avoided only thanks to Dioscorus' death. His death, followed two years later by that of Boniface II, however, finally left the field open to the nomination of a former Laurentian, the priest Mercurius, who then took the name of John II, probably in memory of the "martyr" John I, who died in Theodoric's jails. His election having been controversial because he was accused of simony, it may be at this time that the prefect Cassiodorus pulled out the old dossiers with documents Nos 1-40 of the *Avellana*.⁵⁶ Be that as it may, the new bishop of Rome, wholly favourable to Constantinople, accepted the Theopaschite Formula on March 25, 534, in a letter that Justinian seems to have been in a hurry to publish in the second edition of his *Codex*.⁵⁷ In addition, a canonical

⁵⁴ Cf. Cassiod., *Var.* 8.15 (ed. Theodor Mommsen, *MGH. Auctores antiquissimi* XII [Berlin: Weidmannsche Buchhandlung, 1894], 246¹⁻¹⁷; Åke Jason Fridh, *CCSL* XCVI [Turnout: Brepols, 1973], 318-19); Moreau, "*Ipse diebus*," 180, n. 7.

⁵⁵ On this subject, cf. Moreau, "*Ipse diebus*," 177-95.

⁵⁶ Cf. *supra* n. 43.

⁵⁷ Cf. Dominic Moreau, review of *L'empereur Justinien*, by Pierre Maraval, *Revue des études anciennes* 117 (2015): 287-88.

collection seems to have been assembled in Rome, the *Collectio Novariensis de uno e Trinitate in carne passo*, to justify the reversal of the situation.⁵⁸

The sequel to the history of Italian canonical collections is fuelled mainly by a North Italian rejection of the positions of Rome and Constantinople when the latter two were in agreement. Thus, it is in the northern context that a series of collections was finally compiled and/or disseminated. These are, more or less in chronological order: the *Collectio Ratisbonensis*,⁵⁹ a collection of letters of Leo the Great probably intending to reassert “pure” Chalcedonism against neo-Chalcedonism (some say that it was composed in Rome, a hypothesis that has little support today); the *Concordia canonum Cresconii*,⁶⁰ which is probably the very first systematic Italian collection and may be the work of an African opposed to the condemnation of the Three Chapters; the *Collectio Grimanica*,⁶¹ which answers to objectives similar to those of the *Ratisbonensis*; the *Fragmentum Veronense ex codice LIX* (57),⁶² which is the fragment of a collection unifying a series of patristic, conciliar and Roman episcopal texts seeming to want to link pieces from Chalcedon and Leo the Great with the previous tradition; the *Collectio Berolinensis vel Viridunensis*,⁶³ which reasserts the Roman position during the first years of the Acacian Schism; the *Collectio Tuberiensis*,⁶⁴ which is essentially a testimony of

⁵⁸ Cf. Moreau, “De rebus,” 128-29, n. 79; id., “Ipse diebus,” 194. On the collection itself, cf. Schwartz, *ACO* IV, 2 (1914), xvi-xx; Lizzi Testa, “La *Collectio*,” 172-73.

⁵⁹ Cf. Schwartz, *ACO* II, iv (1932), xxvi-xxxv; Jasper, “The Beginning,” 47-48; Blaudeau, *Le Siège*, 32-34; Lizzi Testa, “La *Collectio*,” 187-91; as well as several passages in: Moreau, “De rebus,” notably 192-93, n. 28.

⁶⁰ Cf. Kéry, *Canonical Collections*, 33-37; Fowler-Magerl, *Clavis Canonum*, 32-33; Lizzi Testa, “La *Collectio*,” 134-38.

⁶¹ Cf. Schwartz, *ACO* II, iv (1932), xxiii-xxxv; Jasper, “The Beginning,” 47-49; Blaudeau, *Le Siège*, 32-34; Lizzi Testa, “La *Collectio*,” 153-57; as well as several passages in: Moreau, “De rebus,” notably 192-93, n. 28.

⁶² Cf. Maassen, *Geschichte*, 761-763 (§ 774-76); Moreau, “De rebus,” 53-54, n. 96, etc.; Lizzi Testa, “La *Collectio*,” 103, n.1.

⁶³ Cf. Blaudeau, *Le Siège*, 40-42; Lizzi Testa, “La *Collectio*,” 117-21.

⁶⁴ Cf. Kéry, *Canonical Collections*, 42; Lizzi Testa, “La *Collectio*,” 201-2.

the *Corpus canonum Africanum(-Romanum)* (but also of the *Decretale ad Gallos episcopos*); the *Collectio Sangermanensis (de rebus Chalcedonensibus)*,⁶⁵ which, as its name indicates, emphasises the Council of Chalcedon and repeats in full the *Versio Latina Codicis encyclii a Epiphanio Scholastico edita*,⁶⁶ the *Collectio Sicardiana*,⁶⁷ which contains material relative to the Council of Ephesus of 431 and was compiled, probably from one or two dossiers composed during or shortly after the “Theopaschite quarrel” (the positioning of this collection in the North Italian context is nonetheless difficult to explain); the *Collectio Theodosii diaconi*,⁶⁸ which assembles several documents sent to Africa by Cyril of Alexandria and by Alexander of Antioch, at the time of the “Apiarius affair,” but not incorporated in the *Corpus canonum Africanum(-Romanum)*.

By studying the list of collections composed or disseminated by those who, in the end, we refer to as the schismatics of Aquileia, we immediately notice two elements: 1) a taste for the antique; and 2) a definite link with African canonical tradition. In verifying the provenance of the manuscripts,⁶⁹ we can trace a connection with the Vivarium (which was a place of refuge for African clergy opposed to Justinian). This would clearly explain the fact that at just about the same time the North Italians copied the *Versio Latina Codicis encyclii a Epiphanio Scholastico edita*, done under the supervision of Cassiodorus between 550 and 580. The religious positions of Cassiodorus, who became an opponent to the condemnation of the Three Chapters after his so-called “conversion,” are perfectly evident in his *Institutiones*, where only four ecumenical councils are mentioned (we are, still and all, in the 580s, for the

⁶⁵ Cf. Schwartz, *ACO* II, v (1932), v-xxii; Lizzi Testa, “La *Collectio*,” 103, n.1.

⁶⁶ Cf. *supra*, n. 66; and Theodor Schnitzler, *Im Kampfe um Chalcedon. Geschichte und Inhalt des Codex encyclius von 458* (Roma: Pontificia Università Gregoriana, 1938).

⁶⁷ Cf. Schwartz, *ACO* I, v, 2 (1924-26), i-iiii.

⁶⁸ Cf. Gaudemet, *Les sources*, 141; Kéry, *Canonical Collections*, 38; Lizzi Testa, “La *Collectio*,” 103, n.1; as well as several passages in: Moreau, “De rebus,” notably 192-93, n. 88-91.

⁶⁹ Cf. Troncarelli, *Vivarium*, 40.

version that has come down to us!).⁷⁰ We could very well imagine a communication and exchange of manuscripts between the Vivarium and the Aquileian schismatics. Squillace was thus also possibly a major city for the composition of canonical miscellanies. This impressive compilation effort in North Italy and perhaps, in the South, in opposition to the tendencies of Constantinople and Rome during the 530s, seems to have been the subject of a response, in Rome and Ravenna, by means of (also in approximately chronological order): the *Collectio Veronensis (de rebus Ephesinis)*,⁷¹ which could take advantage of the perfect communion of minds between Cyril of Alexandria, Celestine I and Sixtus III, to justify the final Roman position against the Three Chapters; the *Collectio Avellana*,⁷² which, in its final version, reinserts the controversial positions of John II and Vigilius into the tradition, even if through documents which sometimes tend in the opposite direction; the *Collectio Colbertina*,⁷³ a kind of augmented *Itala-Quesnelliana* (we must bear in mind that the *Itala (olim Sanblasania)* is probably the work of the Laurentians, thus advocates of negotiations with Constantinople during the Acacian Schism), unless one or the other of these collections had been prepared by Romans condemning the point of view of their Church. Whatever the case may be, it is definitely a condemnation of the Aquileian schismatics that we find in the *Collectio de Schismate Aquileiensi (ex codice Parisino 1682)*.⁷⁴

⁷⁰ Cassiod., *Institutiones*, 1.11 (ed. Roger Aubrey Baskerville Mynors, *Cassiodori senatoris Institutiones*, 2nd ed. (Oxford: Clarendon Press, 1961), 35₁₀-36₁₁).

⁷¹ Cf. Schwartz, *ACO* I, ii (1925-26), i-xii; Jasper, "The Beginning," 39; Lizzi Testa, "La *Collectio*," 215-16; as well as several passages in: Moreau, "De rebus," notably 204.

⁷² Cf. *supra* n. 41 and 43.

⁷³ Cf. Gaudemet, *Les sources*, 141; Kéry, *Canonical Collections*, 31-32; Lizzi Testa, "La *Collectio*," 125-31.

⁷⁴ Cf. Schwartz, *ACO* IV, 2 (1914), xx-xxvi; Lizzi Testa, "La *Collectio*," 132-33.

For the period after 530, three collections remain to be mentioned. First of all is the *Collectio Weingartensis*,⁷⁵ which is Roman, but difficult to reinsert in the proposed schema, because it is a variation of the *Collectio Taberensis*. We can also mention the incomplete *Collectio Justelliana*,⁷⁶ which, in its known state, incorporates the *Versio Prisca*, supplementing it with a few documents up to the Council of Ephesus in 431. Finally, there is the *Collectio Wirceburgensis*,⁷⁷ which researchers place at the very end of the period studied here and which offers a *Corpus canonum Africanum*-(Romanum) augmented with a few mainly Dionysian documents, and could be Roman—though that is very uncertain.

5. Overall view

What general notions can be drawn from so dense a tableau, even if we have no illusions as to its being the reflection of perfect truth? Indeed, at best it is a very hypothetical history of the compilation process of Italian canonical compilations up to the very beginning of the seventh century, based on the most commonly accepted theories. Thus it is important to bear in mind that other hypotheses circulate and should not be neglected when carrying out a detailed study of one or another of the compilations mentioned. Be that as it may, by listing the main theories more or less in a series, we can see a particularly interesting and coherent hypothetical historical schema (even if certain hypotheses are very uncertain).

According to this schema, the compilation process began in Italy at an unidentified time between the Council of Serdica of 343 and the death of

⁷⁵ Cf. Kéry, *Canonical Collections*, 42-43; Fowler-Magerl, *Clavis Canonum*, 26; Lizzi Testa, “La *Collectio*,” 219-21.

⁷⁶ Cf. Kéry, *Canonical Collections*, 41-42; Lizzi Testa, “La *Collectio*,” 164-66.

⁷⁷ Cf. Gaudemet, *Les sources*, 141; Kéry, *Canonical Collections*, 4-5; Fowler-Magerl, *Clavis Canonum*, 24-26; Lizzi Testa, “La *Collectio*,” 222-25.

Zosimus of Rome in 418, when the canons of Nicea and Serdica were put together in a continuous series, under the patronage of the Council of 325 alone. When Zosimus sent the *Vetus Romana* to Carthage, at the time of an *a priori* minor judiciary affair, it provoked the suspicion of Africans about the version of the Nicean canons presented by Rome. The inquiry that followed could have led to the compilation of the *Corpus canonum Africanum(-Romanum)*. Sent to Rome, it could have been completed immediately or later on. This affront would nonetheless have prompted the head of the Roman Church to raise his prescriptions to the rank of ecclesiastical norms, and Celestine I, Leo the Great as well as Prosper of Aquitaine seem to have participated, directly or indirectly, in such a process.

This period of experimentation with the use of canonical miscellanies gives us a clue to their true utility in the context of religious polemics. From the Italian point of view, the procedure was thus widely used during the Eutychian crisis, at the time of the diverse controversies that erupted after Chalcedon, then during the Acacian Schism. This was the great period of the Roman *publizistische Sammlungen*. A politico-religious event that was a direct consequence of the dispute between Rome and Constantinople of the years 484-519 and which rapidly took on proportions greatly beyond the “simple” religious or disciplinary controversy—the Symmachian/Laurentian Schism—would concentrate the main production of Italian canonical collections during the first third of the sixth century, with names like Dionysius Exiguus and the deacon Dioscorus. Perhaps in answer to this Roman-centred policy, but also probably because the relation between Ostrogoths and Byzantines was beginning to deteriorate seriously, there was an effort from North Italy to defend the Western religious position by producing canonical collections.

In the final days of Ostrogothic Italy, the kings of Ravenna and their close councillors (Cassiodorus?), who had perhaps encouraged the

development of the North Italian response to Constantinople's religious positions, headed the last real resistance of the Roman Church to the geo-ecclesiological and theological pretensions of Constantinople. To do so they took control of episcopal elections in the historic capital of the Roman world in a context where, a generation after the Symmachian/Laurentian Schism, there was still a great deal of tension between former partisans of the two parties. With the Byzantine reconquest, this situation came to an end, and from then on Rome was more "docile" toward Constantinople. Criticism of Constantinople intensified, however, in North Italy, which for a long time replaced Rome as the main centre of canonical compilation in the peninsula, probably with the aid of Cassiodorus. It took two centuries for the *Urbs* to regain its authority in canonical matters, when Adrian I had the *Collectio Dionysio-Hadriana*, the *Collectio Registri epistularum Gregorii I papae* and the *Codex Carolinus* composed, for the Frankish world—thus launching the idea of a body of Roman canonical law.

Appendix I

Italian collections until the beginning of the 7 th century	
Before 449/50	<p><i>Versio antiqua Romana / Vetus Romana</i></p> <p>Hypothetical common source for the collections <i>Pithouensis</i>, <i>Diessensis</i> and <i>Remensis</i> [and <i>Teatina/Chietensis vel Ingilramm?</i>]</p> <p>N.B. The existence of this compilation is very uncertain.</p> <p>Possible revision to the <i>Corpus canonum Africanum</i>(-Romanum)</p> <p>N.B. The existence of the revision is very uncertain.</p> <p><i>Versio Prisca vel Itala</i></p> <p><i>Epistolae decretales diversorum/universorum episcoporum urbis Romae per diversas provincias missae</i></p> <p>Prosper of Aquitaine's <i>Praetectorum Sedis apostolicae episcoporum auctoritates de gratia Dei</i></p> <p>N.B. It is not certain that it should be included in the category of canonical collections (it is a patristic anthology).</p>
	Rome, between 343 et 419
	Italy or Gaul? after 418?
	Rome? after 425, from the original <i>Corpus canonum Africanum</i> (-Romanum), composed in Carthage
	Rome, after 425 (after 451 for the final form)
	Rome, between 425 and 443?
	Rome? 431?

Between 449/50 and 530	<i>Collectio Novariensis de re Eutychis</i>	Rome, 449?
	<i>Collectio Casinensis (epistularum Leonis I papae)</i>	Rome [and Constantinople?], shortly after 458, from a core going back to 449/50
	<i>Collectio Frisingensis prima</i>	Italy [Rome?], shortly after 495
	<i>Collectio canonum Dionysiana prima</i>	Rome, after 496 [around 500?], perhaps, but without any assurance, in two stages that would be reflected in the two recensions
	<i>Collectio epistularum decretalium Dionysiana</i>	Rome, after 496 [around 500?]
	<i>Collectio Veronensis de Schismate Acaciano</i>	Rome, after 496
	<i>Collectio Parisiensis</i>	Italy [Rome?], end of the 5 th or beginning of the 6 th century
	<i>Collectio Quesnelliana</i> N.B. Italian origin very uncertain.	Italy [Rome?] or South of Gaul [Arles?], end of the 5 th or beginning of the 6 th century
	<i>Collectio Vaticana vel Novariensis de rebus Chaledonensibus</i>	Italy [Verona?], perhaps from dossiers collected under Leo the Great, beginning of the 6 th century?
	<i>Collectio Mutinensis</i>	Italy [Rome?], between 500 and 530 ? [before 506?]
	<i>Collectio Italica olim Sanblasiana</i>	Rome, corrected version between 514 and 523 of a Roman compilation dating back to the beginning of the 6 th century

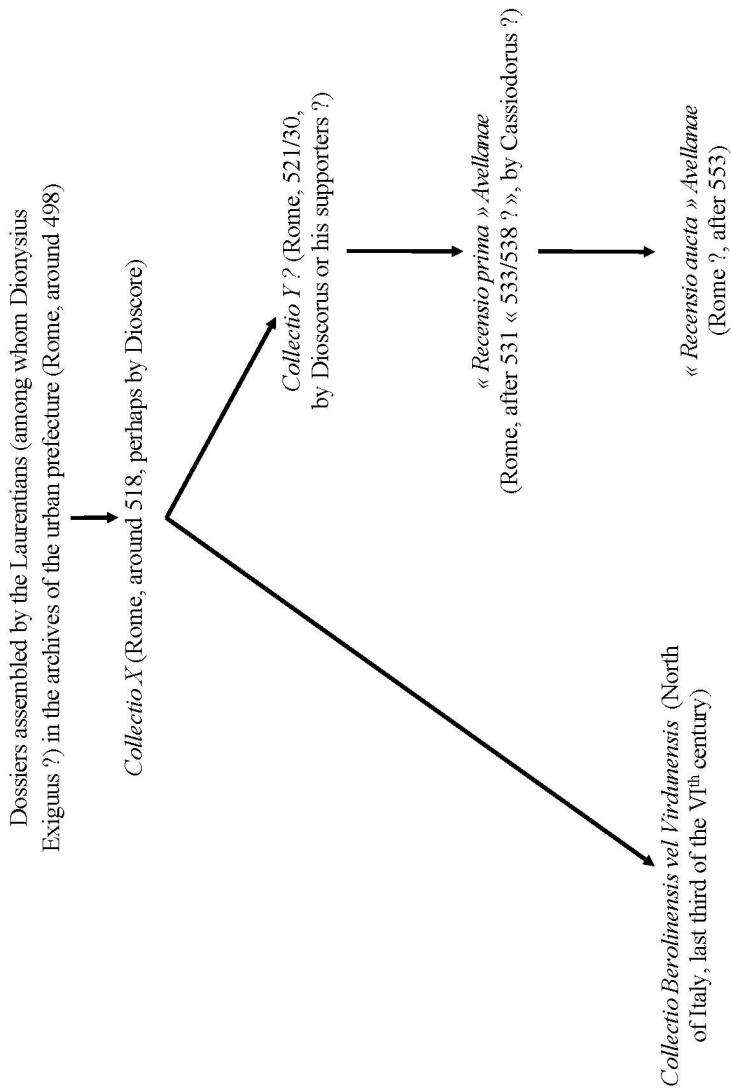
After 530	Hypothetical <i>Collectio</i> X	Rome, second half of the year 518, perhaps from an older core
	N.B. Possible common [lost] source of the collections <i>Berolinensis</i> vel <i>Viridunensis</i> and <i>Avellana</i> , whose existence is very uncertain.	
	<i>Collectio Vaticana</i>	Rome, first quarter of the 6 th century
	<i>Collectio canonum Dionysiana secunda (quae aliquando dicitur tertia)</i>	Rome, 514/23
	N.B. The existence of this compilation, known only by its preface, is very uncertain.	
	<i>Collectio Teatina/Chietensis</i> vel <i>Ingilramni</i>	Rome, perhaps after 523, from a primitive Roman core going back to 501/6
	“ <i>Collectio (Eclesiae) Thessalonicensis</i> ”	Thessaloniki or Thessaly [documents read at the synod] and/or Rome [documents read at the synod and acts of the synod], before and in 531
	N.B. The title is not appropriate; we should rather speak of a <i>Collectio anti-Constantinopolitana</i> , or a <i>Collectio de gubernatione Sedis apostolicae in Illyrico</i> .	
	<i>Collectio Novariensis de uno e Trinitate in carne passo</i>	Rome, around 25 March 534
	<i>Collectio Ratisbonensis</i>	Rome or, more definitely, Veneto-Istria, between 540 and the end of the 6 th century

<i>Versio Latina Codicis encyclii a Epiphania Scholastico edita</i>	Constantinople [Greek original], Vivarium [in Calabria, Latin translation] and, perhaps, Veneto-Istria [if revision for the <i>Collectio Sangermanensis</i>], Latin translation [incomplete?] made between 550 and 580, and, eventually, reworked at the end of the 6 th century, of a Greek original compiled around 458
<i>Collectio Veronensis (de rebus Ephesinis)</i>	Rome, compiled from the <i>Tironensis</i> before 553/4
<i>Collectio Arellana</i>	Rome, collection possibly compiled between 521 and 530, completed after 531 (between 533 and 538?), then again after 553, which was originally composed from different dossiers collected after 498, among which a hypothetical augmented version of the <i>Collectio X</i> (the <i>Collectio Y</i>)
<i>Collectio Colbertina</i>	Italy [Rome?] or Gaul [north or Rhine region?], between the middle of the 6 th and the end of the 8 th century
N.B. Italian origin very uncertain.	
<i>Concordia canonum Cresconi</i>	Italy [north?], second half of the 6 th century
<i>Collectio Grimania</i>	Veneto-Istria [Verona or Udine?], between 566 and the second half of the 9 th century [end of the 6 th century?]

<i>Fragmentum Veronense ex codice LIX (57)</i>	Veneto-Istria [Verona?], between 566 and the end of the 7 th century
<i>Collectio Berolinensis vel Virdunensis</i>	North of Italy, last third of the 6 th century, from the <i>Collectio X</i> whose final form could go back to the second half of the year 518
<i>Collectio Tuberensis</i>	Veneto [Trento?], around 580
<i>Collectio de Schismate Aquilani (ex codice Parisino 1682)</i>	Rome or Ravenna, after 591
<i>Collectio Weingartensis</i>	Rome, end of the 6 th century
<i>Collectio Justelliana</i>	Italy, end of the 6 th century?
<i>Collectio Sangermanensis (de rebus Chaledonensibus)</i>	Veneto-Istria? end of the 6 th century?
<i>Collectio Sicardiana</i>	North of Italy? end of the 6 th century?
<i>Collectio Theodosii diaconi</i>	Italy [north?], essentially compiled before the 7 th century, from a primitive core going back to the “Aparius affair,” which is composed of Latin translations of pieces sent by Cyril I of Alexandria and, perhaps, by Alexander I of Antioch to the African bishops, but supplemented by some pieces in the 10 th century, by or under the supervision of Raterius of Verona
<i>Collectio Wireburgensis</i> Italian origin very uncertain	Necessarily outside of Gaul (links with the <i>Frisingensis prima</i>), 6 th or 7 th century?

Appendix II

Proposed stemma for the *Avellana*, with regard to the reconstructed history of Italian canonical collections



Ancient sources

ACO = *Acta conciliorum oecumenicorum* [= *ACO*], ed. Schwartz, E. *et alii*.

Strasbourg/Berlin/Leipzig/New York: Wissenschaftliche Gesellschaft in Strassburg and Walter de Gruyter, since 1914.

CCSL = *Corpus christianorum*. Series Latina, ed. E. Dekkers *et alii*. Turnhout, Brepols, since 1953.

CSEL = *Corpus scriptorum ecclesiasticorum Latinorum*, ed. K. Halm *et alii*.

Wien/Praha/Leipzig/Berlin: Carl Gerold's Sohn Verlag, F. Tempsky and G. Freytag, Verlag der Österreichischen Akademie der Wissenschaften, Hoelder-Pichler-Tempsky, Akademische Verlagsgesellschaft, and Walter de Gruyter, since 1866.

Dossetti, G.L. (ed.). *Il simbolo di Nicea e di Costantinopoli. Edizione critica*.

Roma/Freiburg im Breisgau/Basel/Barcelona/Wien: Herder, 1967.

EOMLA = *Ecclesiae Occidentalis monumenta juris antiquissima [...]* [= *EOMLA*],

ed. C.H. Turner. Oxford: Clarendon Press, 1899-1939 (completed and edited by E. Schwartz).

Fornasari, M. (ed.). "Collectio canonum Mutinensis." In *Studia Gratiana* 9 (1962), 280-354.

MGH. Auctores antiquissimi = *Monumenta Germaniae historica. Auctores antiquissimi*, ed. K. Halm *et alii*. Berlin: Weidmannsche Buchhandlung, 1887-1919.

MGH. Gesta pontificum Romanorum = *Monumenta Germaniae historica. Gesta pontificum Romanorum*, ed. Th. Mommsen. Berlin: Weidmannsche Buchhandlung, 1898.

Mynors, R.A.B. (ed.). *Cassiodori senatoris Institutiones*, 2nd ed. Oxford: Clarendon Press, 1961.

Schwartz, E. (ed.). *Publizistische Sammlungen zum acacianischen Schisma*. Munich: Bayerische Akademie der Wissenschaften and C.H. Beck, 1934.

CHAPTER EIGHTEEN

BETWEEN LAW AND LITERATURE: THE *LIBER PONTIFICALIS* AND THE CANONICAL COLLECTIONS IN LATE ANTIQUITY AND THE EARLY MIDDLE AGES

ANDREA A. VERARDI

Introduction

It is not uncommon for late antique and early medieval canonical collections to preserve, alongside official material such as papal decrees and acts of councils, other types of writing that are not strictly legal: lists of bishops and cities or extracts from theological treatises and historical or other narrative works.

It is conceivable that some of these texts were included for their helpfulness in making use of the other materials. For example, episcopal catalogues or lists of cities of the Roman Empire provided necessary geographical and chronological reference points for many of the documents. Others were probably copied because they added or confirmed some particular provisions, or because they contained references to regulations not otherwise attested and/or to their application.

We find a particular example of such documents in the first three editions of the Roman *Liber Pontificalis* (hereinafter: *LP*): a group of texts (the *Liber*

Felicianus [F], *Liber Cononianus* [K], and a third edition [P]), written in Rome between 514 and 535, in the ideologically contentious context of the Laurentian and Acacian schisms, in which the relationship between law and historical narrative played a central role.

We have known since the studies of Schwartz¹ and Wirbelauer² how much these periods influenced both the formation of canonical collections—numerous *dossiers* were assembled to confirm the ecclesiological and doctrinal positions of one or other of the parties involved—and, with the same goals, the production of new propaganda.³

For such texts, two forms were preferred: narrative texts aiming to create a historical and/or legal precedent to endorse a given practice, and administrative and legal texts intended both to retroactively regulate contingent situations and to offer a “legitimizing” reconstruction of the jurisdiction of the authorities concerned.

The two approaches were closely linked, especially given the institutional experimentation that characterized the late fifth and sixth centuries. Within this new Roman-Germanic society, the form of the *collectio* as juridical book (given the complex system of Roman administrative inheritance and the Judeo-Christian sanctification of the book) had assumed the intrinsic ability to validate the texts contained within it, and, ideologically, to offer legitimacy to an institution’s desire to represent as longstanding its jurisdiction over a given subject, place, or category of individuals.⁴

¹ Eduard Schwartz, *Publizistische Sammlungen zum acacianischen Schisma* (Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1934).

² Eckhard Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus (498–514): Studien und Texte* (Munich: Herbert Utz Verlag, 1993).

³ For example the writings of the first Symmachan dossier: these are pseudo-historical documents (*Gesta Liberii*, *Gesta Xystii*, *Gesta Marcellini*), or legal (*Acta* of Council of 284 bishops), published by Wirbelauer, *Zwei Päpste*, 227–301.

⁴ On this topic Emanuele Conte, *Diritto comune. Storia e storiografia di un sistema dinamico* (Bologna: il Mulino, 2009), 55–59, and also Andrea A. Verardi, “Per una storia del

For these reasons, the *collectiones* easily lend themselves to being, among other things, a means for the dissemination of the propaganda to which I referred above.

Compared to the rest of the coeval material, however, the *LP* has peculiar characteristics as a text in itself: its structure makes it a sort of synthesis between the “accessory” materials of the *collectiones* and the official documents they contain. Macroscopically, the *LP* has the structure of a catalogue, but it also contains other types of information, including legal.

The purpose of this essay is therefore to evaluate the legal aspect of this text and to analyse the cases in which these writings were added into collections of canon law. My aim is to investigate the reasons that led the creators of these collections to combine the *LP* with conciliar and decretal papal documents.

The period of time chosen stretches from the sixth to the ninth centuries: that is, roughly, from the time of the compilation of the *LP*—the first half of the sixth century—to the period in which were copied manuscripts containing the *LP* together with collections of canon law—the eighth and ninth centuries.

1. Canon law in the three editions of the *LP*

In the past, the legal aspect of the *LP* was not considered central to the understanding of its nature and functions, a prejudice influenced by Duchesne’s definition of it as writing for popular piety.⁵

sistema... o solo della sua percezione. Riflessioni prime e minime su alcune collezioni altomedievali di diritto canonico”, in *Per Enzo. Studi in memoria di Vincenzo Matera*, eds. Lidia Capo and Antonio Ciaralli (Firenze: Reti Medievali, 2016), 272–73.

⁵ Louis Duchesne, *Le Liber Pontificalis: Texte, Introduction et Commentaire* (Paris: Thorin, 1886–1892).

In the general framework of the text, however, the legislative aspect does not seem to be secondary: its authors, in fact, decided to characterize the popes not only as builders and restorers of religious buildings, but also as legislators. This applies above all to the first version, F, in which information on episcopal munificence is practically absent.

However, this aspect, to varying degrees, is also present in the other two versions. In fact, the three versions were penned at practically the same time, and though a detailed analysis of their structure and contents reveals particular characteristics in each, they share the same basic function: to use the form of the catalogue in order to outline a reconstruction of the Roman church's institutional history for the purpose of presenting the wishes of their authors regarding the present and future institutional and ecclesiological structures of the Holy See as already implemented and in force.

The three texts are the work of members of the city clergy who (not always in agreement with each other or with their bishop) used the Petrine legacy to legitimize themselves on the basis of their lofty perception of their own role and history. They tried, in their way, to use this reconstruction to propose a sort of institutional "reform" of the city church.⁶

This proposal is legitimized "primarily" in legal terms and constructed through references to the legal writings produced by (or presented as being produced by) the popes.

The three texts do in fact contain references to writings by the popes, with terminology that recalls the shelves of an archive or the sections of a canonical collection, divided into *epistulae*, *decretales*, and *constituta*.

The term *epistulae* (often accompanied by the mention of the addressee, the subject treated, or the simple specification *de fide*) designates letters of

⁶ Andrea A. Verardi, *La memoria legittimante: il Liber Pontificalis nella chiesa di Roma del secolo VI* (Roma: Istituto Storico Italiano per il Medioevo, 2016), 356–60.

dogmatic value: for F, K and P in the biographies of Peter, Clement, Leo and Gelasius; for F and P in that of Hilarus; for P alone in that of Cornelius.

I find interesting that some of these refer to certain works by Saint Leo the Great. In fact F indicates generic epistolary activity on questions of faith, *Hic fecit epistolas multas exponens fidem catholicam rectam*,⁷ and K adds the reason why the pope had written the letters in question: *propter heresim Euticism et Nestorium, qui eius temporibus damnantur*.⁸ P specifies that the letters were signed on the occasion of the *synodum Calcedonensem*, and then indicates the details of each epistle by recipient, implying the use of a well-organized register or collection:⁹ *ad Marcianum epistulas XII, ad Leonem Augustum epistulas XIII, ad Flavianum episcopum epistulas VIII, episcopis per Orientem epistulas XVIII, quas fidei confirmavit synodi*.¹⁰

This increased precision in the description is not trivial. K answers the rather generic F with an indication of a set of letters similar to the one contained in the *Collectio Novariensis de re Euthychis*, recently dated to the Leonine period;¹¹ while P, which I believe should be attributed to the *notarii romanae ecclesiae*,¹² seems to refer instead to a larger group of decretals, like that of the *collectio Cassinensis*. The two sets contain, for the most part, the

⁷ *Lib.* 90.

⁸ *Ibid.*

⁹ Carol Silva Tarouca, “Nuovi studi sulle antiche Lettere dei papi,” *Gregorianum* 12 (1931): 3–56; 349–425; 547–98, especially 420–23.

¹⁰ *Lib.* 238. Equally for F and P in the biography of Hilarus: where F mentions only one epistle *epistola de fide catholica*, P specifies the content: *confirmans III synodos Niceni, Epheseni et Calcedonense, vel tomum sancti episcopi Leonis; et damnavit Euthychem et Nestorium vel omnes hereses; et confirmans dominationem et principatum sanctae sedis catholicae et apostolicae* (*Lib.* 238).

¹¹ Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiane del V–VI secolo: un progetto di ricerca,” *Cristianesimo nella storia* 35 (2014): 170–72.

¹² *Lib.* 238

same letters, organized in the same order, which is worthy of note, given that this collection has also been dated to the beginning of the sixth century.¹³

The term *decretalis* is used only by F and P, to indicate the papal letters of a distinctly “legislative” nature, and here too works by Pope Leo the Great and Pope Hilarus have a privileged place, linked to the Chalcedonian question.¹⁴

Finally, the issuing of *constitutum* usually appears to indicate a papal rule.¹⁵ These specify the extent or the field of jurisdiction of the decision, which would be defined within a council or synod, or the final legislative document containing the canons approved on that occasion.¹⁶

It is not clear where the authors got this information; however, all three versions of the *LP* specify, with some nuances, that these letters *hodie archivo ecclesiae tenentur*. F and K specify that the archive is that of the Church of Rome,¹⁷ while P, the only one to indicate the epistolary writings of some popes, stresses that these letters are preserved—*reconditae*—in the archive, perhaps, to stress the expertise of the authors, or, more likely, the exclusive

¹³ Ibid., 122–25.

¹⁴ In fact, these two editions make minimal use of the term (F uses it in the biographies of the popes Leo and Hilarus, P only for the latter), and without any apparent relationship with the production of contemporary letters: Indeed, both specify that the decretals are intended *Per universum mundum* (F, biography of Hilarus), essentially using the same formula to indicate the scope of the papal dispositions by exaggerating them. With this formula the authors intended to highlight the influence of papal action on this council and on its acceptance.

¹⁵ Use of the term is distributed as follows: (F) Silvester, Siricius and Leo; (K) Silvester and Siricius; (P) Silvester, Marcus, Siricius, Anastasius, Innocent I, Celestinus, Leo and Gelasius.

¹⁶ This connotation emerges, for example, from the use by P authors of this term both in the biography of Pope Hilarus (*Lib.* 245), referring to the Roman synod of 465, of which we possess the acts (*Dec. Hilari.* 159), and in the biography of Boniface II (*Lib.* 281). To these examples is added the contemporary denomination of *Constitutum* used for the apocryphal Roman synod presided by Silvester.

¹⁷ *Lib.* 90.

jurisdiction in “archival” research of the notaries of the *scrinium sanctum*, to discourage others from checking.¹⁸

However, the canonical knowledge of the authors of the three versions of the *LP* is not confined to the epistolary production of the popes, as we can deduce from a brief analysis of the sources they used.¹⁹

Specifically, the three versions share thirty-six canon law regulations attributed to various popes. Nineteen of these are drawn from the apocryphal Symmachans (Sk1, Sk2, SL, SM, LA, LK),²⁰ four from papal decretals (one from Sir. Im., two from Innoc., Dec., one from Gel, Pope, and Luc.), four from the Vulgate Bible (two from I Cor.; one from I Tim.; one from Zach.), three from “narrative” sources (two from Cat. Lib. and one from Hier. Vir. Ill.), and seven from sources I could not identify.

Then there are rules belonging to only one or two of the three: four rules common to F and P (three from LK, one from an unknown source), six common to K and P (one from LK, two from conciliar acts—*C. Laod.* and *C. Carth.* in the Dionisian version—and three from unknown sources), and seven only in P (one from LK, one from *Sir., ep. Im.*, one from *Innoc. Dec.*, two from *Clem. Ep.* and two from unidentified sources).

In liturgical matters the three writers share eighteen rules, two of which are derived from Innoc. ep. Dec.; one from Can. ap.; two from LK; one from SK and the remaining twelve from sources unknown to us. Unidentifiable sources were also used for the liturgical indications present in *F/P* (one), in *K/P* (one) and in P only (two).

¹⁸ Only for Celestinus and Leo the Great: *Lib.* 230 and 238.

¹⁹ Specifically: (F) 44 canons; (K) 54 canons, (P) 84 canons (89 if we include indications of councils).

²⁰ The abbreviations stand for: Council of 284 bishops (SK1, SK2); *Gesta Liberii* (SL); *Gesta Marcellini* (SM); Council of 275 bishops (LK). Cf. Wirbelauer, *Zwei Päpste*, 226–342.

2. The *Liber* in the panorama of contemporary *Collectiones canonum*

As can be seen from the simple enumeration of the texts and the number of their citations, without going into the merits of the individual canons,²¹ the three writers of the *LP* use only a few authentic decretals and often draw on the documents of the Symmachan period, preferring the texts that the Wirbelauer attributed to the Laurentian faction (LK).²²

The material is well known. This applies above all to the two oldest decretals, which had wide circulation. Laurentian texts, by contrast, were less widely disseminated. The *LP* sprinkles these canons among various popes, especially the most ancient and glorious.

This element also calls for reflection, partly because of the limited circulation of the Laurentian texts, preserved in full in only one manuscript. Another noteworthy fact is that the *LP* was written during the same years and in the same context as the writing of two canonical collections which made the Symmachan texts law. These were the *Vaticana* and the *Sanblasiana*.²³

For the first of these two issues the free use by the authors of the *LP* could indicate a change of strategy of the writers of the Laurentian texts themselves, that is, they may have chosen the *LP* as a way to legitimate and disseminate the texts, as opposed to the *collectio* used by their adversaries. Still, it cannot be ruled out that the limited dissemination of the Laurentian dossier may be the natural consequence of defeat.

As to the second issue, the contemporaneity of the *LP* and the two Symmachan *collectiones* could be explained in an intra-Roman dialectic:

²¹ See Verardi, *La memoria*, 105–275.

²² Wirbelauer, *Zwei Päpste*, 96–99.

²³ On the *Collectio Vaticana* see Lizzi Testa, “La *Collectio*,” 203–11; on the *Sanblasiana* or *Italica*, *ibid.* 158–63.

accepting the current interpretation, according to which the *Sanblasiana* collection was drafted to offer the Italian clergy a “legislative” vision in conformity with the Gelasian-Symmachan version, and the *Vaticana* to defend and legitimize Symmachus, supporting Roman primacy against the claims of Constantinople,²⁴ we can say that the *LP* shares the legitimacy of Symmachus, but demonstrates a broader institutional perspective, maintaining and giving *auctoritas* to the “common” positions in both cases, and instead silencing the rules more closely linked to the schism.²⁵

Naturally these hypotheses can be valid only if we accept Wirbelauer's hypothesis. While I find it quite convincing, I think some of its positions have to be slightly softened. In fact, I believe that the broad spread of the sources has led us to attribute more writings to the vying factions than there actually were.²⁶

This may be true for LK. Though it does not contain the canons relating to the First See being judged by no one, it does contain many of the laws of the Symmachan dossiers. Moreover, the peculiarities indicated as being Laurentian concern only the prohibition against the future pontiff being designated by his predecessor, a problem connected not only to Symmachus' pontificate, but also to those of Felix IV and Boniface I.²⁷

²⁴ Ibid.

²⁵ This would be understandable in view of the internal reconciliation of the clergy implemented by Hormisdas.

²⁶ Verardi, *La memoria*, 277 ff.

²⁷ The only special indeed “Laurentian” LK, as Duchesne put it (*Lib.* cxxxvi–cxxxvii), is canon II, on the calculation of the date of Easter, close to the calculation proposed later by Dionysius Exiguus, and in contrast with the position supported by Symmachus in 501. To this we must add canon XVIII, which prohibits the designation by a pope of his successor, a rule that contradicts what was established in 499 by Symmachus: a designation procedure that would be claimed for the election of Boniface II. On this and on the relationship between the *LP* and the apocrypha of the Symmachan period, see Verardi, *La memoria*, 277–325.

This also applies to the oldest parts of the *Collectio Avellana*, attributed by Wirbelauer to the Laurentian faction but apparently reflecting pro-Gothic positions, involving compiling *dossiers* to legitimize Theodoric's intervention during the schism.²⁸

The three writers of the *LP* may also have a relationship with this collection. Although they do not mention it directly, we can nonetheless find a series of textual references, especially in *P*, which imply direct knowledge of the *Collectio Avellana*, particularly of documents 1–34, related to the double papal elections of Damasus and Ursinus and of Boniface I and Eulalius, of which the versions of the *LP* give an often contradictory reconstruction.²⁹

Therefore, our three writings, although different from each other in terms of content and approach, seem to show the same trends in matters of law that had led to the drafting of numerous Roman collections, arriving, however, at less distant positions.

3. The *Liber* in the canonical collections

In the oldest manuscript tradition of the three editions of the *LP*, established by the end of the ninth century, six out of twenty-one manuscripts contain one of the versions of the *LP* along with a collection of canon law. These are the following manuscripts:

²⁸ Lizzi Testa, “La *Collectio*,” 92 ff.; as well as the contribution, recited at the conference “Emperors, Bishops, Senators: the Significance of the *Collectio Avellana* 367–553 AD. Rome, 1-2 April 2011,” by Rita Lizzi Testa, “Rome Elects her Bishop: the *Collectio Avellana* and Cassiodorus’ *Variae* Compared,” in *Religion, Power, and Politics in Late Antiquity: Bishops, Emperors, and Senators in the Collectio Avellana 367–553 AD*, eds. Alexander Evers and Bernard Stolte (forthcoming).

²⁹ *Coll. Avell.* 1–34. On the relationship between the *LP* and the *Collectio Avellana*: Kate Blair-Dixon, “Memory and authority in sixth-century Rome: the *Liber Pontificalis* and the *Collectio Avellana*,” in *Religion, Dynasty, and Patronage in Early Christian Rome, 300–900*, eds. Kate Cooper and Julia Hillner (Cambridge: Cambridge University Press, 2007), 59–76; and Verardi, *La memoria*, 305–21.

Ms.	Manuscript century	Collection/origin	Collection century	<i>Liber Edition</i>
<i>Aja, Museum Meermano Westrenianum, Ms. 10 B 4</i>	VIII	Sanctimauro (Gaul)	VI	F
<i>Parigi, Biblioteque National de France, lat. 1451</i>	IX [<i>codex descriptus</i>]	Sanctimauro (Gaul)	VI	F
<i>Città del Vaticano, Biblioteca Apostolica Vaticana, Reg. Lat. 1127</i>	IX [<i>codex descriptus</i>]	Sanctimauro (Gaul)	VI	F
<i>Parigi, Biblioteque National de France, lat. 2123</i>	IX	Herovalliana (Gaul)	Second half of VIII	K
<i>Lucca, Archivio Capitolare, n.º 490</i>	VIII	Sanblasiana (Orig. Rome) + Decretum Gelasianum; Epitome Hispana (Spain, Tarragona)	Beginning of VI (first part); between 598 and 619 (second part).	P
<i>Modena Archivio Capitolare scaffale VII C, ordine I, n.º 12</i>	VIII	Mutinensis (orig. Rome)	VI	Extract of legal information contained in P.

In half the manuscripts the *Liber Felicianus* is added as an accessory document to the *Collectio Santimauroiana*, a collection of conciliar canons, papal decrees

and local synods, organized chronologically and written in Gaul, probably in Arles or Narbonne, between 549 and 590.³⁰

The *collectio* is certainly not among the most original from the period. It is presented as a synthesis of two older collections, the *Quesnelliana* and the *Sanblasiana*,³¹ but nonetheless preserves documents of particular interest, such as the records of a Roman council held under Pope Damasus, in the best edition that has reached us.

We can presume that the introduction into a collection of canon law of an accessory document, useful for the chronological placement of the material contained in it, may have occurred during the editing or revision of the collection.³²

If we analyse the content of the collection we can identify these phases. The former is represented by the documentation preceding the fifth synod of Orléans of 549, the second by the addition of the third synod of Toledo of 589.³³

I personally believe that F was already part of the accessory documents in the collection at the time it was first drafted—after 549—and that it was subsequently updated, in the form of a catalogue, until the papacy of Pope

³⁰ For an analysis of the collection see Verardi, *La memoria*, 41–44.

³¹ On these collections see Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature* (Washington D.C.: Catholic University of America Press, 1999), 27–31.

³² Duchesne (*Lib.* CLXI–CLXIII) hypothesizes that the epitome began to be part of the collection shortly after 590. To confirm his hypothesis he indicates two testimonies of the use of F, both from Gregory of Tours. The first concerns the possible use of F in *De gloria martyrum*, which the bishop of Tours wrote in 594, in a passage concerning Pope John I (523–526). The second is in the catalogue of the bishops of Tours placed by Gregory at the conclusion of his *Libri historiarum X*.

³³ So already *Lib.* LII, which considers an addition to the third synod of Toledo.

Pelagius II, when the 589 Synod of Toledo was added to the original core of the collection.³⁴

In the second case, the *Liber Cononianus* was added to the BNF ms. lat. 2123. This is the only case in which this version of the *LP* occurs in a legal manuscript. The other exemplar of it, in fact, the manuscript LII (50) kept in the Capitular Library of Verona, is purely liturgical.³⁵

The Paris manuscript was written at Flavigny, in north-eastern France, in the Carolingian period. In addition to the *Collectio Herovalliana*,³⁶ datable to the mid-eighth century, it also contains the *Formulae Flaviniacenses*,³⁷ a version of Saint Marculf's formulas created around 751, and a Anglo-Saxon penitential work entitled *Canones Gregorii*.³⁸ The material is heterogeneous in origin but consistent from a chronological point of view, being datable in its entirety to the late seventh and early eighth centuries.

For the purposes of our discussion there are two aspects of this manuscript to which I think it is useful to draw attention.

The first is the use by the *Herovalliana* of the *Sanctimauriana* collection which, as we have seen, circulated with the *Liber Felicianus*. This leads me to think that K may have been linked to the *Herovalliana* through an imitation of a manuscript from the *Sanctimauriana*.

The second point concerns the value that the users of this manuscript assigned to K. In the Paris codex a contemporary hand has glossed sixteen

³⁴ I suggest backdating the presence of F in Gaul to the pontificate of Felix IV (526–530): the time, that is, of the Synod of Vaison in 529, held on the initiative of Caesarius of Arles and confirmed by his successor Boniface II, in which it seems to me to be possible to perceive direct knowledge of F.

³⁵ Verardi, *La memoria*, 57–60.

³⁶ Kéry, *Canonical Collections*, 54–57.

³⁷ Marc. For. 469–489.

³⁸ Cyrille Vogel and Allen J. Frantzen, *Les Libri paenitentiales* (Turnhout: Brepols, 1978), 68–70.

canons present in the biographies from Pope Alexander (105–115) to Sixtus III (432–440), on ecclesiastical discipline.³⁹

This clearly demonstrates that this text had a legislative purpose, like the other documents that make up the manuscript.

Furthermore, the collection is preserved in the manuscript VII C, order I, no.12 of the chapter archive of Modena, which is unique among contemporary *collectiones* in being composed exclusively of decretals and papal norms.⁴⁰

The manuscript dates from the end of the seventh or beginning of the eighth century, while the collection has been attributed generically to the area of present-day Italy, possibly Bobbio. A more in-depth analysis of the texts that compose it, however, may place its writing between the 530s and the first decades of the seventh century, in a Roman context. In fact, it seems to fit perfectly into the Romanizing and “pontifical” veins of this period.

This collection too reveals the clear “legal” use of the *LP*. Indeed, its compilers not only included the canons, but also took the structure of the whole *collectio* from *P*, so that it appears as an *LP* stripped of its narrative elements and expanded through insertion *in extenso* of some letters.

An interesting element, which I believe can clarify both the collection’s dependence on the *LP* and the way in which the authors understood their source, is supplied by the title given to the second section, modelled on the *LP*, *Statuta Sanctorum presulum sanctae Romanae Ecclesiae* and in the *explicit* as

³⁹ Verardi, *La memoria*, 83–84.

⁴⁰ The different sections are arranged chronologically: the first contains fifty canons of the apostles preceded by a preface by Dionysius Exiguus; the second contains information obtained from the *LP* for the pontificates included between Linus and Damasus; and the third contains decretals and quotations from some of the apocrypha of the Symmachan part for the pontificates included between Siricius and Leo I. In addition to the chronological order of the collection, there is added a letter of Gregory the Great to Augustine of Canterbury, dating to 601. Cf. Lizzi Testa, “La *Collectio*,” 167–70; Verardi, *La memoria*: 220–25.

constitutiones breuiatae, which indicates that it was derived from a larger text: the *LP*.⁴¹

It is interesting to note that this type of structure, which is unique in the Latin West, has a counterpart in the East, the *Historia episcopatus Alexandriae*,⁴² currently the focus of important research by Alberto Camplani and Alessandro Bausi. It has reached us, among other ways, in two collections of canon law, one in Ethiopian and one in Latin, and it has the same characteristics as the version of the *LP* in the *Collectio Mutinensis*.

And, like this last work, the Eastern text is also organized chronologically by patriarchates. It gives the duration of each and the dates of the deaths of the individual bishops, which serves as a context for theological/canonical letters. Most importantly, this text also contains an indication of orders given by the various patriarchs, a feature that, to our knowledge, is repeated only in the Roman *LP*.

The relationships between the two texts are noteworthy and should be adequately analysed to determine the dynamics of reciprocal influence. In this case, I am only interested in pointing out that there seems to have been some sort of unofficial historical-canonical narrative “dialect” between Rome and the patriarchates of Alexandria and Antioch—all three, as is well known, important in early church history—that it would be appropriate to analyse with greater precision.

⁴¹ Ibid.

⁴² Alberto Camplani and Alessandro Bausi, “The History of the Episcopate of Alexandria (HEpA): *Editio minor* of the fragments preserved in the Aksumite Collection and in the *Codex Veronensis* LX (58),” *Adamantius* 22 (2016): 249–302. I thank Alberto Camplani for making available to me the unpublished text of his paper “Transmitting and Being Transmitted: The Spread and Reception of the History of the Episcopate of Alexandria in Carthage and Aksum” given at the conference “Intercultural Exchange in Late Antique Historiography” (Ghent, 16–18 September 2015), forthcoming.

In the end, very little can be deduced from the insertion of the *LP*, this time from *P*, in Manuscript 490 of the chapter archive of Lucca.

Indeed, if we consider the problems related to the compilation of the Lucca codex—I think Schiaparelli's interpretation still remains valid, that is, the current Lucca 490 actually consists of three different manuscripts that were later grouped together—it is possible to deduce that the text of the *LP* and that of the collections contained in it did not originally form part of the same group of documents, but were joined together only later, for reasons not known to us.⁴³

Conclusions

The three editions of the *LP* were written in the same context as some of the most important canonical collections of the sixth century, and often using the same documents, but prove to serve an alternative purpose. While the collections aim to resolve specific matters immediately and favourably, the *LP* attempts not only to legitimize particular ecclesiological positions, but also to provide an organic reconstruction of the institution of the “Church of Rome,” its diverse components and their history.

