

# Theological Perspectives on Law and Consensus in the Writings of Gregory the Great

*Thomas F. X. Noble (Notre Dame, Indiana)*

Gregory the Great<sup>1</sup>, who reigned as pope from 590 to 604, was a man of law; in fact, he was a man of three laws. As a Roman aristocrat Gregory will almost certainly have possessed that knowledge of and dedication to the law that always marked noble Romans. And Gregory served as prefect of the city of Rome in 573 which means that he will have had responsibility for administering Rome's laws. Unfortunately the sources reveal almost nothing about Gregory's activities as prefect or about any legal training he may have received<sup>2</sup>. In the second place, Gregory served in an ecclesiastical capacity as one of Rome's regionary deacons. These officials were critical to the day-to-day operation of the

1) The bibliography on Gregory the Great is immense. See Robert GODDING, *Bibliografia di Gregorio Magno (1890–1989)*, Rome 1990. Still unsurpassed is F. HOMES DUDDEN, *Gregory the Great: His Place in History and Thought*, 2 vols., London 1905. Detailed and still valuable is Erich CASPAR, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft*, Tübingen 1933, 2 vols., p. 306–514. More recent are: Jeffrey RICHARDS, *Consul of God: The Life and Times of Gregory the Great*, London 1980 and Robert A. MARKUS, *Gregory the Great and His World*, Cambridge 1997. Volumes from three symposia contain useful papers: Grégoire le Grand: Chantilly Centre culturel Les Fontaines 15–19 septembre 1982, ed. Jacques FONTAINE, Robert GILLET, and Stan PELLISTRANDI, Paris 1986; *Gregorio Magno e il suo tempo: XIX Incontro di studiosi dell'antichità Cristiana in collaborazione con l'École Française de Rome*, Roma, 9–12 maggio 1990, (*Studia Ephemeridis Augustinianum*), 2 vols., Rome 1991; *Gregory the Great: A Symposium*, ed. John C. CAVADINI, Notre Dame 1995. On Gregory's thought in general: Claude DAGENS, *Saint Grégoire le Grand: Culture et expérience chrétiennes*, Paris 1977; Carole STRAW, *Gregory the Great: Perfection in Imperfection (Transformation of the Classical Heritage 14)*, Berkeley, CA 1986; G. R. EVANS, *The Thought of Gregory the Great*, Cambridge, 1986; John MOORHEAD, *Gregory the Great*, London 2005. Other works will be cited below when relevant.

2) As Giralomo ARNALDI, *Gregorio Magno e la giustizia*, in: *La Giustizia nell'alto medioevo (Settimane di studio del Centro Italiano di Studi sull'alto medioevo 42)* Spoleto 1995, p. 73–78 points out, it would be interesting to know if the law schools in Italy, and especially in Rome, reopened after the Pragmatic sanction of 554; see also Detlef LIEBS, *Die Jurisprudenz im spätantiken Italien (260–640 n. Chr.)* (*Freiburger rechtsgeschichtliche Abhandlungen 8*), Berlin 1987, p. 124–129.

Roman church<sup>3</sup>). During his long pontificate Gregory had massive responsibilities in the administration of his own church and its far-flung province. Canon law, therefore, was a second law in which Gregory was both knowledgeable and experienced. Third, and most importantly, Gregory was a man of God, and God's law was constantly on his mind. Gregory's knowledge of the Scriptures was broad and deep; one almost has the sense that he knew the Bible by heart. He believed the Bible to be the unmediated word of God. In his ›Moralia‹ he said it was *valde supervacuae* (»fundamentally pointless«) to ask who wrote the Scriptures<sup>4</sup>).

Gregory lived in a world of law. Shortly before his birth, Justinian issued his massive ›Corpus Iuris Civilis‹ and in Western regions various recensions of the ›Theodosian Code‹ still formed the bedrock of Roman law<sup>5</sup>). To these Roman legal texts one might add a vast array of ecclesiastical law. Thousands of pages of conciliar enactments survive and are printed in the standard editions. Canonical collections were circulating too, albeit none had yet become authoritative<sup>6</sup>). Surely the dozens of extant monastic rules may be regarded, at least in some respects, as law. Finally, there were the *leges barbarorum* that are extant from almost every Germanic kingdom<sup>7</sup>). No elite member of society, no person in a position of responsibility, could possibly have evaded or avoided constant confrontation with law of one kind or another.

Nevertheless, Gregory was not a lawyer. As far as I can see, he did not think or write like a lawyer. He wrote no treatise on law and never addressed himself explicitly to law as a specific topic<sup>8</sup>). He wrote no administrative treatise like, say, Isidore's ›De ecclesiasticis officiis‹. His ›Regula Pastoralis‹ is a moral essay. What Gregory thought about law, and how he thought about it, must be painstakingly extracted from his letters and his exegetical works. The task is complicated by the fact that Gregory was not a systematic theologian and he never wrote an exclusively theological book. As I turn now to what Gregory said about law, I am conscious of skating on dangerously thin ice because Gregory did not directly ask himself the question that I am going to ask him to answer. That question is, basically, what happened when a devout Christian mind schooled on the Bible encountered the rules and procedures of the secular law? As we shall see, Gregory

3) Thomas F. X. NOBLE, *The Republic of St. Peter: The Birth of the Papal State, 680–825*, Philadelphia 1984, p. 217–218.

4) *Moralia*, Praefatio, 2.1, ed. Marc ADRIAEN (CC 143) Turnhout 1979, p. 8.

5) *The Theodosian Code*, ed. Jill HARRIES and Ian WOOD, Ithaca, NY 1993.

6) Lotte KÉRY, *Canonical Collections in the Early Middle Ages (ca. 400–1140)*, in: *A Bibliographical Guide to the Manuscripts and Literature, History of Medieval Canon Law*, ed. Wilfried HARTMANN and Kenneth PENNINGTON, Washington, DC 1999, p. 1–86. There is no point listing here all the editions of councils, or of monastic rules.

7) These have been published in the MGH.

8) Max CONRAT's famous *Geschichte der Quellen und Literatur des römischen Rechts im frühen Mittelalter*, Leipzig 1891, never mentions Gregory.

could deal knowledgeably and skillfully with both canon and Roman law<sup>9)</sup> but he tended to put Christian charity and mercy above worldly legal dictates.

