Understanding early medieval formulaic language.

Memorization and adaptation of formulas in Frankish legal practice (c. 500-1000)

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In the fourth year of the reign of King Childebert III, i.e. 697 C.E., a happy man came to the city of Angers[1] in modern-day France. He stood before the *curia publica*, the municipal council, with a charter of a marriage gift (*dos*) to his wife. He wanted to add said charter to the public archives (*gesta municipalia*); in the name of his spouse, he asked: "I ask you, praiseworthy *defensor* so-and-so, [and] curator so-and-so, [and] *magister militum* so-and-so and the rest of the municipal council, to order that the public books should be opened, because I have something which I must enter among the archives".[2] The council answered: "Let the public books be opened for you; enter whatever you choose".[3] Then the charter, as well as the wife's mandate, are read aloud before the addition to the archives is duly noted. The short performative dialogue is highly formalised, symbolically charged and heavy with meaning. It is preserved in a document confirming and validating the act before the council and the charters addition to the archives (Angers 1).

The same dialogue appears with minor changes (*quaeso* instead of *rogo* or *optime* instead of the title *vir laudabilis* for example) in several early medieval documents, all dealing with entering and validating another document in the public archives.[4] All Texts are independent of each other and were created at different times in different places in the Frankish Kingdom.[5] Yet all of them use the same form of question and

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[1] Département Maine-et-Loire, chef-lieu.

[2] Angers 1: *Rogo te, vir laudabilis, illi defensor, illi curator, illi magister militum vel reliquam curia puplica utique obticise puplici patere iobeatis, qu[i]af habeo, quid apud acta prose[q]uereg debiam.* New editions and annotated translations of early medieval *formulae* are currently being prepared by the long-term project *Formulae-Litterae-Chartae*, carried out by the Academy of Sciences and Humanities in Hamburg in cooperation with the University of Hamburg. Editions and translations of the earlier Frankish formularies are already available online (https://werkstatt.formulae.uni-hamburg.de/) [accessed 01/10/2024]. The print version is in preparation.

[3] Angers 1; *Patent tibi cotecis puplici; prosequere que optas.*

[4] Angers 1, Auvergne 2, Bourges A 6, Bourges C 14b, Flavigny Pa+Ko 4, Marculf II,37, Sens 94, Tours 3 and MRhUB [= Mitelreinisches Urkundenbuch] 42. C.f. also Barbier, *Archives oubliées*, 179–238,

[5] An exemption is Flavigny Pa+Ko 4 which is drawn from Marculf II,37 and Tours, but creates a genuine new document.

answer and all are very similar in wording. Other phrases or exchanges could have been used, without changing the result of the process or the resulting document. However, all use the same formula. The more or less standardised wording created legal security, as the generally accepted wording confirmed the correct execution of the procedure and the authenticity of the drawn-up charter. The formulaic nature of certain words or phrases played a major role in early medieval legal business as the recognisability of certain aspects of legal procedures provided validation and authentication for everyone dealing with a document. It must always be borne in mind that the Frankish kingdom was a multi-ethnic and therefore multi-lingual empire. The language of law and administration was Latin, which was spoken to varying degrees by different segments of the population. As far as we can tell, charters and other documents were drawn up exclusively in Latin. There is no evidence of such instruments in Frankish, Alemannic, Gothic, Old High German or Romanic. Yet, legal processes and transactions also had to be comprehensible for those who had only limited knowledge of the language. The formulaic nature and standardisation of expressions and phrases made legal documents accessible even to those who were unable to grasp the text in its entirety, for recurring words and phrases marked certain points of the legal act that had taken place. Even someone with little knowledge of Latin could thus grasp the essential contents of a charter. Recurring symbolically charged phrases like *habere, tenere, possidere* "to have, hold, posses" often accompanied by something along the lines of "and do whatever you want with it" summarized complex legal facts, conditions and provisions in condensed form, the legal content of which was understood and accepted throughout the Frankish kingdom.[6] The consistent wording also created legal certainty, as the recurring phrases placed the individual document in a time-honoured tradition and thus lent it greater credibility.[7]

Early medieval legal practice therefore is shaped by formulaic language in a very particular way. Legal documents contain a broad variety of ever-appearing phrases and formulas, concerning certain aspects of legal transactions. Specific phrases and

