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TWO NINTH-CENTURY ECCLESIASTICAL INITIATIVES TO LEGALLY DEFINE RELIGIOUS AND SECULAR DUTIES:

Photios I of Constantinople's *Εἰσαγωγή τοῦ νόμου*
and Hincmar of Reims's *Collectio de ecclesiis et capellis*

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Abstract

Photios's contribution to the "Introduction to the law" is a "proem" and two titles on secular and religious duties which interpret the power of the patriarch as superior to that of the emperor. The "Introduction to the law" was abrogated after its promulgation. Hincmar's "Collection concerning Churches and Chapels" also illustrates an ecclesiastical attempt to legally support the Church.

I examine two 'Eastern' and two 'Western' sources: in each case, the first source represents a ninth-century attempt by an ecclesiastic to insert himself into affairs of state, the second source is an eleventh-century text shedding light on the reception of these ideas. Considering the study's limits, I do not impose theoretical frameworks onto the sources and work with a broad notion of 'legal'. A situational model explores the question of institution and reveals that the motivation behind the definition of religious and political duties was in both ninth-century initiatives not unification in law.

Keywords: religious and secular duties, institution, reception, Photios I of Constantinople, Hincmar of Reims

Abstract

Der Beitrag von Photios zur „Einführung in das Gesetz“ besteht aus einem „Prooimion“ und zwei Titeln zu weltlichen und religiösen Zuständigkeiten, die die Macht des Patriarchen als der des Kaisers überlegen interpretieren. Diese „Einführung“ wurde nach ihrer Promulgation außer Kraft gesetzt. Hinkmars „Sammlung zu Kirchen und Kapellen“ ist ebenfalls ein ekklesialer Versuch, die Kirche rechtlich zu stützen.

Ich untersuche zwei ‚östliche‘ und zwei ‚westliche‘ Quellen: Die erste stellt jeweils eine geistliche Initiative aus dem 9. Jh. dar, sich in Staatsangelegenheiten einzumischen. Die zweite, aus dem 11. Jh., gibt Aufschluss über deren Rezeption. Die kurze Studie zwingt den Quellen keinen theoretischen Rahmen auf und arbeitet mit einem umfassenden Begriff von ‚Recht‘. Eine situative Herangehensweise fragt nach der Institutionalisierung dieser Initiativen und zeigt, dass die Motivation hinter der Definition religiöser und politischer Zuständigkeiten nicht Vereinheitlichung im Recht war.

Schlüsselwörter: weltliche und religiöse Zuständigkeiten, Institutionalisierung, Rezeption, Photios I., Hinkmar von Reims

1. Comparing Two Ecclesiastical Attempts to Define Religious and Secular Duties: A Situational Model

This paper is inspired by a legal text that was promulgated under the Macedonians in the Middle Byzantine period (843–1204) and has attracted a lot of attention among Byzantinists and legal historians because of the originality of its compositional structure and because of some idiosyncrasies included in its introductory sections. The text’s title, which was established by A. Schminck in a manuscript study in 1986, is *Εἰσαγωγή τοῦ νόμου* (“Introduction to the law”).¹ Before that, it had been referred to as *Ἐπαναγωγή*, which was in line with the text’s first mention by I. M. Suarez in 1637.² As for the authorship of the *Εἰσαγωγή*, apart from its promulgating Emperor Basil I, scholarship has been able to confirm Patriarch Photios I of Constantinople (858–867, 877–886)³ as the author of the *προοίμιον* (“proem”) and of the first 3 out of the 40 titles (i.e. Titulus I *περὶ νόμου καὶ δικαιοσύνης* the authorship of this title is still subject to possible debate; Titulus II *περὶ βασιλέως*; Titulus III *περὶ πατριάρχου*) that

complemented the 40 books of a first version of a greater legislative work, which was produced by Basil I’s jurists and was later given the name of *βασιλικά* (“royal laws”).⁴ These introductory pages show similarities in their linguistic components, in their intellectual components as far as the evaluation of the secular and religious powers is concerned, and in the compositional technique deployed. According to J. Scharf, it is a combination of adhering to tradition and reinterpreting ancient wisdom, biblical passages and patristic scholarship in order to define contemporary state-Church relations.⁵ Their attribution to Photios was suggested, inter alia, by K. E. Z. von Lingenthal (on the basis of an examination of a marginal note in the ms. Bodleianus gr. 173)⁶ and was later confirmed by J. Scharf in his studies on philological grounds.⁷ The consensus is that the powers of the patriarch in the *Εἰσαγωγή* are presented as distinct from, or even superior to those of the emperor. Unfortunately, the *Εἰσαγωγή* was abroga-

¹ Schminck: Studien, 12–14.

² Suarezii: Notitia, ad F. A. Biener fil.: Ueber die Basiliken Urbanum VIII, P. M. Romae 1637, 4 und die Scholien derselben. Only K. Minas had titled the text *Μικρὸν Βασιλικόν* (Cod. Par. suppl. gr. 1235 f. IVr und VIIr) or *Petit Basilic (Rapport 467)*, according to a now no longer extant rubric on the cover of Cod. Patm. 207.

³ Aerts et. al.: Prooimion, 138.

⁴ Scharf: Photios, 389.

⁵ Ibid., 390–399. Scharf: Quellenstudien, 72–81.

⁶ Von Lingenthal: Collectio, 53–235 (repr. in: Zepos, Zepos: [repr. Aalen 1962] II, 229–368, 410–427).

⁷ Dagron: Emperor, 229.

ted after its promulgation, and Photios was forced to resign as soon as Emperor Leo VI came to power in 886. The text was officially replaced by the *Πρόχειρος νόμος* (“law ready at hand”) only in 907. (However, in the intitulatio of the *Πρόχειρος νόμος*, the text claims to date back to the period of 870–879, i. e. the years of Basil I’s, Constantine VII’s and Leo VI’s co-rule.)

My enquiry is concerned with the legal aspects of these definitions of religious and secular duties as well as with the question of institution. Since it is hard to pronounce on the reception of Photios’s initiative when considered in isolation, I propose an ‘Eastern’ – ‘Western’ comparison. My recourse to the terms ‘Eastern’ and ‘Western’ refers to two linguistic communities – the Latin West and the Greek East –, and I base my argument on the premise that there was a flourishing of intellectual activity in the ninth century after Charlemagne’s rule under the Carolingians and after Basil I’s rule under the Macedonians. In line with the ‘Western’ medievalist S. Patzold and the Byzantinists J. Scharf and A. Kaldellis, I suggest a situatio-

nal model for exploring the question of institution.⁸ J. Scharf revealed Photios’s changing stance on state-Church questions,⁹ while A. Kaldellis and S. Patzold argued in favour of considering local and situational power structures when examining intellectual currents in spatial and temporal dimensions.¹⁰ In particular, A. Kaldellis noted that Greek political thought must be seen as fixing momentary problems and argued for “a modular and situational model for thinking about the secular and the religious in Byzantine politics.”¹¹ Hence, I argue against imposing external theoretical frameworks onto the sources. I work with a broad notion of what constitutes ‘legal’ and leave the vaguely delimited spheres of legal and moral obligations largely undefined: Hincmar of Reims, the leading jurist of the Carolingian era, was an ecclesiastic. Like most early medieval scholars, he was not systematic in his scholarship or thinking.¹² In Byzantium, an anonymous army engineer wrote in his treatise on strategy about the middle of the sixth century: “Neither should the legal profession be called a science. It does not always deal with cases in the same manner, but handles the same

⁸ Patzold: *Episcopus*. Scharf: *Quellenstudien*, 68–81. See also Scharf: *Photios*, 385–400. Kaldellis: *Republic*, 181–400.