In July of 603 Gregory sent the *defensor* John to Spain to investigate the case of two bishops who, having been deposed, appealed to him. The case is particularly revealing about Gregory's attentiveness to and knowledge of the law. In a first letter dispatched in July Gregory gave John detailed instructions on how he was to proceed. In a follow-up letter sent in August, he cited the law in precise detail, at least the procedural elements of Roman law that pertained to the case<sup>10)</sup>. I begin with a summary of the details.

Two bishops, Januarius of Malaga and Stephen of an unknown see, had been deposed on the authority or perhaps with the connivance of the secular official Comitiolus<sup>11)</sup>. John was urged to judge the character of the accused, then to hear their testimony, and finally to examine the proof that had been brought in against them. Stephen, in particular, claimed that he had been condemned out of personal hatred and by means of false application of the law. In this instance, John was told to investigate whether a judgment had been duly reached, whether the accusers and witnesses for Stephen are in disagreement, whether evidence was taken under oath or in writing, and whether Stephen had had an opportunity to defend himself. John was especially instructed to determine if evidence was based on personal grudges, hearsay, or first-hand knowledge. If some charges were proved but others were not, John was to weigh the issues carefully before issuing his decision. The bishops who had wrongly taken Januarius's and Stephen's sees were to be deposed and excommunicated for six months, although if they were in danger of dying their punishment could be modified so as to permit them final blessings. Likewise, if they

9) Giuseppe DAMIZIA, Il »Registrum epistolarum« di S. Gregorio Magno ed il »Corpus Iuris Civilis«, in: *Benedictina* 2 (1948), p. 195–226; IDEM, Lineamenti di diritto canonico nel »Registrum epistolarum« di Gregorio Magno, Rome 1949; Albert GAUTIER O.P., L'utilisation du droit romain dans la lettre de Grégoire le Grand à Jean le Défenseur, in: *Angelicum* 54 (1977), p. 417–28; Lisania GIORDANO, Giustizia e potere giudiziario ecclesiastico nell'epistolario di Gregorio Magno (Quaderni di Vetera Christianorum 25) Bari 1997.

10) Gregory I, *Registrum Epistularum*, ed. Dag NORBERG (CC 140/140 A), 2 vols., Turnhout 1982, epp. 13.46, 49, S. 1052–55, 1058–64. Ep. 13.43, S. 1057–58, dated August 603, constitutes John's reply to Gregory without new details relevant to the present discussion. For general background on bishops as judges see Wilfried HARTMANN, *Der Bischof als Richter nach den kirchenrechtlichen Quellen des 4. bis 7. Jahrhunderts*, in: *La Giustizia nell'alto medioevo* (Settimane di Studio del Centro italiano di Studi sull'alto medioevo 42), Spoleto 1995, p. 805–837. On this case see also ARNALDI, *Gregorio Magno e la giustizia* (as n. 2), p. 73–78.

11) Apparently the *magister militum* of Byzantine Spain 589–590 but then recalled to the East by Maurice. He was murdered by Phocas in 602 without ever returning to Spain. See, *The Prosopography of the Later Roman Empire*, ed. J. A. MARTINDALE, vol. 3 A, A.D. 527–641, Cambridge 1992, p. 321–325 (»Comitiolus I«). See also: E. A. THOMPSON, *The Goths in Spain*, Oxford 1969, p. 28, 29; DUDDEN, *Gregory the Great* (as n. 1), vol. 1, p. 413–414. Comitiolus's (or Comenciolus's) coercion of bishops echoed in later Spanish sources: THOMPSON, *ibid.* p. 196. There is no way to know when Gregory learned about this case but in 603 he seems not to have known that the official was no longer on the scene.

pleaded that they had been coerced by imperial officials, their sentences were to be reduced. Comitiolus, or his heirs, were to make restitution for any damages suffered by Januarius or Stephen.

The instructions that Gregory gave to John are precise, detailed, and logically ordered. They are what one would expect from a person in authority who was accustomed to applying the rules. It is Gregory's second letter to John, however, that is instructive about the pope's position vis-à-vis the law. On the one hand, the August letter merely repeats the instructions contained in the July letter. On the other hand, well over half of the August letter consists of twelve direct and reasonably lengthy quotations from the ›Novels‹, ›Codex‹, and in one instance the ›Digest‹ of Justinian. Gregory proceeded as though well established civil and ecclesiastical procedures governed the investigation of church officials. Giuseppe DAMIZIA has found more than 120 instances in Gregory's letters where the pope quoted or alluded to specific Roman enactments<sup>12</sup>. His command of the law was substantial. What is more, Gregory assumed that the law was generally known. He concludes the August letter by saying that »many laws, of which practically no one can be ignorant, make manifest what kinds of witnesses and whose testimony should be admitted in evidence.«<sup>13</sup> Gregory did in a sense blend Roman and canonical procedures and sanctions in his disposition of this case. In assigning the guilty bishops to monastic penance and separation from communion, Gregory says that they were so punished because they had violated the *statuta canonum*<sup>14</sup>. Albert GAUTHIER argues that Gregory was not merely operating in a cultural atmosphere where Roman law was omnipresent, but that he readily adverted to Roman law when it provided him with a solid basis for intervention<sup>15</sup>.

It would be otiose to study individually every one of the dozens of cases where Gregory referred to the *sacri canones*, *canonum decreta*, *regula canonica*, or *statuta canonica*. Suffice it to say that the church's canon law was never far from Gregory's mind as he addressed problems and controversies. One case, therefore, may stand for many.

Gregory engaged in a protracted struggle with the archbishops of Ravenna over their use of the pallium. Peter Chrysologus (ca. 400–450, archbishop 431–450) is the first bishop of Ravenna known to have consecrated a suffragan<sup>16</sup>. Writing in the ninth century, Agnellus did a good deal to confuse the ecclesiastical history of his city. Agnellus says explicitly that emperor Valentinian (III: 425–455) conferred the pallium on John I

12) DAMIZIA, *Lineamenti* (as n. 9), p. 141–199 and *Registrum epistularum* (as n. 10), p. 220–225 (on this case) and *passim*. See also GAUTHIER, *L'utilisation de droit romain* (as n. 9). HARTMANN, *Bischof als Richter* (as n. 10), p. 809 observed that in the Latin West there are no further documents like this because after the Christianization of the Roman Empire »the procedural rules of Roman law were taken over«.

13) Ep. 1.49, ed. Norberg (as n. 10), p. 1064.

14) Ep. 13.46, *ibid.*, p. 1054.

15) GAUTHIER, *L'utilisation de droit romain* (as n. 10), p. 417, 428.

