1. Texts

Conciliar decrees, capitularies and episcopal statutes

Categories

By far the richest sources of information about priests of the Carolingian period are the many prescriptions of that time edited in the MGH Capitularia, Concilia and Capitula Episcoporum.¹ Under this seemingly straightforward division, however, a wide variety of texts is hidden, and it should immediately be noted that this editorial categorisation is neither self-evident nor undisputed. The dividing principle used by the MGH-editors boils down to the idea that capitularies contain royal or imperial decisions, whereas for conciliar acts the royal element is lacking.² Episcopal statutes, in turn, are the admonitions,

prohibitions and other directions written by individual (arch)bishops for use by the priests within their own (arch)dioceses. Through this subdivision is implicitly or explicitly used by many scholars, often simply as the result of their using the MGH-editions, it is important to realise that even to the editors of the MGH themselves the great variety in diplomatic characteristics and contents of these texts was reason for confusion. The *Concilium Germanicum* (742), for instance, published in the MGH Concilia by Werminghof in 1906, had already appeared as the *Karlmanni principis capitulare* in Boretius's edition of the MGH Capitularia in 1883. This example is hardly an exception: between 742 and 800, for instance, no less than eleven out of twenty capitularies (two of which happen to come in the form of letters) have reappeared as concilia. In a similar vein, a number of capitularies and acts of local councils have been re-classified as...

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4 Criticism on Boretius' edition a.o. in F.L. Ganshof, *Wat waren de capitularia?*, p. 6. One of Ganshof's main points is that Boretius has not edited these texts in an adequate way for the purposes of historians of law.
capitula episcoporum in recent years, mostly as a result of research in which the episcopal statutes came to be seen as a separate category of texts. This new line of research has led to a subsequent re-examination of texts that never fitted comfortably among councils or capitularies in the first place.⁵

There are, in other words, border conflicts between these three categories of texts and modern scholars have often been aware of them.⁶ Such distinctions between the various types of texts have, however, never been clear-cut, especially not to the authors of the texts themselves. Ninth-century authors do not seem to draw a clear line between capitularies and decisions taken during councils or synods, whereas the term capitula episcoporum and all the implications of its representing a separate category of texts, is modern. A good illustration of the way in which terminology could be rather elastic are the three earliest manuscripts of what Boretius calls Pippini regis capitulare. They start in the following manner: ‘Incipiunt capitula de alia sinodo sub ipso domno rege Pippino facto’, thus showing terminology in one sentence (capitula, sinodo) that belongs to different categories of texts according to the system of division used by Boretius and Werminghof.⁷ In fact, the texts presented as capitularia by Boretius are rarely titled 'capitulare' in their manuscripts. A noteworthy exception is the Capitulary of Herstal (779), which, again, shows how flexible terminology could be. It is the first time that a text is called capitulare at all in the Carolingian period, and in its

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⁵ For instance the Capitula Frisingensia prima, which Boretius edited as Quae a presbyteris discenda sint, but which was also published before by Pertz in MGH LL. I. The Capitula Corbeiensia has appeared in both Pertz and Boretius, as have the Interrogationes examinationis. The same goes for the Capitula Cordesiana, which appeared under the equally artificial name Capitula de presbyteris admonendis with Boretius, but had already been edited in MGH LL. I before that. The Capitula Bavarica, finally, were published as the Concilium Baiuwaricum by Werminghof.

⁶ See, for instance, Nelson, 'The voice of Charlemagne', p. 79: 'The term "capitularies" is elastic, and the Monumenta's editor's additamenta stretch the category to include miscellaneous lists and other administrative or regulatory material, ecclesiastical as well as secular.'

⁷ These three manuscripts date from the ninth to the eleventh centuries. In the other manuscripts, the text has no title. Hartmann has, however, pointed out that early Carolingian conciliar acts were often promulgated as a capitulary. Cf. Hartmann, Die Synoden der Karolingerzeit, p. 10.
introductory statement it is presented as the result of a 'sinodali concilium', and also called 'decretum'.

The term capitulare was, however, not reserved for texts with royal origins: the Capitulare episcoporum (780?), for instance, calls itself capitulare, but it was issued by a group of bishops and not by the king.

Unfortunately, most texts in the MGH Concilia, Capitularia and Capitula Episcoporum are not called anything at all in their manuscripts, and if they are, these headings often vary between manuscripts.

For the time being, the most obvious group of texts to stand by itself is that of the episcopal statutes - as far as we can tell, all of them were written by individual bishops, all of them were primarily intended for a local, diocesan audience (in first instance of priests), and all of them are divided in capitula. As we will see later on, this is a rather superficial way of treating the episcopal statutes, which by no means constitute an homogeneous group of texts and, moreover, share common denominators with both capitularies and conciliar decrees. As a rather underdiscussed group of texts, however, they merit special attention and will therefore be examined separately in a later section of this chapter. First of all it is important to have a closer look at the problems surrounding conciliar acts and capitularies. Discussions on their importance, the way they may have functioned and their Rechtsaussagekraft were already conducted decades ago, and they still have not come to an end. The episcopal statutes have thus far been interpreted mostly through the methodology that has


9 The Capitulare episcoporum (780?) begins as follows: 'Capitulare qualiter institutum est in hoc episcoporum consensu: [...]'. Moreover, this is one short, running text without subdivision in capitula. The title of this text ('Capitulare episcoporum') is modern, whereas the use of the word 'capitulare' in its very first sentence is of the eighth century.

10 The first episcopal statute of Theodulf is a case in point: it has headers in four manuscripts, which are all different: B₁ reads ALLOCUTIO PONTIFICIS AD SACERDOTES; O₁: 'Incipiunt excerptiones quaedam de capitulis Theodulfi Aureliensis episcopi'; P: 'INCIPIUNT capituli secundum canones'; T: 'INCIPIT PRAEFATIO CANONUM'. These
been one of the products of these debates. In what follows, I hope to demonstrate that this is not necessarily the way towards a better understanding of the capitula episcoporum, and that contextualisation provides an excellent alternative.

The great variety in both form and content that is typical for both conciliar acts and capitularies, has puzzled, challenged and sometimes defeated several generations of scholars. This is no wonder, for the relevant volumes of MGH contain a mixed bag of texts in more ways than one. Some capitularies are in the form of letters, others are no more than brief lists that may have served as aides mémoire while yet others are long documents subdivided in many capitula. In part, these variations can be explained by the fact that not all texts have been conserved at the same stage of development towards a full-blown officially proclaimed text. On the other hand, this again shows how such texts were written in many different ways, but under the same collective name. The concilia are no different in this respect. Nor is there any clear-cut feature to distinguish between the contents of conciliar acts and capitularies. Boretius and Werminghof obviously presupposed a division between capitularies as predominantly secular (because royal) and conciliar acts as mostly ecclesiastical (because not royal and often episcopal), but the fact that one text could end up as both 'council' and 'capitulary'

manuscripts date resp. from the ninth (B₁, P), the eleventh (t) and the seventeenth centuries (O₁). Note the interesting use of the word 'capituli' (sic) in the header for P.

11 This goes mostly for German scholarship. A good example is the first introduction ever to appear on the episcopal statutes: Brommer, "Capitula episcoporum", in which he systematically asks questions reflecting the older debates on capitularies and conciliar decrees, e.g. on intended audience (p. 14), manuscript traditions and their problems (pp. 28ff) and 'Wirkung' (pp. 43ff.). For a different approach see McKitterick, The Frankish kingdoms, chapter 2.

12 To give examples only from the MGH Cap.I, ed. Boretius: Letter: for instance the Karoli epistola de litteris colendis (780-800), no.29. Brief list or aide mémoire: for instance the Capitula de rebus exercitalibus in placito tractanda, no.73. Long lists of capitula: the best example is the Admonitio Generalis (789), no.22, which covers 10 pages in edition. Some texts have, moreover, appeared in more than one recension, like the Capitulary of Herstal (779), no.20, for which there are a Forma communis and a Forma Langobardica. Cf. Janet L. Nelson, 'Literacy in Carolingian government', in: Rosamond McKitterick ed., The uses of literacy in early mediaeval Europe (Cambridge, 1990), pp. 258-96 at p. 268.
already shows that they themselves were not altogether comfortable with such a system. Neither were more recent scholars, who have come to realise that there is no fundamental difference between the contents of capitularies and conciliar proceedings. This reflects the growing awareness that traditional divisions between church and state in the early Middle Ages are modern rather than early medieval. Even a quick scan of these texts bears out that 'secular' subjects might easily be addressed in councils and church matters in capitularies. Though we do not know who, exactly, participated in most assemblies that produced such texts, it is clear that high churchmen were often involved in meetings from which capitularies emerged, and high-ranking laymen participated in several councils. It is no wonder, then, that scholarly attempts to define such categories as 'conciliar acts' and 'capitularies' have never resulted in anything that fits exactly, and have consequently led to more disagreements than to a better understanding of the texts themselves. Hubert Mordek, writing in 1984, rightly points out that the dominant factor of 'Kapitularienforschung' over the past century or so has been 'Gelehrtenstreit', its most uncontested element being the divergence of opinions on the subject. The main reason, he states, is the historian's wish to classify notoriously pluriform texts which defy such attempts. It is not my intention to tell the story of this Gelehrtenstreit in much detail here, but it is worth highlighting

13 McKitterick, *The Frankish Church*, p. 18 states that many capitularies in the MGH edition have been 'somewhat misleadingly classified' - which is an understatement.

14 Of most of such meetings we have no lists of participants, although there are exceptions. The Council of Soissons (744), for instance, has a short list of subscriptions; the *Concilia Rispacense, Frisingense, Salisburgense* (800) has a longer one. It is very likely that not all participants signed the text, so that such lists may well give incomplete information. Other texts indicate that the decisions have been taken by a group of people. For example the Capitulary of Herstal (779), that opens with a description of the meeting and the way in which the decisions have been reached: '[…] congregatis in unum sinodali concilio episcopis, abbatibus, virisque illustribus comitibus, una cum piissimo domino nostro […]. There are many parallels, emphasising co-operation and consensus.