In this interpretation of legitimization, the legal dimension seems to me to have played a central role: indeed, if the chosen basic structure, that of the catalogue, serves to create a continuous, seamless line from St Peter through his successors, rules attributed to individual pontiffs, which are the distinguishing characteristic of *F*, represent the backbone on which the body

⁴³ Luigi Schiaparelli, *Il codice 490 della Biblioteca capitolare di Lucca e la scuola lucchese (Sec. VIII–IX): contributi allo studio della minuscola precarolina in Italia* (Roma: Biblioteca Vaticana, 1924). The opinions contained in this text have been discussed and supplemented by Armando Petrucci, “Il codice n. 490 della biblioteca capitolare di Lucca: un problema di storia della cultura medievale ancora da risolvere,” *Actum Luce* 2 (1973): 159–75.

of the city church rests, which must be respected by its summit as well as the lowest of its faithful.

Among the contemporary collections, therefore, the *LP* formula seems to me to have the characteristics of a canonical collection, in some ways an eccentric one: yet another result of sixth-century ecclesiological and juridical experimentation.

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CHAPTER NINETEEN

A CANONICAL LATIN COLLECTION FROM LATE ANTIQUITY: THE PSEUDO-ILIBERRITAN SERIES

JOSEP VILELLA

The “canons”¹ which have traditionally been attributed to an Iliberritan council dating from the early fourth century have been transmitted in three recensions:² the one provided by the *Epítome Hispana* (EH), which was compiled in the late sixth or early seventh century, and which predates the

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¹ Though we realise that “canon” is not the right term for all the supposedly Iliberritan textual materials listed (basically owing to their origins or derivations), we retain the *terminus receptus* in the interest of clarity.

² We shall cite these canons with the numbering they have in the CCH, a collection which contains their “extended” recension, albeit without including the last canon which appears in the EH. For these texts, we shall refer to Josep Vilella and Pere-Enric Barreda, “Los cánones de la Hispana atribuidos a un concilio iliberritano: estudio filológico,” in *I concili della cristianità occidentale. Secoli III-V* (Rome: Institutum Patristicum Augustinianum, 2002), 570–79. These pages will mention the interpolations detected and modifications made in the edition by Rodríguez in Gonzalo Martínez and Félix Rodríguez, *La Colección Canónica Hispana*, IV (Madrid: Consejo Superior de Investigaciones Científicas, 1984), 233–68.

archetype of the *Collectio Canonum Hispana* (CCH);³ the recension offered by the CCH, created in the seventh century;⁴ and the one included in one of the *Capitula viginti ex ignota collectione systematica* (CV), also from the seventh century.⁵ There are 81 numbered textual units in the CCH (the extended version), while there are 69 entries in the “abbreviated” version.

The three Hispanic recensions agree in indicating that these materials come from the Iliberritan synod, with regard to which only the CCH offers a rambling “preface.”⁶ However, this preamble lacks connection with the detailed series of rules that follows: *placuit inter eos* comes right after *episcopi universi dixerunt*. These two consecutive phrases reveal the existence of a textual juxtaposition between the end of the preface and the start of the series of canons. Even though the historicity of a council gathered in what is today Granada in the early part of the fourth century is accepted, it is clear that the canons listed after the epigraph *concilium Eliberritanum* (CCH), *ex concilio Eliberritano* (EH) or *ex concilio Iliberritano* (CV) cannot be attributed to it.

The historical-philological analysis we have performed of these precepts reveals that they have different provenances and chronologies.⁷ They are texts that result from revising (not necessarily faithfully to the original

³ Edited by Gonzalo Martínez, “El Epítome Hispánico. Texto crítico,” *Miscelánea Comillas* 37 (1961): 399–403.

⁴ See n. 2.

⁵ Edited by Rodríguez in Gonzalo Martínez and Félix Rodríguez, *La Colección Canónica Hispana*, V (Madrid: Consejo Superior de Investigaciones Científicas, 1992), 465–85.

⁶ See Josep Vilella, “Los obispos y presbíteros del supuesto concilio de Elvira,” in *El obispo en la Antigüedad Tardía. Homenaje a Ramón Teja*, eds. Silvia Acerbi, Mar Marcos, and Juana Torres (Madrid: Trotta, 2016), 335–54.

⁷ Based on our previous studies devoted to these texts (some of them with Pere-Enric Barreda), we have published two syntheses containing the results: Josep Vilella, “The Pseudo-Iliberritan Canon Texts,” *Zeitschrift für antikes Christentum* 18.2 (2014): 210–59; and id., “Colecciones falsamente atribuidas a un concilio,” in *La Collectio Avellana fra Tardoantico e Alto Medioevo*, ed. Rita Lizzi Testa, monographic issue of *Cristianesimo nella Storia* 39.1 (2018): 137–75. In these articles we provide a more comprehensive explanation of these matters, with a greater wealth of ancient sources and modern bibliographic citations.

meaning) normative ecclesiastic materials belonging to at least three collections (only known in their pseudo-Iliberritan version), which contained disciplinary matters and were not widely disseminated. Even though we are unaware of the extent to which the wording of the originals was modified, it still dealt with practical issues related to behaviour and organisation, while also being limited to a local or regional scope. Despite the fact that they are expressed with a different ecclesiology, this common denominator can be found in the three sections of the pseudo-Iliberritan list mentioned by Meigne,⁸ whose existence we have also proven: groups A (c. 1–21), B (c. 63–75) and C (c. 22–62 and 76–81). In any case, two subgroups can be distinguished within C (C1 and C2), the smaller of which corresponds to the final canons.

Clearly, it is quite telling that the *nec in finem* is so plentiful in A and B and absent in C: nineteen mandates in A and B establish lifetime excommunication (from the Eucharist) using this phrase. Observance of such precepts implied total denial of the sacrament of communion (and, therefore, the penance preceding it) to some people who had been accused of grievous transgressions, not only *in articulo mortis* but also before that, when they were still in good health. Therefore, it is a rejection of both the granting of regular penance and the simultaneous provision of clinical penance-communion.⁹ However, the strictness of A and B does not appear in C, a group which includes transgressions of a severity comparable to those punished by *nec in finem* excommunication (severe punishment which is not attested before the Council of Serdica).

⁸ Maurice Meigne, “Concile ou collection d’Elvire?,” *Revue d’histoire ecclésiastique* 70.2 (1975): 366–87.

⁹ Josep Vilella, “Las sanciones de los cánones pseudoiliberitanos,” *Sacris erudiri* 46 (2007): 56–59.

While c. 11¹⁰ mandates permanent excommunication (enforced even at the hour of death) for any baptised adult who goes to a pagan temple to make a sacrifice and actually does so, c. 59¹¹ only imposes ten years of penance on a *fidelis* who goes up *ad idolum capitolii* to make a sacrifice himself or watch someone else make one. Even though the wording of c. 59 shows greater intransigence (since it puts passive and active idolatry on the same footing), the punishment is much milder. The fact that canons 1 and 59 impose such different penalties for the same offence not only reveals once again the non-unitary nature of the list, but also the existence of compendia that were assembled later. Though they address the same sin (sacrificial acts), these two canons have arrived by different routes: one was in the compilation which comprises group A (specifically in its rules on pagan sacrifices), while the other ended up in the section of C dealing with entry into traditional temples (where it belongs alongside c. 60). This explains why, when the previous collections were combined, the current canons 1 and 59 ended up in the same set, despite the contradiction inherent in penalising the same fault in such different ways.

The disparity in disciplinary practice between A-B and C is particularly pronounced in two prescriptions on adultery. The beginning of c. 47¹² deems it appropriate to grant deathbed penance and subsequent communion to a recalcitrant adulterer who promises to stop sinning *in finem mortis*. By contrast,

¹⁰ [Placuit inter eos] qui post fidem baptismi salutaris adulta aetate ad templum idoli <immolaturus> accesserit et fecerit [quod est crimen principale, quia est summus sceleris,] placuit nec in finem eum communionem accipere (c. 1).

¹¹ Probibendum ne quis Christianus, ut gentilis, ad idolum capitolii causa sacrificandi ascendat et videat. Quod si fecerit, pari crimine teneatur. Si fuerit fidelis, post decem annos acta paenitentia recipiatur (c. 59).

¹² Si quis fidelis habens uxorem non semel sed saepe fuerit moechatus, in finem mortis est conveniendus quod, si se promiserit cessaturum, detur ei communio. Si resuscitatus rursus fuerit moechatus, placuit ulterius non ludere eum de communione pacis (c. 47).

c. 69¹³ prescribes five years of public penance for all baptised persons (men and women) who committed this sin even once, although it says this time may be reduced *in limine mortis*. Besides never establishing lifetime excommunication in the first place, C permits redemption for severe (and reiterated) offences through the administration of a double clinical sacrament, but only if the unrepeatable penitential recourse has not already been exhausted. It seems obvious that C does not share the criteria reflected in A and B: this divergence is further irrefutable proof of the genesis of the pseudo-Iliberritan series.

The way in which *placeo* is used also contributes to characterising each set: only in C is it in the initial position; it is only repeated in A; its construction with *esse dandum* (or *dandum esse*) is limited to A and B; its application with an *ut* sentence is specific to C. *Emendo* is another term from this group which we cannot find in the other two. To indicate excommunication, in A and B we have *accipio* and *do* (obviously with negation). Among the verbs used to describe regaining the right to communion, *admitto* is in A and B and *recipio* in C. Among the varied distinguishing linguistic elements that emerge, we should also mention the use of the preposition *sub* in C, the presence of the adverb *item* in A and the registers of *ut*: absent from B, this particle is used with a consecutive function in A and C, besides having a completive or modal value in C. Some of the lexical and syntactic disparities come from the dissimilarity we can see between the different sections of operative provisions: the grammatical expressions are shaped by the meanings they harbour.

In group B (which is punitive in its entirety), we clearly see a significant thematic classification or structure: it consists of ten entries (including

¹³ *Si quis forte habens uxorem semel fuerit lapsus, placuit eum quinquennium agere debere paenitentiam et sic reconciliari, nisi necessitas infirmitatis coegerit ante tempus dare communionem. Hoc et circa feminas observandum* (c. 69).

thirteen casuistic questions) devoted to carnal matters and another three (with seven suppositions) aimed at Christians who act as informers or witnesses in judicial proceedings. The interest of the first part of B lies in its assessing sexual sins and determining the appropriate penalty for each one. It is deeply concerned with conjugal infidelity: only three of its decrees do not mention (ecclesiastical) adultery or its consequences. Unlike in A, these “marital” texts in B fail to mention divorces.

Some numbered textual units in B show a clear eagerness to be exhaustive when they include distinctions about a given sin or sinner: this occurs in canons 64, 70, and especially 72, 73 and 74 (with three cases apiece). With a precision and distinction not found in the oldest known synods and approaching those seen in later systematic records, c. 72¹⁴ (on the ecclesiastical adultery of baptised widows) distinguishes between a woman who marries an unbaptised man with whom she has committed adultery, a woman who does not marry the man she committed adultery with (but rather a different man), and one who marries a baptised man with whom she has been adulterous. These three approaches depend on whether the widow marries the man with whom she had adulterous relations, and if so, whether or not he was a *fidelis* (baptised). On the subject of informers, c. 73¹⁵ considers three possibilities: 1) that their action causes someone to be proscribed or executed; 2) that they informed in a minor matter; or 3) that

¹⁴ *Si qua vidua fuerit moechata et eundem postea habuerit maritum, post quinquennii tempus acta legitima paenitentia placuit eam communioni reconciliari. Si alium duxerit relicto illo, nec in finem dandam esse communionem. Vel si fuerit ille fidelis quem accepit, communionem non accipiet nisi post decem annos acta legitima paenitentia, nisi infirmitas coegerit velocius dari communionem (c. 72).*

¹⁵ *Delator si quis exstiterit fidelis et per delationem eius aliquis fuerit praescriptus vel interfectus, placuit eum nec in finem accipere communionem. Si levior causa fuerit, intra quinquennium accipere poterit communionem. Si catechumenus fuerit, post quinquennii tempora admittetur ad baptismum (c. 73).*

the person acting as an informer was a catechumen. Canon 74¹⁶ (which deals specifically with baptised persons who act as witnesses in judicial proceedings) addresses false witness and testimony that does not lead to the death penalty. The insertion of so many casuistic questions in these canons (with wording consisting of succinct premises linked to a punishment expressed with equal brevity) shows that the text is the result of excerpting previous enactments or breaking them into pieces: it seems clear that the compiler's pragmatic desire was to promote awareness (or potential enforcement) of certain rules by grouping them together conceptually.

Associations also appear in A: almost all its precepts are linked to at least one of them. They comprise references to pagan sacrifices (c. 1, 2, 3 and 4), murder (c. 5 and 6), divorced women (c. 8, 9 and 10/11), girls (c. 12, 13, 14, 15, 16 and 17) and the clergy (c. 18, 19 and 20). In its eagerness to catalogue and punish sinful or reprehensible conduct (similarly to B), A contains two canons that include three suppositions. Canon 10/11¹⁷ considers a female

¹⁶ *Falsus testis, prout est crimen, abstinebitur. Si tamen non fuerit mortale quod obicit, et probaverit, quod non tacerit, bienni tempore abstinebitur. Si autem non probaverit, convento clero placuit per quinquennium abstinere* (c. 74).

¹⁷ *Si ea quam catechuminus reliquit duxerit maritum, <post quinquennii tempora> potest ad fontem lavacri admitti. Intra quinquennii autem tempora catechumina si graviter fuerit infirmata, dandum ei baptismum placuit non denegari. Hoc et circa feminas catechuminas erit observandum. Quod si fuerit fidelis quae ducitur ab eo qui uxorem inculpata reliquit, et cum scierit illum habere uxorem quam sine causa reliquit, placuit huic nec in finem dandam esse communionem* (c. 10/11). See n. 21 and 22. Both *autem* and especially the exception formulated through the statement of c. 11 (a transposition) tie its content to an earlier rule, which also referred to female catechumens. If we relate these observations to c. 10, we notice that its first part, which deals with repudiated female catechumens (with two casuistic questions), imposes no punishment on them. This permissiveness is at odds with the provisions established by the other canons attributed to an Iliberritan council concerning divorced women (c. 8 and 9). All these inconsistencies are resolved if we indicate (or rather, restore) the punishment specified in c. 10, after *maritum* (or perhaps *admitti*). As with many rules in the same series, after the imposed punishment, it would specify an exception for people who are dying (the text transposed into c. 11). Therefore, the oldest wording of c. 10/11 established the same penalty (a five-year delay in baptism) both for a female catechumen repudiated by a male catechumen and for a woman

catechumen who (before becoming one) had been repudiated by a male catechumen and entered a second marriage; a Christian woman who (during her catechumenate) is repudiated by a catechumen and remarries; and lastly, a baptised woman who knowingly marries a man who repudiated his previous wife without cause. Another clear interweaving of different and previously existing legal materials is seen in c. 20:¹⁸ it orders that *clerici* who charge interest should be deposed and excluded from communion, while a layperson who ceases usurious activity (after having been admonished) should be pardoned, and if he continues this practice should be barred from the house of worship.

In contrast, juxtaposition is a dominant trait of C (a group in which, as mentioned above, there are no *nec in finem* excommunications). Its related consecutive precepts deal with baptised persons who leave their church, offerings from the faithful, men who fornicated in their youth, veneration of the martyrs, the receiving of baptism or admission to the catechumenate when in danger of death, avoiding contact with idolatry by both *domini* and *servi*, extended absences from church, Judaising practices, urban aristocracies whose actions bear pagan connotations, and entering pagan temples.

However, we find the greatest “similarity” (and “dissimilarity”) in the C texts in two non-contiguous canons. Canons 23¹⁹ and 26²⁰ deal with the same topic (the Sabbath fast), but disagree on how it should be observed. In fact, the inclusion (unquestionably via a gloss) of the succinct c. 26 is merely to correct an *error* regarding this *superpositio*, specifically the one imposed in c. 23,

who, before beginning her catechumenate, had been repudiated by a man who was already a catechumen.

¹⁸ *Si quis clericorum detectus fuerit usuras accipere, placuit eum degradari et abstinere. Si quis etiam laicus accipere probatur usuras et promiserit correptus iam se cessaturum nec ulterius exacturum, placuit ei veniam tribui; si vero in ea iniquitate duraverit, ab ecclesia esse proiciendum* (c. 20).

¹⁹ *Ieiunii superpositiones per singulos menses placuit celebrari, exceptis diebus duorum mensuum Iulio et Augusto [ob quorundam infirmitatem]* (c. 23).

²⁰ *Errorem placuit corrigi ut omni sabbati die superpositiones celebremus* (c. 26).

which prescribes its observance for ten months (but not in July and August). This previous exception in summer is precisely the mistake c. 26 aims to rectify, in determining that *omni sabbati die superpositiones celebremus*.

The genesis of c. 26 shows similarities with the origin of c. 11,²¹ whose wording (also shifted from its first place of insertion to a lower position by a subsequent copyist) is also a clarification of a pre-existing text (c. 10),²² which, due to a transposition, ended up torn from its original location. Canons 11 and 26 both clearly reveal that changes were introduced after having established the “new” collection by stitching together at least three different compilations. These changes correspond to additions and interpolations, some of which even ended up becoming “canons”. The final canons in C (c. 76–81)²³ and the last precept contained in the *EH* probably also belonged to this “second generation.”²⁴ If so, these seven canons would reveal the enrichment of the catalogue by bringing in other casuistic questions at the end.

In terms of the interpolations (located between c. 1 and c. 67), they are mainly explanatory. There are a great many that begin with *eo quod* (c. 2, 3, 6, 12, 13, 14 [twice], 16, 22, 24, 25, 30, 35, 45, 63 and 66), a phrase we see in A, B and C1 whose authorship seems attributable to the same hand. It is revealing to compare c. 10²⁵ of the first Council of Arles with pseudo-

²¹ *Intra quinquennii autem tempora catecumina si graviter fuerit infirmata, dandum ei baptismum placuit non denegari* (c. 11). See n. 17.

²² *Si ea quam catecuminus reliquit duxerit maritum, potest ad fontem lavacri admitti. Hoc et circa feminas catecuminas erit observandum. Quod si fuerit fidelis quae ducitur ab eo qui uxorem inculpata reliquit, et cum scierit illum habere uxorem quam sine causa reliquit, placuit huic nec in finem dandam esse communionem* (c. 10). See n. 17.

²³ In addition to not appearing in the *EH*, these canons show no interpolations.

²⁴ Canon 69 of the *EH* is the only pseudo-Iliberritan canon not found in the *CCH*, see n. 2 and 3.

²⁵ *De his qui confessorum litteras afferunt, placuit ut, sublati eis litteris, alias accipiant communicatorias* (*Conc. Arl. I* [314] c. 10).

Iliberritan c. 25.²⁶ The version of this Arles canon recorded in C (already well removed from its more genuine wording) was altered again by, at the very least, the inclusion of an explanatory sentence: *eo quod omnes sub hac nominis gloria passim concutiant*. This widely applied measure justifies the elimination of names of confessors from letters of communion.²⁷ The *eo quod* entry in c. 16 even contains an error:²⁸ we see the word *infidelis*, even though this rule applies only to heretics and Jews, not Gentiles.²⁹ Another *eo quod* phrase that plainly reveals that it was inserted at a later stage is found in c. 2,³⁰ in the four precepts on traditional sacrifices. If we disregard this addition, we realise that the previous wording of c. 2 only addressed idolatry, the sole sin transferred into the rubric.

The second case in canon 3³¹ (absent in *EH*) comes from the final supposition in c. 47,³² in which we do see structural unity and full cohesion with the text preceding it in the same canon. Therefore, this part of c. 3 must

²⁶ *Omnis qui attulerit litteras confessorias sublato nomine confessoris, eo quod omnes sub hac nominis gloria passim concutiant, simplices communicatoriae ei dandae sunt litterae* (c. 25).

²⁷ See Josep Vilella, “In alia plebe: las cartas de comunión en las iglesias de la Antigüedad,” in *Correspondances, documents pour l’histoire de l’Antiquité Tardive*, eds. Roland Delmaire, Janine Desmulliez, and Pierre-Louis Gatier (Lyon: Maison de l’Orient et de la Méditerranée, 2009), 83–113.

²⁸ *Haeretici si se transferre voluerint ad ecclesiam catholicam, [nec] ipsis catholicas dandas esse puellas; sed neque Iudaeis neque haeticis dare placuit [eo quod nulla possit esse societas fidei cum infidele]. Si contra interdictum fecerint parentes, abstinere per quinquennium placet* (c. 16).

²⁹ See Josep Vilella, “Las disposiciones pseudoiliberritanas referidas a matrimonios mixtos e incestuosos: estudio comparativo y explicativo,” in *Il matrimonio dei cristiani: esegesi biblica e diritto romano* (Rome: Institutum Patristicum Augustinianum, 2009), 230–38.

³⁰ *Flamines qui post fidem lavacri et regenerationis sacrificaverunt, eo quod geminaverint scelera accedente homicidio vel triplicaverint facinus cohaerente moechia, placuit eos nec in finem accipere communionem* (c. 2).

³¹ *Item flamines qui non immolaverint, sed munus tantum dederint, [eo quod se a funestis abstinuerint sacrificiis,] placuit in finem eis praestare communionem, acta tamen legitima poenitentia. [Item ipsi si post poenitentiam fuerint moechati, placuit ulterius his non esse dandam communionem, ne lusisse de dominica communione videantur]* (c. 3).

³² *Si quis fidelis habens uxorem non semel sed saepe fuerit moechatus, in finem mortis est conveniendus quod, si se promiserit cessaturum, detur ei communio. Si resuscitatus rursus fuerit moechatus, placuit ulterius non ludere eum de communione pacis* (c. 47).

have been written when A was already in the same collection as c. 47 (C), while also coinciding with the addition of the *eo quod* stipulation at the start of that same c. 3.

In the amalgam of enactments from A, B and C, explanatory clauses were also introduced with the purpose of expanding or narrowing a resolution or making distinctions among sanctions depending on the casuistries. This occurs in c. 5,³³ whose text was concerned only with an involuntary murder perpetrated by a *domina* while applying corporal punishment to her *ancilla*, until it was modified (through the insertion beginning with *eo quod*, without alterations to the existing text) with the goal of including and penalising the possibility that the murder thus committed was voluntary:³⁴ in this case, a longer period of penance is stipulated. Derived from c. 6³⁵ of the first Council of Arles, pseudo-Iliberritan c. 39³⁶ contains the phrase *si fuerit eorum ex aliqua parte honesta vita* (which in this case is restrictive).

Canon 12³⁷ is also amplified by an interpolation whose statement as transmitted by the *CCH* contains another explanatory insert with *eo quod*. Even though in this decree (the first of six consecutive entries dealing with girls) *parens* means “father,” there is a lack of agreement in the pronoun, which is written as *eam* instead of *eum* (or *eos*): this mismatch reveals that the disjunction *vel parens* was not in c. 12 before it was added to the new

³³ *Si qua domina furore zeli accensa flagris verberaverit ancillam suam ita ut intra tertium diem animam cum cruciatu effundat, eo quod incertum sit voluntate an casu occiderit, si voluntate, post septem annos; si casu,] post quinquennii tempora acta legitima paenitentia ad communionem placuit admitti. Quod si infra tempora constituta fuerit infirmata, accipiat communionem* (c. 5).

³⁴ Before Basil of Caesarea, there is no record of differing punishments for voluntary and involuntary murder: Basil. Caes., *Ep.* 217 canons 56–57. See Vilella, “Las sanciones,” 13–14.

³⁵ *De his qui in infirmitate credere volunt, placuit eis debere manum imponi* (*Conc. Arl.* I [314] c. 6).

³⁶ *Gentiles si in infirmitate desideraverint sibi manum imponi, si fuerit eorum ex aliqua parte honesta vita,] placuit eis manum imponi et fieri Christianos* (c. 39).

³⁷ *Mater [vel parens] vel quaelibet fidelis si lenocinium exercuerit, eo quod alienum vendiderit corpus, vel potius suum,] placuit eam nec in finem accipere communionem* (c. 12).

compilation. The portion inserted in this A canon (undoubtedly from a note in the margin) is very similar to one included in a C precept, c. 67.³⁸ Here the mismatch is not in the grammar but in the content itself: the rule makes no sense with the words *vel catecumina* given that catechumens could not be excommunicated, only *fideles* (the only women originally covered by this enactment).

The philological analysis has also shown that some words or constructions in the pseudo-Iliberritan series surface only in insertions made after a “collection” was assembled from previous “compilations.” In addition to *eo quod*, another example would be the case of the verb *gemino* or the noun *scelus*, which appears in six inserts, four of which begin with *eo quod* (c. 2, 6, 35 and 63), one with *quod* (c. 1) and another with *ne* (c. 65). This also occurs with *conversatio* and with *sacerdos* when it means bishop. Other additions made in this phase would be the uses of *ne* and *ut* with a final value, the use of *video* in the passive and the presence of the third person singular of the present subjunctive of *possum* in periphrasis with an infinitive. Several interpolations have two or more lexical elements which seem exclusive to them: *eo quo + gemino + scelus* (c. 2 and 63 [A and B]); *eo quo + scelus* (c. 6 and 35 [A and C]); *eo quo + video* (c. 13 and 45 [A and C]); *eo quo + possum* (c. 16 [A]); *ne + video* (c. 3 [A]); *ne + sacerdos + video* (c. 48 [C]); *ne + conversatio + video + scelus* (c. 65 [B]); *ut + video* (c. 21 [A]); and *ut + possum* (c. 38 [C]).

The canonical and patristic passages (or those of another kind) that bear a resemblance or relationship to the casuistics in the pseudo-Iliberritan series shed light on some of the items in this code and also hint at dates, albeit approximate, for many of them. We have already mentioned the correction of c. 23 by c. 26. The fact that the *superpositiones* considered and imposed are

³⁸ *Prohibendum ne qua fidelis [vel catecumina] aut commatos aut viros cinerarios habea[n]t. Quaecumque hoc fecerint, a communione arceantur* (c. 67).

Sabbatine (as expressly noted in c. 26) reveals that the decree consisted in fasting on Fridays and Saturdays for ten months or (ultimately, once the “error” was corrected) all year long. As of Augustine’s *Ep.* 36,³⁹ Innocent I’s *Ep.* 25,⁴⁰ and Cassian’s *De institutis coenobiorum*,⁴¹ it is clear that the extension of the Sabbatine season to the entire year dates from the papacy of Innocent I: the Pentecostal exception stated by Augustine no longer exists in the Roman response to Decentius, and John Cassian expresses his rejection of turning this fast into a canonical rule, as Innocent I had defended shortly before.

These testimonies reveal that since the early fifth century, Sabbatine fasting had been in force in all the hebdomads of the year in the Roman Church.⁴² For their inclusion in Eastertide, it was essential that the Ascension, a feast day that was not separate from Pentecost Sunday until the late fourth century, be celebrated on the fortieth day.⁴³ Given what can clearly be gleaned from c. 23 and c. 26 (initially a gloss), they originate in a Roman decree and their content cannot predate Innocent I, although it could date from after his papacy. Based on the wording of c. 26, one can also deduce that its succinct wording stems from the summaries of Innocent I’s *Ep.* 25 that were circulating (this epistle was included in almost all the

³⁹ Aug., *Ep.* 36.18; *Ep.* 36.21. Cf. *Ep.* 55.28.

⁴⁰ Innoc. I, *Ep.* 25. *Liber pont.* 42 states that Innocent I established the weekly observance of fasting on the Sabbath.

⁴¹ Iohann. Cass., *De inst. coen.* 3.10. From the *Gallia*, John Cassian rejected the *canonica regula* with regard to the Sabbatine fasting that Innocent I had hastily decreed shortly before.

⁴² Different subsequent testimonies show the Sabbatine observance remained in place in Rome. See Josep Vilella, “*Vt omni sabbato ieinnetur*. A propósito de dos cánones pseudoiliberitanos sobre el ayuno sabático hebdomadario,” *Revue d’études augustiniennes et patristiques* 59.1 (2013): 165–68.

⁴³ Pseudo-Iliberitan c. 43 shows that when it was written, the feast day of the Ascension had already been separated from Pentecost Sunday (from the last day of Eastertide): *pravam institutionem emendari placuit iuxta auctoritatem Scripturarum ut cuncti diem pentecosten post pascha celebremus non quadragesimam nisi quinquagesimam. Qui non fecerit, novam haereseis induxisse notetur* (c. 43).

canonical collections). In this regard, the coincidence between the *excerptum* of this decretal, which appears in the *EH* (where we can read *omni sabbato ieiunetur*), and the text of c. 26, which also appears in the *EH* (*omne sabbato ieiunetur*), is relevant.

Canon 33⁴⁴ also comes from papal prescriptions:⁴⁵ it establishes conjugal continence for upper-level clergy who had married. Included in the *Ad Gallos*⁴⁶ and in two of Siricius' letters,⁴⁷ this precept continued to be reiterated by Innocent I,⁴⁸ who referred back to Siricius, and by subsequent pontiffs.⁴⁹ Like the decretals, numerous conciliar canons reiterate, again and again, the law of priestly continence: c. 9 of the Council of Agde refers to what was stipulated by Siricius and Innocent I.⁵⁰ In short, c. 33 cannot date from prior to the last quarter of the fourth century, although it could date from much later (even the sixth century).

Several pseudo-Iliberritan canons emanated from the papal decrees, such as c. 22,⁵¹ devoted to baptised Catholic laypeople who, after having become

⁴⁴ *Placuit in totum prohiberi episcopis, presbyteris et diaconibus positus in ministerio abstinere se a coniugibus suis et non generare filios. Quicumque vero fecerit, ab honore clericatus exterminetur* (c. 33).

⁴⁵ See Josep Vilella, "Cartas decretales y acuerdos sinodales: una hermenéutica del c. 22 pseudoiliberitano," in *L'étude des correspondances dans le monde romain: de l'Antiquité classique à l'Antiquité tardive. Permanences et mutations*, eds. Janine Desmulliez, Christine Hoët-van Cauwenberghe, and Jean-Christophe Jolivet (Villeneuve d'Ascq: Université Charles-de-Gaulle – Lille 3, 2010), 468–70.

⁴⁶ *Ad Gallos episc.* 5. This is the oldest known testimony on priestly continence; see Roger Gryson, *Les origines du célibat ecclésiastique du premier au septième siècle* (Gembloux: Duculot, 1970), 127.

⁴⁷ Siric., *Ep.* 1.11; *Ep.* 5.9 [*Conc. Thel.* (418)].

⁴⁸ Innoc. I, *Ep.* 2.12–13; *Ep.* 6.1; *Ep.* 38.

⁴⁹ Leo I, *Ep.* 14.4; *Ep.* 167.3; Socr. 5.22.50–52; *Exc. dir. Iohanne II Caesar. Arel.*; Pelag. I, *Ep.* 19.26; *Ep.* 47; Greg. I, *Dial. libri* 4.12.2–3.

⁵⁰ *Placuit etiam ut si diacones aut presbyteri coniugati ad torum uxorum suarum redire voluerint, papae Innocentii ordinatio vel Siricii episcopi auctoritas, quae est his canonibus inserta, servetur* (*Conc. Agath.* [506] c. 9).

⁵¹ *Si quis de catholica ecclesia ad haerese[m] transitum fecerit rursusque recurrerit, placuit huic paenitentiam non esse denegandam [eo quod cognoverit peccatum suum]; qui etiam decem annis agat*

heretics for a time without coercion (probably Arians), wished to rejoin their former Church.⁵² The wording of this text shows a clear parallel with *Ep.* 17 of Pope Innocent I, dated 13 December 414 and written to the bishops of Macedonia: compare the expression *si quis de catholica ecclesia ad haeresem transitum fecerit* from c. 22 with *qui a catholica ad haeresim transierunt* or *si quis vero de catholica ad haeresim transiens* from Pope Innocent's letter.⁵³ Canon 51 also seems to be Roman in origin.⁵⁴ Its wording denies ordination to laymen who (not having embraced the Nicene Creed *ab initio*) join Catholicism from heresy, while also decreeing deposition to those with such a background who had already taken holy orders. Inserted into the ban decreed by the papacy (since the end of fourth century)⁵⁵ against former heretics in the priesthood, this rule re-emerges in accordance with *Ep.* 17 of Innocent I⁵⁶ and the assembly of 487 held in Rome.⁵⁷

Canons 1 and 59, whose wording was discussed above, cannot concern either a society in which paganism prevailed or cities in which Nicene Christianity had already taken root as a sole, legal, tolerated religion. The fact that c. 59 penalises both active and passive idolatry with the same

paenitentiam; cui post decem annos praestari communio debet. Si vero infantes fuerint transducti, quod non suo vitio peccaverint, incunctanter recipi debent (c. 22).

⁵² See Vilella, "Cartas decretales," 474–85.

⁵³ *At vero ii, qui a catholica ad haeresim transierunt, quos non aliter oportet nisi per poenitentiam suscipi, apud vos non solum poenitentiam non agunt, verum etiam honore cumulantur* (Innoc. I, *Ep.* 17.8); *si quis vero de catholica ad haeresim transiens, aut fidelis ad apostasiam reversus, resipiscens redire voluerit, numquid eadem ratione poterit ad clerum permitti, cuius commissum nonnisi longa poenitentia poterit aboleri? Nec post poenitentiam clericum fieri ipsi canones sua auctoritate permittunt* (Innoc. I, *Ep.* 17.11).

⁵⁴ *Ex omni haerese fidelis si venerit, minime est ad clerum promovendus. Vel si qui sunt in praeteritum ordinati, sine dubio deponantur* (c. 51).

⁵⁵ Cf.: *Reg. eccl. Carthag. excerpt.* [III, *not. de conc. Carthag.* (397)] c. 47; *Reg. eccl. Carthag. excerpt.* [VI, *not. de conc. Carthag.* (401)] c. 57; *Reg. eccl. Carthag. excerpt.* [VII, *not. de conc. Carthag.* (401)] c. 65. Cf. too Aug., *Ep.* 185.29.

⁵⁶ *Sed nostrae lex est ecclesiae, venientibus ab haereticis, qui tamen illic baptizati sunt, per manus impositionem laicam tantum tribuere communionem, nec ex his aliquem in clericatus honorem vel exiguum subrogare* (Innoc. I, *Ep.* 17.8).

⁵⁷ Felix II, *Ep.* 13.8 [*Conc. Rom.* (487) c. 5].

punishment (a far cry from Tertullian's relatively tolerant attitude)⁵⁸ reveals that its content does not date from before the establishment of the Christian empire, and the repression of the old paganism by the state, which marked an increase in the Church's condemnation. It is clear that when canons 1 and 59 were written, the traditional urban temples were still open and that at that time (or shortly before) there had been restrictions in this regard.

Canon 59 shares a thematic grouping with c. 60.⁵⁹ Its ban on considering those murdered for destroying idols as martyrs cannot in any way date from the pagan empire. The first certain testimonies of this kind of destruction date from late in the reign of Constantius II.⁶⁰ Two other related precepts, c. 40⁶¹ and c. 41,⁶² also prove Christianity's growing influence, especially among the higher echelons of society. The episcopal strategy of going to masters to eradicate the pagan activities of their dependents began under the Theodosians.⁶³ Canons 2,⁶⁴ 3,⁶⁵ 4⁶⁶ (devoted to *flamines*) and 55⁶⁷ (inserted into the C trilogy on the urban aristocracies) are also indicative of the

⁵⁸ Tert., *De idol.* 16.3–4.

⁵⁹ *Si quis idola fregit et ibidem fuerit occisus, quatenus in evangelio scriptum non est nec invenietur sub apostolis unquam factum, placuit in numero eum non recipi martyrum* (c. 60).

⁶⁰ Cf.: Liban., *Ep.* 763; *Ep.* 819; *Ep.* 724; Greg. Naz., *Orat.* 4.88; Socr. 3.2.7–10; 3.15.1–2; Theod., *Hist. eccl.* 3.7.2–3; Soz. 5.4.2; 5.9.1–3; 5.15.5.

⁶¹ *Prohiberi placuit ut, cum rationes suas accipiunt possessores, quicquid ad idolum datum fuerit, accepto non ferant; si post interdictum fecerint, per quinquennii spatia temporum a communione esse arcendos* (c. 40).

⁶² *Admoneri placuit fideles ut in quantum possunt prohibeant ne <servi> idola in domibus suis habeant. Si vero vim metuunt servorum, vel se ipsos puros conservent; si non fecerint, alieni ab ecclesia habeantur* (c. 41).

⁶³ See Rita Lizzi Testa, "L'Église, les *domini*, les païens *rustici*: quelques stratégies pour la christianisation de l'Occident (IV^e–VI^e siècle)," in *Le problème de la christianisation du monde antique*, eds. Hervé Inglebert, Sylvain Destephen, and Bruno Dumézil (Paris: Picard, 2010), especially 95, 100–1, 105 and 112.

⁶⁴ See n. 30.

⁶⁵ See n. 31.

⁶⁶ *Item flamines si fuerint catecumini et se a sacrificiis abstinuerint, post triennii tempora placuit ad baptismum admitti debere* (c. 4).

⁶⁷ *Sacerdotes qui tantum coronas portant nec sacrificant nec de suis sumptibus aliquid ad idola praestant, placuit post biennium accipere communionem* (c. 55).

Christianisation of higher social echelons (evidenced by different pseudo-Iliberritan canons). These decrees indicate that when they were formulated, Christians often served as flamens without performing sacrificial acts.

By stipulating exclusion from church (the building of worship) for charioteers and *pantomimi* (actors) who resumed working as such after having abandoned their profession and promising not to exercise it again, c. 62⁶⁸ reveals its concordance with the provisions from the late fourth and early fifth centuries which banned entertainment workers from the catechumenate until they gave up these activities.⁶⁹ It is also revealing that the content of this canon largely depends on the facilities provided by the civil legislation (from 360s) for actresses to be freed from their (hereditary and infamous) profession by embracing Christianity.⁷⁰

The canons referring to the Jews also reveal chronological clues. With regard to c. 16⁷¹ (the second part of a trilogy on Christians marrying pagans, heretics and Jews), it is telling that we have to wait until the late fourth century to find canonical proscriptions targeted at parents in order to avoid mixed marriages.⁷² In addition to equating them with heretics and pagans, c. 14 of the Council of Chalcedon (the first attested precept which bans marriage with Jews) contains the same exception as our c. 16: these marriages

⁶⁸ *Si auriga aut pantomimus credere voluerint, placuit ut prius artibus suis renuntient et tunc demum suscipiantur, ita ut ulterius ad ea non revertantur; qui si facere contra interdictum temptaverint, proiciantur ab ecclesia* (c. 62).

⁶⁹ *Const. apost.* 8.32.9; *Reg. eccl. Carthag. excerpt.* [VI, *not. de conc. Carthag.* (401)] c. 63. Cf.: Hier., *Vita s. Hilar.* 9.4–6; Aug., *De fide et oper.* 18.33. By contrast, pseudo-Iliberritan c. 62 differs from the practice imposed in two canons from the first Council of Arles (*Conc. Arl.* I [314] c. 4–5). The Arles decrees remain consistent with Cyprian's response regarding a baptised actor: Cyp., *Ep.* 2.1.1–2.

⁷⁰ *CTb* 15.7.2 (371); 15.7.4 (380); 15.7.8 (381); 15.7.9 (381). Cf. 15.7.13 (413).

⁷¹ See n. 28.

⁷² *Brev. Hippon.* (393 [397]) [*brev. stat.*] c. 12; *Conc. Laod.* (fourth cent. *ex.*) c. 10; c. 31. In the sixth century Latin West, the precepts against such marriages found in the Laodicean code continued to be reiterated.

are only allowed if the Catholic creed is embraced.⁷³ Equally revealing is that Ambrose produced the oldest surviving patristic passage appealing to parental authority to prevent such marriages.⁷⁴ Therefore, it is clear that the writing of c. 16 can hardly date from prior to the fifth century.⁷⁵ Regarding c. 50⁷⁶ (which is associated with c. 49),⁷⁷ we should bear in mind that in the West there is no evidence of a ban against eating with Jews before the Council of Vannes (dated in 461/491).⁷⁸

Some pseudo-Iliberritan canons on the actions associated with the buildings of Christian worship or the liturgical practices performed in them also provide temporal evidence. They include canons 34,⁷⁹ 35⁸⁰ and 36,⁸¹ a

⁷³ *Conc. Chalc.* (451) c. 14.

⁷⁴ Ambr., *De Abrab.* 1.9.84. Cf. *Exp. de psal. cxviii* 20.48. Cf. too: Iohann. Chrys., *In Genes. hom.* 26.2; Aug., *De fide et oper.* 19.35.

⁷⁵ As of Theodosian times, marriages between Jews and Catholics were even banned by imperial laws: *Cod. Theod.* 3.7.2 (388) (= 9.7.5 [388]; *Cod. Inst.* 1.9.6 [388]). Another pseudo-Iliberritan precept also reveals the social advance of Christianity: [*propter copiam puellarum*] *gentilibus minime in matrimonio dandae sunt virgines Christianae*, *ne aetas in flortumens in adulterio animae resolvatur*] (c. 15). Cf. Aug., *De fide et oper.* 19.35. Canon 12 from the first Council of Arles only imposed temporary eucharistic excommunication (without penance) to *puellae* married to pagans, and it left parents completely out of the matter.

⁷⁶ *Si vero quis clericus vel fidelis cum Iudaeis cibum sumpserit, placuit eum a communione abstinere [ut debeat emendar]* (c. 50).

⁷⁷ *Admoneri placuit possessores ut non patiantur fructus suos, quos a Deo percipiunt cum gratiarum actione,] a Iudaeis benedici, ne nostram irritam et infirmam faciant benedictionem; si quis post interdictum facere usurpaverit, penitus ab ecclesia abiciatur* (c. 49).

⁷⁸ *Conc. Venet.* (461/491) c. 12. The Synods of Agde, Epaon and Mâcon refer expressly to both clergy and the laity: *Conc. Agath.* (506) c. 40; *Conc. Epaon.* (517) c. 15; *Conc. Matic.* (581/583) c. 15. See Bernhard Blumenkranz, "Iudaeorum convivium: à propos du concile de Vannes (465), c. 12," in *Études d'histoire du droit canonique dédiées à Gabriel Le Bras*, II (Paris: Sirey, 1965), 1055–58. The first canonical prohibitions on sharing a table with Jews of which we are aware do not date from before the late fourth century: *Can. apost.* c. 70 (cf. c. 71); *Conc. Laod.* c. 38.

⁷⁹ *Cereos per diem placuit in cimiterio non incendi; [inquietandi enim sanctorum spiritus non sunt.] Qui haec non observaverint, arceantur ab ecclesiae communione* (c. 34).

⁸⁰ *Placuit prohiberi ne feminae in cimiterio pervigilent, eo quod saepe sub obtentu orationis latenter scelera committant]* (c. 35).

⁸¹ *Placuit picturas in ecclesia esse non debere; ne quod colitur et adoratur, in parietibus depingatur* (c. 36).

trilogy devoted to matters related to the veneration of martyrs *in cimiterio*⁸² or *in ecclesia*.⁸³ the lighting of candles during the day, women's participation in vigils, and pictorial depictions. Both the huge geographic and social spread of the worship of the saints which happened after the Constantinian period (closely associated with the massive influx of pagans into Christianity) and the use of *cimiterium* suggest situating c. 34 in the last years of the fourth century.⁸⁴ Furthermore, we find evidence (in consonance with c. 34) of considerable opposition to devotions to the *martyres* in traditional ecclesiastical sectors in this period.⁸⁵

Targeted explicitly at women and pertaining to vigils to mark martyrs' anniversaries, the wording of c. 35 also cannot date from prior to the late

⁸² As given in the *CCH* and *EH*, the form *cimiterium* (not *coemeterium*) in c. 34 and 35 indicates that the Latin written form of κοιμητήριον, presents an iotacism, a spelling that does not seem to have been used until the mid-fourth century and became nearly exclusive from the fifth century onward. See Josep Vilella, "In *cimiterio*: dos cánones pseudoilberitanos relativos al culto martirial," *Gerión* 26 (2008): 493–96 and 504. Besides meaning both "grave" and "cemetery," *cimiterium* (or the Greek word from which it derives) eventually acquired, through semantic change, the meaning of *martyrium*, *ecclesia* or *basilica*, based on the emblematic houses of worship built at some saints' tombs. See Antonio Ferrua, "Il Cimitero dei nostri morti," in *Scritti vari di epigrafia e antichità cristiane*, eds. Carlo Carletti et al. (Bari: Edipuglia, 1991), 284–96; Ferrua, *Note al Thesaurus linguae latinae. Addenda et corrigenda (A-D)* (Bari: Edipuglia, 1986), 121; Éric Rebillard, "Κοιμητήριον et *coemeterium*: tombe, tombe sainte, nécropole," *Mélanges d'archéologie et d'histoire de l'École française de Rome* 105.2 (1993): 975–1001.

⁸³ *Ecclesia* (a synonym of *cimiterium*) is the term that appears in c. 36.

⁸⁴ Jerome graphically describes the popularity of the veneration of martyrs in his time: Hier., *Ep.* 107.1.

⁸⁵ The prohibition in c. 34 contains one of the censures issued (with support from bishops) by Vigilantius against practices followed in the veneration of martyrs: the lighting of candles (primarily by women) in these places during daylight hours. Vigilantius, who rejected the veneration of martyrs (Hier., *Ep.* 109; *C. Vigil.* 1; 4–5; 8), was vehemently opposed to the lighting of candles in their honour (Hier., *Ep.* 109.1; *C. Vigil.* 4; 7; 10), and to vigils to mark their anniversaries (Hier., *Ep.* 109.3; *C. Vigil.* 9; cf. 1). Like those who developed c. 34, the Gallic presbyter (to whom Jerome replied in the early fifth century) opposed this candle lighting, which he considered an idolatrous rite: Hier., *Ep.* 109.1; *C. Vigil.* 4; 7.

fourth century. These celebrations are documented after Ambrose⁸⁶ and Gregory of Nyssa,⁸⁷ and their spread is directly related to the suppression of *refrigeria* in honour of the martyrs.⁸⁸ During the transition from the fourth to the fifth centuries, practically all the local churches already had at least one heavily attended festival for martyrs held at a *cimiterium*.⁸⁹ However, the indecent conduct already spurred by the *refrigeria* carried on in the nights of the vigils,⁹⁰ as attested to by Vigilantius⁹¹ and John Chrysostom.⁹² This is the reality behind c. 35.

The timeline resulting from c. 34 and c. 35 also appears in c. 36, which also refers to the worship of martyrs and to the same architectural venues.⁹³ When the controversy arose over the presence of painted images in churches (in the late fourth century), the original radical opposition to personalised

⁸⁶ Ambr., *De virginit.* 126. This Ambrosian work dates from 378.

⁸⁷ Greg. Nyss., *Enc. in xl mart. ii.* Cf. *Vita s. Macrinae* 33.

⁸⁸ After their prohibition in Milan by Ambrose (Aug., *Confess.* 6.2) at the request of Augustine (Aug., *Ep.* 22.6) these meals also ended up being banned in Africa: *Brev. Hippon.* (393 [397]) c. 29 (= *Reg. eccl. Carthag. excerpt.* [III, *not. de conc. Carthag.* (397)] c. 42); *Reg. eccl. Carthag. excerpt.* [VI, *not. de conc. Carthag.* (401)] c. 60. The action of Aurelius and Augustine led to the decline in *refrigeria* for martyrs: Aug., *Ep.* 29.2–4; 6; 11. Cf.: *Serm.* 305A.4; *Serm.* 311.5. This last passage indicates that the rise of vigils for martyrs' anniversaries coincides with the condemnation of meals in cemeteries to honour the saints.

⁸⁹ Cf.: Basil. Caes., *Ep.* 95; *In Gord. mart.* 1; *In Mamant. mart.* 2; Greg. Nyss., *De s. Theod.*; Iohann. Chrys., *In Ep. ii ad Cor. arg. et hom.* 26.5; Aster. Amas., *Hom.* 9.9.1–2; Prud., *Perist.* 11.189–190; Paul. Nol., *Carm.* 14.40–88; 15.1–4; 18.98; 18.113–114; 18.181–182; 19.305–306; 26.384–394; 27.25–29; 27.377–381; 27.546–557; Hilar. Arel., *Narrat. de mirac. s. Genesii mart. Arel.*; Apoll. Sidon., *Ep.* 5.17.3–4.

⁹⁰ Hier., *Ep.* 107.9; *C. Vigil.* 9; Sinuth., frag. 5; Theod., *Hist. rel.* 20.2.

⁹¹ Hier., *C. Vigil.* 1; 9.

⁹² Iohann. Chrys., *In Acta apost. hom.* 26; Pallad., *Dial. de vita Iohann. Chrys.* 5. John Chrysostom's prohibition against women going to night-time vigils can also be read in a Syriac fragment: Emil Goeller, "Ein nestorianisches Bruchstück zur Kirchengeschichte des 4 und 5 Jahrhunderts," *Oriens Christianus* 1 (1901): 95–96. Before becoming a bishop, Chrysostom had already maintained that virgins should not attend prayer vigils: Iohann. Chrys., *De sacerdot.* 3.13.

⁹³ See Josep Vilella, "Placuit picturas in ecclesia esse non debere: la prohibición del c. 36 pseudolibertitano," *Veleia* 34 (2017): 147–62.

anthropomorphic images anchored in the Biblical precepts was already crumbling (largely owing to the surge in the veneration of the martyrs).⁹⁴ While Epiphanius of Constantia was busy trying to end the proliferation of images (branded “lies” and “false”) on church walls, and thus preserve the anti-idolatrous Judeo-Christian tradition,⁹⁵ other bishops thought it more beneficial to adapt to the new times⁹⁶ and defended the pedagogical usefulness of the images.⁹⁷ Just as in c. 34, any Gentile-like expression of the phenomenon of venerating the martyrs is banned.

Temporal details (data) can also be deduced from *inerguminus* in c. 29,⁹⁸ a precept which along with c. 28⁹⁹ makes up a set on offerings from the living faithful.¹⁰⁰ It is not until the late fourth century that we can document, with

⁹⁴ Eusebius of Caesarea states that there were no non-symbolic, anthropomorphic representations in the churches of his time: Eus. Caes., *Ep. ad Const. Aug.* Cf. Epiph. Const., *Ep. ad Theod. imp.* See Luigi Canetti, “Costantino e l’immagine del Salvatore. Una prospettiva mnemostorica sull’aniconismo cristiano antico,” *Zeitschrift für antikes Christentum* 13.2 (2009): 233–62.

⁹⁵ Epiph. Const., *Ep. ad Iohan. Hier.* 9 [Hier., *Ep.* 51]; *Tract. c. eos qui imag. fac.*; *Ep. ad Theod. imp.*; *Testam. ad cives* [frag.]. See Daniele Menozzi, *La Chiesa e le immagini. I testi fondamentali sulle arti figurative dalle origini ai nostri giorni* (Milan: San Paolo Edizioni, 1995), 15.

⁹⁶ It is revealing Augustine’s evolution regarding human figures that were neither allegorical nor part of salvific Biblical episodes. Compare Aug., *De mor. eccl. cathol. et de mor. Manich.* 1.34.75 (cf. *De fide et symb.* 14) or *De cons. ev.* 1.10.16 with *Serm.* 316.5. Cf. *De mirac. s. Steph. protomart. libri* 2.4.

