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# COMMUNICATION TECHNIQUES AND THEIR EFFECTS IN THE CAROLINGIAN AGE: PREFACE

Shigeto Kikuchi

“Communication” as a theme of medieval studies is no longer new, but it still attracts the attention of many historians, who publish plenty of works on this topic. These works cover a wide range of themes related to various modes of communication — written, unwritten, and non-verbal ones.<sup>[1]</sup>

As regards the early Middle Ages, especially the Carolingian age, there are also recent important contributions to this field of research. Regarding research concerned with royal government, it is worth referring, for example, to the works of Rosamond McKitterick and Martin Gravel on the political communication within the Frankish kingdom, which made royal government possible under Charlemagne and Louis the Pious.<sup>[2]</sup> Capitularies, reckoned among the most important normative texts of the age, can no longer be regarded merely as royal decrees. Many of the texts counted in the category of capitularies<sup>[3]</sup> are now considered as parts of a communication process between the king and his elites, which promoted the political integration of the Frankish kingdom.<sup>[4]</sup> In the political communication between the center and regions on the level of royal government, an important role was played by *missi dominici* (royal envoys), who were in many cases the first users of capitularies. Carolingian *missi*, who were regarded by earlier studies as royal agents controlling regional officials, mostly belonged to the political elite, and their power was based in regions where they came from, held office, or owned land property. Thus, they could represent the interests of the monarch, of their peers, of their regional fellows and followers, and of themselves in the political communication at the highest level.<sup>[5]</sup> However, we must never forget that such widely extended communication centered around the royal court and on general assemblies was based on and connected with small-scale communication at the local level, such as at regional assemblies.

Royal diplomas are now also studied in the context of communication. On the one hand, a variety of literal and visual elements in them are considered as expressions of political messages. On the other, each issuing process of a diploma is regarded as a process of communication.<sup>[6]</sup> Thus, we can construe an issuing act of a diploma as a publicly staged performance, or as an issuing ritual. Geoffrey Koziol emphasizes the “performative” aspects of royal diplomas and their use, arguing that they were “issued in order to institute, publicize, and memorialize crucial alterations in the political regime.”<sup>[7]</sup>

[1] Cf. Marco Mostert, *A Bibliography of Works on Medieval Communication*, Utrecht Studies in Medieval Literacy 2 (Turnhout, 2012).

[2] Rosamond McKitterick, *Charlemagne. The Formation of a European Identity* (Cambridge, 2008), especially pp. 214–291; Martin Gravel, *Distances, rencontres, communications. Réaliser l'empire sous Charlemagne et Louis le Pieux*, Collection Haut Moyen Âge 15 (Turnhout, 2012). See also Jennifer R. Davis, *Charlemagne's Practice of Empire* (Cambridge, 2015), especially pp. 293–335.

[3] On the problem of this category, see the contribution of Takuro Tsuda in this issue.

[4] The most recent survey of studies on capitularies is Sören Kaschke and Britta Mischke, “Capitularies in the Carolingian

Period,” *History Compass* 17/10 (2019): e12592.

[5] Cf. Shigeto Kikuchi, *Herrschaft, Delegation und Kommunikation in der Karolingerzeit. Untersuchungen zu den Missi dominici (751–888)*, Monumenta Germaniae Historica Hilfsmittel 31 (Wiesbaden, forthcoming).

[6] Cf. Mark Mersowsky, *Die Urkunde in der Karolingerzeit. Originale, Urkundenpraxis und politische Kommunikation*, 2 vols., MGH Schriften, 60 (Wiesbaden, 2015). See also earlier literature cited in the introduction of Kikuchi's contribution in this issue.

[7] Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas. The West Frankish Kingdom (840–987)*, Utrecht studies in medieval literacy 19 (Turnhout, 2012) (citation from p. 3).

Other communication methods like envoys, messengers, and letters are also gathering attention, because they can be undoubtedly considered among the most important “media” in early medieval long-distance communication. With regard to early medieval letters and letter-communication,<sup>[8]</sup> Achim Thomas Hack’s book about the letter collection known as the *Codex Carolinus* must be cited. He explored how communication through letters was and could be established. His meticulous research on early medieval letter-praxis reveals not only the meanings of literal elements in letters like salutations, forms of address, closing prayers, and so on, but also the functions of envoys as letter-bringers and the presents that accompanied letters.<sup>[9]</sup> On envoys and messengers who were sent both with and without letters, Volker Scior published a series of articles and revealed the contemporary images of, expectations about, and functions of envoys in the context of early medieval communication-praxis. According to Scior, a faithful and reliable envoy should make communication between the two parties distanced spatially possible and stable as an agent physically representing his sender. Envoys acted at the intersection of written, oral, performative, and symbolic communication.<sup>[10]</sup>

With regard to the aforementioned early medieval symbolic communication, Ildar H. Garipzanov studied “a symbolic language used in the indirect communication of Carolingian authority,” dealing with “media” like various titles, monarchical signs, coins, images and portraits, and liturgy.<sup>[11]</sup>

This short survey can reveal that various materials, people, and acts are now studied in terms of communication. This collection of articles was planned to swim with the tide of recent historiography. Four Carolingianists tackle the theme of “communication techniques and their effects” with a question in mind: “how” did people in the Carolingian age use the various communication media available to them? Through the reexamination of the so-called *Capitulary of Frankfurt* and the reception of the *Admonitio generalis* in Bavaria, Takuro Tsuda urges us to change our understanding about political communication under Charlemagne. Shigeto Kikuchi attempts to reconsider the sanction clauses in Carolingian diplomas and contextualize their use. Martin Gravel focuses on original royal letters to reconsider Hartmut Hoffmann’s paradigm concerning letters and messengers. Sakae Tange, analyzing various documents concerning monasteries, especially around Adalhard of Corbie, attempts to reconstruct some features of “local communication” between the elites (including royal inquiry commission) and local inhabitants (including local monastic agents), as well as among the latter. All the contributions shall provide new insights into Carolingian society.

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[8] The most recent survey of studies on early medieval letters is Mark Mersowsky, “Früh- und hochmittelalterliche Briefe: ein Überblick,” in *Briefe aus dem Spätmittelalter: Herrschaftliche Korrespondenz im deutschen Südwesten*, ed. Peter Rückert (Stuttgart, 2015), pp. 9-31.

[9] Achim Thomas Hack, *Codex Carolinus. Päpstliche Epistolographie im 8. Jahrhundert*, 2 vols., Pápste und Papsttum 35 (Stuttgart, 2006-07).

[10] Volker Scior, “Stimme, Schrift und Performanz. ‘Übertragungen’ und ‘Reproduktionen’ durch frühmittelalterliche Boten,” in *Übertragungen. Formen und Konzepte von Reproduktion in Mittelalter und Früher Neuzeit*, ed. Britta Bußmann et. al., Trends in medieval philology 5 (Berlin – New York, 2005), pp. 77-99; “Veritas und certitudo oder: Warten auf Wissen. Boten in frühmittelalterlichen Informationsprozessen,” *Das Mittelalter* 11/1 (2006): 110-31; “Bemerkungen zum frühmittelalterlichen Boten- und Gesandtschaftswesen,” in *Der frühmittelalterliche Staat – europäische Perspektiven*, ed. Walter Pohl and Veronika Wieser, Denkschriften der

Österreichischen Akademie der Wissenschaften, Philosophisch-Historische Klasse 386; Forschungen zur Geschichte des Mittelalters 16 (Vienna, 2009), 315-29; “Vertrauen und Kontrolle. Boten als Augenzeugen in der mittelalterlichen Kommunikation,” in *Die Figur des Augenzeugen. Geschichte und Wahrheit im fächer- und epochenübergreifenden Vergleich*, ed. Amelie Rösinger and Gabriela Signori (Konstanz – Munich, 2014), pp. 27-40; “Vergegenwärtigung. Zur Präsenz des Boten in der brieflichen Kommunikation,” in *Frühmittelalterliche Briefe. Übermittlung und Überlieferung (4.-11. Jahrhundert)* = *La lettre au haut Moyen Age. Transmission et tradition épistolaires (IVe-XIe siècles)*, ed. Thomas Deswarte, Klaus Herbers, and Cornelia Scherer, Beihefte zum Archiv für Kulturgeschichte 84 (Cologne – Weimar – Vienna, 2018), 35-50.

[11] Ildar H. Garipzanov, *The Symbolic Language of Authority in the Carolingian World (c.751-877)*, Brill’s Series on the Early Middle Ages 16 (Leiden, 2008) (citation from p. 18).

# ON THE SO CALLED CAPITULARY OF FRANKFURT AND COMMUNICATION BETWEEN CHARLEMAGNE AND BAVARIA AT THE END OF THE 8TH CENTURY<sup>[1]</sup>

Takurô Tsuda

## ABSTRACT

The traditional view maintains that a document called the Capitulary of Frankfurt was a capitulary, a type of royal decree, issued at the assembly of Frankfurt in 794. Some historians further that it, like the *Admonitio generalis* of 789, was systemically copied and spread to every corner of the Frankish Kingdom. Such an assumption leads to the conclusion that political communication under Charlemagne was highly systematic and institutionalized. Building on recent research that has changed our understanding of the so-called capitularies in the Carolingian era, in this article, I focus on the context of the so-called Capitulary of Frankfurt and reevaluate previous understandings of it. Through this, I show the *ad hoc* nature of the political communication under Charlemagne, especially with respect to the use of the documents which have been traditionally called capitularies by historians.

## 1. INTRODUCTION

In this article I focus on the text, which is usually called the Capitulary of Frankfurt<sup>[2]</sup> and reevaluate previous understandings of this text and its context in order to revise our picture of political communication under Charlemagne. Along with the Capitulary of Herstal of 779 and the *Admonitio generalis* of 789,<sup>[3]</sup> historians have usually seen this as one of the representative capitularies of Charlemagne during the first half of his reign. The generally accepted view is that the so-called Capitulary of Frankfurt was a royal decree, namely a capitulary, which was issued at the assembly of Frankfurt of 794 (as a summary of its discussion).<sup>[4]</sup> Some historians also assume it was systematically copied and spread to every corner of the Frankish Kingdom,<sup>[5]</sup> as we know happened with the *Admonitio generalis*.<sup>[6]</sup> Such an assumption leads to conclusion that political communication under Charlemagne was highly systematic and institutionalized. But recent research has changed our understanding of the so-called capitularies in the Carolingian era and has undermined this

[1] Some of the ideas exhibited in this article appeared in my Japanese paper titled "The 'History of Historical Material' Relating to Document Born at the Council of Frankfurt in 794 and Document Utilization in the Sovereign Acts of the Carolingian Era," *Journal of Historical Studies (REKISHIGAKU KENKYU)*, 952, 2016, pp. 25-36.

[2] MGH Capit. 1, no. 28, pp. 73-78; MGH Conc. 2,1, no. 19, pp. 165-171.

[3] MGH Capit. 1, no. 20, pp. 46-51; *ibid.*, no. 22, pp. 52-62; *Die Admonitio generalis Karls des Großen*, eds. Hubert Mordek, Klaus Zechiel-Eckes and Michael Glathaar, MGH Fontes iuris 16 (Hannover, 2012).

[4] For example Wilfried Hartmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien* Konziliengeschichte: Reihe A Darstellungen (Paderborn, 1989), p. 105; Josef Fleckenstein, "Karl der Große und seine Hofgelehrten," in

*Das Frankfurter Konzil von 794. Teil I*, ed. Rainer Berndt SJ (Mainz 1997), pp. 27-48 (p. 43); Rosamond McKitterick, *Charlemagne. The Formation of a European Identity* (Cambridge 2008), pp. 240-242.

[5] Wilfried Hartmann, "Das Konzil von Frankfurt 794. Nachwirkung und Nachleben," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 331-355 (pp. 332f.); Hubert Mordek, "Aachen, Frankfurt, Reims. Beobachtungen zu Genese und Tradition des «Capitulare Francofurtense» (794)," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 125-148 (p. 125).

[6] *Admonitio generalis*, pp. 44-47, pp. 86-110. The editors of the new MGH-edition of the *Admonitio generalis* revealed from the analysis of the variants of texts that the *Admonitio* was reproduced in large numbers in a short time through dictation and was disseminated throughout the kingdom through *missi dominici*.

traditional picture.

Traditionally, a capitulary was seen as the decrees of the Frankish rulers, but recently some historians have started to doubt this interpretation<sup>[7]</sup>. Recent work emphasized the diversity of capitularies with respect to their forms, contents and contexts of production<sup>[8]</sup> and some historians have even come to the view that, in addition to not seeing capitularies in general as royal decrees, that at least during the reigns of Charlemagne and Louis the Pious, we should not talk about capitularies as a distinctive category of text.<sup>[9]</sup> In light of this research, we, therefore, have to also reconsider the nature of the so-called Capitulary of Frankfurt.

Given my position in this paper, continuing to use the term “the Capitulary of Frankfurt” is both confusing and misleading, since this gives the document the character of being a decree. Until now I have used the cumbersome term “the so called Capitulary of Frankfurt”. For simplicity, I will use the neutral Latin term *capitula*, meaning the text that is divided in chapters in the rest of this article.

## 2. THE CONTEXT OF THE CAPITULA OF FRANKFURT

To understand the nature of the *capitula* of Frankfurt, we must analyze not only its contents, but also its context. As far as I know, only Hartmann and Mordek have conducted intensive research on the circumstances of the *capitula*'s production, emission, and manuscript tradition.<sup>[10]</sup> I owe much of my information to both researchers, but I reach different conclusions.

### 2.1. THE ASSEMBLY OF FRANKFURT OF 794

The *capitula* of Frankfurt was purportedly written down at the assembly of Frankfurt of 794. Historians have repeatedly and appropriately emphasized and continue to emphasize the religious and political significance of this assembly. The Royal Frankish Annals calls it a *synodus magna* and explains that it discussed the theological problems of Adoptionism and Iconoclasm.<sup>[11]</sup> From the *capitula* itself we also know that this assembly dealt with the deposition of Tassilo III of Bavaria and that many other religious and political topics, notably those in line with the ecclesiastical reform of the *Admonitio generalis* of 789. The fact that many contemporaneous annals mentioned this assembly,<sup>[12]</sup> makes us assume that its contemporaries paid it special attention.

[7] Much of the prior work on capitularies, appears on the website for the project to produce a new edition of capitularies (<http://capitularia.uni-koeln.de/> [accessed 14 January 2020]). However the project title itself, “CAPITULARIA. Edition der fränkischen Herrschererlasse,” shows the survival of the old idea, which see capitularies as the decrees of the rulers.

[8] Since Pokorny pointed out the importance of inductive approach for the study of capitularies, it has been repeatedly emphasized: Rudolf Pokorny, “Eine Brief-Instruktion aus dem Hofkreis Karls des Großen an einen geistlichen Missus,” *Deutsches Archiv für Erforschung des Mittelalters* 52 (1996), pp. 57-83 (p. 78); Christina Pössel, “Authors and recipients of Carolingian capitularies, 779-829,” in *Texts and Identities in the Early Middle Ages*, Österreichische Akademie der Wissenschaften Philosophisch-Historische Klasse Denkschriften, 344. Band. Forschungen zur Geschichte des Mittelalters Band 12, eds. Richard Corradini, Rob Meens, Christina Pössel and Philip Shaw (Vienna 2006), pp. 253-274 (p. 255); McKitterick, *Charlemagne*, pp. 233f.; Simon MacLean, “Legislation and politics in late Carolingian Italy: the Ravenna constitutions,” *Early Medieval Europe* 18/4 (2010), pp. 394-416 (pp. 395-397); Britta Mischke, *Kapitularenrecht und Urkundenpraxis unter Kaiser Ludwig dem Frommen (814-840)*, Inaugural-Dissertation zur Erlangung der Doktorwürde der Philosophischen Fakultät der Rheinischen Friedrich-

Wilhelms-Universität zu Bonn (Bonn 2013), p. 22. See also informative lexicon article of the leading scholar in this field, Gerhard Schmitz, “Art. Kapitularien,” in *Handwörterbuch zur deutschen Rechtsgeschichte* 2, 15. Lieferung (Berlin 2012), Sp. 1604-1612.

[9] It seems that Steffen Patzold was the first to doubt the existence of capitularies as a clear category of texts: Steffen Patzold, “Normen im Buch. Überlegungen zu Geltungsansprüchen so genannter Kapitularien,” *Frühmittelalterliche Studien* 41 (2007), pp. 331-350 (pp. 349f.); Idem, “Capitularies in the Ottonian realm,” *Early Medieval Europe* 27/1 (2019), pp. 112-132 (p. 115 and pp. 118f.). See also Takuro Tsuda, “Was hat Ansegis gesammelt? Über die zeitgenössische Wahrnehmung der ‘Kapitularien’ in der Karolingerzeit,” *Concilium medii aevi. Zeitschrift für Geschichte, Kunst und Kultur des Mittelalters und der Frühen Neuzeit* 16 (2013), pp. 209-231; Idem, “War die Zeit Karls des Großen ‘die eigentliche Ära der Kapitularien?’” *Frühmittelalterliche Studien* 49 (2015), pp. 21-48.

[10] Hartmann, “Konzil von Frankfurt”; Mordek, “Aachen, Frankfurt, Reims”.

[11] MGH SS rer. Germ. 6, p. 94.

[12] See RI I n. 324a, in: Regesta Imperii Online, URI: [http://www.regesta-imperii.de/id/0794-06-01\\_1\\_0\\_1\\_1\\_0\\_879\\_324a](http://www.regesta-imperii.de/id/0794-06-01_1_0_1_1_0_879_324a) (accessed 14 January 2020).



Historians traditionally called this assembly in 794 the Synod or Council of Frankfurt. This word, however, connotes an exclusively religious character, which seems misleading to me. We cannot and should not draw a sharp distinction between a secular royal assembly and a religious synod in the era of Charlemagne and it is highly probable that Charlemagne's contemporaries also had no such a distinction.<sup>[13]</sup> Therefore, I think the more neutral term "assembly of Frankfurt" better captures and translates the nature of the gathering than using the word "synod" or "council".

## 2.2. VERY WEAK MANUSCRIPT TRADITION

The *capitula* of Frankfurt does not survive in original, as is usual with this sort of text from the Carolingian Age. The oldest manuscript which contains a copy of it is one that was owned by Hincmar of Reims from the late 9th Century.<sup>[14]</sup> All of other three surviving manuscripts, which contain this text, are its derivatives (or derivative of its derivative).<sup>[15]</sup> Therefore we have a very weak manuscript tradition for this text.

The sparsity of copies of any given *capitula* is always explained with the argument, that there must have been many copies lost accidentally and we have many cases where important capitularies survive in only a few manuscripts.<sup>[16]</sup> However, it is difficult to immediately accept such an explanation, when we take into consideration the fact that, among the documents which have been regarded as "capitularies", certain texts with a certain formal character survive in a large number of manuscripts,<sup>[17]</sup> such as the Capitulary of Herstal from 779, the *Admonitio generalis* and so-called *capitulare legibus additum* from 803.<sup>[18]</sup> As mentioned above, it is now clear that the *Admonitio generalis* was systematically copied and spread by the court, and it is considered that such conduct of the court is also reflected in the surviving number of the *Admonitio generalis*. Besides such *capitula* in decree-like style, we have some examples of the *capitula* for *missi dominici* with many surviving manuscripts.<sup>[19]</sup> In those cases, we can also assume systematic copying and distributing of those *capitula*, although their texts seem less formal and look like some kind of memoranda. On the other hand, the so-called *capitulare missorum generale* (or "programmatic capitulary") from 802,<sup>[20]</sup> which has been regarded as a typical example of the important capitulary surviving in only a few manuscript, is now regarded not as a royal decree, but rather as an amalgam of various fragments from the discussions in Aachen 802.<sup>[21]</sup> It seems to me that in most cases the manuscript tradition reflects the original nature and treatment of the text and we should avoid attributing the number of surviving manuscripts of each texts absolutely to accident.

## 2.3. THE ABSENCE OF ANY TRACE OF LATER CONSULTATION IN MEDIEVAL SOURCES

Another factor lends weight to denying that the very weak manuscript tradition for this *capitula* is merely accidental. While we have many examples for the later consultation and see verbatim quotation of the *Admonitio generalis* in other documents, historians still have not found any later consultations to the *capitula* of Frankfurt in medieval sources. Hartmann has tried to explain this

[13] Daniel Eichler, *Fränkische Reichsversammlungen unter Ludwig dem Frommen* (Hannover 2007). On the nature of this assembly see also Philippe Depreux, "L'expression «statum est a domno rege et sancta synodo» annonçant certaines dispositions du capitulaire de francfort (794)," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 81-101.

[14] Paris Bibliothèque nationale de France, MS lat. 10758.

[15] Mordek, "Aachen, Frankfurt, Reims," p. 136.

[16] Regarding the *capitula* of Frankfurt, see Hartmann, "Konzil von Frankfurt," pp. 331f.; Thomas Martin Buck, *Admonitio und Praedicatio. Zur religiös-pastoralen Dimension von Kapitularien und kapitularienahen Texten (507-814)* Freiburger Beiträge zur mittelalterlichen Geschichte Band 9, (Frankfurt am Main 1997), p. 15 and n. 7.

[17] On the manuscripts tradition of the texts which are edited in

MGH-edition of capitularies, see Hubert Mordek, *Bibliotheca capitularium regum Francorum manuscripta. Überlieferung und Traditionszusammenhang der fränkischen Herrscherlassse* MGH Hilfsmittel, 15 (Munich, 1995).

[18] MGH Capit. 1, no. 39, pp. 111-114.

[19] For example MGH Capit. 1, nos. 43 and 44, pp. 120-126.

[20] MGH Capit. 1, no. 33, pp. 91-99.

[21] Patzold, "Normen im Buch." Although Michael Glathaar, "Subjektiver und indirekter Stil in den Kapitularien Karls des Großen. Ein Beitrag zur Frage ihrer Entstehung," *Deutsches Archiv für Erforschung des Mittelalters* 70, (2014), pp. 1-42 (pp. 18-23) presents an interpretation that makes several important points and differs slightly from Patzold, his thesis does not seem to completely explain the low quality of Latin of the text and the weak manuscript tradition.

situation by arguing that the contents of the *capitula* of Frankfurt are practically a repeat of the regulations in the *Admonitio generalis*.<sup>[22]</sup> I do not, however, find his explanation convincing. Anyone who reads the *capitula* of Frankfurt can easily notice that it includes several original chapters. Furthermore, Mordek has rightly proved by careful comparison of texts that not only the *Admonitio generalis*, but also the *Collectio Dionysio-Hadriana* was consulted in order to compose the *capitula* of Frankfurt. This means that at the assembly of Frankfurt the participants did not simply reaffirm the regulations of the *Admonitio*, but rather tried to reevaluate and improve upon it by consulting their original source, i.e. the canons preserved in *Collectio Dionysio-Hadriana*.<sup>[23]</sup> One fruit of this process of reflecting and improving on the *Admonitio* along with discussions on other topics might be the *capitula* of Frankfurt.

But now we should be careful not to simply conclude from the *capitula*'s production in response to the *Admonitio* and the *Collectio Dionysio-Hadriana* that the *capitula* was composed as an "official" document of this assembly or a royal decree. Although the weak manuscript tradition and the absence of later consultation are enough to spark doubt about the official status of this document, I will offer further evidence that the *capitula* is not a royal decree.

#### 2.4. THE ABSENCE OF ANY REFERENCE TO THE *CAPITULA* OF FRANKFURT IN CONTEMPORANEOUS SOURCES

While in the entry for 794 the Royal Frankish Annals mentions the production of a *liber* at the assembly of Frankfurt, which condemned the heresy of Felix, i.e. Adoptionism,<sup>[24]</sup> we have no medieval historiography which mentions the production of any other documents at this assembly.