15 Hubert Mordek, 'Karolingische Kapitularien', p. 25: 'Ob man es wahrhaben will oder nicht - eine Beschäftigung mit der Kapitularienforschung des letzten Jahrhunderts führt rasch zu der ernüchternden Erkenntnis: der Gelehrtenstreit dominiert; nichts ist auf dem Felde der Kapitularienforschung - pointiert formuliert - so unumstritten wie die Divergenz der Meinungen.'
some elements of these discussions in order to clarify which perspective on the question has been chosen here, and why.\textsuperscript{17}

Given the lack of sharp distinctions between capitularies and conciliar acts, it is worth noticing that research has mainly concentrated on capitularia, whereas conciliar decrees have received a lot less attention. Even more striking is that conciliar acts and capitularies have rarely been discussed in conjunction with each other at any length or depth.\textsuperscript{18} Thus far the main issues raised in discussions on capitularies have been their meaning and status, and more specifically their \textit{Rechtsaussagekraft} – the question of whether or not they should be considered as law, and if so, in what way.\textsuperscript{19} The starting-point of this debate was a famous book by François Louis Ganshof, who, in 1955, sought to explain 'what were the capitularies' without entering into any discussion concerning the contents of these texts. He arrived at the conclusion that it was the oral promulgation of royal or imperial decisions that mattered and not the texts as such, capitularies being merely the boiled-down and legally insignificant spin-off of these oral proclamations. Such texts, he argues, had the function of facilitating the implementation of orally announced law, and should not be regarded as law themselves.\textsuperscript{20} In one stroke, Ganshof thus devalued the material that Boretius had

\textsuperscript{16} Idem, p. 25.
\textsuperscript{17} Fuller and up to date discussions of this \textit{Gelehrtenstreit} can be found in the excellent article by Hubert Mordek, 'Karolingische Kapitularien', and in Christina Pössl, \textit{Carolingian assemblies during the reign of Louis the Pious}, PhD-thesis Cambridge, forthcoming.
\textsuperscript{19} Especially in the older literature, capitularies are always considered as 'law'. See F.L. Ganshof, \textit{Wat waren de capitularia?} He clearly considers them in the context of 'legal history', and Buchner discusses them as 'Rechtsquellen', cf. R. Buchner, \textit{Die Rechtsquellen}, Beihalt of H. Wattenbach and W. Levison, \textit{Deutschlands Geschichtsquellen im Mittelalter. Frühzeit und Karolinger} (Weimar, 1953). McKitterick, \textit{The Frankish Church}, chapter 1 takes a wider view.
\textsuperscript{20} Ganshof, \textit{Wat waren de capitularia?}, pp. 16-9.
so carefully brought together in the MGH as 'royal law'. Meanwhile, however, Ganshof did not question contemporary assumptions on the nature of early medieval law, subscribing to the then generally accepted opinion that 'law' functioned in more or less the same way in the ninth century as halfway through the twentieth. Ganshof's observations have, understandably, prompted a veritable barrage of publications, and discussion has not come to an end yet. Reinhard Schneider, for instance, has tried to add some nuances to Ganshof's ideas, and argues that the 'Verbalakt' of the promulgation of a capitulary needed 'schriftliche Fixierung'. To his mind, capitularies had at least some legal significance. It was probably not for nothing, he states, that archives of capitularies were kept at the court, though he is not all that clear on what exactly their function might have been there.\footnote{Reinhard Schneider, 'Zur rechtlichen Bedeutung'. At p. 389 he mentions three possible functions for capitularies kept in a court archive: a) texts from which further copies could be made; b) reference-material in case of disagreements/mistakes etc.; c) evidence in case of disagreements.} Still, this line of reasoning has opened up questions on the status of so-called 'legal' texts in general - for when precisely can a text be called 'law'?\footnote{Ground-breaking work on this subject has first and foremost been done by Rosamond McKitterick, \textit{The Carolingians and the written word} (Cambridge, 1989), esp. chapter 2. See also eadem ed., \textit{The uses of literacy}, especially the article by Janet L. Nelson, 'Literacy in Carolingian government', pp. 258-96.} Historians who have tried to find examples of situations when capitulary decrees were actually obeyed, have come to the baffling conclusion that there is hardly any evidence at all. On the contrary, they argue, endless repetitions of the same decisions seem to indicate that they were often ignored.\footnote{As by Wilfried Hartmann, 'Karl der Große und das Recht', pp. 185-6.}

Bearing the pluriformity of the texts in mind, it may not be very surprising that the question of whether or not capitularies are law has never been completely solved, but discussion meanwhile has started to move in different directions. The most generally accepted solutions so far boil down to 'yes' and 'no' at the same time: Alfred Eckhardt, for instance, states that 'not all capitularies were law'\footnote{Alfred Eckhardt, 'Kapitularien', \textit{Handwörterbuch zur deutschen Rechtsgeschichte} 2 (Berlin, 1974), col. 623-9 at col. 625: 'Nicht alle Kapitularien setzen Recht'. This idea is followed by}...
whereas Janet L. Nelson points out that capitularies should (at least in some cases) also be regarded as 'statements of ideology' and not only as normative and legal and Christina Pössl has recently suggested that capitularies at least 'belong to the realm of law'. Thomas Martin Buck, in turn, has emphasised the 'religiöse-belehrenden' character of capitularies, which opens up refreshingly different perspectives on the whole issue. He makes the important point that capitularies were indeed normative, although they did not necessarily reflect daily reality, but rather ideals thereof. These ideals, in turn, were not meant to become reality immediately, but represented the blueprint for an ideal society in the future.

Following Walter Ullman, Buck points out that a lot of the admonishments contained in the capitularies were not 'enforceable laws' in the first place. To take just two examples from the Admonitio Generalis (789): it must have been completely impossible to enforce the admonition to all to celebrate Sundays for the full twenty-four hours, let alone to punish those who acted against it. The element of 'ideals for the future' is even stronger in c.62, that calls, amongst other things, for peace and harmony between bishops, counts and judges and the

Mordek, 'Karolingische Kapitularien', p. 27: 'Kapitularien erfüllen ja in der Tat nur zum Teil eine normative Funktion [...]'.


26 I would like to thank (the future) Dr Pössl for making part of her unpublished thesis available to me.

27 Thomas Martin Buck, *Admonitio und Praedicatio. Zur religiösen-pastoralen Dimension von Kapitularien und kapitulariennahen Texten (507-814)* Freiburger Beiträge zur mittelalterlichen Geschichte 9 (Freiburg, 1997). His views are not entirely new, though, for he builds on the insights of a.o. Nelson and McKitterick - see literature cited in the previous. Still, he is the first to discuss these problems at such depth and length, and decidedly takes a new direction.

28 Buck, *Admonitio und Praedicatio*, passim. He is followed by Pössl.


31 *Admonitio Generalis* (789), c.15: 'Ad omnes. Item in eodem concilio, ut a vespera usque ad vesperam dies domenica servetur.'
'Christian people' in general. The whole question concerning the effectiveness of capitularies and related texts can, in this way, also be seen in a different light. If we regard these admonishments as expressing ideals of reform, they can indeed be considered as normative in intention, without necessarily being directly effective law. This is, to my mind, a very fruitful shift in perspective as it moves the discussion away from rather strict notions of law in favour of a wider view of the meaning and working of these texts.

Moreover, Buck's views are supported well by the language of the councils and capitularies themselves. For example, if we look at the language in which the Admonitio Generalis (789) is written, we do not see a world of post-Napoleontic style law at all – that is, one in which laws are issued to be obeyed immediately. The Admonitio Generalis and the other texts from our period belong to an altogether different world. In the introduction to the Admonitio Generalis we read that this text was issued for the sake of correctio. Nor were the decisions promulgated by the force of the royal word alone; it is clear that they rested on the consensus of the group of intellectuals and other powerful men around Charlemagne. Successful implementation of these correctiones and emendationes, in turn, is presented as being in the hands of all these people, who were holders of a ministerium (bishops, counts) and therefore were held

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32 Idem, c.62: 'Omnibus. Ut pax sit et concordia et unianimitas cum omni populo christiano inter episcopos, abbates, comites, iudices et omnes ubique seu maiores seu minores personas, quia nihil Deo sine pace placet [...]'
33 Buck, Admonitio und Praedicatio, pp. 8-9.
34 Admonitio Generalis (789), introduction: '[...] Ne aliquis, quaeso, huius pietatis ammonitionem esse praesumptiosam iudicet, qua nos errata corrige, superflua abscidere, recta cohartare studemus, sed magis benivolo caritatis animo suscipiat. Nam legimus in regnorum libros, quomodo sanctus Iosias regnum sibi a Deo datum circumueundo, corrigendo, ammonendo ad cultum veri Dei studuit revocare [...]’ Ideals of correctio were, however, not new to the Carolingian era; see e.g. Yitzhak Hen, 'Martin of Braga's De correctione rusticorum and its uses in Frankish Gaul', in: Esther Cohen and Mayke de Jong eds., Medieval transformations. Texts, power and gifts in context (Leiden etc., 2001), pp. 35-49. Also Brown, 'Introduction: the Carolingian renaissance', in: Rosamond McKitterick ed., Carolingian culture: emulation and innovation (Cambridge, 1994), pp.1-51.
35 Idem, '[...] Considerans pacifico piae mentis intuitu una cum sacerdotibus et consiliariis nostris [...]’
collectively responsible for the well-being of the realm and its people. The road towards *correctio* was, in this way, divided into various stages: in the *Admonitio Generalis*, Charlemagne and his intellectual inner circle admonish those in charge to 'correct' themselves according to certain principles, while at the same time handing on and/or implementing the admonishment to *correctio* to those in their jurisdiction. As Giles Brown has pointed out, this is the language of Carolingian leadership who envisaged 'reform of society according to Christian notions.'

What we read in these texts should therefore not be considered as information on 'the law' of the Carolingian period. In broad terms, the decisions in such texts as the *Admonitio Generalis* should be interpreted rather as adumbrating models of behaviour and organisation in an ideal Carolingian kingdom of the future. In order to fulfil these ideals, norms were formulated by which Franks of all social strata should live, work and think. Thus the creation of such a society involved, at least in theory, all the inhabitants of the realm in one way or the other, or, in other words, the whole *populus christianus*.

In this context, it is not surprising to find so many admonishments that concern the church and religious life. The main sources of inspiration for the Carolingian reformers were, after all, the people of Israel, their holy books and the early church with the writings of the venerable Fathers: to their minds, a perfect Frank was a perfect Christian, which made admonishments, that we may nowadays too easily interpret as 'ecclesiastical', of the utmost importance for all, cleric and layman. To ninth century minds, the secular and the ecclesiastical were an integrated whole - yet another reason for not constructing artificial divisions.