⁹⁷ The earliest Greek testimony justifying iconographic programmes in churches comes from the Cappadocians: Basil. Caes., *In Bart. mart.* 3; *In quadr. mart. Sebast.* 2; Greg. Naz., *Carm. moral.* 1.2.33; Greg. Nyss., *De s. Theod.* See too: Aster. Amas., *Hom.* 11; Nilus Anc., *Ep.* 4.61. With regard to the Latins: Paul. Nol., *Carm.* 27.580–595; 28.20–27; *Ep.* 32; Prud., *Perist.* 9.

⁹⁸ *Inerguminus qui ab erratico spiritu exagitatur, huius nomen neque ad altare cum oblatione recitandum nec permittendum ut sua manu in ecclesia ministret* (c. 29). The form *inerguminus* can also be found in the rubric of c. 37.

⁹⁹ *Episcopum placuit ab eo qui non communicat munera accipere non debere* (c. 28).

¹⁰⁰ See: Josep Vilella, “Las ofrendas eclesiásticas en los cánones pseudoilberitanos: el caso de los energúmenos,” in *Política, religión y legislación en el Imperio romano (ss. IV y V d.C.)*, eds. M. Victoria Escribano and Rita Lizzi Testa (Bari: Edipuglia, 2014), 251–54; id., “Las estipulaciones pseudoilberitanas acerca de los catecúmenos,” in *Lex et religio*

variants, this Greek borrowing,¹⁰¹ and from then on it was always used in Christian literature to designate those possessed by evil spirits.¹⁰² Once the prohibition on bishops accepting anything from those who do not receive communion had been expressed (in c. 28), c. 29 provides clarifications about energumens by forbidding them from touching the offerings on the altar and banning their names from being mentioned in relation to these offerings. This canon proves that these energumens could receive communion,¹⁰³ given that those who were excluded from the Eucharist could not offer oblations either. The singularity of energumens explains the different approaches to them practised in ancient churches. The decree in c. 29 is consistent with Egyptian practice¹⁰⁴ but diverges from Syrian practice.¹⁰⁵ In the West, the first known synodal resolution on this question is c. 13 from the first Council of Orange,¹⁰⁶ whose contents are consistent (perhaps through the influence of John Cassian)¹⁰⁷ with the dominant criterion applied in Egypt. Furthermore, like our c. 29, it sets requirements for *communio* by those tormented by the devil.

(Rome: Institutum Patristicum Augustinianum, 2013), 602–3. Cf. Vilella, “Las sanciones,” 25, n. 73.

¹⁰¹ Rufinus uses it in the Latin version of *De principiis*: Orig., *De princ.* 3.3.4.

¹⁰² During the fifth century production it appears in: Sulp. Sev., *Dial.* 1.20.8–9; 2.8.9; 3.6.2; 3.6.3; 3.13.5; 3.14.1; Innoc. I, *Ep.* 25; Max. Taur., *Serm.* 69.2; Iohann. Cass., *Conl.* 7.12; Arnob. iun., *Praed.* 1.3; Possid., *Vita s. Aug.* 29.4; *Conc. Araus.* I (441) c. 13–14 (14–15); *Stat. eccl. ant.* (442/506) c. 62–64 (90–92); c. 95 (7). The word *energumenus* was used often in the sixth century. The first Spanish records of it date from the seventh century.

¹⁰³ The access of the energumens to communion appears also in pseudo-Iliberritan c. 37.

¹⁰⁴ Timoth. I Alex., *Resp. can.* 3; Iohann. Cass., *Conl.* 7.30 (cf. 7.29).

¹⁰⁵ *Const. apost.* 8.7.1–2; 8.7.9; Iohann. Chrys., *De incompr. Dei nat. hom.* 3; 4; Rabb. Edess., *Praec. ad sacerdot. et regul.* 52; Ps. Dion. Arcop., *De eccl. hierarch.* 3 Μυστήριον; 3 Θεωρία 7.

¹⁰⁶ *Conc. Araus.* I (441) c. 13 (14).

¹⁰⁷ See Franz J. Dölger, “Der Ausschluß der Besessenen (Epileptiker) von Oblation und Kommunion nach der Synode von Elvira,” *Antike und Christentum* 4.2 (1933/1934): 129.

Based on what we have outlined, one can infer the heterogeneity of the prescriptions traditionally attributed to an Iliberritan assembly, which we call pseudo-Iliberritan. The philological and comparative analyses show that this series resulted from borrowing phrases inserted in previous compilations and introducing changes (basically additions) in the new compilation. Many enactments must clearly be dated from the end of the fourth century and during the fifth century (and some of them perhaps even from the early sixth century). These datings point to an even later time (albeit not after the second half of the sixth century) for the assembly of the collection in which these texts ended up being included and, in many cases, altered to a greater or lesser extent. The fact that the author of the *EH* (dated from the transition from the sixth to the seventh century) read this disciplinary repertoire in a book from *Egabrum* (currently Cabra, in the province of Córdoba) allows us to assume that in the second half of the sixth century, the pseudo-Iliberritan series of canons had already left the site where they were composed. These conclusions concur with the vast compilatory activity which took place in the West in the late fifth century and first few decades of the sixth century.¹⁰⁸

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CHAPTER TWENTY

VIRTUES IN A TIME OF WAR: ADMINISTRATIVE WRITING, DIALECTIC AND THE GOTHIC WAR

M. SHANE BJORNLI

Introduction

Ostrogothic Italy has a particular Janus-like quality. Janus governed beginnings and endings and his image, rendered enigmatically as a two-faced bust, gazed in opposite directions to the past and future. Many historical “periods” share Janus’ temporally ambivalent disposition, particularly as manufactures of the modern historical mind, and this is especially true of the Ostrogothic period in Italy (493- 535), when the peninsula and its neighboring provinces were ruled by successive members of the Amal family. Although the period represents perhaps the longest span of political stability in Italy since the reign of the last Theodosian emperor, Valentinian III (d. 455), this perspective prevails primarily in comparison to preceding and subsequent decades.¹ Prior to the arrival of Theoderic and the Goths, the

¹ For discussion of the modern manufacture of an “Ostrogothic period,” Federico Marazzi, “The Destinies of the Late Antique Italies: Politico-economic Developments of the Sixth Century,” in *The Sixth Century: Production, Distribution and Demand*, eds. Richard Hodges and William Bowden (Leiden: Brill, 1998), 119-59, esp. 120.

relative success of Odoacer's rule in Italy (476-91) certainly contributed to political conditions under the Amals, but Odoacer's government suffers from poor documentary attestation and tends to be associated with the previous generation (455-76) of abortive imperial reigns and arriviste warlords.² The period following Amal rule, initiated ironically by Justinian's attempt to extend eastern imperial authority over Italy (the Gothic War), experienced a rupture of social, political and economic fabric that would last almost two decades (535-54) and ultimately resolve in the tessellation of the Italian peninsula into disputed zones of Byzantine, Lombard and Papal influence.³ As a result, modern scholarship often views the roughly four decades of Amal rule in Italy as both a resurgent period of stable government and as the final period in which Italy enjoyed continuity with Roman imperial traditions.⁴ In a sense, it may be said that Ostrogothic Italy, much like Janus, looked ahead to the disarticulation of the western Mediterranean from imperial rhythms and backward toward the maintenance of those rhythms. In

² For Italy between the death of Valentinian III and the arrival of Theoderic, Lellia Ruggini, *Economia e società nell' "Italia Annonaria": Rapporti fra agricoltura e commercio dal IV al VI Secolo d.C.* (Milan: Giuffrè, 1961); Marinus Antony Wes, *Das Ende des Kaisertums im Westen des Römischen Reichs* (Rijswijk: Maatschappelijk Werk, 1967); Giovanni A. Cecconi, *Governo imperiale e élites dirigenti nell'Italia Tardoantica: problemi di storia politico-amministrativa (270- 476 d.C.)* (Como: Edizioni New Press, 1994); Penny MacGeorge, *Late Roman Warlords* (Oxford: Oxford UP, 2002); Guy Halsall, *Barbarian Migrations and the Roman West, 376-568* (Cambridge: Cambridge UP, 2007), 257-83; Paolo Delogu and Stefano Gasparri, eds., *Le trasformazioni del V secolo: l'Italia, I barbari e l'occidente romano* (Turnhout: Brepols, 2010); and Michelle Renee Salzman, *The Falls of Rome*, Chapter 5 (forthcoming).

³ On the Gothic War and "Byzantine" Italy, Thomas S. Brown, *Gentlemen and Officers: Imperial Administration and Aristocratic Power in Byzantine Italy, AD 554-800* (London: British School at Rome, 1970); John Moorhead, "Italian Loyalties during Justinian's Gothic War," *Byzantion* 53 (1983), 575-96; Halsall, *Barbarian Migrations*, 499-518; James J. O'Donnell, *The Ruin of the Roman Empire: A New History* (New York: Ecco, 2008).

⁴ For the survival of Roman imperial government in Ostrogothic Italy, John Moorhead, *Theoderic in Italy* (Oxford: Oxford UP, 1992); Jonathan Arnold, *Theoderic and the Roman Imperial Restoration* (Cambridge: Cambridge UP, 2014); Massimiliano Vitiello, *Theodahad: A Platonic King at the Collapse of Ostrogothic Italy* (Toronto: Toronto Press, 2014).

other words, Ostrogothic Italy represents both the final stage of antiquity and the beginning of the early Middle Ages. Of course, these characterizations depend upon the representational quality of the available sources and whether scholars read these sources as actual indices of regional culture and state practice, or as textual rhetoric.

One area where the impression of continuity with imperial habits is particularly persistent is in the administrative style of Ostrogothic sources. Sixth-century Italy offers a rich fund of administrative sources drawn from legal, fiscal, diplomatic and ecclesiastical contexts. A potential peculiarity of these sources is the varying degree to which the vocabulary and ideals of moral and political philosophy inform administrative writing. The source that reveals most vividly the confluence of administrative and philosophical literacy is the collection of letters that Cassiodorus assembled and revised as the *Variae* sometime during the early stage of the Gothic War. Earlier scholarship has assumed that Cassiodorus assembled the *Variae* between 538 and 540, by which reckoning the capture of Ravenna figured as the terminus of his political aspirations. More recent analysis of the political context suggests that Cassiodorus may have produced the *Variae* later in the 540s, in response to the vacillating fortunes of the Gothic War and the troubled circumstances of Justinian's reign. Regardless of the precise date and location of "publication," the *Variae* are a product of the Gothic War, a period in which colonization by an eastern imperial administration threatened to challenge social and political norms in Italy. The engagement of administrative writing in the *Variae* with ideas attached to a long tradition of moral and political philosophy suggests the rhetorical maintenance of an antique tradition as a direct response to rupture in social and political norms caused by the conflict. This becomes particularly evident in comparison to other sources of administrative writing circulating in Italy both before and

during the Gothic War where such an attachment to philosophical language is lacking. The following essay will outline features of Cassiodorus' administrative style through an examination of his engagement with the vocabulary of political and moral philosophy and furthermore contrast Cassiodorus' development of political ideals using traditional philosophical vocabulary to other products of public literacy contemporary with the Gothic War, including Justinian's *Novellae* and the papal letters of the *Collectio Avellana*. What emerges from this examination is a perspective of how sources appropriated the rhetoric of philosophy in response to political and military conflict in sixth-century Italy.

Philosophy itself was not a novel intellectual endeavor in sixth-century Italy. Boethius' *De consolazione Philosophiae* offers testimony to interest in philosophical topics in sixth-century Italy, although scholars frequently consider his studies as exceptional for the period and his unfortunate demise at the hands of Amal politics as a final caesura with philosophical tradition.⁵ In the same way that Boethius has come to represent the last exploration of the philosophical tradition in western intellectual culture prior to the Middle Ages, Cassiodorus' *Variae* have also been viewed as the terminal point in a long tradition of administrative writing infused with the traditions of political philosophy. Indeed, some studies have explained the presence of philosophical vocabulary in the *Variae* as a result of Cassiodorus' dependency on a chancery tradition that had been sustained throughout Roman antiquity.⁶ More recent studies, however, have located the philosophical

⁵ Thus, the appraisal of Noel Kaylor, "Introduction: The Times, Life and Work of Boethius," in *A Companion to Boethius in the Middle Ages*, eds. Noel Kaylor and Philip Phillips (Leiden: Brill, 2012), 1-46; although for a more sympathetic appraisal of philosophy in early sixth-century Italy, see now Vitiello, *Theodahad*.

⁶ For example, Odo Zimmerman, *The Late Latin Vocabulary of the Variae of Cassiodorus: With Special Advertisement to the Technical Terminology of Administration* (Washington, D.C.: Catholic University of America, 1944); Åke Fridh, *Terminologie et formules dans les Variae*

discourse of the *Variae* either in the political strategy of the Amals or in Cassiodorus' intellectual and religious formation.⁷ Although the style of the *Variae* bears much in common with an extended tradition for administrative and legal writing, the elaboration with which political virtues appear in Cassiodorus' letters demands closer examination. This is particularly evident in the way that Cassiodorus employs the vocabulary of the virtues to generate an ethical dimension for a perennially difficult administrative task—the collection of taxes.

The depiction of taxation in the *Variae* suggests habits by which Amal rulers sought to generate not only material revenues, but also the idea of a harmonious society. It is nearly impossible to assess exactly what the language of moral obligation found in the *Variae* would have meant to the *curiales* and *possessores* who shouldered fiscal burdens (indeed, if they were ever an audience for the baroque administrative style of letters found in the *Variae*).⁸ It may be that the Amal government employed this particular language as a direct response to the fact that administrative presence was increasingly thin on the ground in the sixth century. In this sense, taxation could be understood as a vehicle to convey notions of communal reciprocity, statehood and governmental probity in conditions where social definitions and political affiliations were in flux. However, it is also possible to

de Cassiodore: *Études sur le développement du style administratif aux derniers siècles de l'antiquité* (Stockholm: Almqvist & Wiksell, 1956); Bettina Pferschy, *Formular und Formeln: Studien zur Typologie der Variae des Cassiodorus Senator* (Vienna: doctoral thesis, 1982); Gunhild Vidén, *The Roman Chancery Tradition: Studies in the Language of the Codex Theodosianus and Cassiodorus' Variae* (Göteborg: Acta Universitatis Gothoburgensia, 1984).

⁷ For example, Andrea Giardina, *Cassiodoro politico* (Rome: L'Erma di Bretschneider, 2005), 147–48, and Arnold, *Theoderic and the Roman Imperial Restoration*, 140–44, 167–73, emphasize the interests of the Amal court; by contrast, Christina Kakridi, *Cassiodorus Variae: Literatur und Politik im ostgotischen Italien* (Leipzig: Saur München, 2005), 150–56 and 329–73, devotes more attention to Cassiodorus' religious and intellectual interests.

⁸ For approaches to a social history of taxes, Peter Sarris, *Economy and Society in the Age of Justinian* (2006), and Cam Grey, *Constructing Communities in the Late Roman Countryside* (Cambridge: CUP, 2011), esp. 58–90, on reciprocity and reputation.

appreciate the ethical vocabulary used to describe fiscal activities and obligations as a feature specific to the *Variae* (and Cassiodorus' political imagination), rather than as a fully developed and consistent policy of the Amal court. As an examination of the *Variae* illustrates, the ethical ornamentation that decorated the fiscal mandate of individual letters also connected taxes to other prominent themes in the collection: themes such as appointments to public office and royal judgment. Hence, this paper suggests that the vocabularies of taxation should be viewed as but one dimension of Cassiodorus' fuller, programmatic elaboration of governmental virtues. By recognizing how strands of ethical thought form a complex network of varied aspects of the Amal government (tax collection, appointment to public office, the exercise of justice, etc.), the presentation of Ostrogothic Italy in the *Variae* becomes the product of the epistolary author (Cassiodorus) and his response to the exigencies of the Gothic War, as opposed to habits maintained as course of policy by the Gothic regime.

Virtuous networking in the *Variae*

One of the more striking features of the *Variae* is how the letters describe the fiscal administration not only in terms of the redistribution of material resources, but also as an economy of the ethical resources of the community in which the participants exchange and share the precious commodity of virtues. Indeed, the rationale for both tax collection and the award of offices, two prominent topics in the *Variae*, rests upon the reciprocity of obligations and rewards. The earliest expression of this theme appears in letter 1.3, where Theoderic awards Cassiodorus' father with patrician rank for services that Cassiodorus senior had rendered as praetorian prefect:

But you, rendering your accustomed devotion (*consuetudinem devotionis*), have placed us under obligation by affectionate service, where we had thought to discharge all obligation to you; hence you have increased the debt where we had thought it to be absolved.⁹

The letter continues by describing precisely what had placed the king in debt to his prefect: the integrity (*integritas*) and equity (*aequitas*) that the prefect had exercised, particularly in the collection of taxes.¹⁰ It is also clear from the tenor of the letter that the material wealth collected by the good service of the magistrate became a source of ethical wealth for the king. As the letter notes, the prefect's service provided the king with a prized opportunity to demonstrate his recognition and remuneration of probity:

Therefore, urged on by such abundant praise, we confer upon you in just remuneration the distinction of the patriciate, so that what is a payment (*praemium*) to others, for you would be the return of good deeds (*retributio meritorum*).¹¹

This letter blends a number of interrelated themes to describe an economy that is both material and ethical. Cassiodorus accomplished this in part by combining the vocabularies of ethics and administration: hence, the *tributum* of recognition owed by a ruler to men of proven merits and the *commoditas* of

⁹ Cassiod., *Var.* 1.3.5: *At tu consuetudinem devotionis impendens eo nos obligasti munere, quo tibi nos putamus omnia reddidisse: inde amplificando debitum, unde credi poterat absolutum*; this and all subsequent citations of Cassiodorus' *Variae* use the edition of Theodor Mommsen, *Monumenta Germaniae Historica, Auctores Antiquissimi* 12 (Berlin, 1894).

¹⁰ Cassiod., *Var.* 1.3.6: *Oblectat igitur nos actus praefecturae recolere, totius Italiae notissimum bonum, ubi cuncta provida ordinatione disponens ostendisti, quam leve sit stipendia sub iudicis integritate dependere. Nullus gravanter obtulit quod sub aequitate persolvit, quia quicquid ex ordine tribuitur, dispendium non putatur.*

¹¹ Cassiod., *Var.* 1.3.8: *His igitur tot amplissimis laudibus incitati patriciatus tibi apicem iusta remuneration conferimus, ut quod aliis est praemium, tibi sit retribution meritorum.*

rewarding good service. Letters throughout the *Variae* are redolent with this kind of language. A similar tendency is apparent in another example, letter 2.26 which censures a later praetorian prefect for imposing additional taxes on citizens of Apulia and Calabria:

We are pleased by no kind of unjust profit (*nullis compendiis iniustis*), nor should that which departs from the grace of probity (*gratia probitatis*) enter into the spirit of our devotion (*ad animum nostrae pietatis*). Indeed, the republic has ever increased by right of equitability (*iure aequitatis*), and where moderation (*temperantia*) is prized, benefits swiftly follow.¹²

As suggested by this letter and others in the collection, a discourse that blends the language of ethics (*probitas*, *pietas*, *aequitas*, *temperantia*) and administration (*compendia*, *res publica*) gives the impression that the Amal court was regularly preoccupied with assessing the balance of ethical and material capital. Similarly, this letter and others seek to advertise the agency of reciprocity in adjusting the balance between the two fields.¹³

Of course, at one level, it should seem obvious that the Amal government would explain fiscal policies in terms that imply decision making occurred on the basis of what was ethically appropriate. But the preponderance of ethical vocabulary is noteworthy, especially in the sense of terms that convey notions of community and communal obligation. Of the traditional imperial virtues,

¹² Cassiod., *Var.* 2.26.1: *Nullis compendiis delectamur iniustis nec ad animum nostrae pietatis perveniunt quae probitatis gratia deseruntur. Res publica siquidem iure semper aequitatis augetur, et cum temperantia diligitur, velociter profutura succedunt.*

¹³ For letters in which reciprocity is a similarly pronounced theme, *Variae* 1.3, 1.4, 1.10, 1.11, 1.12, 1.13, 2.15, 2.16, 2.28, 3.5, 3.6, 3.11, 3.12, 3.17, 3.23, 3.24, 3.28, 3.33, 4.3, 4.4, 4.25, 5.4, 5.21, 5.40, 6.3, 6.4, 6.5, 6.6, 6.9, 8.10, 8.12, 8.17, 8.18, 8.20, 8.26, 9.7, 9.23, 9.25, 10.4, 10.6, 11.6, 11.9, 11.40; for an analysis of reciprocity in the operation of the virtues in an earlier, Aristotelian context, Kazuta Inamura, *Justice and Reciprocity in Aristotle's Political Philosophy* (Cambridge: CUP, 2015).

pietas is easily among the most frequently invoked.¹⁴ *Pietas*, in the sense of the word received from the Latin literature that informed so many of Cassiodorus' letters, should be understood as an almost religious respect for family, and by extension in a ruler, for subjects of the state.¹⁵ As an expression of the paternal devotion of a ruler for his people, the appearance of *pietas* should not surprise: it is one indication for the modelling of the Amal government on earlier imperial habits.¹⁶ In this sense, the mobilization of virtues in letters of the *Variae* might be understood as an attempt by the Amals to distance themselves from other *reges gentorum* of the sixth century. A fairly sustained rhetorical conceit in Late Antiquity contrasted kings as masters of slaves to emperors as rulers of free citizens, and invoking the

¹⁴ For letters in which *pietas* occurs in connection with the fiscal economy, *Variae* 1.16, 2.9, 2.25, 2.26, 2.38, 3.8, 4.7, 4.26, 4.50, 9.4, 9.10, 11.15, 12.26, 12.28.

¹⁵ The *locus classicus* being Virgil's description of the *pietas* of Aeneas, especially when salvaging his family (and family gods) from the ruin of Troy, *Aeneid* 2.877-96; for literature on *pietas* as a construct of familial ethics, Richard Saller, "Pietas, Obligation and Authority in the Roman Family," in *Alte Geschichte und Wissenschaftsgeschichte*, eds. Peter Kneissl and Volker Losemann (Darmstadt: Wissenschaftliche Buchgesellschaft, 1988), 393-410; Tim Parkin, "Honour Thy Father—and Thy Mother? An Act of *Pietas*," in *Theatres of Action*, eds. John Davidson and Arthur Pomeroy (Auckland: Polygraphia, 2003), 194-210; Bianca-Jeanette Schröder, "Römische '*pietas*': kein universelles Postulat," *Gymnasium* 119.4 (2012): 335-58.

¹⁶ On the modelling of virtues in an imperial, political context, Jean Béranger, *Recherches sur l'aspect idéologique dans l'antiquité géco-romaine* (1953); J. Rufus Fears, "The Cult of Virtues and Roman Imperial Ideology," in *Aufstieg und Niedergang der römischen Welt*, IIN 17.2 (1981): 827-948; Andrew Wallace-Hadrill, "The Emperor and his Virtues," *Historia* 30.3 (1981): 298-323; Carlos Noreña, "The Ethics of Autocracy in the Roman World," in *A Companion to Greek and Roman Political Thought*, ed. Ryan Balot (Chichester, U.K.: Wiley-Blackwell, 2009), 266-79, also treated in id., *Imperial Ideals in the Roman West: Representation, Circulation, Power* (Cambridge: Cambridge UP, 2011), 37-100, for the ethical profile of the emperor, with related bibliography; also Charles Hedrick, "Imitating Virtue and Avoiding Vice: Ethical Functions of Biography, History and Philosophy," in Balot, *A Companion to Greek and Roman Political Thought*, 421-39, for the Greek background; on the association of imperial virtues with Theoderic, Giardina, *Cassiodoro politico*, 101-59, esp. 147-48, and Arnold, *Theoderic and the Roman Imperial Restoration*, 111-13, 173-74, 184-94.

virtues may be thought of as a strategy for characterizing Amal rule over free citizens capable of exercising the virtues.¹⁷

However, the variety of syntactical roles played by *pietas* in the grammar governing a ruler's duty to the state is suggestive of a more programmatic use of the virtues in the *Variae*. At its most basic, *pietas* is an instrument of decision making in fiscal matters. Thus, letter 1.16 explains that oppressed taxpayers would find relief from their calamities, "by the assistance of our devotion (*pietatis nostrae remedio*)."¹⁸ *Pietas* similarly becomes a faculty for measuring balance and reciprocity in a moral economy. For example, in a general edict denouncing the practice of shifting the tax burden to *possessores* in order to compensate for the indifference of elites to their own fiscal obligations, letter 2.25 states:

When the injuries of every man reflects upon us, we rightly feel as a loss to ourselves any cause for the poor which we know to have escaped our devotion (*pietati nostrae*).¹⁹

This letter hints that *pietas* operates as a kind of ethical substance with its own agency in evaluating what is equitable. This notion finds more assertive expression in another letter (4.26), where devotion to the public weal (*perfecta pietas*) possesses a kind of foresight, "it knows to have regard for troubles even before they are shaped into entreaties."²⁰ Yet other letters add further to

¹⁷ For example, Themistius, *Oratio* 11; Ambrose, *Epistula* 74, to Theodosius; Gregory the Great, *Registrum epistularum* 11.4 and 13.32.

¹⁸ Cassiod., *Var.* 1.16.1: *Hinc est quod consuetudinis nostrae humanitate commoniti opem fessis, manum porrigimus oneratis, ut pietatis nostrae remedio surgant qui fortunae suae acerbitate corruerant.*

¹⁹ Cassiod., *Var.* 2.25.1: *Merito, quando cunctorum nos respiciunt laesiones, dum illud pietati nostrae perire credimus, quod per mediocrium damna sentimus.*

²⁰ Cassiod., *Var.* 4.26.2: *Ipsa est enim perfecta pietas, quae antequam flectatur precibus, novit considerare fatigatos.*

the dimensions of *pietas*. In letter 2.38, the tax relief offered to merchants at the Apulian town of Sipontum is described as increasing the “treasury of our devotion” (*thesauro pietatis*).²¹ Here, *pietas* is a valuable commodity, for which the ruler has an interest in increasing. The increase of this commodity arrives in direct proportion to the ruler’s equitable assessment of the needs of the community.

The operation of *pietas*, frequently in conjunction with other virtues such as *aequitas*, *clementia*, *humanitas*, *iustitia*, *liberalitas* and *moderatio*, activates the reciprocity and redistributive quality that makes the morality of the state a kind of economy. *Pietas*, *clementia* and *iustitia*, in particular, are noteworthy as virtues represented prominently in Roman political discourse at least as early as the *chypus virtutis* of Augustus.²² *Humanitas*, *liberalitas* and *moderatio* likewise belong to a “canon” of virtues governing public interaction. The *Variae* deploy all of these virtues, frequently in combination, as attributes of the ruler.²³ As noted in the case of *pietas*, these virtues are the qualities that allow the ruler to maintain a balanced ledger in the moral economy, but they are also a currency of exchange in themselves. In exchange for the exercise of governmental virtue, the Amal ruler receives a commodity in return. The

²¹ Cassiod., *Var.* 2.38.1: *Opes nostras cupimus thesauro pietatis augeri, execrantes commode, quae nobis vexatorum fuerint calamitatibus adquisita.*

²² On the *chypus virtutis*, Tonio Hölscher, *Victoria Romana* (Mainz: Zabern, 1967), 102–12; for the relationship of Augustus to a “cannon” of imperial virtues, Wallace-Hadrill, “The Emperor and his Virtues,” 298–323, notes much variation in the array of virtues associated with individual emperors subsequent to Augustus, but also acknowledges the importance of select virtues in the ideology of individual imperial reigns.

²³ Where the virtues and their various cognates occur in letters of the *Variae* concerning aspects of the fiscal economy—*Clementia*: 1.19, 2.9, 2.38, 9.9, 9.10, 11.5, 11.15, 11.16, 12.10; *Humanitas*: 1.16, 2.9, 2.17, 2.37, 3.32, 4.26, 12.26, 12.28; *Iustitia*: 1.14, 1.19, 2.9, 2.26, 3.8, 3.32, 4.38, 5.14, 5.26, 9.4, 9.10, 9.11, 11.7, 11.15, 12.1, 12.2; *Liberalitas*: 1.14, 1.26, 2.9, 2.17, 2.37, 2.37, 4.26, 9.9, 9.10, 11.16, 12.2, 12.8, 12.28; *Moderatio*: 1.3, 1.16, 1.19, 1.26, 2.9, 2.26, 4.38, 5.14, 5.31, 9.9, 9.10, 11.7; *Pietas*, 1.16, 2.9, 2.25, 2.26, 2.38, 3.8, 4.7, 4.26, 4.50, 9.4, 9.10, 11.15, 12.26, 12.28.

Variae regularly describe this commodity as *fides* or *devotio*.²⁴ In the case of letter 1.3, it is the *devotio* or “loyalty” of an officer of the state. Cassiodorus’ father had placed Theoderic in debt by displaying his accustomed devotion (*consuetudinem devotionis*).²⁵ Similarly, on the occasion of awarding the collection of the *siliqua* to a *vir clarissimus*, letter 3.25 delights that the services of dutiful men (*obsequia fidelium*) will increase the growth of public advantages (*utilitatis augmentum*).²⁶ In the case of a *vir illustris* ordered to examine fiscal practices in the Dalmatian province of Savia (5.14), the excesses of previous officials are both condemned by reason of justice (*iustitiae ratio*), but also praised as an opportunity for the *illustris* to prove his devotion (*fides*) through the exercise of the proper virtues:

We truly desire this to be corrected by strong measures, but to your praise, it seems thus far to have been delayed, to the end that a trustworthy man (*fides*) should be considered more agreeable, when you will prove your dedication (*studium vestrum*) so much more effectively after the negligence of many. And therefore, we order you to examine all landowners with wisdom (*prudentia*) [...] and with deliberate justice (*considerata iustitia*), and according to the equity of the tax (*aequalitatem tributi*) [...] For thus is justice (*iustitia*) achieved and the resources of our provinces increased.²⁷

²⁴ For example, *Var.* 1.3, 1.26, 3.25, 3.32, 5.14, 9.10, 9.11, 11.5, 11.7, 12.2, 12.8, 12.16, 12.23.

²⁵ Cassiod., *Var.* 1.3.5.

²⁶ Cassiod., *Var.* 3.25.1: *Amamus publicis actionibus personas inserere morum probitate conspicuas, ut per obsequia fidelium nobis crescat utilitatis augmentum.*

²⁷ Cassiod., *Var.* 5.14.2: *Hoc quidem per plurimos desideravimus corrigi, sed hactenus in tuam laudem videtur potuisse differri, quatenus fides haberetur acceptior, quando post multos negligentes stadium vestrum efficacissime comprobatis. Atque ideo prudentia, qua notus es, universum possessorem considerate iustitia te iubemus inspicere et aequalitatem tribute hac ratione moderari, ut quae sub aliis facta est omni redemption cassata pro possessionum atque hominum qualitate assis publicis imponatur. Sic enim et iustitia perficitur et vires nostrorum provincialium sublevantur.*

It was also expected that the landowning *possessores* would reciprocate in this economy. Letter 9.10 to the citizens of Syracuse explains how the property assessment had been established, “according to the practiced moderation of [Theoderic’s] wisdom [...] so that devotion (*devotio*) would increase” in Sicily.²⁸ It is worth emphasizing again that the ethical vocabulary used to describe the relationship of taxation to the ethical economy tends to privilege virtues with communal resonance. By contrast, *virtus* rarely occurs as an attribute of the Amal ruler in connection with taxation, despite its historical association with Roman emperors.²⁹ Similarly, the letters mention *fama* and *gloria* comparatively rarely as the commodity that the ruler receives in return for his exercise of virtues. Notably, both *virtus* and *fama* have less communal and reciprocal dimension than virtues such as *clementia* or *pietas*, which receive far more attention in the *Variae* in connection with taxation.

It also seems that the integrity of the moral economy frequently outweighs the demands of the material economy. In many instances, the reciprocal benefits of an economy of virtue can be maintained only by reducing the burden of the monetary economy. This is evident in letter 1.16, which describes the reduction of taxes owed by *conductores* in Apulia as enriching the ability to govern (*regnantis facultas*). By remitting the payment of taxes, the ruler hopes to acquire a distinguished treasure of more noble coin (*nobiles thesauros famae pecuniae*), which is the public regard for the humanity of Amal policies (*consuetudinis nostrae humanitate*).³⁰ Indeed, it would seem from a

²⁸ Cassiod., *Var.* 9.10.2: *quia longa quies et culturam agris praestitit et populos ampliauit, intra Siciliam provinciam sub consueta prudentiae suae moderatione censum statuit flagitari, ut vobis cresceret devotio, quibus se facultas extenderat.*

²⁹ For examples of *virtus*, *Var.* 2.9 and 12.28.

³⁰ Cassiod., *Var.* 1.16.1: *Illud amplius nostris utilitatibus applicamus, quod misericordiae humanitate concedimus. Regnantis enim facultas tunc fit ditior, cum remittit, et acquirit nobiles thesaurus famae neglecta vilitate pecuniae. Hinc est quod consuetudinis nostrae humanitate commoniti opem fessis, manum porrigimus oneratis, ut pietatis nostrae remedio surgant qui fortunae suae acerbitate corruerant.*

great many letters that maintenance of the ethical economy mattered to such an extent that the ruler might transgress traditional fiscal practices. Letter 2.9, addressed to the praetorian prefect, provides a clear example:

Our kindness (*nostra humanitas*) inclines toward those beseeching us and, because of the condition of devotion (*pro affectu pietatis*), it knows not to observe the confines of justice (*fines iustitiae*). Indeed, to transgress the bounds of clemency (*clementiae terminos*) is equally to the advantage of a kind ruler (*benigni principis*) [...] For we rejoice at how much the records of expenses are overburdened, since it is the greatest advantage to us when we bestow liberally and frequently in any manner upon the needy.³¹

The sentiment expressed in this letter intersects with a prominent theme in the language of public leadership in Late Antiquity. The responsiveness of Christian bishops to the “needy” in a community certainly resonated with secular courts (to draw a fragile distinction) and amplified the meaning that such charitable behaviors had in a governmental context.³² Nonetheless, it is worth noting that the letter draws from the vocabulary of classical philosophy (not Christian rhetoric) that had been ineffably present in imperial ideology even after Constantine’s conversion and the formation of an ideologically Christian Roman Empire.³³ Redolent with the language of

³¹ Cassiod., *Var.* 2.9.1-2: *Inclinari precibus nostra novit humanitas nec pro affectu pietatis fines potest iustitiae custodire. Benigni quippe principis est ad clementiae commodum transilire terminus aequitatum: quando sola est Misericordia, cui omnes virtutes honorabiliter cedere non recusant [...] Gaudemus enim, quotiens expensarum paginate his titulis onerantur, quia magnum nobis est commodum, quando nonnulla pauperibus in qualibet conversatione largimur.*

³² For the emergence of the Christian discourse on poverty and wealth in Late Antiquity, Peter Brown, *Poverty and Leadership in the Later Roman Empire* (Hanover, N.H.: University Press of New England, 2002), and id., *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD* (Princeton: Princeton UP, 2012).

³³ On how the religious associations with the virtues contributed to universalist claims in the imperial political discourse, Anna Clark, *Divine Qualities: Cult and Community in*

pietas, *humanitas*, *iustitia* and *clementia*, the letter revels in the opportunity by which the ruler might transgress the needs of the material economy in order to fill the ledger of the moral economy. The sentiment is a common refrain throughout the *Variae*. In the course of releasing citizens of Marseilles from the property tax, letter 4.26 cheerfully announces, “indeed, kindness (*humanitas*) knows not how to observe limitations [...] Let princely generosity release you from the property tax.”³⁴ And in the course of removing a family from the fiscal obligations of the curial class, letter 9.4 declares that, “it is a justice of its own kind (*ipsius quaedam iustitia*) that the one who is called pious (*pius*) should be bound the least by the strictness of the law.”³⁵

Of course, Amal rulers were not in the habit of completely disregarding fiscal responsibilities and some letters even suggest that balance in the material economy was a necessary precondition for a well-lubricated moral economy. Not only did rendering unto Caesar demonstrate the devotion of subjects to the state, but doing so maintained equilibrium between the two economies by funding the *clementia* and *benignitas* of the ruler. Thus letter 1.19 instructs the two officials assigned to collect taxes in Adriana with due circumspection:

Republican Rome (Oxford: Oxford UP, 2007); for the impact of classical philosophy on Christian imperial ideology in Late Antiquity: Elizabeth Digeser, *The Making of a Christian Empire: Lactantius and Rome* (Ithaca: Cornell UP, 2000); Susanna Elm, *Sons of Hellenism, Fathers of the Church: Emperor Julian, Gregory of Nazianzus, and the Vision of Rome* (Berkeley: University of California Press, 2012); Elizabeth Digeser, “Platonism in the Palace: The Character of Constantine’s Theology,” in *The Life and Legacy of Constantine: Traditions through the Ages*, ed. Shane Bjornlie (London: Routledge, 2016), 49-61.

³⁴ Cassiod., *Var.* 4.26.1-2: *Servare quippe terminus ignorant humanitas et novellis decet blandiri beneficiis post longa tempora restitutes [...] Censum praeterea praesentis anni relaxat vobis munificentia principalis [...]*

³⁵ Cassiod., *Var.* 9.4.1: *Neque enim ob aliud curiales leges sacratissimae ligaverunt, nisi ut, cum illos soli principes absolverent, indulgentiae praeconia reperirent, hoc est, ubi dominus adversum sua iudicia amabili concertatione dissentit, quando et ipsius quaedam iustitia est, ut qui pius dicitur, districtiois termino minime teneatur.*

We wish to protect the legal advantage of the fisc (*fisci legale compendium*), since our generosity (*nostra clementia*) is clearly exercised by means of our own property, and just as we desire to burden no man, so we ought not to lose debts owed to us.³⁶

Here, the letter uses the *clementia* of the ruler to justify the fiscal prerogatives of the state, although elsewhere the *Variae* could articulate what might be thought of as the economic theory of the day to discourage over-collection. The principle finds pointed (and even pungent) expression in letter 4.38 to the praetorian prefect concerning unfair tax assessments in northern Italy:

since the increase of revenue is the diminishment of those serving [...] the ever-harmful increase of [of taxes] must be prevented by us, who want the utility of a stable fisc to be well established for all time, lest by swelling with its own increase, the fisc should weaken the rest of the state and begin failing the more that it seems to have grown.³⁷

Nonetheless, letters recommending the rigorous maintenance of established fiscal practice are common in the *Variae* and tend to express both the material and ethical mandate in absolute terms. Letter 2.12 explains to the *comites* of trade taxes that failure to enforce the tariff on lard was a sin (*peccatum*) and that, “if even some small measure of rule is despised, then it is

³⁶ Cassiod., *Var.* 1.19.1: *Fisci volumus legale custodire compendium, quia nostra clementia rebus propriis videtur esse contenta, et sicut nullum gravare cupimus, ita nobis debita perdere non debemus.*

³⁷ Cassiod., *Var.* 4.38.1: *Cum omnes rei publicae nostrae partes aequabiliter desideremus augeri, clementia tamen fiscalium tributorum iustissimo sunt pensanda iudicio, quia servientium imminutio est huius illationis accessio quantumque pars illa proficit, tantum se haec a firmitate subducit. Sed a nobis, qui fisci utilitatem stabili volumus diuturnitate consistere, excludenda est dispendiosa semper enormitas, ne augment suo tumens summa deficiat incipiatque magis deesse, quia immaniter visa est accrevisse.*

violated in every portion.”³⁸ Similarly, letter 4.14 considers the delinquency of tax payments in Tuscany to be, “the greatest kind of sin” (*magni peccati genus*) and even “an unsightly infection” (*quasi turpis scabies*).³⁹ Statements of strong fiscal authority such as these often mobilize as leverage the language of communal advantage, noting the *compendia rei publicae, utilitas publica* and *civilitas*.⁴⁰ In a fascinating example, letter 4.50 orders the praetorian prefect to investigate the claims that an eruption of Vesuvius had wiped out the capacity to pay taxes in Campania.⁴¹ The letter posits that the king’s generosity should be tempered by an awareness that nature herself provides benefits from such events.⁴² The natural history of volcanism offered by the letter cites the providential enrichment of soil caused by ash, and suspends any cancellation of fiscal obligations pending a thorough investigation.⁴³ As the letter notes, “Our piety (*nostra pietas*) acquiesces to that which ought to happen deservingly (*merito*).”⁴⁴ Here, it is a virtue for *pietas* to yield to the material needs of the state.

³⁸ Cassiod., *Var.* 2.12.2: *In qualitate est, non in quantitate peccatum: mensuram siquidem non quaerit iniuria. Imperium, si in parvo contemnitur, in omni parte violatur.*

³⁹ Cassiod., *Var.* 4.14.1-2: *Magni peccati genus est alienus debitis alterum praegravare, ut qui potest exigi non mereatur audiri [...] In ipsis enim initiis comprimendus excessus est, ne foeda imitation quasi turpis scabies paulatim reliquos comprehendat.*

⁴⁰ A full discussion of these concepts, especially *civilitas*, may be found in Kakridi, *Cassiodorus Variae*.

⁴¹ For previous treatments of this letter, John Leopold, “*Consolando per Edicta*: Cassiodorus, *Variae* IV.50 and Imperial Consolations for Natural Catastrophes,” *Latomus* 45.4 (1986): 816-36; Shane Bjornlie, *Politics and Tradition between Rome, Ravenna and Constantinople: A Study of Cassiodorus and the Variae, 527-554* (Cambridge: CUP, 2013), 272-73.

⁴² Cassiod., *Var.* 4.50.3: *Sed non in totum durus est eventus ille terribilis: praemittit signa gravia, ut tolerabilis sustineantur adversa*; 4.50.5: *Vomit fornax illa perpetua pumiceas quidem, sed fertiles barenas, quae licet diuturna fuerint adustione siccatae, in varios fetus suscepta germina mox produciunt et magna quadam celeritate reparant, quae Paulo ante vastaverant.*

⁴³ Cassiod., *Var.* 4.50.2: *Sed quia nobis dubia est uniuscuiusque indiscussa calamitas, magnitudinem vestram ad Nolanum sive Neapolitanum territorium probatae fidei virum praecipimus destinare, ubi necessitas ipsa domestica quadam laesione grassatur, ut agris ibidem diligenter inspectis, in quantum possessoris laboravit utilitas, sublevetur.*

⁴⁴ Cassiod., *Var.* 4.50.1: *Quod fieri debere nostra merito pietas adquiescit.*

Sources of ethical wisdom in the *Variae*

Where the deployment of *pietas* to generate the concept of an ethical economy at least suggests a programmatic use of the political virtues in the *Variae*, the manner in which the collection links the sources for ethical wisdom further supports the idea that Cassiodorus was the architect of the political community portrayed in the *Variae*. Although individual letters describing the balance of a material economy *vis à vis* concerns for the ethical economy may appear idiosyncratic and even capricious, seemingly contradictory justifications for fiscal decisions are part of a carefully choreographed performance of the ability of the ruler to discern what is most morally commodious for the wider community.⁴⁵ Just as fragments of ethical discourse lace the *Variae*, so too the letters are embedded with vocabulary that illustrate the agency of royal discernment. Royal deliberation is frequently embodied in vocabulary such as *animus*, *conscientia*, *prudentia*, and *spiritus*, terms that relate to the interior ability of the ruler to perceive ethical distinctions. For example, letter 3.25 concerning the collection of the *siliqua* in Dalmatia states, “it is not so much wealth that we seek in taxes, so much as we hasten to comprehend the morals of those obligated to them (*mores subiectionum*).”⁴⁶ Similarly in a statement denouncing the imposition of greater taxes on poor landowners, letter 2.25 conjures the image of royal authority (*nostra auctoritas*) seeking to relieve the grief of a wounded soul (*laesus animus*).⁴⁷ Not only does the royal mind perceive the duress of the wailing

⁴⁵ On royal discernment in the *Variae*, Bjornlie, *Politics and Tradition*, 289-93; the idea of spiritual discernment in the political setting may be closely linked to the religious, for which concerning bishops, Kevin Uhalde, *Expectations of Justice in the Age of Augustine* (Philadelphia: University of Pennsylvania Press, 2007), 44-76.

⁴⁶ Cassiod., *Var.* 3.25.1: *quia non tantum lucre quaerimus, quantum mores subiectionum deprehendere festinamus.*

⁴⁷ Cassiod., *Var.* 2.25.1: *Quamvis sit querula vox doloris nec se contineant imminuti et laesus animus vociferatione pascatur, tamen liberior sermo promitur, qui nostra auctoritate laxatur.*

animus, but it perceives a voice otherwise concealed by shame, “We are stirred by the afflictions of those not complaining and what the shame of suffering conceals quickly comes to our attention.”⁴⁸ Here the letter elides with another prominent theme elaborating the interior nature of governing—the *providentia* of the ruler.⁴⁹ The *Variae* describe the ruler’s facility for foresight in a manner that suggests an intimate connection with sources of wisdom. At one level, the *provida intentio* of the ruler is simply an expression for wisdom, as in letter 4.36, “It is the duty of the most perspicacious ruler (*providentissimi principis*) to release the grievously weakened from taxes.”⁵⁰ At another level, the ruler’s foresight extends from a profound respect for tradition, a theme of *reverentia antiquitatis* that is visible throughout the *Variae*.⁵¹ For example, letter 4.19 attributes to “princely forethought” (*principalem providentiam*) a dispensation from the payment of the *siliqua* on grain, wine and oil, a tax that the same letter claims, “the foresight of antiquity (*provida antiquitas*) prescribed for transacting business of all kinds.”⁵² Far from a conflict of principles, the letter clearly traces the connection of the ruler’s *principalem providentiam* to *provida antiquitas*, demonstrating how princely foresight derived from a consideration of antiquity.

⁴⁸ Cassiod., *Var.* 2.25.1: *Detestamur enim miseros premi, commovemur et non querentium malis velocinsque ad nos pervenit quod dissimulation patientis abscondit.*

⁴⁹ *Providentia* figures as an imperial virtue at least as early as Claudius Mamertinus, who includes it among the attributes of the Emperor Julian: *Panegyrici Latini* 3.5.4; on *providentia*, Martin Charlesworth, “*Providentia* and *Aeternitas*,” *Harvard Theological Review* 29 (1936): 107–32; and Jean-Pierre Martin, *Providentia deorum: recherches sur certains aspects religieux du pouvoir imperial romain* (Rome: l’Ecole française de Rome, 1982).

⁵⁰ Cassiod., *Var.* 4.36.1: *Providentissimi principis est graviter imminutis relinquere tributariam functionem, ut redivivis studiis ad implenda sollemnia recreentur qui pressi damnorum acerbitate defecerant.*

⁵¹ On how Cassiodorus develops the theme of *reverentia antiquitatis* in the *Variae*, Bjornlie, *Politics and Tradition*, 216–53.

⁵² Cassiod., *Var.* 4.19.1: *Decet principalem providentiam fessa refovere [...];* 4.19.2: *Siliquatici namque praestationem, quam rebus omnibus nundinandis provida definit antiquitas.*

The *Variae* claim elsewhere that the virtues described in connection with the ethical economy of taxation derive from antiquity. In the previously mentioned censure of the praetorian prefect (2.26), the grace of probity (*probitatis gratia*) and restraint (*temperantia*) originate in a desire to preserve ancient usage (*priscus ordo*) and the authority of antiquity (*antiquitatis auctoritas*).⁵³ By extension, the *consuetudo* so often described as justification for decisions of the ruler in other letters can be understood as the due observance of *antiquitas*. When letters speak of *consuetudo*, it is more often in reference to the habits of virtuous behavior, rather than administrative custom. Hence, in a letter remitting taxes for the citizens of Syracuse (9.10), Athalaric traces his own generosity (*liberalitas nostra*), leniency (*nostra clementia*) and sense of duty (*ad remedia nostrae pietatis*) to the moderation that his predecessor, Theoderic, had learned from antiquity, thus establishing a chain of custody for the practice of ancient wisdom.⁵⁴ Interestingly, letters relate the performance of the virtues to *antiquitas* and *consuetudo* with far more regularity than overt statements of political authority, such as *imperium*.⁵⁵ The other prominent source for the discernment exercised by rulers in fiscal matters is the ruler's attentiveness to the harmony of *natura*.⁵⁶ As exemplified by the attention given to volcanism in letter 4.50, natural history throughout the collection provides material for *exempla* explaining judicial and administrative decisions, including letters addressing fiscal matters. Importantly, *natura rerum*

⁵³ Cassiod., *Var.* 2.26.1: *Nullis compendiis delectamur iniustus nec ad animum nostrae pietatis perveniunt quae probitatis gratia deseruntur. Res publica siquidem iure semper aequitatis angetur, et cum temperantia diligitur, velociter profutura succedunt*; 2.26.5: *In aurariis denique priscus ordo servetur et ad eos tantum function ipsa respiciat, quos huic titulo servire voluit antiquitatis auctoritas.*

⁵⁴ Cassiod., *Var.* 9.10.2: *Pridem divinae memoriae dominus avus noster de suis beneficiis magna praesumens, quia longa quies et culturam agris praestitit et populus ampliavit, intra Siciliam provinciam sub consueta prudentiae suae moderatione censum statuit flagitari, ut vobis cresceret devotio, quibus facultas extenderat [...]*

⁵⁵ For references to the authority of *imperium*, Cassiod., *Var.* 2.12 and 9.10.

⁵⁶ On how Cassiodorus develops the theme of *natura* in the *Variae*, Bjornlie, *Politics and Tradition*, 254-82.

and *ius naturale* share a common foundation in the philosophical study of ethics.⁵⁷

It is noteworthy that the *Variae* rarely invoke a specifically Christian source for ethical wisdom. Cassiodorus studded the collection as a whole, including a large number of letters pertaining to fiscal matters, with phrases such as *cum deo propitio*, *deo auxiliante* and *deo iuvante*. Nevertheless, the Christian god is never explicitly acknowledged as a source of ethical knowledge. The presence of multiple Christian creeds in Ostrogothic Italy may explain this feature of the *Variae*. Where the majority of the population of Italy presumably followed Nicene rites, the ruling Amal family and many Goths in the upper echelons of the civil government and military followed the so-called Arian Christian rite.⁵⁸ It may have been a concern that invoking the idea of a specifically Christian divinity would have provoked uncomfortable questions of christological difference. This was a potential difficulty for the rhetorical message of the *Variae*. Although the collection actively develops the agency of royal discernment as the definitive feature in fiscal matters, the same royal discernment is active in every other process of government represented in the *Variae*, particularly in the exercise of justice and in the distribution of public office. The crucial importance of the latter is that appointment to public office was the means by which royal discernment extended its reach and ensured the balance of fiscal and ethical economies in the care of appointed magistrates. The same quality that the *Variae* claim allowed Amal rulers to identify the best ethical solution to fiscal matters, also allowed them to read the presence of virtue in candidates for public office.

⁵⁷ Bjornlie, *Politics and Tradition*, 265-67.

⁵⁸ For the diverse religious topography of Ostrogothic Italy, see Samuel Cohen, "Religious Diversity," in *Ostrogothic Italy*, eds. Jonathan Arnold, Shane Bjornlie, and Kristina Sessa (Leiden, Boston: Brill, 2016), 503-32; on the problematic nature of "Arianism," in particular, see also, Guido Berndt and Roland Steinacher, eds., *Arianism: Roman Heresy and Barbarian Creed* (Farnham, U.K.: Ashgate, 2014).

