STANDARDIZATION IN THE MIDDLE AGES

VOLUME 2: EUROPE

Edited by Line Cecilie Engh and Kristin B. Aavitsland

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LCE & KBAa

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Introduction: On the Same Page

We live in a world riven through with standards: To understand more of their deep, rich past is to understand ourselves better. The two companion volumes, *Standardization in the Middle Ages. Volume 1: The North*[1] and *Standardization in the Middle Ages. Volume 2: Europe,* turn to the medieval period to gain insight into ideas and practices that produced – and were produced by – standards and standardization. The scope of the two volumes is twofold. First, we aim to achieve a deeper understanding of how people of the past envisioned, enforced, and attempted to maintain uniformity of practice and norms and provisions for common and repeated use. Second, we aim to use our medieval sources as case studies to learn more about the historical, cultural, and cognitive processes of standardization.

At first glance, the Middle Ages might appear to be an unlikely place to look for standardization. In contemporary usage, standardization is a term mainly applied in industry, technology, business corporations, and mass production. But although the term standardization bears the stamp of the modern period, it has its roots in medieval Latin. A *standardum* was a military flag or banner, which gradually acquired a second meaning, namely, that of measure or measurement.[2] Close to this second meaning of "standard" was the Latin *mensura* ("measure"), a remarkably complex term semantically related to *canon*, *regula*, and *norma*, all literally denoting a measuring instrument (for building and carpentry) such as rod, ruler, and straightedge.

Premises

We argued in Volume 1 that all cultures deploy standards.[3] Even nature deploys standards. But standards are never "natural" in themselves, nor neutral. Standards are not found; they are invented.[4] Conventional histories of the emergence

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1 Edited by Engh, Gullbekk, and Orning. De Gruyter.

2 See both meanings, with references, in *Glossarium mediae et infimae latinitatis,*; <http://ducange.enc.sorbonne.fr/STANDARDUM1> and <http://ducange.enc.sorbonne.fr/STANDARDUM2>.

3 See esp. Engh et al. (Chap. 1) and Engh and Turner (Chap. 6) in Volume 1.

4 See Bowker (Chap. 2) in Volume 1.

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of standards – as augmentation of codified knowledge – fall short on conceptual as well as historical grounds.

As scholars of the Middle Ages, we are all too familiar with the notion that the medieval period was characterized by an *under*-development of techniques of standardization – compared to the period that preceded it (Antiquity) and especially the period that succeeded it (Early Modernity and Modernity). On the one hand, then, the Middle Ages are represented as messy, fragmented, and de-standardized: lacking in uniform and quantitative principles in matters such as measures, weights, coins, law, and sciences.[5] But, on the other hand, and side by side with the former view, there is another commonplace, whereby medieval artistic and intellectual production is seen as *overly* standardized: a copycat culture entangled in a fixed and rigid adherence to tradition.[6] Although in glaring contradiction to each other, both histories are just-so stories where the Middle Ages represent the negation of Modernity: something that must be overcome. In the first instance, the medieval *lack* of standardization is superseded by the unifying principles of modern industry, organization, and globalization. In the second instance, the medieval *excess* of standardization is supplanted by modern aesthetic paradigms of originality and innovation in contrast to copying, reworking, and mimesis.

Neither story, of course, teaches us very much about the Middle Ages, and even less about standards and standardization.

We – the editors and contributors of the two volumes – therefore wish to take a different route. This book, like its companion, deals with medieval concepts of standardization, embedded in specifically medieval frameworks. In other words, we do not maintain a teleology that has modernity as its logical endpoint. Working with perspectives and materials from the various fields of history, intellectual history, art history, philology, literature, law, liturgy, and numismatics, contributors have been asked to engage with two questions: How might the analytical term standardization shed light on our specific medieval materials? And, contrarily, what can our sources tell us about standardization in the Middle Ages and about standardization more generally? During the process of research and writing, we have engaged in a multidisciplinary dialogue with scholars from cognitive science and cultural criticism to help us think about these questions.

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5 See, for instance, the critical appraisals by Abigail Firey, Rory Naismith, and Wim Verbaal in Chapters 1, 2, and 10 in this volume.
6 Exposed by Patricia Ingham and Franziska Quaas in Chapters 5 and 7 in this volume.

Standardizing in the Middle Ages: Navigating, Composing, Converging

Employing standardization as a framing term and flexible theoretical framework, each of the twelve chapters in this volume recognizes and emphasizes conspicuous features of standards and standardization in the Middle Ages. A red thread throughout this book is the recurring stress on use, methods, and practice. Standardization, it seems, is deeply related to *doing things*. Practice generates standardization – and vice versa. Mutual engagement, joint enterprise, and shared repertoire not only *require* processes of standardization, but they also *produce* standardization: uniformity of practice and norms and provisions for common and repeated use, as we referred to above. Standards, then, are not about codified knowledge so much as about codified practices.[7]

A persistent theme in Volume 1, which dealt with standardization in medieval Scandinavia (c.1000 – c.1500), were the tensions between local adaptations and global integration, highlighted in the introduction to that book as "unity in diversity," *unitas in diversitate.* Since both the geographical and the temporal frames are looser and broader in this present book, encompassing Latin Christendom from the fifth to the sixteenth century, the perspective is slightly shifted. In this volume, the overarching insight can be summed up by taking our cue from two idioms that appear in the first and the last chapter: In both a literal and a figurative sense, standardization is all about being "on the same page"[8] and "singing from the same hymn sheet."[9] Hence the illustration below, also used on the cover of this book, showing a large group of monks singing from a single choirbook (Figure 1).

Quoting Philip Reynolds in Chapter 12:

> There is standardization (even before the invention of printing) inasmuch as all the experts are singing from the same hymn-sheet, which provides them with a common basis for reasoning, inquiry, argument, dispute, and teaching.[10]

Contrarily, we may cite Wittgenstein (quoted in Geertz):

> [O]ne human being can be a complete enigma to another. We learn this when we come into a strange country with entirely strange traditions; and, what is more, even given a mastery

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7 See also Bowker (Chap. 2) in Volume 1.

8 See Firey (Chap. 1) in this volume.

9 See Reynolds (Chap. 12) in this volume.

10 Reynolds (Chap. 12), 316.

Figure 1: Monks singing from the same page. Initial C in a noted breviary, ca. 1420. The Getty Museum LA, MS 24 fol. 3v.

> of the country's language. We do not understand the people. (And not because of not knowing what they are saying to themselves.) We cannot find our feet with them.[11]

Cultures need to establish common ground by generating predictability and constraining the possibility spaces, so that there can be human interaction and societies.[12] The same point is expounded by Emanuele Lugli in Chapter 4, drawing on Bruno Latour: "Standardization is that which makes communication possible. Without it, it would be impossible to share anything. There would be no community, no sociality." In this broad sense, standardization is not just a base for society and culture but grounded in a "leap of faith": "It is less a process than the belief that precedes it," says Lugli (with Latour),

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11 Wittgenstein, as quoted in Geertz, *Interpretation of cultures*, 13. The original is available at Wittgenstein, *Philosophical Investigations*.
12 Emphasized in Engh and Turner (Chap. 6) in Volume 1 from a cognitive perspective, where the quote from Wittgenstein appears.

and one must believe that standardization is possible before working out ways to introduce it. Standardization is not a decontextualized series of measures so much as a pledge that eventually shapes reality around itself.[13]

And so, it turns out, standardization has to do with moral values and ethics, with judgements, and, in the widest possible sense, with faith and with the creation of worlds.

We propose three terms, all related to practice and to the building of communities – namely, "navigating," "composing," and "converging" – to speak of three intertwined aspects of standardization that emerge from the present analyses. These three concepts structure the volume, dividing it into three homonymous parts. Part One, *Navigating. Form and Transformation*, deals with tensions between order and disorder, between continuity and change, and between the impositions of standards, measures, norms, and conduct and the social worlds that they clash with. The chapters examine processes of standardization in fields as diverse as canon law (Chapter 1), coins (Chapter 2), chess pieces (Chapter 3), and fencing (Chapter 4). In Chapter 1, Abigail Firey's examination of Carolingian canon law manuscripts reveals strategies for navigating a legal corpus far more fluid and pluralistic than we are accustomed to from modern legal contexts. Furthermore, she discovers patterns of textual consistency in the manuscripts suggesting that processes of pragmatic standardization were at work in the very production of these books. Her study indicates that in the context of Carolingian Canon law, the real agents of standardization were the producers and users of the law books, rather than governmental authority. The close examination of the manuscript evidence testifies to a pragmatic and functional standardization from below, enabling "management of human affairs."[14]

Agency is also a key question in Chapter 2, where Rory Naismith discusses the uses of coined money – in itself a standard by definition – in medieval societies in fifth to eleventh century Europe. Looking into both textual and material sources, Naismith asks where monetary standards came from and why they were imposed, who the users of coined money were and which collective, standardized behaviors they thereby took part in. He shows how standardization in monetary terms represented the interplay of rulers, elites and sub-elites who were all engaged in transfers of material resources, arguing that within early medieval societies, monetary standards became a strategy for defining and controlling transfers of wealth, sometimes between peers but often between unequal partners. Standardizing tendencies overlapped and interacted, requiring negotiation and pragmatism. Moreover, standardization was also weaponized, experienced in very

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13 Lugli (Chap. 4), 98 in this volume.
14 Fiery (Chap. 1), 13.

different ways by different agents as it was introduced into society. Studying the imposition of monetary standards and their normative uses brings out tensions between the agents involved.

Coins in circulation may be seen as bearers of standards in a very palpable way. The same could be said about the physical objects which are under scrutiny in Chapter 3: chess pieces. In this chapter, Mary Franklin-Brown studies the transformation of chess pieces from India to Western Europe during medieval centuries and beyond. Their material designs as well as their verbal designations across different times, territories, and languages show a remarkable continuity and a similarly remarkable transformation. Franklin-Brown's case study is the chess piece that in Indian and Arabic traditions takes the form of a war elephant. She shows how it ends up in the shape of a bishop – or a jester – in Western and Northern European medieval cultures. The metamorphoses of the elephant reveal the endurance of old standards and the inventive creation of new ones – both in visual and verbal forms.

The emphasis on form, transformation, and abstraction is continued into the last chapter in this section: Emanuele Lugli's study of the standardization of human bodies by means of geometry (Chapter 4). Taking Camillo Agrippa's treatise on fencing from 1553 as his case, Lugli shows that sixteenth-century ideas about the relationship between geometry and bodily movement draws on a medieval understanding of measurement (*misura*) as "the ultimate tool of justice."[15] Measuring the fencers' movements, and implicitly, the size of their bodies, by applying the rules of geometry, would secure the duel to be fought on just terms. Lugli highlights the judicial and normative dimension of premodern measuring and shows how the standardized choreography of fencing aims to impose norms and conduct in the martial sphere – and beyond it. All four chapters in this section shed light on strategies to navigate the world by means of standards.

Part Two, *Composing. Creativity and Flexibility*, turns to the crucial role of creativity and flexibility in processes of successful standardization. The chapters offer the different points of view of literature (Chapter 5), ecclesiastical penances (Chapter 6), charter writing (Chapter 7), and liturgy (Chapter 8). In Chapter 5, Patricia Ingham addresses the issue of novelty in relation to literary standards in the fourteenth century by looking into two of Geoffrey Chaucer's works, the satirical *Tale of Syr Thopas* alongside the scientific *Treatise on the Astrolabe*. She asks to what degree Chaucer pursued newness and originality, even as he adhered to standards set by the literary tradition to which he belonged. Clearly situated amid what Ingham labels a medieval "culture of artistic copying," she demon-

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15 Lugli (Chap. 4), 126.

strates how Chaucer in his literary creative work oscillated between *ingenium* (ingenious ideosyncrasies) and *consuetudo* (convention and things conventional). The analysis of Chaucer's style in these two works testifies to authorial originality in an artistic culture that "prized repetition, humility, reworkings, repurposing."[16]

Repetition and copying were imperative in the field of medieval Canon law, which was supposed to be consistent and universal. Nevertheless, different customs developed across early medieval Europe. In Chapter 6, John Burden presents an attempt to standardize this diversity: Bishop Burchard of Worms' compilation of the law collection *Decretum* around 1000. John Burden argues that Burchard, who was a leading statesman of the Ottonian Empire and a close confidant of Emperor Henry II, had political motivations for his efforts. In particular, he sought to provide a symbol of unity for the disparate regions of the empire in the form of a common tool for judging disputes at councils and synods. Burden pays special attention to the treatment of penances, showing that the bishop's standardization attempt was all but rigid. Burchard balanced standardization with flexibility, and his allowance for diversity within a standardized framework was essential to the success of the *Decretum*, Burden argues.

A similar tendency can be traced in the early medieval charters that Franziska Quaas investigates in Chapter 7. The existence of early medieval *formulae* collections, providing templates for various types of legal transactions, has fostered the idea among scholars that charters were the most stereotypical and uniform written genre imaginable. Quaas asks whether the scribes really used such collections when formulating charters. Digital methods reveal the scribal techniques in early medieval private charters from Alemannia and Bavaria and show that the scribes had extensive freedom and flexibility in the composition of new texts. Like Burden in the previous chapter, Quaas demonstrates that standardization allows for – and perhaps even presupposes – variation and heterogeneity. Indeed, the two chapters seem almost to mirror each other in the reverse: that which looks local and full of variance and diversity was actually, on closer inspection, an effective means of standardization (Burchard's *Decretum*), whereas, contrarily, that which looks rigid, stiff, and highly standardized was instead a result of innovative and creative writing practices (early medieval charters).

Closing this section of the book, Arthur Westwell in Chapter 8 brings the discussion of standards and variation onto yet another field: the liturgy of the Mass. He examines three early medieval liturgical manuscripts with regard to how they adapt to what is known as the Roman Gregorian sacramentary and shows that the compilers used the standard structure of the Gregorian to continually adapt

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16 Ingham (Chap. 5), 150.

this especially variable tradition. The Gregorian "standard" was a vehicle for vibrant adaptation, Westwell argues, accommodating for the expression of new ideas, the composition of new texts, and the ordering of the material "in innovative ways that suited changing usages."[17] Furthermore, Westwell makes an important historiographical point when calling attention to the fact that influential editions of medieval texts themselves become standards against which researchers measure the material at hand. This has made scholars unaware of the creative agency of compilers and scribes in their management of the stable form of the Mass. The four chapters that make up Part Two of this book challenge preconceptions about medieval standards: instead of rigidity and fixity we find creativity and innovation; instead of mess and fragmentation we find standardization and stability.

Finally, Part Three, *Converging. Canonicity and Unity*, confronts concepts of classicism, canon, and authority, tracing how communities establish, and are established by, such concepts. The single chapters investigate the topics of church architecture (Chapter 9), Latin language and literature (Chapter 10), *ius commune* and marriage laws (Chapter 11), and scholasticism (Chapter 12). The section opens with Line M. Bonde's discussion on how to conceptualize unity in ecclesiastical architecture, the subject of Chapter 10. Medieval church architecture is a field often considered to be ruled by a formal canon, thus "an excellent place" to look for standardization.[18] Bonde argues, however, that the apparent "sameness" in the corpus of medieval churches from the eleventh and twelfth centuries is not as uniform as architectural historians will have it. Taking a range of Danish parish churches as her test case, Bonde points out that despite a sense of "sameness" at the macro-level, a rigid concept of architectural standard – or style – fails to accommodate for the wealth of variations and pragmatism in the visual articulation of so-called Romanesque churches. In critical dialogue with the historiography, Bonde suggests a more dynamic and dialectic concept of architectural form, ruled by the medieval sense of *decorum*. In Bonde's conception, *decorum* in medieval terms is a societal and aesthetic category conditioned by a "creativity dispositif," or possibility scope contingent on basic (canonical) organizing principles but oriented towards formal inventiveness and novelty.

A similar critical approach to the historiography is voiced by Wim Verbaal in his chapter on the Latin literary tradition in Chapter 10. Verbaal questions the historiographic conception of a canonized norm for "good" Latin based on the standard of classical Antiquity, which programmatically disregards the medieval textual heri-

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17 Westwell (Chap. 8), 204.
18 Bonde (Chap. 9), 238.

tage as un-standardized and chaotic. This long-lived conception, construed by the early Italian humanists in the fourteenth century and still in vigor today, has imposed classical Antiquity as the normative authority not only in Latin Europe but also, through European impact and colonization, in the entire world, and it has proved notably resistant to decolonizing. Verbaal calls attention to the fact that the early humanists' restoration of Latin to its classical state was in fact based on the standardizing efforts carried out at the Carolingian court in the eighth and ninth centuries. He compares the standardization initiative of the early humanists (Lovato, Mussato, and Petrarch) with that of the Carolingians, highlighting the societal and political motives behind the two movements, what they reacted to, and how they tried to achieve their objectives. The chapter celebrates the plurality and polyphony of the Carolingian Latin standardization over and against the monophony and uniformity of its Renaissance counterpart, asking which pedagogical and cultural model of standardization we moderns would – and should – identify with more.

In Chapter 11, Anders Winroth traces processes of standardization towards unity in the legal culture of Latin Europe from the twelfth century onwards. Focusing on marriage law and legal procedure, Winroth compares individual church court cases from thirteenth-century Italy and fourteenth-century Norway, demonstrating their basic similarities. He uses examples from secular law to show how that law adapted as well as resisted features of the *ius commune*, worked out in the law schools and applied in the church courts. This is particularly evident in the issue of martial consent, codified by Gratian as a necessary requirement for a legally valid marriage. Eventually, the explicit consent of bride and groom became a standard feature of medieval law. Furthermore, Winroth shows how the procedure of church courts was accepted in secular law, creating a new basic standard followed almost everywhere in western Europe, albeit with minor variations. The chapter closes with a reflection on Max Weber's legal sociology as a useful theoretical approach to late medieval standardizing movements in Europe. Winroth suggests that Weber's emphasis on rationality as a driving force in sociological development resonates with the jurists of the twelfth to fourteenth centuries, who understood reason (*ratio*) as a standard to which law should conform.

In Chapter 12, concluding both the third section and the entire book, Philip L. Reynolds discusses canonicity in scholasticism. He inquires into the complex ways in which knowledge was produced and applied dependent on a prescribed, standardized corpus of written texts – a canon. To grasp the manner of that dependence and the methods it entailed, Reynolds defines medieval scholasticism as a *canonical culture*: a learned culture in which a textual canon is fundamental to a given discipline, and all interpretative work in the discipline subordinate to its canon in one way or another. Through a comparative survey, he establishes a

functional account of distinguishing features of canonical cultures that provide a model for understanding the "bookish" dependency of canonical cultures in general and scholastic theology in particular. As Winroth in the previous chapter, Reynolds aims to show how canonical texts function in practice, how they were interpreted and put to use, and "how the system worked and what made it enduring and successful."[19] Here in the last chapter main themes from both volumes on standardization in the Middle Ages come together: first, the pivotal role of methods, practice, and practitioners in the workings of canons, rules, norms, and measures, and, second, the authorization, that is, the "faith" or the "pledge," of standardization, which eventually shapes realities – communities and social worlds – around itself.

In any community or social world, standards emerge both top-down through authorization and bottom-up through integration, and they unfold at both micro and macro level.[20] The analyses presented in the present volume cut across perspectives of top-down and bottom-up (and "middle-out"). They traverse the agency of single individuals and whole communities, the named (popes, kings, emperors, bishops, and theologians) and the nameless (charter writers, scribes, merchants, and builders). Above all, they complicate any easy dualism between standards and variations. What at first glance may seem to be the very opposites of standardization: creativity, flexibility, transformation, and variance, turns out to be its preconditions and its effects.

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19 Reynolds (Chap. 12), 319.
20 See the Introduction to Volume 1, 8–9, 12.

Part 1: **Navigating. Form and Transformation**

Abigail Firey

1 Between Chaos and Codification: Consensus and the Content of Carolingian Canon Law

Abstract: Modern, western views privilege standardization, systematization, and codification as essential to the identity of "real" law. Awareness of the historical development of those attitudes can aid appreciation of alternative perspectives on law in the early medieval west, especially in the domain of canon law in the Carolingian era. In contrast to attempts made between the seventeenth and nineteenth centuries to bring order, system, and standardization to legal texts, the Carolingian imperial context accommodated pluralism in the sources of law as well as variety in translations and phrasing in legal texts. Such untidiness does not seem to have unduly hindered those seeking to learn and apply canon law, or to have damaged confidence in its value. Evidence from medieval manuscripts shows ninth- and tenth-century readers applying strategies for navigating and studying an open, fluid, and often non-standard legal corpus. Furthermore, larger patterns of textual consistency in particular portions of that corpus suggest that informal or organic processes in manuscript production yielded a sort of standardization not imposed programmatically by a governmental authority, but rather by scribal consensus. Examining these aspects of Carolingian canon law can give fresh insights into the effect of standardization in the management of human affairs.

Keywords: Canon law, Carolingian, positivism, codification, manuscripts, readers' tools

Introduction

Medieval compilers of canon law complained that there was too much canon law, a churning sea of diverse regulations, decisions, and opinions that was not well-contained.[1] Modern scholars have often embraced that trope when speaking of

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1 A florid plaint is in the Preface to the "Collectio canonum hibernensis": "Considering the immense number of synodal texts, and seeing the almost useless obscurity in most of those clumsy

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early medieval canon law.[2] This chapter briefly explores three perspectives on legal disorder, in order to ask three fundamental questions about the rationales and contexts of legal standardization: how is law standardized? to what standards? and by whom? These questions focus on three factors that may advance or impede standardization in legal texts: legal philosophies, legal pluralism, and the conditions of legal production. The chapter begins with brief comments on the historical lens through which we see the legal past, to expose modern adherence to codification as essential to the validity of law. That modern affinity for comprehensive management of legal diversity through systematization also imparts or invites standardization. The early medieval perspective, however, accommodated an array of legal texts compiled in varying arrangements and comprising varying selections. A second consideration is thus how legal pluralism complicates both a sense of tradition and the standardization we often associate with authority. Third, three case studies suggest that the Carolingian era brought practices that fostered standardization in some texts, while leaving other texts open to adaptation or revision.

Post-Medieval Pivots in Legal Philosophies

Legal historians concur that intense interest in systematization, a framework for standardization, arose in relation to the promotion of "scientific" thought in early modern western Europe, with its emphasis on classifying and arranging knowl-

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products and a discordant diversity more destructive than constructive in the rest, I assembled into one volume from an enormous forest of writings a brief, full, and harmonious exposition [. . .]" Somerville and Brasington, *Prefaces,* 58. Other prefaces to compilations of canon law explain the desire to produce a single volume that will spare the reader what is prolix and not useful; see in Somerville and Brasington, *Prefaces*, 78, 80 (on secular capitularies), 82, 93, 159. The same complaint had been made about Roman law: Theodosius II sanctioned the Theodosian Code with the observation that the quantity of law prevented wider knowledge of it, as hours of nocturnal study were needed to penetrate the "thick cloud of obscurity," Harries*, Law and Empire*, 59.

2 The most influential account of early medieval canon law, Fournier and Le Bras, *Histoire*, presents the Carolingian "reform" as a project to bring order to the "chaos" of texts, described by scribes as a forest, a maze, a shore without end (1–5, et passim). This work, long (and to some extent, still) the only narrative account of canon law before the mid-twelfth century, shaped almost all subsequent scholarship. A recent interrogation of its premises is Rolker, *New Discourses*. The revised, second edition of Eichbauer and Brundage, *Medieval Canon Law*, 19–34, goes some distance to correct the unfortunate representation of early medieval legal knowledge as gravely defective.

edge in highly structured, hierarchical sequences.[3] Their analyses vary in focus, as different national traditions of legal history have supported diverse historiographies of those traditions: some historians note the importance of Jeremy Bentham (1748–1832), the English philosopher who coined the word "codification"; others point to Italian and especially French Humanists such as François Connan (1508–1551), Hugues Doneau (1527–1591), Peter Ramus (1515–1572), and Charles Dumoulin (1500–1566); others note the foundations laid in the German Reformation by Luther and Melanchthon, subsequently developed by Christoph Hegendorf (1500–1540) and Christian Wolff (1679–1754).[4] One may take as emblematic, perhaps, the contribution of Gottfried Wilhelm Leibniz (1646–1716), the seventeenth-century philosopher and mathematician, who participated in these fundamental shifts in the course of western law by applying the new, scientific values of the Enlightenment in his efforts to produce a legal code, an outgrowth of his deep study of Roman law.[5] Central to that shift was the scientific interest in shaping law into something calculable, measurable, certain, and predictable – in other words, standardized and stabilized.[6] For legal historians, the concepts of standardization and stability embody the principle that, in order to be fair to all, the same law must be known to all, and accessible to all.[7] It is through stabilizing and standardizing details that different laws can be reconciled, reducing contradic-

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3 Stein, *Roman Law*, 79–85. The "scientific," systematizing approach left a particularly western imprint on legal history and perceptions of legal culture: see Curran, "Romantic," 63–126. For an argument that colonial perspectives are embedded in the structures of western legal traditions, see Nunn, "Eurocentric," 323–370.

4 Yelle, "Fictions," 151–179; Stein, "Legal humanism," 297–306; Whitman, *Legacy*, 3–42 on Luther and Melanchthon; Cappellini, *Systema,* vol. I (on Wolff); Stein, "Systematisation."

5 Berkowitz, *Gift.*See also Halpérin, "Codification", 909: "The great and only advocate of codification in the seventeenth century was Leibniz, who proposed, in the 1670s, the unification of German law on the basis of eternal truths extracted from Roman law. However, Leibnitz was opposed to Pufendorf's theories [of natural law], and his rather conservative projects of codification did not materialize."

6 Berkowitz, *Gift*, 66. As Berkowitz points out, "the first scientific and systematic legal code" (67), the Prussian *Allgemeines Landrecht* of 1794, "[a]s with all attempts to legislate legal certainty, [. . .] proved incapable of delivering. The code's heralded claims to universality and scientific completeness crumbled in the face of actual cases that could not be decided simply by applying one of the code's provisions" (104).

7 Yelle, "Fictions," (157), notes that Bentham's desire to be "the Luther of Jurisprudence" entailed the idea that law should not be mediated by professional lawyers, but, through codification should be available for consultation by anyone, making "every man his own lawyer." For the irony that codification produces exactly the opposite effect, and makes legal knowledge inaccessible to all but the cadre of highly-trained specialists, with a focus on modern law, see Stevenson, "Costs."

tions or "conflict of laws"; it is through standardization and stabilization that different jurisdictions can interact without conflict or confusion. In other words, standardization can be a process, implemented as people find points of friction.

That Enlightenment confidence in standards and stability was surely in part a consequence of the print revolution.[8] Printing produces (in theory!) identical, stable forms of texts.[9] In manuscript cultures, each scribe might introduce changes, accidentally or deliberately. Texts copied frequently, hence by multiple scribes, would seem especially vulnerable to variation. We may wonder whether before print, justice was administered differently, or laws understood differently, because of textual variation. How do we know whether everyone was, fairly literally, "on the same page"? What standards would, could, or should undergird law?

Professors and Principles. How Should Law Be Standardized?

One of the striking features of modern European law is how extensively it was shaped by professors, possibly even more than by legislators or judges.[10] The conformity of law to academic frameworks, to provide an intellectual coherence or a "scientific" aspect, tends to bring professorial approval. "Standardization" is not a neutral value, but a criterion for approval.

Reconciling the variable actions of judges and legislators and the organizing principles for the academic descriptions of law is an ongoing, symbiotic process. After Leibnitz, the professorial intervention of the great nineteenth-century legal historian Carl Friedrich von Savigny is generally seen as a milestone.[11] Like Leibniz,

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8 Yelle, "Fictions," 158: "This parallel between Bentham's legal reforms and the earlier religious Reformation highlights their common dependence on the growth of printing and literacy that came with the technological innovation of movable type. The shared emphasis on writing, and corresponding attack on unwritten custom, was to this extent a reflection of developments in material culture. However, the literalism advocated by Bentham and earlier Protestants was more than an emphasis on letters: It constituted nothing less than a theology of the book, which opposed a written canon to idolatrous custom."

9 On the actual variation in printed representations of legal texts, see in this volume the contribution by Anders Winroth.

10 This was predominantly true in Germany, but the effect was international Stein, *Roman Law*, 121–130; Whitman, *Legacy*, 30–36, 79–81, 92–199; on the displacement of judges by professors, 34–6, 129–131; on professorial legislative activity, 120–124.

11 The literature on Savigny is vast. Starting points are Rückert, *Idealismus*; Whitman, *Legacy*, 101–131; Berkowitz, *Gift*, 103–138, on which this paragraph draws. For the larger context of "the

Savigny did not intend to advance positivism in legal theory, but, paradoxically, did so. For both Leibniz and Savigny, identification of underlying principles was the key to organizing legal texts into some systematized presentation; both spent a lifetime in the attempt. Both were aware of the impossibility of successful codification: law always exceeds the boundaries of codification. So, while codification might seem to be the most powerful or comprehensive tool for standardization, further thought reveals that standardization must be devised for a dynamic corpus, and systematization rather than codification may be (in theory) a more fruitful approach to standardizing a legal corpus with innate tendencies to multiply diversity. What Savigny and Leibniz shared, although with different premises, was a belief in an ultimate, transcendent source of law: for Leibniz, that source was divine will; for Savigny it was the "spirit" of a people. In this view, positive law, that is, the law issued by a human governing authority, should conform to the principles of the underlying, transcendent source of law, in order to be just and justifiable.

Yet, by the turn of the twentieth century, positivism in legal thought had prevailed, along with monumental attempts at codification, although the fundamental impossibility of successful codification was known.[12] The cost, according to Roger Berkowitz, was the abandonment of belief in the transcendent meaning of law. He traces an irreversible change in the intent of law from the service of justice to the service of social and economic order and security. To some degree, he rehearses debates over natural law and positive law. However, he also proposes that modern western law turned from equity to equality as its polestar.[13] The transition from the old, Justinianic definition of justice ("Justice is an unswerving and perpetual determination to acknowledge all men's rights") to a less individualized, less customized, more mass-oriented sense of fairness relates directly to questions of standardization.[14] What, exactly, is to be standardized in law to produce a sense of fairness? Is it the ethical principles and procedures applied to the particulars and contingencies of each case, in order to weigh the different goals of retribution, restoration, or rehabilitation? Or is standardization implemented in the schedule of violations and remediations, so that the written law controls

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German Historical School" of legal studies inspired by Savigny: Wieacker, *Privatrechtsgeschichte*; Haferkampf, *Rechtsschule*; Reimann, "Legal Science."

12 Halpérin, cit. supra.

13 Berkowitz, *Gift*, 87–101, 137–160.

14 *Justinian's Institutes,* 37. Inst. Lib. I, cap. 1: "Iustita est constans et perpetua voluntas ius suum cuique tribuens." The Justinianic definition is often translated, "to render every one his due," emphasizing the individual focus of justice. For commentary, MacCormack, "Sources," 1.

the judicial outcome, a control central to "the rule of law"?[15] These somewhat abstract questions pertain to our study of medieval law, its standardization, or its diversity. What, exactly, is standardization intended to improve? Equity or equality? Justice, or order and security?

We may ask whether, as the inheritors of the complex legal science of the modern west, we have inadvertently brought to our study of early medieval canon law ideas about order, system, standardization, and stability that may differ from the perspectives of the early medieval scholars who read, studied, and argued with canon law. Testing the standardization of medieval law against expectations for modern, positive law is immediately problematic. Medieval law was not framed on one philosophical perspective; rather, it embraced several traditions of legal philosophy – natural law, customary law, the "law of peoples," and positive law.[16] Whereas modern, western positivism eradicates the value of customary law, customary law dominated medieval legal practice.[17] Modern, western positivism removes divine mandates as the explicit foundation of law; medieval law relied on divine authority, even when channeled through a human sovereign.[18] In other words, the measures or principles against which to standardize specifics are varied and elusive.

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15 On the tension between judicial arbitration and consultation of written codes, see Curran, "Romantic," 66–68, 72–73, 76–77, 93–100 et passim. For the study of standardization, it is worth contemplating the intersecting senses of "rule" as both measure and governing authority. The question is not unique to modern jurisprudence: the sixth-century compiler of canon law Cresconius wrote, "when an exceedingly fair judge personally ascertains that every canonical decree by which a proceeding at a given moment is applicable in various ways, he can learn by careful examination whether he ought to form his opinion according to severity or leniency. That scrutiny will especially convey such instruction to the one who would make a decision if he is guided by the rulings of many [texts] and particularly those of confirmed authority." Somerville and Brasington, *Prefaces*, 52–53. On the diversity of views in the early ninth century on judicial discretion, Firey, *Contrite Heart*, 203–208.

16 The concise discussion of Isidore of Seville was especially influential: *Etymologies* V.i–xxi.

17 *La Coutume.* On the place of customary law in efforts to standardize law, see Stein, *Roman law*, 83–85. The problems in codifying customary law are a lively subject in the literature on international law and non-western law.

18 Isidore, *Etymologies* V.ii: "All laws are either divine or human. Divine laws are based on nature, human laws on customs," trans. Barney et al., 117. For discussion of the thorough permutation of Christian thought in western medieval law, Ullman, *Law and Politics*, 227–266.

Empire and Ecclesia: Legal Pluralism

The Carolingian era was crucial in the formation of the tradition, although the canon law of the Carolingian empire was not, strictly speaking, indigenous. It was a mass (or mess) of legislation and judicial opinions from a preceding Roman empire which stretched from the Greek-speaking east to the Iberian peninsula and across North Africa.[19] Pre-Carolingian Gaul contributed decisions from Gallican councils held between 511 and 696; the councils of sixth- and seventh-century Visigothic Spain added more material. It was augmented with papal decretals from late antiquity and the early medieval centuries. The texts came from different rhetorical and linguistic traditions: some were translations, some were from urbanized settings, some from churches whose governors were often influenced by ascetic communities in which they may have spent formative years. The diversity of legal sources created a legal pluralism derived from accretion over centuries, reflecting the pluralism of the Roman empire, as well as a vision of universal application to far-flung lands.

In this breadth of sources lay a symbolic representation of the thrones and dominions encompassed in a Christian empire, an empire rejuvenated in the view of Carolingian rulers and their agents. Carolingian scribes and scholars supplied a narrative that framed the whole body of canon law as a single, linear tradition beginning in the early fourth century, and that connected their compilations to that weighty tradition. Their collections are often prefaced by brief histories of the development of canon law.[20] Their common history almost invariably begins with Isidore's summary of the councils of Nicea, Constantinople, Ephesus, and Chalcedon, an account repeated by the Carolingian author Hrabanus Maurus.[21] The manu-

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19 For a concise guide to the plethora of sources and bibliography of the critical editions: Gaudemet, *Sources*; more detailed registration is in Weckwerth, *Clavis conciliorum*.

20 A survey of the sources enumerating the oecumenical synods recognized in the Frankish domains before the eleventh century is in Dvornik, *Photian*, 309–316. Dvornik notes that "as late as the eleventh century, the Frankish Church officially acknowledged only six ecumenical councils." (311). Many sources mention only the first four (312–313).

21 Isidore, *Etymologies* VI.xvi; Hrabanus, *De universo* V.vii. Friedrich Maaßen noted that the widely-circulated version in the Preface to the Pseudo-Isidorian Decretals, which draws upon the preface to the Collectio Hispana for the section on the four principal councils, does not exactly replicate Isidore's text, Maaßen, *Geschichte*, 684–690. The text of the Hispana/Pseudo-Isidore account of the principal councils is found in Hinschius, *Decretales*, 20 For a translation, Somerville and Brasington, *Prefaces*, 89–90. For transmission of the typical form of a notice of the six principal councils, Maaßen, *Geschichte*, 403–404. The tradition of identifying principal councils was reinforced by the Pseudo-Gelasian text, "De libris recipiendis et non recipiendis," although it sanctions only three councils; von Dobschütz, *Decretum*, 260–263.

scripts of canon law show considerable creativity, however, in the continuation of the story after Chalcedon. For example, Ivrea, Biblioteca Capitolare, MS 74, fol. 58v adds an account of the Lateran synod of 649 convened by Pope Martin in opposition to the Monothelites; for this Martin was arrested by the Emperor Constans II.[22] Here doctrinal, papal, and imperial history are woven into the Grand Narrative of conciliar succession, for particular, political reasons.[23] In a northern French manuscript of the ninth century, the Pseudo-Isidorian account of the six principal councils is supplemented to extend to the Gallican councils.[24] Examples are easily multiplied. In other words, even the narration of tradition was only partially stable, only somewhat standardized. By changing portions of the narrative, authority could be vested in particular canons, and disinvested in others. The process of compilation brought awareness, too, of the unsettled status of some canons: some manuscripts add the annotation to the canons of the Council of Nicea, "the twenty rules of the Council of bishops at Nicea which are not in the Greek, but are found in the Latin," referring to canons properly identified as the canons of the Council of Sardica.[25]

Production. Who Will Direct Standardization?

The various texts in this large corpus were then compiled in various combinations in the Carolingian era.[26] Most of the compilations preserve a record of the geographical origins of the conciliar decisions and also of the different popes to whom decisions were attributed.[27] In other words, the issuing authority of a de-

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22 Maaßen, *Geschichte*, 453, has additional notes on the features of the Collectio Dionysiana in this manuscript.

23 For ninth-century interest in Martin and the Monothelite controversy, see Forrai, "Anastasius," 321–325.

24 Paris, BnF, lat 12445, discussed below for its glossaries. The manuscript raises the history of the six principal councils at two points, appending a continuation of the account of synodal history after those six synods to encompass the Gallican councils.

25 "Regulae Niceni concilii XX episcoporum, quae in Graeco non habentur, sed in Latino inveniuntur." See, e.g. the manuscripts of the Collectio Dionysio-Hadriana noted by Maaßen, *Geschichte*, 456; also 482 (Collection of Freising), 576 (Collectio Coloniensis). For elucidation of the complexities in the numbering and transmission of different versions of the canons of Sardica, Hess, *Early Development*, 116–140.

26 For a register of the compilations and their manuscripts, see Kéry, *Canonical Collections*.

27 E.g., it is typical for each canon in a collection to identify the council or papal decretal from which it issued. An example from Bern, Burgerbibliothek, 425, fol. 34v–35r: "DE CLERICIS EXCOMMUNICATIS ET LAICIS. EX CONCILIO ANTIOCHENO. CAPITULUM VI [the number of the canon in the "standard" form of the complete text of the council] XLIIII [the number of the canon in this

cree or judicial decision was an important part of the narrative of commonly accepted authorities. The authorities in canon law were not Frankish sovereigns.[28] Carolingian sovereigns, however, reissued the canons in their own declarations of law, and sponsored ecclesiastical councils that added to the corpus of canon law.[29] Royal or imperial law and canon law were thus fully entangled in this period, greatly complicating any categories of "secular" and "ecclesiastical," or "positive" (issued by a human sovereign) and "divine" (derived from discernment of divine law).[30]

This Carolingian interest in the appropriation of canon law has prompted scholars to propose that there was an imperial project of religious improvement, "correctio," in which authority to discipline all Christians was delegated especially to the ecclesiastical hierarchy.[31] In this thesis, programmatic efforts to assert control over all areas of the empire involved a massive campaign of common education and dissemination of common regulations. Many of the arguments for an imperial agenda of "correctio" reflect ideas about the positive value of standardization, extending from the "standardized" form of the script known as Caroline minuscule, to standards of Latinity and orthography in manuscripts, to the imposition of social and moral conformity. Further, the theory of "correctio" rests on a modern, editorial presumption that the "original" text was or should have been the authoritative one valued by Carolingian rulers.[32]

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collection] Si quis a proprio episcopo communione priuatus est non ante suscipiatur ab aliis quam [f.35r] suo reconcilietur episcopo. aut certe ad synodum quae congregatur. occurrens pro se satisfaciat et persuadens concilio. sententiam suscipiat alteram. haec autem difinitio maneat circa laicos et presbiteros et diaconos omnes quae sub regula esse monstrantur."

28 That is, Carolingian rulers were not cited as authories (or very rarely) in canon law, although they were in compilations of Carolingian imperial law ("capitularies"). The content of royal and imperial capitularies might overlap with that of canon law, or incorporate canon law, especially from contemporary or near-contemporary councils; see Eichler, *Reichsversammlungen*.

29 For synopses of the councils, see Hartmann, *Synoden*. For recent discussion of the functions of these synods, see Kramer, "Order."

30 A striking instance of such entanglement is the iconic "Admonitio generalis" of Charlemagne: the first fifty-nine chapters are from the sixth-century canon law collection of Dionysius Exiguus. *Admonitio*, 27, 31–34.

31 The concept has been applied so widely and variously that it is possible to give only the briefest indications of its use as a conceptual framework: Reimitz, "Correctio: the redefinition of Central Frankishness" (Chapter 11) in *History;* McKitterick, "Renaissance" (on book production, education, orthodoxy, and script); Patzold, *Presbyter* (on the ecclesiastical hierarchy as a disciplinary institution); De Jong, "Prayer" (on monastic reform, esp. 630 ff.) For a recent interrogation of "correctio," see Kramer, *Rethinking*, esp. 48–49; Kramer's essay on Carolingian councils, cit. note 29 supra, is, however, framed on a more compressed concept of "*correctio*."

32 For vigourous discussion of editorial methods, Trovato, *Everything.*

Yet it is neither clear who could or would authorize any changes to attain standardization in this vast mélange of law, nor to what measures standardization would be conceived. Adding to those complications were the practical factors in the production of legal texts. Production was distributed throughout the Carolingian empire at various scriptoria, all staffed by scribes in (as far as we know) religious communities.[33] Legal texts circulated through a widely distributed network of sites for manuscript production and implementation of law. Judges traveled on circuits, setting up *ad hoc* courts for arbitration.[34] Major cases involving the prominent lay elite or clergy were tried in councils held irregularly at different sites, with participants from wide geographical expanses, who brought their lawbooks, and likely obtained lawbooks from others.[35] Where, pragmatically, could standardization be attained? Who would direct it? Who would agree to it?

Were Carolingian scribes and scholars even deeply committed to stabilizing canon law texts, other than in matters of religious belief, such as Christology?[36] The closest connection, perhaps, is in the comment of Isidore of Seville, repeated by the Carolingian author Hrabanus Maurus, that a canon "offers a norm of living correctly (*recte*), or because it corrects (*corrigere*) anything distorted or wicked."[37] Isidore's general statement about norms does not prescribe that the texts of canons should be stable and identical. Should we shift our questions from "how successfully was tradition standardized?" to "how was diversity in law navigated?", "how much diversity was tolerable?", and "can we perceive patterns in similitude and diversity, and account for them?" Let us look at a few Carolingian lawbooks to learn more about the people who used them, and how they used them in the conditions described above. The first case study suggests that development of readers' tools might compensate for the absence of firmly guided navigation embedded in the compilations themselves. The second case study shows how a non-standardized set of texts in different versions could be studied through collation of the points of variation. The third case study proposes that through wide circulation, some canons attained "accidental" standardization through an undirected

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33 Firey, "Paper Chase," 82–86.

34 On the traveling royal and imperial judicial agents (*missi*), see now Patzold, "Integration"; Davis, "Inventing"; McKitterick, "Missi."

35 Regino of Prüm (906) commented in the dedication of his collection to Archbishop Hatto of Mainz, "But since Your Great Wisdom is constantly engaged in taking care of public matters, it seems perhaps burdensome that many volumes of councils always should be carried along with you far and wide." Somerville and Brasington, *Prefaces*, 93.

36 The keen attention to creeds in Carolingian manuscripts is illuminated by Mitaïlate, "Credo." For the intersection of creed-commentaries and canon law collections, see Keefe, "Creed,".

37 Isidore, *Etymologies*, VI.xvi, 143. Hrabanus Maurus (776–856), *De Universo libri xxii*, (V.vii).

process of continual comparison and correction to the most common form of their texts, resulting in a "vulgar" text produced by informal consensus.

Case Studies, 1. Carolingian Readers' Tools. Navigation

Carolingian canon law collections resist the regular systematization that secures stability.[38] The canons need not be arranged in any particular order; their sequence is determined by the particular purpose of the text or needs of those consulting it. It is very easy to select and shuffle canons from the vast array of those available, like cards in one or more decks. While canons are usually numbered, they may be numbered according to differing systems, sometimes supplied in more than one form. They may bear a "permanent" number: that is, the number of the canon as recorded in the complete text of the council that issued it. They may bear the number assigned in the collection from which they were copied. They may well be given a new number marking the sequence of canons in the newly ordered compilation.[39] On the face of it, this is an alarming absence of basic standardization. How can anyone find or cite canons?

Nine surviving manuscripts of the "Breviarium ad inquaerendum sententias infra" – "the little guide for finding things in the excerpts below" show a solution. The *Breviarium* is a topical concordance to texts in the Dionysian family of collections of canon law.[40] To learn which canons relate to interactions with an excommunicated cleric, for example, one consults the references listed below the topical heading: they list the numbers of the canons in the various councils that relate to the topic (Figure 2).

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38 For a valuable discussion of systematization (and its absence) of an almost equally unwieldy corpus of the same epoch, see Wagschal, *Law and Legality*, "Systematizing the Law" (chapter 4), 223–274.

39 See the example of a typical canon above, note 21.

40 For the reported manuscripts with the "Breviarium," see Kéry, *Canonical Collections*, 21–22. The inclusion of Wien, Österreichische Nationalbibliothek, lat. 524 appears to be erroneous. Although Kéry describes the text as "[c]ertainly datable to the reign of Emperor Charles the Great," it is intriguing that the Preface of Dionysius Exiguus to his first collection of councils, in the second redaction ("recensio B") concludes, "Arranging concisely after this preface the titles of all the decisions, we put those things which were promulgated dispersedly in individual councils in one list so that we have provided a kind of compendium for searching out each subject." Somerville and Brasington, *Prefaces*, 48.
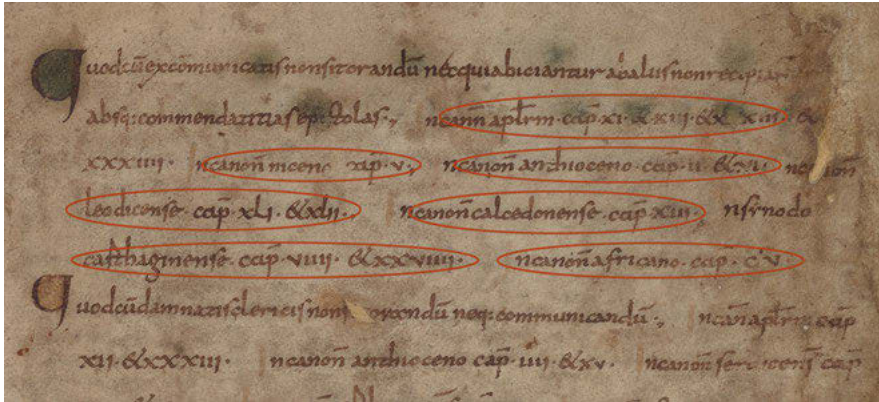
Figure 2: Portion of fol. 1v of Città del Vaticano, Biblioteca Apostolica Vaticana, Reg. lat. 1021, fol. 1v: Breviarium ad inquirendam sententias infra. Under the rubric "Quod cum excommunicatis non sit orandum nec qui abiciantur ab aliis non recipiantur absque commendatitias epistolas" are the names of councils and numbers of canons relating to the rubric (circled examples: from the Canons of the Apostles, canons 11, 13, 23; from the Council of Nicea, canon 5; from the Council of Antioch, 2 and 7 (?); from the Council of Laodicea, canons 41 and 42; from the Council of Chalcedon, canon 13; from the Councils of Carthage, canons 9 and 29; from the African canons, number 105. © 2024 Biblioteca Apostolica Vaticana; image reproduced by permission of Biblioteca Apostolica Vaticana, with all rights reserved.

Such a concordance relies upon standardized numbering of all the canons in a large collection. Although for mechanical and physical reasons, numbering is always a weak point in textual transmission, the *Breviarium* shows faith in some stability in the numeration of canons, and its usefulness for consulting multiple texts from a plurality of sources.

The *Breviarium* is but one representative of a number of texts that appeared in the sixth century, in both the western and Byzantine traditions of canon law, that David Wagschal describes as "thematic or systematic collection[s]" that contain "a set of topical titles or headings under which relevant canons are subsumed, either cited in full, in part, or as simple canonical references (for example, 'Nicaea 10', 'Ancyra 4')."[41] In view of their chronological concentration and geographical distribution, he detects "almost a 'systematic movement'[. . .] they unquestionably constitute a surprisingly coherent imperial Mediterranean phenomenon [. . .] and are another indication of a common imperial canon-legal world running east-west

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41 Wagschal, *Law and Legality*, 224–226. Wagschal was not aware of the *Breviarium*; I do not intend to impute any dating argument for it to him, or to make one here. Such collections and indices were compiled after the sixth century, of course.

across the Mediterranean through at least the sixth century: it is centered on the same corpus, and tends toward the same systematic forms."[42] Wagschal is careful to avoid any suggestion of an imperial project or program behind the movement, noting that the claims of the systematizers are simply – as stated in the title of the *Breviarium* – to give topical indexing to assist in finding canons in a familiar set of principal councils.[43] That purpose distinguishes them from modern systematization of law, for, as Wagschal explains,

> there is little distillation of general principles or doctrinal concepts; there are no sustained attempts to fill in gaps, and there are no hints of harmonization. There is, in short, little "scientific" juristic activity of any type [. . .] In contemporary legal science, order tends to be sought in neat hierarchies of comprehensive categories of internal legal concepts. Strict logical coherence among parts, completeness of presentation, and the avoidance of gaps, repetitions, or contradictions are central motifs [. . .] When a rule does not exist to address a certain situation, then the system is supposed to aid in creating one."[44]

The *Breviarium*, instead, aids exploration of a substantial set of rules without aggressive intervention in evaluating, editing, or establishing certainty.

Case Studies, 2. Carolingian Readers' Tools. Philology

Carolingian readers faced different translations, as well as different recensions, of late antique canons. Older scholarship presumed that there was little access to codices of canon law in Carolingian libraries, and tended to treat each collection as derived from a single exemplar. More recent scholarship proposes that sometimes scribes had access to several codices at once.[45] They were perhaps selecting

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42 Wagschal, *Law and Legality*, 226–227.
43 Wagschal, *Law and Legality*, 228, 232, 271.
44 Wagschal, *Law and Legality*, 256–257, 272.
45 The question of differing translations was known to Carolingian compilers, who also indicate access to multiple versions. The Preface to the Pseudo-Isidorian decretals (a collection which includes a large section of conciliar decrees) comments, "[T]his especially disturbs me: different translations create varying sentences, and although there might be one sense, nevertheless there are different sentences, some longer, some shorter. Indeed we find those councils which were published in Greek translated and copied more than three or four times. But if truth ought to be sought from much diversity, we should follow the mode of expression of the Greeks and should copy their usages and models. If not, let those who have as many models as they have manuscripts speak and expostulate. It seems to us, however, that since [the texts] disagree in our lan-

their canons from different manuscripts, and possibly correcting or revising their copies by consulting yet more manuscripts. In this newer model, there were more opportunities for Carolingian scribes and readers to encounter different translations or recensions. In the Carolingian manuscript Paris, Bibliothèque nationale, lat. 12445, there is a word list keyed to late antique canons, hitherto considered a glossary, compiled sometime between the sixth and ninth centuries.[46] A reader studying the canons of a particular council can refer back to a heading in the list specifying the council, and find selected terms matched to other terms (Figure 3).
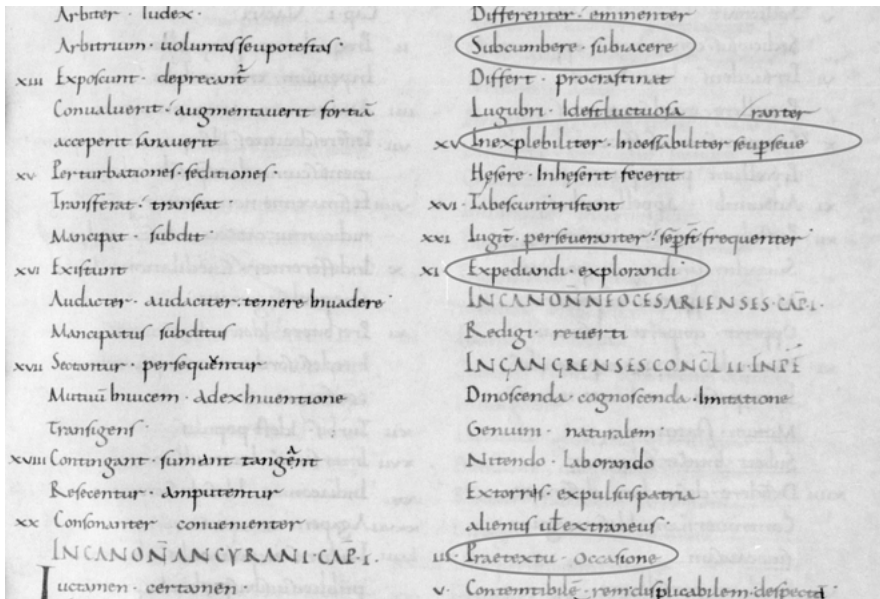
Figure 3: Portion of glossary/concordance of words in the "standard" set of late antique canons, based on the Collection of Dionysius Exiguus. Paris, Bibliothèque nationale, lat. 12445, fol. 12v–17v; here, 14r. Circled examples are those noted in "Appendix 1," in which the corresponding terms are those of other translations or textual cruces. Image reproduced with permission of the Bibliothèque nationale de France.

As in the *Breviarium*, a reader could study any compilation of canon law, arranged in any order, as long as the conciliar source and assigned number of the

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guage, unity and truth should be sought from those in whose tongue they are known to have been published." Somerville and Brasington, *Prefaces*, 82–83.

46 For an image of selected pages of this concordance, discussion, and description of the manuscripts, see the exhibit item in the Museum of Lost Laws (curandum Abigail Firey and Melodie Eichbauer): <https://museum-lost-laws.as.uky.edu/manuscript/9oQCjpAw2s6QMXdwe>.

canon were known. What has not been noticed is that the list is, at least in part, a concordance of different versions of the texts of the canons.[47] This shows a clear awareness that the texts were not consistent or stable in their transmission, and that different readers (or judges!) might have different versions in their law-books. It also shows that the glossator had access to different versions.

Case Studies, 3. Consistency and Similitude

Although there were different versions and translations of the Greek canons, there was remarkable fidelity or stability in their transmission.[48] That is, each translation is quite stable. This is evident not only in comparison of randomly selected manuscript witnesses to each translation, but also in citations of canons in texts *other than* the collections. We see that fidelity in the citations of the early ninth-century author Walahfrid Strabo, who was very well-versed in canon law. If we compare his citations of canons 3 and 4 of the Canons of the Apostles to their representation in randomly selected Carolingian-era manuscripts, we find a high degree of consistency in the texts.[49]

These three case studies all pertain to the Latin translations of the late antique Greek councils, and other well-known texts often transmitted with them, such as the Canons of the Apostles. It may be that stability is sometimes the result of popularity,

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47 See "Appendix 1" for a partial listing, based on collation of the lists in BnF, lat. 12445 and the representations of the different translations published in *Ecclesiae occidentalis monumenta iuris antiquissima.* For exposition of the terminology used for the different versions, Gaudemet, *Sources*, 73–79. For transcriptions of different versions of the canons of the Council of Nicea circulating in the early Middle Ages, see Maaßen, *Geschichte*, 903–933.

48 See "Appendix 2", randomly selected canons from transcriptions published on the Carolingian Canon Law (CCL) project: <https://ccl.rch.uky.edu>. To locate these and other transcriptions, navigate to "Conceptual Corpus," click on "By Canon" (top right corner of list), select "Council of Ancyra." Identification of transcribers and proofreaders is in the bottom one of the three vertical dots to the right of each canon. The content of the CCL is ever expanding. The results presented in this chapter regarding the consistency in manuscripts of the Greek canons and the Canons of the Apostles, in particular, are preliminary. One of the goals of the CCL is to provide a large enough number of transcriptions of various collections to allow evaluation of the consistencies and inconsistencies in the transmission of canon law. Contributions of transcriptions (easily made in the CCL's "Transcription Desk") are always welcome, and advance the value of the project for all.

49 Walahfrid Strabo, *Libellus de exordiis et incrementis quarundam in observationibus ecclesiasticis rerum*, 491. See also Harting-Correa, *Walahfrid.* Correa-Harting notes (252) "only two insignificant differences between Turner's edition of the Canones and Walahfrid's text (both of them in c. III [*Ecclesiae occidentalis monumenta iuris antiquissima* (1899), 9], none in c. IV [*Ecclesiae occidentalis monumenta iuris antiquissima* (1899), 10]." See "Appendix 2" for additional transcriptions.

rather than of programmatic intervention. Frequent manual transcription seems to stabilize texts. The greater the number of manuscript witnesses, the better the chances of verification by scribes and readers. "Common" law may really be "common" not only in its communal basis but also because of its frequency. If we trace the patterns of consistency and variation in the larger corpus of early medieval canon law, we may be able to discern the points of flexibility in ideas about tradition and authority. The greatest standardization seems to have been in the Greek canons that defined articles of faith, perhaps just as the oft-copied Creeds appear largely stable.[50] The canons of later councils regulating social practices seem to have less stability or standardization, perhaps because there was express toleration of local custom in some matters.[51] By the time of Stephen of Tournai (1128–1203), a hierarchy of conciliar authority begins to emerge, in which the "general," or "principal," or "universal" councils have more authority than "provincial" councils; this systematization of authority increased in later centuries.[52] In the Carolingian period, there is an apparent correlation between an almost accidental or organic standardization of the texts of the Greek councils and their received authority, and, similarly, an unplanned diminition in the authority of the canons of the Gallican councils.[53] The processes of study, debate, and narrative framing contributed to patterns in production, which in turn contributed to stability with flexibility – a stability admitting multiple forms – and authority.

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50 Creeds should likely be bracketed as a different type of evidence for standardization and variability, as they were usually designed for memorization and recitation, often collective. Each word or phrase, too, had been negotiated, and any change created controversy, as the proposed addition in the Carolingian period of the "filioque" shows. In addition to the studies of Carolingian creeds noted above (n. 31), see Bullough, "Creed."

51 The suggestion that there is less consistency in the canons of the Gallican councils is very preliminary, and more research is required. The extensive records of variant readings in the critical editions of Carlo de Clercq and Charles Munier require further scrutiny to determine their significance.

52 *Praefatio* to the *Summa* on Gratian's Decretum, "Some councils are general, some provincial [. . .] The canons enacted in general councils extend their force universally to all churches [. . .] But those canons which are enacted in provincial councils do not go beyond the province, and do not bind people other than those who are subject to the jurisdiction of the comprovincial bishops." Somerville and Brasington, *Prefaces*, 196.

53 The processes of textual production and dissemination are another factor to consider in assessing variability in the Gallican conciliar canons. Gregory Halfond describes the distribution of conciliar acta to different archives across the Gallic domains as bishops returned to their sees; those various, possibly differing records would then be copied at centers with different resources. Unlike the sixth-century compilations of Mediterranean origin, the Gallican councils did not arrive in Francia already compiled; compilation was in progress between the sixth and eighth centuries. Many of the Gallican councils, he observes, seem to have had limited circulation. Halfond, *Archaeology*, 163–164, 168, 172–173, et passim.

Conclusions

Modern accounts of canon law in the early medieval period have tended to cast it as seriously defective, disorganized, and barely a shadow of a "real" legal culture. This impression, however, may derive from failure to understand its premises and contexts. Unlike modern preferences for highly organized law invested with the governmental authority and traditions of a specific polity, early medieval canon law encompassed regulations and opinions drawn from an open process of discovering inspired articulations of configurations of an emerging Christian society and church. The Carolingian environment seems likely to have been more resistant to programmatic standardization in the domains of law because of its investment in the idea that positive law should conform to the transcendental values of natural and divine law; those values, themselves, resist standardization. Or, as David Wagschal put it, the function of the collections "is nothing other than to bring one into closer and easier contact with the canonical texts themselves [. . .] not [. . .] to construct a doctrinal edifice into which the canons might then be fitted, or 'advance' the law in any other obvious or dramatic way [. . .] This concern for transparency is comprehensible if 'law' is once again conceived as first a foremost a quasi-sacred body of traditional 'laws,' in the concrete plural – and not an abstract discipline or constructive project."[54]

The cultural and legal pluralism of an imperial context, as well as a legacy of pluralistic content, also presented reasons to resist standardization. Early medieval law was framed by an inclusive, rather than selective, sense of legal possibilities. Standardization, like law itself, is a tool of control, that comes with a cost. Often we think law regulates the interaction of the accused and the accuser, but we should remember that often it really regulates the power of the judge, or the ruler, or others in positions of authority. When we think about standardization in law, we should ask, therefore, *cui bono*? What seems to the theorist an absence of order or control may be for the judge a space for compassion or attention to public sentiment. As the case studies suggest, there may be less controlled or controlling legal environments that nonetheless produce a viable degree of textual consistency or similitude without a programmatic interest in standardization, *per se*. Indeed, in such a situation, instead of standardization, we find consensus, a valuable foundation for regulation. Can texts that seem to require some authoritative status for effective use in judicial processes be non-standard? We can perhaps find a parallel suggested by ornamentation in Carolingian manuscripts. Sometimes collections of canon law begin with an image of an arch (Figure 4 A).

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54 Wagschal, *Law and Legality*, 273.

Figure 4 A: Example of an arch preceding a canon law collection: Città del Vaticano, Biblioteca Apostolica Vaticana, Pal. lat. 574, fol. 2v. Note the Alpha and Omega hanging from the cross-bar, conveying the sacrality of the content. © 2024 Biblioteca Apostolica Vaticana"; image reproduced by permission of Biblioteca Apostolica Vaticana, with all rights reserved. Compare to Figure 4 B. Arch in Eusebian Canon Tables, Baltimore, Walters Art Museum, W4, Freising Gospels (next page).

Figure 4 B: Walters Art Museum, W4. (continued)

It echoes the arch in Eusebian canon tables, the medieval concordance to the Synoptic Gospels (Figure 4 B). Readers knew that they should not alter the Gospel texts, but that they could enrich their understanding by consulting another version, just as readers of canon law could study the complexities of an unsystematic and non-standardized corpus (Figure 4 B). Stability and authority can encompass the diversity that we may mistake for disorder.

Appendix 1

Examples of alternate readings presented in the second "glossary" in Paris, BnF, lat. 12445, fol. 12v–17v: "Incipiunt Questiones de Diversis Sermonibus super Canonum Interpretationibus" (see Figure 3, image of 14r)

The glossary begins with a general, unkeyed list of words with legal significance, followed by keyed words from the Canons of the Apostles, the Greek Councils (Nicea, Ancyra, Neocaesarea, Gangra, Antioch, Chalcedon Serdica), and the African Councils, divided into "Councils of Carthage" and "African Councils," concluding with words from the letters of Popes Boniface and Celestine often appended to the African councils (annotations on image). These canons were the core content of most canon law in the early Middle Ages, especially because they had been translated from the Greek, combined and organized chronologically in the early sixth century by Dionysius Exiguus. The family of related collections preserves in modern scholarship his name: the Collectio Dionysiana, with additional terms (Dionysio-Hadriana, Dionysiana Bobbiense, etc.) to specify mutated versions. Medieval people did not name his collection: the contents were simply "canones patrum": the canons of the fathers. With this glossary, a reader could study any compilation of canon law, arranged in any order, as long as the source (the specific council) of the canon and the number assigned to the canon was known. The glossary could have been compiled at any time between the sixth and ninth centuries.

The words in the second glossary are indeed rare words, or words that make the sense unclear. In quite a few instances, they are words that have caused both modern and medieval editors and scribes to ponder. It should be remembered that the Latin versions of the Greek canons are translations; Dionysius criticized a previous translator for failing to translate the Greek well. The second glossary seems to function as both an aid to someone learning canon law and to someone keeping the Greek original in mind, who is aware that there are differences in both the copies and the translations of the canons. This can be seen in some examples of the alternative words offered for headwords.

For "cautelam" in Conc. Ancyra, can. 3, the glossator gives "diligentiam"; the word in the "Isidori antiqua" and "Isidori vulgata" versions is "diligentiae" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 63, 62). The "Prisca" version has a gap at this point, and Turner has noted that there is a problem (*Ecclesiae occidentalis monumenta iuris antiquissima*, 21).

For "funesta" and "funestus" in Conc. Ancyra, can. 3, the glossator gives "scelesta" and "crudelis." In the "Prisca" version, the editor has marked "ferro" as a likely corrupted reading in the manuscript. The Isidorian versions do not have "funestis," giving a quite different phrasing for the translation. (*Ecclesiae occidentalis monumenta iuris antiquissima*, 59, 20, 58)

For "subcumbere" in the Dionysian translation of Conc. Ancyra, can. 4, the glossator gives "subiacere," the word in the pre-Dionysian "Prisca" translation is "subiacere" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 65, 21). In the "Isidori antiqua" version, it is "submittere" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 64)

For "inexplebiliter" in the Dionysian translation of Conc. Ancyra, can.15, the glossator gives "incessabiliter seu perseueranter." The Isidorian versions and the first translation of Dionysius give "perseuerantius"; the "Prisca" version has "incessanter" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 97, 96, 25).

For "expediandi" [*Ecclesiae occidentalis monumenta iuris antiquissima* expiandi] in the Dionysian translation of what must be Conc. Ancyra, can. 23 (misnumbered in the glossary), the glossator gives "explorandi." The "Isidori antiqua" version has "ad explorandam" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 113, 112).

For "praetextu" in Conc. Gangra, can. 3, the glossator gives "occasione." The Isidorian and "Prisca" versions have "occasione" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 187, 186, 156)

For "orrescens" [horrescens] in Conc. Gangra, can. 9, the glossator gives "destestans, execrans." The Isidorian versions have "abominabiles"; the Prisca version has "abominandis" (*Ecclesiae occidentalis monumenta iuris antiquissima*, 195, 194, 157).

It seems clear that the "glossary" has, at least in part, been constructed as a collation of different versions of the texts of the canons. This shows a clear awareness that the texts were not consistent or stable in their transmission, and that different readers (or judges!) might have different versions in their lawbooks. It also shows that the glossator had access to different versions. The glossary may have also served the more usual purposes of a glossary: to give the meaning of an unfamiliar word by listing a synonym. In either case, the glossary shows a lawyerly practice in reading: the text is analyzed word by word, each word being weighed for its potential nuance, with implications for pleading a case.

Appendix 2

Transcriptions of canons from various manuscripts, to illustrate consistency. Please see note 48 in the chapter for information about the preliminary nature of this hypothesis and for information about access to these and other transcriptions.

Table 1: Two translations of the Council of Ancyra.

Città del Vaticano, BAV, lat. 1341, fol. 11r. Council of Ancyra (CE 314), canon 3. Hispana ("Isidorian") translation.* DE CLERICIS SIVE LAICIS QUORUM MANUS ALII CUM INIURIA SUPER IDOLORUM SACRIFICIA POSUERUNT.	Köln, Dombibliothek, MS 213, fol. 20v. Council of Ancyra (CE 314), canon 3. Hispana ("Isidorian") translation. *	Johannes Cochlaeus (Wendelstinus) 1525 edition of Dionysian translation, from four manuscripts, standardized. p. 19r. Council of Ancyra (CE 314), canon 3. Cap. III.*	Oxford, Bodleian Library, Hatton 42, fol. 156r. Council of Ancyra (CE 314), canon 3, Dionysian translation.*
		De his, qui ex fuga comprehensi sunt, et per uim pagani ritus aliquid pertulerunt.	De his qui ex fuga conprehensi sunt et per uim pagani ritus aliquid pertulerunt.
	III		
Qui fugientes tempore persecutionis comprehensi sunt vel a familiaribus seu a domesticis traditi, et vel bona propria amiserunt vel sustinuerunt tormenta, vel etiam carceribus inclusi sunt, et tamen proclamaverunt se esse christianos, quin etiam perseverante violentia, ad id usque perducti sunt, ut manus eorum adprehensas et violenter adtractas super sacrificia imponerent, illis scilicet perseverantibus in fide, et christianos se esse	De hiis qui fugientes tempore persecutionis conpraehensi sunt uel a familiaribus seu a domisticis traditi uel bona propria amiserunt uel sustenuerunt tormenta uel etiam carceribus inclusi sunt et tamen se proclamauerunt esse christianos quin etiam perseuerante uiolentia ad id usque perducti sunt ut manus eorum adpraehensas et uiolenter adtractas super sacrificia inponerent illis scilicet perseuerantibus in fide christianos se	III Qui fugientes compraehensi sunt, uel a domesticis traditi, uel ademptis facultatibus sustinuere tormenta, aut in custodiam trusi, proclamauerunt se Christianos esse, et eo usque astricti sunt, ut manus eorum compraehendentes uiolenter attraherent, et funestis sacrificiis admouerent, aut aliquid polluti cibi per necessitatem sumere cogerentur, confitentes iugiter se Christianos esse, et luctum rei,	Qui fugientes conprehensi sunt, uel a domesticis traditi, uel ademtis facultatibus sustinuere tormenta, aut in custodiam trusi proclamauerunt se Christianus esse, et eos usque adstricti sunt ut manus eorum conpraehendentes [f.156v]uiolenter adtraherent et funestis sacrificiis ammouerent, aut aliquid polluti cibi per necessitatem sumere congerentur, confitentes iugiter se et luctum rei quae

Table 1 (continued)

vociferantibus, hoc ergo quod eis invitis et aliis cogentibus contingit, si luctu et merore animi acerbe se ferre demonstrant, ipsique humili per bonam conversationem habitu incedentes, dolere se quod inviti coacti sunt doceant, hos tamquam inculpatos, a communione, non vetari. Si autem iam prohibiti sunt ab aliquibus a communione, maioris diligentiae inquisitionis causa, aut per aliquorum ignorantiam, statim recipi oportere. Hoc autem observari oportet, et de clericis et laicis omnibus. Laicos sane qui in similem necessitatis causam inciderunt, tamquam si nihil peccaverint, maxime si eos probabilis vita commendet ad ordinationem recipi placuit.	uociferantibus hoc ergo quod eis inuitis illis cogentibus contigit si luctu et merore animi acerua esse et ferre demonstrant ipsoque humili per bonam conuersationem habitu adita incidentes dolore sed quod inuiti coacti sunt doceant hos tamquam inculpatos a communione non uetari si autem iam prohibiti sunt ab aliquibus a commonione maioris diligentia et inquisitionis causa aut per aliquorum ignorantiam statim recipi oportere hoc autem obseruare [f.21r] conuenit et de clericis et de omnibus laicis laicos sane qui in similes necessitate incederunt causas tamquam nihil peccauerunt maximae si eos probabilis uita commendet ad ordinationem recipi placuit	quae contigit, incessabiliter ostendentes omni deiectione, et habitu, et humilitate uitae: nos, uelut extra delictum constitutos, a communionis gratia non uetamus. Si uero prohibiti sunt ab aliquibus, propter ampliorem cautelam, uel propter quorundam ignorantiam: statim recipiantur. Hoc autem similiter de clericis, et de laicis caeteris obseruari conueniet. Perquisitum est autem et illud, si possunt etiam laici, qui in has necessitatis angustias incideruut, ad clericatus ordinem promoueri? placuit ergo et hos, tamquam qui nihil peccauerunt, si et praecendens eorum uita probabilis sit, ad hoc officium prouehi.	contigit incessabiliter ostendentes omni deiectione et habitu et humilitate uitae, hos uelut extra delictum constitutos a communionis gratia non uetari. Si uero prohibiti sunt ab aliquibus propter ampliorem cautelam uel propter quorundam ignorantiam, statim recipiantur. Hoc autem similiter et de clericis et de ceteris laicis obseruare conueniet. Perquisitum est autem et illud si possint etiam laici qui in has necessitates angustias inciderunt ad clericatus ordinem promoueri. Placuit ergo et hos tamquam qui nihil peccauerint, si et praecedens eorum uita probabilis sit, ad hoc officium prouehi.
*transcription by Annette Grabowski; published on the online Carolingian Canon Law project	*transcription by Michael Elliot; published on the online Carolingian Canon Law project	*transcription by Casey Carmichael and Meredith Gaffield; published on the online Carolingian Canon Law project	*transcription by Michael Elliot and Meredith Gaffield; published on the online Carolingian Canon Law project

Table 2: Comparison of Walahfrid Strabo's citation of canons 3 and 4 of the Canons of the Apostles and randomly selected transcriptions in Carolingian manuscripts. (See note 49)

Can. apost. cc. 3, 4 in Walahfrid Strabo, *Libellus de exordiis et incrementis quarundum in observationibus ecclesiasticis rerum*, cap. 19: Si quis episcopus aut presbyter praeter ordinationem Domini alia quaedam in sacrificio offerat super altare, id est aut mel aut lac aut pro vino siceram et confecta quaedam aut volatilia aut animalia aliqua legumina, contra constitutionem Domini faciens, congruo tempore deponatur, et in quarto: 'Offerri non liceat aliquid ad altare praeter novas spicas et uvas et oleum ad luminaria et thimamia, id est incensum, tempore, quo sancta celebratur oblatio.'

Città del Vaticano, BAV, lat. 1341, fol. 6v*	Città del Vaticano, BAV, lat. 5845, fol. 7r*	Oxford, Bodleian Library, Hatton 42, fol. 144r*	Köln, Dombibliothek, MS 213, fol..4v*
	III		
			III
	Nihil aliud in sacrificio preter quod dominus statuit offerendum.	Nihil aliud in sacrificio praeter quod dominus statuit offerendum.	Can.apost.3
III			
Si quis episcopus aut presbiter praeter ordinationem domini alia quaedam in sacrificio offerat super altare, id est aut mel aut lac aut pro vino sicera et confecta quaedam aut volatilia aut animalia aliqua aut legumina: contra constitutionem domini faciens, congruo tempore deponatur.	Si quis episcopus aut presbyter pręter ordinationem domini alia quędam in sacrificio offerat super altare. id est aut mel aut lac aut pro uino siceram. et confecta quędam aut uolatilia aut animalia aliqua. aut legumina. contra constitutionem faciens: congruo tempore deponatur.	Si quis episcopus aut praesbiter praeter ordinationem domini alia quaedam in sacrificio offerat super altare, id est aut mel aut lac aut pro uino sicera et confecta quaedam aut uolatilia aut animalia aliqua aut legumina, contra constitutionem domini faciens, congruo tempore deponatur.	Si quis episcopus aut praesbiter praeter ordinationem domini alia quaedam in sacrificio offerat super altare id est aut mel aut lac aut pro uino sicera aut confecta quaedam aut uolatilia aut animalia aliqua aut legumina contra constitutionem domini faciens congruo tempore deponatur
	IIII		
	Quę species ad altare. non ad sacrificio: sed in benedictionem simplicem debeant exhiberi.	Quæ species ad altare non ad sacrificium sed ad benedictionem simplicem debeant exhiberi.	Quæ species ad altare non ad sacrificium sed ad benedictionem simplicem debeant exhiberi.
IIII			

Table 2 (continued)

Offerri non liceat aliquid ad altare preter novas spicas, et uvas et oleum ad luminaria et thimiama, id est incensum tempore quo sancta celebratur oblatio.	Offerri non liceat aliquid ad altare: preter nouas spicas. et uuas. et oleum ad luminaria. et tymiama. id est incensum tempore quo sancta celebratur oblatio.	Offerri non liceat aliquid ad altare praeter nouas spicas et uuas et oleum ad luminaria et timiama, id est incensum, tempore quo sancta celebratur oblatio.	Offerri non liceat aliquid ad altare praeter nouas spicas et uuas et oleum ad luminaria et timiama, id est incensum, tempore quo sancta celebratur oblatio.
*transcribed by Annette Grabowski; published on the online Carolingian Canon Law project	* transcribed by Michael Elliot and Meredith Gaffield; published on the online Carolingian Canon Law project	*transcribed by Michael Elliot and Meredith Gaffield; published on the online Carolingian Canon Law project	*transcribed by Michael Elliot; published on the online Carolingian Canon Law project

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Abbreviations

MGH   Monumenta Germaniae Historica

Manuscripts

Baltimore, Walters Art Gallery, W4
Bern, Burgerbibliothek, 425
Ivrea, Biblioteca Capitolare, MS 74
Köln, Dombibliothek, MS 213
Oxford, Bodleian Library, Hatton 42
Paris, Bibliothèque nationale de France, lat. 12445
Città del Vaticano, Biblioteca Apostolica Vaticana, lat. 1341
Città del Vaticano, Biblioteca Apostolica Vaticana, lat. 5845
Città del Vaticano, Biblioteca Apostolica Vaticana, Pal. lat. 574
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Rory Naismith

2 One for All and All for One? Money and Standardization in the Early Middle Ages

Abstract: Money is by definition a standardizing phenomenon: a way of equating the values of different things. A powerful strand of social scientific literature argues that money enables standardization to run rampant through society, breaking down social categories and structures that should remain distinct. More recent work has challenged the basis of this assumption, but the question remains: how and why did specific societies "tame" the standardizing effect of general-purpose money? This paper asks that question of earlier medieval Europe (fifth to eleventh centuries). It will consider what money was and how it was used. That includes where monetary standards came from, in this period meaning a constant dialogue between communities and regions as denominations, specific coins and also coin types gained traction as mediating standards. Agency is a key question here: who introduced standardization and why. Within societies, standardization in monetary terms represented the interplay of rulers, elites and sub-elites who were all engaged in transfers of material resources. I will argue that within early medieval societies, the standardization implied by money became a strategy for defining and controlling transfers of wealth, sometimes between peers but often between unequal partners. Standardization was therefore tamed, but also weaponized, experienced in very different ways as it was introduced into society.

Keywords: Money, coinage, kingship, government

Introduction

Money is an especially fruitful approach to the the subject of standardization, because it effectively *is* standardization: A common agreement that a given amount of something carries a certain material value. There is much to unpack here, such as how a given thing or value attained consensus as a unit of account, what the scope of that consensus might have been and how value related to physical commodities or means of exchange. The very abstract aspects of money these questions

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introduce are so fundamental that they rarely trouble anyone in modern day-to-day life. Money is money, so ubiquitous and essential that its basic functions are just not challenged. But those functions can come under strain or break down entirely, laying bare the nature of money as a delicate and subjective agreement between diverse constituencies. It is not the bedrock of stability it might seem to be.

Stability might not be the first choice of labels for those who study western European money of the earlier Middle Ages (fifth to eleventh centuries). This has often been seen as an era of impoverished stagnation: Flyover country for many economic and cultural historians. That reputation will be challenged directly in due course, although it does arise from the genuine contraction of economic complexity in the post-Roman kingdoms of the West. One of the main casualties of this retreat was the monetary economy, or at least the base-metal segment of it that most of the population handled on a regular basis. This evaporated at different times in various parts of the western provinces, meaning that nowhere except parts of Italy and Islamic Iberia had a significant mass currency after the seventh century, and even central and northern Italy lost their base-metal coins by the mid-eighth century. What was left consisted initially of gold pieces that served important roles in elite and state contexts, and later, in many areas, of silver coins. Currency was therefore high in value and relatively low in quantity.

