The Exemption that Proves the Rule: Autonomy and Authority between Alcuin, Theodulf and Charlemagne (802)

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When the two Carolingian intellectuals Alcuin of Tours and Theodulf of Orleans engaged in a dispute over the fate of a criminal who had sought asylum in the church of Saint Martin in Tours, their conflict quickly turned into a heated political debate that reached the highest level of the Frankish Empire. As evidenced by the letters written during this altercation, this seemingly simple matter of church asylum brought up intractable questions of who should arbitrate on matters such as these, what it would mean if bishops interfered in church matters outside their own diocese, and how this matter affected the essential unity of the Carolingian church. From appeals to personal responsibility to the institutionalisation of the Empire, the debate between Alcuin, Theodulf and Charlemagne was ultimately about everybody's place in the greater scheme of things, and the question of who should play by the rules, and who would be exempt.

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In the year 802, a conflict erupted between Alcuin, abbot of the community around the church of Saint Martin in Tours (735-804; r. 796-804), and Theodulf, bishop of the nearby city of Orléans (750-821; r. 791-818).[1] The catalyst was a refugee cleric from Orléans. Convicted by an episcopal court for an otherwise unknown crime, he had escaped from his prison and fled to the basilica of Saint Martin, where he claimed sanctuary and requested an audience with the emperor to plead his case. Following a first abortive attempt to apprehend the fugitive by peaceful means, Theodulf, who had convicted him in the first place, undertook to extract him by sending a band of armed men from his retinue. Although these men were supported by Theodulf's colleague, the otherwise curiously absent Bishop Joseph of Tours, their attempts to get their hands on the cleric were thwarted when the local clergy would not allow these soldiers to go beyond the chancel railings.[2] They took a stand against what they

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1   Both men have been the subject of numerous studies. For a biographical overview of Alcuin's activities in Francia, see Bullough, *Alcuin*, 336-470. On Theodulf, see Tignolet, *Exsul et exsul erat*, 321-400; Depreux, *Prosopographie*, 383-385.

2   A bishop Joseph features in the *Formulae Bituricenses* c. 14, ed. Zeumer, 174, overseeing a similar case of appeal to the imperial court. This case does not involve a crime, however, but rather a conflict over a woman's inheritance exacerbated by interference by *missi*. The identification of this Joseph as the bishop of Tours is made by the editor, however, and does not necessarily follow from the text itself.

perceived to be a slight against the saint, and as the situation escalated it ultimately ended in a riot when the local populace rose against the men from Orléans. In an ironic twist of fate, Alcuin subsequently had to protect the intruders against the *vulgus indoctum* of Tours.[3] As the dust settled, Theodulf and Alcuin entered an impasse, which they tried to break by appealing to the imperial court.

Given that both prelates were leading courtiers in the entourage of Charlemagne, the ensuing debate quickly reached the highest echelons of the Carolingian hierarchy.[4] In the course of the argument, a multitude of issues was touched upon, ranging from church asylum and secular jurisprudence to monastic identity, episcopal authority and imperial power. It also was a matter of principle, and a competition for authority. To the newly elected archbishop Theodulf, a relative newcomer from the South, Alcuin's interference interfered with his idea of justice being served.[5] Alcuin, the ageing Northumbrian deacon who had left the palace in Aachen when he was made abbot of the community of Saint Martin in Tours, found himself confronted with a fellow courtier over the cleric's actions, and had to manoeuvre between his lingering duty to the Frankish realm and his responsibilities to the shrine of Saint Martin.[6] Finally, Charlemagne, who had only recently been made emperor, had to arbitrate between two courtiers, both of whom had been instrumental in formulating the ideals keeping together the *ecclesia*, the community of Christians living within the Frankish Empire.[7] What started out as a seemingly straightforward case of a fugitive criminal thereby turned into a conflict that could, through its public escalation and the high profile of those involved, pose a threat to the harmony within the Frankish court and church, with the shrine of Saint Martin as its primary battleground. In that sense, the cleric's choice to flee to Tours may not have been wholly coincidental: as already established in the works of Gregory of Tours, the relics of Saint Martin had a long reputation of providing aid to fugitives in their time of need. It was a reputation that had persisted until the ninth century.[8]

Four letters written by Alcuin, as well as one response in the name of Charlemagne, present a detailed account of this peculiar case.[9] Between them, these letters offer a snapshot of the inner workings of the Carolingian state, presenting an idealistic scenario in which everybody shared responsibility for the well-being of the *ecclesia*. Alcuin's testimony gives us the perspective of an actor who had, over the preceding decades, played a vital role in the development of that state and the imperial ideologies upon which it rested.[10] Consequently, he felt he had to live up to his reputation and his pastoral obligations, not only to the fugitive

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3   Alcuin, *Epistola* 249, ed. Dümmler, 403. See Nelson, Charlemagne and the Bishops, 356.

4   Bullough, Charlemagne's »Men of God«, 136-142; Tignolet, Élites et la mobilité.

5   On Theodulf's background, see Freeman, Theodulf of Orléans, and Riché, Refugiés wisigoths, 179; but cf. Brunner, *Oppositionelle Gruppen,* 75, and Tignolet, *Exsul et exsul erat*, 240-245.

6   On Alcuin's Anglo-Saxon identity in Francia, see Garrison, The English and the Irish; Dohmen, Wanderers between Two Worlds, 93-95 (77-97); Story, *Carolingian Connections*, 4-10 and 257-260.

7   See De Jong, Charlemagne's Church, 125-129.

8   Meens, Sanctity of the Basilica of St Martin, esp. 280-281 and 286-287.

9   Alcuin, *Epistolae* 245, 246, 248 and 249, ed. Dümmler. Charlemagne's response is listed in the *MGH* as Epistola 247. The available translations of these letters are listed in the references below.

10   Alberi, Evolution of Alcuin's Concept.

cleric and the community of Saint Martin, but also to Charlemagne himself.[11] For Charlemagne, the stakes were equally high. Once he became involved, he had to take a stand in order to control the (unintended) consequences this affair might have. As much as he may have resented it, the people and places implicated all but forced his hand in the matter.[12] In any case, there is every reason to assume that the extant letter in his name gives us a rare impression of Charlemagne's voice, going beyond his political *persona*.[13] Theodulf, finally, does not have a voice in this matter, but his presence is palpable and his arguments shine through in the correspondence we do have. His was a bishop's perspective, although his position outside the archdiocese of Tours may have made him more acutely aware of the way his own pastoral agenda intersected with the various layers of authority involved in this matter.[14]

The issues raised by this affair have been analysed from a variety of angles. Samuel W. Collins and Miriam Czock, for example, studied the conflict so as to gauge the ideas concerning sacred space and church architecture that underpin the arguments.[15] Rob Meens has looked at the way the conflict demonstrates the extent to which spiritual penance and secular punishment overlapped, and what that meant for the political self-understanding of the players involved.[16] Hélène Noizet has shown how the affair left an imprint on several capitularies that followed in its wake, presumably in order to prevent future escalations in similar cases.[17] More generally, the affair provides an immediate if idiosyncratic view of ongoing debates on the role of sacred spaces, church asylum, and the autonomy of religious communities within the Carolingian empire.[18] The remainder of this article focuses on the intersection between these issues, gratefully relying on the analyses by Noizet and Meens in their respective articles, and building upon their observations. First, based on Alcuin's letters, it will address how existing systems and traditions could be adapted to suit the needs of those in power, and who was subsequently allowed to make any changes deemed necessary. In this part it will be argued that requesting an exemption from secular justice was done using more than legal arguments, but that it involved admonition, moral exhortation, and a fair amount of theological reasoning. Moving on to Charlemagne's response, the article will then show how the circumstances and personalities involved in the correspondence about the curious case of the captured cleric shows how the request for exemption turned into complex negotiations about justice, authority, and the nature of imperial rule. In the end, Alcuin's exhortation to make this an exception to the existing rules ended up being a debate about who was allowed to bend and break the rules in the first place, and under which circumstances exemptions would be granted, or clemency denied.

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11   Although his stellar reputation seems to mostly be visible in posthumous sources, his prominence was apparent already during his lifetime, for instance when looking at his extended network of correspondents: Garrison, Correspondants d'Alcuin; Bullough, *Alcuin*, 17-24.

12   Davis, *Charlemagne's Practice of Empire,* 47-89, esp. 78.

13   Nelson, Voice of Charlemagne, although she does not mention this affair specifically.

14   Nelson, *Libera vox* of Theodulf of Orléans, 289-293.

15   Collins, *Carolingian Debate over Sacred Space,* 1-5 and 91-120; Czock, *Gottes Haus*, 292-293.

16   Meens, Sanctuary, Penance and Dispute Settlement. On pp. 277-278 and nn. 1-2, Meens also provides a concise overview of the manuscript transmission of these letters, based largely on Bullough, *Alcuin*, 43-103.