The idea that the probity of a public official is physically visible to a good ruler finds statements throughout the *Variae*, such as the previously-mentioned letter (3.25) awarding the collection of taxes to a local *vir clarissimus*:

We love to involve persons remarkable for the probity of their habits (*morum probitate conspicuas*) with state affairs, so that the services of dutiful men (*fidelium*) may increase the growth of public advantages (*utilitatis*). Thence, knowing the purity of your mind (*sinceritatem animi*) [...] we have granted to you the title to the *silique*.⁵⁹

A similar example appears in an appointment to the office of *quaestor* (8.18), “some time ago, the ruling eye (*oculus imperialis*) noticed you toiling in court cases, nor was it possible to conceal with what devotion (*fide*) you acted upon your charge.”⁶⁰ The seamless transference of ethical wisdom from source to recipient required that the source remain abstract and universal, not qualified by possible doctrinal dispute.

What has been suggested thus far is that the *Variae* demonstrate a consistent concern with a landscape of virtue which, much like the material economy, centers on the perspicacity of the Amal ruler. The *princeps* adjudicated the material economy of fiscal payments to and remissions from the state according to an understanding of ethics derived primarily from *antiquitas* and *natura*. According to the *Variae*, this same facility also allowed the ruler to identify like qualities in the men appointed to positions that would execute fiscal, administrative and judicial decisions. And much like the

⁵⁹ Cassiod., *Var.* 3.25.1: *Amamus publicis actionibus personas inserere morum probitate conspicuas, ut per obsequie fidelium nobis crescat utilitatis augmentum. Proinde sinceritatem animi tui per praeclara documenta noscentes siliquatici titulum [...] ordinatio tibi nostra committit.*

⁶⁰ Cassiod., *Var.* 8.18.1: *Dudum te forensibus negotiis insudantem oculus imperialis aspexit, nec latere potuit, qua fide suscepta peregeris, qua luculentia tractate peroraris.*

idea that the material economy should strengthen individual communities and the state as a whole, so too the maintenance of the ethical economy was intended to strengthen communities and the state. The dispositive letters ordering officials to act in fiscal matters convey the idea that doing so was intended either to reward communities for their virtuous behavior or to encourage such behavior. In this sense, letters obliging the actions of public officials served as instruction for the renewal of a magistrate's moral learning. This network by which virtues grow and transfer like so much currency of the material economy finds anchorage not only in the judgment of the Amal *principes* for whom the letters were written, but also in the *De anima* which Cassiodorus composed as the end piece for the *Variae*. The *De anima* clearly concerns itself with the ability of a virtuous soul to identify moral behavior in like souls and similarly identifies Cassiodorus, its author, as sharing in that same wisdom.⁶¹

Cassiodorus as practitioner of the virtues

Cassiodorus' own performance in both economies is noteworthy. As praetorian prefect, he was responsible for the efficacious redistribution of fiscal resources that would serve every practical need of the state. As the son of a previous praetorian prefect, he received a special patrimony of both fiscal practice and virtue. Indeed, Cassiodorus signaled this explicitly in his preface to the *Variae*, "you accomplish state service not by selling your duties for hire, but in the example of your father, you accept only toil from

⁶¹ On the connection between the *Variae* and Cassiodorus' *De anima*, Kakridi, *Cassiodorus Variae*, 143-56, and Bjornlie, *Politics and Tradition*, 293-99; for the *De anima* more generally, James Halporn and Mark Vessey, *Cassiodorus: Institutions of Divine and Secular Learning; On the Soul* (Liverpool: Liverpool University Press, 2004), 19-22.

petitioners.”⁶² Furthermore, Books 11 and 12 of the *Variae*, which contain letters Cassiodorus wrote in his own name as praetorian prefect, commence with a series of petitions that Cassiodorus wrote to the Senate, the Pope and the bishops of Italy.⁶³ It is in the latter two, to the Pope and Italian bishops, that the *Variae* first acknowledge a specifically Christian source of wisdom in the performance of fiscal duties. Letter 11.2 requests that Pope John pray on Cassiodorus’ behalf:

I beg you pray vigorously for the welfare of our rulers [...] And for me, may the ruler of heaven (*princeps caelestis*) open up the spirit of understanding, that I may pursue those things that are truly efficacious, and recoil from those that must be avoided. May that rational force of the soul offer me counsel; may the face of truth gleam, lest the bodily shroud cloud my mind [...] may that which is wise with respect to true wisdom instruct [...] In short, may public service find me such a magistrate as the universal church would send forth as a son.⁶⁴

In letters from the remainder of Books 11 and 12, Cassiodorus assumes a role similar to that of the secular *princeps* by instructing his agents to govern the material economy by first giving attention to the ethical economy. He reminds them that the integrity of the state and the devotion of the taxpayers

⁶² Cassiod., *Var.*, *praefatio* 1.6: *Sed illi me potius talis disceptatione fatigabant: ‘praefectum te praetorianae sedis omnes noverunt, cui dignitati occupationes publicae velut pedisequae semper assistunt; praefatio* 1.7: *Haec autem facis nulla vendendo, sed exemplum proprii genitoris ab sperantibus accipis solos labores.*

⁶³ Cassiod., *Var.* 11.1, 11.2, 11.3.

⁶⁴ Cassiod., *Var.* 11.2.2: *Et ideo salutans officiositate, qua dignum est, precor ut vivacious oretis pro salute regnantium, quatenus eorum vitam caelestis princeps faciat esse longaevam [...]; 11.2.2-3: mihique filio vestro intellegentiae sensus aperiat, ut quae vere sunt utilia, sequar, quae vitanda, refugiam. Vigor ille rationabilis animae nobis consilium praestet: facies veritatis albescat, ne mentem nostrum innubilet caligo corporea: sequamur quod intus est, ne foris a nobis simus; instruat quod de vera sapientia sapit; illuminet quod caelesti claritate resplendet. Talem denique iudicem publicus actus excipiat, qualem filium catholica mittit ecclesia.*

(*devotio possessorum*) rests in the probity of their actions.⁶⁵ Similarly, letters written in Cassiodorus' name to provincial taxpayers replicate the ethical language fashioned in the name of the Amals in earlier letters. Cassiodorus assures landowners in Italy that he and his agents represent the *clementia*, *beneficia*, *iustitia* and *pietas* of Amal rulers.⁶⁶ Indeed, Cassiodorus reminds landowners that their demonstration of loyalty to the state (*monstrata devotio*) should be made willingly (*prona mente*) on account of the favors that they would consequently enjoy (*stipendia suae gratiae profutura*).⁶⁷ Consideration for *antiquitas*, *consuetudo* and *natura* animate Cassiodorus' own decisions as they had the minds of the Amal rulers in earlier books of the collection, but there is the added emphasis on the divine as a source of ethical wisdom. As Cassiodorus states in letter 11.5, "I promise my loyalty (*fidem meam*), but I am sustained only with the gifts of the divinity itself (*ipsis divinitatis dona*)."⁶⁸

Indeed, in the last letter of the collection (12.28), Cassiodorus shifts *antiquitas* away from the usual association with "the ancient authority of

⁶⁵ For ethical advice to his own subordinates, Cassiod., *Var.* 11.5.6: *Abundantiam nunc petamus communibus votis: supernae misericordiae humiles supplicemus, ut primum nobis salute dominorum clementia divina concedat, ceterum proventum quem praestiterit non negligentia diminuat, non venalitas ulla subducatur*; 11.7.5: *Unde continenter agite, si proventum vestrum magis desideratis extendere. Impia lucra sint a vobis omnimodis aliena; vos possessorem dovotum redditus, si fraudulentis non gravetur incommotis. De aequitate potius quam de rapacitate proficitur. Semper metuit iniusta praesumptio*; 12.1.5: *Proinde ad utilitates publicas esto sollicitus: iniuncta morali compulsionem procura. Plus agit inculcator rationis quam possit exercere terribilis*; similarly, 12.2, 12.8, 12.10, 12.23, 12.26.

⁶⁶ For example, Cassiod., *Var.* 11.16.1: *Studiose nos oportet erigere, quos statuit regalis pietas sublevare: nam quibus dominorum clementia voluit descendere, convenit his etiam subiectos de propria dignitate praestare.*

⁶⁷ Cassiod., *Var.* 12.16.2: *Quapropter magna est quolibet tempore monstrata devotio, sed tunc acceptior redditur, quando necessaria plus habetur. Praebeant igitur possessores stipendia suae gratiae profutura. Debitum siquidem quod non potest evitari, prona debet mente semper offerri, ut fiat beneficium, quod sine compulsion constat illatum.*

⁶⁸ Cassiod., *Var.* 11.5.6: *Fidem meam promitto, sed cum ipsis divinitatis dona sustineo.*

imperial laws” (*prisca legum*) to that of the Abrahamic tradition.⁶⁹ In a general edict of tax remission addressed to the provinces, perhaps ironically a final attempt to leverage the loyalty of subject provincials in the face of the escalating Gothic War, Cassiodorus compares the remission from fiscal obligations to the wise preparations of the prophet Joseph, whose foresight prepared Egypt for seven years of famine:

Who does not know that divine providence (*providentiam divinam*) elects to remove certain things from our use, so that it will be able to test the integrity of humanity (*humanum animum*)? [...] Thus we read that Joseph gave permission for grain to be sold even in the face of a disastrous famine.⁷⁰

The letter extols the astonishing duty (*pietas mirabilis*) and the super-human virtue (*supra humanam virtutem*) of the Gothic *princeps* for following the example of Joseph, but the comparison to Joseph also illustrates the transference of agency from ruler to magistrate.⁷¹ Indeed, earlier in the collection Cassiodorus even made the novel claim that Joseph was the prototype of the praetorian prefect, who also possessed a type of *providentia* (as Cassiodorus phrases it with respect to Joseph, *futura veraciter praediceret*).⁷²

⁶⁹ Cassiodorus uses this and similar expressions throughout the *Variae* to refer to the undisputed authority of law derived from antiquity; on this, see Bjornlie, *Politics and Tradition*, 222–30.

⁷⁰ Cassiod., *Var.* 12.28.1: *Quis nesciat providentiam divinam usibus nostris aliqua velle subducere, ut humanum possit animum comprobare?*; 12.28.7: *Ioseph legimus contra famem funestam emendi quidem tritici dedisse licentiam, sed tale posuisse pretium, ut suae subventionis avidus se potius venderet alimonia mercaturus.*

⁷¹ Cassiod., *Var.* 12.28.1: *En pietas mirabilis, quae ubique nostris repugnant incommodes*; 12.28.6: *In usum est viris fortibus feliciter egisse pugnās, sed supra humanam virtutem esse constat vicisse penuriam.*

⁷² Cassiod., *Var.* 6.3.1: *Si honoris alicuius est origo laudabilis, si bonum initium sequentibus rebus potest dare praeconium, tali auctore praefectura praetoriana gloriatur, qui et mundo prudentissimus et divinitati maxime probatur acceptus. Nam cum Pharao rex Aegyptius de periculo futurae famis inauditis somniis urgeretur nec visionem tantam humanum posset revelare consilium,*

The comparison of Cassiodorus' role in fiscal matters to the prophetic voice of Joseph also insinuates that the wisdom of an ethical economy, and its rhetoric in the *Variae*, had one and the same source: "Hence may the world become acquainted with its own blessings, when our age is provided for not by kings (*non regibus*), but by prophets (*sed prophetis*)."⁷³ Thus, in the final sentence of the *Variae*, Cassiodorus positions himself to be understood as the source of ethical inspiration, as the architect of its rhetoric, and as the faithful servant to a temporal (and temporary) king. This last point is worth emphasizing as his own comparison to Joseph necessarily casts the last Gothic king of the *Variae* in the role of the idolatrous pharaoh. It bears remembering that this king, the non-Amal Witigis, came to power during the very uncertain political conditions of the Gothic War and that Cassiodorus may have compiled the *Variae* as a collection after his defeat and deposition as king.⁷⁴

Virtues and administrative writing in wider context

There is good reason to doubt that the previously described profile of Cassiodorus' networking of virtues into the fabric of governmental habits derives from the survival of a long tradition in the writing practices of late-antique imperial chanceries. The *Theodosian Code* and the post-Theodosian *Novellae* of the western Empire, in particular, have been offered as antecedents for the style that Cassiodorus employed while addressing the daily needs of the Amal court. By contrast, the programmatic nature of

Ioseph vir beatus inventus est, qui et futura veraciter praediceret et periclitanti populo providentissime subveniret.

⁷³ Cassiod., *Var.* 12.28.10: *Hinc bona sua discat universitas, quando non regibus comparantur nostra saecula, sed prophetis.*

⁷⁴ For commentary on the historical circumstances described in this letter, Andrea Giardina, Giovanni Cecconi, and Ignazio Tantillo, eds., *Cassiodoro Varie, Volume V: Libri XI-XII* (Roma: L'Erma di Bretschneider, 2015), 296-97; on publication of the *Variae* during the Gothic War, Bjornlie, *Politics and Tradition*.

Cassiodorus' conceptualization of political virtues and ethical wisdom suggest more credit should be given to the author than the Amal court. The treatment of virtues in the *Variae* also strongly suggests a broad contemporary interest in philosophical concepts in the early sixth-century. Rather than read the *Variae* as artifacts for earlier imperial language, more consideration should be given to the *Variae* as interlocutors in a discourse of contemporary sixth-century texts. Even a cursory reading of the *Theodosian Code* reveals that engagement with the imperial virtues is noticeably thin by comparison to the *Variae*. Of course, the relative dearth of ethical vocabulary in the *Theodosian Code* may be understood as the result of the editorial process used by jurists in compiling the *Code*.⁷⁵ Likewise, although the post-Theodosian *Novellae* employ the same ethical vocabulary at times, the kind of networking of ethical concepts and explanations for administrative decisions on the basis of the virtues (as found in the *Variae*) is lacking.⁷⁶ It is worth noting that the *Edictum Theoderici*, a collection of laws which Theoderic likely commissioned prior to Cassiodorus' political career, refers to the virtues in only five instances, none of which include *pietas*.⁷⁷ By comparison, a simple count of the virtues in the *Variae* reveals far more numerous and diverse use: 172 uses of *prudentia* and *sapientia*, 170 uses of *iustitia*, 121 of *pietas*, 105 of *virtus*, 68 of *aequitas*, 63 of *clementia*, 39 of *moderatio*, 38 of *benignitas*, 37 of

⁷⁵ On the editorial process, John Matthews, *Laying Down the Law: A Study of the Theodosian Code* (New Haven, CT: Yale UP, 2000).

⁷⁶ Compare the *Novellae* of Theodosius II, 5.1, 11.1, 14.1, 17.1, 18.1, 20.1, 21.1, 22.1 and 24.1; of Valentinian III, 1.1, 13.1 and 27.1; of Majorian, 1.1; although it is noteworthy that the *Theodosian Code* had a more sustained history in other regions of the former western Roman Empire that were not impacted by Justinian's wars: see Ian Wood, "The *Code* in Merovingian Gaul", in *The Theodosian Code: Studies in the Imperial Law of Late Antiquity*, eds. Jill Harries and Ian Wood (London: Duckworth, 1993), 161-77.

⁷⁷ *Edictum Theoderici* 74 and 91 for *iustitia*; 149 and 153 for *moderatio*; 153 for *prudentia*.

humanitas, 27 of *providentia*, 16 of *liberalitas*, 15 of *continentia*, 9 of *fortitudo* and 5 of *temperantia*.⁷⁸

A stronger case may be made for affinities that the *Variae* share with two other contemporary sources—the *Novellae* of Justinian and the *Collectio Avellana*. Both Justinian's *Novellae* and the *Collectio Avellana* display the rich use of a broad vocabulary for virtues nearly identical to that of the *Variae*. The *Novellae* would have particular importance as instruments of diplomacy between Constantinople and the Amal court at the beginning of the Gothic War and it is almost inconceivable that Cassiodorus, as the praetorian prefect of Italy, would not have received the text of new laws being produced in Constantinople. Although Amal authority in Italy had been independent of Constantinople, the pretense of two partnered “republics” was mutually advantageous to the Amals and Constantinople.⁷⁹ The political rituals facilitating that façade, including the delicate maneuvering that attended the joint annual appointments of eastern and western consuls, also assumed subscription to eastern imperial laws.⁸⁰ Between 535 and 540 (that is, during the first phase of the Gothic War while Cassiodorus served as praetorian prefect in Italy), Justinian's court published 112 *Novellae*.⁸¹ Of these, some

⁷⁸ For the present purpose, it is enough to note the raw numbers of occurrences: space does not permit full citation, although these numbers represent the full range of legal and administrative topics present in the *Variae*; these numbers also represent some replication of vocabulary within individual letters.

⁷⁹ Jan Prostko-Prostynski, *Utræque Res Publicae: The Emperor Anastasius I's Gothic Policy (491-518)* (Poznan: Instytut Historii UAM, 1994).

⁸⁰ On the circulation of imperial laws, Jill Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge UP, 1999), 56-76; it is noteworthy that the western consulship ended with the outbreak of the Gothic War, signaling an end to diplomacy and coinciding with the promulgation of the first *Novellae*, which may have been intended to supplement the assertion of eastern imperial authority in Italy; for the last generation of consulships in the east and west, Alan Cameron and Diane Schauer, “The Last Consul: Basilus and his Diptych,” *Journal of Roman Studies* 72 (1982): 126-45.

⁸¹ Justinian's court published 35 *Novellae* in 535 CE, 14 in 536 CE, 21 in 537 CE, 14 in 538 CE, 25 in 539 CE, and 3 in 540 CE.

were addressed exclusively to concerns in regions of the eastern Mediterranean, where it may be assumed that they would not have reached the Amal court. Nonetheless, the *Constitutio Pragmatica* issued by Justinian in 554 states that the new legislation had been sent to Italy “long before” (*quasi iam sub edictali programme in Italiam dudum misimus*), probably indicating at the time of original promulgation.⁸² Similarly, awareness of Justinian’s *Novellae* in the administrative letters of Gregory the Great, at the end of the sixth century, suggest that the laws had arrived in Italy and had quickly replaced the *Theodosian Code* as the basis of law during the course of the Gothic War. As Marios Costambeys has recently observed, although the *Theodosian Code* would continue to provide a foundation for legal codes in regions of the former western Roman Empire, administrative writing in Italy (including Cassiodorus’ *Variae*) demonstrate only passing awareness of the *Theodosian Code* and its post-Theodosian *Novellae*, suggesting that Justinian’s *Novellae* had been presented as the standard for law early in Justinian’s reign.⁸³ At least one of the *Novellae* with which Gregory was familiar dated to 539 and probably arrived in Italy soon after Ravenna’s capitulation to eastern forces.⁸⁴ The fact

⁸² Justinian, *Constitutio Pragmatica* 11: *Iura insuper vel leges codicibus nostris insertas, quasi iam sub edictali programme in Italiam dudum misimus, obtinere sancimus*.

⁸³ Marios Costambeys, “The Legacy of Theoderic,” *Journal of Roman Studies* 106 (2016): 1-15.

⁸⁴ Gregory the Great, *Registrum epistolarum* 13.49, quotes directly from *Novellae* 90, promulgated in 539 CE; other letters from Gregory demonstrate familiarity with the content of laws corresponding to Justinian’s *Novellae* at *Registrum epistolarum* 4.6, 4.17, 4.21, 4.43, 5.10, 5.33, 6.30, 7.14, 7.20, 8.3, 8.25, 8.32, 8.37, 9.35, 9.48, 9.203 and 11.30; see also Simon Corcoran, “Roman Law in Ravenna,” in *Ravenna: Its Role in Earlier Medieval Change and Exchange*, eds. Judith Herrin and Jinty Nelson (London: Institute of Historical Research, 2016), 163-97, esp. 169-72 which concedes that the *Novellae* likely had arrived when promulgated, but had not been implemented until after the *Constitutio Pragmatica* of 554 CE, although note 185-86, where Corcoran notes that the influence of *Novellae* of 537 CE can be seen in the Ravenna papyri, including those that date to “the cusp of the capture of Ravenna” in 540 CE; more generally, on Gregory’s subscription to Justinianic law, Adam Serfass, “Slavery and Pope Gregory the Great,” *Journal of Early Christian Studies* 14.1 (2006): 77-103, and Giuseppe

that Justinian's court produced such a continuous and voluminous body of new laws at precisely the moment when war was redefining political life in Italy makes it tempting to read the *Variae* as a responsive representation of Amal government in Italy.⁸⁵ The repetition of virtues in the *Novellae* of 535-40 bears a striking resemblance to the profile of virtues found in the *Variae*: 78 uses of *iustitia*, 55 of *providentia*, 51 of *virtus*, 28 of *pietas*, 28 of *clementia*, 19 of *aequitas*, 10 of *fortitudo*, 9 of *sapientia* and *prudentia*, 7 of *humanitas*, 5 of *liberalitas*, 3 of *continentia*, 3 of *benignitas* and 2 of *moderatio*.⁸⁶ Although the comparison is only suggestive, it is nonetheless possible to appreciate correspondences between the *Variae* and the *Novellae* as part of a strategy for portraying the ethical rectitude of western bureaucratic elite in Italy at a time of extreme political uncertainty.

The other contemporary source that has potential for shedding light on the discourse of virtues found in the *Variae* is the *Collectio Avellana*. The exact provenance of this dossier of letters and its precise relationship to the ecclesiastical archive at Rome remains uncertain, although what may be surmised certainly points to concerns about the resolution of the Gothic War.⁸⁷ The collection seems to have emerged as such sometime during the mid-sixth century and comprises the letters of bishops of Rome from the late-fourth century through the reign of Justinian. The latest letter of the

Damizia, "Il 'Registrum epistolarum' di S. Gregorio Magno ed il 'Corpus juris civilis,'" *Benedictina* 2 (1948): 209-14.

⁸⁵ On the role of eastern political discourse in shaping the *Variae*, Bjornlie, *Politics and Tradition*, 216-82.

⁸⁶ As with the count of virtues in the *Variae*, it is sufficient for now to note the numbers of occurrences: space does not permit full citation; some replication of vocabulary within individual *Novellae* does occur.

⁸⁷ For literature on the *Collectio Avellana*, Kate Blair-Dixon, "Memory and Authority in Sixth-Century Rome: The *Liber Pontificalis* and the *Collectio Avellana*," in *Religion, Dynasty and Patronage in Early Christian Rome, 300-900*, eds. Julia Hillner and Kate Cooper (Cambridge: Cambridge UP, 2007), 59-74; and Rita Lizzi Testa, "La *Collectio Avellana* e le collezioni romane e italiche del V-VI secolo: Un progetto di ricerca," *Cristianesimo nella Storia* 35.1 (2014): 77-236.

collection dates to 553, the year after the defeat of the last substantial Gothic opponent to Justinian (the Gothic king Totila) and the year before Justinian issued the *Constitutio Pragmatica*. Although this does not offer positive proof that the collection was published in 553, it should be noted that this particular letter was addressed to Justinian by Pope Vigilius, who died only several years later in 555. It is therefore possible to assume that the assembly of the collection had been prompted by Vigilius' death, at precisely the moment when eastern officials from Constantinople were consolidating the governance of Italy at both Ravenna and Rome and when the ecclesiastical administration at Rome would be particularly concerned with the role that it would assume in Justinian's Italy. The troubled circumstances in the elevation of Vigilius' successor, Pelagius I, certainly suggest that some form of legitimation, however rhetorical, was needed at precisely this moment. According to the *Liber Pontificalis*, Pelagius' ordination was unconventional and because of the lack of suitable clergy at Rome who might have stood in candidacy for the role, the nobility and many citizens in Rome initially withdrew from communion with Pelagius until he proved his worth (with the assistance of Narses, Justinian's agent in Italy). Perhaps tellingly, one of the main concerns of the *Collectio* is the presentation of the Papacy's doctrinal autonomy. This is represented by a significant portion of correspondence portraying exchanges between the church of Rome and Constantinople. However, at another level, the *Collectio Avellana* also demonstrates the ability of the church to muster the resources of administrative literacy to control the production of its own history, despite the various ruptures that may be assumed on the report of Procopius and the *Constitutio Pragmatica*. In addition to demonstrating the capacity of the church of Rome to assert its own history, it is also a record of a centuries-old dialogue (often an antagonistic dialogue) with imperial authority at Constantinople.

As a record of exchanges between the church of Rome and other sources of authority in the Roman Mediterranean, especially imperial authority at Constantinople, the *Collectio* both advertises the autonomy of the church to a local audience and also potentially demonstrates to a wider audience involved in the reorganization of Italy how the church of Rome had served a didactic (or even disciplinarian) role in its partnership with imperial authority since the time of Constantine. While the *Collectio* demonstrates the assertiveness of the church in positions taken by various pontiffs in theological issues, it also suggests partnership in certain aspects of administrative literacy that it shares with formal imperial administrative writing. The very fact that, since the time of Constantine, Empire and Christian Church had been engaged in a mutually legitimating discourse naturally suggests that the two would adopt language (rhetoric) and habits for producing that language consistently (educational backgrounds, scribal practices, record keeping, etc.) that would reinforce the idea of a special discourse that was shared between Church and Empire.

Although the letters are largely doctrinal in nature, a sampling of letters from the Ostrogothic period (from bishops Gelasius to Vigilius, or roughly 492-555) reveals a style in which the kind of ethical vocabulary found in the *Variae* and the *Novellae* is prominent: 128 uses of *pietas*, 108 of *clementia*, 52 of *sapientia* and *prudentia*, 31 of *iustitia*, 28 of *humanitas* and a handful of instances each for *benignitas*, *aequitas*, *continentia*, *moderatio* and *fortitudo*. On the surface, the prevalence of *pietas* and *clementia* seems to be a noteworthy point of comparison with the *Variae*, but the appearance of the virtues in the *Variae* has much more in common with secular and philosophical usage. For example, *pietas* in the *Collectio* has the particularly Christian meaning of religious piety, as opposed to the paternal and imperial sense found in the *Variae*. Similarly, *providentia*, which has a particular resonance in imperial

ideology, and which receives important attention in both the *Variae* and the *Novellae*, is absent from the *Collectio*. Nonetheless, it is still possible to suggest the orientation of the *Collectio* toward imperial discourse. A substantial body of the papal correspondence representative of the Ostrogothic period is addressed to emperors: Anastasius, Justin and Justinian. Of the virtues most prominently represented in the *Collectio* (*pietas*, *clementia*, *sapientia*/ *prudentia*, *iustitia* and *humanitas*), roughly half of the appearances occur in letters addressed to emperors (63 for *pietas*, 62 for *clementia*, 18 for *prudentia* and *sapientia*, 10 for *iustitia*, 13 for *humanitas*). In other words, it seems likely that the ethical language found in the *Collectio* was, perhaps like the *Variae*, a response to the influence of the eastern imperial court. Indeed, in addition to papal letters addressed to emperors, the *Collectio* also includes a healthy dossier of letters addressed to various bishops in Rome from the same emperors. Letters from Justinian are particularly prominent in this respect. In these letters, *clementia*, *pietas* and *humanitas* again find most frequent expression. Additionally, the contrast of virtues in the *Collectio* to other papal letters is noteworthy. Of the roughly forty letters of Gelasius (bishop of Rome 492-96) surviving independently of the *Collectio Avellana* and dating from the early years of Amal rule in Italy, the ethical vocabulary so readily identifiable in the *Novellae*, the *Variae* and *Collectio Avellana* is completely absent with the exception of one letter addressed to the emperor Anastasius, where *pietas* serves as the imperial title.⁸⁸

In the final assessment, it would seem that Justinian's *Novellae* offered more direct influence on the use of ethical vocabulary in the *Variae*. There is a high degree of likelihood that the use of this vocabulary in the *Collectio Avellana* was itself influenced through contact with eastern imperial sources

⁸⁸ For the letters of Gelasius, Bronwen Neil and Pauline Allen, *The Letters of Gelasius I (492-496): Pastor and Micro-Manager of the Church of Rome* (Turnhout: Brepols, 2014).

and diplomacy, although some ethical concepts, such as *pietas*, adopt a particularly Christian usage in the *Collectio* that is not found in the *Variae*.⁸⁹ Furthermore, although Cassiodorus' connection to at least two bishops of Rome (Agapitus and Vigilius) is well attested, it is not explicitly apparent that he would have had access to documents in an ecclesiastical archive at Rome.⁹⁰ Although Cassiodorus became well-known throughout the Middle Ages as a Christian exegete, his religious works should be associated with the period in which Cassiodorus lived in Constantinople as a political refugee, and later after his return to Italy when he founded the monastery at Vivarium. Indeed, the period in which letters of the *Collectio Avellana* emerged as a collection in Italy may have corresponded with the same period that Cassiodorus spent in Constantinople.⁹¹

Finally, acknowledging Justinian's *Novellae* as a potential influence on the use of ethical vocabulary in the *Collectio* and *Variae* should not imply that the church of Rome or Cassiodorus intended to mirror the style of government represented by the *Novellae*. Quite the contrary, Justinian's legal program and policies proved to be controversial and disruptive even before his military intervention in Italy created a political context for the compilation of the *Collectio* and *Variae*.⁹² Instead, the *Collectio* and *Variae* should be viewed as mutually autonomous responses to the *Novellae* in a period of intense political

⁸⁹ For an example of Christian interest in, and adaptation of, the virtues in late-5th or early-6th century Italy, cf. the anonymous *Ad Gregoriam in palatio*; for discussion, Kate Cooper, *The Fall of the Roman Household* (Cambridge: Cambridge UP, 2007), 68-72, 205-09.

⁹⁰ For Agapitus, see Cassiodorus, *Institutiones divinarum et saecularium litterarum* 1, *praefatio* 1; for Vigilius, see *Epistula ad Rusticum et Sebastianum* 14.

⁹¹ On Cassiodorus in Constantinople, Angela Amici, "Cassiodoro a Costantinopoli: da *magister officiorum* a *religiosus vir*," *Vetera Christianorum* 42 (2005): 215-31.

⁹² On the controversial nature of Justinian's policies and legal reform, Christopher Kelly, *Ruling the Later Roman Empire* (Cambridge, MA: Harvard UP, 2004); Bjornlie, *Politics and Tradition*, 60-123, according to which Cassiodorus revised the *Variae* in light of the prevailing political polemic at Constantinople.

upheaval, but also as independent elaborations on a sixth-century discourse on the ethics of government. The extent to which the *Collectio* and *Variae* participate in the language of virtues suggests an attempt in each text to independently find a middle ground from which to communicate with eastern imperial authority in ideologically urgent circumstances. In both cases, the ethical terminologies of the *Collectio* and *Variae* attempt to impute long-term continuities with the language of empire used in Constantinople. On the one hand, the *Variae* suggest conditions of government in Italy before Justinian's disastrous intervention; while the *Collectio* offers the language of a deeply habituated dialogue between the church of Rome and Constantinople regarding the spiritual salvation of the Roman Empire. The complexity with which the virtues frame Cassiodorus' portrayal of the Amal government and of the governmental elite surpasses the traditional rhetoric embodying imperial virtues as found in the *Novellae*. Virtues such as *pietas*, *clementia* and *humanitas* appear far more programmatically in the defining the *res publica* of the Amals as a community knit together by reciprocal obligations. Similarly, the extent to which the *Variae* elaborate the agency of ethical actors (both Amal rulers and the bureaucratic elite) and ascribe sources for ethical wisdom (*natura* and *antiquitas*) represents a development of the late-antique portrayal of community that surpasses anything found in either the *Collectio Avellana* or Justinian's *Novellae*. Hence, the *Collectio* and *Variae* each provide outstanding examples for the responsiveness, dynamism and creativity of sixth-century political culture.

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CHAPTER TWENTY ONE

DIONIGI IL PICCOLO E LE *COLLECTIONES DIONYSIANAE*: RACCOLTE E TRADUZIONI

TERESA SARDELLA

Dionigi “autore,” collazionatore, traduttore

Monaco di origine scita,¹ fedele verso il progetto politico e culturale teso alla riunificazione di Oriente e Occidente—cui subordinava le sue relazioni con

¹ Poche le informazioni sulla sua vita: morì dopo il 526, di lui abbiamo notizie da Cassiodoro (*Inst.* 1, 23) e dalle sue stesse prefazioni, in forma di lettere, con le quali accompagna traduzioni e collezioni. Sappiamo solo che origini e prima parte della sua vita si collocano nella Scizia minore, che fu bilingue, arrivò a Roma poco dopo la morte di papa Gelasio (21 nov. 496), tra fine 496 e inizi 497, visse parte della sua vita in monastero. Le fonti ce ne parlano come di un *abbas* (Felice Gillitano, Beda e Paolo diacono): cfr. William M. Peitz, “Dionysius Exiguus als Kanonist,” *Schweizer Rundschau* 45 (1945-1946): 297-308; Hubert Mordek, s.v. “Dionigi il Piccolo,” in *Dizionario Biografico degli italiani*, XL, 1991, 199 ss., che, però, lo ritiene sempre fedele al papato. Dionigi sosteneva le tesi teopaschite affiancando l'imperatore Giustino, che negli anni 519-520 esercitava pressioni politiche perché Roma le approvasse. Per diffondere le tesi antinestoriane in Occidente Dionigi tradusse alcune opere che tra l'altro esercitarono un importante influsso su Boezio: due lettere di Cirillo di Alessandria al vescovo Successo di Diocesaia; l'epistola sinodale di Cirillo a Nestorio con i dodici anatematismi; il *Tomus ad Armenios de fide* del patriarca di Costantinopoli, Proclo. Queste versioni furono tutte accompagnate da prefazioni e dediche. Fedeltà e collaborazione con il papato, come si rileva dall'encomio di Gelasio, che Dionigi non conobbe (*Praefatio* 3, CChL 85, *Scriptores Illyrici' minores*, Brepols: Turnholt, 1972, 45-47), e dalla collaborazione con Ormisda (*Praefatio* 4, CChL 85, 51), non furono sempre costanti: durante lo scisma laurenziano, la sua attività politico-culturale era chiaramente schierata contro le posizioni del papa Simmaco, come dimostrano anche

Roma—nell'attenzione verso gli interessi della Chiesa riuscì a dare coerenza agli svariati ambiti in cui operò.² Dal computo del calendario, che ha rifondato il calcolo del tempo in senso cristiano, alle collezioni canoniche, alle traduzioni di scritti di vario tipo—canoni conciliari, trattati, quali il *De homine* di Gregorio di Nissa, opere agiografiche, quali la *Vita di Pacomio* e la *Vita di Taide prostituta redenta*, lettere di interesse ufficiale—la sua vita e la sua attività si collocano lungo le principali linee di orientamento culturale del tempo, riferibili soprattutto all'ambito della poliforme produzione canonico-collezionatoria del V-VI secolo,³ e alla sua attività di traduttore.⁴ Nella sua attività appare quasi sempre in relazione con interlocutori vari e variamente collocati né sempre di ambito istituzionale. Ed è, quindi, importante confrontare la posizione di interlocutori e committenti rispetto al tema della

personaggi e circostanze relative alla sua prima collezione canonica (Philippe Blaudeau, *Le siège de Rome et l'Orient (448-536): étude géo ecclésiologique* (Rome: École fr. de Rome, 2012), 216 ss.

² Teresa Sardella, "Roma nel diritto canonico occidentale," in *I canoni dei concili della Chiesa antica*, ed. Angelo Di Berardino, volume II. *I concili latini. 1. Decretali, concili romani e canoni di Sardica*, a cura di Teresa Sardella e Carlo Dell'Osso (Roma: Institutum Patristicum Augustinianum, 2008), 9 ss.; Franca De Marini Avonzo, "Secular and Clerical Culture in Dionysius Exiguus Rome," in *Dall'Impero cristiano al Medioevo. Proceedings of the Sixth International Congress of Medieval Canon Law* (Berkeley, Città del Vaticano: Biblioteca Apostolica Vaticana, 2001), vol. 29, 115-24.

³ Per i percorsi storico-giuridici del diritto canonico restano fondamentali i lavori di Jean Gaudemet: in particolare, cfr. *Les sources du droit de l'Eglise en Occident du IIe au VIIe siècle* (Paris: Ed. du CERF, 1985). Per la bibliografia specifica relativa alle collezioni canoniche italiane rimando alla *Introduction* della curatrice in questa stessa sede.

⁴ L'opera di Dionigi rappresenta un settore importante della produzione di traduzione di età tardo antica. Nel VI secolo, se pure sottovalutate, letteratura e lingua greca in Occidente registrano una notevole attività di traduzione. Nell'Italia gotica, Boezio è un rappresentante dell'ellenismo filosofico e Cassiodoro, che era in contatto con Dionigi, fondò una scuola per traduttori nel monastero di Vivario. L'incontro del clero latino con la lingua greca fu promosso dai concili, ma la storia degli atti dei concili nell'Occidente latino dimostra che qui non si sviluppò una tradizione stabile di registrazione e traduzione dei testi greci: ACO, serie I, ed. Eduard Schwartz, 1-4 (Berlin, Leipzig: De Gruyter 1971): cfr. Walter Berschin, "Traduzioni dal greco in latino (secoli IV-XIV)," in *I Greci, III: I Greci oltre la Grecia*, ed. Salvatore Settis (Torino: Einaudi, 2001), 1023 ss.; James Hankins, "Lo studio del greco nell'Occidente latino," in Settis, *I Greci, III*, 1245-63.

autonomia e originalità del profilo culturale di Dionigi in tutta la sua opera. Autonomia e originalità sembrano trovare una sintesi nelle collezioni canoniche, che lo coinvolgono anche come traduttore. Il lavoro di raccolta e il lavoro di traduzione fanno riferimento a settori culturali autonomi e rilevanti, caratterizzanti la cultura del tempo: raccolte e traduzioni coniugate insieme, dalla stessa persona, rinviano a un profilo culturale specifico. In particolare, le collezioni canoniche, prodotto di sintesi generalmente coperto da anonimia, sulla quale, peraltro, è possibile indagare,⁵ presentano, nel caso di Dionigi, una produzione autoriale.

La vasta produzione archivistico-collazionatoria, che caratterizza il V-VI secolo—appartenente alla riorganizzazione del diritto civile e della *societas ecclesiastica e christiana*, ma anche a settori più intrinsecamente culturali—pone, per ciascuna collezione, problemi di vario tipo.⁶ Spesso non facilmente inquadrabili in ordine a interrogativi di provenienza, finalità e progettualità,⁷

⁵ Esempio è il caso della CA, indagato da Eckhard Wirbelauer, *Zwei Päpste in Rom. Der Konflikt zwischen Laurentius und Symmachus (498-514)* (Munich: Tuduv, 1993), 134-38 e da Blaudeau, *Le siège*, 19-23.

⁶ Rita Lizzi Testa, “La *Collectio Avellana* e le collezioni canoniche romane e italiane del V-VI secolo: un progetto di ricerca,” *Cristianesimo nella storia* 35 (2014), 81 ss. La prima questione è data dal rapporto con il mondo giuridico romano. Non è da dimenticare, infatti, che il mondo romano aveva già una consolidata tradizione orientata al riordino e alle collezioni di materiali giuridici, cui, come per la stessa produzione giuridico-normativa, si ispirano ambienti e cultura ecclesiastici: cfr. Lucio de Giovanni, “Le fonti del diritto nel mondo tardo antico,” in *Il calamo della memoria. Rinsu di testi e mestiere letterario nella tarda antichità*, VI: *Raccolta delle Relazioni discusse nel VI incontro Internazionale di Trieste (Biblioteca Statale 25-27 settembre 2014)*, eds. Lucio Cristante e Tommaso Mazzoli (Trieste: EUT, 2014), 1-12.

⁷ L'origine può essere del tutto casuale, anche se si tratta di una situazione rara rispetto a quella della maggioranza: di origine casuale sarebbero le *Epistulae Theodericianae* o *Ravenna Papyri*; o può esserci una produzione per accumulazione di materiali su un “originale” corpus autoriale: *Liber Pontificalis* o *Epistulae Romanorum Pontificum genuinae*, o si può mantenere l'originario progetto autoriale: *Collectio Dionysiana*, *Variae* di Cassiodoro, *Collectio Avellana*, *Registrum Epistolarum* di Gregorio Magno, ma anche *Novellae* di Giustiniano: per questa suddivisione, cf., in questa stessa sede, M. Shane Bjornli, “Virtues in a Time of War: Administrative Writing, Dialectic and the Gothic War.”

le collezioni, pur riferibili ad ambiti diversi, assumono sempre e in qualche modo funzione normativa.⁸ Al variegato settore delle collezioni appartengono sia il *Codice Teodosiano*, che le *Novellae* di Giustiniano e il relativo codice, le *Variae* di Cassiodoro e il *Registrum Epistolarum* di Gregorio Magno, ma anche il *Liber Pontificalis*,⁹ e, naturalmente, le collezioni canoniche. Un settore particolare, denso di testimoni, può essere considerato quello delle collezioni di lettere che continuano una tradizione antica.¹⁰ Per tutte queste collezioni il tema dell'autorialità è centrale ed è declinabile in vario modo. Elementi discriminanti e interrogativi si pongono anche quando la collezione sia legata ad un nome.

Le collezioni canoniche rappresentano la parte più cospicua del complesso e tipologicamente vario panorama delle collezioni tardo antiche, accomunate dal rappresentare in forma tendenzialmente antologica documenti per lo più omologhi e finalizzati a scopi normativi.¹¹ In particolare, le raccolte, indicate come *codex*¹² o *collectio*,¹³ presentano, rispetto al tema dell'autorialità questioni specifiche.

Il contesto di riferimento e il confronto con altre tipologie di collezioni evidenziano la centralità delle problematiche politico-ecclesiastiche direi in tutte queste collezioni: elemento unificatore di molte di esse, così come

⁸ Per la polivalenza e polifunzionalità del termine canone, in funzione di stabilizzazione normativa, fruibile in modo estensivo: Mario Citroni, "I canoni degli autori antichi: alle origini del concetto di classico," in *Culture europee e tradizione latina*, eds. Marco Fernandelli, Laura Casarsa, e Lucio Cristante (Trieste: EUT, 2003), 1-22.

⁹ Sull'utilizzo del *Liber* come fonte da cui trarre disposizioni di diritto, cfr. Antonio A. Verardi, *La memoria legittimante: il "Liber Pontificalis" e la Chiesa di Roma nel VI secolo* (Roma: Istituto Storico Italiano per il Medioevo, 2016), 224.

¹⁰ Per il collegamento tra collezioni antiche e tardo antiche, nonché per la ricca documentazione di collezioni epistolari nella Tarda Antichità, cfr. Cristina Sogno, Bradley K. Story, e Edward J. Watts, eds., *Late Antique Letter Collections. A Critical Introduction and Reference Guide* (Oakland: Univ. of California Press, 2016).

¹¹ Lizzi Testa, "La *Collectio*," soprattutto 89 ss.

¹² S.v. "Codex," in Forcellini, *Lexicon*, 559: *sic appellatur, in quo collectae sunt constitutiones principum Romanorum*.

¹³ S.v. "Collectio," in Forcellini, *Lexicon*, 683: *plurum in unum adunatio*.

elemento unificatore appare il progetto normativo. Codice, canone e collezione sono frutto di opzioni finalizzate e significative che, in quanto tali, si propongono come normative e sono fruite in tal senso nei più vari settori della politica, della società e della cultura.¹⁴

Sia nell'ambito complessivo delle collezioni—diverse per tipologia e contesto di riferimento—sia nell'ambito più specifico delle collezioni canoniche, Dionigi appare assumere un ruolo particolare. L'intrinseco intreccio politico-culturale tra collezioni e traduzioni, che cooperano al progetto culturale della riunificazione di Oriente e Occidente, fornisce all'Occidente un piano di comunicazione possibile e utile con l'Oriente. Allo stesso tempo, l'appropriazione linguistica—in lingua latina—del patrimonio giuridico-normativo della chiesa diventa forza di attrazione politica. Tale appropriazione, coniugata con strumenti pensati per una più agevole fruizione, come le collezioni, attrae inevitabilmente verso l'area romana il livello gestionale ecclesiastico. Inutile dire che la traduzione si pone all'interno della vasta area semantica che coinvolge il tema capitale dei rapporti tra comunicazione e potere.¹⁵

Come le collezioni le traduzioni rappresentano uno dei due versanti sui quali la cultura del tempo orientava i propri percorsi.¹⁶ In particolare, la traduzione, quale strumento di comunicazione linguistica, è premessa

¹⁴ “Codice,” “canone” e “collezione” fanno riferimento a un gruppo di termini omologhi in cui si indirizza il progetto di autorappresentazione di una civiltà: così, sulla base di Habermas, la riflessione di Fausto Curi, “Canone e anticanone. Viatico per una ricognizione,” *Intersezioni* 3 (1993): 495-514.

¹⁵ Manuel Castells, *Comunicazione e potere*, trans. Bruno Amato e Paola Conversaro (Milano: Egea, 2017).

¹⁶ Sui problemi specifici del territorio immenso delle traduzioni, che abbraccia la quasi totalità dei saperi e delle conoscenze: Jean Delisle, “Réflexions sur l'historiographie de la traduction et ses exigences scientifiques,” *Equivalences* 26.2 e 27.1 (1997-1998): 2 ss.

indispensabile ad ogni concreta comunicazione politica e culturale.¹⁷ Su questa linea interpretativa, le biografie dei traduttori e il loro modo di tradurre, coordinati con questioni politiche più generali, o con temi quali motivazione, diffusione e recezione delle traduzioni, rappresentano un passaggio determinante. Un'analisi di questo tema nell'ottica di una disciplina quale la storia delle traduzioni, che, come altre in campo storiografico data agli anni '70 del secolo scorso,¹⁸ potrebbe spiegare meglio il rapporto tra collezioni e traduzioni nel lavoro di Dionigi.

Le “Dionysianae” e le altre raccolte: autori e materiali

Dionigi il Piccolo e le *Collectiones Dionysianae*¹⁹ sono, dunque, un caso unico nel panorama delle collezioni canoniche italiane del V-VI secolo, quanto meno per il fatto che di tali collezioni conosciamo, appunto, l'autore della raccolta. Ma, che cosa significhi precisamente essere autore di una raccolta è questione che va approfondita. Il problema autorialità/anonimia si può declinare in molti modi.

¹⁷ Vittoria Prencipe, *Traduzione come doppia comunicazione. Un modello senso-testo per una teoria linguistica della comunicazione* (Milano: FrancoAngeli, 2006): il volume si occupa del processo traduttivo, inteso come duplice atto comunicativo con esempi tratti dalle lingue classiche, utile dunque per capire i meccanismi della traduzione greco/latino nel senso della doppia comunicazione.

¹⁸ Georges Mounin, *Teoria e storia della traduzione*, trans. Stefania Morganti (Torino: Einaudi, 1972); Delisle, “Réflexions,” particolarmente attento alle problematiche storiografiche della disciplina; Michel Ballard, *De Cicéron à Benjamin. Traducteurs, traductions, réflexions* (Lille: Presses Univ. Septentrion, 2007); Maurizio Bettini, Vertere. *Un'antropologia della traduzione nella cultura antica* (Torino: Einaudi, 2012).

¹⁹ La tradizione rinvia a un *Liber canonum, prima versio* (500 circa), Adolf Strewe, ed., *Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion* (Berlin, Leipzig: De Gruyter, 1931); *Liber canonum, secunda versio* (500 circa), Guillelmus Voellius e Henricus Justellus, eds., *Bibliotheca iuris canonici veteris*, I (Paris 1661), PL 67, 137-361; *Liber canonum, tertia versio*, di cui abbiamo solo la prefazione (Franciscus Glorie, ed., *Dionysii Exigui Praefationes Latine Genuinae in variis suis translationibus ex Graeco, Scriptores Illyrici minores*, CSEL 85, Brepols: Turnholt, 1972, 49-51). Cfr. Giulia Marconi e Silvia Margutti, “Appendice” a Lizzi Testa, “La Collectio,” 139-45.

In quanto alle altre collezioni canoniche, ed esclusa l'opera dell'evanescente figura di Cresconio—del quale nulla possiamo dire oltre il nome e che, peraltro, è del tutto dipendente da Dionigi,²⁰—il tema si pone nella forma di correlazione/opposizione tra l'autorialità dell'opera di Dionigi e l'anonimia delle altre collezioni. Temi e problemi accomunano e distinguono da tutte queste l'opera di Dionigi. A parte gli interrogativi per individuare autore/autori di una collezione anonima, altri interrogativi riguardanti percorsi storici, fonti e documenti utilizzati, eventuali sollecitazioni, motivazioni, ispirazione, contenuti e scopo accomunano collezioni tràdite sotto il nome di un autore, com'è il caso di Dionigi, e le collezioni anonime.

Raccolte di leggi, documenti e testi, tipologicamente diverse dalle collezioni canoniche—quali i codici giuridici e le raccolte di lettere—tràditi nel nome di una figura di riferimento o come autoriali, rappresentano casi specifici e diversi da quello delle collezioni di Dionigi. Oltre alla necessità di ripercorrerne itinerari storici, fonti e altre raccolte utilizzate, sollecitazioni, motivazioni, ispirazione, contenuti e scopo, anche una collezione tràdita come autoriale può porre interrogativi che riguardano la sua reale paternità, per aspetti che vanno altresì diversificati in relazione al rapporto tra committenza e referente politico da un lato e produzione letteraria dall'altro. Diversi da quelli delle raccolte di Dionigi sono, per esempio, i problemi riguardanti ideazione, realizzazione, percorsi e modalità di lavoro di una raccolta come le *Variae* di Cassiodoro, dove si pongono interrogativi che rinviano al ruolo di Teoderico.²¹ Un raffronto simile è quello con i codici

²⁰ Marconi e Margutti, "Appendice," 134-38.

²¹ Sulle *Variae* di Cassiodoro cfr., da ultimo, edizione, traduzione e commento in Andrea Giardina, Giovanni Alberto, e Cecconi, Ignazio Tantillo, eds., *Flavio Magno Aurelio Cassiodoro Senatore. Varie*, I-VI (Roma: L'Erma di Bretschneider, 2014-2017); cfr., inoltre, Andrea Giardina, *Cassiodoro politico* (Roma: L'Erma di Bretschneider, 2006); Franco Cardini, *Cassiodoro il grande: Roma, i barbari e il monachesimo* (soprattutto il

giuridici—*Codex Theodosianus* e *Codex Iustinianus*—che, traditi sotto il nome di un imperatore, a quest'ultimo rinviano per il progetto politico-culturale e legislativo. Ma per raccolte giuridiche di questo tipo non si può invocare il principio della paternità dell'opera in senso stretto, poiché non si può fare riferimento all'imperatore come a colui che abbia lavorato materialmente a operazioni di cancelleria alle quali erano preposti funzionari imperiali formati e addetti a questo specifico lavoro.²² Se molte questioni possono declinare il modo di intendere l'autorialità di un'opera, tanto più l'autorialità delle collezioni di Dionigi è un significativo elemento di discriminare rispetto all'anonimia da cui sono caratterizzate le altre collezioni. Da questa prospettiva è possibile ampliare lo sguardo per un confronto tra Dionigi e le altre collezioni canoniche.