Of course, the absence of such historiographical evidence does not compel the conclusion that royal decree was not produced, systematically copied, and spread. The *Admonitio* and the Capitulary of Herstal are not mentioned in any contemporaneous annals, although we can assume in both cases the systematic copying and distributing by the court. However, we must take into account the difference between these two cases and the assembly of Frankfurt. For the two former texts, the historical sources mention neither their actual production nor the venues of their productions.<sup>[25]</sup> In contrast, we have many contemporaneous annals which refer to the assembly of Frankfurt as described above, but all of them are silent about the *capitula*. On the other hand, we have some examples of several entries in the contemporaneous historiographies which mention the production of a document at an assembly and, in some cases, their systematic distribution, such as: a series of *capitula* of 802-803; the so-called *institutio canonicorum aquisgranensis* of 816; a series of *capitula* of 818-819.<sup>[26]</sup> All these texts share the distinctive feature of having an abundant manuscript tradition.

Therefore if the *capitula* of Frankfurt was actually a sort of royal decree that had been issued, systematically copied and distributed at the assembly of Frankfurt, we ought to find at least some reference to this act in contemporaneous sources. The absence of such an information makes the traditional claim that this is a royal decree highly suspect.

#### 2.5. THE UNUSUAL FORM OF THE *CAPITULA* OF FRANKFURT

Many historians have already noticed that the *capitula* of Frankfurt is a heterogeneous text in its

[22] Hartmann, "Konzil von Frankfurt," p. 333.

[23] Mordek shows sixteen examples of major revisions or corrections to the regulations of the *Admonitio* in the *capitula* of Frankfurt, see Mordek, "Aachen, Frankfurt, Reims," pp. 139-148.

[24] MGH SS rer. Germ. 6, p. 94f. This *liber* is preserved in a manuscript written in 821 for Baturich, Bischof of Regensburg (München, Bayerische Staatsbibliothek, Lat. 14468) and in a manuscript written for Hincmar of Reims (Reims, Bibliothèque Carnegie, Ms. 385) at the end of 9th

Century. It is curious that both manuscripts don't include the *capitula* of Frankfurt. We can now read this *liber* in MGH Conc. 2,1, no. 19, pp. 142-157.

[25] The Capitulary of Herstal was issued at the assembly of Herstal in 779. The *Admonitio generalis* was composed by a relatively small circle of the royal court, see *Admonitio generalis*, p. 47f.; Glatthaar, "Subjektiver und indirekter Stil," pp. 4f.

[26] For this sort of cases, see Tsuda, "War die Zeit Karls des Großen 'die eigentliche Ära der Kapitularien'?"



contents and the forms of its chapters: some chapters are very elaborate following the style of annalistic sources<sup>[27]</sup> and others are hardly more than a list of keywords.<sup>[28]</sup> Moreover chapters in which the King himself speaks in the first person coexist alongside those with the sentences in the third person which refer to “our lord King Charles”.<sup>[29]</sup>

Mordek argues that the diversity of forms and contents is a familiar characteristic of capitularies and this should not make us to see the *capitula* of Frankfurt as a private and unofficial text.<sup>[30]</sup> It is true that MGH-edition of capitularies include many texts with a heterogeneous character with respect to their forms and contents. But does this allow us to draw the conclusion that the *capitula* of Frankfurt was issued as an official text, i.e. a royal decree? I think that Mordek’s argument evidences a typical problem with the traditional studies of “capitularies”, which sees capitularies as a distinctive category of text and attribute to all “capitularies” characteristics which have only been detected in some texts without thinking about whether the category “capitulary” existed contemporaneously or has been artificially constructed by modern researchers. My suggestion is that we should tentatively abandon the text-category “capitulary” and evaluate the distinctive features of each of the individual texts in the MGH-compilation.

From my perspective, the unusual forms and varied contents in the *capitula* of Frankfurt are distinctive enough to make the official character of the text suspect, especially when we compare it to the texts that we have strong reasons to see as have some of the characteristics of royal decrees, such as the Capitulary of Herstal and the *Admonitio generalis*, which both have better organized structures and more consistently edited contents.

## 2.6. SUMMARY OF THIS SECTION

When we take into account the weak manuscript tradition, the absence of any trace of later consultation in medieval sources, the absence of any reference in contemporaneous sources and the unusual form and varied contents, the traditional idea that the *capitula* of Frankfurt was issued as a royal decree and systematically copied and spread to every corner of the Kingdom, must be abandoned.

But now we must cast our attention on a Bavarian text which allegedly mentions the *capitula* of Frankfurt and has been offered as the very evidence of the *capitula*’s systematic copying and spreading. This text and the claim that it refers to the *capitula* are widely known, but the veracity of the claim has been assumed rather than proven and needs to be more carefully analyzed.

## 3. BAVARIA AND THE CAPITULA OF FRANKFURT AT THE END OF 8TH CENTURY

### 3.1. THE PREFACE OF THE SO-CALLED TRIPLE SYNOD

In the summer of 798 Arn of Salzburg, after he received *pallium* from Pope as the Bavarian first archbishop in April of that year, announced a *synodale conlocuium* (i.e. a provincial synod) at Reisbach on 20th August in his letter to his suffragan bishops.<sup>[31]</sup> As the reason for this announcement

[27] Chapters 1-3 which deal with the theological problems (Adoptionism and Iconoclasm) and the deposition of Tassilo III are elaborated like annals or the proceedings of an assembly. The majority of the rest of chapters include regulations for the ecclesiastical reform, but some treat very specific cases which look like judgments by the King and the assembly.

[28] For example chapter 34 reads as “De avaricia et cupiditate calcanda”; chapter 35, “De hospitalitate sectanda”; chapter 43, “De arboribus et lucis destruendis canonica observetur auctoritas.” These themes had been dealt with in chapters 33, 75 and 65 of the *Admonitio generalis*.

[29] There is also a chapter where sentences in the first and third person coexist (chapter 6).

[30] Mordek, “Aachen, Frankfurt, Reims,” pp. 129-131.

[31] MGH Conc. 2,1, no. 22, pp. 196f. This letter was tradition-

ally seen as one of the grounds for the existence of the synod that was held in 798 in Reisbach, but now many historians think this synod to be the construction of modern historians, see Peter Landau, “Kanonensammlungen in Bayern in der Zeit Tassilos III. und Karl des Großen,” in *Regensburg, Bayern und Europa. Festschrift für Kurt Reindel zum 70. Geburtstag*, eds. Lothar Kolmer and Peter Segl (Regensburg, 1995), pp. 137-160 (p. 158); Kurt Reindel, “Bayerische Synoden im 8. Jahrhundert,” in *Bayern vom Stamm zum Staat. Festschrift für Andreas Kraus zum 80. Geburtstag Band I*, eds. Konrad Ackermann, Alois Schmid and Wilhelm Volkert (Munich 2002), pp. 1-18 (p.13-15); Stephan Freund, *Von den Agolfingern zu den Karolingern. Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und karolingischer Reform (700-847)* (Schriftenreihe zur bayerischen Landesgeschichte

Arn states that a *synodale conloquium* was already held in *Francia* by bishops of the Kingdom.<sup>[32]</sup> Arn also demanded the *capitula* which was produced in the *synodo* in *Francia* be brought to the announced provincial synod.<sup>[33]</sup> However, this *synodale conloquium* seems to have not been held in August, perhaps because of the illness of Arn,<sup>[34]</sup> and to instead have been put off until next year. Then three provincial synods, the so-called triple synod, were held in succession at Reisbach, Freising and Salzburg.<sup>[35]</sup> The decisions of all three synods survive as a united text.<sup>[36]</sup> The preface of this text<sup>[37]</sup> refers to *capitulis collectis in loco nuncupato Francorum vado*, which Simpert, one of the suffragan bishops of Arn, brought to the synod in Reisbach. Because the Latin of this preface has grammatical flaws (vis-à-vis classical Latin), the meanings of sentences are sometimes unclear, as its Editor, A. Werminghof, already indicated.<sup>[38]</sup> What follows is the transcription of the edition of Werminghof with his punctuation:

[...] Simulque etiam in unum revolventes quod gloriosissimus rex constituerat ad emendationem totius ecclesiae, - hoc per virum venerabilem Sintbertum episcopum usque ad nos dirigere studuit cum aliis relegiosis viris, - quicquid ad Aquis de religionis statu vel vitae morum oportunitate, discerpsit pariterque et illud, quod in magno concilio cum capitulis collectis in loco nuncupato Francorum vado quae per omnes provincias observare decrevit, nosque haec in medium deferentes studuimus ea per singula recitare et, in quantum potuimus, quae illic inserta non fuerant nos canonum auctoritate augere curavimus.[...]<sup>[39]</sup>

Band 144 (Munich 2004), pp. 211f.; Daniel Carlo Pangerl, *Die Metropolitanverfassung des karolingischen Frankenreiches* MGH Schriften Band 63 (Hannover 2011), pp. 204f. Davis is trying to revive the 798 synod, but it seems that she has not enough conferred with any prior research other than Pangerl and this makes her argument unconvincing. Jennifer R. Davis, *Charlemagne's Practice of Empire* (Cambridge 2015), pp. 251f.

[32] "[...] quia id ipsum a confratribus nostris episcopis hoc anno in regno domni senioris nostri in Francia est peractum." (MGH Conc. 2,1, p. 196). Some historians, including the editor of MGH-Edition, have found it difficult to identify the mentioned *synodale conloquium*, see MGH Conc. 2,1, p. 196, n. 1; Davis, *Charlemagne's Practice of Empire*, p. 70, n. 122. But the mentioned assembly seems to be the one of Aachen in 797. The *Annales sancti Amandi* describes "797. Carlus rex ad Aquis palatium concilium habuit cum episcopis, abbatibus, monachis, de coenobium sancti Pauli, qualiter constituere deberet." MGH. SS 1, p.14. It is unclear whether Arn participated in this assembly, but we should not overlook that the theme of the assembly was the reorganization of the monastery San Paolo fuori le mura, in which Arn was deeply involved. See Hartmann, *Synoden der Karolingerzeit*, p. 119.

[33] "[...] si illa capitula, quae in illa synodo in Francia gesta fuerunt, scripta habeatis, vobiscum deferere." (MGH Conc. 2,1, p. 196). In the assembly of Aachen 797 the so-called *capitulare saxonum* was issued (MGH Capit. 1, no. 27, pp. 71f.), but it is not clear whether Arn knew of the existence of the *capitulare saxonum* and demanded this specific *capitulare*. It seems to me also possible that Arn did not have in mind a specific *capitula*, but he sought any *capitula* made in *Francia* which could help his church reform in Bavaria.

[34] The letters show how Arn has suffered from illness several times during that summer and autumn. MGH Epp. 4, nos. 151, 152 and 158, pp. 247f. and pp. 256f. See Herwig Wolfram, *Salzburg, Bayern, Österreich* (Wien 1995), p. 292f.; Maximilian Diesenberger and Herwig Wolfram, "Arn und Alkuin 790 bis 804: zwei Freunde und ihre Schriften," in *Erzbischof Arn von Salzburg*, eds. Meta Niederkorn-Bruck and

Anton Scharer (Wien 2004), pp. 81-106, (p. 85).

[35] Many contemporary historians (excluding Davis) connect the above mentioned invitation letter to this triple synod, see Hartmann, *Synoden der Karolingerzeit*, p. 142; Reindel, "Bayerische Synoden im 8. Jahrhundert," p. 13f.; Freund, *Von den Agilolfingern zu den Karolingern*, p. 229, n. 325; Pangerl, *Metropolitanverfassung*, 204f.; Davis, *Charlemagne's Practice of Empire*, pp. 70 and 251f. However, the problem of the difference between the announced date (20. August) and the first session of the triple synod (20. January), which led Hauck to assume the synod of Reisbach in 798, has been unsolved, see Albert Hauck, *Kirchengeschichte Deutschlands II* (Leipzig 1912), pp. 458-461. What should not be overlooked here is that this text is only an invitation, not evidence that the assembly was in fact held. Therefore if we think that the synod was postponed to January 20 next year, the date gap can be explained. As shown below, Simpert brought *capitula* to the synod of Reisbach (first session of the triple synod) and this seems to be the response to Arn's demand in this invitation letter.

[36] MGH Conc. 2,1, no. 24, pp. 205-213. Opinions are divided among historians on the date of each synod, but a consensus is emerging that the synod of Reisbach was held on the 20th January in 799. On this problem, see Hartmann, *Synoden der Karolingerzeit*, p. 142; Egon Boshof, *Die Regesten der Bischöfe von Passau I 731-1206* (Munich, 1992), pp. 13f.; Hubert Mordek and Michael Glatthaar, "Von Wahrsagerinnen und Zauberern. Ein Beitrag zur Religionspolitik Karls des Großen," *Archiv für Kulturgeschichte* 75 (1993), pp. 33-64; Reindel, "Bayerische Synoden," p. 16; Freund, *Von den Agilolfingern zu den Karolingern*, pp. 229f.; Pangerl, *Metropolitanverfassung*, pp. 206-208.

[37] This "preface" is not included in MGH-Edition. For the text, see Albert Werminghof, "Zu den bayerischen Synoden am Ausgang des achten Jahrhunderts," in *Festschrift Heinrich Brunner zum 70. Geburtstag dargebracht von Schülern und Verehrern* (Weimar, 1910), pp. 39-55.

[38] Ibid., p. 43, n. 4.

[39] Ibid., p. 43.

We might safely conclude that the first mentioned text, which Charles at Aachen brought together, means the *Admonitio generalis*, since the *Admonitio* had actually been composed at Aachen and the decisions of the triple synod echo the reform program of the *Admonitio*.<sup>[40]</sup> Although some historians believe that this passage mentions an assembly in Aachen<sup>[41]</sup> besides that of Frankfurt, in fact, the *magnum concilium* is mentioned only in relation to Frankfurt. Thus, this passage is consistent with the circumstances of the production of the *Admonitio generalis*, which was written in a small circle centered on Charles in Aachen.<sup>[42]</sup>

The interpretative task we need to consider is the sentences that follow. Historians have generally believed the *capitula*, which the preface describes as having been collected at Frankfurt, to be the *capitula* of Frankfurt and they have assumed from this parts of text that Charlemagne sent the *Admonitio generalis* and the *capitula* of Frankfurt through Simpert to the synod of the recently founded Bavarian church province, because both texts should be observed at all church provinces in his kingdom. This assumption could easily lead us to the conclusion that the administration and political communication under Charlemagne was highly systematic and institutionalized, because it means that not only the *Admonitio generalis*, but also the *capitula* of Frankfurt had been systematically distributed to all church provinces and thereafter their original exemplars were preserved at the court archive for the future consultation or possible redistribution.

However this assumption conflicts with the very small number of surviving manuscripts of the *capitula* of Frankfurt mentioned above and the silence of contemporary annals about the *capitula*. Moreover the contents of the *capitula* of Frankfurt appear to have had no influence upon the decisions of the triple synod. Then how should we interpret the sentences of this preface? To answer this question we must look at the situation in Bavaria at the end of 8th Century.

### 3.2. BAVARIAN BISHOPS AND THE ASSEMBLY OF FRANKFURT

During much of 8th Century, Bavaria had some sort of semi-autonomous status under the Agilolfingian dukes, but in 788, when Charlemagne defeated the last duke of Bavaria, Tassilo III, it was annexed to the Frankish kingdom. Nevertheless the Bavarian bishops survived this political change and after 788 they emerged as *de facto* agents of Charlemagne used to control this region.<sup>[43]</sup> This was especially true of Arn of Salzburg who already had had some ties to *Francia* even before 788,<sup>[44]</sup> and after Bavaria's annexation into the Frankish Kingdom he became one of the most loyal servants of Charlemagne there. This might have lead Charlemagne to raise Salzburg, instead of the traditional Bavarian capital Regensburg, to the status of an archbishopric in 798.<sup>[45]</sup>

[40] Hartmann, "Konzil von Frankfurt," pp. 332f.; Mordek, "Aachen, Frankfurt, Reims," p. 126, n. 2; *Admonitio generalis*, p. 115. The notion that the so-called *Karoli regis mandatum* (edited in MGH Conc 2,1, pp. 213f; Mordek, *Bibliotheca capitularium*, pp. 974f.) is the text referred to here can be completely denied, because the use of the *Admonitio generalis* in the triple synod goes far beyond the content of the *mandatum* which contained only 8 extracted articles from the *Admonitio*. Although the 16th century manuscript from Salzburg which uniquely conveys this *mandatum* includes a note that "Charlemagne sent Simpert to Arn ...," this note is only a poor excerpt of the preface of the triple-synod, see Hartmann, *Synoden der Karolingerzeit*, p. 143, n. 9. It cannot be completely denied that this excerpt from the *Admonitio* is somehow related the triple synod, and perhaps it might be an excerpt created there, but it is difficult to make any further speculations.

[41] Hartman had maintained in 1989 that two ecclesiastical assemblies of Frankfurt and Aachen are mentioned here and stated that in Aachen the ecclesiastical assembly was held only in 797 and 800 and both of which left no decision, see Hartmann, *Synoden der Karolingerzeit*, p. 143, n. 9 (Rein-

del also followed him, Reindel, "Bayerische Synoden im 8. Jahrhundert," p. 17). Davis, *Charlemagne's Practice of Empire*, p. 243, n. 25 also tackles with this problem, but her argument has many confusions.

[42] On the circumstances of the production of the *Admonitio generalis*, see *Admonitio generalis*, p. 47f. The fact that the *Admonitio* was issued in Aachen by Charlemagne also becomes clear from this text itself, therefore those who were not participating in the place of its production can write the quoted part of the preface of the triple synod.

[43] Freund, *Von den Agilolfingern zu den Karolingern*; Davis, *Charlemagne's Practice of Empire*, pp. 69-77. On the activities of Bavarian bishops as *missi dominici*, see Shigeto Kikuchi, "Anhang: Prosopographie der Missi dominici (751-887/888)," in idem, *Untersuchungen zu den Missi dominici. Herrschaft, Delegation und Kommunikation in der Karolingerzeit* (Dissertation, LMU München 2013).

[44] He was the abbot of Saint-Amand from 782. His role in the takeover of Bavaria by Charlemagne is not clear. See Davis, *Charlemagne's Practice of Empire*, p. 69 and n. 119.

[45] On the raise of Salzburg to Archbishopric by the initiative of Charlemagne, see Pangerl, *Metropolitanverfassung*, pp. 108-

Did the Bavarian bishops participate in the assembly of Frankfurt in 794? The *capitula* does not provide a list of participants, but the *Annales Maximiniani* tell us, “King Charles held a great *synodus* with all bishops from Gaul, Aquitaine, Italy and Bavaria [...]”.<sup>[46]</sup> Although this information is not definitive, since “the Bavarian bishops” are not named in the Royal Frankish Annals and other contemporaneous annals,<sup>[47]</sup> it is hard to imagine, that there were no Bavarian bishops at Frankfurt, where the resignation of the former Duke Tassilo was on the agenda. It is also noticeable that some minor annals from Bavaria mention the assembly of Frankfurt,<sup>[48]</sup> although they refer only rarely to assemblies.

On the other hand, the preface of the triple synod suggests that Arn did not possess the *Admonitio generalis* and *capitula collecta in loco nuncupato Francorum vado* of Frankfurt until 798, because the preface of the decisions of the triple synod describes Simpert as the one who brought these *capitula* to the synod. This information does not accord with the idea that the *capitula* of Frankfurt was systematically distributed after the assembly.

One possible explanation, which many historians seem to adopt, in most cases implicitly, is that the *capitula* had only been handed out to the archbishops at Frankfurt and after 798 Charlemagne sent it along with the *Admonitio generalis* to the newly raised archbishop through Simpert. But when we take into account the activity of Arn at the end of 8th Century, this idea cannot be sustained.

### 3.3. ACTIVITIES OF ARCHBISHOP ARN OF SALZBURG

#### AT THE END OF 8TH CENTURY<sup>[49]</sup>

Perhaps after participating in the assembly of Aachen in October 797, Arn was dispatched to Rome by Charlemagne as one member of a twelve person Frankish legate at the end of this year. He received *pallium* from Pope Leo III in April 798 there. On his way back from Rome while heading to the north of the Alps, the Charlemagne’s envoy arrived to him with a letter (*epistola sua*), which demanded Arn go directly to the region of the Slavs (*partes Sclavorum*) in order to proselytize them.<sup>[50]</sup> But he did not follow this demand and went instead to Charlemagne in order to report the recent situation in Rome. After reporting to Charlemagne, Arn finally headed to the mission area.<sup>[51]</sup> The invitation letter of Arn to the provincial synod at Reisbach was probably issued around this time. According to the *Conversio Bagoariorum et Carantanorum* Arn then reported the results of his missionary activities to Charlemagne. It is unclear whether Arn was face-to-face with Charlemagne or Arn interacted with Charlemagne through envoys.<sup>[52]</sup> Since it is recorded that the two exchanged messages several times,<sup>[53]</sup> if the exchanges were conducted through messengers, there must have been multiple contacts.

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[46] “Carolus rex synodum magnam habuit ad Frangonofurt cum omnibus episcopis Galliae, Germaniae, Aquitaniae, Italiae, Baiowariae [...]”, MGH SS 13, p. 22. On this annals, see Florence Close, “Les Annales maximiniani. Un récit original de l’ascension des Carolingiens,” in : *Bibliothèque de l’École des chartes* 168 (2010), pp. 303-325. The context of their production is not yet clear.

[47] The Royal Frankish Annals mention only “episcoporum Galliarum, Germanorum, Italarum.” MGH SS rer. Germ. 6, p. 94.

[48] MGH SS 30,2, pp. 736f.

[49] The following itinerary of Arn is based on Wolfram, *Salzburg, Bayern, Österreich*, pp. 291-293; Freund, *Von den Agilolfingern zu den Karolingern*, p. 211, n. 240; Rudolf Schieffer, “Arn von Salzburg und die Kaiserkrönung Karls des Großen,” in *Bayern und Italien. Politik, Kultur, Kommunikation (8.-15. Jahrhundert). Festschrift für Kurt Reindel zum 75. Geburtstag*, eds. Heinz Dopsch, Stephan Freund and

Alois Schmid (Munich 2001), pp. 104-121 (pp. 109-118); Diesenberger and Wolfram, “Arn und Alkuin,” pp. 84-86; Herwig Wolfram, *Conversio Bagoariorum et Carantanorum. Das Weissbuch der Salzburger Kirche über die erfolgreiche Mission in Karantanien und Pannonien*, (Laibach 2012), pp. 158-162.

[50] Wolfram, *Conversio Bagoariorum et Carantanorum*. c. 8, p. 70.

[51] Ibid. It is not clear where and when Arn met Charlemagne. Charlemagne was in this summer in Sachsen and according to the *Annales Mosellani* returned to Aachen in autumn. MGH SS 16, p. 499.

[52] Wolfram, *Salzburg, Bayern, Österreich*, p. 293 and idem, *Conversio Bagoariorum et Carantanorum*, p. 161 argued that this part of the *Conversio Bagoariorum et Carantanorum* does not imply the face-to-face meeting, but Diesenberger and Wolfram, “Arn und Alkuin,” p. 85 assumes that Arn visited the king at Aachen, without any basis.

[53] Wolfram, *Conversio Bagoariorum et Carantanorum*, c. 8, p.



The activities of Arn mentioned above show that he was in contact with Charlemagne many times directly and indirectly in 798. This means that Charlemagne had several chances to give Arn the *Admonitio generalis* or his other *capitula*. The traditional idea is that he had sent the *capitula* which are mentioned in the preface of the triple synod to Arn through Simpert and, setting aside the *capitula* of Frankfurt, there is no doubt that the *Admonitio generalis* was actually brought to the synod of Reisbach in January 799 by Simpert. But this leaves the question of why Charlemagne had not directly handed the *Admonitio generalis* to Arn.

The invitation letter from Arn at the summer of 798, which demands *capitula* be brought to the announced provincial synod, is also notable. It suggests that in this time Arn had strongly felt the need to acquire *capitula* which could prove useful for enacting the ecclesiastical reform in his church province. From this we could possibly infer that Arn himself was not previously in possession of the documents necessary to accomplish the reforms Charlemagne had directed. This raises the question: Why did not he then request such *capitula* directly from Charlemagne? Perhaps Arn did, but Charlemagne did not or could not respond to this request!