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[6] Marculf II,4: *ita ut ab hac die … pars antedictae aecclesiae vel pontifex civitatis illius aut auctoris aecclesiarum eam habendi, tenendi, possidendi vel quicquid exinde pro opornitate ipsius elegerint faciendi liberum in omnibus perfruantur arbitrium* "so that from this day the said church and the bishop of the city n.n. or the representative of this church may enjoy the unrestricted authority in every way to have, hold [and] possess it, and to do whatever they choose with it for its benefit".
[7] C.f. Sturm, *Stipulatio Aquiliana*, 282 and 294; Siems, *Handel und Wucher*, 396sq.

words mark legal acts, document rituals in written form, affirm what has happened, and make documents binding evidence. The most important of these documents are charters. Early medieval charters are in fact a highly formularized kind of letter. They are the visible expression of executed legal transactions. A charter therefore consists of several standardized parts, which all are characterized by their specific wording.[8] Not every charter contains all parts, but the parts that are included are clearly recognizable by their formulas. Private charters for example are less standardized in their composition than royal charters, yet the individual parts themselves are clearly recognisable by their distinct wording. Next to charters there are the so-called *formulae,* that is, anonymized charters, which were intended to serve as examples for scribes drawing up new charters (not to be confused with 'formulas' as in standardized, reappearing phrases). Charters and *formulae* therefore share the same characteristics concerning formulaic language. The examples in this paper are taken from original charters as well as from "formularies", medieval collections of *formulae*. It should be noted that each *formula* was originally derived from a real charter.[9]

A typical example of the use of formulaic language is the so-called *poen* or *sanction*: A clause that threatens every offender with penalties of a spiritual or secular nature. This is an example from the Formulary of Marculf, perhaps the most influential collection of *formulae* from the kingdom of the Franks, written in the Middle of the 6th century. Spouses appoint each other as heirs, then the penalty for violating the provisions of the charter is specified:

Si quis vero, quod futurum esse non credimus, aliqui de heredibus nostris vel quicumque contra hanc interdonatione, unde inter nos duas epistolas unotenore conscriptas firmavimus, venire aut eam infrangere voluerit, nullatenus valeat vindicare, sed inferat partibus vestris cum cogente fisco auri libras tantas, argenti tantum, praesente vero aepistola in nullo possit convelle, sed firma et inlibata permaneat.[10]

"And if someone, which we do not believe will happen, whether one of our heirs or anyone else, wants to go against or breach this mutual donation, which we confirmed between us in two documents of identical content, let him in no way be able to assert

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[8] *Invocatio, intitulatio, (inscriptio,) arenga, promulgatio, narratio, dispositio, sanctio/poen* and *corroboratio*; cf. Vogtherr, *Urkundenlehre*, 78–81.
[9] Rio, Legal Practice, 20.
[10] Marculf II, 7.

his claim, but let him pay so many pounds of gold, so many of silver to you, [and] the fisc shall compel him to do so. And the present document may in no way be discarded, but let it remain firm and unchanged."

The whole passage is highly formalized. The very beginning *si quis vero* is a universally recognised marker that indicates the start of the *poen* formula in the charter. We find this clause in charters and *formulae* all over the Frankish realm, from 7th century Angers[11] to the royal chancery of Charlemagne just before the year 800[12]. The addition *quod futurum esse non credimus* often accompanies the initial formula and thus can be considered formulaic itself. Other elements of the poen are formulaic as well. The mention of possible offenders or wrong doers is to be expected, yet this part is less 'standardized' than other parts of the *poen*. Obviously, the wording depended on the charter's legal content and had to be formulated accordingly. The position of the list however was fixed. Right after the *si quis vero*, everyone who could be the culprit had to be listed. Once again, the rigid 'formulaicity' created clarity and certainty. The offence of contravening the charter and the futility of this act are also expressed in a highly standardised manner. The construction *contra hanc* or *hoc ... venire voluerit* or *conaverit* and *nullatenus valeat vindicare* is more or less invariable. The final clause *firma et inlibata permaneat*, the provision that the document shall remain firm and unchanged, is also an almost invariable formula that can be found in many charters. The actual penalty, which here consists of a fine, was of course dependent on the nature of the transaction. In addition to fines, excommunication was also possible: *anathematus sit*. However, the wording of the various penalty provisions is again formulaic in nature. Fines are always imposed by *inferat* and the mention of the *fiscus*, the anathema is always accompanied by *anathema* or *anathematus sit*. The formulaic components remain recognisable, even with charters that are more elaborate.