In questa sede, cercando di ricostruire il processo di produzione delle sue raccolte e traduzioni, che proprio sull'articolazione della questione dell'autorialità e sull'opposizione autorialità/anonimia distingue la sua dalle altre raccolte—canoniche e non—vorrei fare alcune riflessioni sulla tipologia dei materiali utilizzati. Oltre al fatto di conoscerne l'autore, infatti, tipologia

cap. V: "Il ruolo di Cassiodoro nel progetto di Teoderico" [Milano: Jaca Book, 2009], 109 ss. M. Shane Bjornlie, *Politics and Tradition between Rome, Ravenna and Constantinople: A Study of Cassiodorus and the Variae 527-554* (Cambridge: Univ. Press, 2013). Per una riflessione sul rapporto tra autori e tradizione: Cristante e Mazzoli, *Il calamo della memoria*. Pur riferiti ad altri generi utili metodologicamente: Alvaro Barbieri, "Autorialità e anonimato nella letteratura francese medievale: considerazioni preliminari e appunti di metodo (con particolare riguardo alla tradizione trovierica)," in Alvaro Barbieri, Alessandra Favero, e Francesca Gambino, eds., *L'eclissi dell'artefice. Sondaggi sull'anonimato nei canzonieri medievali romanzî* (Alessandria: Ed. dell'Orso, 2002), 35-84; Stefano Riccioni, Giovanni Maria Fara, e Nico Stringa, "La 'firma' nell'arte. Autorialità, autocoscienza, identità e memoria degli artisti," *Venezia Arti* 26 (2017): 7-14. Metodologicamente fondamentale, Elio Dove, *Epifania politica del Theodosianus. La pubblicazione romana del Codex* (Rome: MEFRA, 2013), 125 ss., è uno studio del verbale che ha accompagnato la riunione dei senatori per la presentazione ufficiale del primo codice imperiale.

²² Yun Lee Too, *The Idea of the Library in the Ancient World* (Oxford: Oxford Univ. Press, 2010), 48 ss.

dei materiali utilizzati e loro organizzazione sono elementi che, ad una semplice catalogazione, distinguono le *collectiones* di Dionigi dalle altre. Questo dato potrebbe aprirsi all'interrogativo se collezioni canoniche cronologicamente e tematicamente non sistematiche riflettano iter compilativi, percorsi di produzione e complessive modalità di lavoro che non coincidono con quelle di un lavoro autoriale.

La coerenza dei materiali, organizzati per tipologia dei documenti, canonici conciliari e decretali, elemento che distingue dalle altre collezioni quelle di Dionigi, ma può suggerire una linea-guida per capire, specularmente, il processo di formazione di raccolte rimaste anonime, in quanto opera di *notarii Romanae ecclesiae*,²³ non necessariamente ecclesiastici, che, per ruolo e funzione, erano a contatto con materiali di archivio cui lavoravano con procedure di accumulo e con inserimento progressivo di materiali.²⁴ Un contesto dove avviene che, nonostante il rapporto inevitabilmente stretto con il vescovo di Roma e la condivisione con il progetto propagandistico della sede papale²⁵—verso il quale convergevano le maggiori aspettative, derivanti dal riordino in chiave politicamente normativa di materiali messi a disposizione dalla stessa sede romana—nessuna collezione è trädita sotto il nome di un papa.

Nel caso della documentazione relativa all'opera di Dionigi, grazie alle *Prefazioni*, scritte dall'autore, abbiamo una fonte preziosa per rispondere ad alcuni degli interrogativi che qualunque produzione culturale—da quelle letterarie e artistiche a quelle materiali di ogni tipo—con le inevitabili

²³ Analisi a partire da un caso specifico in Fabrizio Martello, *All'ombra di Gregorio Magno, il notaio Paterio e il Liber testimoniorum* (Roma: Città Nuova: Roma, 2012).

²⁴ Pietrina Pellegrini, *Militia clericatus monachici ordines. Istituzioni ecclesiastiche e società in Gregorio Magno* (Catania: Ed. Prisma, 2008); Lizzi Testa, "La *Collectio*," 80.

²⁵ Sulla storia culturale e sociale della formazione dell'autorità papale nella Tarda antichità, cfr. Kristina Sessa, *The Formation of Papal Authority in Late Antique Italy* (Cambridge: Cambridge Univ. Press, 2012).

intrinseche valenze politico-istituzionali, pone. Tali interrogativi riguardano, per esempio, l'avvio dell'opera—*motu proprio* dell'autore, o per stimoli e suggerimenti di vario tipo, che possano comprendere un'esplicita delega istituzionale—; la possibile interazione con il referente—destinatario o committente—; il lavoro in *progress* della stessa raccolta. Anche un lavoro autoriale, dunque, chiama in causa i termini in cui il principio di autorialità si possa realizzare. Vi è la questione della libertà dell'autore stesso, e vi è la questione su come questa possa realizzarsi sia pur in una collezione eterodiretta e avviata come progetto che può anche non essere ufficiale e istituzionale, ma ha pur sempre una valenza politica: com'è il caso della prima collezione di canoni di Dionigi, fatta per le pressioni di un vescovo, Stefano, che, nell'ambito di schieramenti e posizioni conflittuali interne allo scisma laurenziano, era sul fronte contrario al papa in carica, Simmaco. Di conseguenza, il contesto cui è possibile rinviare per questa prima collezione di canoni pone problemi in ordine alla provenienza dei materiali utilizzati da Dionigi. La biografia di Dionigi ha fatto ipotizzare che tali materiali siano stati portati dall'Oriente.²⁶ A me pare che questa ipotesi, avanzata solo sul piano logistico, possa essere suffragata dalle difficoltà di condizioni nelle quali venne fatta la prima raccolta e che potevano certamente creare ostacoli all'accesso ad ambienti e materiali romani per un personaggio e un progetto contrari al governo papale in carica. E, rispetto ai possibili interrogativi su un ipotetico coinvolgimento di Teoderico in questo lavoro, quindi, non penserei che il lavoro di Dionigi possa essere stato agevolato da Teoderico stesso.²⁷

²⁶ Gennadios Limouris, "L'oeuvre canonique de Denys le Petit (VIe s.)," *Revue Canonique* 37 (1987): 135, spiega questa possibilità solo in ordine alle opportunità che si sarebbero potute creare a Dionigi nel suo percorso da Oriente.

²⁷ Teresa Sardella, *Società, Chiesa e Stato nell'età di Teoderico* (Soveria Mannelli: Rubbettino, 1996). Sull'Italia ostrogota, cfr., più di recente: Jonathan J. Arnold, Michael Shane Bjornlie, e Kristina Sessa, eds., *A Companion to Ostrogothic Italy* (Leiden, Boston: Brill, 2006).

Mi sono avvalsa dell'utilissimo inventario di Giulia Marconi e Silvia Margutti, in *Appendice* al saggio di Rita Lizzi, di presentazione del progetto²⁸ per una ipotesi che riguarda le modalità di utilizzo dei materiali delle collezioni. Sulla base di questi materiali, le studiose hanno organizzato una suddivisione dei documenti presenti nelle collezioni in paragrafi tematici.²⁹ In tale catalogazione, si evidenzia anche come l'ordine cronologico, per nulla scontato, non sia nelle priorità degli autori delle collezioni. Soprattutto, si evidenzia come, in relazione alla tipologia dei materiali, sia possibile individuare differenze o analogie significative tra collezioni. Il dato distintivo di tutte queste collezioni è rappresentato dalla varia tipologia dei documenti comprendente canoni—dagli Atti degli apostoli a quelli conciliari—, lettere di papi e lettere di imperatori, corrispondenza tra concili e papi, simboli di fede. Presupposti e finalità di ogni raccolta sono collegati alle specifiche opzioni di testi, ma non necessariamente alla organizzazione tematica. Utilizzo e opzioni sono tanto più significativi là dove una collezione attinga da vicino a una fonte, ma ne alteri allo stesso tempo la fisionomia, modificando documenti, nell'ordine e nei contenuti.

La rilevanza attribuibile al tema dei materiali utilizzati—in relazione alla loro tipologia e organizzazione—emerge proprio nelle *Collectiones dionysianae*, le *Collectiones canonum* e la *Collectio epistularum decretalium*. In entrambe Dionigi opera secondo una pressoché rigorosa opzione tipologica dei materiali, con la collezione di decretali, che contiene pochissimi documenti originati in ambito “civile.” In questa, la assoluta preminenza di documenti ecclesiastici, in quanto scritti da papi e vescovi, riguarda autore/i e destinatario/i. Solo nel

²⁸ Marconi e Margutti, “Appendice,” 103-236: l'inventario è basato su Friedrich Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande* (Gratz: Leuschner-Lubensky, 1870); Rudolf Schieffer, “Spätantikes Kirchenrecht in einer rätischen Sammlung des 8. Jahrhunderts,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 66 (1980): 164-91.

²⁹ Marconi e Margutti, “Appendice,” 103 ss.

caso di Bonifacio e di Anastasio II troviamo un destinatario non ecclesiastico. Nelle due sezioni dedicate a Bonifacio e ad Anastasio II troviamo, in ciascuna, una epistola che ha come destinatario, appunto, un imperatore: rispettivamente una lettera all'imperatore Onorio e una lettera all'imperatore Anastasio. E solo nella sezione di Bonifacio troviamo un documento che non ha come autore un ecclesiastico, ma due imperatori, Onorio e Teodosio, dei quali viene riportato un rescritto.³⁰

Senza soffermarmi nel dettaglio sulla tipologia dei materiali utilizzati, né trarre conclusioni dal confronto tra presenze tipologiche di materiali, registro solo che la raccolta di decretali di Dionigi è caratterizzata dall'utilizzo quasi assoluto di materiale originato in sede ecclesiastica.³¹ Significativo è il caso della collezione di Cresconio (*Concordia canonum Cresconii*³²) che evidenzia la dipendenza da Dionigi. Tale dipendenza è sottolineata anche dalla sezione delle lettere: ventitré lettere, per le quali questa collezione attinge a più collezioni, ma recupera solo lettere papali e manca di documentazione di provenienza civile. È lo stesso criterio di opzione adottato da Dionigi.

La *Collectio Iustelliana*,³³ contenente solo documenti conciliari (canoni, lettere sinodali, simboli di fede), la *Collectio Mutinensis*,³⁴ in stretta relazione con le *Dionysianae*,³⁵ e comprendente esclusivamente lettere pontificie,

³⁰ Marconi e Margutti, "Appendice," 141 s.

³¹ Sottolineo soprattutto quanto emerge dal confronto con la *Avellana*, che raccoglie documentazione di vario genere e tipo (*relationes* e *libelli*, *epistulae*, *orationes* e *relationes*, *induculi*, *suggestiones*, di papi, imperatori e alti funzionari), così come è varia la tipologia di autori e corrispondenti: oltre a figure istituzionali di vertice, documenti di alti funzionari, scritti di presbiteri e diaconi. Non mancano corrispondenti femminili di papi (tra le lettere di Ormisda, vi sono quelle di Giuliana Anicia e Anastasia al papa). (Marconi e Margutti, "Appendice," 107). Altrettanti spunti interessanti in tal senso vengono dal confronto con le altre collezioni.

³² Marconi e Margutti, "Appendice," 134 ss.

³³ Marconi e Margutti, "Appendice," 164 ss.

³⁴ Marconi e Margutti, "Appendice," 167.

³⁵ Marconi e Margutti, "Appendice," 167.

indirizzate solo a vescovi, la *Weingartensis*,³⁶ che raccoglie solo tredici documenti ecclesiastici, così come solo documenti ecclesiastici, tutti di stretta pertinenza conciliare, sono contenuti nella *Wirceburgensis*,³⁷ confermano che, in queste collezioni, appare esserci una *ratio* rinviabile anche alla tipologia dei documenti scelti, alla scelta di autori e destinatari delle lettere.

La sistematicità tipologica e organizzativa concretizza un ulteriore elemento distintivo dell'opera di Dionigi rispetto alle altre collezioni. Se ne potrebbe dedurre che un autore unico tende a lavorare in modo organizzato e sistematico, un autore unico attende—sia pure in un lungo arco di tempo—a un lavoro in cui la finalità si rispecchia nella coerente tipologia dei materiali utilizzati. Specularmente, in una collezione anonima sezioni parziali che presentino omogeneità di materiali potrebbero riferirsi a un lavoro autoriale.

Due collezioni e due traduzioni

Come già detto, il lavoro di Dionigi coniuga collezioni e traduzioni insieme, per le quali i percorsi ideativi e di realizzazione sono articolati. Su questo punto riguardante il lavoro di collezione e di traduzione, le prefazioni costituiscono un importante punto di riferimento di cui avvalersi. Esse sono testimoni dell'esistenza di una raccolta non pervenuta e della quale altrimenti non si sarebbe avuta notizia, e sono anche chiarificatrici di processi di elaborazione per i quali è opportuno distinguere due piani: il piano riferibile alla traduzione da un lato e il piano riferibile alla raccolta e scelta dei canoni dall'altro. Resta il problema comune a tutti i testi letterari, in ragione delle modalità di costruzione retorica che potrebbero rinviare a una realtà artatamente ricostruita. Peraltro, le dieci prefazioni di Dionigi lasciano trapelare, proprio sul piano delle relazioni personali, notizie e personaggi,

³⁶ Marconi e Margutti, "Appendice," 219 ss.

³⁷ Marconi e Margutti, "Appendice," 222.

interlocutori e destinatari, che si configurano anche in una cornice di quotidiana realtà di rapporti.

Le dieci prefazioni introducono a raccolte e testi, tutti traduzioni,³⁸ tranne, naturalmente la raccolta delle decretali pontificie. Nell'ordine in cui l'edizione di Glorie le raccoglie, le prefazioni accompagnano, in successione: la traduzione latina del *De conditione hominis* di Gregorio di Nissa, indirizzata al presbitero Eugippio (*Praefatio 1*);³⁹ la prima traduzione dei canoni greci, indirizzata al vescovo Stefano (*Praefatio 2*);⁴⁰ la raccolta dei decreti pontifici, indirizzata al presbitero Giuliano (*Praefatio 3*);⁴¹ la seconda traduzione dei canoni greci -non pervenuta-, indirizzata a papa Ormisda (*Praefatio 4*);⁴² la traduzione di due epistole del vescovo di Alessandria, Cirillo, inviate al vescovo Successo, indirizzata a Giovanni e Leonzio (*Praefatio 5*);⁴³ la traduzione di due epistole sinodali di Cirillo, vescovo di Alessandria, contro Nestorio, indirizzata al vescovo Pietro (*Praefatio 6*);⁴⁴ la traduzione dello scritto di Proclo, vescovo di Alessandria, agli Armeni, indirizzata a Feliciano e Pastore (*Praefatio 7*);⁴⁵ la traduzione dello scritto di Marcello Archimandrita sull'*inventio* della testa di Giovanni Battista, indirizzata all'abate Gaudenzio (*Praefatio 8*);⁴⁶ la traduzione di uno scritto sulla penitenza di santa Taisia (Taide), indirizzata all'abate Pastore (*Praefatio 9*);⁴⁷ la traduzione, della *Vita di Pacomio abate*, indirizzata alla *domina Veneranda* (*Praefatio 10*).⁴⁸

³⁸ Per le edizioni relative, cfr.: CPL 653-655.

³⁹ Glorie, *Dionysii Exigui Praefationes*, 33 s.

⁴⁰ Cfr. n. 15.

⁴¹ Glorie, *Dionysii Exigui Praefationes*, 45 ss.

⁴² Glorie, *Dionysii Exigui Praefationes*, 50 ss.

⁴³ Glorie, *Dionysii Exigui Praefationes*, 53 ss.

⁴⁴ Glorie, *Dionysii Exigui Praefationes*, 57 ss.

⁴⁵ Glorie, *Dionysii Exigui Praefationes*, 61 ss.

⁴⁶ Glorie, *Dionysii Exigui Praefationes*, 67 ss.

⁴⁷ Glorie, *Dionysii Exigui Praefationes*, 74 ss.

⁴⁸ Glorie, *Dionysii Exigui Praefationes*, 77 ss.

Traduzioni e prefazioni agli scritti diversi dalle collezioni—lettere, testi agiografici—sono un utile elemento di confronto con le prefazioni alle raccolte. Il significato culturalmente più pregnante, ed esplicitamente dichiarato, di queste traduzioni è quello della mediazione tra mondo greco e mondo latino.⁴⁹ Tradurre testi e documenti della chiesa orientale per il mondo latino è operazione culturale nella quale Dionigi crede, ma che, il più delle volte, gli viene pressantemente commissionata: non sempre, né sempre allo stesso modo. Più sfumati e meno pressanti appaiono, per esempio, gli inviti a tradurre l'epistola sinodica di Cirillo, vescovo di Alessandria, contro Nestorio e che ha come destinatario il vescovo Pietro,⁵⁰ e, ancora, la commissione a tradurre la *vita di Pacomio abate*.⁵¹

Nel panorama delle collezioni canoniche, le prefazioni di Dionigi sono elemento distintivo rispetto alle altre collezioni. E sono altresì fonte di decisive informazioni relative al contesto, al rapporto tra destinatario, committente o referente da un lato e Dionigi dall'altro.

Delle collezioni di canoni di concili abbiamo due *Praefationes*, delle quali la prima (*Paefatio* 2 dell'edizione Glorie), indirizzata a un vescovo di nome Stefano, è pervenuta in due recensioni—A e B⁵²—e accompagna l'unica collezione di canoni a noi rimasta, redatta sotto papa Simmaco (circa 500):⁵³

⁴⁹ Cfr., per esempio, la chiarezza con la quale, in relazione ai *Canones Apostolorum*, inseriti nella prima raccolta di canoni, Dionigi sottolinea l'importanza della loro traduzione e dell'inserimento nella raccolta perché Stefano li possa conoscere (*Praefatio* 2, 39: [...] *hoc ipsum vestram nolumus ignorare sanctitatem*). Non ci sono particolari sottolineature in tal senso, per esempio, nella *Praefatio* 1 alla traduzione latina sul *De conditione hominis* di Gregorio di Nissa, ed. cit., 33 ss.).

⁵⁰ Glorie, *Dionysii Exigui Praefationes*, 59.

⁵¹ Glorie, *Dionysii Exigui Praefationes*, 79.

⁵² Glorie, *Monitum*, CChL 85, p. 38. Blaudeau, *Le siège*, 28, sostiene che la prima collezione in una prima versione sarebbe stata suggerita da Lorenzo, la seconda versione sarebbe stata suggerita da Stefano. Cfr. anche Wirbelauer, *Zwei Päpste*, 132-33. Cfr. anche n. 54.

⁵³ Edizioni: prima recensione: Cuthbert Hamilton Turner, ed., *Ecclesiae occidentalis monumenta iuris antiquissima*, I, 1, Oxford 1899; II, 2, Oxford 1913; seconda recensione:

anche questa collezione è pervenuta in due recensioni, con un diverso ordine degli ultimi tre canoni. Le due recensioni—di *Praefatio 2* e della collezione di canoni—non presentano varianti testuali di rilievo.

La *Praefatio 4* era premessa a una seconda raccolta di canoni di concili, raccolta che non è pervenuta, e che fu redatta sotto papa Ormisda (523), committente e destinatario della collezione e della lettera prefatoria.

Per quanto riguarda la prima collezione redatta sotto Simmaco, la mia ipotesi è che le due recensioni non siano varianti d'autore. In altri termini, non credo che Dionigi abbia fatto una doppia redazione della prima collezione o che, in altri termini, le due recensioni rappresentino altrettanti fasi di lavoro dell'autore. Le due recensioni prefatorie—A e B—non introducono a due raccolte dell'autore, come invece la più recente storiografia ritiene.⁵⁴ A questa tradizione, che è tradizione interpretativa, si oppongono le parole dell'autore, come vedremo esplicitamente dichiarato nella *Praefatio 2*.

La *Praefatio 2*, nelle due recensioni in cui è pervenuta, non mi pare che possa essere interpretata nel senso che alle sue due recensioni possano corrispondere due traduzioni e due collezioni, fatte a distanza di pochissimo tempo: le due recensioni della *Praefatio 2* rinviano, invece, a un unico lavoro.

prima pubblicazione da Justel, a Parigi, nel 1628, riprodotta in PL 67, 139-230; successivamente riedita come *Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion*, ed. Adolf Strewée (Berlin, Leipzig: de Gruyter, 1931), 11 ss.

⁵⁴ Sono proprio le due recensioni della *Praefatio 2* ad avere avviato una tradizione in base alla quale si è ritenuto che a ciascuna recensione della *Praefatio 2* corrispondesse una diversa raccolta fatta da Dionigi: cfr. Glorie, *Monitum*, ed. cit., p. 36 (*Ex eo opinatur Dionysius ipsum duplicem recensione[m] fecisse illius translationis latinae canonum*) e n. 1, con bibliografia. Lungo questa tradizione, cfr., da ultimo, Wirbelauer, *Zwei Päpste*, 132-33 e 135-136; Blaudeau, *Le siège*, 27 ss., parla di tre stadi diversi tra loro, con il primo e il secondo (corrispondenti a *recensio* A e B) che promuoverebbero il sostegno alle tesi di Calcedonia. Il primo stadio, inoltre, sarebbe in risposta all'arciprete Lorenzo, e offrirebbe al candidato antisimmachiano i mezzi per la riconciliazione con l'Oriente; il secondo stadio della collezione, ampliato e rivisto, sarebbe stato inviato a Stefano; il terzo, sotto l'imperatore Giustino, sarebbe stato volto a intensificare i rapporti con l'Oriente. Secondo questa interpretazione Dionigi avrebbe lavorato in tre fasi alla raccolta di canoni. Cfr. n. 52.

Di conseguenza, complessivamente, le raccolte fatte da Dionigi furono due, e due furono le traduzioni, ciascuna per ogni raccolta: la prima accompagnata dalla *Praefatio* 2, indirizzata al vescovo Stefano, e la seconda accompagnata dalla *Praefatio* 4, indirizzata a papa Ormisda, non pervenuta.

Nell'Italia di età teodericiana, nel contesto della vicenda simmachiana—quando erano in atto conflitti a più livelli sociali, legati allo scontro tra fazioni opposte sul permanere dello scisma acaciano, con la mancata comunicazione tra Oriente e Occidente—tradurre i canoni conciliari orientali in latino, perché Roma li accogliesse era, di fatto, un modo di realizzare una politica culturale di riunione tra chiese: ed era operazione evidente di autore schierato per una ripresa dei rapporti con l'Oriente, ma, anche in contrasto con il papato.

Dionigi avrebbe ripreso lo stesso lavoro quando la situazione era completamente cambiata, la frattura era stata sanata, ed egli poteva lavorare sotto papa Ormisda, il papa della ormai piena riconciliazione. Questo significava lavorare per una politica di rafforzamento dei rapporti con l'Oriente, ma, soprattutto, a sostegno di una posizione di potere, non dell'opposizione.

Più complesso è identificare con precisione le varie fasi di lavoro—quella della traduzione e quella della raccolta di canoni—, precisarne i protagonisti e definirne i rapporti personali e culturali, capire meglio il ruolo di Dionigi, in che termini egli sia stato autore e protagonista delle collezioni, se e in che modo abbia partecipato al progetto e alla sua realizzazione, se e quanto sia stato un semplice esecutore.

In quanto alla prima raccolta e alle possibili fasi di lavoro di Dionigi, la *Praefatio* 2 può fare emergere fondati dubbi sul fatto che alle sue due recensioni possano corrispondere altrettante collezioni e traduzioni.

Infatti, non ci sono elementi interni che sostengano l'ipotesi per la quale, evidentemente a distanza di pochissimo tempo, e con una situazione politica immutata, Dionigi avrebbe voluto/dovuto ritornare sullo stesso lavoro, con una nuova collezione e una nuova traduzione. Tra gli elementi esterni, a sostegno della tesi che Dionigi abbia redatto una sola collezione e una sola traduzione, vi è il dato che, a distanza di oltre venti anni, ricorderà, appunto, di avere pubblicato, fino ad allora, una sola collezione con traduzione. Nella *Praefatio* 4, del 523, infatti, con cui introdurrà la seconda raccolta e traduzione, quella voluta da Ormisda, indicherà quella fatta nel 500 solo e semplicemente come *prima traslatio*:⁵⁵ senza accenni a qualsivoglia forma di ri-elaborazione della stessa.

In quanto agli elementi interni, la prima parte della *recensio* A e la prima parte della *recensio* B della *Praefatio* 2 presentano poche varianti non sostanziali sul piano dei contenuti. La *recensio* B si differenzia perché, alla fine, troviamo l'elenco dei canoni raccolti e tradotti, nell'ordine: prima i *Canones Apostolorum*, poi quelli da Nicea a Calcedonia, infine, con numerazione separata, Serdica e i concili africani.⁵⁶

⁵⁵ ThLL, s.v. *prior*, 10, 2, 1322 ss.: Forcellini, s.v. *prior*, III, 862; Albert Blaise, *Dictionnaire latin-français des auteurs chrétiens*, s.v. *primus*, Paris 1954, p. 663: “ciò che non ha nulla prima.”

⁵⁶ *Praef.* 2, 3-5, 40-4: *In principio itaque Canones, qui dicuntur Apostolorum, de graeco transtulimus – quibus quia plurimi consensum non praebuere facilem, hoc ipsum vestram noluimus ignorare sanctitatem: quamvis postea quaedam constituta pontificum ex ipsis Canonibus assumpta esse videantur [...] Ne quid praeterea notitiae vestrae credamur velle subtrahere, statuta quoque Serdicensis concilii, atque Africani – quae latine edita sunt –, suis a nobis numeris cernuntur esse distincta.* L'elenco, dunque, comprende la traduzione dei Canoni degli Apostoli (ridotti a 50 e destinati a diffusione nelle chiese latine), Nicea, Costantinopoli, fino a Calcedonia (ma tralascia il canone 28), e Cartagine del 419 (Wirbelauer, *Zwei Päpste*, 129-134), per un complessivo numero di 165 capitoli: *sicut habetur in graeca auctoritate*. Ai canoni accolti dall'autorità della chiesa greca, Dionigi aggiunge anche i canoni di Serdica (*statuta Serdicensis*) e i concili africani, editi in latino, però collocati in un elenco a numerazione distinta. E vi si giustificano anche le ragioni della scelta più controversa, l'aver inserito in apertura i discussi *Canoni degli Apostoli*, che aggregavano

Inoltre, nella prima parte, dettagliata sul piano dei riferimenti, *recensio* A e *recensio* B rinviano agli stessi protagonisti e alle stesse circostanze. E in B non trapela alcuna forma di *retractatio* rispetto a un eventuale precedente lavoro; non vi è nessun riferimento preciso né cenno, in B, alle motivazioni di un eventuale rifacimento che, a distanza di pochissimo tempo, avrebbe impegnato Dionigi a rifare un lavoro già fatto. Altrove, nella *Praefatio* 4, egli stesso dimostrerà propensione a ricordare e difendere i suoi lavori di traduzione e raccolta: a testimonianza di un autore attento ai percorsi del suo lavoro.

In quanto al contesto e ai rapporti interpersonali, la *Praefatio* 2, in forma di lettera di accompagnamento della prima raccolta e traduzione, ha come destinatario il vescovo Stefano di Salona,⁵⁷ che non ha preso parte ai concili simmachiani⁵⁸ e si configura, quindi, come un avversario di Simmaco. Stefano emerge più che come semplice suggeritore della traduzione, come colui il cui intervento pressante e autorevole ha fatto sì che Dionigi si assumesse, appunto, la grande fatica di tradurre. Ben diverso il ruolo di Lorenzo, il *carissimus frater noster* di cui parla Dionigi all'inizio della prefazione. A questi Dionigi si riferisce come a colui che nella quotidianità di colloqui amicali lo avrebbe stimolato a fare una traduzione, perché Lorenzo si sentiva indignato (*offensus*) da una *prisca traslatio*,⁵⁹ fatta *imperitia*, *confusione*.⁶⁰ E Dionigi sembra

poco consenso e che egli riteneva non dovessero né potessero essere ignorati da Stefano.

⁵⁷ Cassiod. *Inst.* I, 23 (ed. Mynors, 62,26 e 63, 2; PL 70, 1137D): *Qui petitus a Stephano Salonitano, ex graecis exemplaribus canones ecclesiasticos [...] composuit.*

⁵⁸ Nei concili simmachiani, tra il 499 e il 502, abbiamo Stefano di Nocera e Stefano di Napoli entrambi presenti e sottoscrittori di concili che, sulle elezioni del vescovo di Roma e sulle questioni patrimoniali, avevano operato secondo le direttive di Simmaco, avversario di una ripresa dei rapporti con l'Oriente (cfr. Teresa Sardella, "Sinodo romano del 499" e "Sinodo romano del 502," in Di Berardino, *I canoni dei concili della Chiesa antica*, II, 248 ss.).

⁵⁹ Tra le versioni delle raccolte italiane, la *prisca* appare particolarmente diffusa. E prende questo nome perché così la chiama, sull'onda di Dionigi, Henricus Justellus,

condividere—ma senza accentuazioni o amplificazioni retoriche—un pessimo giudizio su un pessimo lavoro di traduzione, quello della *prisca*.

Difficilmente questo Lorenzo può essere identificato con Lorenzo arcipresbitero e capo della fazione antisimmachiana,⁶¹ poi nominato anche vescovo della sede decentrata di Nocera, proprio per allontanarlo in quanto personaggio scomodo.⁶² In ogni caso, si trattava di un rappresentante del clero gerarchico. E Dionigi, nelle prefazioni tratta sempre con grande deferenza, i rappresentanti del clero gerarchico, come è anche il caso del presbitero Giuliano, destinatario della *collectio decretalium*.⁶³ Mal si combina con questo atteggiamento deferente il parlare, invece, in forme così affettuosamente amicali di Lorenzo, che potrebbe, piuttosto, essere un monaco. In ogni caso, Dionigi non gli attribuisce nessun ruolo o potere di committenza, che è solo di Stefano, vescovo: solo perché fortemente pressato⁶⁴ da Stefano Dionigi si accinge ad affrontare la fatica di tradurre.⁶⁵ E, comunque, con questi presupposti, sono legittimi i dubbi sul reale utilizzo di questa raccolta, che non sembra avere il carattere dell'ufficialità.⁶⁶

primo editore, con Guillelmus Voellus, in *Bibliotheca iuris canonici veteris* 1, 277-320 = PL 56, 747-816: cfr. Marconi-Margutti, "Appendice," 105.

⁶⁰ *Praefatio* 2, 1,9 ss, 39: *Quamvis carissimus frater noster Laurentius, assidua et familiari cohortatione, parvitatem nostram regulas ecclesiasticas de graeco transferre perpulerit* (B: *pépulerit*), *imperitia confusione, credo, priscae translationis offensus, nihilminus ingestum laborem tuae beatitudinis consideratione suscepi [...]*

⁶¹ Così, invece, Blauveau, *Le siège*, 28, n. 47. Cfr anche Wirbelauer, *Zwei Päpste*, 132-33.

⁶² Teresa Sardella, "Lorenzo antipapa," in *Enciclopedia dei papi* (Roma: Treccani, 2000), consultabile al sito www.treccani.it (30 aprile 2018).

⁶³ *Praefatio* 3, 45.

⁶⁴ Cfr. s.v. *perpello*, ThLL 10,1, 1612; s.v. *perpello*, Forcellini, *Lexicon totius latinitatis* 3, 667.

⁶⁵ Il verbo *suscipio* (Forcellini, *Lexicon*, s.v. *suscipio*, 4, 628; Blaise, s.v. *suscipio*, *Dictionnaire*, 802) rende il farsi carico di un impegno per la prima volta: entrambe e parimenti *recensio* A e *recensio* B sono proemiali, sia dal punto di vista stilistico sia linguistico sia lessicale, a un lavoro mai fatto e mal si comprenderebbe se B introducesse una seconda traduzione/collezione.

⁶⁶ Limouris, "L'oeuvre canonique," 135: non attribuisce alcun carattere ufficiale a questa raccolta.

Altro dato significativo riguarda la distinzione che Dionigi fa tra il lavoro di traduzione e quello di scelta dei documenti. Lavoro di traduzione e lavoro di scelta dei documenti sembrano proprio due fasi diverse. Con l'amico Lorenzo aveva parlato di *traslatio*: le discussioni di Lorenzo e Dionigi vertevano solo sulla qualità della traduzione della *prisca*, non sui contenuti della raccolta; su suggerimento di Lorenzo, Dionigi avrebbe dovuto rifare la traduzione; ma a questa traduzione egli si dedica effettivamente solo per le pressioni di Stefano: in ogni caso, interlocutore e committente sono attenti soprattutto al tema della traduzione.

In quanto alla scelta dei documenti, non è questione di cui Stefano si occupi. La scelta dei documenti è fatta da Dionigi, che decide di aprire la collezione con la traduzione dei *Canones Apostolorum*,⁶⁷ che pure non godono di consenso. E Dionigi spiega e giustifica anche le ragioni di questa scelta più problematica: l'aver inserito in apertura i discussi *Canoni degli Apostoli*, che aggregavano poco consenso, ma che, egli riteneva, non dovessero né potessero essere ignorati da Stefano. A questi seguono i canoni da Nicea a Calcedonia; infine Dionigi aggiunge Serdica e i concili africani: scelta e organizzazione della raccolta sono opera sua.⁶⁸

⁶⁷ Praefatio 2, 3, 40: *In principio itaque Canones qui dicuntur apostolorum, de graeco transtulimus quibus quia plurimi consensum non praeuere facilem, hoc ipsum vestram noluimus ignorare sanctitatem.*

⁶⁸ La traduzione comprende i *Canoni degli Apostoli* (ridotti a 50, destinati a diffusione nelle chiese latine), Nicea, Costantinopoli, fino a Calcedonia (ma tralascia il canone 28), e Cartagine del 419 (Wirbelauer, *Zwei Päpste*, 129-34), per un complessivo numero di 165 capitoli *sicut habetur in graeca auctoritate*. Ai canoni accolti dall'autorità della chiesa greca, Dionigi aggiunge anche i canoni di Serdica (*statuta Serdicensis*) e i concili africani, editi in latino, però collocati in un elenco a numerazione distinta (Praefatio 2, 5, 40 s.: *In principio itaque Canones, qui dicuntur Apostolorum, de graeco transtulimus—quibus quia plurimi consensum non praeuere facilem, hoc ipsum vestram noluimus ignorare sanctitatem: quamvis postea quaedam constituta pontificum ex ipsis Canonibus assumpta esse videantur [...] Ne quid praeterea notitiae vestrae credamur velle subtrahere, statuta quoque Serdicensis concilii, atque Africani—quae latine edita sunt,—suis a nobis numeris cernuntur esse distincta*).

Circa ventitré anni dopo, la questione si ripropone in un contesto storico cambiato. All'intensa attività di Ormisda, che favorì l'elaborazione di una serie di vite del *Liber Pontificalis* e di collezioni che confermavano la superiorità romana,⁶⁹ si deve se, nel 523 circa, Dionigi si appresta a una nuova traduzione. La situazione è cambiata (nel 519 era finito lo scisma acaciano). Ma, l'utilità di rafforzare i rapporti con l'Oriente suggerisce di riprendere la questione dei canoni orientali.

Questa volta le direttive per una nuova traduzione sono istituzionali in un senso politico più netto: il papa in persona pressa perché Dionigi traduca nuovamente i canoni greci. Vuole una traduzione *ad verbum*,⁷⁰ e anche questa volta il committente non si occupa dei contenuti della collezione.⁷¹ Il tema è la *prima traslatio* di Dionigi. Ormisda vuole una traduzione più aderente al testo di quanto non lo fosse la precedente, la vuole *ad verbum*. Di fatto, le critiche alla prima traduzione di Dionigi non erano del papa, ma erano venute da altri. E Ormisda, non sopportandole e volendo dare una risposta ai detrattori di quel primo lavoro di traduzione di Dionigi, chiede allo stesso Dionigi di chiarire quanto nella *prima traslatio* era stato criticato da critici arroganti, che vengono irrisi dallo stesso Dionigi.⁷² Nell'inviare la nuova

⁶⁹ Blaudeau, *Le siège*, 19-23: un chierico agli ordini di Ormisda sarebbe stato il primo autore di CA; Lizzi, "La *Collectio Avellana*: il suo compilatore e i suoi fruitori, tra Tardoantico e Altomedioevo," in *La Collectio Avellana tra tardoantico e altomedioevo*, ed. Rita Lizzi Testa, monographic issue of *Cristianesimo nella Storia* 39.1 (2018), 5.

⁷⁰ Paolo Chiesa, "Ad verbum o ad sensum? Modelli e coscienza metodologica della traduzione tra tarda antichità e alto medioevo," *Medioevo e Rinascimento* 51, 1 (1987): 1-51: la premessa alla traduzione cristiana, legata alle opposte interpretazioni di Gerolamo e Rufino, in questa fase, destinata a un pubblico colto, ha come esigenza fondamentale l'aderenza al testo.

⁷¹ *Praefatio* 4,1 (*Dionisii Exigui interpretis in canonum graecorum translatione altera (deperdita) ad Hormisdam papam*) 51: *Sanctorum pontificum regulas, quas ad verbum digere vestra beatitudo de graeco me compellit eloquio, iam dudum parvitas meae nonnullo studio absolutas esse cognosco.*

⁷² *Praefatio* 4,2,51: *Sed quorundam supercilium—qui se graecorum canonum peritissimos esse iactant, quique sciscitati de quolibet ecclesiastico constituto respondere se velut ex occulto videntur oraculo—veneratio vestra non sustinens, imperare dignata est potestate qua supra ceteros excellit antistites, ut qua possum diligentia nitar a graecis latina minime discrepare atque in unaquaque*

traduzione, Dionigi dice di avere seguito le indicazioni del papa sia prestando estrema attenzione al latino e allontanandosi al minimo dal greco sia per il metodo di lavoro consigliatogli, e che Dionigi ha seguito mettendo in sinossi testo greco di partenza e testo tradotto in latino. La fedeltà al testo greco di questa nuova traduzione, secondo Dionigi, è ora in grado di fugare ogni ambiguità di lettura e interpretazione dei canoni greci;⁷³ e anche di eliminare il rischio di fuorvianti traduzioni, rischio particolarmente grave per i canoni di Nicea, fonti sempre riprese da altre costituzioni ecclesiastiche.⁷⁴ In quanto ai contenuti della raccolta, Dionigi qui fa una evidente *retractatio* rispetto a quanto aveva fatto nella prima collezione: tralascia i *Canones apostolorum*, Serdica e i concili africani.⁷⁵ E offre a Ormisda la selezione dei canoni greci della quale il papa stesso gli aveva chiesto di essere messo a conoscenza.⁷⁶

In conclusione, nel caso di Dionigi, collezioni e traduzioni configurano una situazione nella quale ad operare è lo stesso “autore” sotto il cui nome sono pervenute le collezioni, ma con una distinzione precisa rispetto alle fasi di progettualità e di elaborazione di collezioni e traduzioni. La committenza del lavoro è di altri—rispettivamente di Stefano e di Ormisda—e Dionigi sembra estraneo all'*idea operis*. L'attenzione dei committenti verso la qualità della traduzione supera l'attenzione verso i contenuti. Per quanto riguarda Dionigi, questi, oltre che essere artefice della fase estremamente delicata,

pagina aequo divisa tramite utraque e regione subnectam, propter eos maxime, qui temeritate quadam Nicaenos canones credunt se posse violare et pro eis alia quaedam constituta supponere.

⁷³ Praefatio 4,3, 51: *Quapropter apostolatus vestri iussis obtemperans, omnem veritatem graecorum canonum prout qui fideliter interpretatus explicui, incipiens a Nicaenis definitis [...]*

⁷⁴ Praefatio 4, 2, 51: *[...] propter eos maxime, qui temeritate quadam Nicaenos canones credunt se posse violare et pro eis alia quaedam constituta supponere.*

⁷⁵ Praefatio 4,4 51: *[...] ego quoque in hoc opere praetermisi—quia (ut superius memini) et hos in illa prima digessi translatione, ut et vestra paternitas auctoritate<m>, qua tenentur ecclesiae orientales, quaesivit agnoscere.*

⁷⁶ Praefatio 4,4 51: *[...] et vestra paternitas auctoritate<m>, qua tenentur ecclesiae orientales, quaesivit agnoscere.*

rappresentata dalla traduzione e dalle modalità con cui la stessa veniva fatta— nel caso di Ormisda, il committente dà anche direttive precise—, ha piena autonomia decisionale e responsabilità rispetto alla scelta dei materiali raccolti. Alla scelta dei canoni Stefano e Ormisda sono interessati, in quanto entrambi tesi ad apprendere le costituzioni orientali, ma non intervengono nel merito.

Dionigi, nella fase di maggiore conflittualità, con una committenza estranea al governo istituzionalmente in carica della chiesa di Roma, e probabilmente egli stesso politicamente più radicale nel progetto di riunificazione, estremizza le posizioni. Questo mi sembra che possa significare l'inserimento dei *Canones apostolorum* e dei concili occidentali.

Quando il conflitto è superato, Dionigi esclude ciò che poteva essere oggetto di maggiore contestazione, cioè i *Canones apostolorum* che non avevano una autorità riconosciuta; ma esclude anche Serdica e i concili africani, depauperando, per così dire, sul piano del dialogo normativo, l'apporto sia dell'Oriente che dell'Occidente: lo stesso apporto del quale, nel momento di più aspra conflittualità, aveva ritenuto che non si potesse fare a meno. Ma, allo stesso tempo smorzando gli accenti. Se è un progetto di rafforzamento dei rapporti—come sembra—è fatto sul piano di una assoluta mediazione politico-culturale che si traduce nella scelta concreta di contenuti normativi. E appartiene solo a Dionigi.

CHAPTER TWENTY TWO

LA *CONCORDIA CANONUM* DE CRESCONIUS : UN REEXAMEN*

MICHEL-YVES PERRIN

En 1582 les *Correctores romani*¹ réunis sur l'ordre du pape Grégoire XIII (1502-1585) ouvraient leur préface à leur édition du Décret de Gratien au premier volume du *Corpus juris canonici* par ces mots qui définissaient de manière programmatique le fruit de leur travail: *In Ecclesia Romana, omnium ecclesiarum magistra, solitos esse asservari conciliorum canones et Pontificum decreta, ac ceteriis Ecclesiis communicari, plane compertum est*. Et de citer comme exemple la collection canonique aujourd'hui connue sous le nom de *Dionysiana-Hadriana*—éditée en 1525 par Johannes Cochlaeus (1479-1552) à Mayence

* Je dois à l'amitié de Warren Pezé (Paris XII-Créteil), à l'époque *Mitarbeiter* à Tübingen, et de Thomas Villey, alors à Berlin, d'avoir pu disposer d'une copie d'articles et contributions introuvables dans les bibliothèques parisiennes. Qu'ils en soient ici remerciés. Mes remerciements s'étendent à la Biblioteca Apostolica Vaticana où j'ai pu consulter très commodément des éditions anciennes, ainsi qu'à la bibliothèque de droit canonique de l'Institut Catholique de Paris. Les auditeurs de ma Conférence à l'EPHE ont été de précieux critiques d'une première version de cette étude. *Last but not least* ma gratitude va à tous les organisateurs de ce très fructueux colloque, et *in primis* à Rita Lizzi Testa, qui donna entre autres l'occasion à l'auteur de ces lignes de voir enfin de ses yeux le *scriptorium* de Fonte Avellana.

¹ Voir Mary E. Sommar, *The Correctores romani: Gratian's Decretum and the Counter-Reformation Humanists* (Münster, Zürich: Lit, 2009).

sur la base de trois manuscrits de la Bibliothèque Vaticane²—, et de poursuivre:

*Repertus est autem in vetustissimo Cardinalis Vercellensis codice Cresconii ad Episcopum Liberinum quidam quasi nomocanon, in quo, quum pluribus causarum titulis propositis exponatur deinde, quibus synodorum ac decretalium epistolarum locis causae illae tractentur, capita capitibus Maguntini codicis, et numeri numeris optime respondent. Quae quidem a Cresconio adhibita diligentia satis indicat, frequentissimum fuisse huius collectionis usu: et haec ea est, quae in notationibus, quae nunc eduntur, absolute Codex canonum vocatur.*³

Les *Correctores* avançaient donc comme preuve de l'autorité de la *Dionysiana-Hadriana* la *Concordia canonum* que Cresconius dédia à l'évêque Liberinus, car cette collection canonique systématique, selon les classifications ordinairement en usage aujourd'hui, quoique schématiques, se fondait à leur jugement sur un système de référencement basé sur la *Dionysiana-Hadriana*. La *Concordia canonum* fut l'objet d'une édition partielle—*praefatio* et *capitulatio* seulement—en 1588 par Pierre Pithou (1539-1596)⁴ avant de connaître en

² Johannes Wendelstinus, ed., *Canones apostolorum. Veterum conciliorum constitutiones. Decreta pontificum antiquiora. De primatu Romae Ecclesiae. Ex tribus vetustiss. exemplaribus transcripta omnia, quorum catalogum proxima pagina indicat* (Mainz: Joan. Schoeffer 1525). Wendelstinus est l'un des surnoms de Cochlaeus: voir Monique Samuel-Scheyder, *Johannes Cochlaeus. Humaniste et adversaire de Luther* (Nancy: Presses Universitaires de Nancy, 1993), 19-20.

³ Emil Albert Friedberg and Emil Ludwig Richter, eds., *Corpus juris canonici—Editio Lipsiensis secunda, Pars prior, Decretum magistri Gratiani*, reprint (Union, New Jersey: The Lawbook Exchange, 2000), LXXXIII.

⁴ Pierre Pithou, ed., *Fulgentii Ferrandi Carthaginensis Ecclesiae diaconi Breviatio Canonum. Crisconii Repetitionis Breviarii canonici index. Quae nunc primum ex bibliotheca insignis Ecclesiae Tricassensis* (Paris: C. Chappelet, 1588). Pithou justifiait (p. 4) l'omission du texte même des dispositions canoniques par l'existence de l'édition de Mayence de la *Dionysiana-Hadriana*: *omissis Canonum Decretorumque integris capitibus, quae ex vetere collectione ante annos LXIII. Maguntiae fideliter edita, facile cuius fuerit repetere: illud hic admonuisse contenti, illa eadem, usque ad Gelasij tempora, usum videri Crisconium*. Flavien-François de Hautesere de la Salvaizon (1607-1658), ed., *Notae et Animadversiones Ad Indiculus Ecclesiasticos Canonum*

1661 une première édition intégrale due à Henri Justel (1620-1693) et Guillaume Voel.⁵ Il fallut attendre 1992 et la publication de la thèse⁶ de

Fulgentii Carthaginensis Ecclesiae Diaconi, & Cresconij Afri (Poitiers: Julien Thorell, 1630), *Testimonia auctorum*, suppose, sur le fondement de oui-dire, qu'il faut attribuer cette édition qu'il reprend à Nicolas Le Fèvre (1544-1612): *Nicolaus Faber, cui ut audio, se se debent Ferrandus & Cresconius, ita in Praefatione suae editionis, quam heic nolo desiderari, ut Lectorum Votis satis fiat*. Cette supposition, qui a pu naître de la familiarité connue entre Pithou et Le Fèvre, qui fut le collaborateur du premier et porta à terme certaines de ses publications, est rejetée par Guillaume Voel, Henri Justel, *Bibliotheca iuris canonici veteris in duos tomos distributa quorum unus canonum ecclesiasticorum codices antiquos, tum Graecos, tum Latinos complectitur; Subiunctis vetustissimis eorumdem Canonum collectoribus Latinis: Alter vero insigniores iuris canonici veteris collectores Graecos exhibet. Ex antiquis Codicibus MSS. Bibliothecae Christophori Iustelli. Horum maior pars nunc primum in lucem prodit, Cum versionibus Latinis, Praefationibus, Notis, & Indicibus huic editioni necessariis* (Paris: L. Billaine, 1661), Vv: *Vtriusque Breviarium primum in lucem edidit Petrus Pitheous, ex Codice Ms. Ecclesiae Trecensis, Lutetiae Parisiorum, anno Christi 1588, non autem Nicolaus Faber, ut putat Altaserranus*. Hautesere donne, pp. 153-92, un commentaire des *tituli* de la *Concordia Canonum*, mais non de la *praefatio*.

⁵ Voel, Justel, *Bibliotheca iuris canonici veteris*. Cette édition est reprise dans la PL 88, col. 829-942. Le commentaire qui l'accompagne doit beaucoup—certains passages sont des reprises littérales—à Pierre-François Chifflet (1592-1682), *Fulgentii Ferrandi Carthaginensis Ecclesiae Diaconi Opera iunctis Fulgentii et Crisconii Africanorum episcoporum opusculis relativis, quorum omnium seriem proxima post dedicatorias pagina dabit [...] pleraque ex antiquis codicibus aut nunc primum protulit, aut emendavit: Notasque adiecit* (Dijon: Pierre Palliot, 1649) qui reprend l'édition Pithou. L'exemplaire Cité du Vatican, BAV stamp. barb. D. VIII. 103, que nous avons consulté, comporte de fort intéressantes notes de Lukas Holste (1596-1661). Voel, Justel, *Bibliotheca iuris canonici veteris*, Vv-VI^r affirment reprendre avec quelques corrections, les éditions de Pithou et de Chifflet de la *praefatio* et de la *capitulatio*, et donner de la *concordia canonum* proprement dite, restée jusque-là inédite, une édition fondée sur deux manuscrits. Pour l'identification des manuscrits utilisés par ces premières éditions, voir Klaus Zechiel-Eckes, *Die Concordia canonum des Cresconius. Studien und Edition* (Frankfurt am Main: Peter Lang, 1992), II, 304 ss. Il faut noter que Voel, Justel éditent de manière séparée d'une part (pp. 456-66) la *praefatio* et la *capitulatio*, et d'autre part, en appendice (pp. XXXIV-CXI), la *concordia*. Une telle présentation a conduit certains auteurs à supposer que les deux blocs étaient l'œuvre de deux auteurs différents: voir le bilan historiographique dressé par les frères Ballerini qui récusent cette hypothèse: Pietro (1698-1769) e Girolamo (1701-1781) Ballerini, "De antiquis editis; tum ineditis collectionibus & collectoribus canonum ad Gratianum usque tractatus in quatuor partes distributus," in *Appendix ad sancti Leoni Magni opera, seu vetustissimus codex canonum ecclesiasticorum, et constitutorum Sanctae Sedis Apostolicae etc.*, eds. Pietro Ballerini and Girolamo Ballerini (Venezia: Simone Occhi, 1757), CCLIV-CCLVII (cette dissertation a été reprise dans la PL 56, col. 9-554).

⁶ Zechiel-Eckes, *Die Concordia canonum des Cresconius*. Voir aussi la courte synthèse: Klaus Zechiel-Eckes, "Concordia Canonum Cresconii," in *Diccionario general de derecho*

Fribourg-en-Brisgau du regretté Klaus Zechiel-Eckes (1959-2010) (dorénavant, KZE), un élève de Hubert Mordek (1939-2006), pour disposer d'une édition critique monumentale répondant en tout aux critères philologiques les plus exigeants et accompagnée d'une imposante étude sur sa formation et son *Fortleben*.⁷ Le but de la présente contribution est très modestement de faire le point sur cette publication un quart de siècle plus tard, d'attirer l'attention sur une étude (et une source) qui, peut-être en raison de leur lieu de publication, n'ont généralement pas retenu l'intérêt des spécialistes de l'Antiquité tardive, et enfin de mettre en évidence quelques points névralgiques de l'étude de KZE.