This situation leads us to the conclusion that Simpert brought *capitula* not by the initiative of Charlemagne, but in response to the demand of his archbishop, highly probably contained in the invitation letter of 798. And Simpert's *capitula* could not have been handed to him in this year by Charlemagne, because in this case we cannot explain why Charlemagne did not give these *capitula* directly to Arn. Simpert seems to have brought the *Admonitio generalis* from the archive of his bishopric. The last question we have to think about is why it was Simpert who brought the *Admonitio*.

### 3.4. BISHOP SIMPERT OF AUGSBURG/NEUBURG (†807)

While *Vita sancti Magni* <sup>[54]</sup> tells us, that Simpert was appointed bishop of Augsburg by Charlemagne, <sup>[55]</sup> Simpert is also referred to as Bishop of Neuburg in two sources: a letter of Pope Leo III in 798 which tells Arn's suffragan bishops that Arn has been elevated to metropolitan, <sup>[56]</sup> and the list of participants in the triple synod. <sup>[57]</sup> Simpert thus seems to have held two bishoprics at the end of 8th Century. <sup>[58]</sup> Neuburg is a Bavarian diocese which lay in the east part of the Lech and under Simpert it would be absorbed into Augsburg, probably at the first decade of 9th Century. <sup>[59]</sup> On the other hand Augsburg had not belonged to Bavaria during the 8th Century. <sup>[60]</sup> As evidence, take for example that no Bishop of Augsburg participated in the assemblies under Bavarian Dukes unlike the Bishop of Neuburg. <sup>[61]</sup>

The precise year of Simpert's appointment as the Bishop of Augsburg is not clear, but generally historians think it took place the year around 778 because he died in 807 and *Vita sancti Magni* states that after his coming to Augsburg he led his church *per annos fere xxx*. <sup>[62]</sup> It seems safe

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[54] On this source, see Dorothea Walz, *Auf den Spuren der Meister. Die Vita des heiligen Magnus von Füssen* (Sigmaringen 1989), pp. 9-100; RIplus Regg. B. Augsburg 1 n. 34, in Regesta Imperii Online (<http://www.regesta-imperii.de/id/bc60e510-275a-487e-964b-75c08f1e5bec>) (accessed 14 January 2020). This part of text is thought to be written in the middle of the 9th century.

[55] MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[56] MGH Epp. 5, no. 3, p. 58; Alberto Brackmann (ed.), *Germania Pontificia* 1 (Berlin 1911), no. 8, p. 8.

[57] MGH Conc. 2,1, no. 24, p. 215. This list might be the list of participant in the first session in Reisbach, since it is attached with the abstract of the decisions of Reisbach which survived only as a copy of 16th Century.

[58] See Peter Rummel (ed.), *St. Simpert, Bischof von Augsburg 778-807* (Augsburg 1978); Pankraz Fried, 'Simpert (Sintpert)', *Lexikon des Mittelalters* 7 (Munich – Zurich 1999), Sp. 1925; Stephan Freund, 'Sintpert, heiliger', *Neue*

*Deutsche Biographie* 24 (2010), pp. 472-473 (<http://www.deutsche-biographie.de/pnd118797352.html> [accessed 14 January 2020]).

[59] On the identification of Neuburg, see Heinz Dopsch, 'Die Zeit der Karolinger und Ottonen,' in *Geschichte Salzburgs. Stadt und Land I-1. Teil*, ed. idem (Salzburg 1983), pp. 157-221 (pp. 168f.) and *Geschichte Salzburgs. Stadt und Land I-3. Teil*, ed. idem (Salzburg 1984), p. 1226, n. 107-109; Thomas Groll, 'Bischof Sintpert in seiner Zeit,' in *Der heilige Bischof Simpert – der fast vergessene Dritte im Bunde*, ed. Melanie Thierbach (Augsburg 2007), pp. 8-17; Brigitte Haas-Gebhart, 'Sintpert Stafnensis Ecclesiae. Die Ausgrabungen auf der Insel Wörth im Staffelsee,' *Der heilige Bischof Simpert*, pp. 52-59. The absorption of Neuburg into Augsburg under Simpert is described in *Vita sancti Magni*, MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[60] Augsburg belonged to the archbishopric Mainz, see Pangerl, *Metropolitanverfassung*, pp. 107-109.

[61] MGH Conc. 2,1, no. 15, p. 96.

to think that he was already Bishop of Augsburg in 789 and the *Admonitio generalis*, which was systematically distributed through the Kingdom, had also been sent to him. On the other hand we might imagine that the *Admonitio* was not distributed to Bavaria which had just recently been merged into the Frankish Kingdom. We know that the full integration of Bavaria was not immediately accomplished after the surrender of Tassilo in 788, but began only after the visitation of Charlemagne from 791 to 793<sup>[63]</sup>. The first surviving evidence for the activities of Arn of Salzburg as *missus dominicus* of Charlemagne emerged only after this time.<sup>[64]</sup>

As we have seen, it is highly probable that at the end of 8th Century Arn of Salzburg did not possess an exemplar of the *Admonitio generalis* or any other *capitula* of Charlemagne which could be useful for a planned provincial synod,<sup>[65]</sup> even after some direct or indirect contacts with Charlemagne and the Frankish court. This is why Arn demanded his suffragan bishops to bring *capitula* to the announced provincial synod. The only bishop who could respond to this demand was Simpert, because he was a bishop in the Frankish kingdom at Augsburg and a suffragan bishop to the Bavarian archbishop of Salzburg as bishop of Neuburg. This means he might have been sent an exemplar of the *Admonitio* based on the former and been obligated to supply it based on the latter.

The manuscript tradition of the *Admonitio generalis* from Bavaria also does not conflict with this speculation that the Bavarian archbishop lacked copies of the documents. We have two 9th Century manuscripts from Regensburg and Niederalteich which are considered to be based on a lost exemplar of the *Admonitio*.<sup>[66]</sup> Although the modern editors of the *Admonitio* assumed that the lost exemplar was brought to Bavaria (Regensburg) by Charlemagne at his visitation from 791, this assumption cannot explain why (only) Simpert is mentioned as the person who brought the *Admonitio* to the Bavarian synod in 799. Therefore I would like to propose another scenario: that the *Admonitio generalis* brought by Simpert functioned as the exemplar of the surviving Bavarian *Admonitio*.

The reasoning behind this speculation is that we can see marginal notes identifying the original sources of each chapters of the *Admonitio generalis* from the Bavarian manuscript.<sup>[67]</sup> According to Landau, of the decisions of the triple synod, only the decisions from Freising used the old canons, especially those from *Collectio Dionysio-Hadriana*.<sup>[68]</sup> Therefore the church leaders of Bavaria had first held their discussions on the basis of the *Admonitio generalis*, which Simpert had brought, in Reisbach. Then, in Freising, they consulted not only the *Admonitio generalis* but also *Collectio Dionysio-Hadriana*, the main original source of the *Admonitio*. This method is exactly same as what was done in Frankfurt and perhaps the Bavarian bishops imitated what they had seen in Frankfurt. The *Admonitio generalis* with source information in the marginal notes, which only survives from Bavaria, is probably a by-product of this process in Freising.<sup>[69]</sup> From the manuscript tradition, we might expect that each participant in the triple synod received, besides its decisions, a copy of the

[62] MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[63] Dopsch, "Die Zeit der Karolinger und Ottonen," pp. 165f.; Freund, *Von den Agilolfingern zu den Karolingern*, pp. 160-178.

[64] We have no missatical cases in Bavaria which can be definitely attributed to the time before the visitation of Charlemagne in 791, see Davis, *Charlemagne's Practice of Empire*, p. 74, n. 141.

[65] In fact, at the end of the 8th Century the only *capitula* of Charlemagne that could meet these demands was the *Admonitio generalis*. Ubl rightly points out that Charlemagne's legislative work before his coronation as Emperor was concentrated around 789. Karl Ubl, "Die erste Leges-Reform Karls des Großen," in *Das Gesetz – The Law – La Loi*, eds. Andreas Speer and Guy Guldentops (Berlin 2014), pp. 75-92. Between the *Admonitio generalis* in 789 and a series of *capitula* in 802-803 there seems to have been no *capitula* which were systematically copied and spread like the

*Admonitio*.

[66] München, Bayerische Staatsbibliothek, Lat. 14468 which was written in 821 for Baturich, Bischof von Regensburg und Wien, Österreichische Nationalbibliothek, 2232 (early 9th Century, Southeast Germany). See also, *Admonitio generalis*, pp. 91f. To those manuscripts see respectively Mordek, *Bibliotheca capitularium*, pp. 335-339 and 912-915.

[67] *Admonitio generalis*, pp. 91f. and pp. 99f.

[68] Landau, "Kanonessammlungen," pp. 155-160. The *Admonitio generalis* was only used in Reisbach and Freising, see *Admonitio generalis*, pp. 115-117.

[69] It is not possible that the *Admonitio generalis* including marginal notes was already made at Frankfurt in 794. If we assumed that these marginal notes originated in Frankfurt, which had participants from all over the Kingdom, we could not explain for the fact that the *Admonitio generalis* with notes of the sources survives only in the two Bavarian manuscripts.



*Admonitio generalis*.<sup>[70]</sup>

The problem which we cannot yet resolve is concerning *capitulis collectis in loco nuncupato Francorum vado* that is mentioned in the preface of the synod of Reisbach. As argued above, it is unlikely that this mentioned *capitula* is the same text as the *capitula* of Frankfurt surviving in the manuscript of Hincmar. It can only be said that the text which is mentioned in the preface might be some document related to the assembly of Frankfurt. One candidate is the briefs which emerged from the assembly that condemn Spanish Adoptionism,<sup>[71]</sup> because those briefs are preserved in a Bavarian manuscript along with the *Admonitio generalis* which contains marginal notes<sup>[72]</sup> and the manuscript containing the decisions of the triple synod<sup>[73]</sup>, although this speculation cannot be proved definitively. In any case it is hard to imagine that only Simpert possessed this mentioned *capitula collecta in loco nuncupato Francorum vado*, because it is highly probable that other Bavarian bishops had also participated in the assembly of Frankfurt. Perhaps what the author of the preface of the synod of Reisbach was trying to explain as “what Simpert brought” was only *quicquid ad Aquis de religionis statu vel vitae morum oportunitate decerpserit*, namely the *Admonitio generalis*.

#### 4. CONCLUSION

In concluding this article, I wish to summarize two points. First, the *capitula* of Frankfurt should not be seen as a royal decree and it was not systematically copied and spread in 794.<sup>[74]</sup> This *capitula* might be a private and unofficial text which emerged from the discussion of the assembly.<sup>[75]</sup> Second, Simpert brought the *Admonitio generalis* to the synod of Reisbach in response to the demand of his archbishop, not by the initiative of Charlemagne. What is especially notable is that before the synod of Reisbach Arn could not even obtain the *Admonitio generalis*, which was once systematically copied and spread in the Kingdom, despite interacting with Charlemagne directly

[70] Two of the three manuscripts which convey the decisions of the triple synod (München, Bayerische Staatsbibliothek, Lat. 28135 and Lat. 6333 [palimpsest]), do not include the *Admonitio generalis*. Although Wolfenbüttel, Herzog August Bibliothek, Blankenb. 130 does include those decisions and the *Admonitio generalis*, but this *Admonitio* lacks marginal notes. This situation can be explained by the argument that the *Admonitio generalis* and the decisions of triple synod were not simultaneously distributed in Bavaria. According to the editors of the *Admonitio generalis* the *Admonitio* in the manuscript of Baturich derives from a separate exemplar (*Admonitio generalis*, pp. 91f.), therefore the *Admonitio* with marginal notes and the decisions of the triple synod were not originally combined. And at the session in Salzburg the participants confer neither the *Admonitio* nor *Collectio Dionysio-Hadriana*, which suggest that the *Admonitio* was not distributed at the end of the triple synod (after the session in Salzburg), but rather at some earlier time, probably at the end of the session in Freising. For the manuscripts of Munich, see Mordek, *Bibliotheca capitularium*, pp. 364-367 and Alban Dold, “Die Texte der bayerischen Synodalstatuten von Reisbach und Freising,” in *Deutsches Archiv für Erforschung des Mittelalters* 8 (1951), pp. 364-383. For the Wolfenbüttel manuscript, see Mordek, *Bibliotheca capitularium*, pp. 920-943 (note relative later composition of this manuscript in the second half of the 9. Century). For the version of the *Admonitio generalis* in this manuscript, see *Admonitio generalis*, pp. 104-109.

[71] MGH Conc. 2,1, no. 19, pp. 122-164. These could also be called *capitula*, because of the existence of sections.

[72] München, Bayerische Staatsbibliothek, Lat. 14468 for

Baturich, Bischof of Regensburg. See Mordek, *Bibliotheca capitularium*, pp. 335-339, especially pp. 337f.

[73] München, Bayerische Staatsbibliothek, Lat. 28135 (early 9th Century Freising). See Mordek, *Bibliotheca capitularium*, p. 365.

[74] In this article, I do not consider why or from where Hincmar obtain this *capitula*. On this problem, see Hartmann, “Konzil von Frankfurt,” pp. 354f. The manuscript of Hincmar (Paris Bibliothèque nationale de France, MS lat. 10758) consists of several parts and the first part (pp. 1-59) contains *Libellus sacrosyllabus episcoporum Italiae* of Paulinus of Aquileia, the *capitula* of Frankfurt and the *Admonitio generalis*, see Mordek, *Bibliotheca capitularium*, pp. 587-605, especially p. 588 and pp. 591f. According to Werminghof, the brief of Paulinus is in two versions surviving, the “formal” version which was confirmed by bishops at the assembly of Frankfurt 794 and the “private” version in which only Paulinus speaks. The manuscript contains the latter version, MGH Conc. 2,1, p 130. I am not prepared to comment on this distinction, but if it is true, it is more likely that the *capitula* of Frankfurt is also an “informal text”.

[75] Recently Patzold, “Capitularies in the Ottonian realm,” p. 119, n. 40 articulates a similar view with the following words “The list of chapters called the ‘Frankfurt capitulary’ is rather a heterogeneous amalgam of excerpts from various narrative reports on the decision of the synod of 794 [...], brief excerpts from the *Admonitio generalis*, and two royal judgements on individual cases.” He announced a detailed study of this topic is forthcoming theme, but it has not been published yet.

and indirectly several times in 798. About ten years after its promulgation the *Admonitio* was not in a state where it could easily be referred to and copied in Charlemagne's court.<sup>[76]</sup> This means, we should not assume that political communication under Charlemagne was highly systematic and institutionalized, at least with respect to the use of the documents which have been traditionally called capitularies by historians.

Jennifer Davis has recently emphasized that "the court obviously prompted the Bavarian regional reform councils" and seen those councils as part of the "experimentation" of Charlemagne,<sup>[77]</sup> but I think her argument is misleading if "experimentation" is to mean controlled well-thought attempts to see how different approaches went.<sup>[78]</sup> Although we can assume that in 798 Charlemagne instructed Arn not only to engage in missionary activity in the area of "Slavs" but also to accomplish ecclesiastical reform in Bavaria, we are to believe Charlemagne did not or could not give Arn any *capitula* that would help his reform activities in Bavaria. It was not Charlemagne's promotion or his "experimentation", but the presence of Simpert who was a Bavarian bishop as well as a Frankish one that enabled Arn's ecclesiastical reform activities in Bavaria, and his presence was merely a coincidence, not based on a careful consideration. Thanks to this coincidence, Arn could promote active church reform activities in Bavaria, and could implement the decisions of the triple synod and the *Admonitio generalis* throughout Bavaria. Davis has written elsewhere that "the Franks under Charlemagne employed the tools available to them ... in an *ad hoc* fashion, in reaction to events."<sup>[79]</sup> In this point, I can agree with her fully.

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[76] On the "Archiving of 'capitularies'" I am presently preparing another article for publication.

[77] Davis, *Charlemagne's Practice of Empire*, pp. 243-292. The title of the section is "The conquered region as arenas for experimentation". The quotation is from p. 290.

[78] One of the biggest problems with her argument is the use of terms such as "regional council," "reform council," "council records" and "capitulary" which requires that each term and its referents be carefully defined based on the relationship with contemporary concepts. This problem is not specific

to her, but rather reflects a pervasive problem in the prior work on this topic. Concerning the ecclesiastical assemblies, see Gerhard Schmitz, "Concilium perfectum. Überlegungen zum Konzilsverständnis Hinkmars von Reims (845-882)," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 65 (1979), pp. 27-54. He has convincingly argued that in the early middle age there was not clear definition of the categories in ecclesiastical assemblies except the provincial synod.

[79] Davis, *Charlemagne's Practice of Empire*, p. 273.

# THREAT AND MENACE FOR STABILITY: ON THE USE OF SANCTION CLAUSES UNDER THE EARLY CAROLINGIANS<sup>[1]</sup>

Shigeto Kikuchi

## ABSTRACT

Despite the trend in the diplomatic studies to analyze source materials in terms of communication, sanction clauses have not been given due consideration. This paper attempts to reconsider various meanings of sanction clauses in royal documents at a time when those clauses were not fixed as an integral part of royal documents, focusing on their use in Charlemagne's royal diplomas, compared with those of his predecessors and successor. The analysis of source materials shows his peculiarity in the use of sanction clauses, especially those in his diplomas of immunity. Charlemagne's use of pecuniary sanction clauses in individual immunity privileges culminated in his general legislation of 803. This process was parallel with his other effort to avoid the risk of immunities hindering his royal government. Charlemagne's introduction of pecuniary sanction clauses was a part of his politics to stabilize the institution of immunity.

## INTRODUCTION

Analyzing sources from the aspects of "communication" is now one of the indispensable approaches in diplomatic studies of medieval documents.<sup>[2]</sup> Diplomas and charters were issued and used not solely to guarantee legal rights, although it was the primary purpose. On the one hand, the issuing process of a diploma or a charter itself, for example, as to a diploma from a petition to its issuing out, is understood as communication, which was not only established between an issuer and a recipient, but also involved an intermediary and eyewitnesses.<sup>[3]</sup> On the other hand, texts of diplomas and charters are read as media or as communication tools. Diplomas, in particular, were equipped with various elements, which could convey political and ideological messages of the issuers across to their recipients, such as *intitulatio*,<sup>[4]</sup> *arenga*,<sup>[5]</sup> *narratio*,<sup>[6]</sup> epithets,<sup>[7]</sup> dating clauses,<sup>[8]</sup> as well as

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[2] Theo Kölzer, "Diplomatik," *Archiv für Diplomatik* 55 (2009): 405-24 (pp. 417-18).

[3] See most recently Mark Mersiowsky, *Die Urkunde in der Karolingerzeit. Originale, Urkundenpraxis und politische Kommunikation*, 2 vols., MGH Schriften, 60 (Wiesbaden, 2015), especially part 2, vol. 2, pp. 543ff.

[4] Herwig Wolfram, *Intitulatio I. Lateinische Königs- und Fürstentitel bis zum Ende des 8. Jahrhunderts*, Mitteilungen des Instituts für Österreichische Geschichtsforschung (hereafter *MIÖG*) Ergänzungsband, 21 (Graz – Cologne – Vienna, 1967); *Intitulatio II. Lateinische Herrscher- und Fürstentitel im neunten und zehnten Jahrhundert*, ed. Herwig

Wolfram, *MIÖG Ergänzungsband*, 24 (Vienna – Cologne – Graz, 1973).

[5] Heinrich Fichtenau, *Arenga. Spätantike und Mittelalter im Spiegel von Urkundenformeln*, *MIÖG Ergänzungsband*, 18 (Graz – Cologne, 1957); Susanne Zwierlein, *Studien zu den Arengen in den Urkunden Kaiser Ludwigs des Frommen (814–840)*, MGH Studien und Texte, 60 (Wiesbaden, 2016).

[6] Brigitte Merta, "Recht und Propaganda in Narrationen karolingischer Herrscherurkunden," in *Historiographie im frühen Mittelalter*, ed. Anton Scharer and Georg Scheibelreiter, Veröffentlichungen des Instituts für Österreichische Geschichtsforschung, 32 (Vienna – Munich, 1994), pp. 141-57.

[7] Shigeto Kikuchi, "Representations of monarchical 'highness' in Carolingian royal charters," in *Problems and possibilities of early medieval charters*, ed. Jonathan Jarrett and Allan Scott McKinley, *International Medieval Research*, 19 (Turnhout,

visual elements and graphical symbols.<sup>[9]</sup> If diplomas were issued and handed out ceremonially and read out in regional assemblies at the time of conflict concerning the rights described in them, those messages could reach a wider audience.

Despite this tendency in the medieval diplomatics, studies of sanction clauses (or penal clauses, lat. *sanctio*, Germ. *Poenformeln*) in early medieval charters are still few. Like other topics of medieval diplomatics, basic research on early medieval sanction clauses has been conducted in the golden age of the diplomatics during the last decades of the nineteenth century and the first decades of the twentieth century.<sup>[10]</sup> A sanction clause is a term referring to one of the formulaic parts of a charter. In sanction clauses, issuers of charters threaten potential trespassers (including the issuers of the charter themselves!) of rights confirmed by these charters with various kinds of penalties. It was purposed with such clauses to guarantee charters more firmly and to prevent infringements on them. Diplomatic studies have defined two types of sanction clauses in early medieval charters, both of which had their origin in the ancient Mediterranean world. The first type is *poena spiritualis*, which threatens violators of rights with the wrath of God, angels, or saints, as well as anathema and temporary excommunication from the Church community. The second one is *poena saecularis*. In this case, the penalty for infringement was defined more concretely — fines in gold or silver, how much, to whom, in what ratio, etc. These two types of sanction clauses could be used together or separately. As details of penalties varied according to time, space, and categories of charters, one can gain an insight into a *Urkundenlandschaft*<sup>[11]</sup> as well as some aspects of the society of a specific region by analyzing sanction clauses.<sup>[12]</sup>

Though some scholars have dealt with *poena spiritualis*,<sup>[13]</sup> for example in the cultural context of cursing,<sup>[14]</sup> and others have reinterpreted sanction clauses in private charters,<sup>[15]</sup> we still lack studies on those in royal diplomas. This is not without reasons. In contrast to private charters, which recorded various transactions between two parties, and those documents issued by popes and bishops, which quite often had *poenae spirituales*, early medieval royal diplomas rarely contained sanction clauses: so rarely that later copyists interpolated such clauses or that later forgeries of early medieval charters were provided with sanction clauses because these clauses became much

2013), pp. 187-208.

[8] Heinrich Fichtenau, "»Politische« Datierung des frühen Mittelalters," in *Intitulatio II*, pp. 453-548.

[9] Mark Mersiowsky, "Graphische Symbole in den Urkunden Ludwigs des Frommen," in *Graphische Symbole in mittelalterlichen Urkunden. Beiträge zur diplomatischen Semiotik*, ed. Peter Rück, Historische Hilfswissenschaften, 3 (Sigmaringen, 1996), pp. 335-83; Peter Rück, "Die Urkunde als Kunstwerk," in *Fachgebiet Historische Hilfswissenschaften. Ausgewählte Aufsätze zum 65. Geburtstag von Peter Rück*, ed. Erika Eisenlohr and Peter Worm, *elementa diplomatica*, 9 (Marburg, 2000), pp. 117-39; Peter Worm, *Karolingische Rekognitionszeichen. Die Kanzlerzeile und ihre graphische Ausgestaltung auf den Herrscherurkunden des achten und neunten Jahrhunderts*, *elementa diplomatica*, 10 (Marburg, 2004); Mersiowsky, *Die Urkunde*, part 1, vol. 1, pp. 54ff.