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36 Idem, [*Quapropter, ut praediximus, aliqua capita notare iussimus, ut simul haec eadem vos ammonere studeatis, et quaecumque vobis alia necessaria esse scitis, ut et ista et illa aequali intentione praedicetis. Nec aliquid, quod vestrae sanctitati populo Dei utile videatur, omittere ut pio studio non ammoneatis, quatenus ut et vestra sollicita et subiectorum oboedientia aeterna felicitate ab omnipotente Deo remuneretur.*]

between 'secular law' and 'church law' in capitularies, conciliar acts and episcopal statutes. The idea that regulations concerning bothchurchmen and laity are inextricably connected is also borne out by Buck's discussion of the various categories of texts we are concerned with here. He points out that subdivisions between conciliar acts, capitularies and episcopal statutes are merely 'idealtypisch'. This will inevitably create problems of classification unless one is prepared to let go of the idea that these texts should be precisely defined and delimited in the first place.\textsuperscript{38} Buck therefore proposes a much more flexible approach in which all these different texts can be taken together and regarded as fundamentally one corpus. Again, the language and context of these texts themselves support this notion. No decision registered in capitularies or conciliar acts was, after all, ever taken by one person alone. They were the result of discussions among high-ranking lay people and churchmen, with or without the direct presence of the king.\textsuperscript{39} If some subdivision is needed, it therefore seems more sensible to distinguish between texts aimed at a local audience and those of a more general character rather than to focus on whether a text has been edited as capitulary, as conciliar acts or as an episcopal statute. This is not to say that there are no texts that deal solely with matters of the church or the secular world, but in the late eighth and ninth centuries they nearly all use the same terminology of admonishment and \textit{correctio}, which makes it clear that they were part of one big corpus of rules and regulations, be it at a higher or a lower level.

The way in which episcopal statutes, conciliar acts and capitularies will be treated hereafter, is, in view of the above, not necessarily according to their classification in their editions. There is much to recommend a division between

\textsuperscript{38} Buck, \textit{Admonitio und Praedicatio}, pp. 30ff.

\textsuperscript{39} Cf. Nelson, 'Literacy in Carolingian government', p. 262, where she proposes 'to consider what was written, not only as the outcome of a ruler's aims but as the product of collaboration on the part of some (at least) of the ruled; and not as an object or means of action in a pragmatic sense, but as a determinant of action in a sociological sense.'
high-level, general texts and low-level, local ones. The acts of general councils and capitularies will therefore be treated as the products of the leading minds of the period and taken together under that one big umbrella. Local texts, often 'translating' such high-level decisions for local use, in turn, fell under the sole responsibility of individual bishops. During the reigns of Charlemagne and his son Louis the Pious this works well for the whole of the Frankish lands. There were, of course, centres where concentrations of these texts were produced (and preserved!) as opposed to areas that have remained altogether silent, but at least there are voices from East and West, North and South. Most texts come from the West of the Frankish kingdoms, however, and this becomes the dominant tendency after the death of Louis the Pious and the ensuing division of the empire. Production of the texts we are concerned with all but ceased outside Charles the Bald's kingdom during the second half of the ninth century. The focus of this study will inevitably move to where the texts are, but not without paying extra attention to the context in which they were written.

What was the relationship between general, high-level and local texts? They were closely connected in a manifestly top-down way, the link being the bishops. Some examples taken from the Admonitio generalis may clarify how one type of text generated the other sort in the late eighth and early ninth centuries. In the section of the Admonitio Generalis after c.59, that is, after the part taken directly from the Collectio Dionysio-Hadriana, we read what can well be interpreted as a new introductory statement to the bishops. The emperor sees fit to admonish his dilectissimi to heed the (preceding) canons, in order not to risk the terrible

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40 It must be noted, however, that provincial synods have rarely left textual traces as elaborate as lists of canons and decisions. Cf. Hartmann, Die Synoden der Karolingerzeit, p. 3. On the other hand, there is a substantial number of episcopal statutes that may help fill the gap.
41 Cf. Hartmann, Konziliengeschichte, pp. 33-4.
42 In the second half of the ninth century, after the division of the realm in 843, bishops increasingly operated with greater autonomy. For a fuller discussion of this phenomenon see chapter 4.
punishment of *anathema*. Moreover, the bishops should create peace and unity so that they may earn their eternal reward in heaven. 'And here', the emperor finishes, 'are some other *capitula* which seem useful to us as addition to the preceding ones.' What follows are 21, mostly very long *capitula* on a wide range of subjects. That this second part of the *Admonitio Generalis* was intended for the bishops in its entirety (though the headings of the separate *capitula* also indicate other groups) is clear throughout this section, in which they (and only they) are addressed directly on a couple of occasions. This casts these admonishments in a specific light: the matters discussed in this part of the text were episcopal responsibilities, and it is occasionally specified that each individual bishop was expected to take care of them within his own diocese. It is in this context that c.82, the longest *capitulum* of the whole *Admonitio Generalis*, should be read. It deals entirely with priests, and more specifically, with their preaching. Bishops are admonished to instruct the priests of their diocese to preach to all about a.o. the Holy Trinity, the Incarnation and the resurrection of the dead. Furthermore, priests should instruct the local lay community on how to do good and avoid evil. The whole *capitulum* thus deals with what priests should preach and teach, not with practicalities. In the same way, many capitularies and acts of general councils contain general decisions on priestly work and behaviour. More specific

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43 *Admonitio Generalis* (789), c.60: ‘Episcopis. Haec enim, dilectissimi, pio studio et magna dilectionis intentione vestram unianimitatem ammonere studuimus, quae magis necessaria videbantur, ut sanctorum patrum canonicis institutis inhaerentes praemis cum illis aeternae felicitatis accipere mereamini. Scit namque prudentia vestra, quam terribili anathematis censura feriuntur qui praesumptiose contra statuta universalium conciliorum venire audeant. Quapropter et vos diligentius ammonemus, ut omni intentione illud horribile executionis iudicium vobis cavere studeatis, sed magis canonica instituta sequentes et pacifica unitate nitentes ad aeterna pacis gaudia pervenire dignemini. Sunt quoque aliqua capitula quae nobis utilia huic praecedenti ammonitione subiungere visa sunt.’

44 Apart from c.60 there are two more clear examples, one in c.71 which begins as follows: ‘Item placuit nobis ammonere reverentiam vestram, ut unusquisque vestrum videat per suam parrochiam…’. The second one is at the very end in c.82, which opens ‘Sed et vestrum videndum est, dilectissimi et venerabiles pastores et rectores ecclesiarum Dei, ut presbyteros quos mittitis per parrochias vestras…’. It will be clear from the context that the word ‘parrochia’ still has the meaning of ‘diocese’ in this period and not that of ‘parish’.
admonishments on priestly life and work were thus clearly left to the individual bishops to deal with within their own diocese.

Groups of episcopal statutes
This brings us to the episcopal statutes, which were, as we shall see, an important vehicle for bishops to communicate originally high-level admonishments to the priests of their diocese. So far, this category of texts has been treated as one group, but it should not be forgotten that the term capitula episcoporum is modern, and therefore artificial.\textsuperscript{45} Just a quick look through the three impressive volumes of what the editors of the MGH Capitula Episcoporum have gathered under this category, reveals why so many of those who have attempted to find an acceptable definition to cover all these texts, have managed to come up with nothing but vague, very broad or otherwise unsatisfactory suggestions. The variety of texts is so great that such an exercise is like trying to put a big umbrella over a crowd of unruly children: arms and legs keep sticking out, and the umbrella never covers them all. Whereas one text, for instance, is limited to giving only a very brief list of requirements for a priest’s knowledge\textsuperscript{46}, others contain complete tracts on why priests should steer clear of women.\textsuperscript{47} Quite a few episcopal statutes were written for priestly eyes only\textsuperscript{48}, whereas others were also aimed at the laity (albeit via the priests)\textsuperscript{49}, or at various groups of people simultaneously.\textsuperscript{50} Some are meant, at least in part, as episcopal action concerning actual problems within a diocese\textsuperscript{51}, others are more theoretical than

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\textsuperscript{45} Cf. Peter Brommer, “Capitula episcoporum”, p. 10. See also the introduction.
\textsuperscript{46} E.g. the Capitula Frisingensia Prima (previously known as Quae a presbyteris discenda sint).
\textsuperscript{47} Like Hincmar II, c.21.
\textsuperscript{48} To mention only a few obvious examples: Gerbald I and III, Haito, Hincmar I, III and IV, Capitula Corbeiensia, Capitula Silvanectensia secunda and the Capitula Ottoboniana.
\textsuperscript{49} E.g. Gerbald II, Capitula Sivlanectensia prima and the Capitula Bavaria.
\textsuperscript{50} E.g. Hildegar II, Capitula Florentina, Radulf, Capitula Sangallensis, Interrogationes examinationis and the Capitula Antwerpensia.
\textsuperscript{51} As explicitly mentioned in the Capitula Silvanectensia prima, Capitula Casiniensia, Gerbald II, Hincmar IV and Herard.
practical. Some texts survive in dozens of manuscripts, whereas others exist only as a small fragment on a flyleaf. Some were probably meant for oral transmission, while others are explicitly mentioned as required reading. This is to mention only a few of the more obvious variations. One may therefore wonder whether the capitula episcoporum should be treated as a single genre of texts at all.