If the measure of a dynamic economy is how much liquid money it has flowing through it, early medieval western Europe is indeed a disappointment compared to what came before and after. But this is not the only way of gauging economic complexity. Nor are the limitations of the monetary system the only features worth focusing on. Coined money continued to be made and used on at least some level throughout the early Middle Ages. It vanished completely only from a few areas, and in several of those only temporarily, such as Britain. *Some* coins were being made and used for *some* purposes (if far from all). This was a world in which monetary means of exchange were generally available, yet rarely the default. That means there is a great deal of interest in why such coins were made and used at all. And a big part of the answer relates to standardization and participation in it.

To approach money and standardization together is perilously close to tautology. Yet interrogating the ways in which that relationship actually worked is revealing. This short contribution will look first at the general role of standardization in the context of coined and uncoined money, with particular reference to the distinct, intersecting layers that can be discerned. The rest of the chapter will then pick up three of the main kinds of standardization introduced here.

Standards and Standardizations

Money is not just one kind of standardization. It is, at the most basic level, itself a standard, a measure of value. Conceptual money of this kind would usually be based on a material commodity – a weight or coin of metal, a measure of wheat, a unit of livestock – but in practice was often untethered from its commodity roots, even in the early Middle Ages. That is to say, the unit of value enjoyed an independent existence. A cow in the mind was not a cow eating grass before your eyes, being led around cumbersomely using a rope or a stick. In a world that was accustomed to operating with very scant means of exchange, conceptual money played a large part in mediating exchanges. Around Ely in eastern England during the tenth century, an aristocrat called Ælfric sold land to a powerful bishop and abbot. In return, Ælfric received ten shillings in cash (meaning here 120 silver pennies) and on top of this an unspecific number of sheep worth twenty shillings and a horse worth ten.[1] Conceptual money is what made the difference here between just "some sheep" and "a horse" in return for "a piece of land."

Thinking in terms of conceptual money was deeply engrained in a great many early medieval societies, even those like Ireland that had not formed part of the Roman monetary system.[2] The units that served as the basis for such systems illuminate the societies that created them. The prominence of slaves, especially enslaved females, in Irish units of value says something (in this case something deeply uncomfortable) about the material basis and touchstones of that society.[3] In other cases where Roman measures of weight or value held sway, despite the empire being long gone, the monetary system reflects a form of inertia, or – perhaps better – continuous reappropriation. Standards like these did not change easily, and it is rare to be able to identify how and when they were adopted: The presumption is that they begin from the bottom up, adopted through consensus, though might at some point be codified or fixed by an authority.

Choices of monetary standards and their application to diverse objects, people, and concepts like honor highlight deep, ubiquitous kinds of monetization (and standardization). Much easier to get a handle on are those societies that pegged their conceptual money to a tangible money, typically consisting of coined metal. This is one respect in which there is an interesting difference between early medieval coined money and that of later times or other cultures. For those who wrote narratives or charters, a *solidus* or *denarius* was, it seems, fairly transparently a coin of

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1 Fairweather, *Liber Eliensis*, 111–12.
2 Breatnach, "Forms of Payment in the Early Irish Law Sects."
3 Graeber, *Debt*, 171–176.

that value, and everyone understood its worth and significance. Those coins might sometimes move into another jurisdiction where different kinds of *solidi* and *denarii* prevailed, and need to change over to the new money, but still there was apparently a basic sense of a coin in the hand being the same as a coin in the mind's eye. Qualification of written values or prices with reference to various kinds of coins is extremely rare before about the eleventh century. In the Carolingian world, a close equation of coinage with the prevailing system of account was upheld through an active, vigorous effort by Charlemagne and his heirs.[4] This was not the norm. In Fatimid Egypt, as known from the rich material in the Cairo Geniza, merchants dealt regularly in gold and silver coins, but with a strong sense that the coins might not match up with the corresponding weight of gold or silver, which was the standard that really mattered. It was typical for merchants' letters of the eleventh century to specify that they were sending (say) 300 dinars in the form of 308¼ coins, or similar.[5] Later medieval western Europe did not assign primacy to the weight in this way, but there was much more complexity about how individual coinages related to each other and to abstract systems of account, meaning that a penny was not always worth a penny.[6]

Early medieval money as a physical entity was thus both standardized and a standard in itself. To use it was to buy into a particular economic and institutional mode of thought. Again, this reflects the inherently rarefied nature of coined money at this time, and also its position at the crux of several distinct kinds of standardization. These were not mutually exclusive; nor do they point to a society that was generally inclined to prefer uniformity and standardization. But the very point of coined money was for others to accept it, which inevitably involved degrees and kinds of standardization. It should be stressed that these could all operate simultaneously, and the rise of one did not necessarily have much bearing on the others, though they could be interconnected.

Three distinct spheres of standardization stand out in relation to coined money. The first derives from its role as one of relatively few media that rulers of the period could actively control, meaning that it was a common tool for asserting the collective identity of a polity. There might be fiscal, moral, or political motives at play here, for assertions of standardization along these lines tended to be closely tied to the authority of a single ruler and hence strongly top-down in character. The second main area was in some ways the opposite of this. It represents the emergence of comparable monetary practices over a large area, extending

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4 Devroey, "Activité monétaire, marchés et politique à l'âge des empereurs carolingiens," 208–217.

5 Goitein, *A Mediterranean Society,* 232.

6 Feliu, "Money and Currency," 28–36.

across cultural and political divisions, such as the preference for coins that broadly corresponded to the silver penny, or the gold mancus; additionally, it covers the spread of similar units of account, such as the mark of silver, which was predicated on a weight of silver. Transmission of this kind tends to be "bottom-up," or perhaps better "middle out," for the true "bottom" of society probably had little to no involvement: The driving force would come from those such as merchants and other travelers who would themselves move between economic centers and between states: standardization of this kind tended to operate outside those of individual states. There are some exceptions, as will be seen, and also a question as to whether standardization of this kind worked in the same way as the first. Other terms might be seen as more appropriate, such as comparability or compatibility, emphasizing that this was a pragmatic, flexible phenomenon that blurs political and other boundaries. The third kind of monetary standardization addressed here has something in common with both these first two. It relates to the actual use of coined money. This was never the default, but it was normal for most segments of society to use coin sometimes. The range of contexts in which coin was used, and the forces that supported its use, depended strongly on another manifestation of standardization: A universalizing rhetoric about coin, which no-one was supposedly able to reject. In theory this was touted as a powerful force for equity, though in practice the limitations of the monetary system meant that it strongly favored elites with better access to coin.

Early medieval money introduces an overlapping array of standardizing tendencies, and therefore shows how these differed and interacted. Moreover, it is possible to set textual witnesses alongside material ones and listen to the different stories they have to tell. This breadth of sources also reinforces something that is often difficult to see from written sources that reflect a one-off effort, or a series of distantly-spaced stepping stones: The nature of standardization (understood broadly) as an iterative process as well as a series of individual efforts. It was something experienced, and that needed to be actively pursued. Standardization did not just happen.

Internal Standardization

Alongside some aspects of charters and Christian liturgy, coinage was one of the main means by which early medieval rulers could create something like collective consciousness within their realms.[7] On one level coin probably went even

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7 Garipzanov, *The Symbolic Language of Authority in the Carolingian World.*

deeper than many other means of symbolic communication, for more – and more diverse – people would encounter coins than charters, and probably liturgy (at least on a regular basis). Yet the visual messages conveyed by coinage were of such a nature that most people were unlikely to be in a position to appreciate them unaided: To read inscriptions, expand abbreviations and unpick the symbolism of images. This was no impediment to using coin, just as not knowing the meaning of Latin mottos or heraldry on modern coins and notes is no barrier to their use. It is, however, entirely possible that new issues of medieval coinage prompted many a visit to the local priest or other knowledgeable, literate individuals to ask about the meaning and, perhaps more often, legitimacy, of individual coins, especially if there was a problem with them. It was normal in early medieval Europe for coins to carry the name of the mint-place responsible for issue, and sometimes even the name of the individual responsible as well. These details came into play when there was a question about authenticity. A scene of this kind was imagined in an Old English adaptation of the Legend of the Seven Sleepers of Ephesus, produced in the early to mid-eleventh century: puzzled merchants take a batch of unfamiliar coins, and the person who had brought them, to the local bishop and a town official (*portgerefa*) in order to initiate legal proceedings.[8]

But while the details of coin types and inscriptions were aimed generally at an educated audience, the act of standardizing a coinage had more profound ramifications. Almost always it meant the exclusion from circulation of coins from outside the polity, creating a discrete zone of currency. The coins used within that zone might be more or less diverse. The English kingdom between about 880 and the early 970s was dominated by coins made within its borders, overwhelmingly silver pennies, all of which named the king. But beyond that there was a significant degree of latitude given to local traditions, resulting in regionally diverse types and, to some extent, standards of weight and fineness.[9] This was standardization of a sort, but other rulers went a step further. Some, from at least the early eighth century onwards, undertook coin reforms that introduced new types and largely or entirely removed old coin from circulation. The result is palpable in hoards of the period, which show how one type gave way to another with little overlap.[10] Contemporary legislation spells out some of the details for how this process was managed. People had to bring whatever coins were in their possession to be exchanged. Laws foreground the role of the mint or moneyer in this

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8 *Anonymous Old English Lives of Saints*, 630–631 and 636–639; Naismith, "Writing, Communication, and Currency: Dialogues between Coinage and Charters in Anglo-Saxon England," 516–517.
9 Naismith, "Prelude to Reform: Tenth Century English Coinage in Perspective," 42–46.
10 Naismith, *Medieval European Coinage,* 228–29; Coupland, "Charlemagne's Coinage: Ideology and Economy," 211–229.

process, though in real life there may have been networks of formal or informal exchangers as well, who served the many areas that lay at significant remove from a mint-place. There was a grace period allowed during which both old and new types were acceptable; a period that might be as long as three years, or as little as a few months.[11] Thereafter, penalties might apply to those who tried to use old coin; alternatively, old coin might remain acceptable, but at a discounted rate, perhaps because it could not be used for certain payments to agents of the king. This seems to have been one of the differences between the Carolingian Empire of the late eighth and early ninth centuries, and England after the 970s, both of which saw numerous recoinages in quick succession.

The logic behind these reforms varied case to case, which is an important point: This was standardization as a statement, but not for its own sake. Charlemagne's recoinage of 793 probably took place while the king was based at Regensburg, far from his usual stomping grounds in the heartland of the Frankish Empire (Figure 5). The new coinage may have been prompted by a rebellion against Charlemagne by his eldest son, or be associated in some way with the king's grand project to build a canal linking the Rhine and the Danube.[12] It formed part of a series of actions probably undertaken at Regensburg that are described in the first part of a set of legislative decrees made at Frankfurt a year or so later (early summer 794).[13] These actions and their codification at Frankfurt conceptually frame the recoinage alongside other efforts to restore diverse wrongs: Condemnation of a Spanish heresy and of an iconoclastic council in Byzantium; the public confession and restoration of the duke of Bavaria; fixing maximum grain prices; and injunctions for bishops to exercise justice and avoid relocating to other cities. The Frankfurt decrees represent a reinforcement of a recoinage begun already, but they are a plausible guide to the kinds of issues that were swirling at court at that time. Coin reform stood in the midst of a series of projects and crises.

Charlemagne's son, Louis the Pious, reformed the coinage several times in the first decade or so of his reign. The last of these reforms in particular fits into a rhetoric of office and Christianized, moral responsibility.[14] It was also the most ambitious of the Carolingian coin reforms, in that it did away even with recognition of the names of specific mint-places: A remarkable experiment in standardization that was not continued, probably because it left forgery too difficult to trace back to its source (Figure 6). Another reform, begun in June 864 by Louis's son Charles the Bald, was planned in detail in a capitulary issued from a royal

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11 Naismith, *Medieval European Coinage*, 232.

12 Garipzanov, "Regensburg, Wandalgarius and the *Novi Denarii*," 58–71.

13 *Concilia aevi Karolini: Tomus I, Pars I,* 165–167.

14 de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious,* 131–135.

meeting at Pîtres near Rouen. This document moves back to something more like Charlemagne's model: Less religious in focus, but the extensive passage on coinage follows injunctions about maintaining justice and correcting abuses by aristocratic officials (counts).[15]

Figure 5: *Denarius* of Charlemagne (768–814), minted at Mainz in or after the reform of 793 (American Numismatic Society 1961.144.1).

Figure 6: *Denarius* of Louis the Pious (814–840), of the *Christiana religio* type, minted after 822 (American Numismatic Society 1936.102.3).

A striking absence from all these discussions of coin reform is fiscal gain. There is little doubt that the process did generate income, not least to pay the costs of those who did the minting and exchanging. But exactly how much was taken, and how much of that stayed in the hands of the moneyers or went to the king, is not clear, and the fact that this is not addressed should tell us something: These actions were not always primarily intended as profit generators. Motives behind the late Anglo-Saxon coin reforms probably changed over time, as can be inferred from legal and related texts contemporary with reforms that began late in the reign of Edgar (959–975), and then became frequent under his son Æthelred II (978–1016) and routine from about the 1030s (Figure 7). A moralizing impetus was central to the early stages of this story. The first reform came at a time when unifying and consolidating the kingdom was a central motive. The reforms of Æthe-

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15 *Capitularia Regum Francorum,* 311–320.

lred reflect deep anxiety at the royal court over divine favor and disfavor, and coinage, as a crystallization of collective identity and purity, served as a way to cleanse the whole of society demonstratively and publicly. Wulfstan, archbishop of York (d. 1023), expressed this sentiment very effectively in a series of law-codes and sermons as "improvement of the coinage" (*feos bot*), which he put next to maintenance of public security, avoidance of adultery and other kinds of sin. The best way for the coinage to contribute to a godly society worthy of divine favor, Wulfstan wrote in a law-code of 1008, was to have "one standard coinage throughout the realm without any adulteration."[16] However, the more frequent reforms of the later 1030s and after are not accompanied by any such rhetoric or legislation, and it is plausible to see revenue generation as a more important motive at this stage, beginning in the time of two short-lived kings (Harold I and Harthacnut) whose reigns were politically and financially turbulent.[17]

Figure 7: Penny of Edgar (959–975), of the reform type, Lewes (Sussex) mint, moneyer Theodgar (CNG).

Moralized concerns are likely to lie behind the earlier Carolingian reforms too. A reformed, standardized coinage was one that was free from forgery. This was, it should be stressed, a preventative measure; not (or not necessarily) a response to rampant counterfeiting. Indeed, there is little evidence that this was a major problem in either Carolingian Francia or late Anglo-Saxon England. It was also a performative measure: Something that a king could do, and be seen to be doing. That is why rulers sometimes went the extra mile, for instance by having all the dies or stamps sent out from a central location. But why did coinage take on this particular significance as a gauge of goodness and purity? There was, in the first place, a strong Roman precedent for concern about the quality and consistency of

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16 Wulfstan, *Old English Legal Writings,* 172–173.
17 For context, see Keynes, 'Queen Emma', xxix–xxxviii.

coin. But a religious, Christian element keyed into scripture and patristic literature was added to this in late antiquity. Coins served as a metaphor for the soul, in that one had to examine them closely, aware of the risk that outward goodness might conceal inner rot. John Cassian, Augustine, Gregory the Great and others developed this comparison in considerable depth. It was only a short step from the idea of one coin and its quality mirroring the soul of an individual to a whole coinage and its quality mirroring the collective spiritual wellbeing of a whole kingdom.[18] This was not a step every ruler took, but for some like Louis the Pious and Æthelred II it may have been the crucial one.

Internal standardization as described here had significant consequences. Above all, it created a potent symbolic, economic, and administrative glue that bound a regnal community together. It managed to be both inclusive and restrictive by keeping out other coins of other kingdoms. Furthermore, it demonstrated the capacity of the rulers behind these coinages to act in a meaningful way, intruding into the economic lives of their subjects and collaborating with local agencies responsible for organizing actual minting and exchange.

External Standardization

Internal standardization was one matter; to create common practices between groups or polities was quite another. This should not simply be thought of as internal standardization in negative: It worked quite differently, and with more variation. Nor is it helpful to be too dogmatic about what constitutes distinct units or groups. The point is that alignment of monetary practices did not always abide by regnal or other political divisions – though there are points of crossover, and authorities needed to be willing to accept different practices.

In the same way that conceptual monetization underpinned tangible monetization, the spread of distinct units of value is a good starting point for cross-cultural monetary standardization. Some examples of this are so deeply etched into the economic landscape that they are easily overlooked. Roman units of weight and value, for example, like the pound (*libra*), the ounce (*uncia*), the sester (*sextarius*) and the *solidus* could be found from Britain to Italy. Even Ireland and Scandinavia, both of which lay outside the former empire, also used units that developed from Roman ones, on the back of contact with the Roman world and the influence of its material culture.[19] Other denominations achieved the same

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18 Naismith, "*Denarii Mixti:* Debasement and Rhetoric in the Early Middle Ages," 199–203.
19 Breatnach, "Forms of Payment in the Early Irish Law Tracts," 277–299.

feat in later times. The mark and its sub-unit, the ora, first occur in writing in a treaty made between Alfred the Great and the vikings, probably in 878 or soon after.[20] Yet they are thought to have been introduced by Scandinavian incomers, as part of a distinct tradition of handling precious metals based on weight. The mark and ora became well established in England, such that over the tenth century they spread to areas without strong traditions of Scandinavian settlement or influence. It may have been from either England or Scandinavia that the mark was introduced into Germany around the beginning of the eleventh century.[21] Exact reckonings of the mark varied somewhat between these traditions. In England it came to mean two-thirds of a pound by account. In Germany, it referred to half a pound, though divided into the same number of oras as in England. The weight of the mark also varied, with the caveat that it is difficult to determine the actual weight of this and other units in the early medieval period, and clear evidence only emerges significantly later. This variability may go back to the early days of the mark, and underscores that it was not a common unit to facilitate trade. It is better read as a mechanism for allowing general equation of similar systems, and as a helpful intermediary unit of weight and value below the pound. Even with these reservations, the spread of the mark across the North Sea area reflects other channels of economic and cultural interaction, and can plausibly be seen as the consequence of maritime circulation of people, goods and language in the region.[22] There is no indication that political leaders in either England or Germany sought to stem the spread of the mark due to its overseas roots.

Something similar can be observed a few centuries earlier in the spread of a new tangible denomination: The silver penny or *denarius*. This assumed a name familiar from Roman usage, but in practice was a distinctly northern European development based on the increasingly debased gold *tremissis*, which was another ultimately a Roman denomination, though adapted significantly over the course of the sixth and seventh centuries. The first pennies probably appeared in southeast England and Frisia in the years around 660, on the strength of trading contacts that traversed the Channel and stretched into maritime communities around the rim of the North Sea.[23] Within the next couple of decades, the small, thick silver penny was taken up in Merovingian Francia and in the rest of England. In the early eighth century it also spread to Jutland in Denmark. The early success of the penny came

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20 *Die Gesetze der Angelsachsen 1,* 130–131.
21 Nau, *Epochen der Geldgeschichte,* 42; Nightingale, "The Evolution of Weight-Standards and the Creation of New Monetary and Commercial Links in Northern Europe from the Tenth Century to the Twelfth Century," 192–209.
22 Nightingale, *A Medieval Mercantile Community.*
23 Naismith, *Medieval European Coinage,* 58–59.

about without any obvious political support. Very few of the new coins carry an overt recognition of royal initiative. At a time of limited literacy, especially in England and Frisia, this is not necessarily meaningful, and the earliest of the English pennies actually reflect quite a small, homogenous group of types, which could be the result of cohesive – possibly royal – patronage. But within a few decades the early pennies in England, and the Frankish coinage throughout, became much more diverse, suggesting a range of patrons and agencies whose coins were generally interchangeable. There was an overarching standardization here, in that everyone was making pennies of comparable format, but within that it seems to have been a free-for-all, akin to the massive profusion of paper money (all valued in dollars and cents) that diverse private banks and others issued in the United States before the American Civil War (1861–1865):[24] In the same way, different issues of coin in early eighth-century England presumably circulated on the basis of familiarity and reputation, which would go some way towards explaining the very rich, diverse iconography of these coins (Figure 8).

This first flush of the penny can, then, be read in the same general light as the mark. It reflects a desire to take advantage of a new denomination; one that offered greater versatility in transactions due to its lower value, and that perhaps offered a good outlet for silver stocks that had built up or started to be exploited in northern Europe. Also as with the mark, we are dealing with standardization rather than uniformity. The new coinage came in many guises that were not always interchangeable, meaning that it offered a baseline of common practice which could be used to express difference within the brackets of sameness.[25]

If the initial spread of the penny seems to have been driven more by economic motives, even if it presumably had at least the acquiescence of rulers, subsequent developments show kings taking a more active role in the process. A series of five kingdoms in the period from about 740 to 760 adopted explicitly regnal coinage. The order in which they did so is not clear: Probably the first was Northumbria, but undoubtedly the most influential was Francia, which introduced a broader, thinner model of penny that was subsequently taken up in southern England. Here, "external" standardization of the penny as a denomination was brought into alignment with "internal" standardization. The two were always in dialogue, and in a situation where minting and coinage were relatively small in scale, the potential for them to be used to communicate symbolic mes-

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24 Mihm, *Nation of Counterfeiters*; Conway, "Making Beautiful Money."

25 Scales, "Ever Closer Union? Unification, Difference, and the "Making of Europe," *c.* 950–*c.* 1350," 337–338.

sages about cultural or political identity was considerable. In effect, economic practices could become a political act. Something of the sort happened in Rome during the pontificate of Hadrian I (772–795) (Figure 9). Rome's long-standing position as part of the East Roman Empire had become attenuated by the middle of the eighth century, which was reflected in its coinage: This still maintained the general form of Byzantine currency, though the "gold" coinage was now just copper alloy, and all the denominations were idiosyncratic in appearance and weight, as well as highly localized in circulation. At some point early in Hadrian's pontificate, as the papacy and Rome pivoted to align with the Franks rather than the emperors in Constantinople, the coinage was changed accordingly. Instead of copper, small silver and "gold" in the name of the emperor, silver *denarii* much like those of the Franks themselves appeared. They maintained some elements of earlier issues, including the preference for facing busts and the same reverse design as the old gold pieces, right down to a mintmark CONOB (originally meaning "refined gold from Constantinople"). This new coinage is a strange tapestry of different kinds of standardization: Looking back to familiar appearances of coins, yet looking north in terms of denomination and weight. It projected a statement of where the city and its leaders stood in the world.

The penny represented the standard denomination in all these cases. Even when there were not many of them, pennies constituted the main form of currency in circulation. This was not always true elsewhere. In Ireland and the Scandinavian kingdoms from the 990s onwards, making pennies marked, initially, a tentative foray into a crowded monetary marketplace. English and German pennies were already available in large numbers in both areas (more English in Ireland, more German in Scandinavia), while in Scandinavia especially there were also dirhams and hacksilver: Metal objects cut up to serve as means of exchanging and storing wealth. These had the benefit of being highly interchangeable over long distances and between communities: Hacksilver was in effect a "stateless" currency, which brought the advantage of flexibility in circulation, at the expense of cumbersome and potentially fractious individual transactions. What, then, was the point of producing pennies? Initial issues were more-or-less direct imitations of English issues. But the game changed in important yet subtle ways when the coins started to name local rulers and mint-places, on the basis of English types (Figure 10). These were not just picked on the basis of quantity. Early moneyers in Scandinavia eschewed the much more numerous dirhams and German coins. They chose English coins in part because they were more unified visually, and probably also because they presented a move by local kings to buy into the package of customs associated with late Anglo-Saxon kingship, which had be-

come well known from trading and military campaigns in England. All of the rulers who started issuing coins in their own name followed this precedent, and several did so in rapid succession in the 990s. Their coins were generally not numerous, and failed to replace imitative coins (at least in the short term); nor did they displace dirhams, hacksilver and foreign coin in circulation until well into the eleventh century. In time, they would factor into a larger proportion of exchanges. But when first instituted, these coinages represented a symbolic, token act – a kind of ideological standardization with the English expressed through coined money. The coins themselves probably circulated on the back of each ruler's prestige and largesse.

Figure 8: Early penny (*c.* 720–750) of Series H, type 49, minted in Hampshire (CNG).

Figure 9: *Denarius* of Pope Hadrian I (772–795), minted at Rome (Fitzwilliam Museum, Cambridge).

Figure 10: Penny of Olaf Skötkonung (*c.* 995–1022), probably minted at Sigtuna, modelled on the English Crux type (CNG).

Special, high-value denominations also operated according to different rules that allowed them to transcend some of the limitations outlined here for the silver currency, which fulfilled administrative and ideological ends as well as economic ones. Mancuses, for example, occurred in Italian charters and other texts as units of value from the 770s onwards, rated at 30 pennies/*denarii*. By 800, mancuses could be found in documents from England and Francia as well as Italy. They were strongly associated with gold, though debate continues about exactly what kind of coin gave rise to the mancus, especially in central and northern Italy

where it first appeared.[26] In practice, gold coins of several different types circulated together in Italy. These consisted of Sicilian and Constantinopolitan Byzantine *solidi* and *tremisses*, Beneventan Lombard *solidi* and *tremisses* and Islamic dinars. In northern Europe, these groups were joined by occasional local imitations of past or present gold pieces, generally made to adhere to roughly the same weight standard of 4.2–4.5 grams and a high level of metallic purity. All these various segments of gold coinage were high in value and international in circulation. They were not constrained by cultural or political frontiers. At the very top level of society, a high level of monetary standardization did therefore exist, albeit one that was only suitable for prestige exchanges between high-ranking individuals or groups. Gold offered the eighth- and ninth-century equivalent of a traveler's check or, perhaps better, a Krugerrand: A coin that was also, simultaneously, a specific weight of gold, as the Roman *solidus* had been.[27] That was definitely the thinking of one English king in the 950s, who asked in his will that 2,000 mancuses of gold (by weight) be taken and minted into mancuses (as coins).[28]

Monetary standardization in relation to long-distance or cross-frontier exchange was generally much messier than attempts to set a standard within a kingdom. It was often limited in scale, as with the mancus and the imitation of English pennies in Ireland and Scandinavia, or fuzzy in application, as with the adoption of the mark. There was also a degree of overlap with the "internal" standardization outlined above, the two sharing aims that were more symbolic or political in nature. These were not so distant or immune from economic practices: The idea that a "real," meaningful economy of rational, commercial actors lurked behind the facade of ideologically-tinged sources is a problematic one, and it is likely that in practice the logic of exchange was closely bound to the logic of power and its articulation. So, the transition from Byzantine-style coins to Frankish-style ones in Rome needs to be seen as both economic and political, internal and external. It had to allow for similarity and difference at the same time.

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26 Grierson, "Carolingian Europe and the Arabs: The Myth of the Mancus," 1065–74; Grierson and Blackburn, *Medieval European Coinage,* 327; Prigent, "Le mythe du *mancus* et les *origines de l'1économie européenne*"; Delogu, "Il mancoso è ancora un mito?"; Cosentino, "Ricchezza e investimento della chiesa di Ravenna tra la tarda antichità e l'alto medioevo," 431–39; Saccoci, "Il Mancuso nelle fonti medievali: metamorfosi di un mito."
27 Carlà, *L'oro nella tarda antichità: aspetii economici e sociali,* 131–57.
28 Whitelock, *English Historical Documents. Vol. I,* 555.

Transactional Standardization

"Internal" and "external" standardization are both useful ways into how coins and monetary systems worked. They are, however, abstracted and detached from the actual use of coined money on the ground. The final kind of standardization to be considered here relates to the impact of coin in actual exchange situations of the early Middle Ages.

An altogether different kind of standardization came into play here; indeed, several kinds that might appear contradictory. Use of coin in exchange invokes a threatening form of standardization that grew out of early and influential social scientific texts, by figures including Karl Marx, Georg Simmel, Max Weber and Marcel Mauss. To simplify several rich streams of thought, the central idea was that money had the capacity to disturb and overturn otherwise stable aspects of society, with the concomitant risk that the growth of money and its spread into more and more areas of life would commodify all things. That situation did bring advantages, including a relative empowerment of the individual, but was on the whole corrosive of social bonds. More recent anthropological scholarship has turned away from this approach, characterized by Viviana Zelizer as "hostile worlds," in that it presumes two discrete and impermeable spheres, one of monetized, commercial activity and one of familial, personal and non-economic activity.[29] A breakthrough she and others have made is that this "hostile worlds" approach is not the only one, or the most appropriate one for societies that are not industrialized and embedded in modern Western European thought on money and its meaning. Completely different perspectives on money might apply, and even within Western Europe and North America it is possible to find exceptions that challenge the "hostile worlds" model.

Early medieval Europe is one case-study among many that does not fit comfortably into the "hostile worlds" scheme. Money could be, and was, used for an impressively wide range of things: Purchases and hierarchical payments of rent or tax, but also gifts within families or close-knit communities, or pious donations to the church. Yet very rarely is there any indication that the propriety of doing so was questioned; nor is there any signal that it wore away robust traditions of familial and social cohesion. On the few occasions when there was a concern expressed about the use of coin, it was when its purpose and context had not been properly established. At one point in the early ninth century, the Carolingian courtier Einhard recorded that a man visited a shrine he had set up with the relics of two saints, Marcellinus and Peter, lately brought from Rome to Germany.

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29 Zelizer, *Economic Lives: How Culture Shapes the Economy,* 196–203, 289–290 and 383–391.

Einhard was taken aback when the visitor placed a handful of coins on the altar, and confronted him about the nature of the gift: Was it a transactional *munus*, or a proper *donum*, to use the two Latin terms Einhard employed for different forms of gift?[30] The man told a story of how he had fallen desperately ill and only recovered after pledging the proceeds of selling his last pig to these two saints; he had then recovered, and was now making good on his promise. Einhard was satisfied.[31] Even the papal "reform" party of the mid- and late eleventh century who used money as shorthand for simony represented a minority view, and had no concern about money being used in its proper place, including within the church; their concern was with avarice leading money to break these bounds.[32]

The significance of using money at this time was more a matter of quality rather than quantity. That is to say, because coined money was relatively rare and not the default way to settle obligations, the choice of when to use cash carried greater weight. It signified something real and meaningful, for instance in transactions where the actual means of exchange – its visibility, materiality and neutrality – carried weight. Exchanges of token amounts of coin were used to mark entry into both servitude and freedom, and could signify other binding agreements, as in a little story of romance between a priest and a nun that is recorded in an Italian dispute settlement (*placitum*) of 803 (though the events in question occurred 796×800). The priest, Alpulo, had already been foiled once in his attempt to live with the nun, Gumperga, and so he decided to take direct action. Alpulo rode to her nunnery by night. He met Gumperga and, using his horse for added height, lifted her over the nunnery wall. Then the pair kissed and Alpulo handed over two *solidi* of coins (24 *denarii*). This payment was described as an *arra*: a kind of pledge to strengthen a promise. In other words, Alpulo intended to wed Gumperga, and the money was a token of his good intentions.[33] For this and other exchanges to carry weight, people needed to know about them; Alpulo made sure he told the other parties about his presentation to Gumperga, while other payments were carried out in public, before witnesses. To use coined money was, in a sense, to participate in public life, and its use was shaped by ritual acts carried out with one's fellows. Even handing over coins in a purchase followed set ritual expectations. These acts were simply not routinized, or at least not for a large portion of society.

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30 Nelson, "Munera."

31 Dutton, *Charlemagne's Courtier: The Complete Einhard,* 93–94.

32 West, "Competing for the Holy Spirit"; West, "The Simony Crisis of the Eleventh Century."

33 Manaresi, *I Placiti del "Regnum Italiae".* no. 16; Loschiavo, "The Priest who Fell in Love and Lost Everything."

Dealing with early medieval coin was, consequently, conceived along quite different lines from dealing with modern cash. In principle, there was a sense that it imparted equity. Odo of Cluny wrote in the tenth century about how the aristocratic saint Gerald of Aurillac (d. *c.* 909) used coin to deal harmoniously with those around him.[34] When his men at one point took their fill of fruit from a tree belonging to a peasant, Gerald insisted on paying the man in coin for what he had lost.[35] Of course, Odo told this story and others like it as a sort of exemplum: a guide to how elites should behave, rather than how they actually were behaving. Yet the point stands that coin should, ideally, serve as a leveling mechanism. It turned expropriation into a transaction, or shifted the focus in a transaction to an external medium that depended on trust in, and the authority of, a powerful authority. As seen at Einhard's shrine, use in this context had a public, demonstrative element to it. There was undoubtedly a transactional, abstracted quality to using coin, which can be conceived of as standardization, in that it offered a shared system of economic exchange. In the early Middle Ages, however, this was seen as something that was not bound to depersonalizing commerce. It could be transplanted to, and instrumentalized in, diverse exchange situations where participants wanted to put the emphasis on what was done as well as who did it. Crucially, the transactional dimension of coined money was one of the qualities that made it desirable, and not threatening to the fabric of society. Early medieval currency was not plentiful enough to pose such a danger. Coin may not have been used for every transaction, but it *could* be used in virtually all, as long as one framed its handover in the right way, and doing so did not carry any particular threat of cross-contamination.

This represented the ideal of how early medieval coinage should operate, as a sort of unifying standard for transfers of wealth that brought together members of a particular society; one that had to be striven for, and that was not the default. Experience of using coin probably varied widely for those with different levels of wealth and social power. The peasant fruit farmer in Odo of Cluny's life of Gerald, for example, had no choice about Gerald's men despoiling his trees, but neither did he seem to have any choice about accepting a monetary settlement from their leader. And that assumes that the price paid was a reasonable one: In this imagined scenario it was presumably on the generous side (another story of Gerald revolves around how incensed he became at having inadvertently paid a cheap rate on fine cloth), but in an equivalent real-life situation it may not have been.

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34 Feller, "Les Transactions dans la Vie de Géraud d'Aurillac," 78–80.

35 Odon de Cluny, *Vita Sancti Geraldi Auriliacensis,* 170–171.

A degree of inequality is far from surprising in relation to money, though the specific characteristics of early medieval coined money exacerbated the imbalance of power associated with it. Access to coin in particular was uneven, and heavily skewed toward elites. Mint-places were generally distributed according to the geography of local power rather than overall wealth or population, and a high proportion of them probably depended (directly or indirectly) on high-status patrons for the majority of their custom. The resultant coins are also likely to have clustered to a large degree in treasures of the elite: Such was the case in early modern England, Spain and elsewhere, for which much better documentation is available, and where many of the underlying monetary conditions were similar – above all, a comparative shortage of coin relative to population, and especially among those with fewer resources.[36] Even high elites sometimes had to make payments in installments or seek loans to obtain sufficient cash.

The inequity of coined money was not just passive, the result of a malevolent and invisible hand. It also reflected the conscious actions of rulers and elites. As noted in discussion of "internal" standardization, Charlemagne, Charles the Bald, Edgar and Cnut all commanded that no-one should refuse good coinage, sometimes with specific punishments spelled out for those who did so. In effect, this legislation gave force to people like Gerald in dealing with others: It ensured that those with money could use it for their benefit, while those without were at a decided disadvantage. Abuses of this kind were surely rampant in the tight-knit, largely rural world of early medieval Europe. At Paris in 829, a group of bishops assembled to discuss various spiritual ills afflicting the Carolingian Empire, as part of which they described a range of economic abuses being carried out in undisclosed western parts of the empire, many of which revolved around money.[37] Poor peasants who fell short of grain reserves during a famine were only furnished with supplies by the lord on condition that they pay back the (significantly inflated) value of the grain at harvest time, when the value of grain was lowest. Alternatively, the lord might demand that the peasant hand over their land or produce as collateral against the loan. Other lords were beating those who refused to accept their prices at market, or using two sets of scales and weights depending on what was to their advantage.

Those on the receiving end of this weaponized standardization had very little recourse open to them. One possibility was to challenge the status of the coins used in an exchange, as a proxy for challenging the exchange itself. That is seemingly what went on at an unnamed place in West Francia in spring or summer

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36 Muldrew, "Hard Food for Midas: Cash and its Social Value in Early Modern England."
37 *Concilia aevi Karolini: Tomus I, Pars II,* 645–646.

861, when Charles the Bald issued a short text on how the matter of refusing good coin should be dealt with.[38] In this instance, his response was to send a team of *missi* or roving judges and royal agents. Their first task was to ascertain if the coins that were being rejected actually met the standards for good, acceptable currency. And if the coins did, then the *missi* had to proceed with punishment. Charles's instructions on this front were not immune to the human reality on the ground: In assessing individual cases, his *missi* were meant to take account of the hardship brought on by taxes to help pay off viking armies, and even of poverty, health, age and sex, including the fact that women are the ones known "to bargain" (*barcaniare*). First offenders would be fined or, if of lower status, beaten. Repeat offenders would be branded on the face with the very coin they had rejected.

By the early 860s, the West Frankish coinage was in a relatively poor state, so it is entirely possible that some individual coins were sub-standard. Yet Charles's reaction indicates something more: The whole point of this instructive text was that people had been rejecting *good* coin. This implies a degree of dispute over whether coins were good or bad, and the details noted above suggest that the clash had a social dimension to it, pitting elites against the women who would habitually engage in retail trade for their household. In other words, Charles describes something very like the situations that the Council of Paris had lamented as possible occasions of economic exploitation. This was potentially a dispute about access to coin, about prices and about the general ability to throw one's weight around in a monetary context. Yet the deep commitment to coin as a mechanism for leveling the field between two partners in an exchange pushed Charles and his *missi* to take tough action. The very public form of punishment meted out conforms with the very public nature of the crime: To reject good coin was on one level to reject the king and his authority. At the same time, it was one of few possible means of negotiating vertiginous differences in economic resources that came into play in the marketplace, as the powerless dealt directly with the powerful and their representatives. Being members of a body that accepted a preferred standard of exchange brought risks as well as rewards.

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38 *Capitularia Regum Francorum*, 301–302.

Conclusion

Early medieval money was a standard, and an important one, which affected the way contemporaries viewed the world around them. Scarcity arguably produced a distinct kind of versatility, tied to usage rather than value. In an important sense, therefore, it is flat out wrong to say that there was no monetary economy in this period, or that it lies outside the remit of proper economic history. The early Middle Ages had a logic that set the idea of money on a pedestal. Coins too played a larger role than their small number might suggest. They need to be seen as more than just denoting and conveying a given value. To use coins at this time conveyed participation in collective standards and modes of behavior: a kind of standardization that one had to buy into, quite literally, and that could be deployed in many kinds of exchange. Currency was also a tool of state formation, and it should be emphasized that early medieval coinages satisfied the criteria Eric Helleiner gave for the formation of "territorial currencies" in modern times: ones that were homogeneous, national and exclusive.[39] On a number of levels, the monetary systems of the early Middle Ages prefigure those of the later Middle Ages and later, showing that standardization and other qualities are not absolutes invented at given moments in history, but cycles that rise and fall over the *longue durée*. What matters is investigating how and why particular forms of standardization emerged when they did.

It would be banal to frame one aspect of standardization as good and others as bad. Much depends on perspective: good for whom, and bad for whom, in what contexts? A better approach is to think of coined money as a fulcrum; something around which other things pivoted. For individual coins or batches of them, that could mean people. Some might have wanted to use them, others not, but were coerced by pressure of some form. Coinages taken as larger entities provided a means for rulers and governments to tighten their hold, but also for more loose, organic collectives to interact economically with each other – and it was perfectly possible for adoption of a whole new issue of coinage to be instigated from above, effectively being a statement of power and a conscious shift in economic policy. The main point is that coins emerge from and are constitutive of standardization on several levels. They show how active, even aggressive, prosecution of standards mattered economically, culturally and symbolically.

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39 Helleiner, *Making of National Money*.

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3 The Metamorphosis of Elephants: Medieval Chess between Play and Standardization

Abstract: This chapter examines one aspect of the adaptation of chess to medieval European courts: the change in form and name for the elephant riders who had stood on either side of the king and vizier in the Indian game that had been transmitted to Persia and the Islamic world. Among Europeans, elephants were unfamiliar though not unknown animals, and they had no role in the kind of warfare that chess represents. Yet the forms received from the Islamic world were long retained in Christian Europe, and so was the Arabic name of the piece. The history of the elephant piece in Europe reveals a tension between creative reinvention and a conservatism driven by the cognitive processes of serious players. The latter is, I propose, a version of standardization proper to courtly games.

Keywords: Chess, cognition, loanword, play, game

Introduction

Historically, modern European chess is an advanced variety of Muslim chess, which has been differentiated from the parent game as the result of a long series of improvements in move and rule. When chess entered Western Europe it took its place for the first time in the main stream of civilization. There it became subject to those laws of development and progress which were working in all other branches of human activity. The history of chess in Europe, therefore, is a story of advance in form and rule which has ended in placing the game in its position of pre-eminence among other games of its type. —H. J. R. Murray, *A History of Chess* (1913), p. 394

[. . .] the chessboard lies midway between the two guiding principles of human society: history and utopia. They are incompatible in all places and through all the ages, yet one could say that they fix a clandestine meeting in this one space. —Gilles Lapouge, *Utopie et civilisations* (1973), p. 86[1]

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[1] Unless otherwise indicated, all translations are by the author.

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In their different ways, the British historian H. J. R. Murray and the French writer Gilles Lapouge shared an awareness that the history of chess was riven by a tension between fixity and change through time. Murray (1868–1955) was the son of Sir James Murray, the first editor of the *Oxford English Dictionary*. As a boy he helped his father compile the quotations for entries. Trained in the new science of historical linguistics by his father and in mathematics by his teachers at Oxford, he went on to study Arabic in preparation for what would become his scholarly life work, the history of board games. It was Murray who made the conclusive argument that chess had originated in India, and Murray who argued, based on historical phonology, that chess must have been adopted in Western Europe in the ninth century, a claim that would not be corroborated until carbon dating was applied to sets nearly a century later.[2] But he was an heir to nineteenth-century historiography and a child of Empire. Faced with this peculiar tension between change and fixity, he could only articulate it in terms of an opposition between Oriental timelessness and European progress, a progress that has culminated in the perfection of the game. On this page, we find him pivoting from Part I, "Chess in Asia," which presented the evidence for the game's origin in India and then traced its adoption in Sasanian Persia and the Rashidun, Umayyad, and Abbasid Califates, the game's varieties and changing piece forms and the invention of chess treatises and problem sets, to Part II, "Chess in Europe," which will be devoted to the game's adoption in medieval western Europe through contact with Muslim communities in the Mediterranean. That the matter treated in the 393 pages of the first part could be construed as improvements, developments, and progress taking place in the mainstream of civilization is a possibility that Murray has amply demonstrated but cannot entertain. Such an impulse to deprive the Other of history or modernity has been amply critiqued

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2 Murray's work remains indispensable for the transmission of chess through the Islamic world and into Western Europe. For Eastern Europe, which probably came to know the game through trade routes along the Volga and Dnieper rivers, see Linder, *The Art of Chess Pieces.* The major recent publications do not address the question of transmission into Scandinavia, but the region likely received chess from both south and east: there is a striking similarity in the form of rooks found in Sweden (e.g. Figure 17) and those found near Kyiv and at Novgorod. For a new, earlier dating of the earliest documentary evidence in Western Europe, see Gamer, "The Earliest Evidence." For the carbon dating, see Terrasi et al., "Datazione radiocarbonica," and Goret and Poplin, "Le mobilier de qualité en matières dures d'origine animale du XIᵉ siècle." The set discussed in the latter publication is particularly important because it was found in Burgundy, the heart of Western Europe, and is in antler, a material used for this purpose only in Europe. For recent studies of the game in Europe, see especially Adams, *Power Play*; Mehl, *Des jeux et des hommes dans la société médiévale*: O'Sullivan, ed., *Chess in the Middle Ages and Early Modern Age*; Pastoureau, *Le jeu d'échecs médiéval*; and Kopp and Lapina, eds., *Games and Visual Culture in the Middle Ages and the Renaissance*, as well as the work cited below.

by late twentieth-century thinkers, most prominently Edward Said in *Orientalism* (1978) and Johannes Fabian in *Time and the Other* (1983). It is true that piece forms, names, moves, and rules endured longer than dynasties, but the present chapter will show that medieval Europeans played their own role in perpetuating them, and that along the road to new forms and names there were enough false starts to call any teleology into question.

Lapouge (1923–2020) suggests a more productive interpretation of the tension. Chess participates in history because games unfold in time, and because each game marks a new point in the history of games played. Yet chess also participates in utopia because the chessboard is an ideal, mathematical space and the pieces are without instinct, will, or personality. They embody a category while lacking identity ("horse" rather than "Bucephalus") because they have surrendered their particularities or desires to the utopian perfection of the game[3] But Lapouge arrives at the idea of the chessboard from a comparison with early planned cities. He is far more interested in the geometry of the board than that of the pieces, more interested in mathematics than in language, and so he does not realize that piece forms and names also change. The creative uses to which chess pieces have been put in the visual arts and literature constitute another way of inscribing them in time. Similarly, we could query Lapouge's assimilation of utopia to mathematical perfection and ask whether the idea of the 64 squares is adequate to explain the long persistence of form and rule in the game. Surely that persistence is due less to an ideal than to a practice within a community constituted in specific places at specific times. I would suggest that the tension arises, instead, between the poetic and artistic suggestiveness of the pieces and the serious chess player's resistance to change. The history of chess has been marked at once by the proliferation of creative carvings, poems, and allegories, and by the rarity and sluggishness of the alterations to the game itself over the fifteen centuries and six continents where it has been played.

The present chapter is an essay in the etymological sense of the word, an attempt to write a history of chess pieces that is neither orientalist, nor teleological, nor utopian, one that accords full significance to the tension between continuity and change. This continuity may be viewed as a standardization, construed as one of the unwritten, unlegislated standards that the editors describe in the introduction to this volume. Its motivation may be ideal or utopian in the way that Lapouge indicates, but I would like to move beyond the notion of utopia and consider the geometric form of chess pieces and the persistence of Arabic loan words naming them in European languages in light of the cognitive psychology of seri-

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3 Lapouge, *Utopie et civilisations*, 84–87.

ous chess play. What is the relationship between the verbal and formal play to which medieval poets and craftsmen submitted the pieces and the practice of chess as a game requiring a specific kind of cognitive processing? My test case will be the elephant pieces from the earliest version of the game: the king, the vizier, and especially the elephant riders that stood on either side of them at the start of play. This remnant of the ancient Indian army found no parallel in medieval European warfare. It could be reduced to abstract forms, as had already occurred in the Islamic world, or reproduced mimetically as a relic of the long ago and far away, or transformed into a character familiar to Europeans. The piece's remarkable plasticity manifested itself time and again in the very material of the elephant: ivory.[4] Thus the metamorphoses of the elephant allow us to discern the endurance of old standards and the creation of new ones.

Metamorphosis

In the earliest documented version of chess, the king (Persian and Arabic *shah*) and his counselor (Persian *farzin*, Arabic *firzan* or *firz*) were represented as figurines of elephants bearing *howdahs*, platforms for riders of importance. These pieces were flanked by two elephants with warrior-riders, each called a *pil* in Persian or *fil* in Arabic, which is simply the word for elephant. An elephant in dolomite, now at the Metropolitan Museum of Art in New York City, may be derived from such a set (Figure 11).

The animal was finely carved, probably by an artist of the Sasanian Empire shortly before the Arab conquest. It is squat but otherwise anatomically correct. Its feet, which are caught in mid-stride, and its tail, flicked upward and to the right, give the impression of life and movement. Holes in its head either side of the trunk would have been fitted with tusks of ivory, and a large hole in its back may have allowed the insertion of a piece of ivory carved to represent the *shah* in a *howdah*. A smaller and more damaged, but otherwise similar figurine in the al-Sabah Collection in Kuwait may represent the *farzin* to the Met's *shah*.[5] Another elephant with rider, carved of a single piece of ivory in the same period, has been found among other ivory chess pieces during archaeological work at Afrasiyab and is now in the State Museum of Culture and History of Uzbekistan in Samar-

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4 For the significance of the use of ivory for chess sets, see Pastoureau, *Le jeu d'échecs médiéval*, 19–23.

5 Fahid, *Chess Chess and Other Games Pieces from Islamic Lands*, cat. 2.

Figure 11: Elephant figurine, possibly a chess shah (king), probably carved in sixth or seventh century in the Sasanian empire (pre-Islamic Persia; present-day Iraq, Iran, and Afghanistan). Dolomite, height 7.5 width 3.9 length 9.2 cm. New York, Metropolitan Museum of Art, 48.154.8. Photo: the Met (Public Domain).

qand.[6] Such elephants continue to appear today in luxury chess sets from Asia. However, international chess play now involves a different piece in this position, the bishop.

Figure 12 A and B: Chess pieces in the design by Nathaniel Cook, London, 1849, commonly referred to as the "Staunton" design and still recommended by the International Chess Federation for tournament play. These pieces were carved of rosewood and boxwood for the House of Staunton in the United States, reproducing the version of the design sold by Jaques of London in the mid 1890s. Height of kings 9.5 cm. A. Left to right, king, queen, bishop, knight, rook, and pawn. B. Pieces in play on a board of walnut and maple. Photos by the author.

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6 See Fahid, *Chess and Other Games Pieces from Islamic Lands*, 291.

Figure 13: The transition between figurative and abstract forms, as reflected in an elephant, probably a chess pil (bishop). Eastern Iranian region, seventh or eighth century. Elephant ivory, height 5.5 length 5 cm. New York, Metropolitan Museum of Art, 64.262.1. Photo: the Met (Public Domain).

The disappearance of the elephant and the emergence of the bishop or the fool in different parts of western Europe was driven by three phenomena: the reception of the abstract piece forms that had developed early in the game's history, forms that were used throughout the Islamic and Christian worlds for the rest of the Middle Ages, the reception of the Arabic terminology of chess, which had to be adapted to European languages, and Europeans' lack of familiarity with elephants as an animal. For many artisans and players, the object that stood beside the king and queen on the chessboard was an enigma that could be solved through verbal and visual/formal associations. The visual/formal part of this process was already modeled by the invention of the abstract piece forms in Asia, and we cannot fully understand what happened in Europe without first considering this earlier transformation.

The earliest abstract chess pieces to emerge from a clearly datable archaeological context were found in an early ninth-century house in Nishapur, a prosperous trading city on the Silk Road, but it is likely that the forms had already existed in the preceding century.[7]

The development of these forms has been much discussed in scholarship on chess. Some have been too quick to attribute it to an Islamic prohibition of images,

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7 Fahid, *Chess and Other Games Pieces from Islamic Lands*, 299; see also her dating of a number of pieces in the Al-Sabah collection to the eighth or ninth century. For the Islamic pieces owned by the Met, see Carboni, "Chessmen."

an explanation that relies on the perception of Islamic art as entirely abstract and decorative.[8] Early religious authorities did consider the question of the pieces' representational forms, but there are many reasons for us to approach this topic with more circumspection.[9] We do not know the precise chronology of the development of these piece forms, so we cannot know how it measures against the development of Islamic teaching or the Islamic conquest of Persia. We do not even know that this new development originated in Persia, because the game came from India, but no Indian pieces from the early period are known to have survived. As for the study of Islamic Art, the research field was invented by Europeans in the nineteenth and twentieth centuries with the presupposition that the art forms in question could not be representational. However, early Islamic religious texts discussing the image were open to diverse interpretations and various kinds of figurative art were practiced throughout Islamic lands over the course of the Middle Ages.[10] Symmetrically, the use of figurative art in Christian lands was also called into question by religious authorities, during the period of Byzantine iconoclasm in the eighth and ninth centuries and during the Reformation, and medieval Christians also developed the decorative arts to a high degree, but the early creators of the field of "Islamic Art" overlooked these parallels. The representational form of chess pieces could not have concerned ninth-century Byzantine authorities for the simple reason that the pieces they encountered were already abstract, not because they were not sensitive to the implications of representational art in specific contexts. The vague chronology and geography of the old explanation of the abstract forms, the oversimplification of its theology, and its blindness to parallels in the Christian world have prompted scholars to propose alternatives. Antje Kluge-Pinsker has suggested that the influence of the debate about images in Islam had a more indirect effect on the development of the abstract forms by "sharpening the sense of abstraction."[11] Most recently, Deborah Freeman Fahid has proposed that the abstract forms may have been preferred because they were easier to produce, a response to growing demand for chess sets.[12] In my view, the cognitive demands of the game, which I consider toward the end of this essay, provide an explanation that most people have overlooked, although Kluge-Pinsker's comment points in this direction, as does the observation by Isaak Linder that the development of abstract forms was a boon for the game because the

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8 E.g. Wichmann and Wichmann, *Chess*, 16.

9 For the reaction among Muslim religious authorities, see Murray, *A History of Chess*, 186–191. Compare this to the Christian authorities' response, discussed by Bubczyk, "*Ludus inhonestus et illicitus?*".

10 For a recent reassessment, see Gruber, "Idols and Figural Images in Islam."

11 Kluge-Pinsker, *Schachspiel und Trictrac*, 14.

12 Fahid, *Chess and Other Games Pieces from Islamic Lands*, 23.

Figure 14: Abstract pieces found in the excavation of a house of the early ninth century at Nishapur, a Persian city on the Silk Road. From left to right: shah (king) or farzin (queen); ibid.; rukh (rook); pil (bishop). Elephant ivory with green stain. Height of taller shah 3.3 cm; height of pil 2.3 cm. New York, Metropolitan Museum of Art, from left to right 40.170.150, 151, 148, and 149. Photo: the Met (Public Domain).

simpler forms did not distract the players, allowing them to focus entirely on the game.[13]

The gradual creation of the abstract forms has left artifacts, early chess pieces that we could consider transitional. Three of the original pieces, the *shah* or king, his counselor or vizier (now the queen), and the pieces that stand immediately beside them at the opening of the game, involved men riding elephants. As makers began to simplify the form, they reduced the elephant to a conical shape. For the *shah* and *farzin/firzan*, they reduced the howdah to something of a half-cylinder perched on the back half of the cone's apex. This eventually produced the abstract forms in Figures 14 and 15, rounded cones with a pronounced cut that makes the front half lower than the back. Less clear is the inspiration for the abstract version of the *pil/fil*, the elephant rider who guarded the central pair. In one transitional ivory piece from the eastern Iranian region that is now at the Met (Figure 13), the rider has been reduced to two shapes that suggest a pair of shoulders and the head of a figure that seems to crouch behind the elephant's ears and peer out over its forehead. In a similar piece of fired clay from Pakistan, now at the British Museum,

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13 Linder, *The Art of Chess Pieces.*

Figure 15: Set of abstract pieces in glazed fritware (stonepaste), reportedly from Nishapur, probably made in the twelfth century. They represent the most common abstract forms used in Islamic and Christian worlds. Shah (king, the largest piece, center right of first row) height 5.1 cm; pujada (pawn, the smallest piece, entire second row) height 3.3 cm. New York, Metropolitan Museum of Art, 1971.193a–ff. Photo: the Met (Public Domain).

the rider has been reduced to something of a button positioned in the center of the animal's back.[14] Neither piece suggests the eventual abstract form, which consists of a small cone with two front protuberances that extend up or out (Figures 14–17). They would recall tusks if they pointed down, but an early transitional set from the Lothar Schmid Collection, sold at Sotheby's, London in 2016, already had fully abstract elephants with protuberances pointing up at about 45°, like the Nishapur ivory piece in Figure 14.[15] It is possible that the protuberances were inspired by the frontal lobes of the skull of the Indian elephant (see Figure 11), as Ralph Pinder-Wilson has suggested.[16] Later artisans, who no longer knew what the original inspiration had been and might not have seen an Indian elephant, might have inter-

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14 British Museum inv. no. OA+.7838. See Akbarnia, *The Islamic World*, 50–51.

15 See Fahid, *Chess and Other Games Pieces from Islamic Lands*, 304–305. Sotheby's, London, 20 April 2016, lot 93.

16 See Fahid, *Chess and Other Games Pieces from Islamic Lands*, 24–26.

preted these protuberances as tusks and sharped their ends, but pointy ends are by no means universal in the long history of the abstract pieces.

Figure 16 A and B: Front and back views of an abstract fil (elephant) in the style of the western Islamic world, probably made in Egypt or Sicily. Elephant ivory with dot and circle decoration highlighted with black pigment, height 9 cm. New York, Metropolitan Museum of Art, 49.36. Photos: the Met (Public Domain).

The *pil/fil* pieces that reached Christian Europe are most likely to have resembled Figure 16. Pieces in elephant ivory with similar ornamentation seem to have been made in Egypt beginning in about 700 and in Sicily in later centuries. The latter is the likely source of many of the surviving pieces in this design in European and American collections.[17] The earliest imitations from Christian artisans that survive are less ornate. Decorated or plain, such pieces resemble no animal, even for viewers who know what elephants look like. How might medieval Europeans have understood them – and the pieces they flanked? What names did they give them? If Christians in Europe began playing chess in the ninth or tenth centuries, then for 100–200 years they used words that no surviving documents capture. The terms in Latin texts surviving from about the year 1000 and in the vernaculars from shortly after 1100 are our only indications what those early names may have been.

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17 See Rosser-Owen, *Ivory: 8th to 17th Centuries*, 20; Fahid, *Chess and Other Games Pieces from Islamic Lands*, 64.

Figure 17 A and B: Upright forms of the abstract elephant/bishop found in archaeological work in Östergötland, Sweden. A. Pieces from Alvastra Monastery (Cistercian). The abbey was founded in 1143 but the pieces may predate the context in which they were found. Antler, height of elephant/bishop 2.3 cm; height of knight 2.5 cm. B. Pieces from Vreta Convent (Benedictine, ca. 1100–1162; Cistercian 1162–1582). Bone, rook height 3.3 cm; knight height 3.2 cm; elephant/bishop height 3.5 cm. Stockholm, Historiska Museer, (from left to right) A. object numbers 554033 and 203021; B. object numbers 43471, 43473, and 372119. Photos by the author.

The adaptation of the names for the different pieces into the European languages took two different tacks. Some names were simply translated, such as the king and the knight, offices that Islamic and Christian polities shared. The vizier ought to have been straightforward as well, but on this point the earliest texts offer variation. I have compared the terms in Latin texts with those that appear in the two vernacular languages in which words for chess pieces are first attested, Occitan and French, as well as Catalan, the other Romance language most closely related to

Occitan.[18] It is important to consider the earliest vernacular usages in relation to Latin, because the fuller picture makes it possible to distinguish the terminology that players, especially in lay circles, were most likely using day to day from erudite experiments in renaming that may have inspired little emulation, becoming at best a precious usage among a small group. For the same reason, it is also necessary to map the chronological range of the use of different words in the different languages, and the specific kinds of texts in which they appear. A failure to do so encourages an anachronistic or teleological view of what the common usage must have been in early centuries.[19] For the *firzan*, a couple of early Latin poems give *ferzia*, a loan word from Arabic with the stress shifted to an earlier syllable and the *-a* ending that converts it into an ordinary first-declension feminine noun in Latin.[20] The earliest vernacular terms that appear are similar: the Occitan *fersa* and French *fierce/fierge.* (The word does not appear in Catalan texts of the twelfth century.) These words are attested in multiple twelfth-century courtly texts in the genres of epic and romance; in the thirteenth century, they also appear in lyric, hagiography, historiography, and chess treatises.[21] The number of attestations across a broad range of genres and the fact that no other term appears in French

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18 There is no comprehensive survey of chess allusions in this vernacular literature. For Occitan, Blakeslee, "Lo dous jocx sotils" is the only scholarship but misses some references in amatory texts and excludes those in non-amatory contexts. (For the significance of the archaeological evidence from Southern France, neglected in the surveys, see Bourgeois, "Pieces.") I have searched COM1 and the various lexicons of Catalan, Occitan, and French.

19 These are the shortcomings of Murray's treatment of European terminology, Murray, *A History of Chess*, 421–428.

20 The Deventer poem, France, possibly thirteenth century, Murray, *A History of Chess*, 516–517, lines 26–27, but *regina* also appears, lines 12–13. For the promoted pawn only, Winchester poem, England, early twelfth century, Murray, *A History of Chess*, 514–515, lines 28–30.

21 In epic: the *Canso d'Antioca* (twelfth century), lines 50–52; and the Occitan version of the *Girart de Roussillon* (ca. 1145), 135. In romance: Gautier d'Arras, *Eracle* (ca. 1159–1184), lines 4388–4389; Chrétien de Troyes, *Cligés*, ca. 1176, lines 2355–2357; Jean Renart, *Le Roman de la Rose ou de Guillaume de Dole* (ca. 1200–1211), lines 3592–3593; and Jean de Meun and Guillaume de Lorris, continuation of the *Roman de la Rose* (ca. 1269–1278), lines 6646–6647 and 6681–6682. In lyric: Elias Cairel, "Abril ni mai non aten de far vers" (PC 133,1, early thirteenth century), line 48; and Peire Bremon Ricas Novas, "En la mar major sui e d'estieu e d'ivern" (PC 330,6, ca. 1240–1241), line 38. (As per convention, troubadours are identified by the two-part PC numbers assigned in the bibliography of Pillet and Carstens. The first number identifies the troubadours, the second, their songs. The editions of the individual troubadours are indicated in my bibliography.) In hagiography: Gautier de Coincy, *Les miracles de nostre dame* (ca. 1214–1236), Book 1, lines 216–218 and 259–293 (ed. 1:13, 15–17). In historiography, Philippe Mouskés, *Chronique rimée* (ca. 1250), lines 19604 and 23618. For the chess treatises (Anglo-French translations), see *Les gius partiz*: the first treatise (MS C) employs *fierce*; in the second (MS R), *reyne* and *fierce* both appear in the context of standard chess games (compare lines 47 and 717).

or Occitan in the twelfth century suggest that the loan word may have been the dominant usage in France from the time that Christians learned to play the game. But in Latin, already by around the year 1000, an alternative appears in a poem now preserved at Einsiedeln in southern Germany: *regina* (queen).[22] This notion is continued in later Latin texts and begins to be reflected at least metaphorically in French – but not Occitan – texts in the thirteenth century.[23] The reinterpretation of the piece as a queen is usually attributed to a European view of the court as centered on the ruling couple. Along with the appearance of the bishop, historians usually understand these changes to reflect a Christian reconceptualization of chess as a representation of society rather than war. Although I fear that such an interpretation underestimates the pugilistic nature of medieval queens (and bishops), amply demonstrated by some chapters in Marilyn Yalom's *Birth of the Chess Queen*, I agree that the importance of women at the center of the court was one likely influence. However, I would propose that the sound of the word in its new modified form was equally powerful. The adaptation of loan words involves experimentation, a play of associations, the speakers' feel for their language. The morphology of *ferzia/fersa/ fierge* made the word sound like the name for a person of feminine gender. Thus even after its deformation the Arabic loan word would have exerted an influence on the choice of its replacement.

The invention of the chess queen has been amply treated by Murray and Yalom.[24] The present chapter is concerned principally with the *fil*, which produced the broadest range of words in Latin. Again we see parallel traditions. On the one hand, the word with its article, *al-fil*, inspired a loan word in Latin with a regular second-declension ending, the *alphinus* or *alphicus*, which continued in common use through the fourteenth century.[25] It finds an echo in the first vernacular usages: the Occitan *alfi*, the French *alfin/aufin*, and the Catalan *orfil*.[26] Like

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22 The Einsiedeln Poem, southern Germany, late tenth century, Murray, *A History of Chess*, 512–514, lines 35–36.

23 In Latin: Winchester poem, line 5; Alexander Neckham, *De naturis rerum*, England, ca. 1180, Murray, *A History of Chess*, 511–512, at 511; *Elegia de ludo scachorum*, twelfth century, Murray, *A History of Chess*, 515–516, lines 15–16; Deventer poem, lines 12–13. In French, metaphorically, by Gautier de Coincy, *Les miracles*, Book 1, prologue (ed. vol. 1, lines 1–23).

24 Murray, *A History of Chess*, 423–424 and 426–428; Yalom, *Birth*.

25 *Elegia*, lines 9–10; *De vetula*, attributed to Richard de Fournival (France, thirteenth century), Murray, *A History of Chess*, 520–521, section xxxiii.

26 In epic: the *Canso d'Antioca* (twelfth century), lines 50–52. In romance: Gautier d'Arras, *Eracle* (ca. 1159–1184), lines 4388–4389; Raoul de Houdenc, *La Vengeance Raguidel* (ca. 1200), lines 4234–4242. In historiography: Jordan Fantosme, *Chronique* (Anglo-French, 1174–1175), line 590; and Sarrasin, *Histoire* (second half of thirteenth century), 108. In hagiography: Simund de Freine, *La vie de saint Georges* (Anglo-French, late twelfth century), lines 1101–1105; and Gautier de Co-

the *fersa/fierge*, the existence of a sole term *alfi/aufin/orfil* suggests that chess players in these regions in earlier centuries used this word exclusively. In Latin, on the other hand, translational adaptations appear from the year 1000: *comes* (count) in a poem of the tenth or eleventh century,[27] *calvus/senex* (bald/old man) and *episcopus* (bishop) in English poems and encyclopedic writing of the twelfth century,[28] and finally *stultus/stolidus* (fool, dimwit, or jester) in a thirteenth-century poem.[29] This text is likely from France, where the sense of jester (*fol*) is also attested for the first time in the vernaculars by the speech of Reason in Jean de Meun's continuation of the *Roman de la Rose* (ca. 1269–1278) and by a troubadour song of ca. 1280 (the only example of this attestation I have found in the Occitan corpus).[30] Catalan has maintained the Arabic loanword into the modern period, like Castilian.

It is notable that even Latin writers keen to use a different term seem aware of the tenacity of loan words. In the chapter that Alexander Neckham devotes to chess in his *De Naturis Rerum*, he notes that the *senex* is commonly called the *alphicus*.[31] The English author of an anonymous allegorical poem of the same period speaks of the "the queen (*regina*), which is called the *fierce*" and introduces the bishop: "alphini [. . .] sunt episcopi" ("the *auphins* are bishops").[32] In the *De vetula,* a Latin poem written ca. 1222–1268 and sometimes attributed to Richard de Fournival, the bishop is introduced and commonly referred to as the *alphinus*, although it is later also qualified as the *episcopus* and said to represent Jupiter ("alphinus episcopus ipse est Jupiter"). Jean Le Fèvre, translating the text in the mid fourteenth century, gives *auphin* for *alphinus* and formulates the comparison to Jupiter in a way that suggests a connection between the name of the piece and the visible aspect of the figurative piece:

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incy, *Les miracles de nostre dame* (ca. 1214–1236), Book 1, line 220 (ed. 1:13). The Anglo-French chess treatises use *alfin* exclusively. For the Catalan *orfil*: the *Vocabulista in Arabico* (thirteenth century), an Arabic glossary with glosses in Latin and Catalan, p. 570; and the allegorical *Escacs d'amor* (ca. 1497, now attributed to Narcís Vinyoles).

27 Einsiedeln poem, lines 37–38.
28 *Calvus*: Winchester poem, line 6. *Senex*: Alexander Neckham, *De naturis rerum*, 511. *Episcopus*: *Moralitas de scaccario*, unknown English author, ca. 1200–1250, printed in Murray, *A History of Chess*, 560–561, at 560.
29 Deventer poem, lines 12–13, 24–25.
30 Jean de Meun and Guillaume de Lorris, *Le Roman de la Rose*, lines 6633–6636, 6646–6647, and 6684; Peire, "En aquel son que·m play ni que m'ajensa" (PC 322a,1, ca. 1280), lines 42–45.
31 Edition of the relevant chapter (184) in Murray, *A History of Chess*, 511–512.
32 Edition from Murray, *A History of Chess*, 560.

> L'auphin portant d'evesque mitre
> de Jupiter ensuist le tiltre
> signifiant relig̈ion.[33]
> (The *auphin*, wearing the bishop's
> miter, has the title of Jupiter,
> which signifies religion.)

Meanwhile, the *stultus* is glossed as *alfinus* or *aufins* in two of the seven surviving manuscripts of the Deventer poem.[34] Given the large contributions made by Latin writers from England in attempting to conceptualize the piece in a way that had meaning outside of chess, it is notable that Anglo-French writers from a clerical milieu (Simund de Freine, Jordan Fantosme, and the translators of the chess treatises) continue to employ *alfin.* This further supports the view that the *alphinus/auphin* remained the dominant term among players.

Figure 18: Two views of a bishop perhaps carved in the region of Cologne in the early twelfth century. Walrus ivory, height 5.2 width 3.9 depth 2.3 cm. Paris, Musée de Cluny, Cl. 23885. Photos: GrandPalaisRmn / Michel Urtado.

It is possible that the Latin writers' experiments with the notion of an old man were inspired by the vizier. The role of the king's advisor had been left open by the creation of the chess queen, and the "old man" terminology appears in the

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33 *La Vieille,* Latin text lines 509–600, 610, and 614–615; French translation lines 1493–1499, 1530–1536, and 1567–1569 (quotation).
34 Murray, *A History of Chess,* 505.

Figure 19: Bishop probably made in Trondheim, Norway, late twelfth or early thirteenth century. Walrus ivory, height 9.6 width 6.3 depth 3.6 cm. New York, Metropolitan Museum of Art, 17.190.229. Photo: the Met (Public Domain).

same texts that employ *regina*. But the notion of the advisor never really caught on. Eventually, the bishop and the fool did. For the origin of the bishop, we must look to the form of the abstract piece, with its two horns. In the early twelfth century, bishops' miters rose to two peaks on either side of the head, as in the representation of the bishop in a piece carved in Cologne in this period (Figure 18). Sometime in the second half of the century, a new design of the miter appears. The headdress seems to have rotated 45° on its vertical axis so that, when viewed from the front or back, it appears to rise to a single peak in the center, as miters do today, but when viewed from the side, it can be seen to form two distinct points. But by this time, the earlier form had so strongly recalled the *alphinus* that Germans and Scandinavians had begun to carve figurative bishops for chess sets.[35] The tiny bishop in Figure 18 is sheltered within a niche that repeats, on either side, the two-horned shape of the abstract *alphinus*, as if to make the role of the piece on the board more clearly visible without the distraction of the figurine itself, but the association of the abstract form to the bishop's miter is clear.[36] The later, more extravagant bishop from Trondheim, Norway in Figure 19 wears the new miter and prominently displays his crozier as an additional attribute to distinguish him from his neighbors, the king or queen, who might also have been seated on thrones. The same design appears among the well-known Lewis chessmen, also probably carved at Trondheim in the early thirteenth century.[37] By later centuries, the identification is so well established that the bishop can be reduced to a head perched on a conical base, as in a piece found in Vadstena, Sweden (Figure 20). It is not impossible that the association also led viewers of abstract sets to see the two protuberances as a miter, one way to understand Jean Le Fèvre's formulation, cited above.

Meanwhile, for reasons unknown, some French writers had taken a different tack. They began to call the piece the *fol*. It is possible to imagine another visual association to headgear: this time to the two horns of the jester's cap. Another plausible explanation would be a bilingual pun between the Arabic *fil* and the French *fol*, a verbal rather than visual association. This play with the sounds of words would be similar to the conversion of the *fersia* into a woman. In the case of the *fil*, the link may have been reinforced by the piece's movement on the diagonal, a directionality that disturbed some medieval writers.[38]

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35 For the evidence from seals, see Pastoureau, *Le jeu d'échecs médiéval*, Figures 21 and 22.
36 For this piece, see Koechlin, *Les ivoires gothiques français*, I:468–471; and Berné, Descatoire, and Taburet–Delahaye, "Deux exceptionnels témoignages de l'art roman."
37 For this set, see especially Caldwell, Hall, and Wilkinson, "The Lewis Hoard of Gaming Pieces."
38 See the *Moralitas*, in Murray, *A History of Chess*, 560–561, and Simund de Freine, *La vie de saint Georges*, lines 1101–05.

Figure 20: Bishop found in Vadstena, Sweden. The form of the miter places the piece in the late twelfth century or later. Antler, height 3.5 cm. Stockholm, Historiska Museer, object number 44069. Photo by the author.

Abstraction and Standardization

Thus far, I have discussed the forms and names as if Europeans were entirely ignorant of the origin of the *alphinus*, but that was certainly not the case in contact zones between the Islamic and Christian worlds, and knowledge that the piece had originally represented the elephant may have been even more widespread.[39] The reason that the loanword for the piece in Catalan took the form *orfil*, rather than having an *al–* prefix as in Occitan and Castilian, was assimilation to the Catalan word for elephant (the animal), *orifany*.[40] The Castilian *Libro de los Juegos* of Alfonso X el Sabio (compiled at Toledo ca. 1282) describes how the *alffiles* on the chessboard should be made to represent elephants with "castles" on top carrying armed men. This description is followed by the observation that the difficulty for artists and the expense of figurative sets are the reasons for the prevalence of abstract pieces, in the same form as appears in the book's chess diagrams.[41]

These two Iberian examples suggest a complex situation where the original meaning of the piece is known but the abstract form is preferred. The evidence

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39 I thank Svein Gullbekk for drawing my attention to the Icelandic use of *fil* for elephant (the animal), one of the rare Arabic loanwords in the language. One might speculate that the word reached Norse in the practice of chess, and this would mean that the sense of elephant had been preserved at every prior stage of transmission.

40 See Coromines, *Dictionari*, "alfil."

41 See the edition of the opening chapters of this book in Murray, *A History of Chess*, 485–489, descriptions of the pieces at 489. There is a significant bibliography on Alfonso's book; see recently Golladay, "*Los libros de acedrex dados e tablas*" and Conrad, "The Playing Eye."

from southern Italy, where figurative elephant pieces were actually carved, can be interpreted similarly. A collection of elaborate display pieces, created by a workshop in or near Salerno in the final decades of the eleventh century and long held in the treasury of the Abbey of Saint-Denis, includes elephant pieces that are anatomically mostly plausible.[42] (The same collection includes a vizier and two queens.) Other figurative pieces from this milieu have also come to light, including a piece so tiny that the rider had to be reduced to a head (Figure 21).[43]

Nonetheless, if we judge by survivals, the ivory workshops of Norman Sicily and Italy produced more sets in the style of Figure 16, including large pieces made from a cross section of the tusk that are no less beautiful or precious than the figurative ones. Pieces of this kind have turned up at archaeological sites in northern Europe and in art collections from the Persian Gulf to North America.[44] The remains of a similar set in walrus ivory, found at the *castrum* of Crèvecœur-en-Auge in Normandy, suggest that the design may even have proven popular enough for imitation in the North Sea world.[45] Other large abstract pieces in walrus ivory, with diverse styles of ornamentation, survive.[46] European museums also own abstract

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42 Paris, Bibliothèque nationale de France, Département des Monnaies, médailles et antiques, 55.313. For this set, formerly but spuriously known as "Charlemagne's chessmen" and widely depicted in studies of chess, see especially Goldschmidt, IV:161–74; Pastoureau, *L'échiquier de Charlemagne*; and Speciale, "Il gioco di re"; "Guerra e pace"; and "*Ludus scachorum*."

43 In addition to the tiny elephant at the Louvre: a large elephant with *howdah*, Doha, Museum of Islamic Art, inv. no. IV.73.2010; three kings, Florence, Museo Nazionale del Bargello, inv. 60, 61 and 62 Carrand; and a queen, Berlin, Staatliche Museen, Berlin, inv. 615.

44 See the king, queen, and bishop found in Aachen, Kluge-Pinsker, *Schachspiel und Trictrac*, cat. A 31, now Aachen, Ludwig-Suermondt-Museum, and a rook found at Seelbach, ibid., cat. A 21, now Lahr, Museum der Stadt. The Museum of Islamic Art in Doha and the British Museum in London have multiple important pieces in this style: Museum of Islamic Art, inv. nos. IV.25.00 and IV.05.98 (Rosser-Owen, *Ivory: 8th to 17th Centuries*, cat. 3 and 4); British Museum inv. nos. 1856,0612.4, 1862,0809.2, 1877,0802.8, and 1881,0719.47. Individual examples are also located in Berlin, Museum für Islamische Kunst (I.4670), Boston, Museum of Fine Arts, 1974.534, Florence, Museo Nazionale del Bargello, inv. 49 Carrand, New York, the Metropolitan Museum of Art (Figure 16), and Paris, Musée du Louvre OA.6264. Such pieces were once attributed to Fatimid Egypt, but Freeman Fahid dubs the form "the Mediterranean type" and suggests that most were made in Sicily in the years following the Norman conquest (*Chess*, 64).

45 These pieces remain at Crèvecœur, Fondation Schlumberger. See Grandet and Goret, *Échecs et trictrac*, cat. 8.14.

46 See for example the palmette-leaf-shaped rook with a runic inscription on the underside, which was found at the ducal castle of Brabant and is now in the Gemeentemuseum, Helmond (Kluge-Pinsker, *Schachspiel und Trictrac*, cat. A 34). This piece is significant because it had to be carved entirely by hand. Other pieces were turned on the lathe, a timesaving technique: the king or queen with dense horizontal grooves found at Falsterbohus (Skåne, Sweden), now Stockholm, Statens Historicka Museer, inv. 17948:214; and the remains of three different sets now in

Figure 21: Elephant made in Campania, late eleventh century. Elephant ivory, height 3.9 cm, width 2.5 cm, depth 1.1 cm. Paris, Musée du Louvre, OA 3448. Photo: GrandPalaisRmnPhoto / Jean-Gilles Berizzi.

sets in hardstones that had to be carved in special workshops: in Vienna, a set in jasper and agate likely made in Italy, in Paris, a set in rock crystal and smoky quartz, decorated with silver gilt and likely made in France.[47] It is clear that the abstract forms were prized in Europe.

The dominance of the abstract design for luxury sets has two visual analogs. One is the use exclusively of the abstract forms in graphic depictions of the board in play. In some cases this may be explained because the boards are diagrams in problem collections, such as Alfonso's book or copies of the popular thirteenth-century collection by a Lombard who calls himself the *Bonus Socius* (the Jolly Good Fellow) (Figure 22).

But the preference for abstract pieces also appears in the illustrations of books of courtly literature, such as the famous depiction of Margrave Otto IV von Branden-burg playing against a lady in the fourteenth-century *Codex Manesse*, a collection of lyrics in Middle High German,[48] or the early fifteenth-century painting of games of chess and backgammon that accompanies a Persian debate between Chess and Backgammon in an anthology of courtly debate literature made at Herat.[49] It is possible, of course, that the difficulty of depicting any figurative piece in the tiny space

Paris, Musée de Cluny, Cl. 9223 (Bardiès-Fronty and Dunn-Vaturi, *Art du jeu, jeu dans l'art*, cat. no. 54).

47 Vienna, Kunsthistorisches Museum, Kunstkammer, 168. Paris, Musée de Cluny, Cl. 642 (Bardiès-Fronty and Dunn-Vaturi, *Art du jeu, jeu dans l'art*, cat. no. 102).

