

MANUSCRIPTS AND THE PAST IN EARLY MEDIEVAL EUROPE

THE CASE OF LAY PEOPLE AND DOCUMENTS¹

WARREN BROWN

California Institute of Technology, Pasadena, CA, USA

ABSTRACT

Students of archival documents from early medieval Europe depend heavily on manuscript books because most early medieval documents survive as copies in such books rather than as originals. Virtually all surviving document texts from the period have been edited and published. Brown argues in this essay, however, that to rely on published editions can be misleading; to completely understand early medieval documents and to produce reliable history from them, one has to study them as they were actually copied in the original manuscripts. To illustrate the rewards that can come from exploring manuscripts, Brown explores a particular genre of manuscript from Frankish Europe, namely collections of document formulas, and a particular question the formulas illuminate, namely the degree to which lay people as well as clergy in the early Middle Ages used documents.

KEYWORDS:

archival documents, manuscript books, formula collections, lay people

Historians of early medieval Europe, that is, Europe in the period before the turn of the first millennium, depend almost exclusively on manuscript books for their information. This truism, however, encompasses not only the sorts of texts one would expect to find in books, such as histories, chronicles, saints' lives, etc., but also documentary or archival texts, such as property and judicial records, royal privileges, letters, and the like. The reason for this is that most such records from the

1 This essay includes a condensed survey of work that will be published in more extensive detail in *Documentary practices and the laity in the early Middle Ages* / edited by Warren Brown, Marios Costambeys, Matthew Innes, and Adam J. Kosto. (forthcoming)

early Middle Ages do not survive in their original form, that is, on loose sheets of papyrus or parchment. They survive instead because they were later copied into books; their originals were then either discarded or simply lost.² It is in most cases, therefore, on these copies that we must depend if we want to understand how early medieval people did things like give, sell, or exchange property, settle disputes, administer estates, grant powers and privileges, or communicate with one another.

It is now relatively easy to get at the texts of early medieval documents preserved in manuscript books, because virtually all of them have been edited and published. The process of collecting and publishing them began already in the early modern period. It reached its high point in the nineteenth and early twentieth centuries with great national publishing projects such as the *Monumenta Germaniae Historica* in Germany.³ Published editions save historians a great deal of effort, especially when the historians do not reside in the same country, or even on the same continent, as the documents they want to study. An American, for example, instead of having to travel to a European archive or library and negotiate with its staff to see a manuscript, can simply go to a local university library, find the edition of the documents in which he or she is interested, and get to work. As digitized versions of such editions multiply on the Internet, even going to a library is becoming less and less necessary.

This freedom comes with a price, however, because the process of editing and publishing texts alters them. In particular, it takes them out of their original context in ways determined by the editor's priorities. A notorious example is the edition of the earliest charters of the Bavarian cathedral church of Freising that was carried out by Theodor Bitterauf

- 2 Important exceptions include royal diplomas, which survive in the original in much greater numbers than other kinds of documents, and isolated (and sometimes quasi-miraculous) survivals of original documents from ecclesiastical or monastic archives, such as those from the monastery of St. Gall. On early medieval sources in general and documentary or archival sources in particular see: Geary, Patrick J. *Phantoms of remembrance: memory and oblivion at the end of the first millennium*. Princeton: Princeton University Press, 1994. See esp. c. III, pp. 81-114. Halsall, Guy. *The sources and their interpretation*. // *The new Cambridge medieval history*, vol. I c. 500 – c. 700 / edited by Paul Fouracre. Cambridge: Cambridge University Press, 2005. Pp. 56-90 and esp. pp. 70-73. McKitterick, Rosamond. *Introduction: sources and interpretation*. // *The new Cambridge medieval history*, vol. II c. 700 – c. 900 / edited by Rosamond McKitterick. Cambridge: Cambridge University Press, 1995. Pp. 3-17.
- 3 McKitterick, Rosamond. *Introduction*. // *The early Middle Ages: Europe 400-1000* / edited by Rosamond McKitterick. Oxford: Oxford University Press, 2001. Pp. 1-19, here 5-6. Geary, Patrick J. *The myth of nations: the medieval origins of modern Europe*. Princeton: Princeton University Press, 2002. Pp. 15-40.

and published in 1905. These charters, which go back into the 740s, were originally collected from the Freising archives and copied into a book by a priest named Cozroh between the years 824 and ca. 855.⁴ Cozroh arranged the documents according to the successive reigns of Freising's bishops, and thus in a rough chronological order. But within each reign, he copied them essentially as he found them in the archives. He therefore preserved the archive's original groupings of related documents. When it came to editing Cozroh's copies, Bitterauf decided to dispense with Cozroh's ordering. Instead, he dated each document as precisely as he could and then arranged them in strict chronological order. As a result, the original groupings are hidden; one has to go to a great deal of work to reconstruct them.⁵

The editing process can also sometimes create texts that did not exist before. When documents or groups of documents survive in different versions in different manuscripts, the editor faces the task of deciding which text to publish. During the nineteenth and much of the twentieth century, editors often did not publish texts as they stood in any one manuscript. Instead, they tried to reconstruct and publish original urtexts, or as close to original urtexts as they could manage.⁶ To do this, they built, using the tools of philology, paleography, and codicology, trees of manuscript transmission that often included manuscripts that do not actually survive but that they suspected must have once existed. Then they reverse-engineered the surviving texts to derive what they thought were (or resembled) the original texts. Many of these efforts produced results that are sound and valuable. Some did not. But in either case the reality remains that without actual manuscript witnesses, we cannot be certain that these hypothetical manuscripts and reconstructed urtexts ever existed. They are editorial creations that reflect decisions made by their editors about how to interpret their evidence. However, if they come stamped with the authority of, say, the *Monumenta Germaniae Historica* (especially in its early volumes, whose contents are titled in an authoritative looking Latin), they can take on lives of their own and be treated by scholars as if they were real – with often positive but sometimes very misleading consequences.