A device that recent authors have used to squeeze all these multifarious episcopal statutes under one umbrella is to state what the texts are not. Following this approach, the episcopal statutes are defined as all texts probably written by bishops and organised in capitula after capitularia and conciliar decrees are left out. Again, this is an artificial way of categorising. As pointed out before, the boundary between conciliar acts and capitularia is not at all self-evident, and the same goes for that between conciliar acts and a substantial amount of capitula episcoporum. Some episcopal statutes were made public during provincial synods, others reworked the decisions taken at such gatherings. Generally speaking, the problems addressed in both conciliar decrees and episcopal statutes are, moreover, not fundamentally different,
though their focus is. In broad terms, both groups of texts deal with the church, its personnel as well as general religious life within a diocese, but also, on occasion, with matters pertaining specifically to the lay world. Werminghof’s solution, for instance, could easily refer to both conciliar acts and *capitula episcoporum* when he defines the latter as ‘in Kapitel gegliederten Zeugnisse bischöflicher Gesetzgebung auf dem Gebiete der Verwaltung und Kirchenzucht’.\(^6^1\) Brommer is not much more precise, though he tries to find a solution by adding that *capitula episcoporum* are ‘nicht sehr umfangreiche, zum Teil handbuchartige und in Kapitel gegliederte … Anordnungen […]’\(^6^2\) that bishops wrote to solve contemporary problems.\(^6^3\) Unfortunately, all new elements in this definition are only partly valid, for there are some very long *capitula episcoporum*\(^6^4\), many of them do not in the least resemble handbooks, and only few of them contain prescriptions that deal with actual irregularities.\(^6^5\) Pokorny’s idea that *capitula episcoporum* by definition focus on ‘Lebensführung und Amtsausübung der Priester’\(^6^6\) is, by the same token, true for more of these texts, but by no means for all. Rosamond McKitterick, who, in the late seventies, knew only of half of all the texts now gathered in the MGH-series, also saw the episcopal statutes as handbooks addressed to priests in the relevant diocese; but she tried to be more precise about their contents by stating that they concern not only ‘administrative and liturgical procedure’ but also


\(^{62}\) Peter Brommer, “*Capitula episcoporum*”, p. 10.

\(^{63}\) Idem, p. 20.

\(^{64}\) E.g. Atto (100 cc.), Isaac (151 cc.).

\(^{65}\) Cf. Brommer, “*Capitula episcoporum*”, p. 20, who sees this as a common denominator for all these texts, whereby he implies that the solution of ‘Mißstände’ equals *correctio*. There are, however, not very many prescriptions in the episcopal statutes that utter intentions to take measures against actual ‘Mißstände’, see e.g. Theodulf I, c.8, fulminating against the habit of stacking hay in churches, and Gerbald III who complains that he has often forbidden priestly contact with women, which is often ignored.

\(^{66}\) Pokorny, ‘Zwei unerkannte Bischofskapitularien’, p. 489.
‘spiritual and social guidance’. Again, this is true for a lot of capitula episcoporum, but not for all of them.

So what does this leave us with as common denominators for the whole corpus of capitula episcoporum? Not a lot. The two things that all these texts really have in common are that they were all written by bishops (who organised them as lists of capitula) in the period between about 800 and the first half of the tenth century, and that they are all, in one way or another, mainly concerned with the church, its personnel and/or the religious life within a specific diocese. Probably a key for re-organisation and useful subdivision of these texts is precisely this ‘one way or another’; for if a single umbrella cannot cover all these texts, perhaps a few smaller ones would be a better solution. It is, however, not my intention to devise a whole new typology of capitula episcoporum here. I would rather take a more pragmatic approach, and try to re-group the texts in such a way that they can tell us more about priests and the ways in which bishops thought about them. As we have seen, it was left up to the individual bishops to deal with the correctio of their own dioceses following the principles outlined in high-level texts and meetings. The episcopal statutes provide both the most detailed and the most substantial evidence for the way in which such high-level ideals reached local audiences. Like the capitularies and conciliar acts, the capitula episcoporum contain ideals and ideas to a much higher degree than legal prescriptions in the modern sense of the word, but they are different from such high-level texts in their detail. This is not to say that bishops communicated their decisions in any uniform way. Episcopal statutes come, as we have seen, in a variety of forms with various emphases. They are, therefore, not easy to compare, and it is difficult to make general statements

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67 McKitterick, The Frankish Church, p. 45.
68 Moreover, this Titan’s labour is already underway in the hands of R. Pokorny, who promises a ‘teksttypologischen Gesamt-Einleitung’ to the capitula episcoporum in the forthcoming Band IV of the MGH Capitula episcoporum-series. Cf. MGH Cap.Ep III, p. vi.
about them. Rather than glossing over the variety among the episcopal statutes, it is therefore worth trying to subdivide and distinguish a number of 'families' of texts that can be studied more successfully than one unorganised, constructed corpus. In order not to fall into the trap of creating new, artificially constructed categories, it is first of all useful to look at the texts to see what they say about themselves. Though only 35 out of 55 capitula episcoporum voice anything of an explicit purpose or intention, they hold some initial clues for useful subdivision.

One group of capitula episcoporum is prescriptive. Gerbald of Liège’s first statute, for instance, opens with the statement that these are capitula which priests should obey and apply. Other authors, like that of the Capitula Parisiensia, offer their list of capitula as an admonitio; some present their text as a convenient collection of important rules. It is in these prescriptions and prohibitions that the outlines of ideal behaviour are drawn, frequently in a very detailed way. The intended audience for these prescriptive texts vary - less than half are aimed at priests alone; the rest list rules for a combination of priests and others, most often laymen and/or members of the lower clergy. In this latter case we frequently find texts that are organised into one section on priests and one

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69 There are a few single capitula that deal with the solutions of actual problems, such as Hincmar I, c.1, but such measures are exceptional.
70 Gerbald I, preface: ‘Haec sunt capitula ex divinarum scripturarum scriptis, quae electi sacerdotes custodienda atque adimplenda sensuerunt.’
71 Capitula Parisiensia, c.15: ‘Hec, fratres karissimi, que supra scripta sunt, ammonemus et deprecamur, ut cum bono animo ac fide devota teneatis […]’ The author, however, threatens with punishment for those who ignore these prescriptions.
72 E.g. Theodosius of Oria, introduction: ‘[…] Ideo pauca ex sacrorum institutione canonum excerpere curemus, ut et nos, qualiter vivere et subiectam plebem qualiter docere debeamus, plenius cognoscentes et per normam patrum antiquorum inoffense gradientes singuli cum ovibus nobis commissis ad eterna gaudia prestante domino nostro Ihesu Christo pertingere mereamur.’

section about laymen.\textsuperscript{73} It is worth noting this last point, as it (again) illustrates how the creation of perfect Frankish laymen was a joint effort organised in a top-down fashion. Where bishops instructed their priests, lower clergy and the laity via local synods and episcopal statutes, it was understood that priests, in their turn, should fulfil their responsibility to direct the lives of the laity and lower clergy under their supervision. Rules about lay behaviour, in other words, were as relevant to the priests as they were to the lay population itself.\textsuperscript{74} It is no wonder that the subject of preaching and that of priestly duties in the religious education of laymen is a frequently repeated subject in the prescriptive capitula episcoporum.

Preaching and teaching are also prominent in a second group of capitula episcoporum, those aimed at checking whether or not the prescriptions were followed. The Capitula Moguntiacensia, for instance, are addressed to archpriests, who were commissioned by the bishop to effect some quality control on diocesan priests starting with a test of their understanding of the ‘right belief’ and their ability to teach it.\textsuperscript{75} Such quality control could be a yearly visitation of all the parishes in a diocese during which an inquisitio was held\textsuperscript{76}, or the so-called priests’ exams that were taken probably during diocesan synods.\textsuperscript{77} Although it could be deacons, archdeacons, archpriests or the bishop

\textsuperscript{73} Like Radulf of Bourges, in whose capitula episcoporum the first 20 capitula are about priests, and cc. 21-45 about laymen. Similar organisations in a.o. Capitula Franciae occidentalis and Hildegar II.

\textsuperscript{74} Also the reverse may have been true - see chapter 5 for lay awareness of proper behaviour for local priests.

\textsuperscript{75} Capitula Moguntiacensia, c.1: ‘Inprimis, si fide rectam sibi intellegat pleniter et alios docere possit.’

\textsuperscript{76} Originally, the bishops travelled around their dioceses every year to take care of the confirmation of laymen, cf. MGH Cap.I, Karlmanni principis capitulare (21.4.742), c.3; Council of Soissons (2.3.744), c.4. In Karolo M. capitulare primum (769 p.p.), c.8 it is suggested that quality control of priests had become part of these visitations, but the capitula episcoporum suggest that this task of examining priests was taken over by ministri ecclesiae during the first half of the ninth century.

\textsuperscript{77} For instance the Capitula Treverensia and maybe also the Interrogationes examinationis.
himself who were meant to execute such interrogations, these texts do belong together in the way that they constitute the other side, as it were, of the prescriptive episcopal statutes. If prescriptions outline the ideals, the exams were meant to check how far they were attained and what should still be improved. Like the prescriptive texts, the inquisitions and exams devote a lot of attention to priestly knowledge and the books that they were supposed to possess but also to their duty of being an example of virtuous living for their lay subjects, to their teaching and preaching, and to the care for the church and its contents.

Finally there is a third, small group of texts that fits into neither of the previous two groups. Two texts have penance as their main subject, and resemble ‘dressed up’ penitentials more than anything else. Then there are a couple of late texts that are so wide in scope (though they are also concerned with diocesan affairs) that they could fit into any category, but, by the same token, into none at all. This doesn’t mean that these texts are excluded here, for they can, on occasion, be mined for additional information to colour the picture that the two other groups of texts provide. The main emphasis in the following will, however, be on the first two categories of episcopal statutes.

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78 Deacons: Hincmar II and part of the *Capitula Sangallensia*; archdeacons: possibly the *Capitula Cottoniana*. Archpriests: *Capitula Moguntiacensia*. Probably the earliest texts of this type, as for instance the *Interrogationes examinationis*, were meant for bishops, as the development of an intermediate level of clerics between bishops and priests was a development of the first half of the ninth century. Cf. the comments in MGH Cap.Ep III, pp. 111-3.

79 A.o. *Capitula Cordesiana*, c.2; *Interrogationes examinationis*, c.4; a substantial part of Hincmar II deals with the way in which a priest could purge himself from a blemished reputation.

80 A.o. *Interrogationes examinationis*, c.2 and 3; *Capitula Moguntiacensia*, c.1; *Capitula Neustrica Quarta*, c.19.

81 Hincmar II, c.13 admonishes priests to take care that there are no pigeons or other birds nesting in the belltower of the church.