16) *Sermo* 175, ed. Alexander OLIVAR, *Collectio Sermonum* (CC 24b), Turnhout 1982, p. 1065–67.

(477–494), which is impossible, and he also says that Justinian conferred the pallium on Maximian (546–557), which is possible but lacking in corroborating evidence<sup>17</sup>. Nothing can be said for certain about the conferral of palliums on the archbishops between John I and Maximian or about Archbishop Agnellus (557–570), but Peter III (570–578) received his pallium from Pope John III in 569 who said that his predecessors had always conferred the pallium on Ravenna and who, furthermore, granted him the use of the pallium just as his predecessors had always enjoyed<sup>18</sup>. When Peter died he was succeeded by John II (578–595) who was in fact a dear friend of Gregory's<sup>19</sup>. And it was with John II that Gregory's struggles began, not over who was to confer the pallium, for the emperor had dropped out of the picture, but over how the pallium was to be used in Ravenna.

In a letter of July 593 Gregory wrote to John about his use of the pallium<sup>20</sup>. The subject of the pallium was frequently on Gregory's mind; thirty-six of his letters address the topic and eight of these pertain to Ravenna<sup>21</sup>. Gregory's letter refers to the *morem ecclesiasticum* and the *ecclesiae consuetudinem*. He did not explicitly refer to the canons but he clearly considered the matter to fall under the jurisdiction of the church's law and of the pope's authority. Gregory had learned that something was amiss in the archbishop's use of the pallium. In this letter Gregory expressed concern that the pallium should only be worn at mass and not in the presence of the laity before mass. Gregory told John to do what all metropolitans do or else produce a papal privilege that had been conferred on his church. Gregory said that he had searched the archives of his church (*in nostro scrinio*) in vain looking for such a privilege. Gregory did show some consideration for his old friend, saying »following the view of the councils, we decline to punish minor offenses which are denied«. The letter reveals that another minor distraction had come up as well. The clergy of Ravenna had taken to using *mappulae*, linen saddle-covers, on many

17) Agnellus, *Liber Pontificalis Ecclesiae Ravennatis*, cc. 40, 70, ed. Deborah M. DELIYANNIS (CC Cont. Med. 199), Turnhout 2006, S. 198, 239. EADEM, *Ravenna in Late Antiquity*, Cambridge 2010, p. 84, 210–211. See also John Albert EIDENSCHINK, O.S.B., *The Election of Bishops in the Letters of Gregory the Great* (The Catholic University of America Canon Law Studies 215), Washington, DC 1945, p. 110–116.

18) *Exemplum praecepti*, in: Gregory I, *Registrum Epistularum* (as n. 10), ed. NORBERG, Appendix VII, p. 1100: *Conuenire nouimus ratione ut eius amictu palii decoremus, quos in illis ciuitatibus diuina inspirante misericordia sacerdotii honor illuminat, in quibus hoc etiam illis qui praeteritis temporibus fuisse pontifices ab apostolica sede esse constat indultum. Ideoque caritati tuae usum palii sicut decessores tui habuisse noscuntur praesenti auctoritate concedimus.*

19) So much can be inferred from the exceptionally warm letter Gregory sent to John in February of 591 accompanied by a copy of the *Regula Pastoralis*: Gregory I, *Registrum Epistularum*, 1.24a, ed. Paul EWALD (MGH Epp. 1), Berlin, 1887, S. 37–38. The letter is not in NORBERG.

20) Ep. 3.54, ed. NORBERG (as n. 10), p. 200–203. The Ravenna pallium case has been discussed several times: DUDDEN, *Gregory the Great* (as n.1), vol. 1, p. 434–46; EIDENSCHINK, *Election of Bishops* (as n. 17), p. 109–25; MARKUS, *Gregory the Great* (as n. 1), p. 148–56.

21) EIDENSCHINK, *Election of Bishops* (as n. 17), p. 109–10.

occasions. Gregory said that Ravenna's clergy had no right to the use of *mappulae* and that no privilege had ever conferred such a right. Nevertheless, in a spirit of comity, Gregory said that Ravenna's first deacons could use the *mappulae* when immediately in the service of the bishop.

Later in July John wrote back to Gregory and asked: »By what missteps shall I have presumed to contradict that most holy see which transmits its rights to the universal church?«<sup>22)</sup> He also said that when he was in Rome he saw the *mappulae* used there by visiting Ravenna clergy and that, surely, they could also use them in Ravenna itself. Essentially he ignored the pope's charges and queries.

Increasingly exasperated, Gregory wrote back in October of 594 to complain that John had mobilized Ravenna's elite against him<sup>23)</sup>. But Gregory also revealed that he had learned from the deacon Adeodatus that John's predecessors never used the pallium outside mass except on three occasions, the feasts of Saints John the Baptist, Peter, and Apollinaris. Gregory continued to say that many others had told him that they had never witnessed even these public uses of the pallium. Still, Gregory once again compromised with his old friend and allowed him the use of the pallium on those three feasts as well as on the anniversary of his consecration. One gets the sense, however, that Gregory was still investigating the matter.

In November of 594 Gregory wrote again expressing his deep concern because none of his predecessors had ever granted permission to use the pallium outside mass except when relics were being installed<sup>24)</sup>. He also informed John that he had written to his representative in Constantinople to learn whether there was in the East a custom of wearing the pallium in litanies. Early in 595 John died with the issue of the pallium unresolved. Various parties in Ravenna proposed two candidates to Gregory but he rejected both and consecrated instead Marinian who had once lived in his own monastery on the Coelian Hill in Rome. In August of 595 Gregory granted Marinian the use of the pallium in his own church and city on four occasions only outside mass, and never merely to greet the laity<sup>25)</sup>.

In April of 596 Gregory was continuing his probe into the use of the pallium in Ravenna<sup>26)</sup>. He wrote to his notary Castorius after a certain Andrew claimed, contradicting Adeodatus, that Ravenna's archbishops wore the pallium every day except in Lent. Gregory instructed Castorius to conduct a very careful investigation and he attached a list of the names of those in particular whom he wanted interrogated. Gregory expressed his desire to ascertain the *usus antiquior* of Ravenna's church while leaving no room for *nouo*

22) Epistula Iohannis, in: Gregory I, Registrum Epistularum, ed. NORBERG (as n. 10), Appendix VI, p. 1097–99.

23) Ep. 5.11, *ibid.*, p. 277.

24) Ep. 5.15, *ibid.*, p. 280–281.