17   Noizet, Alcuin contre Théodulphe.

18   See also an earlier analysis of the sources by Wallach, *Alcuin and Charlemagne*, 99-140.

The timing of the conflict was important. Just over a year earlier, the Carolingian elite had undergone an ideological sea change as Charlemagne's *de facto* position of power was confirmed when Pope Leo III crowned him the Emperor of Western Christendom on Christmas Day of the year 800. While it remains challenging to gauge the immediate political repercussions of this event, it did remind everyone of the responsibilities attached to the *imperium* and the *ecclesia*; even though the historiographical record presents 802 as a relatively quiet year by Carolingian standards, it is clear that the wheels remained in constant motion regardless.[19] Ongoing negotiations with the Byzantine Empire, as well as the arrival of an elephant from the court of Harun Al-Rashid, reminded the elite at court of the scale at which the realm was operating.[20] However, rulers could not afford to look outward and upward only: they had their subjects to think of as well. Because the Christian Empire imagined by the Carolingians was one where power was pastoral as well as political, it was also responsible for the internal spiritual well-being of its subjects.[21] This definitely applied to the ruler who stood at the head of it all, with his prelates gathered around him to provide the support necessary to bear the burden of *correctio*.[22] Orléans and Tours, both encompassing a multitude of religious communities and institutions, represented many different aspects of the religious foundations that supported the Carolingian realm, ranging from producing revised Bible codices to reflecting on the pastoral duties and the ›power of prayer‹ wielded by monks, canons and clergy.[23] At a personal level too, Alcuin and Theodulf were active voices in the ongoing *correctio*-movement sponsored by Charlemagne, which, when approached from the point-of-view of the court, aimed at diffusing an understanding of what it meant to be a good Christian in a good Christian empire.[24] From poetry about the difficulty of being an impartial judge in the realm, to broad ideas about whether or not the *imperium Christianum* was attainable, these two intellectuals were part and parcel of an elite culture in which advice and admonitions to the ruler were welcomed and even encouraged.[25] While the actual conflict was thus fairly focused and limited to a single case of exemption from the law, this attitude towards religious reforms and the role played by the state in their propagation forms the background to the debate about the fugitive cleric.[26]

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19 Reimitz, History, *Frankish Identity*, 353-360; Davis, *Charlemagne's Practice of Empire*, 348-355; for an overview of modern scholarship on the rise (and fall) of the Carolingian empire, see De Jong, Empire. On the meaning(s) of *imperium*, see Van Espelo, Testimony of Carolingian Rule.

20 On the significance of this elephant, see Hack, *Abul-Abaz*.

21 Brown, Introduction, 17-22; but cf. Nelson, Revisiting the Carolingian Renaissance, esp. 331-333.

22 The term *correctio* instead of ›reform‹ was already proposed in 1964 by Schramm, Karl der Grosse, 340-342; however, see also Reuter, »Kirchenreform« und »Kirchenpolitik«, 40-42; and Barrow, Ideas and Applications of Reform.

23 Ganz, Carolingian Bibles, 330-334; Lobrichon, Bibles alcuiniennes, 214-218; McKitterick, Carolingian Bible Production. Kottje, Einheit und Vielfalt, 325-328; Barrow, *Clergy in the Medieval World*, 310-343; De Jong, Carolingian Monasticism, 651. On the religious landscape in Tours in the early Middle Ages, see Piétri, Tours; and Wood, Topographies of Holy Power, 139-141 (including a helpful map of the city).

24 Kramer, *Great Expectations*, 75-77.

25 For example, Theodulf's so-called *Versus contra iudices*, ed. Dümmler, 493-517, in which he reflects on the nature of authority as well: Godman, Poets and Emperors, 70-74; Noble, Monastic Ideal; De Jong, From *Scolastici* to *Scioli*. On the culmination of this mode of communication during the early years of Louis the Pious' imperial reign, see De Jong, *Penitential State*, 112-147.

26 De Jong, State of the Church, esp. 243-245; Close, *Uniformiser la foi*, 305-308; Nelson, Charlemagne and Empire, 232.

Exceptional circumstances

Alcuin's initial argument was that the defendant ought to have had the right to appeal directly to the emperor or his court. Ironically, the way he frames this reflects an awareness of the emperor's reliance on his entourage, as his first letter was addressed to two former pupils who had made it to the palace in Aachen. They were Fredegisus, who would go on to be Alcuin's successor as abbot of Saint Martin as well as archchancellor at the palace, and Witto, who probably was *magister* of the palace school at the time.[27] The bond between them was still strong, as may be shown by the fact that Alcuin addressed them by their nicknames Nathanael and Candidus. These were names he had bestowed to express his esteem for them, but which also clearly reminded them of their erstwhile student-master relationship.[28] Nevertheless, he now petitioned them to intercede with the emperor on his behalf, seeing as they »had chosen, through their manners and religious way of life, to please God and my lord David [i.e. Charlemagne]«.[29] Ideologically charged though Alcuin's interpretation of rulership might be, he acknowledged that the people around the emperor formed an important conduit of his authority.[30] Turning to his two pupils might even remind Charlemagne of the positive effect Alcuin had had on the court: Fredegisus and Witto were now part of a court community that was aware of how sharing responsibilities was one of the fundamental principles of the Carolingian *ecclesia*.[31] This might also be why Alcuin sent an almost identical letter to an otherwise unknown bishop, requesting that he intercede too. Between them, these two letters not only serve as a reminder that Alcuin's network continued to extend to the palace in Aachen, but also show how vital proximity to the throne was when it came to resolving the tension created by a case such as the one in Tours. Although the main players were part of the extended court, the fact that this case challenged the authority of both an abbot and a bishop meant that the emperor should be directly involved. It would take a balanced combination of personal, ecclesiastical and imperial interests to work this out.[32]

Alcuin's arguments revolved around the notion that the emperor's responsibilities and his convictions about Christian rulership, outweighed his obligations to a secular state. He started his case by appealing to the emperor's sense of mercy, quoting James 2.13 to argue that being merciful is superior to being righteous.[33] After all, he continued, laws and the *ecclesia* were there to give people the means to achieve salvation, so that in the end God could judge people according to their virtues and transgressions. Alcuin presents a plethora of Biblical and legal texts to support this essential point, even though Noizet has pointed out that Alcuin had selectively quoted some of the canonical quotations in order to make a stronger argument; had he left them unchanged, he would have proven himself wrong because they

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27 On Nathanael/Fredegisus, see Depreux, *Prosopographie,* 199-203; on Witto/Candidus, see Löwe, Geschichte Wizos.

28 On these, and other, nicknames at court, see Garrison, Social World of Alcuin, 61-62. On the bonds between masters and their pupils, see, among many others, Contreni, Pursuit of Knowledge.

29 Alcuin, *Epistola* 245, ed. Dümmler, 393.

30 Depreux, Hiérarchie et ordre.

31 In *Epistola* 257, ed. Dümmler, 414-46, also written in 802, Alcuin self-consciously reminds Charlemagne that his and his peers' involvement in matters of faith (referring specifically to the council of 802 also mentioned in the *Annals of Lorsch*) has improved the state of the church and the empire; Springsfeld, *Alkuins Einfluss,* 20-27.

32 Czock, *Gottes Haus*, 291-293.

33 Alcuin, *Epistola* 245, ed. Dümmler, 394. The biblical quotation also implies a warning against judging too harshly, should mercy not be an option.

contained caveats covering just these situations.[34] Be that as it may, *misericordia* is the theme *par excellence*, as Alcuin flits through quotations – mostly from the Gospels of Matthew and Luke – to promote the idea that sinfulness was no reason to treat anybody badly. »You do ill, therefore, to pass judgement prematurely«, he writes, quoting I Corinthians 4.5, and reminding his audience that »If sinners are not to enter church, perhaps no priest will be found to say Mass or sing the responses, except one who has just been baptised«.[35]

This is followed by a series of quotations with an eschatological undertone, in response to Theodulf's characterisation of the fugitive as ›devil‹. This is, according to Alcuin, a dangerous presumption, as it will only be made clear in the afterlife who may partake in the Kingdom of Heaven. Quoting one of Gregory the Great's Homelies on the Gospel, he calls Theodulf to order:

> There are two things we must consider carefully. Which things? ›Many are called, but few are chosen‹ [Matthew 20.16]: the first is that no one should be presumptuous about himself, because, even though he has already been called to the faith, he does not know whether he may be considered worthy of the eternal kingdom. The second thing is that no one should presume to despair of a neighbour, even if he sees him steeped in vice; he does not know the riches of divine mercy.[36]

Lenience is the spice of life, Alcuin argues, because only in death may humans find true justice and forgiveness.[37] It is therefore important to remain pragmatic about what one can and cannot accomplish, and to always be open to compromise: »Zeal is indeed good, as long as it is mitigated by a gentle spirit«, he writes.[38] The Biblical part of this letter ends when Alcuin, emphasises once again that »much is destroyed by discipline or mercy if one is kept without the other«, adding a verse from Psalm 22.4 (The Lord is My Shepherd), that »your rod and your staff are my comfort«.[39] Addressed to the emperor and his court, it was a clear reminder that the ruler carried both the carrot *and* the stick, but that this did not mean he was free to do as he pleased. He had his own soul to consider too: his royal displeasure should be reserved for those who had transgressed earthly law; sinfulness was a sad fact of life, but one which would be resolved in the afterlife. Charlemagne's zeal should therefore not lead to immoderate anger. Neither, however, should his piety cause him to be too compliant.[40]

This personal appeal segues into the final part of the letter, which consists mostly of more impersonal legal texts. Alcuin shows his shrewd political instincts, as he combines his particular way of thinking about individual sinfulness with legal observations about various aspects of church asylum, the criteria for being eligible, and the rights of refugees. These statements, ten in total, have been culled mainly from the early sixth-century Breviary of Ala-

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34 Noizet, Alcuin contre Théodulphe, 118-119.