4 Brown, Warren. *Unjust seizure : conflict, interest, and authority in an early medieval society*. Ithaca, N.Y. : Cornell University Press, 2001. Pp. 19-21.

5 Jahn, Joachim. *Virgil, Ardeo und Cozroh. Verfassungsgeschichtliche Beobachtungen an Bairischen Quellen des 8. und 9. Jahrhunderts.* // *Mitteilungen der Gesellschaft für Salzburger Landeskunde* 130 (1990), 201-91, esp. pp. 240-42.

6 See, for example, Rio, Alice. *Legal practice and the written word in the early Middle Ages : Frankish formulae, c. 500–1000.* Cambridge : Cambridge University Press, 2009. Pp. 167-69.

To grasp early medieval documents completely (or any other text, for that matter), we need to study them in the form in which an actual person wrote them down. This applies to collections of documents as well as to individual document texts. When documents or document collections survive in different versions in different manuscripts, the differences can reveal how the documents were understood – or not – in different times and places. We also need to consider the context in which they were written down. In many cases, early medieval scribes copied document collections into books alongside other kinds of texts. Seeing what other texts they copied them with can tell us a great deal about why they copied the collections and about how the collections might have been used.⁷

Manuscript books can, however, tell us even more. As artifacts they are sources of information in their own right. Handwritten books are like living things; no one is just like the other. Each has its own unique design and decoration. Each contains mistakes that were corrected, or not, in ways that can let us into the minds of those who commissioned it and those who put it together.

In this essay, I would like to work through an example that shows the kinds of information one can pull out of early medieval manuscript books and the kinds of historical problems that this information can help solve. The particular historical problem I want to explore is whether lay people in early medieval Europe used documents, and if so, how and for what. It is a pervasive commonplace that in Europe north of the Alps, between the end of the Roman Empire in the west (say, the end of the fifth century) and the high Middle Ages (the twelfth century), writing was used mainly by Christian clergy and monks. This is held to be true not only of high culture writing, such as histories, theology, saints' lives, etc., but also of pragmatic or documentary writing.⁸ According to this traditional picture, while in the Roman world a wide variety of people had used written documents for personal, legal, or administrative matters, by the early Middle Ages only the clergy preserved this aspect of Roman civilization. Lay people carried out their business and

7 On the consequences of not doing so see, for example, Rio, A. *Op. cit.*, pp. 45-46.

8 See inter alia: Clanchy, Michael. *From memory to written record: England 1066-1307*. 2nd edition. Oxford: Blackwell, 1993. Stock, Brian. *The implications of literacy: written language and models of interpretation in the eleventh and twelfth centuries*. Princeton: Princeton University Press, 1983. More recently: Richter, Michael. *The formation of the medieval west: studies in the oral culture of the Barbarians*. New York: St. Martin's Press, 1994.

transmitted information mainly through the spoken word and symbolic or ritual acts. Clerics and monks used documents above all to keep track of their property rights. Accurate property records were especially important for monks, whose monasteries over the centuries received often vast amounts of property from pious donors and therefore had large estates and large numbers of dependents to manage.

This conventional wisdom makes perfect sense in light of the evidence. The manuscripts that preserve early medieval written records come overwhelmingly from churches and monasteries. The documents that they preserve deal overwhelmingly with church or monastery property rights. And yet, there are exceptions. For example, odd pockets of documents survive in some collections of monastic records concern property transactions among lay people only. Efforts to explore such evidence have so far been isolated. Perhaps the most visible has been the 1989 book *The Carolingians and the Written Word* by the Cambridge medievalist Rosamond McKitterick.⁹ In this book, McKitterick explored traces of lay document use that survive among the charters of the monastery at St. Gall, now in Switzerland. Her evidence suggests that a culture of document use probably extended far outside the monastery's walls deep into the lay population of the surrounding region, and that this culture did not originally derive from or depend on the monastery itself.

Recently, a number of scholars from North America and the United Kingdom, myself included, have undertaken to challenge the conventional wisdom on a number of fronts. By pooling our resources, and combining all of the traces of which we are collectively aware, we have come to the conclusion that lay people in the early Middle Ages used documents much more widely than has been assumed.¹⁰ I say "used documents" deliberately, for focusing on whether and how lay people might have used documents allows us to sidestep the question of who in the early Middle Ages was "literate" and what literacy in an early medieval context even meant. Literacy and document use are not the same thing, and the latter does not necessarily require the former. Using documents means employing written documents for pragmatic purposes without necessarily being able to read any of them beyond their titles, or even any of them at all. It means simply believing that documents

9 McKitterick, Rosamond. *The Carolingians and the written word*. Cambridge : Cambridge University Press, 1989.

10 Brown, W.; Costambeys, M.; Innes, M.; Kosto, A. J. Op. cit.

were necessary for certain purposes, knowing where to get them and what to do with them, and, if necessary, storing them for future use.

My particular part of this effort lies with the so-called Frankish formula collections. These are collections of document texts with most or all of their specific information, such as names, places, dates, etc., removed to render them generic.¹¹ Formula collections survive in manuscript books that were written in various parts of the Frankish world north of the Alps and that range in date from the eighth to the tenth century. The document formulas in these collections can be traced to as early as the sixth century, but most of them stem from the eighth century and later. They cover various kinds of documents, as well as letters. They appear to have been models or templates that scribes could use when they needed to draw up real documents. They also served as sources for language; scribes could take bits and pieces of them to use as they were putting documents together. Some formulas were written for students to study when learning the craft of producing documents. Others look like they were copied from real documents because they were interesting, that is, because the transaction or legal procedure recorded in the original document was so unusual that someone wanted a copy of it in their formula collection.