25) Epp. 5.51, 61, *ibid.*, p. 345–346, 363.

26) Ep. 6.3, *ibid.*, p. 403–404.

*ausu*. Those who were to be questioned were to take an oath on the tomb of St. Apollinaris. The form of the oath is preserved in the latter but there is no evidence as to whether or not this enquiry was ever conducted. The matter did not rest there for in June of 599 Gregory was writing to Castorius again<sup>27</sup>. A deacon of Ravenna had appeared in Rome to press the case for Ravenna's use of the pallium. Gregory has asked him what the ancient custom was and the deacon replied that the archbishop used the pallium in all the litanies, their number not being specified. Gregory reminded Castorius that Adeodatus had said that the pallium was worn at Ravenna in "four or five" major litanies (previously Adeodatus had been reported as saying that three litanies were involved). Once again, Gregory deputed Castorius to conduct an investigation into what the ancient custom was, into how many litanies there had been. The issue never came up again in the surviving record. There is no way of knowing how it was resolved.

Several lessons can be drawn from this case. Gregory regarded the whole controversy as purely a matter for the church. He brusquely rebuffed any exarchal participation. Gregory did not refer explicitly to canon law, to specific canonical collections, or to any particular church council. But he continually referred to the customs, mores, and uses of the church. Surely these kinds of references are synonymous with canon law. As in the case of the *defensor* John sent to Spain, so also here, Gregory was precise, ordered, measured in his approach. In the Spanish case, Gregory provided general instructions and then buttressed them with a lengthy series of Roman legal citations. In the Ravenna case one can see Gregory straining to act in just the same way. He believed that he had law to hand in the use of the pallium but he was also aware that customs differed from place to place and that record-keeping was not as thorough and efficient as might be desired. So Gregory checked his own archives and several times asked John and Marinian to produce documents supporting their claims. The case also shows that while Gregory was alert to the law of the church he did not have an authoritative collection to guide his steps. The contrast with the Spanish case could not be more stark in regard to the citation of specific texts. And yet in their precision, attention to detail, and powerful sense of authoritative rules, the two cases could not be more similar.

As a man of law, then, Gregory reveals himself as rule-bound and detail oriented. One can cite countless statements from his letters to support this contention. In a letter to Anthelm, an official in the Campanian patrimony, Gregory said: »Since it is proper to discipline, to prohibit men from illegal acts and to stop the miscreant profitably from further offenses, the strictness of judgment should be keenly preserved. For if it is neglected, everything falls into confusion.«<sup>28</sup>) In a letter of 595 to the deacon Cyprian, who was investigating a wayward abbot, Gregory told him to be sure that »legal strictness«

27) Ep. 9.168, *ibid.*, p. 726–727.

28) Ep. 9.108, *ibid.*, p. 660: *Cum sit proprium disciplinae ab illicitis prohibere et excessus culpas salubriter resecare, studiose eius servanda censura est. Nam si neglegitur, cuncta in confusionem deueniunt.*

(*regularis districtio*) was not compromised by any delay<sup>29</sup>). In a letter to Empress Constantina, also written in 595, he said that no one should act »against the statutes of the canons« (*contra canonum statutum*) and that »severity of canon law« (*districtionem canonicam*) should be applied<sup>30</sup>). A letter of 595 to the bishops of Epirus insisted that simony should be punished with »canonical severity« (*canonica severitate*)<sup>31</sup>). In 602 Gregory wrote to Bishop Victor to tell him to investigate »altogether strictly« (*omnino districte*) the case of a priest who was abusing his clergy<sup>32</sup>). One more example of this sort of attitude and language appears in a letter to Senator, a priest and the abbot of a *xenodochium* in Francia. Gregory said that the bishop of Autun and six other bishops should arrive at a »strict canonical judgment« (*canonicae districtionis censura*) before depriving the man of his *xenodochium*<sup>33</sup>).

From these examples one would legitimately conclude that Gregory was stern and austere in his application of the law. Many more examples can be cited and I shall confine myself to just a few to illustrate the range of instances in which Gregory held fast to the rules. Not surprisingly, many of my examples concern routine ecclesiastical business. Gregory considered it uncanonical for men to join a monastery and then return to secular life<sup>34</sup>). Ecclesiastical punishments, he said, should be carried out canonically and not willfully<sup>35</sup>). To depose a bishop it is necessary to hold a council and apply canonical judgments<sup>36</sup>). A deposed priest should be judged in a sacerdotal council and subjected to canonical punishments<sup>37</sup>). Canonical rules should apply to the distribution of church revenues<sup>38</sup>). The canons forbid a person who has lapsed from ministry to resume it<sup>39</sup>). Ordinations should be carried out strictly in accord with the canons<sup>40</sup>). Canon law does not permit a bishop who is ill to be replaced<sup>41</sup>). The famous »Liber Quaestionum«, his replies to the questions put to him by Augustine of Canterbury, is full of canonical prescription<sup>42</sup>). Sometimes Gregory made more general statements. He once said: »far be it

29) Ep. 5.33, *ibid.*, p. 301.

30) Ep. 5.39, *ibid.*, p. 315, 318.

31) Ep. 6.7, *ibid.*, p. 376.

32) Ep. 12.9, *ibid.*, p. 981.

33) Ep. 13.9, *ibid.*, p. 1064.

34) Ep. 2.36, *ibid.*, p. 121.

35) Ep. 3.6, *ibid.*, p. 151–152.

36) Ep. 3.8, *ibid.*, p. 156.

37) Ep. 3.9, *ibid.*, p. 157.

38) Ep. 4.11, *ibid.*, p. 228–230.

39) Ep. 4.26, *ibid.*, p. 244–246.

40) Epp. 6.9, 27, *ibid.*, p. 377–378, 399.

41) Epp. 13.5, 6, *ibid.*, p. 997–1000, 1000–1001.