48 Heidelberg, Universitätsbibliothek, Codex Palatinus Germanicus 848, fol. 13r.

49 Florence, Villa I Tatti, Harvard University Center for Italian Renaissance Studies. fol. 50v.
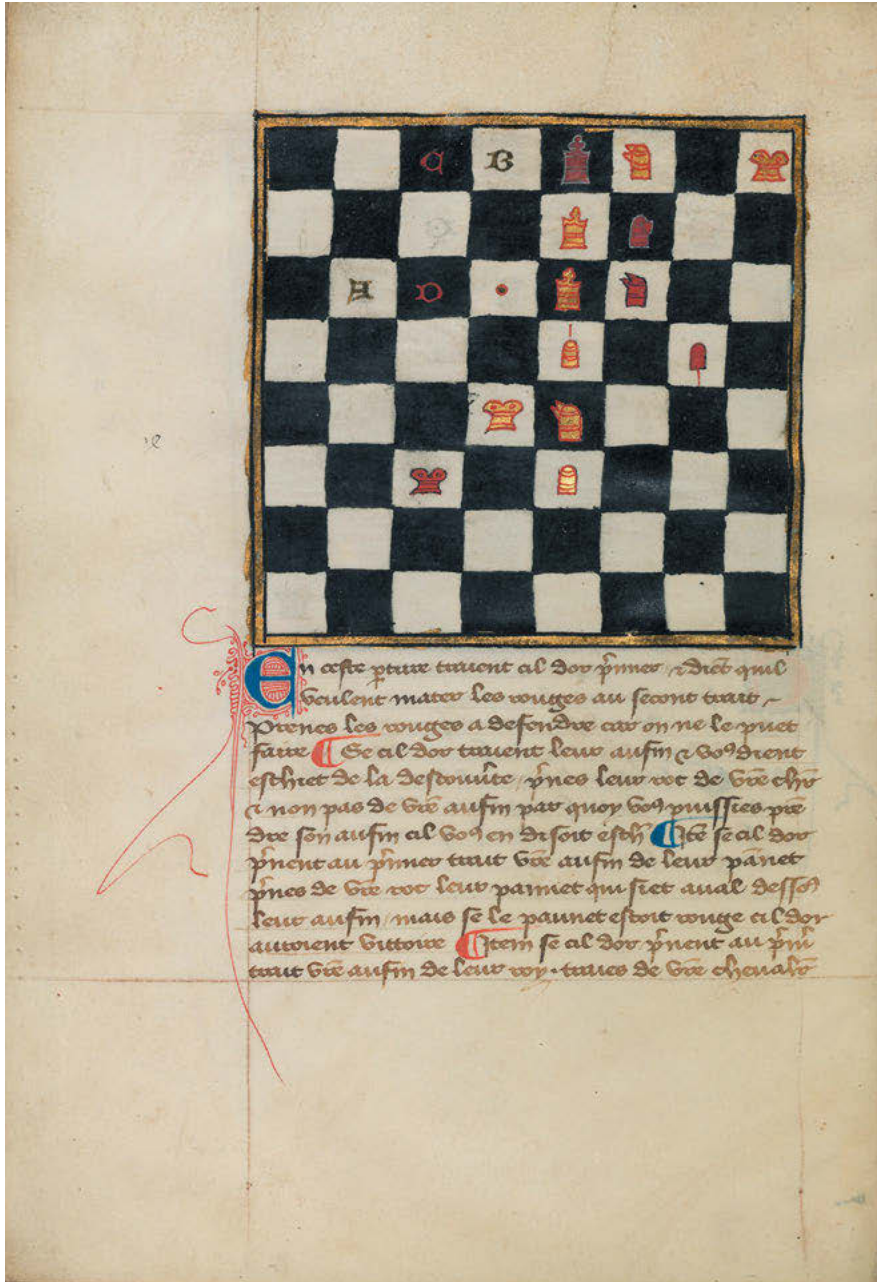
Figure 22: Chess problem from the anthology of problems by *Bonus Socius* [the Jolly Good Fellow], a Lombard chess player writing in Latin ca. 1260. This manuscript, from northern France, late

of the illustrated chessboard square explains the use of abstract forms, which would play a symbolic rather than a mimetic role within the illustration, but considered in light of surviving chess pieces, these illustrations are more likely to be mimetic and benefit from the simplicity and miniaturization already present in the abstract piece forms. It is the board, rather than the pieces, that is susceptible to curious reductions when incorporated into these illustrations.[50] A comparison of such representations suggests a further consequence of – or perhaps motivation for – the maintenance of the same abstract forms during their transmission to new lands. Chess sets looked the same across the world from Persia to Scandinavia, and players, whether or not they were able to speak the same language, could bring their chess skills and experience to bear on a shared game.

The second analog comes from more modest contexts and materials. If we set aside the collections of art museums (because collectors have always favored the figurative pieces), and if we consider only the pieces that have been found at medieval sites in Europe, the prevalence of the abstract forms suggests that medieval chess players actively preferred them.[51] Perhaps they thought of the pieces chiefly as geometric shapes, rather than figurines. This would explain the cryptic comment in a twelfth-century English treatise on arithmetic that "all the shapes" of chess "give to geometry many wonderful things in three-dimensional form" ("figurarum geometrie non paucas in solido dant admirationes").[52] It might also explain Alfonso's choice, in a richly illustrated book where the visual figures are intended to teach as much as the text does, to provide no painting as visual accompaniment to the description of figurative pieces. One has the impression that the whole passage is a brief preliminary discourse of minor significance.

Figure 22 (continued)

fourteenth century, gives the French translation. The starting positions are represented by drawings of the pieces, including in this diagram two gold *auphins* and one red. The letters and other symbols indicate moves. Tempera colors and gold leaf on parchment, 248 x 168 mm. Los Angeles, J. Paul Getty Museum, MS Ludwig XV 15, fol. 14v. Photo: Getty Open Content.

50 The board in the *Codex Manesse* is six squares by seven.

51 Despite their limitations the most representative catalogues of archaeological finds are Kluge-Pinsker, *Schachspiel und Trictrac* (now 30 years out of date), and Grandet and Goret, *Échecs et trictrac* (dealing almost exclusively with France). One can compare the representation of abstract sets in those catalogues to that in catalogues curated for artistic taste, such as Wichmann and Wichmann, *Chess*, and Bardiès-Fronty and Dunn-Vaturi, *Art du jeu, jeu dans l'art*.

52 Quotation from Burnett, "The Instruments Which Are the Proper Delights of the Quadrivium," 179, n. 20; translation by Burnett, 184. Burnett avows that the interpretation of this passage remains unclear to him (184, n. 35).

The tenacity of the loan words to designate the elephant pieces may derive from the same preference for setting chess pieces somewhat apart from the world. Both the *Bonus Socius* and his contemporary and countryman, the Lombard Jacopo de Cessolis, who wrote a wildly popular allegory of chess, employ *regina* for the queen but still refer to the bishop as the *alphinus*, even though Jacopo compares the latter's role to that of a judge. The fate of these terms in the fourteenth-century French translations is telling, since the words *roïne/dame* and *fol* were now available to French speakers. Jean Ferron's translation of the allegory does use *roïne*, but the other piece, to which Jacopo had attributed the role of judge, is still the *aufin*. In the anonymous translation of the *Bonus Socius, regina* reverts to *fierge* and *aufin* continues its uninterrupted reign. Late medieval copies of the problem sets also preserve the familiar abstract forms in their diagrams. It is as if the keenest chess players, the people who would want a collection of problem sets, were also the most conservative in their terminology and visualization.

The French *aufin* was still alive and well at the waning of the Middle Ages. In a long political allegory published in 1389 and widely read into the fifteenth century, Philippe de Mézières wrote of a metaphorical player "moving an *aufin* diagonally."[53] The allegorical *Eschéz d'Amours* of the 1370s and its commentaries revert from newer to older terminology. Although this text constitutes a thorough poetic response to the *Roman de la Rose*, the first surviving French text to employ *fol* for the bishop, the terminology of the *Eschéz* is conservative: *fierge* and *aufin*.[54] Latin glosses in a late-fourteenth-century French hand in one manuscript employ *virgo* and *alphilus*.[55] In a further moralization of what was already an elaborate allegory, the *Livre des eschez amoureux moralisés*, Evrart de Conty employs *fierge* and *aufin* (this text was completed sometime before his death in 1405). In an echo of the formulations of earlier allegorists, he writes: "Next the *fierge*, in other words, the virgin or the queen of chess " ("La fierge aprés, c'est a dire la vierge ou la royne des eschez"), and, further on, "The *aufins* represent the advisors and judges that these two pieces greatly resemble" ("les auffins representent les conseilliers et les juges asquelz ces deux auffins sont assez ressamblable").[56] His choice of advisors and judges suggests that the *fou* was still far from the dominant paradigm in France.

Well beyond France, and into the first decades of the sixteenth century, the old names and forms survived. I have already mentioned the tenacity of the Arabic loan word in Catalan and Castilian. The form of the abstract piece in Europe

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53 Philippe de Mézières, *Le songe du viel pelerin*, 280.

54 The pieces are introduced at lines 4793 and 4830.

55 Gloss on lines 4793 and 4835, edition 617 and 618.

56 Evrart de Conty, *Le livre des eschez amoureux moralisés*, 2.2, 652, and 2.5.1, 668.

does sometimes resemble a bishop's miter, as in the case of a piece found at a convent in southern Sweden (Figure 17B). But the upright horned shaped probably derived, not from the visual association with the miter, but from a genealogy of pieces with upright horns that can be traced back at least to the eleventh century in France. It also appears in the same region of Sweden, possibly as early as the twelfth century (Figure 17A).[57] It is this form that gave rise to the symbol in some of the earliest printed chess diagrams, the woodcut prints that accompanied the Italian and Castilian text of a treatise by the Portuguese Pedro Damiano da Odemira, printed in Rome in 1512 and reprinted three more times before, in the popular book's fifth edition (ca. 1524–1550), the woodcuts were recreated and the medieval forms of the *alphinus* and rook are replaced with more modern ones. This tenacity of the medieval forms is all the more remarkable because it coexisted with the new rules for the pieces' movement: Damiano's *alphinus* can move as many squares as required, as in the modern game, and the text makes no reference to the medieval restriction to only two squares at a time.[58]

We face a paradox. On the one hand, chess is a game. It is leisure and play. And when it comes to play and creativity, chess is sublime. It involves a set of plastic forms that invite creative redesign, an extensive terminology that invites word play – as early courtly poets in Occitan and French quickly discovered – and an analogy to the military or social sphere that invites the kind of allegory that medieval writers and readers adored. On the other hand, the history of chess is marked by the endurance of fixed forms and fixed words, even by a resistance to change that emanates, not from authorities, but from the players themselves. The rules have changed, it is true, but that change took place sometime in the late Middle Ages and since then the rules of European chess have exhibited a similar fixity. And the piece forms used in serious play today have been essentially the

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57 The upright style creates potential confusion with rooks. The piece in Figure 17 has previously been identified as the latter, but a rook of a different form with a similar base was found at the site and, after examination, I believe that all three pieces belong to the same set. The example from eleventh-century France is from the set found at Noyon, where the narrow upright horns of the *alphinus* are clearly distinct from the cleft form of the rook (set now held at the Musée de Noyon et du Noyonnais; see Grandet and Goret, *Échecs et trictrac,* cat. 8.19). For later medieval examples of abstract *alphini* with upright horns in sets whose rooks also survive, see the fourteenth-century set in jasper and agate in Vienna, Kunsthistorisches Museum, Kunstkammer, 168, and the late fifteenth-century set in rock crystal and smoky quartz in Paris, Musée de Cluny, Cl. 642; see Bardiès-Fronty and Dunn-Vaturi, *Art du jeu, jeu dans l'art,* ca. 102.

58 On Damiano's position in the history of chess treatises, see Murray, *A History of Chess*, 787–789, and Eales, *Chess*, 75–76, 80–82, and 201–203. The dating of rule changes for the moves of the queen and bishop remains obscure, but see most recently Taylor, "How Did the Queen Go Mad?".

same for more than 150 years. One can tinker around the edges of chess, with details that are inconsequential, but the rest remains as it has been for centuries. Long before the invention of formal clubs and international associations for chess players, the game evolved standards of form, terminology, and rule.

Such ossification appears in other games as well. In his survey of the rich varieties of human play, Roger Caillois has located chess at the place where *agôn* (competition) and *ludus* (rules, artificial difficulties) intersect, along with fencing, football, and checkers. An entirely different region of Caillois's taxonomy is given over to *mimicry* (illusions, dolls, masked balls, theater and the arts of spectacle), which he considers the most creative manifestation of play.[59] But the curious thing about chess is that it also participates in mimicry, so defined, in so far as the pieces represent people and act out a battle. It is this mimicry that proved the most fruitful for the medieval poets and allegorists, and for the sculptors of figurative sets. As Michel Pastoureau has written, "the game of chess was made for dreaming about the order of the world and the destiny of men."[60] The ultimate fantasy of chess as mimicry is, of course, living chess of the kind described by Lewis Carrol in *Through the Looking-Glass, and What Alice Found There* (1872), or by J. K. Rowling in *Harry Potter and the Philosopher's Stone* (1997). Serious chess players today tend to consider this kind of thing frivolous. They prefer sets in the Staunton design of 1849 (Figure 12) because nothing distracts the player from reflection on the game, which is now played at a very high level and requires years of study. But even in the Middle Ages individuals played at a high level, in so far as the rules allowed, and they studied the game. There are accounts of Persians, Arabs, and Africans engaging in blindfold play in court of the Calif in the early eighth century, and there was an appetite for problem collections, first in Islamic and then in Christian lands.[61] Perhaps ultimately, then, what is remarkable about chess is the range of audiences it can reach, from artists and poets who see it as material for invention in their own medium, to the denizens of the court who view competent play as an essential accomplishment, to philosophers (today we would say, mathematicians) who think of it as a vehicle for training the mind. It is among this last group, I would suggest, that the reasons are to be sought for the conservatism in form and nomenclature of the pieces.

In modern cognitive psychology, research on chess play has led to a number of insights into perception, the mind's eye, mental processing, and expertise. This research has demonstrated that the most important mental processes in chess are

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[59] Caillois, *Les jeux et les hommes*, 45–91 and Table 1, 92.

[60] Pastoureau, *Le jeu d'échecs médiéval, 45.*

[61] For early blindfold play, see Murray, *A History of Chess*, 191–192.

not logical-deductive ones, but rather visual-perceptual processing and memory (also highly visual).[62] Players glancing at the board tend to retain a pattern formed of the salient pieces related to each other by color, spatial proximity, and relations of defense. These patterns are abstract but involve significant geometric components. In addition, players hold a repertoire of such perceptual structures in long-term memory. The greater the experience of the player, the larger that repertoire. A mechanism for accessing that memory bank allows players to recognize patterns that they have already seen, increasing the speed with which they perceive the pieces on the board in front of them. This memory bank also helps them to generate new moves. The meeting point of perceptual structures retrieved from memory and current visual information is the mind's eye. Between the retina and the mind's eye lies what William Chase and Herbert Simon call the "visual vestibule":

> The vestibular representation is by no means an unprocessed pictorial replica of the external world: contours are enhanced, the fovea is disproportionately represented, and there is a loss of resolution in the periphery.[63]

It is unfortunate that historians of chess have made so little of the psychological literature, for it offers an account of the mental processes that probably provided the impetus to create the abstract chess pieces in the first place and a clear explanation of the benefits of their simplified geometric forms. What is remarkable about the pieces in Figure 15 is how easy it is to determine their nature and arrangement from the briefest glance. The only potential confusion is between the king and queen, whose size difference is clear if they stand next to each other but may be more troubling if they become separated. Otherwise, the interplay of simple geometric forms, all clearly visible from a slightly elevated angle, suffice to distinguish each kind of piece. This is a similar effect to that achieved by the Staunton design (Figure 12), even though it deploys European symbols: the crown, the diadem, the miter, and the tower. All have been abstracted, perhaps none more so than the bishop. In psychological terms, the visual simplicity of these sets suits the visual vestibule and the mind's eye. It spares players from having to perform all of the reduction to geometric forms themselves, allowing them to focus their mental energy on the other processes involved in the game. And it is players' reliance on memory – a faculty much appreciated and trained in the Middle

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62 I here follow Chase and Simon, "The Mind's Eye in Chess." See also their "Perception in Chess." The theory has been refined by Gobet and Simon, "Templates in Chess Memory," Groot, *Thought and Choice in Chess*, and Groot and Gobet, *Perception and Memory in Chess*. For a recent overview of the theory, see especially Gobet, de Voogt, and Retschitzki, *Moves in Mind*, chs. 4–6, 51–132.

63 Chase and Simon, "The Mind's Eye in Chess," 277.

Ages, but only recently rehabilitated by modern psychology – that, I believe, best accounts for the development of a standard in piece forms and nomenclature in the absence of any institutional agency.[64]

The history of chess is marked by a tension between tenacious standards in piece form and nomenclature and experiments by artists, poets, and novelists desiring to exploit the suggestive structures of the game for their own ends. The former offers immediate access to the highest mental processes, but at the expense of confining creativity within narrow bounds and rendering the game an enigma. The latter has inspired sculpture and literature that comment on the world of the artists' day. But each is beholden to the other. It was the process of formal creation that produced the abstract sets, medieval and modern, so appreciated by players. And it is the timeless, enduring quality of the game, its association with intense mental exercise, and perhaps even the apparent paradox of change and continuity, that make it so appealing as a subject of art and literature. Thus chess serves as a model case for the interdependence of memory and invention, of standard and anomaly, of rule and revolution.

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Abbreviations

COM1	*The Concordance of Medieval Occitan*. Directed by Peter T. Ricketts. Turnhout, 2001. CD-ROM.
De vetula	*La Vieille, traduction du De Vetula par Jean Le Fèvre*. Edited by Marie-Madeleine Huchet. Paris, 2018.
Girart de Roussillon	*Gérard de Roussillon: Chanson de geste ancienne*. Edited by Francisque Michel. Paris, 1856.
PC	Pillet, A., and H. Carstens. *Bibliographie der Troubadours*, new edition by Paolo Borsa and Roberto Tagliani. Milan, 2013.

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64 For the practice of memory in the Middle Ages, the essential reference is Carruthers, *The Book of Memory*.

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Emanuele Lugli

4 When Bodies Were Points: Fencing, Standardization, and the Erasure of Matter

Abstract: The standardization of bodies is generally ascribed to Adolphe Quetelet, who calculated in the 1840s the average height and weight of Scottish soldiers, triggering a cultural shift that led to a revolution in weapon design, military enrollment, and food consumption. In contrast, this chapter goes back to early modern Italy to consider writers, duelists, and teachers who already established the idea of universalizing bodies through geometry. Camillo Agrippa's 1553 treatise on fencing, for example, is generally considered revolutionary for applying mathematics to martial activities. However, Agrippa's text was not new: It largely developed ideas handed down over the previous century and a half. This tradition was centered on a peculiar take on measurement (*misura*), which, this chapter argues, should be seen as a judgment. By foregrounding this overlooked dimension of measuring, the chapter aims to enrich our understanding of the highly varied significance of premodern standardization.

Keywords: Measurement, fencing, body standardization, history of geometry, duel

Introduction

Standardization is often celebrated as an essential process for human life: A series of interventions meant to increase much-needed homogenization, remove problematic discrepancies, and stabilize ideas, practices, and configurations.[1] Bruno Latour, for example, has celebrated standardization as that which makes communication possible.[2] Without it, his argument goes, it would be impossible to share anything. There would be neither community nor society.

Latour, however, also realizes that standardization is grounded in a leap of faith. It is less a process than the belief that precedes it, and one must believe that

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[1] Huber and Schlaudt, "Introduction," 3.

[2] Latour, *Reassembling*, 226.

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standardization is possible before working out ways to introduce it. Standardization is not a decontextualized series of measures so much as a pledge that eventually shapes reality around itself.

As a way to explore this process, according to which an ideal of standardization comes before its actual realization, I will examine a successful treatise on fencing, the *Trattato di scientia d'arme*. Published in Rome in 1553 by the Milanese Camillo Agrippa, the volume has been heralded as a watershed in the history of standardization because it proposes that human movements can be reduced to geometrical rules.[3] By turning a body into spatial points, Agrippa is said to have transformed the perception of movements, shaping them around values of quantification that characterize the modern world. It is the modern world, with its state governments obsessed with measuring and the mathematization of reality, that promoted a need for standardization, the reasoning goes. Such a generalization, however, is questionable given that Agrippa's manual revolves around a conceptualization of measurement as it was defined in the Middle Ages. Indeed, most of Agrippa's sixteenth-century approach to quantification was based on arguments that had been proposed at least one hundred and fifty years earlier. And this is why the study of a treatise published in 1553 deserves a place in a volume dedicated to medieval standardization. Agrippa's *Trattato* helps us to identify how deeply medieval scholars and jurists reflected on measurement and reveals the longevity of their observations.

The difference of a couple of centuries, after all, does not count much in the slow-paced story of measurement in Italy, where medieval laws still shaped social life at the dawn of Napoleon's invasion. As the very tools for the maintenance of justice over time, standards of measure were protected from change. Measuring tools were designed to last for generations and were meant to be universal and not associated with a specific period. Measurements were discussed and thought of as if they existed outside of time.[4] Even today, the meter is presented less as the invention of eighteenth-century French scientists than as a section of the meridian arc of the earth.[5] As the shape of the earth is thought to have not changed since the appearance of humans, the meter is thought to have always been with us even when we did not know about its existence. In a way, measurement standards could be said to be anti-historical objects: Objects whose inalterable nature defies periodizations, such as the Middle Ages and the early modern. If it were otherwise – if stand-

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3 Mondschein, "The Number of Motion," par. 13–16.

4 Lugli, *The Making of Measure*, 163–166.

5 Alder, *The Measure of All Things*, 93. Crease, *World in Balance*, 99–125.

ards were susceptible to change – measurements would fall short of the incorruptibility from which they derive their power.

This peculiar relationship of measurements to time explains why research into their history benefits from embracing a wide stance. Only a broad perspective enables historians to detect the slow movements that shaped the existence of measurements. This is why this essay examines the relationship between geometry and fencing over the course of roughly one century and a half to show how a treatise published in 1553 still promulgated medieval ideas. Standardization, after all, is not just a belief in the possibility of homogenizing the present. It is also a doctrine for the detection of constants over time. Such a quest for a broader perspective, however, demands a call for interdisciplinary exploration. This study achieves this by analyzing "misura," a pivotal concept for Agrippa as well as an operative keyword for sixteenth-century notions of justice, beauty, and morals. As this essay hopes to demonstrate, Agrippa's treatise not only presents a geometrical understanding of bodily movements but also employs measurement to explore the intersections of form and fairness. Or, to put it differently, teaching fencing according to geometric principles serves as a blueprint for guiding conduct beyond the dueling ground.

A Geometrical Body

Agrippa's *Trattato di scientia d'arme* is a two-volume manual meant to teach guards what to expect from an opponent and how to parry attacks. Agrippa's readership, he claimed, was made of "noble, learned, and valorous men," by which he did not mean aristocrats but men ready to defend their honor.[6] Duels – the last resort for disputes lawyers could not resolve – were the ultimate displays of inner nobility.[7] Engaging in them demanded bravery, but, above all, duels were thought to involve tact and knowledge. Given this, Agrippa wrote his treatise to display the "intelligence of arms" (*intelligentia del'arme*).[8] It promises a simple way to teach the guards by showing, in what is considered to be Agrippa's most original take, that any fencer's body responds to geometrical rules. A bending leg, he states, moves like two lines pivoting on a hinge. He thus claims that the whole profession (*professione*) of fencing is ruled

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6 Agrippa, *Trattato*, f. 38v: "nobili, & dotti & valorosi huomini."
7 The definition of duels as the solution to "tutti i casi dubiosi per autoritade de iurisconsulti" comes from Marozzo, *Opera nova* (1550), front page. Agrippa echoes the sentiment in his *Trattato*, f. 1r: "l'atto d'e l'arme il quale si chiama remedio sussidiale, quando mancano tutti li altri di ragione." On judicial duels, Cavina, "La formalizzazione del duello," 65.
8 Agrippa, *Trattato*, f. 1r.

by "points, lines, measures, and tempos."[9] This is why he calls it *scientia*. A swordsman is not merely a fighter who has learned all the positions and trained enough to reproduce them instinctively.[10] A fencer – that is, a learned, principled, and reasonable person – is someone who appraises his own body mathematically. In this sense, the duel is transformed from a messy skirmish where fighters put their lives in God's hands into a problem with spatial and temporal coordinates – how to reach a point in space in a certain amount of time. And, once it is presented as a problem, the duel must have a solution, which Agrippa finds in geometry.

In sixteenth-century Italy, geometry was considered the ultimate *scientia*.[11] According to Aristotle's *Ethics*, which Agrippa could read printed in Latin and handwritten in Italian, *scientia* was knowledge built on truths.[12] Scientific principles were those that remained constant over time and space and could be demonstrated to others.[13] *Scientia* was thus opposed to knowledge that rested on opinions, which was prone to change and would fizzle out.[14] It was also different from *ars* or practical mastery. By defining fencing as a *scientia*, Agrippa presented it as something reliable, a form of mechanics held together by principles that anyone, even someone who knew neither geometry nor fencing, could comprehend.

Lack of experience is an essential prerequisite for Agrippa. He overemphasizes it throughout his treatise when stressing that he is writing for the "many people who think themselves unfit to study arms" (*molte persone a' la profession' de l'Arme [. . .] paiono à se stessi in habili*, f. 4r) and "non-experts" (*inesperti*, f. 27v). He wants to enlarge his base as much as possible to include both "everyone" (*ciascuno*, f. 2v) and "anyone" (*qual persona si voglia*, f. 1v). The inexperience, stressed by Agrippa, may be autobiographical. He does not hide the fact that he never received any formal training in geometry.[15] It is also not known whether he was an accomplished fencer. Agrippa is routinely called one, but the only evidence of his competence is the treatise. The whole thing could be desk

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9 Agrippa, *Trattato*, f. 3r: "questa Professione si governa solamente con punti, linee, tempi, misure, et simili, et nascono in certo modo da consideration mathematica, o sia pur sola Geometria." The point is repeated at ff. 2r, 2v, and 38v.

10 The emphasis on memory is what another fencer, Fiore de' Liberi, stressed: "che male se po tener a mente sença libri e scriptura si longissima arte." Liberi, *Flos Duellatorum*, 122.

11 Piccolomini, *L'instrumento*, 244–245.

12 Kraye, "The printing history," 189–211. On the translation of Aristotle's *Ethics*, Gentili, *L'uomo aristotelico*, 27–55.

13 Vinci, *Trattato*, 1: "Scienza è detto quel discorso mentale, il quale ha origine da suoi ultimi principi, de quali in natura null'altra cosa si può trovare, che sia parte di essa scienza, come nella quantità continua (cioè la scienza di Geometria)."

14 Aristotle, *Ethics* 6.3. See Mendelsohn, *Paragoni*, 44–45.

15 Lincoln, *Brilliant Discourse*, 90–91.

based, a reflection on instructions set out by others. Even his refrain on the importance of practice could be just a rhetorical flourish to meet the expectations of what he thought a manual ought to say. By invoking the need for an innocent mind, free from the principles inculcated by fencing masters, Agrippa legitimized his authorial voice while gathering a readership of like-minded people for whom geometry was rehabilitating.

Such an intention is evident when looking at the diagram that summarizes Agrippa's approach (Figure 23). A fencer holds a rapier, which he points in front of him, its tip coinciding with his line of vision. His legs have disappeared, turned into a sheaf of lines. One has to imagine two moving limbs in their places. The fencer's left calf coincides with the lines that converge in the left corner, where his foot rests. The right leg is implied by the segments bending forward. Those that meet half a step to the right show the fencer standing tall, light and smooth on his feet. Those a full step away indicate that he is thrusting. The arc with the letters that cut through his shoulder designates a torso that is being pushed forward, delivering an attack.

It is useful to consider the axis marked by the letter E, indicating a torso at 45 degrees. The point where it meets the arc corresponding to the pelvis is where one should imagine his thighs leaving the hips. The left continues the straight line of the spinal cord while the right kicks forward as its knee falls on the other E, the one dotting the smaller fan A-I. Its radii mark the bending of the right calf as the fencer stretches into an ever-wider lunge. The lower the fencer's pelvis moves, the farther his sword reaches on the horizon line. And, for Agrippa, the fencer's advantage comes from striking at the farthest possible point.[16]

Agrippa's scheme visually constructs the lunge as the culmination of fencing. His words confirm it: The lunge is both an effective defense (it keeps the enemy far away) and the ultimate attack.[17] Historians of martial arts consider Agrippa's endorsement of the lunge as another innovation of his treatise – his originality was only challenged by the *Trattato d'uno schermo* by the Bolognese fencer Angelo Viggiani dal Montone, who must have been completed it before Agrippa's treatise since he died in 1552.[18] For Agrippa, however, celebrating the lunge is the natural consequence of seeing movements through the filter of planar geometry – that is, through a drawing. Once one determines that victory in a duel is about

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16 Agrippa, *Trattato*, f. 3v: "una botta maggiore o più lunga (come vogliamo dire)."

17 Agrippa, *Trattato*, f. 15r: "per tener il nemico luntano e con piu sicurezza diffendersi da lui."

18 While the first manuscript (Vienna: Österreichische Nationalbibliothek, Cod. Vindob. 10723) was presented to Emperor Maximilian I in 1567, its preface, penned by Viggiani's brother Battista, claims that the treatise was completed in 1551. Agrippa's second edition of *Scientia d'arme* was published in 1568 in Venice, and it is possible that Battista backdated his brother's manuscript to lay claim to the lunge. Viggiani's treatise was printed in 1575 as *Lo schermo*.
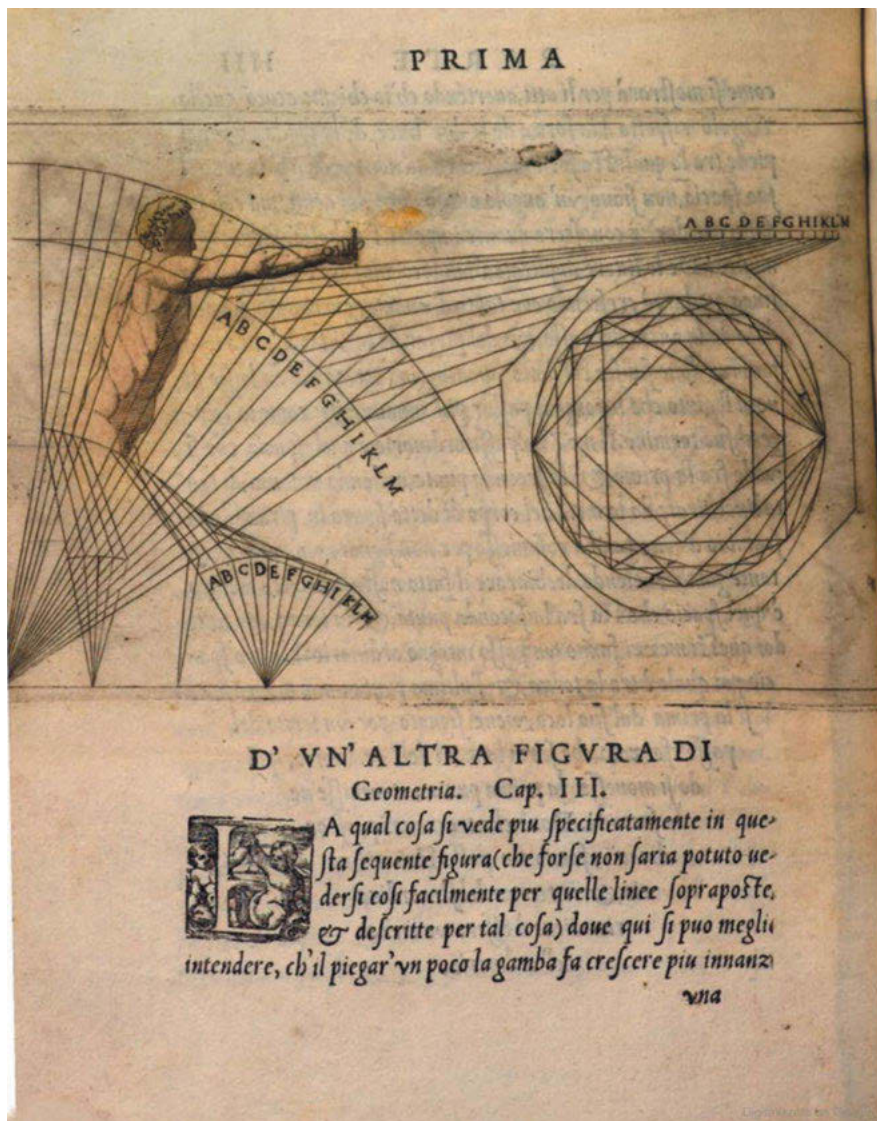
Figure 23: Camillo Agrippa, *Trattato di Scientia d'arme* (1553), f. 4v.

covering the longest distance between two points in space in the shortest amount of time, the solution is found in a straight line. And the lunge is the position that brings the body closest to a straight line, as the left leg, the spine, the right arm, and the sword all line up in linking two opposite corners of the sheet of paper.

Rotations

Carlo Urbino, a native of Como, produced the drawings for Agrippa's engravings; little is known of him before this collaboration.[19] Urbino was in Rome in 1553, as several of his sketches (which he dated) are studies of Roman scenes: The uniforms of Swiss guards, a chat between women with baskets on their heads, and the facades of recognizable palaces.[20] Urbino was the son of Zanotti, a famed general living in Crema, and this familiarity with arms (not to mention the proximity of Crema to Agrippa's hometown of Milan) may well have helped him to convince Agrippa that he was the ideal artist for a book on fencing. This is where the information ends, however; even Urbino's birth year remains unknown. Agrippa, one may only guess, could have chosen to work with a man in his forties or one barely twenty-three.

Questions of age are less of a problem for scholars of Urbino, whose commitment to body movements seems to not have faded over the next thirty years until his death in 1585. During those three decades, or perhaps only the last two, Urbino put together an album of studies of rotating arms, legs, and torsos (Figure 24).[21] Known as the Huygens Codex from its seventeenth-century owner (the brother of the famous Dutch physician Christiaan), Urbino's album opens with a drawing in which a man's body is rendered as a constellation of points connected by segments (Figure 25).[22] The lack of even the faintest outline breaks the illusion that what one sees is a body of flesh. There is no suggestion of the shapes of the limbs either. What Urbino presents is instead a most essential diagram. Segments abstract the limbs and dots indicate their joints, or, better, their positions – a sort of spiritual, evanescent core, which Urbino tellingly labels "motion" (*moto*), as if his drawing were less a drawing than a map of the sources of life.

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19 The attribution of Agrippa's engravings to Urbino was first made by Bora, "Note Cremonesi II," 66.

20 Cirillo, *Carlo Urbino*, 16–28.

21 Marinelli, "The Author," 217–218.

22 Gatti, "Due Contributi," 103–106; Cirillo, *Carlo Urbino*, 28–31. On the connection to Urbino and Agrippa, see also Marinelli, "The Author," 218.
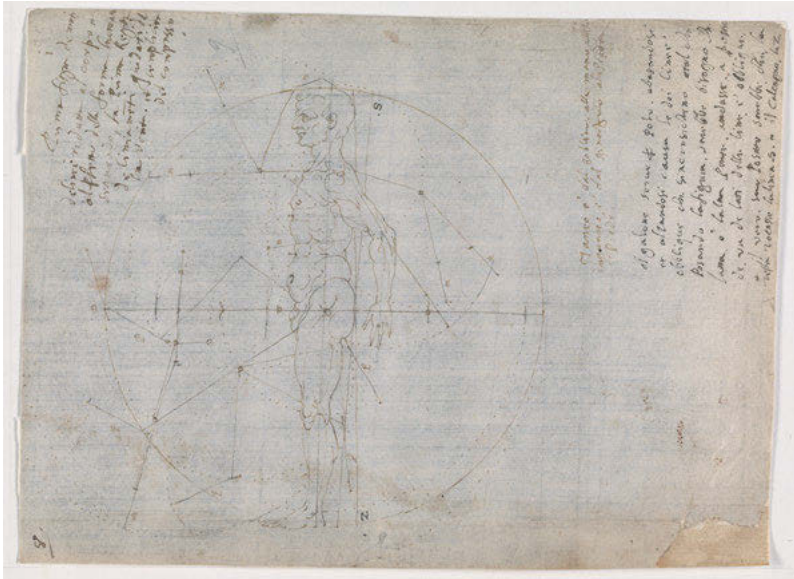
Figure 24: Carlo Urbino, Codex Huygens, ca. 1560–1570, f. 8. New York: The Morgan Library & Museum. 2006.14:8. Purchased in 1938. Photo: The Morgan Library & Museum, New York.
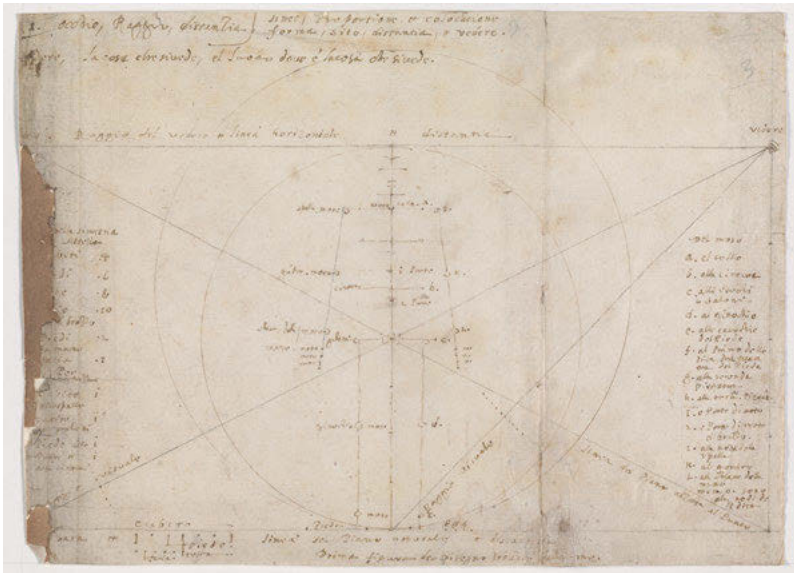
Figure 25: Carlo Urbino, Codex Huygens, ca. 1560–1570, f. 1. New York: The Morgan Library & Museum. 2006.14:1. Purchased in 1938. Photo: The Morgan Library & Museum, New York.

A commentary begins a few pages later. A point, it says, is the "center" (*centro*) and "cause" (*causa*) of a limb's movement.[23] After all, joints are not all identical. Only one end of a bone can serve as its center, so the limbs are moved from the top down, as if suspended from hooks, like a marionette's. Urbino states it plainly: "the fingers move by virtue of the hand, the hand by virtue of the arm, the arm by virtue of the body, and the body by virtue of the spirit."[24] Agrippa must have agreed with this hierarchical approach, since he repeats it in another treatise, a dialogue titled *La virtù.* If a finger depends on the hand, the hand on the arm, and the arm on the trunk – he reasons – then the body must also have a center, its source of movement, which Agrippa identifies not with the spirit, like Urbino, but with the mind.[25]

The notion of a center as the source of movement is indisputable for Agrippa, since he models the body after a pair of compasses, for which the hinge (their center) is also their handle (their source of movement). His main diagram (Figure 23) is thus a product of circular thinking: He shows that the body can be easily mapped out on a grid of circles because he takes compasses as the paragon of the body's rotatory movement. In the Codex Huygens, Urbino generalizes the point when stating that any natural movement can be represented with a pair of compasses.[26] And Agrippa turns this belief into the main theme of the frontispiece of his treatise, where he is shown operating compasses in front of a crowd of scholars (Figure 26). His spectators animatedly discuss Agrippa's demonstrations – their pointed fingers and turned heads shaped after the doctors disputing with Christ (Figure 27).[27] The scholars struggle to search for answers in their large volumes, while the composed Agrippa rotates his tool. Time also matters here – Agrippa is quick to find solutions – as indicated by the hourglass perched on the top shelf, between books and geometrical tools, which are placed on opposite ends as if they were engaged in a duel. With

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23 New York: Morgan Library, Codex Huygens, f. 12: "che la moventia che si darà à Membri sarà la prima causa il centro suo."

24 New York: Morgan Library, Codex Huygens, f. 2: "le ditta si mov[ono per] virtù della mano, et la mano per virtù del bratio, et il bratio per virtù del corpo, e[t il corpo] per virtù del spirito." Some words are truncated at the right margin. For a transcription of the full text, Panofsky, *The Codex Huygens*, 24, n. 1.

25 Agrippa, *La virtù,* 5: "La mente interna ha il moto senza principio, e senza fine in se medesima, la quale è mente viva, e interna, e immutabile, e causatrice d'ogni cosa."

26 New York: Morgan Library, Codex Huygens, f. 12: "qual girando sfericamente el compasso formarà stabilità qual si voglia moto naturale."

27 Urbino knew Giulio Campi's *Christ Disputing with the Doctors* (1546), on which Bora, "Note Cremonesi, II," 54–55 and 68–70. See also Bora, "Ruolo e significato," 8–9.

Figure 26: Camillo Agrippa, *Trattato di Scientia d'arme* (1553), frontspiece.

Figure 27: Giulio Campi, *Christ Among the Doctors*, 1546. Cremona: Santa Margherita. Courtesy of Fototeca Federico Zeri.
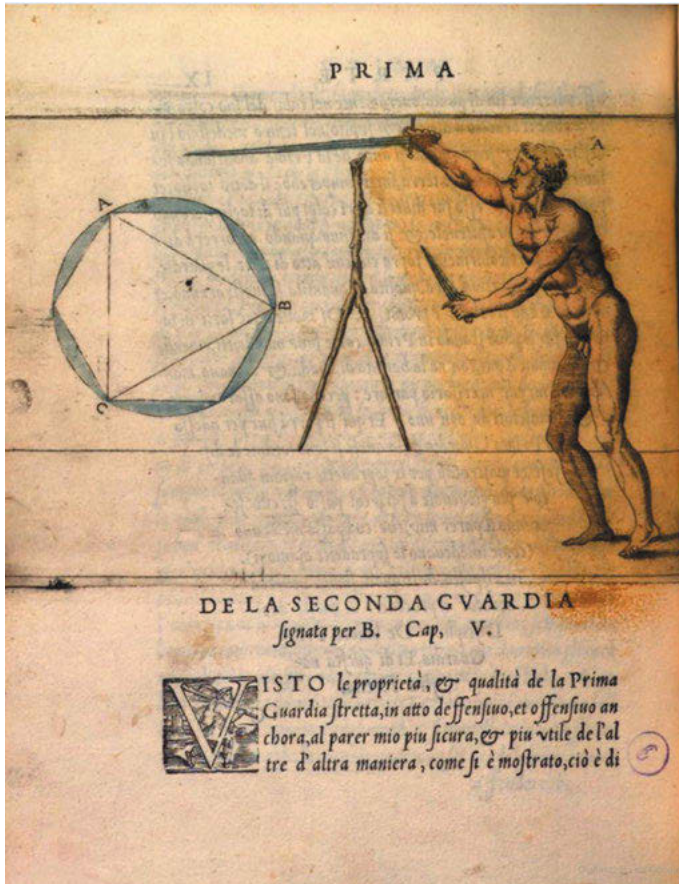
Figure 28: Camillo Agrippa, *Trattato di Scientia d'arme* (1553), f. 9v.

a hand on an ancillary sphere and his foot on a globe, the forms of which his compasses can clearly describe, Agrippa looks like the master of the universe.[28]

Compasses and the human body are brought even closer in Urbino's illustration of the first guard (Figure 28), where a naked fencer stands next to a twig resting on two pointy legs. "You might be curious about the little fork of wood drawn next to the figure of the first guard," Agrippa commences. "Let me explain that it

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28 Lincoln, *Brilliant Discourse*, 90–92. In his *Trattato* (f. 6r) Agrippa states that with a pair of compasses, it is possible to make a multitude of geometrical figures, including "a most proportionate sphere" (*una Sfera proportionatissima*).
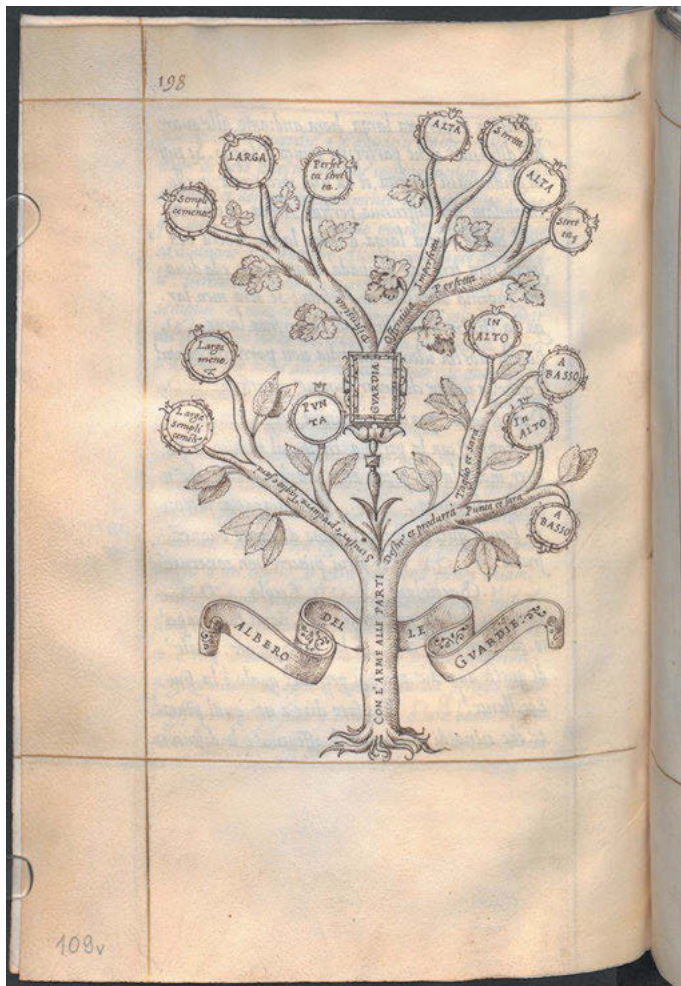
Figure 29: Angelo Viggiani dal Montone, *Trattato d'uno schermo* (1551/68), 198. Vienna: Österreichische Nationalbibliothek, Cod. Vindob. 10723.

is here to encourage by word and example those people who think themselves unfit to study arms because of their nature or some other inherent indisposition." Even a simple twig, "taken unfinished from a tree and not having had any work done to it provided that it is straight and strong enough to be used with a light hand, is quite sufficient to make all sorts of geometrical figures [. . .] Similarly,

anyone will see that I am right when I say that a man, governing himself with reason and art, ought to perform this activity well."[29]

The statement is programmatic: It is a way to persuade the reader that a fencer must embrace the rules of nature, since geometry is self-evident. The reader may have agreed with Agrippa that pairs of compasses grow on trees and spring from shrubs. It has gone unnoticed in the literature, however, that if the visual parallel was convincing, it is also because trees featured regularly in fencing treatises. Traditionally, fencing masters emphasized that students needed to engage with memory exercises by reproducing complex tree diagrams.[30] In Viggiani del Montone's treatise, for instance, a tree keeps on forking as his students are told to remember whether they want to move their right or left arm, for defense or attack, with the tip of the sword or its side, and whether the target is high or low (Figure 29).[31] With one blow, Agrippa cuts through this ever-bifurcating tree to keep only the essential fork that makes a pair of rudimentary compasses, the only tool his readers need to master in order to fence intelligently.

After the tree diagram, Agrippa's text shifts in pace and tone. He praises geometry and then backtracks to explain that even if he included circumscribed geometrical figures next to his compasses-like twig and the other three guards (Figure 28), he will not discuss them, for fear that his readers may consider his book a treatise on geometry rather than a fencing manual.[32] It is a surprising admission that may

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29 Agrippa, *Trattato*, f. 6r: "una certa Forchina di legno [. . .] la quale potria far meravigliar ogni persona che la vedesse. [. . .] et cosi facendo, dico, haverla messa qui per questo fine, ciò è per inanimire in questo principio con tal essempio molte persone à la profession' de l'Arme, le quali per la complessione, o per altra indisposition' naturale, paiono à se stessi inhabili per tal essercitio: perche si come un' legno simile senza industria alcuna, o ragione di qual arte si voglia, tolto cosi rozzo, et incomposto da l'arbore, o sterpe, o qual altra cosa che sia, pur che tanto stia retto, et saldo in se quanto possi sustentare una mano leggerissima per effettuar l'intento suo, basta, et è bono, anzi in proposito, per fare una moltitudine di figure di Geometria. [. . .] così intromesse à posta, acciò che [. . .] potesse vedere che di quello ch'io dico non sia altro che parte di verità, debitamente un'homo governandosi con ragione, et con arte, potrà fare in questa professione ciò che si conviene." My translation is based but does not completely adhere to Modschein's in Agrippa, *Fencing*, 14–15.

30 On tree diagrams to systematize knowledge and help memorization, see Bolzoni, *La rete delle immagini*, 103–143.

31 Vienna: Österreichische Nationalbibliothek, Cod. Vindob. 10723, f. 198.

32 Agrippa, *Trattato*, f. 6v: "Haverei posto qui il modo anchora, o siano regole per far le dette figure, ma temendo che in far' questo, non paresse più presto ch'io volessi trattare di Geometria, che d'Arme, pensando che sarà forse anchor' tempo di poter' ragionare un giorno [. . .] lasciole da banda."

hint at a change of goals, which must have occurred after the illustrations of the four guards had already been engraved. It is quite possible, in fact, that the illustrations are the leftovers of a project that never came to light. Agrippa's frontispiece, after all, is deliberately similar to the first image in Girolamo Tagliente's successful manual of mathematics in which a student places a pair of compasses on an armillary sphere under the gaze of a university professor and his pupils.[33] It is only in a dialogue added at the end of his treatise, however, that Agrippa explains how to construct the geometrical figures. His four-step explanation mirrors the four guards and confirms that the original treatise would have taught geometry and fencing together. Dry and to the point, Agrippa's short dialogue seems to have been composed in a hurry. Its setting during the three days prior to publication of the treatise may not be a narrative invention.[34] At the very end, the dialogue reveals what I would consider a reparatory goal: It was added "to demonstrate those figures."[35]

Agrippa's interest in geometry slips through again at another point. In chapter twenty-four, he reasons that a fencer needs to behave like a sphere, which no one can hit because the moment a sword touches it, the sphere rolls away, making the weapon's tip glide to the side. The sphere, Agrippa explains, "dodges the blow by moving," and so the fencer must learn from it how to evade an opponent's attacks.[36] For the sphere, he concludes, "is a model for our bodies, which are not like balls in what they are made of, but rather how they move."[37] Urbino shows their compatibility in the Codex Huygens, where bodies twist, crouch, and stretch while contained in circles (Figure 30).

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33 The illustration can be found in numerous editions of Tagliente's often-reprinted manual. It should suffice to refer to two: Tagliente, *Libro d'abaco* (1535), f. 1v and Tagliente, *Libro d'abaco* (1547), f. 1v.

34 Agrippa, *Trattato*, f. 65v.

35 Agrippa, *Trattato*, f. 70r: "Altro non ho da dirvi, eccetto che aggiungendovi la dichiaratione di quelle figure in qualche modo, la diate à la stampa allegramente."

36 Agrippa, *Trattato*, f. 30v: "e schifa i colpi riparandosi da quelli co'l moto suo."

37 Agrippa, *Trattato*, f. 30v: "Verisimilmente questa [Palla] se ci representa come figura de corpi nostri, quali non sono già simili ad una Palla quanto à la vera specie de la materia, ma si bene quanto al moto."

Figure 30: Carlo Urbino, Codex Huygens, ca. 1560–1570, f. 27. New York: The Morgan Library & Museum. 2006.14:27. Purchased in 1938. Photo: The Morgan Library & Museum, New York.

Agrippa's comparison of a human body to a sphere, but only as to its form and movement and not to its matter, is another consequence of appraising the body geometrically.[38] In Agrippa's programmatic illustration (Figure 23), the blade of the sword has disappeared. Geometrical diagrams make no distinction between skin and metal: All that matters is the distance between points. And so, any hint of the flesh is gone, even the sinews and bones, which Urbino renders as segments, eventually fade away, and the fencer's body is reduced to a bunch of measures between the centers of what were once his limbs.

Erasures

Measuring transcends matter. One can measure fabric with a wooden rod because wood and fabrics are ignored in favor of the dimension that the rod represents, and that the textile receives. Little does it matter that fabric (any fabric) is elastic, shrinks when washed, and easily slips when sandwiched between the ruler and the desk. Measurers ignored those slippages as doing otherwise would invalidate the abstract perfection of what is usually regarded as a mathematical pursuit and not a pragmatic activity. Plus, to critique measuring would also mean to question the fairness and the sense of order that measuring contributed to maintaining.[39]

Such a disregard for materials is evident in Cosimo Bartoli's popular manual *Del modo di misurare le distanze*. Presented in 1559 to Cosimo de' Medici (to whom Agrippa's treatise was also dedicated), it aims to show that there is only one method for measuring correctly regardless of whether one's target is a tower, a rod, or a body (Figure 31).[40] To measure, it is first necessary to abstract the target into two extremes. This seemingly elementary operation is the homogenizing principle that allows measuring to take place as it replaces an object with its geometrical projection.

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38 This Aristotelian approach is known as "hylomorphism," on which Witt, "Hylomorphism," 141–158. On the importance of hylomorphism in the sixteenth century, Manning, "The History of 'Hylomorphism,'" 183–187.

39 Lugli, *The Making of Measure*, 139–144.

40 Bryce, "Cosimo Bartoli's Del modo," 20.
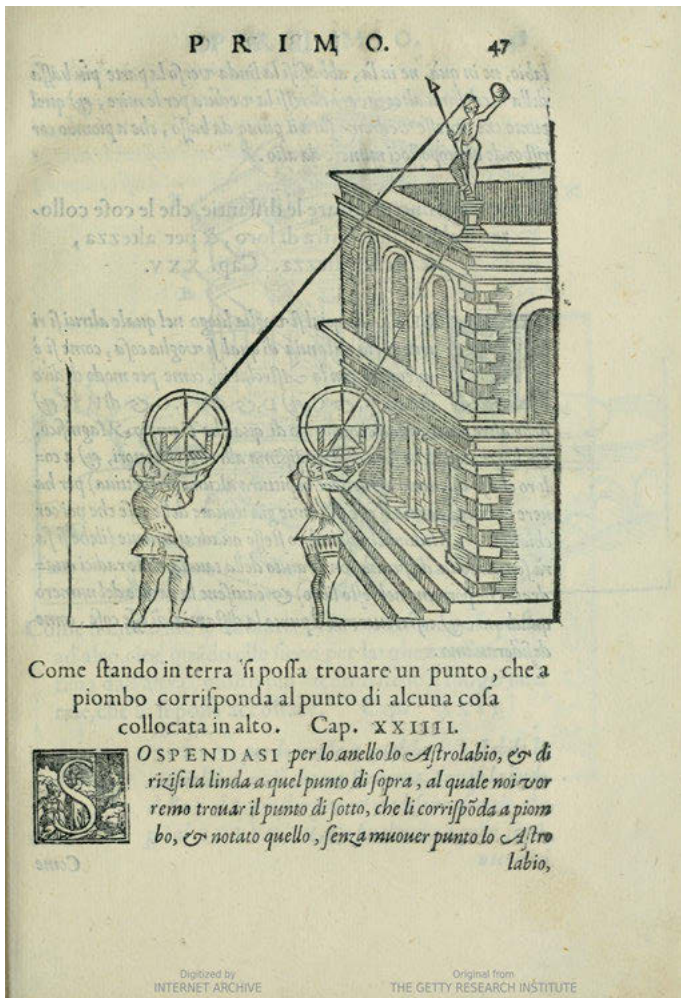
Figure 31: Cosimo Bartoli, *Del modo di misurare le distanze* (1564), f. 47r.

As it erases matter, measuring also expunges time. As a mathematical product, measurement is taken to be invariable: Its passage from measuring rod to measured fabric is assumed to be not only unproblematic but also immediate and precise. The idea that measuring produces hard facts is still in force today, as people commonly resist acknowledging that any act of measurement comes with errors. It is comforting, after all, to believe that ancient dimensions can still be experienced as they were. It feeds into the hope communication can happen across time and space, and that loss can be overcome. But this belief has been proven de-

Figure 32: Achille Marozzo, Opera nova (1540), f. 19r.

lusional by the many surveyors who, after spending decades charting territories, returned to their first tools only to find them different than what they knew.[41] It is not that their tools became chipped, tampered with, or weathered. They just changed, like anything else in the world.

In a similar effort, Agrippa's treatise suppresses time by representing his fighters naked. This is perhaps the true innovation of Agrippa's treatise, as all other fencing masters present their fighters as fashionistas (Figure 32). This includes Vig-

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41 Valerio, *Società*, 243.

giani del Montone and Achille Marozzo, the latter the author of one of the most reprinted treatises of the sixteenth century (Agrippa's was republished only in 1568 and 1604).[42] Viggiani's and Marozzo's soldiers sport phallic feathers, puffy sleeves, and damask doublets – all the elements, as Ulinka Rublack has shown, that advertise the existence of a special social rank, extraneous to sumptuary laws, in which low-ranking mercenaries and faded aristocrats joined forces to express manliness through unique clothing.[43] Fashion was important for warriors, and not just as means of showing off one's status. Fights and battles could be the culmination of years of training, theatrical events garnering a public, and key moments of a type of economy in which war was not a disruptor but its main motor. Clothes were also essential for fighting. Fencers commonly grabbed their opponents by the collar and hid daggers under their capes. Capes could be wrapped around their wrists to serve as padded shields, a defense known as *imbracciatura*. Agrippa even illustrates *imbracciatura* (given its popularity), but he does so at the very end of his treatise, after finishing a discussion of the rapier in which his fencers are clothed, even if only for a few pages.

Agrippa's final illustrations make the fencers' nakedness even more conspicuous. Their nudity is the timeless plane on which they might encounter the classical gladiators of the past, seekers of a higher form of perfection and favored by the gods.[44] But here nudity is also a reference to the idea that truth itself is naked, as naked as trees that is, free of ever-changing fashions that would likely appear ridiculous over time.[45] In a comment for young painters, Urbino warns that an outfit should never hide the profile of the naked body, which for him is the only way to reveal the correct proportions.[46] In valuing the undressed body in this way, Urbino repeats what his teachers were taught by their own teachers: That to draw a body properly, one must first strip it of all its layers.

Fifteenth- and sixteenth-century draftsmen such as Francesco di Giorgio and his acquaintance Leonardo da Vinci wrote that a painter ought to start drawing a body from its bones and then clothe them in sinews and muscles before wrapping the whole thing in skin.[47] Reading Galen and Renaissance anatomists validated

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42 LaRocca, *The Academy of the Word*, 6.

43 Rublack, "Befeathering the European," 27–28.

44 Weise, *L'ideale eroico*, 80.

45 The idea is expressed by Decembrio, *De politia literaria*, ch. 68.

46 "Sopra tuttto avertisci a non traversar con pieghe il contorno del nudo qual esso ti guidara à giusta proportione le figura". Cited in Cirillo, *Carlo Urbino*, 26.

47 Lugli, "Measuring the Bones," 348–51; Vinci, *Trattato*, 85–86. On the meeting between Leonardo and Francesco di Giorgio Martini, see Sannazzaro, *Memorie storiche*, 10. Leonardo also commented on Martini's Codex Ahsburnham 361, on which Marani, "Introduzione," xxi–xxv.

this approach.[48] In Agrippa's Rome of 1553, anatomy was taught by Giovanni Battista Canani whose treatise, *Musculorum humani corporis picturata dissectio*, included illustrations showing bones wrapped by petals of muscles.[49] In a way, Urbino's nude fencers were not considered obscene precisely because they were not bodies so much as, in keeping with the scientific illustrations of the time, skeletons clothed by skin.

Because Huygens bought the codex that now carries his name as an authentic treatise by Leonardo, the latter is often considered to be a major source for Agrippa's diagrams. Indeed, many of Leonardo's sketches map out the dimensions of limbs and reflect on their proportions.[50] The art historian Erwin Panofsky has shown that entire sections of the Codex Huygens are taken from Leonardo. In this, Panofsky pays particular attention to the many folios devoted to the measurement of horses, since Urbino transcribes the word "Siciliano" – the name of the Milanese horse from whom Leonardo took measurements.[51]

After the publication of Panofsky's study in 1940, many scholars have continued to find links between Leonardo's notebooks, the Codex Huygens, and Agrippa's treatise.[52] In particular, Leonardo's famous Vitruvian Man (Figure 33) is often taken as the prototype for Agrippa's drawings. Indeed, Urbino must have seen it, since his initial drawing (Figure 25) reproduces the Vitruvian Man's two centers (the diagonals of Leonardo's square meet in the pelvis, while the circle is centered in his navel).[53] But when Urbino inserts a human figure into both a circle and a square, which is what Vitruvius states in his treatise, he rejects Leonardo's solution. He does so because he attributes different proportions to the human body as he envisions it as following the perimeter of even more geometrical figures (two triangles, a pentagon, and an octagon). In contrast to Leonardo, the Codex Huygens is an attempt to show that the human body and geometry, in its full extent, are in perfect harmony.

48 Laurenza, *Art and Anatomy*, 20–21.

49 Canani, *Musculorum humani corporis picturata dissectio*, f. 52v.

50 Marani, "Leonardo, l'antico," 21–25.

51 Panofsky, *The Codex Huygens*, 42.

52 Farago, "The Defense of Art," 13–22; Lincoln, *Brilliant Bodies*, 97–98.

53 Lugli, "In cerca della perfezione," 86–87.
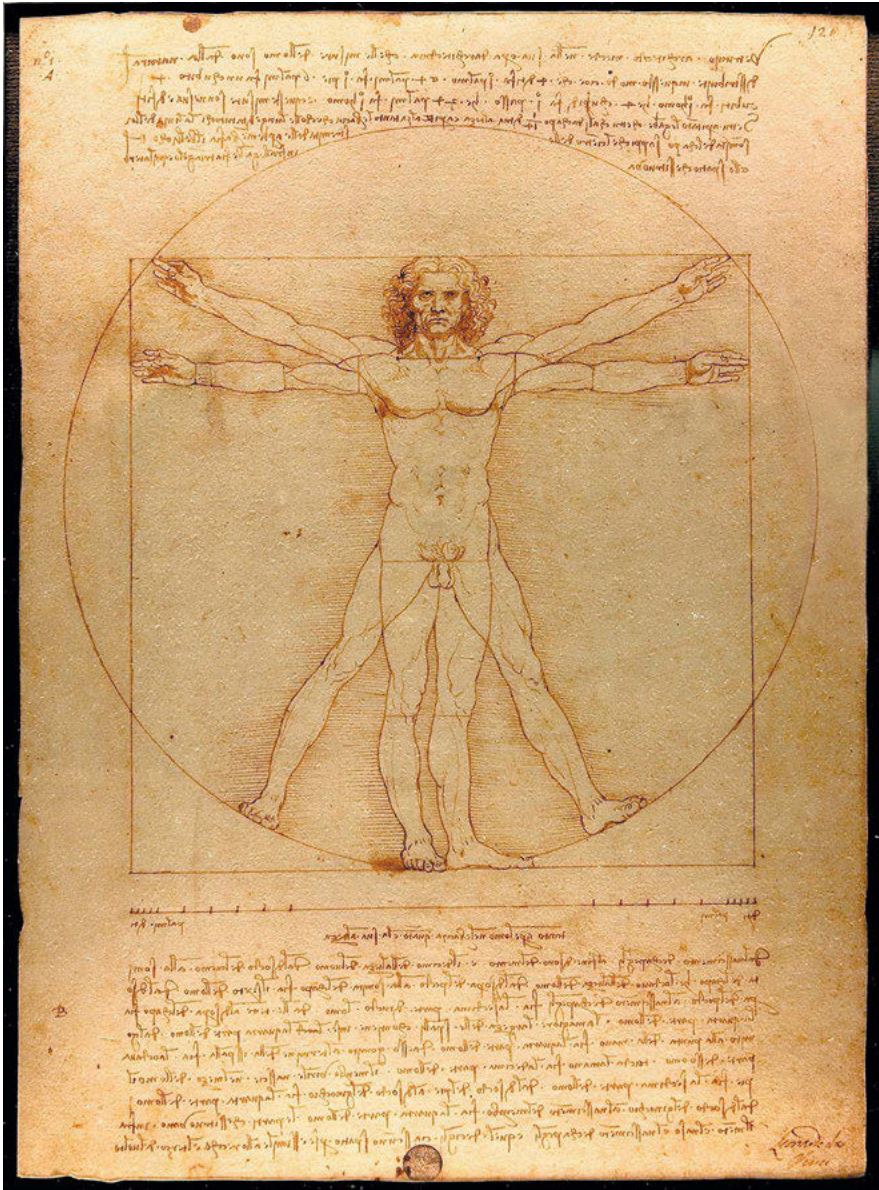
Figure 33: Leonardo da Vinci, *The proportion of man* (the "Vitruvian Man"), c. 1490. Venice: Accademia.
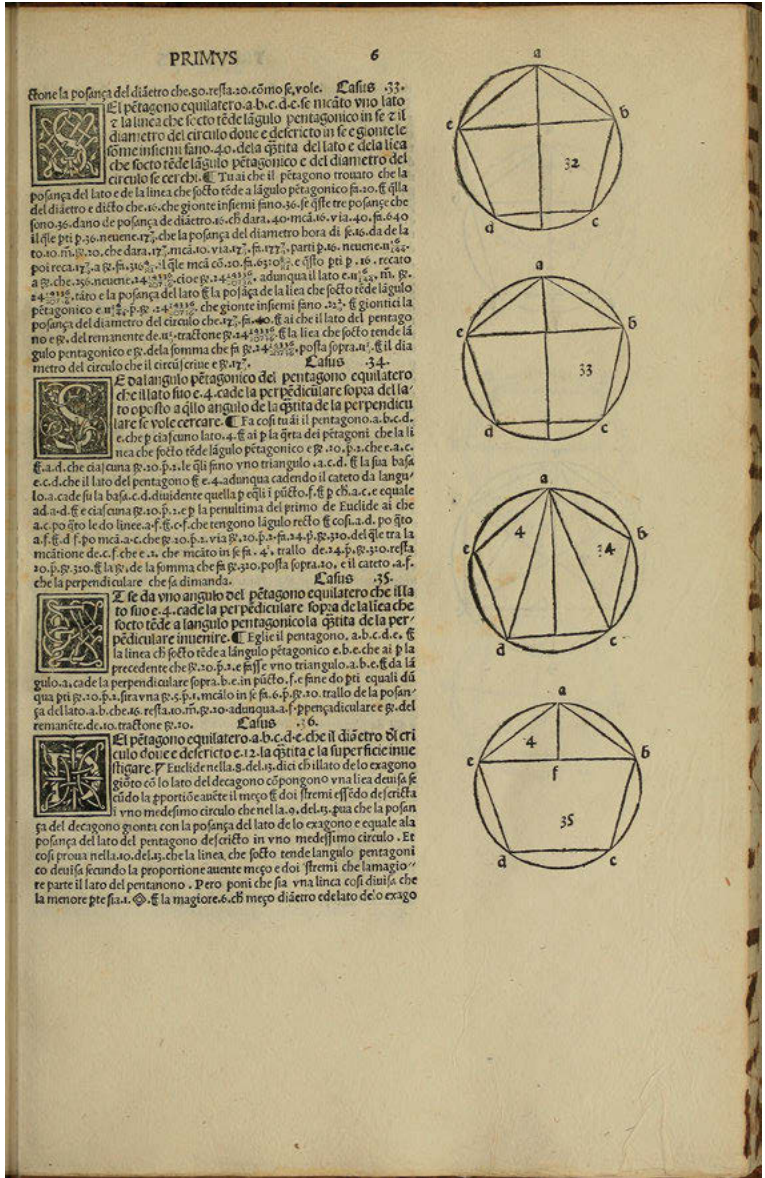
Figure 34: Luca Pacioli, *De Divina Proportione* (1509), f. 6r.

Leonardo's studies of body movement were famous in the sixteenth century. The mathematician Luca Pacioli mentions them in his *Divina proportione* (1509), recalling that Leonardo had completed a "book of painting and human movement" (*libro*

de pictura e movimenti humani).[54] Leonardo is a recurring presence in Pacioli's influential book: He is recorded as having engraved illustrations of prisms, to which Pacioli added, among others, a tree to help one to memorize the branches of mathematical operations and diagrams showing how any geometrical figure is contained within a circle (Figure 34).[55] With his own figures inscribed in circles, Agrippa effectively simplifies the demonstrations of Pacioli's treatise.

What remains unclear is whether Agrippa and Urbino may have had access to Leonardo's sketches, most of which were left to his noble pupil Francesco Melzi. Melzi's ownership of the sketches is the basis for dating most of the Codex Huygens after 1571, since this was the year of Melzi's death and the *terminus a quo* for the dispersal of Leonardo's studies. Still, this dating leaves the illustrations for Agrippa's treatise unexplained.[56] As things stand, the relationship between Agrippa's treatise and Leonardo's sketches remains fuzzy: Some scholars play up Leonardo's influence while others play it down, reminding their readers that reducing bodily movements to rotations was a rather common idea in Italy at the time. Aristotle had described such a reduction in what became a popular treatise in the sixteenth century, *De partibus animalium*.[57] And the quantification of movements had become even more widespread after 1537 with the publication of Niccolò Tartaglia's *Nova scientia*, a treatise that explained ballistics through measuring and geometry.[58]

Measurement and Justice

As firearms replaced swords and foils, compasses loomed large in the eyes of the military. The historian of science Filippo Camerota has argued that they quickly came to be seen as essential to soldiers as daggers.[59] A sixteenth-century instrument, a set of compasses that turns into a blade while shut, is exemplary of this new association (Figure 35). Such compasses were designed to fit into a sheath and be carried, undetected, on the belt of a general who may have used them to

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54 Pacioli, *De Divina Proportione*, f. 9r.

55 Pacioli, *De Divina Proportione*, f. 30v: "Le figure [. . .] con tutti li altri corpi pur per mano del prelibato nostro compatriota Leonardo da Vinci Fiorentino."

56 Scholars have thus searched for other connections, on which Marinelli, "The Author," 219–220.

57 Aristotle, *De partibus animalium* 2.9.655a and 4.12.693b. On its success, Perfetti, *Aristotle's Zoology*, 33–63.

58 Ippolito and Bartolomei, "Niccolò Tartaglia," 77–98.

59 Camerota, "Science and Technology," 1–19.

calculate the trajectory of cannon shot or measure the plan of a city.[60] Generals knew that victory was a matter of planning. By applying compasses to human bodies, Agrippa translated these martial optics to the body. In this way, he contributes to the construction of the modern subject, the mobile but measurable inhabitant of a state that embraced quantification and measurement as the most effective way to govern, on and beyond the battlefield.[61]

Figure 35: Benvenuto della Volpaia, Dividers, 390 mm, 16th c. Florence: Museo Galileo, inv. 2515. Photo: Franca Principe.

The growing importance of military campaigns for the wellbeing of the state led to a stricter policing of soldiers through the production of additional documents (missives, memos, pay lists, prisoner lists) and an intensified information network.[62] Cosimo Bartoli, the author of the manual of measurement we encountered in the previous section, professed faith in the prince's capacity to control – that is, to immobilize – its subjects, which is what elevates the prince above all others. "If people naturally enjoy the changes and innovations of things, it is not because such transformations or innovations are useful to them but out of the imperfections and defects of human nature."[63] He wrote that in a later treatise on history, which he published after moving to Rome as a secretary of Cosimo de' Medici's son, the cardinal Giovanni. After reflecting on change as a product of human fallibility, Bartoli recalls the struggles of Dion, the enlightened ruler of Syracuse, who detested mutable fashion and embraced the study of the sciences under Plato.[64] Like

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60 Sixteenth-century literature plays on the capacity of sheaths to contain all sorts of objects. Consider, for instance, the bread knife in Guazzo's *Historie* (f. 216v) or the stick in Francesco da Ferrara's *Libro d'arme e d'amore*, (unnumbered): "Trasse dil fodro una spada di legno / credendo che ella fosse durindana."
61 Agrippa, *Fencing,* xv–xvii.
62 Guidi, "The Florentine Archives," 458–479.
63 Bartoli, *Discorsi*, 40: "se gli uomini naturalmente si dilettano della mutazione et delle innovazioni delle cose; non è perché questa mutazione o innovazione, sia a loro più utile, ma accade loro per mancamento e difetto della natura Humana."
64 Bartoli, *Discorsi*, 41.

Dion, Cosimo states, the prince ought to submit to God's complete control and fight volatility or confusion.[65] Likewise, Agrippa's definitive geometricization of bodies can be seen as an attempt to immobilize them: A way to turn a body into a limited set of possibilities.

I find it fascinating to conjecture that Agrippa's treatise may have contributed to the development of the modern subject. Agrippa, however, explicitly rejects this reading. In his dedicatory letter, he explains that his goal is to rehabilitate the "antique and honorable" profession of fencing, which pushes back against "the *modern*, diabolical invention of artillery" (my emphasis).[66] The coupling of modernity and the devil to critique firearms is a calque from Ludovico Ariosto's *Orlando Furioso* (XXV.14), a popular chivalric romance that because of its outspokenness served as a sort of celebration of duels.[67] Like Ariosto's poem, first published in 1516, Agrippa attacked guns as he defended local courts and established legal practices against the centralizing judicial systems of large modern states.[68] In this sense, like Ariosto, Agrippa presented himself as deliberately anti-modern and anti-state. This position justifies Agrippa's traditional, Aristotelian notion of physiology. Agrippa was not modern: He was rather conservative as was his explanation of fencing through geometry since fencing and geometry had been coupled since the earliest treatise on the subject, the *Fior di Battaglia* of c. 1405.

In the *Fior di Battaglia*, a diagram illustrates a swordsman's fundamental qualities with four animals. Among them is a lynx, the feline associated with the supernatural capacity of seeing through skin layers, holding a pair of compasses over his head (Figure 36).[69] It is a reminder that fighting is about seeing precisely as well as an allegory of fencing as *scientia*. The scholar Leon Battista Alberti articulated the connection when he wrote that the "eye measures these dimensions

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65 Bartoli, *Del modo*, preface: "Grandissimo Prencipe, che immitando il Creatore del tutto si ingegni di scompartire, e per se stesso, e per le seconde cause ancora."

66 Agrippa, *Trattato*, dedication: "Poi che del bell'ordine antico dell'honorata militia, illustrissimo, et eccellentissimo signor mio, altro non mi par, che ci sia rimas[t]o di buono, per la moderna diabolica inventione dell'artiglieria, ch'el duello; et questo quasi corrotto, et guasto, per le calunnie de i cartelli." On the *cartelli*, Quint, "Duelling and Civility," 257–258.

67 Murrin, *History and Warfare*, 123–137; Monorchio, *Lo specchio del cavaliere*, 130–142.

68 Angelozzi, "'*Religione d'honore*'," 27–42. On Ariosto's editions, Fahy, "Some Observations," 73–78.

69 The attribution of x-ray-like vision to the lynx is a medieval misinterpretation of Boethius as evidenced in Albert the Great's *On Animals* (23.113), the Roman de la Rose, and Roger Bacon's *Perspectiva*. See Lindberg, *Roger Bacon*, 131; Lombardo, *Boezio in Dante*, 128–129; García Romero, "Lynceus' eyesight," 77–92.
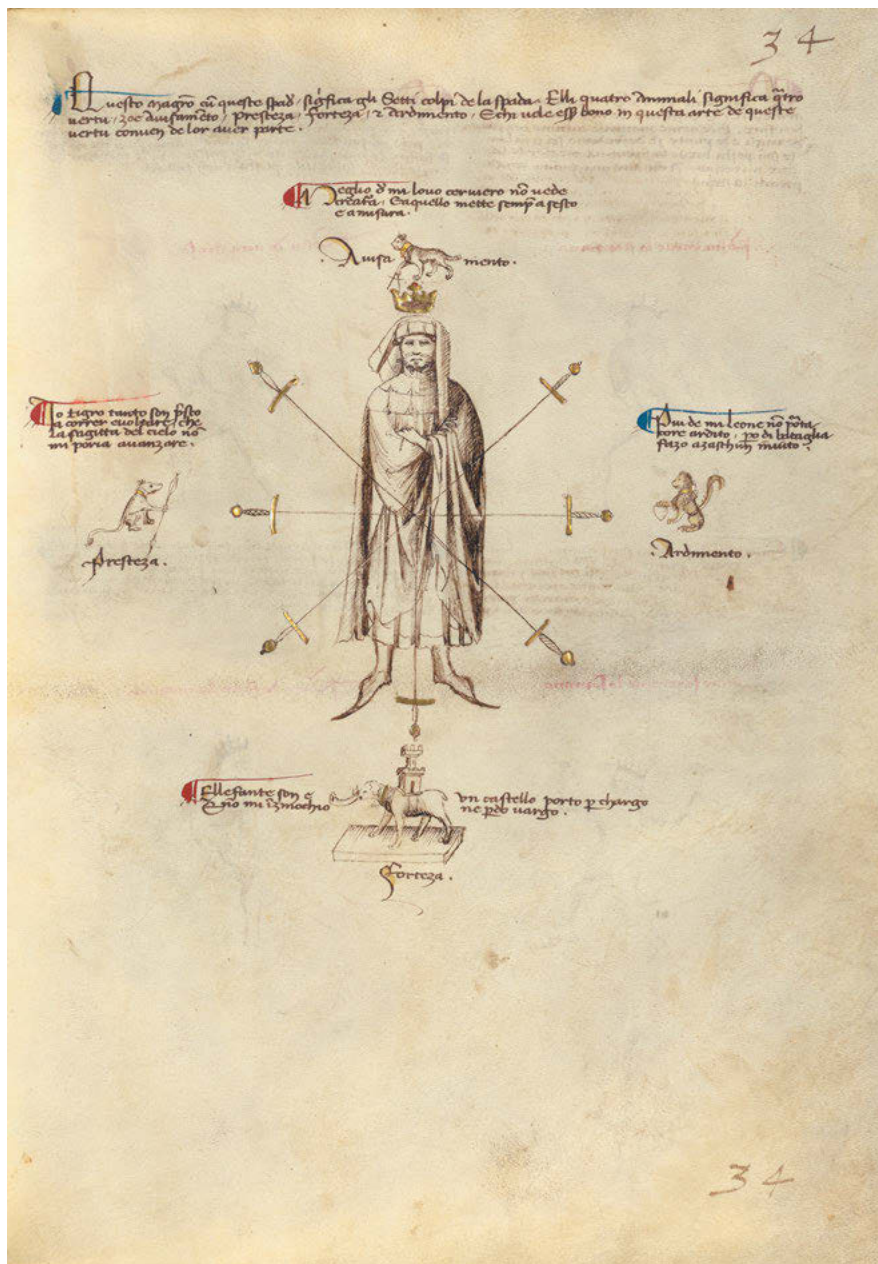
Figure 36: Fiore de' Liberi, *Fior di Battaglia*, c. 1405, f. 32r. Getty Museum: MS Ludwig XV 13.

by visual rays as if it were a pair of compasses."[70] Compasses embrace the whole head of the fencer in *De arte gladiatoria dimicandi*, a treatise that Filippo Vadi composed between 1482 and 1487 and where he defines fencing as "born out of Geometry, to which it is subjected." This statement provides a precedent for another: "fencing is not an art but a *scientia*," whose principles fill the subsequent pages as steps and blows are described mathematically.[71]

It bears repeating that the connection between fencing and geometry was already widespread in fifteenth-century Italy. A letter written in 1434 by the Bolognese master Filippo Dardi states that "geometry conforms to the art of fencing because the latter is nothing but proper measuring [*mesura propria*], as I can demonstrate in a lecture. And I have dedicated a whole book to the topic, which anyone who is interested could read."[72] Dardi's treatise has not survived, but as he stresses in another passage, it is why he had been included in the roster (*rotuli*) of instructors of mathematics and astronomy at the University of Bologna.[73] The 1405 statutes of Bologna's college of arts and medicine likewise required students to read the first three books of Euclid, Theodosius' *Sphaerics*, and a short treatise on arithmetics, the *Algoritmo de minutis et integris*, after which professors could comment on works of their choosing.[74]

It is possible that Dardi referred to geometry when he spoke of "mesura" since the term was not common in fencing treatises at the time. Indeed, it occurred only twice. In a manual by Guido Antonio di Luca, one of Dardi's students, *misura* identifies the distance between the tip of the sword and its target. *Misura* is thus opposed to *distantia*, or the distance between two duelists' bodies.[75] It is an important if tech-

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70 "E misura l'occhio queste quantità con i razzi visivi quasi come con un paio di seste." Alberti, *De pictura*, 46.

