

THE “SECOND SYNOD OF ST. PATRICK” AND THE “ROMANS” OF THE EARLY IRISH CHURCH

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*It is usually thought that during the seventh century, a formal split in the Irish Church had resulted in the creation of two rival factions: a “Roman party” of reform-minded ecclesiastics, and an “Irish party” intent instead on maintaining current practices. A partial record of their decades-long schism has been thought to be preserved in the Irish canonical compilation, the *Collectio canonum Hibernensis*, which attributes a substantial number of canons either to “Roman synods” or to “Irish synods,” and we have understood this to reflect a period in which the two groups had sought to advance their cause by holding separate synods from which their opponents were excluded. The foundations for this interpretation of the “Roman” and “Irish” canons of the *Hibernensis* were laid more than a century ago, but more recent scholarship provides reasons for rethinking the hypothesis. The article focuses especially on one of the texts which the compilers of the*

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The following abbreviations are employed in the notes below:

Hib, Hib.A, Hib.B = *Collectio canonum Hibernensis*, ed. and trans. Roy Flechner, *The Hibernensis*, 2 vols. (Washington, DC, 2019). Following Flechner’s usage, I cite canons which are common to both recensions (Hib) by their book and chapter number from the A-recension; canons which are exclusive to the A-recension (Hib.A) by their book and chapter number in that recension; and canons which are exclusive to the B-recension (Hib.B) by their page and line reference in Flechner’s edition.

RcP = *Regula cuiusdam patris*, ed. Fernando Villegas, “La *Regula cuiusdam patris ad monachos*: Ses sources littéraires et ses rapports avec la *Regula monachorum* de Colomban,” *Revue d’Histoire de la Spiritualité* 49 (1973): 3–36. Villegas’s edition should now be read alongside Albrecht Diem’s recent translation of the *Regula cuiusdam patris*, which provides valuable additional commentary on the text in its apparatus: “Disputing Columbanus’s Heritage: The *Regula cuiusdam patris*,” in *Columbanus and the Peoples of Post-Roman Europe*, ed. Alexander O’Hara (Oxford, 2018), 259–306, at 290–301.

Syn II = *Synodus II S. Patricii* (for the two recensions and their editions, see n. 11).

ZRG Kan. Abt. = *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*.

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Hibernensis understood to be the work of the “Romans” — a short text which has come to be known as the “Second Synod of St. Patrick” — and argues that certain details within the text suggest an association with documents produced on the Continent, in the network of monasteries founded by the Irish peregrinus Columbanus. I suggest a new context for the creation of the “Second Synod of St. Patrick,” and argue that this in turn offers a new way of thinking about the meaning of the “Roman synods” and “Irish synods” attested in the *Hibernensis*.

It is generally taken that for much of the seventh century, the Irish Church was more or less in a state of schism. Disagreement over the dating of Easter in particular lay at the heart of the rift, which had deepened and hardened until by c. 630–40, it is suggested, two rival factions had taken to gathering separately in synods from which their opponents were excluded.¹ In outline, this was a division between a party intent on reform, concerned that practices which were current in Ireland did not conform to those of the universal Church, and a rival party of more conservative churchmen which remained strongly in favour of retaining those existing practices to which the Irish Church was accustomed. Although Easter was the most high-profile issue over which the two groups differed, it has been proposed that a whole array of other subjects, ranging from the principles of ecclesiastical organisation to the aims and methods of biblical exegesis, also became matters for dispute.² Exactly when we should imagine the dispute to have run its course is somewhat unclear: perhaps when conformity on the question of Easter had been reached, after the monastery of Iona abandoned its former practices in 716; or perhaps, if there really were a number of additional areas of dispute, then we should imagine factional loyalties persisting even further into the eighth century.³ Whatever the full range of issues at stake, and whenever they were finally laid aside, the division between the two parties is held to have been sufficiently deep that by the height of the debate, it had attained a clear vocabulary: those churchmen who advocated for reform came to be termed *Romani* (the “Romans”) by themselves and by their opponents, while their rivals were identified instead as *Hibernenses* (the “Irish”).

¹ For the date, see Michael Richter, “Dating the Irish Synods in the *Collectio canonum Hibernensis*,” *Peritia* 14 (2000): 70–84.

² See variously: Kathleen Hughes, *The Church in Early Irish Society* (London, 1966), 103–33; Pádraig Ó Néill, “*Romani* Influences on Seventh-Century Hiberno-Latin Literature,” in *Ireland und Europa: Die Kirche im Frühmittelalter / Ireland and Europe: The Early Church*, ed. Próinséas Ní Chatháin and Michael Richter (Stuttgart, 1984), 280–90; Martin McNamara, “Tradition and Creativity in Early Irish Psalter Study,” in *Ireland und Europa: Die Kirche*, ed. Ní Chatháin and Richter, 338–89, at 377–82; and Michael W. Herren and Shirley Ann Brown, *Christ in Celtic Christianity: Britain and Ireland from the Fifth to the Tenth Century* (Woodbridge, 2002), esp. 16–17 and 104–34.

³ The possibility that Iona’s acceptance of the “Roman” Easter might not have marked the end of the factions, as usually assumed, is mooted by Michael Richter, *Ireland and her Neighbours in the Seventh Century* (Dublin, 1999), 213.

This picture of the seventh-century Irish Church depends chiefly on an interpretation of the canonical compilation known as the *Collectio canonum Hibernensis*. Probably assembled in the early eighth century and described by its compilers as a work which had had to navigate “a great forest of writings,” the *Hibernensis* gathered together excerpts from a bewildering variety of authorities and sought to organise them systematically into “a brief, clear and harmonious exposition in a single volume.”⁴ The sources of those excerpts were identified for readers by means of short attributions: to individual books of the Bible, to named ecclesiastical figures, and, most importantly for us, to a range of “synods.” Among those synodical canons are a substantial number which the compilers attributed either to *Romani* or to a *sinodus Romana* (“Roman synod”), and still more which they ascribed in similar fashion to *Hibernenses* and a *sinodus Hibernensis* (“Irish synod”).⁵ On the grounds that both the “Roman” and “Irish” canons sometimes contain material that is derived from a number of firmly or potentially Hiberno-Latin sources, we have long taken it that these canons represent the acts of Irish church councils held in the period prior to the compilation of the *Hibernensis*. Broad differences are nevertheless apparent between those canons ascribed to *Romani*, which for instance make notable use of sources from beyond Ireland, and those ascribed to *Hibernenses*, which seem to have drawn upon less far-flung sources and which also exhibit connections with Irish law in a way that the canons of the *Romani* do not.⁶ Although none of the canons ascribed either to *Hibernenses* or to *Romani* refer explicitly to the matter of Easter, we have naturally supposed that the way that the compilers of the *Collectio canonum Hibernensis* distinguished “Irish synods” from “Roman synods” must relate to the way that the respective merits of the “Irish” and “Roman” methods of calculating the date of Easter were debated during the seventh century. The *Hibernensis* has seemed therefore to indicate that the Irish Church must, as Thomas

⁴ Hib, preface (ed. Flechner, 1:1): “breuem planamque ac consonam de ingenti silua scriptorum in unius uoluminis textum expositionem degessi.” A colophon in one manuscript of the *Hibernensis* identifies the compilers as Ruben of Dairinis (d. 725) and Cú Chuimne of Iona (d. 747), but there are complexities in determining the nature of their involvement and their relationship to the extant recensions. See Bart Jaski, “Cú Chuimne, Ruben and the Compilation of the *Collectio canonum Hibernensis*,” *Peritia* 14 (2000): 51–69; and Flechner, *Hibernensis*, 1:53*–59*.

⁵ Flechner’s edition of the *Hibernensis* presents two tables which indicate the general extent of these attributions (Flechner, *Hibernensis*, 1:151*–155*: tables 1 and 2). The tables are unfortunately incomplete, and occasionally inaccurate; their contents have been supplemented or corrected here where possible. For other issues which arise from the edition, see Paul Russell’s review in *North American Journal of Celtic Studies* 5 (2021): 116–27.

⁶ See Hughes, *The Church in Early Irish Society*, 125–32; and, on the connections with Irish secular law, see further T. M. Charles-Edwards, “The Construction of the *Hibernensis*,” *Peritia* 12 (1998): 209–37, at 224–28.

Charles-Edwards put it, have “dissolved into fully distinct ‘Roman’ and ‘Irish’ parties with separate synods” as a result of the debates over Easter.⁷

This article argues that when the compilers of the *Collectio canonum Hibernensis* referred to *Romani* and *Hibernenses*, they were not speaking about parties within the early Irish Church as we have conventionally supposed. Our knowledge of both the *Hibernensis* and its sources has increased considerably since J. B. Bury first proposed, more than a century ago, that the material ascribed in the *Hibernensis* to “Roman synods” and “Irish synods” should be understood in this way.⁸ It is the material which the *Hibernensis* identified as the work of *Romani* that this article focuses on in particular. I argue that there are reasons to think that significantly fewer of these “Roman” canons derived from Irish sources than we have previously thought. It may therefore be more likely that when the *Hibernensis* distinguished between “Irish” and “Roman” synods, it did so not because these were the statements of two opposing groups of Irish churchmen, but instead because this reflected the compilers’ sense of which canons had been issued in Ireland and which canons had not. The consequence of rethinking these labels from the *Hibernensis* is, in turn, that the very existence of those supposedly long-lived and mutually opposed “Roman” and “Irish” parties, meeting in their separate synods for much of the seventh century, becomes extremely difficult to substantiate. This is not to deny, I should say at once, that the debate over the “Roman” and “Irish” dating of Easter was the source of major disagreement and controversy in seventh-century Ireland. We have long recognized, however, that some of our evidence appears to indicate moments of “inter-party communication” and collaboration right across the period in which the two parties were meant to have been meeting in their separate synods.⁹ It is only the *Hibernensis*, and the way that we have interpreted the appearance within it of “Irish synods” and “Roman synods,” which has convinced us that the debates over Easter had eventually produced a situation in which adherents of one view could no longer abide to be present in synod alongside adherents of the other view and remained resolute in that conviction for a period of several decades. In this article, I suggest that our confidence that the *Hibernensis* “demonstrates that separate synods identified as ‘Roman’ or ‘Irish’ were meeting in the seventh century” may have been misplaced, and therefore that we may in fact have conjured into existence

⁷ Thomas Charles-Edwards, review of Maura Walsh and Dáibhí Ó Cróinín (ed. and trans.), *Cummian’s Letter “De controversia paschali”*, in *Peritia* 8 (1994): 216–20, at 219.

⁸ J. B. Bury, *The Life of St. Patrick and his Place in History* (London, 1905), 237–39.

⁹ Sven Meeder, “Text and Identities in the *Synodus II S. Patricii*,” *ZRG Kan. Abt.* 98 (2012): 19–45, at 23. See also Hughes, *The Church in Early Irish Society* (n. 2 above), 108–109; and Thomas Charles-Edwards, “Early Irish Law, St Patrick, and the Date of the *Senchas Már*,” *Ériu* 71 (2021): 19–59, at 51.

two well-defined, long-lasting and self-identifying “parties” that did not exist in reality.¹⁰

THE *ROMANI* AND THE “SECOND SYNOD OF ST. PATRICK”

Several of the canons which the compilers of the *Hibernensis* attributed repeatedly to *Romani* came from a short canonical collection which has come to be known as the “Second Synod of St. Patrick.” It is a somewhat miscellaneous document, covering an array of issues from the baptism of infants to the resolution of conflicting testimonies in legal cases.¹¹ Neither the date nor the immediate context for this “Second Synod” has been established with any certainty, beyond a general agreement that the supposed connection with St. Patrick is spurious; but on the basis that the *Hibernensis* could attribute it to *Romani*, we have generally concluded that the text must therefore have been produced by members of the “Roman party” within the early Irish Church.¹² It was certainly written by someone who was mindful of the existence of divergent views since, as studies by Aidan Breen and Sven Meeder have highlighted, one of the text’s most distinctive features is the way that it spoke about practices that were followed only “among us” (*apud nos*), or about things that “we” do, but that which others seemingly might not. Both Breen and Meeder concluded that this “unconventional” language was a clear sign that the text had been produced in an atmosphere of “rivalry,” indicating “that these statutes were passed and enacted by one group against another.”¹³ The “Second Synod of St. Patrick,” then, is a text which

¹⁰ Caitlin Corning, *The Celtic and Roman Traditions: Conflict and Consensus in the Early Medieval Church* (Houndmills, 2006), 107.