42) Gregory I, *Registrum Epistolarum*, ep. 11.56a, ed. Ludo Moritz HARTMANN (MGH Epp. 2), p. 331–343. This is not the place to rehearse the controversy over the authenticity of the documents. I myself consider them essentially genuine.



from me to break the statutes of our ancestors.«<sup>43)</sup> On another occasion he opined that »if shame does not effect correction then canon law must.«<sup>44)</sup>

In some of Gregory's letters, however, we hear a very different melody. In a letter to the *defensor* Romanus in Sicily dealing with some complicated matters of testamentary law Gregory said: »Although the rule of law does not permit those things that have come under the jurisdiction of the church to be alienated, nevertheless a strict judgment (*censura districtionis*) should be tempered when a consideration of mercy invites it.«<sup>45)</sup> Amid a complex financial transaction in Campania, Gregory urged his official Anthelm to see that the aggrieved party »as befits a noble and Christian man, be more kind than rigid, more merciful than strict.«<sup>46)</sup> In a letter to Marinian of Ravenna concerning the appropriateness of a cleric's consecration, Gregory added a moral dimension, saying »just as we ought not to be harsh to the humble so we ought to be strict to the proud.«<sup>47)</sup> In two instances Gregory set the Christian dispensation over against the Jewish; he trumped one law with another, so to speak. A Jewish woman had received surety money on her betrothal and then decided to become a Christian. In general, Gregory was acutely sensitive to the rights of the Jews but this time he said that the woman should be left in peace, arguing that she had chosen the »better part«. He took his prompt from the story of Mary and Martha in Luke's Gospel (10.38–42)<sup>48)</sup>. In 602 a controversy had arisen in Rome about the observance of the Sabbath. Against those who were quoting the Jewish law Gregory said: »But after the grace of almighty God, our Lord and God Jesus Christ, appeared those things that had been expressed figuratively could no longer be observed literally [...] For we understand what had been written about the Sabbath spiritually and we maintain it spiritually.«<sup>49)</sup> Finally, in a case involving bequests, Gregory wrote to Bishop Donus of Messina and basically told him to set Roman law aside »because we know that your fraternity lives by the law of God and not by the law of the world.«<sup>50)</sup> So notwith-

43) Ep. 2.44, ed. NORBERG (as n. 10), p. 136.

44) Ep. 5.44, *ibid.*, p. 350.

45) Ep. 9.48, *ibid.*, p. 607.

46) Ep. 9.109, *ibid.*, p. 662: *ut in hac re, sicut Christianum decet et nobilem, plus benignus quam rigidus, plus misericors esse debeat quam districtus.*

47) Ep. 9.156, *ibid.*, p. 713–714: *Sicut enim obstinati esse humilibus non debemus, ita districti existere superbis debemus.*

48) Ep. 1.69, *ibid.*, p. 78. There is a substantial literature on Gregory and the Jews. A good introduction is Ernst BÄMMEL, *Gregor der Grosse und die Juden*, in: *Gregorio magno e il suo tempo* (as n. 1), p. 283–291. The essential sources are collected by Shlomo SIMONSOHN, *The Apostolic See and the Jews. Documents: 492–1404* (Studies and Texts 94), Toronto 1988, p. 3–24.

49) Ep. 13.1, ed. NORBERG (as n. 10), p. 991–992: *At postquam gratia omnipotentis Dei domini nostril Iesu Christi apparuit, praecepta legis, quae per figuram dicta sunt, iuxta litteram seruari non possunt [...] nos itaque hoc quod de sabbato scriptum est spiritualiter accipimus, spiritualiter tenemus.*

50) Ep. 8.3, *ibid.*, p. 517–18: *Sed quia fraternitatem vestram lege Dei, non autem lege saeculi nouimus uiuere.*

standing his incessant calls for strict observance of the law, and Gregory's thorough command of the law, he was prepared to relax the law's rules when charity called for it, to place one kind of divine law above another, and to elevate God's law over the law of this world.

If one were to ask what Gregory saw as impediments to both the letter and the spirit of the law, the answer is easy to give: sin. It might, however, be better to say that Gregory thought more in terms of justice being confounded than of law being contravened. As far as I can see, Gregory had no theory of criminality but he was deeply conscious of the fallen, wounded state of humankind<sup>51</sup>. Still, Gregory being Gregory, he could be minutely specific. That said, the offenses Gregory identifies are unsurprising. Avarice, or greed, figured prominently in his thinking, broadly as a sign of man's fallen state and more narrowly as a sign that people were too attached to this world and insufficiently attentive to the next one<sup>52</sup>. Negligence also comes near the top of Gregory's list. Here, perhaps, we encounter the noble Roman with his characteristically keen sense of duty and discipline<sup>53</sup>. Closely related to negligence were delays, stalling, and contrived obstruction<sup>54</sup>. Again, I suspect because he knew his world so well, friendship and patronage worried Gregory<sup>55</sup>. The offense about which Gregory complained most frequently was simony. In some respects simony represented for him almost all the offenses that most concerned him: pride, greed, neglect of the rules of church and state, private interest over public or ecclesiastical good, and patronage gone terribly wrong<sup>56</sup>.

Thus far I have drawn exclusively on Gregory's letters. In exploring what he thought about law, this is a good place to start because the correspondence reveals Gregory both acting and thinking. The letters reveal Gregory applying the rules as he knew and understood them and also making pragmatic, prudential judgments in cases where there was no law to guide him or where the law seems inadequate to the issue at hand. Before turning to Gregory's other writings to gain a richer sense of what he was thinking – and he used forms of the verb *pensare* more than 600 times in his writings – let us briefly summarize what we have seen so far. Gregory was committed to the rule of law and knowledgeable about law both human and divine. As a rule, he was strict in his application of the law but he could on occasion temper a rigorous use of the law when Christian charity called for it.

51) David F. JOHNSON, *Divine Justice in Gregory the Great's Dialogues*, in: *Early Medieval Studies in Memory of Patrick Wormald*, ed. Stephen BAXTER, Catherine E. KARKOV, Janet L. NELSON, and David PELTERET, Farnham 2009, p. 115–128.

52) For some examples: Epp. 5.48, 8.32, 35, 9.19, 11.38, 40, 47, 12.9, 13.01, 11.

53) Examples: Epp. 8.9, 26, 9. 29, 114, 123, 138, 11.4, 13.29, 14.2.

54) Examples: Epp. 9.70, 77, 84, 120, 173, 11.32, 53, 12.12, 13.4.

55) Examples: Epp. 1.2, 5.33, 62, 9.81, 114, 136, 155, 11.28, 1.8.

56) Examples: Epp. 4.1, 20, 5.6, 16, 58, 60, 62, 63, 6.3, 26, 8.4, 9.136, 214, 216, 219, 220, 11.42, 49, 50, 51, 12.8, 9, 13.9, 10, 11, 42.

He could also place divine law above human law. Finally, Gregory tended to label as sin what the laws often called crimes.