The Frankish formula collections contain a great number of models for documents and letters involving lay people, not just with clerics or monks, but with other lay people, in situations where no clergy were involved, or were involved only tangentially. These formulas have not gotten a great deal of attention, however, because the formulas in general are hard to work with.¹² They are hard to work with because they are disembodied texts, that is, they are disconnected from an identifiable, real-life context. Moreover, by their very nature they are inherently conservative; by preserving models of the typical, useful, or interesting they by definition tend to memorialize older ways of doing things. In this sense they resemble books of legal forms kept by modern lawyers, which are full of language or descriptions of procedure that are old, sometimes very old, and often very difficult for non-lawyers to understand. They use this archaic language

11 Edition: *Formulae Merovingici et Karolini aevi* / edited by Karl Zeumer. *Monumenta Germaniae Historica Legum Sectio 5*. Hanover : Hahn, 1886. Introductory literature: Buchner, Rudolf. *Deutschlands Geschichtsquellen im Mittelalter*. Beiheft: die Rechtsquellen. Weimar: Hermann Böhlhaus Nachfolger, 1953. Here pp. 49-55. Rio, A. Op. cit.

12 Cf. Rio, A. Op. cit, pp. 167-211.

because it is traditional, and because tradition and precedent are very important to lawyers. The same holds true for the early medieval formulas: tradition and precedent, and connection with an authoritative past, were very important for early medieval people. As a consequence, the language in the Frankish formulas is often older than the formula texts themselves, and sometimes much older. When we look at a formula for a document that was written out in the eighth or ninth century, but whose language is older, when can we say that it applied? Just because someone in the ninth century copied or drew language from an older document, and that language shows lay people using documents, are we entitled to say that lay people in the ninth century used documents, or are we just looking at a fossil?

The problem is made more difficult by the way that the early medieval formulas have been edited and published. The standard edition of the formulas was published in the 1880's for the *Monumenta Germaniae Historica* and edited by Karl Zeumer. Zeumer approached the formulas in a way typical for his time: he compared manuscripts and peeled away textual variants to reconstruct as best he could the origins and original texts of each formula group. Sometimes Zeumer's conclusions and reconstructions are perfectly sound.¹³ Sometimes, however, they are hypothetical and speculative; it is risky to treat them as something that actually existed in a particular time and place.¹⁴ Moreover, as Zeumer sought to reconstruct the most "original" or the "best" texts of a given set of formulas, he weeded out differences, alterations – in short, any variations from what he thought was the best text – and relegated them to his footnotes. It is possible to reconstruct from Zeumer's footnotes the texts as they actually survive in the manuscripts, but it is difficult and time-consuming. The temptation lies unfortunately all too near at hand simply to avoid the effort.

Zeumer's edition of the formulas is extremely valuable. It gathers all the formulas together in one place, and makes it easy to get at them and get a sense for what sorts of information they contain. However, by creating his urtexts and ur-formula collections, Zeumer disconnected the formulas even farther from the real world than they were already.

13 For example, the Marculfi Formulae and the Formulae Turonenses (see notes 15 and 16 below), which rest on many manuscript witnesses.

14 For example, the Formulae Salicae Lindenbrogianae, pp. 265-82 of Zeumer's edition, whose two manuscript witnesses raise doubt about whether it ever formed a coherent formula collection as Zeumer presents it. See Rio, A. Op. cit., 103-105.

For the point at which the formulas undeniably connect to a real world is in the manuscripts; it is the manuscripts that capture a moment when someone found it worth the time, effort, and expense to copy out the formulas onto parchment and bind the parchment leaves into a book. At this moment of contact between formula text and reality, what is important is not a hypothetical urtext but the text as it appears in the manuscript, with all of its variations from other versions, its modifications, and its mistakes. For when someone changed, rewrote, or updated an older text, or chose to copy one formula text from an older group of formulas and leave out others, that someone had decided that the text was important. It was relevant somehow to his world, and comprehensible to him in some fashion. When someone made a mistake and tried to correct it, we know that he understood the text he was copying. When a mistake remained uncorrected and rendered a passage meaningless, we can suspect that while the passage remained part of the formulaic tradition associated with a given document type, its content was no longer completely understood.

The particular examples I would like to discuss here come from a manuscript book now kept at the Bibliothèque Nationale in Paris: Paris, BN lat. 2123 (Plate 1). This book mostly contains texts of canon law (that is, papal decrees, writings of the church fathers, etc.), but it also includes a collection of over one hundred formulas. The book was clearly copied out as a single project: its layout and decoration, and the style of its script, remain the same from beginning to end. The manuscript itself dates to the last years of the eighth century, or the first years of the ninth, and it was most likely produced somewhere in Burgundy.¹⁵ The formula collection it contains, however, covers a larger envelope of space and time: from the second half of the seventh century through the first half of the ninth, and from what is now northwestern France, to the area around Tours, to Burgundy.¹⁶ We know this because this formula collection was assembled from pieces of two other well-known formula collections. One was compiled by a monk named Marculf, somewhere in the region around Paris, sometime between 650 and 700.¹⁷ The other was put together at

15 Rio, A. Op. cit., p. 252.

16 *Collectio Flaviniacensis* (henceforth *Flavigny*). Zeumer, K. Op. cit., pp. 469-92. See Rio, A. Op. cit., pp. 117-21.