¹¹ There are two recensions of Syn II, one of which survives in several manuscripts alongside the *Vetus Gallica*, ed. and trans. Ludwig Bieler, *The Irish Penitentials* (Dublin, 1963), 184–97; and another (the so-called “BV-version”), which survives in two ninth-century manuscripts independent from the *Vetus Gallica*, ed. and trans. Aidan Breen, “The Date, Provenance and Authorship of the Pseudo-Patrician Canonical Materials,” *ZRG Kan. Abt.* 81 (1995): 83–129. The superiority of the BV-version was argued strongly by Breen (“Date, Provenance and Authorship,” 98–102), and given renewed consideration by Meeder (“Text and Identities,” 26–33), who qualifies some of Breen’s claims, but ultimately reaffirms that it is the BV-version which transmits more faithfully the original text. In what follows, citations from Syn II are from Breen’s edition of the BV-version unless otherwise stated.

¹² An unspecified seventh-century date was originally proposed by Bury, *Life of St. Patrick*, 237–39, and accepted by Bieler, *Irish Penitentials*, 9–10; Breen, “Date, Provenance and Authorship,” 98–111; and Meeder, “Text and Identities,” 22–23. An earlier date, in the latter part of the sixth century, was suggested by Kathleen Hughes, “Synodus II S. Patricii,” in *Latin Script and Letters A.D. 400–900*, ed. John J. O’Meara and Bernd Naumann (Leiden, 1976), 141–47; repr. in Kathleen Hughes, *Church and Society in Ireland A.D. 400–1200*, ed. David Dumville (London, 1987), no. X.

¹³ Breen, “Date, Provenance and Authorship,” 101–102; and Meeder, “Text and Identities,” 33–36.

is hard to understand as anything other than the product of ecclesiastical dispute and disagreement.

It seems to me, however, that if we were to read the “Second Synod” without any steer from the compilers of the *Hibernensis*, we would never have supposed that the group which had produced the text were in the habit of referring to themselves as *Romani*. In the oldest recension of the text, there are three separate canons which make mention of the views and opinions of *Romani*.¹⁴ In each case, however, the author referred to these *Romani* in the third person, never in the first person which he used so freely elsewhere.¹⁵ For us to suppose that the “we” for whom he spoke were identical to the *Romani* mentioned in other parts of the text, we would have to maintain that the text routinely, and inconsistently, switches between the first and third person in reference to the same group of people. This seems particularly hard to maintain when one of the canons refers both to *Romani* (in the third person) and to “our” practices within the same sentence:

Concerning unremitting abstinence from foods. The *Romani* state that the coming of Christ the Bridegroom shall find none of our laws of fasting [*Statuunt Romani ut Christi aduentus sponsi nullas nostri leges ieiunii inueniat*]. For what difference is there between a Novatian and a Christian, other than that a Novatian abstains unceasingly while a Christian fasts for a time only, so that place, time and person shall be observed in all things?¹⁶

It was, in Aidan Breen’s view, “highly improbable” that the group responsible for the text “would refer to themselves in the third person in one place and from the first person perspective in another,” and it was on that basis that he criticised alternative reconstructions of the text derived from the later, imperfect, recension of the “Second Synod.”¹⁷ Nevertheless, his own conclusion that the “Second Synod” should be understood as “the legislation of the *Romani*” because it makes a number of third-person references to *Romani* requires us to read the text in exactly the way that he criticised.¹⁸

¹⁴ Syn II, cc. 11, 14, 29 (ed. Breen, 113–14). The later recension edited by Bieler has an additional reference (c. 30) to the necessity of supplying documents with signatures “in the manner of the Romans” (*more Romanorum*), which was seen as particularly significant for determining the text’s context by Hughes, “Synodus II S. Patricii,” 141. The phrase is, however, absent from the earlier BV-version and appears to be a later insertion. See Meeder, “Text and Identities,” 29–30.

¹⁵ First-person references appear in Syn II, cc. 8, 14, 17, 18, 20 and 22 (ed. Breen, 113–15), and are discussed by Meeder, “Text and Identities,” 33–38.

¹⁶ Syn II, c. 14 (ed. Breen, 113): “De abstinentia insolubili a cybis statuunt Romani ut Christi aduentus sponsi nullas nostri leges ieiunii inueniat. Quid enim inter Nouatianum et Christianum nisi quia Nouatianus indesinenter abstinet, Christianus uero pro tempore ieiunat ut locus et tempus et persona per omnia obseruentur?”

¹⁷ Breen, “Date, Provenance and Authorship,” 102.

¹⁸ Indeed, Breen also interprets the opening words of Syn II, which address some unspecified party in the second person — “De eo quod mandastis. . .” (“Concerning what you have

We seem, therefore, to be faced with contradictory evidence. The compilers of the *Collectio canonum Hibernensis* understood the “Second Synod of St. Patrick” as the work of *Romani*, while for the author of the “Second Synod” himself, *Romani* were someone *other* than the group to which he thought that he belonged.¹⁹ Moreover, although the author of the “Second Synod” did not identify himself as a *Romanus*, he clearly harbored no hostility towards *Romani* or their views. Each of the three occasions on which the “Second Synod” referred to *Romani* did so with approval, as if citing a recognised authority. In one of the more confrontational canons, dealing with the vexed subject of degrees of consanguinity, the “Second Synod” marshalled the views of the *Romani* against those of its apparent opponents, expressing disapproval of their practices because they had been “neither heard of nor read by the *Romani*.”²⁰ Elsewhere, it deployed the opinions of the *Romani* as if to settle a hitherto contested issue: “Concerning the separation of the sexes after a fault,” began one canon, “this is what the *Romani* say. . .”²¹ Appealing explicitly to the authority of others to justify its rulings was a regular practice of the “Second Synod” which frequently directed its audience to listen to “what the Lord says,” “what the apostle says,” or to “hear the canonical statutes of the synod” on a given issue.²² We should read the appeals to the views of *Romani* in the “Second Synod” in exactly the same way — as appeals to a source of authority which

commanded. . .”) — as directed towards “probably the leaders of the *Romani*.” His reading of the text therefore requires us to believe that the compiler addressed the *Romani* in the first, second, and third person in different places in this same short text. See Breen, “Date, Provenance and Authorship,” 101–102.

¹⁹ This appears to have been Richter’s view as well, whose rather ambivalent discussion of the text argued strongly that the canons which the *Hibernensis* ascribed to *sinodus Romana* represented “the rulings of the *Romani*,” but that it was nevertheless “mistaken” to consider Syn II to be the work of the *Romani* themselves: Richter, *Ireland and Her Neighbours* (n. 3 above), 222–23 and n. 339. Although Richter does not fully resolve the tension between these two positions, his discussion suggests that he too found that the internal evidence of Syn II and the external evidence of its later use in the *Hibernensis* pulled in different directions.

²⁰ Syn II, c. 29 (ed. Breen, 116): “Quod autem obseruatur apud uos, ut IIIor genera diuitantur neque audisse neque legisse Romanis sedantur.”

²¹ Syn II, c. 11 (ed. Breen, 113): “De separatione sexuum post lapsum sic dicunt *Romani* . . .” I take it that this is also the intended effect of the canon “concerning unremitting abstinence from foods” (Syn II, c. 14, quoted in full above), which is less an “attack on a too rigorous asceticism” (Hughes, “Synodus II S. Patricii” [n. 12 above], 144) as a defence of “our laws of fasting” against criticism from others, which the appeal to *Romani* is meant to settle. According to the *Romani*, the canon suggests, fasting is only a temporary expedient which, by the time of “the coming of Christ the bridegroom” (that is, the Second Coming of Christ; see Mark 2:18–20), shall eventually become unnecessary. To uphold abstinence as a good in itself would, in contrast, be to repeat the errors for which the Novatianists had been condemned in earlier centuries.

²² Syn II, cc. 1, 4–7, 10, 12, and 26 (ed. Breen, 112–13 and 115).

was respected by the group for which it spoke, but which was nonetheless external to them.

All this seems rather at odds with our conventional picture of the world which lay behind the “Second Synod” and the *Collectio canonum Hibernensis*, in which one was either a *Romanus* or not. One possibility would be to suggest that the eighth-century compilers of the *Hibernensis* were oversimplifying a more complicated situation which had pertained in the previous century, and that marginal groups and voices had in fact coexisted with the major parties of “Roman” and “Irish” opinion. But if we now have doubts about the context to which the “Second Synod” has previously been assigned, it is appropriate to first reopen some basic questions about its likely place of origin. Have we been correct to suppose that the “Second Synod” was written in Ireland at all? Although Sven Meeder states that “the Irish origin of the text . . . is not in doubt,” it has, I think, been assumed rather than demonstrated.²³ The supposition originates with J. B. Bury, on the basis that if the compilers of the *Hibernensis* could call it the work of a *sinodus Romana*, then it must have come “from the Acts of an Irish synod of the seventh century.”²⁴ But as Bury knew, and as Roy Flechner’s new edition of the *Hibernensis* reinforces for us, the compilers of the *Hibernensis* also labelled several canons which manifestly did *not* originate in Ireland with the same labels of *Romani* or *sinodus Romana*.²⁵ These included excerpts from Gallic church councils and papal letters, and Bury proposed that in these cases we must be dealing with canons which had been adopted by the synods of the “Roman party” from these various “foreign sources,” and promulgated anew in their own *acta*.²⁶ As a solution to how authentically Irish texts and clearly *not* Irish texts could both share a common label in the *Hibernensis*, Bury’s hypothesis is a neat one, but with regard to the “Second Synod” itself, it would permit us *either* to understand the text as an Irish composition, *or* to see it as a work which had been composed elsewhere and only subsequently gained acceptance in Ireland. Bury’s preference for the first of those two options has guided subsequent scholarship on the text in the century or more since his work, but it is important to recognize that he advanced no particular evidence in support of it.

Aidan Breen’s more recent search for textual affinities between the “Second Synod” and the Hiberno-Latin corpus represents a more thoroughgoing attempt to contextualize the piece, but in truth identified no clear quotation or dependency beyond instances where two or more authors cited the same biblical

²³ Meeder, “Text and Identities” (n. 9 above), 22.

²⁴ Bury, *Life of St. Patrick* (n. 8 above), 239.

²⁵ Flechner, *Hibernensis*, 1:73*–76*; see also Luned Mair Davies, “*Statuta ecclesiae antiqua* and the Gallic Councils in the *Hibernensis*,” *Peritia* 14 (2000): 85–110.

²⁶ Bury, *Life of St. Patrick* (n. 8 above), 237–39.

passage in support of their positions.²⁷ Nor can the interesting reappearance of one of its canons in an Old Irish legal text be taken as an indication of where the text was originally written, only that others besides the compilers of the *Hibernensis* had also taken it to be authoritative when they had encountered it.²⁸ There is, however, one canon in the “Second Synod” which exhibits an unexpected and close connection with a document written during the disputes over the legacy and direction of the monastic network established in Gaul and Italy by the Irish *peregrinus* Columbanus, and which may encourage us to place the “Second Synod” in a different context on the Continent.

THE “SECOND SYNOD OF ST. PATRICK” AND THE *REGULA CUIUSDAM PATRIS*

In the canon entitled “Concerning the taking of the Eucharist after a fault,” the “Second Synod” lays considerable stress on the salvific function of communion and emphasizes its necessity in a very particular circumstance:

After the examination of the prison for one year, the Eucharist is to be taken, especially on the night of Easter, on which anyone who does not receive Communion cannot be called a believer. Penitential fasts are short and strict among us for that reason, so that the soul of the believer shall not perish from having abstained from the celestial medicine for so long. As the Lord said, “Unless you eat the flesh of the Son of man and drink his blood, you shall not have life in you.”²⁹

²⁷ Breen saw similarities with two seventh-century Hiberno-Latin texts in the “Second Synod”: *De duodecim abusivis saeculi*, and the *Paenitentiale Cummeani*. See Breen, “Date, Provenance and Authorship” (n. 11 above), 102–103 and 105–107. In neither case do the similarities seem to me sufficient to bear the weight he placed upon them. For *De duodecim abusivis*, Breen asserted that both “have drawn extensively upon Cyprian’s treatises and letters,” and even posited common authorship on that basis, but the passages from Cyprian which Breen suggests as sources for Syn II are chiefly those which are themselves quotations from the Bible, upon which Syn II may surely have drawn independently. Aside from shared biblical passages, Syn II, c. 8 does share with Cyprian a conviction that sinners are reconciled through the laying on of hands, conducted by a bishop, but Cyprian was not alone in that opinion (see, for example, Augustine, *Sermo* 232) and an exclusive connection with Cyprian is therefore hard to maintain. With regard to the *Paenitentiale Cummeani*, the similarities extend no further than that both refer to the ordeal of fire (in circumstances which are not identical: compare *P. Cummeani*, 8.11 and Syn II, c. 24); both cite Luke 6:30 (in slightly different forms, with Syn II, c. 6: “Qui aufert a te quae tua sunt ne repetas” being closer to the biblical verse than to *P. Cummeani*, 3.4: “Qui repetit auferentem quae sua sunt contra interdictum Domini apostolique”); and both advise that the Eucharist be taken by penitents (again under different circumstances, since it marks the end of a yearlong process in Syn II, c. 22, apparently undertaken by any sinner, while in *P. Cummeani*, 2.2 it is undertaken eighteen months into a seven-year penance and reserved for ordained monks who were guilty of fornication).