Yet, formulaic language of the early Middle Ages is far removed from rigid standardization or bureaucratization. Scribes had a high degree of autonomy in writing documents and charters. They could creatively vary existing formulas and

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[11] *Si quis vero, quod fieri esse non credo, si fuerit ullumquam tempore aut ego ipsi aut ullus de heredibus meis vel qualibet homo aut extranea persona, qui contra hanc epistola cessione ista venire aut agere fortasse presumpserit…*
[12] *Si quis vero, quod absit, contra hoc nostrae auctoritatis edictum vel concessum insurgere temptaverit …*

phrases and adapt them to their needs without losing legal meaning and formulaic character. This was only possible because the scribes knew the crucial formulas and words by heart and could reproduce them from memory. Instead of *quod futurum esse non credimus* we may also find *quod fieri esse non credo* (Angers 58), *quod fieri non credo in futurum* (Flavigny Pa+Ko 1) or even *quod absit* (Bourges C 13) in addition to *si quis vero*.

The formulaic character of the phrase *si quis vero* as well as of the whole *poen* formula is also evident by the fact that some *formulae* do not even fully execute the *poen*, but simply break off with *si quis vero et cetera*. There is again an example from the Marculf formulary. Marculf II,21 provides a model for a charter proving the sale of a field by one man to another. The Text stops right after the *dispositio* with beginning of the poen:

Habendi, tenendi vel quicquid exinde volueris faciendi liberam habeas potestatem. Si quis vero et cetera…

"You [= the buyer] shall have the unrestricted power to have, hold and do whatever you want with it [= the sold land]. But if someone and so on…"

The author of the *formula* assumed that a skilled scribe could execute the whole *poen* formula himself, knowing the important phrases and clauses by rote.

The fact that formulaic elements were obviously memorised can be illustrated by another example. Angers 36 provides us with an example for the transfer of a house. The document is initially described as a *cessio*, a deed of transfer, in keeping with its content: *Ego … fatuor, me in hanc cessione facere debere* "I … have decided that I should have this deed of transfer made". However, the *poen* refers to a *venditio*, an "act of sale": *hec vindicio perenni tempore firma permaneat* "this act of sale shall remain in force for all time". The final clause *perenni tempore firma permaneat*, including formula 36, ends nine documents in the formulary of Angers. However, five of the remaining eight texts are *venditiones* (Angers 3, 9, 19, 21 and 27). In addition, there is one example each of a venditio with the very similar endings *omni tempore firma permaneat* (Angers 4) and *firma permaneat* (Angers 2). A *securitas* (Angers 6) and two *ingenuitates* (Angers 20 and 23) prove that *perenni tempore firma permaneat* was used without a sale. However, the phrase *venditio perenni tempore firma permaneat* seems to have been the "standard". Evidently, in Angers there was

no such standardised closing for *cessiones*. The scribe was evidently free to choose a conclusion in order to establish the permanence of the provisions. In the case of Angers 36, the author therefore wanted to conclude the *cessio* with the closing formula *perenni tempore firma permaneat* and then mechanically added *vindicio* to the clause.

Standardized practices in the writing of early medieval charters?

At first glance, this example may give the impression that the legal practice of the early Middle Ages was characterized by a high degree of formulaic language and standardization. Indeed, for a long time the idea prevailed that hardly any other are of medieval life was characterized by a similarly degree of standardization as the writing of charters, to which a uniform and stereotypical character is commonly attributed. Since *formulae* do provide anonymized templates for charters of various legal contents it seems all too obvious that the *formulae* equipped with placeholders were exemplary templates that served to facilitate the creation of similar documents. And were the scribes really dependent on the use of templates when formulating the documents?

Early medieval private charters and *formulae* from the Eastern Frankish Empire as a case study

Let us have a closer look at the early medieval formulae-collections as well as private charters documenting transactions of property such as donations, loans, exchanges and purchases performed by laymen. Since the aim here is to distinguish universal phenomena from specific ones that are characteristic only of certain regions, scriptoria or scribes, a cross-corpus approach has to be used here, in which several different corpora can be compared with each other. For reasons of content, it proves to be useful to limit the analysis on private charters dating from the 8th to the 10th century from the Alemannian and Bavarian regions in present-day southern Germany, Switzerland and Austria.