71 Rome: Biblioteca Nazionale Centrale, Ms. Vitt. Em. 1324, f. 4r: "Se alcun volesse intender e sapere / Se lo scrimir è arte over sienza / Io dico che tu noti el mio parere. / Considera bene questa mia sente[n]za / Che l'è scienza vera e non è arte / E mostrallo con breve eloquenza. / La geometria che divide e parte / Per infiniti numeri e misure / Che impi[e] di scientia le sue carte. / La spada è sottoposta a le sue cure, / Convien che si mesuri i colpi e i passi / A ciò che la scienzia t'asecure. / De geometria lo scrimir se nasce / è sottoposto a lei, e non ha fine / E l'uno e l'altro infinito fasse." The illumination of the swordsman with a compass over his head is at f. 15r.

72 Archivio di Stato, Bologna, Comune, Governo, busta 318, "Provvisioni, Riformagioni, Decreti, Mandati, Gride, ecc.," Serie miscellanea, folder "1443, 24 dicembre:" "Considerando che de lanno passido, e del presente io sia in suso il rotulo ala lectura de zeumetria, la quale e conforma alarte del scrimere, perche in quella non e altro che mesura propria, la quale posso per lectura demostrare. Cum zo sia chosa che omne facto libro ordenato, a potere legere a chi ipiacesse." On Dardi's employment, Battistini, "Income and Working Time," 155–158.

73 Pantanelli, "Scherma e maestri di scherma bolognesi," 5.

74 Bortolotti, *La storia della matematica*, 8–11.

75 Anonimo, *L'arte della spada*, 322.

nical distinction, since an attacker lunging forward to hit his opponent's head had to cover a greater *misura* than the defender, who could stop the lunge simply by hitting the attacker's knee. Within this context, Agrippa's diagram (Figure 23) emerges as a practical aid by which the attacker might visualize *misura.*

The second use of *misura* is to identify a weapon's length.[76] Vadi dedicates a chapter to describe that when placed vertically under a fighter's armpit, the sword's tip should touch the ground, whereas a dagger (*daga*) should reach the elbow.[77] Specifying the size of weapons (in relation to the duelists' bodies) was a legal requirement to guarantee fairness, as the jurisconsult Girolamo Muzio stated in his influential treatise *Il Duello* (1550).[78] The proportional approach meant that taller fighters had longer weapons, and this was seen by many to be an injustice. Fausto da Longiano, a translator who left a university position to undertake a military career, argued that duelists should fight with the same sword regardless of their height.[79] In so doing, he favored the Biblical definition of the sword according to a set dimension, a cubit.[80] Epic poets joined the debate when they presented felons as carrying unlawfully long swords.[81] Torn between two factions, Felipe II of Spain, who had been king of Naples and Sicily since 1554, legislated in 1568 that swords should match the distance between a fighter's left shoulder and the middle finger of his right hand, but they should also not exceed one yard (*vara*) of Burgos and a quarter (that is around 1043 mm), thus validating both the relative and absolute measuring of swords (Figure 37).[82]

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76 In a third definition, *misura* just means "measurement," generically. This is the case of the treatise by Antonio Manciolino, Guido Antonio di Luca's student. Manciolino, *Opera nova*, f. 4r: "Li giucatori che senza misura e tempo fanno li colpi spessi, quantunque di quelli il nemico per sciagura giungano sono nondimeno biasimevoli et piu tosto della ventura che da l'arte sono da esser detti figli." On Manciolino's work, probably completed by 1523, Leoni, *The Complete Renaissance Swordsman*, 11–12.

77 Rome: Biblioteca Nazionale Centrale, Ms. Vitt. Em. 1324, f. 27v: "La spada da conbatere in arme [. . .] vole arivare el pomo sotto el bracio, tagliare quattro dita in punta el suo manico volere de una span[n]a," and f. 37v: "La longeza de la daga vol essere fin' a el gomito con un taglio."

78 Muzio, *Il Duello*, f. 54v: "Il diritto è che la arme del grande armi lui tanto à proportione del corpo suo, quanto è armato il corpo del minore. Ne si debbono le arme una con altra misurare, ma addattarle a' corpi."

79 Longiano, *Duello regolato*, 66: "le arme difensive per la persona habbo tanto da armare uno picciolo come un grande." On Longiano's biography, Frasso, "Sebastiano Fausto," 363–374.

80 Judges 3.16.

81 An example should suffice. Alamanni, *Girone il Cortese*, 1548, 1.17: "nel vero il chavalier senza paura / più perduto havea già di sangue, et forza / che'l suo adversatio spada oltr'a misura / miglior' havea ch'ogni lorica sforza."

82 The law (ley 9, tit. 6, lib. 6) is in Pacheco de Narváez, *Nueva Ciencia*, 250. With his *Pragmática* of 1568 Felipe II also identified the *vara* of Burgos (around 835 mm) as the new official standard of length. See C*atálogo del Gabinete de Antigüedades*, 49–51.

Figure 37: Sword, Italy, c. 1550. Overall length: 100 cm; blade: 87 cm; quillions: 6.3 cm; grip: 11.5cm. The Cleveland Museum of Art. Gift of Mr. and Mrs. John L. Severance 1916.1715.

Dardi's second definition of *misura* shows that it did not simply identify a Euclidean distance between two points but also had a judicial element to it.[83] The disappearance of this aspect in today's purely technical definitions of measurement is perhaps the biggest obstacle to understanding the significance of standardization in the past. Measurement was the ultimate tool of justice: It carried the very possibility of a judgment, as standards allowed people not only to quantify but to figure out if something was right or wrong, too little or too much.

It is due to the juridical consequences of measurement that lawyers (*giureconsulti*) were often put in charge of such calculations. In the early 1570s, the *giureconsulto* Luca Peto was assigned the task of replacing the weathered marble slab (*marmorea tabula*) on Capitoline Hill which had displayed Rome's official standards of length since the Middle Ages.[84] Peto's substitute was removed in 1811, when the Napoleonic administration enforced France's new metric system on the

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83 Euclid, *Elements* 1.2–3.

84 Peto, *De mensuris*, 11.
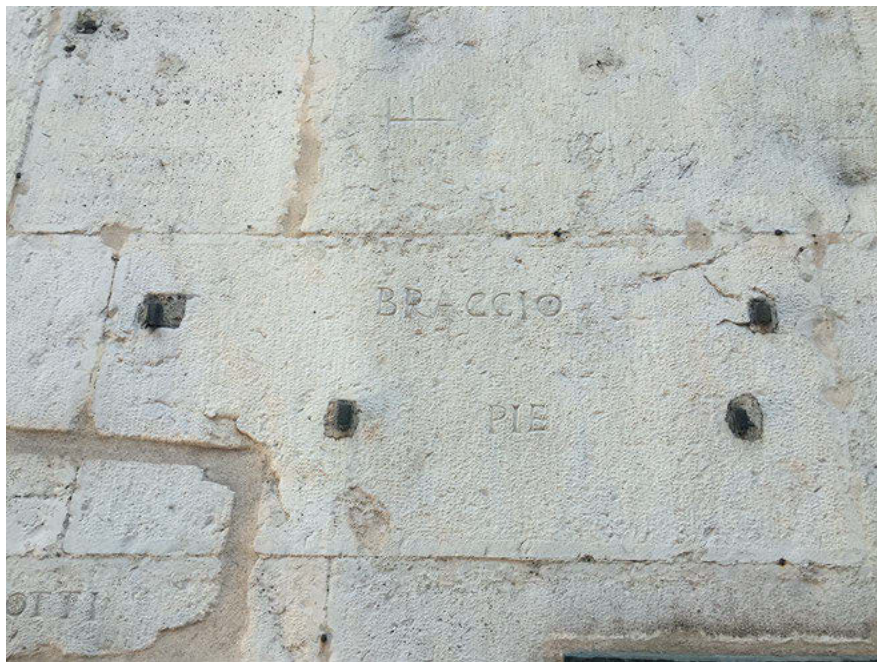
Figure 38: Length standards. Ancona, Palazzo del governo.

Romans, who were then told to quantify, that is to appraise, the world in a whole new way.[85] A similar, sixteenth-century display still survives in Ancona, one of the largest cities of the Papal States, where the local standards for cloth (*braccio*) and wood (*piede*) were marked on the governmental palace as the distance between two metal extremities (Figure 38).[86]

As guarantors of the validity of past rulings, *giureconsulti* doubled as historians and wrote influential treatises on ancient measurement. Peto decided that the ancient Roman foot should be reproduced alongside modern Roman measurements.[87] Lawyers had to familiarize themselves with obsolete, even foreign standards in order to interpret the deeds of the past. Historians still need to have a sense of what a given standard of the past amounts to in modern usage, but even they mostly just report a numerical value (e.g., "twenty leagues" or "twelve *braccia*"), as

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85 Scarpellini, *Prospetto*, 29–30.
86 Lugli, *The Making of Measure*, 71.
87 Peto, *De mensuris*, 11.

if measuring were an objective system of quantification rather than a cultural practice with its own habits and tensions.

It follows that one should not reduce Agrippa's treatise to a mere geometricization of the body. His subjection of fencing to *geometria*, that is the *scientia* of earth-measurement (*geo-metria*), is inseparable from a search for juridical validity. Agrippa even admits this from the start, when he acknowledges that a fencer's skills will count for little if they are not accompanied by a sense of justice.[88] This means that a fencer's embrace of geometrical operations serves to construct a framework of reference that is not only physical but also moral. Agrippa's measurement between two points are ways to evaluate a fencer's and his opponent's performance, much as *misura* served to ensure that they were playing fair. Without it, the profession of arms could not aspire to the honor and justice that validated it, as shown by Andrea Alciato, one of the preeminent Italian jurists of the sixteenth century who was famous for having written both a treatise on ancient measurement (*Libellus de veterum ponderibus et mensuris*, 1530) and a manual on fencing (*De singulari certamine seu duelli tractatus*, 1541). In the latter, which circulated in an Italian translation known as *Il Duello*, he dedicates a chapter to the "avocati de duelli," representatives who acted as both the duelists' coaches and referees. As Alciato stresses, they had three main tasks.[89] First, the *avocati* ought to examine the length of weapons carefully. Second, they needed to measure the battlefield precisely, demarcating its perimeter with a fence.[90] And third, given that duelists could not utter a word, they spoke on their clients' behalf, certain that they could do so freely as during a duel they enjoyed the status of procurators, whose words could not be used against them.[91]

Conclusion: How to Standardize a Body

Juridical treatises relied on measuring to construct a notion of fairness. "The fight was fair," they seem to say, "because both combatants held swords of equivalent length and fought in a clearly-demarcated area." Yet, the role of geometry in but-

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88 Agrippa, Trattato, f. 1r: "Ma ben dico certissimamente [. . .] che poco giova l'arte et l'ingegno, se ben fosse congiunto con core animosissimo, se parimente non viene accompagnato da la iustitia."

89 Alciato, *Duello*, ff. 44r–45v.

90 Alciato dates this practice to *Iliad* 3.315, which describes the measuring of the field for the duel between Paris and Menelaus.

91 On the duelists' silence, see also Muzio, *Il Duello*, f. 54r: the duelist "non debbia parlare, ne far motto, ne segno alcuno."

tressing this logic by fiat came to the fore in the sixteenth century. In 1551, two years before Agrippa published his treatise, Alessandro Piccolomini, assistant to the cardinal of Burgos in Rome, exposed its twisted logic in a philosophical discourse. According to Piccolomini, the conclusions of an argument are often nothing but its premises. He then criticizes debaters who mistake cause for effect, especially when they base their reasonings on universal assumptions that are simply confirmed in the end. Those conclusions, he reasons, are not conclusions but mere actualizations of preliminary ideals: Their only difference is that they have shifted from possibility to reality.[92]

Agrippa's treatise also actualizes a vision of fencing. It is both a set of proposals – to reduce the number of guards, to subtract fencing from rote memorization, to make fighting just – and a reconfiguration of the profession. Like any representation, it is a set of rules that wishes to pass as a mere instruction manual. After readers finish it, the hope is that they will think differently of dueling and act accordingly. Urbino's illustrations of fencers – strikingly uniform in size, sex, age, strength, and equipment – are less representations of actual fighters than their sublimation into ideal prototypes enacting Agrippa's "judicious" fencing. Perhaps Vegetius's description of the ancient Roman army inspired their uniformity, as this popular treatise argues that military recruits should all be six feet in height.[93]

Only occasionally does Agrippa concede in his text that fighters may be different. At the end of the first book, he discusses the affliction of being short, weak, and inexperienced. The only solution for a smaller fencer, he reasons, is patience. If one happens to be short, it is best to wait for the opponent to expose his body and then burst into a lunge, hitting according to the *misure* Agrippa presents in his diagram.[94] In this way, Agrippa returns again to the mirage of standardization (he quickly sweeps under the rug any departure from these norms), since his idea of fencing necessitates identical bodies and mindsets in order to exist. In this sense, Agrippa's treatise does not standardize bodies; rather, it implies them. In so doing, it commits the logical fallacy highlighted by Piccolo-

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92 Piccolomini, *L'instrumento*, 244–245: "il medesimo geometra, il quale ha da dimostrar le conclusion sue, suppone ancora in principio dell'opera sua, quelle propositioni, che senza alcuna pruova gli hanno da esser note, come à dire, che tutti gli angoli retti sono uguali, che'l punto non ha parte alcuna, & molte altre simili. Onde essendo le propositioni universali, che stan dentro à i luoghi appartenenti al Disputativo, quelle medesime, che come manifeste accettate, & supposte da i disputanti, Servan poi nel concludere, che voglian far disputando: par da credere, che ad esse medesimi come reali, s'appartenga di collocarle ne i luoghi loro."
93 Vegetius, *De Re Militari* 1.5. On Vegetius's early modern success, Settia, *De re militari,* 39.
94 Agrippa, Trattato, f. 38v: "si vedrà ne le figure à due à quattro, e cinque, dove si rapresentaranno le misure."

mini and practiced by jurisconsults as well as nearly all who preceded Agrippa in trying to capture human movements.

When Leonardo undertook his analysis of body measurement, he only measured two, not hundreds of bodies. These were Milanese models named Trezzo and Caravaggio, and Leonardo chose them precisely because they exhibited "greater grace" (*migliora grazia*).[95] When he wished to know the proportions of horses, Leonardo likewise selected just one fine specimen (Siciliano), the favorite of his patron, Galeazzo Sanseverino. Leonardo's findings were thus subjective from the start: He carefully preselected ideal bodies and thus voided any scientifically universal aspiration he might have claimed for his findings.

In preselecting his models, Leonardo was merely following the norm. His process had been inspired by Leon Battista Alberti's treatise on sculpture, which included a detailed description of human measurement. Alberti claimed that he had derived the measurements from "many bodies, considered to be the most beautiful by those who know, and took from each and all their *dimensiones*, which we then compared one with another, and leaving out of account the extremes on both sides, we took the mean figures" (*mediocritates*).[96] Jane Aiken has questioned whether Alberti obtained his dimensions empirically. She observes that his findings confirm the proportional systems employed by artists at the time, leading her to wonder if Alberti simply collated the information from books.[97] After all, he admits to having been inspired by a legendary mishmash: Zeuxis's painting of Helen of Troy, which combines features lifted from the most beautiful girls of Croton.[98] Alberti's classical reference may represent a rare moment of candor, a confession that he did not believe in the existence of any single perfect body, even if his proportional system should be regarded as its "likeness" or, at least, a kind of approximation. Alberti's avoidance of extremes and search for *mediocritas* – a term that Bartoli left as "mediocrità" when he first translated Alberti's treatise in 1568 – was taken as morally probing ever since Aristotle defined *mediocritas* as a mark of virtue.[99] Horace and Cicero amplified such a trait when spurring their readers to aspire for the mean, since *mediocritas* was "precious" and worthy of love.[100] Baldesar Castiglione considered *mediocritas* the saf-

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95 Nepi Sciré, "Studi di proporzioni," 220.

96 Alberti, *On Painting and On Sculpture*, 135.

97 Aiken, "Leon Battista Alberti's System," 81.

98 Alberti would have read of Zeuxis in Cicero's *De inventione* 2.1.3–5. Zeuxis' story is also recorded in Pliny, *Historia Naturalis* 36 and Valerius Maximus, *Factorum et dictorum memorabilium libri* IX 3.7.ext.3.

99 Aristotle, *Ethics* 2.6: "mediocritas vero virtuti." In John Argyropoulos's 1505 edition of Aristotle's *Ethics*, the passage is in the second chapter of the second book.

100 Horace, *Carmina* 2.10; Cicero, *De officiis*, 1.36.

est way to navigate the world and recommended it when dealing with ambiguity.[101] It is in this sense that Viggiani celebrated it as a key quality of fencers, who must control and measure their steps when facing an unknown opponent.[102]

Sixteenth-century writers often conflated *mediocritas* and *misura*. The former is ostensibly a mathematical concept; however, it is not obtained mathematically. The idea that it implied the rejection of extremes consistently prevailed over its capacity to identify a middle point with any precision. At the very least, there is no evidence that the mean was ever calculated: There are only hints that some bodies were picked over others and that their selection was justified by their *mediocritas.* It may be worth spending a minute to think about the etymology of the term at this point as "mediocritas" merges the mean ("medio-") to judgment (-critas, from the Greek κρῐτής, or "judge"). The meaning of the latter would not have escaped readers of popular authors such as Giovanni Boccaccio or Cicero, who both employed it to speak of judges.[103] The term, in other words, carries in its etymology the idea that the mean is always a matter of (pre)judgment. *Mediocritas* is as ambiguous a concept as "beauty," but because of its loosely mathematical dimension, it carried a sense of obligation and choice that roughly equates to the modern idea of a "standard." Even if anachronistic when applied to fifteenth- and sixteenth-century Italy, "standardization" is an apt term to articulate the semantic intertwining of measure, norm, and moral conduct assumed in Renaissance attempts to systematize the body.

Antonio Massa, perhaps the first sixteenth-century author of a treatise that criticized the institution of the duel, confirms the multivalence of *mediocritas* by stating that, even when ambushed, a man ought to fence "with a certain measure, as if handling a pair of compasses."[104] The metaphor, taken from the arsenal of fencing treatises of the previous century and a half, evokes an across-the-board standard, which ought to hold sway even when one is unquestionably a victim. Massa's treatise first appeared in Latin (*Contra usum duelli*, 1554). Due to its success, an Italian translation quickly followed (1555). Massa's book was published after Agrippa's treatise, and it may well be from Agrippa that Massa thought to view the sword as a compass. It is

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101 Castiglione, *Il Cortegiano* 2.41: "è adunque securissima cosa nel modo del vivere e nel conversare governarsi sempre con una certa onesta mediocrità."

102 Viggiani dal Montone, *Lo schermo*, f. 7r "Deve il havere il Cavalliero [. . .] il pie, che significa la temperanza, & la mediocrità, & il tempo nel muoversi. Se fosse spinto dal furore, & dalla colera, senza misura, & modo, si moverebbe a guisa di venenoso serpe, o ferocissimo Leone: ondegliene verrebbe scorso, & danno."

103 Boccaccio, *Bucolicum carmen*, sections 12 and 13; Cicero, *Brutus* 7.

104 "Massa, *Contra l'uso del duello,* f. 40v: "Dare I colpi à una certa misura, come se si portasse in mano il compasso."

worth remembering that both writers were active participants in a larger debate on the juridical and scientific legitimacy of the duel.[105] One may even read Agrippa's insistence on the fencer's need to study geometry, to exercise with a pair of compasses, and to explore its infinite application as an attempt to steer the would-be duelist towards other pursuits. Agrippa's final dialogue would then not be a mere afterthought, a way to explain figures that had already been engraved. Rather, it would serve as a concrete demonstration that debating geometry could be just as energizing and honorable as fighting a duel.

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Part 2: **Composing. Creativity and Flexibility**

Patricia Clare Ingham

5 Humble originality: Geoffrey Chaucer's Emergent Style

Abstract: To what degree did the fourteenth-century poet Geoffrey Chaucer forthrightly pursue newness, novelty, and originality? Did the artistic or technical practices of medieval authors – Chaucer among them – gain a purchase on the new even as they adhered to standards set by their predecessors? Those are, of course, two different questions. To argue, as I have in my recent book, *The Medieval New: Ambivalence in an Age of Innovation*, that medieval poets like Chaucer evinced an interest in nuanced questions about the nature and ethics of what he would call "newfangledness", suggests an affirmative answer to the second of these questions: throughout Chaucer's literary and linguistic record, as in various other premodern archives, one finds evidence of a subtle discourse of novelty and newness engaged with ethical questions at nearly every turn. Situated amid what the author has called a medieval "culture of artistic copying," Chaucer expanded on existing artistic models, spending his entire working life toggling between two categories from the medieval period that pertained to innovation: *ingenium* (ingenious ideosyncracies), on the one hand; and *consuetudo* (convention and things conventional), on the other. Throughout Chaucer's poetry these alternations – sometimes overtly; sometime obliquely – operated in a delicate dance between convention and ingenuity, standardization and originality. Tradition entwined with imagination, the old with the new. This paper will address such questions by way of two of Chaucer's works: the satirical *Tale of Syr Thopas* alongside the scientific *Treatise on the Astrolabe*.

Keywords: Geoffrey Chaucer, innovation, emergent, residual, style

Introduction

When historians of institutions track standardization as a modern (indeed, modernizing) feature, they often narrate a process by which messy, mixed, or limited early forms are refined to ever purer distillations. The history of science, for example, tells the story whereby the standardization of the "modern" scientific method purified an earlier premodern fondness for natural philosophy that

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mixed conceptual logics, observation, and religious belief with the occasional lapse of superstition.[1] Or, in another example, the story of the *Legitimacy of the Modern Age* brilliantly framed by intellectual historian Hans Blumenberg describes a process whereby modern thinkers rehabilitated the premodern vice of *vitium curiositatis* (the sin of curiosity), purging it of its ethical ambiguity and directing it toward a standardizing kind of experimentation.[2] Or, to take a third example (this time borrowed from the history of aesthetics), consider Immanuel Kant's standardizing definition of the originality of artistic "Genius." As I have argued elsewhere, Kant purifies the messier Latin notion of imaginative *ingenium* by excluding its earlier connotations of idiosyncratic whimsy.[3]

These stories imagine the emergence of standardization as a process of purification whereby extraneous concepts, moral quandaries, interpretive ambiguities, or irregular outcomes are jettisoned. There is plenty of reason to be wary of this standardizing narrative. As a matter of definition, standardization can never entirely be cordoned off from the messiness it seeks to organize. Indeed, standards – however defined – regularly produce their own idiosyncrasies, creative destructions, or messy workarounds. As the editors of the current volume have expertly demonstrated by now, conventional histories of the emergence of "standards" fall short on a conceptual as well as historic grounds. Even more, what ap-

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1 On the historiography of science, Edgerton is essential: "Innovation, Technology, or History: What is the Historiography of Technology About*?*"; and *The Shock of the Old*: *Technology and Global Culture since 1900*. See also, Nick, "Whigs and Stories: Herbert Butterfield and the Historiography of Science,"; and Brian, "Rationality, Tradition, and the Scientific Outlook: Reflections on Max Weber and the Middle Ages."
2 Blumenberg, *The Legitimacy of the Modern Age*. For a medieval critique important to my thinking, see Newhauser, "Towards a History of Human Curiosity: A Prolegomenon to its Medieval Phase."
3 Immanuel Kant's discussion of "Genius" see Guyer and Matthews, *The Cambridge Edition of the Writings of Immanuel Kant, Critique of the Power of Judgment*; also, Freiden, *Genius and Monologue.* My own recent intervention into accounts of medieval intellectual and literary history has endeavored to explain the dialectic of tradition and innovation in just such terms. Despite the inventiveness of the Middle Ages, the era continues to be associated with conservation rather than with innovation, and in contrast to modernity, understood as a time preoccupied with revivals of tradition while hostile to novel figures and forms. Intellectual inheritances from Kant and Blumenberg, I argued in 2015, standardized the modern notion of the "new" as "a purified category" linked to scientific breakthrough and radical artistic originality, a category utterly different from mere novelty. Innovation has been, I argued, "torqued away from the fabrications of mere technology on the one hand, and from a medieval culture of [artistic] copying, on the other." Ingham, *The Medieval New: Ambivalence in an Age of Innovation,* 6. For my argument about the role that Kant and Blumenberg play in this intellectual history, see "Introduction: Newfangled Values," 1–20.

pears as arbitrary or confused to thinkers in one era might well emerge as a productively engaged standard in another.

The role of the Middle Ages in such histories is often contradictory. On the one hand, the medieval arts regularly emerge as *overly* standardized, especially insofar as medieval thinkers and makers valued what I have elsewhere called "a culture of artistic copying." Artistic indebtedness to traditional *auctoritas* (that is, both traditional authority and traditional authors) is regularly thought to compromise the possibilities for artistic innovation, no matter the *ingenium* (ingenuity) involved. On the other hand, this same adherence to tradition, or so the story goes, also seems to some to suggest a premodern dearth, or at least under development of techniques of standardization, whereby the "medieval sciences" served to justify rather than to challenge previously held beliefs.

Few medievalists would credit such histories. Scholars of medieval literature and art have found abundant evidence of the ways in which the repeated citationality of standard models (or authoritative texts) usher in innovative figures and forms.[4] Even as some continue to insist, as does Jacqueline Cerquiglini-Toulet that the era pursued notions of old and new via "a dichotomy," with one pole or the other favored "depending on the time period, mentalities, and temperaments,"[5] others (myself included) argue that the dynamic international culture of copying can help us to reassess the novelties produced by reworking, rereading, reshuffling, or "sampling" standard exemplars. As a response to the complexity of this intellectual history, I have suggested we might usefully consider a different standard of innovation, "a medieval new" – by which I mean a particular kind of pursuit of innovations (technological, artistic, or exploratory) that refuses any radical opposition to all that has come before. Copying is a very old practice, one of the primary ways that early writers pursued their interest in the new, famously renewing the stories told by literary contemporaries and predecessors in fresh ways. Through such creative acts "the obsolete took on a new luminosity,"[6] to borrow the words of critic Alexandre Leupin.

Leupin's remark suggestively recasts Cerquiglini-Toulet's "dichotomy" of old and new as an act of glorious (even *avant garde*) illumination. This view of the productive deployment of "the obsolete," like the practice of citationality mentioned

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4 See Franklin-Brown, "The Lyric Encyclopedia: Citation and Innovation in Matfre Ermengaud's Breviari d'amor,": 389–396; and Kay, *Parrots and Nightingales: Troubadour Quotations and the Development of European Poetry*.

5 Cerquiglini-Toulet, *A New History of Medieval French Literature*, 133–134.

6 Leupin, *Barbarolexis: Medieval Writing and Sexuality*, here describing the radical effect of Geoffrey of Vinsauf's *Poetria nova*. See esp. Ch. 3, "Absolute Reflexivity: Geoffrey of Vinsauf's *Poetria nova*," 38.

previously, offers a view of standardization as radically productive for originality. Intertextual work with standard sources can, in other words, upend old and new; it is strategic, ingenious, and complex. Sidestepping oppositions of old versus new, medieval writers model a kind of radiant poetic sustainability, repurposing words, tropes, or story-traditions, so as to gather – as Middle English poet Geoffrey Chaucer (c. 1340–1400) will put it – new corn from old fields. This constitutes a particular feature of the standard function of newness in medieval culture: novelty was predicated neither on absolute differences nor radical breaks; it was both linked with uncommon things and entwined with repetition.

All of which leads me to the question I take up explicitly here, a question about the agency and activity of any particular poet – in this case, Geoffrey Chaucer – with regard to questions of standardization and originality. To what degree, I want to ask, did the fourteenth-century poet Geoffrey Chaucer forthrightly pursue newness, novelty, and originality? Did the artistic or technical practices of medieval authors – Chaucer among them – gain a purchase on the new even as they adhered to standards set by their predecessors? Those are, of course, two different questions. To argue, as I have in *The Medieval New: Ambivalence in an Age of Innovation*, that poets like Chaucer evinced an interest in nuanced questions about the nature and ethics of what he would call newfangledness suggests an affirmative answer to the second of these questions: throughout Chaucer's literary and linguistic record, the poet expanded on existing artistic models, spending his entire working life toggling between two categories from the medieval period that pertained to innovation: *ingenium* (ingenious idiosyncrasies), on the one hand, and *consuetudo* (convention and things conventional), on the other. Throughout Chaucer's poetry these alternations – sometimes overtly; sometimes obliquely – operated in a delicate dance between convention and ingenuity, whereby traditional standards entwined with imagination, the old with the new.

But was this a conscious artistic program straightforwardly pursued? This question is more difficult to answer. The evidence for Chaucer's forthright pursuit of the position of the innovating artist is mixed. On the side of newness we find, of course, the poet's decision to work – his entire writing life – in the English vernacular at a time when this was a risky choice. Many of his insular colleagues (e.g., John Gower) chose to work primarily in languages with greater prestige, such as French or Latin. To be sure, Chaucer's fondness for vernacularity was part of a wider continental phenomenon; in this regard, too, he occupied a place in a culture of artistic copying, his poems indebted in ways large and small to those of Giovanni Boccaccio or Guillaume de Machaut. Moreover, and as Christopher Cannon has demonstrated quite forcefully, Chaucer's Middle English lexicon was not particularly innovative;

in Cannon's view the most astonishing linguistic innovations of the Middle English period occur many decades earlier than Chaucer.[7]

On the side of the not quite new, we might note that Chaucer recognizably parodies "traditional" Insular romances in his charming, "Tale of Sir Thopas," from the *Canterbury Tales*, and the style here is so conventional as to be judged derivative, even stereotyped. Imitating the meter, rhyme, and diction of popular poetry of his day, the tail-rhyme stanzas, short couplets, and familiar romance motifs of "Sir Thopas" call to mind Insular romances such as *Guy of Warwick*; *Bevis of Hampton*, and *Sir Launfal*. This seems to suggest that we view the "Tale of Sir Thopas" as emblematizing the <u>least</u> edifying features of a medieval culture of standardization, a convention of inert artistic copying.

Yet, situated as and where it is within the larger Canterbury frame story, the tale's derivations emerge precisely as an *experiment* in burlesque. In this case, the pilgrim teller of the "Tale of Sir Thopas" is none other than Chaucer himself, in his fictional persona as Canterbury pilgrim. That fictional persona, moreover, has been described by poet-Chaucer as a "popet," or doll: "This would be a little doll for any woman to embrace in her arm / small and fair, his deportment seems elf-ish." ("This were a popet in an arm t' embrace / for any womman, small and fair of face. / He semeth elvyssh by his contenaunce.")[8] The pilgrim / author is presented here as childlike, elf-like, shy, and retiring. Certainly, this is a rhetorical deflation of authorial pretensions. But these are just a few of the details here that urge a sustained attention to questions of authorship and poetic production. "Sir Thopas" includes – or more to the point, solicits – a negative audience response. Written with such silliness, the vapid tale is structurally dependent on being cut off. It has little poetic momentum, and the sing-song rhyme nearly immediately begins to annoy the ear. As so it is: Chaucer, the tale-telling pilgrim and rotund "poppet" is interrupted in this performance by the pilgrim host, Harry Bailly, who directs his contemptuous explosion at the poet / teller: "'By God,' he said, 'for clearly, in a word, your drasty rhyming is not worth a turd.'" ("'By God,' quod he, 'for pleynly, at a word, / Thy drasty rhyming is nat worth a toord!'").

As an experimental performance, the point seems particularly arch. By assigning himself a debased literary form in doggerel, by having members of the Canterbury audience cry out for his "drasty rhyming" to cease, the poet undercuts any personal pretensions to gravitas or artistry. This is an engaging explication of the traditional humility topoi in remarkably pleasurable style. By means of such

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7 See Cannon, *The Making of Chaucer's English: a study of words.*

8 Citations from the work of Geoffrey Chaucer are taken from *The Riverside Chaucer*, 3rd ed, Canterbury Tales, VII., 701–703.

layerings, I wish to suggest, Chaucer's worst poem ingeniously repurposes the standard *topos* familiar to readers of pre- and early modern writing. Chaucer offers here a reworking of standard convention: and his performance is surprising and very funny and, especially in comparison with the tales that precede it, seems intentionally substandard. Originality with a light touch.

All of this seems more than accidental, in part because the *Tale of Sir Thopas* is marked overtly as an act of imitation, a deployment of obvious copying in self-conscious, even parodic terms. Such emphasis suggests something important about the role of copying, of tradition, and of standardization: originality is not set in opposition to copying but emerges as the result of a deep engagement with tradition. In the case of Chaucer, the meta-poetic features of the *Tale of Sir Thopas* offer only one instance of a number of self-referential sleights-of-hand in his poetic corpus as a whole. We might also consider in this vein the figure of the dreamer in the dream vision *House of Fame*: a poet named "Geffrey" who flies on the back of the Eagle; or take the reference to Chaucer the poet spoken by the fictional Man of Law in the Introduction to the *Man of Law's of Tale*, again from the *Canterbury Tales*. In this case, the speaking Man of Law misremembers and miscites Chaucer's corpus, confusing his poetic production with that of Chaucer's friend Gower. These moments, I would suggest, repurpose standard authorial gestures; and they do so on the way toward reworking conventional figures in ingenious directions, a medieval author's delicate pursuit of old forms in new guises.

To be sure, such features of Chaucer's poetry, over the years, have led to a number of claims about his precocious modernity (so-called), or his masterfully ironic poetic control. Neither claim seems particularly compelling to me, and neither helps us to think further about what premodern originality might mean and how it might circulate amid standards of artistic copying. I want to make a different argument here so as to think further about those emblems of Chaucer's style suggestive of originality that seem especially embedded in practices of imitation, repetition, or reworking. To contemplate these complexities, we need a fuller array of analytic categories than have been regularly used. Such categories need a capacity to toggle between the subjective and the cultural – the particular writer and the larger artistic and cultural structures and habits. I am interested in what Raymond Williams' understanding of the emergent and the residual might offer. First, a caution: I am wary of the particular arc of historical development that Raymond Williams' historically materialist view of form implies. Nevertheless, as we shall see and somewhat profoundly I think, Williams situates cultural change *precisely* in practices that repeat, rework, contest, and redirect dominant or standard figures and forms. That said, identifying truly emergent features in culture is not as straightforward as it might seem.

Style: Emergent, Residual, New

Williams' efforts to link his key terms to questions of *style* can help us think through the questions of change and standardization that lie before us. In the first instance, Williams explicitly identifies "emergent" features of culture with something "new": as the loci of "new meanings and values, new practices, new relationships and kinds of relationships," which, he notes, are "continually being created."[9] This suggests that emerging cultural features are part of a relationship with dominant or standard practices. And here he helpfully distinguishes the "new" from the "alternative" – two concepts that are easy to conflate but are not identical. Accordingly, accurate recognition of the "new" features of cultural practices remains difficult: "[I]t is exceptionally difficult to distinguish between those [practices and meanings] which are really elements of some new phase of the dominant culture [. . .] and those which are substantially alternative or oppositional to it: emergent in the strict sense, rather than merely novel."[10] Williams, here, usefully distinguishes the emergent from a broader category of the new. To be sure, this distinction in part depends upon a longstanding condescension by which the "merely novel" is seen as trivial, a feature of culture unable to rise to the full transformative power accorded to the "new." And this condescension may, furthermore, depend in part on Williams' historicity: his account of the *grandes recits* of Marxist historical development. Nevertheless, we might note that Williams' notion of the "emergent" narrows the case to specify that "definitions of the emergent can only be made in relation to a full sense"[11] of dominant culture. The emergent is not, strictly speaking, simply a reworked version of what's been happening all along. This move endeavors to disarticulate presumably small shifts in use or style from those of lasting consequence, implying that culturally "emergent" features have a kind of staying power. In this way, they offer "a substantial alternative" to dominant culture.

Emergent is a narrow category in a second sense: it is a subset of the category of the "alternative" to standard practice since some alternative practices can, Williams makes clear, redeploy older forms that have already fallen into disuse in the dominant culture. Accordingly, some practices that look "new" may not in fact be truly "emergent." They instead constitute a *residue* of earlier standard values and forms. And in a passage particularly resonant for an analysis of our own cultural moment, Williams notes how easy it is to confuse "locally residual" prac-

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9 Williams, *Marxism and Literature*, 122.

10 Williams, *Marxism and Literature*, 122–123.

11 Williams, *Marxism and Literature*, 123.

tices with "generally emergent" ones: both can represent alternatives to dominant modes and, on those grounds, seem to offer something in opposition to standard fare. Accordingly, emergent practices can be difficult to recognize – easily mistaken for local, residual ones.

The implications of this for an account of cultural standardization seem to me significant. It might, for one thing, help us to think more cogently about how change happens for cultural histories of standardization. This is not, that is, an instance of standardization as tied to an emergent modernity. Indeed, the contradictory place of premodernity in accounts of standardization have already made us wary of that view. Williams' notion of the "emergent" can instead help us see that new standards begin to appear even as older ones continue; efforts to create new standards suggest, then, not the absence of standards previously but an engagement of the old practice with the new. In the case mentioned at the start of this chapter, standardization of artistic originality was thought to emerge through a purification of artistic idiosyncrasies. Williams' view helps us register how and why Kant's standard of artistic Genius emerged from an earlier standard, one that coexisted – and for a time depended upon – older definitions of *ingenium* (ingenuity) that it also shifted and redirected.

This means that Williams' notion of the emergent offers a more subtle category for thinking about the oscillation of standardization with originality than the standard categories regularly used for this purpose: "innovation" or the "new." All of this seems helpful to me both because Williams' theoretical method thinks about local, or particular, categories in contradistinction to broad, or general ones. Also, his heuristic helpfully imagines diverse ways that new practices might be proximate to, or engaged with, rather than opposed against older forms. This is an important point in part because it underscores the notion that change depends, and this may seem paradoxical, upon repetition. As he puts it: emergent practices constitute a "constantly repeated, always renewable move beyond [. . .]"[12]

If we consider a medieval culture of artistic copying as a dominant cultural mode, might we recognize Chaucer's style as a "repetition" of standard practice that "renews" and "moves beyond"? Is it, in other words, "emergent" in Williams' sense? Here is Williams:

> [T]he actual alternative to the received and produced fixed forms is not silence [. . .]. It is a kind of feeling and thinking which is indeed social and material, but each in an embryonic phase before it can become a full articulate and defined exchange. The process [of the emergent] can be directly observed in the history of a language [. . .] no generation speaks quite the same language as its predecessors. [. . .] What really changes is something quite general,

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12 Williams, *Marxism and Literature*, 131.

over a wide range, and the description that often fits the change best is the literary term "style."[13]

Linguistic change is one of his main examples, and here the relevance of artistic and literary gestures come clearly into focus.

Emergent "style," I have previously implied, might be considered a feature of Chaucer's *Tale of Sir Thopas* – a tale, paradoxically, among the most stylized, yet also the least *stylish*, in the entire *Canterbury Tales* project. I turn now to address another unlikely Chaucerian text, one cast as a simple translation in practical prose. This is a text not traditionally viewed in aesthetic terms at all. Chaucer's *Treatise on the Astrolabe* might help us to think further about the poet's emergent style.

Style in Chaucer's Astrolabe

Like the pilgrim performance of the *Tale of Sir Thopas*, Chaucer's *Treatise on the Astrolabe* is an intertextual work. While particularly so given the long tradition of ascribing the text, as one critic put it long ago, as a dietary staple for youngsters: "bread and milk for children"; given, too the degree to which the text has been read (like *Sir Thopas*) as derivatively repetitive rather than originally emergent. Also, like *Sir Thopas*, the *Treatise* is marked by topoi of authorial humility. Here the poet stakes this claim explicitly. Near the end of his prologue, the poet emphasizes the work as a translation, himself as a mere compiler of the labors of others. Consider well, he writes,

> [that] I do not usurp this work, [or claim] to have found this work from my labor or of my ingenuity / imagination. I am nothing but a unlearned compiler of the work of the old astrologists (astronomers) and [I] have translated it in English only for your learning. And with this sword shall I slay envy.[14]

Such a demure may seem to deny the question of style in favor of translational fidelity; indeed, the point about poetic labor or *engin* (the Middle English cognate for *ingenium*) seems to determine the question once and for all. Accordingly, Chaucer's *Treatise on the Astrolabe* may seem an unlikely exemplar for consideration of

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13 Williams, *Marxism and Literature*, 131.

14 "That I ne vsurpe nat to haue fownde this werk of my labour or of myn engin. I nam but a lewd compilatour of the labour of olde Astrolog[i]ens, and haue hit translated in myn englissh only for thi doctrine; & with this swerd shal I slen envie." *Treatise on the Astrolabe*, paragraph 3 in Benson, ed.

Chaucer's emergent style, and has long been viewed, as J. Allen Mitchell has recently put it, "as relatively restrained and unimaginative" engaged with a "sincere technicity and barefaced instrumentality" that renders the treatise "sufficiently mundane as to perform a productive decentering of the model literary object."[15] Mitchell insists that this line be "heard as a strong disavowal" of authorship or of Chaucer's work with a single source, a "lone progenitor." Mitchell's reading of the *Treatise* argues instead that the diverse array of intersecting sources ("not reducible to an author") suggests that "Chaucer stands in a relation of surrogacy" to his sources.[16] Chaucer, in this way, is understood to channel multiple texts and traditions, rendering a forceful version compiled from an international community of writers.

Mitchell's important resituation of the multimodal ambition of the *Treatise* consistently and nevertheless puts questions of stylishness to one side.[17] I'm not so sure. On the one hand, I agree with Mitchell's description of this passage as Chaucer's authorial "disavowal"; on the other, I would urge us to consider "disavowal" in the psychoanalytic sense of the term – a doubled move which, at once, repudiates something while also preserving it. In this case, the statement repudiates Chaucer's position as author – specifying to dismiss his own labor and *ingenium* yet at the same time stipulating both. This kind of move is a repeated feature of Chaucer's style – as evinced in the number and variety of retractions that occur both embedded within transitionary moments in his texts, but also as part of the *Canterbury Tales* manuscript tradition. But we might also note that this disavowal is, itself, utterly conventional. It is yet another *standard* version of the humility *topos*. It echoes authorial conventions in the chronicle tradition dating as far back as Geoffrey of Monmouth's *Historia regum Brittaniae* (c. 1138), where that author claims his Merlin prophecies to be a mere translation of an old British book.[18] There, as here, a refusal of authorship serves to forestall potential critics who might find the work at hand overly invested in *fabula*, its ingenuity and originality troubling for dominant practices of authority and authorship.

There are other details in Chaucer's *Treatise* that evoke a particularly emergent style. The syntax toggles, regularly enough to be notable, between what is

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15 Mitchell, "Transmedial Technics in Chaucer's Treatise on the Astrolabe," 1–41, at 2; 4–5.

16 Mitchell, "Transmedial Technics in Chaucer's Treatise on the Astrolabe," 28.

17 Furthermore, although he is everywhere concerned with Chaucer's purchase on a cosmopolitan ambition legible in his *Treatise on the Astrolabe,* Mitchell explicitly rejects such concerns as traditionally authorial. Michell opines that the scale is bigger than an author here. In light of Williams' consideration of the author as a touchstone to a generation, language, and a culture, then Mitchell's opposition of authorship to transnational community may be somewhat overdrawn.

18 For the text, I prefer Faletra, *The History of the Kings of Britain. Geoffrey of Monmouth.*

now known and what might be known; what is and what might be. That text's regular use of the second person pronoun, its pedagogical dedication to Chaucer's son, Little Lewis, the persistent use of verbs in the imperative mood suggest that the treatise is best viewed as an instruction manual dependent upon the practice of repetition. In the main body formal repetition at the level of syntax combines to intensify both the text's descriptions and its instructions. This is a style made to be followed; we might even call it the emergence of a distinctive kind of vernacular instruction.

In Part 2 of the main body of the *Treatise*, instruction emerges in a group of verbs in the imperative, the most frequent of these "to find" and "to know," directed at an unschooled reader, an inexperienced user of any *astrolabe*. They are, particularly in contrast to Chaucer's poetic corpora, disarmingly forthright: "*to fynde the degre in which the sonne is day by day, rekne and knowe which is the day of thy month*." The oscillation moves between future knowing (the "degree in which the son is, day after day," that any reader might "find") and current easily available knowledge, what we might call the "known knowns" ("rekne and knowe which is the day of thy month"). From there, instructions immediately follow which require manipulation of the object: "lay your ruler along the same day" ("ley thy rewle up that same day,") so that things unknown will be made clear: "and then will the point of your ruler sit in the border upon the degree of the sun" ("and than wol the verrey poynt of thy rewle sitten in the bordure upon the degre of thy sonne.") This is an unusual, and repeated, use of the infinitive in close coordination with an imperative form. Work by linguists studying the development of Middle English prose suggests that this was an emerging linguistic practice in the era during which Chaucer wrote.[19]

The preponderance of instructional verbs in Part 2 is similar: with "to know," at the beginning of 25 (slightly more than half) of the sections. (§ 2, 3, 5, 6, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32, 33, 34 & 40). The repetition here takes on a rhythmic power – one that can seem tedious, off-putting at first. Continued dedication to reading, however, can prove absorbing, a style of engaged repetition enacted and performed. This kind of formal repetition evokes copying in at least three senses: as a feature of the repurposing that constitutes a translation and compendium composed through other sources; as a syntactical litany, a rehearsal of verb phrases; and as an enacted practice, instructions to be followed. To find this answer, follow these instructions; to know more about place and time, turn the astrolabe around.

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[19] On verbal developments related to Middle English prose, see Jack, "The Infinitive in Early Middle English Prose," 311–341.

Whilst many critics have eschewed Chaucer's *Treatise on the Astrolabe* as not at all stylish, they have also and nonetheless established it as engaged with innovation as a <u>practice:</u> as a brand of translation, as well as in the enactment of practical instruction. Lisa Cooper casts this in formal terms as "an *education* in and a drama of multiple, overlapping, and sometimes colliding forms."[20] As some scholars of scientific writing have pointed to Chaucer's *Treatise* as the beginning of stylistic features that would continue in prose genres of technical instruction down to the present.[21] I would suggest, furthermore, that Chaucer's *Treatise on the Astrolabe* is, in an especially intense even intentional way, stylistically focused on the meanings and use of repetition, repetition as a practice of technical performance. Such habituated practice renders heretofore unknown or unpredicted things evident, clear, reliably known. The practice is, in other words, both explicitly and stylistically emergent. As an emergent style of practice Chaucer's use of repetitious syntax aims to reassure: the manipulation of hand-held objects, the active engagement of hands, and body, as a means precisely for standardization with a difference. A kind of stylish originality that acts to stave off epistemological confusion.

A Conclusion

"No generation speaks quite the same language as its predecessors," writes Raymond Williams.[22] Chaucer's emergent style, in these two examples, offers a way of thinking of authorial originality in an artistic culture that prized repetition, humility, reworkings, repurposing. In both *Sir Thopas* and the *Treatise on the Astrolabe* Chaucer uses repetition ingeniously to stage authorial humility as a conventionally repeated pose. Yet, precisely as such a feature, Chaucer's turns toward convention, and copying, open up an emergent kind of style by doubling down on the capacity to copy. In both the texts I've touched upon here Chaucer deploys repetition, paradoxically, to heighten his reader's sense that something new might be in the offing. In *Sir Thopas* a derivative verse form and stereotyped use of rhythm and rhyme converge on a brilliantly parodic version in which the figure known as "Chaucer" emerges as an avowedly humble, inexpert, if also delightfully pleasurable, taleteller. In *The Treatise on the Astrolabe, ingenium* is explicitly disavowed in favor of translation as "mere" copying; this amounts to the poet's insistence that even a

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20 Cooper, "Figures for 'Greeter Knowing,'" 100.
21 Banks, "Your very first ESP text (wherein Chaucer explaineth the astrolabe)" 15–18.
22 Williams, *Marxism and Literature*, 131.

work positioned on the cultural vanguard is only ever derivative. Style, the imperative tense, repetitions of syntax and verb develop as rhythmic instructions in an absorbing "how to" manual both emerging from and pointed toward a "transindividual" community. And so it is not coincidental, I think that this text would be one with considerable practical power in the years following Chaucer's death, as itself, e.g., the most widely copied of Chaucer's texts in that first generation that followed him.

Both texts, finally, gesture toward the future in evocations of the child (Chaucer as "poppet"; the Astrolabe's dedication to Chaucer's son, Little Lewis). The child is, in the first case, a purveyor of fine, and silly, fabling; and in the second, a figure for Chaucer's male progeny interested in new knowledge, new practices, and new gadgets. Both texts eschew the fine flourishes we find elsewhere in the poet's work; both avoid the philosophical and transcendent in favor of the quotidian and practical. Earlier in this chapter, I asked whether or not we might think of Chaucer – himself situated amid a culture that used artistic copying as a creative standard – as focused in some forthright way on the creation of something new. To what extent does Chaucer's work evince what Raymond Williams might recognize as an "emergent style"? The preliminary answer it seems to me has to do with his use of repetition, a standardized practice capable of breaking into new territory, even as it casts that new territory as debased, derivative, or silly. We should of course recall, along with Raymond Williams, that not all such reactions to standards prompt something innovative and new – some of those reactions might result in residual practices, or residual styles. But the fact that such styles can, under certain conditions, offer emergent style reminds us too that even those standards that appear to constrain originality can end up unleashing all manner of productive cultural negotiations. The evocation of childhood in both these texts seem redolent of a structure of feeling, one gesturing toward fresh futures, while resituating authorial ambition as an inability to be ever confidently masterful. Genius.

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John Burden

6 Standardizing Penances in the Ottonian Empire: Goals, Methods, and Limits

Abstract: Canon law, as God's law, was supposed to be consistent and universal. During the Early Middle Ages, however, different regions in Latin Europe developed different customs and rules based on different authorities. This chapter will investigate one notable attempt to bring order to this diversity. Not long after 1000, Bishop Burchard of Worms compiled the *Decretum*, a canon law collection that became standard across much of Latin Europe for nearly two centuries. Most scholars have viewed Burchard's intentions as primarily local: to provide either a legal, pastoral, or didactic tool for his priests. This paper will argue, however, that Burchard, who was a leading statesman of the Ottonian Empire and a close confidant of Emperor Henry II, also had political motivations. In particular, he sought to provide a symbol of unity for the disparate regions of the empire in the form of a common tool for judging disputes at councils and synods. This chapter will focus especially on Burchard's treatment of specific penances, which he included throughout the collection and in a dedicated book: Book 19, the *Corrector*.

Keywords: Canon law, penance, Burchard, Decretum, Corrector

Introduction

Between 1012 and 1023, Bishop Burchard of Worms compiled the *Decretum*, a major canon law collection that addressed matters of diocesan administration and pastoral care. Based on his words in the preface, most scholars have concluded that his main intention was to provide a tool for local use and education within his diocese. This book, he claimed, should not "pass beyond the boundary of our bishopric" and "should remain to be studied by our own."[1] There are reasons to believe, however, that Burchard was not being entirely truthful. In their work on the Worms scriptorium, Hartmut Hoffmann and Rudolf Pokorny revealed that Burchard and his team were making copies of the collection before

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1 "Non rogo ut nostri episcopi limen transeat, sed nostris addiscendus remaneat." Burchard of Worms, *Decretorum*, 48 (pref.). Translation: Somerville and Brasington, *Prefaces*, 88–89.

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they even put the final touches on it.[2] In fact, the team worked rapidly and concurrently on at least four manuscripts, two of which they sent to Bamberg and Cologne. So quickly did they work on these manuscripts that they failed to coordinate the latest additions, leading to different orders of canons at the ends of several books. Despite his claim otherwise, Burchard seems to have wanted his collection to spread to other dioceses.

This chapter will argue that larger political interests probably lay behind the project. Burchard sought, at least in part, to promote political unity by providing the bishops and other clergy of the Ottonian empire with a standard collection of ecclesiastical laws and customs. The first half of the chapter will introduce Burchard, his political context, and the creation and early transmission of the *Decretum*. We will see that Burchard carefully chose his sources to represent the empire's constituencies and that imperial networks helped to transmit the collection to key dioceses in its early days. Turning to the special case of penances, we will see how Burchard distilled the mass of ancient judgments into a simple, workable form. Burchard included many diverse and conflicting penances throughout the *Decretum*, but in Book 19, the *Corrector*, he listed for each offense only the one or two that seemed authoritative, consistent, and useful. In this way, he established a standard manual for bishops and other clergy who judged penances.

The second half of this chapter will investigate how this effort fell short of modern expectations of standardization. Although Burchard provided a standard list of penances, alternatives could still be found in the earlier books of the collection. And unbeknownst to scholars, *Decretum* manuscripts – including the earliest Worms copies – exhibit significant variations in the penances found in Book 19. While these alternatives and variations might seem to undermine the goal of standardization, this chapter argues the opposite. Burchard sought to standardize penances, but he also recognized that total uniformity was not achievable. Rather than try to impose a rigid and definitive list of penances, he created a flexible and useful manual that could account for local custom and difference. Utility and flexibility were essential to the success of the *Decretum*. While imperial networks could and did transmit the collection initially, it only achieved widespread and lasting influence because churchmen chose to use it. In this way, it helped to generate predictability and consistency in the practice of canon law even if it fell short of imposing total uniformity. The diverse churches of the Ottonian empire may not have had much in common in terms of language, culture, or recent political history, but through Burchard's collection they came to possess a common body of laws and customs.

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2 Hoffmann and Pokorny, *Das Dekret*, 29–64.

Burchard and the Decretum

Bishop Burchard of Worms (d. 1025) was born in the Hesse region of Germany in the middle of the tenth century.[3] Taken under the wing of Archbishop Willigis of Mainz (r. 975–1011), he advanced rapidly in ecclesiastical rank. After administering several churches, he was appointed bishop of Worms in the Rhineland in 1000, which put him in an excellent position to influence the succession crisis that followed the death of Emperor Otto III in 1002. Burchard and Willigis threw their support behind Henry of Bavaria, helping him to acquire the throne as Henry II (king 1002–1024; emperor 1014–1024).[4] Henry returned the favor by granting Burchard full secular control of Worms and retaining him and Willigis as close allies and advisers. During the next two decades, both churchmen exerted considerable influence over the political and ecclesiastical affairs of the empire.[5] At numerous councils and synods, they worked with other bishops, abbots, priests, and secular leaders to coordinate policy, resolve disputes, and punish wrongdoers.

Between 1012 and 1023, Burchard and a team of clergy including at least one other bishop, Walter of Speyer, assembled the *Decretum*. They divided the collection into twenty books and included in it a wide range of useful and authoritative Christian texts on matters of diocesan administration, episcopal rights, clerical oversight, synodal cases, the judgment and enforcement of penances, and pastoral care. The *Decretum* is recognized today as one of the most important canon law collections of the Middle Ages. Surviving in over eighty complete copies, and in many more excerpted and abbreviated versions, the *Decretum* was widely used across Latin Christendom during the eleventh and twelfth centuries.[6] In addition to specialists in canon law, Burchard's collection is also well known to historians of culture and gender for its many fascinating descriptions of magic, witchcraft, and illicit sexual acts. Some of the very first references to werewolves and witches in all of European literature appear in the *Decretum*.

The *Decretum* has also received attention in recent decades due to the groundbreaking discoveries of Hartmut Hoffmann and Rudolf Pokorny. In the late 1980s, they showed that Burchard's original working copy from the Worms cathedral scriptorium survives today as Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 585–586.[7] In this two-volume manuscript, we can observe the stages of editing and

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3 On Burchard's life, see: Austin, *Shaping*; and Hartmann, *Bischof Burchard*.

4 On Henry II, see: Weinfurter, *Heinrich II.*

5 On their activities, see: Schieffer, "Burchard"; Hehl, "Willigis."

6 The most complete list of manuscripts is found in: Kéry, *Canonical Collections*, 133–155.

7 Hoffmann and Pokorny, *Das Dekret*, 29–64.

expansion undertaken by Burchard and his team. Hoffmann and Pokorny also demonstrated that three other manuscripts now in Frankfurt, Bamberg, and Cologne were copied in Worms by the same hands. These discoveries have led to a much better understanding of Burchard's editorial principles and legal thinking. Greta Austin and Birgit Kynast, for example, have shown that Burchard's textual interventions and critical engagement with sources were far more sophisticated than previously thought.[8]

Scholars envision several uses for the *Decretum*. Much like its main source, Regino of Prüm's *Two Books on Synodal Cases*, it was clearly intended, at least in part, to help bishops judge synodal cases. Most manuscripts of the *Decretum* contain a long synodal *ordo*, and Bishop Eberhard of Constance explicitly stated in his own copy of the *Decretum* that he found it useful for resolving disputes and rendering judgments within his diocese.[9] One leading scholar has gone so far as to call the *Decretum* a "synodal *vademecum* for bishops."[10] For other scholars, the *Decretum* functioned as a tool for pastoral care in the hands of ordinary priests.[11] Still others argue that it was used primarily for educating young priests, as Burchard himself claimed in his preface, and as a reference text that mainly sat in the library.[12] These explanations focus primarily on the local uses of the *Decretum*. Few have considered, however, what role it might have played across dioceses and in the political context. The rest of this chapter will consider these angles by examining how Burchard built the collection, how it was initially transmitted and promoted, and what institutions and networks supported the effort.

An Imperial Project

Until recently, Emperor Henry II was not directly associated with any major effort of ecclesiastical reform. Henry Parkes' groundbreaking research, however, indicates that he probably played a role in the creation and dissemination of the *Ro-*

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8 Kynast, *Tradition*; Austin, *Shaping*.

9 "Inter quos hunc librum in nostra ecclesia maxime necessarium elaboravi, quia pro amplitudine episcopatus saepe oriuntur inter nos synodales controversiae, e quibus emergi non est facile absque huius libri auctoritate; praeterea ut nostri cooperatores pro intuitu canonicae institutionis non pro arbitrio propriae deliberationis iudicium, iura ac instructionem subiectis suis tribuere valeant." Freiburg im Breisgau, Universitätsbibliothek, 7 (s. xi$^{2/4}$), 311va.

10 Jasper, "Burchards Dekret," 170.

11 Austin, "Jurisprudence."

12 Körntgen, "Canon Law"; Kynast, *Tradition*, 38–40.

mano-German Pontifical (PRG), a major liturgical collection for bishops.[13] Although the PRG was once thought to have been compiled in the 950s, Parkes has shown that the original copy survives today among the manuscripts donated by Henry II to the cathedral library of Bamberg around 1012. Paleographical analysis shows that Bamberg, Staatsbibliothek, Msc.Lit.53 was copied at Seeon Abbey in Henry's native Bavaria not long before 1012 and that it contains codicological features that – much like in the Pal. lat. manuscript of the *Decretum* – indicate stages of compilation. Parkes has also reasoned that Henry II, who was gathering rare liturgical texts for the new diocese he founded at Bamberg around this time, may have helped the compilers of the pontifical by loaning texts to them. Finally, Parkes has shown that the emperor probably gave a copy of the PRG to Bishop Gerard I of Cambrai (r. 1012–1051) and possibly also to Abbot Theobald of Montecassino (1022–1035/1037). Sources record Henry II's extensive knowledge of the liturgy, so it not surprising that he took interest in such a monumental effort of liturgical reform.[14]

It is not hard to imagine that Henry II was also interested in the law. Indeed, there is already some evidence that Henry and Burchard collaborated on an effort of legal reform in their later years: the *Lex familiae Wormatiensis ecclesiae* compiled by Burchard as the secular ruler of Worms in 1024–1025.[15] Burchard included in the *Lex* several decrees that Henry II had made in 1023 regarding a feud between Worms and Lorsch. Scholars have suggested that Burchard and Henry intended the *Lex* to provide a model for other secular lords to codify their rights and customs. In the words of Stefan Weinfurter, the *Lex* "gives the impression that it came into being in collaboration with the royal court."[16] There is also circumstantial evidence that connects Henry II and Burchard during the time that the *Decretum* was being compiled. The *Vita Burchardi*, which was written by a Worms cathedral provost named Ebo, records that Burchard began working on the collection in a little cell outside of Worms where he could escape the "councils, *meetings with the king*, synodal cares, and diverse rumblings of the world."[17]

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13 Parkes, "Henry II."

14 Parkes, "Henry II," 105 (on Henry II convincing the pope to modify the Roman mass), 108 (on Henry debating monks about the mass using an *exemplar antiquum*), 129 (on the monks of Petershausen Abbey complaining about Henry taking relics and books).

15 On the *Lex familiae*, see: Schultz, "Das Wormser Hofrecht."

16 "Das Wormser Hofrecht [. . .] hat den Anschein, also sei sie im Zusammenwirken mit dem Königshof zustande gekommen." Weinfurter, *Heinrich II.*, 73.

17 The italicization is mine. "Illic se post concilia regiaque colloquia et post curam synodalem diversosque mundi strepitus receperat; ibique negotiis secularibus post tergum proiectis, totis viribus in obsequio Dei studebat. Eodem quippe tempore in collectario canonum in hac cella non modicum laboravit." *Vita Burchardi*, 111 (ch. 10).

What could an emperor hope to gain through canonical and liturgical reform? Much of Ottonian political policy revolved around cultivating the support of bishops and abbots.[18] Unlike secular rulers, churchmen could not easily pass their offices and properties to family members and so were insulated somewhat from dynastic politics. German emperors realized that the support of leading clerics could serve as a counterweight against acquisitive magnates. In cases of rebellion, such as that of Otto I's eldest son Liudolf in the 953, bishops could usually be counted on to support the crown. The emperors carefully cultivated relationships with mighty churchmen such as Burchard and Willigis, entrusting them with high offices. The archbishop of Mainz, for example, usually functioned as the archchancellor of Germany, the second highest office in the empire. He also led regencies, such as during Otto III's minority from 983 to 994.

Many bishops and abbots of the era ruled territories and commanded resources on a par with the greatest secular lords. So politically powerful were they that one historian has described Burchard's time as an "age of bishops."[19] Cultivating ecclesiastical relationships also played a key role in Ottonian *imperial policy*: by securing the support of churchmen *outside* of Germany, emperors could maintain influence in regions that were difficult to directly control. In northern Italy, the archbishops of Milan and Ravenna, as well as the bishops of Lucca, Ivrea, Parma, Pavia, Verona, and Vercelli, usually supported the imperial cause against rebellious nobles and pretenders. The powerful abbots of Bobbio, Nonantola, Pomposa, Farfa, and – in southern Italy – Montecassino played a similar role. In the western borderlands of the empire where influence was contested with the kings of France, the emperors also courted the favor of the bishops of Basel, Cambrai, and Tournai, and of the abbots of Lobbes, St. Vaast, and Cluny.

Whenever possible, Henry II used his rights and influence to secure the election of loyal bishops and abbots. In this effort, he often drew from the imperial chapel, which recruited promising young aristocrats from across the empire. He also recruited heavily from loyal families such as the Aribonen, who had supported him since his days as duke of Bavaria. During his reign, Henry managed to appoint no fewer than sixty-four bishops, including in far-flung places such as Cambrai, Parma, Utrecht, and Ravenna.[20] From the Aribonen alone, he appointed

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18 Older German scholarship tended to attribute the close church-state cooperation of the Ottonian and early Salian eras to a defined and hierarchical "imperial church system" (*Reichskirchensystem*) with the emperor at the top. More recent scholarship has emphasized the diverse interests and relationships of individual actors and continuity with the Carolingian past. *Patterns of Episcopal Power*; Patzold, *Episcopus*; *The Bishop Reformed*.
19 Reuter, "Ein Europa der Bischöfe." Translated into English as: Reuter, "A Europe of Bishops."
20 Weinfurter, *Heinrich II.*, 110–126.

the powerful archbishops Pilgrim of Cologne (r. 1021–1036) and Aribo of Mainz (r. 1021–1031), who joined their elder kinsman Archbishop Hartwig of Salzburg (r. 999–1023). It should be noted that Seeon Abbey, where the original PRG manuscript was copied, belonged to the Aribonen family.

We can now begin to grasp why a pious emperor and a bishop-statesman might have seen political benefit in a project of canonical or liturgical reform. For the leading churchmen of the empire, whose support was essential for political stability, common laws and rites provided a sense of unity. On an ideological level, a single standardized text could show them that their local customs belonged to a larger body that corresponded to a political unit. More practically, a standard collection could also help bishops and abbots across the empire find common ground on issues of law, liturgy, and doctrine at councils, synods, and other religious events. That Henry II was aware of the intersection between ecclesiastical customs and geopolitics is not mere speculation. The *Gesta* of the bishops of Cambrai record that when Henry gave Bishop Gerard what was likely a copy of the PRG in 1012, he did so in order that Gerard have "a book containing services for consecrating clerics and ordaining bishops, so that he would be ordained using this text and not be ordained in an irregular manner using the disorganized customs of the West Franks."[21] Henry wanted to ensure that Cambrai's liturgy was aligned with the empire.

Assembling the Decretum

Concern for imperial unity can be seen sensed in the assembly of the *Decretum*. When Burchard (and his team) began work on the project, he had many sources to choose from. He turned first to Regino of Prüm's collection, which had been compiled in Mainz around 905.[22] While Regino's collection was still used widely in Germany, it had two main drawbacks. First, it was over a hundred years old and did not include decrees from more recent German synods held at Hohenaltheim (916), Koblenz (922), and Erfurt (932). Second, it was not well suited for use in Italy. Regino compiled his collection for an East Frankish kingdom based on the

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21 "Quo audito imperator altioris consilii illum advertens, libenter acquievit, dataque reditus licentia, largitus est ei librum consecrationes clericorum et ordinationem episcopi continentem, ut per hunc videlicet consecratus, haud fortasse quidem indisciplinatis moribus Karlensium inregulariter ordinaretur." *Gesta episcoporum Cameracensium*, MGH SS 7.466.40–44. The citation and translation here follow: Parkes, "Henry II," 108.
22 On Burchard's sources, see: Austin, *Shaping*, 37–50; Hoffmann and Pokorny, *Das Dekret*, 173–244.

Rhine and so paid little attention to texts from south of the Alps. Surely seeking to remedy this problem, Burchard chose as his second major source the *Anselmo dedicata*, which was compiled in Lombardy between 882 and 996. These two major collections, representing the core constituencies of Germany and Italy, provide more than half of the canons in the *Decretum*. As minor sources, Burchard also utilized other canon law collections, penitentials, and lists of conciliar and synodal decrees. For penances, he relied especially on Halitgar of Cambrai's collection, the Bede-Egbert penitentials, and the penitential letters of Hrabanus Maurus.[23]

Some of Burchard's more rare and obscure sources, drawn from the far corners of the Ottonian empire, saw very limited circulation. The *Hubertense* penitential, whose penances are cited in Book 10 and Book 19, is only known today through a now-lost manuscript from the abbey of Saint-Hubert in the Ardennes.[24] The *Remense* penitential, which is cited once in Book 14, is known only in a single manuscript from Reims and a few excerpts.[25] Decrees from the Council of Pavia (845–50) and from the Council of Rome (875) survive in two manuscripts each.[26] Among contemporary texts, only the PRG matches the *Decretum* in the depth and breadth of its source base. As Parkes has shown, the PRG contains many rare liturgical rites drawn from geographically diverse and otherwise poorly attested sources. In his words, the PRG appears "to unite, in some sense, the accumulated understandings and customs of the Reich at large."[27]

As mentioned above, the discovery of Burchard's original working copy, Pal. lat. 585–856, provides remarkable insight into how Burchard compiled the collection.[28] The earliest observable form contained nineteen books. The first five books focus on ecclesiastical affairs, including the rights and duties of bishops, the organization of synods, regulation of the clergy, the sacraments, and church property. Beginning with Book 6 on homicide, many of later books address specific crimes and sins such as incest (Book 7), magic and superstition (Book 10), perjury (Book 12), overindulgence and drunkenness (Book 14), and fornication and adultery (Book 17). Among the later books, some are also devoted to topics such as monks and nuns (Book 8), lay women and marriage (Book 9), and trials (Book 16). In most books, but especially in the later books dedicated to specific crimes and sins, Burchard included penitential judgments drawn from both

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23 On these penitential sources, see: Kynast, *Tradition*, 55–72; Körntgen, "Fortschreibung."

24 *Paenitentialia minora*, xl–xli, 105–115.

25 Asbach, "Das Poenitentiale Remense."

26 *Pavia (845–50),* MGH Concilia 3.207–215; *Rome (875),* MGH Concilia 5.6–9.

27 Parkes, "Henry II," 138.

28 Hoffmann and Pokorny, *Das Dekret*, 29–64.

canon law collections and penitentials. The most serious crimes and sins receive seven years of penance (or more), while minor violations of diet receive as little as a few days of fasting. The offender is usually assumed to be a lay member, but some penances are directed at priests who, for example, visit taverns or neglect the eucharist.

Burchard carefully chose the canons that he included in the *Decretum*, and he even modified their rubrics, inscriptions, and texts to adhere to editorial principles.[29] Nevertheless, many texts, especially penances, duplicate and contradict each other. Book 5 contains at least three penances for vomiting up the eucharist (BU 5.46, 48–49), Book 10 provides two penances for divination (BU 10.8, 24), Book 12 supplies several penances for perjury (BU 12.3–12), and Book 17 gives several for abortion (BU 17.50–53) and for parental negligence resulting in the death of a child (BU 17.55, 58–59).[30] This diversity is not surprising in a collection that was built out of texts drawn from different times and different places. Parkes has observed much the same in the PRG. In his words, it reads like a "curiosity cabinet" with a "confusing multiplicity of ideas."[31] Four different accounts of the mass appear – two Frankish (PRG 94–95) and two Roman (PRG 92, 98) – as well as two Palm Sunday *ordines* (PRG 99.162, 194–201).

Burchard dedicated Book 19, the last book of the original collection, entirely to penance. He also gave it its own title, the *Corrector et Medicus*, suggesting that it had a special function.[32] Among Book 19's many canons, Canon 5 is especially interesting. It contains a very long questionnaire that is structured as a conversation between a priest and a penitent and occupies around 20 folios in most manuscripts. Comprising about 194 questions, it begins with very serious crimes and sins such as homicide, perjury, and adultery, and progresses downward in terms of severity to seemingly innocuous violations of diet and religious observance.

Burchard took some steps to resolve penitential contradictions in the penitential questionnaire (BU 19.5). In it, he distilled the diverse penances of the previous books into a simple list. As he explained in the preface, he wanted to create a single book that states for "each and every offense the gravity of the sin and the

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29 Austin, *Shaping*, 90–222.

30 All canon numbers and abbreviated references to canonical collections follow: Fowler-Magerl, *Clavis canonum*.

31 Parkes, "Henry II," 133–134. The PRG numbering used below follows Parkes's analysis of the Bamberg manuscript.

32 On Book 19, see: Kynast, *Tradition*. The only other book of the *Decretum* to bear a special title is Book 20, the *Speculator*, which was added at a late stage of compilation.

amount of time for doing penance."[33] Whereas previous books of the *Decretum* included multiple conflicting amounts of penance, he included in the penitential questionnaire of Book 19 only the one or two that seemed most authoritative, useful, and consistent with the canonical tradition as presented elsewhere in the questionnaire. Clerics would surely have recognized that the penitential questionnaire did not entirely accord with the laws and customs of their regions, but they would also have found much of it familiar. And if they wanted alternative penances, they could simply turn to the earlier books. In this way, Burchard balanced standardization with flexibility. Readers could approach the collection at different levels, picking and choosing texts that seemed useful to them from various parts.

Transmitting the Decretum

For the *Decretum* to have any success as a symbol of imperial unity, Burchard needed bishops and abbots across the empire to use it. Here again we find imperial interests at work. As Hoffmann and Pokorny demonstrated, two of the four earliest manuscripts copied at the Worms scriptorium were sent to Bamberg and Cologne. Other early copies were sent to Constance, Trier, Würzburg, and Eichstätt.[34] In Italy, very early manuscripts survive from Parma and Milan. Unsurprisingly, both dioceses usually supported the imperial cause. The early Parma manuscript probably arrived with Bishop Henry (1015–1026) or Bishop Hugo (r. 1027–1047), both Germans and former members of the imperial court.[35] In Milan, the *Decretum* was certainly present during the reign of Archbishop Guido of Velate (r. 1045–1071), but it probably arrived somewhat earlier under his predecessor, the warlike imperial stalwart, Aribert (r. 1018–1045).[36]

The *Decretum* spread rapidly to key power centers across the empire and its borderlands. In Germany, the Council of Seligenstadt (1023), which was attended by leading churchmen of the Mainz and Trier church provinces, likely provided an

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33 "Inde estimo evenire maxime, quia mensuram temporis et modum delicti in agenda poenitentia non satis attente et aperte et perfecte praefigunt canones pro unoquoque crimine, ut de singulis dicant qualiter unumquodque emendandum sit, sed magis in arbitrio sacerdotis intellegentis relinquendum statuunt." Burchard of Worms, *Decretorum*, 45.

34 On the following manuscripts, see: Kéry, *Canonical Collections*, 133–155.

35 Weinfurter, *Heinrich II.*, 116–119.

36 Guido used the Milan manuscript to formulate the rite with which he excommunicated the Patarene leader Ariald in 1057. Milan, Biblioteca Ambrosiana, E 144 sup. (s. xi$^{2/2}$), ff. 200va–201vb. On this manuscript, see: Ambrosioni, "Il più antico elenco."

early venue for transmission.[37] In Italy, Henry II's campaign of 1022–1023 probably also provided an opportunity to spread the collection. Montecassino Abbey possesses an eleventh-century copy of the *Decretum*, and indeed Henry visited the abbey during this campaign to install a new abbot, Theobald. Abbey records claim that Henry donated three canon law manuscripts to the abbey while he was there, but it is difficult to tell if the *Decretum* was among them.[38] Angers, whose municipal library possesses two local eleventh-century manuscripts of the *Decretum*, may have provided an early entry point for the *Decretum* in West Francia. We might imagine that the connections of Henry III's second wife, Agnes of Poitou (r. 1039–1056), who was raised there, played a role. Other eleventh–century French manuscripts survive from Reims, Chartres, Fleury, and possibly Tours and Besançon.

Burchard's texts were also transmitted through the *Collectio duodecim partium* (CDP), an expanded version of the *Decretum* compiled in Freising not long after the *Decretum* itself. Some level of collaboration must have existed between the two projects.[39] The mastermind of the CDP was likely Bishop Egilbert of Freising (c. 1005–1039), Henry II's close confidant and a former chancellor of the empire, providing yet another link to the immediate circle of the emperor. The CDP 1 became well known in Bavaria, while the CDP 2 became known mainly in Lotharingia.

Flexibility and Variation

So far, it has been argued that the *Decretum* was conceived of as an imperial project and that imperial networks aided in its early transmission. Once present in key power centers, however, it spread further mainly because churchmen found it useful and so decided to procure a copy. We have already seen how Burchard made an effort to represent the diverse regions of the empire and how he included both a standardized list of penances in Book 19 as well as penitential alternatives in previous books. Further evidence of the flexibility of the collection can be seen in the many practical abbreviations that contain penitential texts from Book 19 combined with useful texts from other books of the *Decretum* and other canon law collections.[40] These abbreviations balance the brevity of the *Corrector*

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37 *Seligenstadt (1023)*, MGH Concilia 8.9–50; Austin, "Local Council."

38 According to Montecassino records, Henry donated a "concordia canonum," a "liber canonum," and a "decretale Pontificum." *Chronica monasterii Casinensi*, 2.65, MGH SS 34.266.6–7.

39 Austin, "Freising," 45–55.

40 Burden, "Reading Burchard's Corrector."

with the depth and breadth of the full *Decretum*, and they show how readers and users could add other texts not used by Burchard.

Another way to make Burchard's collection better align with local needs was to change its penances. Although almost entirely unnoticed by modern scholars, surviving manuscripts of the *Decretum* exhibit considerable variation in the penances listed in the penitential questionnaire (BU 19.5). Some sloppiness should be expected due to scribal error. Reading the Roman numerals "x," "v," and "i," especially when written in a small, tight script, naturally produced mistakes. Doubled "i" or a poorly written "x" became a "v," and vice versa. Eye skips also caused scribes to transpose one number in place of another. These kinds of errors were the inevitable consequence of medieval copying practices and – in and of themselves – posed a powerful challenge to medieval attempts at standardization. But even when scribal error is taken into account, the variations in penances are so numerous that at least some must have resulted from intentional revision. In order to survey these variations, I have analyzed thirteen copies of the *Decretum* and two copies of the CDP chosen to represent the known manuscript groups.

A brief introduction to the major manuscript groups is required. The first attempt to catalog and group *Decretum* manuscripts was made by Otto Meyer in the 1930s.[41] Meyer's work was updated in the 1970s and 80s by Gérard Fransen and Rudolf Pokorny.[42] The earliest version of the text is preserved in "Worms Group A," which includes the original Pal. lat. manuscript and two Würzburg manuscripts. Almost all other manuscripts, including the other three early products of the Worms scriptorium, belong to "Worms Group B." The most notable difference between the two Worms groups is the different ordering of canons at the end of certain books. The newer ordering – sometimes called the "Order of Constance" – occurred because Burchard's team revised multiple manuscripts rapidly and concurrently, failing to coordinate with each other, as mentioned earlier. The third major group, the "Italian Group," is a subgroup of Worms Group B. The defining feature of the Italian Group (which confusingly contains most French manuscripts too) is the omission of four series of canons in Books 8, 12, 19, and 20.[43] The CDP survives in two distinct forms – a longer one (CDP 1) and a shorter one (CDP 2) – whose relationship to each other and to the *Decretum* is enormously complicated.[44] A list of consulted manuscripts can be found in Table 3.

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41 Meyer, "Überlieferung."

42 Fowler-Magerl, *Clavis canonum*, 85–90; Hoffmann and Pokorny, *Das Dekret*; Fransen, "Le Décret."

43 Fransen, "Le Décret," 1–2, 8–12.

44 Austin, "Freising."

Table 3: Consulted Manuscripts.