[10] Theodor Sickel, *Lehre von den Urkunden der ersten Karolinger (751-840)*, *Acta Karolinorum digesta et enarrata. Die Urkunden der Karolinger*, 1 (Vienna, 1867), pp. 200-203; Arthur Giry, *Manuel de diplomatique. Diplomes et chartes. Chronologie technique. Éléments critiques et parties constitutives de la teneur des chartes. Les chancelleries. Les actes privés* (Paris, 1894), pp. 565-67; Wilhelm Erben, *Die Kaiser- und Königsurkunden des Mittelalters in Deutschlands, Frankreich und Italien*, *Handbuch der mittelalterlichen und neueren Geschichte*, IV, I (Munich – Berlin, 1907) pp. 357-63; Fritz Boye, "Über die Poenformeln in den Urkunden des früheren Mittelalters," *Archiv für Urkundenforschung* 6 (1918): 77-

148; Joachim Studtmann, "Die Pönformel der mittelalterlichen Urkunden," *Archiv für Urkundenforschung* 12 (1932): 251-374. Heinrich Fichtenau, "Forschungen über Urkundenformeln," *MIÖG* 94 (1986): 285-339 (pp. 321-23), gives a short survey of earlier works on the topic.

[11] Cf. Heinrich Fichtenau, *Das Urkundenwesen in Österreich. Vom 8. bis zum frühen 13. Jahrhundert*, *MIÖG Ergänzungsband*, 23 (Vienna, 1971); Reinhard Härtel, *Notarielle und kirchliche Urkunden im frühen und hohen Mittelalter*, *Historische Hilfswissenschaften* (Vienna – Munich, 2011), pp. 308-10.

[12] Cf. Boye, "Über die Poenformeln"; Studtmann, "Die Pönformel." I am preparing another paper on this topic.

[13] E.g. François Bougard, "Jugement divin, excommunication, anathème et malédiction. La sanction spirituelle dans les sources diplomatiques," in *Exclure de la communauté chrétienne*, ed. Geneviève Bührer-Thierry and Stéphane Gioanni, *Haut Moyen Âge*, 23 (Turnhout, 2015), pp. 215-38.

[14] Jeffrey A. Bowman, "Do Neo-Romans curse? Law, land, and ritual in the Midi (900-1100)," *Viator* 28 (1997): 1-32; Lester K. Little, *Benedictine Maledictions. Liturgical Cursing in Romanesque France* (Ithaca – London, 1993).

[15] E.g. Hans Werle, "Gold und Silber. Die Geldstrafen in den Pönformeln frühmittelalterlicher Urkunden des Klosters Lorsch," in *Recht und Wirtschaft in Geschichte und Gegenwart. Festschrift für Johannes Bärmann zum 70. Geburtstag*, ed. Marcus Lutter (Munich, 1975), pp. 53-63; Sho-ichi Sato, "La clause pénale dans les chartes mérovingiennes et son

more common in the course of the Middle Ages.<sup>[16]</sup> Therefore, Fritz Boye, whose detailed study on early medieval sanction clauses is still one of standard works, states that in the early Middle Ages, sanction clauses showed their cardinal importance in the sphere of private charters.<sup>[17]</sup>

In comparison with private charters, sanction clauses were used in early medieval royal diplomas rarely and only gradually. However, it is still worth dealing with a scanty number of testified examples of sanction clauses in royal diplomas to question how we can interpret such an exceptional use of those threatening clauses in the contemporary political or social context. This paper focuses on sanction clauses in royal diplomas and mandates from the early Carolingian age,<sup>[18]</sup> especially because we now have new editions of diplomas of the Merovingian kings, the Carolingian mayor of the palace, and Louis the Pious, which give us a more reliable basis for research than older editions did for earlier works.

## 1. MEROVINGIAN PRACTICES

There is no sanction clause in the genuine diplomas of Merovingian kings, as far as extant sources tell us.<sup>[19]</sup> Ingrid Heidrich notes that “a Merovingian diploma as a royal order or royal words didn’t need such reinforcement.”<sup>[20]</sup> In fact, the status of a royal diploma was higher than that of the others, as evident in chapter 59 of *Lex Ripuaria*.<sup>[21]</sup>

However, it is also known to scholars that in some types of royal documents, kings could threaten disobeyers of their orders with loss of royal favor with a sentence such as “si gratia nostra obtatis habere” (if you wish to be in our grace).<sup>[22]</sup> Among the extant genuine diplomas, two without *corroboratio*<sup>[23]</sup> have such sanction clauses. Both of them confirm the right of the abbey of St-Denis to get 100 solidi from the fiscal revenue in Marseille.<sup>[24]</sup> Peter Classen calls these documents related to toll-exemption “Frankish *tractoria*,” which can be characterized as documents between royal diplomas and mandates.<sup>[25]</sup> Merovingian mandates were also equipped with such sanction clauses, as

implication,” in *Herméneutique du texte d’histoire : orientation, interprétation et questions nouvelles*, ed. Sho-ichi Sato, Global COE Program International Conference Series, 6 (Nagoya, 2009), pp. 45-51.

[16] See the chronological table of royal diplomas with sanction clauses in: Studtmann, “Die Pönformel,” pp. 355-74; Bougard, “Jugement divin,” p. 219.

[17] Boye, “Über die Pönformeln,” p. 145.

[18] Sanction clauses in Carolingian royal charter underwent a major change under Louis II of Italy. In the documents of this emperor, even in those not relating to immunity, we can find almost regularly *poena saecularis*. Erben, *Die Kaiser- und Königsurkunden*, pp. 358 and 361; Boye, “Über die Pönformeln,” p. 139; Studtmann, “Die Pönformel,” pp. 296-97; *Die Urkunden Ludwigs II.*, ed. Konrad Wanner, MGH Diplomata Karolinerum 4 (Hanover, 1994), pp. 33-36. I will discuss this phenomenon in another paper.

[19] Theo Kölzer, *Merowingerstudien II*, MGH Studien und Texte, 26 (Hanover, 1999), pp. 82-83. See also Studtmann, “Die Pönformel,” pp. 289-90. According to Kölzer, an alleged sanction clause in the mandate of Chilperic I (“Si quis praecepta nostra contempserit, oculorum avulsione multetur”) referred by Gregory of Tours (Cf. Studtmann, “Die Pönformel,” p. 288) does not correspond to the practice of the chancery and may reflect Gregory’s hate toward this king. *Die Urkunden der Merowinger*, ed. Theo Kölzer, 2 vols., MGH Diplomata (Hanover, 2001) (hereafter *DMer.*), vol. 1, p. xxiii.

[20] Ingrid Heidrich, “Titulatur und Urkunden der arnulfingischen Hausmeier,” *Archiv für Diplomatik* 11/12 (1965/66): 71-279 (p. 143).

[21] *Lex Ribvaria*, ed. Franz Beyerle and Rudolf Buchner, MGH Leges nationum Germanicarum 3,2 (Hanover, 1954), c. 59, pp. 106-7, esp. clause 3, p. 107: “Quod si testamentum regis absque contrario testamento falsum clamaverit, non aliunde quam de vita componat.” Cf. Sickel, *Lehre*, pp. 6-9 and 201; Studtmann, “Die Pönformel,” p. 301.

[22] Erben, *Die Kaiser- und Königsurkunden*, p. 361. One can trace this type of legal sanctions back to the late Roman legislation. Rudolf Köstler, *Huldentzug als Strafe. Eine kirchenrechtliche Untersuchung mit Berücksichtigung des römischen und des deutschen Rechtes*, Kirchenrechtliche Abhandlungen 62 (Stuttgart, 1910), pp. 2-6. On sanction clauses in Merovingian edicts, see Studtmann, “Die Pönformel,” p. 288. On the “Huld” (the German correspondence to the Latin *gratia*) with various pieces of evidence mainly from the tenth to the twelfth century, see Gerd Althoff, “Huld. Überlegungen zu einem Zentralbegriff der mittelalterlichen Herrschaftsordnung,” *Frühmittelalterliche Studien* 25 (1991): 259-82.

[23] On the *corroboratio* in diplomas of Merovingian kings, see *DMer.*, p. xxiii. This formulary element was new in comparison with Roman imperial documents.

[24] *DMer.* no. 138, pp. 348-50 and no. 179, pp. 422-23. Cf. Studtmann, “Die Pönformel,” p. 289-90; Heidrich, “Titulatur,” p. 143.

[25] Peter Classen, *Kaiserreskript und Königsurkunde. Diplomatische Studien zum Problem der Kontinuität zwischen Altertum und Mittelalter Byzantina keimena, kai meletai*, 15 (Thessaloniki, 1977), pp. 147-48. Classen also counts *DMer.* no. 123, pp. 313-14, as such, but this document has no sanction clause. These “Frankish *tractoria*” must be distinguished from *tractoria* mentioned below, which had its origin in the late



evident in formularies which include models for royal documents.<sup>[26]</sup> The *formula* for royal *tractoria* in the *Formularies of Marculf*, which is in its form an order to regional officials about supply and accommodation for royal envoys, is an example.<sup>[27]</sup> Carolingian kings continued using this kind of sanction clauses in their mandates, as discussed below. A contrast between diplomas as a durable guarantee of legal rights and mandates as royal orders must be emphasized. A mandate must be interpreted in terms of the relationship between a king in person who could reward services for him and a recipient who, as his faithful agent, could expect such reward if he could fulfill the mandate.

By the way, charters of the Pippinids, or Arnulfings, have not received much attention in studies about sanction clauses, though they used sanction clauses in their charters before Pippin's ascension to kingship. The majority of their extant charters are about donation to religious institutions. Charles Martel and his ancestors used sanction clauses, both spiritual and pecuniary, in their almost all of their donation charters.<sup>[28]</sup> However, it should be noted that Charles Martel's protection letter for Boniface, which is written in the form of a mandate, does not contain any sanction clause.<sup>[29]</sup> This observation can be contrasted with the way referendaries of Merovingian kings used sanction clauses according to the types of royal documents.

However, after the notaries of Charles Martel, especially those of Carloman and Pippin as mayors of the palace, introduced Marculf's formularies for drafting documents of mayors of the palace, some changes can be observed. It seems that the character of their charters became more and more like royal diplomas. Their charters, except *placita*<sup>[30]</sup> and a letter to the abbot and monks of Flavigny,<sup>[31]</sup> now contain the *corroboratio* clause, which, generally with the announcement of sealing by the ring,<sup>[32]</sup> strengthens validity and stability of the document.<sup>[33]</sup> Before these two brothers, only the above-mentioned protection letter for Boniface issued by Charles Martel contains such a *corroboratio*.<sup>[34]</sup> In terms of sanction clauses, both mayors of the palace seem to have not used those formulaic factors for their documents in the same way as their predecessors anymore. None of Pippin's documents, including donation charters, contained sanction.

In the documents issued in the name of Carloman, however, we can find interesting examples, such as the two documents that were issued in favor of the abbey Stavelot-Malmedy: Carloman's donation charter, which Ingrid Heidrich dated a little earlier than the second document, and the *placitum*, which ended the conflict between Carloman and the abbey. Both documents contain a similar sentence in their sanction clauses.<sup>[35]</sup> In both cases, a future king (expected probably from the Merovingian dynasty)<sup>[36]</sup> is resorted to as a judge in case of a conflict in the future. This could be because these sentences with a character of *sanctio* were targeted mainly at Carloman himself and his descendants.<sup>[37]</sup> As he was (besides his brother) one of the virtual rulers of the kingdom at that time and his descendants would also take the same position later in the future, the one whose authority could prevent them from breaking the concord realized in these charters was a king who, even if theoretically, should be put upon them — that could be the condition agreed between

Antiquity.

[26] Köstler, *Huldentzug*, pp. 12-15; Studtmann, "Die Pönformel," pp. 288-89.

[27] Marculfi *Formulae* I, no. 11, in *Formulae Merovingici et Karolini aevi*, ed. Karl Zeumer, MGH *Formulae* (Hanover, 1886) (hereafter *MGH Form.*), p. 49.

[28] *Die Urkunden der Arnulfinger*, ed. Ingrid Heidrich, MGH *Diplomata maiorum domus regiae e stirpe Arnulforum* (Hanover, 2011) (hereafter *DArn.*), p. xxxiii.

[29] *DArn.* no. 11, pp. 26-28. It may be explained with its *corroboratio*. See below.

[30] *DArn.* no. 16, pp. 36-38, no. 18, pp. 41-42, and no. 22, pp. 48-50.

[31] *DArn.* no. 24, pp. 54-55.

[32] Cf. *DArn.* no. 17, pp. 39-41, which contains only Pippin's *subscriptio*.

[33] *DArn.*, p. xxxi-xliii.

[34] *DArn.*, p. xxvii.

[35] *DArn.* no. 15 (*villa Wasseiges*. [746/747?] 6. 6.), pp. 34-36, here p. 36: "Si quis vero, quod futurum esse non credo, contra hanc donationis nostre constitutionem facere presumpserit, iudicio successorum nostrorum regum eum relinquimus"; no. 16 (Düren, 747. 8. 15.), pp. 36-38, here p. 38: "Si quis vero aliquis de heredibus vel proheredibus nostris extiterit qui contra hanc donationem nostram facere voluerit successorum nostrorum regibus eum iudicandum relinquimus." Cf. *DArn.*, p. xxxix.

[36] The possibility that they could expect a king from the Arnulfingian family cannot be excluded, but I deem it still unlikely around 747.

[37] Cf. Heidrich, "Titulatur," p. 113.



Carloman and the party of Stavelot-Malmedy. Therefore, these sanction clauses in Carloman's documents differed from those in the Merovingian royal documents and were similar in character to those in private charters in that they resorted to a king whose authority was a deterrent against possible violators of the rights described in the charters.

## 2. MANDATES IN THE EARLY CAROLINGIAN AGE

With regard to the royal documents of Pippin the Short after his enthronement of 751, there is no evidence that they were issued with sanction clauses. A change can be observed in the time of Charlemagne. First, in some mandates, Charlemagne threatened violators of royal orders with the loss of royal favor.<sup>[38]</sup> Joachim Stuttmann notes that Charlemagne and Louis the Pious used the sanction clause threatening with the loss of royal favor continuously in the tradition of the Marculf's formularies.<sup>[39]</sup> However, some changes concerning sanction clauses can be observed in these mandates.<sup>[40]</sup> Sometime between 774 and 776, Charlemagne issued a mandate and ordered royal agents not to hinder agents of the abbey St-Denis from collecting customs in the *pagus* of Paris during the market of St-Denis. This mandate contains the sanction clause with which Charlemagne threatened those who violated the right of the abbey with a summons to the royal court, for which royal *missi* or counts were responsible. However, the ones who are threatened with the loss of royal favor in this mandate are these agents of the king. This double threatening in a sanction clause can be regarded as novel.<sup>[41]</sup> Furthermore, this mandate resembles a Merovingian "Frankish *tractoria*" mentioned above, but the former contains a *corroboratio* clause differently from the latter.

The other example is the so-called *Epistola in Italiam emissa*. This *litterae* (its self-definition found in its text) was a circular letter addressed to the secular officials, written in the form of a mandate.<sup>[42]</sup> According to its sanction clause, anyone among the officials who did not follow norms given by Charlemagne and was not willing to mend his manners promptly should be summoned to the royal court.<sup>[43]</sup> Hubert Mordek concludes that this *epistola* had its validity not only in Italy, but all over the kingdom. It is not easy to imagine that such Italians could have been sent or taken from

[38] *Die Urkunden Pippins, Karlmanns und Karls des Großen*, ed. Engelbert Mühlbacher, MGH Diplomata Karolinorum 1 (Hanover, 1906) (hereafter *DKar.*), no. 77, pp. 110-11 (an order to restore dispossessed property of the church of *Scoti* on Honau island); no. 172, pp. 230-31 (instruction to support Hildericus, who had to inquire the case of Farfa and restore its *iustitia*); no. 217, pp. 289-90 (instruction for counts concerning *Hispani*); *Capitularia regum Francorum*, ed. Alfred Boretius, MGH Capitularia regum Francorum 1 (Hanover, 1883) (hereafter *Capit.*), no. 29 (*Epistola de litteris colendis*), pp. 78-79; no. 75, p. 168 (instruction for abbot Fulrad of St-Quentin to mobilize his *homines*). See below on *DKar.* no. 88. However, not all the extant mandates of Charlemagne have sanction clauses. Heidrich, "Titulatur," p. 143, n. 333. Heidrich also counts *DKar.* no. 66 and no. 91 in this category, but I discuss these documents in the following section about diplomas.

[39] Stuttmann, "Die Pönformel," pp. 291 and 301. Cf. Köstler, *Huldentzug*, pp. 16-17; Heidrich, "Titulatur," p. 143.

[40] Note that some of these mandates have *corroboratio* clauses, which does not accord with the observation of Stuttmann about Merovingian documents. *DKar.* no. 88, pp. 127-28; no. 91, pp. 131-32; no. 172, pp. 230-31; no. 217, pp. 289-90.

[41] *DKar.* no. 88, pp. 127-28 = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin charters prior to the ninth century*, ed. Albert Bruckner and Tiziano Dorandi, 1-49 vols. (Dietikon – Zurich, 1954-98) (hereafter *ChLA*), vol. 16, no. 621, pp. 12-15, here p. 13: "Si quis vero contra precepta

anteriorum regum uel nostro aliquid facere aut contraire uoluerit, tunc missus noster uel comitis super noctes XXI ante nos per bannum nostrum uenire faciat in rationes contra misso sancti Dionisii et Folleradi abbatis. Similiter et si ullus telonearius vel aliquis homo ipsam inrumpere temptaverit, tunc missi nostri supradicti illum per fideiussores mittere faciant, ut ipse similiter ueniat infra noctes XXI ante nos in rationes. Taliter exinde agite, qualiter gratia nostra uultis habere." Stuttmann noticed this example and the following one, but he did not comment on them further. Stuttmann, "Die Pönformel," p. 291: "Gelengentlich wird auch in Form einer Pön gerichtliche Vorladung bestimmt."

[42] *Capit.* 1, no. 97, pp. 203-204. This letter is contained in the edition of capitularies, and Hubert Mordek calls it *Epistula capitularis*, confirming some characteristics of Frankish "capitularies" in it. Hubert Mordek, "Die Anfänge der fränkischen Gesetzgebung für Italien," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 85 (2005): 1-35 (p. 8). But we do not have to put the letter in this category of sources to interpret its practical significance. On the problems of the modern concept of "*capitularia*," see the contribution of Takuro Tsuda in this issue with reference to the earlier literature.

[43] *Capit.* 1, no. 97, pp. 203-204: "Si quis autem, quod absit, ullus ex vobis de [...] contradicere praesumpserit, sciat se procul dubio, nisi se cito correxerit, in conspectu nostro exinde deducere rationem..."

Northern Italy over the Alps to the royal court in Francia. However, if we follow Mordek, who dated this mandate in late 780, i.e., shortly before the king departed for Italy,<sup>[44]</sup> it would be convincing that disobedient Italian officials should be taken in front of the king who was in Pavia, Rome, or another Italian city. Regarding disobedient officials in Francia, they could be summoned after the return of the king, if not before his departure. In this sense, therefore, this threatening with the summons to the royal court was realistic. Furthermore, this mandate was corroborated by the royal seal, too.<sup>[45]</sup>

In the first decade of his sole rule of the Frankish kingdom after his brother Carloman died in 771, Charlemagne seems to have extended, or attempted to extend, the use of sanction clauses in his mandates. With this context in mind, further documents are analyzed in the next section.

### 3. CHANGES UNDER CHARLEMAGNE: SANCTION CLAUSES IN PRIVILEGES OF IMMUNITY

Now we turn our attention to royal diplomas of Charlemagne. While the majority of diplomas do not contain any sanction clauses, there are some exceptions. It must be emphasized that all extant diplomas of Charlemagne which accompany sanction clauses are concerned with the immunity of religious institutions. The first document was issued on April 1, 772 for the church of Trier in the form of a mandate: royal agents are addressed in the second person, while the document is corroborated with a royal seal.<sup>[46]</sup> Its sanction clause threatens a violator of the immunity with the loss of royal favor, like other mandates, but also contains the *poena spiritualis*.<sup>[47]</sup> This combination was novel as far as we know from extant sources.<sup>[48]</sup> This type of immunity-privilege with the double sanction clause was issued again for the church of Metz on January 22, 775.<sup>[49]</sup> It should be noted that both of them were issued to confirm the immunity-rights of those churches given by earlier kings: they were written with preceding examples in hand, but with a newly introduced formula.<sup>[50]</sup>

[44] Mordek, "Die Anfänge," pp. 8-17.

[45] *Capit.* 1, no. 97, p. 204.

[46] *DKar.*, no. 66, pp. 95-97.

[47] *DKar.*, no. 66, p. 97: "ut quicumque hoc de iudicibus nostris aut quislibet refragare aut irrumpere vel emutare voluerit, iram dei omnipotentis et omnium sanctorum, ubi ipse pontifex vel abbates sui deservunt, incurrat et gratia nostra nullo umquam tempore possit habere, sed magis a vobis vel a successoribus vestris sub integra emunitate omni tempore in omnibus consevetur, qualiter gratia nostra, ut diximus, vultis habere propicia."

[48] Erben, *Die Kaiser- und Königsurkunden*, p. 362. Though Heidrich, "Titulatur," pp. 142-43, regarded a diploma written with the name of Childeric III as the first diploma with this combination, the concerned diploma is now regarded as a forgery. *DMer.* no. 192, pp. 477-80. Both of the two Merovingian diplomas that Boye, "Über die Poenformeln," p. 142, n. 1, cited are also forgeries. *DMer.* no. 49, pp. 126-28 and no. 97, pp. 249-51. Some *formulae* in formularies written before the reign of Charlemagne contain this kind of combination, which are nevertheless shorter, for example: Marculfi *Formulae* I, no. 2 (*Cessio regis de hoc privilegium*), in *MGH Form.*, pp. 41-43, here p. 42: "... et Dei iram incurrat et nostram offensam vel a fisco gravi damno susteneat."; Cartae Senonicae, no. 12 (*Carta dinariale*), in *MGH Form.*, p. 190: "... memoratus ille [...] perennis temporibus cum Dei et nostra gratia valeat, Christo propitio, permanere bene inuenius atque securus"; *Formulae Salicae Bignoniae*, no. 1 (*Carta denariale*), in *MGH Form.*, p. 228: "... qui [...] perennis temporibus cum Dei et nostra gratia valeat(!) permanere bene ingenuus adque secuor." The latter two examples are not

sanction clauses. On early medieval formularies, see Alice Rio, *Legal practice and the written word in the early Middle Ages. Frankish formulae, c. 500-1000*, Cambridge Studies in Medieval Life and Thought, Fourth Series, 75 (Cambridge – New York, 2009). Note that according to Theo Kölzer there is no genuine Merovingian diploma that was surely based on the *Formulae of Marculf*. *DMer.*, p. xxvi. A diploma of Carloman, with which in 770 he gave immunity to Novalesse, contains the following sanction clause: "nec, quod primitus est, dei iram incurrat et nostram offensam et a fisco grave damno sustineat." *DKar.* no. 52 (Neumagen, 770. 6. 26.), pp. 72-74, here p. 73. This clause is based on Marculfi *Formulae* I, no. 2. Note that only the 18th century copy of this diploma is known. As Charlemagne granted his privilege of immunity to the same abbey, he did not mention the diploma of his brother, nor use any sanction clause. *DKar.* no. 74, pp. 106-108. Charlemagne's diploma was based on Marculfi *Formulae* I, no. 3 (*Emunitate regia*), in *MGH Form.*, pp. 43-44 (without a sanction clause). See also a *formula* in the Marculfi's collection for a diploma confirming immunity which also lacks a sanction clause. Marculfi *Formulae* I, no. 4 (*Confirmatio de emunitatem*), in *MGH Form.*, pp. 44-45.

[49] *DKar.* no. 91, pp. 131-32, here 132: "ut quicumque hoc de iudicibus nostris aut quislibet refragare aut irrumpere vel imutare voluerit, iram trine maiestatis vel omnium sanctorum, ubi ipse pontifex vel abbates sui deservunt, incurrat et gratiam nostram nullo umquam tempore possit habere, sed magis a vobis vel successoribus vestris sub integra emunitate omni tempore modis omnibus consevetur, qualiter gratia nostra, ut diximus, vultis habere propicia."