Developing digital methods for analyzing formulaic writing of early medieval charters and formulae

Such an examination requires a precise diplomatic analysis and comparison of the formulaic writing of *formulae* and charters from various corpora. In order to examine whether in the early Middle Ages more precise ideas about an ideal design for the

texts of private charters existed, which had an influence on how the scribes actually wrote their charters, it is essential to take a closer look at several dimensions of formulaic writing. We can gain answers to this question by first looking at how a charter's text was composed, based on the various internal features and the different possible combinations of formulas. Secondly, it has to be investigated whether, and if so to what extent, individual formulas or even entire charters were formulated similarly or identically. Within the framework of a targeted text comparison between these charters and the *formulae*, it is possible to find out whether the notion of the use of *formulae* for the writing of charter texts, can even stand up to scrutiny. Finally, based on these results, we are able to answer the question of how early medieval scribes in the Eastern Frankish Empire actually wrote private charters and how significant the ideas and practices of standardization really were in this respect.

A precise diplomatic analysis of thousands of surviving early medieval charters and *formulae*, by manual comparison, would have taken more than the lifetime of a single researcher in the pre-digital age[13]. In contrast, modern researchers have entirely different options to overcome these challenges. Although even today text comparisons cannot be fully automated,[14] it is nonetheless possible to develop computer-assisted procedures that can at least facilitate the empirical analysis of such a large amount of material. How does such a procedure look like? The first step is to break down all the charters and *formulae* as precisely as possible into their respective individual components. These components are to be fed into a relational SQL-based database especially developed for this purpose. On this basis, it is then possible to in further steps carry out specific investigations of different questions using a wide variety of parameter queries. Many of the results obtained with this method thereby shed light on the actual significance of standardization practices in the writing of charters.

How did early medieval scribes formulate private charters?

For all types of legal transactions recorded in early medieval private charters, certain elements can unquestionably be identified that were indispensable for the documentation of the respective transaction and thus were to a certain extent

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[13] Compare the skepticism expressed by Heinrich Brunner regarding the feasibikity of such an investigation; Brunner, *Rechtsgeschichte,* 232.
[14] Patt, *Studien zu den 'Formulae imperiales'*, 146.

obligatory. However, only a fraction of the surviving charters consists solely of these basic components[15]. Instead, most of their texts are enriched with the integration of one or more additional features, such as an *arenga* or a *sanctio*. If we now take a closer look at which of these the scribes drew on, the findings point to the existence of free creative leeways on the parts of the scribes. Just as it was possible, for example, to limit a charter of donation to the mention of the benefactor, the recipient and the property transferred, as in a donation by a man called Hadamar[16], the texts of the charters could also be composed of a combination of a whole set out of these components, as in the case of the donation by a certain Hrodperht[17]. Hypothetically, these individual components can be put together by a number of different conceivable variations of combinations. These results mean that, contrary to common opinion, early medieval private charters in the Alemannic and Bavarian regions were not drafted according to the same principles[18]; rather, the internal features appear as

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[15] An exemple of a charter whose text consists only of the necessary basic components is the following donation of a man called Madalger tot he see of Passau: *Ego in die nomine Madalger trado atque transfirmo quicquid mea esse videtur ad Rindpach post obitum meum ad sanctum Stephanum […] (Trad. Passau No. 53).*

[16] See Trad. Mondsee No. 40: *Ego in dei nomine Hadamar tradidi ad sanctum Michahelem in loco, qui dicitur Satalara, forastas meas, quod ego ibi habui omnia integra. Factum est in XIIII kl. iul., luna XXI. Sunt testes multi.*