Worms Group A	Worms Group B (German)
V = Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 585–586	F = Frankfurt, Stadt- und Universitätsbibliothek, Barth. 50
W = Würzburg, Universitätsbibliothek, M.p.th.f. 167	B = Bamberg, Staatsbibliothek, Can. 6
	K = Köln, Erzbischöfliche Diözesan- und Dombibliothek, 119
	CO = Freiburg im Breisgau, Universitätsbibliothek, 7
	EI = Eichstätt, Universitätsbibliothek, st. 772
	ME = Munich, Bayerische Staatsbibliothek, CLM 5801C
Worms Group B (Italian Group)	**CDP 1**
MI = Milano, Biblioteca Ambrosiana, E 144 sup.	TW = Wien, Österreichische Nationalbibliothek, lat. 2136
PA = Paris, Bibliothèque nationale, 3860	
RE = Reims, Bibliothèque municipale, 673	**CDP 2**
VA = Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 1355	TX = Troyes, Bibliothèque municipale, 246
VB = Vatican City, Biblioteca Apostolica Vaticana, Urb. lat. 180	

For the full data discussed below, see the Tables 5-9 in the Appendix. Remarkably, several penitential revisions seem to have been undertaken at the Worms cathedral scriptorium itself. As Birgit Kynast has observed, many of the penances in the Pal. lat. (V) and Frankfurt (F) manuscripts, the two earliest, are written over erasures and that some differ.[45] These revisions seem to paleographically align with the stage when Book 20 and the additions to the ends of most books were added.[46] Since the additions contained new penances, the questionnaire in Book 19 was revised accordingly. As with the misordering of canons at the ends of certain books, Burchard's team seems to have failed to adequately coordinate these changes across manuscripts.

Another revision was undertaken in the Bamberg manuscript (B), which originally followed F, from which it was likely copied. At some point, about eighteen penances in B were changed.[47] A final penitential revision was undertaken in the

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45 Kynast, *Tradition*, 432–475.

46 Hoffmann and Pokorny, *Das Dekret*, 30–31, 38.

47 While it is possible that B received these changes by comparison to a later manuscript, it is more likely that they occurred early on at Worms since they were incorporated into the main text of the Cologne manuscript K (which differs in other ways as discussed below).

Cologne manuscript (K), the last of the Worms copies. K generally follows B^{pc}, from which it was likely copied, but differs in six cases. Unlike B, these differences are original to the main text and not later modifications.

How do we explain these variations in the four Worms manuscripts? Were they conscious efforts at revision? Or the result of scribal error? The former must be the case. Three examples from B^{pc} and K show how the changes follow texts in the *Decretum*. At 19.5.59, V, F, and B^{ac} record ten years of penance for abortion based upon two decrees falsely attributed to a Council of Arles (BU 17.53–54). In B^{pc}, however, the amount has been changed to three years to follow the *Excarpus Cummeani* (BU 17.60). Much the same occurs at 19.5.61, which in V, F, and B^{ac} recommends seven years of penance based on the Council of Lérida (BU 17.52). In B^{pc}, this amount has been changed to one year, following either the *Excarpus Cummeani* (BU 17.55) or Hrabanus Maurus's letters (BU 17.59). For whatever reason, last-minute penitential modifications were made to individual manuscripts to follow one source rather than another.

By combining the known relationship between the four Worms manuscripts and the penitential differences just described, it is possible to establish a stemma including the other copies list above (see Table 4). Of the eleven non-Worms manuscripts, only one follows V's penances: the Würzburg manuscript (W). Likewise, only one follows F: the Munich manuscript (ME), which once belonged to Ebersberg Abbey in Bavaria. Four manuscripts, all from Germany or Lotharingia, follow B^{pc}: The Constance manuscript (CO), the Eichstätt manuscript, and the two CDP manuscripts. The remain five manuscripts, all Italian, follow K: MI, PA, RE, VA, and VB.

These results are interesting for several reasons. First, they largely confirm the relationship between V, F, B, and K described by Hoffmann and Pokorny. V came first, then F, then B and K. One further clarification can be made: K was likely copied from B rather than from F. Scholars so far have focused on F as the finished Worms product, but these results suggest that B, which contains substantial revisions that are reflected in nearly all later German manuscripts, may be more important.[48] The fact that K aligns so closely with Italian manuscripts also supports previous research. In the 1970s, Fransen proposed that the Milan manuscript (MI) was the oldest surviving example of the Italian Group. He also noticed similarities between MI and K, suggesting that the peculiar codicological features of the latter might explain some of the *lacunae* characteristic to the Italian Group. He even proposed that K could be a "link" between the Italian Group and the ear-

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[48] On the revisions in B, which sometimes correct corrupt readings inherited from V and F by comparison to Burchard's formal sources, see: Hoffmann and Pokorny, *Das Dekret,* 61.

liest German manuscripts from Worms.[49] The evidence of penitential variations supports a close connection between these two early manuscripts.

These penitential variations also provide insight into the networks that transmitted the *Decretum* in its early days. Such prominence for B is fitting since – like the original manuscript of the PRG – it was gifted by Emperor Henry II to the Bamberg cathedral library. If Henry Parkes is correct that the Bamberg PRG manuscript is the original, then Bamberg likely served as a key center at which both the *Decretum* and the PRG were actively copied and distributed during the 1010s and 1020s. It is probably no coincidence either that K seems to be the ancestor of many Italian manuscripts. The archbishops of Cologne usually held the office of Italian archchancellor during these years, guiding Italian affairs on behalf of the emperor.

One compelling figure who appears to link all the aforementioned people and places is Archbishop Pilgrim of Cologne, who before becoming archbishop in 1021 served as cathedral provost in Bamberg for five years.[50] Pilgrim belonged to the Aribonen family whose abbey at Seeon produced many of Henry II's donations to Bamberg, including the original manuscript of the PRG. His kinsman Aribo of Mainz also became Burchard's metropolitan archbishop in 1021, providing another link with Burchard in these years. Pilgrim accompanied Henry II on his Italian expedition in 1022–23, a trip during which Henry, as we saw earlier, distributed canon law manuscripts. Given these many connections, we might imagine that Pilgrim, in all the right places at the right times, played a significant role in the early transmission of the *Decretum*.
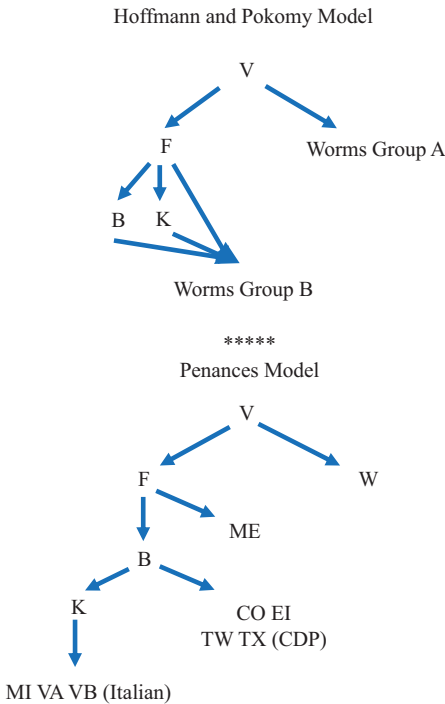
Final Thoughts

When all the evidence is considered, the outlines of an imperial effort emerge. Using sources drawn from the far corners of the empire, Burchard (and his team) attempted to standardize ecclesiastical laws and customs, especially penances. While he included varied and conflicting penances in the earlier books of the *Decretum*, he distilled and simplified them in Canon 5 of Book 19, the long penitential questionnaire. The goal, at least in part, was to provide a symbol of imperial unity and a common tool for judging synodal cases. In this sense, the *Decretum*

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49 In the words of Fransen, the Cologne and Milan manuscripts are "très proche" and the Milan manuscript represents "le chaînon liant la tradition ancienne à ce que nous avons appelé le second groupe." Fransen, "Le Décret," 8, 11, 18.

50 On Pilgrim and his activities in these years, see: Weinfurter, *Heinrich II.*, 116–117.

Table 4: Grouping manuscripts based on penances.

Hoffmann and Pokomy Model

V

F

Worms Group A

B   K

Worms Group B

*****

Penances Model

V

F

W

ME

B

K

CO EI
TW TX (CDP)

MI VA VB (Italian)

can be seen as a sister project to the PRG, whose connections to Emperor Henry II have been made clear through the work of Henry Parkes. As the emperor expressed to Bishop Gerard I of Cambrai, he wanted the ecclesiastical customs of his realm to be well organized.

Imperial networks also played a clear role in the early transmission of the *Decretum*. Sent first to Bamberg and Cologne, it was then disseminated from these key ecclesiastical centers to other dioceses and abbeys across the empire. In time, many other regional churches acquired the collection. Behind the effort looms the imperial court, including leading bishops such as Burchard, Egilbert, and Pilgrim, and even the emperor. It is not necessary to fall back upon the old idea of a rigid, hierarchical imperial church "system" to recognize that Henry II worked closely with the churchmen of his day. We can acknowledge that he played a key role in liturgical and canonical reform without envisioning him as the mastermind. Burchard and his episcopal peers were powerful and mighty lords with interests of their own, but in Henry they found a uniquely pious and learned monarch who understood and supported their efforts.

The manuscripts of the *Decretum* that survive today show surprising variations in their contents and amounts of penance. While these variations might at first glance seem to undermine Burchard's goal of standardization, the opposite was true. Flexibility was necessary to the collection's success. The emperor neither promulgated the collection nor tried to force bishops and abbots to use it. Such top-down intervention was beyond the capability of the Ottonian state and ran the risk of alienating its proud and independent ecclesiastical lords. Burchard and Henry worked within a political system based on persuasion, personal allegiance, and consensus. They could encourage and incentivize use of the *Decretum* or the PRG, but it was ultimately up to leading churchmen to *choose* to accept them. Flexibility and utility were key. As counterintuitive as it might seem, effective standardization in this era required the limited acceptance of diversity.

Appendix

Table 5: Penitential Variations in V*.

BU 19.5	V / Original Form	Other Manuscripts	Other Manuscripts
53(54)a	xv dies (V^{ac}) x dies (V^{pc} F B^{ac} W ME)	iii dies (B^{pc} K CO EI MI TW TX VA VB)	vi dies (PA RE)

*For a complete analysis of the differences between V and F in BU 19.5, see: Kynast, *Tradition*, 432–75. The numbering of questions in BU 19.5 here follows: Schmitz, *Die Bussbücher*, 409–52. Whereas Schmitz divides the text into 194 questions, Kynast counts 196. Kynast's numbers appear in parentheses.

Table 6: Penitential Variations in F.

BU 19.5	F	Original Form	Other Manuscripts
43(44)	xx dies (F B K CO EI ME MI PA RE TW TX VA VB)	x dies (V W)	
92(93)	xl dies (V F^{ac} W ME)	xx dies (F^{pc} B^{ac}?)	x dies (B^{pc} K CO EI MI PA RE TW TX VA VB)

Table 7: Penitential Variations in B.

BU 19.5	B	Original Form	Other Manuscripts
52(53)	v dies (B^{pc} K CO EI MI PA RE TX TW VA^{ac} VB)	x dies (V F B^{ac} W ME)	xxx dies (VA^{pc})
53(54)a	iii dies (B^{pc} K CO EI MI TW TX VA VB)	x dies (V^{pc} F B^{ac} W ME)	xv dies (V^{ac}) vi dies (PA RE)
53(54)b	x dies (B K CO EI MI PA RE TW VA VB)	xx dies (V F W ME)	xl dies (TX)
54(55)	x dies (B^{pc} K CO^{pc} EI MI PA RE TW TX VA VB)	xx dies (V F B^{ac}? W ME)	xl dies (CO^{ac})
55(56)	v dies (B^{pc} K CO EI MI TX TW VA VB)	x dies (V F B^{ac}? W ME)	vi dies (PA RE)
57(58)	xx dies (B^{pc} K CO EI MI PA RE TX TW VA VB)	xl dies (V F B^{ac} W ME)	
92(93)	x dies (B^{pc} K CO EI MI PA RE TX TW VA VB)	xl dies (V F^{ac} W)	xx dies (F^{pc} B^{ac}? ME)
125(126)a	i diem (B^{pc} K CO EI MI PA RE TX TW VA VB)	iii dies (V F B^{ac} W ME)	
127(129)	vii dies (B^{pc} K CO EI MI PA RE TX TW VA VB)	xx dies (V F B^{ac} W ME)	
133(135)a	iii dies (B^{pc} CO EI TX TW)	v dies (V F B^{ac} W ME)	ii dies (K PA RE VA VB MI)
133(135)b	i diem (B K CO EI MI PA RE TX TW VA VB)	ii dies (V F W ME)	
134(136)	ii dies (B^{pc} K CO EI MI PA RE TX TW VA VB)	iii dies (V F B^{ac}? W)	Folios missing in ME
150(152)	v dies (B^{pc} K CO EI ME MI PA RE TX TW VA VB)	x dies (F B^{ac}? W)	Folios missing in V from here on
154(156)	iii annos (B^{pc} K CO EI MI PA RE TX TW VA VB)	v annos (F B^{ac} W ME)	
159(161)	iii annos (B^{pc} K CO EI MI PA RE TX TW VA VB)	x annos (F B^{ac} W ME)	
161(163)	i annum (B^{pc} K CO EI MI PA RE TX TW VA VB)	vii annos (F B^{ac} W ME)	
167(169)	v annos (B^{pc} K CO EI MI PA RE TX TW VA VB)	vii annos (F B^{ac} W ME)	
184(186)	ii annos (B^{pc} K CO EI MI PA RE TX TW VA VB)	vi annos (F B^{ac} W ME)	

Table 8: Penitential Variations in K.

BU 19.5	Italian Group	Original Form	Other Manuscripts
30(31)	xii-mi (K) xv anni (VA VB)	xii anni (V F B W CO EI ME MI PA RE TW TX)	
64(65)	xx dies (K MI PA RE VA VB)	xxx dies (V F B W CO EI ME TX TW)	
99(100)	xx dies (K MI PA RE VA VB)	xxx dies (V F B W CO EI ME TX TW)	
125(126)b	x dies (K MI PA RE VA VB)	xx dies (V F B W CO EI TX TW)	Missing folio in ME
133(135)a	ii dies (K MI PA RE VA VB)	v dies (V F B^{ac})	iii dies (B^{pc} W CO EI TX TW)
149(151)	iii dies (K MI PA RE VA VB)	v dies (F W B CO EI ME TX TW)	Folios missing in V
166(168)	vi annos (K MI PA RE VB)	vii annos (F W B CO EI ME TX TW)	Text omitted in VA

Table 9: Penitential Variations in the CDP.

BU 19.5	CDP	Original Form	Other Manuscripts
56(57)	iii dies (TX)	iiii dies (V F B K W CO EI ME MI PA RE TW VA VB)	
121(122)	x dies (TW TX)	xl dies (V F B K W CO EI ME MI PA RE VA VB)	
143(145)	x dies (TW TX)	iii dies (F B K W CO EI ME MI PA RE VA VB)	Folios missing in V

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Abbreviations

CCSL   Corpus Christianorum, Series Latina
CDP   *Collectio duodecim partium*
MGH   *Monumenta Germaniae Historica*
MGH SS Monumenta Germaniae Historica, Scriptores
PRG   *Romano-German Pontifical*

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Franziska Quaas

7 How to Write a Private Charter in the Early Middle Ages. Formulaic Writing between Uniformity and Heterogeneity

Abstract: Even in contemporary research, the idea prevails that the writing of charters, to which a uniform and stereotypical character was commonly attributed, was characterized by a high degree of standardization. According to this idea, scribes simply drew on predetermined phrases and copied them from generation to generation with neither adaption nor variance. Possible evidence of the truth of the theory that the production of charters allegedly followed strict rules was found in the existence of a very particular type of source, namely early medieval *formulae* collections. As these collections provide anonymized templates for various types of legal transactions, it seemed all too obvious that these *formulae*, equipped with placeholders, should serve to facilitate the formulation of documents with similar legal content. But did the collections of *formulae* really serve this purpose? Did the scribes really follow templates when formulating charters? Using new digital methods of research, the example of the early medieval private charters of Alemannia and Bavaria is used to show which techniques the scribes actually used in the formulation of charters; it becomes clear that the scribes of early medieval documents had extensive freedom in the formulation of the texts. Contrary to earlier ideas, the writing of charters was thus not characterized by uniformity, but by a high degree of heterogeneity.

Keywords: Charters, diplomatics, formulae, formulaic writing, legal practice, standardization

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Standardized Practices in the Writing of Early Medieval Charters?

For a long time, the question of whether and to what extent people in the Middle Ages pursued ideals of uniformity and used techniques of standardization to this end seemed to be easy to answer: Especially for nineteenth- and early twentieth-century legal history and diplomatics, the idea prevailed that hardly any other area of medieval life was characterized by a similarly high degree of standardization as the writing of charters, to which a uniform and stereotypical character is commonly attributed even in present-day research. This supposed uniform appearance of charters was attributed to the idea that the production of charters in the early Middle Ages was determined in many respects by both unconsciously and deliberately practiced techniques of standardization, particularly with regard to the internal features (the formulas) of the charters.

On the one hand, the scribes of early medieval charters themselves were held responsible for the alleged similarity of the formulaic writing of charters. According to Heinrich Brunner, these scribes mindlessly limited themselves to the usage of traditional formulations despite possible changes in legislation.[1] Rarely able to understand the language as well as the legal content of the charters, the scribes counted themselves lucky if they had the opportunity to simply draw on predetermined phrases and to copy well-formulated wordings, which were inflexibly carried on from generation to generation with neither adaption nor variance.[2] In the eyes of nineteenth- and early twentieth-century historians this resulted in the perpetuation over several centuries of formulas that had long since become meaningless; these were perceived as empty and stereotypical phenomena then[3] as now.[4] On the other hand, it was assumed that especially in the Carolingian period, the production of any form of pragmatic writing must have been organized just as bureaucratically as in the modern state. In consonance with this idea, it would have been an overarching objective of "chanceries"[5] to achieve the highest

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1 See Brunner, *Rechtsgeschichte*, 3–4; similarly, John, "Formale Beziehungen," 1.

2 See Boye, "Poenformeln," 77; Heuberger, *Allgemeine Urkundenlehre*, 5; Steinacker, *Lehre*, 235. However, this idea is still held in more recent research. See for example Classen, "Fortleben und Wandel," 30, 32 and 41.

3 See Bretholz, "Studien," 31; Erben, *Kaiser- und Königsurkunden*, 301–303; Giry, *Manuel de diplomatique*, 537; Stengel, *Diplomatik der deutschen Immunitäts-Privilegien*, 6.

4 See Fuhrmann, *Urkundenwesen*, 61; Richardson, "Ars dictaminis," 64; Schwineköper, "'Cum aquis aquarumve decursibus'," 47.

5 As early as 1937, Hans Walter Klewitz pointed out the problems of the term and concept of "chanceries". See Klewitz, "Cancellaria," 45. In contemporary research, there is now a broad consensus on

possible degree of homogeneity in the charters produced, both for the purpose of ensuring an efficient way of organizing the labor of writing charters and for guaranteeing legal authenticity.[6] This problematic transfer of modern conditions to the early Middle Ages exerted an influence on the hypotheses developed in research on the mechanisms of formulaic writing in early medieval charters, which is still influential today. The widespread prejudice that the precise design of charters would have been in the hands of scribes who allegedly had little linguistic and legal expertise regarding the texts they wrote, while at the same time there would have been great demand for these texts to be as homogeneous as possible, lead many of researchers to draw only one conclusion: In order to be able to create standardized charters, especially with regard to the exact formulation of the formulaic writing, the scribes would not only have had to make use of certain auxiliary tools for the formulation of the texts of the charters, but they would have been virtually dependent on their utilization.[7]

Proponents of this theory thought they could find possible evidence for it in the existence of a very particular type of source, namely the early medieval *formulae* collections.[8] Since *formulae* do provide anonymized templates for charters of various legal contents it seemed all too obvious that the *formulae* equipped with placeholders were exemplary templates that served to facilitate the creation of similar documents. In order to verify whether *formulae* collections were actually used for the production of complete charters, the texts of *formulae* have been compared with those of early medieval charters in an unsystematic way since the

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the problematic character of the term. See: Dumézil, "Chancellerie mérovingienne," 473; Guyotjeannin/Pycke/Tock, *Diplomatique médiévale*, 223–225; Mersiowsky, "Karolingische Kanzleien," 504; Mersiowsky, *Urkunde in der Karolingerzeit*, 25; Tessier, *Diplomatique royale française*, 2.

6 See Kehr, *Urkunden Otto III*, 80–81; Kehr, "Schreiber und Diktatoren," 93–94; Santifaller, *Urkundenforschung*, 35.

7 In older research, this thesis was advocated by Bresslau, *Urkundenlehre*, 229; see Santifaller, *Urkundenforschung*, 30; Stengel, *Diplomatik*, 30–34 and 256–258. In newer research, this position is represented by Schuler, "Formelbuch und Ars dictandi," 375.

8 Main edition: *Formulae merowingici et karolini aevi*. This edition of the *formulae* by Karl Zeumer, which remains authoritative to this day, is fraught with numerous editorial problems from a modern perspective. For more details on these problems, see Rio, *Legal practice*; see also Rio, "Formulaires mérovingiens et carolingiens." A new hybrid edition is currently being prepared at the project "Formulae–Litterae–Chartae. New Edition of the Early Medieval Formulae with an Exploration and Analysis of Early Medieval Letters and Charters in Western Europe (c. 500–c. 1000)" at the Academy of Sciences and Humanities Hamburg under the direction of Philippe Depreux, which will be published in both printed and digital form. About the project, see "Formulae–Litterae–Chartae," Universität Hamburg <https://www.formulae.uni-hamburg.de/>.

early twentieth century. But for various reasons, these comparisons did not provide any reliable evidence of the actual use of the *formulae* for the formulation of the texts of charters. Not only can *formulae,* due to their anonymization as well as their fluid character, rarely be contextualized historically,[9] but the similarities identified in the formulations of the charters and *formulae* can often be followed back to formulation traditions that were so prevalent in certain periods and regions that it is impossible to trace them back to the *formulae*.[10]

Although doubts have been raised, quite rightly, about the reconstructability of direct interrelationships between charters and *formulae*,[11] this does not in principle undermine the point of carrying out systematic investigations of the exact relationships between these different types of texts. But in order to find out how early medieval scribes actually wrote their charters, we need to examine whether there were any fixed ideas at all about the ideal design principle that clearly shaped the formulaic writing of charters and *formulae*, rather than focusing on the ultimately unanswerable question of the actual usage of *formulae* for the drafting of the text of charters. Only on this basis can the question of the role played by various standardization practices be considered.

Developing Digital Methods for Analyzing the 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. This means that for each of the texts under consideration, the most precise picture of the way in which the individual formulaic elements were selected, arranged and formulated must be obtained. Heinrich Brunner had every reason to describe this detailed, cross-corpus examination of the formulaic writing of charters and *formulae* as a too cumbersome and time-consuming undertaking, and

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9 This is why Warren Brown has described the early medieval *formulae* as a "problematic" and "dangerous" kind of source. See Brown, "Conflicts, letters, and personal relationships," 332; Brown, "When documents are destroyed or lost," 339–340; Rio, "Charters, law codes and formulae," 12.

10 See Rio, *Legal Practice,* 31.

11 See Rio, *Legal Practice*, 65.

he rightly doubted its feasibility.[12] A precise diplomatic analysis of thousands of surviving early medieval charters and *formulae*, which in the pre-digital age could only be done through manual comparison, would have taken more than the lifetime of a single-researcher. In contrast, modern researchers in the digital age have entirely different options that can overcome these earlier challenges. Although even today text comparisons cannot be fully automated,[13] it is nonetheless possible to develop computer-assisted procedures that can at least facilitate the empirical analysis of such a large amount of diplomatic material.

A central requirement for such a machine-supported analysis is the availability of machine-readable full texts of the charters and *formulae* to be compared. Such versions of a growing number of different corpora, produced from existing critical editions, are currently being made digitally accessible by several different research projects.[14] As a first step, it is necessary to break down all the texts under consideration as precisely as possible into their respective individual components and to transfer them into a relational SQL database specially created for this purpose.[15] This separation of the various components of the texts enables not only an analysis of frequency distributions of the internal features of the texts in relation to a larger number of different factors, but also allows to compare formula by formula without any prior selection. Since the individual components can be compared in relation to each other completely independently of their original position within the texts, it is even possible to compare charters whose arrangements and positioning of the formulas used differ. At the same time, it is also possible to systematically compare combinations of several formulas and formulations or even entire texts, because the charters in the database are nevertheless recorded in their entirety.

The development and application of such a computer-based empirical methodology for diplomatic analysis offers several advantages over other, classical as well as machine-based, procedures. The new method not only enables the analysis of a large

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12 See Brunner, *Rechtsgeschichte*, 232.

13 See Patt, *Studien*, 146.

14 See (for example) the database of early medieval letters, charters and formulae in Western Europe provided by the project "Formulae–Litterae-Chartae" at the Academy of Sciences and Humanities Universität Hamburg https://www.formulae.uni-hamburg.de/; or "Cartae Europae Medii Aevi (CEMA)" <https://cema.lamop.fr/>.

15 Other projects also make use of SQL-based methods of analysis. See Fiallos, "Overview of the Process," 37–38. An alternative to the SQL-based methodology is the creation of X-Path based XML databases. See: Fiebig, *Urkundentext*. For the advantages and disadvantages of different SQL- and XML-based Methods and their usability for diplomatic questions in the digital age, see Sahle and Vogeler, "Urkundenforschung und Urkundenedition im digitalen Zeitalter," 354–357; Vogeler, "Von der Terminologie zur Ontologie," 284–286.

number of texts which takes into account all dimensions of formulaic writing and thus offers both a micro- and macroscopic approach, but it also helps us to operate almost entirely without any presuppositions. Therefore, the use of such a method generates more objective results that avoid possible forms of confirmation bias.[16] In this way, "empirical surprises" can occur that can lay the foundations for new heuristic discoveries.[17] This methodology also contributes to a more detailed numerical comprehensibility of formulaic writing, since it enables a more precise way of quantifying the frequency with which certain observed phenomena occur, which is, after all, considered to be one of the essential characteristics of the phenomenon of formulaity in general. In addition, the results obtained can be reproduced again and again[18] when exactly identical parameter queries are repeatedly used, thus ensuring a quantification within certain limits.

Undoubtedly, the numerous advantages inherent in the use of such a computer-based method for diplomatic analysis do not entirely pave the way for a "diplomatique magique."[19] After all, a full quantification of the facts that result from presuppositions, which are primarily hermeneutic in character, cannot be achieved. Similarly, there is the potential for discussion about the interpretation of the findings, which are still made by human experts. Therefore, there are reasons why practical and recognized criteria, on the basis of which statements might be made about which formulations are really similar to each other, have not yet been established. The meaningfulness of the results obtained through this new computer-assisted method is therefore limited to a certain extent. Nevertheless, with regard to the question of how early medieval scribes actually wrote charters, which mechanisms of formulaic writing came into play and whether and to what extent standardization techniques mattered, this method enables insights that could never have been gained in the traditional way.

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16 On this error and its impact on the results of empirical studies, see Diekmann, *Empirische Sozialforschung*, 49–52; Friedrichs, *Methoden empirischer Sozialforschung*, 271–273; Mercier, "Confirmation bias-Myside bias"; Wason, "On the failure to eliminate hypothesis in a conceptual task"; Wason, "Reasoning about a rule", 273–281.

17 See Dimpel, "Computerphilologe als Interpret," 365; Eibl, "Literaturwissenschaft als Erfahrungswissenschaft," 44; McCarty, *Humanities Computing*, 49–52; Vogeler, "Nutz und Frommen," 457–458.

18 On the advantage of the possibility of reproducibility in the use of computerized procedures, see Dimpel, "Computerphilologe als Interpret," 340.

19 Tock, "Diplomatique numérique," 16.

A Case Study of Early Medieval Private Charters and *Formulae* from the Eastern Frankish Empire

For the question of the significance of standardization techniques in the writing of early medieval charters, an examination of private charters has proved to be particularly fruitful because they were created in the context of a wide variety of ecclesiastical institutions and were written by a large number of different scribes. It is more appropriate to focus the study on the early medieval private charters from the Alemannic and Bavarian regions, since the formulaic writing of private charters from these regions, now in present-day southern Germany, Switzerland and Austria, differs from the design of Western Frankish charters because the latter are more homogeneous than the former.[20] While the Alemannic tradition extends mainly to the private charters that have survived in original form in the monastery of St. Gall[21] and is otherwise only supplemented by a small number of private charters from the monasteries of Rheinau,[22] Zürich,[23] and Müstair,[24] several corpora of private documents from various ecclesiastical institutions have survived from the Bavarian region in the form of cartularies. These are the collections of the dioceses of Freising,[25] Passau,[26] Regensburg[27] and Salzburg[28] as well as those from the monasteries of St. Emmeram,[29] Mondsee[30] and Schäftlarn.[31] The documents in the various corpora date from the seventh to the eleventh centuries; they essentially record property transactions such as donations, precariae, exchanges and purchases. Although there are some differences between the corpora such as amounts, chronological distribution and their manuscript tradition, the texts are basically comparable, and this therefore makes a cross-corpus analysis of formulaic writing possible.

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20 See Zatschek, Benützung, 168.

21 Main Edition: *Urkundenbuch der Abtei Sanct Gallen,* vol. 1 and 2. This edition, which is especially problematic with regard to the dating of the charters, is being replaced by a new critical edition, of which the first two volumes have now been published: *Chartularium Sangallense,* vol. 1 and 2.

22 Main edition: *Urkundenbuch der Stadt und der Landschaft Zürich 1.*

23 Main edition: *Urkundenbuch der Stadt und der Landschaft Zürich 1.*

24 Main edition: *Urkundenlandschaft Rätien.*

25 Main edition: *Die Traditionen des Hochstifts Freising,* vol. 1 and 2.

26 Main edition: *Die Traditionen des Hochstifts Passau.*

27 Main edition: *Die Traditionen des Hochstifts Regensburg und des Klosters St. Emmeram.*

28 Main edition: *Salzburger Urkundenbuch. Band 1: Traditionscodices.*

29 Main edition: *Die Traditionen des Hochstifts Regensburg und des Klosters St. Emmeram.*

30 Main edition: *Das älteste Traditionsbuch des Klosters Mondsee.*

31 Main edition: *Die Traditionen des Klosters Schäftlarn 760–1305.*

Formulaic Writing between Uniformity and Heterogeneity

In order to examine whether in the early Middle Ages there were more precise ideas about an ideal design for the text of private charters, which had an influence on how the scribes actually wrote their charters and which practices they used in doing so, it is essential to take a closer look at several dimensions of formulaic writing when analyzing and comparing the texts with each other. 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. In the following, the structure and composition of the texts of selected private charters will be studied. The second stage will investigate 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* concerning the transfers of property performed by laymen, it is possible to find out whether the notion of the use of *formulae* for the writing of charter texts, which is still widespread in research today, can even stand up to closer scrutiny. Finally, based on these results, we will be able to develop an approach 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.

The Selection and Combination of Internal Features and the Composition of the Charter Texts

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 obligatory. The necessary basic components of property transfers like donations, *precariae*, exchanges or purchases usually included mentioning the names of the actor(s) involved in these transactions and the value of the property transferred; in certain cases, an assurance of the power of disposal over the transferred goods, clauses concerning the conditions stipulated and references to the consequences of non-compliance with the respective contract could be added.

However, only a fraction of the surviving charters consists solely of the basic components required for documenting these types of legal transactions.[32] Instead, most of their texts are enriched with the integration of one or more additional internal features. Apart from the integration of a *sanctio* at the end of the charter's text, which served to make any person who potentially acted against the documented legal transaction aware of the secular and ecclesiastical penalties that awaited him, a whole series of introductory formulas like invocations, inscriptions, notifications and *arengae* were available to enrich the protocol. It is clear that the scribes obviously made varying use of these different additional types of internal features, depending on the kind of transaction documented in the charter. While the *invocatio* was placed at the beginning of the charter's text with a similar frequency in all types of legal transactions, some differences emerge with regard to the other formulas. Thus, the *inscriptio* appears more regularly in *precariae*, the notification clause more often in charters documenting transactions of exchanges, whereas the *arenga*, which is still most frequently found in charters concerning donations, seems to have been generally rarely used. The rare *sanctio* also tends to be found more often in charters documenting donations than in charters concerning other types of legal transactions.

Of course, it must be taken into account that these figures largely refer to copy-filtered tradition, which casts justifiable doubt on the validity of these findings; after all, it cannot be ruled out that the texts were deliberately abridged when the charters were transferred to the cartularies. Furthermore, the fact that most of the surviving donations date to the eighth and early ninth centuries, while the transactions of exchange only begin in the second half of the ninth century, complicates the interpretation of the findings. After all, it cannot be confidently ascertained whether, for example, the rarity of *arengas* and *sanctiones* in charters documenting exchanges can be attributed to the fact that these formulas were generally used less frequently in the ninth and tenth centuries, or whether they were specifically atypical for this type of charter.

Despite these issues, the results are quite significant for understanding the techniques and mechanisms of formulaic writing in early medieval private charters. None of the additional internal features appear with such significant frequency in connection with a certain type of legal transaction that it is not possible to speak of a compelling correlation in terms of the content between the choice of formulas for the design of the text of the charters and the transaction documented

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32 An example of a charter whose text consists only of the necessary basic components is the following donation of a man called Madalger to the 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).

there. The observation that, moreover, in all the corpora, for all types of legal transactions, each of the various additional types of formulas has sometimes been resorted to and sometimes been dispensed with, means that none of these internal features has become obligatory for any of the legal transactions. This indicates that it was possible to have a flexible design for the text of charters, with free recourse to various types of internal features. In other words, a homogenous form of composition cannot be identified for charters documenting donations, *precariae,* exchanges and purchases. Instead, the charters' composition is quite heterogeneous.

The actual extent of this heterogeneity can even be determined somewhat more precisely. If one considers the total number of potentially usable types of formulas and reflects the fact that not all of these different internal features were always used by the scribes, then purely hypothetically 30 different variants of possible combinations can be imagined for the composition of texts on the basis of mathematical reasoning. But this was by no means only a theoretically plausible option: analysis of the composition of the texts of donations shows that almost every one of these potentially conceivable combination variants, in which one, two, three or even four additional formulas were integrated into the texts in addition to the name of the benefactor, the recipient and the gifts, occurred with varying degrees of frequency in the surviving charters of all corpora over several centuries.[33] The most widespread combination variant (40%) in the charters documenting donations is that in which all available types of formulas have been used. An example of a donation with this kind of composition is that made by Moatbert and his wife Totana:[34]

> *Dominus noster Jesus Christus ac redemptor omnium per sanctum evangelium clara voce intonat dicens: Thesaurizate vobis thesaurus in caelo ubi neque erugo neque tinea demolitur et ubi fures non effodiunt nec furantur. Ego tamen Moatbertus una cum coniuge mea Totane nomine in quantum potui huiuscemodi exemplum secutus tradidi ad domum sanctae Mariae Semper virginis in loco Frigisinga ubi Ermbertus episcopus sacerdos praeesse dinoscitur, quicquid pater meus Petto mihi in hereditatem reliquid in loco quod dicitur Zollinga seu quicquid ad me legibus pertinere videbatur, in omnibus trado atque transfundo ad iam dictum domum in manus Ermberti episcopi in praesentia cunctae familiae sanctae Marie, id est casas curtes campis pratis pascuis silvis aquis aquarumque decursibus mancipias iumentas pecodes et omnem utensiliam in ea vero ratione firma donatione, ut post obitum meum et coniuge mea hereditas mea haec pro me et meis hereditas sit sanctorum in perpetuum, ut si quis de heredibus meis vel qualibet opposita persona contra haec donationem venire vel frangere voluerit, inprimis iram dei incurrat et omnium sanctorum atque angelorum agmina extraneus permaneat et insolubile vinculo damnatus sit et quod repetit evindicare non valeat et iudice*

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33 For more details and exact references to the respective charters, refer to the monograph mentioned in note 1.

34 Trad. Freising No. 1 issued on September 12th, 744.

terreno culpabilis sit auri D solidos et quod retulit restitua quadruplum et donatio ista firma et stabilis permaneat stipulatione subnexa [. . .].

Such rich combinations, using so many variants, are found much more sporadically in other types of legal transactions.[35] In these documents, combinations variants with a rather sparse and simpler design of the texts tend to be more frequent.[36] All in all, these types of legal transactions are also more uniform than the charters of donations in that there is evidence of a significantly smaller number of different variants in these charters.

We can only speculate about the reasons why the texts of donations are characterized by a high degree of variance and heterogeneity in terms of the composition, while those documenting exchange and purchase transactions are typified by a comparatively higher degree of homogeneity. Since the latter type of charters was primarily handed down from the period after the second half of the ninth century, it is quite conceivable that these findings reflect a change in the design of deeds, in the course of which the actually rich composition of the texts of the charters in the eighth century (identifiable in the case of the donations) was gradually abandoned over time in favor of a simpler design of tenth-century charters. The extensive reduction of the texts of charters concerning transactions of exchange to the essential components could, however, also have been done for content reasons. It is possible that the difference in the significance of these legal transactions was reflected in the way the texts were composed. Legal actions such as exchanges were often only relevant for the lifetime of the parties involved and were usually performed for purely practical and economic reasons. Their content was therefore much less important than donations in favor of ecclesiastical institutions, which were usually made in order to ensure the salvation of

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35 Only 6% of the charters documenting transactions of exchange in the Alemannic and Bavarian regions have a similarly rich composition.

36 An example for such a simple composition is Trad. Freising No. 1170 documenting an exchange between Bishop Abraham of Freising and a man called Selprat performed in the second half of the tenth century: *In dei nomine. Agnoscat omnium industria Christi fidelium, qualiter placuit atque convenit inter venerabilem Abraham episcopum et quendam nobilem virum nomine Selprat quandam complatitationem facere sicut et fecerunt. Tradidit igitur predictus nobilis vir in manus episcopi et advocati sui Paponis hobas II parscalchorum in loco qui dicitur Ellingrimesdorf omnibus rebus ad eas iure pertinentibus et mancipia III Otpreht, Uualdrut, Uuanger. Econtra vero accepit ab his hobas III in loco qui dicitur Mosaha aecclesiam I cum domibi [sic!] VII decimatam et mancipia VI Machalm, Salaman, Herimut, Engilpirich, Reginvuar, Ratkîs eo tenore complatitationis, ut usque ad exitum vitae suae possideat et uxoris suae Uuirdigae et filii eius Ellinrîci sine ullius obstaculo et in eodem loco molam I correctam; post finem vero illorum trium ad aecclesiam Frigisingensem redeat statim relicta anteriore condicione in usus episcopii. Isti sunt testes [. . .]*

the donor's soul and were entended to last for eternity; they were therefore part of a much larger sacred framework.

All these types of private charters used a multitude of different combination variants. This means that the choice of the individual components of the texts of a charter did not always follow the same principles, as has often been assumed by researchers.[37] Instead, the design of the text was characterized by variety but in principle enabled the scribes to freely choose different forms of composition for different private charters *ad libitum*.

The Formulation of Individual Types of Internal Features and Entire Texts of Private Charters

The observation that the scribes were apparently not bound to use certain obligatory types of formulas but were instead very likely free to make their own choice raises the question of whether they had a similarly wide creative leeway with regard to the formulation of both these individual components and the charters' texts as a whole.

With regard to the various internal features, one might initially expect that the general parts of the charters, such as *invocationes* or *arengae*, would be particularly predestined to have similar or even identical wording in several different documents. In fact, for the *arengae* used in the *formulae* and the Alemannian and Bavarian private charters of the eighth to tenth centuries, which are linguistically and stylistically complex, 400 different formulations, of which about three-quarters exist in similar variants in several records, can be found. A closer look at their similarities and differences reveals that indeed in various different texts almost exactly identical formulations of the *arengae* can be identified. The reasons for this high degree of correspondence can sometimes be traced back to the use of well-known biblical passages.[38] Other extensive overlaps which are partic-

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37 This widespread position is held, for example, by McKitterick, *Carolingians and the Written Word*, 90–91; similarly, see Borgolte, *Geschichte der Grafschaften,* 82; Heidecker, "Urkunden schreiben," 190; McKitterick, "Schriftlichkeit," 72; Meyer-Marthaler, "Die ältesten rätischen Urkunden," 127–128; Steiner, *Alte Rotuli*, 40; Wild, "Wurzeln und Entwicklungslinien," 238–240.

38 An example for this phenomenon is the sentence *Nihil enim intulimus in mundum hac dubium quia nec auffere quid possumus* from the Vulgata (1. Tim, 6–7), which is quoted with a few deviations as well in Formulae Marculfi I, 14c (*Nihil ut ait apostolus in hoc mundo intulimus nec quicquam ex eo offere nobiscum poterimus nisi quod ob animae salutem locis sanctorum devote Domino offernetes inpertire videmur)* as in Trad. Passau No. 15 (*Nihil enim ut ait apostolus in hoc*

ularly apparent when charters and *formulae* are compared,[39] suggest that in some cases the correspondences can actually be explained by textual interrelationships. The most that can be considered certain is that for some reason there was obviously a repertoire of formulations that had a certain distribution in the Eastern Frankish Empire and which found their way into the charters of various monasteries and bishoprics as well as various *formulae.* However, it is evident that most of the *arengae* are only similar at the beginning; after that point, they tend to use different combinations of various elements. Thus, the following three examples of *arengae* have similar statements requiring the donor to provide written and witness-based evidence,[40] but they then differ with different additions:

Formulae Salicae Lindenbrogianae No. 6:

> *Latores legum sanxerunt, ut, qui de **iuro proprio alicui aliquid tradere voluerit,** hoc coram plures testibus per scripturarum seriem firmiter **faciat obligari,** ut in evum inconvulsum valeat **permanere***

Trad. Passau No. 46:

> *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 oblicari** ut in evum inconvulsum **valeat perdurare, sicut dominus dixit in evangelio: date et dabitur vobis, multum accipiat, qui sibi de terrenis et caducis rebus comparat premia sempiterna***

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mundo intulimus nec quicquam ex eo nobiscum poterimus auferri nisi quod ob animae salutem locis sanctorum vel in substantiis pauperum conferre videmur).

39 An example for such a correspondence in the wording is the Arenga used in Formulae Marculfi II, 4 *(Dum fragilitas humani generis pertimescit ultimum vitae temporis subitanea transpositione ventura, oportet ut non inveniat unumquemque inparatum, ne sine boni operis respectu migret de seculo nisi dum **suo iure et** potestatem consistit preparet sibi viam salutis, per quam ad aeternam valeat **beatitudinem** pervenire)* and in UB St. Gall No. 164 *(Dum fragilitas humani generis pertimescit ultimum vite temporis subitanea transposicione ventura, oportit ut non inveniat unumquemque inparatum, ne sine aliquo boni operis respectu migret de seculo, nisi dum in sua potestate consistit preparet sibi viam salutis, per quam ad eternam **salutem** valeat pervenire)*.

40 See Codex Theodosianus IV, 18, 2, interpretatio.

These formulations' differences are not only linguistic but are also content-based. While the *arenga* is used in the "Formulae Salicae Lindenbrogianae" for a donation to any individual, in the charter from Passau it explicitly refers to the granting of church property to an individual and is supplemented by a warning against a possible alienation of church property. The addition made there is made against the background of the fact that Count Kerold was lent a church by the bishop in return for the payment of interest. In contrast, a completely different context is found in the charter from Mondsee, which concerns an ordinary donation to this monastery; accordingly, here the heavenly reward which awaits the donor is referred to.

Such examples demonstrate that certain more common thoughts and ideas are by no means manifested in completely identical formulations in several documents, but that they were formulated in a wide variety of different ways of wording and were changed, adapted or supplemented as required. In the formulation of *arengae*, which could thus be assembled in a mosaic-like way from a multitude of the most diverse ideas, a composition technique thus came into play, which presupposes that the individual elements from which the formulation of an *arenga* was composed could be learnt by heart by the respective scribes and potentially freely formulated. The use of such creative techniques of text production indicates, contrary to the widespread idea of a dependence of scribes on templates, that the scribes of early medieval private charters had particularly high levels of linguistic and stylistic competence and skill.

If one extends the comparison of the formulations to the entire texts of charters and *formulae*, at least those types of charters that are rather simply designed due to restrictions on the essential basic components pose a challenge – this applies to the majority of charters documenting *precariae,* exchanges and purchases. In the case of these charters, which often show similarities in the composition and sequence of their internal features, it is very difficult to determine their exact degree of similarity.[41] In contrast, the more comprehensive texts of the charters documenting donations offer a much more favorable starting point for a comparison of the wording of entire documents. For these types of charters it is easier to observe similarities and differences due to the fact that many of them include a whole series of additional formulas. Indeed, among the surviving donation charters, especially those from Mondsee and Passau,[42] groups of documents can be identified in which they have close parallels not only in the selection, combination and arrangement of the internal features used in their texts, but they also have to a large extent similar wording of the texts. Some of these donation charters have such a high degree of similarity that they correspond almost completely throughout the entire text. Such

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41 Compare, for example, the texts of Trad. Regensburg/St. Emmeram No. 39 and No. 76.

42 For more details, please refer to the monograph mentioned in note 1.

extensive similarities in wording can be found not only between charters written by different scribes,[43] but also to a somewhat lesser extent, between the charters from different corpora. Thus, a whole series of charters from the period of the eighth and the beginning of the ninth century from Mondsee,[44] Passau,[45] Schäftlarn,[46] Regensburg[47] and Freising,[48] which include some deeds of the Agilolfingian dukes of Bavaria,[49] show greater similarities in the formulation of the texts.[50] However, these groups of similar charters by no means confirm the widespread thesis that the scribes of private charters strove to design their texts as uniformly as possible and resorted to copying templates for this purpose. After all, a closer look at the texts reveals numerous literal deviations as well as numerous different variants between them. The process of creatively and freely combining different elements, as identified in similar *arengae*, which thereby created a new composition, had also been used for the charter text as a whole.

But there is also other evidence that suggests that the scribes freely formulated the texts of private charters. Much more frequently than more extensive correspondences in the formulation of the texts of charters,[51] overlaps can be seen that concern only a few internal features or are even limited exclusively to a similarity in the formulation of a single formula.[52] The presence of certain formulations in different contexts demonstrates that the formulation of a single formula was not dependent on the formulation of the internal features surrounding it. Minor correspondences like these thus indicate that different formulations are freely combined with each other in various ways and in diverse variants. This perspective points less to an omnipresence of concrete ideas about a required way to formulate the texts of the charters than to a consciousness of the 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,

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43 Examples are two charters written by the scribes Petto and Reginhart from Passau, dating to the second half of the eighth century; compare Trad. Passau No. 7 and Trad. Passau No. 49.

44 See Trad. Mondsee Nos. 13, 33, 70, 85, 87, 96, 116, 118.

45 See Trad. Passau Nos. 6, 7, 12, 14, 23, 25, 26, 29, 44a, 49.

46 See Trad. Schäftlarn Nos. 3, 5, 6, 11, 14, 15, 23.

47 See Trad. Regensburg/St. Emmeram Nos. 2, 5.

48 See Trad. Freising Nos.18, 55, 93, 388.

49 See Trad. Mondsee No. 116; see Trad. Passau No. 6.

50 Heinz Zatschek already noticed this similaritiy and denoted it as "südostdeutsche Form." See Zatschek, Benützung, 226–228, 233–235 and 237. For more details, see Fichtenau, "Urkunden Herzog Tassilos III."; Fichtenau, *Urkundenwesen in Österreich*, 23–27; John, "Formale Beziehungen," 51–52; Kanoldt, *Studien*, 25–128.

51 For more details, please refer to the monograph mentioned in note 1.

52 Compare, for example: Trad. Mondsee No. 17 and Trad. Mondsee No. 62.

as many researchers assume to this day, diplomatically uniform, stereotypical and strictly structured records, but are instead characterized by a juxtaposition of uniformity and variance, both in terms of their structure and the formulation of their texts.

Resemblances between Private Charters and *Formulae*

The finding that the early medieval Alemannic and Bavarian private charters also were not characterized by uniformity but rather by a high degree of heterogeneity, both in terms of their composition and structure as well in terms of their wording, raises the question of whether it is feasible at all to establish similarities between charters and *formulae* with respect to their formulation.

In fact, the most correspondences between private charters and *formulae* can be found in individual charters from the monastery of St. Gall and individual *formulae* in the Alemannic *formulae* collections.[53] Many of these collections even either definitely or probably originate from St. Gall[54] or are at least indirectly connected with this monastery.[55] Beyond the records from the Alemannic region, it is much rarer to find more extensive correspondences between private charters and *formulae*. Only individual charters from Freising and Mondsee show some more significant parallels with some *formulae* from Bavarian collections.[56] It cannot be ruled out that the formulations in documents from Freising, Mondsee and Salzburg may have been disseminated throughout Bavaria by Archbishop Arn himself, since some of these collections are closely connected with him and he

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53 Compare for example UB St. Gall No. 257 and Formulae Augienses Collectio B; compare 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 UB St. Gall Nos. 690, 692.

54 This concerns the manuscript St. Gall, Stiftsbibliothek, 550 (containing some of the "Formulae Augienses Collectio B"), the manuscript Vatican, Bibliotheca Apostolica Vaticana, Reg. Lat. 469 (containing some of the "Formulae Sangallenses miscellaneae")

55 This concerns Munich, Bayerische Staatsbibliothek, Clm. 19413, fol. 67r–fol. 111v, Vienna, Österreichische Nationalbibliothek, 1609, fol. 18r–fol. 54r (both containing the "Collectio Sangallensis") and Zürich, Zentralbibliothek, Rh. 131 (containing some of the "Formulae Sangallenses miscellaneae")

56 Compare for example Trad. Freising No. 321, Trad. Mondsee No. 125, Formulae Salicae Lindenbrogianae No.1 and Formulae Salzburgenses No. 4; see furthermore Trad. Mondsee Nos. 64 and 68, Formulae Salicae Lindenbrogianae No. 6, Formularum codicis S. Emmerami fragmenta No. 17 and Sydow, "St. Emmeramer Fragmente," No. 6.

had previously been a deacon and priest in the diocese of Freising.[57] However, without further evidence this is only conjecture.

None of these identifiable correspondences between private charters and *formulae* are literal equivalents of entire texts; only a very small proportion of them involve more extensive parts of the texts at all. Instead, most of the similarities concentrate only on the formulation of a single formula, similar to the character of the correspondences identified within the documentary tradition. Generally, these tend to be the *arengae* as well as the transitional formulas to the *dispositio*, which have an *arenga*-like character. The resemblances in these internal features between private charters and *formulae* are significant for the question of how the *formulae* were received, given that two-thirds of the *arengae* contained in Alemannian and Bavarian private charters have significant parallels with the *arengae* in collections of *formulae,* especially those of the "Formulae Marculfi."[58]

How should these results be interpreted? Even if one were to see in the correspondences between the private charters and *formulae* as an ultimately unverifiable 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 unfounded against the background of the results obtained from the comparison of the texts. For scribes who had mastered their craft and who knew how to freely formulate and compose their charters with recourse to 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 using idealized patterns. Such a possible procedure could be particularly obvious for the formulation of *arengae* which, for reasons of content, exhibit a greater linguistic and stylistic complexity. Traces of such a hypothetical procedure can be found in the preserved private charters written by the Passau scribe Hiltiperht. For his donation charters, 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 "Formulae Marculfi."[59] In some private charters containing such *arengae* that also occur in *formulae* collections, combinations of different formulations contained

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57 See Schröder, "Arno, Erzbischof von Salzburg", 167–170; Schröder, "Ueber die fränkischen Formelsammlungen", 103–106.

58 For more details and for references, please refer to the monograph mentioned in note 1.

59 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 Formulae Marculfi II, 6; compare Trad. Passau No. 15 *(Nihil enim ut ait apostolus in hunc mundo intulimus nec quicquam ex eo nobiscum poterimus auferii nisi quod ob animae salutem locis sanctorum vel in substantiis pauperum conferre videmur)* with Formulae Marculfi I, 14c.

in different formulae can be seen,[60] which again points to the importance of composition methods in the formulation of charter texts. 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 stylistically more complex types of formulas.

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 interrelationship between these texts or even strict orientation of the scribes to templates of this kind. On the contrary, these resemblances indicate much more a distribution of certain recurring formulations in certain geographic and literal landscapes, which the scribes could learn by heart and then freely use. Therefore, the overall resemblances between private charters and *formulae*, which can only be estimated as being quite small, suggest that the scribes did not strive for the standardization of their charters, but rather made creative use of what at first glance appear to be standardized, but in effect are extremely heterogeneous and varied compositional elements through creative techniques and thus created extremely heterogeneous texts characterized by a high degree of variance.

How to Write a Private Charter in the Early Middle Ages – 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 these

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60 Compare Trad. Mondsee Nos. 19/1, 64, 66, 106, 109, 115, 120, 121 with Formulae Salicae Lindenbrogianae No. 6, Formularum codicis S. Emmami fragmenta No. 18 and Formulae Salicae Lindenbrogianae Additamenta No, 3; compare Trad. Mondsee No. 125 with Formulae Salicae Lindenbrogianae No. 1, Formulae Augienses Collectio A No. 2, Formulae Augienses Collectio B No. 29, Formulae Salzburgenses No. 4 and Formulae Salicae Lindenbrogiana Additamenta No. 3 and Formularum e codicibus S. Emmerami fragmenta No. 16; compare Trad. Mondsee Nos. 128 and 134 with Formulae Marculfi II, 3 and Formulae Marculfi II, 1; compare Trad. Passau No. 15 with Formulae Marculfi I, 14c and II, 1; compare Trad. Passau No. 57b with Formulae Marculfi II, 6, Formulae Turonenses No. 1 b and Formulae Marculfi II, 1; compare UB St. Gall No. 117 with Formulae Augienses Collectio A No. 4, Formulae Augienses Collectio B Nos. 14 and 31 and Formulae Turonenses No. 1b and Formulae Salicae Merkelianae No. 4b; compare UB St. Gall No. 202 with Formulae Augienses Collectio A No. 4, Formulae Augienses Collectio B Nos. 14 and 31 and Formulae Augienses Collectio B No. 36.

documents. 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 to standardize legal practice and improve the charters.[61]

However, if the objective of standardizing the charters had really laid behind the compilation of *formulae* collections, this objective was not achieved. The cross-corpus comparison of the texts of charters and *formulae* has shown that the idea of a completely uniform design of charters is anything but true. By contrast, the records compared with each other only in the rarest cases show such a high degree of homogeneity as 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. Already with regard to the selection of the internal features used in the texts and their combination, it is evident that a large number of very different options for the composition of the individual components were possible. In addition, both individual formulas and entire texts rarely have major correspondences; overall, only minor correspondences between the texts can often be identified. These observations lead to the conclusion that the legitimacy of charters was not, as Matthew Innes suggests,[62] established by the fact that the charters were standardized and uniform products down to the last detail.

The fact that many early medieval private charters, despite 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 elements and linguistic creativity. This phenomenon which is particularly evident in epics, poetry or also in records of pragmatic writing[63] has long been regarded in linguistics as a central basic principle of language.[64] In this context, some considerations that have been made in the course of research into the phenomenon of formulaic language in epics prove to be instructive for an understanding of the techniques that the scribes used when drafting their charters. According to Milman Parry and the representatives of the "oral formulaic theory," certain repeatedly recurring word identities, motifs and larger syntactic patterns not only served to facilitate the recognition value of the content for the

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61 See Brown, "Die karolingischen Formelsammlungen," 99–100; Zeller, "Lokales Urkundenwesen," 353.

62 See Innes, *State and Society*, 117.

63 See, for example, the following studies on formulaic writing in further types of pragmatic writing: See Filatkina, "Variation im Bereich der formelhaften Wendungen," 85; Lieb, "Poetik der Wiederholung," 509–512; Schulze, *Studien*, 207.

64 See Filatkina, *Historische formelhafte Sprache*, 3.

recipients, but also primarily functioned as compositional elements, whose skillful handling by the poet could be judged by the way in which the formulas, understood as separate components, were used.[65] Such a function of recognizable formulaic elements and patterns[66] that served to facilitate solutions of frequently occurring challenges of formulation[67] and to relieve the effort of composition[68] could argue for the possibility that mechanisms very similar to those could have come into play in the formulation of charters.

It is quite probable that the scribes could have drawn on a repertoire of components learned by heart and internalized over time. The scribes could have learned the use of these formulations in educational settings[69] and internalized them in the course of their experience of documentary writing practice through techniques of memorization in such a way that they could consciously or unconsciously fall back on these elements when formulating texts of charters without the aid of written templates. Conversely, this technique of the scribes' recourse to a successively more widespread common repertoire of formulaic elements had the consequence that the legal authority of legal rituals for the transfer of property as well as the charters documenting these were increasingly associated with the use of formulaic phrases in contemporary perception. In the long term, this led to the development of a legal tradition, which meant that the scribes were at least not completely free to formulate the charters as they wished, but rather operated within the spheres of the legal tradition.

Of course, it is quite conceivable that the scribes could potentially have been confronted with *formulae* collections in some form during their education; at least some of the Alemannic *formulae* collections that contain explanatory didactic comments[70] point to this possibility. But even then, the *formulae* collections will have served more for learning the basics of writing charters as such[71] and not to teach

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65 See Parry, "Studies in the Epic Technique," 80; Lord, *Singer of Tales*, 30; Havelock, "Alphabetisation of Homer," 355–356; Rychner, *Chanson de geste*.

66 See Cramer, "Autorität des Musters," 23; Müller, *Spielregeln für den Untergang*, 27–28.

67 See Gülich, "Routineformeln und Formulierungsroutinen," 164.

68 See Antos, *Textproduktion*, 11.

69 See Zeller, "Lokales Urkundenwesen," 346.

70 See Formulae Sangallenses miscellaneae Nos. 2, 4, 12 and 15 see Collectio Sangallensis Nos. 7, 11, 15, 21.

71 In the preface of the "Formulae Marculfi," it is exactly this objective which Marculf, the alleged author of this collection, aims to fulfill: "Scio enim, multos fore, et vos et alios prudentissimos viros et eloquentissimus ac rethores et ad dictandum peritos, qui ista, si legerint, pro minima et velud deliramenta, eorum conparata sapientiae, reputabunt, vel certe legere dedignabunt. Sed ego non pro talibus viris, sed ad exercenda initia puerorum, ut potui, aperte et simpliciter scripsi [. . .]."

idealized, homogeneously designed documents that were to be imitated in their entirety. Rather, the *formulae* collections fulfilled the function of conveying to the scribes the character of formulas as components that could be analytically separated from one another and, in principle, freely combined with one another, which they could select, arrange and formulate almost freely in a creative manner when drawing up the charters. This is supported not only by the existence of *formulae* that are limited exclusively to individual internal features such as *arengae*,[72] conditional clauses[73] and *sanctiones*,[74] but also by the fact that numerous collections for identical types of legal transactions provide several *formulae* composed of different types of internal features and formulated differently.[75] The latter phenomena in particular suggest that many *formulae* collections from the Carolingian period did not aim to create idealized templates once and for all, but instead to illustrate and convey the diversity of conceivable forms for documentary forms – in other words: the object of these collections was not to enforce a standardization of the practice of writing charters, but rather to impart the skills to be able to compose charters creatively and heterogeneously as needed. The variety of forms observed for the early medieval private charters of the Alemannic and Bavarian regions, which were used in parallel in the same periods, regions, institutions or by the same scribes, confirms that this principle of a heterogeneous charters design was also implemented in reality. The fact that West Frankish collections of formulae influenced the formulation of charters in the East Frankish realm is therefore not to be understood as an indication of an effort to standardize the documentary system, but rather testifies to the fact that the documentary forms contained in them were understood as particularly successful examples of documentary writing.

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72 See Formulae Marculfi I, 14a–d; see Formulae Marculfi II, 2; see Additamenta e codicibus Marculfi Nos. 1c and 1r; see Formulae Turonenses No. 1a; see Formulae Salicae Merkelianae Nos. 4a, 13b; see Formulae Augienses Collectio A Nos. 1 and 12; see Formulae Augienses Collectio B No. 28 and 29; see Collectio Flaviniacensis No. 6.

73 See Formulae Marculfi II, 8; see Formulae Salicae Merkelianae No. 26; see Formulae Augienses Collectio A No. 10.

74 See Formulae Augienses Collectio A Nos. 14–20.

75 An example for this phenomenon are the "Formulae Salicae Lindenbrogianae," which contain several different designed *formulae* for donations in favor of the church (see Formulae Salicae Lindenbrogianae Nos. 1 and 2); the Salzburg manuscript of this collection (Munich, Bayerische Staaatsbibliothek, Clm. 4650) has even more of these *formulae* (additionally to Formulae Salicae Lindenbrogianae Nos. 1 and 2, see Formulae Salicae Lindenbrogianae Additamenta Nos. 2 and 3 and Formulae Salzburgenses Nos. 4 and 5). In the "Formulae Marculfi" and in the "Collectio Sangallensis," several different designed *formulae* for the same type of exchange transactions have been integrated; see Formulae Marculfi II, 23 and 24; see Collectio Sangallensis Nos. 11 and 19.

The awareness that the practice of writing charters was not a dull and monotonous activity, but instead an advanced, creative enormously demanding art that not everyone could easily cope with becomes clear in some surviving comments by scribes. When the Freising scribe Reginperht states that he did not write the charter as he wished, but only as he was able,[76] this remark is probably more than just a topical expression of humility. In these and similar comments[77] by scribes, the serious concern to fulfill the required task as well as possible and to "compose" the charter in an aesthetically accomplished way is recognizable. In fact, several manuscripts have survived from the beginning of the ninth century, where the ability to write charters and letters (*scribere cartas et epistulas*) in a kind of a catalog for *omnes ecclesiasticos* about all, *quae iussa sunt discere*, is given a similar importance to understanding of the Gospel or knowledge of the Creed and the Lord's Prayer.[78] Thus, against the background of the aims of the Carolingian reform movement that contemporary bishops were striving to achieve, the ability to write charters was seen as essential, and one that members of the Church were expected to master. The formulae-collections could therefore be evidence that more importance was attributed to the written word.[79] A closer examination of charters that were most likely drafted by one and the same scribe reveals that only a small proportion of the scribes apparently strove to formulate the charters as similarly as possible.[80] Instead, contrary to Wendy Davies' hypothesis that "the more formulaic the drafting, the more sophisticated the notariate that is producing it,"[81] the ideal of the scribes seems to have been to formulate each charter as uniquely as possible – the ideal mastering of the technique of formulating charters thus seems to have consisted precisely in the application of the ability to formulate deeds as heterogeneously as possible.

The results of this study contradict earlier ideas about the supposed rigidity and uniformity of charters and a lack of competence on the part of their scribes, as well as the assumption that the writing of charters was subject to standardized procedures in a similar way to the bureaucratic routines of the modern state.

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76 See Trad. Freising No. 12: "Ego Reginperht rogatus fui ad scribendum. Non scripsi quomodo volui, sed sicut potui."

77 See Trad. Freising No. 226: "Et ego Hilitperhtus presbiter et mansionarius scriberi rogavi interim ad memoriam, ut quando deo auxiliante domnus noster Attto episcopo venerit, tunc in melius fuisset emendatum, quia quod inperitia denegat caritas ministrat".

78 See Munich, Bayerische Staatsbibliothek, Clm. 6324, fol. 97r, Munich, Bayerische Staatsbibliothek, Clm. 6325, fol. 133r and Munich, Bayerische Staatsbibliothek, Clm. 14661, fol. 112r–fol. 112v. Edition: MGH Capit. 1 No. 117.

79 See Davies, "Conclusion," 212.

80 For more details, see the monograph mentioned in note 1.

81 Davies, "Conclusion," 212.

This does not mean, however, that techniques of standardization did not play a role in the writing of charters. After all, the ability to creatively form and design charters is based not least on constant reflections, imitations and modifications of exemplary, internalized formulaic elements, undertaken both consciously and unconsciously by the scribes; it was only the knowledge and mastery of these components that made it possible at all to freely create the texts of charters, which nevertheless had to meet certain legal requirements. The techniques observed in the writing of charters show that modern notions of standardization cannot simply be transferred to the early Middle Ages, where other much more flexible concepts of standardization prevailed and were practiced. Formulae collections were neither used for the actual production of charters nor did they serve to standardize or make uniform the production of charters; instead, scribes were able to find a whole range of different answers to the question of how to write private charters by resorting to formulaic elements. For these reasons, the surviving private charters and *formulae* do not present themselves to us in a stereotypical and uniform design, but rather appear as distinctly heterogeneically designed texts that are a result of innovative and creative practices of formulaic writing.

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Arthur Westwell

8 Standards and Variance in the Early Medieval Mass Liturgy: Re-Making the Gregorian Sacramentary

Abstract: Books for the celebration of the Mass, known as sacramentaries, survive in great variety from the Early Middle Ages. The contributions of their medieval compilers have rarely been acknowledged, as most studies have focused on the establishment of a single authoritative form, especially in the influential edition of Jean Deshusses. This form, based on the Roman family of the so-called Gregorian sacramentary, has itself become the standard reference for the early medieval mass liturgy. But, in the manuscripts, we can see that compilers used the standard structure of the Gregorian to continually adapt this especially variable tradition. This article examines this process of adaptation from various angles, arguing that the Gregorian "standard" was a vehicle for vibrant adaptation. It first considers the production of two deluxe books at Corbie, showing how each one responds in a different way to the variance of traditions with different methods that gave starkly differing results. It then considers how a standard might be quite different in another regional context, by showing that the fragmentary "Missal of Lodi" from a monastery in Olonna enriched the Frankish Gregorian with material and methods that are characteristic to northern Italy. Finally, it considers how composers of new masses took on the Gregorian's language and formulation to address changing devotional priorities, using Alcuin's composition of new masses to show how a standard register and language could be adapted to a wholly new purpose, a characteristically medieval engagement with principles and methods of standardization.

Keywords: Liturgy, manuscripts, Mass, Alcuin, monastery

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Introduction

There is a special relevance to medieval understandings of standardization in a neglected source, the texts of the liturgy. In particular, a close look at the tradition of the Latin Mass Book, known, in its earliest forms, as the sacramentary, offers particular insights into how medieval copyists understood standards, and how they manipulated and made use of them to express new ideas, compose new texts, as well as to organise and order material in innovative ways that suited changing usages. This corpus also offers a salient example of how modern editorial attempts to establish a single standard have guided and consequently distorted the use and perception of liturgical manuscripts today, such that the creativity and variance of these sources remains underappreciated and inaccessible.

Modern ideas of standardization formed the essential point of departure for a particular academic understanding of how the medieval liturgy developed, closely linked to perceptions of this change as principally occurring with a process of repeated "reform," which was directed and managed by a central authority, who selected and imposed a standard text.[1] The Carolingian period, in particular, has long been viewed as an age of liturgical reform, on the basis of the unimpeachable standard of the practice of the Roman, papal Church. Such a narrative builds chiefly on the fact that Charlemagne (748–821) requested a Roman mass book from Pope Hadrian I (Pope 772–795) and, in particular, that he asked for the book that Pope Gregory the Great himself had compiled and used. That much is certainly attested in the cover letter with which Hadrian sent back a sacramentary to meet these requirements.[2] What Hadrian sent was, in fact, not composed by Gregory and contains a number of mass texts that are clearly posterior to him, yet it has been known since as the Gregorian sacramentary.[3]

Historians and liturgists long assumed that Charlemagne's lost letter was the request for a standard, or an "authenticum," by which he would reform the practice of the Frankish church to adhere only to the strictest Roman usages, under-

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1 The older view in Vogel, "La réforme liturgique." Critiques, building on previous scholarship, can be found in Westwell, van Rhijn and Rembold, *Rethinking the Carolingian Reforms*; Westwell, *Roman Liturgy and Frankish Creativity*.

2 Hadrian's letter is *Codex Epistolaris Carolinus: Frühmittelalterliche Papstbriefe an die Karrolingerherrscher*, 340–343; A flawed translation of this key document in the influential handbook by Vogel, *Medieval Liturgy*, 81. Important critique by Morard "Sacramentarium inmixtum".

3 For Gregory's actual relation to the surviving Gregorian: Capelle, "Le main de St Grégoire dans le sacramentaire grégorien"; Deshusses, "Grégoire et le sacramentaire grégorien."

girded by supposed Gregorian authorship.[4] This would replace previous liturgies and mass books of Charlemagne's realms, especially the mass books we group as the so-called "Gelasian of the Eighth Century," a much more composite tradition.[5] Thus, it was understood that all Carolingian copyists of the Gregorian understood the book in the same way, and put it to the same use, which is to say that the text had a standard meaning to those who possessed it, and a standard way of using and relating to it. Nevertheless, a number of studies have noted that the Carolingian era does not see a visible decrease in the diversity of mass books.[6]

But, even if scholars recognized the variance of sources when discussing individual examples, "reform" according to authorized standards of liturgical text selected and imposed by a central authority has remained a seductive narrative to explain the phenomenon of liturgical change more broadly. Indeed, it has been applied again and again to further developments of the mass books, especially in the case of the Supplement provided to the Gregorian in a number of Carolingian copies, known as the *Hucusque* Supplement, after the first word of an anonymous preface by its author that introduced the work.[7] This was intended to adapt the Roman Gregorian to Frankish usage, by supplying the important texts that were missing in the former, and principally drawing on alternative traditions like the "Gelasian." The structure kept the Gregorian intact, while supplying non-Gregorian material in a clearly distinct section, separated by the preface text.

The need for the supplement in the case of the Gregorian was due to the stark liturgical deficiencies of the original Roman mass book. The Gregorian Sacramentary only offers a very particular selection of material.[8] It originally replicated the papal mass book from Rome, which was employed by the Pope in his schedule of stational masses around the city, and its contents were limited to the forms of liturgy that he would require for this usage.[9]

Since this was a papal book, it lacked a huge amount of liturgical material which was indispensable for the normal liturgical functions of Frankish clergymen, principally the masses for ordinary Sundays, but also varied ordines for non-papal rites like baptism and the visitation of the sick. Additional votive masses for diverse

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4 Vogel, "La réforme liturgique sous Charlemagne."

5 For the Gelasian of the Eighth Century, Vogel, *Medieval Liturgy*, 70–76; important revisions in Moreton, *The Eighth-Century Gelasian.*

6 McKitterick, "Unity and Diversity in the Carolingian Church"; Kottje, "Einheit und Vielfalt des kirchlichen lebens"; Hen, *The Royal Patronage of Liturgy in Frankish Gaul*; Morard, "Sacramentum immixtum et uniformization romaine."

7 Vogel, *Medieval Liturgy*, 84–92, with translation of the preface.

8 Vogel, *Medieval Liturgy*, 79–92.

9 On the stational litury, Baldovin, *The Urban Character of Christian Worship.*

intercessions and for subjects of pressing need were also felt to be required.[10] The compilers of such supplements clearly also wanted more of the "proper" prefaces, introductions to the largely fixed text of the Canon which addressed the feast or intercession directly, and which meant more variation. They also wanted the episcopal blessings, a characteristic "Gallican" (i.e. non-Roman) custom of blessing the people with a formula also adapted to the mass in question, despite the fact that Pope Zacharias (r. 679–752) sharply criticized the practice in a letter to Boniface.[11] This additional material makes up the *Hucusque* Supplement, attributed, since the work of Deshusses, to Benedict of Aniane (c.750–821).[12]

As a singular achievement of Benedict, the Supplement was edited by Jean Deshusses along with the Gregorian itself in the most comprehensive and lastingly influential edition of the early medieval sacramentary, *Le sacramentaire grégorien: ses principales formes d'après les plus anciens manuscrits*, published first in 1971. Deshusses, and others, have presented the *Hucusque* format as a further attempt to impose an official and authorized standard on the Carolingian church. This would have taken place in the generation after Charlemagne, under his son Louis the Pious (778–840), with Benedict apparently acting as the "official reformer of monks" to create a new liturgical standard as the Gregorian had been manifestly deficient in this role.[13]

Deshusses' edition of the Gregorian *Hadrianum* and Supplement *Hucusque* has itself become the standard reference point for the Carolingian mass liturgy in modern scholarship. Yet, while it remains a vital tool, his chosen editorial methods and stance do not allow close access to the manuscripts themselves, Deshusses admitted that he retained other manuscripts "to the extent that they remain true gregorians" and to the extent they offer "the Supplement", i.e. to the extent they cohere with the standard he has established.[14] The apparatus of the edition certainly presents individual textual variants in the manuscripts he put to

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10 See Paxton, *Christianizing Death*; Hen, *Culture and Religion in Merovingian Gaul*, 121–122, 144.

11 See Deshusses, "Le benedictionnaire gallican du VIIIe siècle."

12 *Le sacramentaire grégorien*; Alcuin was originally assumed to be the author: Amiet, "Le prologue Hucusque et la table des Capitula du supplément d'Alcuin au sacramentaire grégorien"; Deshusses "Le 'supplément' au sacramentaire grégorien: Alcuin ou Saint Benoît d'Aniane?" argued for Benedict of Aniane; A new argument for Theodulf of Orleans in Ruffiot, *Theodulf d'Orléans, compilateur du Supplementum au Sacramentarium Gregorianum Hadrianum.*

13 Deshusses, *Le sacramentaire grégorien*, vol.2, 24 Benedict is the "réformateur officiel des moines". This impression has lingered in scholarship, e.g. in the Introduction to *Medieval Liturgy: A Book of Essays*, ix–xi.

14 Deshusses, *Le sacramentaire grégorien*, vol.1, 76: "tous les manuscrits du IXe siècle ont été retenus pour l'édition, dans la mesure où il restent de vrais sacramentaire grégoriens [. . .] On a appliqué la même principe à propos du Supplément."

use, but what is not truly visible here is how diverse and variant many of these books are, particularly in how they are organized and put together, and in how they draw together different traditions, and experiment with and re-compose the mass liturgy.[15] This variance is problematic to the narrative assumed by the edition of a single, lasting and official Carolingian contribution to the development of the mass liturgy, in Benedict's *Hucusque.* This single form was given this particular weight because it apparently underlay future standards, especially the *Missale Romanum.*[16]

The notion of "reform," and the reliance on the establishment of standards via editions that tame the diversity of manuscripts, does disservice to the special character of medieval liturgical manuscripts, in how they reflect a "living" tradition to which copyists could and did continue to contribute in their own ways over centuries.[17] Within the mass book, new mass texts might be at any time composed to address changing fashions of piety, or the spiritual needs of individuals and communities.[18] In two particular areas, in the re-organization of the Gregorian itself and the composition of new mass texts, Carolingian compilers negotiated with the ancient standard of Latin prayer text provided by the Gregorian in a characteristically medieval form of creativity, making use of the old to do and say something quite new and, in each local context and in the context of individual interpretation, something distinctive in each copy.

Between Standard and Variant

The mass liturgy itself derived its expressive and ritualistic power from the dynamic tension of standard and the variable parts of the mass. No matter what the purpose or to whom the intention of a mass was, the Canon of the Mass is always

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15 In his second and third volumes, Deshusses edited additional mass texts from his corpus of manuscripts, and offers summary examinations of structure of manuscripts, both vital resources. But there is still little engagement with variance as a factor here.

16 Vogel, *Medieval Liturgy*, 104–105; Bourque, *Étude sur les sacramentaires romains*, vol.2.2, 250.

17 On the liturgy as "living literature" Bradshaw, *The Search for the Origins of Christian Worship,* 5–6; further reflections on the difficulties of liturgical editions in Parkes, "Questioning the Authority of Vogel and Elze's Pontifical romano-germanique" in *Understanding Medieval Liturgy*, 75–101.

18 Masses had a wide purview in the medieval period, we might note the MISSA AD PLUUIAM POSTULANDAM (De 1366–1368); MISSA IN CONTENTIONE (De 1353–1355); MISSA PRO PESTE ANIMALIUM (De 1349–1351), the MISSA PRO TEMPTATIONE CARNIS (De 2320–2324), MISSA AD POSCENDAM HUMILITATEM or the MISSA PRO ADIPISCENDA PATIENTIA (De 2348–2350).

made up of a fixed series of prayers, said in the same order. This form of the Canon was established in Rome by the fifth century, though important modifications were made by Gregory the Great.[19] On the other hand, a Frankish urge to ritualize every moment of the mass celebration meant that, from the late ninth century onwards, ever more additional formulae were provided around the Canon to govern the priest's sentiments at moments that had been previously left to him to compose his own private devotions.[20] These *Apologiae* indicated the appropriate attitude the celebrant should have, principally focused on penitence and the sense of one's own unworthiness. This made sure priests approached the mass in the right way and thus entailed the increasing enforcement of a standard theological and emotional architecture around the mass, replacing an original freedom to compose one's own prayers.

As transmitted in the sacramentary, masses were made up of several individual mass prayers or formularies which each took a particular place around the Canon. A representative structure for how these looked and were structured in such mass books is given by the illustrations that accompany this article. In Figure 39, we see a mass set for the feast of John the Evangelist, which takes place on the 27th December. In its simplest form, it is made up of three mass prayers in Latin, a collect (here without title, said before the Epistle reading), a *SUPER OBLATA* (over the offerings) (commonly, the secret, said while the choir sings the offertory), and an *AD COMPLENDUM* (for completion) (commonly, the post communion prayer, said after communion). This three-prayer format is most characteristic of the Gregorian Sacramentary's individual mass formulae.[21] The mass liturgy furnished by the Gregorian is, as in this case, also rather austere. The same prayers appear multiple times, for varied feasts and intercessions. Often, such mass prayers do not particularly address the saint or occasion celebrated, as in the case of two of three prayers in the John mass, but only offer very general sentiments. One should also note that, although there was an ancient "proper preface" for John that was known, and likely written, in Rome itself, the Gregorian *Hadrianum* strikingly declines to give this text in the mass either.[22] The absence of the John preface is in

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19 Baumstark, *Missale Romanum*, 7–23.

20 Pierce, "The Evolution of the Ordo Missae."

21 John, because of his prominence has five extra prayers for Vespers after the mass (AD UESPE-RAS), but these are not typical to Gregorian masses, and rather represent a special exception. I have selected John despite this because his mass is fully present in the other fragmentary evidence considered below.