35 Alcuin, *Epistola* 245, ed. Dümmler, 394. The passage actually quotes Luke 6.37 and Matthew 9.13.

36 Gregory the Great, *Homeliae in evangelia* 19, c. 6, ed. Étaix, 159; the translation is quoted and commented upon in Baun, Gregory's Eschatology, 170.

37 Cf. Brown, Decline of the Empire of God, 57-59.

38 Alcuin, *Epistola* 245, ed. Dümmler, 395. For a (slightly later) view on the importance of *zelus*, see Choy, *Intercessory Prayer,* 153-154.

39 Alcuin, *Epistola* 245, ed. Dümmler, 395.

40 See also Althoff, *Ira Regis,* and Depreux, Pietas.

ric and from three Merovingian councils held in Orléans (in 511, 541 and 549).[41] The selection of these particular sources served a twofold purpose. Firstly, it was an additional attack on Theodulf's competence as a judge, highlighting the essential supremacy of collective conciliar decisions over the judgement of a single individual.

> Oh high priest (*pontifex*) of Orléans, who would dare to go against the synod of Orléans, where, as we read, 72 bishops (*episcopi*) were present,

he writes, in a passive-aggressive reminder to Charlemagne of all the arguments his rival chose not to make.[42] Secondly, and arguably more importantly, Alcuin aimed to show that the laws concerning church asylum were venerable indeed, and had been part of an *imperium* that had, since its inception, combined Frankish and Roman political traditions. By citing the councils of Orléans, he was invoking the earliest instances where the vocabulary used reflected an overlap between secular/imperial interests and matters of the church.[43] By citing the Roman laws contained in the Breviary of Alaric, he demonstrated that these were no arcane rules from a bygone era, but legislation that still applied to their own world.[44] Whether consciously or unconsciously, Alcuin here demonstrates how the rules for church asylum were a perfect amalgamation of the Roman, Christian and barbarian traditions that shaped the early medieval church.[45]

Alcuin emphasised the point with reference to two narrative sources. The first of these occurs between the councils and the Breviary, and stems from the enigmatic *Vita Beati Silvestri* or *Actus Silvestri,* a fifth- or sixth-century retelling of the life of Pope Sylvester, with a special emphasis on his relation to the emperor Constantine.[46] In it, »we read«, according to Alcuin,

> that after he was baptised, he instituted a law on the fourth [fifth] day to the effect that, in whatever place a church was built, it would gain such excellence (*virtus*) through its consecration that any criminal who fled to it would be guarded from the danger posed by whatever judge was present.[47]

This is an interesting quotation: in its original context, it occurs in the middle of a series of new laws promulgated by Constantine in the week following his baptism, all of which have to do with establishing Christianity in a world that was still seen as being hostile to Chris-

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41 On these three councils and their role in the development of ideas about church asylum, see Siems, Asyl in der Kirche?, esp. pp. 272-275. On the reception of the Breviary of Alaric, see McKitterick, *Carolingians and the Written Word*, 44-47; but also Boucaud, Indices et sources.

42 Alcuin, *Epistola* 245, ed. Dümmler, 395. As the editor notes, there were only 32 bishops actually present (that we know of).

43 Halfond, *Archaeology of Frankish Church Councils,* 9

44 See Wood, Problem of Late Merovingian Culture, 201; Ganivet, »Épitome de Lyon«, 287, n. 30.

45 Hen, *Roman Barbarians,* 177-180; Pohl, Christian and Barbarian Identities.

46 To get an idea of Alcuin's use of the text, I have only been able to consult the (admittedly problematic) edition by Mombritius, *Sanctuarium,* 508-531; on the inception and reception of the *Vita beati Silvestri*, see Pohlkamp, Textfassungen, esp. 132-138.

47 Alcuin, *Epistola* 245, ed. Dümmler, 396. Cf. *Vita beati Silvestri*, ed. Mombritius, 513: in the original, this happens on the fifth day; the fourth day is devoted to a new rule placing bishops above secular law: Pohlkamp, Kaiser Konstantin, 376-380.

tianity. This explains the focus on church asylum to some extent, but also on the supremacy of the papacy over all the bishops (*sacerdotes*) in the Roman world »just like the emperor is the head of the judges«.[48] Spurious though it might be, it was a text that was seen to provide the kind of precedent for which Alcuin was aiming. The fugitive cleric should be safe inside the church of Saint Martin, and if Charlemagne took the legacy of Constantine seriously, he should do his best to emulate the example set by his illustrious predecessor by at least protecting the sanctity of his churches.[49] This last point is driven home in Alcuin's final quotation, lifted directly from Orosius' *Historiae adversum paganos*, in which the audience is reminded that even Alaric I during the sack of Rome (410) did not harm the churches or the people hiding inside them.[50]

If Charlemagne should »deem the testimony of the law and the canons to be of minor authority«, maybe the word of God himself might convince him.[51] Alcuin argued that Fredegisus and Witto should remind Charlemagne how the *honor* of his church and his Empire was at stake. The right of asylum did not make somebody innocent, but it should at least give him a chance to defend himself before the highest court of appeal. This was, after all, why God had ordered the Chosen People to »set apart three cities« in the Promised Land, the so-called Cities of Refuge, where those accused of bloodshed »would find sanctuary«.[52] Following his appeal to *misericordia* and his explanation of church asylum, Alcuin concluded by admonishing Charlemagne to be a just ruler, who had no other choice but to do what was

> pleasing to the Lord God Jesus Christ and his saints, and that the reward of perpetual and eternal bliss will befall him, and his sons will be blessed for all time.[53]

Because, after all, it was

> Jesus Christ, who, having graced him with wisdom, has honoured him above all other kings and emperors, and who has elevated his power.

The implication was clear: this was a power that could just as easily be taken away.[54]

The dossier that Alcuin sent to Witto and Fredegisus to help them present the case to Charlemagne finished with the question whether it was equitable that somebody who appealed to the emperor would be granted a hearing or not. Romans and pagans would allow for

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48 See also Levison, Kirchenrechtliches, 506-509 (the relevant passage is quoted in full on page 507). It is unclear if Alcuin also meant to invoke a remark about Sylvester's decree in the *Liber Pontificalis,* c. 34, ed. Duchesne, 171, that »no cleric should enter a court for any case nor should he plead a cause before a robed judge except in church.« His focus here seems to lie on Constantine rather than the pope. See also Duchesne, p. 190, n. 23.

49 Kramer, Adopt, Adapt and Improve, 38-43; Raaijmakers and Van Renswoude, Ruler as Referee, 60-68.

50 Alcuin, *Epistola* 245, ed. Dümmler, 397. A generation later, bishop Frechulf of Lisieux connected the two Alarics in his *Historiae*, II.5, 22, ed. Allen, 717-718, by pointing out that it was Alaric I who sacked Rome, and Alaric II who compiled the *Breviarium* just before his kingdom was taken over by the Franks: Ward, *Universal Past*, 264-266.

51 Alcuin, *Epistola* 245, ed. Dümmler, 397.

52 Deuteronomy 19.1-13; see Barmash, *Homicide in the Biblical World,* 71-93.

53 Alcuin, *Epistola* 245, ed. Dümmler, at 397.

54 Alcuin, *Epistola* 245, ed. Dümmler, at 397-398.

this; why then was the »blessed Martin, a true confessor of God, venerated less in the empire than the false idol Aesculapius had had power over the pagans?«.[55] Charlemagne should not stand for such injustice. Surely, he could see that these exceptional circumstances required a special exemption so that the actions of his brethren and the citizens of Tours would be justified, and the fugitive would get his case heard.[56]

In a second letter, Alcuin presents a very similar argument to another friend, who is a bishop. Their relation does not appear to be one of teacher and student, as this correspondent is given a lot more discretionary power on how to argue the case on Alcuin's behalf. Whereas Witto and Fredegisus are instructed to prostrate themselves and ask specific questions, Alcuin simply asked this recipient to consider whether or not the situation is just, adding that even though »this criminal certainly perpetrated many sins and very wicked misdeeds«, he had also confessed to them even before being put in chains.[57] Comparable to Alcuin's argument-by-proxy to Charlemagne, his appeal here revolves around penance and forgiveness, albeit along more overtly pastoral lines. Instead of Psalm 22, Alcuin for example refers to Ezekiel 33.11-12, implicitly invoking the image of the »watchmen of the house of Israel« that would become so popular among the Carolingian episcopacy, and emphasising their pastoral duties to allow converted sinners back into the flock.[58] In addition to the examples from the *Actus Silvestri* and Orosius, he expands upon his observations about the Cities of Refuge in Deuteronomy, to which he only obliquely alluded in the first letter.