[17] See Trad. Mondsee No. 134: *Vox divina clamat per prophetam in universo orbe dicens: nolo mortem peccatoris sed magis, ut convertatur et vivat; et in alio loco scriptura dicit: abscondite aelimosinam in sinu pauperis et ipse orat pro vobis et pro peccatis vestris ad dominum; et iterum dicit: quia sicut aqua extinguit ignem, ita elimosina extinguit peccatum. Ergo ego in dei nomine Hrodperht considerans quia gravor sarcina peccatorum et reminiscens bonitatis dei dicentis: date aelimosinam et omnia munda fiant vobis, de tanta igitur miseracione et pietate domini confisus, idcirco hanc epistolam dono atque donatumque in perpetuum esse volo atque de iure meo in potestatem et dominacionem monasterii sancti Michahelis, cuius vocabulum est Maninseo in pago Matahgouue constructum, ubi preest venerabilis Hunricus abbas vel turba plurima monachorum adunata, transfundimus atque transscribimus in villa nuncupante Lantchampha domum meam et omnia terra mea, cum domibus, edificiis, terris, pratis, aquis aquarumve decursibus, et duos servos meos cum uxoribus eorum et cum domibus eorum et cum terra eorum vel quicquid habere videntur, sicut a nobis hodierno tempore possidetur, ad predicto monasterio in alimoniis vel substancia monachorum ibidem habitancium Christo protegente proficiant. Ea scilicet racione, ut, dum pariter vivimus, antedicta villa vel edificia seu servi vel quicquid ad ipsum locum pertinet sub usu vel beneficio in potestate nostra consistat, post obitum vero meum, quando quidem deus voluerit, omnia meliorata ad ipsum monasterium consistant. Si quis vero, quod futurum esse non credo, huic voluntati nostre quibuslibet aliquis de heredibus nostris aut iudicum seva cupiditas vel quelibet persona obvius vel repetitor extiterit, a conventu omnium Christianorum vel liminibus eclesiarum extraneus abeatur, et Iuda traditoris domini nostri Ihesu Christi perfruatur consorcio, insuper etiam, quod repetit, non valeat vindicare, et inferat partibus ipsius monasterii vel fratrum ibidem consistencium duplicem pecuniam atque substanciam, et in sacratissimo fisco auri libras II, argenti pondera V, ut haec presens donatio, que a me pro timore dei et pro amore Christi conscripta est, firma et inlibata omni tempore debeat permanere, stipulacione subnixa. Facta est autem haec cartula in loco, qui dicitur Lantchampha. Sunt multi testes."*

[18] This widespread position is held, for example, by McKitterick, *The Carolingians and the Written Word*, 90-91; cf. also Borgolte, *Grafschaften Alemanniens*, 82; Heidecker, "Urkunden schreiben", 190; McKitterick, "Schriftlichkeit im Spiegel", 72; Meyer-Marthaler, "Die ältesten rätischen Urkunden", 127-8; Steiner, *Alte Rotuli*, 40; Wild, "Wurzeln", 235-48

components that could be used more or less freely for the composition of charters by the scribes and which were not always combined in the same way.

The observation that the scribes were apparently not mandatorily bound to the use of certain obligatory types of internal features but instead were very likely free to decide their choice, raises the question of whether similarly wide creative leeway can also be identified with regard to the formulation. In fact, in the course of comparing the texts of the charters with each other, it is possible to identify individual groups of charters characterized by such a high degree of similarity that their wording corresponds almost to the latter. Two charters documenting acts of donations in favor of Passau, which have been formulated almost completely identically, represent an example of such an extensive concordance[19]. However, such extensive correspondences regarding the formulation of entire texts are a rare exception. Such great similarities in the wording can only be found in a tiny proportion of less than 5 % of all the documents compared. In contrast, much more frequently similarities can be identified, that only concern individual internal features (such as the arenga). Of course, what can be observed for the wording of entire texts of charters on a large scale can also be observed on a smaller scale for the individual types of internal features[20]. These findings testify that some more common thoughts and ideas are by no means manifested in completely identical formulations across several documents. As we have seen before, clauses were formulated in a wide variety of variants and were changed, adapted or supplemented as needed. The use of such creative techniques of text production indicates, contrary to the widespread idea of a dependence of the scribes on the usage of templates, that the scribes were distinguished by a particularly high level of linguistic and stylistic competence and skill. These results point less to an omnipresence of concrete ideas about an obligatory way of formulating the texts of the charters than to a consciousness of the

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[19] See Trad. Passau No. 64 and 65.