²⁸ See Donnchadh Ó Corráin, “Synodus II Patricii and Vernacular Law,” *Peritia* 16 (2002): 335–43. Quotations from Syn II are not confined to Irish works. See p. 000, below.

²⁹ Syn II, c. 22 (ed. Breen, 115): “De sumenda eucharistia post lapsum. Post examinationem anni carceris sumenda eucharistia maxime in nocte paschae, in qua qui non communicat

The incidental reference to an “examination of the prison” (*examinatio carceris*) is decidedly unusual — so unusual, indeed, that all three published translations of the “Second Synod” seem to have assumed that the text as we have it must be corrupt, and so rendered the phrase instead as a “testing of the body” or a “proving of the flesh” as if the text had meant to speak of an *examinatio carnis*.³⁰ The phrase is nevertheless common to both recensions of the “Second Synod” and secure in all eight complete manuscript witnesses to the text. It is, moreover, not exclusive to the “Second Synod,” but appears twice in an anonymous monastic rule preserved in Benedict of Aniane’s *Codex regularum* under the inauspicious name of the *Regula cuiusdam patris*.³¹ This Rule is a short and idiosyncratic document, marked out especially by its particular focus on the anticipated transgressions of its monastic community and the disciplinary measures needed to combat them. The measure which the *Regula cuiusdam patris* favoured above all was imprisonment, which it recommended regularly and for even the smallest indications of intransigence. “If a brother is found to be disobedient towards the abbot, the prior, or any of the brothers,” stated the Rule after its opening exhortations about the importance of love and obedience, “then he shall be sent into the prison.”³² The author’s expectation was that the wayward monk should conduct penance during his incarceration and would return to the community only “after the examination of the prison” (*post examinationem carceris*).³³ The phrase appears twice in the *Regula cuiusdam patris*, and appears to be found nowhere else other than our “Second Synod of St. Patrick.”

Despite its anonymity, the *Regula cuiusdam patris* can be placed into a well-defined historical context. It drew extensively upon the two Rules written by

non est dicendus fidelis. Ideo breuia sunt apud nos stricta ieiunia poenitentiae, ne anima fidelis intereat tanto tempore ieiuna coelestis medicinae, Domino dicente: ‘Nisi manducaueritis carnem filii hominis et biberitis eius sanguinem, non habebitis uitam in uobis’.”

³⁰ John T. MacNeill and Helena M. Gamer, *Medieval Handbooks of Penance: The Principal Libri Poenitentiales and Selections from Related Documents* (New York, 1938), 84; Bieler, *Irish Penitentials* (n. 11 above), 193; and Breen, “Date, Provenance and Authorship” (n. 11 above), 119.

³¹ The presence of the shared phrase in these two texts has been noted for some time: Fernando Villegas, “La *Regula cuiusdam patris ad monachos*: Ses sources littéraires et ses rapports avec la *Regula monachorum* de Colomban,” *Revue d’Histoire de la Spiritualité* 49 (1973): 3–36, at 13n and 17n; Albrecht Diem, “Columbanian Monastic Rules: Dissent and Experiment,” in *The Irish in Early Medieval Europe: Identity, Culture and Religion*, ed. Roy Flechner and Sven Meeder (London, 2016), 68–85, at 77; and Albrecht Diem, “Disputing Columbanus’s Heritage: The *Regula cuiusdam patris*,” in *Columbanus and the Peoples of Post-Roman Europe*, ed. Alexander O’Hara (Oxford, 2018), 259–306, at 291, n. 159.

³² ReP, c. 4 (ed. Villegas, 13): “Si quis frater inuentus fuerit inoboediens abbati siue equonomo siue alicui ex fratribus, mittendus est in carcerem et paeniteat quantum iudicauerit senior.” Further use of the *carcer* is advised also in cc. 6, 7, 8 and 10 (ed. Villegas, 14–18).

³³ ReP, cc. 4 and 8 (ed. Villegas, 13–14 and 17).

Columbanus, but adapted them according to radically different priorities. Albrecht Diem has made the persuasive case that it was written shortly after Columbanus’s death in 615, during the period in which serious disputes arose in the monasteries of Bobbio and Luxeuil over their continued adherence to the ideals and practices of their founder.³⁴ Diem observed in particular that many of the specific changes which the *Regula cuiusdam patris* made to the Columbanian Rules fit closely with the criticisms voiced by the Luxeuil monk Agrestius, of which we have a partial record in Jonas of Bobbio’s *Life of Columbanus*. According to Jonas, Agrestius had objected, among other things, to the fact that “their Rule required that the spoons from which they supped had to be signed repeatedly with the sign of the cross, and that a blessing had to be asked at the door of any building in the monastery when coming and going,” and “that the solemnities of Masses were performed with an inflated number of prayers and collects, along with many other superfluous things.”³⁵ The author of the *Regula cuiusdam patris* clearly shared these views. He made drastic cuts to the elaborate liturgical programme which Columbanus had laid out for his monks, simplifying the celebration of the Mass, removing technical liturgical language, and substantially reducing the number of psalms sung in the daily round.³⁶ He passed over entirely the detailed instructions which Columbanus had given for the blessing of objects and actions, which had indeed required them to continually sanctify themselves and their surroundings as they moved through the monastery and, especially, as they prepared for mealtimes.³⁷ Agrestius’s grievances may well have extended to other matters besides these: he was certainly able to draw upon his connections from his time as *notarius* at the Burgundian royal court, as well as support from high-powered relatives like Abelenus, bishop of Geneva, and thereby to attain the backing of a powerful circle of allies, some clearly intent on settling their own scores with Luxeuil.³⁸ His discontent thus came ultimately to a synod at

³⁴ Diem, “Columbanian Monastic Rules,” 71–77; and Diem, “Disputing Columbanus’s Heritage,” esp. 267–78.

³⁵ Jonas, *Vita Columbani* 2.9, ed. Bruno Krusch, MGH, *Scriptores rerum Germanicarum* 37 (Hanover, 1905), 1–294, at 249–50: “se suae regulae habere, cocleam, quam lamberent, crebro crucis signo signari et ingressum cuiuslibet domus intra coenubiam tam introiens quam egrediens benedictionem postulare . . . et ipsam missarum sollemnia multiplicatione orationum uel collectarum celebrare et multa alia superflua.”

³⁶ Compare RcP, c. 30 (ed. Villegas, 34) with Columbanus, *Regula monachorum*, c. 7, ed. G. S. M. Walker, *Sancti Columbani opera* (Dublin, 1957), 128–32; and see also Diem, “Disputing Columbanus’s Heritage,” 277–78.

³⁷ *Regula monachorum*, cc. 1–4 (ed. Walker, 124–26).

³⁸ On Agrestius’s allies, see esp. Bruno Dumézil, “L’affaire Agrestius de Luxeuil: Hérésie et régionalisme dans la Bourgogne du VII^e siècle,” *Médiévales* 52 (2007): 135–52; Yaniv Fox, *Power and Religion in Merovingian Gaul: Columbanian Monasticism and the Frankish Elites* (Cambridge, 2014), 94–97; and Helmut Reimitz, *History, Frankish Identity and the Framing of Western Ethnicity, 550–850* (Cambridge, 2015), 191–93.

Mâcon in 626/27, at which Columbanus's successor at Luxeuil, the abbot Eustasius, offered his defence of the customs of his house.³⁹ Diem suggests that we should understand the *Regula cuiusdam patris* as a product of this contested moment in the 620s, which gave concrete shape to alternative visions of the meaning and nature of the monastic life that were being formulated inside the Columbanian network.

This reading of the *Regula cuiusdam patris* is, I think, a powerful and persuasive one. The question for us is whether there are grounds to think that the so-called "Second Synod of St. Patrick" might belong to this same context too, given the curious and otherwise unparalleled detail which both texts share about the "examination of the prison." A single shared phrase is an exceptionally slender thread upon which to propose an association, but it deserves our consideration because the "examination of the prison" is not only an uncommon expression, but, more importantly, an uncommon idea. It conveyed a sense that the prison was an introspective and transformative space, the intended function of which was to facilitate the redemption of the errant soul through the performance of penance. The *Regula cuiusdam patris* made this explicit and stated outright that the wayward monk was incarcerated in order that he might "do as much penance as the senior determines, until he is corrected," while in the "Second Synod" an equivalent view of the role of the prison is indicated by the immediate connection between the state of the prisoner unable to receive communion, and the need therefore for "penitential fasts [which] are short and strict."⁴⁰ This shared notion in our two texts that imprisonment represented an appropriate method for enforcing penitential redemption was neither self-evident nor uncontroversial in this period. As Julia Hillner's recent work on the complex relationship of notions of imprisonment, punishment, and penance has shown, although Christian thinkers since Tertullian had opened up positive associations between the isolation of the prison and the reflective solitude of prayer, the notion that it was the very *function* of a prison to bring about personal redemption was not widespread by the seventh century.⁴¹ The link between confinement and correction was established in the context of coenobitic monasticism, where the segregation of the sinner from his fellows was intended primarily to protect the purity and stability of the community at large, until such a time as the errant brother could, as the Rules of Pachomius put it, be "cleansed of all filth."⁴² Successive monastic legislators proposed various strategies of segregation, isolation,

³⁹ Jonas, *Vita Columbani*, 2.9–10 (ed. Krusch, 246–52).

⁴⁰ RcP, c. 7 (ed. Villegas, 15): "... mittendus est in carcerem et paeniteat secundum quod iudicauerit senior usquequo corrigatur" (see also cc. 4, 8 and 10); and Syn II, c. 22 (ed. Breen, 115): "breuia sunt apud nos stricta ieiunia poenitentiae."

⁴¹ Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (Cambridge, 2015).

⁴² For other examples, see Hillner, *Prison*, 189–90.

and confinement in pursuit of this goal, but tended not to refer to or conceptualize the spaces of penitential confinement as "prisons" (*carceres*).⁴³ Nor yet were the *carceres* of the secular world beyond the monastic enclosure routinely perceived to serve a corrective function for their inmates: the civic prisons which we encounter in early medieval hagiography remained forbidding places which typically did their inmates no good and only became "harmless," according to the judgement of Constantius of Lyon, when they were "empty."⁴⁴

For the "Second Synod" and the *Regula cuiusdam patris* to both express a shared conviction that prisons were primarily sites of penitential "examination" is, therefore, sufficiently unusual in this period as to raise the possibility of a connection between the two texts; and for both to express this uncommon idea by means of an identical phrase that appears to be found nowhere else is, in my view, hard to explain unless one text was quoting the other, or unless they had both been produced in closely associated contexts. If we were to suppose quotation, then it would seem more likely that the "Second Synod" was quoting from the *Regula cuiusdam patris*, rather than the other way around. It is after all the Rule which outlines in some detail the intended nature and function of its "examination of the prison," while the "Second Synod" merely makes a passing reference to the practice. It says so little, indeed, that it is hard to tell whether what is being described is a secular or a monastic prison. We might see it either as the last of a series of canons in the "Second Synod" which deal with the affairs of monks (cc. 17–18 and 20–21, followed by the canon on the prison) or alternatively as the first of a new cluster of rulings which deal instead with lay concerns (cc. 23–31). It seems unlikely that the author of the *Regula cuiusdam patris* would have seized upon this ambiguous and incidental reference to an unfamiliar practice, and more probable that it was instead the "Second Synod" that was expanding upon the ideas of the *Regula*. But if the *Regula cuiusdam patris* should take priority in this way as the potential source, we should not lose sight of the text's evident obscurity even in the early Middle Ages. It is not a well attested document: had Benedict of Aniane not included it in his ninth-century compendium of Rules, it would survive as a complete text in no

⁴³ On other disciplinary methods, see Valerie I. J. Flint, "Space and Discipline in Early Medieval Europe," in *Medieval Practices of Space*, ed. Barbara A. Hanawalt and Michal Kobialka (Minneapolis, 2000), 149–66. For the slow and piecemeal reconceptualization of spaces of monastic confinement as "prisons," see Hillner, *Prison*, 185–93 and 271–74.