Gregory's letters reveal a man who was extraordinarily busy. What is more, his letters probably reveal only a fraction of his daily activities. First of all, we cannot be confident that we have all of his letters. Second, much of what he did every day in the administration of Rome and its immediate environs was probably accomplished orally in his presence and has left no trace in the record. It is safe to assume that Gregory's daily administrative burden far exceeded what we find in his correspondence<sup>57</sup>. Gregory was also seriously ill much of the time he was pope. In many letters he apologizes for being tardy in dealing with a particular issue because he was too sick to work. Finally, Robert MARKUS reminds us of »the great insecurity of the time: invasions, Lombard savagery, brigandage, hunger, flood, fever and poverty.«<sup>58</sup> I make these points merely to suggest how astonishing it is that Gregory wrote so much – nearly six volumes in the *Patrologia Latina*<sup>59</sup>! Gregory's non-epistolary writings do not reveal a different man than the correspondence does, but they do bring out his thinking in greater depth and with greater feeling.

A superb guide to Gregory is Paul MEYVAERT who writes: »It is Gregory's personality, a warm human personality, placed in particular historical circumstances, which accounts for much that he had to say about the exercise of authority.«<sup>60</sup> Carol STRAW adds the important observation that Gregory accepted man's imperfection. He knew that it was impossible to be without sin<sup>61</sup>. How did a deeply humane person in a position of authority cope with the intractable sinfulness of those under his jurisdiction? Lisania GIORDANO offers this explanation: Gregory inverted traditional concepts of justice by means of Pauline *caritas*. Animated by Christian love, Gregory's rhetoric balanced the absoluteness of values and the relativity of individual cases<sup>62</sup>.

Let us hear Gregory's own words as he tried to resolve these potential contradictions. It is the duty of the ruler, Gregory said, »to correct with severe and zealous asperity those

57) ARNALDI, Gregorio Magno e la giustizia (as n. 2), p. 68–70. See also, in general, HARTMANN, Bischof als Richter (as n. 10).

58) MARKUS, Gregory the Great (as n. 1), p. 63.

59) The most recent summary of Gregory's writings is Carole STRAW, Gregory the Great (Authors of the Middle Ages 12), Aldershot 1996, p. 47–60. MOORHEAD, Gregory the Great (as n. 1), p. 10–18 gives a good synopsis of the major writings. The only contested work remains the commentary on I Kings, the most recent treatment of which is Lellia CRACCO RUGGINI and Giorgio CRACCO, Gregorio magno e I Libri dei Re, in: Transformations of Late Antiquity: Essays for Peter Brown, ed. Philip ROUSSEAU and Manolis PAPOUTSAKIS, Aldershot 2009, p. 223–258.

60) Paul MEYVAERT, Gregory the Great and the Theme of Authority, in: Spode House Review 3 (1966), p. 3.

61) Carole STRAW, Gregory's Politics: Theory and Practice, in: Gregorio magno e il suo tempo (wie Anm 1), p. 47–48.

62) GIORDANO, Giustizia e potere giudiziario (as n. 9), p. 24–29.

evils in his subjects which cannot be treated with forbearance lest, being too little incensed by such faults, he himself be held guilty of all.<sup>63</sup> This sort of attitude seems to recur in the ›Dialogues‹. Peter, Gregory's interlocutor, says that the heavenly Jerusalem must contain mostly infants and children and Gregory responds that not even all children make it to heaven. He tells a story about a father who failed to teach his son properly to avoid blasphemy. Caught up in a plague the boy saw devils coming and blasphemed yet again. God allowed the child to die and go to Hell to draw attention to his father's sin of neglect »for in neglecting the soul of his little son he had made him a sinner worthy the fires of Hell.«<sup>64</sup> This sounds like the very strict Gregory I discussed earlier. But there is more. Peter asked Gregory what if someone should say that God merely threatened sinners with eternal punishment to keep them from committing sins? Gregory answered: »If He makes empty threats to keep us from injustice, then the promises He makes to lead us to justice are likewise worthless.«<sup>65</sup> »Who,« Gregory says, »can comprehend the hidden judgments of God? When His judgments are beyond our understanding, we should stand before them in awe rather than with a questioning mind.«<sup>66</sup> »For,« Gregory adds, »the Holy Spirit is not bound by any law.«<sup>67</sup> Throughout the ›Dialogues‹ Gregory provides concrete examples of divine justice operating in this world. Evildoers are always punished, and in the ›Dialogues‹ they are punished visibly in the here-and-now and not mysteriously in the hereafter<sup>68</sup>.

Faced with this deep quandary, the ruler must be a »neighbor in compassion« to everyone<sup>69</sup>. The ruler should not wish to be the lord of men but the shepherd of flocks<sup>70</sup>. Even before he became pope Gregory spoke of sweet reason and gentle persuasion in a letter he wrote for Pelagius II to Elias of Aquileia<sup>71</sup>. In the ›Moralia‹, which Gregory began drafting while he was still *apocrisiarius* in Constantinople, Gregory expressed himself similarly: »Those rule with severity and force who do not seek to correct their subjects by calmly reasoning with them, but rather hasten domineeringly to compel their

63) *Regula Pastoralis*, 2.10, ed. Giuseppe CREMASCOLI (*Opere di Gregorio Magno* 7), Rome 2008, p. 72.

64) *Dialogi*, 4.19, ed. Adalbert DE VOGÜÉ (*Opere di Gregorio Magno* 4), Rome 2000, p. 364.

65) *Dialogi*, 4.46.2, ed. CREMASCOLI, p. 424.

66) *Dialogi* 4.27.14, *ibid.*, p. 380.

67) *Dialogi*, 1.1.6, *ibid.*, p. 78.

68) JOHNSON, *Divine Justice in Gregory the Great* (as n. 51). The author provides a »taxonomy« of punishments, p. 124–128.

69) *Regula Pastoralis*, 2.5, ed. CREMASCOLI (as n. 63), p. 48.

70) *Moralia in Job*, 21.15.22, ed. Marcus ADRIAEN and Robert GILLET (*Sources chrétiennes* 538), Paris 2010, p. 1082.