This is an interesting juxtaposition of images. If the interpretation of this passage from Deuteronomy by Alcuin's pupil Hrabanus Maurus holds any indication as to his teacher's inclinations, it seems that Alcuin invoked these cities as more than mere precursors of the type of asylum he is advocating.[59] Following Hrabanus' *Enarrationes super Deuteronomium*, the function of these cities was to create order within the kingdom while simultaneously providing a breathing space when resolving conflicts. An excess of reproof (*increpatio*) would only lead from bad to worse, Hrabanus argues, whereas such places of refuge would instead create the option for the sinner to truly undergo penance. Those who did not commit crimes out of malice but out of ignorance or carelessness »would have these cities of refuge, that is, the catholic church, where he might remain while going through the narrow door of penance«. Hrabanus concluded that if he (or she) henceforth pursued good works and put their trust in the »highest of the priests, namely, the Redeemer«, they could still be saved for all eternity.[60]

Alcuin used this passage to remind his audience that he was divinely charged to care for this particular refugee; he even boldly added that »these are God's words, not someone else's«.[61] But he cast his net wider than that. Hrabanus' commentary on the Pentateuch, of which the *Enarrationes super Deuteronomium* were a part, had been written at the behest of bishop Frechulf of Lisieux, and, as such, a pastoral subtext shines through his explanation

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55   Alcuin, *Epistola* 245, ed. Dümmler, at 397. Edelstein, *Asclepius*, vol. II, 134, draws attention to the idea that the term used by Alcuin, *Scolapius Falsator,* could refer to a ›false Christ‹ (or even Antichrist), and not merely to an idol.

56   Davis, *Charlemagne's Practice of Empire*, 77-79.

57   Alcuin, *Epistola* 246, ed. Dümmler, 399.

58   De Jong, *Penitential State*, 114-118; On the Augustinian roots of this idea and its implications for early medieval understanding of power and authority, see Leyser, *Authority and Asceticism*, 26-32.

59   The relation between Alcuin and Hrabanus is expanded upon in Fleckenstein, Über Hrabanus Maurus, 205-210.

60   Hrabanus Maurus, *Enarrationes super Deuteronomium,* PL 108, 907B-909A.

61   Alcuin, Epistola 246, ed. Dümmler, 399.

of the meaning of these cities.[62] Similarly, Alcuin also addresses a bishop – someone in a position of authority – and subtly tells him how to do his job. His responsibility is to ensure the salvation of his flock, not to uphold secular law at all costs. In that sense, it is notable that this letter starts with the remark that the cleric had only been able to flee »due to the negligence (*negligentia*) of his guard«.[63] This amounted to an overt accusation of the person guarding the prison, of course. But it might just as easily be read as a subtle dig at those in charge of guarding his soul.

History has shown that asylum and refugee rights were ubiquitous, Alcuin concludes, even in pagan times.[64] It would be up to the Christian churches to continue and improve on this honour. This was an appeal clearly aimed at a senior member of the court, someone who might not accept (let alone need) guidance from Alcuin in the way his former students would. Nonetheless, the context of the letter does show how the aging abbot was protecting his interests, appealing not only to the emperor (in)directly, but also to other well-placed courtiers who would feel responsible both for the salvation of the fugitive and the soul of the emperor. Witto and Fredegisus were charged with presenting Alcuin's arguments, and they thus held the fugitive's life in their hands. The anonymous bishop was called upon to fulfil his task as »watchman«, watching over not only the fugitive, but also Theodulf and Charlemagne: they should be kept from making uninformed decisions. This affected the emperor's position as well. The relation between a ruler's agency and the prosperity of his subjects occupied the minds of the Carolingian elite to a large extent, and so it might be that Charlemagne, presiding over the situation, would be held personally accountable for what went on in his realm.[65] He was reminded that he should avoid the risk of becoming an unjust king who blindly applied laws and relied on testimonies instead of being available to his subjects.[66]

Throughout Alcuin's arguments thus far, the presence of Saint Martin has been a recurring theme. While the refugee, Alcuin, and even Charlemagne were in the end but players on an ever-changing field, the saint's shrine should remain inviolate. The saint exemplified God's unchanging laws. It was up to the emperor to ensure that those laws were kept, even if that meant that secular law needed to be flaunted every now and again. The legacy of Pope Gregory the Great's pastoral guidance was palpable in Alcuin's approach to Christian rulership.[67] The goal was to win the hearts and minds of the believers, not to force beliefs upon them or cow them into submission.[68] According to Alcuin, this cleric needed a pastor, not a judge. He had shown himself willing to come back to the fold. It was up to Charlemagne to allow this to happen.

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62 See Edwards, Deuteronomy in the Ninth Century, 101-102; Depreux, Raban, l'abbé, l'archevêque, 55. The letter of dedication is edited separately in the *MGH,* Epistola V, 399-400; the pastoral preoccupations of both author and recipient are visible most blatantly in the lengthy quotation from 1 Timothy 4.11-16 that finishes Hrabanus' letter.

63 Alcuin, *Epistola* 246, ed. Dümmler, 398.

64 Alcuin, *Epistola* 246, ed. Dümmler, 399.

65 See Meens, Politics, esp. 353-355.

66 Nelson, Bad Kingship, 12-13.

67 Leyser, *Authority and Asceticism,* 160-187; Judic, Tradition de Grégoire le Grand, 21-23. See also the remarks on *discretio* in the *Regula Benedicti*, which might be in the background of this argument as well: Melville, *World of Medieval Monasticism,* 29-31.

68 The most famous instance of this is Alcuin's admonitions, in *Epistolae* 110 and 111, to Charlemagne and his chamberlain Meginfrid, on the forced conversion of the recently conquered Saxons: see also Phelan, *Formation of Christian Europe,* 95 ff.; Dumont, Alcuin et les missions; Flierman, *Pagan, Pirate, Subject, Saint,* 198-203.

Proving the rule

Alcuin had done his best to construct a viable argument explaining his actions and those of his followers. Nevertheless, neither Theodulf nor Charlemagne was persuaded by his reasoning. Even though no letters on this affair by Theodulf are extant, part of the bishop's argument shines through in Charlemagne's correspondence.[69] The emperor's response to Alcuin reveals his pragmatic stance towards the everyday business of the *imperium Christianum*.[70] By and large, the counter-arguments are less preoccupied with pastoral duties and more concerned with the establishment and consolidation of imperial authority. According to Charlemagne, who may have been paraphrasing Theodulf's position here, a ruler's job was to appoint the best people for the job, and to delegate or even relinquish to them the responsibility of keeping the realm together. Thus, a bishop's judgment and subsequent explanation should suffice as the final word.[71] Any attempt to subvert such judgments would not only taint the image of the prelate in question, but also throw the essential unity of the Church into disarray. After all, a bishop was appointed through the consensus of his colleagues, and with the *fiat* of the ruler; that should guarantee his credibility.[72] Thus, without directly responding to Alcuin's grievances, the emperor implies that asking the question had been inappropriate in the first place. By going against a judgment that had been proclaimed in Charlemagne's name before this whole affair even started, Alcuin therefore made a mistake which touched upon many aspects of the Carolingian state. He had gone against the orders of one prelate, and in doing so, as Charlemagne saw it, also dishonoured the city of Tours, the episcopacy, and possibly even the harmonious relations that held together the empire itself.[73]

To the extent that Charlemagne was open to the idea that his pastoral or imperial responsibilities for the Christian Empire meant that he could exempt himself from his own rules, it is interesting that he dismisses this suggestion with an outright *ad personam* attack to put Alcuin back in his place while simultaneously demonstrating what was at stake.[74] Alcuin's letter, according to the emperor,

> was much more bitter and composed in anger than the one by Theodulf, and that the spice of *caritas* not strewn over his [Theodulf's] food, but rather it seems as if it defends a criminal by accusing a bishop.[75]

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69 In fact, no letters by Theodulf are extant. Stratmann, Schriftlichkeit in der Verwaltung, 97-99, attributes this to a *damnatio memoriae* following Theodulf's fall from grace in 818. On this affair, see, among many others, Noble, Revolt of King Bernard; Dahlhaus-Berg, *Nova antiquitas et antiqua novitas*, 17-19; Depreux, Comte Matfrid d'Orléans, 347-352; Godman, Poets, 243-246.

70 Davis, Pattern for Power, 245.

71 Charlemagne, *Epistola* 247, ed. Dümmler, 399-400. Charlemagne refers to a letter sent to Theodulf in this same paragraph.