[20] Compare for example the arenge in Trad. Passau No. 4 (*Latores legum sancxerunt, ut qui de substantiis vel rebus ecclesiasticis alicuius aliquis conaverit commodare, hoc coram pluris testibus per scripturarum seriem firmiter roboretur, ut in evum inconvulsam quiverit perseverare et non etiam umquam abstrahendi sint a iure ecclesiastico*), Trad. Mondsee No. 19/1 (*Latores legum sanxerunt, ut, qui de iure suo proprio alicui aliquid tradere voluerit, hoc coram plures testibus per scripturarum seriem firmiter faciat oblicare, ut in evum atque inconvulsum valeat perdurare, sicut dominus dixit in evvangelio: date et dabitur vobis, multum accipiat, qui sibi de terrenis et caducis rebus comparat premia sempiterna*) and Formulae Salicae Lindenbrogianae No. 6 (*Latores legum sanxerunt, ut, qui de iure proprio alicui aliquid tradere voluerit, hoc coram plures testibus per scripturarum seriem firmkiter faciat obligari, ut in evum inconvulsum valeat permanere*).

individual internal features as independent components that could be arranged, combined and formulated arbitrarily. The early medieval private charters of Alemannia and Bavaria are thus not diplomatically uniform, stereotypically and strictly structured records, but are instead characterized by a juxtaposition of constancy and variance, both in terms of the structure and formulation of their texts.

These results raise the question whether it is feasible to identify similarities between charters and *formulae* with respect to their formulation. In fact, it is possible to identify some correspondences between them[21]. None of these correspondences between private charters and *formulae* are literal equivalents of entire texts; only a very small proportion of them concern more extensive parts of the texts at all. Instead, most of the similarities extend only to the formulation of a single internal feature. Even if one were to see in these resemblances a use or at least indirect reception of the formulae, this would mean that such a reception was thus almost exclusively limited to the *arengae*. Such a possibility does not seem groundless. For scribes who had mastered their craft and who knew how to freely formulate and compose their charters with recourse of formulaic elements, it could at least prove useful for very specific types of internal features to memorize formulations of their elaboration more precisely and, if necessary, even to orient themselves directly or indirectly on idealized patterns. Such a procedure could be particularly obvious for the formulation of *arengae*, which exhibit a higher linguistic and stylistic complexity. Traces of such a procedure can may be found in the preserved private charters written by a scribe called Hiltiperht from Passau. For his charters documenting acts of donations, which he always structured in the same way but formulated differently, he used various *arengae*, which can also be found in a similar form in the Formulary of Marculf[22]. Thus, the scribes were able to freely design and formulate their charters, but in individual cases, they may have been guided by templates for the formulation of

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[21] Compare for example UB St. Gall Nos. 189, 213 and Formulae Augienses Collectio B No. 36; compare UB St. Gall Nos. 410 and 356 with Formulae Sangallenses miscellaneae Nos. 20 and 21 and Collectio Sangallensis Nos. 19 and 20; compare also Trad. Freising No. 321, Trad. Mondsee No. 125, Formulae Salicae Lindenbrogianae No. 1 and Formulae Salzburgenses No. 4; compare furthermore, Trad. Mondsee Nos. 64 and 68, Formulae Salicae Lindenbrogianae No. 6 and Formularum codicis S. Emmerami fragmenta No. 17.

[22] Compare Trad. Passau Nos. 16 and 57b (*Si aliquid de rebus nostris locis sanctorum vel in substantias pauperum conferimus hoc nobis procul dubio in aeterna beatitudine retribuere confidimus*) with Marculf II, 6; compare Trad. Passau No 15 (*Nihil enim ut ait apostolus in hunc mundo intulimus nec quicquam ex eo nobiscum poterismus auferii nisi quod ob animae salutem locis sanctoum vel in substantiis pauperum conferre videmur*) with Marculf I, 14c.

stylistically more complex types of internal features. However, even if some *formulae* would have served in some ways as models for the charters or vice versa, this would not be evidence of an ultimately unverifiable dependency between these texts or even strict orientation of the scribes on templates of his kind. On the contrary, these resemblances indicate a distribution of certain recurring formulations in certain geographic or literal landscapes, which could be mastered by the scribes by heart and correspondingly freely formulated. Therefore, the overall resemblances between private charters and formulae, which can only be estimated small, suggest that the scribes did not strive for standardization of their charters, but rather made creative use of formulaic elements creating extremely heterogeneous texts characterized by a high degree of variance.