⁹ Scharf: *Photios*, 385–400.

¹⁰ Kaldellis: *Republic*, 181–184; Patzold: *Episcopus*, 530.

¹¹ Kaldellis: *Republic*, 181–184.

¹² I oppose concepts and phrases that are elusive in meaning: “Hincmar’s theories of kingship” in Stone: *Morality*, 44 and J. L. Nelson’s reference to Hincmar as a “theorist”, attributing to him a systematic “theory of restraints on Christian kingship”. Nelson: *Politics*, 134. Nelson: *Charles*, 49.

subject now in one way, now in another.”¹³ In my analysis, I will present two ‘Eastern’ and two ‘Western’ sources. In each case, the first source represents a ninth-century attempt by an ecclesiastic to legally define religious and secular duties, thereby inserting himself

into affairs of state. The second source is an eleventh-century text that may give us some clues about the reception and durability of these previously formulated ideas.

2. The Greek East: Photios I of Constantinople’s contribution to the *Εἰσαγωγή τοῦ νόμου* under the Macedonians

The *Εἰσαγωγή τοῦ νόμου* must have been composed in the years between 879 and 886.¹⁴ The Tituli that have not been attributed to Photios, including the controversial Titulus I *περὶ νόμου καὶ δικαιοσύνης* (consisting of six chapters), draw on Justinian law and are mainly composed of articles taken from the *Digesta* (“Digest”). In this examination, I consider Photios’s *προοίμιον* and extracts from Titulus II *περὶ βασιλέως* and Titulus III *περὶ πατριάρχου*. In the *προοίμιον*, we find a dualism in man as consisting of a spiritual and a corporeal element being neutralised by God’s law:

“The value and magnitude of the present undertaking will subsequently become clear from its intent and ultimate purpose, but

above all the clearest testimony is already provided by the law’s nobility, which from the very beginning has consisted in glorious principles. For, with the intention mystically to give instructions through his works about a fundamental and most true doctrine, God, the lord and steward of all that is good, after the creation of the objects perceptible by the mind and those perceptible by the senses, produced a kind of mixed being, a combination and a single form of those two opposite and contrasting natures, namely man. To him He gave a good law in order to bring about a coherent and stable mixture in this composition. On the one hand He desired to prevent that anybody would conceive of the natures of this being, mutually separate and circumscribed by their own boundaries, as springing from different principles. On the other hand, once man acknowledged that

¹³ The Anonymous Byzantine Treatise on Strategy, in: Dennis: *Treatises*, 11. On the emergence of jurisprudence as a process of differentiation see § 2 *Gelehrtes Recht*, II. *Das Mittelalter* in Jansen: *Recht*, 37–73.

¹⁴ Dagron 2003, 229 does not take a firm position on the dating of the *Εἰσαγωγή*. Aerts et al.: *Prooimion*, 136–137 prefer the earlier date proposed by van Bochove: *Date*. S. Tougher, M. Th. Fögen and S. N. Troianos follow A. Schminck’s dating of 885/886, around Basil I’s death, which he first mentions in Schminck, *Studien*, 15.

these components spring from a single principle, He intended him to believe and to know that this is not some evil principle, but the good God.”¹⁵

Photios explains that the qualitative and quantitative benefits of the legislative work to be introduced are first and foremost justified by the “nobility” of the law itself, which consists of “glorious principles”. Inclined to teach through His deeds, God, after creating the things that are perceptible by the mind and the things that are perceptible by the senses, created a being that unites these two seemingly irreconcilable natures, namely man. In order to balance these contrasting essences in man, God gave him a good law. This law prevents man from seeing the two essences as originating from two different principles and helps him to recognise their single common source, which is the good God himself.

In chapter a) of Titulus II *περὶ βασιλέως* (consisting of twelve chapters), contrary to the traditions of Hellenistic and Roman law, which considered the emperor to be ‘above the laws’ and the ‘living law’, the emperor is defined as *ἔννομος ἐπιστασία* (“legal authority”, literally “authority ordained by law”/“authority kept within the law”), which

G. Dagron, M. Th. Fögen and A. Schminck have interpreted as “submitting to the law only by conscious choice”.¹⁶ In chapter d) of Titulus II, the emperor is portrayed as subject, above all, to the gospel precepts, then the canones of the ecumenical councils and, thirdly, the Romaic laws.¹⁷ Photios writes:

“Cap. a) The emperor is a legal authority, a blessing common to all his subjects, who neither punishes in antipathy nor rewards in partiality, but behaves like an umpire making awards in a game.

Cap. b) The aim of the emperor is to guard and secure by his ability the powers that he already possesses; to recover by sleepless care those that are lost; and to acquire by wisdom and by just ways and habits those that are not [as yet] in his hands.

Cap. c) The end set before the emperor is to confer benefits: this is why he is called a benefactor; and when he is weary of conferring benefits, he appears, in the words of the ancients, to falsify the royal stamp and character.

Cap. d) The emperor is presumed to enforce and maintain, first and foremost, all that is set out in the divine scriptures; then the doctrines laid down by the seven holy councils; and further, and in addition, the received Romaic laws.”¹⁸

¹⁵ Aerts et al., *Prooimion*, 96–97.

¹⁶ Dagron, *Emperor*, 230. See also Fögen: *Denken*, 73. Schminck: *Rota*, 213.

¹⁷ Simon: *Princesps*. Dagron: *Emperor*, 231. Fögen: *Denken*, 74.

¹⁸ Geffert, Stavrou: *Christianity*, 116–117. For the Greek original see von Lingenthal, *Collectio*, 65–66.

The emperor in the capacity of *ἐννομος ἐπίστασία* in chapter a) can thus be understood as an authority that is “ordained by” or “kept within” the law specified in chapter d), which relates to the biblical and ecclesiastical rules and only in the third instance to the secular legislation. Considering the importance Photios accords to the first seven ecumenical councils and the Decalogue in his letter to Boris I of Bulgaria,¹⁹ the standards the author uses here in evaluating the religious and worldly legal spheres are characteristic of Photios.