72 Patzold, *Episcopus*, 179-180. For an in-depth study of the (ongoing) development of episcopal elections between self-regulation and secular authority, and the place of the Carolingian era in this development, see Thier, *Hierarchie und Autonomie*, esp. 201-342.

73 On the links between episcopal and royal authority in the early ninth century, see Guillot, Exhortation, esp. 101-102; Davis, Pattern for Power, 242-243.

74 This should not be taken to mean that Charlemagne ruled without any concept of ministerial discretion: Nelson, Kingship and Empire, 64-65: »The limitations of Carolingian political thought, its hesitations, inconsistencies and shortcomings of expression, are very obvious. Yet to deny the ninth century any idea of the state or of public office is to throw out the baby with the bathwater. Political thought is embodied not only in theories but in contemporaries' *ad hoc* responses to political problems and to perceived discrepancies between ideals and realities.«

75 Charlemagne, *Epistola* 247, ed. Dümmler, 400.

While Alcuin had done his best to temper the righteous anger felt by his adversaries, he apparently forgot that there was a time and a place for advice, invective and rebuke.[76] This was not it. If the abbot wanted this cleric's case to be heard, he should not try to accomplish this by publicly attacking the existing order.

From this follows the observation that the *infamis clericus* ought not to have entered the church in the first place, primarily on account of his status as a convicted criminal.[77] A comparison Alcuin had alluded to in his letter, between this situation and the incarceration of the apostle Paul, did not apply. The apostle could appeal to the emperor directly because he was a Roman, and he had been »accused but not yet convicted« by the »leaders of Judea«. Therefore, he could be judged by Caesar under a different set of rules.[78] In this case, however, this rule did not apply, because the cleric was part of the very system that Alcuin had invoked by referring to the Councils of Orléans and the Breviary of Alaric. In fact, Charlemagne continues, »it is quite bewildering why [Alcuin is] so intent on contradicting the authority of our decision«. In a pair of sentences dense with legal terminology, Charlemagne concludes that Alcuin seemed to choose the criminal over the emperor. Having allowing this man to enter Saint Martin's church, Alcuin's »love for discord« is now taking over »that place of charity«.[79]

At this point, Charlemagne brings the argument back to what really matters to him: not the issue of the one errant cleric, but the unity of his *ecclesia* and the reputation of the church of Saint Martin in particular. Therein was contained an existential problem. The rules quoted by Alcuin existed only because a long line of Frankish rulers had acted as their safeguard. They existed as an ideal in a framework he and Theodulf had helped design. Alcuin's preoccupation with *misericordia* and salvation at an institutional level could only exist within the Carolingian *ecclesia*.[80] By asking his ruler to grant an exemption in this particular case, he appeared to be letting his idealism (and possibly his rivalry with Theodulf) stand in the way of justice and good governance, which, paradoxically, was at the centre of this conflict in the first place.[81]

That is the point where Charlemagne takes responsibility, albeit not in the way Alcuin expected. When the emperor expresses his concern about the *discordia* brought to the shrine, he seems acutely aware of the importance of the shrine as a *locus* for political conflict.

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76 De Jong, *Admonitio* and Criticism, 320-327.

77 Charlemagne, *Epistola* 247, ed. Dümmler, 400.

78 Referring to the scene in Acts 25, Charlemagne reacts in *Epistola* 247, ed. Dümmler, 400: *...ad exemplum beati Pauli apostoli, qui, apud principes Iudaeae a gente sua accusatus, sed nondum iudicatus, caesarem appellavit....*

79 Charlemagne, *Epistola* 247, ed. Dümmler, 400: *Sed et valde miramur, quur vobis solis visum sit nostrae auctoritatis sanctioni et decreto contraeundum; cum liquido pateat, et ex consuetudine veteri et ex constitutione legum latorum decreta rata esse debere, nec cuiquam permissum illorum edicta vel statuta contemnere. Et in hoc satis mirare nequivimus, quod illius scelerati hominis precibus, quam nostrae auctoritatis iussionibus obtemperare maluistis, cum nunc clarissime liqueat cum eodem homine amorem discordiae ex inruptione caritatis de hoc loco veluti egredi‹.* The emphases on the legal terminology have been added by the author.

80 De Jong, Sacrum palatium et ecclesia, 1255-1258.

81 See McKitterick, Perceptions of Justice, 1102.

The twist is that the refugee was not an active party but rather a catalyst for something even greater; the description of the cleric as *infamis* indicates the public nature of his crimes, and hints at the scandal that affected those associated with him.[82] It was Alcuin who is sowing discord. This provides the context for an oft-quoted remark about the nature of religious communities, namely the highly charged question if Alcuin even knew what kind of community he was running.[83]

According to Charlemagne's closing remarks, Saint Martin of Tours had already been the subject of slander even before this whole affair »because sometimes you claim to be monks, sometimes canons, and sometimes neither«.[84] Precisely this was the reason why Charlemagne had »invited him from a faraway province«, so that Alcuin might teach these monks a proper way of life and »rid [the community] of this bad reputation (*mala fama*)«.[85] Charlemagne subverted Alcuin's arguments to the extent that he questioned his credibility as a leader of a community within the empire.[86] By the same token he showed how he lived up to Alcuin's ideal by interfering directly in the *correctio* of a monastery in such a way as to improve the general »state of the Church«.[87] The current conflict had not caused any structural problems, but it had laid the community's identity crisis bare for all to see. As far as the emperor was concerned, that was a problem.

Charlemagne's remark about the community was more than a personal slight against Alcuin's leadership, though. It should be seen in the context of the link between good policy, *correctio*, and pleasing God that was central to the Carolingian mind-set at the time.[88] In the *Annals of Lorsch*, Charlemagne's activities to re-order his church properly are set in 802, in the wake of his imperial coronation.[89] The so-called *Capitulare Missorum Generale,* promulgated in that same year, shows how the line of thinking famously set out in the *Admonitio Generalis* of 789 still persisted.[90] In this capitulary, what the imperial representatives should be aware of as they pursued the ruler's interests in the realm is explained from a courtly point of view. Obliquely referring to a divine command from the Book of Deuteronomy, that

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82 Cf. Wickham, Topographies of Power, 3-5. On *infamia*, see specifically Evans, Notoriety; the concept was intimately tied up with Visigothic law as well, which might even indicate Theodulf's involvement: *King, Law and Society*, 89-104.

83 Generally, see Felten, *Äbte und Laienäbte im Frankenreich,* 229-246;

84 Charlemagne, *Epistola* 247, ed. Dümmler, 400-401: *Aliquando enim monachos, ali quando canonicos, ali quando neutrum vos esse dicebatis, and later Vos autem, qui contemptores nostrae iussionis extitistis, sive canonici sive monachi vocamini …*

85 Charlemagne, *Epistola* 247, ed. Dümmler, 400. On the risks attached to *mala fama,* see Firey, Blushing before the Judge and Physician, 196-197. She does note that *mala fama* only became an official part of legal procedure in the time of the Inquisition, but could already be cause for alarm in the Carolingian age. See also De Jong, *Penitential State*, 185-200 on how *mala fama* could even tarnish the reputation of the imperial court.

86 Alcuin's status as an ›outsider‹ also left traces in the anonymous *Vita Alcuini,* ed. Arndt, c. 18, 193 where a monk from Tours is overheard complaining about Alcuin's compatriots visiting the abbot: Story, *Carolingian Connections*, 7. More generally, see Erhart, Contentiones inter monachos, 374-375.

87 For a later example of this ideal, see Kramer, Teaching Emperors, 318-322; Raaijmakers, *Making of the Monastic Community*, 246-249.

88 Kéry, Kritik Karls des Großen.

89 On the politics behind the *Annals of Lorsch*, see Collins, Charlemagne's Imperial Coronation, 64-69; Nelson, Why Were There so Many Different Accounts?, 8-9.

90 McKitterick, *Charlemagne*, 257; Davis, Pattern for Power, 235-236.

all men (...) are to live in an entirely just manner, with just judgment, and everybody is to be admonished to persist wholeheartedly in his way of life and calling (...) and all are to live in perfect charity and peace with one another,

the *missi* were used as a framing device to show how ideas of rulership continued to evolve without losing sight of the Bible as the ultimate foundation of Carolingian ethics.[91] Without ever directly telling the subjects of the realm what to do, capitularies such as this one were an effective tool for spreading imperial ideas throughout the realm, while simultaneously reinforcing the central position of the court.[92] If the emperor's responsibility was to perpetuate God's order, he would have to rely on his *missi* to properly represent his idealistic notions. At the same time, he had to ensure that the authority of his representatives would be respected; turning to the *Annals of Lorsch* again, we see how the emperor was aware of the fragility of justice and the people tasked with upholding it.[93] Theodulf, who himself had been a *missus* prior to 802, was no stranger to the idea that *missi*, judges and other members of the extended court were an extension of the ruler's authority, but, depending on their own vulnerability to temptation, could just as easily prove to be the weakest link themselves.[94]

Apart from »charity and peace«, there were some additional ways to ensure the good conduct of the ruler's subjects. One of these was the renewal of the oath of loyalty. This had happened once before, in or around 789, when Charlemagne sent out his *missi* to have his subjects renew their oaths.[95] At the time he had given them the instruction that while »bishops and abbots, or counts and royal vassals as well as administrators, archdeacons and canons« needed to swear in the appropriate manner, the monastic profession would suffice for those who were attempting to live a monastic life according to the Rule of Benedict; their abbot would take the oath for his entire community.[96] The monastic *professio* required by the *Regula Benedicti* thus supplanted the oath of loyalty for the monks of the Frankish empire.[97] As the Carolingians promoted and institutionalised their version of monasticism, it would also enable rulers to command the loyalty of a powerful intellectual regional centre through the agency of just one person.[98] In Tours, Alcuin was supposed to be that person.