71) *Registrum Epistolarum*, 1.24a, ed. Paul EWALD (as n. 19), p. 37–38; Paul the Deacon, *Historia Langobardorum*, 3.20, ed. Ludwig BETHMANN und Georg WAITZ (*MGH SS rer. Lang.* 1), Hannover 1878, p. 103 said that Gregory wrote letters for Pelagius. MEYVAERT, *A Letter of Pelagius II Composed by Gregory the Great*, in: *Gregory the Great*, ed. CAVADINI (as n. 1), p. 94–116, studies the issue thoroughly with the older literature.

assent.«<sup>72)</sup> Gregory's thinking was the same when he delivered his ›Homilies on Ezechiel: ›Temperance must follow upon his justice, because very often justice, if it knows no bounds, falls into cruelty. Therefore, justice itself is truly justice that restrains itself with the reins of temperance in order that every man may also be temperate in the zeal with which he burns, lest if he be more zealous he lose justice, the bounds of which he ignores.«<sup>73)</sup> In the ›Moralia‹, Gregory says that »with good rulers both authoritativeness of ruling and loving kindness of consoling are mixed together.« A bit further on in the same passage Gregory speaks of the rod and the staff, that is, the strictness of the rod may smite but the comfort of the staff may sustain. He concludes this chapter by speaking of how Moses combined discipline and mercy.<sup>74)</sup> Just as the ›Dialogues‹ contain, as David F. JOHNSON puts it, a »taxonomy« of punishments, so too in the Praefatio which precedes the ›Moralia‹:

»There are different kinds of punishments. For there is one kind of punishment where the sinner is stricken that he may suffer punishment without hesitation. Another where the sinner is struck, that he may be corrected. Another [is] where sometimes someone is struck, not that his old faults be corrected, but that future ones not be committed. Yet another, which strikes many, [is] where neither a past offense is corrected, nor a future one prevented, but that when unexpected deliverance follows the blow, the power of the deliverer, on reflection, may be more ardently loved, and that while the innocent person is injured by the blow, the total of his merits through his patience may be increased through his forbearance.«<sup>75)</sup>

Every case is different and thus requires discretion, prayerful consideration, and a commitment to amendment.

People were sinners and so were rulers. Secular rule was born in carnality, as Gregory argues in his remarkable ›Exegesis of Job‹ and the ›Rhinosceros‹<sup>76)</sup>. The subjection of one man to another was not part of the natural order of things but a consequence of sin<sup>77)</sup>. The sins of the wicked may require the ruler to act but »all who are superiors should not regard in themselves the power of their rank, but the equality of their nature; and they should find their joy not in ruling over men, but in helping them<sup>78)</sup>.« How might the ruler be helpful? Robert MARKUS puts it this way: »In all that the pastor says and does, *pro-*

72) *Moralia*, 23.13.23, ed. ADRIAEN (as n. 70), p. 1162.

73) *Homiliae in Hiezechielem Prophetam*, 1.3.8, ed. Marc ADRIAEN (CC 142), Turnhout, 1971, p. 37.

74) *Moralia*, 20.5.14, ed. ADRIAEN (as n. 70), p. 1013–14.

75) *Moralia*, Praefatio, 5.12, *ibid.*, p. 17. This passage is also cited by JOHNSON, *Divine Justice* (as n. 51), S. 118–19 who uses the English version of J. BLISS, *Morals on the Book of Job by Saint Gregory the Great*, 2 vols., Oxford 1844, vol. 1, p. 96. The translation above is my own.

76) *Job* 39.9–12; *Moralia*, 31.1.1–5, ed. ADRIAEN (as n. 70), p. 1549–53. See STRAW, *Gregory's Politics* (as n. 61), p. 51–52.

77) MEYVAERT, *Gregory the Great and the Theme of Authority* (as n. 60), p. 6.

78) *Regula Pastoralis*, 2.6, ed. CREMASCOLI (as n. 63), p. 54.

*desse*, to be of use, not *praesesse*, to be in charge, is the supreme imperative<sup>79</sup>). « Gregory's answer seems to be the same whether the rulers are secular or ecclesiastical, but he has the most to say about the latter. The ruler, especially the bishop, must possess several qualities. He must be compassionate, merciful, neighborly, patient, and temperate. But the ruler, or bishop, must also *do* something. He must preach. The *ecclesia praedicans* is absolutely central to Gregory's idea of the church<sup>80</sup>). Gregory did not understand preaching as instruction in, say, the finer points of theology. Gregory once called the preacher *medicus*, and the ills this spiritual physician was meant to cure were sins<sup>81</sup>). The kinds of sin that Gregory had in mind are spelled out in some detail in two places in his writings. Near the end of his extremely long ›Commentary on Job‹ he discussed various faults<sup>82</sup>) and then he devoted the whole of Book 3 of his ›Regula Pastoralis‹ to admonition, quite specifically to how the bishop/preacher might admonish those who committed one sin or another. Conrad LEYSER speaks of Gregory's ›unified science of admonition<sup>83</sup>). « One key aspect of that science was a proper estimation of those who were being admonished. The dedicatory letter to Leander that precedes the ›Moralia‹ has a beautiful image of the Bible comparing it to a kind of river in which the lamb may walk and the elephant float<sup>84</sup>). His point is that every passage requires deep study and varied interpretation. How this metaphor has relevance for the preacher becomes clear when Gregory comments on Hosea (2.8): ›She did not know that I gave them corn, wine, and oil.‹ Gregory says: ›For we receive corn from the Lord when in the more obscure passages the husk of the letter is removed, and we perceive, through the interior force of the Spirit, the deeper meaning of the law<sup>85</sup>). « Gregory introduces this discussion by speaking about how to admonish the learned and the unlearned, the proud and the humble. Interpreting Ezechiel 2.9–10, the passage where the prophet saw a scroll written on both sides, Gregory says that the Bible was given to the weak and to the strong<sup>86</sup>). Gregory notes the difference between Paul's words to Titus ›Rebuke with all authority‹ and his words to Timothy ›Reprove, rebuke, exhort with all long suffering and teaching<sup>87</sup>). « Some people, Gregory believed, had visible

79) MARKUS, Gregory the Great (as n. 1), p. 30.

80) Michael FIEDROWICZ, Das Kirchenverständnis Gregors des Grossen: Eine Untersuchung seiner exegetischen und homiletischen Werke, in: Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte, Supplementheft 50 (1995), p. 126–161. Less satisfactory is EVANS, Gregory (as n. 1), p. 75–86.

81) Hom. in Ezech., 1.10.17, ed. ADRIAEN (as n. 73), p. 152.

82) Books 33–35, passim.

83) Conrad LEYSER, Authority and Asceticism from Augustine to Gregory the Great, Oxford 2000, p. 164.

84) Moralia, Epistola ad Leandrum, 4, ed. ADRIAEN (as n. 70), p. 6.

85) Regula Pastoralis, 3.24, ed. CREMASCOLI (as n. 63), p. 174–76.