In chapter a) of Titulus III *περὶ πατριάρχου* (consisting of eleven chapters), the patriarch – not the emperor who would traditionally be called the ‘imitator of Christ’ – is defined as *εἰκὼν ζῶσα χριστοῦ καὶ ἔμψυχος, δι’ ἔργων καὶ λόγων χαρακτηρίζουσα τὴν ἀλήθειαν* (3.1) (“a living and animate image of Christ by deeds and words typifying the truth”). Photios asserts:

“Cap. a) The patriarch is a living and animate image of Christ by deeds and words typifying the truth.

Cap. b) The aim of the patriarch is, first, to guard those whom he has received from God, in piety and soberness of life; to turn to orthodoxy and the unity of the church, so far as he can, all heretics (the name of heretics against the laws and canons is applied to

those who are not in communion with the church catholic); and, finally, through the awe he inspires by his shining and most manifest and admirable action, to make those who are unbelievers imitators of the faith.

Cap. c) The end set before the patriarch is the salvation of the souls entrusted to him, and that they should live for Christ and be crucified to the world.

Cap. d) The attributes of the patriarch are that he should be a teacher; that he should behave equally and indifferently to all men, both high and low; that he should be merciful in justice but a reprover of unbelievers; and that he should lift up his voice on behalf of the truth and the vindication of the doctrines [of the church] before kings, and not be ashamed.”²⁰

What can be noted here is that Titulus II *περὶ βασιλέως* and Titulus III *περὶ πατριάρχου* are structured in a complementary manner. Remarkable are the chapters a), where the emperor’s room for manoeuvre and powers to govern are limited by the law, on the one hand, and the patriarch’s deeds and words are elevated to the level of divine truth, on the other. Furthermore, while in chapter c) of Titulus II the emperor’s ultimate role is described as that of a “benefactor” of his subjects, the patriarch in chapter c) of Titulus III is defined as a “saviour” of the souls that

¹⁹ Laourdas, Westerink: Photios. For a translation see Stratoudaki White, Berrigan: Patriarch. See also Odorico: Lettre.

²⁰ Geffert, Stavrou: Christianity, 117. For the Greek original: von Lingenthal: Collectio, 67.

are in his care. It is also striking that chapter d) of Titulus III starts by paraphrasing the moral precepts contained in chapter a) of Titulus II, namely, to be impartial and refrain from making a judgment in the heat of passion, and ends by elevating the patriarch to the role of holder (and speaker) of the truth in the face of secular leaders who attempt to threaten the authority of the Church.

There have been various scholarly interpretations of Photios's representation of the secular and religious powers in the *Εἰσαγωγή*. According to an early analysis of 1963 by A. Eßer, the term *ἔννομος* with reference to the emperor in Titulus II *περὶ βασιλέως*, defining the imperial dignity, cannot possibly mean that the emperor is subject to the law.²¹ Eßer states that such an assumption would not be in line with the tradition of Roman law or with the texts of Aristotle and Basil I. He holds that *ἔννομος ἐπίστασία* needs to be understood as a “rightful authority”, “legitimate authority” or an “authority according to natural law”.²² The patriarch, on the other hand, is subordinate to the emperor in the political hierarchy because the emperor confers a mere doctrinal authority on the patriarch.²³ He concludes that the freedom of the Church is achieved by

its integration into the political order and is therefore limited from the outset.²⁴ However, Eßer's interpretation has found little scholarly support. It is the research of J. Scharf that has gained a broader audience.²⁵ J. Scharf argues that it would be wrong to ascribe to Photios's passages a firm political theory such as ‘Caesaropapism’ on the one hand or a dualistic view of the relationship between Church and state on the other. According to him, the text is the product of unique historical-political constellations: first, it reflects an attempt to prevent further threats to Orthodoxy on the part of iconoclast rulers.²⁶ Under iconoclasm, the Church for the first time adopted the view that the emperor's power should be restricted to secular affairs.²⁷ Second, the work illustrates an effort on the part of the Byzantine imperial Church to lay the foundations for a more independent ecclesiastical sphere of influence. This became possible only at a time when the African and Asiatic patriarchates no longer belonged to the Byzantine imperial Church, and Constantinople had distanced itself from the powerful rivalry of the other patriarchates including Rome.²⁸ Third, there is no doubt that the struggle between the spiritual and temporal powers was also influenced by human agency.

²¹ Eßer: *Lehre*, 62–85.

²² *Ibid.*, 64.

²³ *Ibid.*, 70.

²⁴ *Ibid.*, 81.

²⁵ Scharf: *Photios*. Scharf: *Quellenstudien*.

²⁶ Scharf: *Photios*, 399.

²⁷ Dvornik: *Philosophy*, 120.

²⁸ Scharf: *Photios*, 399.

Around 880 a depression afflicted Basil I, and there were intrigues that led, in 883, to the imprisonment (for three years) of the heir to the throne, Leo VI.²⁹ Photios had just been rehabilitated after Patriarch Ignatios I's death in 877 by a Church council that had hailed him with the title 'supreme pastor', and his sphere of responsibility had been recognised by the papal representatives as well as the patriarchates in Islamic territory.³⁰ Photios had been a layman when elected Patriarch of Constantinople in 858.³¹ Neither the appointment of laymen to ecclesiastical offices nor the deposition of Church leaders was uncommon in the Greek East or the Latin West.³² However, what was unique to Photios's trajectory, was the circumstance that shortly after his official deposition as patriarch in 869–970, he achieved a recon-

ciliation with Basil I and was reintegrated into the court by serving in the secular role of tutor to Basil I's children (including Leo VI).³³ Basil I himself was not well-educated, and it was important to him that his children would receive an adequate education.³⁴ Upon Basil I's death, successor Leo VI, whose education allowed him to see through the patriarch's claims to power formulated in the *Εἰσαγωγή*, abrogated the text. Photios evidently did not expect that his rehabilitated position in a secular office, namely as teacher of the emperor's sons, would later limit him in his restored ecclesiastical role as patriarch. It thus appears that with his contribution to the *Εἰσαγωγή*, Photios had seen a personal opportunity to develop a separation of powers between emperor and patriarch that went beyond the dogmatic and ecclesiastical

²⁹ Dagron: Emperor, 229–230. Schminck: Rota, 211.

³⁰ Dagron: Emperor, 229.

³¹ The deposition of Photios and reinstatement of Ignatios I by Basil I in 867 resulted from the fact that Basil I, seizing the throne after instigating the assassinations of Caesar Bardas in 866 and Emperor Michael III in 867, was seeking an alliance with the pope, Adrian II. However, his predecessor, Pope Nicholas I, viewing the removal of Ignatios I without an ecclesiastical trial as uncanonical, had deposed Photios at a synod in Rome in 863, thereby initiating a schism between the sees of Rome and Constantinople. Around 867, Photios in turn excommunicated Nicholas I and the papacy on account of the Filioque teaching. (The underlying reasons for Photios's excommunication of Nicholas I were more complex and related to questions concerning papal jurisdiction over conquered and Christianised territories as well as papal authority at large.) The Fourth Council of Constantinople (869–970), convened by Basil I and supported by Adrian II, confirmed the condemnation of Photios and the reappointment of Ignatios I and ended the schism. Chadwick: East, 146. Dvornik: Schism, Chapter III: "The Synod of 861", 70–90. Tougher: Reign, 69. On the controversy over the Filioque see Wessel: Dogma, Kapitel V: "Der Bruch mit Rom wegen der Differenzen in Lehre, Kultus und Recht", 352–373.