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91   *Capitulare missorum generale,* c. 1, ed. Boretius 92. The reference to Deuteronomy is suggested in the translation by P.D. King, *Translated Sources*, 234. Innes, What was Charlemagne's Government?, 83-85.

92   Pössel, Authors and Recipients.

93   Fouracre, Carolingian Justice, 789-790.

94   Nelson, *Libera vox* of Theodulf of Orléans, 296-297. On ideas about the court as an extended network rather than a group of people confined to the walls of the palace, see Airlie, »For it is Written in the Law«, 225-227; Airlie, Palace of Memory, 3-8.

95   *Capitulare missorum,* ed. Boretius, 66-67. On the dating of this capitulary, see Becher, *Eid und Herrschaft*, 79-85. On the importance of the oath, see Airlie, »Semper fideles«?; Esders, Treueidsleistung und Rechtveränderung; Phelan, *Formation of Christian Europe,* 31-42.

96   *Capitulare missorum*, c. 3, ed. Boretius, 67: *Clerici qui monachorum nomine non pleniter conversare videntur et ubi regula sancti Benedicti secundum ordinem tenent, ipsi in verbum tantum et in veritate promittant, de quibus specialiter abbates adducant domno nostro.*

97   Becher, *Eid und Herrschaft* 195-201, esp. 197. The *professio* itself is in *Regula Benedicti*, c. 58.17-20, and the responsibilities of the abbot are stipulated in cc. 2-3 and 64.

98   Shown for the Middle Rhine Valley by Innes, *State and Society,* 187-188.

However, in the context of 802 it suddenly became possible that his loyalty, and therefore that of the community, might be subverted. Given the renewal on the oath of loyalty advocated in that same year, and its renewed emphasis on the changes in the relationship between the ruler and his subjects following the imperial coronation two years prior, it thus became all the more important to consolidate the connections between the court, Alcuin and Theodulf, and their respective communities.[99] The network that connected Orléans to Tours and Aachen to Saint-Martin would be renegotiated, and it would be important for Charlemagne to ensure that he remained at the centre of it all, both through the renewal of the oath, and through his role in quelling this conflict.[100]

Monastic integrity was about more than political loyalty. As the *Capitulare Missorum Generale* shows, Charlemagne and his heirs were serious about the function of monasteries within the *ecclesia*, and they took the regular life seriously as well.[101] The 802 capitulary offers a rare quotation from the Book of Revelation to impress upon the audience the consequences of being only ›lukewarm‹ in their beliefs, or to engage with the world too much.[102] The original quote refers to a reliance on worldly riches rather than faith.[103] Charlemagne and the people who helped him draft this capitulary cared as much about the public image of the monks as about their conduct, and emphasised the role of the bishop in keeping them in check.[104] Both their reputation and their salvation would be affected by their behaviour, after all.[105] This recurs not much later in the text, when the practice of sodomy in monasteries is deplored, not only because it was considered a sin, but also because it meant a breach of the rules within the community: it violated »that what is believed to be the source of the greatest hope of salvation for all Christians – namely, the life and chastity of monks«.[106] In other words, *missi* were instructed to inspect the proper conduct of monks in order to avoid harming the belief of those relying on them. Such a concern was also visible

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99   On the changing nature of the oath in 802, see Becher, *Eid und Herrschaft*, 201-212.

100 Geary, Extra-Judicial Means, 594.

101 *Capitulare missorum generale,* c. 17, 94-95. See Semmler, Karl der Große; Semmler, Benediktinische Reform und kaiserliches Privileg, esp. 790 and 803-804.

102 *Capitulare missorum generale*, c. 17, at 94: *Monachi autem ut firmiter ac fortiter secundum regula vivant , quia displicere Deo novimus quisquis in sua voluntate tepidus est, testante Iohanne in apocalypsin: Utinam calidus esse aut frigidus: sed quia tepidus es, incipiante evomere ex ore meo [Rev. 3:15-16]. Seculare sibi negotium nullatenus usurpent. Foris monasterio nequaquam progrediendi licentiam habeant, nisi maxima cogente necessitatem; quod tamen episcopus, in cuius diocese erunt, omnino praecuret, ne foris monasterio vagandi usum habeant. Sed si necessitas sit ad aliquam obhedientiam aliquis foris pergere, et hoc cum consilio et consensum episcopi fiat, et tales personae cum testimonium foris mittantur in quibus nulla sit suspitio mala vel a quibus nulla oppinio mala oriatur.*

103 Nogueira, Hidden Identities, 107.

104 From an imperial point-of-view, the two are rarely, if ever, separate: Kramer, Teaching Emperors.

105 King made the concern with reputation more explicit by translating *videtur* with »those who are seen to« – this may not have been intended as strongly in the Latin text. Van Rhijn, *Shepherds of the Lord*, 200-209, reflects on the importance of the reputation of clerics from the perspective of local priests (based on a case not dissimilar to the one discussed in this article).

106 *Capitulare missorum generale* c. 17, 93; trans. King, *Translated Sources*, 237. De Jong, Imitatio morum, 53-54 suggests that »this was a reaction against a very particular and local scandal, which nonetheless threatened to affect the whole of the realm.«

in the insistence that those visiting nunneries do so in the company of witnesses, that canons do not behave like the *sarabaitae* already vilified in the *Regula Benedicti*, or even that judges are to »judge justly in accordance with the written law, not at their discretion«.[107] A recurring theme of these admonitions is the avoidance of *mala fama*, a bad reputation that would end up being destructive to authority.

High wind blows on high hills. Concerns similar to the ones in the *Capitulare Missorum Generale* were what prompted Charlemagne's remark about the reputation of the monks (or canons) of Saint-Martin, when he called Alcuin to order. Alcuin was not the only one whose authority was questioned because of his inability to guide the community entrusted to him. This was a threat hovering over everybody in a position where his or her behaviour affected the lives and afterlives of those under them, or of those living by their example.[108] The court set itself up as the ultimate arbiter of this process.[109] In that context, Alcuin's use of legal texts and Charlemagne's rebuttal not only reflected the ever-increasing role of the written word in the Carolingian world, but also provided another instance for the emperor to consolidate his authority.[110] It was from the court that laws were promulgated, »embodying the ability of a king to provide his demanding followers with what they wanted«.[111] In this particular instance, however, during this give-and-take of influence and responsibilities, the conflict between Alcuin's wish for mercy and Charlemagne's desire for order seem to have reached an impasse that could only be resolved by executive decision.

Responding well

It would take another thirty years and some intense conflicts for the community of Saint Martin to figure out its place in the monastic landscape around Tours.[112] This remained a sensitive issue. Ideally, monasteries were meant to bolster the spiritual foundations of the realm. In order to maximise their potential, they would theoretically have to remain as isolated as possible, uncorrupted by temptation, intellectual enclaves within the walls of the cloister.[113] As communities under the leadership of a bishop, canons, on the other hand, *would* ideally retain a link with the world, both through their possessions and their more overtly pastoral function. Whereas monks were theoretically exempt from becoming enmeshed in the real world, and had to live up to their function as exemplary Christians by virtue of their isolation, canons, priests and bishops *also* had to teach the people, bolstered by the good example set by their monastic peers, but also responsible for the interaction of monks with the outside.[114]

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107 *Capitulare missorum generale*, c. 26, 94: *Ut iudices secundum scriptam legem iust iudicent, non secundum arbitrium suum*; trans. King, *Translated Sources,* 239.

108 Steckel, *Kulturen des Lehrens*, 123-124.

109 Raaijmakers and Van Renswoude, Ruler as Referee, 52-53.

110 Rosamond McKitterick, *Carolingians and the Written Word,* 60-75.

111 Rio, Charters, Law Codes and *formulae,* 27.

112 De Jong, Carolingian Monasticism, 623; Semmler, Iussit, 98-99; see also Chupin, Alcuin et Cormery.

113 Beaudette, »In the World but Not of it«; Kramer, Introduction.

114 Kramer, Sacred Foundations.

In addition to these more ideological concerns, *both* types of communities were deeply ingrained within the socio-economic and cultural makeup of their regions.[115] While their spiritual obligations were never entirely out of the picture, monasteries also provided focal points for social and agricultural stability, acted as administrative centres, and were involved in the upkeep of the realm in a material sense, for example by contributing to the ruler's army.[116]

Alcuin was one of the architects of the type of thinking that put monasteries in such a prominent place in the empire. Therefore, the example he set mattered. Moreover, the exact status of the church of Saint Martin suddenly became part of the question whether or not a criminal cleric, a *vulgus*, or a representatives of the bishop ought to be allowed inside. In order to make an exception to the rules, it needed to be clear which rules applied in the first place. Paradoxically, Charlemagne had taken Alcuin's admonition about his pastoral power to heart. Only he did not use it to help the fugitive, but rather to rebuke his erstwhile advisor and to guide the community of Saint Martin through his increasingly well-ordered realm.