17 *Marculfi Formulae* (henceforth *Marculf*). Zeumer, K. Op. cit., pp. 32-112. See Rio, A. Op. cit., 81-101. An excellent English translation of the Marculf formulas is offered in *The formularies of Angers and Marculf: two Merovingian legal handbooks* / edited and translated by Alice Rio. Liverpool: Liverpool University Press, 2008.

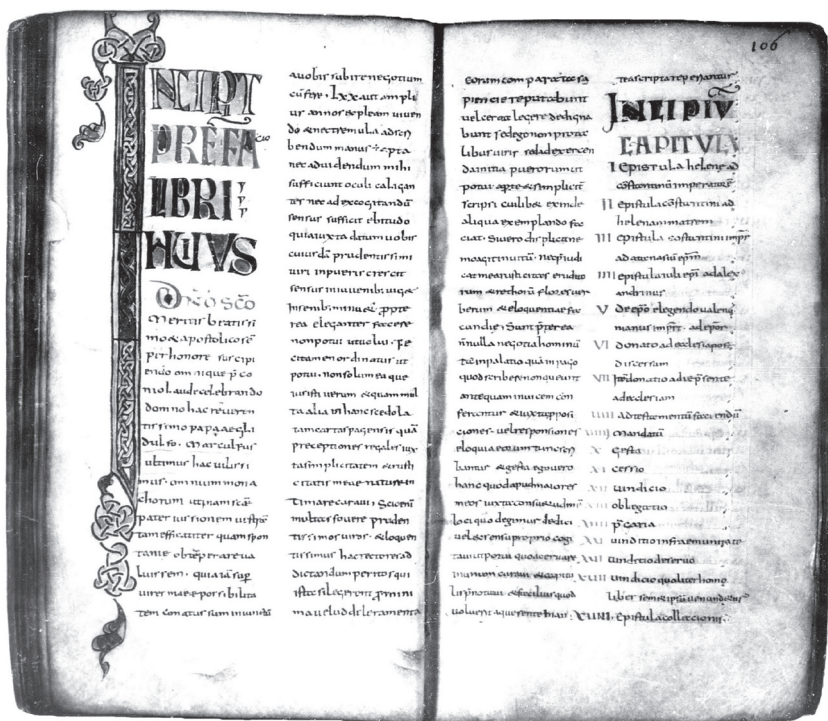


PLATE 1.

A manuscript book kept at the Bibliothèque Nationale in Paris: Paris, BN lat. 2123.

the monastery of St. Martin in Tours around 750.¹⁸ The scope of our collection extends even farther back in time, however. Many of its formula texts contain fragments of legal language from Roman late antiquity, in references to such things as Roman citizenship, late Roman governmental institutions, etc. These fragments tell us that the documentary culture captured in this collection had roots in that of late Rome.

The 117 formulas in this manuscript offer a gold mine of information about the sorts of situations in which lay men and women might have used documents. More than half of them have only lay people as actors. These actors produced or acquired documents in a variety

18 Formulae Turonenses vulgo Sirmondicae dictae (henceforth Tours). Zeumer, K. Op. cit., pp. 128-65. See Depreux, Philippe. La tradition manuscrite des "formules de Tours" et la diffusion des modèles d'actes aux viii^e et ix^e siècles. // *Annales de Bretagne et des pays de l'ouest* 111, 3 (2004), 55-71 and Rio, A. Op. cit., pp. 112-17.

of situations that speak volumes about early medieval society. In one example, a father declares that the usual custom, according to which only sons should inherit, is impious and that he will not follow it. He therefore gives his daughter a share in the family inheritance equal to that of her brothers.¹⁹ Another tells that a man got into some sort of trouble for which he was unable to pay compensation. His lord stepped forward and paid the compensation for him; in return for this, the man agrees to become the lord's unfree dependant.²⁰ A third involves violence. It represents a letter from members of a kin-group to a man who had killed their brother. The letter declares that the man had paid the agreed-upon blood-price (*wergeld*), and that he should henceforth remain free from trouble about the matter.²¹ Other examples were written so that they could be used for different but related situations. In one such, a man comes before a judicial assembly and charges another with having unjustly seized his property. An optional variant prologue changes the charge from property seizure to homicide.²²

Several of the formulas tell us that lay people not only used documents but also that they kept them. A letter in which a judge assigns a guardian for an orphan specifies that two copies of the document be made, one for the guardian and one for the person who would serve as the guarantor for the arrangement.²³ A royal diploma reports that a man's house had burned down, and that in the fire he had lost all of his documents. The king confirms for the man all of the property rights that had been covered by the lost documents.²⁴ A man in this situation would certainly want to keep such a diploma.

If this collection of formulas shows us images of lay people using documents, we still face the question of how to connect them to a real, historical world. Answers to this question lie at several points along a line of time. We need to explore where these document formulas came from, how they were selected, and how they ended up in our manuscript. This requires taking the work done by Karl Zeumer for his edition of the formulas and adding to it information that we can only get from the manuscript.

19 Marculf Book II no. 12, p. 83.

20 Marculf Book II no. 28, p. 93.

21 Marculf Book II no. 18, pp. 88-89.

22 Tours no. 29, p. 152.

23 Tours no. 24, pp. 148-49.

24 Tours nos. 27-28, pp. 150-51. See Brown, Warren. When documents are destroyed or lost : lay people and archives in the early Middle Ages. // Early medieval Europe 11, 4 (2002), 337-66.

As noted above, the formula collection in this manuscript is a hybrid; it weaves together formulas from different sources. The first source that it draws on is perhaps the most well known of the early medieval formula collections, namely the one compiled by the monk Marculf. Marculf's collection survives in several manuscripts. These manuscripts correspond well enough to each other that we can be fairly certain that we know what the original collection looked like.²⁵ Internal evidence, such as references to kings or events, tells us that Marculf compiled it sometime between 650 and 700, somewhere in that region of northwestern France around Paris that was then known as Neustria. In a prologue, he tells us why he compiled it: he did so at the request of a bishop, for the education of students.²⁶ Marculf's formula collection must, therefore, reflect the sorts of documents Marculf thought students learning to write documents needed to know about. Roughly half of the formulas he included involve lay people only.