³² For example, Alcuin of York was Deacon of York and Abbot of Tours without ever having been ordained a priest or officially become a monk.

³³ Antonopoulou: Homilies, 5 (including note 12). Treadgold: History, Chapter Fourteen: "External Gains, 842–912", 457.

³⁴ Antonopoulou: Homilies, 5. Mavroudi: Women, 61 (note 35).

frameworks.³⁵ What was also new about this conception, according to J. Scharf, was the attempt to legally establish definitions of the tasks of these two authorities.³⁶ G. Dagron, A. Schminck and D. Simon have claimed that the emperor is portrayed as subject to the law.³⁷ While Photios's passages circulated and were copied and excerpted from the *Εἰσαγωγή*³⁸, M. Th. Fögen has pointed out that reactions to these excerpts have so far not been found. Perhaps further research is needed on the reception of Photios's texts. Nevertheless, it seems that Photios's new definitions of the imperial and patriarchal offices did not substantially influence the construction of political power in Byzantium in the long term.³⁹

If we expand our focus to the eleventh and twelfth centuries, we can see this confirmed: there are sources that pronounce on

the moral conduct of Byzantine secular but not spiritual leaders. For example, there are the eleventh-century *Στρατηγικὸν τοῦ Κεκαυμένου* ("Strategikon of Kekaumenos") and *Λόγος νουθετητικός πρὸς βασιλέα* ("Word of admonition to the king").⁴⁰ There are also the *Μοῦσαι Ἀλεξιάδες Κομνηνιάδες*, of which I will not include any textual passages in this examination. *Μοῦσαι Ἀλεξιάδες Κομνηνιάδες* is the title given to the text in one complete and one very fragmentary manuscript. The text is an early twelfth-century advice poetry attributed to Alexios I Komnenos.⁴¹ None of these works include any discussion of the conduct of ecclesiastical authorities. In the following extracts of the *Λόγος νουθετητικός πρὸς βασιλέα*, the emperor is in a position of absolute power:

"O holy master, God raised you to the im-

³⁵ Scharf: Photios, 400. See also Troianos: *Οἱ πηγές του βυζαντινοῦ δικαίου*.

³⁶ Scharf: *Quellenstudien*, 81.

³⁷ Dagron: *Emperor*, 231. Schminck: *Rota*, 211–214. Simon: *Principes*, 471.

³⁸ The *Εἰσαγωγή* has been transmitted in five manuscripts. The *editio princeps* was produced by K. E. Z. von Lingenthal in 1852. In 1986, A. Schminck published an edition and German translation of the *προοίμιον*, in which the following four manuscripts are listed: A Taur. B II 26 (105) f.432v-434v (12th c.); B Marc.gr.181 f.1r-6v (1441); C Vat.Pal.gr.55 f.2r-3r (16th c.); DM Par.suppl.gr.1235 p.α'–ε' (ca. early 1846). Since then one new manuscript, the Patmiacus 207, has been found (a new edition is to be expected from Frankfurt). In 2001, Aerts et al.: *Prooimion* developed a first English translation and commentary. In 2007, J. Signes Codoñer, F. J. Andrés Santos published a Spanish translation of the entire *Εἰσαγωγή* with an introduction, commentary and indices. Recent English translations of the sections that have been attributed to Photios can be found in Geffert, Stavrou: *Christianity*.

³⁹ Fögen, *Denken*, 74–75.

⁴⁰ H. G. Beck has attributed both works to the same Kekaumenos, who is either the famous general Katakalon Kekaumenos or his son, and has argued that the *Λόγος νουθετητικός πρὸς βασιλέα* is addressed to Emperor Alexios I Komnenos. Beck: *Vademecum*, 12–19.

⁴¹ Mullett: *Muses*, 197. According to M. Mullett, "a study of patronage suggests that that both Komnenoi, father and son, were happy to take credit for the writings of others, a look at authorship analysis suggests no instant identification with known poets of the age, and a consideration of reception leads us to believe that the person most likely to benefit from the text was John II [...]". *Ibid.*, 208.

perial office and He made you by His own grace, so to speak, a terrestrial god, to do and fare what you want. And so, may your actions and your deeds be full of intelligence and truth, and [may] justice [be] in your heart. And so, look and act with the same eye towards all, both those in power and the remaining, and do not on the one hand reproach some people to no purpose and on the other hand benefit others contrary to all just reasoning, but be the same towards all. And let the one who is erring receive in moderation for their mistakes, and if you also sympathize with them and let go of their error, this is something godly and imperial. You should indeed not give pain to someone who is not erring at all, but rather do them good if you wish. For the one who is not erring is better than the one who is erring; and if you show kindness toward the one who is erring [lacuna] thus you did good to a bad one and bad to a good one.⁴²

[...]

For the emperor is the example and guide for all and all observe him and imitate his government. On the one hand, if it is good, they long to come first and to take hold of it; on the other hand, if it is bad and blameworthy, they do in like manner. And so, undertake to acquire the four virtues; manliness, but I say the spiritual kind, justice, self-control and practical wisdom. And there is practical wisdom in the good and practical wisdom in the bad, and in like manner manliness, but no one finds the operation of self-control or justice in the bad. And so, having acqui-

red the four virtues, as it was asked, you will be lifted up from the ground to heaven, and there will be much praise for you, and the Lord will give you the most blessed of days, when justice and truth are blooming in your face and in your heart.⁴³

In the above extracts, it is the worldly authority that reflects the image of Christ.⁴⁴ The emperor is defined as a “god on earth” whose power is not limited by any superior force of law. The moral precepts contained in chapter a) of Titulus II *περι βασιλείως* and chapter d) of Titulus III *περι πατριάρχου*, i.e. to be impartial, to exercise mercy and refrain from acting in the heat of passion, reappear. However, while Photios lists these as ordinary qualities belonging to an emperor, they are here described as explicitly “godly”. This is, however, not least due to the fact that the author of the *Λόγος νουθετητικός προς βασιλέα*, unlike Photios, is not the emperor’s peer but a military general. Of the four virtues, it is above all justice, accompanied by self-control, which justify the emperor’s exaltation.

⁴² Author’s translation. For the Greek original see Wassiliewsky, Jernstedt: *Strategicon*, 93.

⁴³ Author’s translation. For the Greek original: *ibid.*, 99–100.

⁴⁴ Fögen, *Denken*, 75.