It must also be taken into account that Charlemagne's diplomas were generally not standardized in the 770s yet.<sup>[51]</sup>

Thereafter, Charlemagne issued, as far as we know, four privileges of immunity with pecuniary sanction clauses. With the sanction clause of the charter for the abbey St. Marcel in Châlon on April 30, 779, Charlemagne introduced the concrete penalty of 600 solidi for breaking the immunity. A violator of the right of immunity should pay two-thirds of the fine to the abbey and the rest to the fisc.<sup>[52]</sup> The amount of 600 solidi is not unusual in the Frankish legislation.<sup>[53]</sup> Unfortunately, though, we do not know the exact reason of the introduction of a pecuniary sanction clause, especially because we have little information about the situation of this abbey around this time: this diploma is the oldest and its confirmation by Louis the Pious in 835 is the second oldest genuine document about the abbey.<sup>[54]</sup> However, the diploma for St. Marcel is not a unique one. Three diplomas issued in the following years include similar sanction clauses with a pecuniary penalty of 600 solidi: for St. Martin in Tours in 782 and 796/800<sup>[55]</sup> as well as for the church of Cambrai, which is, as *deperditum*, mentioned in the diploma of Louis the Pious for the same church.<sup>[56]</sup> Charlemagne seems to have attempted to use this type of sanction clauses, offering better security against the violation of immunity.

It is well known that in 803 Charlemagne added a clause about immunity in the *leges*: should anyone violate an immunity right, he must pay a fine of 600 solidi.<sup>[57]</sup> Even if the above-mentioned

[50] On these diplomas, see Reinhold Kaiser, "Karls des Großen Immunitätsprivilegien für Trier (772) und Metz (775)," *Jahrbuch für westdeutsche Landesgeschichte* 2 (1976): 1-22 (pp. 9-22); Reinhold Kaiser, *Bischofsherrschaft zwischen Königtum und Fürstenmacht. Studien zur bischöflichen Stadtherrschaft im westfränkisch-französischen Reich im frühen und hohen Mittelalter*, Pariser Historische Studien, 17 (Bonn, 1981), pp. 79-80. Note that we must interpret at least the diploma for Trier in the context of the demolition of the so-called Merovingian *Bischofsherrschaft* or -*staat* and reestablishment of the *comitatus* in and around Trier. See also Hans Hubert Anton, "Verfassungsgeschichtliche Kontinuität und Wandlungen von der Spätantike zum hohen Mittelalter: das Beispiel Trier," *Francia* 14 (1986): 1-25 (pp. 17-21); Hans Hubert Anton, "Trier in der hohen und späten Karolingerzeit," in *Trier im Mittelalter*, ed. Hans Hubert Anton and Alfred Haverkamp, 2000 Jahre Trier, 2 (Trier, 1996), pp. 68-117 (pp. 70-71). Kaiser points out that the diploma for Trier contained besides the royal *corroboratio* additional confirmation by a bishop and royal *leudes*. Kaiser, "Karls des Großen Immunitätsprivilegien," p. 13; *DKar.* no. 66, p. 97: "... manu nostra signaculis infra decrevimus in dei nomine roborare et a pontifice vel a leudis nostris subter iussimus adfirmare." This is also a rare instance, though it could be an interpolation. Theodor von Sickel, "Beiträge zur Diplomatik. III. Die Mundbriefe Immunitäten und Privilegien der ersten Karolinger bis zum Jahre 840," *Sitzungsberichte. Akademie der Wissenschaften in Wien, Philosophisch-Historische Klasse* 47 (1864): 175-277 (pp. 226-27). However, if we can premise an active participation of the bishop of Trier, Weomad, and royal *leudes* in the issuing process of this diploma in the time of reduction of the episcopal power in and around Trier, we may assume that this diploma could have, if partly, character of a compromise between the bishop and the secular power and its agents in and around Trier. If it is true, then we can assume that the bishop could have an influence on the introduction of the *poena spiritualis*, which was an element of contemporary private charters concerned with churches, in the royal diploma: with such spiritual threatening, Weomad may have hoped to protect the right of his church better which he could have secured despite the demolition of the

*Bischofsstaat*.

[51] Mersiowsky, *Die Urkunde*, pp. 80-85.

[52] *DKar.* no. 123, pp. 171-73 = ChLA 17, no. 651, pp. 3-6, here p. 6: "Et si quis fuit dux vel comis domesticis vecariis seo qualiscumque iudiciaria potestate succinctus, indulgentiam bonorum aut bonitatem piorum aut christianorum aut regum, antecessorum nostrorum, ipsas inrumpere aut violare presumerit, soledus sexcentus numerum se cognoscat esse culpabilem, ita ut duas partes in archivum ipsius monasterii reddat et tertia parte ad fisci nostro sacello multa componat..."

[53] Cf. Septem causam, c. vii: *De soledis DC*, in *Pactus legis Salicae*, ed. Karl August Eckhardt, MGH Leges nationum Germanicarum 4,1 (Hanover, 1962), p. 272: c. 1 – murder of a long-haired boy; c. 2 – beating a woman to death; c. 3 – murder of a pregnant woman of free status; c. 4 – murder of a count [grafio]; c. 5 – murder of a royal agent (*saceboro*) who is responsible to collect fines; c. 6 – murder of a Frank within four seats (*quattuor solia*) (in a house?); and c. 7: murder of a Frank by a Frank.

[54] *The cartulary of St.-Marcel-lès-Chalon 779-1126*, ed. Constance Brittain Bouchard, Mediaeval Academy books 102 (Cambridge, Mass., 1998), p. 2.

[55] *DKar.* no. 141, pp. 191-93 and no. 195, pp. 261-63. On these diplomas, see Georges Tessier, "Les diplômes carolingiens du chartier de Saint-Martin de Tours," in *Mélanges d'histoire du moyen âge dédiés à la mémoire de Louis Halphen* (Paris, 1951), pp. 683-91 (pp. 684-85).

[56] *Die Urkunden Ludwigs des Frommen*, ed. Theo Kölzer, MGH Diplomata Karolinorum 2 (Wiesbaden, 2016) (hereafter *DLdF.*), no. 92, pp. 222-25: "Continebatur etiam in eodem praecepto domni et genitoris nostri, quod si quis dux, comes, vicarius seu quislibet ex iudiciaria potestate auctoritatem domni et genitoris nostri vel antecessorum regum inrumpere aut violare praesumpserit, soledos sexcentos culpabilis iudicetur, videlicet ut duae partes in archivum ipsius ecclesiae admittantur et tertiam fiscus regalis recipiat, ut nullus tale quid auderet perpetrare."

[57] *Capit.* 1, no. 39 (*Capitulare legibus additum*), c. 2, p. 113: "Si quis in emunitatem damnum aliquid fecerit, DC solidos componat." See Sickel, *Lehre*, pp. 201-202; Georg Waitz, *Deutsche Verfassungsgeschichte. Die Verfassung des Fränk-*

diplomas of Charlemagne in the last few decades of the eighth century may be exceptional with their sanction clauses in comparison with other royal documents concerning immunity,<sup>[58]</sup> we can esteem these documents as his effort to assure immunity rights of individual religious institutions more stably. It must be emphasized that sanction clauses themselves were exceptional among Charlemagne's diplomas. This effort would be crystallized into the legislation of 803<sup>[59]</sup> and here we can observe how a Frankish king legislated generally on the basis of earlier measures made in each concrete case.

Thus, theoretically, Charlemagne and Louis the Pious no longer needed to threaten with a pecuniary penalty in their individual diplomas of immunity anymore. Three of four diplomas of Louis the Pious, which contain the pecuniary sanction clauses, indeed confirm his father's diplomas of immunity with those clauses.<sup>[60]</sup> The only exception is the diploma for the abbey Farfa on April 28, 820, whose sanction clause threatens with a penalty of 600 solidi "secundum constitutionem domni et genitoris nostri Karoli imperatoris."<sup>[61]</sup> It is not clear why this abbey could obtain such a charter mentioning Charlemagne's legislation of 803,<sup>[62]</sup> especially when this abbey had already obtained a diploma confirming its immunity on August 4, 815, which did not contain any sanction clauses.<sup>[63]</sup> It may be related to the tension between the abbey and the Roman church. The papacy reached an agreement known as *Hludowicianum* with Louis the Pious in 817. This *pactum* contained confirmation of the papal rights in the Sabine, where the abbey was situated. As Marios Costambeys argues, "as the first half of the ninth century progressed, the source of interference in Farfa and its estates was increasingly identified with the papacy." In such a situation, Farfa may have hoped to assert their right more strongly once again by recalling the legislative authority of the Carolingian monarch.<sup>[64]</sup> Anyway, when Louis sent his mandate to his agents in Provence, Septimania and Aquitania to respect the right of immunity, the emperor threatened, not with a fine of 600 solidi, but with the

*ischen Reichs*, vol. 4, 2nd ed. (Berlin, 1885), pp. 303-305; François Louis Ganshof, "L'immunité dans la monarchie franque," in *Les liens de vassalité et les immunités*, Recueils de la Société Jean Bodin pour l'histoire comparative des institutions, 1 (Bruxelles, 1958), pp. 171-216 (p. 202); Paul Fouracre, "Eternal light and earthly needs. Practical aspects of the development of Frankish immunities," in *Property and power in the early Middle Ages*, ed. Wendy Davies and Paul Fouracre (Cambridge, 1995), pp. 53-81 (p. 65, without mention of sanction clauses).

[58] Studtmann, "Die Pönformel," p. 293; Ganshof, "L'immunité," p. 193, n. 67 and p. 202.

[59] Compare Studtmann, "Die Pönformel," p. 301.

[60] For sanction clauses in the diplomas of Louis, see *DLdF.*, pp. lx-lxi. *DLdF.* no. 92, pp. 222-25 (cited above); no. 108 (Aachen, 816. 8. 30.), pp. 259-66, here p. 266 (for St. Martin in Tours): "Si quis autem in tantam prorumpere ausus fuerit audaciam, ut huius precepti nostri violator exstiterit, quemadmodum in preceptione domni et genitoris nostri continetur, non solum in offensam nostram lapsurum, verum etiam sexcentorum solidorum auri ad purum excocci se noverit pena multandum, ex qua duas partes rectores memorati monasterii, tertiam vero ius fisci recipiat." (cf. *Formulae Imperiales*, no. 29, in *MGH Form.*, pp. 307-308); no. 126 (Aachen, 817. 7. 1.), pp. 320-23 (confirmation of no. 108). After the confirmation for St. Martin in Tours, Louis issued a mandate and ordered counts, their agents, and imperial *missi* to respect the right of immunity of the abbey. Those who should violate this right should pay the fine of 600 solidi and, in the worst case, be summoned to the imperial court (note that it is also one of the elements in sanction clauses which Charlemagne introduced!). *DLdF.* no. 109, pp. 267-68. When Louis the Pious confirmed Charlemagne's privilege of immunity for Triers in 816, the sanction clause discussed

above was not cited any more. *DLdF.* no. 105, pp. 251-54.

[61] *DLdF.* no. 177, pp. 438-40, here p. 439: "Si quis vero ausu temerario contra hanc nostre auctoritatis iussionem venire presumpserit et eorum, que fieri prohibemus, contra predictum venerabilem monasterium facere temptaverit, sciat se secundum constitutionem domni et genitoris nostri karoli imperatoris ac nostram sexcentorum solidorum summa ad partem prefati monasterii esse multandum."

[62] Compare Studtmann, "Die Pönformel," p. 301, who construes it as "die offizielle Fixierung einer Satzung des fränkischen Königsrechtes" in Italian charters.

[63] *DLdF.* no. 71, pp. 174-76. The abbot Ingoald was in Aachen in August 815 personally and obtained, on the same day, one more charter confirming the property of the abbey. *DLdF.* no. 72, pp. 176-79. On April 28, 820, Ingoald was in Aachen and obtained three diplomas: *DLdF.* no. 177, pp. 438-40; no. 178, pp. 440-43; no. 180, pp. 445-47. On *DLdF.* no. 180, see below. Furthermore, Louis issued a mandate addressed to ecclesiastical and secular officials in favor of this abbey on the same day. *DLdF.* no. 179, pp. 443-45. We can guess that this abbey had a good relationship with the emperor.

[64] On Farfa, the Carolingians, and the papacy from 774 to the first half of the ninth century, see Marios Costambeys, *Power and patronage in early medieval Italy. Local society, Italian politics and the abbey of Farfa, c. 700-900*, Cambridge Studies in Medieval Life and Thought Forth Series, 70 (Cambridge – New York – Melbourne – Madrid – Cape Town – Singapore – São Paulo, 2007), pp. 301-44 (citation from p. 325). On the *Hludowicianum*, see Adelheid Hahn, "Das Hludowicianum. Die Urkunde Ludwigs d. Fr. für die römische Kirche von 817," *Archiv für Diplomatik* 21 (1975): 15-135 (with its edition pp. 130-35).

[65] *DLdF.* no. 205 (Aachen, 822. 3. 19.), pp. 506-508, here pp.



loss of royal favor. If anyone should violate the right, he should be punished by the local law.<sup>[65]</sup>

Besides these diplomas of immunity, there are two further diplomas, which Louis issued with sanction clauses.<sup>[66]</sup> The first one was issued between 814 and 821, maybe around 815, to confirm the *inquisitio* executed in 804 by the *missi* of Charlemagne in Istria. This diploma, addressed to patriarch Fortunatus of Grado, bishops, abbots, tribunes, and other *fideles* in Istria, borrowed its pecuniary sanction clause from the *notitia* recording the *inquisitio* of 804.<sup>[67]</sup> With the second diploma, Louis confirmed a settlement reached between abbot Ingoald of Farfa and bishop Sigoald of Spoleto through the intervention of bishop Heito of Basel, abbot Ansegis of St-Wandrille and count Gerold as imperial *missi*: the emperor threatened those who broke the contract with a fine agreed between the two parties.<sup>[68]</sup> Thus, in both cases, it seems not to have been Louis who took the initiative to incorporate sanction clauses into the imperial diplomas.

As this survey of sources shows so far, it was Charlemagne who used sanction clauses more actively than his predecessors and his son and his peculiarity can be found in documents concerning immunity. It is indeed already known that all the extant diplomas with pecuniary sanction clauses before Lothar I are those that are concerned with immunity, but historians seem not to have dealt with this fact properly.<sup>[69]</sup> We had better understand the development of sanction clauses in Carolingian diplomas as described above in regard to the immunity politics of the early Carolingians, especially that of Charlemagne.<sup>[70]</sup>

In the legislative activity of Pippin the Short, his effort to stabilize the institution of immu-

507-508: "... non tamen in hoc immunitas fracta iudicanda est et ideo non sexcentorum solidorum compositione, set secundum legem, que in eo loco tenetur, multandus est is, qui fraudem vel damnum in tali loco convictus fuerit fecisse ... Propterea precipimus atque iubemus, ut taliter exinde agatis, qualiter gratiam nostram vultis habere propiciam."

[66] Studtmann, "Die Pönformel," pp. 293-94 and 296, wrote that the diploma of donation granted by Loius for abbot Hilduin of St-Denis in 833 contained a *poena spiritualis* which was similar to that of *DKar.* no. 66 for Trier, though I cannot recognize such a sentence in this diploma. *DLdF.* no. 324 (Ver-sur-Launette, 833. 1. 20.), pp. 801-805.

[67] *DLdF.* no. 82 ([814-821, 815?]), pp. 200-202, here p. 202: "Et quicumque iudicatum, quod legati domni et genitoris nostri Iso presbiter et Cadola atque Aio comites per iusionem eiusdem domni et genitoris nostri inter vos constituerunt et primates populi vestri centum et septuaginta duo per sacramentum confirmaverunt, ut si aliqua contumacia violaverit, noverit se pena, que in ipso iudicatu conscripta est, esse multandum, id est novem libras auri ad palatium nostrum debeat solvere." On the *inquisitio* of *missi* sent by Charlemagne and his son Pippin of Italy in Istria, see Stefan Esders, "Regionale Selbstbehauptung zwischen Byzanz und dem Frankenreich. Die inquisitio der Rechtsgewohnheiten Istriens durch die Sendboten Karls des Großen und Pippins von Italien," in *Eid und Wahrheitssuche. Studien zu rechtlichen Befragungspraktiken in Mittelalter und früher Neuzeit*, ed. Stefan Esders and Thomas Scharff, Gesellschaft, Kultur und Schrift. Mediävistische Beiträge, 7 (Frankfurt am Main – Berlin – Bern – New York – Paris – Wien, 1999), pp. 49-112; Harald Krahwinkel, "...In loco qui dicitur Riziano... Zbor z Rižani pri Kopru leta 804 = Die Versammlung in Rižana/Risano bei Koper/Capodistria im Jahre 804, Knjižnica Annales, 40 (Koper, 2004).

[68] *DLdF.* no. 180 (Aachen, 820. 4. 28.), pp. 445-47: "... et si iterum quelibet pars eam repetere presumeret parti, cui litem intulerit, pene nomine auri mancusios quinque milia componat. [...] per quam decernimus atque iubemus, ut predicta pactuatio vel convenientia, que propter memoratam con-

tentionem ordine quo diximus facta est, tam inter ipsos, qui presenti tempore sunt, quam inter successores eorum firma et stabilis omni tempore perseveret et a nullo episcopo vel abbate violetur vel convellatur, sciantque et certum habeant multam superius descriptam se debere componere, qui contra parem suum de predictis ecclesiis aut rebus ad eas pertinentibus causationem sopitam exsuscitare temptaverit."

[69] See, for example, Studtmann, "Die Pönformel," p. 292-93. He even tried to show that pecuniary sanction clauses could have been used in other *deperdita* diplomas which did not concern immunity. For this assumption, he cited chapters 28 and 43 in the third book of the so-called capitulary collection of Ansegis. *Die Kapitulariensammlung des Ansegis*, ed. Gerhard Schmitz, MGH Capitularia regum Francorum Nova Series 1 (Hanover 1996), p. 586: "Si quis per cartam ingenuitatis a domino suo legitime libertatem est consecutus, liber permaneat. Si vero aliquis eum iniuste inservire temptaverit, et ille cartam ingenuitatis suae ostenderit et adversarium se inservire velle comprobaverit, ille, qui hoc temptavit multam, quae in carta descripta est, solvere cogatur. Si vero carta non paruerit, sed iam ab illo qui eum inservire voluerit, disfacta est, virgildum eius componat, duas partes illi, quem inservire voluerat, tertiam regi; et ille iterum per praeceptum regis libertatem suam conquirat." See also Ansegis 3, 43, pp. 591-92. Studtmann assumed that *carta ingenuitatis* mentioned here could be a royal diploma because the one whose freedom was threatened and whose certificate was destroyed maliciously could get his *libertas* back *per praeceptum regis*. However, a *carta ingenuitatis* here must have been a private charter issued by the *dominus* who freed his man, as the first sentence of the concerned text suggests. See also *Formulae extravagantes* I, no. 19 (It calls itself *ingenitatis kartula* in its text), in *MGH Form.*, p. 545; *Formulae Bituricensis*, no. 9 (*Ingenuitas*), in *MGH Form.*, p. 172. Both *formulae* contain pecuniary sanction clauses.

[70] Ganshof, "L'immunité," pp. 191-216, is still a useful survey of the Carolingian immunities.

[71] *Capit.* 1, no. 13 (*Pippini regis capitulare*, 754/755), c. 6, p.

nity around the middle of the eighth century is evident, though we do not know the details of his concrete measures.<sup>[71]</sup> Charlemagne attempted to overcome a disadvantage of the institution of immunity in March 779. In the ninth chapter of the *Capitulare Haristallense*, he ordered his *judices* and vassals, threatening them with the loss of *beneficium* or *honor* (a sanction clause!): they should bring to comital courts those thieves who fled into areas privileged with immunity rights.<sup>[72]</sup> It must be noted that just in the following month after this legislation Charlemagne issued the first privilege of immunity (as far as we know) with a pecuniary sanction clause for St. Marcel in Châlon.

The next “parallel” can be identified in 803. We have already seen that with the chapter 2 of *Capitulare legibus additum*, Charlemagne introduced into the general legislation the pecuniary penalty of 600 solidi for violation of immunity. However, this chapter contains a further measure, which could contribute to the maintenance of public peace instead of the existence of immunities: Should thieves, murderers, or other criminals flee into areas of immunity, counts should tell beneficiaries of immunity or their representatives to send these criminals back. Should they refuse to do so, they should be culpable to pay the defined fines, namely 15 solidi for the first negligence of the comital order, and 30 solidi for the second time. If they should not follow the order three times, then counts could enter in the areas of immunity to arrest the criminals, while the disobedient beneficiaries should be forced to pay the fine which the criminals should pay. If they answer the first comital inquiry that a criminal was within immunity but fled farther, they should swear firmly that they did not intend to let the criminal escape or harm anyone, and that, if any, they would satisfy the victim. Anyone who opposes counts entering in areas of immunity should be sent by the counts to the royal court to be judged. Such a person should pay a fine of 600 solidi, the same as that for violation of immunity.<sup>[73]</sup>

The Carolingians, like Charlemagne, did not intend to limit their own authority and power in the kingdom by privileging churches with immunity.<sup>[74]</sup> As Paul Fouracre formulated, “the grant of immunity was a means of exchanging earthly property for supernatural power.”<sup>[75]</sup> According to David Bachrach, Charlemagne was conscious of “the practical utility of the immunity as a means of assuring the efficient mobilization of resources for military campaigns.”<sup>[76]</sup> In this sense, it was meaningful and necessary for the monarchy itself to guarantee immunity rights more effectively. For this purpose, Charlemagne seems to have used sanction clauses. This effort was, however, intertwined with the other effort of the monarch to avoid the risk that immunities could hinder his royal government, as the chronologically parallel development of the use of sanction clauses and of

32: “Ut emunitates conservatae sint”; MGH Capit. 1, no. 14 (*Concilium Vernense*, 755. 7. 11.), c. 19, p. 36: “De emunitates. Ut omnes emunitates per universas ecclesias conservata sint.”

[72] Capit. 1, no. 20, c. 9, p. 48: “Ut latrones de infra inmunitatem illi iudicis ad comitum placita praesentetur; et qui hoc non fecerit, beneficium et honorum perdat. Similiter et vassus noster, si hoc non adimpleverit, beneficium et honorem perdat; et qui beneficium non habuerit, bannum solvat.” Carolingian immunities were not spaces of asylum. Barbara H. Rosenwein, *Negotiating space. Power, restraint, and privileges of immunity in early medieval Europe* (Ithaca, N.Y., 1999), pp. 227-28.

[73] Capit. 1, no. 39, c. 2, p. 113: “Si quis in emunitatem damnum aliquid fecerit, DC solidos componat. Si autem homo furturn aut homicidium vel quodlibet crimen foris committens infra emunitatem fugerit, mandet comes vel episcopo vel abbati vel vicedomino vel quicumque locum episcopi vel abbatis tenuerit, ut reddat ei reum. Si ille contradixerit et eum reddere noluerit, in prima contradictione solidis XV culpabilis iudicetur; si ad secundam inquisitionem eum reddere noluerit, XXX solidis culpabilis iudicetur; si nec ad

tertiam consentire noluerit, quicquid reus damnum fecerat, totum ille qui eum infra emunitatem retinet nec reddere vult solvere cogatur, et ipse comes veniens licentiam habeat ipsum hominem infra emunitatem quaerendi, ubicumque eum invenire potuerit. Si autem statim in prima inquisitione comiti responsum fuerit, quod reus infra emunitatem quidem fuisset sed fuga lapsus sit, statim iuret quod ipse eum ad iusticiam cuiuslibet disfaciendam fugire non fecisset, et sit ei in hoc satisfactum. Si autem intranti in ipsam emunitatem comiti collecta manu quilibet resistere temptaverit, comes hoc ad regem vel ad principem deferat ibique iudicetur, ut, sicut ille qui in emunitatem damnum fecit DC solidos componere debuit, ita qui comiti collecta manu resistere praesumpserit DC solidis culpabilis iudicetur.” For this chapter, cf. Ganshof, “L’immunité,” p. 199.