22 Text of the preface is De 1519 in the edition of Deshusses. This preface can be already found in the ancient *Veronense*, and in the older form of the Gregorian, found in the Sacramentary of Padua (Pad 47). For both of which, see below.
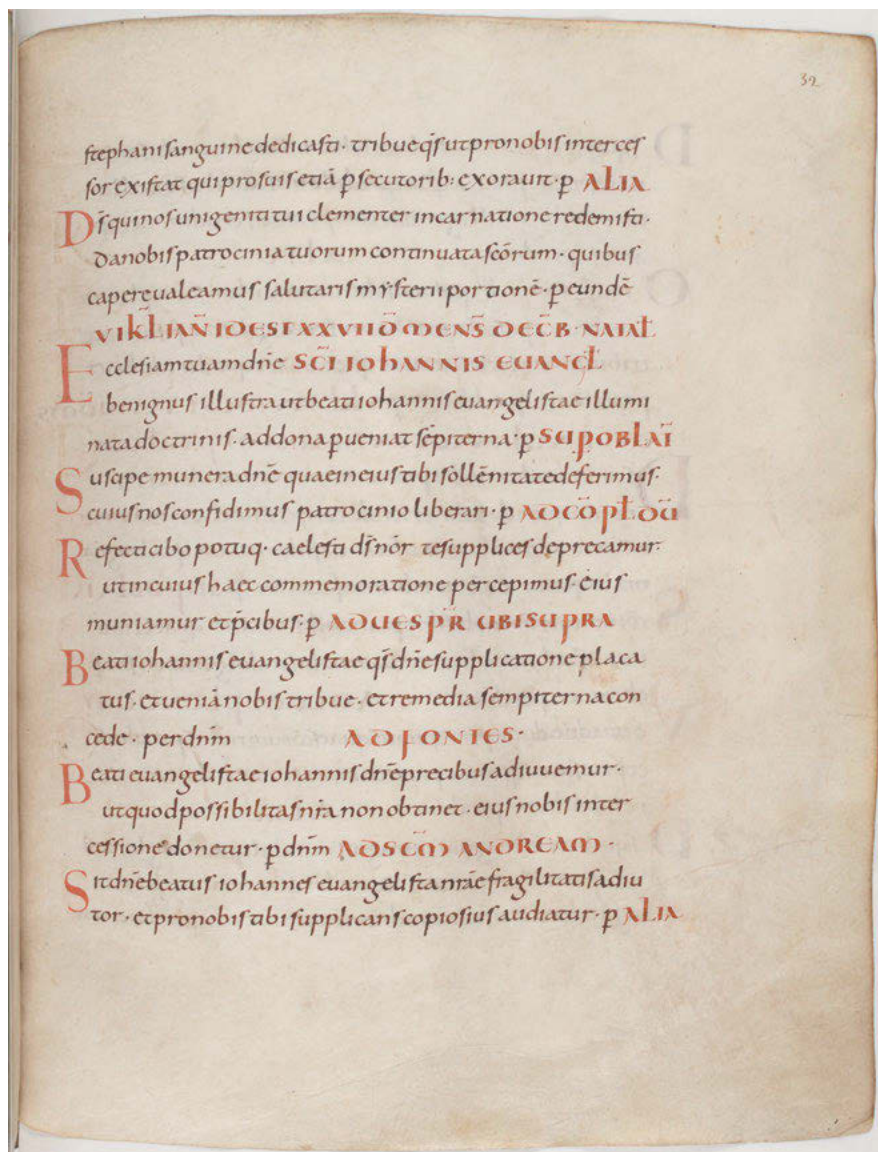
Figure 39: The Mass of John the Evangelists in the Sacramentary of Rotrade (Corbie, c.853). Paris, Bibliothèque nationale de France, Latin 12050, fol.32r. Source gallica.bnf.fr / Bibliothèque nationale de France.

keeping with the Gregorian's tendency to reduce extra prayer material to an absolute minimum. It gives such "proper" prefaces only for the most important feasts of the year (Christmas, Epiphany, Maundy Thursday etc.).

Standard Format?

The varied treatments of the Roman *Hadrianum* by Frankish copyists offer very good evidence for a feature of early medieval liturgical copying, in which books identified as belonging to the same genre and type can show very distinctive forms of organization of the material, which are not easily visible in the established editions. To demonstrate this, a consideration of a few ninth-century copies of the sacramentary makes clear both evolving and localized ways of relating to the organization of the Gregorian.

Since Deshusses' edition of the Supplement *Hucusque*, a number of contributions have drawn on manuscripts to demonstrate that the idea of a single compiler at a single time of the *Hucusque* Supplement cannot be maintained, and that the variance in the Latin does not support a single standard text of the Gregorian either.[23] We are confronted in the manuscripts by very varied forms of supplement at varied stages of development, implying a much more collaborative process, in which each compiler might build on the supplementations made by the previous ones, adding ever more supplements to the end of the Gregorian as he or she wished. The edition of Deshusses gives the impression that all these manuscripts were ultimately based on this single archetype by Benedict.[24] In fact, many compilers would have been aware of very varied forms of supplementation to the Gregorian.

An example of a Supplemented Gregorian which was employed by Deshusses for the edition is the Sacramentary of Rotrade, written at Corbie in the year 853, the manuscript Paris, Bibliothèque nationale de France, lat.12050.[25] The long colophon provides us with the dating, and that the book was made for the priest Rotrade, on

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23 Gamber "Das fränkische Anhang zum Gregorianum"; Décréaux, *Le Sacramentaire de Marmoutier (Autun 19 bis)*; Heinzer, "Ex authentico libro scriptus"; Westwell, "The Carolingian Sacramentary in Kroměříž".

24 For example, he argues that the Sacramentary of Trent (Trent, Castel del Buon Consiglio, M.N.1590) draws on Benedict's text, Deshusses, *Le sacramentaire grégorien*, vol.1, 72, when this manuscript's supplement is entirely independent and the Latin text of Trent shows no consistent agreement with a singular recension of the Gregorian, as argued by Gamber, "Der Codex Tridentinus," 302–303.

25 Delisle, *Mémoire sur d'anciens sacramentaires*, 122–126; Leroquais, *Les sacramentaires et missels manuscrits*, 25–28; Online at: < https://gallica.bnf.fr/ark:/12148/btv1b8426782r/f1.>

the occasion of his ordination by the Bishop of Amiens.[26] Analysis of the paleography and decoration of the manuscript prove it was written at Corbie, and it was certainly in the collection of that monastery until 1653.

The format of the original Corbie manuscript is as follows (Table 10).

Table 10: The Structure of the Sacramentary of Rotrade.

Foliation of Paris, Bibliothèque nationale de France, Latin 12050	Content
fol.19v–25r:	Canon of the Mass
fol.28v–101v:	The Gregorian *Hadrianum*
fol.102r–103r:	The preface *Hucusque*
fol.103v–105r	Capitula (contents list) of the Supplement
fol.105v–113r	Material for Holy Saturday (the Exultet and catechumenate)
fol.113v–121r	Masses for Ordinary Sundays
fol.121r–153v	Miscellaneous material including votive masses for varied occasions, masses for the dead, blessings of objects and places, ending with exorcism material.
fol.153v	Additional preface *Haec Studiose*
fol.154r–189r	A series of 220 proper prefaces, to be added to the Gregorian's masses.
fol.190r–200v	A series of 52 episcopal blessings, also to be added to certain masses.
fol.201v–205r	Prayers for the ordination of minor orders, missing in the original Gregorian.
fol.205r–248v	The second Supplement, unique to the Sacramentary of Rotrade.

*Some minor deviations are listed by Leroquais, *Les sacramentaire et missels manuscrits*, 26.

Up until fol.205r, this material almost entirely mirrors the conception of the standard Supplement, the *Hadrianum* with *Hucusque* Supplement, as it was reconstructed and edited by Jean Deshusses, and the Sacramentary of Rotrade was an important source for that edition. However, in the case of this manuscript, local or individual adaptation involved the addition of more material after the end of

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26 Delisle, *Mémoire sur d'anciens sacramentaires*, 123.

the *Hucusque*, precisely another 43 folios of material. Such a collection could be said to represent an additional "Supplement", proper to the Sacramentary of Ro-trade, and not shared with any other manuscripts, and, thus, not a part of Deshusses' reconstruction of the Supplemented Gregorian. Its contents are broadly:

205–209v A series of votive masses (de sancta Trinitate, de Sapientia, ad postulandam gratiam spiritus sancti etc.), along with certain extra masses for the Sanctoral (All Saints' vigil and feast) and one common mass, for a feast of evangelists. These masses represent an additional collection commonly ascribed to the authorship of Alcuin of York.[27]

209v–219v: Extra votive masses, broadly covering monastic life, some for private masses, then a sequence of masses for the dead.[28] Some have also been identified as the work of Alcuin, but others are part of a generally circulating Carolingian tradition, especially in France.

220r–234r Additional masses for the Sanctoral and additional common masses. The sparse Gregorian lacked masses for many feasts that appeared in alternative sacramentary traditions, especially the more ample "Gelasian" tradition. Here are given, in order, a series of masses which would expressly supplement the Gregorian's calendar with feasts of importance to Frankish celebration (principally masses for the Apostles, and certain native patrons, but, in the case of e.g. Ascension, an explicit alternative mass to one already given the Gregorian).[29] These are still held apart from the Gregorian itself, and would have to be sought out here.

234r–242v: A second group of additional votive masses.[30] As this includes, for example, Alcuin's mass of the cross that was already given in the group of Alcuin's masses above, we

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27 Deshusses, "Les messes d'Alcuin"; Westwell, "The Lost Missal of Alcuin."

28 De 2255–2259: "in monasterio pro ipsa familia"; De 2239–2241: "missa monachorum"; De 2242–2244: "in monasterio"; De 2302–2305: "de fraterna caritate"; De 2330–2334: "pro amico uiuente"; De 2438–2442: "pro elymosinis" De 2078–2082: "sacerdotis propria"; De 2320–2323: "contra temptatione carnis"; De 2335–2338:"pro petitione lacrimarum"; De 2681–2686: "pro peccatis"; De 2677–2680: "item alia missa pro peccatis"; De 2489–2491: "de tribulatione"; De 1995–1999: "pro concilio"; De 2612–2614: "de fructibus nouis"; De 2616–2619: "de sterilitate terrae"; De 2641, 2639, 2643, 2640: "ad poscendam serenitatem"; De 2584–2585, 2588, 2586: "quod absit mortalitas"; De 2881–2882, 2886, 2884–2885: "missa in die depositionis defuncti uel iii et vii et xxx"; De 3056–3061: "pro defunctis"; De 2935–2937, 2941, 2938–2939: "in cimiterio"; De 1416–1419: "unius defuncti"; De 2916–2919: "pro defuncto nuper baptizato"; De 3015–3017: "pro defuncta femina."

29 The additional feasts are: Vigil of Epiphany, the octave of Epiphany (and Hilary of Poitiers noted in the title), Mary and Martha, Pascha Annotina, Eufemia, Juvenal, Invention of the Cross, Ascension, octave of Pentecost, Ember Day, James the Brother of Jesus, Machabees, octave of Laurence, Bartholomew, Augustine, Passion of John the Baptist, Cyprian, Vigil and feast day of Matthew, Luke, vigil and feast day of Simon and Jude, octave of Andrew, Thomas, Vigil and feast day of Benedict, Denis, Rusticus and Eleutherius.

30 De 1891–1893: "de omnibus sanctis"; De 2930–2393: "pro amico uiuente"; De 2449–2451: "pro tribulantibus uel pressuram sustinentibus"; "pro confitentibus peccata sua et paenitentibus"; De 2719–2720, 2723, 2721–2722: "pro confitentibus peccata sua et paenitentibus"; De 2791–2793: "pro

can likely assume that the various groups of votive masses were copied into the Sacramentary of Rotrade from disparate collections, likely of *libelli* (booklets).[31]

243r–245v: Apologiae.

246–248v: Visitation and Unction of the sick.[32]

The addition of further, non-Gregorian material in a second "Supplement" seems to have attended the copying of the *Hucusque* in most examples, again showing the dynamism of the process of supplementation, and the inherently collaborative nature of this process.[33] These additions continually enhanced and nuanced the potential use and meaning of the Gregorian Sacramentary. Deshusses' edition freezes this process of at one time, artificially creating a standard text which has been employed to represent the Carolingian liturgy at its most fully realized and characteristic, as the decisive step in the evolution towards the Roman Missal.

We might turn to another sacramentary which shows how this standard was even more dramatically overturned, and one written even at the same monastery where the Sacramentary of Rodrade had also been written, Corbie, and today is shelved next to it. This is Paris, Bibliothèque nationale de France, Latin 12051.[34] Deshusses did not use this manuscript in his edition of the Gregorian at all, not even in the second and third volumes that address non-Gregorian material.[35] Unfortunately, it cannot be dated with as much precision as Rotrade. Long tradition, at least as far back as the thirteenth century, named it the Missal of Saint Eloi, treating it as a relic of the Merovingian saint Eligius (d.659/660), and I will use this attribution to distinguish it from Rotrade's sacramentary, though calling it correctly a sacramentary, not a missal, thus "the Sacramentary of Saint Eloi". Originally it was assumed that the manuscript belonged in the tenth century, but David Ganz and Bernhard Bischoff

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informo in domo"; De 2782–2784: "alia pro infirmo"; De 3085–3087: "missa sancti augustini pro salute uiuroum siue mortuorum"; De 2438–2439, 2445, 2443: "pro his qui agapem uel elemosinam faciunt"; De 2010–2013: "pro episcopo"; De 2056–2060: in natale presbiteri"; De 2660–2664, 2666: "missa pro monachis"; De 1835–1839: "de cruce domini nostri iesu christi"; De 2100–2103: "missa sacerdotis"; De 2071–2072: "item alia missa"; De 2064–2066: "item alia missa"; 2158–2162: "Item alia"; De 2163–2166, 2168: "item alia missa"; De 2177–2180: "item alia missa."

31 Palazzo, "Le Role des *libelli* dans la practique liturgique de Haut Moyen Age: Histoire et Typologie"; Gy, "The Different Forms of Liturgical *libelli*."

32 *Le sacramentaire grégorien*, vol.3, 145–146.

33 Décréaux, *Le Sacramentaire de Marmoutier (Autun 19 bis)*, 173–77, on the supplement "propre de Marmoutier" adding to *Hucusque* even in Deshusses' best manuscript. The text edited in vol. 2, 734–780.

34 Delisle, *Memoire sur les anciens sacramentaires*, 175–178; Leroquais, *Les sacramentaires et missels manuscrits*, 63–64: Online at: <https://gallica.bnf.fr/ark:/12148/btv1b8426288h.>

35 Deshusses, *Le sacramentaire grégorien*, 46 among "manuscrits non retenus".

concurred in dating it, rather, to the ninth.[36] Both placed it very close to the Rotrade book, though I would argue, on certain liturgical grounds, that it is probably the later of the two, and likely a couple of decades later.[37] Paris BnF lat.12051 played an interesting role in the modern study of the Gregorian, since it was edited by Hugo Ménard in the seventeenth century, who held it to be the true "Gregorian" of Gregory the Great, and it was presented as such by the *Patrologia Latina*, leading to some centuries of misunderstanding about the nature of the "true" Gregorian.[38] This was an easy mistake since the manuscript still possesses the original title of the *Hadrianum*: *LIBER SACRAMENTORUM DE CIRCULO ANNI EXPOSITUS A SANCTO GREGORIO PAPA ROMANO EDITUS EX AUTHENTICO LIBRO.*[39] This standard title could, in Carolingian copies, nevertheless contain a very wide range of non-Gregorian material, as we see in this case.

It is striking that two sacramentaries, which were produced perhaps within a few decades of one another at the same monastery, could, however, differ so strongly in their organization and the transmission of the liturgical traditions to which their Carolingian creators had access. The Sacramentary of Saint Eloi, Paris, BnF, lat.12051, presents us with what is commonly given as a next stage in the development of the sacramentary, a so-called "Gelasianized" or "mixed Gregorian."[40] The verdicts of typical liturgical research on these books has not been kind. Emmanuel Bourque memorably described them as arising from an inexplicable "compiling mania."[41] One of the problems was the difficulty of understanding these books within the framework of standardization assumed in liturgical research. For example, Bourque and Vogel attempted to impose some order on the tradition by categorizing the books according to their resemblance to the Roman missal. Within this framework, the Sacramentary

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36 Bischoff, *Katalog der festländischen Handschriften des neunten Jahrhunderts* vol.3, 182: "Corbie IX. Jh, ca. Mitte"; Ganz, *Corbie in the Carolingian Renaissance*, 146.

37 This is principally due to its relation to the late Carolingian sacramentaries of the monastery of Saint-Amand, which Deshusses had noted: *Le sacramentaire grégorien*, vol.1, 46: "très proches des sacramentaires de Saint-Amand." Not only extensively in content, but also in details of its art and organization, it is clearly strongly influenced by an example, especially in how it diverges from the previous book, the sacramentary of Rodrade. The Saint-Amand sacramentaries were produced in the later ninth century, post-dating 870, and therefore it is likely Saint Eloi does as well. My study Westwell, *The Carolingian Sacramentaries of Saint-Amand* demonstrates this in more depth.

38 *Divi Gregorii Papae Huius Nominis Primi, Cognomento Magni Liber Sacramentorum*; ironically, he chose it in preference to lat.12050, the sacramentary of Rodrade, which does contain the Gregorian in a much less adulterated state.

39 Paris BnF lat.12051, fol.6v. Trans: The Book of the Sacraments concerning the cycle of the year as it was set forth by Saint Gregory the Roman Pope and copied from an/the authentic book.

40 Vogel, *Medieval Liturgy*, 102–105.

41 Bourque, *Etude sur les sacramentaires romains*, vol.2.2, 292–299.

of Saint Eloi was classed as "eccentric" because no direct relationship with the later missal could be established.

Rather than mania, careful efforts were made in the Sacramentary of Saint Eloi to differentiate material by type rather than by its origin within or without the original Gregorian tradition. For example, the Sundays after Pentecost and Sundays after Advent are placed together in a new section signaled by an initial letter (fol.192r), though the first (after Pentecost) were originally found in the Supplements and the second (after Advent) were part of the original Gregorian *Hadrianum*. Thus, varied thematically linked sections can be perceived in the structure of the manuscript (Table 11).

Table 11: Content of the Sacramentary of Saint Eloi.

Foliation in Paris, Bibliothèque Nationale de France, Latin 12051	Content
fol.6r–11v	Canon of the Mass
fol.12r–27v	Christmas (beginning with vigil), Saints between Christmas and Epiphany, Epiphany with Vigil and Octave
fol.27v–41r	Masses of Felix (14th January) to Annunciation (25th March), with Sundays after Epiphany
fol.41r–101v	Lent (from Septuagesima) Holy Week, Easter Time
fol.101v–106v:	Sanctoral from Tibertius, Valerianus and Maximus (14th April) to Urban (25th May)
fol.106v–108v:	Sundays after Easter
fol.109r–124r:	Ascension and Pentecost
fol.124r–162v:	Sanctoral from the Dedication of the Basilica of Nicomedes (1st June) to the end of the Year
fol.162v–176r:	An order of Church dedication
fol.176–189v:	Common of Saints
fol.192–217v:	"Dominicale" with all the Sundays after Pentecost and in Advent
fol.217v–227r:	"Quotidian" and prayers for the Office
fol.227v–246r:	Votive masses.
fol.246r–258r:	Ordinations.
fol.258r–264v:	Apologiae.
fol.264v–273v:	Blessings, visitation of the sick, some final votive masses

One can see clearly here the complete break-up of the structure established by the Supplemented Gregorians of an earlier generation and found in the earlier Corbie Sacramentary of Rotrade. The careful distinction between the original, Roman Gregorian, and the Frankish supplementary material, which was still maintained in Rotrade's book, even if the supplementary material became extremely extensive, is no longer respected at all in the Sacramentary of Saint Eloi. We cannot find among this material any indication of what was originally Gregorian and what was originally separate and supplementary, but Gregorian material is found among much more extensive material of diverse origins. This also made space for the Sanctoral of the original Gregorian to be enriched by many feasts that had never been present in the Roman original, once again entirely undistinguished from those that were found in original Gregorian.[42] The same is true of the votive masses and miscellaneous material.[43]

On the level of each individual mass set, the breaking apart of the Supplement's distinction from the original Gregorian meant a much more comprehensive representation of a much more variable mass formula in the majority of cases. We can see this clearly when our Figure 40 A and B, from the Sacramentary of Saint Eloi, is compared with Figure 39, from the Sacramentary of Rotrade. Both give us the same mass for Saint John the Evangelist. In the Sacramentary of Rotrade, it takes up half a page, while that of Saint Eloi takes up two full pages and more. All this extra material (a proper preface, an episcopal blessing, and several ALIA prayers) has been selected from sources available to the compilers and inserted into the Gregorian mass, again with no way to distinguish the original text of the Gregorian from these manifold additions. In the case of the episcopal blessing and preface, both are taken out of the Supplement *Hucusque*, which had carefully kept them separate, and are now placed within the Gregorian mass, indistinguishable from the true Gregorian material in a way that Supplement's preface had tried to avoid,

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42 The masses added are: Vigil of Epiphany, Octave of Epiphany, Conversion of Saint Paul, Praiectus, Cathedra Sancti Petri, Matthew the Apostle, Saturday in Quinquagesima, Mark the Evangelist, Invention of the Cross, Primus and Felicianus, Basilidis Cyrinus Nabor and Nazarius, Gervasius and Protasius, James the Apostle, Felix, Bartholomew, Augustine, Passion of John the Baptist, Adrian, Vigil and feast of Matthew the Evangelist, Luke the Evangelist, Vigil and Feast of Simon and Jude, Vigil and Feast of All Saints, and Thomas. The third Thursday in Lent is replaced with the Gelasian mass, as is the mass of Pope Gregory.

43 Much of this is taken from the Supplement, but the series of four masses "PRO QUACUMQUE TRIBULATIONE" (Paris BnF lat.12051 fol.230v–232v) are of a quite different origin, probably composed at Saint-Denis in the later ninth century, and show the connections of the Corbie manuscript to the local, particularly Parisian, traditions: De 2517–2519, 2520–2523, 2512–2516, 2524–2527 are both identified by Deshusses in his manuscript Paris BnF lat.2291 produced by Saint-Amand for Saint-Denis, the last also found in the Sacramentary of Trent.

and outright forbade.[44] Two additional ALIA prayers entitled simply ALIA add even more extra material to the mass ("Adsit ecclesiae tuae domine quaesumus beatus euangelista Iohannes . . ." and "Praesta quaesumus omnipotens deus, ut excellentiam uerbi tui . . ."), but this time taken not from *Hucusque* at all, but from independent recourse by the compilers to the Gelasian tradition again (Sg 55 and 57). Their exact role in the mass is not made clear, but they seem to have provided more choice to the celebrant and, indeed we are told that sometimes a celebrant chanted more than one collect in the same mass.[45]

The reasons for the dramatic change witnessed between the sacramentary of Rotrade and that of Saint Eloi in their relation to the original Gregorian, from carefully distinct supplementation to adulteration, are still extraordinarily obscure, as are the methods with which the new compilations were undertaken. But, because, to a greater or lesser extent, all manuscripts of the sacramentary were henceforth affected by such processes, they made recovery of the original Gregorian by liturgical scholars in modern times extremely difficult, and it was not achieved until the early twentieth century.

In our third case study, we confront a very particular, geographically limited case, copied not at Corbie, but in northern Italy, where it can be shown that mass books maintained a distinctive character, even as they dialogued continuously with the forms of mass book circulating elsewhere. Thus, they were taking part in the standard liturgical developments of this period, and also somewhat detached from them, with their own local standards at play.[46] A fragmentary manuscript was brought to light by Alban Dold in 1950, but has not been much referred to subsequently, today Munich, Bayerische Hauptstaatsarchiv, Manuskriptensammlung 587.[47] Dold did not have access to the latest editions of the Gregorian by Deshusses, and some of his conclusions need updating in light of our better apprehension of the ninth-century tradition. Bischoff also subsequently noted further fragments of the same manuscript in Munich Bayerische Staatsbibliothek Clm 29311(1, Clm 29317 (1, Clm 22060 and Clm 23511 (guard folios).[48] All of this material comes out of bindings from the monastery of Wessobrunn in Bavaria.[49] However, the original manu-

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44 They are De 1519 and 1741.

45 By Bernold of Constance, *Micrologus*, col.980.

46 Ferrari, "Libri liturgici"; Veronese, "The Struggle for (Self)-Integration."

47 Dold "Geschichte eines karolingischen Plenarmissales," 1–40.

48 The single folio Clm 29311(1 is continuous with the guard folios of Clm 23511 which both come before any of the pieces in the liturgical year edited by Dold, covering feasts after Christmas to Epiphany. The folio Clm 29317(1 is continuous with the the portions **35** and **36** in Dold's edition. Bischoff, *Die südostdeutschen Schreibschulen und Bibliotheken*, vol.1, 50–51, vol.2.2, 203–204; Bischoff, *Katalog*, vol.2, 284: "Oberitalien (Olonna?), IX Jh., ca. Mitte."

**49** Dold, "Geschichte eines karolingischen Plenarmissales," 37–38.
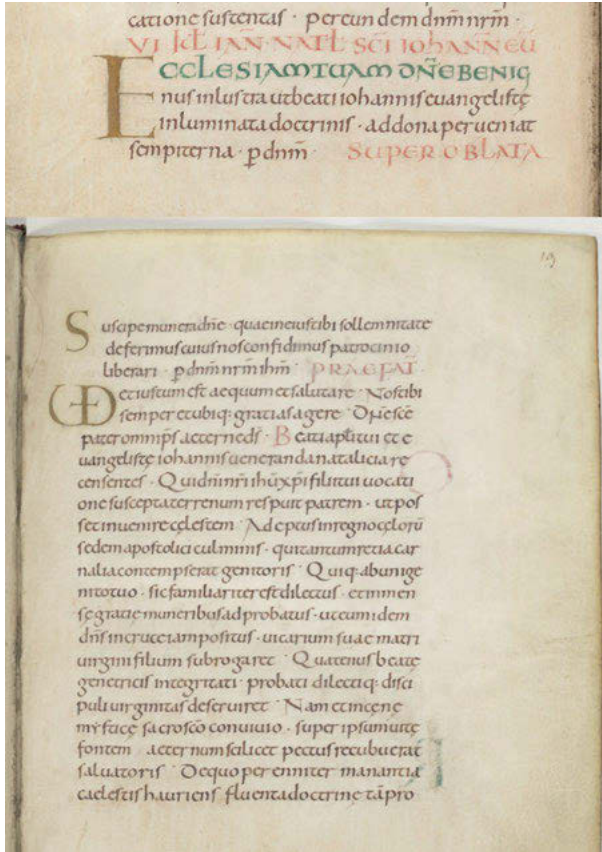
Figure 40 A: The Mass of John the Evangelist in the "Missal of Saint Eloi" (Corbie, second half of the ninth century). Paris, Bibliothèque nationale de France, Latin 12051, fol.18v–19r. Source gallica.bnf.fr / Bibliothèque nationale de France.

script was in fact created, as Dold established, in northern Italy, at the Benedictine monastery of Santa-Cristina by Olonna, as the name Christina appears partially in the Canon of the Mass, and two masses for a local saint, Bassiano of Lodi were added slightly later at what was, likely, the end of the manuscript. It can be dated to the middle or second half of the ninth century, according to its "provincial" script.[50] Dold also identified the book as a characteristic "Mischexemplar," i.e. a mixed or Gelasianized Gregorian.[51] Notably, Gamber suggested certain similarities

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50 Cau, "La scrittura carolina in Pavia," 112–113.
51 Dold, "Geschichte eines karolingischen Plenarmissales," 28.
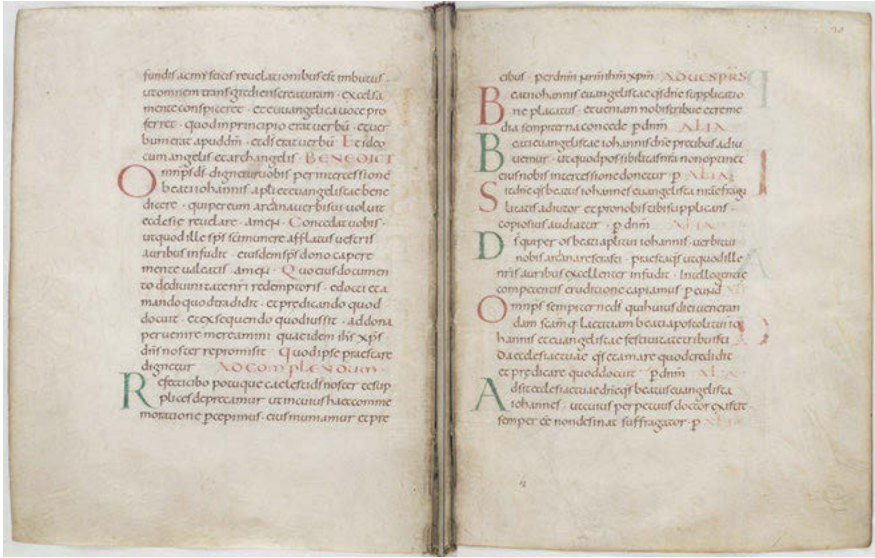
Figure 40 B: The Mass of John the Evangelist in the "Missal of Saint Eloi" continued. Paris, Bibliothèque nationale de France, Latin 12051, fol.19v–20r. Source gallica.bnf.fr / Bibliothèque nationale de France.

to the Sacramentary of Saint Eloi, which makes the Missal of Lodi a useful next stage for analysis.[52]

It is most likely we can place the texts as following in Table 12. The numbers Dold gave the mass formulae he identified are given in bold.[53]

Closer analysis shows that, like the Sacramentary of Saint Eloi, the underlying structure of the book is Gregorian, and the compilers utilized the Carolingian supplements as well.[54] Additional to Dold's analysis, the series of Quotidian, Matins and Vesper prayers on the newly found folio Clm 29317(1 replicate those found in *Hadrianum* straightforwardly, and the other set of prayers for the same purposes noted by Dold in fact fuse elements of the supplementary material with the origi-

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52 Gamber, *Sakramentartypen,* 152; Gamber *Codices Liturgici Latini Antiquiores*, vol.2, 539: "Die Orationen unseres Meßbuches entsprechen weitgehend denjenigen in der Gregoriana mixta im Typus von E (Nr 901)."

53 Dold, "Geschichte eines karolingischen Plenarmissales," 23 misprints the foliation of the last few pieces. He places the Canon at the end of his edition for convenience of discussion, and thus filed the pieces in this order, but we can assume the Canon likely came first in the manuscript, as in a Gregorian format.

54 Dold, "Geschichte eines karolingischen Plenarmissales," 27.

Table 12: Reconstruction of the Missal of Lodi.

Manuscript and foliation	Content
Hauptstaatsarchiv, 587, fol.24	Canon of the Mass (Dold **56**).
Clm 29311(1 and Clm 23511	Saint John Evangelist (27th December to the Vigil of Epiphany (5th January). This included the Sundays after Christmas from the Supplement, as the post communion De 1092 and the preface De 1521 from one are both visible.
Hauptstaatsarchiv, 587, fol.1–2	Juliana (15th February) to the Vigil of Benedict (20th March) with a gap (Dold **1–6**)
Hauptstaatsarchiv, 587, fol.3–6	Three periods of Lent (Dold **7–13**), with gaps.
Hauptstaatsarchiv, 587, fol.7	Easter Friday and Saturday (Dold **14–15**)
Hauptstaatsarchiv, 587, fol.8–9	4 Sundays after the Easter Octave (Dold **16–19**).
Hauptstaatsarchiv, 587, fol.10–16	Sanctorale, surviving from Gordianus and Epimachius (10th May) to to Maurice (22nd September), with several gaps. (Dold **20–34**).
Clm 22060 (guard folios)	Sunday masses after Pentecost
Clm 29317(1 and Hauptstaatsarchiv, 587, fol.17	Quotidian Prayers (for the office) including Dold **35–36**.
Hauptstaatsarchiv, 587, fol.18–20	Votive masses (two for a king, three for a priest to say himself, then following missa votiva (Dold **37–45**).
Hauptstaatsarchiv 587, fol.21r	Masses for the dead (Dold **46–50**).
Hauptstaatsarchiv, 587, fol.22–23	Miscellaneous material: Reconciliation of the dead, blessing of honey and milk, readings for a vigil, and Bassianus of Lodi (add.) (Dold **51–55**).

nal *Hadrianum*, without distinguishing between these.[55] Finally, the newly discovered pieces in the bifolium Clm 22060 comprise Sunday masses known from the Supplements to the Gregorian, and a Sunday after Christmas appears in Clm

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55 Single folio Clm 29317(1 replicates the prayers of De 924–960; The prayers Dold identified as from the Gelasian Sacramentary of Angouleme (**34**) are identical to the Supplement's De 1488–1497; For **36**, Dold suggests the Sacramentary of Padua as the closest source, in which these prayers are identical to the *Hadrianum* and the ordering is rather that of the *Hadrianum*, Pad 918=De 960, Pad 921 =De 963 etc, see Deshusses, *Le sacramentaire grégorien*, 683.

23511.[56] Some of the votive masses also show close parallels with the Supplements (Dold's **37**–**40, 43** and **44**). Thus, the Missal of Lodi was also a more or less distant adaptation of the Gregorian, with a supplement, as we see that in French manuscripts like the Sacramentary of Rotrade.

As one example of how it adapts its primarily Gregorian text, we could note that Munich Clm 23911(1 contains the mass for Saint John the Evangelist (shown in Figure 41) but this is even longer than the two previous books.[57] Again the long and non-Gregorian preface is inserted, but the episcopal blessing from *Hucusque* was not used, as it had been in Saint Eloi.[58] An extra addition is a prayer SUPER POPU-LUM (Over the people) at the end of the mass, the prayer "Beati iohannis euange-lista nos domine quaesumus merita prosequantur . . ." (GeV 40). Outside of Lent, prayers SUPER POPULUM are likewise rare in the Gregorian, but much more common in the ampler Gelasian.[59] This particular example is drawn from a different Gelasian tradition than that used by Saint Eloi.[60] In the continuation of the mass on the end guard folio of Clm 23511, which is not in the illustration, we can see that, like Saint Eloi, the compilers of the Missal of Lodi àlso adds Gelasian prayers as ALIA alternatives, but again does not deploy the exact same choices as Saint Eloi, as it selects the Gelasian prayer "Deus qui beati Iohannis euangelistae praeconiis principii . . ." (Sg 56), which Saint Eloi did not use. Thus the processes of incorporating Gelasian material are similar to those undertaken by the compilers of Saint Eloi, but the exact choices made, and the traditions consulted, are different.

The incorporation of complete non-Gregorian formula into the Gregorian series of masses of the liturgical year goes here even further. The book shares with the Sacramentary of Saint Eloi the Gelasian masses for the Vigil of Epiphany, the *Cathedra* of Saint Peter, the vigil and feast of Matthew the Evangelist, and Bartholomew. It goes further in the cases of the Gelasian masses for the Vigil of Ascension, Juliana, Perpetua and Felicitatis and Nereus and Achilleus. In the case of the mass for Gregory (12th March), the Gelasian alternative was used to create a vigil

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56 Each provided with preface: Clm 22060 fol.1r–v: 6th Sunday after Pentecost (partial) De 1145, 1634, 1146, 7th Sunday after Pentecost: De 1147, 1148, 1636, 1149, 8th Sunday: De 1150 (partial). Clm 22060 fol.2r–v: 17th Sunday after Pentecost (partial): De 1177, 1670, 1178, 18th Sunday after Pentecost: De 1180, 1181 1673.

57 De 67–68, 1519, 69, GeV 40, De 70–72. The mass continued onto the end guard folio of Clm 23511, with De 73–74 and the Gelasian ALIA prayers Sg 56 and 57.

58 This is likely because the Missal of Lodi was made for the monastery of Olonna. That the compilers of the Sacramentary of Saint Eloi inserted episcopal blessings has been used to suggest the latter was intended for a bishop, Orchard, *The Leofric Missal*, vol.1, 19, 25–26.

59 On the *Super Populum*, Jungmann, *Missarum Sollemnia*, vol. 2, 529–34.

60 It is found in the "Old Gelasian" in *Liber sacramentorum romanae aeclesae*, 12; for this tradition, see Vogel, *Medieval Liturgy*, 64–70
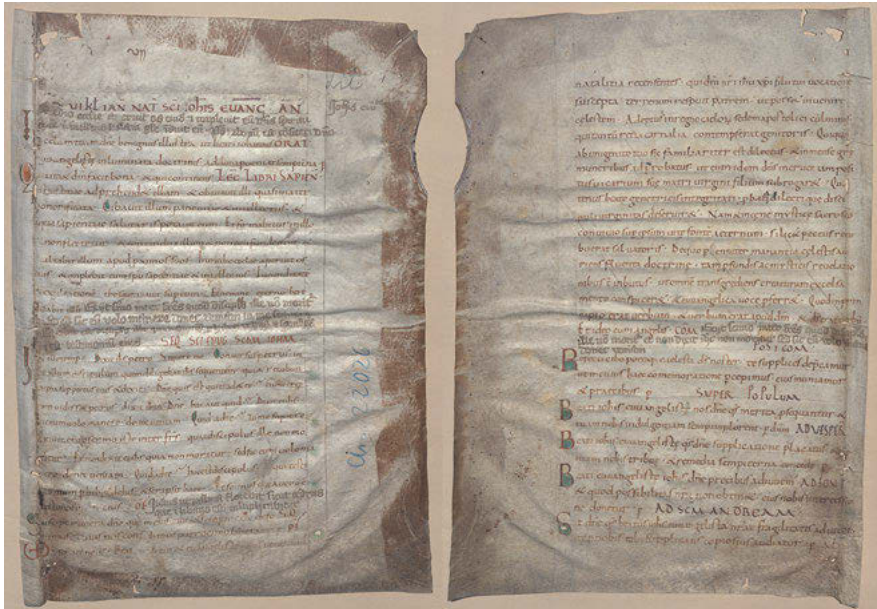
Figure 41: Part of the Mass of John the Evangelist in the fragmentary Missal of Lodi (Olonna, second half of the ninth century, with adjustments of the 15th century). Munich, Bayerische Staatsbibliothek, Clm 29311(1), fol.1r–v. Source: Münchener Digitalisierungszentrum / Bayerische Staatsbibliothek München.

celebration for the Gregorian day mass (Dold **4** and **5)**, doubling up the material pertaining to it.[61]

Unlike these Gelasian masses, which circulate more widely, the mass for Saint Maurice and his Companions (22nd September) added to the Gregorian year in the Missal of Lodi (Dold **34)** is our first indication of the clearly and distinctly Italian traditions put to use. This displays the same mass for the day as in the Sacramentary of Padua, Padua, Biblioteca Capitolare D 47 (edited in Pad 672–675), by re-using the Gregorian mass set for Lucy and Geminian (De 699–701), and adding to it a particularly ancient proper preface "UD aeterne deus. Quoniam sancti tui quod in lacrimis," not among the choices of prefaces found in *Hucusque* and seemingly never

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61 The mass for the day of Gregory belongs to the *Hadrianum* (De 137–139) and was the most important proof that this was not itself composed by him. For the vigil, the Gelasian mass used on the day Sg 224–225, 226 was put to use.

copied in the Gregorians outside Italy.[62] This mass is completely distinct from the mass for Maurice used in French sacramentaries and is only found in Italy.[63] Even more specifically, it seems to be linked to the area of Tyrol or the Veneto, but, here, was incorporated to a missal in nearby Lombardy.[64] We also know that the Missal of Lodi provided masses for the vigil and feast day of Benedict in March, but unfortunately only the title of the former can be seen. It is therefore impossible to know if these feasts were the same as the Carolingian compositions found in the Sacramentary of Rotrade for Benedict's feast in June (De 3455–3457 and De 3458–3462).[65] But in any case, they too, were entered into their place in the liturgical year.

Many of the votive mass additions to the Missal of Lodi have a particularly distinctive character. For example, the masses concerning the dead on Munich, Bayerische Hauptstaatsarchiv, Manuskriptensammlung 587, fol.21r–v (Dold **46**, **48**, **49**, **50**) unite additions dealing with death around the Gregorian mass SUPER EPISCOPUM DEFUNCTUM (Dold **47**), a mass originally found in the Gregorian *Hadrianum* (De 1010–1014). This makes it clear that the compilers of the Missal of Lodi followed a similar methodology to that used in the Sacramentary of Saint Eloi, whereby the format of the Gregorian Sacramentary was used to stuff more thematically related material into place, without respect to Gregorian origin. But these additions also present us with a clearly Italian series of texts, since the same masses are added as Supplements to the Gregorian in earlier manuscripts of Verona, Modena, Trent and Padua, all of which, except the last,

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62 On the sacramentary of Padua, a manuscript dating 840–855, see Vogel, *Medieval* Liturgy, 92–97, in which it is identified as a late copy of particularly ancient form of Gregorian, which obviously left Rome before the *Hadrianum* and dates to before 682, but which has acquired significant non-Roman material in its wanderings, including the Maurice mass, which is not original to the Gregorian. The Maurice preface itself goes back to the oldest surviving organized collection of mass texts, copied in Italy in the seventh century, the *Sacramentarium Veronense* from Roman *libelli* (booklets). See Vogel, *Medieval Liturgy*, 38–46.

63 The French mass is De 3597–3600, edited from sacramentaries of Saint-Amand and Tours.

64 Vogel, *Medieval Liturgy*, 92–93. The same mass for Maurice appears also in the fragments of a Gelasian sacramentary copied at the same *scriptorium* and around the same time as the Gregorian Sacramentary of Trent (Bischoff, *Schreibschulen*, vol.2, 182, possibly located in Südtirol), today in the Benedictine monastery of Marienberg in Südtirol: Marienberg, Stiftsarchiv, Fragmenta sine numero. This Tirolian *scriptorium* clearly embraced a plurality of traditions.

65 Benedict was not entered into the sacramentary of Saint Eloi, as above this has been used to suggest it was intended for a bishop's use, not the monastery of Corbie itself. The sacramentaries of Saint-Amand, for example, include masses for both of Benedict's feasts. Deshusses attributes these Benedict masses to Alcuin as well, but, in this case, the attribution is rather unlikely, as all manuscripts are late and they are never consistently transmitted with genuine Alcuin masses.

have broadly remained where they were written.[66] With another example in Florence, Biblioteca Laurenziana, Cod.Edil.121, with which the Missal of Lodi also shares material, these manuscripts represent all surviving complete manuscripts of the Gregorian written in Northern Italy in the ninth century. As none of them descends from exactly the same type of Gregorian, these manuscripts reveal the repeated importing of Frankish versions of the sacramentary, amid continual exchange across the Alps, but, in each case, they also show significant adjustments were undertaken in Italy, making them more distinctive in character.[67]

In the rest of the votive mass material, the Missal of Lodi also clearly used principally north Italian liturgical sources, that remained sufficiently distinctive to still be identifiable. Five other cases in which Dold found only distantly related analogues to the mass texts in the Missal of Lodi reveal, in fact, the use of material that is found only in the other Italian sacramentaries.[68] Therefore it is clear the Missal was not directly inspired by the Saint Eloi Sacramentary's sort of "mixed" Gregorian, but rather proceeded along the same lines and with some of

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66 The two prayers of Dold **46** are found in only the series AGENDA MORTUORUM in Modena, Biblioteca Capitolare, O II 7, fol.73v–77v and Padua, Biblioteca Capitolare, D 47, fol.122v–126r, while Formula Dold **48** is De 2881–2885 (widely shared in a number of books including the two Verona sacramentaries, Verona Biblioteca Capitolare, XCI and LXXXVI, as well as the Modena and Trent manuscripts), Dold **49** is De 2812–2817 (in the Verona sacramentaries), Dold **50** is De 2837 (only in Modena, Trent and the two Verona manuscripts).

67 The two Verona MSS are among early copies of the Gregorian *Hadrianum*, but have their own Italian supplement, an early and independent form that precedes *Hucusque*; Modena has only partially survived, but appears to represent a copy of the "missal of Alcuin," see Westwell, "The Lost Missal of Alcuin," based on an early form of Gregorian with Gelasian intrusions; both Trent and Padua are "pre-Hadrianic" Gregorians, revealing a state of the Gregorian earlier than *Hadrianum*. Trent had a circuitous route into Italy, as it descends from a pre-Hadrianic Gregorian used by Alcuin, copied in Salzburg, then taken to Italy and copied in Südtirol or Trent, where its, likewise independent, supplement was clearly adjusted, see Deshusses, "Le sacramentaire grégorien de Trente." Padua is an even older form of Gregorian, perhaps at home in Italy for even longer, but was copied by the "Court School" of the Emperor Lothar. The Italian orientation of much of the material, though, makes it likely that Padua was copied in Italy, while Lothar was there, and not actually in Belgium or Aachen, as is sometimes claimed. The Florence manuscript is among the copies of the *Hadrianum* with *Hucusque* used by Deshusses, but is again, in a form heavily adapted.

68 The votive mass **42**, which is found in Modena Sacramentary (De 2402–2404), to which the Missal of Lodi is closely related and the votive mass **41**, shared with Verona Biblioteca Capitolare XCI (De 2096–2099). The final prayers from a penance ritual (**51**) are shared with both Verona (De 3978 and 3979) and Modena (De 3968) manuscripts. Likewise, the blessing of milk and honey **52** (De 4355) is shared with manuscript Florence Aedil.121. Dold **45** is given in recognizable form in the Padua manuscript (De 2390–2395); Gamber, *Sakrametartypen*, 152, n.2 noted that the divergent form of the collect for the *Cathedra Sancti Petri* (Dold **2**), is found in a later, Italian manuscript Verona Biblioteca Capitolare XCVII.

the same ideas, but with different minds and drawing on above all very local traditions. The impulse to create "mixed" Gregorians must have occurred in like fashion at various places contemporaneously, as the variety of surviving examples shows. It is unlikely that all such manuscripts could be traced back to any one hypothetical "Mischexemplar," as in Gamber's reconstruction. Indeed, Gamber's characteristic method was to argue that the "Mischexemplar" in question was a hypothetical Ur-text compiled in Rome in the seventh century, the root of what he called the "T-Typus."[69] That adaptation of the sacramentary might be a continual process occurring in all kinds of places in different ways was thereby downplayed.

The "Missal of Lodi" presents another distinguishing feature which singles it out as of special interest for liturgical historians. This is the full incorporation of readings and chants into the structure of the mass formulae, and among the prayer texts of the mass.[70] We can clearly see this in the St John the Evangelist mass (Figure 42). This means that every mass is much more fully represented on the page, in contrast to the usual Sacramentary, which only showed the Latin prayers said by the celebrant, and for which additional books, a lectionary and a chant book, would therefore be required for the full scope of the mass. This fragmentary manuscript is therefore a prime, very early example of what we call a "plenary missal." Once, plenary missals were believed to have arisen only in the eleventh and twelfth century, but the survey of Italian material, principally fragmentary, places the earliest examples much earlier, in the eighth and ninth centuries.[71] It seems a tradition of what we might call plenary missals, or variously enhanced sacramentaries, went back much further in Italy than it did anywhere else, and was kept alive through the ninth century, giving Italian sacramentaries an even more particular character.[72] The integration of chant and readings into the Missal of Lodi is yet another piece of evidence for the adjustment of the "mixed" Gregorian Sacramentary format to a powerfully present local tradition. Thus, a standard treatment of the Sacramentary would look quite different in Italy than it did at Corbie.

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69 Particularly in Gamber, *Sakrametartypen*, 145–153. In the later *Codices Liturgici Latini Antiquiores*, the "T-Typus" was no longer mentioned, and Gamber seems to have revised his opinions, while maintaining parallels between Lodi and Saint Eloi that are overstated.

70 Dold, "Geschichte eines karolingischen Plenarmissales," 25–26, 29–32; In the Missal of Lodi, the chant texts were erased and updated in the 15th century at Wessobrunn, meaning the Missal had an extraordinarily long liturgical lifespan of active use.

71 Leroquais, *Les sacramentaires et missels*, xiii; Rankin "Carolingian liturgical books: problems of categorization."

72 On South Italian mass books, Irving "Counting Mass Books."

Standard Liturgical Language

In questions of liturgical standardization, it is equally useful to consider the liturgy's particular, standard register and how it was re-used to write this type of literature anew. The Latin language of the Gregorian was clearly the subject of sustained interest in the Early Middle Ages, and another feature of the Carolingian reception of the book is the varied and various attempts to correct the book's Latin to better conform with Carolingian standards of latinity. Although Deshusses tended to attribute the correction of the Gregorian's Latin to a single hand, which, he claimed, attempted to establish a standard, Carolingian Latin text of the Sacramentary, this is not borne out by the manuscript evidence in the sacramentary any more than it is in the manuscripts of the Bible.[73]

But there was another dimension to the engagement with this particular style. As with charters, in the contribution by Fransiskza Quaas, the expected language and stylized register of the mass liturgy, mostly formed in Late Antiquity, could allow scribes to create new texts from standard forms, offering space for a surprising and considerable creativity. Quite unlike today, priests and monks in the Early Middle Ages were able to add new material to the sacramentary when it was felt this was needed. This included the necessities of changing theological understanding and practices, evolving understandings of the purpose and meaning of the Mass itself, and new exigencies and forms of intercession that became more and more important, especially in monasteries. Among the most important developments in this sphere in the Early Middle Ages, for example, was the evolution of the practice of the "private Mass."[74] This ceremony was celebrated by the priest on his own, and performing one was regarded as a means to win salvation for donors, friends as well as for the priest himself. It represented a dramatic break from the largely more communal conception of the Mass assumed in the Late Antique Roman texts of the Gregorian. Thus, new masses had to be written specifically for such celebrations, and these are a marked specialty of the Carolingian era. The extensive groups of "missae sacerdotis" with several "alia" alternatives, which all three of the manuscripts examined here contain, are the best examples of such compositions. Such masses are markedly written in the first person singular, which the Gregorian Sacramentary never used.[75] Other masses

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73 Kottje, "Einheit und Vielfalt des kirchlichen Lebens in der Karolingerzeit."; Heinzer "Ex authentico libro scriptus."

74 Angenendt, "Missa specialis."

75 E.g. De 2177, in a collect only known at Corbie: "da mihi famulo tuo [. . .] da mihi etiam hoc officio semper tibi placitam gerere uoluntatem, quatinus cum dies uocationis meae uenerit [. . .]" etc.

that would be performed privately took on a very wide range of themes and intercessions, and the lists of those in the Sacramentary of Rotrade, whose titles I replicated in the footnotes, are a good example, ranging from agricultural ("de sterilitate terrae" or "de fructibus nouis") to psychological/spiritual ("contra temptatione carnis" or "pro tribulationibus"). But there was no standard collection of such votive masses that is found in every sacramentary, and the varied groups that were brought together can help reveal local traditions, and networks of exchange between institutions, as above.

The actual process of composing such masses, and their creative re-use of the Gregorian Latin and register, has never really been the subject of study in its own right, and it lies beyond the scope of this article to engage in depth. But I posit them to be characteristically medieval examples of the use of an older, established standard language and register in a completely new and innovative way. As one example, I will turn briefly to the group we know to have been composed by Alcuin of York (c.735–780).[76] Alcuin sent out his masses to monasteries and to his personal acquaintants, probably using small *libelli* or booklets of masses, which were then, as he instructed, incorporated into the books which were made at these places. We can thus find and identify Alcuin's masses in a very wide range of mass books copied all across Western Europe, including both the Corbie mass books discussed above. In the Sacramentary of Rotrade, one textual unit in the second, unique Supplement of this manuscript, at Paris BnF lat.12050 fol. 205–219r, is a good example of a section of a book dedicated specifically to Alcuin's masses, probably originating ultimately in a separate *libellus* sent to the monastery of Corbie. Not only are 14 of Alcuin's votive masses present in this section, but we also find within the same unit the two masses he composed for the vigil and feast day of All Saints (31/10–01/11), edited De 3647–3651 and 3652–3655, and these are still held separate from where they would actually be celebrated within the year of the Gregorian year. In Saint Eloi, they re-enter the liturgical year, and their separate identity as Alcuin's compositions, rather than truly Gregorian masses, is no longer at all perceptible.

To write these masses, Alcuin had varied ways of proceeding: sometimes he selected pre-existing prayers out of the Gregorian or Gelasian sacramentaries and put them to a new use. For example, for his votive mass for the Cross (number 4 in the article of Deshusses, or 9 in the second volume of the edition), he used a collect for the feast of the Exaltation of the Cross found in the Gregorian Sacramentary of Trent.[77] In many other cases, however, the prayers do seem to have been specifically composed by Alcuin. Again, in the same votive mass for the

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76 Deshusses, "Les messes d'Alcuin."
77 *Le sacramentaire grégorien*, vol.2, 44–45.

Cross, the SUPER OBLATA, the preface (PRAEFATIO) and the SUPER POPULUM cannot be found in any earlier mass books, and seem to be Alcuin's own work.

In such new compositions, Alcuin was very aware of the standard forms such prayers were supposed to take in order to fulfill their role in the mass, and made sure to follow the conventions of the format. He used the Gregorian as a model to do so and so employed standard phrases and expressions of that book type, deployed in the same grammatical forms. The Secret (De 1836), entitled SUPER OBLATA as it is in the Gregorian, begins with a form never found in the Gregorian, but which sounds or seems Gregorian "Haec oblatio domine ab omnibus nos purget offensis". This is cobbled together from other secrets, which often begin with a similar phrase "Haec munera" (De 286, 1187), "Haec sacra" (De 779) or "Haec sacrificia" (De 316), and then combined with the second half of the phrase which shows a grammatical formulation that can be found many times in the Gregorian, with the ablative noun and adjective enclosing the object and main verb, for example. This construction occurs, for example in the very similar case of the authentically Gregorian SUPER OBLATA of the FERIA IIII AD SANCTUM SYXTUM, during Lent: "ab omnibus nos defende periculis."[78] Alcuin used a very similar structure in the SUPER POPULUM: "ab omnibus semper muniamur aduersis."[79] The second half of the secret "quae in ara crucis etiam totius mundi tulit offensa," uses the formulation a secret found in the Sacramentary of Trent (De 369*) "quae in ara crucis immolate totius mundi tulit offensa," but, by combining it with the first phrase, Alcuin ends both parts of the short secret with forms of the same word "offensum" in a way the Gregorian never did, but which likely appealed to Carolingian poetic conventions.

Another characteristic construction is found in the preface of Alcuin's mass of the cross (De 1837), referring to Satan: "Et qui in ligno uincebat, in ligno quoque uinceretur per christum domine nostrum." This active then passive (or indicative and subjunctive) repetition of the same verb is also to be found in the Gregorian's Latin register.[80] This preface also uses a Gregorian form "humani generis" (De 452), to refer to the human race, but again poetically innovates beyond the Gregorian in another phrase referring to the wood of the cross "unde mors oriebatur inde uita resurgeret," with the repetition of the conjunction, subject, verb phrase, that builds on a vivid contrast.

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78 *Le sacramentaire grégorien*, vol.1, 150.

79 De 1836.

80 E,g, De 124 "ut sicut unigenitus filius tuus hodiema die cum nostrae carnis substantia in templo est praesentatus, ita nos facias purificatis tibi mentibus praesentari" De 183: "ut uidere possimus quae agenda sunt, et quae recta sunt agere ualeamus"; De 146: "ut eadem et percipiendo requirant, et quaerendo sine fine percipiant."

Alcuin's deployment of characteristically Gregorian Latin, while also bringing in some Latin stylized to Carolinian standards of poetic embellishment, is an example of a very particular medieval type of standardization, one in which the Latin that was characteristic of a type of genre, or literature, shaped and constrained what the newly created texts looked like, while still allowing considerable freedom to adapt the type of text to new purposes. The idea of a votive mass "for the cross," which arises from Carolingian spirituality, would not have occurred to the compilers of the Roman Gregorian, whose additional votive material is sparse and purely concerned with more prosaic needs, as well as direct intercessions.[81] In this case, Alcuin's very competent imitation of standard Gregorian forms enabled the incorporation of his masses into the original Gregorian within a few decades, ultimately erasing his individual contribution by subsuming his masses under a standard "Gregorian" label. But one did not need to be Alcuin to use Gregorian language as he did. In the same way, an anonymous priest who composed a mass against the Vikings in ninth-century Tours made use of the same standard liturgical language to express vivid and contemporary anxieties.[82]

Standard Meaning?

Copyists and patrons of sacramentaries identified as Gregorian might have had various different understandings of what they were copying, and to what use they intended to put the resulting book. Schieffer has, for example, raised the intriguing possibility that the Gregorian initially had value principally as a "book relic" of its supposed author, Gregory the Great.[83] This perception of the Gregorian might have been more dominant in the first generation of copies, generally prior to 850, in which the "original" Gregorian was still carefully preserved from any supplementary material added. The replication of Roman stational masses in Frankish cities and monasteries could also be inspired and enabled by the Gregorian, which is a stational sacramentary and notes the locations in Rome in which the varied masses would be performed, enabling one to "identify" with the Pope by imitation of this itinerary, something certain clergy clearly practiced and

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81 Chazelle, *The Cross, the Image and the Passion*.

82 The MISSA PRO IMMINENTI PERSECUTIONE BARBARICA, *Le sacramentaire grégorien*, vol.2, 165.

83 Schieffer, "'Redeamus ad fontem.' Rom als Hort authentischer Überlieferung im frühen Mittelalter"; Morard "Sacramentum immixtum et uniformization romaine," 22.

prized.[84] The actual liturgical use, that is the intention to read it in mass, in whole or in part, might have been only one facet of the Gregorian's attraction. Nor, it must be stressed, did copying of the Gregorian entail necessarily "reform" of the liturgy in one's diocese or monastery according to this new book. Practice might have been affected only in part or not at all (particularly given the *Hadrianum*'s immediate deficiencies for non-papal usage).

These three manuscripts, and the example of Alcuin's compositions, employed in this analysis clearly establish the range of available forms of the Gregorian Sacramentary from the ninth century. Our first two examples show how the same monastery, Corbie, could rapidly reinterpret and reformulate the Gregorian according to changing visions and requirements, first with a range of supplements, then with the total reorganization of the book and incorporation of a wide range of foreign elements. The Missal of Lodi demonstrates the assimilation of the Gregorian Sacramentary with Supplements characteristic of France to new characteristics which are peculiar of a particular region, northern Italy. Alcuin's masses show how Gregorian Latin and phrases could be re-purposed for new devotions that rapidly swelled the content of such books. Yet, importantly, very little material from the original Gregorian *Hadrianum* is ever wholly discarded. The Sanctoral is repeatedly enhanced, but the rather limited repertoire of masses for sometimes obscure Roman saints that made up the original *Hadrianum* tends to be left intact. Some very peculiarly Roman material, like a mass for the Pope's anniversary (De 823–827) and a prayer for the ordination of the Pope (De 1018) is thus maintained. Despite the Gregorian's initial deficiencies as a book for practice, our manuscripts show how the base of the Gregorian became the foundation of the Carolingian mass book by the end of the century.

This means a standardization was achieved in the sense that one would open a mass book and largely expect to encounter the same Gregorian material, at least somewhere in the book. This represents a significant achievement. It would provide a certain stability and unity to the mass traditions of the Empire. It can be theorized to have answered certain needs that were widely shared, like the expectation that the liturgy one practiced was a "Roman" one, and that the Gregorian family had a connection, however tenuous it became, to the authentic writings of Gregory the Great. One must expect that such commonalities forged a connection between the communities who practiced the Gregorian liturgy, as well as this undoubtedly vital connection to Rome. Nevertheless, this standard foundation was cultivated and established not by law, or by the singular exercise of political will, as liturgical scholars long supposed. No evidence can be found

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84 Häußling, *Mönchskonvent und Eucharistiefeier*.

for such decrees, and, given liturgy's peculiar character in this period, one cannot easily claim that Carolingian compilers would have even understood any such sense of standardization. The generation of mixed or "Gelasianized" Gregorians used the Gregorian Sacramentary as a standard vessel into which they could pour their own mix of heritage and contemporary devotional requirements.

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Part 3: **Converging. Canonicity and Unity**

Line M. Bonde

9 A Sense of Decorum: Negotiating Standards for the Medieval Parish Church

Abstract: A wealth of churches were built throughout Europe in the Middle Ages, many of which are still preserved and in use today. Undeniably, this is why churches appear to be the most conservative genre of Western European architecture – at least when looking back through centuries of church building and maintenance. One is hardly ever in doubt of the function when confronted with this "type" of architecture. Church buildings, thus, seem an excellent place to look for impulses of standardization. However, any perceived "sameness" in the visual articulation of the medieval church building is lessened by a wealth of deviations and pragmatic solutions: the only "standard" is that which makes the church, namely the high altar. This chapter argues that architecture is essentially dynamic and dialectic, meaning any notion of "standardized architecture," or efforts at "streamlining" the visual articulation, is detectable only at a macro-level and across a considerable time span. Specifically, any perceived overall sameness is governed by a medieval sense of *decorum*: an aesthetic category that is easily mistaken as a means of standardization in the post-Enlightenment sense of the word. In the medieval period, however, architectural decorum was, this chapter argues, characterized by a "creativity dispositive."

Keywords: Architecture, art theory, church buildings, historiography

Introduction

As is well known, an extraordinary number of churches were built throughout Europe in the Middle Ages, to such an extent that the "great church building" became a medieval literary topos. Many of these buildings – or parts of them – are still preserved and in use today. Undeniably, this is why churches appear to be the most conservative genre of Western European architecture, at least when looking back

Line M. Bonde, The National Museum of Denmark

through centuries of church building and maintenance. One is hardly ever in doubt of the function when confronted with this "type" of architecture.[1]

Thus, in a book exploring processes of standardization in the Middle Ages, church buildings seem to be an excellent place to look for such an impulse. However, as we shall see, any perceived uniformity or "sameness" in the visual articulation of the medieval church building is lessened by a wealth of deviations and pragmatic solutions: the only standard in a church building in the medieval Latin West is that which makes the church, namely the high altar.

This chapter makes the argument that architecture is essentially dynamic and dialectic, wherefore any notion of "standardized architecture," or efforts at "streamlining" the visual articulation of the medieval church building, is detectable only at a macro-level and across a considerable time span. The churches were – and are still – continuously altered, challenging any attempt at retrospective comparison and pattern recognition. Specifically, I will show that any perceived, overall sameness in the visual articulation of the medieval parish church building is governed by a medieval sense of *decorum*: an aesthetic category that is easily mistaken as a means of standardization in the post-Enlightenment sense of the word. Thus, before we can get to the core of the chapter, namely, closing in on a medieval sense of decorum, we must take a historiographical detour. Although such a venture may seem strenuous, it is important. We have to pinpoint our scholarly pitfalls when addressing complex phenomena such as standardization and decorum. Only then can we see *why* traditional art history struggles to grasp why medieval churches are so alike and simultaneously so diverse (aside from catering to different needs).

To make the argument, I will take the more than 3100 churches built within medieval Denmark between c.1100 and c.1250 as a case study.[2] Most of these were small rural churches and were, at the time of their erection, generally uniform in layout (Figure 42). Crucially for this chapter, many of the parish churches were already modified in the very period to which they date, namely the so-called Romanesque. The focus, specifically, will be on the parish churches, as most of the functions of cathedrals and abbey churches differ tremendously from those of

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1 Even in the reformed countries, such as Denmark, church architecture tends to be recognisable as such – despite efforts of the reformers; most noticebly their change in the understanding of holiness and its "location." For a thourough discussion of this see Jürgensen, *Ritual and Art Across the Danish Reformation*, esp. ch. 6.
2 Parts of this chapter is from Bonde, *Challenging the Romanesque: Reconsidering Approaches to the Rural Parish Church of Twelfth-Century Denmark.* Every parish probably had a stone church by the end of the thirteenth century. Kieffer-Olsen, *Kirke og kirkestruktur i middelalderens Danmark,* 151. For a count of 2692 churches, see Wienberg, *Den gotiske labyrint. Middelalderen og kirkerne i Danmark.*

the parish church. Aside from catering to different liturgical needs, the importance and, thereby, status and function of parish churches changed and grew throughout the Middle Ages, allowing and gathering more and more religious activities within the local church.

The Principle (of) Decorum

In his architectural treatise *De architectura* (*The Ten Books on Architecture*, 1st century BC), the Roman architect Marcus Vitruvius Pollio appropriated the concept of decorum from rhetoric.[3] In the first book, he famously states that architectural propriety (*decorum*) is "that perfection of style which comes when a work is authoritatively constructed on approved principles" (Vitruvius, I, ii, 5).[4] Accordingly, the Vitruvian decorum has been understood to dictate or rather presuppose an interconnection between usage and tradition, as the effect, he warns, "will be spoilt by the transfer of the peculiarities of one order of building to the other, the usage in each class having been fixed long ago" (Vitruvius, I ii, 6).[5] Since the rise of academia in the nineteenth century, a rule-bound notion of decorum has typically been linked to classical orders and associated with great Renaissance treatises such as those by Leon Battista Alberti, Sebastiano Serlio, and Andrea Palladio, as it radiates awareness of authorial conventions of decorum.[6] Curiously, scholarship has seldom studied medieval ecclesiastical architecture through the prism of decorum. Therefore, before turning my focus fully on the medieval conception of decorum, I want to put some pressure on the very concept and its reception. It seems especially important to do so, given the fact that modern scholarship's adaptation of the Vitruvian decorum is deeply rooted in the post-Enlightenment mode of conceptualizing and ordering the world. Let me explain by turning to present-day canon law.

In canon 1216 (1983 CIC), the Roman Catholic Church stipulates that "in the building and repair of churches, the principles and norms of the liturgy and of sacred art are to be observed, after the advice of experts has been taken into account."[7] This formulation is a toned-down version of the previous Code's canon

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3 The concept is usually associated with Cicero that for his part, adapted the Greek πρέπον. See, e.g., Di Stefano, "*Decorum*. An Ancient Idea for Everyday Aesthetics".

4 Vitruvius, *The Ten Books on Architecture*.

5 Vitruvius, *The Ten Books on Architecture*.

6 Alberti, *De re aedificatoria* (1452); Serlio, *Tutte l'opere d'architettura, et prospetiva* (1537–1575); Palladio, *I quattro libri dell'architettura* (1570).

7 "In ecclesiarum aedificationes et refectione, adhibito peritorum consilio, serventur principia et normae liturgiae et artis sacraw." *Codex Iuris Canonici* MCMLXXXIII, Liber IV, pars III, caput I,

1164 §1 (1917 CIC), which explicitly states that "ordinaries, having, if necessary, taken counsel with experts, are to take care that in the building or repair of churches the forms received from Christian tradition are preserved and the laws of sacred art observed."[8] Noticeably, the key concepts here are "principles and norms" respectively "tradition," which indicates that the Church today entertains a normative notion of how her buildings *should* appear. However, in contrast to the Vitruvian treatise, no set of written rules or regulations are provided in the canons. This makes building new churches and maintaining old ones quite an unenviable task, as what is deemed "appropriate" is seemingly left to subjective aesthetic judgment. Meanwhile, certain fundamental features or characteristics are still expected to be in place. An illuminating example of this paradox is a series of diatribes published by the archbishop of Westminster, Cardinal William Godfrey, as modernism took hold of church building in the 1950s:

> It is said that we must build for our own time. True: but our own time can accept a lack of decorum which is not according to the mind of the Church. The old should not be set aside simply because it is old. The heritage of sacred art bequeathed by our forbears is precious. The barn-like church has nothing sacred or symbolic to commend it. It does not lift the mind to God.[9]

There is, of course, an enormous gulf between, say, the earliest churches in Rome, a rural parish church built in twelfth-century Denmark and a modern Roman Catholic church erected in 1950s London. Only the two latter can, by definition, draw on "the forms received from Christian tradition": albeit they still have very different prerequisites for what and how to convey that tradition. Perhaps this is why the vague notion of some sort of "architectural tradition" makes it difficult not to understand the wording of the canons against the backdrop of the history of styles, namely because it actually seems to "echo" or even reproduce just that line of thinking. In other words, and as we shall see later, in the traditional art historical practice, the concept of decorum tends to imply a substratum of a standard or regulatory norm in the post-Enlightenment sense of the word.

   More pertinently, we should note that what concerns Godfrey is not so much the visual articulation in itself. No, what is truly bothering him is that the congregations' spiritual well-being is jeopardized by utilising certain architectural forms – he

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can. 1216. Translation from "Code of Canon Law," The Holy See <https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann1205-1243_en.html#CHAPTER_I>.

8 O'Connell, *Church Building and Furnishing: The Church's Way*, 28. 1917 *Codex Iuris Canonici* (abbr. 1917 CIC).

9 Godfrey, foreword, *The Catholic Building Review*, 33. Quoted from Robert Proctor, *Building the Modern Church: Roman Catholic Church Architecture in Britain, 1955 to 1975*, 16.

simply does not find them to embed the affective potential necessary for a church to function as such. Ultimately, Godfrey maintains that a lack of architectural decorum risks undermining the very purpose of the church building altogether. The interrelation between decorum and use (*usus*) is of immediate relevance to us, since churches – be they medieval or modern – are built for a specific reason, namely to accommodate the ritual practices of the Church. Although the religious ceremonies and rituals happening in and around the churches are of secondary concern to our exploration, any attempt at grasping architectural decorum must also consider function and usage. The relation between the church building and the ceremonies it housed is notoriously complicated because, as concisely noted by Danish archaeologist and theologian Martin W. Jürgensen, "liturgy is more flexible than architecture." This means, as he explains, "that the ceremonies of the Church could with relative ease be made to function in almost any designed space [. . .] basically liturgy required very little from its surroundings."[10] This claim seems substantiated by the medieval exegetes' relentless efforts at "streamlining" the liturgy[11] by bringing consistency into the overall conceptual and interpretational framework of the "universal Church." Still, they do recognize, as clearly stated by William Durand in his Prologue to *Rationale divinorum officiorum* (c. 1294–1296), that each church had "its own observances."[12] These observances, however, changed over time, just as did the reading and interpretation of the church building itself. The liturgy, to be specific, was subject to processes of standardization that were quite independent of their physical framework, meaning that church buildings cannot, to cite Jürgensen again,

> be approached from a functional angle alone. The architecture was shaped to support modes of hierarchy, devotion and ceremony – or "structuring experiences." How finely tuned the architecture was to accommodate these things, was a matter of economics and outlook. But no matter how humble a building, the placing of doors, windows, altars, screens and arcades all contributed to the shaping of liturgical space. We can even say that the building framed liturgy and defined the performance of all ceremonies that took place inside. This is true for both a pre- and post-Reformation situation. To alter the actual walls was thus also to alter the visible shape of the rituals. This is then also to say that no matter how a ceremony was written to be performed, the church building would ultimately define how it would appear.[13]

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10 Jürgensen, *Ritual and Art*, 231.

11 See Westwell, Chapter 8, in this volume.

12 Durand, *Prologue*, 13. See also Petersen, "Framing Medieval Latin Liturgy through the Marginal" arguing that Mass liturgy and the hours of divine office were the only somewhat stable ceremonies throughout the Middel Ages.

13 Jürgensen, *Ritual and Art*, 279.

Undeniably, there is tension between the particular and generic when exploring the use, function and visual articulation of medieval churches. The Danish churches is an illuminating example of just that. First, it should be noted that compared to Western Europe, church building began late in Denmark. The need for churches only arose in the late tenth and eleventh centuries when the general population slowly adopted some version of Christianity. At the site of Ribe Cathedral, for instance, we have traces of building activity already from its foundation as a bishopric *c*.948.[14] The church-building must have spread rapidly beyond the cathedrals and town churches to the rural areas as well. At least the German cleric Adam of Bremen informs us that around the year 1075, Scania had 300 churches and Zealand 150 churches, while the island of Funen had only 100. The mainland of Jutland is not mentioned, but this region most likely had the most significant number. Regrettably, Adam does not disclose what the church buildings looked like, but excavations suggest that the majority must have been wooden structures with earth-bound posts.[15] Unfortunately, the appearance of the above-ground constructions cannot be deduced from the buried remains. What the post holes do show, however, is the layout of the building. These indicate small two-cell buildings, with the eastern cell narrower than the western.[16] On a very general level, the ground plan of these first church buildings conformed with contemporary European churches. A preserved

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14 DK *Ribe* 160. "Ribe domkirke," Danmarks Kirker <http://danmarkskirker.natmus.dk/uploads/ tx_tcchurchsearch/Ribe_0061-0391.pdf>.

15 Bertelsen, "Kirker af træ, kirker af sten – Arkitektur og dateringsproblemer på Svend Estridsens tid", 109–110.

16 The post holes, however, have parallels all over northern Europe and in England. Whether the two-cell division of the Danish post churches is to be interpreted as reflecting the well-known nave chancel divide is uncertain. Yet, if we look at the two-cell buildings of pre-Conquest, Anglo-Saxon England, which were built at a similar phase of religious development to the first wooden churches in Denmark and are similar in layout, these comprise a nave and what, at first sight, appears to be a squared-off chancel. However, with reference to specific churches, such as Raunds Furnells, it has been argued that the eastern cell was too small to celebrate Mass and thus cannot have functioned as a chancel. Instead, at least at Raunds Furnells, the eastern cell seems to have been added to the nave in the late ninth or tenth century and served as seating for the visiting clergy: comparable, perhaps, to the Roman apse, a seated priest would come forward from the eastern cell to celebrate Mass at the high altar positioned in the nave. This corroborates with the general agreement that in the Anglo-Saxon period, the altar was placed in the nave and only began to move eastward around the year 1000. From the nave, it moved first onto the threshold of an eastern cell and then to entirely within it. Exactly when the divide and the placement of the altar solidified as a norm is somewhat uncertain. For post holes in Europe, see Ahrens, *Die frühen Holzkirchen Europas*. On the migrating altar, see Cameron, *Sedilia in Medieval England*.

piece of wood from a hammer brace suggests that at least some of these wooden churches were richly decorated (Figure 43).[17]

Masonry architecture, however, was first introduced to Denmark in the last half of the eleventh century and was initially, it seems, used only for the building of churches. Many of these were rural churches with an extraordinary uniformity in terms of their architectural layout and spatial arrangements, though it should be emphasized that this uniformity is lessened by a wealth of deviations and pragmatic solutions: a point we shall return to. Nevertheless, it is, in fact, possible to summarize what a first-generation masonry church *typically* looked like (Figure 42), meaning one erected in the long twelfth century.[18] This, too, was a two-cell building comprised of a nave and chancel. Entrance to the building was controlled through two corresponding doorways in the south and north walls of the nave. A set of small round-arched window openings were placed high in the wall to the east of the doors. Inside, the baptismal font was prominently located on an elevated podium positioned almost in the center of the nave, a bit to the west. Low stone benches ran along the northern and southern walls. Facing the east wall of the nave, the chancel arch, flanked by two side altars, provided access to the chancel, which housed the high altar. Still, any church erected at the beginning of the twelfth century would most likely look somewhat different from one built in the early thirteenth. In addition, regional differences or local preferences determined by, for instance, the availability of materials, finance or observances would have caused two contemporary churches to appear somewhat dissimilar to the modern eye. The fact is that the extent remnants of the vast number of churches built during the two-hundred-year period deemed to be Romanesque show a myriad of variations in the use of material, techniques, and quality (cf. figures 47,48,49).

This being said, the immediate familiarity among the vast number of surviving medieval church buildings and remnants – that they seem "alike" – lies at the heart of traditional art historical practices. In the nineteenth and early twentieth centuries, attempts to classify the wealth of medieval ecclesiastical buildings preoccupied the connoisseurs of the day, giving rise to stylistic concepts such as the so-called Romanesque.[19] Much of the work done by the first generations of art historians, restorers and architects was concerned with ordering and establishing a chronology for the many buildings. Commendable and useful as much of that work is, it was carried out on a post-Enlightenment premise, rooting the ordering

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17 It should be noted that we cannot know for certain when the palmette was painted, whereas the dendrochronological analysis dates the piece of wood to *c*. 1060–1070.

18 Bonde, *Challenging the Romanesque*, ch. 3.

19 For the Romanesque see, e.g., Bizzarro, *Romanesque Architectural Criticism.* For the Gothic, which had been in use since Vasari see, e.g., Webster and Elliott, *"A Church as It Should Be".*
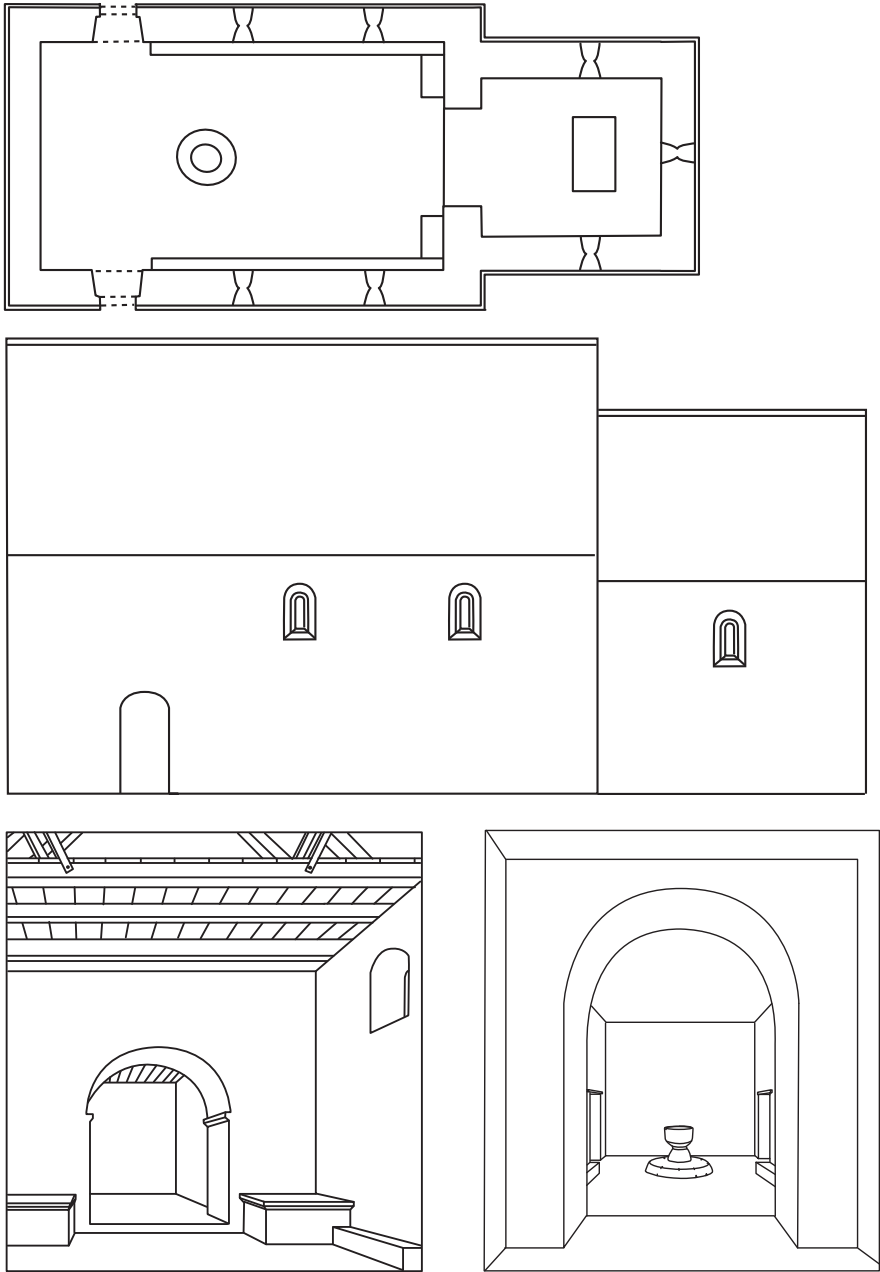
Figure 42: The Minimum Model. Ground plan, elevation and cross-section, not to scale. Based on DK *fagordbog*, altered and supplemented by Line M. Bonde, digitized by Kim Bonde 2018.