3. The Latin West: Hincmar of Reims's *Collectio de ecclesiis et capellis* under the Carolingians

The 'Western' source to be examined, also illustrating an ecclesiastical effort to legally strengthen the voice of the Church, is of Carolingian origin and dates from the late 850s. In the ninth-century Carolingian realm of King Charles the Bald, Archbishop Hincmar of Reims also recognised a distinction between secular and ecclesiastical authority.⁴⁵ J. L. Nelson has observed that "the episcopate became increasingly conscious of its own unity and responsibility – a consciousness at once the cause and the effect of frequent synodal activity – and the archbishop of Reims was using all his resources of political influence and canonical expertise to bring his suffragans under firmer metropolitan control".⁴⁶ Hincmar based his thesis on earlier ideas formulated by Bishop Jonas of Orléans, who had laid the foundation for a clearer definition of Carolingian state-Church relations and had reformulated the position of the episcopate in the ninth century. Hincmar's *Collectio de ecclesiis et capellis* ("Collection concerning Churches and Chapels") or *Consultatio ad Carolum regem* is a collection of canones on the legal status of proprietary churches and the power of bishops in their

dioceses, which he composed as a report for Charles the Bald. Epist. 108 was written to Charles the Bald between 857 and the spring of 858 and consists of Hincmar's foreword and the beginning of the conclusion to this work.⁴⁷ In the following extract, Hincmar quotes from the 494 decretal epistle of Pope Gelasius I (?–496) to the Byzantine Emperor Anastasius I Dicorus (ca. 431–518) and later also uses some sermons of Augustine of Hippo (354–430) and works of Gregory the Great (ca. 540–604) in order to assess the distribution of the secular and ecclesiastical powers, with a focus on the authority to administer property:

"And since your royal sublimity established by God bends the necks of both the heart and the body to the priestly religion, one discerns that it is adequate that also the pontifical authority submits itself to the regal dignity with every obligation of loyalty, just as St. Gelasius shows in the decretal epistle to Emperor Anastasius, saying: 'There are, of course, two [sovereignties], venerable emperor, by which this world is principally governed: the sacred authority of bishops, and the royal power. Of these, the importance of the priests is that much greater, by how much

⁴⁵ This is supported by Anton: *Fürstenspiegel*, 311–314.

⁴⁶ Nelson: *Politics*, 144.

⁴⁷ Patzold: *Episcopus*, 288–289.

they will also have to account for the kings of men themselves in the divine examination'. [...] And elsewhere: 'Since Christ, mindful of the human fragility and that it was suited to the salvation of His [people], has thus regulated by sublime dispensation, in the same way has He set apart the offices of each power by particular public functions and separate dignities, wishing that His [people] are saved by medicinal humility, not snatched once more by human pride; so that the Christian emperors stand in need of the bishops for eternal life and then the bishops themselves profit by imperial arrangements for the running of temporal affairs, as long as the spiritual function stands apart from the carnal efforts, and for that reason, serving God, involves itself very little in the secular affairs. In turn the one does not seem to preside over the divine affairs who is involved in the secular affairs, in order that also the moderation of each order is ensured [...]'.⁴⁸

Hincmar refers to Gelasius who explains that in religious affairs the religious authorities should be consulted, in secular affairs the secular authorities.⁴⁹ Only by order of the emperor does the Church acquire the right to own worldly property – to the extent that it is necessary for the mission of the Church. In essence, however, Gelasius claims the dominance of the spiritual over the secular power. He maintains that the bishops' power is dominant, since the bishops

take responsibility for the secular leaders' moral conduct.⁵⁰ It is the clerics who will eventually be held accountable for the secular people's actions. Departing from the same argument, Hincmar fashioned kingly professions for West Frankish royal consecrations on the model of existing professions for episcopal ordinations.⁵¹ In other words, Hincmar drafted an idea of kingly duty on an idea of episcopal duty. There are four texts for Frankish coronations (*ordines*) that were composed by Hincmar: the *ordo* (V) for the marriage and coronation of Judith (daughter of Charles the Bald) at Verberie (Oise) on 1 October 856; the *ordo* (VI) for the anointing and coronation of Ermentrude (first wife of Charles the Bald) at Soissons on 25 August 866; the *ordo* (VII) for the coronation of Charles the Bald as king of Lorraine in the cathedral of St. Stephen in Metz on 9 September 869; the *ordo* (VIII) for the coronation of Louis the Stammerer as king of the West Franks at Compiègne on 8 December 877.⁵² On the basis of Gelasius's notion of episcopal superiority in dignity over royal power, Hincmar was able to determine the bishops' role as consecrators in West Frankish royal consecrations.⁵³ Intriguingly, in their studies

⁴⁸ Author's translation. For the Latin original see Perels: *Epistolae*, 53, l. 7–54, l. 12.

⁴⁹ This is made clear in Anton: *Fürstenspiegel*, 311–314.

⁵⁰ Nelson: *Politics*, 139.

⁵¹ According to *ibid.*, 137–138, 145–149, 155, Hincmar was the guiding spirit behind the appropriation of the royal rite by West Frankish bishops.

⁵² Jackson: *Ordines*, 73, 80, 87, 110.

⁵³ See the note in Nelson: *Politics*, 140, 142 that the consecrators' *maior dignitas* implied superior governmental position in addition to superior sacramental powers; and the chapter "Die Hirtenmetapher und die Krönung des Königs" in Suchan: *Mahnen*, 261–268.

of the *Annales Bertiniani* (“Annals of St Bertin”), J. L. Nelson and S. Patzold have observed changes in Hincmar’s relationship with Charles the Bald reflected in the records for the years 861–882.⁵⁴ From 867 onward, Hincmar’s entries suggest a political rapprochement between him and the king, which, after the death of Lothar II on 8 August 869, culminated in the coronation of Charles the Bald as king of Lorraine. The annexation of Middle Francia (in which parts of the ecclesiastical province of Reims were located) into West Francia must have seemed desirable to the archbishop. According to Hincmar’s detailed records in the *Annales Bertiniani* for the year 869, it was he himself who consecrated Charles the Bald and who composed the text, the *ordo* (VII),⁵⁵ for the coronation ceremony in the cathedral of St. Stephen in Metz on 9 September 869. Clearly, the coronation of 869 was as much a temporary political success for the king as it was a sign of the archbishop’s momentary secular influence.

Beyond spiritual guidance, such consecration-rites asserted the bishop’s jurisdiction over the comportment of the Christian king in a duty for which the bishops had consecrated him. While many scholars have held that the constraints Hincmar placed on kingship were moral⁵⁶, I support the view of J. L. Nelson⁵⁷ that Hincmar claimed a jurisdiction over the inaugurated king. Hincmar, like Photios, envisaged the state and the Church as two separate spheres, which were nevertheless closely linked to one another.⁵⁸ Hincmar, however, by framing royal professions analogous to the episcopal professions, considered the Church to be of the same category as the state. Asserting the bishops’ role as consecrators meant that the royal promise was guaranteed to the Church. Hincmar ranked “the ‘church’ above the ‘state’ within the same category”, assuming “a superiority of the ‘church’” that was very much worldly.⁵⁹

If we consider the long-term impacts of these ninth-century coronation ordines and at-

⁵⁴ Nelson: *Annals*, 39. Patzold: *Episcopus*, 400–402.