The second source of the formulas in our manuscript was a formula collection from the monastery of St. Martin at Tours. We know this because several of the formulas in it refer to the city of Tours or to the monastery of St. Martin. Internal evidence dates the collection to ca. 750. It is made up almost entirely of lay documents. We do not know for sure why the Tours collection was put together. However, we do know that it struck a chord or met some kind of need; it survives complete in more manuscripts than does Marculf's collection, and in parts in even more.²⁷

The third point on our timeline takes us to the monastery of St. Praiectus, at Flavigny in Burgundy. The monks at Flavigny took the Tours and Marculf formula collections and copied most of the formulas in them. They left some of the formulas out, however, and they added copies of documents taken directly from their own archive. Finally, they reordered the formulas, to produce what was in the end their own, unique formula collection.²⁸ Oblique references to rulers tell us that this happened in the second half of the eighth century, and most likely towards the end of the century. That the selection and reordering of the formulas in the Flavigny collection was purposeful is indicated by the way that the formulas are arranged; they are placed in groupings that,

25 See Rio, A. as note 15 above.

26 Marculf Prologue, pp. 36-37: *ad exercenda initia puerorum*.

27 See Depreux, P. and Rio, A. as note 16 above.

28 See Rio, A. as n. 14 above.

while often different from those of the Marculf or Tours collections, do make sense. The groupings arrange the formulas by the type of transaction or issue they cover, that is, inheritance, marriage, free and unfree status, property sales or exchanges, etc.

More important evidence for deliberate purpose in this collection, however, lies in the fact that the Flavigny copyists were not always satisfied with what the Marculf or Tours formulas, or even their own archives offered them. To get exactly what they wanted, the scribes were willing to take pieces of different formulas from different sources and blend them together. A good example is provided by a formula for a will.²⁹ Most of this formula is taken from the testament of Flavigny's first abbot, Widerad (d. ca. 719?) which must have been in the monastery's archives.³⁰ But the scribe or scribes putting together the Flavigny formula collection did not think that Widerad's opening prologue fit their needs. So they replaced it with the prologue from a similar will formula in the Marculf collection (the rest of which they naturally left out of their collection).³¹

A similar example of purposeful alteration, this one having to do exclusively with lay people, is provided by a pair of formulas describing how to have a document validated by the civic authorities.³² This is a very late Roman procedure; it is visible in Italian documents from the fifth and sixth centuries.³³ A man wishing to give property to someone else has a charter recording the gift drawn up and witnessed. He then asks another man to take the charter to a nearby city and have it validated by the civic authorities (in the so-called *gesta municipalia*). The second man does so; he takes the charter to the city and reads it out loud before the city council (*curia*). He then gets a document issued to him saying that the charter had been validated. Despite the antiquity of this procedure and of the language associated with it, and despite the fact that we can find little reliable evidence for *gesta municipalia* or even functioning city councils in the west much after the sixth century, formulas describing this process kept getting copied into formula books deep into the

29 Flavigny no. 8, pp. 476-77.

30 The cartulary of Flavigny / edited by Constance Brittain Bouchard. Cambridge, Massachusetts : The Medieval Academy of America, 1991. No. 1, pp. 19-28.

31 Marculf Book II, no. 17, pp. 86-88.

32 Flavigny nos. 9-10, p. 477 = Tours, Additamenta nos. 4-5, pp. 160-61.

33 Brill's New Pauly : encyclopaedia of the Ancient World / edited by H. Cancik and H. Schneider. Vol. 5. Leiden : Brill, 2004. S. v. gesta, pp. 827-28; Johaneck, Peter. *Gesta Municipalia* // Lexikon des Mittelalters. Vol. IV no. 8. Munich and Zürich : Artemis Verlag, 1988. P. 1408.

ninth century.³⁴ Both the Marculf and the Tours collections contain examples.³⁵ But the Flavigny copyist, who had both the Marculf and Tours versions in front of him, did not think that either was quite right. So he took language from both of them and blended them together to make new formulas, which he then placed among other Tours formulas in the spot where the Tours versions would have logically been.³⁶

The final point on our timeline is represented by the manuscript itself, which, as noted above, was written out somewhere in Burgundy sometime in the last years of the eighth century or the first years of the ninth. The manuscript's very existence indicates that at this point its contents were in some way important to someone. Parchment is expensive; it takes effort to make.³⁷ Moreover, writing out texts by hand, especially in a script of the clarity of the one used here,³⁸ is time and labor intensive. Many of the capitals at the beginnings of texts are decorated; this too takes work. If someone bothered to do all of the work of copying these formulas out, by hand, on expensive parchment, and do all the decorations as well, and then bind them in with the other contents of this book, the formulas had to be important enough to be worth the effort.

Seen as a whole, the manuscript tells us that its compilers intended it to be a practical reference book, and that they planned for people to refer to it.³⁹ Most of the book is taken up with texts of canon law. It resembles many other surviving books of canon law in this age before canon law was systematized; it contains eclectic collections of religious authorities to which clerics and monks could refer at need.⁴⁰ The manuscript also includes a text on weights and measures by the great seventh-century encyclopedist Isidore of Seville. In short, it is a collection of useful texts for people living and working in a church or a monastery.