82 Theodulf II and Isaac of Langres.

83 E.g. Atto of Vercelli and the *Capitula Trosleiana*, both dating from the first quarter of the tenth century.
Apart from this division in categories of *capitula episcoporum* there is one more factor that needs to be taken into consideration - time. As is to be expected, ideals and ideas themselves developed, as well as the context in which they were formulated, so that it makes sense to concentrate on individual texts. Ideally, one should also take geographical distributions of texts fully into account, but, as we have seen, this can be done only to a limited extent.\(^8^4\) The great majority of *capitula episcoporum* were written in West Frankish territory (with an emphasis on the North-West during the whole of the ninth century), so that questions concerning differences between East and West Francia, for example, can not be answered on the basis of this material. For the time being, therefore, division over time is the more important factor when it comes to grouping the episcopal statutes, though geography will get some attention later on.\(^8^5\) For now, that leaves us with the distribution of episcopal statutes over time, and this needs some extra attention here, for the production of *capitula episcoporum* was not spread evenly over the ninth and early tenth centuries, and two distinctive 'waves' of texts can be discerned.\(^8^6\)

An evaluation of the chronological distribution of episcopal statutes is complicated by the fact that a substantial number of these texts cannot be dated with any precision, sometimes not even to within a couple of decades. Moreover, there is no straightforward solution to this situation. A considerable number of undated texts survive in only one manuscript that is often of a later date than the text itself. The authors of these undated episcopal statutes are, without exception, anonymous, which makes dating all the more difficult. In

\(^{8^4}\) See the introduction.
\(^{8^5}\) See chapter 3 and 4 in which the two 'waves' of episcopal statutes are discussed and further contextualised.
\(^{8^6}\) For the moment, I would like to leave the question open whether or not there were major differences between texts produced in both periods. Finsterwalder, ‘Zwei Bischofsskapitularien’, sees differences between texts from before and after 850, but Brommer, “*Capitula episcoporum*”, pp. 17-8 has problems with this view. To my mind, a more sensible division would be that in two peaks of production of episcopal statutes, one
such cases, provisional dates can only be roughly estimated through direct or indirect dependence on other, dated texts, which gives us at least some dates _post or ante quem._\(^87\) To get some idea of the chronological spread of episcopal statutes, such dates are not precise or secure enough (a date of 'the ninth century', for example, is not very helpful here), and therefore these texts have not been included for this purpose. However, if we turn to the texts with a firm date, a clear pattern emerges of two distinct 'waves' of production of new episcopal statutes (see appendix 1). The first concentration is, predictably, in Charlemagne’s time, running a little into the reign of his son Louis the Pious, between around 800 and 820 (the days of Gerbald of Liège, Theodulf of Orleans and Herard of Tours, to mention only the most influential); the second ‘wave’ can be dated to the period 850-875, which is dominated by Hincmar of Rheims. Between 820 and 850 few new episcopal statutes were written (with the possible exception of six episcopal statutes\(^88\)) that offer any secure clues to their precise chronology. Hence, they could as easily belong to the early as the later cluster. By the same token, only few texts were written after 875. Most of these draw heavily on earlier texts\(^89\), and the remainder belong to the small, third group of texts with a very wide scope. After 875, we may therefore conclude, the production of new episcopal statutes peters out.

The production of manuscripts containing copies of existing episcopal statutes, however, shows a rather different pattern. Here, the low tide lies in the

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\(^87\) The _Capitula Monacensia_ and the _Capitula Trecensia_, for instance, both directly cite Herard's episcopal statute, dated to 858. These two anonymous texts can therefore only be later, but a more precise date cannot be given in both cases. See the comments by Pokorny, MGH Cap.ep. III, p. 167.

\(^88\) There are six of such episcopal statutes, i.e. the _Capitula Silvanectensia I_ and _II_, and all four of the _Capitula Neustrica_, all of which only survive in one manuscript. The dates of composition of these texts are not secure enough to definitely ascribe them to the period between 820 and 850, however.
first two decades of the ninth century, whereas capitula episcoporum were busily copied in the period 820-850 when hardly any new statutes were written. Most manuscripts were, however, produced in the second half of the ninth century, which saw a renewed interest in the genre and a wider distribution of existing texts. Part of this rising popularity can doubtlessly be explained by the simple fact that, by that time, there was a considerable corpus of episcopal statutes available for copying; but also the changing position of bishops and their increasing autonomy should be taken into account. The manuscript tradition of the episcopal statutes is a subject in itself which will not be explored in much depth here. Instead, I will focus on the production of new texts within the context of their chronology and try to explain this pattern.

The corpus of texts we will work with here, then, consists of two categories of episcopal statutes (prescriptive and those aimed at control), divided over time into two 'waves'. In the following, this material will be used to determine what comprised the perfect priest in both periods of text-production, and to highlight, subsequently, a few special subjects or problems that are prominent in these texts or the time in which they were written. In practice, this means that prescriptions and inquisitiones will be considered as two sides of the same coin. Before tackling the ideas and ideals of ninth-century bishops concerning perfect priests, and seeing what special subjects and problems occupied them when they composed their episcopal statutes, it is necessary to return to the original question and sharpen our focus a bit further. For although we now have determined a way in which the corpus of capitula episcoporum may be usefully subdivided, this tells us little about the kind of texts, and

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89 Both the episcopal statute by Riculf of Soissons (889) and the Capitula Ottoboniensis draw heavily on Hincmarian texts; Ruotger of Trier (c.10th) reworks Radulf of Bourges, and the Capitulum Remense (ca.900) is an extended version of Theodulf I's last caput.
90 For a discussion of the relations between priests and bishops, see the next chapter. The situation in the third quarter of the ninth century will be discussed in chapter 4.
therefore the kind of information, we are dealing with. Given the overlap with conciliar legislation, why did bishops bother to write *capitula episcoporum* in the first place, and why did they start doing so in the years around 800?

**A context for the capitula episcoporum**

Episcopal statutes as a new means of control

Among many other things, the Admonitio Generalis of 789 heralds the beginning of a much more active and visible role than ever before for the episcopate in directing what went on in the more remote corners of their dioceses. As we have seen, however, the range of tools and possibilities at their disposal to intervene actively in local situations had, thus far, been rather limited. This may, in part, explain why, around 800, they began to write episcopal statutes as an added way of exerting control, supplementing the prescribed visitations and twice yearly conciliar meetings with their diocesan clergy. Priests, too, were given a more central role than before by the Carolingian reformers as they were the people charged with the spiritual well-being of lay communities, and thus with guiding lay behaviour in general. Priests could only do this properly, it was felt, if they set a perfect example, and hence the *capitula episcoporum* were written as practical texts, divided into chapters, in which many aspects of their duties are prescribed, described and/or explained. Judging from the speed with which the first of these texts were copied and disseminated, this innovation was considered to be a useful tool for

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91 A first draft of this section was presented at the conference *Texts and Identities in the early middle ages III*, that gathered in Vienna, 1999. I would like to thank those present for constructive criticism and other encouragements.
spreading the ideas of reform - applied at a local level - all over the Frankish kingdom.

Who exactly should be considered as 'the inventor of capitula episcoporum' is unclear, although, based on the dating of the texts, I think there are only two likely candidates.92 One is Bishop Gerbald of Liège, appointed by Charlemagne in either 785 or 78793, whose first episcopal statute dates from the very first years of the ninth century. As far as we can tell, Gerbald knew no other, similar texts that may have served as an example, but rather was inspired by contemporary churchlaw.94 The result of his labours, a short handbook of 21 chapters that covers many aspects of priestly life and work, must have been considered valuable by others too: there are 22 extant manuscripts, of which only three date from the ninth century.95 The other, and to my mind probably the more likely candidate, is Theodulf of Orléans, who was one of the most important figures in Charlemagne's court-circle at the time.96 He may have composed his first episcopal statute in the years leading up to 800.97 His is a

92 Dating capitula episcoporum is not easy, for the texts themselves hardly ever mention their date of composition. Most of these texts therefore have a relative date within the episcopate of the author (if known) in cases that they directly cite or refer to other capitula episcoporum or some other datable text, person or event. Cf. McKitterick, The Frankish Church, p. 47 who, following Baluze, thinks that the so-called Statuta Bonifatii were the earliest example of episcopal statutes. The interpretation of this text has, however, changed over time. See Rudolf Pokorny, MGH Cap.ep. III, where it is edited as one of the 'fälschlich als Bischofskapitularien publizierte kaninistische Materialreihen' at pp. 354-71. The communis opinio about its date is now that it lies between 819 and 829 (?862); idem, p. 357.
93 As explained by Brommer, MGH Cap.ep.I, p. 3. He calls Gerbald an 'energischen, der kirchlichen Reform zugewandten Bischof'.
95 Most of these 22 manuscripts date from the tenth and eleventh centuries, although a few are later than that.
96 See the comments by Brommer, MGH Cap.ep.I, p. 73. Theodulf was appointed to a.o. the bishopric of Orléans by Charlemagne in 798. He was one of Charles' most important theological advisors and involved in a.o. the composition of the Libri Carolini.
97 According to the editors of the MGH-edition, this text may have been composed at any time during Theodulf's episcopate, i.e. between 798 and 816/7, but given the influence of the Admonitio Generalis (and not, of, for instance, the five great reform-councils that met in 813), the fact that he does not draw on other episcopal statutes, and Theodulf's position as an important reformer, a date early in his episcopal career seems more likely than a later one.
much more extensive text in both length and scope than Gerbald's, and his inspiration for writing it seems to have come, at least to some extent, from the *Admonitio Generalis*. The 45, sometimes long, chapters of his statute are directed at his local priests, but also contain prescriptions for lay people. Like Gerbald, Theodulf doesn't seem to have had another episcopal statute on his desk to help him. An important difference with Gerbald's text is, however, the rapidity and quantity with which it spread all over the realm shortly after it was written. Even today there are 51 manuscripts, 16 of which date to the ninth century. In addition, Theodulf's text has influenced many more authors of *capitula episcoporum* than has Gerbald's, perhaps because of the former’s more exalted reputation as a theologian and reformer.

Even if it is not possible on the basis of this evidence to decide exactly who 'invented' the *capitula episcoporum*, it is clear that as a new genre, these texts originated within the circle of reform-bishops close to the court who, doubtlessly, knew each other well and shared many ideas. They were written by people who, in the spirit of the *correctio*-movement, felt responsible for what their priests (and, indirectly, the lay population) did, and thought it necessary to develop initiatives of their own to make sure their ideas were spread and

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One strong argument in favour of an early date is the fact that in his statutes, Theodulf does not draw on the so-called 'Theodulf-bible', which came into being around 800. Hence, it is plausible that Theodulf wrote his first episcopal statute before that date, which would put it somewhere between 798 and 800. See: Franz Ronig, 'Bemerkungen zur Bibelreform in der Zeit Karls des Großen. Funktion und Ikonologie', in: Christoph Stiegemann and Matthias Wemhoff eds., 799. *Kunst und Kultur der Karlingerzeit. Karl der Große und Papst Leo III. in Paderborn*. Beiträge zum Katalog der Ausstellung Paderborn 1999 (Mainz, 1999), pp. 711-7 at pp. 716-7. See also the editorial comments by Peter Brommer, MGH Cap.ep.1, pp. 74-5.