⁵⁵ Jackson: *Ordines*, 87.

⁵⁶ M. David; K. F. Morrison; Wallace-Hadrill; and H. H. Anton. See David: *Souveraineté*. Anton: *Fürstenspiegel*. Wallace-Hadrill: *Kingship*. Wallace-Hadrill: *Via*. Morrison: *Holiness*.

⁵⁷ Nelson: *Politics*.

⁵⁸ Moesch: *Augustine*, 227–229.

⁵⁹ *Ibid.*, 228.

tempts to define episcopal and kingly duties, it appears that they did not automatically strengthen the Frankish social order or lead to a clearer separation of religious and political powers in post-Carolingian Europe. The diversity of episcopal structures between the late ninth and twelfth centuries has been studied in greater depth.⁶⁰ S. Fanning, for example, explored the French episcopate from 950 to 1050 in a case study on Bishop Hubert of Angers (Hubert II. de Vendôme, 1006–1047).⁶¹ Hubert, like many other descendants of the powerful Carolingian episcopacy, were forced to adapt to the new political structures that emerged after the Carolingian decline and before the Gregorian Reform (1050–1080). On the one hand, the Carolingian civil wars and the invasions of Vikings, Saracens and Magyars had removed the royal supervision from the Church. The decentralisation was accompanied by a growth of uncanonical practices.⁶² On the other hand, the Gregorian Reform posed a challenge to the strong political, economic and civil power structures of the French episcopate, which had enjoyed a more centralised authority. According to Fanning, studies of careers of individual bishops who

played a role in the religious, political, judicial, administrative, military and economic life of this period are necessary in order to gain an understanding of the Church in post-Carolingian Europe.⁶³ While some bishops came to hold the remnants of public authority and formed ecclesiastical lordships, such as at Reims and Langres, many bishops fell under the control of territorial princes and local magnates who possessed public authority and military strength.⁶⁴

In the case of Hubert, his episcopate was set in a territorial principality that was firmly in the hands of a powerful count named Fulk III, Count of Anjou (ca. 970–1040), who had replaced the king as the dominant authority over the bishop. With the favour of the counts of Anjou, Hubert's heirs were able to dramatically increase their possessions and wealth.⁶⁵ The final source I have selected is an eleventh-century 'Western' piece of correspondence that documents uncanonical episcopal allegiance to secular lordship. In 1016 warfare erupted, which culminated in the battle of Pontlevoy on 6 July between Anjou and Blois – that is to say, between Count Fulk III and his forces and those of Odo II, Count

⁶⁰ Cf. the editions: Hudson, Crumplin: Europe. Ott, Trumbore Jones: Bishop. Körntgen, Waßenhofen: Patterns.

⁶¹ Fanning: Bishop.

⁶² *Ibid.*, 7–9.

⁶³ *Ibid.*, 10–11.

⁶⁴ *Ibid.*, 8.

⁶⁵ *Ibid.*, 10, 54.

of Blois, Chartres, Châteaudun, Beauvais and Tours (983–1037), and his allies. Hubert and his family were greatly active in this armed conflict. We know of Hubert's personal involvement from a letter written to him in the name of Archbishop Hugh of Tours, who, for his part, was an important supporter of Count Odo II.⁶⁶ The letter is in the collection of letters of Bishop Fulbert of Chartres, another of Count Odo II's adherents, and it is safe to assume that it was Fulbert who actually composed it. Fulbert writes:

“To Bishop H(ubert) of Angers from Archbishop H(ugh) of Tours, with his greetings. Although the letter that you recently sent me ought to be answered in kind, I have thought it better for the time being to refrain from answering you as your arrogance deserves and instead to attend to my duty as regards your salvation and while doing this to make a reasoned and humble reply to certain passages in your letter. [...] For when I saw you turned into a raging maniac and changed from a bishop into the leader of a substantial army, cruelly ravaging all our land, and threatening us with the sword, fire, and death in one way and another, and when I did not see that there was anything to gain from giving you forty days' grace to put an end to the danger that was already upon us, I immediately countered with the spear of excommunication [...]. As for your saying that you did this by order of the king, I neither deny nor affirm it, nor do I see how it can in any way lighten your responsibility; for it does not matter who ordered you to do it, you are just as guilty as if no one had done so. To establish your guilt, your sin in this regard

is quite enough: that without consulting me, your archbishop, you have dared to venture on a monstrous violation of canon law, and that what you ought not to have done even if I had ordered it, you have done without consulting anyone save yourself. As to your claim that you were pushed by the king into injuring Odo, you have not destroyed a single branch of a vine belonging to him, but you have trampled down to the very roots vineyards of the canons of Saint-Maurice, not to mention the other reproaches which you have heaped on your holy mother, the church, by the order of your own god, Fulk.”⁶⁷

From this letter, it is clear that a number of messages (which are not extant) were passed between Hubert and his archbishop before and after the fighting: Hugh had made unsuccessful attempts to order Hubert not to attack Count Odo II. Eventually, Hugh had excommunicated Hubert. In the letter, Hugh refutes Hubert's defence that Hugh had acted rashly and that he himself was innocent because he had acted by royal command (i.e. on the orders of King Robert II of France, 972–1031).⁶⁸ Hugh sarcastically refers to Count Fulk III as *tuus diuus* (“your god”) and makes it clear that neither of Hubert's arguments is enough justification for flouting the orders of his ecclesiastical superior. He closes by saying that Hubert is afflicted by pride, contempt, and presumption, and only by submitting to Hugh's decrees can he be cured. The correspondence between Bishop Hubert of Angers and Archbishop Hugh of Tours is testimony to

⁶⁶ *Ibid.*, 54–55.

⁶⁷ Behrends: Letters, 118–123.

⁶⁸ Fanning: Bishop, 55.

two instances of allegiance to secular lordship that transgress the legal limits of the episcopal office: Hubert's loyalty towards his secular lord outweighed any obedience that he felt towards his ecclesiastical superior Hugh, who was himself as deeply in the service of Count Odo II as Hubert was in that of Count Fulk III.