⁴⁴ Constantius, *Vita Germani*, c. 36, ed. René Borius, *Constance de Lyon, Vie de saint Germain d'Auxerre*, SC 112 (Paris, 1965), 190: "Relinquitur carcer innocens aliquando quia uacuus." The assessment is offered in the context of a miraculous prison-break, and the widespread popularity of this topos in hagiography must indicate that this was not an isolated view. The classic survey of this material remains František Graus, "Die Gewalt bei den Anfängen des Feudalismus und die 'Gefangenenbefreiungen' der merowingischen Hagiographie," *Jahrbuch für Wirtschaftsgeschichte* 2 (1961): 61–156.

other manuscript and even Benedict seems to have known nothing of its original authorship or context, to judge from the inexact title which he gave to it in his collection.⁴⁵ It is hard to imagine the text being influential enough, or widely disseminated enough, to inform the author of the “Second Synod of St. Patrick,” if he were active in seventh-century Ireland, as we have typically supposed. But since the origins of the “Second Synod” are by no means certain, as we have seen, then we should consider the possibility that the “Second Synod” shares the distinctive ideas of the *Regula* about prisons and their uses because it had been written in a context not too far removed from that in which the *Regula* itself had been written on the Continent.

The influence upon the “Second Synod” of texts and ideas from the Continent is certainly not confined to the *Regula cuiusdam patris*. When the “Second Synod” considered the question of whether or not a man might marry the widow of his deceased brother, for instance, it passed over the biblical answer to that question expressed in Deuteronomy (which strongly encouraged such unions), and quoted instead the declaration made at the Council of Orléans in 511, and subsequently restated at the Council of Tours in 567, that such marriages were entirely impermissible.⁴⁶ In another place, the criticism voiced by the “Second Synod” about those who thought that marriage partners needed to be separated from one another only by four degrees of consanguinity seems likely to have been informed by the expanded understanding of incest which had been promulgated first at the Council of Epaone in 517, which extended the prohibited degrees of consanguinity as far as marriages between second cousins.⁴⁷ This, according to the Roman reckoning of consanguinity, was a prohibition as far as the sixth degree; and it is probable that it was this novel and influential expansion of the application of incest regulations which had made the more permissive observance of far fewer prohibited degrees of consanguinity seem insufficient to the creator of the “Second Synod.”⁴⁸ These passages certainly indicate, as Kathleen Hughes emphasized more than forty years ago, that the “Second Synod” was the work of someone

⁴⁵ See Villegas, “La *Regula cuiusdam patris*” (n. 31 above), 4–6. Diem suggests that it was Benedict who supplied the title: “Disputing Columbanus’s Heritage” (n. 31 above), 261.

⁴⁶ Syn II, c. 25 (ed. Breen, 115): “De thoro fratris defuncti audi decreta synodi: superstes frater thorum defuncti [fratris] non ascendat.” Orléans I (511), c. 18, ed. Charles de Clercq, CCSL 148A (Turnhout, 1963), 9: “Ne superstis frater torum defuncti fratris ascendat”; likewise Tours II (567), c. 22, ed. de Clercq, CCSL 148A, 189. Compare Deut. 25:5–10.

⁴⁷ Syn II, c. 29 (ed. Breen, 116); and Epaone (517), c. 30, ed. de Clercq, CCSL 148A, 31–32.

⁴⁸ Hughes, “Synodus II S. Patricii” (n. 12 above), 146. On Epaone and its influence, see Ian Wood, “Incest, Law and the Bible in Sixth-Century Gaul,” *Early Medieval Europe* 7 (1998): 291–304; and Karl Ubl, *Investverbot und Gesetzgebung: Die Konstruktion eines Verbrenchens (300–1100)* (Berlin, 2008), 115–216.

“very much aware of the continental church.”⁴⁹ If we now require him not only to have been familiar with the pronouncements of major Gallic councils, but also with texts as idiosyncratic and poorly circulated as the *Regula cuiusdam patris*, then it is hard to avoid the suspicion that our author might have been “aware of the continental church” because he was himself the product of it. Certainly it is easier to imagine how the “Second Synod,” which enjoyed considerable circulation on the Continent and was quoted approvingly in penitentials and canon law collections alike, could come to be held as an authority also in Ireland by the compilers of the *Collectio canonum Hibernensis* despite being written elsewhere, than it is to maintain an Irish origin for the “Second Synod” and therefore to require its author somehow to have obtained and taken as authoritative the obscure monastic Rule produced by the circle associated with the Luxeuil monk Agrestius.

The debates over monastic practice in which the *Regula cuiusdam patris* participated were closely tied to a particular set of communities, during an intense but relatively short-lived moment in their history and perhaps that should encourage us to regard the text’s availability to the creator of the “Second Synod” as an indication that he too cannot have been far removed from those same debates. There certainly seems to have been much that he would have agreed upon with Agrestius and his allies, to judge from some of the shared preoccupations which emerge if we read his text alongside the *Regula*. Both texts share an overriding concern, for instance, with the question of how the sins of one person might pollute others by association. Most of the first third of the “Second Synod” is given over to considerations of this issue, while for the *Regula*, the communal consequences of individual sin are advanced early on as the crucial justification for its especially punitive vision of monastic life.⁵⁰ Also common to both texts is their treatment of the salvific power of the Eucharist and its relationship to other spiritually beneficial acts. As Albrecht Diem has shown, although the *Regula* made ample room for the performance of penance, it was the Eucharist which “holds the position that is in other Columbanian rules held by *paenitentia*,” and which it emphasized as the essential “remedy for sins.”⁵¹ The “Second Synod,” as we have seen, insisted on exactly the same principle, and justified its preference for periods of penance

⁴⁹ Hughes, “Synodus II S. Patricii” (n. 12 above), 146–47.

⁵⁰ Syn II, esp. cc. 1–2, 4, 6 and 11 (ed. Breen, 112–13); and RcP, c. 4 (ed. Villegas, 13–14).

⁵¹ Diem, “Disputing Columbanus’s Heritage” (n. 31 above), 275–76, with additional remarks in Albrecht Diem, *The Pursuit of Salvation: Community, Space, and Discipline in Early Medieval Monasticism* (Turnhout, 2021), 196, n. 27, and 236. For the Eucharist in RcP as “the remedy for sins,” see c. 32 (ed. Villegas, 35); and compare also c. 1 (ed. Villegas, 10). It is notable that RcP carries over none of Columbanus’s instructions concerning the continual wearing of Eucharistic chrisms. See Alexander O’Hara, *Jonas of Bobbio and the Legacy of Columbanus: Sanctity and Community in the Seventh Century* (Oxford, 2018), 233–34. One wonders to what extent the RcP’s views had been shaped by or in response to such practices.

which were shorter and more exacting than those prescribed by others, precisely “so that the soul of the believer shall not perish from having abstained from the celestial medicine for so long.”⁵²

The otherwise unattested concept which both texts share, of achieving spiritual correction by way of an *examinatio carceris*, is not therefore an isolated point of convergence, but only the most distinctive aspect of a more pervasive resemblance between the two texts, and if we are indeed to regard the *Regula* as the work of the circle which the Luxeuil monk Agrestius had gathered around himself, one wonders whether the “Second Synod” might even be another product of that same milieu. There are certainly parts of the “Second Synod” which are capable of being read rather pointedly in connection with the specific details of Agrestius and his career. According to Jonas of Bobbio, the tensions between Agrestius and his abbot had begun when Eustasius tried to prevent Agrestius from leaving the monastery to embark upon missionary work, and it is tempting to associate this event with the statement in the “Second Synod” that monks should remain in the monasteries to which they had been admitted unless “a more profitable cause arises, in which case it should be granted with a blessing, each one seeking not ‘the things that are their own but those which are Jesus Christ’s’.”⁵³ Agrestius himself cannot have been its author, given the somewhat peculiar but nonetheless explicit comment in the “Second Synod” that “we are not monks, but are instead what they call *bactroperitae*, that is, despisers [of the world],” and the related declaration that it was “we,” rather than monks, who “not inappropriately maintain the unity of the people.”⁵⁴ Those statements presumably indicate episcopal authorship and here, one wishes that we knew more about the various bishops and other allies who had given their support to

⁵² Syn II, c. 22 (ed. Breen, 115); see also c. 13 (ed. Breen, 113). Neil Xavier O’Donoghue observes that Syn II goes further in this regard than comparable insular texts. See O’Donoghue, *The Eucharist in Pre-Norman Ireland* (Notre Dame, 2011), 93.

⁵³ Syn II, c. 21, in reference to Phil. 2:21 (ed. Breen, 114–15): “Unusquisque in ecclesia in qua inbutus est fructum suum proferat, nisi causa maioris fructus ad altarem cogatur ferri per iussum abbatis. Si uero exierit causa utilior cum benedictione concedatur; non ‘quae sua sunt’ singuli ‘querentes sed quae Iesu Christi’.” For Agrestius’s missionary desires, see Jonas, *Vita Columbani*, 2.9, ed. Krusch (n. 35 above), 123; and Dumézil, “L’affaire Agrestius” (n. 38 above), 138–39.

⁵⁴ Syn II, c. 17 (ed. Breen, 114): “Non sumus monachi, sed, ut aiunt, bactroperitae, hoc est contemptores [saeculi].” The terminology draws upon Jerome, who spoke of “the philosophers who are commonly called *bactroperitae* [who consider themselves] despisers of the world” (*Commentarii in euangelium Matthaei* 1.10.9–10: “philosophos qui uulgo appellantur bactroperitae . . . contemptores saeculi”). Jerome meant the itinerant philosophers of antiquity, and uses the term disparagingly to refer to their wandering from place to place; the sense here has either been reversed or deployed ironically. See Syn II, c. 20 (ed. Breen, 114): “Parrochia cum monachis non est dicendum, quod est malum inauditum. Unitatem uero plebis non incongrue percipimus.”

Agrestius. His relative Abelenus, bishop of Geneva, was certainly among them and they clearly drew on existing connections among the Burgundian aristocracy — chiefly Warnachar, the *maior palatii*, who convened the synod in 626/27 and Treticus, bishop of Lyon, who presided over it — but Jonas of Bobbio, whose account remains our only narrative of the dispute, was content to leave the number and identity of most of the “other Gallic bishops” (*ceteri Galliarum episcopi*) undeclared.⁵⁵ As Andreas Fischer has emphasized, there are enough indications in Jonas’s account to suspect both that the circle was wider than a casual reading of his text would suggest, and that the synod of Mâcon in no way resulted in the immediate disintegration of the group as Jonas tried to imply.⁵⁶ Our limited sense of their interests and ideals beyond the specific matters which Agrestius raised at Mâcon makes it hard to know for sure whether we should hold them directly responsible for the creation of the “Second Synod,” or only indirectly responsible for some of the ideas which passed eventually into it.⁵⁷

Whether we choose to see the “Second Synod” as another product of Agrestius and his circle, or only shaped in part by the ideas which he and his allies had propounded, a key aspect of the text was to insist that the views which it articulated were not those of some small and unrepresentative group, but were instead wholly aligned with well-established Christian norms. It repeatedly directed its readers to note the scriptural or canonical precedents which existed for its own opinions, while at the same time suggesting that its opponents were unable to provide any such indication of the authorities from which they had drawn their dissimilar notions. Those opponents were, it appears, the intended readers of the “Second Synod”: its opening words make clear that the text was in some sense a reply to a very particular, although unfortunately unnamed, readership, which it addressed in the second person (“Concerning what you have commanded . . .”), and whom it later criticized for observing customs which could be “neither heard nor read” anywhere else.⁵⁸ This was a familiar style of argument in the seventh century, for which the synod of Mâcon again provides us an instructive example. In pursuing his criticism of the monks of Luxeuil, Agrestius offered various accusations which together amounted to the charge that the abbot, his

⁵⁵ Jonas, *Vita Columbani*, 2.9–10, ed. Krusch (n. 35 above), 248–52; the comment about the “other Gallic bishops” besides Abelenus is found in 2.10 (ed. Krusch, 255).