Figure 43: The Hørning fragment. Hørning Church, Jutland. Now in the National Museum of Denmark (D2309). Photo John Lee, 2014. CC-BY-SA.

and grouping in an adaptation of the rule-bound aspect of decorum, essentially implying the existence of an "ideal state of things". Unfortunately, this has caused devastating destruction to medieval and post-medieval structures and fabric in the wish to restore the days of old. The most infamous example is probably the (historicist) restoration projects of the French nineteenth-century architect Eugène Viollet-le-Duc, including the Sainte Chapelle and the Notre-Dame Cathedral in Paris, the basilica of Saint Denis, and the abbey church in Vézelay.[20] Similar restoration projects were carried out in Germany by Gottfried Semper, John Ruskin in Britain, and in Denmark by Niels Laurits Høyen, to mention but a few. The common denominator for these nineteenth-century restorers was their quest for an orderly past, which, to reiterate, meant that the appropriate visual articulation of a medieval church had to conform to the perceived ideals of a specific time in history.[21] The point I am trying to make here is that the history of style has largely dictated what we expect the world and, thus, also, a church to look like. This is reflected in Godfrey's bemoaning of the lack of decorum in modern church buildings, but even more tellingly, it is also the root cause of how scholars still tend to deal with the variegated medieval church buildings. An illuminating example, which is not specific to research on the Danish churches, is the tendency to compare the rural parish church with the cathedral, the monastic church, or the larger urban church. Note, for instance, a formulation by one of the leading Danish art historians of the early twentieth century, Francis Beckett: "Ribe Cathedral

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20 Louis Grodecki, for instance, writes that "dans l'opinion courante, son nom est associé, en France tout au moins, aux excès romantiques du complement des èdifices anciens: 'faire du Viollet-le-Duc' signifie 'restituer abusivement.'" From *Encyclopedia Universalis* 1973, cited in Middleton, "Viollet-le-Duc in the Twentieth Century," 228–251.

21 For discussions of standardization of the Danish churches in the late nineteenth century see Jürgensen, "The Properties of Style," 385–408; Bonde, "Jerusalem Has Left the Building."

has been like a father figure and role model to the village churches of its diocese."[22] Here, he feeds us the idea that an aesthetic and architectural hierarchy existed among contemporaneous buildings. At the same time, he demonstrates how architectural decorum is conventionally evaluated and judged in scholarly practices, even if not explicitly stated. This would explain the struggle to group the many medieval buildings according to authorial conventions and why others, described and dated by the same stylistic label, bear little resemblance to each other.[23] Ultimately, traditional art historical practices, such as the history of style, impose standards that the motley medieval architecture did not meet.

Two methodological problems are thus at work in previous scholarship: The inclination to over-generalize on the one hand and the penchant to over-scrutinize on the other. Both, however, spring from the post-Enlightenment conception of standards as fixed units. This has, at least to some extent, caused a tendency in art-historical scholarship to freeze buildings in their "original articulation,"[24] thereby dismissing and neglecting any subsequent alterations. Yet, as already noted, the first-generation Danish parish churches display many peculiarities that stray from the rigid yet vague definition of the period-style Romanesque. In fact, the extent to which the visual articulation deviates between the churches has even caused newer scholarship to disagree over whether the first-generation stone churches can even be regarded as a coherent phenomenon.[25] I have elsewhere tried to accommodate some of these methodological challenges by advocating for a so-called "minimum model,"[26] corresponding to the description of a typical first-generation church as characterized above. On the face of it, the model retains a modern conception of a standard. Yet, the minimum model accommodates the variegated visual articulation and structural differences of the first-generation stone churches by understanding the adding of, for instance, an apse or a west tower, as "add-ons" or "extras," if you will. From this, it follows that the model is "elastic." All of the

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22 Beckett, *Danmarks Kunst. Bind 1. Oldtiden og den ældre Middelalder*, 97. My translation of "Domkirken i Ribe har været som en Fader og et Forbillede for Stiftets Landsbykirker."

23 As many scholars have pointed out, the main problem with the history of style is the inherently artificial nature of the constructs of period-styles, which ironically has left the epitome of conventional art historical praxis as one of the most contested approaches within newer historiography. Yet, the cries for secession are still to be heard. See Hourihane, ed., *Romanesque Art and Thought in the Twelfth Century;* McNeill and Plant, eds., *Romanesque and the Past*; Bonde, *Challenging the Romanesque*, esp. ch. 2.1 with references.

24 This problem has been treated in recent works such as: Trachtenberg, *Building-in-Time*; Bille and Sørensen, eds., *Elements of Architecture*; Feltman and Thompson, eds., *The Long Lives of Medieval architectrure,* see esp. ch. 1; Camerlenghi, "How Long are the Lives of Medieval Buildings?"

25 Møller, "Er modern jævngammel med døtrene?" 83–98.

26 Bonde, *Challenging the Romanesque*, ch. 3.

variations schematically illustrated in Figure 44 are thus supplements of the minimum model. They can, in theory, be mixed freely in a variety of combinations over a broad temporal span – just as the liturgy they framed. The minimum model is thus considerably different from Ancient temple types (as defined by Vitruvius) as well as modern standardized architecture, such as modular homes and concrete high-rise flats.

What can be gathered from this historiographical exposé is that the church building has been subject to an ontological fixation. We must move beyond such an understanding and realize the dialectic nature of architecture: it is a means of ordering the world and thus relates to a sense of recognizability. At the same time, architecture is, by definition, an ongoing activity – a practice, if you will. It is conceived, built, used, maintained, experienced, ruined, appropriated, rebuilt, excavated, reconstructed, and so on. The tendency to focus on a building's moment of "origin" is thus unproductive, if not meaningless, when looking for a medieval conception of decorum. This is again conveniently illustrated by the corpus of medieval Danish parish churches, where large-scale changes and variances are readily recognizable – primarily as almost no new churches were built in the late Middle Ages (or even after the Reformation). Instead, I want to focus on the "living" and "vibrant" building and discuss how the ongoing maintenance, rebuildings, and changes to the parish church might add to and broaden our understanding of medieval decorum as a process. Because, even if a classical Vitruvian decorum and the post-Enlightenment adaptation seem foreign to medieval ecclesiastical architecture, the minimum model clearly demonstrates that at least a *sense* of decorum must have existed in the Middle Ages. It simply looked and functioned differently.

Recalibrating Decorum

It would be wrong to say that the concept of architectural *decorum* has never been applied to the study of medieval buildings: even if it has primarily been considered with regard to the cathedral and monastic church.[27] The British architectural historian Peter Draper was seemingly among the first to apply it in the context of the parish church in his *The Formation of English Gothic: Architecture and Identity* of 2006. Here, he concluded that:

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27 See, Crossley, *Gothic Architecture in the Reign of Kasimir the Great*; Kimpel and Suckale, *L'Architecture Gothique En France 1130–1270*.
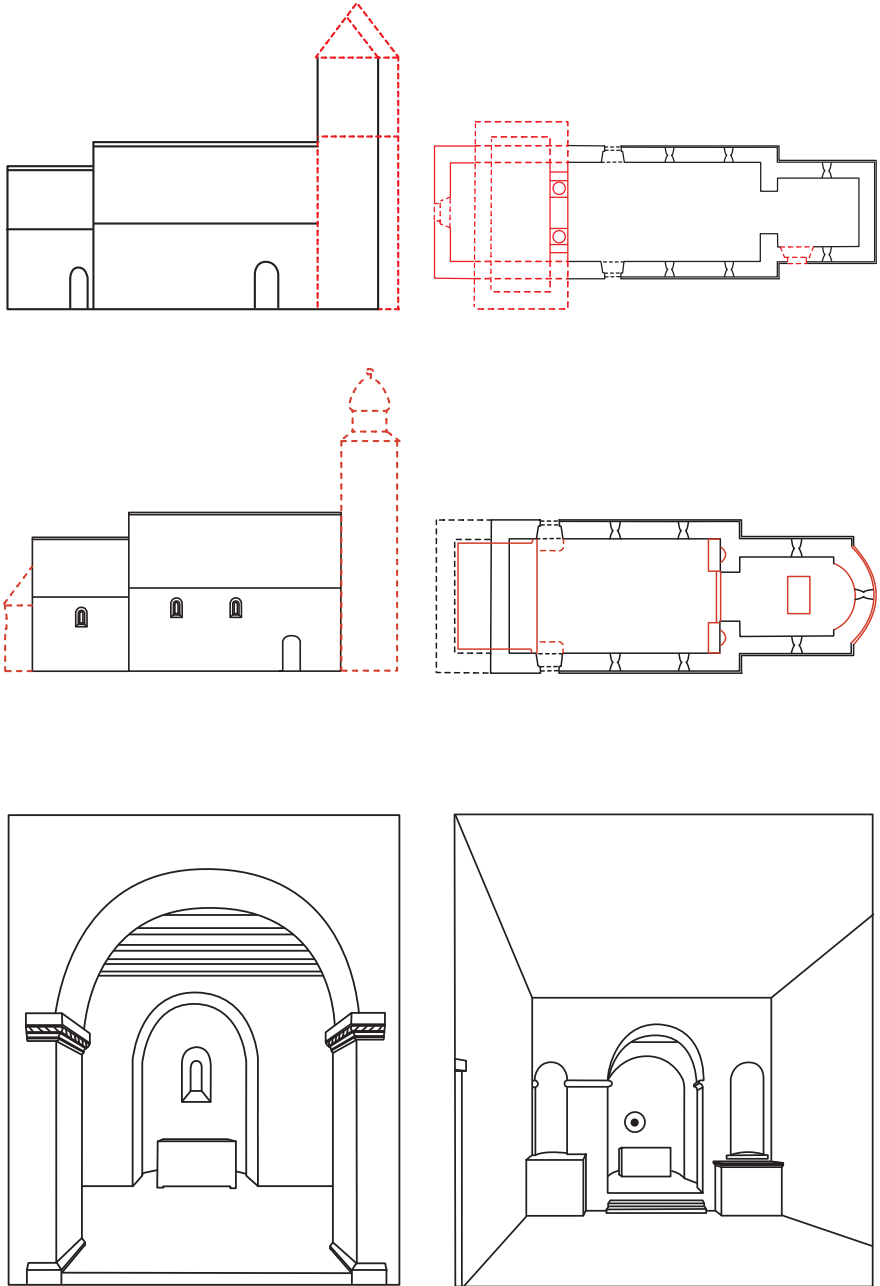
Figure 44: The Minimum Model. Additions, not to scale. Drawn by Line M. Bonde, digitized by Kim Bonde 2018.

> There can be no doubt that a sense of decorum, of what it was appropriate to do or to build in particular circumstances, was current in the twelfth and thirteenth centuries, as it has been at all other times. The task of the historian is to try to understand how it was applied and how, consciously and unconsciously, it affected the particular form that buildings took.[28]

In what almost seems to be in direct response to Draper, the American art historian Meg Bernstein recently ventured into the *decorum* of the English parish church, arguing that: "Despite claims to the contrary, the parish church is not, however, merely derivative of the great church, but should instead be considered a genre with its own history and internal logic."[29] Looking at the Danish parish church – and recalling Beckett's apprehension of the relationship between Ribe Cathedral and its surrounding parish churches – one can hardly disagree! Ultimately, she claims, the relationship "between the genre of the parish church and that of the great church is mediated by *decorum*."[30] Following the English art historian Paul Crossley's definition of architectural *decorum* as "the suitability of form to the aims and ideals of the institution,"[31] Bernstein argues that suitability "does not entail functional appropriateness, but rather an awareness of which stylistic elements befit the status of a given building."[32] Yet this does not explain the structural deviances between contemporaneous buildings, which are so inopportune for the history of style and its protagonists.

Bernstein seems to address this problem by pointing to different architectural developments of the English parish church building during the eleventh and twelfth centuries, concluding that an actual parish church, as a specific type of building, had crystallized by 1240/50. The result, she claims, was a "'parish church mode': a set of formal characteristics understood as acceptable for parish churches regardless of how grand or lavish a building was intended to be."[33] However, while both Draper

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28 Draper, *The Formation of English Gothic*, 231.

29 Bernstein, *Civil Service*, 54.

30 Bernstein, *Civil Service*, 54.

31 Crossley, "Introduction", in: Frankl and Crossley, *Gothic Architecture*, 28: "Particularly susceptible to these semiotic approaches are the strongly 'ideological' architectures of the reforming orders: the Cistercians and the friars. Here the classical notion of architectural 'decorum,' is critical [. . .] [the] ability to his style to fit the occasion of the commission [. . .] But it is in the controlling architectural policies of the reforming order that programmatic meanings are most obviously allied to architectural form."

32 Bernstein, *Civil Service*, 54.

33 Bernstein, "Show Some Decorum: Against an Imitative Model in the English Parish Church," The Courtauld https://courtauld.ac.uk/research/research-resources/publications/courtauld-books-online/parish-church/show-some-decorum-against-an-imitative-model-in-the-english-parish-church/ .

and Bernstein are surely correct in seeing the relationship between the cathedral and parish church as mediated by a "sense of decorum," their understanding of said decorum is still based on the rule-bound aspect associated with the appropriated Vitruvian dictum. Admittedly, this could also be said about the minimum model of the Danish parish church. The problem with such a conception is that the end goal becomes a fixed, codified and static building type: a standardized building type, if you will, in the modern sense of the word. I should stress, at this point, that whether and how the English parish church, and the cathedral or monastic church for that matter, changed and was maintained after 1250 is of no concern here. The reason for dwelling, then, on the scholarship on the English church, is that it *does* describe both a relationship and a process – at least up until 1250 – that may be identified as a process of standardizing ecclesiastical architecture, in many ways akin to the development of the Danish churches. Obviously, the endpoint may be explained with reference to the fact that any scholarly enquiry needs delineations and that many social phenomena are indeed period-specific: I mean, the present chapter focuses on how the Danish churches looked throughout the Middle Ages. But, my objection is that the post-Enlightenment adaptation of the concept of decorum is in contrast to understanding "sameness" in medieval architecture. It simply cannot encompass the dynamic aspect embedded in architecture, which, by definition, is neither finished nor complete. In the Vitruvian conception, as we recall, architectural decorum is governed by pre-set rules. It is even specified that these were fixed "long ago." In this line of reasoning, where the "ideal state" is the goal, usage and tradition must be just as static as the building.[34] This is, to some extent, rehearsed in present-day canon law. Or is it? In his 1955 publication *Church Building and Furnishings: The Church's Way*, the Welsh Rev. J. B. O'Connell observes that:

> There is a certain traditional idea of a church, based on its purpose and its needs, which has gradually taken shape and been handed down. It is quite a general idea – a broad concept – of certain fundamental features or characteristics which are common to all Catholic churches, whatever the material or style in which they are built.[35]

What is interesting to our purposes is that according to O'Connell, "traditional forms" – implied here as the teleological endpoint of standardization processes – are *not* contingent on material or style. This is a point well made, and I want to apply this retrospectively and make the brazen assertion that O'Connell invites us to reconsider our understanding of the conception of sameness, likeness, copy, and, ultimately, decorum (or, to stay within the terminology of this book, standardization).

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34 For tradition as a theoretical concept see Shils, *Tradition.*

35 O'Connell, *Church Building and Furnishing: The Church's Way,* 41.

We finally reach the core of the chapter, that is, to explore how we are to understand the unruly visual articulation of medieval architecture, which can only be done by effectively *recalibrating* how we understand the concept of decorum.

Returning to the first-generation Danish stone churches, usually characterized as Romanesque, we know – as already stated – that many of these were subsequently altered soon after they were erected and were continuously maintained and rebuilt. As already pointed out, almost no new parish churches were built from the late thirteenth century onwards.[36] Instead, nearly all of them underwent changes or were transformed during the later Middle Ages: a phenomenon that scholars usually refer to as "gothification" (Figures 45, 47).[37] Interestingly, while some churches were enlarged west- and/or eastward, had vaults inserted, and/or had a porch and/or a bell tower added, the extent of alterations and when these happened differed across the country and seem to have been a question of regional preferences, needs and monetary circumstances.[38] A number of the conventionally assumed-to-be late medieval changes, for instance, adding a porch, were, in fact, just as frequent after the Danish Reformation (1536). Three overarching conclusions can be drawn from this rough and extremely simplified review of the life of a Danish church in the Middle Ages. The fabric was changed from wood to masonry, the buildings were enlarged, and the overall visual articulation was transformed. Noticeably, only the presence of the high altar, and the division between the nave and chancel remained fixed throughout the period.

The immediate question is, therefore, how the gothification differs from previous building activities. Obviously, the word gothification implies a process. It has an embedded degree of activity, a dynamic aspect, which the Romanesque does not. Yet, both denominators summarize building activities over a span of several hundred years, and the elasticity of the minimum model clearly also suggests the activity of ongoing maintenance and rebuilding in the "Romanesque era." (cf. fig. 44). The main difference, it would seem, is that the first-generation stone churches[39] were built entirely in the style now known as Romanesque: even alterations and additions in the said period are, in scholarship, understood as genuine Romanesque. The Gothic, on the other hand, is conventionally thought of in the scholarship on Danish churches as something "foreign" that was added to and thus upended the original "Romanesqueness" of a given building. Gothification is, therefore, often con-

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36 Jürgensen, *Ritual and Art Across the Danish Reformation*, ch. 2.

37 For the term "gothification" in Danish scholarship see, e.g., Wienberg, *Den gotiske labyrint*, 12f. For outside Denmark see, e.g., Draper, *The Formation of English Gothic*.

38 See Jürgensen, *Ritual and Art*; Wienberg, *Den gotiske labyrint*.

39 As previously noted, we have almost no knowledge of how the wooden churches might have looked.
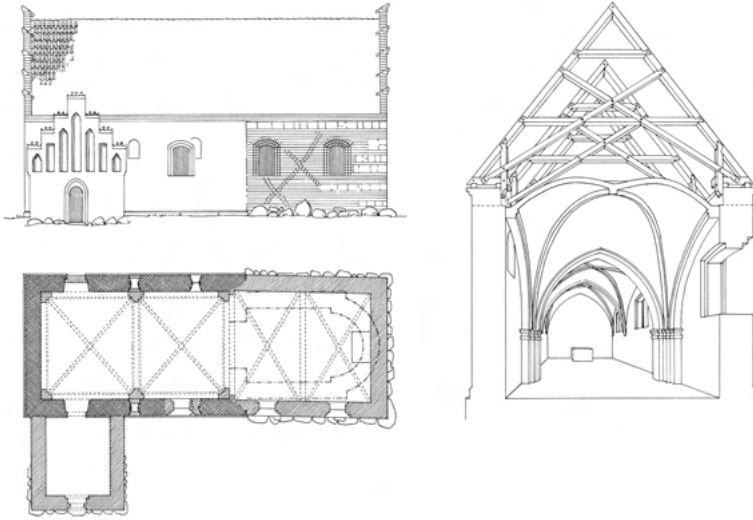
Figure 45: Schematic reconstruction of Gothified church. From DK*fagordbog*. Reproduced with permission by the National Museum of Denmark.

Figure 46: Rynkeby Church, Funen. Gothicized interior. Photo Arnold Mikkelsen, The National Museum of Denmark, 2017. CC-BY-SA.

sidered much more variegated and gaudy than the Romanesque forms and formats. This is quite interesting since it seems to be reversed in English scholarship. At least Draper says that,

> The process of transformation of architecture from the mid-twelfth century to the mid-thirteenth [. . .] resulted in a remarkably varied range of possible combinations of features, especially in the experimental decades of the late twelfth century, and care must be taken not to judge these buildings by the standards of what we know with hindsight was to become the dominant synthesis in the following century.[40]

Whatever the case, the crux of the matter is that neither the arrival of masonry with its Romanesque vocabulary nor the transformation of the churches into a form of Gothic style seems to have followed any particular or preordained path. The "forms received from Christian tradition," as present-day canon law puts it, which were introduced onto Danish soil with the stone church building, came from the extensive and multifarious body of Western European architecture. But so did the later Gothic elements. Obviously, to quote Draper once again, the process of transformation was "effected by means of selection, an accumulation of individual decisions made by both masons and patrons at all levels, some seeking innovation while others sought to maintain continuity with the prevailing local tradition."[41] How are we, then, to locate and describe – not to mention make use of – such an unwieldy sense of decorum?

Let me explain by revoking Beckett's hierarchical understanding of the relationship between the cathedral and the parish church. Recalling his image of Ribe Cathedral as a father figure, it is quite instructive for our purposes that he modifies his own statement with a puzzled addendum: "However, these [that is, the parish churches] have not embarked on dome construction or groin vaulting, nor did the distinctive chancel structure exert any influence on the parish churches of the diocese."[42] Perhaps Bernstein's claim that a sense of decorum mediated the relationship between the two classes of buildings can explain the choice *not* to add these features to the parish church. But more importantly, the two classes of buildings had different functions and thus required different things from the architectural structure. Ultimately, a large clerical staff and the many daily celebrations practiced in the cathedral and monastic church demanded more from the spatial organization than in the rural parish church served by a single cleric. Obviously, however, stylistic trends traversed the specific function of the different types of churches, which explains the eagerness of Beckett, and those similarly disposed, to group and order buildings according to decorative detail. Still, the parish church should be regarded in its own right, complete with its own internal logic, to use the words of Bernstein. The visual articulation of a parish church cannot be

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40 Draper, *The Formation of English Gothic*, 11–12.

41 Draper, *The Formation of English Gothic*, 11–12.

42 Beckett, *Danmarks Kunst*, I, 97. My translation of "Dog har disse hverken indladt sig med Kuppelkonstruktioner eller Korshvælv, ej heller har Domkirkens ejendommelige Koransats øvet nogen Indflydelse i Stiftet."

dismissed as mimesis or copying of the nearest cathedral – the buildings show this quite clearly. Moreover, two neighbouring and contemporaneous churches might look completely unrelated (Figures 47–49). To reiterate, we must maintain that medieval evaluative judgment and taste did not spring out of the post-Enlightenment conception of aesthetics. Otherwise, we cannot begin to grasp the structural and stylistic similarities and differences among the same class of buildings over a broad temporal span.

Figure 47: Daugaard Church, Jutland. Photo Ebbe Nyborg, The National Museum of Denmark, 2013. CC-BY-SA.

Figure 48: Bur Church, Jutland. Photo Arnold Mikkelsen, The National Museum of Denmark, 2016. CC-BY-SA.

Figure 49: Tirsted Church, Lolland. Photo Hans A. Rosbach, Wikicommons, 2015. CC-BY-SA 3.0.

How are we, then, to understand the stylistic *likenesses* between contemporaneous church buildings, not to say, how they changed in more or less agreement with new stylistic trends? In an effort to open this conundrum, we might conveniently recall O'Connell's claim that the traditional idea of a church is a broad concept of "certain fundamental features or characteristics" which are common to all churches, "whatever the material or style in which they are built."[43] The German art historian Richard Krautheimer's seminal 1942 article "Introduction to an Iconography of Medieval Architecture" fits with such an assessment. In his discussion of the medieval concept of the copy, he touches upon the fluctuating medieval sense of decorum. The main point of his *pars pro toto* argument is that the presence of a single architectural element signifies the whole so that the symbolism of the detail suffices as a reference to the prototype. Krautheimer illustrates his argument with the example of the widespread imitation of the Holy Sepulchre, which took on extremely diverse forms across Europe through the medieval period. A strictly formal resemblance in the modern understanding of "model" and "prototype" is thus meaningless to the medieval concept of imitation or copying. In many ways, his argument implies that the medieval copy is conceptual and not formal. It seems, I would claim, the same could be said of the medieval conception of decorum. Let me now unfold how.

I want to suggest that in the Middle Ages – early, high and late – architectural decorum was characterized by a "creativity dispositive."[44] The concept of the dispositif was first introduced by Michel Foucault in his 1976 *The Will to Knowledge* (*La volonté de savoir*), volume one of *The History of Sexuality* (*L'Histoire de la sexualité*).[45] But he only defined the concept in an interview from 1980 as,

> a thorough heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the apparatus [dispositif]. The apparatus [dispositif] itself is the system of relations that can be established between these elements.[46]

However, the "heterogenous ensemble" is not what makes the dispositif. The dispositif is the system which connects or disconnects the elements of the ensemble. Or, to borrow the words of the Belgian theologian and sociologist Staf Callewaert, it is

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43 See above note 35.

44 The concept "creativity dispositif" is borrowed from Reckwitz, *The Invention of Creativity*. My appropriation differs somewhat from Reckwitz's in maintainig its validity in pre-modern Europe.

45 First translation into English, Foucault, *The History of Sexuality: Vol. 1: The Will to Knowledge*. Here the French "dispositif" is translated as "deployment." Sometimes it translates as "apparatus" or "dispositive."Foucault's concept was appropriated by Gilles Deleuze and Félix Guattari and rephrased as "assemblage." See Deleuze and Guatteri, A Thousand Plateaus.

46 Foucault, *Power/Knowledge,* 194.

"a condition of possibility, not a cause."[47] Ultimately, and grossly simplified, this means that any instance of what we as scholars might recognize as pattern-making or uniformity, sameness and *Concordia* are systemic connections of disparate statements – to stay within the Foucauldian vocabulary. Or, to word it a bit more plainly and with the point of departure in the subject at hand: The nature of architectural decorum in the Middle Ages constantly changed as one set of niche ideas and practices became the dominant organizing principle before it was relieved by a new set of niche ideas and practices, etc., essentially implying that architectural uniformity or standards are primarily detectable at a macro-level and across a considerable time span. The ongoing building activity and the different stylistic trends can, thus, be understood as a societal orientation toward aesthetic novelty, albeit one contingent on a basic or minimal organizing principle.

Bearing this in mind and recalling the life of the Danish churches during the Middle Ages as sketched above, we can at least say that masonry architecture brought with it a sense of *decorum*, not just in terms of the fabric and layout of ecclesiastical buildings but also in their visual articulation – their style, if you will. But as the dispositif, by definition, is relational in nature, it only becomes meaningful when it has a purpose. The question is, thus: what is the nature of the network which holds together the elements of the dispositif?[48] The sense of decorum embedded in medieval ecclesiastical architecture was, indeed, based on the Classical tradition of institutional legitimation through visual rhetoric. In the medieval period, the *Ecclesia Romana* was the main and universal institutional power (at least in Europe). Church building, therefore, soon became a topos. When building activity is discussed in contemporary writings, as the English architectural historian Richard Plant demonstrates in the article "Innovation and Traditionalism in Writings on English Romanesque" from 2012, "it is very often to make a wider moral or social point, or acts in a metaphorical fashion for the behaviour of individuals or groups."[49] Although the historiographical scope of Plant's article is to the side of the present chapter, his juxtaposition of architectural statements from three eleventh- and twelfth-centuries chroniclers helps us to understand how the creativity dispositif controlled and managed a sense of decorum in what seems to have been almost all domains of social life. Plant opens by reproducing the Anglo-Norman monk William of Malmsbury's account of the new Norman rulers' building activities: "the standard of religion, dead everywhere in England, has been raised by their [i.e., the Normans'] arrival; you may now see everywhere churches in villages, in towns and cities monasteries rising in a new style of

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47 Callewaert, "Foucault's Concept of Dispositif," 30.

48 This question is borrowed from Callewaert, "Foucault's Concept of Dispositif," 30.

49 Plant, "Innovation and Traditionalism," 269.

architecture."[50] This claim, he says, is comparable to that of Goscelin of Saint Bertin: "England [was] being filled everywhere with churches, which daily were being added anew in new places."[51] Both of these are reminiscent of the much-cited and particularly well-composed image of the frantic medieval practice of church building composed by the Benedictine monk Rodulfus Glaber in the immediate wake of the second millennium: "It was as if the whole world were shaking itself free, shrugging off the burden of the past, and cladding itself everywhere in a white mantel of churches."[52] Becoming a topos among medieval chroniclers, the "mantel of churches" also seems to have set the standard for describing medieval church building among modern scholars. Indeed, even Beckett reproduced this topos in his poetic sentence that "within a century, stone churches were sowed all over the country."[53] Unfortunately, the literary topos do not help us to understand exactly how this sense of decorum influenced the visual articulation of the churches. And what was indeed deemed fitting for the bride of Christ changed through the centuries.

Here, we reach the core of the decorum "problem": namely, the intermingling of aesthetics and ethics in medieval visual rhetoric. Let me explain by paraphrasing an argument made by the American professor of Literature and English, Mary Carruthers, in her 2013 publication *The Experience of Beauty in the Middle Ages*.[54] She takes her point of departure in a phrase from a building commission from 1433: "the chapelle to battllet above [. . .] with a corbyl table [. . .] and at ayther end iij honest fynyals."[55] Puzzled as to exactly what an honest finial would mean, Carruthers concludes that it,

> has to be one that is "honourable," not ment in an ethical sense, but rather finials that people of honour (the great and good of the parish) will appreciate and judge appropriate for their purpose. Finials are decorative elements; their purpose is to mark a building as a distinguished church built in a style that suits the dignity of a parish of honourable townsfolk.[56]

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50 "Religionis normam, usquequaque in Anglia emortuam, adventu suo suscitarunt; videas ubiquein villis aecclesias, in vices et urbibus monasteria novo edificandi genere consurgere." Gesta Regum, I, 246. Translation from Plant, "Innovation and Traditionalism," 275.

51 "de ipsa Anglia ecclesiis ubique replete, quae qoutidie novis adderentur nova; de innumera ornamentorum." Translation from Plant, "Innovation and Traditionalism," 275.

52 Rodulfus Glaber, *Historiarum libri quinque*, III, iv, in *The Five Books of the Histories* (ed. and trans. by France, 114–117): "Erat enim instar ac si mundus ipse excutiendo semet, reiecta uetustate, passim candidam ecclesiarum uestem indueret."

53 My translation of "at Landet i et godt Aarhundrede oversaaedes med Stenkirker," Beckett, I, 34.

54 Carruthers, *The Experience of Beauty*.

55 Carruthers, *The Experience of Beauty*, 113.

56 Carruthers, *The Experience of Beauty*, 113.

Including other examples characterizing an artifact as "honest," Carruthers finds it unclear "exactly what would constitute such honesty."[57] But, as she says, "to call an artefact honest is to make an aesthetic judgement."[58] She substantiates this interpretation by arguing that the gloss to "make honest" means,

> to adorn and decorate, a synonym of *decorare*. Indeed, the Latin verb *honestare*, formed from *honestus*, has that meaning primarily. But *decorare* also means "to make honest" in the sense of "fitting": and it has everything to do with Latin *decor* and *decorum*, words meaning "fit," "right," and "proper" in both social and ornamental sense, indeed, with what is "in good taste." An "honest finial" is a suitably tasteful finial, undoubtedly (in 1433) one in the style we now call Decorated [Gothic].[59]

Applied to the Danish churches and their diverse and variegated changes through the Middle Ages, we can deduce that from a macro-perspective, layout, size and additions to the core of what makes a church – namely the high altar – were never standardized in the modern sense of the word. The only standard thing was the means of the altar that enabled the celebration of Mass. Suppose we narrow the perspective to look at the first-generation stone churches. In that case, however, a sense of decorum seems to have dictated a nave-and-chancel divide, with corresponding doors, a chancel arch flanked by side altars and the high altar centrally placed in the chancel (Figures 42). To that, most were built in the style now known as Romanesque – but whether the style now known as Romanesque describes something standard is a discussion for another time. The disparate phenomenon of the Gothification of the churches in medieval Denmark suggests that a new sense of what makes a church had become the new regulating norm. It was seemingly more pragmatic than in the previous centuries – or at least took longer to implement. Whatever the case, to the modern eye, the layout and visual articulation of the churches became more variegated than ever before. This having been said, trends in decorum often lasted several hundred years: the core division between chancel and nave, for instance, was first seriously challenged by the Calvinists (16th cent.).

Following the logic of Carruthers' argument, the medieval sense of decorum, already as the first-generation stone churches began to be used, seems to have been anchored locally instead of centrally, that is, with the donors and those responsible for maintenance – not with the Church as an institution. What was deemed fitting, as Carruthers says, was also:

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57 Carruthers, *The Experience of Beauty*, 114.
58 Carruthers, *The Experience of Beauty*, 114.
59 Carruthers, *The Experience of Beauty*, 114.

"beneficial" and "fit for purpose" (*utilis*), and having both qualities, it is then pleasing and so it properly *decet*, "adorns," the building. And without displaying both these qualities, it would not be ornament. It would be either a nugatory frill or an undistinguished though serviceable element.[60]

The medieval sense of architectural decorum, in other words, has not only to do with taste as an evaluative judgment. It is contingent on tradition as well as function and use. For instance, the addition of porches in the late Middle Ages is most likely a response to an already established practice.

Even if the individual parish church building was different in many respects from that in the neighbouring parish, it seems highly unlikely that visiting or travelling folks would not have recognized the said structure as a church building. What we can say, therefore, is that building in a particular style does not mean standardizing in the modern sense of the word. Rather, it seems more fruitful to understand the diverse and ever-changing visual articulation of the medieval churches as reflecting a sense of decorum.

What's in a Name: Concluding Remarks

I want to end the chapter by returning to the dialectical nature of architecture and the creativity dipositif. The formal language of a building enables us to instinctively decode our surroundings and thus navigate and behave appropriately according to the function of the said building. From this perspective, any architectural structure is an expression of a universal human need for ordering, understanding and being in the world. Architecture thus offers insight into how societies – past and present – understood, assembled and produced order. Meanwhile, as I have already mentioned several times, architecture is constantly changing as it is used and maintained. It is subject to the changing needs of its users, and as the users are replaced by others as time passes, new needs arise, bringing with them yet more new changes. For instance, a concept akin to the Classical Roman decorum was also quite explicit in Mesopotamia. In Akkadian language, *usāmu* (Bab. *asāmu*) literally means "to make appropriate."[61] The Assyriologist Johanna Trudeau specifies that:

"Decorating" a building in the Akkadian sense was not only about adornment but also about transforming the inhabited space into something that would inspire a form of trust in the

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60 Carruthers, *The Experience of Beauty*, 121.
61 "the latin *decorare* from which 'to decorate' is derived, comes from a Proto-Indo-European bade *dek*-, 'to take, to accept; to be suitable.'" Trudeau, *Building in Assyria*, 106–107.

order of the world [. . .] Architectural decorum had to awaken the senses in a way that would capture the mind, triggering positive responses to the established order.[62]

Such a take on decorum is also encompassed by the dispositif and its distribution of power. In Assyria, or Mesopotamian history, Trudeau says, there is detectable ambivalence toward architecture as an ongoing process: "the acts of building and rebuilding were highly sensitive and perceived as a risk by the rulers who always feared that a change in the order of things could displease the gods."[63] This did not mean, however, that changes did not occur. In much the same vein, receptions of Vitruvius' rhetoric will have us believe that architectural innovation rarely occurred. The dichotomy between "orderly" Classical architecture on the one hand and "anarchistic" medieval architecture on the other is, it seems to me, a fallacy of the early modern reception of classical ideals, which, ultimately, does not differ immensely from the way present-day canon law talks about "traditional" Christian forms. My point is, to be specific, that claiming Classical architectural tradition consists of the attempt to formulate maxims, rules and precepts to govern the practice of building might be a post-rationalization. Rather, the dispositif's available ensemble changes and intensifies through time. This is not to say that the ideals of decorum were alike, quite the contrary. With regard to medieval ecclesiastical architecture, what remained consistent was the high altar – this is, I would claim, a standard feature of all churches – no matter which type of decorum was at play.

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Abbreviations

CIC   *Codex Iuris Canonici*
DK   *Danmarks Kirker, 1933–. Copenhagen: The National Museum of Denmark.*

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62 Trudeau, *Building in Assyria*, 106–107.
63 Trudeau, *Building in Assyria*, 155.

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Wim Verbaal

10 Canalizing the Floods: Variance and Standardization of Written Language in the Middle Ages

Abstract: The Middle Ages owe their existence to Latin. Not only because Latin was the predominant written language during the approximately thousand years that constitute this period "in-between." Even more so because the original reason to depreciate this millennium as the Dark Ages is to be found in the allegedly deteriorated Latin along with a disparagement of the vernaculars. The early humanists, Lovato, Mussato, and Petrarch, turned their back to the linguistic and literary realities of their contemporaries and initiated a standardization movement that restored Latin to its classical state, considered the summum of literary achievement. They imposed classical Antiquity as the normative authority for centuries to come, not only in Latin Europe but also, through European impact and colonization, in the entire world. These humanists and their successors looked to classical texts and manuscripts to standardize Latin writing, most of the time not realizing that these had been produced by the Carolingian scriptoria. Their classicizing standardization was based on a preceding medieval standardization movement. This contribution dwells upon these two standardization momenta that had such a far-reaching and lasting impact on European culture and thinking, and thus on the world. The chapter highlights the motives behind them, what they reacted to, and the way they tried to achieve their objectives, hoping to bring to the fore what makes the two momenta comparable and where the differences lie. At the core of the inquiry lies the question of why all attempts to standardize language and literature in Western Europe up until the present have used Antiquity as the sole and absolute standard by which culture is measured.

Keywords: Classicism, classicized Latin, humanism, carolingians, schools

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Introduction

> I have proceeded by endeavoring to immerse myself in the written culture produced in northern and central Italy from the twelfth through the fifteenth century. It was a world that to begin with had no single, dominant language of literary composition and no single set of literary standards. Nor was there one Latin: different genres of composition followed different rules. By the late fifteenth century, however, thanks to the humanists, a set of standards for Latin composition had emerged; across genres, classicizing was now the norm. [. . .] It so happens that I think that classicized Latin is good Latin, and I have made no concerted effort in the book to conceal that fact. My historical argument, however, does not depend on my aesthetic allegiances. I would certainly be the last to deny that my sense of what constitutes good Latin is historically contingent. [. . .] I do not deny that innumerable writers of medieval Latin may have wielded a language that admirably served their own cultural goals. Their goals, however, are not ours, whereas the humanists', in important ways, are. We also share values.[1]

The Middle Ages owe their existence to Latin. This has less to do with the fact that Latin was the dominant language of writing. It did not lose this position until into the seventeenth century. For that reason, the early modern period, as the centuries up to 1800 are labelled, did not differ much from the preceding thousand years. What truly created the Middle Ages is hinted at above, in the quote from Ronald Witt's very readable book on the early humanists. It was the assessment of what it meant to write "good" Latin. The quote immediately gives the two answers that, according to the author, constituted the break between both periods. "Good" Latin is "classicized" or "classical" Latin, to inverse Witt's "aesthetic allegiance" that links him, still according to his own opinion, to the "goals" and "values" of the humanists. Medieval Latin was not "classical" and therefore not "good" Latin, even when it "admirably served [its] own goals." What characterizes

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1 Witt, *In the Footsteps*, 28–29. Ronald Witt made his mark in the field of early Renaissance studies, both with his book of 2000 and later studies. As so many classical and humanist scholars, he seems not aware of the problematic aspects the terms "classicism" and "classicist" imply. See, e.g., Secretan, *Classicism*. This leads to a sometimes simplified and teleological perspective on historical phenomena. See the criticism on Witt's book of 2012, *The Two Latin Cultures* by Vignodelli, "An Early Medievalist's View," 3–5, focusing more on the Italian perspective, however, without treating the "classicist" preconceptions. For a broader approach to "classicism" as a decisive category in Western thought, see the issues 6 and 7 of JOLCEL with papers from the conference *Winckelmann's Victims*, organized by RELICS at Ghent University, September 2018: "Winckelmann's Victims," Relics <https://relicsresearch.com/events/winckelmanns-victim/ >; "Winckelmann's Victims," JOLCEL < https://jolcel.ugent.be/issue/22010/info/>; "Classics and Canonicity," JOLCEL <https://jolcel.ugent.be/issue/25232/info/>. I treated the topic also in my paper "Decolonizing Latin: On Paradigms, Self-Evidences, and the Place of Latin in a Changing World," presented at the venue of Medialatinitas IX, Prague, September 22–24, 2022.

medieval Latin in Witt's eyes is the fact that there was no "one Latin": the language was adapted and conformed to different generic rules. But "thanks" to the humanists, standards and norms were introduced, the Latin language became standardized, and the absolute model was becoming the "classical" Latin: "classicizing was now the norm."

Despite my slightly ironic rereading of Witt's comments in this short passage, I have no problems in admitting the pleasure I had in reading his book and the benefits I gained from it. In this fragment, I also appreciate the genuine confession of proper aesthetic preferences, in which all too willingly, as someone educated as a classical philologist, I tend to recognize myself. Yes, "classicized" Latin is "good" Latin, because "classical" Latin is "good" Latin: that is what I have learned and what years of secondary and higher education impressed upon my mind and soul, so that my eyes were trained to automatically look for what is "classical" in a Latin text.

Yet, the more interesting question which Witt's and my own educational appreciation do not raise, of course, is the background for a similar assessment. Why is it automatically assumed that "good" Latin is "classical" Latin? And what makes "classical" Latin? Moreover, if there is more than "one Latin," what explains the differences and where do they come from? Did people in the Middle Ages not learn the Latin as I did, as Ronald Witt did? Were they not reading and spelling out the same writers of Antiquity that we still read and spell out? Since they did, there must apparently be another reason for the difference between the variance in the use of Latin before the humanists and its standardized "classicized" use by the humanists. Just as there must be a reason for people in modern times not to question their own aesthetics, their own judgments, as far as Latin is concerned. After all, no scholar of literatures in the modern languages would presume to draw that emphatically a line between what is "good" and what may "admirably serve its own goals" (but is therefore not considered to be "good"). Neither would one nowadays still simply declare to have the same goals and values as might have been valid in the early modern period. At least, I will not.

Cradle of Europe?

Classical philology seems to be one of the last strongholds of the classicizing aestheticism that has dominated European mentality for more than five centuries. It has been imposed by European hegemony on literary (and political) cultures all

around the world. It causes us to speak of classical Sanskrit,[2] classical Arabic,[3] classical Chinese,[4] of the Mahabharata as the classical Indian epic,[5] of classical Japanese music.[6] The examples are innumerable. Similar characterizations not only express a value of a-temporal and supreme quality, of normativity and model-function. They also invite, both consciously and unconsciously, comparison with Western European "classical" Antiquity.[7] Greek and Roman classics thus tend to become normative for works from the most divergent cultures, amongst which one might rightly question if there is any common ground that makes comparison valid.

This Eurocentric perspective has been heavily under attack in the last decade. Rightly so, I would say, as it tends to deny the particularity of cultures that are no more "other" than the Western European is.[8] Unfortunately, the only field that has not been decolonized and where this same approach has not yet been questioned at all is the proper past of Western Europe.[9] We still look all too often at this past through the lens of our classicized minds. A monumental French attempt to write a common European history appeared in 2017 under the title *Europa, notre histoire. L'héritage européen depuis Homère*.[10] Moreover, one of the contributions is called "Au commencement est l'épopée" (In the beginning is the epic),[11] of course hinting at Homer. The question of whether the assumption that a history must start with an epic might not be a reflection from the early nineteenth

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2 Petrocchi, "The morphosyntaxis," 276–298; see the title of Keith, *Classical Sanskrit*.

3 See the title of Sattar, *Fundamentals*. For a strong criticism: Bauer, "In Search of," 137–167 and Bauer, *Warum es kein*.

4 See the titles of Van Norden, *Classical Chinese*; Hinton, *Awakened Cosmos*.

5 How common the "classicity" of the Mahabharta is, is revealed by its application by thousands of scholars as a simple search query on Google Scholar proves, even though not all of them will apply it in the Eurocentric way.

6 Hays, "Classical Japanese Music," Facts and Music <https://factsanddetails.com/japan/cat20/sub130/item708.html#:~:text=In%20ancient%20times,%20nobles%20were,into%20festival%20and%20recital%20music>.

7 Bauer, "In Search of," 137–138.

8 Apter, *Against World Literature*; Rambaran-Olm, "Medieval studies," 356–370.

9 This attitude is strongly attacked in the issue of *postmedieval* 11 (2020), see previous note: Rambaran-Olm. In a paper, "Decolonizing Latin: On Paradigms, Self-Evidences, and the Place of Latin in a Changing World," presented at *Medialatinitas* IX, September 22–24, 2022, Prague, I tried to analyse the backgrounds of this double Western attitude towards Latin.

10 François and Serrier, *Europa*.

11 Grethlein, "Au commencement," 319–332.

century, when all nations, being either young or still a dream or already in evolution, were supposed to have their own proper national epic, is not raised.[12]

"Athens is a well-known destination for those interested in discovering the birth-place of Western civilization," is just one quote that could be proliferated to illustrate Western obsession with its classical "roots."[13] The dangerous implications of similar expressions are rarely noticed. Is civilization a monolithic fact, born at one place and deemed to continue with what it received in its birthplace? Does it not rather grow out of the dialogues between all the innumerable impacts that exert their influences on populations and mentalities? Do we not run the risk of automatically creating categories of exclusion regarding those who do not participate in the evolution of "our" civilization?

I think Witt's quote offers a marvelous illustration, without meaning to sound offensive. I took his words as a point of departure rather because they are so recognizable, as well as candid, because they confess openly what most Westerners do not even take notice of. Actually, Witt distinguishes the humanist period as a period of standardization and the previous period as a period of variance. He thus opposes a period of polyphony to a period of monophony,[14] a period of apparently unrestricted freedom of speech forms to a period of regulated and prescribed language uses.

More explicitly, he even characterizes the use of Latin before the first humanists as "admirably" effective in view of the goals the writers wanted to achieve. But "their goals are not ours," he says, whereas "we" share both goals and values with the humanists. In the paragraphs following the quote he enumerates some of them: to give urgency to issues of individual and societal reform, to favor secular over supernatural arguments, to take a critical stance toward the authorities whom we cite, and to be skeptical about texts.[15] Remarkably, however, the goals and values he thinks he shares with the humanists deny exactly those elements that characterize their use of Latin: individualism stands in strong contrast to monophony, critical attitudes about secular and supernatural authorities to an almost idolatrous obedience to classical models and norms, skepticism about the authority of texts contrasts sharply with the obligation to submit individuality to an imposed normativity of classical texts.

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12 For the *Mahabharata* becoming the "national" epic of India just before and during its independence, see Balahrishnan 2017. See for a worldwide inventory of national epics the project by David Wallace, "National Epics," <https://nationalepics.com/#/>.

13 Roubien, *Creating Modern Athens*, 1.

14 Compare Pasolini's opposition of Dante's *plurilinguismo* (multilingualism) to Petrarch's *monolinguismo* (monolingualism) in Pasolini, "La volontà," 1389–1390.

15 Witt, *In the Footsteps*, 29.

The tension that arises between written word and personal conviction seems to point to a similar problem as I indicated at the beginning of this dialogue with my quote from Witt's book. Is it true that "we" share these values and goals with the humanists? Or better said: that they share them with "us"? Is it not rather "us" who want to recognize ourselves in them, thus causing us to project unto them what we think links them to us? Does modern society really value monophony more than polyphony? A uniform style more than adequate speech forms? Has the twentieth century not more than once shown us the dangers of a standardization that resulted in uniformization?

But if the reading of the humanists is supposedly determined by modern preconceptions about what the humanists ought to have been, what do we have to think about our understanding of the period that "thanks" to those same humanists came to be known as the Middle Ages, the period in-between, i.e., the period between two phases of "good" and "classical" Latin? And to what extent was the humanist movement not guilty itself of the tension we noticed between the symbolic value we give them and what they actually did and achieved?

Antiquity?

The basic story is known. Humanists "discovered" long forgotten texts that lay decaying in monastic libraries and took them up from the mouldy shelves where nobody had given them a second look, and brought them to light and fruitfulness. One of those treasure houses for the humanists was the monastery of St. Gall, a wealthy and powerful abbey with a library that today is still counted among the richest for their medieval manuscript heritage. It does not exactly fit the picture that was propagated by humanists and their followers.

The same must be said of the texts that the humanists brought to light. They "rediscovered" Antiquity. Yet, the manuscripts they found and the texts they started to disperse were almost without exception Carolingian ones, as all medievalists well know and as classicists and many Neo-Latinists voluntarily forget. In truth, the humanist Renaissance was a Carolingian Renaissance, and the classical Antiquity which humanists purported to rediscover was a Carolingian Antiquity, i.e., it was the heritage of Antiquity that was saved and transmitted "thanks" to the Carolingian scribes.

Indeed, the standardization by a classicizing model, which Witt labels as characteristic of the humanist movement, was only possible thanks to a similar standardization current that was initiated even before Charlemagne and that continued under his immediate successors. The humanist and Carolingian pursuit of

a *correctio* of Latin language use were thus closely connected:[16] in a material sense thanks to the copies the Carolingians made and which became the basis on which the humanists constructed their view of classical Latin writing, but also in a more conceptual sense as in both movements there seems to have existed little doubt regarding the normativity of the Latin of Antiquity.

The humanists, however, seem not to have been aware in whose footsteps they were following. For that reason, a comparison seems almost unavoidable to see if similar forces predominate both classicizing and standardizing currents, and if differences might explain the divergences that both movements took in the end. The Carolingian standardization finally led to the variance that Witt thinks characteristic for the period of the Middle Ages immediately preceding the humanist *correctio*. The humanist standardization, on the other hand, launched a period of all-embracing classicism from which even nowadays we can hardly free ourselves.

Classical Standardizations

Language standardization is not uncommon in the history of Latin. Besides the two processes that interest us here, there are indications for at least three standardization initiatives during Antiquity itself. A first is connected to the name of Appius Claudius Caecus, who died in 273 BCE. According to much later sources, he introduced the so-called grammatical phenomenon of rhotacism, i.e., according to the second-century jurist Sextus Pomponius, quoted in Justinian's *Digest*, Appius Claudius Caecus was thought to have invented the letter R, thus replacing names like Valesii by Valerii.[17] The formulation is a bit misplaced and strange because the letter R has always been known to the Latin alphabet. What is actually meant, is that Appius Claudius Caecus somehow impeded the natural evolution of an intervocalic S into a Z and diverted this natural evolution toward the R. This rather bizarre intervention in language pronunciation is explained by Martianus Capella who gives as a reason that the pronunciation of a Z causes the face to show the *dentes mortui* (the teeth of death), an expression considered unfitting for a true Roman.[18]

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16 For *correctio* as "the promotion of correct thinking, orthodoxy, and correct language use" (Korrektes Denken, Rechtgläubigkeit und korrekten Sprachgebrauch zu fördern), see McKitterick, "Bildung und Bücher," 286.

17 Justinian's *Digesta seu Pandektae* 1.2.2.36: "Idem Appius Claudius, qui videtur ab hoc processisse, R litteram invenit, ut pro Valesiis Valerii essent et pro Fusiis Furii."

18 Martianus Capella, *De Nuptiis Philologiae et Mercurii* III.261: "Z vero idcirco Appius Claudius detestatur, quod dentes mortui, dum exprimitur, imitatur."

A bit later we can see a remarkable evolution in the archaic inscriptions. Whereas they tended to lose or rather to ignore the inflections, just before 200 BCE we suddenly see a fast and total recovery of the endings. A nice example is offered by the tombs of the Scipios, notably by those of Lucius Cornelius Scipio Barbatus who died in 270 BCE and of his son Lucius Cornelius Scipio who died a few decades later. Both tombs carry a funerary poem in Saturnian lines. The father, however, was translated from an earlier tomb to the actual one and by that occasion his epitaph was renewed. This must have been somewhere just before 200 BCE and thus some decades after the epitaph had been written for his son. It shows a remarkable return of endings that tended to disappear in the former.

A last period of standardization seems to have been taken in the wake of the official institutionalization of the school system under Vespasian. Schools need programs and curriculums and of course the models became the great writers of the "classical," the Augustan period and the one immediately preceding it. With Quintilian, the first state-subsidized schoolmaster of the Empire, and with his pupils, among whom we probably may count Pliny the Younger, we can indeed see a first occurrence of what we may call a classicist tendency. The great writings of the recent past became normative, in the first place Cicero and Vergil. But whereas these "classical" writers in their own time were writing in a highly experimental way and were creating a new, "classical" language, instead they now became models to be followed in school. They were "domesticated," one could argue, and became the standard for what was considered "good" and thus "classical" Latin.[19]

These early attempts to standardize Latin writing show some remarkable common features. The initiative always seems to have been taken up by the leading political class. Appius Claudius Caecus and the Scipios belonged to the most important political families of the Republic. Quintilian was appointed, apparently, by the emperor himself. In Roman society, language clearly was a political issue. During the Republic, both successful attempts to standardize Latin language against its natural phonetic evolutions (the sonorous strengthening of intervocalic S to Z and the loss of final letters due to the original intensive accent at the beginning of the word) must be understood in the unrelenting power struggle between patricians and plebeians. Language, notably the right pronunciation, but later also the right writing style, had a socially distinctive function. Illustrative in this

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19 Of course, it is too simple and easy to define Latin literature from the first century as already classicist. These writers of the so-called Flavian age, on the contrary, are still highly experimental. But from now on, schools were open to those destined to the imperial administration and schools simply need strict curricula. Furthermore, it is remarkable that the second century is a rather poor century for Latin literature, certainly when compared to the preceding and the following ones. See for a critical evaluation of Flavian "classicism," Citroni, "*Antiqui, veteres,*" 19–45.

regard is Catullus' *carmen* 84, in which he ridicules a certain Arrius, an upstart who tries to get accepted by the higher classes by copying the aspirated pronunciation as it had been recently adopted by the Greek-oriented upper class. Of course, Arrius consistently aspirates at the "wrong" places.[20]

For that reason, it need not surprise that Vespasian, the first emperor of plebeian stock, installed a schooling program that opened the higher political magistratures and classes to people who would otherwise never be accepted because they did not master the "correct," i.e., the "classical" Latin. School thus became the final weapon against the lingual class distinction that had played an important part in Republican tensions and had prevented the non-patricians from climbing the political ladder. In the end, Vespasian's political move was successful. For the next centuries, political functions were taken by people who came from all parts of the Empire. And they all mastered the "classical" Latin, be it, of course, with those evolutions that are typical for a language that remains linked to schooling and not to life.

Carolingian Standardization

These double-sided standardizations during Antiquity, which functioned both to cultivate and to undermine social distinctions, must be kept in mind when now turning toward the two standardization movements that are central to this contribution. Let us first, for the sake of completeness, briefly sketch the historical context.

The Carolingian reform did not start with Charlemagne. Some initiatives were taken by his father, Pepin the Short, who apparently continued a line that was followed by his Merovingian predecessors.[21] These reform measures chiefly concerned liturgy, but of course Latin was fundamental.[22] Not long before Pepin officially took over the power and the title of king, his close collaborator, Boniface, informed Pope Zachary on the linguistic problems he encountered during his missionary work. Apparently, Boniface ordered his followers to rebaptize Christians because they had been baptized by a priest who, according to Boniface with his schooling in Britain, hardly knew Latin and had applied baptism with the formula:

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20 See already Habinek, *The Politics*.

21 The bibliography on the Carolingian "renaissance" is too large to be summed up even partly. I just give some titles that may be of special interest for the topic that occupies us here. McKitterick, "The Carolingian Renaissance," 151–165. See notably Trompf, "The Concept," 3–26 for a nice overview on the reception of the Carolingian period through Western history.

22 Hen, "Die karolingische Liturgie," 338–340.

Baptizo te in nomine patria et filia et spiritus sancti ("I baptize you in the name fatherland and daughter and of the Holy Spirit").[23] The pope was shocked, he replied, but nonetheless judged the baptism by the priest valid.

Charlemagne broadened the scope of these earlier reforming initiatives. Even though liturgy may have played a fundamental role in the intentions behind the reform, the measures taken implied much more and went much further than just the liturgical field, as becomes immediately clear from the two fundamental documents, the *Admonitio generalis* from 789 and the *Epistola de litteris colendis* that might date to a few years later.[24] The *Admonitio* wants to order Christian life in the Carolingian dominions and hopes to achieve this particularly through preaching. An important task is entrusted to parish priests and to the bishops as their immediate superiors. Attention is therefore given to the education of the priest and of the children of his parish. Each parish church must have a school to teach children to read. Besides, each monastery and episcopal seat must possess books concerning psalms, writing, singing, Easter computing, grammar, and look carefully after their textual correctness.[25]

Even more telling is the *Epistola de litteris colendis*, the letter on the need for study. It can be read as a supplement to the small paragraph on teaching of the *Admonitio*. The letter does not only contain an exhortation to study but gives the reasons for why a correct use of the (Latin) language is worthy of attention. The incentive, according to the letter, was given by the circulation of texts that despite best intentions were expressed in a crude and uncultivated language. Lack of language knowledge thus impedes a correct expression of what is meant. For that reason, the letter encourages diligence in studying the Latin language and its style by way of the old masters, and to entrust this task to those who have both the wish and capacity themselves to study and the desire to teach others.[26]

Both letters are possibly written by Alcuin of York, Charlemagne's main advisor in the field of the intellectual reform, but they got their authority from the king himself. The importance of these letters and of the measures they announced and implied can hardly be overstated. Without them, we would not even have a Latin literature, or perhaps not even Latin writing, in the centuries to come and the intellectual evolution in Europe would have taken other directions. More important to the current argument, however, is that they implied the massive copying activity that distinguishes the Carolingian period from the period before. While manuscript production was at its nadir in the seventh and eighth centuries,

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23 Letter 68 in the letter collection of Boniface in Duemmler, 1892: 336.

24 McKitterick, "The Carolingian Renaissance," 152–154.

25 *Admonitio* 70: Mordek, 2012, 224.

26 *Epistola*: Boretius, 1883, 79.

notably on the Continent, this changed exponentially in the ninth century.[27] The Carolingians did not limit their copying to those authors who were to be taught at the schools: they appear to have copied everything they could still lay hands on, thus saving Latin Antiquity for the future.

The reason behind this emphasis on learning and teaching a correct use of the Latin language is also important for our argument. This appears to be not so much a concern with aesthetic qualities but rather the inculcating of a consciousness of the importance of mastering a language in order to meaningfully express yourself. Once again, the fundamental intention is pedagogical: how can one transmit the right opinions if one remains uncapable of expressing them in a correct and refined way?[28] This pedagogical objective is also visible in Alcuin's written production, particularly in the fundamental schoolbooks he produced: a text on orthography, on grammar, on rhetoric, on dialectics, thus embracing the entire trivium or elementary teaching.[29]

Charlemagne's own objectives will have been more political. He needed people to write and understand the legal documents he was to emit in a language that was comprehensible in all parts of his multilingual empire. That his objectives were secular rather than ecclesiastical can be deduced from the founding of the court school at Aachen. It was not linked to any ecclesiastical institution, even when many of its teachers were clerics.

Both objectives, however, correspond in their need for a correct language that, apparently for practical reasons, could be no other than Latin. Actually, the only other language with a written tradition in the West must have been Old Irish but the question remains to what extent it was known on the Continent and if there was enough material fit to found an empire with its administration. On the other hand, Ottfried of Weißenburg, some time later in the ninth century, complained about the difficulties of writing in Old German according to the rules as he knew them from Latin grammar and metric.[30]

To recapitulate, the Carolingian standardization of Latin language was clearly a top-down movement. It had political and liturgical aims and strove to achieve them by one of the broadest and most far-reaching school reforms in Western European history. Its objectives may have been purely practical, but Alcuin was too good and too refined a pedagogue not to be interested in the moral and intellectual implications, as is shown by the *Epistola* and by his own pedagogical writings. He emphasized the need to master a language in all its aspects in order to be

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27 Buringh, *Medieval Manuscript Production*, 253–314.

28 *Epistola*: Boretius, 1883, 79.

29 Lohrmann, "Textwissenschaft," 296–298.

30 Verbaal, "The Conquest," 560.

able to express yourself in a just and correct way. Aestheticism is important, because aside from pleasing God by your life you should also please him through care for your language.

(Re)Discovering Antiquity?

Let us now turn to the humanist standardization movement that is much more difficult to grasp. In the book from which I took my starting quote, Ronald Witt has done much to disentangle the beginnings of the movement that has no such clearly definable starting point as the Carolingian one. There seems to be little doubt, however, that we may look for the origins of the movement in Padova and that we even might acknowledge a "father" of the movement in Lovato dei Lovati († 1309). His metric letter to the Milanese poet Bellino Bissolo we may consider somehow the founding document of humanism, not because of its direct influence but because it formulates in a concise way the elements that will remain of importance for the next generations who will expand their scope and impact.[31]

A first observation regarding the humanist movement concerns its origins in civic life. The Carolingian world was one without noteworthy towns or cities, except those belonging to the Lombard and papal dominions. Towns were largely centred around an ecclesiastical core, a cathedral or monastery. Thirteenth-century Italy, on the contrary, was a territory of smaller and greater urban powers, competing for dominion or striving to escape subjugation by one of the many local seigneurs.[32]

Political and social life in these cities was increasingly determined by mercantile and administrative classes. Lovato belonged to the class of the notaries who carried out much of the administrative tasks in civic life but to whom the teaching of grammar and rhetoric, the two elementary disciplines of the Trivium, was also often entrusted. Lovato himself must have received a schooling that did not limit itself to the basic aspects but had undergone influence from the latest currents in teaching the *artes dictaminis* in Bologna.

Somehow during his studies, Lovato must have received a fine notion of the classical authors who became to him more than just school models. He turned them into the norm for good writing. He may be considered one of the first to affirm that there is no "good" Latin but "classical" Latin. He was also the first hu-

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31 Weiss, "Lovato Lovati (1241–1309)," 3–28; Sisler, *An Edition and Translation*, 38–55; Ludwig, "Lovatos Versepistel," 1–43; Witt, *In the Footsteps*, 95–112. Petoletti, "I *carmina*," 1–50.
32 For our purpose: Witt, "The Origins," 92–108.

manist who hunted down manuscripts. In the monastery of Pomposa, he "found" a manuscript containing Livy that is now lost but is still foundational for the actual text. Probably in the same place he "found" a manuscript containing Seneca's tragedies, on which he wrote a metrical commentary.[33]

In most of this, Lovato does not differ that much from many of his contemporaries or predecessors. What makes the distinction is an entirely new significance that he gives to Antiquity. When shortly after 1280 a tomb was excavated in the cathedral, Lovato identified it without the slightest hesitation as the tomb of Antenor, the mythical Trojan founder of the city of Padova. His identification was immediately applauded and followed by his citizens who on his instigation erected a monument in classical style. Lovato wrote the laudatory epitaph.[34]

Of course, it was not uncommon for tombs to be discovered, and the remnants to become identified with famous personalities. However, most of the time, these were saints or martyrs, and the identifications were not always accepted. Guibert of Nogent († 1124) in his treatise *De sanctis et eorum pigneribus* (On saints and their relics) is much more critical of the automatic attribution of remnants to saints than Lovato was regarding the tomb of Antenor. Moreover, only half a century earlier, Padova had already laid hand on the relics of the Franciscan preacher and charismatic personality Anthony, which became one of the most important and lucrative attractions of the city.[35] For one reason or another, in the following decades, the city needed no saints anymore but wanted heroes from Antiquity. Lovato played an important part in this shift. Besides his identification of Antenor's tomb, he discovered and identified an inscription as belonging to the tomb of the Roman historian Livy.

Other towns had preceded Padova. Rome, of course, had Aeneas, Romulus and Remus. Mantua and Sulmona erected monuments for their most famous sons, Virgil and Ovid. But the difference with Padova is that these links with classical heroes or writers were established by a long tradition and by sources from Antiquity itself. No city, however, pretended to "discover" the tombs and remnants of the ancients. Virgil's tomb was present in Naples. Ovid was buried in Pontus. Lovato actually transposed the Christian and ecclesiastical custom of the translation of holy relics onto a mythical hero. He thereby elevated the cult of Antenor to the same height as the cult of the saints, giving Antiquity the same status as Christian history.

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33 Witt, *In the Footsteps*, 99.

34 McHam, "Renaissance Monuments," 464–465.

35 McHam, "Renaissance Monuments," 463–464.

The treatment of the supposed inscription from Livy's tomb shows this even more clearly. It was engraved on the wall of the cloister of an important early Christian church in Padova, the Santa Giustina. Later, it was restored and the inscription itself gilded to strengthen the classicality of the text. The restoration was overseen by Petrarch, who according to his own account wrote his letter to Livy in front of the inscription.[36]

From all of this, it becomes clear that Padova tried to trump its rivals by a conscious use (or abuse) of Antiquity as a political means. Lovato appears to be in the front line in giving Padova the heroes and monuments it needed to strengthen its pretentions.

Classicist Aestheticism

We need to keep this background in mind in order to understand Lovato's attitude toward Latin writing and to see on what foundations the humanist standardization is built. Lovato's letter to Bellino Bissolo was probably written around 1285 or shortly afterwards, thus still in the wake of the discoveries and the reorienting of Padova's past.[37] It fits into this same mentality. Lovato recounts how while walking in Treviso he noticed people gathering around a troubadour who performed a song about Charlemagne, a chanson de geste.

He stopped to listen and then gives his devastating judgment. Although the people were full of admiration, he, Lovato, the admirer of Antiquity, noticed the horrible deformations of the French language. Everywhere he heard a hiatus, the collision of two vowels at the end and at the beginning of a word, the story did not keep one line but followed all kinds of digressions.[38]

His letter continues in a dialogue with someone who defends the singer and his audience. Lovato's reaction is revealing: "Could someone ever with similar verses bring Ennius back to life? Or dare to describe Hannibal and evoke the battles of Scipio?"[39]

Lovato puts history of Roman Antiquity against the stories of Charlemagne. He denigrates the latter not only as unworthy of being sung but also as giving voice to unpoetic poetry. His position is not only aesthetical. It is political. It is an

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36 McHam, "Renaissance Monuments," 466–471.

37 Ludwig, "Lovatos Versepistel," 3–4.

38 *Ad Bellinum* 8–10 with commentary in Ludwig, "Lovatos Versepistel," 10–13.

39 *Ad Bellinum* 12–15: *Si sic versificer, numquid remearit ab umbris / Ennius et tociens iterata pingere vita / Audeat Hannibalem et congressum in prelia parvum / Scipiaden?.*

attempt to break the dominance of French writing and poetry in the north of Italy and to replace it with the Roman past. He seems to have been the first to evoke the automatic link between Roman Antiquity and the present.[40] What was in-between does not have any value to him. Indeed, the period between Charlemagne and 1200 was a Dark Age – at least, for much of Italy!

Lovato tried to place Italy, and in the first place Padova, above the French supremacy both in politics and in literature.[41] He did so by claiming a continuity between the Roman past and the Italian present. The French could boast about Charlemagne. Padova had Antenor and Livy. Italy had Scipio and Ennius. This somehow "proto-nationalistic" reveille was picked up by his followers: first by his direct pupil Albertino Mussato, and next by Petrarch. To his contemporaries, Mussato was considered one of the most important poets.[42] He was crowned with laurel in the city of Padova that in this way reinforced its image as a city that revived Antiquity.[43] Doing so, Mussato must have been one of the greatest rivals of Dante, opposing the latter's attempts to create an Italian poetics by promoting classicizing Latin poetry and historiography.[44] Petrarch went even further. Ignoring Dante as much as he could, he started his Latin epic on the Punic War with Scipio and Ennius as protagonists. He did what Lovato said that had to be done but could never be done in French, in a "barbarous" language.

For Lovato, Mussato, Petrarch, and their followers, it was clear: the restauration of Roman Antiquity in the present required the same language. Latin had to be "classical" Latin again. When modern Italy should be acknowledged as the heir and equal of Antiquity, then the language ought to be the same too. As Latin still was the language of schooling and intellectual writing, there could, however, be no question about striving for correctness. The Latin of Bonaventura, Duns Scotus, Thomas Aquinas can hardly be said to be "incorrect." Lovato, Mussato, Petrarch therefore used another argument. They invented classical aesthetics. Yet, their inspiration came from the *artes poeticae* as they had been written since the twelfth century. Indeed, Lovato's critics on the chansons de geste are the same recommendations one can find in Matthew of Vendôme and before him in the Loire poets. Neither the poetics nor the aesthetics changed. It was the promi-

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40 Even to his own life: Witt, *In the Footsteps*, 99.

41 Witt, *In the Footsteps*, 101.

42 Witt, *In the Footsteps*, 117–173.

43 See, however, Vinay, "Studi," 113–159.

44 Already in 1916, Antonio Belloni in an extensive article discussed the antagonism between Dante and Mussato. Even though not all of his statements can still be held upright, he has the honour of having for the first time studied in depth the complicated relationship of the leading poets of two contemporary but irreconcilable poetic movements.

nence given to them and the political background which made these early Italian humanists oppose contemporary writing and contest the supremacy of French culture and intellectual life.

Conclusion

Lovato was surely unaware of the ironic joke history was playing on him. While openly despising the French chanson de geste about Charlemagne because of the "barbarity" of its language and the "unsuitability" of the topic for epic poetry, he did not realize that the "classical" script he was introducing in his notarial documents was in fact Carolingian. There need be little doubt that the manuscripts he "discovered," of Livy and Seneca, were Carolingian copies or were based upon Carolingian copies.[45] Without knowing and surely without wanting it, Lovato's Antiquity thus went entirely back to Charlemagne!

Indeed, both standardization movements were spun from similar motivations as far as the language was concerned. In both, *correctio* was the central focus and in both, the models were taken from Antiquity. In both also, the search for and collection of manuscripts were fundamental to achieve this correctness. Lovato and his immediate followers limited themselves more strictly to the writers of the high classical Antiquity, those that had already been labelled "classics" in Antiquity itself. The Carolingians embraced also the writers of the fourth century, most notably the Church Fathers, being fundamental for the liturgical reform that the Carolingian leaders aimed for. This is not to say that the humanists broke with the Christian tradition. Their emphasis on the Classics simply served other goals, focusing rather on patriotic and perhaps even a kind of "nationalistic" objective: bringing back greatness to Italy.

Despite these rough parallels, however, enormous differences also characterized both movements. It is necessary we look at them for understanding the different outcomes each of the movements finally had: variance on the one hand, uniformization on the other.

The Carolingian standardization was in all senses a top-down movement. The initiative was taken by the highest authorities and the aim may have been in the first place that of political unification. Standardization had to be achieved by way of the schools, but for that reason, these demanded a new and stronger organiza-

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45 Reynolds, *Texts*, 213, 379–381. Reynolds concludes from the lack of Carolingian quotations from the tragedies that they had not been known. This seems a bit hasty, as we have more texts in a Carolingian copy that were never quoted by the Carolingians.

tion. Automatically, then, priests and monks carried out the program because schools were linked to ecclesiastical institutions. The short-lived court school at Aachen – if ever it existed as a school – testifies to the impossibility of establishing any education outside the ecclesiastical institutions.

Humanist standardization, on the contrary, was not based on any school curriculum. Of course, schooling and education were necessary for transmitting the rules and models, but they seem to have been more based on individual contacts and training. Mussato probably had been trained by Lovato, but nothing is known of Lovato having had a school of disciples. The same counts for Mussato himself. It is wrong, however, to characterize the humanist movement as bottom-up. These early humanists almost without exception belong to a separate class, that of notaries and chancelleries. They are an administrative class, which implied also a strong political activity. Some of them exerted much influence, though none of them belonged to the truly governing classes.

This may explain one of the dominant features of the humanist movement, its elitism. We saw it in Lovato's reaction against the popular acclamations for a French epic. We can read it in Petrarch's letter to Boccaccio on Dante in which he expresses his disdain for the language of the marketplace, of fullers, innkeepers, and butchers. We can recognize it in Mussato's seriously playful rewriting of Dante's *Inferno* in his *Somnium*. Instead of walking among the dead as Dante does, Mussato flies above them in the guise of a dove. Being in the service of the ruling elite, yet being also aware of the proper dignity because of study and of its indispensability, this administrative class may have striven after a form of distinction from those "below" and those "above."[46] Classicism offered exactly this: a way of distinguishing oneself by one's refined and intellectual aestheticism. Classicism served the humanists in the first place as a way of self-fashioning, of creating one's socially and intellectually distinctive identity.

It may sound odd, but in the Carolingian movement the tendency was exactly the opposite. As the main objectives were (politically) pragmatic, the practical aim was first of all pedagogic. Classicism became the fundamentals of Carolingian pedagogy and writing for the simple reason that no other pedagogical tools were available. It did not serve any class distinction. On the contrary, it opened up careers for people from the non-privileged classes. In that sense our attention ought to be drawn to a phrase from the *Admonitio generalis*. Priests are particularly pressed not to allow only children from the unfree classes but also from noble families.[47] At the moment the *Admonitio* was decreed, the nobility apparently

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46 In this way resembling what Rory Naismith calls "middle out," see 43–66 in this volume.
47 *Admonitio* 70: Mordek, 2012, 223–225.

thought it still below their class to give their boys an education in writing and reading. Many Carolingian intellectuals indeed seem to have been upstarts. The Carolingian movement might be called for that reason more "democratic" than the later humanist one.

I think we may have here one of the possible explanations for the divergent developments in the traces of both movements. As social distinction was fundamental in the humanist classicism, it became important not to deviate too much from the normativity that made you belong to this intellectual elite. Transmission of the rules, norms, and ideals thus meant in the first place an imitative pedagogy. One had to harmonize as much as possible with the unchangeable models that the movement proposed, those from high classical Antiquity. These acquired to some extent an ideological value. The norms of standardization became petrified, monolithic, not allowing any deviation. The socially distinctive function Latin had had in Antiquity itself was re-adopted by this new class of intellectuals that at all costs wanted to distinguish itself from those outside. Standardization thus led to a high degree of uniformization.

The Carolingian movement did not know this political or intellectual distinction, which only became dominant from the twelfth century onward with the beginning of the universities.[48] Before, we can observe a huge diversity in writers as regards their backgrounds. This, of course, stimulates already a certain degree of variance. Standardization concerned the grammatical correctness of language, and this was checked with the writers of (classical) Antiquity. But these were school models and had no politically or socially distinctive role. For that reason, they did not limit the writer's freedom to express oneself according to personal inspiration and possibilities.

Besides, as the Carolingian movement was strongly top-down and the Carolingian Empire fell apart very quickly, no unifying force was imposed any longer on education. Indeed, from the tenth century onward we notice a growing diversity in teaching matters and methods, mostly linked to famous teachers. Teaching during and after the Carolingian movement therefore can best be characterized as a creative pedagogy. Never again will Latin literature see a similar explosion of experimental writings as between the beginning of the movement around 800 and the rise of the humanists.[49] The time has come to acknowledge that the cultural goals of the Middle Ages are in many senses probably much more ours than those of the humanists.

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48 Even though they were strongly reacting against academic, i.e., scholastic style, the humanists took on a similar attitude as those of the universities.

49 Francesco Stella speaks of the Carolingian laboratory: Stella, *The Carolingian Revolution*, 285.

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Anders Winroth

11 How European Law Became Standardized

Abstract: This chapter argues that Western European legal culture became increasingly standardized from the twelfth century, giving raise eventually to the relative uniformity of modern law. Law schools and the papacy were key actors in creating the system of law known as the *ius commune*, but it is argued that the example of regularly meeting church law courts was pivotal in spreading that law across Europe. The chapter focuses on marriage law and legal procedure, and it compares individual church court cases from thirteenth-century Italy and fourteenth-century Norway, demonstrating their basic similarity in their use of both substantial and procedural law. Some examples from secular law show how that law adapted as well as resisted features of the *ius commune*, worked out in the law schools and applied in the church courts. The chapter ends with a few reflections on Max Weber's legal sociology and how it illuminates late medieval standardizing movements in Europe.

Keywords: *Ius commune*, marriage law, procedural law, Gratian, Tancred of Bologna, marriage cases, church courts, Max Weber

Introduction

In this chapter, I shall argue that law and jurisprudence became standardized in western Europe during the high and late Middle Ages. I shall use as an example the law of marriage, the standardization of which means that the institution of marriage in the twenty-first century has taken on standard forms practically everywhere. The developments that I shall describe had their roots in the jurisprudential thinking of teachers and students at European law schools and in the legislative activity of the papacy in the twelfth and thirteenth centuries. The resulting synthesis, which is usually called the *ius commune* ("the common law of Europe"), became accepted practically everywhere, but always with local variation and added flavor.

My argument is not original. Historians of Europe have observed strong tendencies toward standardizations in many fields in the high and late Middle Ages;

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this is a theme that is somewhat commonplace in medieval history textbooks, although they typically do not use the particular terminology of this book. Famously, Robert Bartlett talks of "Europeanization." He outlines how Europe became culturally and socially homogeneous (i.e., standardized) in the high Middle Ages, describing, among other examples, the spread of standard law. More than a hundred towns in central and eastern Europe adopted, for example, the Law of Magdeburg, which thus became a standard town law in this area. He describes similar developments in other "colonial" regions, such as Sicily and the parts of the Iberian Peninsula that were conquered from the Arabs. Their standards were different from the Magdeburg example, but they also experienced the standardization of law.[1] While Bartlett looked at local law and regional "legal families," my perspective is more general and overarching. When the *ius commune* formed, it quickly became the "standard" law across western Europe, including the places that Bartlett studied. Different legal systems, secular as well as ecclesiastical, around the continent looked to this standard, and adopted ever more of its features. In the early modern period, the *ius commune* dominated European law until it was replaced by the natural law-movement during the Enlightenment.[2]

Studying the global legal landscape of our own time, similarities are striking across large swaths of the world, both in substantive law and in procedure.[3] Certain standards apply across the board. This is the result of the *ius commune* and the process of standardization that began in the high Middle Ages. We may note, for example, that in most countries, "modern marriage law regards marriage as a civil transaction and allows only monogamous unions."[4] Most jurisdictions demand that the bride and the groom freely and fully consent to their marriage, as the first article of the relevant United Nations Convention also states.[5] These three features of modern marriage law all derive from medieval marriage law, defined by the papacy and the law schools in the twelfth and thirteenth centuries.[6] They spread throughout western Europe in the high and late Middle Ages. It became the standard marriage law of Europe, from where it expanded with colonialism across most of the globe.

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1 Bartlett, *The Making of Europe*, 123–132; Wolf, "Die Gesetzgebung," 606.

2 Wieacker, *Privatrechtsgeschichte der Neuzeit*; Caenegem, *An Historical Introduction to Private Law*; Bellomo, *The Common Legal Past.*

3 David and Brierley, *Major Legal Systems.*

4 "Marriage law," Britannica <https://www.britannica.com/topic/marriage-law>.

5 "Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages," United Nations <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/convention.pdf>.

6 Brundage, *Law, Sex, and Christian Society*; McDougall, "Marriage: Law and Practice."

The ius commune ("Common Law of Europe")

In and around the thirteenth century, European jurists created a powerful legal system known as the *ius commune*.[7] This synthesis came together as a coherent, "standard" system in the first half of the thirteenth century, as signposted by a series of important events: The seventy-one legislative decisions of the Fourth Lateran Council in 1215; Tancred of Bologna's composition of the standard handbook of procedural law, the *Ordo iudiciarius*, immediately afterwards; the publication of a standard canonistic lawbook, the *Liber extra*, in 1234; and the *quasi*-definite compilation and publication of standard commentaries, the *"Glossae ordinariae,"* on both canon and Roman law between the 1230s and 1250s. The *Glossae*, full of cross-references, represent a high point of medieval synthetization.

This standardization of medieval law began in two contexts: On the one hand, among the students and teachers who elaborated jurisprudential thinking in the law schools that cropped up in Europe from the twelfth century; and on the other hand, among practitioners of law in the various court systems. These two communities overlapped significantly. The law schools and the papacy standardized a canon of lawbooks in the form of the two legal *Corpora* of Roman and canon law between the eleventh and fourteenth centuries.[8]

Supplementary to the *Corpora* with *Glosses*, but surely more important for the influence of the standard law were the many treatises or handbooks that both law professors and practitioners produced, as for example Tancred's procedural handbook or Raymond of Penyaforte's *Summa* on marriage law. From the point of view of this chapter, the most important treatises are those that deal with procedure and with marriage law. It was much easier to approach the huge legal collections with their often incomplete and unhelpful systematization via field-specific and strictly systematic treatises.

I shall below give examples of how ecclesiastical courts, which applied the *ius commune*, were allowed to operate practically everywhere and gained jurisdiction over fields of law that had previously belonged to secular courts, such as marriage. Additionally, I will show examples of how secular lawbooks began to include aspects of the *ius commune*, initially in relation to procedural law, but

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7 The following sketch of medieval legal history draws on the standard literature in the field. A recent, convenient survey is Winroth and Wei, *The Cambridge History of Medieval Canon Law*.