[74] Cf. Rosenwein, *Negotiating space*, here esp. pp. 99-134.

[75] Fouracre, “Eternal light,” p. 80.

[76] David Bachrach, “Immunities as tools of royal military policy under the Carolingian and Ottonian kings,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanische Abteilung* 130-1 (2013): 1-36 (p. 13).

[77] Fichtenau, “Forschungen,” p. 322.



legislative activities shows.

## CONCLUSION

Scholars, especially diplomatists, who studied sanction clauses have focused mainly on the development of the clauses as a formulary part of medieval documents. Attempts have been made to describe the history of a formulary sentence, namely, its origin(s), formation, establishment, change, disappearance, etc. However, when we observe uses of such sentences by contextualizing them in various backgrounds from the standpoint of “communication”, we can see some aspects of the past reality more clearly. This paper attempted to reconsider meanings of sanction clauses in royal documents at a time when those clauses were not fixed as an integral part of royal documents. Charlemagne seems to have used this kind of communication in the legal sphere cleverly and effectively, as it can be seen in his politics of immunity. Though Heinrich Fichtenau presumed that both the *poena spiritualis* and the *poena saecularis* in royal diplomas could be regarded in many cases as a sign of uncertainty of a period or of the weakness of the ruler,<sup>[77]</sup> we cannot link his unique use of them with Charlemagne’s weakness.

Sanction clauses are expressions of threat and menace. They were certainly a part of communication between monarchs and their courts on the one side and those under their rule who cooperated or had to cooperate in the government of the kingdom on the other, when the latter could experience monarchical threat expressed in royal documents, now as recipients, or as listeners, if they were read out. Sanction clauses were tools with which monarchs could make people act along the line they directed. As such, they were not meaningless nor banal, so far as the sources discussed in this paper allow us to say. This paper is the first step to understanding the “culture of threats” — if I may think of such a phenomenon — in the Carolingian age.

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# LETTERS FROM ON HIGH AND THEIR RECEPTION IN CAROLINGIAN POLITICS

## A RECONSIDERATION OF HOFFMANN'S PARADIGM

Martin Gravel

### ABSTRACT

Among the thousands of letters that have come down to us from the early Middle Ages, only a few have been kept in their original form, and a handful of these are quite peculiar in their appearance. They are but simple blocks of texts, without dates, subscriptions, seals, or any of the other usual diplomatic tools of authentication; this is true even for those that have been sent by the kings and emperors at the peak of Carolingian power. Their lack of visual markers could be an important clue to the way the messengers used them to create such media effects that were necessary to give the recipients the illusion of the sender's presence. Instead of considering these simple letters as crude objects, we should evaluate their specific purpose and efficiency, which could have been strictly aural, not visual.

This paper argues that certain letters sent by the Carolingian kings and emperors were not written to be read by their recipients, but by the messengers.<sup>[1]</sup> Anyone familiar with diplomatics, or with the historical literature on early medieval letters, will know that this is not entirely new. The importance of the messenger in all long-distance communications has been known even before Hartmut Hoffmann expressed it in his famous 1964 aphorism: "in the Middle Ages, the most important thing about letters was the messenger."<sup>[2]</sup> In the last twenty years, Mark Mersowsky has done extensive, determining work on this material, and what I am proposing tries to complement his observations.<sup>[3]</sup>

I will first assert that the part of ritual analysis that has survived the publication of Philippe Buc's *The Dangers of Rituals* can be used as a framework to study the few authentic letters that are left of the Carolingian centuries.<sup>[4]</sup> I will then proceed in the usual diplomatic fashion: by addressing their external characteristics, and then the internal, textual clues in support of my hypothesis, to wit, that the simplest letters were written to serve as a kind of score (i. e. musical notation) for messengers who were acting as representatives and, quite literally, voice-bearers of their lords.

[1] This article is based on a presentation made at the Aoyama Gakuin University on March 10th 2019, during a workshop organized by professor Shigeto Kikuchi. It has benefited from the insightful comments of the participants, notably professors Sakae Tange, Takuro Tsuda, Shoichi Sato, and professor Kikuchi. My stay in Japan was made possible with the support of professor Takahashi Kazuki and the JSPS research project (JSPS KAKENHI JP17H02377), to whom I extend my heartfelt thanks.

[2] *Das wichtigste am Brief war im Mittelalter der Bote* – H. Hoffmann, "Zur mittelalterlichen Brieftechnik," in *Spiegel der Geschichte*, ed. K. Reppen and S. Skalweit (Münster, 1964), p. 145.

[3] Among his numerous publications related to this subject: M.

Mersowsky, "Regierungspraxis und Schriftlichkeit im Karolingerreich: Das Fallbeispiel der Mandate und Briefe," in *Schriftkultur und Reichsverwaltung unter den Karolingern*, ed. R. Schieffer (Opladen, 1996), p. 109-166; Id., "Preserved by destruction. Carolingian original letters and Clm 6333," in *Early Medieval Palimpsests*, ed. G. Declercq (Turnhout, 2007), p. 73-98; Id., *Die Urkunden in der Karolingerzeit. Originale, Urkundenpraxis und politische Kommunikation* (Wiesbaden, 2015); Id., "Früh- und hochmittelalterliche Briefe. Ein Überblick," in *Briefe aus dem Spätmittelalter. Herrschaftliche Korrespondenz im deutschen Südwesten*, ed. P. Rückert (Stuttgart, 2015), p. 9-31.

[4] Ph. Buc, *The Dangers of Rituals. Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001).

Rituals became an important object of research for medieval historians, because the long 10th and 11th centuries were seen as problematic from the standpoint of government. Kings and emperors of this age seem to have been able to rule without strong institutions to back them up. Most would agree, then and now, that the efforts of Charlemagne and the early Carolingians to build a state on stable institutions had failed, and that it was superseded by a feudal order, where local magnates were able to govern their lands and play complicated games of alliances and treasons without risking much interference from their kings. This has been described as the iron century, following the idea that the sword was then the preferred tool of negotiation. It was a period during which sovereigns did not matter much, as they were unable to control the aggressions and murderous vengeance that passed for politics in those days. And it is true that issuing decrees, laws and other such royal pronouncements was rare, and so were diplomas, especially in Western Francia, where even reigns of forty years left less than a hundred charters to testify for their administration.

This overall picture is excessive, of course, but it was generally perceived as correct before the 1990s, even though certain historians had tried to bring some nuance to it, notably Heinrich Fichtenau.<sup>[5]</sup> With Karl Leyser, Susan Reynolds, and Dominique Barthélemy, some were discussing the possibility of using the concepts of anthropology to go beyond the feudal paradigm and get a better understanding of this stateless society.<sup>[6]</sup> In that context, the first focused effort in the direction of political communications was presented by Geoffrey Koziol in his 1992 book, where he argued that in the Western Frankish Kingdom, under the last Carolingians and the early Capetians, state order and political affairs were mostly determined by the workings of rituals, instead of legislative, judicial, and administrative processes.<sup>[7]</sup> In short, instead on relying on governmental institutions, feudal lords maintained order through relational customs and their *mise-en-scène*, for instance begging pardons and favors from the sovereigns.

Although G. Koziol's book is the first widely read thesis on the studies of political rituals, it would not be fair to place Gerd Althoff's contribution in second. Based at the University of Münster, this historian started to study similar themes at the same time, while focusing on the Ottonian and Salian empires. He has published extensively on the subject, while encouraging the development of a generation of younger historians working on the rituals of power, notably through their *mise-en-scène* by their actors.<sup>[8]</sup> From that perspective, great portentous events such as the humiliation of emperor Henry at Canossa in 1077 appeared as stage plays, made to convey well controlled political messages. In short, according to G. Althoff, the emperors were ruling through public rituals. This thesis was generally considered to be convincing, as it explained many peculiarities of the times, such as the constant movement of the Ottonian and Salian imperial courts, which had been brought into new lights by Eckhard Müller-Mertens and his students.<sup>[9]</sup> It also dovetailed with the work of his Münster colleague, Hagen Keller, on the use of royal and imperial diplomas as aural and visual

[5] H. Fichtenau, *Lebensordnungen des 10. Jahrhunderts. Studien über Denkart und Existenz im einstigen Karolingerreich* (Münich, 1984; repr. 1994).

[6] K. Leyser, *Rule and Conflict in an Early Medieval Society. Ottonian Saxony* (Oxford, 1979; repr. 1989); S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, (Oxford, 1984; repr. 1997); D. Barthélemy, *La mutation de l'an mil a-t-elle eu lieu? Servage et chevalerie dans la France des x<sup>e</sup> et xi<sup>e</sup> siècles* (Paris, 1997). The most recent, important contribution to the study of the transition between the Carolingian and Feudal political order is: Ch. West, *Reframing the Feudal Revolution: Political and Social Transformation Between Marne and Moselle, c.800-c.1100* (Cambridge, 2013).

[7] G. Koziol, *Begging Pardon and Favor. Ritual and Political Order in Early Medieval France* (Ithaca, NY, 1992).

[8] Among other publications: G. Althoff, "Demonstration und Inszenierung. Spielregeln der Kommunikation in mit-

telalterlicher Öffentlichkeit," *Frühmittelalterlichen Studien* 27 (1993): 27-50; Id., "Ungeschriebene Gesetze. Wie funktioniert Herrschaft ohne schriftlich fixierte Normen?" in *Spielregeln der Politik im Mittelalter. Kommunikation in Frieden und Fehde* (Darmstadt, 1997), p. 282-304; Id., "Die Veränderbarkeit von Ritualen im Mittelalter," in *Formen und Funktionen öffentlicher Kommunikation im Mittelalter*, ed. G. Althoff (Stuttgart, 2001), p. 157-176; Id., "Zum Inszenierungscharakter öffentlicher Kommunikation im Mittelalter," in: *Von Fakten und Fiktionen. Mittelalterliche Geschichtsdarstellungen und ihre kritische Aufarbeitung*, ed. J. Laudage (Cologne, 2003), p. 79-93; Id., *Die Macht der Rituale. Symbolik und Herrschaft im Mittelalter* (Darmstadt, 2003).

[9] The fundamental publication being: E. Müller-Mertens, *Die Reichsstruktur im Spiegel der Herrschaftspraxis Ottos des Großen* (Berlin, 1980).

tools in political communications.<sup>[10]</sup>

There was, however, an important contradiction published in a 2001 book titled *The Dangers of Rituals*. Its author, Philippe Buc, argued that historians caught up in the ritual vogue were oblivious to the problems inherent to using such a concept, which had been developed by modern authors and early anthropologists who were drawing a fictitious line between fully developed and primitive cultures. In short, the concept was flawed from birth, as it served to contrast civilisation and barbarism, and to describe the latter by using poorly defined notions which served the European colonialist mindset. More importantly for our subject, Ph. Buc expressed doubts about the way historians such as G. Koziol and G. Althoff were reading their sources: they were using chronicles, annals and other narrative texts which contained descriptions of such rituals. In doing so, they tended to read those descriptions as if it was possible to take them as essentially correct reports on the events they described. Quite correctly, Ph. Buc forced the reconsideration of the sources as determined by their authors' intent. He might have gone too far, however, in suggesting that this field of inquiry was irredeemably flawed.

While Ph. Buc's criticism is important, it also overreaches. First, demonstrating that as a concept, "ritual" tends to superpose on the medieval cultures ancient clichés about the European colonies, does not mean that the events themselves never happened, or that their *mise-en-scène* is some kind of historiographical illusion. One simple fact remains: we have good reasons to think that Henry did go to Canossa, and that his meeting with pope Gregory was orchestrated to serve their political purposes. Timothy Reuter had already said quite correctly, that politics were played out during assemblies: acting publicly meant acting in front of people of high standing — generally secular and ecclesiastical elites — who would later report on what they saw. Rumors of this sort have always been at the core of the most important political maneuverings.<sup>[11]</sup> One does not need the concept of "ritual" to appreciate this. Second, reaffirming that the authors responsible for describing those public actions were not precise and objective reporters reinforces the idea that these events were important, since these authors considered it useful to create and disseminate versions of them that were adjusted to the specific, political goals of their lords and protectors.<sup>[12]</sup> Of course, we should not read chronicles without the proper, critical tools, but this does not mean that we should underestimate them as actions of political communications in their own right.<sup>[13]</sup>

All this might seem far from the subject at hand, namely the use of letters by the Carolingian sovereigns, but the contrary is true. In their premodern world of slow transportations, where occasions to meet directly were rare, receiving a letter, especially when it came from higher authorities, must have been an event considered worthy of a *mise-en-scène*, and maybe, thereafter, of a spoken account or a written report, at local assemblies, in narrative texts, or elsewhere. If certain actions were staged as public representations, so to speak, then receiving a messenger bearing letters must have been among them.<sup>[14]</sup> This is where the Hoffmann paradigm comes to the fore: while it rightly

[10] Notably: H. Keller, "Zu den Siegeln der Karolinger und der Ottonen. Urkunden als 'Hoheitszeichen' in der Kommunikation des Königs mit seinen Getreuen," *Frühmittelalterlichen Studien*, 32 (1998): 400-441; Id., "Die Herrscherurkunden. Botschaften des Privilegierungsaktes — Botschaften des Privilegientextes," in *Comunicare e significare nell'alto medioevo* (Spoleto, 2005), p. 231-283.

[11] Arguments suggesting that there was a specific origin to this in the West are based on an insufficient study of the previous centuries and their source material, e. g. L. Melve, *Inventing the Public Sphere. The Public Debate during the Investiture Contest* (c. 1030-1122), (Leyde, 2007).

[12] A point conceded by Ph. Buc: "Text and ritual in ninth-century political culture: Rome, 864," in *Medieval Concepts of the Past: Ritual, Memory, Historiography*, ed. G. Althoff, J. Fried, P. J. Geary (Washington, 2002), p. 123-138.

[13] For the debate that ensued, see the references in: J. R. Davis, *Charlemagne's Practice of Empire*, (Cambridge, UK, 2015), p. 16, n. 67.

[14] This is particularly evident in the case of embassies, see notably: P. S. Barnwell, "War and peace: historiography and seventh-century embassies," *Early Medieval Europe* 6 (1997): 127-139; M. McCormick, "From one center of power to another: comparing Byzantine and Carolingian ambassadors," in *Deutsche Königspfalzen VIII*, ed. C. Ehlers (Göttingen, 2007), p. 45-72; R. W. Mathisen, "Patricii, episcopi, et sapientes. Le choix des ambassadeurs pendant l'Antiquité tardive dans l'Empire romain et les royaumes barbares," in *Ambassadeurs et ambassades au cœur des relations diplomatiques. Rome – Occident médiéval – Byzance*, ed. A. Becker and N. Drocourt (Metz, 2012), p. 227-238.

In the last years of Louis the German's reign, around 871, an author working for the archbishop of Strasburg wrote a chronicle of the conversion of the Bavarians and the Carantanians.<sup>[15]</sup> At some point in his composition, he mentions a man of high repute among the Slavs, probably a priest (c. 7). In just a few words, the author manages to give an impression of this man, named Ingo, by saying that his decisions were never put into doubt, even though he might have sent them through *cartae sine litteris*, a surprising phrase which might be translated as "documents without writing", meaning pieces of parchment without any script on them. Those have generally been understood as charters bearing only some formal sign, such as a personal seal or an autograph subscription, which could be used to show that the bearer was acting as Ingo's representative: such a letter of credence would not need to be read, just to be seen, to be acknowledged as valid, and so, to ascertain the validity of the mandate transmitted orally by the bearer.<sup>[16]</sup> Diplomats and historians have had good reasons to support this hypothesis, since the known corpus of Carolingian *cartae* is full of documents with strong visual markers, so strong in fact that the text itself sometimes slips into the background, as in the most impressive royal diplomas.<sup>[17]</sup> As far as royal chanceries went, the 9th century could be the high point of strong visual communications through charters. The following schema should clarify this distinction between the ear's and the eye's role:

**aural communication**  $\longleftrightarrow$  **visual communication**

Result: an iconic object to be kept, and shown again.

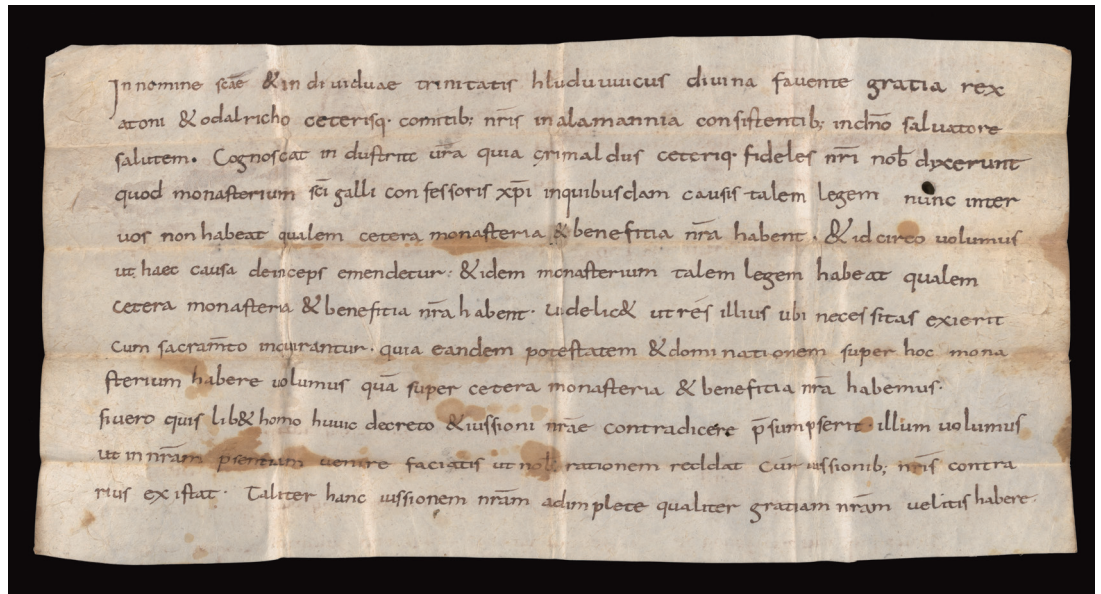
[17] Images of Carolingian diplomas are readily accessible online,



interaction of the senses, the expression “aural-visual ratio” can help to understand how charters were composed and put to use.<sup>[18]</sup>

In the cultural and political context just described, one expects that receiving a letter from a high authority must have been an event worthy of a *mise-en-scène*, and that through this *mise-en-scène*, relationships that bound the local communities, their leaders, and the sovereign found their expression. And so, it is quite surprising to find a small number of such *cartae* preserved as originals, that are free from any of the visual markers that would have supported such representation of power. This letter sent by king Louis the German to his counts in Alemania will serve as an example:

## II. LOUIS THE GERMAN TO THE COUNTS OF ALEMANIA (A. 854-855)<sup>[19]</sup>



This charter is rather small, at about a quarter of the square size of an average diploma from the same king. It has obviously been cut after it was filled with an ordinary book script, showing none of the adornments of true royal *praecepta*. It seems complete, although its text fills almost all its space, leaving but small margins, and no place for a subscription, a seal, or even a dating clause.

Such simple, unadorned pieces of parchments sent by kings and emperors seem to have been determined entirely by their function as voice notation: this suggests that they could have been used for a specific theatrical artifice, where the messenger was to read the letter himself, in such a way as to create the illusion, for a moment, that the sender was there in front of the recipient and his people, speaking with the full force of his authority: there is the main hypothesis of this paper. We must not be fooled by our own intimate relationship with postal letters, as object we read by ourselves, in silence.

Five arguments resting on the material aspect of early medieval letters support this. However, it

[18] M. McLuhan, *Understanding Media. The Extensions of Man* (Cambridge, MA, 1964; repr. 1994). For an efficient effort at clarifying McLuhan's often cryptic pronouncements, notably on the senses's ratio: S. Grampp, *Marshall McLuhan. Eine Einführung* (Konstanz/Munich, 2011), p. 74-89.

[19] Sankt Gallen, Stiftsarchiv, Urk. A4 A5a. Image available online on the e-chartae website: <https://www.e-chartae.ch/de/charters/view/661> [accessed on December 16th, 2019]. It

is also available in print form: M. Mersowsky, “Merowingische und karolingische Herrscherurkunden,” in *Mensch und Schrift im frühen Mittelalter*, ed. P. Erhart and L. Hollenstein (Saint-Gall, 2006), p. 68, abb. 29. Also available in a full-size facsimile: *Diplomata Karolinerum. Faksimile-Ausgabe der in der Schweiz liegenden originalen Karolingerdiplome*, ed. A. Bruckner (Basel, 1969-1974), vol. I, no 31. For the text edition: MGH DD LD, p. 101, no 71.

must be stated that the number of such documents that have been preserved is so small, as to make any statistical appreciation impossible: one cannot determine whether this corpus corresponds to the general practices of the Carolingian centuries. Such authentic letters that we have could either be exceptional, perfect representations of the average, or anything in between. The best one can do is try to understand them for what they are, comparing them to the numerous authentic diplomas, and all the while, to restrain from pushing inferences too far.<sup>[20]</sup>

First, letters sent by the Carolingians were not sealed from the outside, as the *lettre close* came to be centuries later. Most often, creases show that they were folded tightly, from the bottom up and then from the sides, so as to form a small bundle of about ten square centimeters — half the size of a bank card. The specimens known do not show the typical traces left by wax after a seal has been lost. It has been argued that the folding was held by a string, but the evidence is inconclusive.<sup>[21]</sup> In any case, in the absence of a seal, one thing is quite certain: these letters could be opened by anybody who had his hands on them. What the voice score hypothesis suggests, is that the bearer, the messenger was authorized to do so, perhaps to practice reading it before presenting himself to the recipient. There is no positive proof of this, but it is a possibility based on the fact that these letters were easily opened and handled before reception, without apparent damage: the messenger could indeed have been responsible for reading these letters aloud, as the representative of the sender, as he had the possibility of preparing his performance, during the days — more often weeks — of his travel toward the receiver.

A second clue underlines the strictly aural nature of the communication that such a letter supported: unfolded, it did not present a single visual cue to distract the reader's eye. Quite obviously, it was not made to be appreciated visually. The letter appears as a block of text, often without margins, which indicates that the charter was cut off from a larger piece of parchment after writing: this simple composition is a conscious design, resulting in a specific visual effect: this is a text, no more, no less. And there is nothing in its layout that would indicate that it had to be shown to the recipient and his entourage. It was much too small and too plain to serve as a visual prop, and so it could indeed have been designed for the use of the messenger in charge of reading it.

Third, the disposition of the text often submits to a similar model: the page is about twice as wide as it is long. It is small in comparison to most royal diplomas, which could easily reach a width of 70 cm, but it is still spacious, considering the limited amount of words it carries. The lineation is regular and rather wide, an aspect that contradicts the possibility that the chancery was preoccupied by limiting material use, indicating, on the contrary, that readability was the important factor determining its form. When seen in full size, for anybody with a modicum of palaeographical competence, this is what stands out: those letters were graphically composed to be easy to read aloud.

This hypothesis is supported by a fourth material aspect: the script is either a regular book hand, such as caroline minuscule, or a regular, easy to read cursive, unlike the usual diplomatic writing typical of much of the 9th-century royal charters, with its tight verticality, and sometimes visually confusing ornaments. In those simple letters, the characters are big and distinct from each other, with limited use of common ligatures. It is tempting to deduce that they were made to be easy to read, not to express visual solemnity. This makes sense, if one takes into consideration that the level of literacy of messengers certainly varied. Of course, some letters are written in a tighter cursive, but none sports anything so boastful as a high chancery script, or so careless as tablet shorthand. In any case, they look like they could be read easily, as voice scores, by whoever carried

[20] This corpus can be accessed through the following publication: Mersiowsky, "Regierungspraxis und Schriftlichkeit". An ongoing program is publishing facsimiles of all authentic letters that have come down to us from the early Medieval Period: *Lettere originali del Medioevo latino (VII-XI sec.)*, ed. A. Petrucci, G. Ammannati, A. Mastruzzo, E. Stagni (Pisa, 2004-2012).