La *Concordia canonum* (dorénavant, CC) comporte trois sections : une *praefatio* constituée par une lettre de dédicace de l'auteur, *Crisconius Christi famulorum exiguus*, à l'évêque Liberinus, une *capitulatio* qui donne, en les numérotant, une liste de 300 (dans certains manuscrits 301) rubriques (n°1: *De ordinatione episcoporum*; n°2: *De ordinatione presbiteri, diaconi e ceterorum*, n°3: *De monachorum promotione*, etc.) comportant un titre suivi de la mention des lieux canoniques de référence, canons conciliaires ou extraits de lettres d'évêques de Rome—de Sirice (384-399) à Gélase I (492-496)—, enfin un *liber canonum* qui offre les textes de tous les lieux canoniques concernés, en les classant selon l'ordre de la précédente *capitulatio*.

KZE a fondé son édition sur la collation de tous les manuscrits ou fragments conservés, et a établi son texte sur la base de 17 manuscrits complets et de six fragments. Il a choisi comme texte de base un manuscrit

canónico, eds. Javier Otaduy, Antonio Viana, and Joaquín Sedano (Cizur Menor: Thomson Reuters Aranzadi, 2012), II, 450.

⁷ Voir la recension de Theo Kölzer, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 82 (1996): 419-20 (“eine exzeptionelle Leistung;” “ein Meisterwerk”), et Wilfried Hartmann, “Klaus Zechiel-Eckes als Erforscher des Kirchenrechts,” in *Fäschung als Mittel der Politik? Pseudoisidor im Licht der neuen Forschung. Gedenkschrift für K. Zechiel-Eckes*, eds. Karl Ubl and Daniel Ziemann (Wiesbaden: Harrassowitz Verlag, 2015), 243-56, ici 243-48.

d'Oxford, Bodleian Library Laud misc. 436 (S.C. 882), probablement copié à Würzburg dans le premier tiers du IX^e s. par une main anglo-saxonne⁸. À l'exception de fragments préservés dans un manuscrit des VII^e/VIII^e s.—Vérone, Biblioteca Capitolare LXI (59)⁹—, le plus ancien manuscrit complet conservé (VIII^e/IX^e s.) se trouve à Vérone, Biblioteca Capitolare LXII (60).¹⁰ Malheureusement il s'agit d'un manuscrit palimpseste dont le texte de dessus (dont CC) a été rendu en très grande partie illisible par l'usage d'un réactif pour lire l'un des textes de dessous (*Codex Justinianus*, VI^e s.).¹¹ Depuis la publication de l'édition de KZE aucun manuscrit complet de CC n'a à notre connaissance été identifié; seuls des fragments (de la deuxième moitié du IX^e s.), conservés dans des reliures anciennes de livres de la bibliothèque universitaire et municipale de Cologne, ont été découverts en 2005 et 2007 par KZE et publiés par ses soins:¹² ils permettent de fonder plus sûrement

⁸ Sur ce manuscrit, voir maintenant la notice très détaillée de Daniela E. Mairhofer, *Medieval Manuscripts from Würzburg in the Bodleian Library, Oxford, A Descriptive Catalogue* (Oxford: The Bodleian Library, 2014), 684-95 (qui n'apporte pas de précision complémentaire utile à l'éditeur de la CC).

⁹ Antonio Spagnolo, Silvia Marchi, *I manoscritti della Biblioteca Capitolare di Verona: catalogo descrittivo* (Verona: Casa editrice Mazziana, 1996), 116-18. Voir aussi la base Trismegistos TM n°66618 = *Leuven Database of Ancient Books*, 7866

(<https://www.trismegistos.org/ldab/text.php?tm=66618>) = Elias Averil Lowe, *Codices Latini Antiquiores. A paleographical guide to Latin manuscripts prior to the ninth century* (Oxford: Clarendon Press, 1947), IV, n°511; Zechiel-Eckes, *Die Concordia canonum des Cresconius*, I, 67, et II, 348-49.

¹⁰ Spagnolo, Marchi, *I manoscritti della Biblioteca Capitolare di Verona*: 119-20 = Lowe, *Codices Latini Antiquiores*, IV, n°512-513 ; Zechiel-Eckes, *Die Concordia canonum des Cresconius*, II, 349-51 et 397-98.

¹¹ Sur ce fameux manuscrit, voir aussi maintenant Detlef Liebs, "Römische Rechtswissenschaft im frühmittelalterlichen Italien. Die Veroneser Scholien zum Codex Justinianus und die Pistojer Codexglosse" (<https://freidok.uni-freiburg.de/fedoraobjects/freidok:10484/datastreams/FILE1/content>: texte inédit d'une conférence prononcée à Londres le 10 juillet 2010), 1-12.

¹² Klaus Zechiel-Eckes, "*Cresconius maculatus*. Unbekannte Kölner Überlieferungen der *Concordia canonum*. Zugleich eine Bestandaufnahme nach zwölf Jahren," *Analecta Coloniensia. Jahrbuch der Diözesan- und Dombibliothek* 4 (2004), 97-127; Klaus Zechiel-Eckes, "Buchbinder wetzen das Messer [...] Mittelalterliche Handschriften und Urkunden als Einbandmakulatur," in *Kosmos der Zeichen. Schriftbild und Bildformel in*

une partie de l'histoire de la tradition manuscrite et d'enrichir les connaissances sur la diffusion du texte, mais ne jouent pas de rôle dans l'établissement du texte lui-même. On notera que l'on possède à ce jour 16 manuscrits ou fragments conservés de CC pour les VIII^e-IX^e s., même si les catalogues de bibliothèques carolingiennes laissent penser que le nombre de manuscrits de CC disponibles à cette époque était plus important.¹³ La CC bénéficie donc, remarquons-le en passant, d'une ancienneté de sa transmission manuscrite comparable à celle de la plupart des autres collections canoniques tardo-antiques, c'est-à-dire des témoins essentiellement carolingiens.¹⁴

L'auteur, Crisconius/Cresconius, paraît inconnu par ailleurs. La table générale d'un recueil canonique [Roma, Biblioteca Vallicelliana XVIII (R)] de

Antike und Mittelalter, eds. Dietrich Boschung and Hansgerd Hellenkemper (Wiesbaden: Reichert, 2007) (= *Schriften des Lehr- und Forschungszentrums für die antiken Kulturen des Mittelmeerraumes*, 5), 141–60, ici 154–55.

¹³ Klaus Zechiel-Eckes, “Historisch geordnetes und systematisches Kirchenrecht und seine frühmittelalterlichen Wechselbeziehungen. Beobachtungen zu den Codices 113, 114, 117 und 120 der Erzbischöflichen Diözesan- und Dombibliothek Köln. Mit Exkurs zur Pergamentmakulatur (*ab*-Typ. Corbie) in Codex 91,” in *Mittelalterliche Handschriften der Kölner Dombibliothek. Erstes Symposium der Diözesan- und Dombibliothek Köln zur den Dom-Manuskripten (26. bis 27. November 2004)*, ed. Heinz Finger (Köln: Erzbischöfliche Diözesan- und Dombibliothek, 2005), 211–41, ici 225 (données que nous avons mises à jour). Sauf erreur KZE n'identifie pas le manuscrit mentionné par les *Correctores romani*, ni n'évoque d'ailleurs le *Corpus juris canonici*; Friedrich Maassen [*Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande bis zum Ausgange des Mittelalters* (Graz: Verlag von Leuschner & Lubensky 1870), 806–13] non plus. Il s'agit probablement du manuscrit Vercelli, Biblioteca Capitolare Eusebiana CLXV (61) (1^{ère} moitié du IX^e s.) décrit par Zechiel-Eckes, *Die Concordia canonum des Cresconius*, I, 172–84, et également par Charles Munier, “Cinq canons inédits du Concile d'Hippone du 8 octobre 393,” *Revue de droit canonique* 17 (1968), 16–29.

¹⁴ Voir le panorama commode dressé par Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140). A Bibliographical Guide to the Manuscripts and Literature* (Washington D.C.: Catholic University of America, 1999), et Klaus Zechiel-Eckes, *Die erste Dekretale. Der Brief Papst Siricius an Bischof Himerius von Tarragona vom Jahr 385 (JK 255)*, ed. Detlev Jasper (Hannover: Hansche Buchhandlung, 2013), 24–58 (pour les seules décrétales).

la fin du X^e s., composé probablement dans le sud de l'Italie et qui comporte CC, indique (fol. 136^v):

*hec sunt que in hoc codice habentur. 1. Concordia canonum a cresconio africano digesta, sub capitulis trecentis. Iste nimirum cresconius bella et victorias, quas Iohannis des (sic !) patricius apud Africam de Saracenis gessit, exametris versibus descripsit sub libris*¹⁵

Sur cette seule base le cardinal Baronius (1538-1607),¹⁶ et nombre de savants à sa suite, ont voulu faire de Cresconius un évêque et le situer à l'extrême fin du VII^e / début du VIII^e s., car le patrice Jean était identifié à un personnage de même nom et de même rang connu pour avoir mené une guerre en

¹⁵ Remigio Sabbadini, *Le scoperte dei codici latini e greci ne' secoli XIV e XV* (Firenze: G. C. Sansoni, 1905), I, 15 n. 78 et 215 [où se trouve la transcription que nous reproduisons et qui concorde à un détail près avec celle donnée par Jean Mabillon (1632-1707), *Museum italicum seu Collectio veterum scriptorum ex bibliothecis italicis, tomus I in duas partes distinctus* (Paris: Veuve Edmond Martin, Jean Boudot, Étienne Martin, 1687), 69]. Sur ce manuscrit, voir Paul Fournier, "Un groupe de recueils canoniques italiens des X^e et XI^e siècles," *Mémoires de l'Institut National de France. Académie des Inscriptions et Belles-Lettres* 40 (1916), 95-213, ici 97-123, et Anna Maria Giorgetti Vichi, Sergio Mottironi, *Catalogo dei manoscritti della Biblioteca Vallicelliana* 1 (Roma: Istituto Poligrafico dello Stato, 1961), 243-52. Il ne faut pas le confondre avec le *Vallicellianus* A 18 comme le fait par exemple Heinz Hofmann ["Fl. Cresconius Corippus: Textbestand und Überlieferung," in *Corippe. Un poète latin entre deux mondes*, ed. Benjamin Goldlust (Lyon: De Boccard, 2015), 87-122, ici 101, n. 68; l'erreur remonte au moins à Maassen, *Geschichte der Quellen und der Literatur des canonischen Rechts*, I, 806], car il s'agit d'un autre manuscrit [voir Marcello Marin, "Problemi di ecdotica ciprianea. Per un'edizione critica dello pseudocipriano *de aleatoribus*," *Vetera Christianorum* 20 (1983): 141-240, ici 191-94, n°43].

¹⁶ Cesare Baronio, *Annales ecclesiastici, una cum critica historico-chronologica P. Antonii Pagii doctoris theologi*, IX (Lucca: Leonardo Venturini, 1741), 387 (an. 527, n°LXXVI), où Baronius lit tout simplement: *Iohannes patricius*, et id., *Annales ecclesiastici, una cum critica historico-chronologica P. Antonii Pagii doctoris theologi*, XII (Lucca: Leonardo Venturini, 1742), 155-58 (an. 696, n°XIII). Sur les liens entre Baronius et la Vallicelliana, voir *I Libri di Cesare Baronio in Vallicelliana*, ed. Giuseppe Finocchiaro (Roma: Biblioteca Vallicelliana, Amici delle Biblioteche 2008) où, sauf erreur, il n'est pas question du Vallicellianus XVIII (R). Sur la fortune de l'identification et de la chronologie proposées par Baronius, voir Pietro Mazzuchelli (1762-1829), "De Corippi Iohannide Praefatio," in *Merobaudes et Corippus*, ed. Immanuel Bekker (Bonn: Weber, 1836), XII-XLVII, ici XIII-XIV.

Afrique contre les Arabes sous l'empereur Léonce (été 696-été 698).¹⁷ En fait un rapprochement plus pertinent avait été fait quelques siècles plus tôt par le juriste et lettré véronais Guglielmo da Pastrengo (ca. 1290-1362) qui avait voulu identifier, dans son *De viris illustribus*, le compilateur de CC au poète Flavius Cresconius Corippus/Gorippus (Corippe), l'auteur, au milieu du VI^e s., du poème épique *La Johannide* ou *De bellis Libycis*, qui célébrait la victoire de Jean Troglita sur les Maures;¹⁸ cette identification qui paraît avoir été inconnue de Baronius a en revanche connu, indépendamment de sa source semble-t-il, une certaine fortune.¹⁹ En 1901 Franz Skutsch a fermement contesté cette hypothèse²⁰ qui pouvait trouver quelque appui dans le fait que, d'une part, le seul manuscrit aujourd'hui conservé de la *Johannide* (Milano, Biblioteca Trivulziana 686; 2^e moitié du XIV^e s.) portait une étiquette (aujourd'hui perdue) *Cresconius* (ou *Crestonius*),²¹ que le nom *Cresconius* est

¹⁷ Voir Anastase le Bibliothécaire, *Historia ecclesiastica*, in *Theophanis Chronographia ex recensione Ioannis Classeni*, ed. Immanuel Bekker, II (Bonn: Weber, 1841), 189-90; Luigi Tartaglia, ed., Georges Cedrenus, *Historiarum compendium*, 462. 3 (Roma: Accademia Nazionale dei Lincei, 2016), II, 735-36. Sur le patrice Jean, voir *Prosopographie der mittelbyzantinischen Zeit 1. Abt. 641-867*, 2. Georgios-Leon, eds. Friedhelm Winkelmann *et alii* (Berlin: De Gruyter, 2000), 216, n°3766.

¹⁸ Guglielmo da Pastrengo, *De viris illustribus et de originibus*, ed. Guglielmo Bottari (Padova: Editrice Antenore, 1991), 55: *Cresconius, poeta Affer, Iustiniani primi bella per Iohannem ex consulem in Affrica gesta heroico metro luculenter expressit ; concordiam canonum edidit*.

¹⁹ Johann Albert Fabricius (1668-1736), *Bibliotheca Latina Mediae et Infimae Aetatis* (Hamburg: Vidua Felgineria, 1734), 1225-226. Pour la fortune de cette identification, voir, par exemple, Heinz Hofmann, "Fl. Cresconius Corippus: Textbestand und Überlieferung," 101, n. 68. Sur Jean Troglita, voir Yves Modéran, "Jean Troglita," in *Encyclopédie berbère*, XXV (Aix-en-Provence: Edisud, 2003), 3866-870.

²⁰ Franz Skutsch, "Corippus," in *Realencyclopädie der classischen Altertumswissenschaft*, eds. August Pauly and Georg Wissowa (Stuttgart: J. B. Metzler, 1901), 1236-1246.

²¹ Peter Riedlberger, *Philologischer, historischer und liturgischer Kommentar zum 8. Buch der Johannis des Goripps nebst kritischer Edition und Übersetzung* (Groningen: E. Forsten, 2010), 15-20. Riedlberger invoque entre autres deux parallèles lexicaux entre Gorippe et CC, mais ils concernent le poème en distiques élégiaques inséré dans les manuscrits en tête de CC (Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 419) que Cresconius a emprunté à Denys le Petit [cf. Cuthbert Hamilton Turner, *Ecclesiae Occidentalis*

principalement (mais pas exclusivement) diffusé en Afrique dans l'Antiquité tardive et que la préface à Liberinus de CC évoque—nous y reviendrons—le *Breviarium canonum* du diacre Ferrand de Carthage.²² Seul Peter Riedlberger a semblé accorder encore récemment quelque crédit à cette possibilité d'identification.²³ Le dédicataire de l'ouvrage, Liberinus, est inconnu par ailleurs, et son nom est un hapax.²⁴

Le positionnement chronologique de CC résulte de la prise en considération d'éléments internes à l'oeuvre elle-même. *Le terminus a quo* est le plus aisé à déterminer. Les plus récents documents canoniques cités dans le *Liber canonum* sont des extraits de lettres de Gélase I (492-496).

Par ailleurs dans la *praefatio* Cresconius évoque le *Breviarium canonum* de Ferrand de Carthage. Cet ouvrage qu'a édité le regretté Charles Munier (1922-2011)²⁵ est à assigner aux années 523-548: en effet il y est fait référence au

Monumenta Iuris Antiquissima. Canonum et conciliorum graecorum interpretationes latinae (Oxford: Clarendon, 1899), 254].

²² Joseph Partsch, ed., *Corippi Africani grammatici libri qui supersunt* (Berlin: Weidmann, 1879), XLVII.

²³ Riedlberger, *Philologischer, historischer und liturgischer Kommentar*, 41-43, mais cet auteur est beaucoup plus dubitatif dans une étude plus récente, id., “Again on the name Gorippus—State of the question—new evidence—Rebuttal of counterarguments—The case of the Suda,” in *Corippe. Un poète latin entre deux mondes*, ed. Benjamin Goldlust (Lyon: De Boccard, 2015), 243-70, ici 244 (“CC, a work by one—probably not *our*—Cresconius”).

²⁴ Une recherche dans les bases de données, textuelles, épigraphiques et papyrologiques, disponibles, n'a donné aucun résultat. Certains manuscrits portent le nom *Liberius*, rare mais attesté [d'où l'hypothèse faite en passant par Zechiel-Eckes (*Die Concordia Canonum des Cresconius*, 84-85) d'un rapprochement avec l'évêque Liberius de Cumes mort peu avant mars 592—voir *Prosopographie chrétienne du Bas-Empire. 2. Prosopographie de l'Italie Chrétienne (313-604)*, eds. Charles Pietri et Luce Pietri (Rome: École française de Rome, 2000), II, 1301-302 (“Liberius 7”)—; cette simple hypothèse est reprise de façon accentuée sous la plume de Wilfried Hartmann, “Klaus Zechiel-Eckes als Erforscher des Kirchenrechts,” 245]. On connaît les noms très rares *Liberianus* et *Libertinus*. Faut-il corriger la leçon *Liberinus*? KZE s'y est refusé. Sage attitude probablement, car chaque année ou presque les découvertes épigraphiques font connaître de nouveaux *cognomina*.

²⁵ Charles Munier, ed., *Concilia Africae A. 345 - A. 525* (Turnhout: Brepols, 1974), 284-311.

concile de Junca de 523²⁶ et par ailleurs Ferrand est donné comme décédé dans le *Pro defensione trium capitulorum* de Facundus d'Hermiane dont il faut placer l'achèvement probablement en 548.²⁷ Par conséquent CC est sûrement postérieur à 523, peut-être à 548. Par ailleurs, comme l'avaient déjà remarqué les *Correctores romani*, CC entretient des liens très étroits avec la collection *Dionysiana-Hadriana*. C'est là un point capital mais très complexe que le travail de KZE a permis de préciser et sur lequel on souhaite ici revenir.

Si le nom de Denys le Petit n'est jamais mentionné dans CC et si la *praefatio* n'entretient aucun lien visible avec les préfaces de Denys à ses propres oeuvres canoniques (ou autres, peut-on ajouter²⁸) sinon le qualificatif d'*exiguus* que l'auteur se décerne—mais il n'est pas propre à Denys, notons-le²⁹—, il n'en est pas moins vrai que tout le matériel canonique mis en oeuvre dans CC (canons conciliaires et décrétales) provient exclusivement des traductions et compilations dionysiennes. Inversement CC mentionne explicitement le *Breviarium canonum* de Ferrand, mais n'en tire que l'idée de son propos—nous y reviendrons—, non son contenu. Comme le notait François Salmon (1676-1736),

²⁶ Ferrand de Carthage, *Breviarium canonum*, 26 (ibid., 289).

²⁷ Facundus d'Hermiane, *Pro defensione trium capitulorum* 4.3.7. [Facundus d'Hermiane, *Défense des Trois Chapitres (à Justinien). Livres III-IV*, ed. Anne Fraïsse-Bétoulières (Paris: Éditions du Cerf, 2003), 190 (*laudabilis in Christo memoriae*). Pour la date du traité, voir Aimé Solignac, "Un auteur trop peu connu: Facundus d'Hermiane," *Revue d'études augustiniennes et patristiques* 51 (2005): 357-374 (ici 359-60)]. C. Munier datait le *Pro defensione trium capitulorum* de 546.

²⁸ Les préfaces de Denys le Petit ont été commodément rassemblées par François Glorie, *Dionisii exigui praefationes latinae genuinae in variis suis translationibus ex graeco* (Turnhout: Brepols, 1972), 27-81.

²⁹ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 32, n. 12; pour l'emploi d'*exiguus*, voir aussi, parmi les contemporains de Ferrand de Carthage, Jean Maxence, *Libellus fidei* [François Glorie, *Maxentii aliorumque scytharum monachorum necnon Ioannis Tomitanae urbis episcopi opuscula* (Turnhout: Brepols, 1978), 5, l. 3]; *apud* Fulgence de Ruspe, *Epistula XVI seu epistula Petri diaconi et aliorum qui in causa fidei Romam directi fuerunt*, 1 [Jean Fraipont, *Sancti Fulgentii episcopi Ruspensis opera* (Turnhout: Brepols, 1968), 551, l. 4; etc.

Ferrand rapporte bien des endroits des conciles, dont Cresconius n'a fait aucune mention [...]; ce qu'il y a de commun entre ces deux Collecteurs est qu'ils renferment les Canons de Nicée, d'Ancyre, de Neocesarée, de Gangres, d'Antioche, de Laodicée, de Sardique, et de Carthage, avec cette différence cependant, que Cresconius représente les sept premiers Synodes d'après la version de Denis le Petit, avec le même nombre & dans les mêmes termes, au lieu que Ferrand s'est servi de Manuscrits plus anciens, et qu'il n'observe pas dans l'arrangement des Canons de Carthage les mêmes nombres que Cresconius & Denis le Petit; etc.³⁰

Le *Liber canonum* de CC est ainsi organisé selon un découpage en 300 (301) rubriques numérotées, elles-mêmes subdivisées en autant de canons (*tituli*)³¹ que nécessaires, soit au total 494 canons. La provenance de tout le matériel utilisé est sans exception assignable aux collections dionysiennes.³² KZE s'est efforcé de préciser les choses.

On connaît trois préfaces de Denys le Petit à son oeuvre canonique: deux concernent la collection des canons conciliaires et permettent d'inférer

³⁰ François Salmon, *Traité de l'étude des conciles, et de leurs collections, divisé en trois parties avec un catalogue des principaux auteurs qui en ont traité, & des Eclaircissemens sur les Ouvrages qui concernent cette matiere, & sur le choix de leurs Editions* (Paris: Denis Horthemels, 1724), 162. La comparaison entre Ferrand et Cresconius est une topique dans l'historiographie depuis Chifflet, *Fulgentii Ferrandi Carthaginensis Ecclesiae Diaconi Opera*, 259-67. Voir, par exemple, Voël, Justel, *Bibliotheca iuris canonici veteris*, V^{e-v}, qui munissent par ailleurs (pp. 486-91) leur oeuvre d'une table de comparaison entre les deux ouvrages, dressée par Guillaume Bluet, avocat au Parlement de Paris.

³¹ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 41, n. 29, note que CC emploie, comme Ferrand de Carthage, le mot *titulus* pour désigner un canon conciliaire ou une section de décrétale. Cet emploi semble un trait africain: voir *Concilium carthaginense sub Grato a. 345-348, praef.*, [Munier, *Concilia Africae*, 3, l. 18]; 1 (*ibid.*, 3, l. 24-25); 2 (*ibid.*, 4, l. 41), etc.

³² Pour un exemple parmi tant d'autres, voir Mary E. Sommar, "Dionysius Exiguus' Creative Editing," in *Proceedings of the XIIth International Congress of Medieval Canon Law. Washington, D.C., 1-7 August 2004* (Vatican City: Libreria Editrice Vaticana, 2008), 209-22: la version du canon 15 de Nicée qu'atteste Cresconius est clairement celle de Denys, et non celle de Ferrand.

l'existence de trois éditions successives de cette collection;³³ la troisième préface concerne la collection de décrétales.³⁴ Sur cette base la tradition historiographique³⁵ s'est efforcée d'ordonner une matière manuscrite extrêmement complexe et a isolé, dans les témoins conservés, deux recensions dionysiennes de la collection conciliaire—la troisième recension dont témoigne l'une des préfaces ne serait pas conservée—et une recension de la collection de décrétales. Elle a souvent postulé que le rapprochement, abondamment attesté par la tradition manuscrite, entre la deuxième recension de la collection conciliaire et la collection de décrétales, avait été le fait de Denys lui-même. Cette *Dionysiana* 2 a connu un énorme succès et a subi de très grands remaniements et adaptations, le plus célèbre et le plus influent étant désigné sous le nom de *Dionysiana-Hadriana* et référé au don qu'en 774 le pape Hadrien I aurait fait à Charlemagne d'un manuscrit de cette recension. C'est sur la base³⁶ de ce *consensus doctorum* que KZE a cherché à préciser quelle était le type de recension auquel CC a emprunté sa matière.

Au terme de son enquête³⁷ KZE confirme que CC a puisé à la *Dionysiana* 2 et précise qu'il la connaît sous une forme déjà évoluée, en tous les cas modifiée, par rapport à sa forme originelle. Cette recension de la *Dionysiana* 2 est assez proche, à son évaluation, de celle qu'ont pour base la *Dionysiana*-

³³ Voir Glorie, *Dionisii exigui praefationes*, 35-42 et 49-51.

³⁴ Voir Glorie, *Dionisii exigui praefationes*, 43-47.

³⁵ Voir le bilan commode tracé par Abigail Firey, "The *Collectio Dionysiana*" (<http://ccl.rch.uky.edu/dionysiana-article>), et id., "*Dionysiana [collectio]*," in *Diccionario general de derecho canónico*, eds. Javier Otaduy, Antonio Viana, and Joaquín Sedano (Cizur Menor: Thomson Reuters Aranzadi, 2012), III, 346-53.

³⁶ Voir Zechiel-Eckes, "Historisches geordnetes und systematisches Kirchenrecht," 220-23; Zechiel-Eckes, *Die erste Dekretale*, 49-58. *Contra* voir Dominic Moreau, recension de l'ouvrage précédent, *Francia-Recensio* 2014/1 – Mittelalter-Moyen Âge (500-1500), n. 1.

³⁷ Zechiel-Eckes, *Die Concordia canonum des Cresconius*, 5-28.

Hadriana, la *Dionysiana* aucta et la Collection de Würzburg.³⁸ Cette conclusion a d'une part une première conséquence chronologique et soulève d'autre part quelques observations critiques.

La première attestation de la *Dionysiana* 2 se trouve dans une lettre de Jean II de Rome à Césaire d'Arles datée du 7 avril 534³⁹ qui cite d'une part deux canons des Canons des Apôtres, un canon de Néocésarée, et deux canons d'Antioche selon la collection conciliaire de Denys, et d'autre part un extrait d'une lettre de Sirice à Himère de Tarragone en utilisant le système de numérotation de Denys.⁴⁰ Cette indication chronologique, à laquelle KZE n'accorde guère d'importance,⁴¹ corrobore le *terminus post quem* issu de la mention du *Breviarium canonum* de Ferrand.

Est-il possible d'aller plus loin? KZE indique que la recension de la *Dionysiana* 2 utilisée comme source par CC se place, dans l'évolution hypothétique de la *Dionysiana* 2 après la *Dionysiana Bobbiensis*, l'*Hispana* (pour la partie “Décrétales”), la *Collectio Lugdunensis* et la *Collectio Albigenensis*,⁴² en revanche on trouve dans la *Dionysiana-Hadriana* et la *Dionysiana aucta* des additions importantes au sein de la section “Décrétales” qui ne figurent pas

³⁸ Sur ces collections, voir, par exemple, Kéry, *Canonical Collections of the Early Middle Ages*, ou Linda Fowler-Magerl, *Clavis canonum: selected canon law collections before 1140* (Hannover: Hahnsche Buchhandlung, 2005).

³⁹ Philippe Jaffé, *Regesta pontificum romanorum ab condita Ecclesia ad annum post Christum natum MCXCVIII. Editio tertia emendata et aucta iubente Academia Gottingensi*, eds. Mark Schütz et alii (Göttingen: Vandenhoeck und Ruprecht, 2016), 290, n°1743. Pour le texte de cette lettre, voir Charles De Clercq, *Concilia Galliae A. 511-A. 695* (Turnhout: Brepols, 1963), 87-89.

⁴⁰ Voir Firey, “The *Collectio Dionysiana*,” note 58. Vers 550 Vigile de Rome cite un canon carthaginois selon la version dionysienne (Firey, note 59): voir Vigile, *Epistula ad Rusticum et Sebastianum* [Eduard Schwartz et Johannes Straub, eds., *Acta Conciliorum Oecumenicorum*, IV. *Concilium Universale Constantinopolitanum sub Iustiniano habitum*, 1. *Concilli actiones VIII—Appendices Graecae—Indices* (Berlin: De Gruyter, 1971), 188-94; Jaffé, *Regesta pontificum romanorum*].

⁴¹ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 27, n.60.

⁴² Sur ces collections, voir Kéry, *Canonical Collections of the Early Middle Ages*, ou Fowler-Magerl, *Clavis canonum*.

dans CC; CC serait donc à situer antérieurement à ce processus de complémentation.⁴³ Le raisonnement chronologique de KZE connaît ici une inflexion singulière qu'il convient de mettre en évidence: il tend à transformer une donnée d'observation en grande partie d'ordre structurel en une logique de déploiement chronologique. Or un tel type d'inférence est loin d'aller de soi: on sait assez que la logique des idées n'est pas nécessairement celle d'un développement historique *in concreto*.

Par ailleurs le *consensus doctorum* quant à l'histoire des collections dionysiennes apparaît aujourd'hui toujours plus fragile. KZE en était au demeurant bien conscient comme le prouvent un certain nombre de ses incidentes.⁴⁴ Les recherches en cours, par exemple celles d'Abigail Firey (University of Kentucky) et de son projet *Digital Carolingian Canon Law*,⁴⁵ conduisent à envisager avec la plus grande prudence la reconstruction jusqu'ici généralement reçue de la *Dionysiana* 2: "There is a fluctuating and inconsistent set of possible modifications that obscures clear differentiation between the *Hadriana* and the *Dionysiana*."⁴⁶ Cette lourde incertitude invite à ne pas accorder, pour l'instant, trop de poids à des considérations fondées sur une évaluation du degré de mutation de la *Dionysiana* 2, d'autant que l'enquête de KZE a mis en évidence l'existence au IX^e s. de six rédactions différentes de CC caractérisées par des corrections effectuées à l'aide de la *Dionysiana-Hadriana* (entendue classiquement).

KZE a tenté de déterminer un *terminus post quem non* antérieur au manuscrit le plus ancien, celui des fragments de Vérone (VII^e/VIII^e s.). Il a

⁴³ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 24.

⁴⁴ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 23, n. 51; id., "Historisches geordnetes und systematisches Kirchenrecht," 223: "völlig unbefriedigender Forschungsstand zu Textgeschichte (*sicil.* der Dionysio-Hadriana)."

⁴⁵ <http://ccl.rch.uky.edu>

⁴⁶ Abigail Firey, "Mutating Monsters: Approaches to 'Living Texts' of the Carolingian Era," *Digital Proceedings of the Lawrence J. Schoenberg Symposium on Manuscript Studies in the Digital Age*, II/1, 1 (2010): <http://repository.upenn.edu/ljsproceedings/vol2/iss1/1/>

ainsi observé qu'une partie de la tradition manuscrite lie CC à un Appendice qui contient entre autres le symbole de Chalcédoine, une lettre de Mansuetus de Milan à Constantin IV Pogonate (c. 680) et le symbole de foi du concile de Milan (à la même date).⁴⁷ Il a proposé de lier la formation de cet Appendice aux ultimes feux de la Querelle des Trois Chapitres en Italie du nord à la fin du VII^e s. autour de Damien de Milan et du concile de Pavie de 698. Cette analyse a généralement été reçue avec faveur.⁴⁸ Comme cet Appendice est dépendant de CC, il atteste qu'elle est antérieure à la fin du VII^e s., date du subarchétype que KZE est parvenu à reconstituer.

Pour essayer de resserrer la fourchette chronologique, KZE a essayé de préciser le lieu de composition de CC et exclut une composition en Afrique du nord. Ce rejet d'une hypothèse généralement tenue pour solide jusque là repose sur divers arguments de force variable. Le plus fréquemment invoqué par KZE est l'absence de toute trace de réception en Afrique de l'oeuvre de Denys le Petit.⁴⁹ On pourra objecter que les témoins susceptibles d'être convoqués pour cette démonstration sont extrêmement réduits en dehors du *Breviarium canonum* de Ferrand qui effectivement ne manifeste aucune connaissance des travaux dionysiens. La production canonique africaine conservée après Ferrand est en effet extrêmement réduite. Doté d'une puissance de persuasion plus grande paraît être l'argument fondé sur l'ignorance absolue par CC de tout canon africain qui ne soit pas transmis par la *Dionysiana* 2. Raisonnable semble en effet l'hypothèse qui veut que si Cresconius eût été africain il eût eu à coeur de se procurer le texte des canons

⁴⁷ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 86-115 et 387-90.

⁴⁸ Voir Simona Gavinelli, "Testi agiografici e collezioni canoniche in età carolingia attraverso codici dell'Ambrosiana," in *Nuove ricerche su codici in scrittura latina dell'Ambrosiana. Atti del Convegno Milano, 6-7 ottobre 2005*, eds. Mirella Ferrari et Marco Navoni (Milano: Vita e Pensiero, 2007), 53-78, ici 59-78; Fabio Furciniti, "La presenza greca in area latina e i rapporti tra Oriente e Occidente nell'ultima fase del tardo Antico," *Mélanges de l'École française de Rome. Moyen Âge* 124/1 (2012): 235-46.

⁴⁹ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 76.

référéncés par Ferrand dont certains demeurent encore inconnus.⁵⁰ On ajoutera, même si KZE a toujours eu tendance à minorer l'argument,⁵¹ que la *Breviatio canonum* de Ferrand n'est conservée aujourd'hui que par trois manuscrits, dont l'un (BNF Paris Latin 12907) a été copié à Lyon ou en Arles vers 600, attestant par là sa diffusion rapide hors d'Afrique.⁵² En définitive KZE fait l'hypothèse d'une composition de CC en Italie, en lien avec Rome, dans la seconde moitié du VI^e s., sur la base de la géographie (connue ou conjecturée) de la première diffusion de la production canonique de Denys le Petit. Cela reste pour l'auteur de ces lignes une simple hypothèse suggestive.

La *praeformatio*⁵³ ne permet guère de tracer les traits sociotypiques de Cresconius. La déférence du ton laisse supposer que l'auteur, qui s'adresse à un évêque, n'est pas lui-même évêque.⁵⁴ Clerc, moine ou laïc? Il paraît impossible de trancher.⁵⁵ On notera—ce qui ne semble pas avoir été

⁵⁰ Voir Peter Landau, "Die *Breviatio canonum* des Ferrandus in der Geschichte des kanonischen Rechts. Zugleich nochmals zur Benutzung der Dionysiana bei Gratian," in *Ius canonicum in Oriente et Occidente. Festschrift für Carl Gerold Fürst zum 70 Geburtstag*, eds. Hartmut Zapp et alii (Frankfurt am Main: Peter Lang, 2003), 297-309.

⁵¹ Zechiel-Eckes, "Cresconius maculatus," 99.

⁵² Sur le BNF ms. lat. 12097, voir Wolfgang Kaiser, "Beobachtungen zur *Collectio Corbeiensis* und *Collectio Bigotiana* (Hs. Paris BN lat. 12097 und Hs. Paris lat. 2796)," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte / Kanonistische Abteilung* 92 (2006): 63-110. Sur le contexte de diffusion des oeuvres africaines hors d'Afrique, voir Stacey Rebecca Graham, *The Dissemination of North African Christian and Intellectual Culture in Late Antiquity* (PhD diss., University of California, 2005), et Jonathan Conant, *Staying Roman: Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge: Cambridge U. P., 2012). Pour une vue d'ensemble nous nous permettons de renvoyer à Michel-Yves Perrin, "Non solo Agostino. I 'Padri africani' nella vicenda dottrinale e nella elaborazione canonistica della Chiesa latina," in *Africa/Ifriqiya. Il Maghreb nella storia religiosa di Cristianesimo e Islam*, eds. Cesare Alzati et Luciano Vaccaro (Vatican City: Libreria Editrice Vaticana, 2016), 95-123.

⁵³ Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 420-22.

⁵⁴ Le point avait été mis en relief par Pier Francesco Foggini (1713-1783), "Praefatio," in Bekker, *Merobaudes et Corippus*, LVI-LXVI, ici LXIII: voir *Concordia canonum*, 420, l. 8 (*industriam uestrorum exquisitis subiectorum*), et l. 20-21 (*paterna auctoritate instituti*).

⁵⁵ L'expression *Christi famulorum exiguus* par laquelle Cresconius s'autodésigne dans la *praeformatio* ne paraît pas indiquer de manière univoque son appartenance à l'état clérical ou monastique. La formule *Christi* (ou *dei*) *famulus* est en effet une manifestation de

remarqué jusqu'ici—que Cresconius introduit en troisième position de son *Liber canonum* une rubrique n°3 *De monachorum promotione* qui rompt l'ordre de la *Dionysiana* 2.⁵⁶ Un indice de ses intérêts? Cresconius répond à une commande que lui a faite par l'évêque Liberinus:

*ut cuncta canonica constituta, quae ab ipsis exordiis militiae christianae tam sancti apostoli quam apostolici viri per successiones temporum protulere, vobis collegamus in unum, eorumque concordiam facientes ac titulorum praenotationem interponentes ea lucidius declaremus.*⁵⁷

Cresconius a alors proposé à l'évêque le *canonum breviatum* du diacre Ferrand de Carthage, ce qui lui aurait évité de devoir se mettre à l'oeuvre.⁵⁸ Liberinus lui a alors représenté l'insuffisance du *Breviarium*: si l'ouvrage en effet peut servir de simple aide mémoire à ceux qui *illa ipsa iam bene cognita perceperunt*, il n'est guère d'utilité aux *indocti, quorum est maxima multitudo*, car, et ici Cresconius est allusif, indice d'ailleurs de la connaissance qu'a son interlocuteur du *Breviarium*, Ferrand s'étant contenté d'indiquer les références aux canons sans en donner le texte, il faut disposer de livres les contenant et

piété, non une indication de statut, comme le montrent clairement de nombreuses inscriptions ibériques des VI^e-VIII^e s.

⁵⁶ Par ailleurs Cresconius cite en finale (422, 55-57) un court extrait du *De baptismo* [2, 1, 1: Michael Petschenig, ed., *Sancti Aurelii Augustini Scripta contra Donatistas, Pars I* (Wien, Leipzig: F. Tempsky, G. Freytag, 1908), 174] d'Augustin qualifié d'*eximius noster ille [...] doctor*. On notera que Cassiodore désigne Augustin précisément par une formule pratiquement identique (*Institutiones* I, 22 [R. A. B. Mynors, *Cassiodori Senatoris Institutiones* (Oxford: Clarendon Press, 1937), 61, l. 1]: *ipse etiam doctor eximius beatissimus Augustinus*), et que Fulgence de Ruspe qualifie l'apôtre Paul d'*eximius gentium doctor* (*Ad Monimum* I, 13, 2 [J. Fraipont, *Sancti Fulgentii episcopi Ruspensis opera I* (CCSL 91) (Turnhout: Brepols, 1968), 13, l. 43]; *Ad Euthymum* [J. Fraipont, *Sancti Fulgentii episcopi Ruspensis opera II* (CCSL 91 A) (Turnhout: Brepols, 1968), 663, l. 529]).

⁵⁷ *Concordia canonum*, 14-16.

⁵⁸ *Ibid.*, 22-25.

savoir y faire des recherches.⁵⁹ L'ouvrage de Cresconius permettra à l'*aequissimus index* de porter un jugement en ayant sa disposition la variété de la jurisprudence canonique.⁶⁰ L'ouvrage de Cresconius a donc une portée éminemment pratique: il doit permettre à un évêque d'exercer les fonctions de juge qui sont ordinairement les siennes, en lui laissant la liberté de choisir, dans la diversité des précédents canoniques, la disposition la plus adéquate au cas qu'il a traité.

Ferrand, dont le recueil ne comporte pas de préface, avait été l'un des premiers (avec l'auteur des *Statuta ecclesiae antiqua* en Gaule vers 500⁶¹) à tenter de réaliser un type de collection canonique que la tradition historiographique a qualifié avec quelque excès de systématique.

Cresconius reprend l'idée mais essaie de corriger ce qu'avait de suprêmement incommode le recueil du Carthaginois. KZE juge de façon très sévère sa réalisation, en la comparant à la *Collectio Vetus Gallica* (c. 600) que son maître Mordek avait éditée.⁶² En effet CC abandonne très vite le travail de systématisation thématique de la matière fournie par la *Dionysiana* 2 pour suivre, avec quelques variations, l'ordre de son modèle. Dès lors l'organisation thématique tend à être factice.⁶³ Là encore KZE tend à transformer une donnée d'observation en grande partie d'ordre structurel en une logique de déploiement chronologique : l'infériorité de la systématisation à l'oeuvre dans CC par rapport à celle de la *Collectio Vetus Gallica* conduit à estimer qu'il est probable que la première soit antérieure à la seconde.

⁵⁹ Ibid., 26-47.

⁶⁰ Ibid., 48-54.

⁶¹ Voir l'édition de Munier, *Les Statuta ecclesiae antiqua*.

⁶² Hubert Mordek, *Kirchenrecht und Reform im Frankenreich. Die Collectio Vetus Gallica, die älteste systematische Kannonensammlung des fränkischen Gallien. Studien und Edition* (Berlin, New York: De Gruyter 1975). Voir Zechiel-Eckes, *Die Concordia Canonum des Cresconius*, 45.

⁶³ Ibid., 48.

Il resterait peut-être à mener un travail plus précis sur la manière dont Cresconius réorganise la matière issue de la *Dionysiana* à la fois dans les réagencements qu'il lui impose, les modifications qu'il opère dans l'ordre des canons, et, point sur lequel KZE ne s'étend guère, les omissions qui sont les siennes. A un premier examen il est difficile de trouver une logique d'ensemble à l'oeuvre dans l'organisation des sections les plus originales de CC. Nous nous réservons de poursuivre l'enquête lorsque les études sur la *Dionysiana-Hadriana* auront permis de disposer d'une vision plus assurée de l'histoire des collections dionysiennes. Elle permettra peut-être de parvenir à donner une plus forte consistance à un auteur et à un contexte d'élaboration qui demeurent encore, malgré la somme de KZE, relativement fuyants.

III. MEDIEVAL REVIVALS

CHAPTER TWENTY THREE

MINIMA MARGINALLA: SOME OBSERVATIONS ABOUT THE TWO OLDEST MANUSCRIPTS OF THE *COLLECTIO AVELLANA*

MARCO PALMA AND RAFFAELLA CROCIANI

The two oldest manuscripts of the *Collectio Avellana*, BAV ms. vat. lat. 3787 and BAV ms. vat. lat. 4961, were written in the abbeys of Polirone and Nonantola respectively between the end of the eleventh and the beginning of the twelfth century. BAV ms. vat. lat. 4961 is a direct copy of the former manuscript, as the text and the marginal notes (reproduced in their finest details) show beyond all doubt. There was no second antigraph, as Günther assumed on the basis of the partial repetition of the *ep.* 103 and the *inscriptio* of the *ep.* 104 at the end of BAV ms. vat. lat. 4961: it is a typical case of *horror vacui*. The *Damianus clericus Sancte Romane Ecclesie* cited in BAV ms. vat. lat. 4945 is identified as Pier Damiani's nephew, who was later abbot of Nonantola, prior of Fonte Avellana and promoter of the transcription of twelve manuscripts of the utmost textual importance.

The title of our work is self-explanatory in that we have made some marginal observations on the standard edition of the *Collectio Avellana* which

was edited by Otto Günther,¹ and on the work of Mirella Ferrari who recently re-examined the issue of the origins and the links between the oldest manuscripts of the tradition, BAV ms. vat. lat. 3787 and 4961.²

It is thanks to these two scholars that we know that the whole tradition derives from BAV ms. vat. lat. 3787 (*V*), BAV ms. vat. lat. 4691 (*α*) being a direct apograph. All the transcripts of the fifteenth and sixteenth centuries are based on these two manuscripts. On the basis of the notes about ownership written in the fourteenth century by the librarian Cristoforo di Valsassina, Ferrari concluded that *V* was written in Polirone while *α* was written in Nonantola, thus confirming a hypothesis made nearly forty years ago.³ It was under Matilde of Tuscany that both works were written, one shortly after the other, and they can be dated back to the end of the eleventh century and the beginning of the twelfth.⁴

Günther in his *Prolegomena*⁵ dedicates several pages to the details that will be discussed in this paper. BAV ms. vat. lat. 4691 ends with *ep.* 244 (Epiphanius to Diodorus) in fol. 108vb, leaving almost half a column empty. The text of part of *ep.* 103 begins in fol. 109ra with the words [*re*]ceptionis effectum and continues to the end with the addition of the *inscriptio* of *ep.* 104,⁶ followed by the well known *ex libris*: *Hunc librum adquisivit dominus Damianus Sanctae ⁊*. Günther concludes that a different person wrote this even if that

¹ Otto Günther, ed., *Epistolae imperatorum, pontificum, aliorum inde ab a. CCCLXVII usque ad a. DLIII datae, Avellana quae dicitur collectio*. I. *Prolegomena*. *Epistolae* I-CIV, II. *Epistolae* CV-CCXXXIII. *Appendices. Indices* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898).

² Mirella Ferrari, "Fonte Avellana, Polirone e la *Collectio Avellana*," in *Studi in onore di Maria Grazia Albertini Ottolenghi*, eds. Marco Rossi, Alessandro Rovetta, and Francesco Tedeschi, with the collaboration of Alessandro Barbieri and Paolo Bosio (Milano: Vita&Pensiero, 2013), 23-29.

³ Ferrari, "Fonte Avellana," 28; Marco Palma, *Da Nonantola a Fonte Avellana. A proposito di dodici manoscritti e di un dominus Damianus*, *Scrittura e civiltà* 2 (1978): 221-30.

⁴ Ferrari, "Fonte Avellana," 29.

⁵ Günther, *Epistolae*, XXXX-XLII.

⁶ Günther, *Epistolae*, 480, l. 14 - 487, l. 13.

person was writing almost at the same time as the four transcribers of the codex.⁷

The added text is written out on the second page (109) of a bifolium the first page of which contains the last part of the whole *Collectio*. It can also be read in BAV ms. vat. lat. 3787 in fol. 102rb l. 31-104ra l. 5 and in the transcript of it BAV ms. vat. lat. 4961 (fol. 64vb l. 43 - 65vb l. 27).

Günther assumes that the bifolium comes from a slightly older manuscript which the last transcriber of the *Avellana* text must have removed and folded the opposite way to its original position so that he could finish copying ep. 244. Günther believes that the other possible explanation, i.e. that the repetition of part of the ep. 103 text and of the 104 *inscriptio* is due to *fuga vacui* is unlikely because the text begins with the word *receptionis* with its first syllable missing.⁸ This conclusion is significant and decisive when it comes to the composition of the text:

Sed quocumque modo de hac re indicaueris, certum est fragmentum illud, quod littera F significauit, neque ex V neque ex α descriptum esse. Quamquam enim plurimis locis easdem quas V α exhibet corruptelas nonnullisque, ubi V α ueram lectionem proferunt, ipsum habet corruptam, tamen non desunt, ubi ueram scripturam serauerit F, corruptam praebeant V α; cf. 482, 7 nullus F: nullus V α; 484, 5 poena F: poenas V α; 487, 12 diaconibus F: diaconis V α. Statuendum igitur codicem, ex quo F fluxit sine ad quem ipsum pertinnit, ut Uaticani V simillimum ita eo hic illic paulo fuisse meliorem.⁹

⁷ Günther, *Epistulae*, XVII-XVIII, XXXX. In actual fact there could have been five transcribers if we consider fol. 1ra-2va l. 18 *et nonnulli* as being written by a different transcriber to the one that copied up to fol. 63vb.

⁸ Günther, *Epistulae*, XXXX-XXXXI.

⁹ Günther, *Epistulae*, XXXXI-XXXXII.

It therefore follows that fragment *F* should be collocated in the *conspectus siglorum* and considered to be from the tenth/eleventh century.¹⁰ The validity of the grounds for Günther's assertion, i.e. that *F* is a slightly better text in parts despite it being very similar to *V*, will now be analysed. What we are dealing with is an extract from the *Collectio* which is found not in two documents, *V* and *α*, but in three, one of which appears to be what remains of a lost manuscript.

When the texts of *V* and *α* are closely compared with text *F* scores of differences are found most of which are very common occurrences such as the confusion between *c* and *t* (*paciamur/patiamur, eciam/etiam, pernicies/pernities*),¹¹ the misreading or missed reading of abbreviation signs (*praeponere/proponere, quod/qui, st/sunt*),¹² the omission of words due to *homoeoteleuton* (*et effici/et effici non potest quod cum eodem effici*),¹³ different spellings of the diphthong *ae* (*Aecclesia/Ecclesia, propriae/proprie, divine/divinae*),¹⁴ slight variations in verbs with similar meanings (*extimans/aestimans, extimarat/estimarat*),¹⁵ the simplifying of double negatives (*nullo modo posse/nullo modo non posse*),¹⁶ a change in order in the final list of names (*Acatio Constantinopolitano* after *Dioscoro* instead of after *Petroque Alexandrino*).¹⁷ These can all be considered minimal variations that can be attributed to the intentional or unintentional initiative of the transcriber.

The three cases which led Günther to conclude that the text repeated below *α* comes from an antigraph *F* which was different from *V* will now be considered. The difference between *Nullius* and *nullus* and between *poena* and

¹⁰ Günther, *Epistulae*, XCII.

¹¹ Günther, *Epistulae*, 481, l. 4; 483, l. 9; 482, l. 9.

¹² Günther, *Epistulae*, 482, l. 9; 485, l. 14; 481, l. 21.

¹³ Günther, *Epistulae*, 481, ll. 22-23.

¹⁴ Günther, *Epistulae*, 481, l. 12; 482, l. 12; 483, l. 18.

¹⁵ Günther, *Epistulae*, 482, l. 5; 482, l. 8.

¹⁶ Günther, *Epistulae*, 482, l. 5.