In contrast to Hincmar's and Photios's theoretical definitions of the roles of ecclesiastical leaders vis-à-vis their secular rulers, we find religious and political obligations reflected here in comments within a narrative context. While Hincmar and Photios were certainly more

legally-minded in formulating their ideas and in taking recourse to a variety of authoritative texts, it would be an oversimplification to conclude that Bishop Fulbert of Chartres did not make any legal claims in his letter. To further explore the thesis that post-Carolingian claims to religious and secular duties were made more directly in the form of references to obligations (rather than definitions of the responsibilities of religious and political leaders) and survive predominantly as comments or statements within narrative sources, the corpus of primary texts would need to be expanded.⁶⁹

4. Conclusion

To conclude, one may question both the quantity and the commensurability of the primary material selected in this paper. The sources examined provide an incomplete and therefore potentially misleading picture of symmetry in terms of how two ninth-century 'Eastern' and 'Western' ecclesiastical initiatives interacted with secular and external forces such as legal structures, social developments and human

agency. The enquiry and arguments presented here serve as an introduction to my project "Developing Principles of Good Governance". The question of the actual legal intentions of these texts can only be answered comprehensively by comparing broader sets of sources. This would require identifying not only the genres specific to the investigated contexts and the norms that existed in written texts for naviga-

⁶⁹ I would like to thank Professor David Bachrach for proposing this thesis and for suggesting the following texts for further study: the *Gesta episcoporum Cameracensium* ("The Deeds of the Bishops of Cambrai"). Their anonymous author makes several comments about the authority and obligations of the ruler vis-à-vis the Church. Widukind of Corvey's *Res gestae saxonicae sive annalium libri tres* ("The Deeds of the Saxons or Three Books of Annals"), Thietmar of Merseburg's *Chronicon sive Gesta Saxonum* ("Chronicle or History of the Saxons") and Alpert of Metz's contribution to the fragmentary *De episcopis Mettensibus libellus* ("Little Book of the Bishops of Metz") are also narrative sources that contain some, but fewer, statements about the obligations of the Church to the ruler. Numerous similar references can be found in the royal charters of the Ottonians. However, these do not define the roles of the bishops and king in the same theoretical manner that I have pointed out in Hincmar's or in Photios's texts. It thus appears that there is a continuity of a notion of "obligations" in these sources, but no attempt to formally define or standardise the responsibilities and expected roles of religious and secular leaders.

ting the vaguely delimited spheres of legal and moral obligations but also the actors – often treated in an oversimplified manner as ‘elites’⁷⁰ – who functioned as authors, launched or determined the impact of such initiatives.

The outcome on the ‘Eastern’ and ‘Western’ side reveals a certain fragility of the two ninth-century conceptions: while Photios’s effort was individual and original in the sense that it went against the traditions of a long-established Hellenistic and Roman law, Hincmar’s formulations were part of a more collective and cumulative episcopal effort, as they drew on earlier ideas expressed by Gelasius, a fifth-century pope, and by at least one other ninth-century bishop, Jonas. Both initiatives served to redefine two coexisting orders: the religious and the secular. However, as my situational approach has revealed, the motivation behind the establishment of clearer definitions of religious and political duties on the basis of legal arguments was in both cases not unification in legal terms *per se*. The attempted establishment, redefinition and standardisation of ecclesiastical and political roles were a means to very specific ends rather than an end in themselves: they served, firstly, as focal points for fundamental reflec-

tion about the order of Christian society.⁷¹ Secondly, they provided opportunities – even if controversial ones – for certain ecclesiastics to publicly demonstrate influence in politics and at the court.

⁷⁰ For the use of ‘elites’ in scholarship with reference to the Latin West see “the ideology of the ruling elite of Francia” in Dzino, Parry: Byzantium, 1. Garver: God, 203–230. Stone: Morality, *passim*. Cf. Tellenbach’s term “karolingische Reichsaristokratie”, which dominated German Carolingian scholarship before the breakthrough of English scholarship pioneered by Ullmann. Fleckenstein: Hof, 73. For ‘elites’ with reference to the Greek East see Shepard: Elites, *passim*.

⁷¹ See also Patzold: Episcopus, 530.

Bibliography

- Willem Johan Aerts, et al.: The Prooimion of the Eisagoge. Translation and Commentary, in: *Subseciva Groningana VII* (2001), 91–155.
- Hans Hubert Anton: *Fürstenspiegel und Herrscherethos in der Karolingerzeit*, Bonn 1968.
- Theodora Antonopoulou: *The Homilies of the Emperor Leo VI*, Leiden 1997.
- Hans-Georg Beck: *Vademecum des byzantinischen Aristokraten. Das sogenannte Strategikon des Kekaumenos*, Graz 1970.
- Frederick Behrends (Ed.): *The Letters and Poems of Fulbert of Chartres*, Oxford 1976.
- Thomas E. van Bochove: *To Date or Not to Date. On the Date and Status of Byzantine Law Books*, Groningen 1996.
- Henry Chadwick: *East and West. The Making of a Rift in the Church. From Apostolic Times until the Council of Florence*, Oxford 2003.
- Gilbert Dagron: *Emperor and Priest. The Imperial Office in Byzantium*. Translated by J. Birrell, Cambridge 2003.
- Marcel David: *La souveraineté et les limites juridiques du pouvoir monarchique du ix^e au x^e siècle. Annales de la Faculté de droit et des sciences politiques de Strasbourg*, Paris 1954.
- George T. Dennis: *Three Byzantine Military Treatises. Text, Translation, and Notes*. *Dumbarton Oaks Texts*, Vol. 9, Washington D. C. ³2016.
- Francis Dvornik: *Early Christian and Byzantine Political Philosophy. Origins and Background*, 2 Vol., Washington D. C. 1966.
- Francis Dvornik: *The Photian Schism. History and Legend*, London ²1970 (Repr.).
- Danijel Dzino, Ken Parry (Ed.): *Byzantium, its Neighbours and its Cultures*, Brisbane 2014.
- Ambrosius Eßer: *Die Lehre der Epanagoge – eine oströmische Reichstheologie*, in: *Freiburger Zeitschrift für Philosophie und Theologie* 10 (1963), 62–85.
- Steven Fanning: *A Bishop and His World Before the Gregorian Reform. Hubert of Angers, 1006–1047*. *Transactions of the American Philosophical Society*. Held at Philadelphia for Promoting Useful Knowledge, Vol. 78, Part 1, Philadelphia 1988.
- Joseph Fleckenstein.: *Karl der Große*, Göttingen & Zürich ³1990.
- Joseph Fleckenstein: *Karl der Große und sein Hof*, in: Helmut Beumann (Ed.): *Persönlichkeit und Geschichte, Karl der Große. Lebenswerk und Nachleben*, Vol. 1, Düsseldorf ³1967, 24–50.
- Marie Theres Fögen: *Das politische Denken der Byzantiner*, in: Iring Fetscher, Herfried Münkler (Ed.): *Piepers Handbuch der politischen Ideen*, Vol. 2, München/Zürich 1993, 41–85.
- Valerie L. Garver: ‘Go humbly dressed as befits servants of God’. Alcuin, clerical identity, and sartorial anxieties, in: *Early Medieval Europe* 26, 2 (2018).