[21] The string could leave a crease, and the address on the dorse sometimes show a gap where the string might have been: J. Calmette, "Une lettre close originale de Charles le Chauve," *Mélanges d'archéologie et d'histoire* 22 (1902): 136-139. This seems far-fetched, but is impossible to verify without direct access to the documents.

them to represent their sender.

The fifth material clue in favor of the aural nature of those letters can be found in the way words are presented. A systematic demonstration is not practical, because there are not enough authentic letters to work from, but still, many interesting things appear to the naked eye: word spacing is quite regular; punctuation and capital letters serve to delineate short, simple sentences; words cut at the end of lines are not frequent; the use of abbreviations is mostly limited to common ones. All this fits well with the possibility that reading was staged and effected by the messenger in front of the recipient.

Carolingian original letters that could have served as vocal scores are not exactly similar to each others, from the standpoint of their visual appearance. One could not infer much from this, besides that they are the work of different scribes working for different chanceries; they were not written for the same messenger, or for the same specific practice of representation. While it is true that Charles the Bald's letter to the Barcelonians (a. 876) is written in a faster cursive script, with more abbreviations than the well rounded, slow minuscule of Louis the German's letter, this distinction does not need any more explanation than their different origin.<sup>[22]</sup> It could be that the bearer of Charles the Bald's letter was a better reader than the one who delivered Louis the German's.

Textual analysis tends to support the hypothesis of messengers as readers, even without going into precise details. The overall structure of the letters is a simplified version of the diplomas: it follows the same plan, but in a more compact, and direct version. After a short invocation and salutation, the sender might express the general relational context of the exchange, sometimes insisting on certain qualities of the recipient. This first part is not always present, and then the text jumps directly from the salutation to the narration, where the contextual justification of the letter is given. From there, it becomes natural to go to the petition, that is, to the command/request that the letter bears at its core. It is sometimes developed somewhat, though not in any way comparable to diplomas, which often follow up with precise descriptions of their object and with clauses expressed against those who would not respect their injunctions. After the petition, the letter ends, often abruptly, without any conclusion, salutation, or eschatocol of any aspects. Letters sent by kings are short and to the point, a characteristic which made them efficient as expressions of power. This makes sense if the letter did not stand alone as an act of communication: the messenger was expected to accomplish most of the exchange, before and after reading the letter, which played a very specific part in his overall mission of representation.

Another interesting aspect to consider is that their texts follow a simple syntax, building short sentences quite unlike those of the great epistolary writers of the day, such as Lupus of Ferrières, or the fine letters sent by the papal chancery. Though they are short, they will repeat words and phrases central to their matter, limiting their use of pronouns and elliptical formulations. This gives them a straight and direct expression, quite fitting for a king, but also useful for insuring that the reader will be able to recreate it, to effect its *mise-en-scène*. This controlled simplification of the text also applies to its vocabulary: it does not try to impress by its rarity or its precision, but is kept to a minimal number of common words. This epistolary rhetoric joins the strength of directness, and the efficiency of simplicity. This makes a lot of sense, if one keeps in mind that Latin was still the standard language of long-distance communications, but that it was spoken in different forms, and understood at different levels throughout the Carolingian empire.<sup>[23]</sup>

[22] Barcelona, Arxiu de la Catedral, stancia III, no 1 (privilegia). The most accessible facsimile remains: Calmette, "Une lettre close" For the edition: *Recueil des actes de Charles II le Chauve*, ed. A. giry, M. Prou, G. Tessier (Paris, 1943-1955), 2.431-432, no 417. Another document to compare is the letter of Louis the Pious to bishop Badurad of Paderborn: Münster, Staatsarchiv, Urk. Corvey Nr. 4. Edition: *MGH DD*.

*Kar.* 2, 2.815-817, no 330.

[23] Among his numerous contributions on the subject: M. Banniard, "La latinophonie: caractère d'une dynamique vitale," in *Studien zu Literatur, Sprache und Geschichte in Europa*, ed. A. Greule, H.-W. Herrmann, K. Ridder, A. Schorr (St. Ingbert, 2008), p. 215-228.

A last point is that these simple epistolary texts can be construed as short plays. This needs to be stressed, because today, letters have lost much of their theatrical character, and our relation with them is much more visual and personal than aural and communal. In the days of Charlemagne, an imperial letter was almost entirely composed as an address made in the first person to a second person, from a stately *we* to a simple *you*. Upon reading, a letter such as this would flow without a break, permitting all hearers to imagine the presence of the authorial *we* among them, and feeling his attention as if it was turned directly toward them. Diplomas are not like this: they do find a similar statement at their core, but they are also framed by indications such as subscriptions, seals, monograms, date clauses, other visual signs such as beehives, chrismon, and sometimes tironian notes — shorthands which only well trained scribes could decipher. Even the elongated letters of the first line transform the text into a visual image that works against the possibility of fluid reading. In themselves, they were sometimes huge, and so difficult to read aloud, as they needed to be held at arm's length. This is an experience worth trying with full-size printed facsimiles. All this breaks the theatrical continuity, as if the magic of reading aloud was expected to be interrupted, maybe because diplomas were not made to be received and communicated as letters were. This is particularly true of the early medieval material.

Letters generally have an initial salutation that stands outside of their main, first person to second person monologue. But this reinforces the theatrical metaphor, rather than undermine it, because it works as an initial setup of the situation. It is written as if the writer is standing on the side the stage, where he can see the actors and present them in relation to each other, before the curtain is lifted and the illusion of the sender's presence can be realized through the messenger's voice. This is not so different from the beginning of any play, in written format. The first words of Shakespeare's *Hamlet* are as follow: "Elsinore, a platform before the castle. Francisco at his post. Enter to him Bernardo." And so, in fourteen words, the audience know where it stands, and who it is looking at, so the play can begin, as it does, with the voice of Bernardo asking "Who's there?" And the magic operates. This is not different from the salutation of Louis the German's letter to the Alemanian counts: "In the name of the holy indivisible Trinity, Louis, king by divine grace, gives salutation in the Lord savior to Ato, Odalric and our other counts in Alemania." Twenty-five Latin words are used to set the stage, before the king start to speak through his unnamed messenger: as a media, a letter cannot effectively work before its hearers recognize the sender, recipient, and context of their exchange, as characters in a play.<sup>[24]</sup> And once it has begun, the audience will not appreciate the illusion being lifted before the end. Such could have been the media experience expected of royal letters.

If the hypothesis of a formal *mise-en-scène* of letter reading by the messengers makes any sense, it should find support in the experience of reading these letters aloud, using full scale facsimiles. Any student of a dead language knows this kind of play and its formative qualities, but in this case, the problem put by these original letters makes it especially worthwhile to try to pronounce and hear these texts, going as far as adding a bit of theatrical emphasis, in an effort to bring us to their original aural perception. Over time, this exercise has led me to appreciate the construction, the sound qualities and overall rhetoric of those letters. Let's consider the transcription of Louis the German's letter already discussed. The abbreviations have been underlined to show that they are limited to the simplest kind, notably the variations on *noster* and *sanctus*, the suffixes *-bis/-ibus*, and so on:

*In nomine sanctae et indiuiduae trinitatis. hluduuuicus diuina fauente gratia rex*

[24] The importance of the initial salutation in early medieval letter writing, even before the development of its theoretical blueprint in the *ars dictaminis*, has already been well studied, for instance: C. D. Lanham, "Salutatio" *Formulas in Latin*

*Letters to 1200: Syntax, Style, and Theory* (Munich, 1975); Ead., "Freshman composition in the early Middle Ages: epistolography and rhetoric before the *ars dictaminis*," *Viator* 23 (1992): 115-134.



atoni et odalricho ceterisque comitibus nostris in alamannia consistentibus in domino saluatore salutem. Cognoscat industria uestra quia Grimaldus ceterique fideles nostri nobis dixerunt quod monasterium sancti galli confessoris christi in quibusdam causis talem legem nunc inter uos non habeat qualem cetera monasteria et beneficia nostra habent. Et idcirco uolumus ut haec causa deinceps emendetur. Et idem monasterium talem legem habeat qualem cetera monasteria et beneficia nostra habent. Uidelicet ut res illius ubi necessitas exierit cum sacramento inquirantur. Quia eandem potestatem et dominationem super hoc monasterium habere uolumus quam super cetera monasteria et beneficia nostra habemus. Si uero quislibet homo huic decreto et iussioni nostrae contradicere praesumpserit illum uolumus ut in nostra praesentiam uenire faciat ut nobis rationem reddat cur iussionibus nostris contrarius existit. Taliter hanc iussionem nostram adimplete qualiter gratiam nostram uelitis habere.

Obviously, its vocabulary is simple and limited, as certain formulas are repeated like hammer strikes, like the three variations on: *talem legem super monasteria et beneficia nostra habere uolumus*. The sentences are short and as such, they do not let much space for interpretation: the king's ruling is clearly expressed. It seems that the Alemanian counts could be impressed by such a text, once read aloud to them, especially if reading was left to the messenger representing the king, not a member of their entourage unfamiliar with the text just received, susceptible to mismanage its oral delivery. The king obviously wanted the letter to work to its maximum effect and his envoy must have been suited to this task, in a way that a man of the recipient's house could not.

This proposal is but an hypothesis, and it is highly improbable that it will ever be considered certain: there is not much positive proof to be hoped for, only oblique support. But still, it is probably the best there is, as it fit nicely with what little information we have from the few authentic, original letters that have come down to us. It is also capable of offering a plausible explanation for certain difficult facts about these letters. This can be illustrated by considering one last document.

In the year 810, Charlemagne called for a general fast to be held on the 9th, 10th, and 11th days of December. To make sure that this would be correctly done, he had the archbishops transmit his order in writing to their suffragan bishops. We have been fortunate enough to keep one of these, sent by archbishop Riculf of Mainz to his suffragan, bishop Egin of Konstanz.

### III. LETTER OF RICULF OF MAINZ TO EGINO OF KONSTANZ (A. 810) <sup>[25]</sup>





This piece of parchment was salvaged from a book cover, as the photo shows. Upon studying it, Mark Mersiowsky has proposed that its script is typical of the Konstanz region, not of Mainz. This would suggest that it is a copy, not the original sent by Riculf. This would not need further explanation, if M. Mersiowsky had not found crease marks on the parchments that are coherent with the folding of letters.<sup>[26]</sup> If he is correct, then we have to assume that upon receiving the letter of his archbishop, Egino made copies to put it in circulation in his diocese. And so, the version we still have today would be the one addressed to the monastery of Sankt Gallen, as it has been kept in the monastery archives. This surprising practice can be explained by the intention of having the archbishop's letter read aloud in the monasteries and the clerical communities of the bishopric, in a *mise-en-scène* coherent with the hypothesis submitted here.

This idea has the benefit of explaining the findings of M. Mersiowsky, while offering a plausible scenario for this communication effort. One has to consider that this call for an empire-wide fast was a rare and important event, requiring the active participation and correct synchronization of all the churches in the realm. In this situation, making sure that all monks and clerics would hear their archbishop's words, which were themselves transmitting those of the emperor, is a reasonable proposition, certainly better than imagining the bishop writing his own letter in which he would have had to expound something like: "the emperor told the archbishop to tell me to tell you that there will be a fast." This does not make for strong rhetoric, so it was better to have the same epistolary play staged again, and again, throughout the land. This could be the reason why the bishop of Konstanz had "original copies" made for circulation within his own diocese. At this point in the history of the Carolingian empire, the idea that the highest powers were intent upon delivering specific pronouncements on a large scale appears credible. There was strength in creating such representations of authority through the voice of its envoys, who were in charge of creating this voice, as they were chosen to do so, as they could practice the text they carried, as they were indeed his direct representatives, coming from outside the receiver's circle.

All this depends on a very small corpus and a lot of suppositions. In the best of cases, this idea of letters as theatre pieces or voice scores could help us get a better idea of the effective practice of epistolary communication and, in a more general sense, of reading and writing in a world where audition was the primary sense of political communications, as it would let the imagination see what the eyes could not. As we tend to rely more and more on visual medias today — even our phones have transformed into something we mostly peruse with our eyes and fingers —, as we have come to think that the truth is something we *see*, it requires some effort to understand a culture where the truth might have been about what you *heard*. And this requires more attention from early Medieval historians.

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[25] Sankt Gallen, Stiftsbibliothek, Cod. Sang. 1394, p. 141 (Nr. XV). High quality online facsimile: <https://www.e-codices.unifr.ch/de/csg/1394/141> [accessed on January 14th, 2020].

[26] M. Mersiowsky, "Karolingische Briefe," in *Mensch und Schrift*, p. 73; Id., "Preserved by destruction," p. 91-92. The creases are visible on the online facsimile.

# SOME ASPECTS OF LOCAL COMMUNICATION IN THE CAROLINGIAN ERA

Sakae Tange

## ABSTRACT

It was critical for governing the Carolingian Kingdom to convey the emperor's intention to every corner and gather the information of each place in the court and discuss the response. Therefore, the Carolingian elite had to communicate not only among themselves (central communication) but also with the residents, most of whom were illiterate and only understand vulgar language (local communication). On the occasion of drawing up a transaction or confirmation charter, the sovereign sometimes sent his entourage to the site to examine the current situation with interviews with residents. The lord sometimes investigated the situation of his farmers and took measures to reduce the burden. Local communication thus created a circuit which routed local information and the actual situation of the people to the Carolingian court. However, communication was also an opportunity to distort information, especially in ways that did not conform to the will of the people.

## I

In a book treating the reign of Charlemagne, Rosamond McKitterick considers his network of communication covering all over his realm to be one of the fundamental components of the dynasty<sup>[1]</sup>. Emperor desired to send his intentions all over the kingdom and to gather from there vital informations. Indeed, a treatise usually called *De ordine palatii* assigns two tasks to the king's counselors: investigate the events carefully around his home, and bring these findings to the palace for deliberation<sup>[2]</sup>. They are among the most critical missions entrusted to them. By the way, Hincmar of Reims, its author confesses the second part of this treatise, including the sentence we just looked at is a reproduction of a memorandum by Adalhard, cousin of Charlemagne and abbot of Corbie abbey<sup>[3]</sup>. We shall refer him several times in this paper.

Emphasizing the importance of the communication and the transmission of information for the Carolingian state, McKitterick thus suggests a way of revealing some characters of the socio-legal structure of the Carolingian State. So the sentence mentioned above of *De ordine palatii* makes us turn our attention not only to communication within the elites themselves (central communication) but also another that local people practice with elites or even within themselves (in all, local communication). However, while not a few correspondences written by Carolingian elites disclose to us some aspects of the way and contents of the former, there is seldom direct testimony to the latter in which the illiterate took an important part. We must reconstruct some features of it from fragmentary and scattered pieces of information to investigate some actual conditions of the local

[1] Rosamond McKitterick, *Charlemagne The Formation of a European Identity* (Cambridge, UK, 2008), pp. 214-215.

[2] Hincmar of Reims, *De ordine palatii*, ed. and tr. Thomas Gross and Rudolf Schieffer, *MGH Fontes iuris germanici antiqui in usum scholarum separatim editi III* (Hannover, 1980), p. 94; *Secunda auem ratio regis erat interrogatio, quid*

*unusquisque ex illa parte regni, qua veniebat, dignum relatu vel retractatu secum afferret.*

[3] Carlrichard Brühl, "Hinkmariana, 1. Hinkmar und die Verfasserschaft des Traktats 'De ordine palatii'", *Deutsches Archiv für Erforschung des Mittelalters*, 20 (1964): 48-54.

communication. To begin our study, we would look at some diplomatic and administrative documents, especially charters confirming a monastic property.

## II

It is customary for medieval ecclesiastical organization to ask a new sovereign for a charter of confirmation of its property or privilege, each time he ascends to the throne. For example, emperor Louis the Pious grants the property of monastery Stavelot-Malmédy (the Province of Liège, Belgium) by a charter dated 1 October 814<sup>[4]</sup>. According to this, showing to the emperor a charter of confirmation issued by Childeric II, the abbot pleads him to ratify the property of his abbey. Louis grants abbot's wish and orders to issue a new charter of confirmation. A series of procedures attached to the ratification, that is, the supplication and presentation of the testimony on the abbot's side, the examination of testimony, consent to entreaty and lastly issue of a new charter on the emperor's side, deserve to be considered as a sort of communication. Indeed we find here the transmission and sharing of information and sentiment between the emperor and an abbot, a Carolingian elite. Now, this charter leaves on record not only a central communication but also a trace of local one. It fixed the boundary of the monastic realm by a series of landmarks (such as road, forest, brook). Here we find a fish-trap (or a breeding pond) owned by *Gerlaicus*<sup>[5]</sup>. Without a field inspection, it is impossible to register the name of its owner. As a matter of fact, this sentence is a carbon copy of that in a charter by Childeric II dated 6 September 670<sup>[6]</sup>. King ordered two aides to go around the monastery with the guards of the royal forest to fix its boundary and to inscribe its result on a charter. Yes, as Theo Kölzer noted, it is rare for the charter of confirmation to refer concretely to an on-the-spot investigation<sup>[7]</sup>. However, we encounter more examples of similar investigation in some Carolingian documents.

Confirming charter by Pippin III, mayor of the palace then, addressed in favour of Saint-Denis abbey, also tells the investigation on the spot by a commission of inquiry before its drafting<sup>[8]</sup>. Pippin who accepted the solicitation by Fulrad, abbot of Saint-Denis, to recover the properties usurped because of the inappropriate machination and the negligence of the past abbots and officials, ordered two entourages to inspect the estates took away from Saint-Denis with the charters presented by Fulrad. Following the result of their investigation, Pippin issued a new charter which lists the estates to revert to the monastery.

We can imagine that in both cases the commission gathers information from local inhabitants during the itinerary, but the charters we have seen are silent in its practical way. Fortunately, an act granted by Louis the Pious gives us some concrete information. It is a diploma dated 25 May 827 by which the emperors (Louis and his son, joint emperor Lothair) settled a conflict between the abbey of Stavelot-Malmédy and the fiscal guard of Theux touching the usufruct of the royal forest of *Astanetum*<sup>[9]</sup>. In answering the prayer of the abbot, Louis and Lothair sent two aides to examine the current conditions. Their examination made the situation clear; the abbot of Stavelot-Malmédy, based on the royal charter, has the right to benefit from the usufruct of the forest while the *familia* settled in the fiscal domain of Theux also has the same right, out of custom. The emperors passed a decision that both the parties can equally nourish animals get timber and fish in the forest. However, neither uprooting the woods nor building a house nor opening up the forest is their license<sup>[10]</sup>.

[4] MGH, *Diplomata Karolinorum*, II, *Ludovici Pii Diplomata*, 1. Teil (Wiesbaden, 2016), No. 33: 85-89.

[5] Jan-Frederik Niermeyer, *Mediae Latinitatis Lexicon Minus* (Leiden, 1976), p. 1072.

[6] MGH, *Diplomata Regum Francorum e Stirpe Merovingica*, 1. Teil (Hannover, 2001), No. 108: 277-280.

[7] MGH, *Diplomata Regum Francorum e Stirpe Merovingica*, 1. Teil, p. 278.

[8] *Chartae Latinae Antiquiores*, XV (Dietikon-Zürich, 1986), No. 595: 3-9.

[9] MGH, *Diplomata Karolinorum*, II, 2. Teil, No. 262: 654-656.

[10] MGH, *Diplomata Karolinorum*, II, 2. Teil, No. 262, pp. 655-656; ... cum utraque pars, monasterii videlicet et fisci nostri, eandem silvam in pascuis animalium et porcorum utendis cum in materiis facendis et piscationibus exercendis sine aliquolibet alterius partis impedimento, dimissa sibi

This charter suggests a non-negligible contribution of the questioning of the inhabitants to the arbitration of the sovereign. Without it, the usufruct that inhabitants around the forest have enjoyed would not become known to the emperor. It holds in the case of inhabitants in fiscal domain all the more because there is no document certifying their right. In other words, local communication between the commission of inquiry and the local inhabitants was indispensable for the central communication to be successfully operated.

### III

Besides the charters we have seen, two other documents tell us some interesting aspects of the local communication. The first document is handed down to us as a sample form of the charter of exchange of estate between the emperor and an abbot (*vir venerabilis Adalardus Abbas*) compiled in *Formulae imperiales*<sup>[11]</sup> and second records the course of an exchange of lands between the monasteries of Saint-Silvester (Nonantola, Provincia di Modena, Emilia-Romagna, Italy) and Saint-Saviour (Brescia, Provincia di Brescia, Lombardia, Italy)<sup>[12]</sup>. Both documents owe to Adalhard. So we must consider in advance if it is possible to generalize the information drawn from them to all the Carolingian society. Indeed his ability in administration is out of ordinary, but he is not a destructive innovator. He respects tradition and does not take part in ideal enthusiasm<sup>[13]</sup>. We can, therefore, think that, although he took precedence over his time, his measures are not isolated from his contemporaries. According to Jean-Pierre Devroey the Carolingian elites, including Adalhard tend to give priority instead to practical and concrete intelligence than to the abstract idea<sup>[14]</sup>. Indeed we find several traces of the investigation on the spot from the Carolingian charters. At least we can consider his policies as an *Idealtypus* of that of Carolingian elites.

Return to the first document. As is usual with this type of source, the author replaced a few proper names with pronouns and deleted the protocol and the eschatocol of the original charter. It is therefore impossible to identify the emperor who participated in this exchange. However, concerning *Adalardus Abbas*, another protagonist of exchange, most of the Medievalists are of accord to recognize him as the abbot of Corbie, cousin of Charlemagne. Although Léon Levillain pointed out the possibility that the *Adalardus* in question is a namesake who has directed the monks of Corbie during the exile of the cousin of Charlemagne forced by Louis the Pious (814-821)<sup>[15]</sup>, François Bougard recently mentioned this document with the idea that we can identify him with the cousin of Charlemagne<sup>[16]</sup>. In judging the exchange of property proposed by the abbot to be useful and rational, the emperor ordered his count to measure and carefully examine *quantitas et qualitas* of the properties in question with the assistance of the messenger of the abbot, the inhabitants and the *fiscalinus* for the purpose of recording its result on the emperor's register<sup>[17]</sup>. Indeed the category and area of each land are specified in the charter. We cannot know if the commission had measured

invicem passionatici solutione, equaliter et communiter habeant, et neutra pars nullatenus memoratam silvam ultra extirpare aut mansioniles in ea facere presumat.

[11] MGH, *Legum sectio V, Formvlae merovingici et karolini aevi* (Hannover, 1886), No. 36: 314; Léon Levillain, *Examen critique des chartes mérovingiennes et carolingiennes de l'abbaye de Corbie* (Paris, 1902), No. 22: 247-249.

[12] *Chartae latinae antiquiores*, 2e s., LXXXVIII (Dietikon-Zurich, 2008), No. 29: 110-115 (p. 111).

[13] Brigitte Kasten, *Adalhard von Corbie. Die Biographie eines karolingischen Politikers und Klostervorstehers* (Düsseldorf, 1986), pp.143-144.

[14] Jean-Pierre Devroey, "Gérer et exploiter la distance. Pratiques de gestion et perception du monde dans les livres fonciers carolingiens", Philippe Depreux, François Bougard et Régine Le Jan (dir.), *Les élites et leurs espaces mobilité,*

*rayonnement, domination ( du VIe au XIe siècle)* (Turnhout, 2007): 49-65 (pp. 62-63).

[15] Levillain, *Examen critique des chartes*, pp. 92-96.

[16] François Bougard, "Adalhard de Corbie entre Nonantola et Brescia (813): *Commutatio*, gestion des biens monastiques et marché de la terre", Errico Cuzzo, Vincent Déroche, Annick Peters-Custot et Vivien Prigent (ed.), *Puer Apuliae. Mélanges offerts à Jean-Marie Martin* (Paris, 2008), 51-67 (p. 59).