⁵⁶ Andreas Fischer, “Orthodoxy and Authority: Jonas, Eustasius, and the Agrestius Affair,” in *Columbanus and the Peoples of Post-Roman Europe*, ed. O’Hara (n. 31 above), 143–64, esp. at 150–53.

⁵⁷ On the other issues which may have animated Agrestius and his allies, and been minimized in Jonas’s account of the events, see Clare Stancliffe, “Jonas’s *Life of Columbanus and his Disciples*,” in *Studies in Irish Hagiography: Saints and Scholars*, ed. John Carey, Máire Herbert, and Pádraig Ó Riain (Dublin, 2001), 189–220, at 209–17; Dumézil, “L’affaire Agrestius” (n. 38 above), 145–51; and O’Hara, *Jonas of Bobbio*, 70–72.

⁵⁸ Syn II, cc. 1 and 29 (ed. Breen, 112 and 116).

monks, and his saintly predecessor Columbanus were to be regarded as “heretics” on account of the way that their customs “differed from those of others”; and in discrediting Agrestius’s memory, Jonas of Bobbio was quick to fling equivalent accusations back in the direction of Agrestius himself, saying that it was instead he who had “joined with schismatics” and become “separated from communion with the whole world.”⁵⁹ We should probably understand the “Second Synod” in much the same way, as part of an ongoing debate between its creators and its recipients about the orthodoxy of their respective positions.

It was this context which had motivated the “Second Synod” to make its appeals to the authority of *Romani*, which prompted our investigation. As Ralph Mathisen has observed, “the term *Romanus* could convey an image of religious affiliation” when deployed by writers in this period.⁶⁰ Specifically, it connoted what Walter Ullmann characterized as a sense of being a “member of a divine institution, the body of Christ, that was ruled by him whose seat was in Old Rome.”⁶¹ Those who used this terminology typically did so to imply a perceived oneness of thought and practice which encompassed all of Latin Christendom, against which the thoughts and practices of others could be measured. This looks to have been its intended meaning in the “Second Synod.” The text expressed its scepticism about the unheard-of practices of its opponents precisely because they had been “neither heard nor read by the Romans,” thereby discrediting them on the grounds of nonconformity with the collected practice of Latin Christendom at large, while at the same time implying that its own declarations were perfectly in line with acceptable “Roman” opinion.⁶² Continual vigilance in the face of nonconformity was imperative, the “Second Synod” suggested, to prevent new life being given to old heresies. It reminded its readers about the errors of the Novatianists in the course of its ruling about fasting, and positioned its own ideas as if they were a safeguard against theirs, not because active followers of this long-defunct sect had newly re-emerged in the seventh century, but rather because the continued critique of ancient errors offered a useful way of demonstrating an attentiveness towards the orthodoxy of one’s own practices.⁶³ Again, this was a familiar technique to contemporaries. Later in the seventh

⁵⁹ Jonas, *Vita Columbani*, 2.9, ed. Krusch (n. 35 above), 247 and 250: “Itaque ueniens Aquilegiam, socius statim scismatis effectus, Romanae sedis a communionem seiunctus ac diuisus est totius orbis communionem . . . prorumpit se scire Columbanus a ceterorum mores disciscere . . . Audito Eusthasius hereseo nomine se uel suos magistro uocatos, ait . . .”

⁶⁰ Ralph W. Mathisen, “‘Roman’ Identity in Late Antiquity, with Special Attention to Gaul,” in *Transformations of Romanness: Early Medieval Regions and Identities*, ed. Walter Pohl et al. (Berlin, 2018), 255–73, at 271–72.

⁶¹ W. Ullmann, “On the Use of the Term *Romani* in the Sources of the Earlier Middle Ages,” *Studia Patristica* 2 (1957): 155–63.

⁶² Syn II, c. 29 (ed. Breen, 116): “. . . neque audisse neque legisse Romanis sedantur.”

⁶³ Syn II, c. 14 (ed. Breen, 113). See n. 21, above.

century, Bonitus of Clermont made the same rhetorical use of the memory of the Novatianists in a letter which likened his own theological rivals to a resurgence of this same late antique sect.⁶⁴ The group which had produced the “Second Synod” strove to show themselves to be “orthodox in a world of deviance,” in Andreas Fischer’s useful phrase, and seem to have found considerable utility in demonstrating their ability to distinguish clearly between what was heretical and what was “Roman.”⁶⁵

It is unfortunate that the identity of the readers to whom the “Second Synod” was addressed has not been preserved, and therefore that only the outlines of the dispute in which its creators and its readers were engaged can be determined. But if we are indeed to locate that dispute in seventh-century Gaul rather than in Ireland, as I have argued, then this carries important implications for the question of the divided state of the Irish Church in the seventh century with which I began this article and to which we should now return. In brief, my conclusion in what follows is that rethinking the origins of the “Second Synod of St. Patrick” not only means that the text can no longer be regarded as a window onto the ideas of a “Roman party” within the Irish Church, but also more fundamentally that the notion of a well-defined and self-identifying “Roman party,” holding its own synods for more than half a century in opposition to those of a rival “Irish party,” is itself an illusion.

“ROMAN SYNODS,” “IRISH SYNODS,” AND THE *COLLECTIO CANONUM HIBERNENSIS*

To the compilers of the *Collectio canonum Hibernensis*, it made sense to characterize the “Second Synod of St. Patrick” as a *sinodus Romana* (a “Roman synod”) or as the work of *Romani* (“Romans”). At least eight canons excerpted from the “Second Synod” are attributed in this way in one or both of the two recensions of the *Hibernensis*.⁶⁶ The compilers were not alone in attributing the text to

⁶⁴ See *Vita Boniti*, c. 17, ed. Bruno Krusch, MGH, *Scriptores rerum Merovingicarum* 6 (Hanover, 1913), 110–39, at 129; with the discussion in Ian Wood, *The Merovingian Kingdoms, 450–751* (London, 1994), 243. This in turn bears comparison with the way in which other heresiological labels from late antiquity were put to renewed use in this period. See Yaniv Fox, “‘Sent from the Confines of Hell’: Bonosiacs in Early Medieval Gaul,” *Studies in Late Antiquity* 2 (2018): 316–41.

⁶⁵ Fischer, “Orthodoxy and Authority” (n. 56 above), 161.

⁶⁶ The canons drawn from Syn II are usually quoted only once in the *Hibernensis*: Syn II, c. 2 = Hib 2.23 (ed. Flechner, 1:29); Syn II, c. 3 = Hib 46.8 (ed. Flechner, 1:385); Syn II, c. 9 = Hib 27.14 (ed. Flechner, 1:190); Syn II, c. 11 = Hib.B, ed. Flechner, 1:392, lines 1–2; Syn II, c. 14 = Hib.B, ed. Flechner, 1:66, lines 6–10; and Syn II, c. 25 = Hib 45.36 (ed. Flechner, 1:376). Syn II, c. 30 is quoted directly in Hib 35.8 (ed. Flechner, 1:252), and may also have informed Hib.B, ed. Flechner, 1:252, line 7. Syn II, c. 24 appears in three separate places: Hib 16.14 (ed. Flechner, 1:92); Hib.B, ed. Flechner, 1:248, lines 6–8; and Hib.B, ed. Flechner, 1:464, lines 10–12. One additional “Roman” canon, Hib 39.1, may also draw upon Syn II (c. 4),

“Romans,” and they may not have been the first to do so. In the so-called *Collectio 400 capitulorum*, an eighth- or ninth-century collection produced perhaps in southern Germany, a selection of canons from the “Second Synod” appears under the rubrics “Interrogandae Romanis” and “Interrogatio Romanis.” Since the *Collectio 400* shows no sign of having been influenced directly by the *Hibernensis*, its independent association of material from the “Second Synod” with *Romani* is striking.⁶⁷ The same attribution is made in a roughly contemporary penitential, the *Paenitentiale Martenianum*; and perhaps also in the canons ascribed to Adomnán of Iona, where an oblique reference to certain “questions of the Romans” (*quaestiones Romanorum*) has again been understood in reference to the “Second Synod.”⁶⁸ It is likely, therefore, that the text had already attained its association with “Romans” before it came into the hands of any of these compilers, who probably had little indication of the precise circumstances in which the text had first been written. They clearly valued its contents, and perhaps regarded its purported “Romanness” as a sign of its authority, but may otherwise have had only a weak impression of exactly which “Romans” might have been responsible for its creation. On the basis that the compilers of the *Hibernensis* were willing to

although the shortness of the passage prevents absolute certainty. Three more canons from Syn II are ascribed either to an unspecified “sinodus” (Hib.B, ed. Flechner, 1:50, line 12 = Syn II, c. 10), or to Jerome (see n. 69, below). On the nature and relationship of the recensions of the *Hibernensis*, see further Flechner, *Hibernensis*, 1:88*–124*. For a discussion of the version of Syn II available to the compilers of the *Hibernensis* (which sometimes agrees with the earlier BV-version of Syn II, but elsewhere shares readings from the later *Vetus Gallica* version), see Meeder, “Text and Identities” (n. 9 above), 30–32.

⁶⁷ The presence of canons from Syn II in the *Collectio 400 capitulorum* was first observed by Paul Fournier, “Le *liber ex lege Moysi* et les tendances bibliques du droit canonique irlandais,” *Revue Celtique* 30 (1909): 221–34, at 229–30, n. 2. The *Collectio 400* is presently unedited. The relevant material in the three extant manuscripts is Paris, BnF, lat. 2316, fols. 111r–111v and 114v (cc. 260–64 and 326–27); Vienna, Österreichische Nationalbibliothek, lat. 522, fols. 179v–180v and 186r–186v (cc. 260–64 and 326–27); and (incomplete due to a lost leaf) Munich, Bayerische Staatsbibliothek, Clm 4592, fols. 198r and 202r (cc. 263 and 292–93). These entries draw upon Syn II, cc. 1, 3–5, 10, 18 and 23–24, in a form closest to the *Vetus Gallica* version. The independence of the *Collectio 400* from the *Hibernensis* is observed by Sven Meeder, “Biblical Past and Canonical Present: The Case of the *Collectio 400 capitulorum*,” in *The Resources of the Past in Early Medieval Europe*, ed. Clemens Gantner, Rosamond McKitterick, and Sven Meeder (Cambridge, 2015), 103–17, at 106.

⁶⁸ *Paenitentiale Martenianum*, c. 53.3, ed. Walther von Hörmann, “Bussbücherstudien IV,” ZRG Kan. Abt. 4 (1914): 358–483, at 404–405 (= Syn II, c. 23); further canons from Syn II are quoted in cc. 8, 33 and 54.2, but without attribution. The connection with *Canones Adomnani* was proposed by Breen, “Date, Provenance and Authorship” (n. 11 above), 103–105. His case is strongest for the canon on remarriage (c. 16, ed. Bieler, *Irish Penitentials*, 178; compare Syn II, c. 26), and can stand independently from his less persuasive claim that a number of additional references to an unspecified “idem” should also be understood to refer to Syn II. Here, Bieler’s suggestion that these refer to Adomnán himself is probably still to be preferred. See Bieler, *Irish Penitentials* (n. 11 above), 253–54, n. 4.

attribute canons from the “Second Synod” not only to “Romans,” but also, on at least one occasion, to Jerome, it may be that the “Second Synod” seemed to early medieval readers to be older and more venerable than it in fact was.⁶⁹ Exactly how it came subsequently to be associated with St. Patrick is hard to say, but certainly the compilers of the *Hibernensis*, for whom Patrick evidently held substantial authority, claimed none of the canons from the “Second Synod” as his work.⁷⁰

The *Collectio canonum Hibernensis* was not, therefore, alone in suggesting that the “Second Synod” had been created by “Romans.” It is nevertheless clear that the terms *Romani* and *sinodus Romana* hold a broader significance in the *Hibernensis* as a whole, since there are more than forty further canons which bear these same labels in one or both recensions of the collection. They are on the face of it a miscellaneous group of canons, drawn from a range of different sources. The compilers’ decision to classify them all by means of a shared label seems intended, however, to parallel the group of almost one hundred canons which were attributed instead to *Hibernenses* (the “Irish”) or to a *sinodus Hibernensis* (“Irish synod”) in one or both recensions. Indeed, the occasional appearance in the B-recension of variant labels like *sinodus Romana uel Hibernensis* (“a synod, either Roman or Irish”) reinforces the sense that we are intended to regard these two sets of canons as a pair in some way.⁷¹

In any other context, we would probably have understood this paired contrast of material attributed to *Hibernenses* and to *Romani* to have been intended to distinguish between “things from Ireland” and “things from elsewhere in Latin Christendom.” Inclining us away from such a reading is the fact that some of the “Roman” canons can be shown to contain material taken from Hiberno-

⁶⁹ The unambiguous instance is Hib 34.3 (ed. Flechner, 1:242–43) = Syn II, c. 23. Although this is not indicated in Flechner’s apparatus, it was noted by Bieler, *Irish Penitentials*, 192n; Breen, “Date, Provenance and Authorship” (n. 11 above), 103, n. 57; and Meeder, “Text and Identities” (n. 9 above), 44. Breen suggests that the compilers probably saw a connection with Jerome, *Commentarii in euangelium Matthaei*, 5.34, which makes a comparable declaration: Breen, “Date, Provenance and Authorship” (n. 11 above), 103, n. 57. One manuscript of the B-recension ascribes another canon from Syn II to Jerome, but perhaps only through scribal confusion. See Hib.B, ed. Flechner, 1:81, line 19 and apparatus.