¹⁷ Günther, *Epistulae*, 486, ll. 18-19.

poenas is only one letter; this is a common occurrence in these manuscripts and cannot justifiably be said to come from a different antigraph. As for the third case, *diaconibus* instead of *diaconis* in both *V* and *α* in the *inscriptio* of *ep.* 104, this is an alternative form which was well known among people who were used to copying texts from Late Antiquity and the Early Byzantine ages.¹⁸

Therefore, it may be concluded that strict adherence to the Lachmann method makes the existence of a third manuscript feasible even if evidence of this is only to be found in a very small part of the *Collectio*. The great philologists of the eighteenth and nineteenth century, of whom Günther is a fine example, tended to ignore the autonomy of scribes, reducing their role to a mechanical reproduction of the text. However, as Augusto Campana noted, behind a codex there was always a man (or a woman) whose ability to understand and, if necessary, correct the text in front of him/her, cannot be ignored. This is becoming more and more apparent in the study of incunabula, where numerous examples of print reveal the fine revision work of editors and writers.¹⁹

Moreover, there are other reasons to question Günther's interpretation which is based on the supposition that the bifolium with the rewritten text comes from an older codex than BAV ms. vat. lat. 4961. Fol. 108 and 109 in *α* have exactly the same layout as the rest of the manuscript: two fifty-line columns with a fifteen millimetre space between them. The first and the last two or three ruled lines go over to the outside margin. Two small columns are drawn outside the two main columns. The ruling of the codex was carried

¹⁸ Günther considers the lesson of *diaconibus* genuine since it was upheld by Berliner lat. 79 (Phillipps 1776), from the ninth century (B), and by an edition issued in Basel in 1532 (*ψ*): Günther, *Epistulae*, XXXXII, LXXV-LXXVI.

¹⁹ Lotte Hellinga, *Texts in Transit. Manuscript to Proof and Print in the Fifteenth Century* (Leiden, Boston: Brill, 2014), 37-101.

out one bifolium at a time on the hair side, guided in each quire by pricking in a 1r-8v direction. Also in ff. 108 e 109 pricking and ruling are carried out in the same way.

This is evidently a bifolium that was originally added after the last quire so as to finish the copying of the *Collectio*. However, only the *recto* and part of f. 108 *verso* were required, which thus left part of column b and all f. 109 free. It is on this f. 109 that the final part of *ep.* 103 is written as well as the *inscriptio* of 104, beginning part of the way through the word *receptionis*. In the space between the columns on fol. 64v a sign in the shape of a hammer indicates the beginning of the passage together with a vertical line separating *recept* from *ionis*, so it is not exactly in line with the text that was added.

As has already been noted, Günther rejects the idea that the passage copied is a filler and opts for a more complex and unlikely explanation. Yet, examples of *horror vacui* are frequently to be found in medieval artistic and graphic forms and would seem to be the most feasible reason for this repetition which was undoubtedly carried out during the original transcription work of the *Collectio*, as can be seen in the *colophon* placed after the *ep.* 104 *inscriptio* so as to glorify more *domnus Damianus* who gave great importance to this type of text, as will be illustrated by Raffaella Crociani shortly.

Now that the origin and the links between the two oldest examples of the tradition of the *Collectio*, BAV ms. vat. lat. 3787 e BAV ms. vat. lat. 4961,²⁰ have been defined by Marco Palma, the margins of the two Vatican manuscripts can be analyzed both in the literal and metaphorical sense. The

²⁰ Cf. notes 1 e 2.

aim is to shed some new light on the individuals, be they patrons, beneficiaries or simply readers, who were involved for various reasons in the sudden reappearance and circulation of the Avellana canonical collection between the eleventh and twelfth centuries.

With this aim in mind, a preliminary analysis of each epistle was carried out referring back and forth to Günther's edition. This analysis concentrated on all marks used by the various scribes to indicate references, emphasis etc. that can be found in the margins or any blank spaces in the two texts, paying special attention to marks added by XI-XII century hands. In this specific context the term reference and emphasis marks means all the annotations in these two mediaeval works of the *Collectio*, ranging from the simple sign for *Nota* (*nt*, or *not* or *nota*, expressed in various ways), and the marking of some passages or subjects of particular importance for the reader/user (e.g. *De primatu*, *epp.* 45, 58, 70 and 95, or *De accusationibus et testibus*, *ep.* 46, or *Fides Anastasii imperatoris et quid de synodo Chalcedonensi senserit*, *ep.* 195), to some actual notes in the margins which add more information about what is written in the text (*ep.* 83). Other marks in the text were excluded (dots, hyphens, *y*, tilde) from the analysis because it was difficult to define their function although in some cases they would seem to indicate textual or grammatical corrections.

After this stage in the analysis it was possible to distinguish between the reference and emphasis marks and notes which were present in both *V* and *α*, and had passed from antigraph to apograph almost identically, from those present only in *V* or *α*. All the diacritical signs and notes were then given to Giulia Marconi in order for her to carry out a more thorough textual and contextual analysis which she will explain in her part of this book.

The most frequently used emphasis mark in *V* is the sign *NOTA* (spelt using all four letters of the word and written in capitals) (Fig. 23-1 and 23-2).

The transcribers who copied α wrote only the first three letters *NOT*, again in capitals in an effort to make the contents as similar as possible to the original *V*. These signs and annotations were definitely added to *V* during or shortly after copying in that they were passed over in an identical form to BAV ms. vat. lat. 4961, copied shortly after *V* (Fig. 23-3 and 23-4). The fact that there is no antigraph of *V* means it is not possible to determine whether the emphasis and reference marks and annotations were originally in *V* or if they too were copied. In some cases the notes in *V* were interpreted by the writers of α as belonging to the text itself and as such were written within the column of the text and not in the margin (*ep. 1: Quae verae sunt venerans lector, quae in detractorem Romani pontificis et in defensionem hereticorum inveneris, cave*).

In general *V* has a large number of emphasis marks written by various copiers and expressed with the sign *NOTA* (especially present in some epistles) and few notes in the margins. Amongst these as well as the one from epistle 1 mentioned above, there is the following one from epistle 95: *Sedes Apostolica potest solvere ligata omnium pontificum* and [...] *Romani presules constrinxerunt [reges]*.

Some of the emphasis marks and notes in the margins which are to be found only in α are of even greater interest. These were probably added when the copying process from the original was over. The note writers/readers of α use the sign *nota* or *nta* or *nt* (again in small letters but written in different ways) to draw attention. Furthermore, in the margins of the text columns or in the spaces left blank in the lower or upper margins, the following notes written by different hands are to be found: *Servet mathema vitare volens anathema* (fol. 45r, epp. 88-89); *Ubi spiritus Domini, ibi libertas* (c. 49vB, *ep. 94*); *De apostolicae sedis privilegio* (fol. 51r); *His cunctis supra sedes Petri [micat?] una* (fol. 51r, *ep. 95*; Fig. 23-5) *Qualiter [obstitum] sit regibus a sanctis praesulibus* and *Hec*

mala Acacii Constantinopolitani (c. 53r, ep. 95) and *De vexatione in catholicos ab hereticis facta* (fol. 60r, epp. 98-99).

The results of the analysis of α , together with the knowledge of the place of production and conservation of the original and the date it came into the Vatican Library suggested that it would be useful to widen the research to other manuscripts from Nonantola that show evidence of their *adquisitio* by the known—but also not so known—*domnus Damianus*. It would be interesting to see whether it is possible to discover the existence of a shared or shareable note system within what can be defined as a veritable *corpus*.²¹ All of the twelve manuscripts examined, including BAV ms. vat. lat. 4961 have the *Damianus ex libris*, *Hunc librum adquisivit domnus Damianus Sanctae* † and were copied in Nonantola for the S. Croce di Fonte Avellana hermitage, as was mentioned by Rita Lizzi Testa in the introduction.²²

Although the emphasis marks and the notes of that period found in the *corpus* manuscripts were copied by many different hands, there is very little variety of type. The most common emphasis mark is again the sign *nota* which is written in various ways, using at times two or three letters. These were undoubtedly numerous comments made by the clergy and readers at different times but around the same period. Amongst the various hands it may be possible to identify the same people that wrote the sign *nota* in small letters in the margins, as was referred to earlier. However, the sign *nota* is never to be found in the *NOT* form present when it is copied from *V*; this shows that copiers of *a* were very aware they were copying from the original copy. As in BAV ms. vat. lat. 4691, also in the other eleven works of the *corpus* here are annotations to be found written by one or more hands in the

²¹ For the status of *domnus Damianus* cf. Ferrari, “Fonte Avellana,” the last summary of the subject.

²² The manuscripts in question are BAV ms. vat. lat. 202, 213, 251, 455, 483, 509, 520, 4242, 4919, 4945, 4950 e 4961. For a description of the single manuscripts, cf. Maria Pia Branchi, *Lo scriptorium e la biblioteca di Nonantola* (Modena: Artestampa, 2011).

side, lower and upper margins that emphasize or comment on parts of the text. Unfortunately, the analysis of these few signs does not provide enough evidence to further identify the individuals who were involved in the copying of the *Collectio* documents between the eleventh and twelfth centuries.

However, analysis of the individual works has led to the discovery, or rediscovery, of a rubric containing yet again the name of the increasingly famous *Damianus*. The BAV ms. vat. lat. 4945 manuscript which is now divided into two different parts contains the following text written in red on folio 6vB at the end of the first part: *Hanc deflorationem ex tractatu sancti Hieronimi in Ysaya propheta Damianus clericus Sanctae Romanae Ecclesiae transcribere studuit* (Fig. 23-6). The rubric refers to the text below, the comment made by Jerome to Isaiah, currently to be found in the second part of the manuscript. It is not clear why the codex which was originally a single work, was divided into two in such an incongruous way with two different bindings but one shelfmark. In any case, this is how it appeared in the 1930s when it was described by Mercati thus:

[...] split in two, the first fragment (ff. 1-6) wrapped in cardboard, perhaps in the eighteenth century, and the rest had Paul V binding. The Sirleto nr. is not there, perhaps having gone missing in the ruination of f. 1, a piece of which containing the words, 'In hoc libro contine[...] Concilium Nicenum copiosius quam in impresso' is stroked out on a sheet of parchment and inserted in the first part, while another little part with the rest of the index is in the second part. It was the 92 Sirleto theological ms., 'Concilium Nycenum copiosius quam in impressis. D. Hieronymi in Esaia lib. 18. Eiusdem interpretatio libri Didimi de Spiritu S.to. Eiusdem a Ctesiphont. in eos, qui apathian praedicabant.' In f. 6v there is a rubric written in capital

letters, “Hanc deflorationem ex tractatu S. Hieronimi in Ysaya propheta
Damianus clericus Sanctae Romanae Ecclesiae transcribere fecit.²³

Thus the discovery of the rubric is not new since Mercati had already analysed it even though he did not comment on the identity of *clericus Damianus*. He also made a mistake when copying the last word of the text which is *studuit* and not the more general and common term, *fecit*. Unfortunately the division of the work into two parts has not allowed scholars interested in the manuscript to analyse it in detail over the years. Neither Vitaletti in 1918 nor Palma in 1978 were able to see the first part of the codex, that is, the part containing the rubric with the name Damiano; it is only the more recent part of the bibliography that shows that there were different sections.

The history of BAV ms. vat. lat. 4945 has been traced, albeit with some omissions, with the main aim of studying the identity of *Damianus clericus Sanctae Romanae Ecclesiae* who dedicated his time, passion and effort (*studuit* and not *fecit*) to having some passages of the comments Jerome made to Isaiah copied out. The most important and most immediate reference leads to Damiano, s. Pier Damiani’s sister’s son, the abbot of Nonantola and prior of Avellana who commissioned a commentary on Isaiah from the bishop of Segni, s. Bruno, which was composed between Christmas 1081 and Easter 1082.²⁴

²³ Giovanni Mercati, *Codici latini Pico Grimani Pio e di altra biblioteca ignota del secolo XVI esistenti nell'Ottoboniana e i codici greci Pio di Modena* (Vatican City: Biblioteca Apostolica Vaticana, 1938), 125. The codex had already been described in a paper in 1899, then published in 1937, but without pointing out that it had been divided into two parts: cf. id., “Il codice dell’Avellana e *domnus Damianus*” (1899), printed again in *Opere minori*, II (Vatican City: Biblioteca Apostolica Vaticana, 1937), 245-49.

²⁴ *Ibiq[ue] cum satis otiosus cunctisque saeculi negotiis liber essem, cumq[ue] praesertim Damianus venerabilis abbas et unus ex septem Sacri Palatii diaconibus me rogasset, confisus in eum qui ait aperi os tuum. Et quoniam ipsum per se volumen satis magnum et prolixum est, ideo, prout potui,*

It is quite likely that once he had advanced in his ecclesiastic career and become *venerabilis abbas et unus ex septem Sacri Palatii diaconibus*, Damiano asked the future abbot of Montecassino for a new interpretation of the text that he had loved when he was still *clericus Sanctae Romanae Ecclesiae*. Such was his passion for the work that he may well have had it copied years later in one of the twelve precious codices he decided to take with him to Avellana that bear witness to his interests, refined culture and his ability to organize collections.²⁵

Appendix

The following table gathers together all the signs for emphasis and reference added by people from the XI to the XII century to two of the oldest examples of the *Collectio Avellana* manuscript tradition (BAV ms. vat. lat. 3787 e BAV ms. vat. lat. 4961). The Latin text is quoted from Günther's modern edition following Günther's formula: page number, line number, text. The manuscripts are with reference to the folio, the face/side, then the column. At the end of the paper there are photo attachments showing the emphasis signs and the format of the notes. References are also given for Günther's *Prolegomena* when observations about emphasis marks and note forms in some specific epistles are made.

brevitati studui. Cf. Carlo Lucchesi, ed., *S. Brunonis Astensis Commentaria in Isaiam ex cd A. 136 Civ. Bibl. "Archigymnasii" urbis Bononiae restituta* (Bologna: Coop. tip. Azzoguidi, 1913), 5.

²⁵ About the life and works of the abbot of Nonantola, Damiano, nephew of St Peter Damiani, cf. Branchi, *Lo scriptorium*, 80 and ff.

M BAV ms. vat. lat. 3787 (V)	BAV ms. vat. lat. 4961 (u)
<p>Epistle 1</p> <p>Günther, 1,1 Note on fol. 2vA, in the margin: <i>Quae verue sunt venerans lector, quae in detractonem romani pontificis et in defensionem hereticorum inveneris, cave.</i></p>	<p>Epistle 1</p> <p>Günther, 1, 1 Note on fol. 2rA, partly in the column, partly between the columns: <i>Quae verue sunt venerans lector, quae in detractonem romani pontificis et in defensionem hereticorum inveneris, cave.</i></p>
	<p>Epistle 2</p> <p>Günther, 5, 7 Emphasis sign on fol. 2vB, in the margin: <i>Nota Bene.</i></p> <p>Günther, 16, 18 Attention catching sign on fol. 4rB, in the margin: <i>nota</i> written as a monogramme.</p> <p>Günther, 16, 20 e 18, 6 Attention-catching sign on fol. 4vA, in the margin: <i>nota</i> written as a monogramme and <i>NT</i>.</p>
	<p>Epistle 2a</p> <p>Günther, 45, 1 Note on fol. 8vB, in the margin: R <i>Aug</i> with R stroked out and <i>Aug</i> with a dash over it.</p>
	<p>Epistle 37</p> <p>Günther, 84, 10 Attention-catching sign on fol. 14vA, in the margin: <i>nota</i> written as a monogramme.</p>

<p>Epistle 45</p> <p>Günther, 99, 9-10 Note on fol. 23rB, in the margin: <i>De</i> [...] <i>nola</i>.</p> <p>Günther, 100, 24-25 Attention-catching sign on fol. 23vA, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 101, 18-19 Attention-catching sign on fol. 23vB, between the columns: <i>NOTA</i> written as a monogramme.</p>	<p>Epistle 43</p> <p>Günther, 98, 15-16 Attention-catching sign on fol. 16vA, in the margin: <i>nt</i> written as a monogramme.</p>
<p>Epistle 45</p> <p>Günther, 99, 8-10 Attention-catching sign on fol. 16vA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 100, 8 Attention-catching sign on fol. 16vB, in the margin: <i>nola</i> written as a monogramme.</p>	<p>Epistle 45</p> <p>Günther, 99, 8-10 Attention-catching sign on fol. 16vA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 100, 8 Attention-catching sign on fol. 16vB, in the margin: <i>nola</i> written as a monogramme.</p>
<p>Epistle 46</p> <p>Günther, 105, 19-20 and 106, 9-10, 22-23 and 107, 12 Note on fol. 24vA, in the margin: <i>De accusationibus et testibus</i>. Attention-catching sign on fol. 24vA, in the margin and between the columns: <i>NOTA</i> written as a monogramme.</p>	<p>Epistle 46</p> <p>Günther, 105, 19-20 and 106, 9-10, 22-23 and 107, 12 Note on fol. 17vAB, in the margin: <i>De accusationibus et testibus</i>. Attention-catching sign on fol. 17vAB, in the margin and between the columns: <i>NOTA</i> and <i>NOT</i> written as a monogramme.</p>

	Günther, 107, 3-5 and 26-27 Attention-catching sign on fol. 17vAB, in the margin and between the columns: <i>not/nota</i> written as a monogramme.
	Epistle 47 Günther, 109, 4-5 and 110, 18 Attention-catching sign on fol. 18rAB, in the margin: <i>not/nota</i> written as a monogramme.
	Epistle 50 Günther, 115, 9 Attention-catching sign on fol. 18vB, in the margin: <i>not/nota</i> written as a monogramme.
	Epistle 53 Günther, 121, 4-5 Attention-catching sign on fol. 19vA, in the margin: <i>not/nota</i> written as a monogramme. Günther, 121, 19 and 122 Attention-catching sign on fol. 19vB, in the margin: <i>not/nota</i> written as a monogramme.
Epistle 56	Epistle 56 Günther, 125, 4-5 Attention-catching sign on fol. 20rA, in the margin: <i>not/nota</i> written as a monogramme.

Günther, 127, 21-23 Attention-catching sign on fol. 28rB, in the margin: <i>NOTA</i> written as a monogramme.	Günther, 127, 21-23 Attention-catching sign on fol. 20vA, in the margin: <i>NOT</i> written as a monogramme.
Günther, 129, 9-10 Attention-catching sign on fol. 28rB, in the margin: <i>NOTA</i> written as a monogramme.	Epistle 58
Günther, 132, 17 Attention-catching sign on fol. 29rA, between the columns: <i>NOTA</i> written as a monogramme and nota: <i>De primatu</i> .	Günther, 132, 17 Attention-catching sign on fol. 21rA, between the columns: <i>NOT</i> written as a monogramme.
Epistle 66	Epistle 66
Günther, 148, 12-16 and 149, 11-12 Attention-catching sign on fol. 32r, in margins and between columns: <i>NOTA</i> written as a monogramme	Günther, 148, 12-16 and 149, 11-12 Attention-catching sign on fol. 23r, in margins and between column: <i>NOT</i> written as a monogramme
Epistle 68	
Günther, 151, 5-6 Attention-catching sign on fol. 32vA, between the columns: <i>NOTA</i> written as a monogramme.	
Epistle 69	
Günther, 154, 18-19 Attention-catching sign on fol. 33vA, in the margin: <i>NOTA</i> written as a monogramme.	

Epistle 70 Günther, 159, 4-5 and 8-10 and 13-14 Attention-catching sign on fol. 34rB e 34vA, in the margin: <i>NOTA</i> written as a monogramme. Note on fol. 34rB, in the margin: <i>De pr[im]atui</i> .	Epistle 70 Günther, 159, 4-5 e 8-10 and 13-14 Attention-catching sign on fol. 24vA, in the margin: <i>NOTA/NOT</i> written as a monogramme
	Epistle 72 Günther, 180, 14-15 Attention-catching sign on fol. 26rA, in the margin: <i>nt/ not</i> written as a monogramme.
	Epistle 75 Günther, 196, 29 and 197, 1-3 Attention-catching sign on fol. 27rA, in the margin: <i>nta</i> written as a monogramme. Epistle 81 Günther, 227, 25-26 and 228, 9-10 Attention-catching sign on fol. 29vB, in the margin: <i>nt/ nta</i> written as a monogramme.
Epistle 83	Epistle 83 Günther, 231, 9 Attention-catching sign, in the margin, on fol. 30rB: <i>nt/ nta</i> written as a monogramme. Günther, 233, 7 Attention-catching sign, in the margin, on fol. 30vA: <i>nt/ nta</i> written as a monogramme.

<p>Günther, 287, 1 Note on fol. 56vB, in the margin: <i>Cyrillus hic ad Iohannem Antiochenum scribens dicit.</i></p> <p>Günther, 288, 4 Note on fol. 57rA, in the margin: <i>Item Cyrilli ex supradicta Epistole in qua prohibet defunctum Theodorum dampnari.</i></p> <p>Günther, 288, 17 Note on fol. 57rB, in the margin: <i>Hic Proclus ad Iohannem scribens loquitur.</i></p> <p>Günther, 289, 16 Note on fol. 57rB, in the margin: <i>Hic evidenter ostendit [...] ignoretur persona cui sint superius dampnata capitula exscriptis Procli quae ad Maximum diaconum destinavit.</i></p> <p>Günther, 290, 2 Note on fol. 57vA, in the margin: <i>In litterarum susceptione Iohannis et doctrina Theodori suscepta cognoscitur; Hic dicitur mortuos non debere dampnari.</i> Also attention-catching signs: NOTA written as a monogramme.</p> <p>Günther, 290, 14 Note on fol. 57vA, in the margin: <i>Ex scriptis Leonis pp. [quae] ad Theodorum Forliviensem destinavit [...] post obitum quamquam dampnari sebe [sic] absolvi.</i></p>	<p>Günther, 287, 1 Note on fol. 38rA, in the margin: <i>Cyrillus hic ad Iohannem Antiochenum scribens dicit.</i></p> <p>Günther, 288, 4 Note on fol. 38rA, in the margin: <i>Item Cyrilli ex supradicta Epistole in qua prohibet defunctum Theodorum dampnari.</i></p> <p>Günther, 288, 17 Note on fol. 38rB, in the margin: <i>Hic Proclus ad Iohannem scribens loquitur.</i></p> <p>Günther, 289, 16 Note on fol. 38rB, in the margin: <i>Hic evidenter ostendit [...] ignoretur persona cui sint superius dampnata capitula exscriptis Procli quae ad Maximum diaconum destinavit.</i></p> <p>Günther, 290, 2 Note on fol. 38rB, in the margin: <i>In litterarum susceptione Iohannis et doctrina Theodori suscepta cognoscitur; Hic dicitur mortuos non debere dampnari.</i> Also attention-catching signs: NOT written as a monogramme.</p> <p>Günther, 290, 14 Note on fol. 38rB, in the margin: <i>Ex scriptis Leonis pp. [quae] ad Theodorum Forliviensem destinavit [...] post obitum quamquam dampnari sebe [sic] absolvi.</i></p>
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<p>Günther, 290, 22 Note on fol. 57vA, in the margin: <i>Similiter scribit et Gelasius papa ad Dardania</i> [sic] <i>episcopo</i>.</p> <p>Günther, 291, 7 Note on fol. 57vB, in the margin: <i>Item Gelasii papae ex gestis synodaliibus de Meseni episcopi</i> [...] <i>similis superioribus sententia</i> [promulgatur].</p> <p>Günther, 291, 24 Note on fol. 57vB, in the margin: <i>Hic evidenter ostenditur illos dampnatos esse qui sedes apostolica dampnaverit et illos a dampnatione liberos in quorum dampnatione sedis apostolica minime consentit</i>. Also attention-catching sign: NOTA written as a monogramme.</p> <p>Günther, 291, 29 Note on fol. 57vB, in the margin: <i>Hic ex historia Pamphili Eusebii exemplum inducitur ubi post mortem nepotis doctrina eius [...] iudicium habet intellectum a Dionisio episcopo Alexandrie sine contumelia</i> [nominis] <i>eius sine persone</i>.</p> <p>Günther, 293, 5</p>	<p>Günther, 290, 22 Note on fol. 38vA, in the margin: <i>Similiter scribit et Gelasius papa ad Dardania</i> [sic] <i>episcopo</i>. Also attention-catching sign: NOT written as a monogramme.</p> <p>Günther, 291, 7 Note on fol. 38vA, in the margin: <i>Item Gelasii papae ex gestis synodaliibus de Meseni episcopi</i> [...] <i>similis superioribus sententia</i> [promulgatur].</p> <p>Günther, 291, 24 Note on fol. 38vA, in the margin: <i>Hic evidenter ostenditur illos dampnatos esse qui sedes apostolica dampnaverit et illos a dampnatione liberos in quorum dampnatione sedis apostolica minime consentit</i>. Also attention-catching sign: NOTA/NOT written as a monogramme.</p> <p>Günther, 291, 24 Note on fol. 38vA, in the margin: <i>Hic ex historia Pamphili Eusebii exemplum inducitur ubi post mortem nepotis doctrina eius [...] iudicium habet intellectum a Dionisio episcopo Alexandrie sine contumelia</i> [nominis] <i>eius sine persone</i>.</p> <p>Günther, 293, 5</p>
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<p>Note on fol. 58rB, in the margin: <i>Hic clam Theodorito [lo]quitur</i>.</p> <p>Günther, 293, 14 Attention-catching sign on fol. 58rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 293, 20-21 Attention-catching sign on fol. 58rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 297, 3-4 Note on fol. 59rB, in the margin: <i>Ta[cito] [nomine] Pelagium d[...]</i> <i>introduc[...]</i>.</p>	<p>Note on fol. 38vB, between the columns: <i>Hic clam Theodorito [lo]quitur</i>.</p> <p>Günther, 293, 14 Attention-catching sign on fol. 38vB, between the columns: <i>NOTA/NOT</i> written as a monogramme.</p>
<p>Epistle 92</p> <p>Günther, 349, 9 (or p. 350, 8) Attention-catching sign on fol. 71vB, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 349, 16 Attention-catching sign on fol. 71vB, between the columns: <i>NOTA</i> written as a monogramme.</p>	<p>Epistles 88-89</p> <p>Note on fol. 45r, in the margin at bottom of page <i>Servet mathema vitar[is] volens andthema</i>.</p> <p>Epistle 92</p> <p>Günther, 349, 16 Attention-catching sign on fol. 47rA, between the columns: <i>NOTA</i> written as a monogramme.</p>

<p>Günther, 351, 9-10 (or 352, 10-11) Attention-catching sign on fol. 71vB, between the columns: <i>NOTA</i> written as a monogramme.</p>	
<p>Epistle 94</p> <p>Günther, 368, from 16 onward Attention-catching signs on fol. 76v, between the columns: <i>NOTA</i> written as a monogramme</p>	<p>Epistle 94</p> <p>Günther, 365 Note on fol. 49v, in the margin at bottom of page: <i>Ubi spiritus Domini, ibi libertas</i>.</p> <p>Günther, 368 from 16 onward Attention-catching signs on fol. 50r, between the columns: <i>NOT/NOTA</i> written as a monogramme.</p>
<p>Epistle 95</p> <p>Günther, 370, 23 Attention-catching sign on fol. 77rA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 372, 11-12 Attention-catching sign on fol. 77rB, in the margin: <i>NOTA</i> written as a monogramme and note: <i>de prima[ul]</i>.</p> <p>Günther, 372, 17-18 Attention-catching sign on fol. 77rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 373, 8-9 Attention-catching sign on fol. 77vA, in the margin: <i>NOTA</i> written as a monogramme.</p>	<p>Epistle 95</p>

<p>Günther, 373, 13-14 Attention-catching sign on fol. 77vA, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 374, 23 Attention-catching sign on fol. 77vA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 375, 8 Attention-catching sign on fol. 78rA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 376, 12-13 Attention-catching sign on fol. 78rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 376, 17-18 Attention-catching sign on fol. 78rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 377, 4 Attention-catching sign on fol. 78rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 377, 19 and following.</p>	<p>Günther, 373, 7-8 Attention-catching sign on fol. 50vA, in the margin: <i>NOT</i> written as a monogramme.</p> <p>Günther, 373, 13-14 Attention-catching sign on fol. 50vA, in the margin: <i>NOTA</i> written as a monogramme.</p>
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<p>Attention-catching sign on fol. 78v, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 378, 9-10 Attention-catching signs on fol. 78vA, in the margin and between the columns: <i>NOTA</i> written as a monogramme and note: <i>Sedes Apostolica potest solvere ligata omnium pontificum</i>.</p>	<p>Günther, 378, 9-10 Attention-catching sign on fol. 51rB, in the margin: <i>ula</i> written as a monogramme.</p> <p>Günther, 378, 12 Attention-catching sign on fol. 51rB, in the margin: <i>ula</i> written as a monogramme.</p> <p>Günther, 379, 3 and following Attention-catching sign on fol. 51rB, in the margin: <i>ula</i> written as a monogramme. Note on fol. 51r, written perpendicular to the handwritten text: <i>DE APOSTOLICAE SEDIS PRIVILEGIO</i>. In the margin at bottom of page, a different hand, note: <i>His cunctis supra sedes Petri [initial] una</i>.</p>
<p>Günther, 382, 8 Attention-catching sign on fol. 79rB, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 382, 11 Attention-catching sign on fol. 79vA, in the margin: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 386, 20 Attention-catching sign on fol. 80vA, in the margin: <i>NOTA</i></p>	<p>Günther, 382, 8-9 Attention-catching sign on fol. 51vB, in the margin: <i>NOT/NOTA</i> written as a monogramme.</p> <p>Günther, 382, 11 Attention-catching sign on fol. 51vB, in the margin: <i>NOT/NOTA</i> written as a monogramme.</p>

<p>written as a monogramme.</p> <p>Günther, 388, 19 Attention-catching sign on fol. 80vA, between the columns: <i>NOTA</i> written as a monogramme.</p> <p>Günther, 390, 15 Attention-catching sign on fol. 81rB, in the margin: <i>NOTA</i> written as a monogramme and note: <i>Quod Romani presules constrinxerunt reges.</i></p>	<p>Günther, 388, 6 Attention-catching sign on fol. 52vA, in the margin: <i>ula</i> written as a monogramme.</p> <p>Günther, 388, 17-19 Attention-catching sign on fol. 52vA, in the margin: <i>NOT</i> written as a monogramme. In the margin at top of page, note: <i>Qualiter obstitum sit regibus a sanctis praesulibus</i>. In the outside margin written obliquely to the text, note: <i>Hec mala Acaii Constantinopolitani.</i></p>
	<p>Epistle 97</p> <p>Günther, 411, 20 Attention-catching sign on fol. 55vB, in the margin: <i>nt</i> written as a monogramme.</p>
	<p>Epistles 98-99</p> <p>Günther, 437, 1 Attention-catching sign on fol. 59rB, in the margin: <i>nt</i> written as a monogramme. In the margin at top of page, note: <i>De vexatione in catholicos ab hereticis facta.</i></p>
	<p>Epistle 101</p>

	<p>Günther, 464, 17 Attention-catching sign on fol. 62rB, in the margin: <i>nola</i> written as a monogramme.</p> <p>Günther, 464, 21 Attention-catching sign on fol. 62vA, in the margin: <i>nola</i> written as a monogramme.</p> <p>Günther, 468, 7 Attention-catching sign on fol. 62vB, in the margin: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 103</p> <p>Günther, 480, 2 Attention-catching sign on fol. 64vB, between the columns: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 116</p> <p>Günther, 513, 18-19 Attention-catching sign on fol. 69vA, in the margin: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 116a</p> <p>Günther, 520, 16 Attention-catching sign on fol. 70vB, between the columns: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 116b</p>

	<p>Günther, 521, 3 Attention-catching sign on fol. 70vB, in the margin: <i>nola</i> written as a monogramme.</p> <p>Günther, 521, 19, 24, 27-28 and 522, 1-2 Attention-catching signs at fol. 71rA, in the margin: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 117</p> <p>Günther, 522, 21 Attention-catching sign on fol. 71rA, in the margin: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 126</p> <p>Günther, 541, 6 Attention-catching sign on fol. 74rB, in the margin: <i>nola</i> written as a monogramme.</p> <p>Günther, 541, 21 Attention-catching sign on fol. 74rB, in the margin: <i>nola</i> written as a monogramme.</p>
<p>Epistle 140</p> <p>Günther, 582, 6 Attention-catching sign on c. 125rA, between the columns: <i>NOTA</i> written as a monogramme.</p>	<p>Epistle 140</p> <p>Günther, 582, 5-6 Attention-catching sign on fol. 80vA, between the columns: <i>nola</i> written as a monogramme.</p>
	<p>Epistle 146</p>

	Günther, 591, 14 Attention-catching sign on fol. 82rA, in the margin: <i>nola</i> written as a monogramme.
	Epistle 158 Günther, 605, 10-11 Attention-catching sign on fol. 84vB, in the margin: <i>nola</i> written as a monogramme
	Epistle 232a Günther, 706, 5-7 Attention-catching sign on fol. 100rA, in the margin: <i>nola</i> written as a monogramme.
	Epistle 233 Günther, 709, 16-20 Attention-catching sign on fol. 100vA, in the margin: <i>nola</i> written as a monogramme.
	Epistle 236 Günther, 717, 12 Attention-catching sign on fol. 101vA, in the margin: <i>nola</i> written as a monogramme.
	Günther, 719, 9 Attention-catching sign on fol. 101vA, between the columns: <i>nola</i> written as a monogramme.
	Epistle 238

	Günther, 735, 21-22 Attention-catching sign on fol. 103rA, in the margin: <i>nota</i> written as a monogramme.
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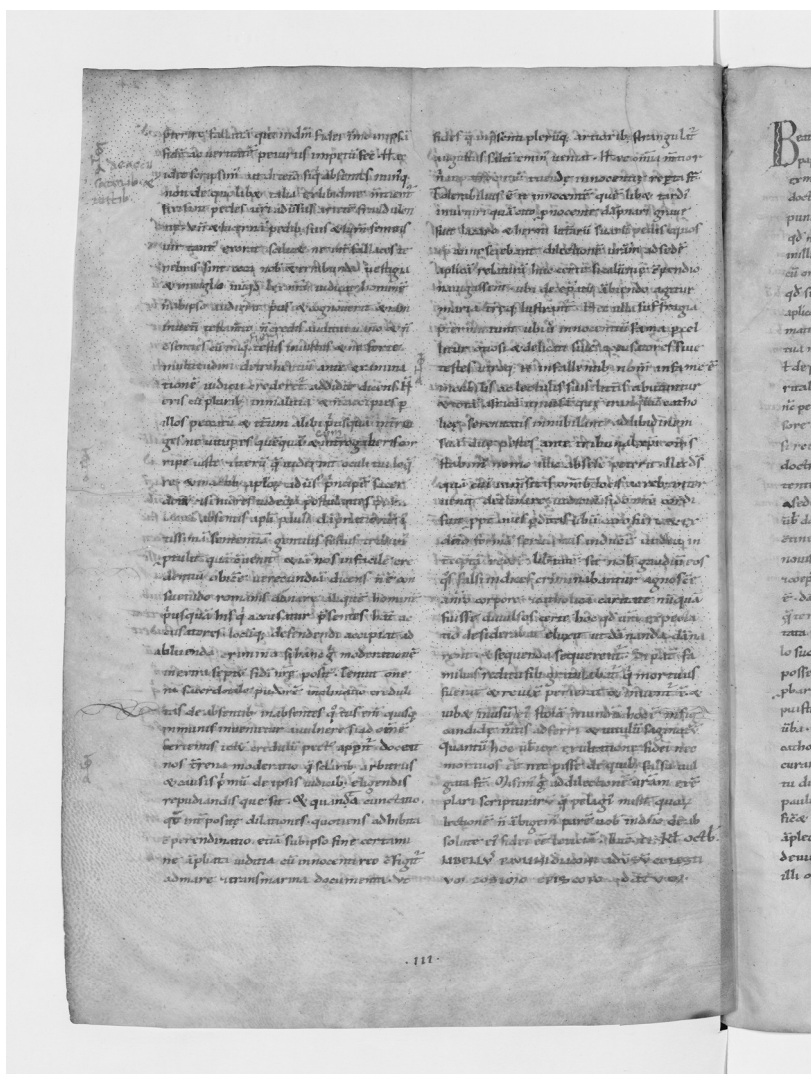


Fig. 23-1: monogramme made up of the four capital letters of the word *NOTA* (Bav ms. vat. lat. 3787, fol. 24v)

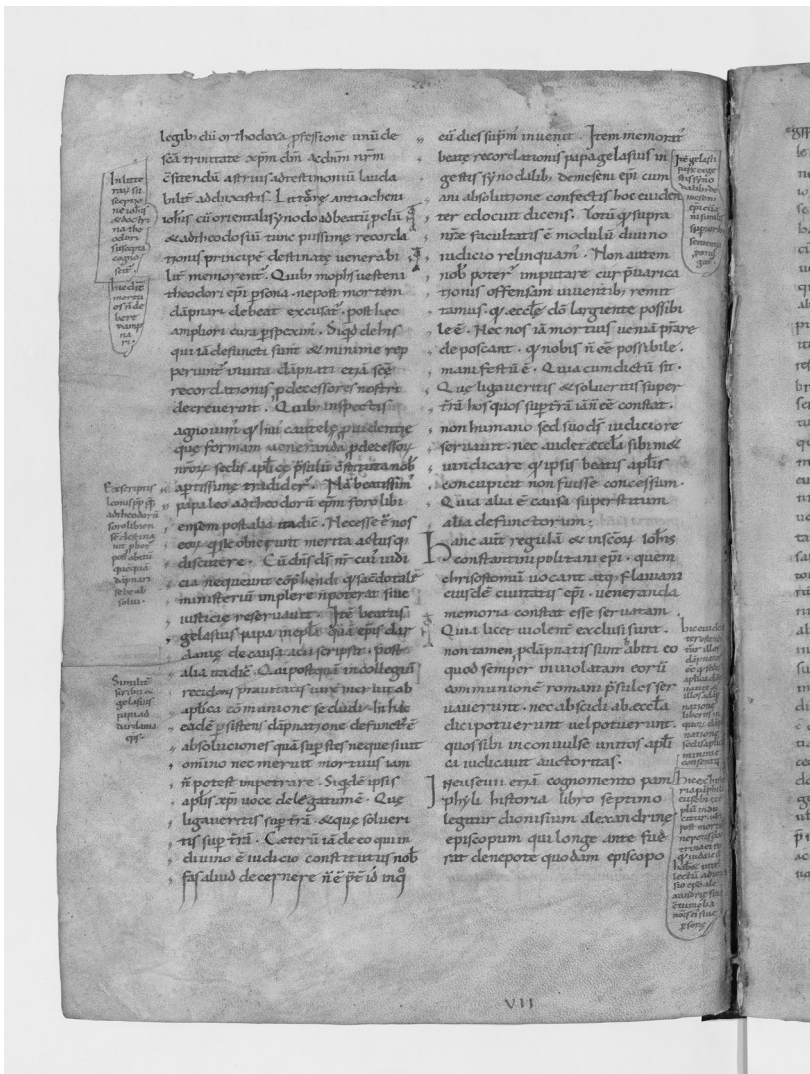
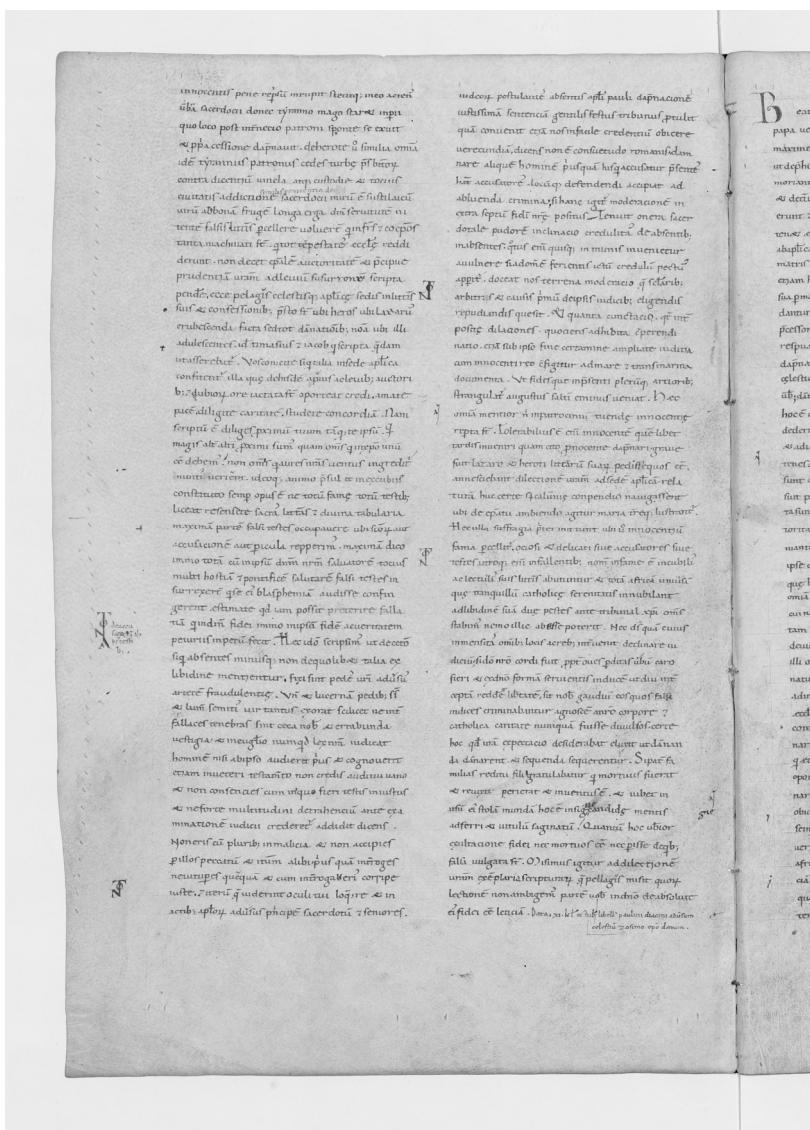


Fig. 23-2: monogramme made up of the four capital letters of the word *NOTA*, passed exactly the same from V to α and a monogramme made up of the same letters but in lower case, written between the columns and only found in codex α (BAV ms. vat. lat. 3787, fol. 57v)

Fig. 23-3: marginal notes and signs of *NOTA* (BAV ms. vat. lat. 4961, fol. 17v)

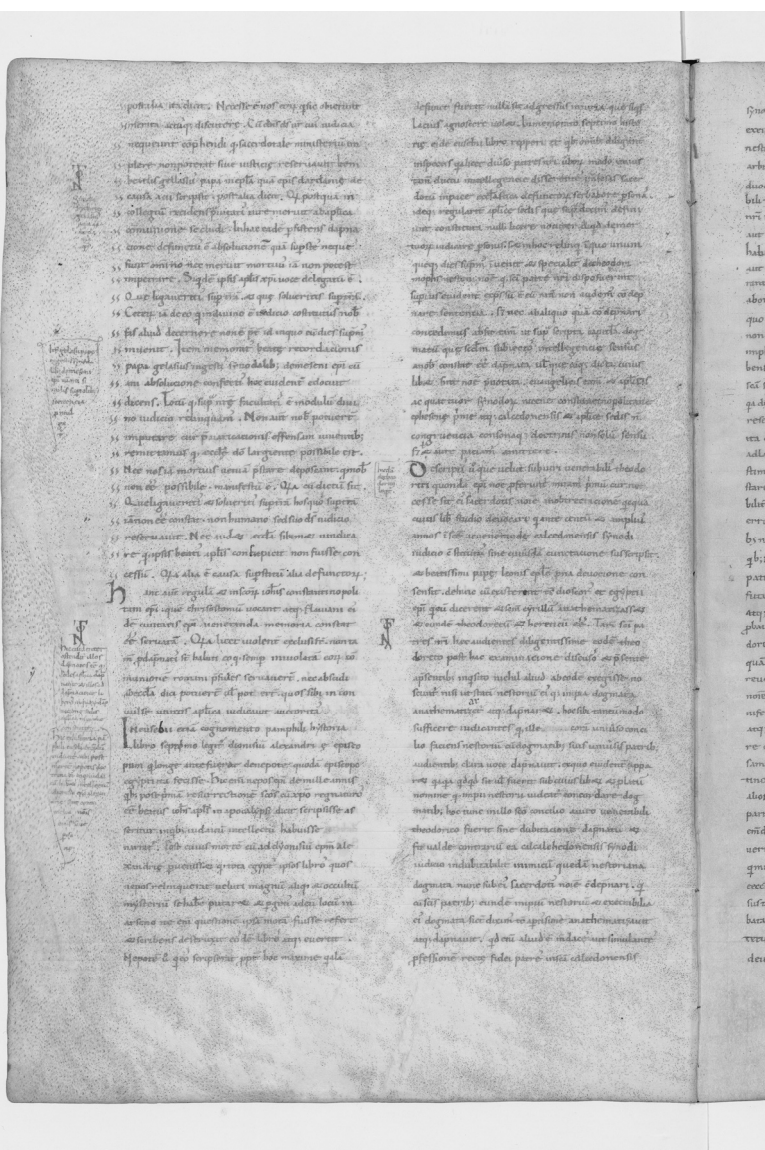


Fig. 23-4: marginal notes and signs of *NOTA* passed exactly the same from V to α (BAV ms. vat. lat. 4961, fol. 38v)

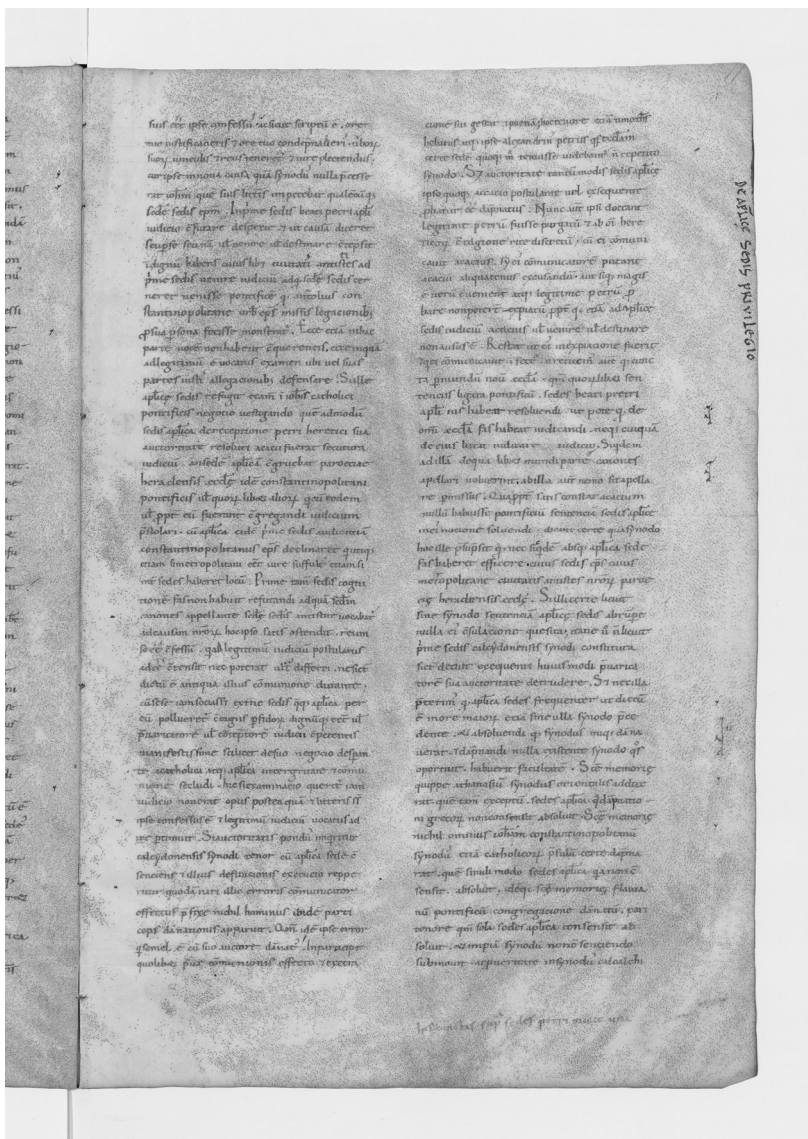


Fig. 23-5: notes only found in α , written in the empty space in the margin at the bottom of the page: *His cunctis supra sedes Petri [micat?] una* (BAV ms. vat. lat. 4961, fol. 51r)

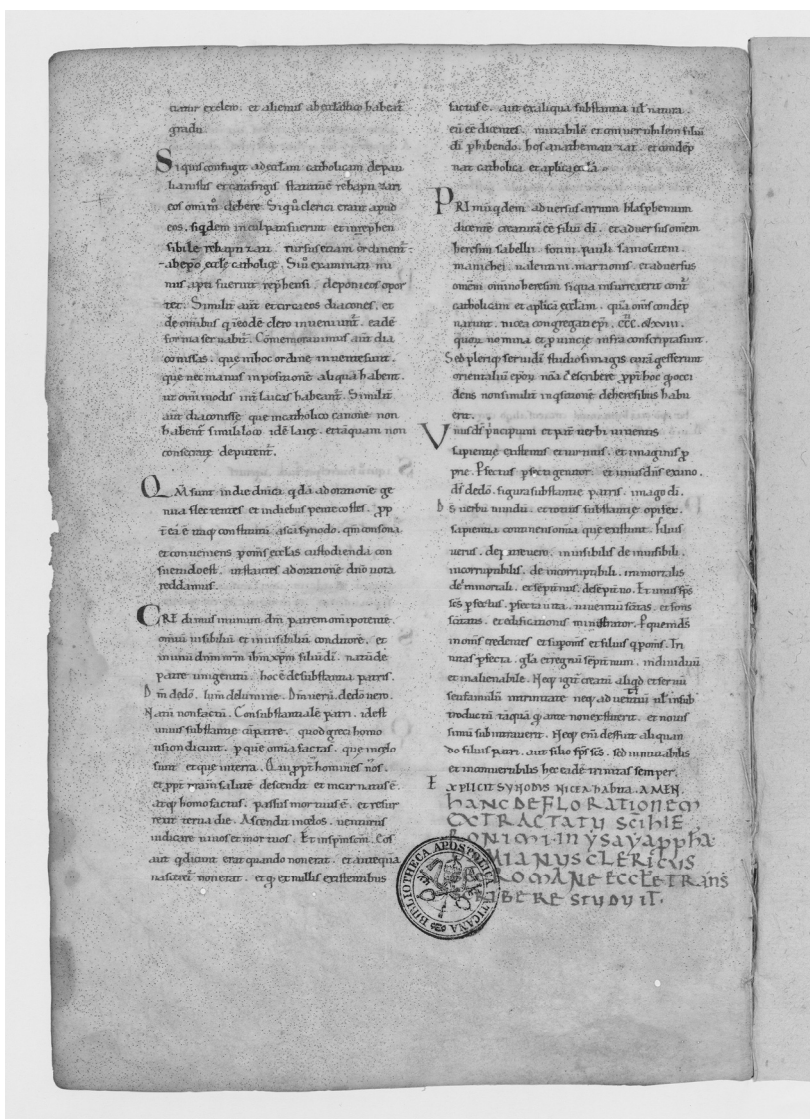


Fig. 23-6: rubric: *Hanc deflorationem ex tractatu sancti Hieronimi in Ysaya propheta Damianus clericus Sanctae Romanae Ecclesiae transcribere studuit* (BAV ms. vat. lat. 4945, part I, fol. 6v)

CHAPTER TWENTY FOUR

A LATE ANTIQUE TEXT
IN THE EARLY MIDDLE AGES:
THE *COLLECTIO AVELLANA*
IN THE ELEVENTH-TWELFTH CENTURY

GIULIA MARCONI

At the monastery of Polirone

The oldest manuscript that preserves the *Collectio Avellana* (BAV ms. vat. lat. 3787) was copied in the last decades of the eleventh century, in the *scriptorium* of the monastery of San Benedetto Po in Polirone.¹

¹ Otto Günther, ed., *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII ad a. DLIII datae Avellanae quae dicitur collectio* (Prague, Wien, Leipzig: F. Tempsky and G. Freytag, 1895-1898), XIV-XXV, established that the BAV ms. vat. lat. 3787 (V) is the oldest copy of the *Avellana*, and proposed dating it to the beginning of the eleventh century. Most scholars followed him: see Laurence Dalmon, “Suivi d’une collection canonique entre antiquité tardive et haut Moyen Âge. L’*Avellana*,” in *L’Antiquité tardive dans les collections médiévales*, eds. Stéphane Gioanni and Benoît Grévin (Rome: École française de Rome, 2008), 118 nt. 28. Otherwise, Paola Supino Martini, “Aspetti della cultura grafica dell’Umbria altomedievale,” in *Umbria cristiana. Dalla diffusione del culto al culto dei santi (secc. IV-X). Atti del 15. Congresso internazionale di studi sull’alto Medioevo (Spoleto, 23-28 ottobre 2000)* (Spoleto: Centro italiano di studi sull’alto Medioevo, 2001), 607-29, proposes to postpone the traditionally accepted dating and suggests the possibility that the codex was produced at Nonantola. The recent hypothesis of Mirella Ferrari, “Fonte Avellana, Polirone and the *Collectio Avellana*,” in *Studi in onore di Maria Grazia Albertini Ottolenghi*, eds. Marco Rossi, Alessandro Rovetta, and Francesco Tedeschi (Milan: Vita & Pensiero, 2013), 23-29, according to which the BAV ms. vat. lat. 3787 would have been prepared in the monastery of San Benedetto Po in Polirone

The monastery distinguished itself from other coeval monasteries for some characteristics. At the end of the eleventh century it was a very young and independent institution, started in 1007 by Thebaldus of Canossa as a private and noble foundation; very different, therefore, from the most ancient monasteries, founded by the Lombard kings' will such as Bobbio (of the VII century) and Nonantola (of the VIII century). The "modern" character of Polirone's cultural environment was reflected in the library's holdings, which included the most important contemporary canonical works, and in the activity of the *scriptorium*, which did not produce texts dating before the middle of the eleventh century, with the exception of the *Collectio Avellana*.²

Polirone was frequented by the officials of Matilda, that is, *causidici, indices sacri palatii, advocati, legis doctores*, both lay and religious, who carried out daily administration activities in the service of the Countess. Among these—known thanks to the underwriters of the *placiti* of Matilda—famous people such as Irnerius and Pepus appear.³ In the monastery, the Countess' officials found a climate receptive to the most avant-garde cultural stimuli and open

between the end of the eleventh and the beginning of the twelfth century, seems to have solved the question.