Alcuin was on the defensive now. He had already had to send one of his own clergy, who had been implicated in the outbreak of violence, to Salzburg until things died down and Theodulf had stopped ›raging‹ against the community.[117] In the final letter in the dossier, the emphasis shifts from the fugitive cleric to the community. Appealing to Charlemagne's leniency for altogether more selfish reasons, he recalls the positive assessment they had been given by count Wido, *missus* of Charlemagne and ›incorruptible judge‹ (in stark contrast to the current *missus* Teotbert, who acted much more indiscriminately), and defended his own position as a teacher.[118] Casting himself in the role of the tired old monk, Alcuin drives home the point that he had no love of *discordia*; he laments his old age and his powerlessness to prevent the situation. »I have never been in greater stress over the sinfulness of others« he writes, adding a bit further on that he may »have served my Lord Jesus Christ in vain all this time if his mercy and wisdom have so far deserted me that I have come to such wickedness in my old age«.[119] He had absolutely no inclination to be the eye of this particular storm, and, as he reminds Charlemagne, that was part of why he had been sent to Tours in the first place. »On your blessed advice«, he writes, »I have freed myself from the tumult of this world, as I dread the coming judgement«.[120] At this point, he just wanted to be left alone.

Following these personal reflections, Alcuin turns the tables yet again and implies that if the model of episcopal delegation stands, Theodulf has no business accusing the community of Saint Martin of any wrongdoing. With two well-placed New Testament quotations, he states that the city of Tours already has a pastor »of high character and devoted to preaching«. He continues that »every shepherd should watch over his own flock«, and once more connects this to the final judgement of »the pastor of all«.[121] From this reassurance that

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115 For one example of the way in which a monastic community would be embedded in its region, see Davies, *Small Worlds.*

116 Choy, *Intercessory Prayer*, 130-134; Wagner, Zur *Notitia de Servitio Monasteriorum*; Costambeys *et al., Carolingian World,* 117-130.

117 Alcuin, *Epistola* 248, ed. Dümmler, 401. An interesting interpretation of this letter is the proposal made in 1829 by Lorentz, *Alcuins Leben*, 254 – repeated by Wallach, *Alcuin and Charlemagne*, 101-106 – that this actually concerned the fugitive cleric himself, who was sent away in the hopes that Charlemagne would forget about the case.

118 Alcuin, *Epistola* 249, ed. Dümmler, 402.

119 Alcuin, *Epistola* 249, ed. Dümmler, 402.

120 Alcuin, *Epistola* 249, ed. Dümmler, 402.

121 Alcuin, *Epistola* 249, ed. Dümmler, 402, quoting Romans 14.4 and Luke 12.42.

there is nothing amiss with his community in general, Alcuin shifts to the circumstances that caused this altercation, making it abundantly clear that this was an incident and not a symptom of more endemic failings.[122] Repeating his claim that the person charged with guarding the criminal should be punished just as heavily, he then cites the confusion caused by the large group of armed men who had come »from the city of Orléans to the city of Tours« in order to rectify the mistake. Not only had this sparked a rumour (*fama*) that they were there to breach the protection given by Saint Martin, but it had also caused general resentment because their arrival was seen as a sign of disrespect for the saint himself. Tapping into the links between civic identity and the reverence in which Martin was held, Alcuin argued that it was not, as Charlemagne had stated, the use of the shrine as a place of refuge that became a problem, but rather the fact that Theodulf's disrespect had raised the ire of »the poor drunken yokels« who then saw no other way out but to turn to violence.[123] While Alcuin's contempt for the »ignorant mob« is a theme throughout his letter on this affair, he softens the blow by emphasising the importance of Saint Martin for both the city and the empire. Archbishop Joseph may have underestimated this »in the simplicity of his heart« when he escorted the men from Orléans into the church: in his eagerness to work with the empire, he forgot the integrity of the local community around the relics, represented by Alcuin.[124] Alcuin and his community, of course, were free from any blame cast their way: his monks quelled the disturbance, and he himself treated the men from Orléans as guests in spite of their best efforts to misconstrue his kindness as yet another insult.

By now, it is unclear whether Alcuin is defending the fugitive, himself, or the community of Saint Martin. What is clear from his closing statement is that his appeal to Charlemagne's *misericordia* has shifted from a moral obligation to a reminder of how this virtue was just as pragmatic as the emperor's (and Theodulf's) ideas about justice. Just as the purpose of penance was to unburden the soul, Alcuin states, quoting Psalm 129, so the purpose of »exalting mercy over justice« was to unburden the cumbersome ›body politic‹ of which Charlemagne was the head. The emperor's favourite Old Testament example is invoked: »David, the ancestor of Christ, was praised for that greatness of his mercy and the justice of his judgements«.[125] In a reference to Eutropius' *Breviarium ab urbe condita*, Alcuin brings up the example of the emperor Titus, who »said that nobody should leave an emperor's presence sad«, before reminding Charlemagne of his own past: he, too, had »pardoned the worst traitors against [his] authority«.[126] Should he not do so in this case too? Most explicit, though, is Alcuin's admonition to Charlemagne to

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122 Commenting on modern practices of cultural exemptions, Shorten, Cultural Exemptions, shows how pointing out the non-systemic nature of such an exemption may lead to a pragmatic compromise where neither party necessarily commits to a permanent solution that imposes new (and possibly unacceptable) burdens upon them.

123 Alcuin, *Epistola* 249, ed. Dümmler, 403. For an early expression of these links between Saint Martin and the city of Tours, see Pollmann, Re-Appropriation and Disavowal, 309-313.

124 Alcuin, *Epistola* 249, ed. Dümmler, 403.

125 Alcuin, *Epistola* 249, ed. Dümmler, 404; on this particular nickname, see Garrison, Social World of Alcuin, 62-65; Stone, Beyond David and Solomon; Fichtenau, Byzanz und die Pfalz zu Aachen, 29-31, offers one possible origin of this name by drawing attention to Charlemagne's religious activities around 794. This fits well with Alcuin's tone in this letter, where he admonishes the emperor to take his spiritual responsibilities.

126 Alcuin, *Epistola* 249, ed. Dümmler, 403-404. On Eutropius in the Carolingian era, see McKitterick, *History and Memory*, 42-43.

»show kindness to your servants in the love of almighty God and respect for Saint Martin, your intercessor, for he has always been honoured in the kingdom and by the kings of the Franks«.[127]

With a few strokes of his pen, Alcuin shifts the focus back on to the one thing that is unassailable: the importance of Saint Martin for the past, present and future of the realm.

Conclusion: exemptions and authorities

In a sermon on the life and virtues of Saint Martin, composed sometime in the late eighth or very early ninth century to be read on his feast day, Alcuin starts by reminding his »most beloved brothers« of Martin's reputation as somebody who has truly lived a »perfect life«. He was chosen by God, followed in the footsteps of the apostles, performed many miracles, and made sure that he always »practised what he preached«.[128] While Martin's more spectacular miracles are expounded upon in Alcuin's abbreviation of Sulpicius Severus' *Vita Sancti Martini,* this sermon all but glosses over them, save for two stories lifted not from the *vita*, but from a letter on the saint that Sulpicius had written to his mother-in-law, Bassula.[129] In the first of these stories, Martin is seen to restore the peace in the parish of Candes, which was suffering under *discordia* among the clerics. In the second, Martin orders a flock of seagulls to fly far away while they were busy emptying a river of its fish stock. Linking these two episodes are two verses from the New Testament (Matthew 5.9 and John 14:27, respectively) as well as a reference to a pseudo-Augustinian sermon, all of which revolve around the importance of keeping the peace both in one's heart and in the world at large.[130] Through Martin's sanctity, he was able to command both birds and demons. The implication is that demons were at the heart of the *discordia* in Candes as well. Given the emphasis on unity and the subsequent digressions on the patience of the saint, his relation to the emperor Maximus, and his continued presence of in the city of Tours after his death in Candes, it is tempting to see this sermon in the context of the conflict of 802.[131] Should this indeed be the case, it might indicate an attempt by Alcuin to take back control of the situation within his own community and snatch victory from the jaws of (apparent) defeat: his juxtaposition of Matthew

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127 Alcuin, *Epistola* 249, ed. Dümmler, 403.

128 Alcuin, *Sermo de Transitu Sancti Martini,* PL 101, 662C-664D, at 662D; a translation of this text appears in Veyrard-Cosme, *Oeuvre hagiographique,* xl-xlii.