⁷⁰ Although the manuscripts which transmit the *Vetus Gallica* version of Syn II share an explicit attribution to Patrick, the earlier BV-version does not. Breen suggested that Hib 11.1 (which is attributed to “Patricius episcopus”) may draw upon Syn II, c. 10, but the short clause which the two canons have in common (“qui sub gradu peccat”) is generic, and the two canons offer different ruminations on the implications of the shared circumstance. Meeder expresses similar reservations. See Breen, “Date, Provenance and Authorship” (n. 11 above), 103, n. 57; and Meeder, “Text and Identities” (n. 9 above), 22, n. 9. Other canons attributed to Patrick in Hib are tabulated by Flechner, *Hibernensis*, 1:156* (table 3).

⁷¹ Hib 32.6: “sinodus” (A-recension), “sin. Romanorum uel Hibernentium” (B-recension); Hib 32.9: “sin. Hibernensis” (A-recension), “sin. Romana uel Hibernensis” (B-recension, MS V), “sin. uel Hibernensis” (B-recension, MS H). See also Hib 32.4: “disputatio Romana” (A-recension), “in disputatione Hibernentium uel Romana” (B-recension).

Latin sources, and it was on that basis that Bury first proposed that we should understand the “Roman” canons to refer to “synods held in Ireland in the seventh century in the interest of Roman reform.”⁷² On this point, however, our conclusion that the “Second Synod of St. Patrick” may in fact originate in seventh-century Gaul fundamentally alters our sense of how much Hiberno-Latin material lies within the “Roman” canons of the *Hibernensis*. The canons which are attributed to *Romani* in one or both recensions of the collection, and which can currently be traced back to extant sources, can be summarized as follows:

- eight canons quoted from the *Statuta ecclesiae antiqua*⁷³
- two or three canons from the acts of Gallic councils which had not been collected into the *Statuta*⁷⁴
- three excerpts from papal letters⁷⁵
- two canons from Dionysius Exiguus’s translation of the *Canones apostolorum*⁷⁶
- one canon which runs together two passages from Cassian’s *De institutis coenobiorum*⁷⁷
- two canons, perhaps, from the *Excerpta de libris Romanorum et Francorum* (unless in fact it was the *Hibernensis* which was the source for the *Excerpta*)⁷⁸

⁷² Bury, *Life of St. Patrick* (n. 8 above), 237–39.

⁷³ Hib 5.2 (ed. Flechner, 1:36) = *Statuta ecclesiae antiqua*, c. 96, ed. Charles Munier, CCSL 148 (Turnhout, 1963), 183; Hib.A 6.2 (ed. Flechner, 1:38) = *Stat. eccl. ant.*, c. 95 (ed. Munier, 182–83); Hib.A 7.3 (ed. Flechner, 1:39) = *Stat. eccl. ant.*, c. 97 (ed. Munier, 183); Hib.A 9.1 (ed. Flechner, 1:40) = *Stat. eccl. ant.*, c. 94 (ed. Munier, 182); Hib.B, ed. Flechner, 1:68, lines 7–8 and Hib.A 65.18 (ed. Flechner, 1:466) = *Stat. eccl. ant.*, c. 77 (ed. Munier, 178); Hib 39.12 (ed. Flechner, 1:303) = *Stat. eccl. ant.*, c. 80 (ed. Munier, 179); and Hib 46.19 (ed. Flechner, 1:394) = *Stat. eccl. ant.*, cc. 65–67 (ed. Munier, 176–77).

⁷⁴ Hib.B, ed. Flechner, 1:92, lines 1–2 = Arles I (314), c. 15, ed. Munier, 12. Hib.A 27.11 (ed. Flechner, 1:188–89) = Orléans I (511), c. 1, ed. de Clercq (n. 46 above), 4–5. Hib.A 46.12 may also draw upon Agde (506), c. 15, ed. Munier, 201; but if so then the quotation is not exact.

⁷⁵ Hib.B, ed. Flechner, 1:297, lines 9–11 = Siricius, *Epistolae*, 1.7, ed. Pierre Coustant, *Epistolae Romanorum Pontificum et quae ad eos scriptae sunt a S. Clement I usque ad Innocentium III* (Paris, 1721), col. 629; Hib.A 45.39 (ed. Flechner, 1:379) = Innocent I, *Epistolae*, 6.10 (ed. Coustant, col. 794); and Hib 46.12 (ed. Flechner, 1:388) = Innocent, *Ep.* 6.6 (ed. Coustant, col. 793).

⁷⁶ Hib.B, ed. Flechner, 1:5, lines 4–6 = *Canones apostolorum*, c. 17, ed. Adolf Strewe, *Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion* (Berlin, 1931), 6. Hib.B, ed. Flechner, 1:310, lines 1–10 = *Canones apostolorum*, c. 39 (ed. Strewe, 9).

⁷⁷ Hib.B, ed. Flechner, 1:65, lines 11–14 = Cassian, *De institutis coenobiorum*, 5.23.3 and 5.35, ed. Michael Petschenig, CSEL 17 (Vienna, 1888), 101 and 108.

⁷⁸ Hib.B, ed. Flechner, 1:360, lines 17–19; compare *Excerpta de libris Romanorum et Francorum*, c. 47, ed. Bieler, *Irish Penitentials*, 144. Hib.B, ed. Flechner, 1:426, lines 6–7; compare

- one statement first found in a letter of Pope Innocent I, but which appears twice in a modified form that is otherwise extant only in Cummian’s Paschal Letter⁷⁹
- one canon from the so-called “First Synod of St. Patrick”⁸⁰
- the various canons from our “Second Synod of St. Patrick”

Clearly, we have here a mix of Irish and non-Irish material all bearing the same attribution to *Romani*. But the mix is not an equal one and it is only for the last three items in this list that any connection with Ireland could be made. If we are now to regard the final item, the “Second Synod of St. Patrick,” as a work produced on the Continent in a context influenced by the debates over monastic practice which had been aired at the synod of Mâcon in 626/27, then the quantity of demonstrably Irish material which the compilers of the *Hibernensis* attributed to *Romani* becomes vanishingly slight.

Of the remaining “Roman” canons which do still exhibit connections with Irish texts — a canon from the fifth- or sixth-century “First Synod of St. Patrick,” and a statement found twice in the B-recension which corresponds to a passage found in Cummian’s seventh-century letter on the Easter controversy — we should not overlook the fact that the first comes from a source purporting to be the work of a Briton, while the other is a modified version of a statement initially made by a fifth-century pope. That is to say that even though we might regard both of them as connected to “Hiberno-Latin” sources, the compilers of the *Hibernensis* may have had good reason to view them rather differently. The passage which is shared with Cummian’s letter — a statement concerning the authority of Rome — has a particularly unclear transmission which makes it difficult to speak with precision about exactly where the compilers of the *Hibernensis* may have obtained it. It is attested first in a letter of Pope Innocent I to Victricius of Rouen, in which the pope instructed that “major causes should be referred to the seat of the apostles,” but at some point prior to its inclusion in the *Hibernensis*, the statement could also be found in a modified form, in which Innocent’s original description of Rome as the “seat of the apostles” had been replaced by the phrase “chief of cities.”⁸¹ It is the variant

Excerpta, c. 26 (ed. Bieler, 140). The uncertainty here is the result of the debated date of the *Excerpta*. See the discussion in Flechner, *Hibernensis*, 1:100* and the works cited therein.

⁷⁹ Hib.B, ed. Flechner, 1:113, lines 13–15 and 1:114, lines 7–8. Compare Innocent, *Ep.* 2.6, ed. Coustant, *Epistolae Romanorum Pontificum*, cols. 749–50; and Cummian, *Epistola*, lines 276–77, ed. Maura Walsh and Dáibhí Ó Cróinín, *Cummian’s Letter “De controversia paschali”* (Toronto, 1988), 92.

⁸⁰ Hib. 32.1 (ed. Flechner, 1:231) = *Synodus I S. Patricii*, c. 20, ed. Bieler, *Irish Penitentials*, 56.

⁸¹ Innocent, *Epistolae*, 2.6 (ed. Coustant, cols. 749–50): “Si maiores causae in medium fuerint deuolutae, ad sedem apostolicam, sicut synodus statuit, et beata consuetudo exigit, post iudicium episcopale referantur.”

version which appears in the *Hibernensis*, and which seems otherwise to be extant only in Cummian's letter.⁸² The *Hibernensis* might conceivably have drawn the statement directly from Cummian's letter, or, as Maura Walsh and Dáibhí Ó Cróinín suggest in their edition of the letter, Cummian may simply be a witness to a version of the canon which was already in independent circulation during the seventh century.⁸³ From the evidence available, it is hardly possible to say for sure, but in any case, it would be hard to hold this statement up as a firm instance of a "Roman" label being applied in the *Hibernensis* to an unambiguously Irish canon, since even if we were to take Cummian to have been the compilers' immediate source, his letter made clear that the statement did not originate with him, but came from elsewhere (in his view, from a "synodical decree" [*decretum sinodicum*]). We are on firmer ground with the so-called "First Synod of St. Patrick," from which the *Hibernensis*'s last remaining "Roman" canon comes.⁸⁴ Here, we are assuredly dealing with a Hiberno-Latin source being fitted with a "Roman" attribution, but the association of the text with Patrick, a Briton whose own *Romanitas* he put to particular rhetorical use in his own writings, probably means that we need no special explanation for the compilers' decision to characterize one of the canons ascribed to him in just the same way.⁸⁵

The situation that we are left with, then, is that in all the instances in which we can identify the sources of canons in the *Hibernensis* which were attributed to *Romani* or to a *sinodus Romana*, we seem to be dealing in the main with material which was written outside Ireland, plus a small amount of additional material which was contained in or transmitted through Hiberno-Latin texts, but which derived from, or was otherwise attributed to, individuals who were not themselves Irish. All this is in direct contrast to the canons ascribed to *Hibernenses* or to a

⁸² Cummian, *Epistola*, lines 276–77 (ed. Walsh and Ó Cróinín, 92): "si causae fuerint maiores, iuxta decretum sinodicum, 'ad capud urbium sint referendae.'" Hib.B, ed. Flechner 1:113, lines 13–15: "Canones Romanorum dicunt: Causa uniuscuiusque prouinciae non referenda ad alteram. Si autem maiores causae fuerint exortae, ad caput urbium sunt referendae"; and Hib.B, ed. Flechner 1:114, lines 7–8: "Canones Romani: Si autem maiores cause fuerint exorte, ad caput urbium sunt referende."

⁸³ Walsh and Ó Cróinín, *Cummian's Letter*, 48–49 and 92–93n.

⁸⁴ Hib. 32.1 (ed. Flechner, 1:231) = *Synodus I S. Patricii*, c. 20 (ed. Bieler, 56). The date and authenticity of the Patrician text has been variously understood. See the summary in T. M. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), 245–50, and the works cited therein.