² For the reconstruction of the Polirone collection of canonistic codices see Giuseppe Motta, "I codici canonistici di Polirone," in *Sant'Anselmo, Mantova e la lotta per le investiture. Atti del Convegno internazionale di studi (Mantova, 23-24-25 maggio 1986)*, ed. Paolo Golinelli (Bologna: Pàtron, 1987), 349-71. On the *scriptorium* of Polirone see Giuseppa Zanichelli's studies, particularly "Lo *scriptorium* e la biblioteca del monastero di San Benedetto al Polirone," in *L'Abbazia di Matilde: arte e storia in un grande monastero dell'Europa Benedettina (1007-2007)*, eds. Paolo Golinelli (San Benedetto Po: Pàtron, 2008), 21-32, and bibliography cited therein.

³ On Irnerius (jurist, scholar of the *Digestum* manuscripts, probable author of the *Liber divinarum sententiarum*, charged by Matilda with a *renovatio* of the *libri legales*) see Andrea Padovani, "Alle origini dell'università di Bologna. L'insegnamento di Irnerio," *Bulletin of Medieval Canon Law* 33 (2015): 13-25, and bibliography cited therein. On Pepus (jurist committed to integrate the two systems, imperial and canonical, according to the mechanisms of *utroque lex*) see Berardo Pio, "Pepone," Treccani, [http://www.treccani.it/enciclopedia/pepone_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/pepone_(Dizionario-Biografico)/), and bibliography cited therein.

to legal experimentation which, at that time, was aimed at renewing the ecclesiastical norm through the direct (more or less conscious) use of the Roman material.⁴ The political and cultural autonomy of the monastery was preserved by Matilda in the period when the tension between the Papacy and the Empire reached a high point, and the Countess was called to play a fundamental role of mediation.⁵ Thus, when Emperor Henry IV set about to invade Italy, in the aftermath of the so-called “humiliation of Canossa” in 1077, Matilda donated the monastery to the church of Gregory VII, such that anyone who threatened it would incur excommunication. The Pope, in turn, through a privilege entrusted the monastery to the care of the abbot of Cluny, Hugh the Great, establishing that he was to appoint the regent, even though the monastery would maintain autonomy.⁶ Through these passages, the monastery was in a position of security during the subsequent crisis of

⁴ On the library of Polirone as a place of research and on the relationship between the monastery of Polirone and the juridical culture of the time, see Pierpaolo Bonacini, “Riflessi di cultura giuridica nella biblioteca del monastero di Polirone (secc. XI-XII),” in *Il contributo del monastero di S. Benedetto Po Polirone alla cultura giuridica italiana (secc. XI-XVI). Atti del convegno, San Benedetto Po, ex refettorio monastico (Piazzza Matilde, 29 settembre 2007)*, eds. Pierpaolo Bonacini and Andrea Padovani (San Benedetto Po: Pàtron, 2009), 217-36; Geraldina Boni, “Sviluppi della canonistica al tempo di Matilde di Canossa,” in *ibid.*, 45-115. In general, in the vast bibliography on the Court of Matilda see most recently Elke Goez, “Matilde di Canossa e la sua corte: dominio e politica di potere a cavallo tra XI e XII secolo,” in *Matilde di Canossa, il Papato, l'Impero: storia, arte, cultura alle origini del Romanico*, eds. Renata Salvarani and Liana Castelfranchi (Cinisello Balsamo: Silvana, 2008), 174-85, and bibliography cited therein. On the administration of justice in the lands of Canossa see Giovanni Santini, “L'amministrazione della giustizia: i giudizi e i funzionari,” in *I poteri dei Canossa: da Reggio Emilia all'Europa. Atti del Convegno internazionale di studi (Reggio Emilia-Carpineti, 29-31 ottobre 1992)*, ed. Paolo Golinelli (Bologna: Pàtron, 1994), 41-60. On the specifics of the Canossian curia see Roberto Ferrara, “Gli anni di Matilde. Osservazioni sulla ‘cancelleria canossiana,’” in Golinelli, *I poteri dei Canossa*, 89-98.

⁵ In the vast bibliography on the importance of Matilda of Canossa in the political events of the time, see, most recently, the volume *Matilde di Canossa e il suo tempo. Atti del XXI Congresso internazionale di studio sull'alto Medioevo in occasione del IX centenario della morte, 1115-2015 (San Benedetto Po-Revere-Mantova-Quattro Castella, 20-24 ottobre 2015)* (Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo, 2016).

⁶ On these events see Glauco Maria Cantarella, “Polirone cluniacense,” in *Storia di San Benedetto Po. IV. Le origini (961-1125)*, ed. Paolo Golinelli (Bologna: Pàtron, 1998).

the “Schism of Wibert,” beginning in 1078 and ending around 1100 with the death of Wibert, archbishop of Ravenna, who became Pope Clement III with imperial support.⁷ It seems, therefore, that the protagonists of the events of the time considered it important to remove the monastery from the dramatic contemporary events; it is to be thought that, in so doing, they wanted to guarantee to the monastery the necessary conditions to carry on, even in times of violence, the theological and juridical-canonical researches for which it was known and make it a place of refuge for pro-Gregorian exiles.

Among these exiles we find the famous canonist Anselm of Lucca. Around 1080 the bishop had been kicked out of his seat in Lucca and, thanks to the mediation of Gregory VII, had obtained the protection of Countess Matilda of Canossa.⁸ At that time, Anselm had already completed the first draft of his *Collectio canonum*—also known as *Apologeticus*—which was a collection of canons in thirteen books aimed at demonstrating both the primacy of the Roman pontiff over other ecclesiastical and secular authorities and the necessity, for the ecclesiastics, of a life founded on evangelical poverty.⁹ It is precisely on the *Collectio* of Anselm that we should dwell.

⁷ On the main episodes of the “Schism of Wibert” see Carlo Dolcini, “Clemente III, antipapa,” Treccani,

[http://www.treccani.it/enciclopedia/antipapa-clemente-iii_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/antipapa-clemente-iii_(Dizionario-Biografico)/).

⁸ On the events see Cinzio Violante, “Anselmo da Baggio, santo,” Treccani, [http://www.treccani.it/enciclopedia/anselmo-da-baggio-santo_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/anselmo-da-baggio-santo_(Dizionario-Biografico)/).

⁹ A now obsolete historiographic paradigm, which tended to give excessive importance to the figures of the popes of the period, led scholars to read the preserved *incipit* of BAV vat. barber. 533, copy of the Anselm *Collectio (inssione et praecepto desiderante consummavit hoc opus*. Friedrich Thaner, *Anselmi episcopi Lucensis Collectio canonum a cum collectione minor*, I [Oeniponte: Librariae Academicae Wagnerianae, 1906-1915], 2), as a testimony to the fact that Gregory VII commissioned the collection to Anselm. Today, however, scholars believe that the medieval canonical collections were the result of personal initiatives of clerics and monks who participated in the more general movement of reform of ecclesiastical customs (see Atria A. Larson, “Popes and Canon Law,” in *A Companion to Medieval Papacy: Growth of an Ideology and Institution*, eds. Keith Sisson and Atria A. Larson [Leiden, Boston: Brill, 2016], 136-38).

According to the most recent studies, Anselm had already finished the first version of his *Collectio canonum* before going to Polirone: although the original version has not survived, two manuscripts (BAV ms. vat. lat. 1363 and BNF ms. lat. 12519) retain the so-called redaction “A,” dated to the end of the eleventh century and today considered the closest to the original.¹⁰ As Otto Günther had already pointed out, in this edition Anselm used texts that only the *Avellana* conserves: the epistle 101 of Gelasius to the Dardanian and Illyrian bishops, who the canonist quoted in book XII, chapter 30; the epistle 103 *de absoluteione Meseni*, cited in book XIII, chapter 21; the long form of the famous epistle 95 by Gelasius to the Dardanians, mentioned at the end of book XII.¹¹ It has to be presumed, therefore, that Anselm had already consulted a codex that contained the materials of the *Collectio Avellana* before

¹⁰ The transmission of the work of Anselm is very complicated. Thanks to the studies of Paul Fournier, “Observations sur diverses recensions de la Collection canonique d’Anselme de Lucques,” *Annales de l’Université de Grenoble* 13 (1901): 417–58, and of Peter Landau, “Intorno alle redazioni più ampie del XII secolo della raccolta dei canonici di Anselmo da Lucca,” in *Sant’Anselmo, Mantova e la lotta per le investiture. Atti del Convegno internazionale di studi (Mantova, 23-24-25 maggio 1986)*, ed. Paolo Golinelli (Bologna: Pàtron, 1987), 339–48, four main versions were identified, so-called “A,” “B,” “C,” “bb.” The following studies by Edith Pasztor (“Lotta per le investiture e ‘ius belli’: la posizione di Anselmo di Lucca,” in Golinelli, *Sant’Anselmo, Mantova*, 375–421), Kathleen G. Cushing (*Anselm of Lucca, Reform and the Canon Law, c. 1046–1086: the Beginnings of Systematization* [Oxford: University of Oxford, 1991]), Gérard Fransen (“Anselme de Lucques canoniste?,” in *Sant’Anselmo vescovo di Lucca, 1073–1086 nel quadro delle trasformazioni sociali e della riforma ecclesiastica*, ed. Cinzio Violante [Rome: Istituto Storico Italiano per il Medio Evo, 1992], 143–55), Szabolcs Anselm Szuróni (*Anselm of Lucca as a Canonist: Critical Summary of the Collectio Anselmi Lucensis* [Frankfurt: Lang, 2006]) and Andrey Mitrofanov (*L’ecclésiologie d’Anselme de Lucques, 1036–1086, au service de Grégoire VII: genèse, contenu impact de sa Collectio canonique* [Turnhout: Brepols, 2015]) have raised new questions concerning authorship, interpolations and *Urform* of the Anselmian work.

¹¹ Günther, *Epistulae*, LXXIV–LXXV and XLII, had identified the quotations Anselm took from the *Avellana* ten years before Friedrich Thaner published the first volume of his edition of the *Collectio canonum*.

reaching Polirone, and it is reasonable to think he had found it in Tuscany, perhaps in the city of Lucca where Anselm was bishop from 1073 to 1081.¹²

In the Polironian refuge Anselm continued to work on his legal-canonical work, drawing on the numerous texts he found in the library.¹³ From this work of revision and expansion, which Anselm conducted with the collaboration of a “team,” appeared the so-called “A aucta” redaction of the *Collectio canonum*, preserved in the manuscript ms. 318 C-II-23 which was prepared in Polirone in the last years of the canonist's life, or soon after his death on 18 March 1086.¹⁴ This “A aucta” redaction, like the “A” from which it derives, shows some points of contact with the comments and notes (the *marginalia*) that in the same period were included in the Polironian codex of the *Collectio Avellana* next to the letters contained in it. The most ancient *marginalia*, dating back to the eleventh-twelfth centuries and executed by

¹² On the relationship between Anselm and the library of the Cathedral of Lucca see Szabolcs Anzelm Szuromi, *Pre-Gratian Medieval Canonical Collections. Texts, Manuscripts, Concepts* (Berlin: Frank & Timme, 2014), 71. In general, on the documentary heritage of the Lucca church, see, most recently the essays collected in Sergio Pagano and Pierantonio Piatti, eds., *Il patrimonio documentario della Chiesa di Lucca: prospettive di ricerca. Atti del Convegno internazionale di studi (Lucca, Archivio arcivescovile, 14-15 novembre 2008)* (Florence: SISMELE Edizioni del Galluzzo, 2010), and bibliography cited therein.

¹³ Recent studies have focused on the “in progress” character of the work of Anselm, which was open to revisions, reductions, enlargements depending on the interests for the problems in progress, the area in which it was used from time to time and the available sources. In this regard, see Giorgio Picasso, “La ‘Collectio canonum’ di Anselmo nella storia delle collezioni canoniche,” in Golinelli, *Sant’Anselmo, Mantova*, 320.

¹⁴ On the “A aucta” redaction see Giuseppe Motta, “La redazione A ‘aucta’ della *Collectio Anselmi episcopi Lucensis*,” in *Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler*, eds. Rosalio José Castillo Lara (Rome: Las, 1992), 375-449. For the description of the manuscript see Corrado Corradini, Paolo Golinelli, and Giuseppa Z. Zanichelli, with the collaboration of Cristiana Lighezzolo and Susanna Polloni, eds., *Catalogo dei manoscritti polironiani. Biblioteca comunale di Mantova, mss. 101-225, II* (Bologna: Pàtron, 2010). Linda Fowler-Magerl, *Clavis Canonum. Selected Canon Law Collections Before 1140* (Hannover: Hahnsche Buchhandlung, 2005), 145-48, hypothesizes that the expanded form of the *Collectio canonum*, which was the basis of the realization of the “A aucta” redaction transmitted by the Mantuan codex, was completed in Polirone when Anselm was alive, and perhaps he himself was the reviser.

several hands, are of three types: a simple monogram as an abbreviation of the expression of reference *nota* (from the Latin *notare*), made predominantly with the four letters that make up the word, in capital letters (*NOTA*); expressions that signal themes of particular importance, according to the formula *de [...]*; real marginal notes that expand portions of text. To these three types of notes are added other signs (dots, dashes, *y*, tilde) that in some cases report interventions of textual or grammatical correction.¹⁵ The *marginalia* reveal an almost exclusive interest towards the pontifical decretals: of the two hundred and forty-four texts contained in the *Collectio Avellana*, only about fifteen were noted at the margins of the BAV ms. vat. lat. 3787 and almost all are exclusively pontifical decretals.¹⁶ These *marginalia* select the themes—which became typical of the canonist—*de primatu* and *de accusationibus et testibus*,¹⁷ the principles connected to them and the sources (biblical or patristic) on the basis of which the late antique popes had claimed the legitimacy of their actions.¹⁸ It is necessary to ask whether there was a link between the copying and commentary work of BAV ms. vat. lat. 3787 of the *Avellana* and the revision activity of the *Collectio canonum* of Anselm, considering that they took place simultaneously in the *scriptorium* and in the library of Polirone.

The theme to which Anselm dedicated the first book of the collection, *De primatu sanctae romanae ecclesiae* (title of the redaction “A”), is strongly present

¹⁵ For a detailed description of the signs of recall that were inserted into the margins and white spaces of the BAV ms. vat. lat. 3787, see Raffaella Crociani and Marco Palma, “*Minima marginalia*. Qualche osservazione sui due più antichi manoscritti della *Collectio Avellana*,” in *La Collectio Avellana tra tardoantico e altomedioevo*, ed. Rita Lizzi Testa, monographic issue of *Cristianesimo nella Storia* 39.1 (2018): 219–47.

¹⁶ *CA* 1; 45; 46; 56; 58; 66; 68; 69; 70; 83; 92; 94; 95; 125; 140.

¹⁷ The first expression appears four times in the *marginalia*, corresponding to the letters *CA* 45; 58; 70; 95. The second formula comments on the letter *CA* 46.

¹⁸ For the interpretation of the *marginalia* of the BAV ms. vat. lat. 3787 see Giulia Marconi, “La *Collectio Avellana* nell’XI-XII secolo: attualità di un testo tardoantico nell’Alto medioevo,” in Lizzi Testa, *La Collectio Avellana* 263–97.

in the *marginalia* of the BAV ms. vat. lat. 3787.¹⁹ This fact is not surprising, given that the issue was much debated among the canonists of the time. What is striking is that the letter of Gelasius to the Dardanians, which Anselm used to affirm the validity of apostolic primacy, was commented in the manuscript of *Avellana* with the formula *de prima [...]* and was annotated in correspondence with the same passages used by the canonist:

<i>Collectio Avellana</i>	<i>Collectio canonum</i>
95, 379, 2-5 sed nec illa praeterimus, quod apostolica sedes frequenter, ut dictum est, more maiorum etiam sine ulla synodo praecedente et absolventi quos synodus inique damnaverant et damnandi nulla existente synodo quos oportuit habuerit facultatem	1, 48, 25-26 Sed nec illa praeterimus, quod apostolica sedes, sicut frequenter dictum est, more maiorum etiam sine ulla synodo precedente exsolventi quod synodus iniqua dampnaverant, et dampnandi nulla existente synodo quos oportuit habuerit facultatem
95, 372, 11-12 quod nullus iam veraciter Christianus ignoret unusquisque synodi constitutum, quod universalis ecclesiae probavit assensus, nullam magis exsequi sedem praeter ceteris oportere quam primam, quae et unamquamque synodum sua auctoritate confirmat et continuata moderatione custodit, pro suo scilicet principatu quem beatus Petrus apostolus domini voce perceptum ecclesia nihilominus subsequente et tenuit semper et retinet	1, 49, 26 quod nullus iam veraciter Christianus ignoret unusquisque synodi constitutum, quod universalis ecclesiae probavit assensus, nullam magis exsequi sedem praeter ceteris oportere quam primam, quae et unamquamque synodum sua auctoritate confirmavit et continuata moderatione custodit pro suo scilicet principatu, quem beatus <Petrus> apostolicus Domini voce perceptum ecclesia nichilominus subsequente et tenuit semper retinet

In the second book of the *Collectio canonum*, Anselm collected the material that was used to apply the concept of primacy of the pope in the jurisdictional sphere: it states, for example, *quod irritum sit concilium, nisi fuerit apostolica*

¹⁹ For the first ten books of the Anselmian work we used the edition of Thaner, *Anselmi episcopi*, which, despite some limitations, is the only one available. Transcriptions and critical editions of the last two books of the *Collectio canonum* are found in scattered studies: Pasztor, “Lotta per le investiture;” Kathleen G. Cushing, *Papacy and Law in the Gregorian Revolution: the Canonistic Work of the Anselm of Lucca* (Oxford: Clarendon, 1998), 179-200.

auctoritate firmatum, that the pope holds the maximum decision-making authority, superior to both bishops and councils.²⁰ The same principle was synthesized in the *marginalia* of the BAV ms. vat. lat. 3787 with the phrase *Sedes apostolica potest solvere ligata omnium pontificum* and the passages of the decretals were highlighted in which the late Roman pontiffs had imposed the respect of this principle (see, for example, *CA* 58; 70; 95).

The third book of the *Collectio canonum*, entitled *De ordine accusandi testificandi et indicandi* (title of the redaction “A”), was dedicated by Anselm to judicial proceedings against ecclesiastics. The trials of this type—according to the canonist—had to respect the following criteria: the accused was to be judged by legitimate prosecutors and put in a position to defend himself;²¹ the testimonies by epistle were not to be accepted;²² the bishops condemned without the approval of the church of Rome had to be reintegrated²³ because only the pope has the right to maintain or revoke a sentence.²⁴ This procedure occurs in the letters related to the affair of Pelagius and Caelestius. Preserved in the *CA*, they were commented in the BAV ms. vat. lat. 3787 (see for example the expression *de accusationibus et testibus* next to *CA* 46). In that circumstance, in fact, Pope Zosimus had refused to accept the condemnation of the two monks because the prosecution had been led by the bishops Eros of Arles and Lazarus of Aix, compromised with the usurper Constantine III; Caelestius had been accused in absentia during the trial of Pelagius without being able to defend himself; the joint absence of the

²⁰ Anselm., *Collect. canon.* 2.47 (ed. Thaner, 97).

²¹ Anselm., *Collect. canon.* 3.47 (ed. Thaner, 139): *ut nullus indicetur, nisi legitimos habuerit accusatores presentes cum scriptis et locum defendendi.*

²² Anselm., *Collect. canon.* 3.53 (ed. Thaner, 142): *ut nullius accusatio vel testimonium for scripturam recipiatur, sed his present voce eo qui pulsatur.*

²³ Anselm., *Collect. canon.* 3.48 (ed. Thaner, 140): *de episcopis sine Romana auctoritate expulsis, ut ita eis reintegrentur, et tunc respondeant, si fuerit.*

²⁴ Anselm., *Collect. canon.* 3.110 (ed. Thaner, 185): *quod in dampnatis quaedam sententia servata fuit arbitrio papae.*

accusers and one of the accused on the day of the hearing had invalidated the proceedings (CA 46).

In the other books of the *Collectio canonum*, Anselm founded the relationship between the pope and the emperor on obedience to the bishop of Rome²⁵ and respect for the Council of Chalcedon.²⁶ The same two assumptions were accepted in the comments of the *Avellana: romani praesules constrinxerit [regem]* (in the margin of the letter of Gelasius to the Dardanians: CA 95) and *fides Anastasii imperatoris et quid de synodo chalcedonensi senserit* (next to the declaration of faith of Emperor Anastasius: CA 125). The duty to respect the authority of the pope and the decisions of the Council of Chalcedon also inspired the annotations in correspondence to the decretals in which late antique popes had praised the emperors who had confirmed the Chalcedonian faith, such as Justinian (CA 92) and indeed Anastasius.

These correspondences between the *Collectio canonum* and the *marginalia* of the BAV ms. vat. lat. 3787 suggest that the concomitance of Anselm's stay in Polirone and the arrival of the *Collectio Avellana* in the monastery were not accidental: Anselm had already begun to use the *Avellana* for the first draft of his canonical work and continued to revise his *Collectio* in the Polirone monastery with the help of collaborators. We must believe that, thinking to use the *Avellana* again, he would commission a copy of the codex he had already read. This reconstruction would also allow us to shed light on the mysterious origin of the *marginalia* of the BAV ms. vat. lat. 3787, which the paleographic analysis—in the absence of the antigraph from which the Polirone codex derives—can not establish with certainty. If, in fact, we hypothesize that it was Anselm who commissioned the copy of *Avellana* from

²⁵ Anselm., *Collect. canon.* 4.11 (ed. Thaner, 196): *Ut imperatores obediant episcopis; 6.143: quod christiani principes debent episcopis caput subdere, non de eorum capitibus indicare.*

²⁶ Anselm., *Collect. canon.* 3.104 (ed. Thaner, 183): *quod imperatores ad Chalcedonense concilium convenerant, not to potentiam ostendendam sed ob fidem confirmandam.*

a codex that he had already consulted during his canonical research in Lucca, it is also possible that he had annotated and commented it and that, therefore, he had it copied in Polirone together with the *marginalia* that he himself had previously inserted.

Between Nonantola and Fonte Avellana

While in the shelter of the walls of Polirone the cultural activities that we have described took place, the clashes between the army of Matilda of Canossa and the Imperial forces of Henry IV flared up in the surrounding areas, and in 1084, following the victory of Sorbara, the troops of Matilda penetrated the territories subject to Nonantola, besieged and conquered the prestigious monastery. A new abbot succeeded in becoming head of the monastery, Damianus (attested between 1084 and 1107), an obscure character whose identity has been the subject of discussions since the seventeenth century. Today scholars tend to identify him with that nephew of the well-known theologian Peter Damiani, who was also prior of Fonte Avellana between 1072 and 1102 and close friend of Anselm of Lucca, at whose funeral he participated as abbot of Nonantola in 1086.²⁷ Damianus had grown up in Peter Damiani's ecclesiological tradition, both through direct influence of his uncle who supervised his education, and by his frequenting of the cultural environment of Fonte Avellana, where the teachings of the founder Peter Damiani were still fruitful. In the years of the clash between Gregory VII and Henry IV, Damianus shared with the other

²⁷ The sources on *Damianus* are mentioned in the article by Marconi, "La *Collectio Avellana* nell'XI-XII secolo." The *status quaestionis* on identity is illustrated in appendix to the same. The studies on the figure of Peter Damiani are very numerous. See, most recently, the miscellany edited by Maurizio Tagliaferri, ed., *Pier Damiani: l'eremita, il teologo, il riformatore (1007-2007)*. *Atti del XXIX Convegno del Centro studi e ricerche antica Provincia ecclesiastica ravennate (Faenza-Ravenna, 20-23 settembre 2007)* (Bologna: EDB, 2009), and the bibliography cited therein.

members of the *entourage* of Matilda of Canossa the need to promote a strong papacy (spiritually and temporally) as the most effective tool—according to the reformists—to impose a model of clerical purity that succeeded in eradicating once and for all the simony and the Nicolaism by then rampant in the church.²⁸

Towards the end of the eighties, Damianus commissioned from the *scriptorium* of the monastery of Nonantola a copy of the Polironian BAV ms. vat. lat. 3787 (containing the *Collectio Avellana*) and of eleven other codices.²⁹ Then he signed the twelve new manuscripts with the following note of acquisition: *hunc librum adquisivit domnus Damianus Sanctae †*, which unfortunately does not say anything about the reasons for this substantial acquisition.³⁰ If, however, we look at what was happening in the same years in the monastery of Santa Croce in Fonte Avellana, the choice of Damianus

²⁸ In this regard see Larson, “Popes and Canon Law,” 136–38.

²⁹ BAV ms. vat. lat. 202; 213; 251; 455; 483; 509; 520; 4242; 4919; 4945; 4950. The provenance of the twelve manuscripts from Nonantola was demonstrated in the late seventies by Marco Palma (“Da Nonantola a Fonte Avellana. A proposito di dodici manoscritti e di un *Domnus Damianus*,” *Scrittura e civiltà* 2 [1978]: 221–30). This discovery helped to enrich the knowledge of the functioning of the *scriptorium* of Nonantola, revealing its complex organization and the ability to complete several manuscripts simultaneously, maintaining homogeneous graphic, codicological and decorative features, even in the case of study books (see Mariapia Branchi, “Nonantola,” in *La sapienza degli angeli: Nonantola e gli scriptoria padani nel Medioevo* [Nonantola, Museo benedettino nonantolano e diocesano d'arte sacra, 5 aprile 2003–20 giugno 2003], eds. Giuseppa Z. Zanichelli and Mariapia Branchi [Modena: Panini, 2003], 101–3; ead., *Lo scriptorium e la biblioteca di Nonantola* [Modena: Artestampa, 2011], 240).

³⁰ The note of acquisition of *domnus Damianus* was initially found in the BAV ms. vat. lat. 4961 and in eight other Vatican manuscripts by cardinal Giovanni Mercati, “Il codice dell'*Avellana* e ‘domnus Damianus’,” *Studi e documenti di storia e diritto* 20 (1899), reprint in *Opere minori*, II (Vatican City: Biblioteca apostolica vaticana, 1937), 245–49; id., “La lettera di sottomissione d'un arciprete di Parma a Pasquale II. L'autore delle *Collectanea ex opusculis Petri Damiani*,” *Rivista Storica Italiana* 23 (1902), reprint in *Opere minori*, 353–56. The group of codices grew to twelve thanks to the research of Guido Vitaletti, “Un inventario di codici del secolo XIII e le vicende della Biblioteca, dell'Archivio e del Tesoro di Fonte Avellana,” *La Bibliofilia* 20 (1918–1919): 249–64 and 297–315; *La Bibliofilia* 21 (1919–1920): 42–76, 117–56, 291–333; *La Bibliofilia* 22 (1920–1921): 30–41.

is more understandable. The hermit John of Lodi (1040-1105 ca.), a very close collaborator and traveling companion of the late Peter Damiani, was writing some works on Damiani's life and writings: a biography, a list of the biblical quotations contained in his works and a collection of the Damiani's corpus.³¹ For this purpose, it is probable that John had the need to consult the sources used by Peter Damiani and that for this reason he suggested to the prior to acquire the corpus of the twelve codices, or some of them. In fact, these manuscripts contain works by Augustine (*Enarrationes in Psalmos*, *Tractatus in Evangelium Iohannis*, *Sermones*), Ambrose (*Expositio Evangelii secundum Lucam*) and letters of Leo the Great, which Peter Damiani explicitly cited.³² Of course, at the time they were quite widespread, but it is likely that it was not a mere coincidence.

Among the manuscripts commissioned by Damianus, as we have seen, there was also the Polironian manuscript containing the *Collectio Avellana* which, according to our reasoning, should be one of the sources used by Peter Damiani.³³ Some clues from Damiani's works, in fact, support this

³¹ On the life and works of John of Lodi see Stephan Freund, "Giovanni da Lodi, santo," Treccani, [http://www.treccani.it/enciclopedia/giovanni-da-lodi-santo_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/giovanni-da-lodi-santo_(Dizionario-Biografico)/), and bibliography cited therein.

³² Augustine's *Enarrationes in Psalmos* and *Tractatus in Evangelium Iohannis* are cited, for example, in the letter no. 40 (Kurt Reindel, ed., *Die Briefe des Petrus Damiani*, IV, 1 [Munich: Monumenta Germaniae Historica, 1983], 436; cfr. Owen J. Blum, *St. Peter Damian: his Teaching on the Spiritual Life* [Washington D.C.: The Catholic University of America Press, 1947], 61-63). Augustine's *Sermones* are cited in the letter no. 78 (Reindel, *Die Briefe*, IV, 2, 390 ff.). Ambrose's *Expositio Evangelii secundum Lucam* is quoted in the letter no. 172 (Reindel, *Die Briefe*, IV, 4, 261). The letters of Leo the Great, are quoted in the letter no. 38 (Reindel, *Die Briefe*, IV, 1, 357 ff.); some of Damiani's quotes from the letters of Leo the Great are listed in J. Joseph Ryan, *Saint Peter Damian and His Canonical Sources. A Preliminary Study in the Antecedents of the Gregorian Reform* (Toronto: Pontifical Institute of Mediaeval Studies, 1956), 199.

³³ Reference studies on civil and canonistic sources used by Peter Damiani (Nino Tamassia, "Le opere di Pier Damiano. Note per la storia giuridica del secolo undecimo," *Acts of the Royal Veneto Institute* 62 [1902-1903]: 881-908, now in id., *Scritti di storia giuridica* [Padua: CEDAM, 1969], 651-70, and Ryan, *Saint Peter Damiani*) are now dated and unreliable because they are based on the Caetani-Migne edition which

hypothesis.³⁴ Take, for example, a passage from the letter to Cadalus (antipope Honorius II) of about 1062:

there is therefore no doubt that anyone who deprives any church of their right commits an injustice; furthermore, who tries to deprive the Roman church of the privilege conferred by the same supreme head of all the churches, falls into heresy; while the former is considered unjust, the latter must be called a heretic.³⁵

According to John Joseph Ryan, this and similar Peter Damiani's passages—which formulated for the first time the original concept that failing to recognize the privilege of the Roman church to rule over all churches is a sign of heresy—were inspired by a letter that Pope Hormisdas promulgated during the Acacian schism, known as *Libellus Fidei*.³⁶ If one accepts Ryan's

contains texts that we know today to be spurious (many poems, different sermons by Nicola di Clairvaux and, for example, the booklet no. 28, *Apologeticus monachorum adversus canonicos*) and excludes texts that have been discovered or attributed to Peter Damiani only later (see Nicolangelo D'Acunto, "I cambiamenti. Di una storia recente," *Reti Medievali Rivista* 11, 1 [2010]: 247-57).

³⁴ Already two great scholars of medieval history, without giving specific arguments, suggested not to neglect the *Avellana* in studies on Damiani's sources. Walter Ullman, in the review of Ryan's study published in *The Journal of Theological Studies* 8, 2 (1957): 353-54, questioned the author's choice to exclude the *Avellana* from sources used by the saint ("Is not the suggested exclusion of the *Avellana* as a source of Damiani rather unlikely?"). Hubert Mordek, "Dalla riforma gregoriana alla 'Concordia discordantium canonum' di Graziano: osservazioni marginali di un canonista su un tema non marginale," in *Chiesa, diritto e ordinamento della "societas Christiana" nei secoli XI e XII. Atti della IX Settimana internazionale di studio (Mendola, 28 agosto-2 settembre 1983)* (Milan: Vita & Pensiero, 1986), 102 nt. 52, noted with regret that Ryan had not taken into account, in his study of Damiani's sources, the note of acquisition of *Domnus Damianus* in BAV ms. vat. lat. 4961 containing the *Avellana*.

³⁵ Letter no. 89 (Reindel, *Die Briefe*, IV, 2, 542): *unde non dubium, quia quisquis cuilibet aecclesiae ius suum detrahit, iniustitiam facit, bere autem Romanae aecclesiae privilegium ab ipso summo omnium aecclesiarum capite traditum auferre conatur, hic proculdubio in beresim labitur, et cum ille notetur iniustus, hic est dicendus hereticus.*

³⁶ Ryan, *Saint Peter Damiani*, 63-65, no. 107. For a discussion of Ryan's hypothesis see Marconi, "La *Collectio Avellana* nell'XI-XII secolo."

hypothesis, it is likely that Damiani sought the oldest versions of the document that were available at his time and found them, in fact, in the four texts preserved in the *Collectio Avellana* (CA 89; 90; 116b; 159) being wary of those preserved in later collections.³⁷ Peter Damiani, in fact, firmly posed the problem of the authenticity of the canonical documents that were used by the church to regulate and legitimize its role; he personally committed himself to distinguishing the spurious canons from the authentic ones, eliminating all the fakes that, especially in the intermediate period between the seventh and tenth centuries, had been generated by the same ecclesiastics. In his eyes, therefore, the late antique documents of the early *tempora christiana*, like those contained in the *Avellana*, had great credit.³⁸

If we consider the period in which Peter Damiani undertook the missions as a papal legate, we begin to see why he was interested in the *Avellana*. After returning from the pontifical mission to Milan, in which together with

³⁷ The letter of Hormisdas is transmitted in the manuscripts as *Fides Hormisdas papae* (CPL 1684). For the reconstruction of the text see Walter Haacke, *Die Glaubensformel des Papstes Hormisdas im Acacianischen Schisma* (Rome: Apud Aedes Universitatis Gregorianae, 1939) and Adrian Fortescue, *The Reunion Formula of Hormisdas* (Garrison, NY: National Office, Chair of Unity Octave, 1955). The letter is preserved in the *Collectio Hispana*, Ep. decr. 92 of 2 April 517, in the *Collectio Berolinensis*, Coll. Ber. 49 (on these two versions see Dominic Moreau, *De rebus exterioribus. Recherches sur l'action temporelle des Évêques de Rome, de Léon le Grand à Grégoire le Grand, 440- 604. Sources et approches* [PhD diss., Université Paris-Sorbonne, 2012], 263-364 and bibliography cited therein), in the acts of the eight ecumenical Constantinopolitan Council that Anastasius *bibliothecarius sedis apostolicae* translated into Latin around 871 (the most recent edition is Claudio Leonardi and Antonio Placanica, eds., *Gesta sanctae ac universalis octavae synodi quae Constantinopoli congregata est. Anastasio bibliothecario interpreter* [Florence: SISMEL, Edizioni del Galluzzo, 2012]), in the so-called “Pseudo-Isidorian Collections” under the name *Exemplar precum* (Agostino Marchetto, *Episcopato e primato pontificio nelle Decretali Pseudo-isidoriane. Ricerca storico-giuridica* [Rome: Pontificia Università Lateranense, 1971], 201-2). After the ninth century we do not know other stages of the transmission of the famous text of Hormisdas in canonical collections or official documents of the Church up to the nineteenth century, when it was used during the First Vatican Council (1869-1870) to affirm the principle of the infallibility of the pope (*Constitutio “Pasto aeternus”*, chapter 4; cf. Haacke, *Die Glaubensformel*, 2-8).

³⁸ On the efforts of Peter Damiani to distinguish authentic documents from false ones see Ryan, *Saint Peter Damiani*, 29-30.

Anselm of Baggio (the future Alexander II) he had tried to resolve the dispute between the Milanese *patarini* and the archbishop Guido of Velate, in December 1059 Damiani wrote a letter to the archdeacon Hildebrand (the future Gregory VII) to share some reflections on recent events:

This is how much you, with the acute contemplation which distinguishes you in many other matters, you asked me frequently, with that charity that overcomes all, to gather with great care from every source, passing through the decrees or acts of the Roman pontiffs, everything that is of specific competence of the authority of the Apostolic See, and to gather it in a new, specially completed, small book. While, in my laziness, I considered this your insistent request as something unimportant and I considered it more a useless scruple than a real necessity, it happened to me—by divine will, I think—to go to the city of Milan as a legate of the blessed Pope Nicholas.³⁹

During the mission, Damiani and Anselm of Baggio had encountered great difficulties because their intervention, having been sent by the Apostolic See, was considered by the local clergy as an unacceptable interference. For this reason Damiani was convinced that Hildebrand's insistent requests were wise: to review the pontifical documents and those relating to the popes (*Romanorum pontificum decreta vel gesta percurrens*) to gather information about the cases in which the Apostolic See had been called to intervene in the affairs of

³⁹ Letter no. 65 (Reindel, *Die Briefe*, IV, 2, 229-30): *Hoc tu subtiliter, ut et alia multa perpendens, frequenter a me karitate, quae superat omnia, postulasti, ut Romanorum pontificum decreta vel gesta percurrens quicquid apostolicae sedis auctoritati specialiter competere videretur, hinc inde curiosus exciperem, atque in parvi voluminis unionem nova compilationis arte conflarem. Hanc itaque tuae petitionis instantiam cum ego negligens fluctipenderem, magisque superstitioni quam necessitati obnoxiam indicarem, divinitus, ut reor, actum est, ut Mediolanensem urbem beatissimi Nicolai papae legatione functus adirem.* The passage has unleashed the imagination of the scholars who have struggled to find the work of Damian arising from this invitation by Hildebrand (see Guido Innocenzo Gargano and Nicolangelo D'Acunto, eds., *Pier Damiani. Lettere*, 41-67, I, 3 [Rome: Città Nuova, 2002], 331 nt. 4).

other churches (*quicquid apostolicae sedis auctoritate spetialiter competere videretur*). The *Collectio Avellana* responded precisely to needs of this nature, because it contained numerous letters sent by and to the popes documenting the episodes in which the Bishops of Rome Leo the Great (CA 53; 54), Simplicius (CA 56; 66; 68), Gelasius (CA 94; 95), Hormisdas (CA 116; 158), were interested in the internal affairs of the Alexandrian, Antiochene, Constantinopolitan churches, and of those in the territories of Dardania and Piceno.

It is evident that this hypothesis can only be demonstrated through a textual comparison between the documents kept in the *Avellana* and the works of Damiani. A survey of this kind is necessary because it has emerged that the consequences would be very relevant for studies on the works of Damiani, on cultural production during the “investiture fight,” on the genesis and transmission of the *Avellana*. If, in fact, the late antique collection was one of the sources used by Peter Damiani, one might think that he found it in the pontifical archives and first valued it when, starting from the middle of the eleventh century, he carried out missions as pontifical legate on behalf of Nicholas II and Alexander II.⁴⁰ A few decades later, Anselm of Lucca, nephew of Alexander II and elected by him bishop of the Tuscan city, may have been aware of the fact that Damiani had used the late antique collection, and this persuaded him to regard it as a text of great value and utility for intellectuals who supported the idea of a strong papacy to impose a reform of clerical customs.

The just concluded excursus—on the possible relationship between Peter Damiani and the *Avellana*—has allowed us to reconstruct the historical-

⁴⁰ In this case our reconstruction would reach the same conclusions as Dalmon, “Suivi d’une collection,” 116, according to which a copy of the *Avellana* (the antigraph of BAV ms. vat. lat. 3787?) would have been preserved in the pontifical archives from the sixth century until the medieval “rediscovery.”

cultural scenario framing the initiative of Damianus to copy the manuscript of the late antique collection. At that time, ideas circulated between one monastery and another through the codices and the comments that the users, perhaps illustrious, inserted during their private reading. The BAV ms. vat. lat. 4961, which Damianus had copied from the BAV ms. vat. lat. 3787 in Nonantola, is a clear example of these mechanisms. The 4961, in fact, shows signs of reference and notes that indicate that, simultaneously with the work of copying, the signs of reference already present in 3787 were reproduced “photographically” (trying to imitate the monogram *NOTA* with only three capital letters, *NOT*); some marginal notes were copied; others were received as part of the actual text and included in the text column. Damianus, therefore, wanted the copy of the 3787 to be prepared in a way that would allow both to preserve the *marginalia* present in it and to make them recognizable thanks to the monogram *NOT* that imitated the sign *NOTA* of the antigraph. In doing so, those who had commented and annotated the BAV ms. vat. lat. 4961 at a later time would have had present, as a guide, the comments that had already been entered and the passages that had already been highlighted in the Polironian antigraph by a prominent personality, as if it were a sort of master “in absentia” from which to assimilate the teaching. The effectiveness of this type of transmission is shown by the new *marginalia* that were inserted into the BAV ms. vat. lat. 4961 in all likelihood after the copy work of the manuscript was finished, at Nonantola, or a little later, when the manuscript arrived at Fonte Avellana: it is the monogram *nota* or *nta* or *nt* (always in lowercase letters to distinguish it from *NOT*) and marginal notes. These new comments included in 4961 concern precisely the themes and principles that already the annotations of 3787 had focused on: the theme *de primatu* (summarized, for example, by the comments posted at *CA* 95: *qualiter [obstitutum] sit regibus [a sanctis praesulibus]*—which evoked the *romani*

praesules constrinxerit [regem] of the antigraph—, de apostolice sedis privilegio, and his cunctas super sedes petri [micat?]); the definition of heresies (CA 75; 83), of Christological orthodoxy (CA 81; 232a) and Trinitarian orthodoxy (CA 146, 236); the de accusationibus et testibus and the procedural aspects of the trial against an ecclesiastic (CA 45; 46; 47; 50; 97; 116a).⁴¹

The pro-imperial milieu

What has been said so far could lead one to think that the Avellana in the eleventh-twelfth century became an instrument of struggle in the hands of the most loyal supporters of pontifical primacy such as Peter Damiani, Anselm of Lucca and Damianus. And yet, in the years of the “Schism of Wibert,” the heterogeneous material contained in it attracted other milieu, those closest to the Emperor Henry IV and his candidate for the papal throne Clement III. In the early twelfth century, in fact, an anonymous German cleric wrote a short essay entitled *De sepultura eorum qui falso excommunicati dicuntur non turbanda*, probably following the desecration of the tomb of Clement III decreed at the synod of 1105 in Nordhausen, in Thuringia, by the will of the pontifical legate Gebard of Constance.⁴² The

⁴¹ For a detailed description of the *marginalia* of the BAV ms. vat. lat. 4961 copied “photographically” from the BAV ms. vat. lat. 3787 and those inserted later see the essay of Raffaella Crociani and Marco Palma in this volume. For the interpretation of the same see Marconi, “La *Collectio Avellana* nell’XI-XII secolo.”

⁴² The exhumation was ordered by Paschal II (1099-1118) the day after the death of the antipope in 1100 to prevent the supporters of the deceased continued to spread rumors about the miracles that he realized after his death. On the *damnatio memoriae* inflicted by Paschal II to Clement III see Kai-Michael Sprenger, “The Tiara in the Tiber. An Essay on the damnatio in memory of Clement III (1084-1100) and Rome’s River as a Place of Oblivion and Memory,” *Reti Medievali Rivista* 13-1 [2012]: 153-74). Starting with the nineteenth-century editor Ernst Dümmler, (ed., *De sepultura eorum qui falso excommunicati dicuntur non turbanda*, in *Libelli*, III [Hannover: Monumenta Historicae Germanica, 1897], 688-89), the scholars considered that the *De sepultura* had been composed around 1105 (Wilhelm Wattenbach and Robert Holtzmann, *Deutschlands Geschichtsquellen im Mittelalter: Deutsche Kaiserzeit*, I [Berlin: Ebering, 1940],

author expressed his opposition to the decree of exhumation on the basis of patristic texts which he declared to have found in the *Constitutum* of Vigilius: *unde Vigilius papa scribens Iustiniano*.⁴³ Well, since the letter of Vigilius, as far as we know, is transmitted only by the *Collectio Avellana*, one wonders if the anonymous author of *De sepultura* drew the quotations from the redaction of the *Constitutum* transmitted by the BAV ms. vat. lat. 3787.⁴⁴ In reality, the comparison between the variants of the two texts, *De sepultura* (preserved only in the *Bambergensis Stadtbibliothek*, can. 9) and the *Constitutum* of Vigilius (in the redaction of BAV ms. vat. lat. 3787), reveals that the latter was not the antigraph of the former.⁴⁵ There existed, therefore, a witness (since disappeared) of the *Constitutum*, and it could be an unknown manuscript of the *Avellana*, that would have arrived in the German regions and in a milieu of opposition to the pope elected in 1099, Paschal II.⁴⁶

In the same years, in the Ravenna milieu closer to the antipope Clement III, a certain Crassus composed the *Defensio Heinrici IV regis*, in which he quoted two letters transmitted only from the *Avellana*: that of Emperor Anastasius to Hormisdas (CA 107) and the response of the Pope (CA 108).⁴⁷

410-11). Harald Zimmermann, *Papstabsetzungen des Mittelalters* (Graz, Wien, Köln: Hermann Böhlau, 1968), 213, hypothesized that it was a German cleric.

⁴³ Dümmler, *De sepultura*, 689-90, l. 10.

⁴⁴ It seems that the letter of Vigilius had little diffusion because of its problematic character for the church of Rome (cf. Moreau, *De rebus exterioribus*, 257, 260-61, 263, 958).

⁴⁵ I thank Professor Paola Paolucci for her philological advice.

⁴⁶ On the opposition groups that Paschal II had to face from the beginning of his pontificate see Glauco Maria Cantarella, *Pasquale II e il suo tempo* (Naples: Liguori Editore, 1997), 53-57 and 101-53.

⁴⁷ Lothar von Heinemann, *Petri Crassi Defensio Heinrici IV regis*, in *Libelli*, I (Hannover: Monumenta Germaniae Historica, 1891), 432-53. The bibliography on the identity and provenance of Crassus or Petrus Crassus is vast. See Ian Stuart Robinson, *Authority and Resistance in the Investiture Contest: the Polemical Literature of the Late Eleventh Century* (Manchester: Manchester University Press; New York: Holmes & Meier, 1978), 75-83; Leidulf Melve, *Inventing the Public Sphere. The Public Debate During the*

Günther considered it probable that the author had used the BAV ms. vat. lat. 3787 or a similar witness, because the variants did not differ much.⁴⁸ Recently, however, Nicolangelo D'Acunto has advanced the hypothesis that the political context, characterized by the irreducible impermeability of the Canossian and Ravenna milieu after the papal election of Wibert, archbishop of the city, in 1080, would have prevented circulation in the pro-imperial milieu of Ravenna of a codex produced in Polirone, which was a stronghold of Matilda and Gregorians. Crassus and his associates, therefore, had to have at their disposal another copy of the late antique collection that we do not know about.⁴⁹

Final considerations

The spread of the *Avellana* between the eleventh and twelfth centuries was, therefore, very articulated: two witnesses (BAV ms. vat. lat. 3787 and BAV ms. vat. lat. 4961) were copied and annotated in the monasteries of Matilda of Canossa by canonists interested in corroborating the authority of the papacy through late antique documents; another codex, presumably spread in Germany, was used to compose a pamphlet in defense of the imperial pope, Clement III, against the decision of the pope who had been elected by the Roman curia, Paschal II; a fourth witness circulated in the Ravenna area and was perhaps used to compose a work in defense of Emperor Henry IV. How to explain such a wide diffusion? Without doubt the *Avellana* was not considered a work with an eminently political character, pro-papal or

Investiture Contest, c. 1030-1122 (Leiden, Boston: Brill, 2007), 349-400, and bibliography cited therein.

⁴⁸ Günther, *Epistulae*, XXXXII-XXXVIII.

⁴⁹ Alternatively, Nicolangelo D'Acunto hypothesizes a parallel and limited tradition of the texts of the two letters ("La ricezione della *Collectio Avellana* alla fine del secolo XI tra il *milieu* di Matilde di Canossa e quello dell'antipapa Clemente III," in Lizzi Testa, *La Collectio Avellana*, 249-61.

propaganda, but rather a collection of material useful to deal with the legal-canonical confrontations between the Papacy and the Empire, which in those decades had become increasingly serious. Through the copy of the *marginalia* written or inspired by the authoritative personalities of the time, in fact, the interpretative lines of the ancient documents were transmitted, according to a transmission model similar to the one used by the coeval Bolognese “glossators” in their activity of recovery and study of the ancient, secular and canonistic juridical patrimony, in order to re-elaborate it and adapt it to the contemporary reality.⁵⁰

⁵⁰ Numerous studies have been dedicated to “glossators” and their *interpretatio* of the Roman tradition. See the new edition of Paolo Grossi, *L'ordine giuridico medievale* (Bari, Rome: Editori Laterza, 2017), and the bibliography cited therein.

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