98 See the editorial comments in MGH Cap.ep.1, p. 75.

99 Theodulf I is without a shadow of a doubt the most successful episcopal statute ever written in terms of numbers of manuscripts and wide distribution, as well as in the amount of other texts his first statute influenced. For an elaborate discussion see: Peter Brommer, 'Die Rezeption der bischöflichen Kapitularien Theoduls von Orléans', *Zeitschrift für Rechtsgeschichte, kanonistische Abteilung* 61 (1975), pp. 113-60.

100 Though it is beyond doubt that Theodulf and Gerbald together laid the basis: they are the best-copied *capitula episcoporum* ever. It is no coincidence that Gerbald I and Theodulf I are often found together in manuscripts: Brommer lists 7 (out of 22 manuscripts containing Gerbald I), of which 2 date from the 9th century. Cf. McKitterick, *The Frankish Church*, p. 52.
followed up. As we shall see, the new texts they wrote were to be the principal foundation on which their attempts at control and reform of the countryside would rest. Moreover, given the speed with which these texts were copied, not only the hard-core reformers, but also a wider circle of their episcopal colleagues saw such statutes as an important and useful instrument for (re-)organization. Even better - Theodulf's and Gerbald's colleagues soon followed suit, and started to write capitula episcoporum of their own.101 Bearing all this in mind, it is clear that, during the first two decades of the ninth century, bishops began to make serious and unprecedented attempts at actively directing and controlling the lives of those who lived in their dioceses. That they were responsible for what happened in their bishopric was in itself nothing new, but their way of trying to take matters in hand was. With the new ideals of correctio, direct influence on local communities became more important than before, and there was clearly an awareness that the old means of control over priests and lay subjects were no longer sufficient. Episcopal influence on the behaviour of their priests entered a new phase: henceforth it was done on the basis of texts, and not only by means of visitations and local councils. It is not the specific contents of these texts that I will focus on in the remainder of this chapter, but rather the fact that this new genre of texts came into being at all during the first two decades of the ninth century.102

An obvious explanation, formulated most clearly by Peter Brommer over twenty years ago, would be to see a direct connection between the reforms initiated by Charlemagne and his court circle (more specifically, the Admonitio

101 Capitula episcoporum by Gerbald of Liége (3x), his successor Waltaud, Theodulf of Orléans, Haito of Basle and three more anonymous authors have survived from the first 20 years of the ninth century. See also chapter 3 and the first figure found there. All of these known authors were very close to the court.
102 The contents of these texts will get due attention in chapters 3 and 4.
Generalis of 789), and the appearance of the first capitula episcoporum. In the Admonitio Generalis, bishops are admonished to take better care of their clergy and to make certain that their priests have sufficient knowledge to do their jobs properly. Moreover, the priests themselves are explicitly told to preach and teach, and make sure that the people understand the principles and rituals of their religion. We can find the same line of reasoning in several of the early capitula episcoporum: Theodulf, as we have just seen, says more or less the same thing, as do Haito of Basle and Gerbald of Liège amongst others. Moreover, all prescriptive capitula episcoporum of the period 800-820 are described by their authors as intended for emendatio, as explanation or instruction, or simply as texts that should be obeyed no matter what, all couched in language typical of the Carolingian reformers. That there was, indeed, a close connection between the so-called Carolingian reforms and the emergence of episcopal statutes is, therefore, clear, but how it worked exactly is, I think, less straightforward than the afore-mentioned modern authors would have us believe. To be sure, priests were given a prominent role in the fulfilment of the ideals of reform: it was up to them to transform the lay population of the realm into proper Christians by teaching and preaching. As dioceses were usually very big, the activities of most diocesan clergy were obscured from the bishop’s direct line of vision. Still, these bishops were held responsible for their

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103 Peter Brommer, ‘Die Quellen’, p. 27; in his “Capitula episcoporum”, pp. 18-9 he waters down this opinion. Cf. McKitterick, The Frankish Church, p. 53, where she connects the Admonitio Generalis to a few specific capitula episcoporum. The same connection is made by Wallace-Hadrill, The Frankish church, p. 282.
104 Admonitio Generalis, c.70.
105 Admonitio Generalis, c.61; cf. McKitterick, The Frankish Church, pp. 5-6.
106 Haito of Basle, introduction; Gerbald I, introduction.
107 Most clearly are Gerbald I and II, and Theodulf I.
108 For instance Haito of Basle and the Capitula Parisiensia.
109 Like Gerbald I, Capitula Frisingensia I and the Capitula Parisiensia.
clergy’s behaviour - a very good reason for their writing texts aimed at this specific group of clergy, and for extending the system of control over diocesan affairs.\footnote{That bishops were responsible for the clergy working in their diocese was, however, an older idea - see, for instance, Concilium Aurelianense (538), c.26(23). From the second half of the eighth century onwards, this idea is formulated more often and more clearly, e.g. in Karlmanni principis capitulare (742), c.3; Council of Soissons (744), c.4; Council of Ver (755), c.3; Karolo M. capitulare primum (769 pp), c.8.}

To regard the *Admonitio Generalis* and the appearance of episcopal statutes as straightforward cause and effect, however, proves to be too simple an explanation after a close scrutiny of the ‘official’ legislation of the day (including the *Admonitio Generalis*). In these texts, the diocesan clergy, let alone the priests, are not given prominence at all – rather the reverse. They are not even mentioned once as a specific and separate group requiring special attention in either capitularies or conciliar decrees.\footnote{Even references to local secular clergy are very rare in this kind of text - one early exception is Concilium Avernense (535), c.15, a later one is Capitulare Baiuwaricum (ca. 810), c.2 in which rural priests are called forensi presbiteri.} Local clergy are, indeed, included in prescriptions and admonishments, but are never explicitly differentiated from other secular clerics. For instance, when according to the *Admonitio Generalis*, something should be done about the extent of priests’ knowledge, those operating in local secular communities were certainly included implicitly but not mentioned specifically. The same goes for many other general rules, like the oft-repeated decision in conciliar decrees that *clerici* should not bear arms.\footnote{As a.o. in Concilium Matisconense (583), c.5; Concilium Burdegalense (663-75), c.1; Karlmanni princeps capitulare (742), c.2; Karolo M. capitulare primum (769 pp), c.1; Admonitio Generalis (789), c.70.} It is striking, in other words, that very detailed capitula episcoporum begin to appear at a time when, according to general councils and capitularies, the group of clerics at whom these capitula episcoporum were aimed, doesn’t seem to exist at all as a separate category of clergy. How does this omission in capitularies and conciliar acts, then, fit together with the emergence of the first ‘wave’ of capitula episcoporum? In other words, where
should we place both diocesan secular clergy and *capitula episcoporum* in the context of the Carolingian reforms? The decisions of the *Admonitio Generalis* and related texts are, indeed, part of the story explaining the emergence of episcopal statutes, but certainly not all of it. In order to understand this development fully, we need to consider it in a wider context. Then we may be able to construe properly the remarkable surge of episcopal activity towards local priests during the first two decades of the ninth century.

**Categories of clerics**

If the local priesthood was such a discrete category of clergy in the minds of individual bishops that they felt the need to write specific texts for them, but these same priests totally fail to appear as a group in both earlier and contemporary capitularies and conciliar acts, it makes sense to try to trace how, when and why this group of clergy became to be differentiated from other categories. This leads to the question of how the clergy was subdivided in the minds of the Carolingian reformers in the first place, and how such categories were defined and distinguished from each other. The problem that immediately arises is, however, that these categories were not at all stable or clearly delineated in this period. One aspect of the early phase of the Carolingian reforms was the re-organisation of the clergy, and therefore the (re-)drawing of boundaries between one group and the next. When we seek to understand where exactly local priests fitted in around the time that the first episcopal statutes emerged, we should start by trying to follow the process of categorisation of clergy from the early days of the Carolingians onwards and see where and how local priests emerge. Their status may, in turn, tell us more about the way in which we should interpret the texts written especially for them. Categories into which Carolingian decision-makers tended to divide the whole of their society, show up most clearly in contexts where specific differences between groups of people mattered. The way in which such divisions were made
in specific texts, was not always the same, but depended on what distinctions between various groups the authors wished to highlight in a given context. Take for instance Pippin’s capitulary of Soissons (744), in which all churchmen, under the collective name of *clerici*, are contrasted with laymen in a *caput* on aspects of lay behaviour which were forbidden to the clergy as a whole, such as fornication, hunting or dressing as laymen.\(^{115}\) The division is clear: there are laymen and there are clergymen, set apart by a different code of behaviour. But these broad categories were also subdivided, as we can gather from the capitulary of Lestinnes, for example, which was issued by Karlmann in 743. There, a division within the ranks of the clergy is made on the basis of the sets of rules according to which they were supposed to live. Bishops, priests, deacons and *clerici* were mentioned together as those who should abide by the *antiquorum patrum canones*, whereas monks and abbots had to follow the *Regula Benedicti*.\(^ {116}\) That there were still more categories is made clear in the Council of Ver (755), which divides the diocesan clergy as a whole into regular and secular *clerici*.\(^ {117}\) The same text makes another subdivision (c.11), in which all those who have been tonsured are supposed to live either *sub ordine regulari* in a monastery or *sub manu episcopi sub ordine canonica*.\(^ {118}\) The terminology in this particular case should not be interpreted as pointing to a strict division between monks and canons. Those who lived *regulariter* in a monastery during

\(^{115}\) Council of Soissons (744), c.3: '[...] et omnes clerici fornicationem non faciant nec abitu laicorum non portent nec apud canis venationes non faciant nec acceptores non portant.'

\(^{116}\) Council of Lestinnes (743), c.1: '[...] Et omnis aecclesiasticis ordinis clerus, episcopi et presbiteri et diaconi cum clericis, suscipientes antiquorum patrum canones, promiserunt se velle aecclesiastica iura moribus et doctrinis et ministerio recuperare. Abbates et monachi receperunt sancti patris Benedicti regulam ad restaurandam norma regularis vitae. [...]'