⁸⁵ On the uses of *Romanitas* in Patrick's letter to Coroticus, see Roy Flechner, *Saint Patrick Retold: The Legend and History of Ireland's Patron Saint* (Princeton, 2019), 44–45; and Patrick Wadden, "British Identity in Late Antiquity and the Early Middle Ages: Some Aspects of Continuity and Change," *Early Medieval Europe* 30 (2022): 45–72. Whatever the authenticity of the *Synodus I Patricii*, the compilers clearly took it to be Patrick's work, and regularly attributed its canons to him. For these and others ascribed to Patrick, see Flechner, *Hibernensis*, 1:156* (table 3).

sinodus Hibernensis. Here, admittedly, there are far fewer texts which can be traced back to extant sources, but those for which sources can be identified draw upon a number of very securely Irish texts, including Muirchú's *Vita Patricii* as well as collections of secular and ecclesiastical decrees.⁸⁶ Others have been shown to exhibit clear knowledge of distinctive legal concepts that are recognizable from vernacular law tracts, in a way which the "Roman" canons do not.⁸⁷ There are again only two real outliers: one canon which was originally part of the *Synodus Luci Victorie*, a work probably composed in Britain during the sixth century; and a statement about the treatment of suspected sinners which is an abbreviated version of a passage thought to come ultimately from Gildas's letter to Uinniau.⁸⁸ In both cases, however, individual passages from the *Synodus Luci Victorie* and from Gildas were already in independent circulation in Ireland prior to the compilation of the *Hibernensis*, in forms which did not always make clear their British origins. The canon which the *Hibernensis* shares with the *Synodus Luci Victorie* had already, for instance, passed into Irish penitentials during the seventh century and since the *Hibernensis* shows no wider knowledge of the *Synodus Luci Victorie* in its own right, it is likely that it had been taken from just such a Hiberno-Latin intermediary which had already made independent use of the ruling.⁸⁹

Gildas's letter to Uinniau could also be encountered in part rather than in whole, through a series of extracts which had been made from it and which now represent the only extant witnesses to the original letter. These extracts survive

⁸⁶ Canons attributed to *Hibernenses* in one or both of the recensions of Hib and which can be firmly sourced in Irish texts are Hib.A 47.5 (ed. Flechner, 1:397) = *Synodus Hibernensis*, c. 9 (ed. Bieler, *Irish Penitentials*, 170); Hib 52.5 (ed. Flechner, 1:413–14) = *De canibus sinodus sapientium*, c. 1 (ed. Bieler, *Irish Penitentials*, 174); and Hib.B, ed. Flechner, 1:460, lines 3–10 = Muirchú, *Vita Patricii*, 2.5–6, ed. Ludwig Bieler, *The Patrician Texts in the Book of Armagh* (Dublin, 1979), 116.

⁸⁷ See n. 6, above.

⁸⁸ Hib 58.2 (ed. Flechner, 1:435), ascribed to *sinodus Hibernensis* in Hib.A; compare *Synodus Luci Victorie*, c. 4, ed. Bieler, *Irish Penitentials*, 68. Hib 36.37 (ed. Flechner, 1:276), ascribed to *sinodus Hibernensis* in Hib.B; compare *Fragmenta Gildae*, no. 7, ed. Michael Winterbottom, *Gildas: The Ruin of Britain and Other Works* (London, 1978), 88. Flechner also discusses one additional canon (Hib 28.5) which resembles a passage from the Breton *Excerpta de libris Romanorum et Francorum* concerning the killing of thieves at night. See Flechner, *Hibernensis*, 1:99*–100*. Here, however, there are difficulties since the two passages are not identical and may both have been independently influenced by Exod. 22:2–3, which expresses the same view about the night-time deaths of thieves. There are also complications in determining whether the *Excerpta* really does pre-date the compilation of Hib (see above, n. 78), and also in the fact that although the canon is common to both recensions of Hib, its association with a *sinodus Hibernensis* is only implied in one manuscript of the B-recension (see Flechner, *Hibernensis*, 1:195 and apparatus).

⁸⁹ See *Paenitentiale Cummeani*, 9.13, ed. Bieler, *Irish Penitentials*, 126; with further discussion in Flechner, *Hibernensis*, 1:55*, n. 3; 1:100*; and 2:885, n. 561.

now most fully within a seventh-century florilegium, and it was from there, as Richard Sharpe has established, that the compilers of the *Hibernensis* had accessed them.⁹⁰ Michael Elliot has observed that one feature of this particular florilegium was, however, that its inconsistent rubrics make it “quite difficult to discern where one chapter ends and another begins.” That meant that it was easy for the individual fragments of Gildas’s letter to become misattributed or wrongly conflated with adjacent items.⁹¹ In one case, for instance, the A-recension of the *Hibernensis* quoted a passage in which Gildas had offered a paraphrase of 2 Timothy on the subject of the apocalypse, but attributed the quotation not to Gildas (nor indeed to Paul, the purported author of 2 Timothy), but rather to Jeremiah.⁹² The misattribution looks to have been the result of the fact that the immediately preceding extract in the florilegium did indeed end with a short quotation from Jeremiah, which suggests that the compilers had run into precisely the problem which Elliot anticipated as they sought to determine where one excerpt ended and another began.⁹³ The compilers had needed to exercise a degree of guesswork as they made their way through this part of the florilegium, and we should not therefore place too much significance on the appearance, on one occasion in the B-recension, of one of these Gildasian passages

⁹⁰ See Richard Sharpe, “Gildas as a Father of the Church,” in *Gildas: New Approaches*, ed. Michael Lapidge and David Dumville (Woodbridge, 1984), 193–205. The florilegium survives now in a ninth-century manuscript (Cambridge, Corpus Christi College 279, pp. 11–105), and is transcribed, under the title of the *Collectio canonum Turonensis*, as an appendix to Michael D. Elliot, “Canon Law Collections in England ca 600–1066: The Manuscript Evidence” (Ph.D. diss., University of Toronto, 2013), 691–728 (appendix 8). Some of the extracts are also extant in the two manuscripts which transmit the oldest recension of the “Second Synod of St. Patrick,” and have been edited by Breen, “Date, Provenance and Authorship (n. 11 above), 121–22.

⁹¹ Elliot, “Canon Law Collections,” 692–93. Elliot rightly emphasizes that this assessment applies to the extant text in Cambridge, Corpus Christi College 279, and suggests that the florilegium may have been more clearly organised when first compiled; but from the examples discussed here, one suspects that the manuscript which was available to the compilers of the *Hibernensis* was no less ambiguous than that which now survives.

⁹² Hib 36.31 (ed. Flechner, 1:271–72) = *Fragmenta Gildae*, no. 3 (ed. Winterbottom, 143). Flechner’s apparatus does not identify the source as Gildas, but see Stephen Joyce, “Memories of Gildas: Gildas and the *Collectio canonum Hibernensis*,” in *Prophecy, Fate and Memory in the Early and Medieval Celtic World*, ed. Jonathan M. Wooding and Lynette Olson (Sydney, 2020), 148–69, at 156–57. Two manuscripts of the B-recension (S and V) do recognize the passage as a paraphrase of 2 Tim. 3:1–5, and attribute it accordingly to Paul.

⁹³ The preceding extract in the florilegium is *Fragmenta Gildae*, no. 2 (ed. Winterbottom, 143), which ends with a statement taken from Jer. 9:21 (“... quibus mors intrauit per fenestras eleuationis”). In the extant manuscript, a marginal gloss (which reads “Hieremias dicit”) seeks to indicate the source of Gildas’s words here, but it is placed so close to the rubric introducing the next item that the gloss and the rubric are easily conflated, as the compilers of the *Hibernensis* must have done from the manuscript available to them. See Cambridge, Corpus Christi College 279, p. 50.

being attributed erroneously to a “*sinodus Hibernensis*.”⁹⁴ The mistake reflected the compilers’ difficulty in unpicking their immediate source material, rather than anything specific about who or what the “Irish synods” represented to them.

Overall, therefore, where we can identify the sources of the “Irish” and “Roman” canons in the *Hibernensis*, the overwhelming impression is that the compilers’ intention was simply to distinguish material that had been written in Ireland, and material that had been written elsewhere. Demonstrable exceptions to this are not only few, but also ambiguous: a Hiberno-Latin canon attributed to *Romani*, but perhaps only because it was purported to be the work of Patrick, a Briton; a statement which is now extant only in the letter of Cummian attributed to *Romani*, but which was itself only a modified version of a declaration made in an earlier papal letter; and two passages bearing attributions to *Hibernenses* which come ultimately from texts composed in sixth-century Britain, but which the compilers had accessed through intermediary sources which obscured their sense of whose words they were reading. Of course, it remains the case that a large proportion of the “Roman” and “Irish” canons in the *Hibernensis* cannot now be traced back to their sources: by far the majority of the “Irish” canons lack extant sources, as do around half of the “Roman” canons. Bury, in fact, saw this as a key indication that the “Roman” canons must have been Irish in origin, since in his view it was “hardly likely that so many . . . citations of this kind from foreign sources would remain unidentified,” and that it was therefore “much more likely that [they] derived from native sources, seeing that the Acts of the Irish synods before A.D. 700 have not been preserved.”⁹⁵ It is perhaps harder than it once was to share Bury’s confidence on this point. The conciliar record of Merovingian Gaul alone is sufficient to emphasize to us, as Gregory Halfond has stressed, “the precarious nature of canonical transmission” and the fact that even here we have to contend with the problem that there are “dozens of councils whose acts either do not survive or never existed.”⁹⁶ This highly fragmentary corpus should make us cautious about reading too much into our inability to identify sources for some of the “Roman” canons in the *Hibernensis*.

⁹⁴ Hib 36.37 (ed. Flechner, 1:276) = *Fragmenta Gildae*, no. 7 (ed. Winterbottom, 145). In the A-recension, the passage is attributed instead to Ezekiel. Other passages from Gildas which appear in one or both recensions either without attribution altogether or with attributions which are erroneous are Hib 1.16, 36.32 and 38.9 (ed. Flechner, 1:15, 1:272, and 1:295). In MS V, Gildasian passages are consistently reattributed to Gelasius, but that is simply a feature of that manuscript’s general handling of insular details. See Maurice P. Sheehy, “The Collectio Canonum Hibernensis — a Celtic Phenomenon,” in *Die Iren und Europa im früheren Mittelalter*, ed. Heinz Löwe, 2 vols. (Stuttgart, 1982), 1:525–35, at 527.

⁹⁵ Bury, *Life of St. Patrick* (n. 8 above), 238.

⁹⁶ Gregory I. Halfond, *The Archaeology of Frankish Church Councils, AD 511–768* (Leiden, 2010), 24 and 169–70; see also 223–45 (appendix A) for an immediate sense of the very variable survival of sources for the attested councils of the period.

Where does this leave the “Roman party,” whose existence as a discrete bloc within the early Irish Church we have hypothesized on the basis of the foundations laid by Bury’s interpretation of the *Hibernensis*? Theoretically, one could of course still maintain that all the “foreign” material attributed to *Romani* in the *Hibernensis* had indeed been received by a self-declared “Roman party” in Ireland and promulgated anew in its own synodical decrees, as Bury had suggested. But if the attributions to *Romani* and *Hibernenses* now seem to map neatly onto a distinction, as the compilers saw it, between Irish texts and non-Irish texts, then we appear no longer to require Bury’s hypothesis of “Roman” and “Irish” parties at all to explain the labels as we find them. Outside the *Hibernensis*, the presumed existence of the two parties has sometimes been brought to bear on other, securely evidenced events in Ireland’s ecclesiastical history, such as the well-explored attempts of Kildare and Armagh in the seventh century to claim archiepiscopal status for themselves. Imagined connections with Rome certainly played a part in these attempts, which have therefore been understood as efforts to “exploit the principles of the *Romani* to [their] own advantage.”⁹⁷ We need not, however, think that appeals to “Romanness” would only have made sense if there existed a coherent and self-defined “Roman party” with which to curry favour. The ideologically charged use of Roman symbolism is a notable feature of these competing claims for status and privilege, but one which would remain comprehensible to us even without a formal sundering of ecclesiastical loyalties into firmly divided “Roman” and “Irish” parties. There do, of course, exist a small number of appearances of *Romani* in other Irish texts besides the *Hibernensis*, all of which have at some point been interpreted in connection with a faction within the Irish Church. Nevertheless, as Richard Sharpe cautioned long ago, none of them are so particular in what they say about *Romani* as to rule out the possibility that they are in fact describing individuals or groups from elsewhere in Christian Europe. Sharpe’s observation was made in relation to the extant letter of an otherwise unidentified Colmán, written after he had taken possession of a number of books “written by Romans [*a Romanis*],” a statement so fleeting that we can hardly take it as a firm indication of who those *Romani* were or where they were based.⁹⁸ The short note, preserved in a Würzburg

⁹⁷ The quotation is from Richard Sharpe’s review of Walsh and Ó Cróinín, *Cummian’s Letter*, in *Journal of Theological Studies*, n.s. 41 (1990): 271–74, at 273; expanding on the argument of his “Armagh and Rome in the Seventh Century,” in *Irland und Europa: Die Kirche*, ed. Ní Chatháin and Richter (n. 2 above), 58–72. See also Hughes, *The Church in Early Irish Society* (n. 2 above), 111–20; Charles-Edwards, *Early Christian Ireland* (n. 84 above), 416–40; and Carole Neuman de Vegvar, “Romanitas and Realpolitik in Cogitosus’ Description of the Church of St. Brigit, Kildare,” in *The Cross Goes North: Processes of Conversion in Northern Europe, AD 300–1300*, ed. Martin Carver (York, 2003), 153–70.