- Bryn Geffert, Theofanis G. Stavrou: *Eastern Orthodox Christianity. The Essential Texts*, New Haven 2016.
- John Hudson, Sally Crumplin (Ed.): "The Making of Europe". *Essays in Honour of Robert Bartlett*, Leiden 2016.
- Richard A. Jackson (Ed.): *Ordines coronationis Franciae. Texts and Ordines for the Coronation of Frankish and French Kings and Queens in the Middle Ages*, Philadelphia 1995–2000.
- Nils Jansen: *Recht und gesellschaftliche Differenzierung. Fünf Studien zur Genese des Rechts und seiner Wissenschaft*, Tübingen 2019.
- Anthony Kaldellis: *The Byzantine Republic. People and Power in New Rome*, Cambridge MA 2015.
- Ludger Körntgen, Dominik Waßenhofen (Ed.): *Patterns of Episcopal Power. Bishops in Tenth and Eleventh Century Western Europe = Strukturen bischöflicher Herrschaftsgewalt im westlichen Europa des 10. und 11. Jahrhunderts*, Berlin 2011.
- Basil Laourdas, Leendert Gerrit Westerink (Ed.): *Photios. Photii patriarchae Constantinopolitani Epistulae et Amphilochia*, Vol. 1, Leipzig 1983.
- Karl Eduard Zachariae von Lingenthal: *Collectio librorum juris Graeco-Romani ineditorum. Ecloga Leonis et Constantini, Epanagoge Basilii, Leonis et Alexandri*, Leipzig 1852, (repr. in: I. Zepos, P. Zepos: *Jus Graecoromanum*, Athens 1931 [repr. Aalen 1962] II).
- Maria Mavroudi: *Learned Women of Byzantium and the Surviving Record*, in: Hugh Kennedy et al. (Ed.): *The Medieval Mediterranean. Peoples, Economies and Cultures, 400–1500*, Leiden/Boston 2012, 53–84.
- Sophia Moesch: *Augustine and the Art of Ruling in the Carolingian Imperial Period. Political Discourse in Alcuin of York and Hincmar of Reims*, Abingdon/New York 2019.
- Karl F. Morrison: *Holiness and Politics in Early Medieval Thought*, London 1985.
- Margaret Mullett: *Whose Muses? Two Advice Poems Attributed to Alexios I Komnenos*, in: Paolo Odorico (Ed.): *La face cachée de la littérature byzantine. Le texte en tant que message immédiat. Actes du colloque international (Paris, juin 2008). Dossiers Byzantins 11*. Paris 2012, 195–220.
- Janet L. Nelson: *The 'Annals of St Bertin'*, in: Janet L. Nelson., Margaret T. Gibson (Ed.): *Charles the Bald. Court and Kingdom*, Aldershot 1990, 23–40.
- Janet L. Nelson: *Charles the Bald*, London/New York 1992.
- Janet L. Nelson: *Politics and Ritual in Early Medieval Europe*, London 1986.
- Paolo Odorico: *La lettre de Photius à Boris de Bulgarie*. In: *Byzantinoslavica* 54 (1993), 83–88.
- John S. Ott, Anna Trumbore Jones (Ed.): *The Bishop Reformed. Studies of Episcopal Power and Culture in the Central Middle Ages*, Aldershot 2007.
- Steffen Patzold: *Episcopus. Wissen über Bischöfe im Frankenreich des späten 8. bis frühen 10. Jahrhunderts*, Ostfildern 2008.

- Ernst Perels (Ed.): *Hincmari archiepiscopi Remensis epistolae*. Die Briefe des Erzbischofs Hinkmar von Reims, München 1975.
- Joachim Scharf: Photios und die Epanagoge, in: *Byzantinische Zeitschrift* 49 (1956), 385–400.
- Joachim Scharf: Quellenstudien zum Prooimion der Epanagoge, in: *Byzantinische Zeitschrift* 52 (1959), 68–81.
- Andreas Schminck: „Rota tu volubilis“. Kaisermacht und Patriarchenmacht in Mosaiken, in: Ludwig Burgmann, Marie Theres Fögen, Andreas Schminck (Ed.): *Cupido Legum*, Frankfurt a. M. 1985, 211–234.
- Andreas Schminck: *Studien zu mittelbyzantinischen Rechtsbüchern*, Frankfurt a. M. 1986.
- Jonathan Shepard: *Emergent Elites and Byzantium in the Balkans and East-Central Europe*, Farnham 2011.
- Dieter Simon: *Princeps legibus solutus*. Die Stellung des byzantinischen Kaisers zum Gesetz, in: Dieter Nörr, Dieter Simon (Ed.): *Gedächtnisschrift für Wolfgang Kunkel*, Frankfurt a. M. 1984, 449–492.
- Rachel Stone: *Morality and Masculinity in the Carolingian Empire*, Cambridge 2012.
- Despina Stratoudaki White, Joseph R. Berrigan Jr. (Ed.): *The Patriarch and the Prince*. The Letter of Patriarch Photios of Constantinople to Khan Boris of Bulgaria, Brookline 1982.
- Joseph Maria Suaresii: *Notitia Basilicorum*, Leipzig 1804.
- Monika Suchan: *Mahnen und Regieren*. Die Metapher des Hirten im früheren Mittelalter. Berlin 2015.
- Shaun Tougher: *The Reign of Leo VI (886–912)*. Politics and People, Leiden 1997.
- Warren T. Treadgold: *A History of the Byzantine State and Society*, Stanford CA 1997.
- Spyros N. Troianos: *Οι πηγές του βυζαντινού δικαίου*, Athens/Komotini 32011.
- John Michael Wallace-Hadrill: *Early Germanic Kingship in England and on the Continent*. The Ford Lectures Delivered in the University of Oxford in Hilary Term 1970, Oxford 1971.
- John Michael Wallace-Hadrill: *The Via Regia of the Carolingian Age*, in: John Michael Wallace-Hadrill (Ed.): *Early Medieval History*, Oxford 1975, 181–200.
- Basil Wassiliewsky, Victor Jernstedt (Ed.): *Cecaumeni Strategicon et incerti scriptoris de officiis regii libellus*. Accedit exemplum codicis phototypicum, Petropoli 1896.
- Klaus Wessel: *Dritter Teil*. Dogma und Lehre in der Orthodoxen Kirche von Byzanz, in: Carl Andresen, Adolf Martin Ritter (Ed.): *Die christlichen Lehrentwicklungen bis Ende des Spätmittelalters*, Göttingen 2011.

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The Käte Hamburger Kolleg „Einheit und Vielfalt im Recht | Legal Unity and Pluralism“ at the University of Münster is funded by the Federal Ministry of Education and Research (BMBF) under the funding code 01UK2101.

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Cite as

Mösch, Sophia, Two Ninth-Century Ecclesiastical Initiatives to Legally Define Religious and Secular Duties: Photios I of Constantinople’s Εἰσαγωγή τοῦ νόμου and Hincmar of Reims’s *Collectio de ecclesiis et capellis* (EViR Working Paper 02), Münster: Käte Hamburger Kolleg „Einheit und Vielfalt im Recht“ 2022, DOI: 10.17879/12099533424.

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URN: [urn:nbn:de:hbz:6-12099533936](https://nbn-resolving.org/urn:nbn:de:hbz:6-12099533936)
DOI: 10.17879/12099533424

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ISSN: 2749-8166 (Print)
ISSN: 2749-8174 (Online)