\(^{117}\) Council of Ver (755), c.3: 'Ut unusquisque episcoporum potestatem habeat in sua parrochia, tam de clero quam de regularibus vel secularibus, ad correngendum et emendandum secundum ordinem canonicum spiritucale, ut sic vivant qualiter Deo placare possint.'

\(^{118}\) Council of Ver (755), c.11: 'De illis hominibus, qui se dicunt propter Deum quod se tonsorrassent, et modo res eorum vel pecunias habent et nec sub manu episcopi sunt nec in monasterium regulariter vivunt, placuit ut in monasterio sint sub ordine regulari aut sub manu episcopi sub ordine canonica [...]'
this period were not only monks but other communities of semi-monastic clerics too.\textsuperscript{119} That this was so can also be inferred from the council of Ascheim, issued only a few years later, in which we find \textit{clerici} who live either in a monastery or \textit{regulariter} under the supervision of the bishop.\textsuperscript{120} Clear limits between one group and the next could not, then, be easily drawn, although attempts were made to do exactly that.

All in all, the image we get from this material is a bit fuzzy around the edges, but it is possible to distinguish the outlines of three categories of clergy in the 750s and 760s. Most clearly defined are those living \textit{regulariter} in a monastery under an abbot. Secondly, there were people who lived \textit{regulariter} under the bishop, and thirdly there was the rest: those who fell under episcopal supervision, but did not live \textit{regulariter} and were expected to follow the \textit{canones}. Of these three, the two categories of institutionalised clergy were given most attention. It is no co-incidence that at precisely this juncture, Bishop Chrodegang of Metz was the leading man of the Frankish church. It was he who chaired the aforementioned Council of Ver (755) - to cite the most important council in this context - which devoted ample attention to both male and female monastic communities.\textsuperscript{121} Moreover, not long after 750, Chrodegang wrote a Rule for the canons of the cathedral of Metz, but he organised his monastery of


\textsuperscript{120} Council of Asheim (756/755-60), c.9 :'\textit{De clericis et nonnanes, ut aut in monasterio ire debeant aut cum consensu episcoporum, cui haec credita sunt, regulariter vivant, et si hoc agere noluerint, exterminentur}.'

\textsuperscript{121} Council of Ver (755), cc.5,6,10 and 20.
Gorze very differently. We can conclude from this that he had specific and clear ideas on what distinguished monks from clerics who led communal lives.\textsuperscript{122} His special interest, however, was exactly that: institutionalised communities of clerics - clergy living outside the walls of a communal dwelling did not get any substantial attention in Chrodegang’s day. Moreover, his organisation of the community of canons at Metz was, at the time, a unique experiment limited to one city, and was by no means the norm for the whole of the Frankish kingdom. The distinction between \textit{monachi} and \textit{clerici canonici} remained shadowy in the 750s and 760s, though the line between communal and non-communal clergy was drawn more sharply than before.\textsuperscript{123}

A few decades later, in the late 780s, this situation had already changed, at least as far as the institutionalised clergy were concerned. In c.73 of the \textit{Admonitio Generalis} (789), the distinction between monks and other members of the clergy who lived according to a rule was clearly explained: those who enter what is called a \textit{canonica vita}, should live \textit{canonice secundum suam regulam}, whereby the bishop played a role similar to that of an abbot towards his monks.\textsuperscript{124} The same text (c.77) even distinguishes between \textit{veri monachi} and \textit{veri canonici}, which implies that it had become possible to tell monks and \textit{clerici canonici} apart, and that the rather fluid boundary between both groups had solidified.\textsuperscript{125} There is no such clarity about non-institutionalised clergy, however, and, as noted before, no specific sign of the diocesan secular clergy.

\textsuperscript{124} \textit{Admonitio Generalis} (789), c.73: ‘[...] Simul et rogare curavimus, ut omnes ubicunque qui se voto monachicae vitae constrinxerunt monachice et regulariter omnimodis secundum votum suum vivant [...] Similiter qui ad clericatum accedunt, quod nos nominamus canonicam vitam, volumus ut illi canonice secundum suam regulam omnimodis vivant, et episcopus eorum regat vitam, sicut Abbas monachorum.’
The *Capitulare missorum generale* of 802, however, gives a little more information about the *clerici canonici*, and prescribes how they should live either in a *monasterium*, or in an episcopal house (c.22). Again, in this period, most attention was devoted to categories of regular clergy. Later on in the same *caput* of the *Capitulare missorum generale*, a very important remark is made, which reveals a lot about how all groups of clergy were now defined: they should have both a *magisterium* and a *disciplina*, which roughly translates into ‘a superior’ and ‘rules for a proper life’.  

This is the principle according to which, during the Council of Mainz (813)127, the whole of the clergy is, for the first time, clearly organised and subdivided in a way that leaves no space for undefined categories. At least in theory, every cleric was given a place in this text, albeit not always equally well-defined. The *canonici*, discussed in c.9 of the conciliar acts, had by this time become more or less monasticised. They lived in a *claustrum* under the direction of a bishop or a *magister*, and, when circumstances allowed, they ate and prayed together. No mention is made of a specific rule, however: *canonici* should observe the *divinae scripturae doctrina* and the *documenta sanctorum*

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125 *Admonitio Generalis* (789), c.77: ‘Clerici. Ut illi clerici, qui se fingsunt habitu vel nomine monachos esse, et non sunt, omnimodis videtur corrigendos atque emendandos esse, ut vel veri monachi sint vel veri canonici.’

126 *Capitulare missorum generale* (802), c.22: ‘Canonici autem pleniter vitam observent canonicam, et domo episcopali vel etiam monasteria cum omni diligentiam secundum canonica disciplina erudiantur. Nequaquam foris vagari sinantur, sed sub omni custodia vivant, non turpis luci dediti, non fornicarii [...] non ebriosi, sed casti corde et corpore [...]. ut filii Dei digni sint ad sacro ordine promovere; non per vicos neque per villas ad ecclesiam vicinas vel terminantes sine magisterio vel disciplina, qui sarabaiti dicuntur, luxuriando vel fornicando vel etima caetera iniqua operando, quae consentiri absurdum est.’ Note the terminological assonance with c.1 of the Rule of St Benedict. It is no co-incidence that it was around the year 800 that the secular laws of the realm were codified too, cf. Brown, ‘Introduction: the Carolingian Renaissance’, p. 26.

127 About the five meetings that took place in 813 see Wilfried Hartmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien* (Paderborn etc., 1989), pp.128 ff.
Next come the clerici (c.10), still a rather vague category, to which I will shortly pay attention. The requirements for a monastic life, briefly summed up in c.11, haven’t changed much: monks lived in a monastery under their abbot and followed the Rule of Benedict, *quantum humana permittit fragilitas*. Those who belonged nowhere within these three groups and led a wandering life, are dealt with in c.22, and in a fairly drastic way too. Roaming clerics were obviously not appreciated at all, for, according to the council, they ‘are without direction (*caput*), neither in the service of our Lord, nor under a bishop, nor under an abbot, but live no canonical or regular life (*vita canonica vel regulari*).’ With a borrowed phrase from Isidore, the editor compares itinerant clergy to centaurs, who are half man, half beast, and therefore neither. These clerics, the text explains, do bear the *signum* of religion, but do not have an *officium*. Again the two criteria that defined membership to any category of clergy appear: everybody needs a superior and a set of rules. Here, the argument is reversed, however, in the sense that those who live without either one are defined as anomalous and should be integrated into ‘proper’ groups that fit the requirements of order, institutionalised or otherwise. There was reason enough

128 Council of Mainz (813), c.9: ‘*De vita canonicorum. In omnibus igitur, quantum humana permittit fragilitas, decrevimus, ut canonici clerici canonici vivant, observantes divinae scripturae doctrinam et documenta sanctorum patrum, et nihil sine licentia episcopi sui vel magistri eorum positi agere praesumant in unoquoque episcopatu et ut simul manducent et dormiant, ubi his facultas id faciendi suppedit vel qui de rebus ecclesiasticis stipendia accipient, et in suo claustro maneant et singulis diebus mane prima ad lectionem veniant et audiant quid eis imperetur. Ad mensam vero similiter lectionem audiant et oboedientiam secundam canones suis magistris exhibeant.*’

129 Council of Mainz (813), c.11: ‘*De vita monachorum. Abbates autem censuimus ita cum monachis suis plenter vivere sicut ipsi, qui in presenti synodo aderant, palam nobis omnibus promiserunt, id est secundum doctrinam sanctae regulae Benedicti, quantum humana permittit fragilitas. Ac deinde decrevimus, sicut sancto regula dicit, ut monasterium, ubi fieri possit, per decanos ordinatur, quia illi praepositi saepe in elationem incidunt et in laqueum diaboli.*’

130 That it was discouraged for all clerics to wander around without episcopal permission was not a new idea, although the strong way in which it is put here is indeed new. Cf. *Concilium Epaonense* (517), cc.5,6; *Concilium Clippiacense* (626/7), c.14.

131 Isidore of Seville, *De ecclesiasticis officiis*, ed. Christopher M. Lawson, Corpus Christianum, series latina 113 (Turnhout, 1989), II, c.3, ‘*De generibus clericorum*.’
for the council to try and eliminate them altogether: bishops are instructed to submit roaming clerics to canonical discipline, and if the wanderer refuses to co-operate, stronger measures await him. By the beginning of the ninth century, then, the bench-mark for belonging to any category of clerics in the widest sense of the word had become defined as having a superior and a set of rules. Practices that deviated from this principle were abolished.

This leaves us with the category of *clerici* in the strict sense. This is the least transparent part of the subdivision, so it is important to look at its description in some detail. At whom exactly did the council aim this *canon*?