[17] Levillain, *Examen critique des chartes*, pp. 248-249; Cujus petitioni, quia utilis et rationabilis nobis esse viebatur, libenter adsumum praeuimus et praecepimus Maginario comiti et actori nostro, ut cum missis praedicti venerabilis Adalardi abbatis, adscitis etiam pagensibus hominibus et fiscalinis in eadem vicinia commanentibus, mensuraret easdem res propositas, earumque quantitatem et qualitatem hinc et inde diligenter inspiceret et consideraret, et inlibatam ad nostram

their surface by himself. However, it is plausible that here, Carolingian elite and local inhabitant co-operated on the investigation.

Another document dated 4 June 813 is a unique *brevis* we can look at the signature in Adalhard's handwriting. In charge of acting as intermediary between the two abbeys, Adalhard brought the abbot of Saint-Saviour before Charlemagne to obtain the permission to exchange. In answer to the question of the emperor whether this exchange will be of benefit to both monasteries, the abbot of Saint-Saviour, probably at the instigation of the abbot of Corbie, replied that the concentration of domains near each monastic seat would be profitable to both. Receiving Charlemagne's permission, Adalhard visited the spot with the commission of inspection composed of the priests of higher rank of Brescia and a lay inhabitant familiar with the affairs of the region and inquired the price of each land in question from the local inhabitants. Based on the price informed by the inhabitants, he determined the proportion of exchange of each land and the negotiations have been successfully concluded<sup>[18]</sup>.

These two documents from Adalhard share with *De ordine palatii* the intention to inform themselves carefully on-site. We have already seen that *De ordine palatii* obliges the king's counselors to investigate with the highest care on the events inside and outside the kingdom. It also orders not to change the way of dealing with information according to their sources, either friend or foe<sup>[19]</sup>. Bernard S. Bachrach regards this chapter as an article treating a system of intelligence that leads Charlemagne to victory over foreign tribes<sup>[20]</sup>. Admittedly, its following sentence orders the entourage to observe the tribes outside the kingdom, and as soon as they find a sign of rebellion, to promptly remedy it<sup>[21]</sup>. We are ready to give him a complete reason. However, Bachrach seems to focus exclusively on the military effects of this course of information and overlook its another effect. The same text instructs to deal without prejudice with local circumstances, including the difficulty that the people encounter or their anxiety and discontent caused by this<sup>[22]</sup>. We would be able to read this sentence also in the context of "social assistance". The statutes the abbot of Corbie wrote the year of 822 record some measures against the exhaustion of his subjects<sup>[23]</sup>. The measurements highlight features of his attitude towards the local communication.

#### IV

Reinstated to Abbot of Corbie in 821, Adalhard faced a dysfunction of the perception of tithe. First of all, he writes, he went through all the *villae* and convinced himself that it is so difficult, if not impossible, for the peasants to bring to the monastery the products raised from them as a tithe without much trouble and lament<sup>[24]</sup>. Understanding the problematic situations, Adalhard has taken steps to improve them. Inquiring personally into the local circumstances and bringing a remedy

referret notitiam; ...

[18] *Chartae latinae antiquiores*, 2e s., LXXXVIII, p. 111.

[19] *De ordine palatii*, p. 94; Quia et hoc eis non solum permisum, verum etiam arctius commissum erat, ut hoc unusquisque studiosissime, usque dum reverteretur, tam infra quam extra regnum perquireret, si quid tale non solum a propriis vel extraneis, verum etiam, sicut ab amicis, ita et ab inimicis investigaret, intermissa interim nec magnopere, unde sciret, investigata persona: ...

[20] Bernard S. Bachrach, *Charlemagne's Early Campaigns (768-777) A Diplomatic and Military Analysis*, (Leiden, 2013), pp. 595-596.

[21] *De ordine palatii*, p. 96; ... extra vero, si aliqua gens subdita rebellare vel rebellata subdere, si necdum tracta insidas regni moliri vel tale aliquid oriri voluisset.

[22] *De ordine palatii*, pp. 94-96; ... si populus in qualibet regni parte, regione seu angulo turbatus, quae causaurbationis

esset, si murmur populi obstreperet vel tale aliquid inaequale resonaret, unde generale consilium tractare aliquid necessarium esset, ...

[23] Adalhard of Corbie, *Brevis quem Adalhardus ad Corbeiam regressus anno incarnationis domini DCCCXXII mense ianuario indictione quinta decima imperii uero gloriosi Chludui Agusti octauo fieri iussit*, ed. Josef Semmler and K. Hallinger, *Corpus consuetudinum monasticarum*, t. 1 (Siegburg, 1963): 357-408.

[24] *Brevis quem Adalhardus fieri iussit*, p. 391; Ecce, etenim cuncti nouimus, quod de Uualico et Montiacio, de Haiono quoque Uillare et de Domno Aglino sicut et in ceteris quibusdam locis non solum graue sed etiam pene impossibile est, ut illae annonae quae in manipulos colliguntur aut fenum quod ibidem collectum reconditur ad monasterium deduci possit sine graui ualde afflictione familiae.



without delay to the difficulties, the abbot of Corbie seems faithful to the instruction he had written in *De ordine palatii*. However, his arrangements are not ordinary. Adalhard has paired a *villa* located near to the abbey with another far from it. He then exempted the latter's peasants from carrying the products of the tithes (corn and straw) into the monastic seat and charged to the former's the doubled tithe on the condition that it would be transported to the abbey by leased carriers at the expense of the gatekeeper. Thanks to this, the monastery can protect peasants against exhaustion and obtain the required quantity of products for itself<sup>[25]</sup>. The statutes say nothing about the inhabitants' response towards these measures appears at the height of inequality. We must leave this question open for a short while.

However, to examine this sentence from the viewpoint of information management, we find some characters of communication in the monastic space of Corbie. The statutes are much interested in the transport of the data itself independent of that of the real object. They notice the variation of productivity varies from *villa* to *villa* according to their geographical condition and instruct the monastic officers to estimate in each *villae* the amount of grain extracted from a shave of wheat to make its conversion table<sup>[26]</sup>. At the time of tithe collection, the agent first recovers the tithes at a remote one between the coupled two *villae*, then goes to another located near to Corbie carrying the table and a file in which he inscribed the number of sheaves he had collected. Information he carries with him make him to know the number of sheaves he will gather at another *villa*. Thus the agent can levy the "second" tithe which replaces precisely that of the distant *villa*<sup>[27]</sup>.

Two points attract our attention. Firstly, to evaluate the ratio of the amount of cereals to number of sheaves, abbatial functionary had to dispute, negotiate, namely, communicate with the peasantry about its fixation. Secondly, the product raised at the remote *villa* is no longer carried to the monastic seat but placed on the spot and often converted into money. It would not be worthwhile to say the buying and selling of goods belong to one type of communication. Our statutes include much more its witnesses. They allow the servants holding the lands as *beneficium* located at a place far from the monastery to replace the tithe (the sheaves of wheat and the hay) with money. The servants in question consult the gatekeeper about the time when the products are sold most advantageously and pass him all these receipts<sup>[28]</sup>. Moreover, the statutes mention here and there to a selling of the products of the abbey<sup>[29]</sup>. These sentences indicate not only direct communication between peasants and officers within Corbie abbey but also between the seller and the buyer going through the "wall" of a monastery. Even more, the officers of Corbie often hired temporary workers for garden work and product transport<sup>[30]</sup>. To carry out the deal and employment, they had to be

[25] *Brevis quem Adalhardus fieri iussit*, p. 393; Haec exempli causa de his duabus uillis dicta suffitiant, ut ad hanc similitudinem ceterae uillae duae et duae una longius et altera uicinius posita coniungantur prout oportunius et aptius coniungi possunt, ut eo modo sicut supra intimatum est de uicinioribus duplex decima daetur, ut eadem sepedicta decima pleniter ad monasterium absque ullo detrimento uel deminatione perducatur et familia nullatenus affligatur: ...

[26] *Brevis quem Adalhardus fieri iussit*, p. 391; Haec autem ideo prosecuti sumus, ut, cum per ueram rationem probatum fuerit, quanta modia de singulis annonis, si omnes manipuli decimati excutiuntur, ad decimam uenire debuissent, nulla remaneat dubitatio, qualiter in alio loco restaurari possint. Similiter de feno diligenter et equaliter considerandum et numerandum est, quanta carra ad decimam ueniant, ut eadem qualitate in alio loco restitui ualeant.

[27] *Brevis quem Adalhardus fieri iussit*, p. 392; Iungamus ergo Uualiacum et Uernum, ut, cum illa decima data fuerit et perducta ad monasterium quae de Uerno est, tunc ueniat ille missus et brevis qui illam decimam in Uualiaco dinumerauit et fatiat de ipsis manipulis per diuersa genera annonae probationem in Uernis, quantum ad equalitatem eiusdem decimae

quae ad Uualiacum dinumerata est cumueniat, et tunc ipsa decima ad monasterium deducta siue in manipulis integris et non excussis siue in feno pleniter ueniat.

[28] *Brevis quem Adalhardus fieri iussit*, p. 402; Si uero beneficium eius paulo longius positum fuerit quam ut manipuli aut fenum sine nimio labore adduci possint, sciat, quantum de decima est, et conuenientia cum portario faciat, quo tempore haec eadem utiliter uenundare possit et absque ulla fraude uel subtractione uenundatum pretium eius portario deferatur. Si uero portarius cum suo magis carra cumducere uoluerit, unde hoc ad monasterium perducatur, quam ibi uenundatum fiat, in eius potestate sit.

[29] *Brevis quem Adalhardus fieri iussit*, p. 395; De ortis uero iuxta quod consuetudo in singulis locis laborandum est sicut sunt porri, ascaloniae, algi uel cetera his similia quae rationabiliter uenundari possunt uenundentur aut contra denarios aut contra annonam et <pretium> ad portarium deferatur: p. 398; ... consideret portarius cum magistro gregum, quid exinde fatiat aut uenundando aut occidendo et suspendendo aut certe porcos commutando, ...

[30] *Brevis quem Adalhardus fieri iussit*, p. 381; Constituimus etiam illis dare ad conducendos homines qui areas leuent in

based, if not entirely, on the local communication between the interested parties.

Generally said, we would note the aforementioned “communications” took place without the intervention or intermediation of the abbot of Corbie. He has given in advance the power to sell the products or to hire labor to his officials. Besides, statutes order the gatekeeper to judge for himself how he distributes bread to the poor or the pilgrims<sup>[31]</sup>. Here it is not negligible that for all his zeal to gather and respect the information on the spot, he does not seem inclined to centralize it to him to manage all the functions by himself. On the contrary, Adalhard gave priority instead to the practical judgment of local agents than to the idealized principle that came from the centre sovereign. Our statutes suggest us an autonomous network of local communications or a “nebula” of the networks of communications extend on the abbatial space of Corbie. How relate this “nebula” with the network of communication McKittrick argued over<sup>[32]</sup>?

## V

When we convince ourselves that local people are never isolated from the central communication, a question arises. In what way did the Carolingian elite communicate with the local people, most of whom had been illiterate? The former must have communication with the latter first of all (apart from the “body language”) through the medium of oral language. Michel Banniard noted that generally in the eighth century, even in the Mediterranean region, people neither speak nor comprehend “classic” Latin any longer<sup>[33]</sup>. However, the language situations around the local people under the reign of Charlemagne were not uniform. Banniard mentioned an anecdote about Alcuin when he visited Saint-Riquier abbey (Abbeville, Picardie, France) to improve the text of *Vita* of its founder<sup>[34]</sup>. He found here priests preferred a version of the *Vita* with many grammatical errors to another more correct as suitable to read out in front of people. This anecdote suggests that even at the end of eighth century in the present northern region of France, local people were able to understand what a priest talks to them in “broken” Latin. Furthermore, the Carolingian elites themselves, at least a part of them, had a good command of both classic Latin and people language.

Banniard drew our attention to two elites who played an active part around Carolingian palace in the latter half of eighth century: Paul the Deacon and Chrodegang, bishop of Metz<sup>[35]</sup>. Former is born probably of a noble Lombard family and became one of the leading figures of Carolingian Renaissance in the palace of Charlemagne. In the palace, he spoke well Latin; furthermore, he communicates with many people in Germanic language. In his work, *Gesta episcoporum Mettensium* (history of successive bishops of Metz), Paul described Chrodegang as eloquent in Latin and Germanic. Banniard thought Chrodegang had learned Latin in the palace of Charles Martel (he noted a possibility that Chrodegang had been given its elementary knowledge in his home as a child) and became proficient in the local language by preaching a sermon to local inhabitants<sup>[36]</sup>. We would think at least some Carolingian elite was able to communicate with local inhabitants by latter’s language. Our Adalhard was also one of “bilingual elites”. Paschasius Ratbertus, author of the *Vita* of Adalhard, tells he was an excellent speaker (and writer) of Latin and Germanic language (*Teutisca*

autumno et plantationes primo tempore facere adiuvant nec non et sarcolare herbas in aestate cum necesse fuerit unicuique fratri ortolano per uices panes centum prouendaricos. ... Et debet unusquisque modium unum accipere de ligumine; et unicuique debent dari ab abbate solidi quinque per annum ad conducendos homines sicut diximus; qui conducticii non sunt necessarii quaerere aliubi nisi infra monasterium: p. 392; Hoc tamen sciendum, quia nullatenus uolumus, ut illa familia per imperium ipsam secundam decimam ad monasterium deducat, sed ipse portarius sibi carra cum pretio conducat secundum quod tunc tempus fuerit et ipsa carra locare potuerit.

[31] *Breuis quem Adalhardus fieri iussit*, pp. 372-373; Ipsam tamen distributionem panum arbitrio committimus hospitalarii ea uidelicet ratione, ut, si uenerit maior numerus pauperum aut plus uel minus indigentes sicut inedia defectu aut pueroli paruuli, ipse discernat iuxta quod oportet.

[32] McKittrick, *Charlemagne*, pp. 215-222.

[33] Michel Banniard, *Viva voce. Communication écrite et communication orale du IV<sup>e</sup> au IX<sup>e</sup> siècle en Occident latin* (Paris, 1992), pp. 489-490.

[34] Banniard, *Viva voce*, pp. 254-258.

[35] Banniard, *Viva voce*, pp. 281-284.

[36] Banniard, *Viva voce*, p. 283.

*lingua*)<sup>[37]</sup>. Indeed the abbot of Corbie collected the pieces of information on the local circumstances through the on-the-spot investigation by himself. Furthermore, his manipulation of Latin is worthy, making Alcuin take hat off to him<sup>[38]</sup>.

However, to speak a language of people is one thing; to “communicate” with local inhabitants on equal footing or to get a piece of accurate information from them is quite another. Banniard named the communication between the literate and the illiterate the vertical communication in contrast to the horizontal one among literates or illiterates themselves<sup>[39]</sup>. We need not say that the difference of skill in language often influences the power-balance or “politics” in the practice of communication. This fact would make the elite run a risk of getting incorrect information critical for them.

So the Carolingian elite sometimes rely upon some intermediary to “communicate” smoothly or efficiently with the local person. We find in some charters mentioning an on-the-spot investigation someone who seems to act as a mediator between the committee and the local inhabitants. A charter by Childeric II<sup>[40]</sup> tells guards of royal forest went with a bishop (probably that of Tongeren-Maastricht) and a nobleman to fix the boundary of the monastic property. Moreover, according to a charter of exchange survived as a sample form in *Formulae imperiales*<sup>[41]</sup>, the *fiscalinus* and inhabitants joined the investigation team. On investigating the spot in Italy, Adalhard recruited a person of reputation and well informed about the region<sup>[42]</sup>. It is plausible that he was expected to play a similar role in making smooth communication. Without him (or his mediation) Adalhard would not be able to be informed of the prices of each land. These are probably just the tip of the iceberg.

Now, the charter of exchange just we have looked at commands the commission of investigation to register the result of inquisition in a royal register<sup>[43]</sup>. Outcome of on-the-spot investigation, in other words, the result of a local communication practiced by oral is converted into a piece of literary information. It is impossible to know who and how executed the conversion. Wolfgang Metz points out a possibility that someone as an officer of the *villa* had undertaken this task. According to him, some monasteries hold a “support tool” for translate German vulgar words to Latin. Becoming aware of some similarity of the order to enumerate the implements among several administrative documents, he assumes that the draftsmen of each material, although they belonged to different organizations, referred to an identical text as an example and listed them according to the order of enumeration found in it. It is a lexicon contrasting the Old High German word with Latin. According to Metz, some Carolingian monasteries in Germania were equipped with this to facilitate a translation of people speaking Germanic languages to Latin and scribe into the document<sup>[44]</sup>.

By the way, we would recall one Carolingian elite who is good at communication with local persons. In *Epitaphium Arsenii*, Paschasius Ratbertus, also the author of this work tells that Wala, Adalhard's half-brother, enjoyed an enormous confidence of both the aristocrat and the people in Saxony<sup>[45]</sup>. It was entirely due to his persuasion that a noble Saxony agreed to transfer his patrimo-

[37] Paschasius Radbertus, *Vita sancti Adalhardi corbeiensis abbatis*, PL 120, c. 77, col. 1546; ... vel quis sine mentis scrupulo poterit epistolarum ejus nitorem eloquentiae recitare? quem si vulgo audisses, dulcifluus emanabat: si vero idem barbara, quam Teutiscam dicunt, lingua loqueretur praeminebat claritatis eloquio; quod si Latine, jam ulterius prae aviditate dulcoris non erat spiritus. Kasten, *Adalhard von Corbie*, p. 173. Concerning the terminology of “Latin”, see Banniard, *Viva voce*, pp. 285-286.

[38] MGH, *Epp* IV. No. 9, p. 34; Videbar enim mihi ex consolatione eloquii tui, Deo miserante, dignum incipere posse, quod tamen Dei solius perficere est: ...; Kasten, *Adalhard von Corbie*, p. 173.

[39] Banniard, *Viva voce*, pp. 38-40.

[40] MGH, *Diplomata Regum Francorum e Stirpe Merovingica*, 1. Teil, No. 108: 277-280.

[41] Levillain, *Examen critique des chartes*, No. 22: 247-249.

[42] *Chartae Latinae antiquiores*, 2e s., LXXXVIII, No. 29, p. 110; ... et Grimoaldus, qui ex nobilibus cibibus regionis illius ortus, et propter vite senceritatem pluribus testimonium habens, pro quo testimonio et actor regis iam antepositus erat, ...

[43] Levillain, *Examen critique des chartes*, pp. 248-249. For the text see n. 17.

[44] Wolfgang Metz, *Das karolingische Reichsgut* (Berlin, 1960), pp. 26-53.

[45] Paschasius Radbertus, *Epitaphium Arsenii*, ed. Ernst Dümmler (Berlin, 1900), p. 45; Quod claruit, cum ad quoddam placitum non multum longe ab eodem loco Antonius venisset, ubi multitudo eorum propter eos confluerat. A quibus cum suscepti essemus venerabiliter, coeperunt omnes post Arsenium nostrum vultus intendere, eumque pro nimio

nial property for the construction of a new monastery<sup>[46]</sup>. We are impressed by the fact that despite the repeated loss of positions, Wala continued to make his presence in the palace of kingdom<sup>[47]</sup>. Is it, if not entirely, thanks to his communication skill well said with many “outsiders” of kingdom?

## VI

Instead of a hasty conclusion, we would return to peasant of the *villa* near to Corbie where Adalhard doubled the charge of tithe. As we have already seen, the statutes say nothing about his attitude towards the doubling of the tithe load. Was he happy about this? We would advance a hypothesis: the exemption from the pains of transport would offset so sufficiently the doubling of the burden that the peasant would give, if not decidedly, consent to this measure. Indeed, Adalhard considered transport as one of the prime causes of peasant’s exhaustion. He regards as well the long-distance movement of human beings, if not for transport of heavy or bulky articles, as really burdensome for the person in charge. *De ordine palatii* commanded the officials to inform the people concerned as soon as possible when, where and how long the king (and his palace) will stay so as not to put their *familia regis* to unwanted pains caused by the delay of the notification<sup>[48]</sup>. These testimonies seem at least partially justify our hypotheses.

Even if so, we are not yet set free. We must all the better impressed by the burdensome character of communication, especially central communication in the Carolingian era. For the Carolingian elite, it is indispensable to carry the information with them or to visit by themselves where the data exists unless they make someone send the information to them. We had to estimate its weight accurately and examine how social groups at that time shared this burden.

Finally, in connection with the probable consent of the peasantry, we would refer to a charter of Charles the Bald dated 1st July 861<sup>[49]</sup>. According to this, the peasants of Mitry (Seine-et-Marne, France), domain of Saint-Denis abbey, complained to the king that the officer of this *villa* had inflicted them a slavish burden despite their free origin. However, the king rejected their plea. Although it is not clear if these peasants had agreed with their lord about the contents of charges imposed on them, this incident suggests latent contradictions between seigneur and peasant concerning appreciation of the peasant charge. At that time, the content of peasant burdens was unsteady as a reflection of the fluidity of his socio-legal status<sup>[50]</sup>. Chris Wickham cited more examples of a similar case and drew our attention to the general tendency of restriction against the peasant’s autonomy<sup>[51]</sup>. Drawing up the statutes does not seem entirely unrelated to that social context.

Moreover, as we have seen, in the communication between lord (or his agent) and peasant, two of them are not always on equal terms. The information transmitted from the peasantry to the inquiry commission can be modified (or distorted) in the course of drafting. In other words, peasant’s information shared by all the interesting ones involves the risk of causing the discontent of the

amore et admiratione pressius eum circumvallare; ...

[46] *Epitaphium Arsenii*, p. 45; Igitur nemo nostrum ignorat, cuius fuerit hereditas, quam nulli alteri omnino cessisset in vita, etiam (ut ita fatear) nec regi, nisi divinis ab isto fuisset compulsus persuasionibus, cui nihil contradicere poterat, quia ab ineunte aetate eius carissimus atque familiarissimus fuerat pre omnibus.

[47] Lorenz Weinrich, *Wala. Graf, Mönch und Rebell. Die Biographie eines Karolingers* (Lübeck, 1963).

[48] *De ordine palatii*, pp. 74-76; Ad tres autem ministeriales, senescalcum, buticularium et comitem stabuli, secundum uniuscuiusque ministerii qualitatem vel quantitatem pertinebat, ut cum communi consensu de suo quisque ministerio admonendi non esset segnis, ut, quantocius esse potuisset, omnes actores regis praescirent, ubi vel ubi rex illo vel illo tempore tanto vel tanto spatio manere debuisset, propter ad-

ductionem vel praeparationem; ne forte tarde scientes, dum inopportuno tempore vel cum nimia festinatione exigeretur, familia regalis per negligentiam sine necessitate opprimeretur.

[49] Georges Tessier (ed.), *Recueil des actes de Charles II le Chauve, roi de France*, tome II (861-877) (Paris, 1952), No. 228: 7-9.

[50] Yoshiki Morimoto, “In ebdomada operatur, quicquit precipitur ei (Le polyptyque de Prüm, X): Service arbitraire ou service hebdomadaire? Une contribution à l’étude de la corvée au haut Moyen Âge”, Yoshiki Morimoto, *Études sur l’économie rurale du haut Moyen Âge. Historiographie, Régime domanial, Polyptyques carolingiens* (Brussels, 2008): 381-398.

[51] Chris Wickham, *Framing the Early Middle Ages. Europe and the Mediterranean, 400-800* (Oxford, NY, 2005), pp. 581-585.

informant. Would it be possible to think here that the peasants of the *villae* near Corbie, although he did not take action, shared a little part of the feelings of the inhabitants of Mitry?

The scope of the problem concerning “politics” of communication in the drafting of the management documents far exceeds that of this presentation. However, the “politics” the communication involves by nature is something we should not neglect. At the same time, we would underline a reciprocal character involved in the communication themselves. So the information presented by the general public was not always helpless. It was worth Charlemagne’s while to care about at all costs. Furthermore, the fact that Adalhard, author of the statutes and a part of *De ordine palatii*, emphasized here and there the respect of on-the-spot investigation would be reviewed again in the perspective of the study of the “communication”.

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