The formula part of the manuscript reflects this purpose. First, individual formulas come with numbers, rubrics, and capitals that make it relatively easy to scan the pages to find what you need (Plate 2). Second, some of the formulas that give options for different cases are

34 Brown, Warren. *Gesta municipalia* in the Carolingian empire? On the public validation of documents in early medieval Europe. (forthcoming).

35 Marculf Book II nos. 37-38, pp. 97-98; Tours nos. 2-3, pp. 136-37.

36 That is, in place of Tours nos. 2-3.

37 Bischoff, Bernhard. *Latin paleography: antiquity and the Middle Ages* / translated by Dáibhí ó Cróinín and David Ganz. Cambridge: Cambridge University Press, 1990. Pp. 8-11.

38 A pre-caroline minuscule. See Bischoff, B. *Op. cit.*, esp. pp. 100-109 and 112-18.

39 For the contents and organization of Paris, BN lat. 2123, as well as a bibliography, see Rio, A., as note 14 above.

40 See Brundage, James. *Medieval canon law*. London: Longman, 1995.



PLATE 2.
The formula part of the manuscript.

copied in a way that makes it easy to distinguish the options. For example, the formula for a dispute record discussed above, that contains an optional prologue for the case that the dispute concerned homicide rather than property seizure, includes the directions, “If the case concerns homicide then use this opening.”⁴¹ These words are written in a very flowery script that is much different from the script used to write the rest of the text, thus making them easy to see and to distinguish from the actual document text (Plate 3). Third, the manuscript includes cross-references that link formula texts. Next to a formula in which a king confirms the property rights of a man who had lost his documents to a fire, for example, appears the marginal note: “for another one see

41 F. 121v col. 1: *Et si de homicidio accusatio facta fuerit secundum hanc sententiam inscriptio celebretur.*

refertur & preteritur firmata	tur 4
ut hanc edicionē manu propria	ille uir
subter firma ui & bonorum	cupan
uirorū & bonorū dēnūciat	cū bon
Ad idem iudicium & dēnūciat	accert
suū & secundum hanc sen	monio
tentiā in scripto celebrat	fecit
quicū aliud & unicus iudicium	quare
per culora ut capitali obiecci	se sed
one pulsauerit & prius iudici	ibidē
b: audiat quā se simile penā	dēnu
quā se intulit & conspiciat	ipror

PLATE 3.

Words are written in a flowery script.

number 78 (Plate 4).⁴² Sure enough, number 78 is a similar royal letter confirming the contents of a lost lay archive.⁴³

The copyist or copyists involved in this manuscript took great care to correct mistakes, in a way revealing that he or they understood what he or they was/were writing and thought it important to get it right. For example, at the beginning of number 92 in the Flavigny collection, the scribe copied the title of the formula that according to the table of contents is supposed to be here.⁴⁴ However, the text that follows is from the wrong formula.⁴⁵ After a bit the scribe noticed his error; he stopped, drew a new capital, and then started with the correct text. He bracketed the incorrect text with two X marks to show readers that they should skip from the first X to the second (Plate 5).

42 F. 120r col. 2: *alibi require sub hera lxxviii.*

43 Flavigny no. 78, p. 484 = Marculf Book I no. 33, pp. 63-64.

44 Fol. 147r col. 2: *Carta qui filio aut nepote de aliquid meliorare voluerit.* From Flavigny no. 92 = Marculf Book II no. 11, pp. 82-83.

45 Marculf Book II no. 15, p. 85: *Quod bonum filix prosperumque veniat disponandis maritandisque ordinibus ac procreatione liberorum causis.*

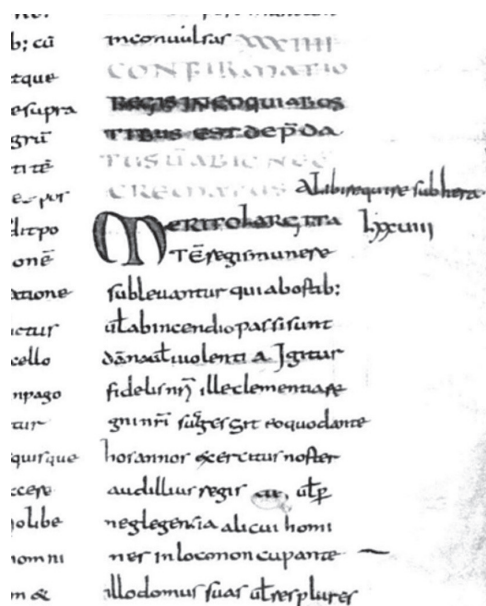


PLATE 4.

The marginal note next to a formula.

In short, we get a clear sense from this manuscript that its creators did not simply copy old texts that had no connection to their world. They knew what they were copying, expected their book to be referred to by others, and tried to get their copies right. So what conclusions can we draw? We have before us, encapsulated in our manuscript, evidence for a persistent interest across centuries and in several areas of the Frankish world in documents that lay people of all social classes would have needed. That an active culture of document use existed in the Paris region between 650 and 700, and in the area around Tours ca. 750, we can infer from the formulas contained in the Marculf and Tours collections respectively. That the same held true for the society around Flavigny towards the end of the eighth century is visible in the decisions made by the monks of Flavigny about which formulas from the Marculf and Tours collections to include in their own collection and how to blend them together. It is in our manuscript that brings the evidence for this lay documentary culture in Burgundy to the turn of the ninth century and makes it immediate. A formula collection including a great many formulas that dealt only with lay affairs, and that show lay

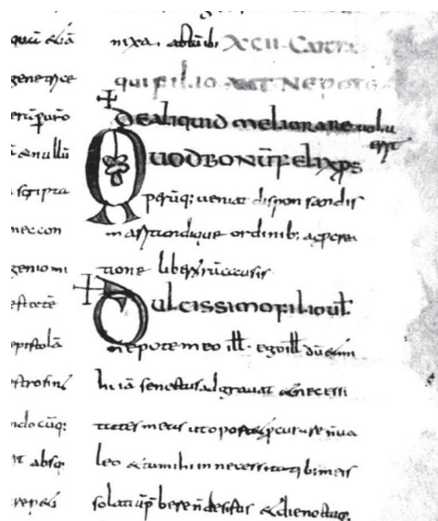


PLATE 5.