Conclusion

The idea that early medieval private charters were primarily characterized by uniformity is still prevalent in current research; this allegedly uniform appearance of these texts was attributed on the one hand to a lack of linguistic and creative ability on the part of the scribes and on the other hand to an endeavor to standardize the charters in order to increase efficiency as well as the authenticity of the products. In this sense, it has only recently been emphasized that the compilation of formulae-collections in the Carolingian period, especially against the background of the *correctio* and the incorporation of Alemannia and Bavaria into the Carolingian Empire, primarily served the purpose of standardizing legal practice and improving the charters. However, if the objective of standardization of the charters had really been the intention behind the compilation of formulae-collections, such an objective would have greatly missed.

The cross-corpus comparison of the texts of charters and *formulae* has shown that the idea of a uniform design of charters is anything but true. By contrast, the examination of the records only in the rarest cases shows a degree of homogeneity that would be required to confirm the idea of a uniform design of the charters. Instead, almost all of the charters and *formulae* are characterized by a high degree of variance in several respects. The fact that many early medieval private charters, despite all this heterogeneity, are nevertheless often perceived at first glance as uniform texts is probably due to the interaction of stability and variation and the simultaneous use of conventionalized formulaic elements and linguistic creativity.

Against this background, it is quite possible that mechanisms very similar to those observable in the composition of epics and poetry could have come into play in the formulation of charters[23]. The scribes could have drawn on a repertoire of recognizable formulaic elements and patters learned by memory and internalized them in the course of the occupation with documentary writing practice in such a way that they could consciously or unconsciously fall back on these elements when formulating charters without the aid of written templates[24]. Here, of course it is quite conceivable that the scribes could potentially have been exposed to *formulae* collections during their education. Even then, the formulae-collections will have served more to learn the basics of writing charters as such and not to teach idealized, homogeneously designed formulations that were to be imitated in their entirety. This is supported by the fact that numerous collections do provide – for identical types of legal transactions – several *formulae* that are composed of different types of internal features and are formulated differently[25]. This phenomenon in particular suggest that many formulae-collections from the Carolingian period did not aim to create idealized templates, but instead to illustrate and convey the diversity of documentary forms. In other words: the objective of these collections was not to enforce standardization of the practice of writing charters, but rather to impart the skills to be able to compose charters as creatively and heterogeneously as needed. The practice of writing charters was not perceived as a dull and monotonous activity, but instead as a high and creatively enormously demanding art that not everyone could easily perform. The ability to formulate charters was assigned with such essential importance, that all members of the clergy were expected to master this technique as well as possible. Several manuscripts have survived from the beginning of the ninth century, where the ability to write charters and letters is given a similar importance as the understanding of the Gospel or the Lord's Prayer[26].

These results not only contradict earlier ideas about the supposed uniformity of charters and a lack of competence on the part of their scribes, but also the

[23] Filatkina, *Formelhafte Sprache*, 3; Lieb, "Poetik der Wiederholung", 509-12; Schulze, *Studien*, 207; Parry, "Studies", 80; see Lord, *Singer*, 30; Cramer, "Autorität d", 23; Müller, *Spielregeln*, 27-28; Gülich, "Routineformeln", 164.
[24] Zeller, "Lokales Urkundenwesen", 346.
[25] Compare for example the different *arengae* offered in Kopenhagen, Kongelige Bibliothek, Gl. Kgl. Saml. 1943 4o, fol. 70r – fol. 71v; see also the arengae contained in Leiden, BPL 114, fol. 155r – 155v and München, Bayerische Staatsbibliothek, Clm. 19413, fol. 76r and 80r.
[26] See München, Bayerische Staatsbibliothek, Clm. 6324, fol. 97r.

assumption that the writing of charters was subject to standardized procedures in a similar way to the bureaucratic routines of the modern state. This does not mean, that techniques of standardization did not come into play in the writing of charters. After all, the ability to creatively design the texts of charters show that modern notions of standardization cannot simply be transferred to the early Middle Ages. Neither were formulae-collections actually used for the production of charters, nor did they serve to standardize and uniformize their production. The surviving private charters and *formulae* do not present themselves to us in a stereotypical and uniform design, but rather appear as distinctly heterogeneously designed texts that are a result of innovative and creative practices of formulaic writing.

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