‘c.10 About the life of *clerici*. Therefore we wish and command that a distinction is made among those, who say that they leave the secular world, and those who still serve it. Thus, it pleases the holy council that such a distinction is made as in the *regula clericorum*. Therefore this patristic law should be heeded, that they are separated from ordinary life and abstain from the pleasures of the world. They shouldn’t attend spectacles and processions, they should stay away from shameful or uncouth parties. As Hieronymus says in his letter to Nepotian: “We must love all families of Christians like our own, so that we can bring more comfort during bad times than a guest during good times.” And Isidore says: “Clerics should celebrate private feasts not just in a chaste manner, but also soberly. They should absolutely not be involved in usury, nor desire any uncouth practices of profit and fraud. They should flee from love of money, which is the root of all crime. They should give up all

132 Council of Mainz (813), c.22: ‘De clericis vagis. De clericis vagis seu de acoephalis, id est de his, qui sunt sine capite neque in servitio domini nostri neque sub episcopo neque sub abbate, sed sine canonica vel regulari vita degentes, ut in libro officiorum II cap. III de eis dicitur ‘hos neque inter laicos saecularium orricorum studia neque inter clericos religio tentat divina, sed solutos atque oberrantes sola turpis vita complectit et vaga, quique, dum nullum metuunt, explendae voluptatis suae licentiam sectantur, quasi animalia bruta libertate ac desiderio suo feruntur, habentes signum religionis, non religiones officium, yppocentaures similes, nec equi nec homines’. Tales omnino praecipimus ut, ubicumque inventi fuerint, episcopi sine ulla mora eos sub custodia constringant canonica et nullatenus eos amplius ita errabundos et vagos secundum desideria voluptatum suarum vivere permittant. Sin autem episcopis suis canonice oboedire noluerint, excommunicentur usque ad iuditium archiepiscopi regionis illius. Si autem nec ille eos corrígere voluerit, tunc omnino sub vinculis constringantur usque ad synodum, ut ibi eis iudicetur, utrum ad iuditium domini nostri aut ad istam magnam synodum adferantur sub custodia publica.’
worldly office and business, not seek the honour of higher office because of ambition, they shouldn’t accept gifts for the benefices of Godly medicine, watch out for treachery and conspiracy and steer clear of hate, spite, jealousy and envy. They shouldn’t go around with wandering eyes, an uncontrolled tongue or inordinate and inflated movements, but ceaselessly show humility and restraint of mind and simplicity of dress, and not show obscenity in word and deed. They shouldn’t visit widows and virgins too often, and not desire the company of women, but seek to keep the purity of an unblemished body for ever. They should also show their superiors due respect without any wish to flatter. Finally, they should continuously devote themselves to the exercise of doctrine, reading, psalms, hymns, and chants. Those who seek to show that they are devoted to the divine cult should be such, that, while they dedicate themselves to knowledge, they administer the grace of doctrine to the people.¹³³

The first hint we get about the group of people alluded to here, is that of the subdivision made in the *regula clericorum*, mentioned in this *caput*, which can’t be anything but Chrodegang’s Rule for the canons of Metz. In a direct quote from Isidore, Chrodegang’s Rule distinguishes between *clerici* who work among

¹³³ Council of Mainz (813), c.10: 'De vita clericorum. Discretionem igitur esse volumus atque decrevimus inter eos, qui dicunt se saeculum reliquisse, et adhuc saeculum sectantur. Placuit itaque sancto concilio, ut ita discernantur, sicut in regula clericorum dictum est. His igitur lege patrum cavetur, ut a vulgari vita seclusi a mundi voluptatibus sese abstineant, non spectaculis, non pompis intersint, convivia inhonesta et turpia fugiant. Tamen Hieronimus in episcola ad Nepotianum dicit: ‘Omnium Christianorum domos quasi proprias amare debemus, ut consolatores nos in meroribus suis potius quam convivas in prosperis noverint.’ Itam Isidorus: ‘Clerici tamen convivia privata non tantum pudica, sed et sobria colant, usuris nequaquam incumbant neque turpium occupationes lucrorum fraudisque cuiusquam studium appetant. Amorem pecuniae quasi materiam cunctorum criminum fugiant, saecularia officia abiciant, honorum gradus per ambitionem non subeant, pro beneficiis medicinae Dei munera non accipiant, dolos et conturbationes caveant, odium, aemulatione, obtrectationem atque invidiam fugiant. Non vagis oculis, non infreri lingua aut petulanti tumidoque gestu incedant, sed pudorum ac verecundiam habitum incassuque ostendant, obscuritatem etiam verborum sicut et operum penitus exercerunt. Viduarum ac virginum visitationes frequentissimas fugiant, contubernia feminarum nullatenus appetant, castimoniae quoque inviolati corporis perpetuo conservare studiant. Seniores quoque debitam praebent oboedientiam nec ullo iactantiae studio se adollant. Postremo in doctrina, in lectionibus, psalmis, ymnis et canticis exercitio iugi incumbant. Tules enim esse debent, qui divinis cultibus se mancipandos student exhibere, scilicet ut, dum scientiae operam dant, doctrinae gratiam populis administrant.'
laymen and those who execute their office among other clerics\textsuperscript{134}; in other words, between non-institutionalised clergy and those living in religious communities. As monks and canons are dealt with in other sections of the Council of Mainz, the \textit{clerici} of c.10 seem to be the secular clergy outside monasteries, bishops’ houses and other communal dwellings. The passage taken directly from Isidore completes the picture further: these \textit{clerici} occupy themselves with the divine cult and teach it to the lay population, from whom they are set apart by a different code of behaviour. Isidore’s list of forbidden conduct for this category of people bears a striking resemblance to the \textit{capitula episcoporum} of the prescriptive kind, but I think that, unlike many \textit{capitula episcoporum}, this passage from the Council of Mainz is not uniquely aimed at diocesan clergy. It is too general for that: unlike many \textit{capitula episcoporum} it contains nothing that explicitly points to clerical life within a relatively small local community of laymen, although it does describe what we could call ‘clerical mentality’. This indicates that it was not only the local secular clergy who are meant by the term \textit{clerici} here, as, by this time, the first \textit{capitula episcoporum} had appeared with much more specific directions aimed exclusively at those living in local lay communities throughout the diocese. To be sure, there were also secular clerics in communities other than rural ones, like those in the (episcopal) cities and the towns of the realm, as well as those in the service of the nobility at a court, although, formally, all of them fell under the jurisdiction of the local bishop. The \textit{clerici} of Mainz (813), then, constitute the entire hierarchy of secular clergy, from \textit{presbyter} downwards, who were the local representatives of the church in lay communities. Like the other categories of clergy, they have a code of behaviour to follow, and they are expected to obey their senior.

\textsuperscript{134} Chrodegang of Metz, \textit{Regula canonicorum}, ed. Wilhelm Schmitz (Hannover, 1889), c. LXV, ‘\textit{De generibus clericorum}’, which is identical to Isidore, \textit{De ecclesiasticis officiis} II, c.3, ‘\textit{De generibus clericorum}’. 
Up to around the year 820, this system of division did not change in any major way. Certainly it was further refined, especially in the years 816 and 817, which saw two major councils where rules for *clerici canonici* and *sanctimoniales* were officially established. The secular *clerici*, however, remained defined in the way of Mainz (813) – no systematic attention was paid to them in official, high-level legislation during the early years of Louis the Pious. This would lead to the conclusion that while bishops were already writing very specific texts for their diocesan, secular clergy, in high-level legislation the local clergy were still lumped together with their peers who operated under different circumstances. Apparently, the local, diocesan clergy by itself was no subject of discussion at the great reform-assemblies during the later days of Charlemagne and the early ones of his son Louis the Pious. Some general directions were given, but the precise implementation thereof was left to the discretion of the bishops, who now seem to have been expected to take a much more active role in this.\(^{135}\)

**A context for the emergence of the episcopal statutes**

The context for the emergence of the *capitula episcoporum* in the years around 800, then, was not as straightforward as appears from the observation that ‘bishops […] had taken the *Admonitio Generalis* seriously’.\(^{136}\) That bishops began to write specifically for their local priests was not an isolated event, but was connected to a variety of contemporary developments. During the reign of Charlemagne in particular, a lot of work was done both to define and to draw clear boundaries between the different groups of people that made up the society of the Christian Franks. This was especially so for those in clerical orders. As the inconsequent or vague terminology of the early councils and capitularies of

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the period show, distinctions between one group of clerics and the next were somewhat blurred in the middle of the eighth century. The way in which the reformers sought to eradicate all misunderstandings and abuses that arose from this situation, was by establishing that everybody needed both a *magisterium* and a *disciplina*, which would, in effect, give everyone a supervised place within the ecclesiastical (or, for that matter, lay) hierarchy, as well as a clearly defined code of behaviour derived ultimately from God and the bible. This idea was elaborated for all groups and ranks of society: henceforth, monks were supposed to follow only the Rule of St Benedict under an abbot; nuns and *clerici canonici* were given a similar frame of living; and lay law-codes were scrutinized and codified anew.\(^{137}\) The most problematic group was that of the secular clergy, especially the priests, who had been given a key role in the Carolingian reforms but still lacked a code of behaviour that was specific enough for the purpose. That the local bishop was their official superior had been clear for some centuries, but up to the Carolingian era priests were supposed to deduce the way they should live and operate from the *canones*, which could mean more or less anything and lacked the precision needed for their daily lives and ministrations. It is here that the *capitula episcoporum* filled a lacuna by providing very detailed prescriptions, tailored specifically for the lives of clerics in secular communities, but still ultimately derived from the *canones*. In general terms, the episcopal statutes were perfectly in line with the ancient laws of the church, but the bishops who wrote them went a step further and also provided hand-holds for actions and behaviour unspecified or altogether ignored in the *canones*. In addition, the existing system of control and active supervision by the bishops and their direct helpers was developed further in order that the priests in particular would fulfil the role the reformers had set out for them.\(^{138}\)


\(^{138}\) See also the next chapter.
The role of the *capitula episcoporum*, then, was meant to be threefold. First of all, they were to provide the secular clergy with a code of behaviour of authority similar (though not equal) to that of a *regula* for monks and a *lex* for laymen. This made them more than mere directions, but a *disciplina* carried by episcopal authority, as some of these texts specifically state.\(^{139}\) Secondly, they were designed as a means by which the bishops tried to get a firmer grip on their diocesan secular clergy, who, more often than not, operated in areas not permanently under episcopal scrutiny. Thirdly, this would lead ideally to secular clergy executing their task of making the Frankish lay population into model Christians, for whom they themselves were expected to set a shining example.

\(^{139}\) In various episcopal statutes, bishops utter explicit threats for priests who dared to break the rules, e.g. Theodulf I, c.16 in which he promises punishment for priests who tried to get a better church by bribery.