⁹⁸ “Multa quidem ad nos a Romanis scripta librorum exemplaria peruenerunt in quibus nonnulla quae in nostris ante codicibus librorum neglegentia deprauata sunt emendatiora

manuscript, which celebrates the learned skill of “Mo-Chuoróc maccu Neth Sémon whom the Romans [*Romani*] named doctor of the whole world” is no less capable of being read in connection with “Romans” outside Ireland, given the way that Mo-Chuoróc was said to have attained a reputation which surpassed anyone else in the “whole world.”⁹⁹ Any of these *might*, of course, refer to a group within the Irish Church, but we would probably not have supposed so had we not already taken the *Collectio canonum Hibernensis* to indicate that such a group existed and was drawn up in formal opposition to a rival group of *Hibernenses*.¹⁰⁰ Caitlin Corning’s recent review of the material concluded that ultimately it was only the *Collectio canonum Hibernensis* which actually “demonstrates that separate synods identified as ‘Roman’ or ‘Irish’ were meeting in the seventh century,” and that the remaining miscellany of documents which mention *Romani* cannot by themselves be made to bear substantial weight.¹⁰¹ If now even the *Hibernensis* cannot be taken as a clear indication of the existence of a formal split of this kind, and may instead simply reflect an attempt to distinguish Irish from non-Irish material in its use of the attribution of canons to “Irish synods” and “Roman synods,” then our image of opposing parties meeting in synod for decades to enact legislation against one another becomes extremely difficult to sustain.

In choosing to apply the single label “Roman” to material drawn from across Latin Christendom, the compilers of the *Hibernensis* were participating in what

repperimus.” The letter is edited by Richard Sharpe, “An Irish Textual Critic and the *Carmen paschale* of Sedulius: Colmán’s Letter to Feradach,” *Journal of Medieval Latin* 2 (1992): 44–54, with discussion of this passage at 44–45.

⁹⁹ “Mo-Chuoróc maccu Neth Sémon, quem Romani doctorem totius mundi nomina-bant.” The note is edited with discussion in Dáibhí Ó Cróinín, “Mo-Sinnu moccu Min and the Computus of Bangor,” *Peritia* 1 (1982): 281–95.

¹⁰⁰ There are two further texts whose passing references to “Romans” have been interpreted in this way. One is the Hiberno-Latin commentary on the Psalms preserved in Vatican, Biblioteca Apostolica Vaticana, Pal. lat. 68, which on three occasions (fols. 4r–5r, in headings to Psalms 49, 52 and 59) attributes a particular exegetical interpretation to *Romani*, understood in connection with a “Roman party” by Martin McNamara, *Glossa in Psalmos: The Hiberno-Latin Gloss on the Psalms of Codex Palatinus Latinus 68*, Studi e testi 310 (Vatican, 1986), 40–43 and 75. The other is the text printed by Bradshaw as the “Litany of Irish Saints II” (HBS 62, 59–75 [no. 8]), which invokes a number of “Romans” — clearly understood as being resident in Ireland, it must be said, but present also alongside numerous others including “Saxons,” “Egyptians,” and “dogheads”: a connection with a “Roman party” is posited by Sarah Sanderlin, “The Date and Provenance of the ‘Litany of Irish Saints II’ (the Irish Litany of Pilgrim Saints),” *Proceedings of the Royal Irish Academy* 75C (1975): 251–62, at 255–56; but interpreted differently by Kathleen Hughes, “On an Irish Litany of Pilgrim Saints Compiled c. 800,” *Analecta Bollandiana* 77 (1959): 305–331, at 311–13; repr. in Hughes, *Church and Society* (n. 12 above), no. XIII.

¹⁰¹ Corning, *Celtic and Roman Traditions* (n. 10 above), 105–107.

Walter Ullmann called a “conflation of *Romanitas* and *Christianitas*.”¹⁰² This was an increasingly familiar conflation in the early medieval West, and we have already seen something similar at work in the text which came to be known as the “Second Synod of St. Patrick,” which sought to measure the validity of its opponents’ views against the collected norms of a wider “Roman” world. The *Hibernensis* shared that same sense of the oneness of Latin Christendom when it offered occasional statements about the way that “Roman custom and the unity of the Church” were one and the same.¹⁰³ We should not, however, misunderstand the compilers’ decision to differentiate “Roman” canons from “Irish” ones as if it were intended to convey an ideological message that they therefore thought that Ireland stood apart from the rest of that unified “Roman” world. The *Hibernensis* gives no sense that canons which lack an explicit “Roman” attribution had been judged intrinsically *un-Roman* by the compilers, since it is clear that even canons from a single Church council might in one place possess the “Roman” designator and in other places lack it. The acts of the Council of Orléans (511), for instance, appear sometimes in the *Hibernensis* as “Romana sinodus,” but elsewhere only as “sinodus” or “sinodus Auriliensis.”¹⁰⁴ There is a generic quality to the way that the compilers of the *Hibernensis* handled Roman-ness: it was a designation which could be supplemented or supplanted by a more precise identification of the city or region in which the canons had been issued.

The compilers’ assiduity in seeking to distinguish “Irish” from “Roman” seems likely, therefore, not have been intended to hold Ireland apart from the rest of the “great forest of writings” which the western Christian world had produced, but rather to hold it up for special attention. We have long noticed, and found remarkable, that at no point in the *Hibernensis* do any of its “Irish” and “Roman” canons ever conflict with or contradict one another. When we took these canons to be the work of separate and mutually opposed parties within the Irish Church, then this had always previously seemed to call for special explanation, not only because, as Roy Flechner has said, “two ostensibly rival parties can reasonably be expected to have passed conflicting decisions in their respective assemblies,” but also because the compilers of the *Hibernensis* had “a penchant for highlighting contradictions they found between authoritative sources.”¹⁰⁵ Our solution to this apparent oddity has hitherto been to suggest that the compilers were seeking to draw a veil over the disputes of the preceding century, perhaps even to enable a

¹⁰² Ullmann, “Use of the Term *Romani*” (n. 61 above), 157.

¹⁰³ Hib, 20.6 (ed. Flechner, 1:115): “Romano more et . . . unitate aecliesie.” Compare also Hib 51.6, and Hib.B, ed. Flechner, 1:113, lines 13–15.

¹⁰⁴ Compare Hib, 21.27, 27.11, 38.16, 41.8, 45.36 (ed. Flechner, 1:136, 188, 298, 318, and 376), and Hib.B, ed. Flechner, 1:337, lines 9–10.

¹⁰⁵ Flechner, *Hibernensis*, 1:70*; see also Roy Flechner, “The Problem of Originality in Early Medieval Canon Law: Legislating by Means of Contradictions in the *Collectio Hibernensis*,” *Viator* 43 (2012): 29–48.

rapprochement between the two “parties,” by consciously selecting only canons in which the rival factions were in agreement.¹⁰⁶ But if we now have reason to question the idea that the labels of *Romani* and *Hibernenses* represented parties in the Irish Church, then the fact that the “Roman” and “Irish” canons in the *Collectio canonum Hibernensis* never openly contradict one another suggests a different motivation for the compilers.

Working shortly after the last adherents of the “Irish” Easter had abandoned their old reckoning, it would seem, the compilers presented an image of Irish ecclesiastical life which banished any lingering suspicion of unorthodoxy or nonconformity.¹⁰⁷ They consciously gave little place in their work to the sensitive issue of Easter, and emphasized when they did that it was in fact the Britons who stood “contrary to the whole world, enemies of Roman custom” in this matter.¹⁰⁸ The Irish, by contrast, were shown to have fostered a notable body of conciliar legislation that sat easily alongside “Roman custom.” When the compilers distinguished between “Irish” and “Roman,” they did so in much the same way that Columbanus, early in the seventh century, presented the situation of Ireland to Pope Boniface IV as being both apart from Rome, in the sense of having never been an imperial province, and yet also now united with it after the subsequent expansion of Christianity: “For we [i.e. the Irish] are bound to St. Peter’s chair; for even though Rome is great and known to all, among us she is great and illustrious only because of that chair.”¹⁰⁹ A similar treatment

¹⁰⁶ T. M. Charles-Edwards, *The Early Mediaeval Gaelic Lawyer* (Cambridge, 1999), 6; Corning, *Celtic and Roman Traditions*, 104–105; Robin Chapman Stacey, *Dark Speech: The Performance of Law in Early Ireland* (Philadelphia, 2007), 179; Roy Flechner, “An Insular Tradition of Ecclesiastical Law: Fifth to Eighth Century,” in *Anglo-Saxon/Irish Relations before the Vikings*, ed. James Graham-Campbell and Michael Ryan (Oxford, 2009), 22–46, at 39–42; Meeder, “Text and Identities” (n. 9 above), 24–25; Sven Meeder, *The Irish Scholarly Presence at St. Gall: Networks of Knowledge in the Early Middle Ages* (London, 2018), 88; Flechner, *Hibernensis*, 1:70*; and Roy Flechner, *Making Laws for a Christian Society: The “Hibernensis” and the Beginnings of Church Law in Ireland and Britain* (London, 2021), 64–65.

¹⁰⁷ For the date and the probable connection with the Easter controversy, see Flechner, *Hibernensis*, 1:59*–61*.

¹⁰⁸ Hib, 51.6 (ed. Flechner, 1:409–10): “Britones toto mundi contrarii, moribus Romanis inimici.” Compare also Hib 20.6 (ed. Flechner, 1:115). Flechner contrasts the near absence of Easter in Hib with the norms of other late antique and early medieval canonical collections: *Hibernensis*, 2:882, n. 534. Immo Warntjes also comments on the significance that the issue is attached only to the Britons. See “Victorius vs Dionysius: The Irish Easter Controversy of AD 689,” in *Early Medieval Ireland and Europe: Chronology, Contacts, Scholarship. A Festschrift for Dáibhí Ó Cróinín*, ed. Pádraic Moran and Immo Warntjes (Turnhout, 2015), 33–97, at 37–38, n. 16.

¹⁰⁹ Columbanus, *Epistulae*, 5.11, ed. Walker, *Columbani opera* (n. 36 above), 48: “Nos enim, ut ante dixi, deuincti sumus cathedrae sancti Petri; licet enim Roma magna est et uulgata, per istam cathedram tantum apud nos est magna et clara.” See Charles-Edwards,

of the relationship between Ireland and the wider world of Latin Christendom is offered, tacitly but pervasively, in the *Hibernensis*: the canons attributed to “Irish synods” are on the one hand held up for special consideration alongside those from the collected “Roman” world, and yet on the other shown nowhere to contradict the *substance* of each other. The compilers’ pattern of attribution drew special attention to Ireland, but strove to present its conciliar tradition as a contribution to a larger whole rather than a separate body of opinion. In the immediate aftermath of the drawn-out Easter controversy, such a presentation must have seemed both timely and necessary.

The world from which the *Hibernensis* emerged was certainly one in which there existed widely different views on the relationship between the Irish Church and the wider Christian world. The bearers of those different views seem not, however, to have been arrayed against each other in distinct, self-identifying, and mutually excluding “parties” to the extent that we have usually supposed. One wonders if a broader spectrum of opinion therefore existed in the seventh century, beyond the maximalist positions taken by hard-line reformers and committed traditionalists over some of the key questions, and perhaps no longer requiring our seventh-century texts to speak according to strict “party” lines may allow more marginal or equivocal voices to emerge. Certainly, a greater variety of voices seems now to emerge from the *Collectio canonum Hibernensis*, if the canons which it attributed to “Romans” do indeed cover everything from papal decretals to texts influenced by the ideas of breakaway Columbanian monks. The compilers of the *Hibernensis* characterized their materials as “a great forest of writings,” and there remain parts of that forest which we have only begun to explore.

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Early Christian Ireland (n. 84 above), 374–75; Damian Bracken, “Authority and Duty: Columbanus and the Primacy of Rome,” *Peritia* 16 (2002): 168–213; and Damian Bracken, “Rome and the Isles: Ireland, England and the Rhetoric of Orthodoxy,” in *Anglo-Saxon/Irish Relations*, ed. Graham-Campbell and Ryan, 75–98.