129 Alcuin, *Scriptum de Vita Sancti Martini Turonensis*, PL 101, 657D-662C. On Sulpicius and Bassula, see McGuire, *Friendship and Community,* 72-77; König, *Bekehrungsmotive*, 193-194; Wieser, »Like a Safe Tower«, 12-15.

130 Alcuin, *Sermo de Transitu Sancti Martini,* PL 101, 663A; although the sermon in question appears not to have been composed by Augustine himself (see Machielsen, *Clavis Patristica Pseudoepigraphorum*, 141), the interpretation of especially John 14.27 is in accordance with other works by the Church Father, such as Augustine, *In Iohannis evangelium tractatus CXXIV*, 77.3, trans. Rettig, 101-105. The same two Biblical quotations, as well as the passage by pseudo-Augustine (*In pace vos dimisi, in pace vos inveniam*), appear in Hrabanus Maurus, *De ecclesiastica disciplina,* lib. 3, c. 5, PL 112, 1236D-1237A, dealing, unsurprisingly, with keeping the peace within a clerical community. On the context of this text and its connection to the rest of Hrabanus' oeuvre, see Phelan, New Insights, esp. 85-88.

131 Both texts by Alcuin appear to be in need of more in-depth studies; but see Phelan, *Formation of Christian Europe,* 8-11 and 31-33. Unfortunately, all extant manuscripts containing both the *Sermo de Transitu Sancti Martini* and the *Scriptum de Vita Sancti Martini* are from the tenth century or later; earlier manuscripts only contain the *Scriptum,* although the current consensus is that both texts were composed by Alcuin or someone close to him: Jullien and Perelman, *Clavis des auteurs latins,* 491 and 498-501.

5.9 (»Blessed are the peace-makers«) and an Augustinian reading of John 14:27 grants his saint and his community the moral high ground even if secular interests triumphed in this particular case. In the world of Carolingian high politics, participation in debates may be a goal unto itself.

As shown by Kriston Rennie in his contribution to this same issue, negotiations about exemptions or immunities had throughout the Middle Ages served to anchor the inter-dependent relations between the various power-brokers involved.[132] Exemptions and immu-nities, in turn, were a paradoxical yet effective way of maintaining control over the state. The conflict of 802, while not about an exemption *per se*, was no exception. Participating in con-flicts of authority had cultural as well as economic benefits for the communities, and helped embed their self-identification within a larger institutional framework.[133] Looking at nego-tiations such as the one analysed in this article thus allows us to expose the full complexity of the Carolingian government apparatus and the many ways in which secular, episcopal, abbatial and imperial interests fed off one another.[134]

Given these stakes, it is almost fitting that we remain in the dark about the fate of the hapless cleric who catalysed this whole controversy. He was, after all, one of the few actors in this drama who remained entirely voiceless, and whose only function was to anchor the conflict of authority between Alcuin, Theodulf and Charlemagne to the community of Saint Martin. His decision to go there may not have been entirely accidental. Not only would he have latched on to a long and venerable tradition of this particular church acting as a haven for people who had landed in dire straits, he might also have taken Alcuin's reputation as a courtier and as Charlemagne's moral compass into account. If anyone could help him escape the combined wrath of an archbishop and an emperor, it would be the ageing deacon who had helped forge a Christian empire. Regardless of what prompted his decision, it leaves us with a fascinating series of letters that shed light on the mechanics and incidentals of conflict resolution within the Carolingian government.[135] In the process, it highlights several differ-ent notions of both rules and their exemptions. This remained a world where elites had to learn to cope with the discrepancies of their pastoral model and the practicalities of keeping the peace.[136]

Alcuin's initial letters invoked an ideal in which the salvation of every individual was de-pendent upon the clemency of those wielding pastoral power. His request to Charlemagne was not for exemption, but for mercy after an admission of guilt. It was a reminder of his personal responsibilities, the »light yoke« of Christ that superseded whatever worldly tasks were laid out before them.[137] While not completely divorced from proper decorum or an awareness of the political realities of the time, it was an argument that relied heavily on

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132 Rennie, Monastic Exemption; Rosenwein, *Negotiating Space,* 99-134.

133 For a modern perspective on this aspect of exemptions, see Shorten, Cultural Exemptions, 100-102 and 120-121.

134 Geuenich, Kritische Anmerkungen, 108-112. Bader, Religions and States, offers a (self-admittedly simplistic) view of various mechanisms to cope with the interdependence between ›state‹ and ›religion‹ in the modern era. The Carolingian World was no less complex, it seems.

135 Geary, Extra-Judicial Means, 600-601.

136 Kershaw, *Peaceful Kings*, 153-157.

137 Phelan, *Formation of Christian Europe*, 45-47

the moral authority of the author, as well as on his personal connection with the ruler he was addressing. Moreover, flaunting worldly laws in this particular case would be a demonstration of respect for the saint's power.[138] If timed correctly, this could be a boon to imperial authority. As Charlemagne's response shows, however, the ruler had different priorities.

The letter written in Charlemagne's name shows from the beginning that the rules were there for a reason, and so were the people responsible for their upkeep. The emperor's authority was built into an overarching system within which everybody was given the tools to achieve salvation as long as they followed the course set out by the court. Far from simply accepting the power of the written word, however, this did not simply preclude Charlemagne's imperial responsibilities. The letter shows that he took responsibility for the system as a whole so as to avoid having to be personally involved in every small matter. He took Saint Martin seriously. Charlemagne even came dangerously close to implying that he took the saint and his community more seriously than Alcuin did himself, but stops short of translating this into an exemption. In the world he was building, such exemptions should remain the exception, a way for him to retain a certain measure of personal agency if the situation called for it.[139] To embed this completely within the institutional framework of Carolingian justice would ultimately deny its efficacy when it was invoked.

Although Alcuin and Charlemagne ended up on opposite sides of the debate, it is noteworthy that they both recognised that this was an exceptional case that required their attention. Church asylum remained a very particular and complicated case of exemption.[140] The right to seek shelter from worldly justice at an altar had roots that went back to the Old Testament, and which gave local churches a lot of influence in the resolution of conflicts and disputes. It also served as a reminder to rulers that mercy and justice were two sides of the same coin.[141] For that reason alone, it was in the interests of both Alcuin and Theodulf to appeal to the one person in the realm who could conceivably grant or deny an exemption. The competition for authority and imperial favour was fought over the heads of the cleric, the people, and even the archbishop of Tours. By taking this course, both main players used it as a pretext to show their knowledge of the inner workings of the Carolingian Empire, and sway the ruler to their position.[142] The dispute between Alcuin and Theodulf thus shows how conflicts involving such high-ranking courtiers would touch upon problems superseding their initial cause. The ensuing debate in turn demonstrates that such challenges were also taken seriously by the court, and that advice from courtiers was taken into consideration more often than not, even if the form in which it was presented was not always to the ruler's liking. It shows that a climate was fostered at the Carolingian court which allowed those in a position to do so to provide unsolicited advice to rulers.

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138 See also Kramer and Wieser, You Only Die Twice?, 580-586.

139 Nelson, Dispute Settlement, 61-64, points out the importance of co-opting local interests into such cases of imperial arbitration.

140 Rosenwein, *Negotiating Space*, 37-40.

141 A mentality that persisted in later centuries as well: Clanchy, Law and Love.

142 This was part and parcel of life at the Carolingian court: see for example Tignolet, Jeux poétiques.

Charlemagne, ever the pragmatist, realised that he could easily prove his power by acquiescing to either Alcuin's or Theodulf's request. Instead, however, he seized the opportunity to address bigger issues and hammer out some lingering details concerning the status of monastic communities, episcopal authority, and the state of the *ecclesia* in general. In doing so, he showed how he too understood that his imperial authority was consolidated by the debate itself, and a willingness to remain informed as much by the debate as by its outcome.[143]

Just as the debate was as much a competition for imperial recognition as it was about the integrative roles of each of the main players, the way Alcuin framed his request for exemption did not necessarily heighten his community's isolation from the overarching *ecclesia*. Far from it. Regardless of the eventual fate of the fugitive, the battle for Saint Martin himself and his position within Tours may have worked out in Alcuin's favour after all. It provided him with an opportunity to reaffirm and acknowledge Martin's saintly prowess at court, which in turn gave Charlemagne a chance to break the supposed autonomy of the community.[144] Their shared goal remained the same: the establishment of an *ecclesia* where everybody's mutual obligations would be clear to everybody else. In sticking out his neck for the fugitive, Alcuin showed he was willing to shoulder his responsibilities, even if he was aware that his request for immunity may have been futile from the very beginning. Charlemagne, for his part, may have been aware that in denying this particular exemption, he ultimately proved that his rule took everyone into account, regardless of whether or not each of them would like the outcome.

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143 For a modern perspective on similarly complex problems, see Quong, Cultural Exemptions, 66.
144 Esposito, *Terms of the Political*, 58-61.

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