The correct text with bracketed incorrect text.

people actively using documents to carry out a variety of kinds of business, was copied by people who understood and valued its contents, in such a way as to be accessible for practical use, into a book containing other practical texts.

But this manuscript tells us even more when we put it in its larger context: this repeated interest in lay documentary culture on the part of our compilers and scribes, and thus this evidence telling us that a lay documentary culture was “out there” in the early medieval world, was located in monasteries and churches. Marculf was a monk who compiled his formula collection at the request of a bishop. The Tours formula collection was put together at the monastery of St. Martin in Tours. The Flavigny collection was woven together at the abbey of St. Praiectus in Flavigny. We do not know exactly where the manuscript itself was copied out, but its contents clearly point to an ecclesiastical milieu.

In this regard, our manuscript resembles many of the other manuscripts in which formulas survive. The forty-odd manuscript books that contain formula collections all date from the eighth century to the tenth; most of them come from the late eighth and ninth. Some of these manuscripts are impossible to localize precisely, but many can

be connected to specific churches or monasteries.⁴⁶ The origins, dates, and contents of these manuscripts suggest two things. First, since many of the formula collections in these manuscripts, and the older formula collections on which they drew, mix formulas that would have been useful only to lay people with formulas that addressed the needs of clergy and their institutions, it appears that throughout the seventh, eighth, and ninth centuries both lay people and clergy in the Frankish world participated in a common culture of document use. Second, starting at some point in the late seventh century, but especially from the middle of the eighth century onwards, churches and monasteries took an active interest in knowing how to produce not only documents for their own use, but also for the use of the lay people around them.

The timing is no accident. The later eighth and ninth centuries are the period of the great Carolingian kings and emperors: Charlemagne, his son Louis the Pious, and in western Europe his grandson Charles the Bald.⁴⁷ Charlemagne in particular was very interested in monasteries. The largest monasteries in particular were powerful institutions, with great resources in moveable wealth and in land and therefore in soldiers and supplies. Monasteries were also, along with the cathedral churches of the Frankish bishops, the only stable and long-lived institutions remaining in Europe after the administrative apparatus of the late Roman state had withered away. They could provide organized services, such as prayer but also administration and record keeping; they had organized staffs and they had schools. Charlemagne set himself up as the protector and benefactor of powerful monasteries. At the same time, he pressured them to start keeping written records of their property holdings and estate administration – the better to get at their resources for his own purposes.⁴⁸ Many clerics and monks became quasi-officials in a Carolingian government that was also using writing heavily, more heavily in fact than any European government since that of Rome, to carry out the business of legislation and administration. As the Carolingians started embedding churches and monasteries as institutions into the fabric of political life, clerical and monastic scribes must have taken over the role that lay notaries had played earlier in serving the

46 Rio, A., *Legal Practice*. Pp. 241-71.

47 Fouracre, Paul. *Frankish Gaul to 814* // *New Cambridge medieval history II*. Pp. 85-109. Nelson, Janet L. *The Frankish kingdoms, 814-898 : the west*. // *Ibid*. Pp. 110-41.

48 Hummer, Hans J. *Property and power in early medieval Europe : Alsace and the Frankish realm, 600-1000*. Cambridge : Cambridge University Press, 2005. Pp. 76–104.

documentary needs of the people around them. The existence of formula manuscripts like the one examined in this essay certainly indicate that churches and monasteries wanted to know about documents that lay people needed, and to be able to study them and produce them. So at the same time that our manuscript tells us that lay people continued to use documents throughout the early Middle Ages, it also helps to show us how the production of documents, and the institutional memory of what documents people might need for what kinds of situations, were under the Carolingians becoming the affair of churches and monasteries. In other words, it captures a moment in which the connection between clergy and writing that many think of as typical of the Middle Ages was in the process of being formed.

References

- BISCHOFF, Bernhard. Latin paleography : antiquity and the Middle Ages / translated by Dáibhí ó Cróinin and David Ganz. Cambridge : Cambridge University Press, 1990.
- Brill's New Pauly: Encyclopaedia of the Ancient World / edited by H. Cancik and H. Schneider. Vol. 5. Leiden : Brill, 2004.
- BROWN, Warren. *Gesta municipalia* in the Carolingian empire? On the public validation of documents in early medieval Europe. (forthcoming).
- BROWN, Warren. Unjust seizure : conflict, interest, and authority in an early medieval society. Ithaca, N.Y. : Cornell University Press, 2001.
- BROWN, Warren. When documents are destroyed or lost : lay people and archives in the early Middle Ages. // *Early medieval Europe* 11, 4 (2002), 337-66.
- BRUNDAGE, James. Medieval canon law. London : Longman, 1995.
- BUCHNER, Rudolf. Deutschlands Geschichtsquellen im Mittelalter. Beiheft: die Rechtsquellen. Weimar : Hermann Böhlhaus Nachfolger, 1953.
- The cartulary of Flavigny / edited by Constance Brittain Bouchard. Cambridge, Massachusetts : The Medieval Academy of America, 1991.
- CLANCHY, Michael. From memory to written record : England 1066-1307. 2nd edition. Oxford : Blackwell, 1993.
- DEPREUX, Philippe. La tradition manuscrite des "formules de Tours" et la diffusion des modèles d'actes aux viii^e et ix^e siècles. // *Annales de Bretagne et des pays de l'ouest* 111, 3 (2004), 55-71
- Documentary practices and the laity in the early Middle Ages / edited by Warren Brown, Marios Costambeys, Matthew Innes, and Adam J. Kosto. (forthcoming)
- Formulae Merovingici et Karolini aevi / edited by Karl Zeumer. Monumenta Germaniae Historica Legum Sectio 5. Hanover : Hahn, 1886.
- The formularies of Angers and Marculf : two Merovingian legal handbooks / edited and translated by Alice Rio. Liverpool : Liverpool University Press, 2008.
- FOURACRE, Paul. Frankish Gaul to 814. // *New Cambridge medieval history II c. 700 - c. 900* / edited by Rosamond McKitterick. Cambridge : Cambridge University Press, 1995. Pp. 85-109.