86) Hom. in. Ezech., 1.9.29–31, ed. ADRIAEN (as n. 73), S. 138–40; Moralia, 13.36.41, 14.32.39, 15.56.67, ed. ADRIAEN (as n. 70), S. 690, 721–22, 791–92.

87) Hom. in Ezech., 1.11.15, ed. ADRIAEN (as n. 73), p. 175.

faults and hidden strengths while others had visible strengths and hidden faults<sup>88</sup>). In another place Gregory says: »Shy minds [...] are to be gently reprovved because if they are more harshly rebuked they are broken rather than instructed. But as to exasperating, shameless minds, if they were gently reprovved they would be provoked by this very gentleness to greater sins.«<sup>89</sup>) Bishops' teaching needed to acknowledge that they and their audience had different experiences and that no two members of the audience had identical experiences<sup>90</sup>).

Here we see again the precision and attention to detail we remarked earlier in discussing Gregory's administrative work. But as Gregory famously said: »The government of souls is the art of arts<sup>91</sup>).« For Gregory the *cura animarum* was vastly more important than *terrena negotia*. And it was more urgent. Gregory believed that he was living at the very end of time. In the »Dialogues« he mentioned Mt. Etna in Sicily and said: »With the end of the world approaching, it seems that the openings to Hell are enlarged in order to receive the great number of souls who will be gathered there to be cast into eternal punishment<sup>92</sup>).« In one of his »Homilies on the Gospels« Gregory said that anyone who does not rejoice in the world's coming to an end is a friend of this world and not of God<sup>93</sup>). For Gregory everything truly important depended on the imminent *tremendum iudicium*<sup>94</sup>). Law, rule, authority, these were mere human contrivances attributable to sin. Law, rule, and authority, therefore, could only find authentic and legitimate application as the kind of healing admonition that snatched as many souls as possible back from the fires of Hell. Although he was dutiful and vigilant in the discharge of his responsibilities, Gregory was not interested in the right ordering of this world. His aim was salvation, the right ordering of souls for the next world.

In what concerns consensus, there is little to report from Gregory's vast *oeuvre*. He rarely used the word consensus. As bishop of Rome, Gregory was more interested in compliance. Gregory sometimes spoke of consensus in metaphorical terms. He used the image of the harmony of voices in a choir<sup>95</sup>). In speaking of temptations, Gregory addressed the failings of individuals who succumbed to, who consented to, temptations: »Temptation affects us in three ways, *suggestione, delectatione, et consensu*<sup>96</sup>).« Jesus con-

88) *Moralia*, 31.13.25, ed. ADRIAEN (as n. 70), p. 1568.

89) *Hom. in Ezech.*, 1.11.17, ed. ADRIAEN (as n. 73), p. 176.

90) LEYSER, *Authority and Asceticism* (as n. 83), p. 187.

91) *Regula Pastoralis*, 1.1, ed. CREMASCOLI (as n. 63), p. 10.

92) *Dialogues*, 4.36.12, ed. DE VOGÜÉ (as n. 64), p. 398.

93) *Homiliae in Evangelia*, 1.3, ed. Raymond ÉTAIX (CC 141), Turnhout 1999, p. 7.

94) ARNALDI, *Gregorio Magno e la giustizia* (as n. 2), S. 64; GIORDANO, *Giustizia e potere giudiziario* (as n. 9), p. 36–39; Raoul MANSELLI, *L'escatologia di San Gregorio Magno*, in: IDEM, *Scritti sul Medioevo*, Rome 1994, p. 81–96; DAGENS, *Grégoire le Grand* (as n. 1), p. 345–429.

95) *Ep.* 7.29, ed. NORBERG (as n. 10), p. 489; *Hom. in Ezech.*, 1.8.8, ed. ADRIAEN (as n. 73), p. 106.

96) *Hom. in Evang.*, 16, ed. ÉTAIX (as n. 93), p. 110.

sent to be tried by Pilate and to suffer for the sins of humanity<sup>97</sup>). Gregory urged people to resist heretics »with a united heart« because heresy damages the »unity« of the church<sup>98</sup>). These sentiments might be regarded as no more than theological or moral tropes. They are not programmatic statements. On one occasion he spoke movingly of the need for concord: »It is our desire that the discordant return to concord, and that those whose differences of opinion divide them from loving one another, are united in grace<sup>99</sup>).« The implication seems to be that where consensus is lacking grace is also absent. In this respect, albeit implicitly, consensus would appear to matter deeply to Gregory. I discussed already Gregory's determined effort to reach consensus with the archbishops of Ravenna. On at least twelve occasions Gregory expressed his delight and satisfaction that communities had come together unanimously to elect their bishops<sup>100</sup>). Twice he said the same thing about abbatial elections<sup>101</sup>). I suspect that we cannot take these statements literally but Gregory's attitude is clear. One more time, then, we see Gregory transposing practical matters into a moral, or theological, key. This great pope always had one eye focused closely on this world and the other eye focused on the next world.

#### SUMMARY

Pope Gregory I (590–604) was a man of law. In fact he was a man of three laws: Roman, canonical, and biblical. From Roman and canon law Gregory learned a harsh and disciplined form of conduct and behavior. What happened when Roman and canonical strictness encountered biblical precepts? Gregory could be rule-bound and detail oriented, as several case studies will show. Gregory can seem indifferent or even cruel in meting out or justifying punishments. Yet, justice could be tempered by mercy as a number of other case studies will show. In Gregory the guiding spirit was less a devotion to rules than a profound sense of the sinfulness of humanity. Hence, for Gregory, Pauline love trumped Roman strictness, whether secular or canonical. Forgiveness and redemption were at the heart of Gregory's conception of law.

97) *Moralia*, 3.16.29, ed. ADRIAEN (as n. 70), p. 133–34.

98) *Epp.* 1.75, 8.2, ed. NORBERG (as n. 10), p. 84, 515.

99) *Ep.* 3.38, *ibid.*, p. 183.

100) *Epp.* 1.19 (Salona), 1.43 (Illyria), 1.56 (Rimini), 2.3 (Naples), 3.30, 3.31, 4.1 (Milan), 5.10, 6.16 (Prima Justiniana), 9.100 (Osimo), 9.140 (Rimini), 9.185 (Gubbio), 11.6, 1.14 (Milan), 11.58 (Corsica), 13.12 (Palermo).

101) *Epp.* 6.57 (Canterbury), 9.18 (Palermo).