- GEARY, Patrick J. *The myth of nations : the medieval origins of modern Europe*. Princeton : Princeton University Press, 2002.
- GEARY, Patrick J. *Phantoms of remembrance : memory and oblivion at the end of the first millennium*. Princeton : Princeton University Press, 1994.
- HALSALL, Guy. *The sources and their interpretation*. // *The new Cambridge medieval history*, vol. I c. 500 – c. 700 / edited by Paul Fouracre. Cambridge : Cambridge University Press, 2005.
- HUMMER, Hans J. *Property and power in early medieval Europe : Alsace and the Frankish realm, 600-1000*. Cambridge : Cambridge University Press, 2005.
- JAHN, Joachim. *Virgil, Argeo und Cozroh. Verfassungsgeschichtliche Beobachtungen an Bairischen Quellen des 8. und 9. Jahrhunderts*. // *Mitteilungen der Gesellschaft für Salzburger Landeskunde* 130 (1990), 201-291.
- JOHANEK, Peter. *Gesta Municipalia // Lexikon des Mittelalters*. Vol. IV no. 8. Munich and Zürich : Artemis Verlag, 1988.
- McKITTERICK, Rosamond. *The Carolingians and the written word*. Cambridge : Cambridge University Press, 1989.
- McKITTERICK, Rosamond. *Introduction*. // *The early Middle Ages : Europe 400-1000* / edited by Rosamond McKitterick. Oxford : Oxford University Press, 2001.
- McKITTERICK, Rosamond. *Introduction : sources and interpretation*. // *The new Cambridge medieval history*, vol. II c. 700 – c. 900 / edited by Rosamond McKitterick. Cambridge : Cambridge University Press, 1995.
- NELSON, Janet L. *The Frankish kingdoms, 814-898 : the west*. // *New Cambridge medieval history* II c. 700 – c. 900 / edited by Rosamond McKitterick. Cambridge : Cambridge University Press, 1995. Pp. 110-41.
- RICHTER, Michael. *The formation of the medieval west : studies in the oral culture of the Barbarians*. New York : St. Martin's Press, 1994.
- RIO, Alice. *Legal practice and the written word in the early middle ages : Frankish formulae, c. 500–1000*. Cambridge : Cambridge University Press, 2009.
- STOCK, Brian. *The implications of literacy : written language and models of interpretation in the eleventh and twelfth centuries*. Princeton : Princeton University Press, 1983.

Biographical sketch

Warren Brown received his PhD in medieval history from the University of California, Los Angeles, in 1997. He then joined the humanities faculty at the California Institute of Technology in Pasadena, California, where he is now an Associate Professor of History.

Much of Brown's work concerns conflict resolution and political power. His first book, *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society* (Cornell, 2001), studies changing disputing practices in Bavaria against the backdrop of the Carolingian conquest of the region. His second, *Violence in Medieval Europe* (Longman, in press), examines norms of violence in Europe from the sixth through the fourteenth centuries. He has co-edited, with Piotr Górecki, *Conflict in Medieval Europe: Changing Perspectives on Society and Culture* (Ashgate, 2003).

Brown also studies the use of written documents in early medieval Europe, particularly by lay people. He has published individual articles in this area, e.g., "When documents are destroyed or lost: lay people and archives in the early Middle Ages," *Early Medieval Europe* 11 no. 4 (2002), pp. 337-366. He is also contributing to an international research project on the subject, whose results are forthcoming as *Documents and the Laity in the Early Middle Ages*.

RUKOPISI I PROŠLOST U RANO SREDNJEVJEKOVNOJ EUROPI NA PRIMJERU LAIKA I DOKUMENATA

Sažetak

Istraživači arhivskih dokumenata europskog ranog srednjeg vijeka uvelike ovise o rukopisnim knjigama budući da većina ranosrednjovjekovnih dokumenata nije sačuvana u izvornicima, nego u prijepisu u takvim knjigama. Gotovo svi do danas sačuvani tekstovi iz toga razdoblja redigirani su i objavljeni. U ovom radu Brown, međutim, ukazuje na to da oslanjanje na objavljena izdanja može dovesti do zabuna. Kako bi se ranosrednjovjekovni dokumenti potpuno razumjeli i kako bi se iz njih izvele pouzdane povijesne činjenice, potrebno ih je proučavati u obliku u kojem su bili prepisivani u izvorne rukopise. Da bi prikazao nagradu za trud uložen pri istraživanju rukopisa, Brown istražuje određeni žanr rukopisa iz razdoblja franačke Europe, i to zbirke formula koje se pojavljuju u dokumenatima. Posebno istražuje pitanje na koje te formule upućuju, a to je pitanje u kojoj su mjeri laici i svećenstvo u srednjem vijeku koristili dokumente.

Ključne riječi: arhivski dokumenti, rukopisne knjige, zbirke formula, laici