8 For the medieval development of the *Corpus iuris civilis*, see Lange and Kriechbaum, *Römisches Recht im Mittelalter* I, 60–110; Radding and Ciaralli, *The Corpus iuris civilis in the Middle Ages*. For the *Corpus iuris canonici*, see Winroth and Wei, *The Cambridge History of Medieval Canon Law*, 96–107 and 122–141.

also in substantive law. This movement characterizes late medieval European law and made it more unified and thus standardized.[9]

Marriage in Norway and Italy

Turning to actual empirical evidence for the standardization of marriage law and litigation, we may compare two court cases, one from Bergen in Norway and another from Pisa in Italy.

In 1328, Bishop Audfinn of Bergen decided a marriage case that had been litigated in his court.[10] The accuser (plaintiff or "*actrix*") was called Magnhild. She claimed that Ivar Salvessen had married her, using words of the present tense when he did so. Afterwards, they had sex. Magnhild was obviously well informed about how contemporary canon law defined marriage. Present consent, or in other words, a woman's and a man's statements using a verb in the present tense that they took the other party as their spouse, created a full and indissoluble marriage bond according to canon law, provided that they in fact were free to marry each other.[11] Or as the former Bologna professor Raymond of Penyafort put it in his handbook of marriage law from about 1240: "From the fact that a man consents through words in the present tense to a woman [. . .], and the woman to the man, [. . .] with customary words when he says 'I take you as mine' and she replies 'I take you as mine' [. . .] there is marriage immediately."[12] Whether or not they had sex after exchanging present consent is actually legally irrelevant, except that consent couched in the future tense became a full-fledged marriage only if it was followed by intercourse. Magnhild had added the detail of their intercourse to overdetermine the outcome; even if Ivar might argue that he had only said that he *would* marry Magnhild in the future, she knew that they still became a married couple the moment they had sex.

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9 The development in different countries is usefully sketched, with ample references to the literature, in Horn, "Die legistische Literatur der Kommentatoren und der Ausbreitung des gelehrten Recht." See also Wieacker, *Privatrechtsgeschichte*, 133–134; Stein, *Römisches Recht und Europa*, 109–115; Reynolds, "The Emergence of Professional Law"; Weber, *Wirtschaft und Gesellschaft*, 549.
10 DN IV 159–160, n. 175.
11 The law of marriage formation is best described in Donahue, *Law, Marriage, and Society*, 16–18.
12 Raymond of Penyafort, *Summa on Marriage*, 19–20.

We may compare this Norwegian case with an Italian marriage case that was argued in the court of Archbishop Vitalis of Pisa in 1230.[13] A French woman called Jacobina sued Bonfigliolo, saying that he was her lawful husband. She claimed that he had married her as his lawful wife using words in the present tense and that they had lived together as man and wife for ten years, bringing three daughters into the world (implying that they had sex). From the Pisa case, only the testimony of Jacobina's witnesses has survived. The first witness, Bianco d'Enrico, told the court that he had been present and heard when Bonfigliolo said "I espouse (*sponso*) you in the name [of the Lord], so that you are my wife." At that point, Jacobina said to those standing around: "I call upon you to testify that he espouses me as his wife for himself." She clearly knew how marriage law worked and that the words just uttered by Bonfigliolo were decisive and that she might need witnesses in the future.[14]

In other words, Jacobina's plea is very similar to Magnhild's. They both focus on their putative husbands marrying them with words of the present tense and that they subsequently had intercourse. Clearly, marriage law worked the same way across Europe.[15]

Marriage Procedure

Not only was substantive law the same in both Norway and Italy, but the procedure observed by the two courts was also essentially the same, standardized procedure. The document from Bergen, a judicial sentence, summarizes all the stages of the process. We will let this document take the lead and look for the same stages in Pisa. Since only some of the witness testimony is preserved from Jacobina's case against Bonfigliolo, we will look at another case, in which the male party happens to carry the same name, just not in the diminutive, Bonfiglio. He sued Benvenuta in 1230, claiming that she was his lawful wife. In the source, a notary's copybook, the one case follows immediately upon the other, so they must have played out if not on the same day so surely in the same week.[16]

Bishop Audfinn in Bergen stated in very few words, though each carries much meaning, what the steps in the process were that lead to his judgment. First

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13 Dolezalek, *Imbreviaturbuch des Hubaldus*, 129–133.

14 Perhaps she had doubts about Bonfigliolio's character. Two witnesses say that he made money by begging, dressed up as a Franciscan friar, in places where he was not known.

15 Donahue, *Law, Marriage, and Society*; Müller, *Marriage Litigation*.

16 Dolezalek, *Imbreviaturbuch des Hubaldus*, 132–133.

the "issue had been joined" (*lite contestata*). The exact same words and the same procedural detail appear also in Pisa (*lite igitur . . . contestata*).

Next, the parties in Bergen swore the calumny oath, by which they promised that they did not argue the case out of spite and that they would tell the truth.[17] Nothing about the calumny oath appears in the Pisa case, but the particular notary whose report we are reading never seems to bother to note these oaths, as his modern editor observes.[18] I suspect that this is not a procedural difference between Norway and Italy, only a difference in recording practice.

The next step in Bergen was that witnesses appeared and the judge heard them in private and separately from each other. Afterwards, a record of their testimony was read out in court and given to the parties in writing.[19] The Pisa case also had witnesses.[20] After the witness testimony had been read out, the parties had the opportunity to object and reply, as Bishop Audfinn explicitly stated.[21] No objections are registered there, while the Pisa document records Bonfiglio's reply to the testimony.[22]

Finally, both bishops make their decisions. In both cases, they find the marriage at issue to be valid. In Pisa, the problem was that Benvenuta claimed that she could not have been married to Bonfiglio, since he was already married to another woman, a certain Ugolinella. He argued, in contrast, that he never had married Ugolinella, since he had not consented to that marriage. Her family had forced him to give her a ring. The records are incomplete; we do not, for example, have the witness testimony of those testifying on Bonfiglio's behalf. It is, thus, not clear exactly how he managed to persuade the archbishop that his first, putative marriage was null and void because he had acted under compulsion.[23] Given the archbishop's decision, it is clear that he succeeded. The archbishop also fulfilled Bonfiglio's wish to force Benvenuta "to come and live and reside with him and to

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17 "iuramentoque de calumpnia evitanda et veritate dicenda prestitis."

18 Dolezalek, *Imbreviaturbuch des Hubaldus*, 52.

19 "ac testibus productis secreto et singillatim examinatis, nec non et eorum attestacionibus ad voluntatem partium publicatis."

20 "Ad quod probandum plures testes tam ex parte dicte Vgolinelle productos quam ex parte sua inducebat."

21 "receptisque contra testes excepcionibus ac replicacionibus ex alia parte admissis."

22 Dolezalek, *Imbreviaturbuch des Hubaldus*, 132: "Ad quod probandam dicta mulier plures testes produxit, per quos dicebat se de sua intentione legitime probauisse. Set predictus Bonfiliolus proponebat ex aduerso se numquam consensisse in prefatam Vgolinellam tanquam in uxorem, uel eam desponsasse pro uxore."

23 On coercion nullifying marriages, see Noonan, "The Steady Man: Process and Policy in the Courts of the Roman Curia," esp. 657–659, reprinted in Noonan, *Canons and Canonists in Context,* 282*–284*.

do all that which a wife does and ought to do with her man and the man with his wife."[24]

In the Bergen case, we never hear any arguments from Ivar that he was not married to Magnhild. This may simply be because the records are incomplete, but it is possible that the suit was not based in any actual disagreement between Magnhild and Ivar, that the contest was a fiction to achieve an official statement to the effect that their marriage was valid. In that way, nobody would be able to question, e.g., the rights of their children to inherit on the grounds of illegitimacy.[25] In passing his sentence, Bishop Audfinn ordered Ivar "from now on to receive and treat Magnhild with marital affection,"[26] which is another way of saying, as the archbishop of Pisa did, that Benvenuta must treat Bonfiglio as her husband. "Marital affection" was in medieval legal thinking an essential part of any valid marriage; it implied shared personal identity and outlook, as well as the duty to engage in monogamous sexual relations.[27]

I hope to have demonstrated that the two court cases in Bergen and in Pisa not only observed the same substantive law but that they also moved through the same procedural steps in the same order. In other words, both cases apply the same law that had become standard across western Europe. It is in fact not difficult to find support for this contention in similar cases from elsewhere, although when one delves deeply into the documentation, regional differences do appear.[28] Those differences are, however, more about how different societies used the law, not about differences in the law itself.

In the following, I wish to look more closely at a few features of the law of marriage in theory and practice during the high and late Middle Ages. I shall first examine how the explicit consent of bride and groom became a standard feature of medieval law, a feature that indeed still is standard in practically the entire world. Second, I will look at the creation, in the decades around the year 1200, of

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24 Dolezalek, *Imbreviaturbuch des Hubaldus*, 132: "compellatis suprascriptam Benuenutam uenire ad habitandum et standum secum et faciendum ea omnia et singula que uxor facit et facere debet cum uiro et uir cum uxore."

25 I thank my student Tatiana Petrukhina for suggesting this interpretation. If the dispute was not real, many of the other aspects of the case stated in the bishop's letter may also be legal fictions.

26 "precipientes eidem Jvaro in virtute obediencie, ut ab hac hora in antea memoratam Magnildam maritali affectu recipiat et pertractet."

27 Noonan, "Marital Affection in the Canonists," in *Collectanea Stephan Kuttner*, reprinted in Noonan, *Canons and Canonists in Context*, 207*–235*; Brundage, *Law, Sex, and Christian Society*, 274.

28 Müller, *Marriage Litigation*.

a new legal procedure, which soon became standard almost everywhere in western Europe, in ecclesiastical as well as in secular courts.[29]

Marital Consent

The idea that the bride and groom, and no one else, must give their voluntary consent to get married for the marriage to be valid entered the legal mainstream of western Europe in the twelfth century. Previously, the question of who should marry whom also depended in law on the wishes of parents, family, and feudal lords, as it often continued in practice.[30]

A key figure in reshaping medieval marriage law was Gratian, who had been the first to teach an academic course of church law in about 1140 at Bologna before he became bishop of Chiusi.[31] His teaching is recorded in his book known as the *Decretum*.[32] About a quarter of his original work was devoted to marriage law. The work is important, for it became the first volume of the body of law that governed the Church in medieval and modern western Europe, the *Corpus iuris canonici*, valid within the Catholic Church until 1917.

Gratian's teaching method was based on telling short stories about people who had trouble with the law. He then posed the legally relevant questions, and had his students figure out the answers with reference to existing laws. In one of his stories, Gratian presented a man who had taken a vow of chastity, but nevertheless took a wife. When the man then decided to become a monk, his wife (quite understandably) instead married someone else. We recognize a good teacher's penchant for using odd examples that stay in their students' memories. Gratian then posed the key questions about the legal situation of this triangular drama. Among them he asked "whether the woman in fact was married to the monk." In other words: was their marriage valid?[33] This is when Gratian and his students got the chance to develop the new consent theory of marriage.

To answer the question, they quoted many laws issued during the previous millennium. Almost at once, Gratian noted that it is "consent that makes mar-

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29 A notable exception are the common law-courts of England, although some other English courts observed canonistic procedure, see, e.g., Baker, *An Introduction to English Legal History*.
30 Brundage, *Law, Sex, and Christian Society*.
31 Winroth, "Marital Consent in Gratian's Decretum"; Winroth, "Gratian."
32 Winroth, "Gratian and His Book."
33 The story and the question are found in the *Decretum* C.27, d.init. and C.27, q.2, d.a.c.1, ed. Emil Friedberg, *Corpus iuris canonici*, 1046 and 62.

riage," a point he claims to have taken from the church father Isidore of Seville.[34] To Gratian, some of the writings of the church fathers was not just theology but amounted to law.[35] He was, however, wrong about the provenance of the phrase; it does in fact come from Roman law, from Emperor Justinian's *Digest* of the year 533.[36] It is in fact not unusual that Gratian and other medieval jurists mistake the provenance of their sources. Ancient Roman law contained an idea that grew stronger in late Antiquity that a valid marriage required consent from the parties, but this was far from the only idea of Roman law on marriage.[37] It was Gratian who made consent the essential and necessary requirement for a valid marriage.

Gratian's book quickly became the standard textbook of canon law, and people accepted his thesis that marriages begin with the consent of the parties. Already Pope Adrian IV (1154–1159) ruled that the wishes of feudal lords did not matter when serfs entered into marriage.[38] When Archbishop Richard of Canterbury in the late 1170s faced a tricky marriage case, he had no doubts that what mattered was the consent of the parties. Clearly, the idea that consent made marriage was by then solidly entrenched in the legal culture of western Europe. What confused the archbishop so much that he asked Pope Alexander III for help (the reason why we know of the case) was that one of the parties had apparently used some kind of verbal trickery to get consent from the other, who afterwards claimed that they did not understand that they had agreed to marry. The pope responded that the common understanding of the relevant words should prevail, but that the archbishop should examine if both parties had sufficient comprehension and age to enter into marriage.

After appearing in jurists' private collections of legal precedents, the two popes' rulings became included in the official law book, the *Liber extra*, which Pope Gregory IX issued in 1234. One of the five books that make up this work focuses on marriage law. Book four begins with a bald and unambiguous statement that "marriage is contracted only through consent."[39] In other words, Gratian's view of consent became victorious in canon law.

In most regions of Europe, broader society outside the Church accepted the idea that marriage legally begins with consent, although most secular rulers re-

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34 C.27, q.2, d.a.c.1, ed. Friedberg, *Corpus iuris canonici*, 1.1062: "iuxta illud Ysidori: 'Consensus facit matrimonium.'"

35 Wei, "Theology and the Theological Sources of Canon Law."

36 *Dig.* 50.17.30.

37 Kaser, *Das römische Privatrecht*, II 169–172.

38 Landau, "Hadrians IV. Dekretale 'Dignum est.'"

39 X 4.1.1, rubric, ed. Friedberg, *Corpus iuris canonici*, 2.661: "Matrimonium solo consensu contrahitur."

served some influence for the relatives of the bride. In the Norwegian realm, for example, King Håkon Håkonsson inserted into his new lawbook from c. 1250 the rule that the consent of bride and groom was necessary for a valid marriage. "The man should say these or similar words, when he engages a girl or a woman: 'I engage you to be my own wife according to the law of God and the rules of holy men [. . .]' Trustworthy persons should hear these words and the word 'yes' of the girl or woman who is engaged."[40]

But just because canon law and some secular rulers generally accepted the idea that the consent of the spouses was paramount for marriages, that does not mean that secular society or secular law easily accepted the same idea.[41] Secular law resisted, perhaps most notably in Sweden, where even as late a law text as the *National Law* of King Christoffer (1442) puts the decision in the hands of the bride's guardians, not the bride.[42] We see something similar in practice in Iceland, where the written law after 1275 required the consent of both bride and groom, while court cases demonstrate that the issue was still disputed in the fifteenth century.[43] In Scandinavian law (and also elsewhere), the resistance often took the form of rules that parents may disinherit a child who marries against their will.[44] In other words, the letter of the canon law of marriage was observed, while other law is used to get around it.

General Legal Procedure

The standardization of medieval law across Europe is perhaps even more obvious in the realm of legal procedure. This statement is most emphatically true for church courts, but secular courts also came over time to accept much of the procedural law that had been developed at the law schools.

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40 NGL 2.319 (ch. 23); cf. Spørck, *Nyere norske kristenretter (ca. 1260–1273)*, 50. "madr skal bidia ser konnu æda mæyiar [. . .] oc melle þesse ord þa er hann festir ser mey eda kono æda onnvr ord þilic. Ek festir þic mer till eignar konno eiptir guds logum oc hellgra manna settning [. . .] þessor ord skolo høra skilrikir menn oc jayrdi møyiar þæirar æda konno."

41 van Houts, *Married Life in the Middle Ages*, 29–62.

42 Schlyter, *Sveriges gamla lagar*, XII 59–62; Korpiola, *Between Betrothal and Bedding*.

43 Winroth, "Canon Law in the Arctic."

44 Korpiola, *Between Betrothal and Bedding*, 167–175.

Church Courts

In terms of the judicial forum, we may observe that the litigants in both Pisa and Bergen accepted that they should pursue their marriage cases in the ecclesiastical courts and not in the secular courts. In the first instance, this was the court of their local bishop. The same applies to most corners of western Europe, except that many bishops delegated simple marriage cases to archdeacons and other subordinates.[45] Ecclesiastical courts have existed since early in the history of the Church, but it was through the legal transformations of the high Middle Ages that they developed into a regular and separate feature of European legal culture. The high medieval church demanded jurisdiction over a broad swath of legal issues.

This state of affairs was typically the result of intense contests between church and state, exemplified by Henry II's concessions to the Church after the murder of Archbishop Thomas Becket in 1163 or by the concordat agreed in 1277 ("*Sættargjerden*") between King Magnus of Norway and the Norwegian episcopate. The Norwegian text thus defined what belongs to ecclesiastical courts: "all cases between clerics, or when they are sued by laymen, and cases about marriage, [legitimate] birth, church patronages, tithes, [religious] vows, testaments, especially concerning legates to churches and pious and religious places [. . .] the protection of pilgrims and their cases [. . .] cases about the possessions of churches, sacrilege, perjury, usury, simony, heresy, fornication, adultery, incest, and other similar matters."[46] The dividing line was essentially the same in all of Europe, but there were many local variations, such as the king of England reserving some patronage, or advowson cases to his own courts.[47]

The ecclesiastical courts were organized into a hierarchy with well-defined paths of appeal. The system extended from the local courts of archdeacons and deans, via the courts of bishops and metropolitans to the supreme jurisdiction of the pope. The hierarchical structure, which the Church imported from Roman law, became a model for secular court systems. The importance of the church courts for the development of European legal culture in the high and late Middle Ages is often overlooked, since sources directly attesting to their activities are less likely to survive than, say, documentation of landed property (which only exceptionally became a matter for church courts). Individual documents issued by church courts lost their significance after a couple of generations. We know of their activity primarily from the copy books of bishops and notaries, which remain underexplored in scholarship, despite recent advances.

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45 Donahue, *Law, Marriage, and Society*; Müller, *Marriage Litigation*.

46 NGL 2.464.

47 Baker, *An Introduction to English Legal History*, 137–139; Tate, "Ownership and Possession in the Early Common Law."

In earlier periods and in smaller jurisdictions, the person in charge exercised the jurisdiction himself. As we have seen, Archbishop Vitalis of Pisa still in 1230 did much of the judicial work in his diocese.[48] The same applies in smaller dioceses long after bishops of larger dioceses had delegated to *officiales* most of their judging responsibilities. We observed Bishop Audfinn judging a straightforward marriage case personally in Bergen in 1328, and Bishop Jón Vilhjálmsson of Hólar, Iceland, decided many cases himself in the 1430s, as documented in the bishop's copybook (*Bréfabók Jóns biskups Vilhjálmssonar*).[49]

Procedure in Church Courts

In the church courts, marriage litigation followed the same standard procedure as other litigation in a sequence of carefully defined steps, as we saw in the two cases that began this chapter. If we confront the steps observed by Bishop Audfinn and Archbishop Vitalis in their respective courts with those prescribed in the theoretical literature on procedure from the thirteenth century, we find that they closely followed the prescriptions of the proceduralists.

The following Table 13 highlights the parallels between the two court documents and the sequence of steps that Tancred of Bologna prescribed (c.1216), as laid out in the medieval *capitulatio*, or table of contents, of the third part of his *Ordo*.[50] I have translated Tancred's headings.

Tancred stood in the middle of a centuries-long development of the medieval theory of legal procedure.[51] His basic outline would retain its validity long after his death, as is evidenced by the large number of manuscripts and early printed editions of his work. Drawing on several previous works, Tancred codified what was to become the standard procedure of the late Middle Ages, the so-called Romano-canonical procedure. The impulses to standardize legal procedure came from the law schools of Europe, where jurists from the late twelfth century began to create a coherent system of legal procedure. Nothing of the kind existed previously. Procedural nuggets were unhelpfully sprinkled across existing law books, such as Justinian's *Code* and Gratian's *Decretum*. The drive toward systematization and standardization began in the canon law school of Paris and was transferred to Italy when the Paris professor Richardus Anglicus moved to Bologna in c. 1190.[52]

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48 Dolezalek, *Imbreviaturbuch des Hubaldus*.

49 Reykjavík, Þjóðskjalasafn Íslands, Bps B II 3; Winroth, "Canon Law in the Arctic."

50 Bergmann, *Pillii, Tancredi, Gratiae libri*.

51 Fowler-Magerl, *Ordo iudiciorum vel ordo iudiciarius*, 129–130.

52 Fowler-Magerl, *Ordo iudiciorum vel ordo iudiciarius*, 117–119.

Table 13: Procedural sequence in two documents and in Tancred's *Ordo iudiciarius*.

Sentence of Bishop Audfinn of Bergen, 1328[53]	Archbishop Vitalis of Pisa, 1230[54]	Tancred, *Ordo iudiciarius*, pars 3, rubrics of sections (*tituli*)[55]	
lite contestata	lite igitur . . . contestata	1. De litis contestatione	About the joinder of issue
iuramentoque de calumpnia evitanda et veritate dicenda prestitis	–	2. De iuramento calumniae	About the oath of calumny
testibus productis	Ad quod probandum plures testes produxit . . .	6. De testibus	About witnesses
secreto et singillatim examinatis . . .		9. De iuramento testium, et qualiter sunt examinandi	About the oath of the witnesses, and how they are to be examined
eorum attestacionibus ad voluntatem partium publicatis		10. De testium publicatione	About the publication of the witnesses
	quoddam instrumentum . . . coram nobis ostendit . . .	13. De exhibitione instrumentorum..	About showing documents . . .
Receptisque contra testes excepcionibus ac replicacionibus ex alia parte admissis . . .	Set predictus Bonfiliolus proponebat ex aduerso . . .	11. De testium reprobatione	About responding (objecting) to the witnesses
Sentenciamus in his scriptis legittimum matrimonium esse inter prefatos Jvarum et Magnildam	Inter eundem et prefatam Benuenutam matrimonium esse pronuntiamus	*Pars 4:* De sententia	About the sentence

The new procedural system created by Richardus and his colleagues draws on both Roman and canon law, which is the reason for its being usually known as Romano-canonical procedure. I shall call it "canonical procedure," a label that is less of a mouthful and actually more to the point, since the procedure was first

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53 DN 4.159, n.175.

54 Dolezalek, *Imbreviaturbuch des Hubaldus*, 132–133.

55 Bergmann, *Pillii, Tancredi, Gratiae libri*, xxi.

and foremost the procedure of the court system of the church. That court system also, I argue, functioned as one of the mechanisms through which the new procedure was spread across Europe and became the predominant system in all but a few secular court systems. By the end of the Middle Ages, legal procedure had become standardized to the degree that a lawyer educated in Italy was perfectly able to appear in a court in Norway.[56]

In most jurisdictions and increasingly toward the end of the Middle Ages, most judicial work was delegated to university-educated experts. Most bishops, for example, employed an official (*officialis* or *vicarius generalis*) who judged cases on behalf of his boss.[57] The principal would only judge particularly important or politically sensitive cases. We may observe this system in action whenever records from church courts survive. Patriarch Paganus of Aquileia (1319–1332), for example, delegated most of his jurisdiction to his general vicar, but he personally judged an important case such as the contested election of a dean for a collegiate church in Cividale.[58] In fact, bishops seem often to have reserved cases concerning ecclesiastical benefices for their personal judgment.[59]

As the Middle Ages progressed, more and more people sought university training in law and other subjects.[60] They brought what they learned there back to their home countries, whether or not they pursued careers in the Church. This is one path on which aspects of canonical procedure found its way into secular law and court practice. We may, for example, mention the role played by magister Andreas And in the revision of the provincial law (1296) of Uppland, Sweden, in which "his canonistic learning is clearly discernible."[61] The organization of the section devoted to procedure ("*Rättegångsbalken*") directly reflects Tancred's *Ordo*.[62]

Another route through which canonistic procedure came to secular courts was no doubt the concrete activities of ecclesiastical courts, which met frequently in open sessions. We know exactly how frequently only in the cases when act books or other systematically maintained records survive. No such records are preserved from Scandinavia, but European sources give us a sense of what could be expected. The court of the episcopal official was one of three ecclesiastical

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56 A general introduction: Müller, "Procedures and Courts"; Hartmann and Pennington, *The History of Courts and Procedure*. On Scandinavians educated in Bologna, see Sällström, *Bologna och Norden*.

57 Fournier, *Les officialités au moyen âge*.

58 Blancato, *Il protocollo e i registri di Eusebio*.

59 Stentz and Donahue, *The Register of the Official of the Bishop of Ely*, lxvi–lxx.

60 Moraw, "Career of Graduates"; Winroth, "Law Schools and Legal Education,"281–283.

61 Bååth, *Bidrag till den kanoniska rättens historia i Sverige*, 117; Westman, "Andreas And," <https://sok.riksarkivet.se/sbl/Presentation.aspx?id=5770>.

62 Pihlajamäki, "Summoning to Court."

courts in the diocese of Ely, England, alongside that of the archdeacon and the bishop's personal audience. In the 1370s, the official held court at least monthly.[63] In the diocese of Regensburg, Germany, the capitular court (distinct from the court of the bishop's general vicar) met 96 and 122 times in 1489 and 1490, respectively. During those two years, the court dealt with 366 and 380 marital cases.[64] Both Ely and Regensburg are large dioceses, but the conclusion must remain that meetings of ecclesiastical courts was a regular feature of the legal culture of Europe. Simply by keeping to the same procedure year after year, they contributed to standardizing judicial procedure.

Witness Testimony and Norwegian Law

In modern criminal courts, the testimony of witnesses often plays a central role. The same also applied to cases in late medieval church courts.[65] For this reason, it comes as something of a surprise that witnesses played a very marginal role in early medieval European law. In for example the laws issued by early Lombard kings, we only find witnesses in the context of sales and pledges, such as when King Liutprand (712–744) prescribes that one should never buy a horse without the presence of two or three witnesses, who can afterwards testify that it was bought and not stolen.[66] The section devoted to sales ("*Kaupabolkr*") in the *Older Law of Gulating* is full of similar rules.[67] Similarly, the section on marriages ("*Kvennagiftir*") in the same lawbook specifies that when the groom engages the bride by giving at least 12 *aurar* as bride price, he must have witnesses to the transaction.[68]

In the middle of the thirteenth century, Norwegian law accepted some of the canonistic rules about witnesses. Canonistic procedure specified that the testimony of a single witness was not sufficient to prove anything in court; at least two witnesses were necessary.[69] They derived this rule from their reading of the Bible, for

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63 Stentz and Donahue, *Register of the Official of Ely*, lxxxvi–lxxxix.

64 Deutsch, *Ehegerichtsbarkeit im Bistum Regensburg (1480–1538)*, 114.

65 Adams and Donahue, *Select Cases*, 45–52.

66 Drew, *The Lombard Laws*; see also the Index, 280, under "witnesses." Cf. the exception of Visigothic law, which remained influenced by Roman law, Conrat, *Breviarium Alaricianum*, 618–620.

67 Hatløy, "Kontinuitet og endring i formueretten," 400–405.

68 NGL 1.27.

69 Bergmann, *Pillii, Tancredi, Gratiae libri*, 229: "Videamus, quot testes in qualibet causa sufficiant. Regulare est, quod in qualibet causa duo testes sufficient, nisi expresse dicatur in lege vel canone, plures in aliqua causa necessarias esse."

example, Paul's words to the Corinthians: "Every matter must be established by the testimony of two or three witnesses" (II Cor. 13:1, quoting Deut. 19:15).

The rule that two witnesses are necessary is first found in Norwegian law texts in c.1250–1260:

> Every lawsuit is to be judged based on witnesses and evidence (*goͬgnum*). And it is so that if one individual testifies in support of someone, it is as if no one testifies, but two are like ten if the person does not need to worry about testimony against them.[70]

The rhetoric has been adapted to Scandinavian legal style, but the rule expressed in the second sentence is that of canonical procedure, that two witnesses constitute sufficient evidence, and that it does not make any difference if more than two witnesses give testimony, as long as we do not have groups of witnesses contradicting each other.[71]

In Norwegian law, the text made it into the National Law (and associated texts) from the 1270s.[72] The law was applied in practice, not only in marriage cases. Both secular and ecclesiastical judges looked for the testimony of two witnesses. The words "testimony of two persons" ("*tueggia manna vithnisburd*") becomes a standard phrase in judicial sentences from late medieval Norway.[73]

Conclusion

In this chapter, I hope to have shown some aspects of how western European legal culture became standardized in and around the thirteenth century. The impulse for this development came from the law schools and universities in collaboration with the papacy as a legislative and precedent-setting institution. We have seen how the substance of marriage law became uniform in different corners of Europe, and how Gratian's emphasis on consent as the pivotal act in the constitu-

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70 Translation of the identical text in the National law of 1274 by Dr. Jóhanna Katrín Friðriksdóttter, adapted; cf. Simensen, *The Older Gulathing Law*, 96.

71 In such cases canonical procedure specifies that the side with the largest number of witnesses wins, as is probably implied in the Norwegian text. Tancred, *Ordo* 3.12, Bergmann, *Pillii, Tancredi, Gratiae libri*, 247.

72 Winroth, "Vittnen og andra bevisformer: Ett kringvandrande kapitel i Landslagen," forthcoming. The associated texts are *Járnsiða* and *Jónsbók*.

73 This particular example comes from a letter issued on 30 June 1371, ed. DN 2.457, n.608, which documents a judgment of the secular judge Gjardar Eiriksson. DN contains this and similar phrases (e.g., "*ii manna vitni*") dozens of times. I used various search terms in the database <https://www.dokpro.uio.no/dipl_norv/diplom_felt.html>.

tion of marriage penetrated secular legal systems. We have also observed how the procedure of church courts was accepted in secular law, and how St. Paul's words that the truth may be found in the testimony of two witnesses via Gratian, Tancred, and others made it into Norwegian legal theory and practice. Medieval law developed from great diversity to increasing standardization. The thirteenth century was pivotal in that development.

We should not over-emphasize the uniformity of European law in the late Middle Ages. Differences remained (as we saw with the example of Swedish marriage law), and new diversity developed. The practice of marriage law remained different in many respects between southern Europe with its notarial traditions and less formalistic northern Europe.[74] For this reason, some southern marriage cases were decided in secular courts.[75]

Procedure would also have worked differently in different places. There is a great deal of difference in routines, levels of professionalism, and atmosphere between, say, the very busy courts of the archbishop of Canterbury or the patriarch of Aquileia and the smaller institutions run by bishops in Scandinavia.[76] But even if different courts developed different customs, sometimes codified in writing but often remaining oral and hard for historians to discern, the basic pattern followed the standard forms of the procedural handbooks.[77]

Finally, I would like to reflect on the view of late medieval European legal history as characterized by standardization and other theoretical approaches to legal history in that period, notably the developmental stages of law which Max Weber outlined.[78] Weber placed great emphasis on reason and rationality as driving one stage of sociological development, a phase that he placed in the high and late Middle Ages. In the context of law (and also in other contexts), he certainly considered rationality a standard to which legal systems strove to conform. Medieval jurists of the late twelfth and following centuries also understood reason (*ratio*) as a standard to which law should conform. In medieval juristic doctrine, reason was closely related,

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74 Müller, *Marriage Litigation*.

75 Dean and Lowe, eds., *Marriage in Italy*.

76 This point is driven home by a comparison of, e.g., Adams and Donahue Jr., *Select Cases* and Blancato, *Protocollo e registri di Eusebio* with the *Brefabók* of Bishop Jón Vilhjálmsson of Hólar (calendered in *Diplomatarium Islandicum* IV 367–371) and the *Liber ecclesiae cathedralis Bergensis* from Bergen (calendered in NGL IV 619–641).

77 An edition of, e.g., the customaries of the archiepiscopal court of Canterbury is found in Logan, *The Medieval Court of Arches*.

78 Weber's sociology of law is found primarily in Weber, *Wirtschaft und Gesellschaft: Recht,* Max Weber Gesamtausgabe I 22:3, or in a more streamlined format in Weber, *Wirtschaft und Gesellschaft: Die Wirtschaft und die gesellschaftlichen Ordnungen und Mächte*, see esp. 203–209. A useful approach to his legal sociology is Treiber, *Reading Max Weber's Sociology of Law*.

if not identical to, natural law and equity.[79] This chapter suggests that the standard to which late medieval law explicitly strove to conform (*"ratio"*) is very similar to and perhaps identical with Weber's *"Rationalität."* Not every medieval standard needed to be rational, but it might be possible to argue that Weberian rationality by definition forms a standard in his theoretical construction of sociology. It may be fruitful to investigate whether other medieval processes of standardization could similarly be understood in the context of Weber's processes of rationalization.

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Abbreviations

Dig.   *Iustiniani Digesta*. Edited by Theodore Mommsen and Paul Krüger. Corpus iuris civilis 1. Berlin, 1954.
DN   *Diplomatarium Norvegicum.* Oslo, 1847–2011.
NGL   *Norges gamle love indtil 1387*. Edited by Rudolf Keyser and P.A. Munch. Oslo, 1846–1895.

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79 Le Bras, Lefebvre, and Rambaud, *L'age classique*, 373–376.

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Philip Reynolds

12 Toward Understanding Scholastic Theology as a Canonical Culture

Abstract: While the most distinctive feature of medieval scholastic culture is the disputed question, the feature that most needs to be understood is the fundamental dependence on prescribed, canonical texts, with the manner of that dependence and the methods it entailed – although such dependence is remarkably complex. I define canonical culture as a *Wissenschaft* in which expertise in a particular field is established and measured principally by mastery of a relatively small set, or "canon," of authoritative texts, which are ancient or otherwise remote enough to be considered as foundational, that is, as *preceding rather than as belonging to* the acquisition of knowledge within the experts' own intellectual community. Although I am chiefly interested here in scholastic theology, where there was a dual dependence on biblical and philosophical canons, we need to regard this field circumspectly not only in the context of the other scholastic disciplines, including medicine, but also in relation to diverse canonical cultures, from Neoplatonism to Confucianism. The canonical bookishness of such cultures is what most sharply distinguishes ancient or traditional *Wissenschaften* from modern *Wissenschaften*.

Keywords: Canonical culture, scholastic theology, textual reasoning, commentary, exegesis

Introduction

Introducing students to scholastic culture as the setting for Thomas Aquinas, I used to tell them that the schoolmen believed that everything worth knowing was to be found in old books, provided that one knew how to interpret them. But what were the presuppositions, the methods, and the functions of that bookishness? How did it work?

Scholasticism in its heyday was to a large extent and fundamentally a *canonical culture* – that is, a learned culture in which a prescribed corpus of written texts is fundamental to a given discipline, and all other discourses within that field, whether oral or written, are subordinate to its canon in one way or another.

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Scholastic theology was obviously canonical at least in its subordination to the Scriptures and in the methods of biblical interpretation that this subordination entailed. Its experts were qualified as masters of the Scriptures: as *magistri in sacra pagina.*

This chapter is a preliminary and necessarily schematic exploration, pursued in a quest for an apt and useful characterization of canonical culture in general that would provide an adequate context for understanding scholastic theology in particular. My account is schematic and idealized in order to make it workable. Canons (i.e., bodies of canonical texts, whether closed or open, ancient or still accumulating) are in practice complex and multilayered, with diverse fundamental literatures having different degrees and kinds of authority (for example, commentaries on canonical texts sometimes attain their own subsidiary quasi-canonical authority). The depth and complexity of medieval scholasticism are extensively discussed and well understood today, its canonical basis much less so.

Scholasticism and Scholastic Theology

I am interested here in what is known retrospectively as the First Scholasticism, which flourished from the twelfth through fourteenth centuries and gave rise to the first European universities.[1] Because "scholasticism" is not a medieval term, considerations of historical verisimilitude and utility must determine how best to define or to characterize scholasticism. That is a disputed topic, but such disputations are irrelevant here. I define scholasticism as *the methods of teaching, inquiry, and writing that originated in and were characteristic of the elite, supra-regional urban schools during the central Middle Ages.* Construed thus, scholasticism in its fully fledged form involved four fields, with the Arts as the gateway field, and Law, Theology, and Medicine as the three advanced fields: the predecessors of our postgraduate studies. The theology that emerged in that setting, using methods of teaching, inquiry, and presentation that were shaped by and characteristic of that setting, is scholastic theology.[2]

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1 A different approach would be required for the so-called Second Scholasticism: a theological and philosophical movement of the sixteenth through seventeenth centuries that ascribed canonical or canon-like status to certain theologians of the First Scholasticism. Its origins arguably lie in the teaching of liberal arts in German universities from the fifteenth century onward.

2 On the relationship between scholastic and monastic learned cultures during the central Middle Ages, see Verger, "The World of Cloisters and Schools."

Two points in the working definition need to be clarified. First, the word "elite" excludes local schools providing rudimentary education at the level of what R. C. Dales calls "sub-university culture" during the thirteenth through fifteenth centuries, such as the local grammar schools operated by the mendicant orders (mainly Dominicans and Franciscans), by municipalities, and by guilds, and the instruction offered by private tutors – crucially, to women.[3] Second, the definition does not limit scholasticism to what happened in the urban schools but rather includes developments that happened in other contexts but nevertheless *originated in and were characteristic of* the urban schools. This is important because only a few universities taught theology during the thirteenth century, when scholastic theology flourished instead in the schools of the mendicant orders, where the friars received an education to equip them for preaching and hearing confessions. The mendicants adopted to this end the methods of writing, reasoning, and teaching that had evolved in the urban schools.

Like the modern university and the academic cultures associated with it, scholasticism was three-footed, with one foot in pedagogy, one in inquiry and research, and one in practical matters: jobs, professions, ministry. All three feet were intensely bookish during the Middle Ages, although the academic culture of the medieval schools was far more oral than that of a modern university.

Wisdom in most academic fields was predicated on old texts. Books were material to scholastic culture in several ways, not all of which can be reduced to canonicity. The bookish sensibility of scholarship during the central Middle Ages is manifest, for example, in the identification of curricula of required texts for each discipline, and not all of these set texts were strictly canonical. Albertus Magnus explains in his commentary on Peter Lombard's *Sentences* which ancient authors are the most reliable authorities in particular disciplines:

> in matters of faith and morals, one should rather believe in Augustine than in the philosophers, if they are not in agreement. But if medicine is being discussed, I would rather believe Galen or Hippocrates, and if the natures of things are being discussed, I would rather believe Aristotle or someone else expert in this field.[4]

Albert is making an epistemic claim, which goes far beyond listing what to read in each discipline.[5] He assumed that learning was not seamlessly universal but

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3 Dales, *The Intellectual Life of Western Europe in the Middle Ages*, 288.

4 Albertus Magnus, *II Sent.* 13.2, ad arg. 2–5 (Borgnet edition, vol. 27, 247a), translation quoted from Reynolds, *Food and the Body: Some Peculiar Questions in High Medieval Theology*, 145.

5 Hugh of Saint-Victor's *Didascalicon*, written in Paris in the 1120s, already provides among other things advice on what to read in each branch of learning. See Poirel, "Reading and Educating Oneself in the 12th: Hugh of Saint-Victor's Disascalicon."

rather divided into several relatively independent, autonomous branches, each with its own subject matter, experts, methods, and literatures, although it was still possible to dabble in academic disciplines other than one's own and even to achieve prowess in them, as Albert and Thomas did.

Help from Companion Fields

In the following three sections of this preliminary exploration, I shall articulate, as a place to start, an idealized account, or *Idealtypus*. This exercise in imagining is informed not only by familiarity with medieval scholastic theology but also by some modern scholarly literature on canons and commentarial traditions, which I shall review very briefly here.

Much of the literature on the canon in biblical studies focuses on lists and closure,[6] whereas I am more interested in the kinds of reasoning entailed by adherence to canonical texts, and by the utility of such reasoning. The focus on lists and closure is traceable to the origins of the idea of a canon in fourth-century Christianity. The word *kanōn* literally denoted a reed or rod used for measurement. Greek Christian writers used the term to denote an external standard for right living, practice, and belief, much as their Latin contemporaries used the terms *norma* (literally denoting a set square, used in masonry and carpentry) and *regula* (literally denoting a straightedge or ruler). The Scriptures were canonical because they constituted an external standard of life, worship, and faith, but this use of the term *kanōn* coincided with an effort to determine which venerable books belonged to the sacred Scriptures, and which did not.[7] Hence the modern notion of canons as lists or closed bodies of privileged texts. Nevertheless, it is the normative value of canonical texts, and not the secondary matter of lists and closure, that interests me here. I have argued elsewhere that the early Christian decisions about what to include in the canon, which were focused largely on what to add to the received Jewish canon (i.e., the Septuagint), should be understood as a set of decisions as to which texts were authorized *for certain peculiar uses and purposes* – especially methods of interpretation and textual reasoning, but also ritual and liturgical uses.[8]

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6 Cf. Taussig, "Canon of the Bible"; Kooij and Toorn, eds., *Canonization and Decanonization*; and Stern, "Sacred Text and Canon."

7 Holladay, *Introduction to the New Testament: Reference Edition*, 398.

8 Reynolds, "Normative Texts and Practices of the First Millennium," 5.

Canonical culture is easier to understand in rabbinic Judaism than it is in Christianity.[9] To put the matter simply, canonicity is clearer and more straightforward (albeit still many-layered) in a religion predicated on the Word of God alone than it is in one founded on the Word made flesh. Moreover, legal exegesis (the extrapolation of laws from the text) is easier to explain than non-literal exegesis, such as allegoresis. Moshe Halbertal's study of the canon in rabbinic Judaism (1997) is, to my mind, among the most illuminating studies of how canons work. Halbertal not only traces the formation and closure of the Jewish canon but also examines its function within a "text-centered community." He chooses to construe Judaism more as a "text-centered tradition" than as a people's "shared beliefs and practices."[10]

Jonathan Z. Smith explains in the opening paragraph of his oft-cited essay, "Sacred Persistence: Toward a Redescription of Canon" (1977/82), that he wrote the essay in response to a challenge from the Judaic scholar Jacob Neusner. If scholars of Judaism were expected to apply the methods of *Religionsgeschichte*, Neusner proposed, perhaps historians of religion, in return, ought to allow Judaism to influence their own methods and categories.[11] Smith proposes that "the rule-governed exegetical enterprise of applying the canon to every dimension of human life" is the "most characteristic, persistent, and obsessive" of religious activities. Scholars in religious studies should free themselves from preoccupation with the primitive and the archaic, Smith contends, and instead "find as their most congenial colleagues those concerned with biblical and legal studies."[12] Likewise, Smith disdains such explanatory categories the Sacred, the Holy, and the Divine in the history of religions.[13] But there is little in the essay about exegesis or hermeneutics. Eager to root the phenomenon of canons in preliterate cultures, Smith construes canons as a "subtype of the genre *list*," and he posits a developmental line from the mere *list* to the *catalogue*, and from the mere catalogue to the *canon*. Smith notes the absence of any "comparative study of canon."[14]

John Henderson's book on the Confucian canon (1991) provides exactly that: a comparative study of canon.[15] Having described the emergence and closure of the canon of nine classics, the pivotal role of Confucius (fifth century BCE) and of Con-

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9 It is no coincidence that the *Journal of Textual Reasoning* is in the field of Judaic studies!

10 Halbertal, *People of the Book*, 1.

11 Smith, "Sacred Persistence: Toward a Redescription of Canon," 36–52. This chapter is a revised version of lecture given in 1977 and published in 1978 (see Smith, ed., *Imagining Religion*, ix).

12 Smith, "Sacred Persistence," 43.

13 Smith, "Sacred Persistence," 37.

14 Smith, "Sacred Persistence," 44.

15 Henderson, *Scripture, Canon, and Commentary*.

fucianism in that development,[16] and the establishment of a body of commentary, some of which attained its own quasi-canonical status through what Henderson calls "apotheosis,"[17] Henderson broadens the field to include medieval Christian biblical exegesis, rabbinic Judaism, Quranic exegesis, Vedanta, and Hellenistic exegesis of the ancient epics. He proposes universal rules that determine how a canon should be interpreted: above all, that the canon must be comprehensive and all-encompassing, that it must be well-ordered and coherent, and that it must be self-consistent; but also that a canon must be morally sound, be profound, and contain nothing superfluous or inconsistent. To these rules, Henderson adds a "question," namely, whether the canon is interpreted as being clear and transparent or, on the contrary, as being enigmatic and mysterious. Both claims are made, often in the same tradition, and each shapes a certain line of interpretation.[18] Henderson regards the Confucian canon as a sacred text, although he remarks that whether a canon was regarded as sacred scripture or as divinely inspired "appears not to have greatly affected the exegetical devices employed in the commentarial traditions to which it is related."[19]

The *utility* of the Confucian canon may be observed in its much later role in the curriculum of the Chinese civil service examinations, which lasted from 650 CE to 1905. Not only were these arduous exams the gateway to appointment in the civil service at several levels – counties, prefectures, provinces, and the capital – but they also had a profound if sometimes contested influence on social and intellectual life. They functioned, in Elman's phrase, as "socio-cultural glue."[20]

Modern scholarship, literature, and conferences on late-antique commentarial traditions in philosophy began to flourish in the 1990s.[21] Studies of the ancient commentaries on Plato (d. 347 BCE) and on Aristotle (d. 322 BCE) have dominated

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16 Confucius was instrumental in the reception of the Five Classics, whereas the additional Four Books transmitted the teachings of Confucius himself and his followers.

17 On the apotheosis, or "virtual canonization," of privileged commentaries, see Henderson, *Scripture, Canon, and Commentary*, 84–88.

18 Vasano, ed., *Rhetoric of Hiddenness in Traditional Chinese Culture*, especially Puett, "Manifesting Sagely Knowledge: Commentarial Strategies in Chinese Late Antiquity."

19 Henderson, *Scripture, Canon, and Commentary*, 5–6.

20 Elman, "Civil Service Examinations," 406–408 on "socio-cultural glue." See also Elman, "Eight-Legged Essay," 695–698. For a detailed history of the examinations, see Elman, *A Cultural History of Civil Examinations in Late Imperial China.*

21 See, for example, Goulez-Cazé, ed., *Le Commentaire entre tradition et innovation.* On the flourishing of interest in "the theory and history of commentaries in the European classical tradition," see Most, "More on Commentaries" 169–171. More recent contributions to the field include Hartog, *Pesher and Hypomnema: A Comparison of Two Commentary Traditions from the Hellenistic-Roman Period.*

this field.[22] Prominent motives that shaped these traditions included, on the one hand, the demonstration of the basic text's internal consistency and, on the other hand, defense against competing philosophical systems. The natural habitat of a philosophical commentary is a school. The chief purpose of the genre, albeit not of every commentary, is to make a required text accessible and to educate students as experts in a shared tradition.

Aristotelianism emerged as a commentary tradition from the first century BCE through the second century CE, when, as Silvia Fazzo observes, "the interpretation of written texts" was the Aristotelians' "primary philosophical activity."[23] The tradition culminated in the highly influential commentaries by Alexander of Aphrodisias (fl. ca. 200 CE),[24] although Alexander also marked the end of this tradition. Commentary on Aristotle thereafter was largely done by Neoplatonists, and they were interested mainly in Aristotle's writings on logic and physics, which they regarded as propaedeutic and as part of a basic philosophical curriculum.

Platonism, too, emerged as a commentary tradition from the late first century BCE through the first century CE, but Plato's authority among the Neoplatonists was different in kind from that of other leading philosophers among their respective schools and traditions. Both David Sedley and G. R. Boys-Jones have explored the uniquely elevated authority that Plato acquired among the Neoplatonists, which was such that inquiry into what Plato *meant* was at the same time an inquiry into what was *true*.[25] But Dirk Baltzly argues that Sedley and Boys-Jones miss the "moral urgency" and the "soteriological character" that the Platonists found in Plato's dialogues.[26] To that end, Baltzly adapts Brian Stock's notion of textual communities, concluding that Neoplatonism should be construed as "a set of privileged texts, subjected to a repertoire of reading strategies, and interpreted in front of an audience of people for the purpose of transforming their souls." This transforma-

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22 For a survey, see Tuominen, *The Ancient Commentators on Plato and Aristotle,* Introduction, 1–40. After this introduction, Tuominen uses the commentaries more as a source for philosophical doctrines than as examples of a genre.

23 Fazzo, "Aristotelianism," 1.

24 The reception of Alexander of Aphrodisias in the Latin West during the Middle Ages was largely indirect, since only a few of his works were available in Latin translation, although William of Moerbeke, O.P. (d. 1286) translated his commentaries on Aristotle's *Meteorologica* and *De sensu.* There is a wealth of information on such matters in Rossi, di Giovanni, and Robiglio, eds., *Alexander of Aphrodisias in the Middle Ages and the Renaissance.*

25 Sedley, "Philosophical Allegiance in the Greco-Roman World"; Sedley, "Plato's *Auctoritas* and the Rebirth of the Commentary Tradition"; Boys-Stones, *Post-Hellenistic Philosophy,* 103 (author's italics).

26 Baltzly, "Plato's Authority," 794–797. For a critical overview of appropriations of Stock's idea, see Heath, "'Textual Communities': Brian Stock's Concept and Recent Scholarship on Antiquity."

tion, in accordance with Plato's perceived doctrines, was to be achieved by "union with the divine."[27] Baltzly's phrase "a set of privileged texts," I take it, is synonymous with "a canon."

The Neoplatonists treated Plato's dialogues as a sacred text. What distinguishes sacred from "secular" canons is less their degree of authority – their presumed inerrancy – than it is the manner of reading. The hermeneutical openness of sacred texts includes forms of interpretation that would be irrational unless the author were in some sense "more than human," such as non-literal readings and the limitless expectation of exactitude and coherence.[28] Moreover, a sacred text is construed not only as *informative* but also, through reading, performance, and ritual, as *transformative*.

Whether the term "canon" can be applied univocally both to sacred texts and to such "secular" texts as the Hippocratic-Galenic corpus and the surviving, "exoteric" writings of Aristotle, both of which were the subject of commentary traditions, is debatable. My working assumption is that the concepts of canon and canonical culture are broad enough to encompass all of these kinds, but that sacred texts are canonical *par excellence*, taking to an extreme the distinction between the canon itself and the subsidiary discourse, both written and unwritten, that is dependent on the canon. Contrariwise, texts that are deemed sacred must, *ipso facto*, be canonical. But texts with no claim to being sacred or divinely inspired can also be treated as canonical in a learned tradition.

The Neoplatonists' "repertoire of reading strategies" was not limited to commentary. Plotinus (d. 270 CE), regarded since the nineteenth century as the founder, by definition, of Neoplatonism, wrote no commentaries on Plato, but he treated Plato's dialogues as sacred scripture nonetheless. Plotinus was not a theologian (an expert on the gods), but Proclus (d. 485 CE) was a theologian above all, and he construed Plato's dialogues as mystagogy – an initiation in the divine secrets – and he likened them to a cultic statue set on a plinth in a temple.[29] Proclus's elevation of Plato to the prince among theologians required extensive non-literal, beneath-the-surface exegesis. Moreover, Proclus's canon included not only Plato's dialogues

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27 Baltzly, "Plato's Authority," 795, 797.

28 On Plato's dialogues in Neoplatonism as sacred or inspired texts, see Brisson, "Le commentaire des oeuvres de Platon comme revelation de vérités divines," 137–144; MacIsaac, "Proclus: Philosophy as the Exegesis of 'Sacred' Texts"; and Călian, "Clarifications" of Obscurity: Conditions for Proclus's Allegorical Reading of Plato's Parmenides."

29 As Baltzly, "Plato's Authority," mentions on p. 793. The key text, combining a reference to mystagogy with allusions to a cultic statue, is Proclus, *Théologie platonicienne*. Proclus refers to Plato's dialogues as mystagogy in several other places in the first book of this commentary: see note 6 to p. 5 on p. 30 of the cited edition.

but also Orphic poetry, Homeric epics, and, above all, the *Chaldean Oracles*. The *Oracles*, in his view, were truly "entheastic" (divinely inspired).[30] But Proclus assumed that all of these modes of theology were exemplified in Plato's dialogues.

Aristotelianism can properly be described as a commentarial tradition, but this category is too confined to encompass all of the ways in which texts can be subordinate to a canon. Thus, although Henderson describes his book on Confucianism as a study of "commentaries and commentarial modes of thinking,"[31] he concedes that construing canonical cultures as commentarial traditions requires the term "commentary" to be construed so broadly that it includes "almost everything that partakes of interpretation."[32] In an important article on the emergence of ancient philosophical commentary (including works in natural philosophy and medicine), Han Baltussen mitigates this problem by reserving the term "commentary" for the formal (i.e., running) commentary, while situating this genre within the much broader field of exegesis. Commentary, seen from this perspective, is the "culmination" of the "emergence and the development of exegesis."[33] But even the category of exegesis, it seems to me, is too narrow to capture all the ways in which oral and written discourse can be subordinate to canonical literature.

Standardization

Canons are the basis of learned cultures, or cultures of experts. They consist of written texts, typically ancient, which are deemed to be uniquely authoritative. These establish a certain discipline, explicitly determining a field of study. I use the term "culture" to emphasize that canons are communal and socially embedded in customs and institutions. If a library had washed up on the beach of Robinson Crusoe's island, he could not have established a canon from it, except perhaps in his imagination.

Canonical cultures, therefore, are "scientific" in a very broad sense, or *wissenschaftlich*, for they are written, systematic, argumentative, disputational, explana-

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30 On the modes of theology (discourse about the gods) according to Proclus, see Gersh, "Proclus' Theological Methods."

31 Henderson, *Scripture, Canon, and Commentary*, 3.

32 Henderson, *Scripture, Canon, and Commentary*, 62–65. Henderson notes that commentary on Confucian texts may at one time have been oral (68), and that practices of divination may have preceded commentary, especially in the case of the *Classic of Change*.

33 Baltussen, "From Polemic to Exegesis." See also Baltussen, "Aristotelian Commentary Tradition"; and Baltussen, "Philosophers, Exegetes, Scholars." There is a good deal of overlap among these three articles.

tory, interrogative, and self-critical (e.g. showing awareness of their *methods* of inquiry and argument). They presuppose communities of experts who, at least in their own estimation, keep their heads above the crowd and look beyond immediate practical concerns and problems, even while claiming to illuminate and to solve them.

Canons are written, although they are the subject of both oral and written discourse. Typically, written exegesis, such as commentary, emerges from oral exegesis, such as lectures, although each medium can occur without the other. Methods akin to those of canonical cultures can be found in oral cultures, and aspects of canonical cultures can plausibly be traced back to oral precedents. Nevertheless, the existence of a written basis of learning has implications and consequences that radically distinguish such cultures from oral ones. Writing fixes a text (albeit not irrevocably), and the fixation of certain writings as canonical liberates the diversity that flourishes in commentary and exegesis.

Canonical cultures evince three salient features pertaining to their written basis: standardization, interpretation, and continuity. First, there is *standardization* (even before the invention of printing) inasmuch as all the experts are singing from the same hymn-sheet, which provides them with a common basis for reasoning, inquiry, argument, disputation, and teaching.[34] Second, there is *interpretation* because the fixing of a common textual basis prompts exploration and diversity, without which the utility of canonical texts would be very limited. A canonical text is presumed to have unusual depth, and its meaning is contested in interesting ways and may be many-layered. Again, *aporiai* in the canonical text – the knots, problems, and apparent inconsistencies – are fruitful and formative, although they may also be contentious and the source of sectarian division. Third, there is *continuity*, for although written canons are usually the result of a process of collection and can be revised and even replaced, and although new literature in the tradition can be added to a cumulative canon (as some medieval scholastic theological texts became virtually canonical for later authors and authorities), canons usually endure over long periods, attracting a continually evolving and accumulating body of exegesis. Diversity flourishes in the exegetical tradition, whereas diversity in the form of contradictions, disparate versions of the same text, and so forth, needs to be eliminated from the canon and its basic interpretation.

Modern accounts of canonical cultures rightly emphasize exegesis and commentary, but the role of the experts is not merely to unpack the contents of the canon, as if it were a chest of treasures that can be taken out, admired, and put

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34 The early reduction of the Quran from oral tradition to written text, which would result in an explosion in the art of calligraphy, is instructive in this regard.

back. The experts must use the canon to illuminate things of the present, such as the human body and its well-being (in the case of medicine), or ethical or metaphysical questions and competing theories (in the case of philosophy), or the godliness and spiritual well-being of a community (in the case of preaching from Scripture). In one way or another, the experts must hold up their canon to illuminate the reality before them. A canon is a mirror that promises insight, explanation, understanding, and practical guidance to those who know how to use it.

It is well-known among scholars of canons and commentarial traditions that the exegetes are not limited to extracting information from the prescribed text. On the contrary, canonical literature is an ever-fertile resource, although the exegetes typically hide their originality and pretend to be mere faithful interpreters. To the extent that canonical texts are supremely authoritative and regarded as inerrant, they are all the more open to diverse interpretations, even including beneath-the-surface, cryptanalytic readings. The establishment of a body of literature as canonical entails its "hermeneutical openness."[35]

The medical image that I have attached to this chapter nicely encapsulates the idea of *the canonical text as mirror of insight* in a scholastic context (see Figure 50). Luke Demaitre refers to this image in his book on the practical literature of medieval professional medicine, in an early section aptly subtitled "Medicine by the Book."[36] It belongs to a thirteenth-century manuscript now held by the National Library of Medicine in America. The catalogue tells us that this is an Oxford manuscript (although the scene looks Parisian to me), and that the book is a Latin version of the introductory digest of Galenic medicine composed by the ninth-century Christian scholar Ḥunayn ibn Isḥāq al-ʿIbādī, known in the West as Ioannitius (d. 873).[37] Inscribed within an initial letter O, the illustration shows a learned and tonsured physician holding up a manual for guidance as he examines a patient. The open book faces the patient and the observer, as if it were a mirror. The illustrator may have intended to identify the more practical branch of medicine in contrast to its more theoretical branch, which was better suited to the classroom than to the bedside. But to my eyes the physician's old compendium of even older medical lore, translated from another language and another world, both establishes his expertise (like the framed diplomas in a modern surgery) and illuminates the patient's present disease, guiding the physician toward a remedy.

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35 Halbertal, *People of the Book*, 32–40.

36 Demaitre, *Medieval Medicine*, 4–6. See ibid., 6–12 on textual authority and tradition in learned medicine.

37 National Library of Medicine, Hunayn ibn Ishaq al-'Ibadi [. . .], *Isagoge Johannitii in Tegni Galeni*, Oxford, 13th century, fol. 32r.

Figure 50: Illustrated initial "O" showing a tonsured physician treating an untonsured patient. From a manuscript of Hunayn ibn Ishaq al-Ibadi, Isagoge, and other medical texts. Oxford (?), 13th century. NLM Unique ID 101444876. MMS ID 9914448763406676. Courtesy of the National Library of Medicine, USA.

The Functions of a Canon

What I seek is a *functional* account, which would help us to situate scholastic theology within its pedagogical, social, institutional, economic, political, and ecclesiastical settings. A functional account focuses on how the canonical texts were interpreted and put to use in practice, and on how the system worked and what made it enduring and successful. Such an account would go some way toward explaining the utility of dependence on canons, albeit only on a mundane and largely socio-institutional level. It would not claim, for example, to show that a sacred canon is, in fact, a means of salvation, nor even that the learned physicians' use of a medical canon was effective in restoring bodily well-being. Questions about the efficacy of canonical cultures are entirely valid, but they lie beyond the narrow purview of the present inquiry.

Approaching the topic from a functional point of view is partly a matter of choice on my part, but I doubt whether there is an alternative. Consider the canon *par excellence* for scholastic theologians: the Holy Scriptures. In the minds of patristic and medieval exegetes, their faith in God was inseparable from their trust and confidence (*fides*) in the Scriptures as the word of God, and *vice versa*. The scholars who interpreted and applied the Scriptures in expert and peculiar ways assumed that they were entitled and, indeed, obliged to do so *because* these texts were the word of God, spoken through human authors by divine inspiration. But there seems to be no way to understand or to substantiate that premise historically other than *a posteriori*, by considering how such texts were distinctively interpreted. The medieval scholars themselves provide us with no general account, applicable to *all* the Scriptures, as to how divine inspiration works. Moreover, the process by which the books of the New Testament came to be regarded as canonical, while not always obvious, is more accessible to the historian than any concommitant conception about the origin of those texts in inspiration.[38] Similarly, it is difficult to articulate or to explain the *authority* of a text or of its author in a given learned culture except in terms of how the text was used. I am not suggesting that the authority *per se* ascribed to the canonical text is unworthy of keen examination and inquiry today, nor that we should disregard what the ancient exegetes themselves said about it. But the observed relationship between a learned community's convictions about its canonical texts, on the one hand, and the methods that they apply to its interpretation, on the other, is akin to that between the grammar of a

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[38] Much the same might be said of the canonization of Plato's writings in Neoplatonism. Islam, I dare say, is unusual in the extent to which it is predicated on an explicit account of how the canonical texts were revealed: on a narrative that explains *why* these texts are canonical.

language and grammatically well-formed discourse in that language. Scholars must approach the former via the latter. There is no way to come to it *a priori*.

The function of a canon within a particular canonical culture may be considered under two headings: epistemology and utility.

Epistemology

I am concerned here less with the veracity that exponents attributed to the canon *per se* than with how the canon served as a basis for reasoning. Although "the notion of authority came to lie at the heart" of commentary traditions and canonical cultures,[39] it is very hard to define or to characterize that authority except *a posteriori*, as manifest in the "special commitments and expectations" with which the text is read.[40] The existence of a canon presupposes that certain texts have primary authority, although texts subordinate to the canon, including commentaries, may become authoritative and even virtually inerrant in a secondary, derivative manner, as a result of what Henderson calls "apotheosis."

Three features of how a canon function epistemologically, I suggest, are conspicuous. (I am referring here to the body of literature construed as canonical at any given time, and not to a list or inventory, whether closed or open.)

First, the canonical texts provide the terms and the conceptual framework for understanding and analyzing the subject matter. For example, although physicians observing patients in light of the Hippocratic-Galenic tradition reached their own conclusions based on empirical observations, they applied to that end theories, structures, and entities given by the canon, such as the four humors and the four elemental qualities (hot, cold, moist, dry). A medical scholar who rejected the theory of humors, for instance, would no longer belong to the Hippocratic-Galenic canonical culture.

Second, canonical texts, as such, are virtually inerrant, since they are beyond objection and dialectic, although the closer a canonical text is to inerrancy, the greater the hermeneutical openness with which it may be interpreted. Such openness to interpretation is not appropriate for the subsidiary literature, the purpose

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39 Baltussen, "From Polemic to Exegesis," 249.

40 Halbertal, *People of the Book*, 11: "Unlike other texts, canonical texts are read with special commitment and expectations. In other words, canonization affects not only the status of a text but the way the text is perceived and read." On the scholastic conception of *auctoritates* – i.e., authoritative dicta or *sententiae* – as constituting a medium of the transmission of knowledge, see Chenu, *Toward Understanding Saint Thomas*, 126–149; and Ziolkowski, "Cultures of Authority."

of which is to settle meaning, not to make it flourish. In modern scholarship on ancient and medieval canonical cultures and commentarial traditions, divergence (as perceived by the modern reader) from an authoritative text is often conflated with contradiction. The Neoplatonists, for whom Plato's dialogues constituted, in effect, a sacred canon, reached conclusions that differed from Plato's, *at least from our point of view*, but they were not entitled to *contradict* Plato – to say, "Here Plato made a mistake." They were free in principle to say that other *Platonists* had made mistakes.

Third, to the extent that a textual resource functions as a canon, it serves rather as the *basis* of reasoning about a certain subject matter than as a *contribution* to it. Consequently, a canon not only has greater authority than the subsidiary discourse but also must be interpreted in its own special ways, which one would not normally apply to the subsidiary literature. Whereas subsidiary texts, based on the canon, will be approached in a manner that approximates to a conversation among living interlocutors, such as through objection and debate, the canon remains prior to and segregated from dialectical give and take.

The subordination of subsidiary discourse to the canon, therefore, generates two ways of reading, one proper to the canon, and the other proper to the subsidiary discourse. To apply either form of textual reasoning to the other literature would be inappropriate and confusing. To treat the exegetical and dependent literature with the openness appropriate for the canon would result in spirals of uncertainty and in absurdity. Contrariwise, to treat the canon as plain and univocal would result in rigidity and stultification. Rather than suggest that a canonical text is *mistaken* when problems arise, the exponents ask what it *means*, finding the solution in interpretation. Again, uncertainties and apparent inconsistencies in the canonical texts are construed not as defects but as informative *aporiai* (problems, blocks, knots), which need to be harmoniously resolved. Henderson has identified the presumption that a canon must be internally self-consistent as a ubiquitous principle driving a certain manner of interpretation in a commentarial tradition, with its own demands and implications.[41]

Thus, the vitality and adaptability of a canonical culture, as well as any beliefs about the divine origin of the canon, permit an openness of interpretation regarding the canon itself that is not appropriate for the subsidiary discourse. Halbertal observes that the canonization of a text "results in increased flexibility in its interpretation, such as the use of complex hermeneutical devices of openness." "This phenomenon," Halbertal continues, "conflicts with the restrictive im-

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41 Henderson, *Scripture, Canon, and Commentary*, 115–121.

pulse of canonization itself," which requires the censoring of comparable texts, the closure of the canon, and so forth.[42]

In the case of canons construed as sacred, the expositors' need for uniformity in the canon (standardization) and their expectations as to the canon's relevance result in ways of reading that are peculiar to the interpretation of the canon. Among medieval Christian exponents of Scripture, for example, hermeneutical openness entails various forms of non-literal, cryptanalytic exegesis, such as allegoresis (the non-literal interpretation of narrative), although *allegoria* had a narrower sense in scholastic theology than it has in modern usage.[43] One might object that scholastic theologians tended to regard the non-literal senses of Scripture as pertaining not to the text *per se* (the *dicta*) but rather to the historical deeds reported in the text (the *facta*).[44] In practice, however, scholastic theologians never put this principle fully into practice. Moreover, since medieval expositors had no other evidence about the narrated deeds, such as archaeological evidence or parallel contemporaneous records, even the interpretation of biblical *facta* was, in practice, a means of interpreting the biblical *dicta*.

Again, exponents of sacred canons practice what might be called "exacting interpretation," assuming that every word counts and that fine details and differences in wording are significant. To this end, rhetorical expectations are often set aside. In patristic and medieval interpretation of Scripture, for example, pairs of terms that in other contexts would be regarded as hendiadys or elegant variation – such as the phrase "image and likeness" in Genesis 1:26, and use of the terms *donum* and *datum* in James 1:17 – may be construed, especially when the interpreter *needs* such a distinction, as if the two terms were not synonymous but rather denoted different things.[45]

Because the canon is regarded as prior to and as standing apart from the familiar discourse of the canonical community, features that establish the otherness of the canon, such as the antiquity, sublimity, and obscurity of its language, en-

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42 Halbertal, *People of the Book*, 32–33.

43 Like many other topics that I mention in this chapter, that of medieval Christian allegoresis is vast, and my necessarily schematic approach here precludes further exposition. See G. Dahan, *L'exégèse chrétienne de la Bible en Occident medieval. XIIe–XIVe siècle.*

44 See Reynolds, "Conjugal and Nuptial Symbolism in Medieval Christian Thought," 53–54.

45 Exacting interpretation was a feature of Platonism. For an example, see van Riel, "Horizontalism or Verticalism? Proclus vs Plotinus on the Procession of Matter," 141–142 (with note 6), on Proclus's distinction between "*dynamis*" (simply) and "whatever possesses *dynamis*" in Plato's *Sophist* (247d8–e4). Whereas the latter phrase, according to Proclus, denotes the passive power to receive active influence from a superior principle, the simple term denotes the active power of the recipient to act on subsequent principles. But it is clear *to us* that Plato was merely exercising elegant variation to avoid awkward repetition.

hance its special status. It is appropriate, albeit not necessary, for canonical texts to be ancient (or at least from *somewhere else*), oracular, lofty, written in unfamiliar language, ornamented with opaque idioms, and so forth.[46]

The priority of the canon and its aloofness in relation to current discourse befit its comprehensive scope, for unless the canon is comprehensive in *some* manner, the essential relationship between a canon and its subsidiary literature would be unstable, since the canon itself, as well as the subsidiary literature, would then be subject to objection, critique, and debate. This is more obviously true of a sacred canon, which claims to cover everything, albeit in many respects only from a lofty, generalizing point of view. Thus, J. Z. Smith remarks that a canon implies that the task of the interpreter is "continually [to] extend the domain of a closed canon over everything that is known or everything that exists *without* altering the canon in the process."[47] John Henderson agrees, construing this feature as "the most universal and widely expressed of commentarial assumptions," and observing that a "vision of cosmic comprehensiveness and wholeness" is not only a criterion for canonizing a text but also a salient feature of "a diverse array of canons ranging from Homer to Marx."[48]

Utility

As I have explained, the utility that I have in mind here consists in the mundane, socio-institutional benefits of adherence to a canon. Such benefits include the following, which pertain respectively to pedagogy, standardization, disputational stability, and formalization:

1. PEDAGOGY: The canon is a gateway for aspiring students to become experts and to achieve recognition in the field. Mastery of the canon is what primarily and above all qualifies a student to be a full-fledged member of the community pursuing a particular *Wissenschaft*.
2. STANDARDIZATION: The canon provides a shared, unifying basis for the community of experts, while enabling diversity within exegetical traditions.

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46 In Platonism, this need was manifest in a desire to confirm Plato's authority by showing that his doctrines confirmed ancient and even exotic beliefs and literature. See Boys-Stones, *Post-Hellenistic Philosophy*, 105–114; and Baltzly, "Plato's Authority," 804.

47 Smith, *Sacred Persistence*, 48. Smith considers this process of continuous extending to be an inevitable consequence of the closing a canon.

48 Henderson, *Scripture, Canon, and Commentary*, 89–90.

3. DISPUTATIONAL STABILITY: The canon is the ultimate basis for the adjudication of disputes within the field, notwithstanding its hermeneutical openness.
4. FORMALIZATION: The canon formally determines what precisely a certain discipline *is* (not just philosophy but *Platonism*, for example).[49]

These are arguably *essential* benefits, inasmuch as in the absence of any one of them one might reasonably question whether the culture in question is properly canonical, or may usefully be construed as such. There may be other such benefits.

There are also accidental benefits, which canonicity does not necessarily require. These may include: (a) the advancement, protection, and wherewithal (jobs) of an elite; (b) influence over the civic, political, and religious elites (the "ruling classes"); (c) a means to select more able officials and ministers; (d) meritocratic access to a profession or way of life, surpassing the limitations of birth, wealth, and political power; (e) the promise of social, cultural, religious, and political cohesiveness (although orthodoxies driven by the desire for uniformity can become sources of tension and dispute); (f) wider dissemination of at least certain aspects of the expert culture among non-expert factions of a community, again with the promise of greater social cohesion (e.g., through the preaching of the medieval friars).[50]

The Complexity of Scholastic Theology

Thus far, I have been assuming that a canonical culture is centered on a body of canonical texts and requires the production of a subsidiary discourse, such as commentary on the canon. Since even the commentaries carry some authority of their own, however, through what Henderson calls "apotheosis," we might attribute to some of them quasi-canonical albeit subsidiary status. But the scholastic disciplines were far more complex that this idealized account implies. Here, the notion of a *commentarial tradition* is inadequate. What we need instead is the notion of a *canonical system*.

Scholastic theology was based fundamentally on the Christian canon *par excellence*: the Holy Scriptures, a closed canon believed to be divinely revealed and

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49 I am using the term "formal" here in one of its modern senses (cf. "formal commentary"). I owe to an anonymus reviewer the happy thought that a medieval scholastic theologian might prefer to say that the canon *materially* determines what the discipline is, whereas what *formally* determines it would be knowledge of God, beatitude, or salvation.

50 I have adapted some of these points from Elman's work on the Chinese civil service examinations.

inerrant. But study of this canon was hardly thinkable without a vast array of attendant literatures, of varying degrees of authority. These included:

1. Commentaries on Scripture, including a cumulative commentarial tradition that eventually resulted, beginning in the early twelfth century, in a tradition of glossed Scriptures, with material drawn chiefly but not exclusively from the commentarial tradition, through a process of excerpting and collecting akin to that used in the assembly of *florilegia.*

2. Non-commentarial theological literature of various types and of varying levels of authority. Among patristic writings, *all* the writings of Augustine, not only his biblical commentaries, were in a class of their own and virtually incorrigible. (A disagreement or divergence needed to be presented as an interpretation.) Other patristic authors, such as Gregory the Great and Dionysius the Areopagite, enjoyed a level of authority that approached Augustine's. Clearly, there was some prioritizing or layering here, albeit one that probably cannot be thoroughly ordered or quantified.

3. The results of excerpting quotable *sententiae* (opinions, judgments), collected both into haphazard miscellanies and into more purposeful, sometimes organized, *florilegia.*

The ancient, perennial medium of handy anthologies flourished during the first half of the twelfth century, when the debatable opinions of "modern" (i.e., contemporaneous) masters, often unnamed, appeared alongside the weightier, less debatable patristic opinions.[51] The antiquity of a *sententia* was always a necessary condition for the weightier levels of authority. But although the authority carried by such excerpts was ostensibly that of the sources *per se*, the practice was not only convenient but also a formative stimulus to thought and to covert inventiveness, by virtue of selection, collation, and even misquotation, and through the "liberation" of texts from their original context, which might have stifled their productivity. In the course of the twelfth century, the sentential medium evolved into more synthetic genres, better suited as a medium of theological inquiry, and sometimes using the more powerful question technique, with problems and arguments *pro* and *contra.*

The most advanced and successful example of a sentential collection is Peter Lombard's *Sentences*, in four books. The Lombard completed the earliest version of his *Sentences* in 1154 and published it in 1157. He published a second edition in 1158, having made some revisions as a result of using the work in teaching at the

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51 For a review and appraisal of this literature, customarily (but with very little justification) ascribed to the so-called School of Laon, see Reynolds, *How Marriage Became One of the Sacraments*, 291–304.

school of Notre Dame in Paris. During the second quarter of the thirteenth century, it became established as the universal textbook of theology in the schools, thanks initially to Alexander of Hales (d. 1245), an English master of theology teaching at Paris. Its dominance lasted until the sixteenth century, and it was the subject of many scholastic glosses and commentaries.[52] The young Martin Luther lectured on the *Sentences* as sententiary bachelor at the University of Wittenburg.

The *Sentences* provided a framework for systematic theology. The bulk of this resource was composed of patristic excerpts, above all from Augustine, although most of these were harvested not from the original sources but from recent theological writing. But the Lombard arranged his material astutely according to a highly influential four-part division, derived from the *De fide orthodoxa* of John of Damascus. Within this schema, he highlighted problems and difficulties and apparent contradictions as they arose, sometimes proposing either his own solution or some alternative solutions. Henceforth, this textbook was as inseparable from the scholastic discipline of theology as Gratian's *Decretum* was from the scholastic discipline of canon law. The masters' commentaries on the *Sentences*, usually presented early in their careers, gave them plenty of opportunity to develop their own ideas.

With Peter Lombard's *Sentences*, we arrive a new kind of required theological literature. On the one hand, the authority of the work itself, as distinct from the secondary or quasi-canonical patristic excerpts from which it was largely composed, was not canonical, even if it was akin to canonicity in certain respects. Although Peter was venerated in the schools as the "Master" (*Magister sententiarum*), his own opinions were not beyond correction. Indeed, masters of theology published lists of his errors.[53] The work's corrigibility was among its great advantages in the schoolroom. On the other hand, it was the gateway for theological studies and defined the discipline known today as scholastic theology. I claimed above that "mastery of the canon is what qualified a student to be a full-fledged member of the community pursuing a particular *Wissenschaft*," but perhaps it would be better to say that "mastery of the canonical *system*" did so, for even a textbook could as-

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52 See Rosemann, *The Story of a Great Medieval Book: Peter Lombard's Sentences*; and Rosemann, ed., *Medieval Commentaries on the Sentences of Peter Lombard*, 3 vols. For a succinct survey of the commentary tradition, with the types of commentary on the *Sentences*, see Rosemann, *Peter Lombard*, 199–211. Linear expositions of the *Sentences* were known as "glosses," while the term "commentary" was reserved for treatises in which a master used the Lombard's work, with its divisions and layout, as a framework for developing his own ideas. Abbreviations of the *Sentences*, the earliest examples of which date from the second half of the twelfth century, constitute yet another genre.

53 Synan, "Nineteen Less Probable Opinions of Peter Lombard"; Angotti, "Les listes des *opiniones Magistri Sententiarum* quae *communiter non tenentur*."

sume this function, albeit by presupposing the ultimate authority of the biblical canon and the secondary authority of the ancient experts.

The body of literature comprising scholastic theology, outlined above, included much that was neither Scripture nor commentary on Scripture, even if "commentary" is interpreted very broadly. Indeed, much scholastic theological writing does not cite the Scriptures at all, even though the discipline was defined as the interpretation of Scripture. In the disputed question and in the genres of writing that imitated it, where arguments for and against a thesis are followed by a definitive magisterial statement, arguments based on the *auctoritates* (quotations from authoritative sources) occur mainly in the preliminary arguments for and against a thesis, and not the magisterial determination (in disputed questions) or in the corpus, or response (in the derivative genres). This difference is especially clear in Thomas Aquinas's *Summa theologiae*, where the purpose of each response (also known as the corpus of an article) is to expound a rationale, usually without appealing to *any* other texts, even biblical ones. Thomas's *Summa contra gentiles*, which does not make use of disputational form, is devoted to this kind of rationale, with reliance on quoted sources reduced to a minimum. But all such reasoning, I suggest, takes place within the great cloister of the Holy Scriptures.

Considered as a whole, therefore, the theological writing and discourse of scholasticism was far broader than a biblical commentary tradition, yet it functioned as ultimately subordinate to the authority of the Scriptures. No masters of theology believed that they were *adding* to biblical theology. Theirs was a canonical *system*, wherein diverse subsidiary literatures were related in diverse ways to the primary canonical texts, carrying their own weight of authority *by virtue of their perceived fidelity to the biblical canon* or their value as aids to interpreters and preachers. Augustine's prowess as a theologian, for example, implied that he was endowed, above all other theologians and exegetes, with the greatest depth and accuracy of understanding vis-à-vis the Scriptures, much as the disciples of a teacher, through their proximity to the teacher as well as through their own aptitude, transmitted the teacher's wisdom and translated it into new contexts. Such proximity was no guarantee that the exponent might achieve wisdom in relation to *other* fields of learning.

Appended to this complex system of texts based on the biblical canon and bound by various channels of derivation and authority, scholastic theology included *another* canonical system, based on Aristotle, who enjoyed a preeminent but subordinate role as the expert on philosophical wisdom, attained *without* recourse to the data of faith and revelation. For scholastic theologians, Aristotle was "the Philosopher." His status in this setting was much higher than it had been in the Neoplatonic schools, where his role was largely propaedeutic and limited to logic, appearances, and rudimentary natural philosophy. Expertise and commentary among scholastic theologians extended to all of Aristotle's available writings,

including his books on natural philosophy (the *libri naturales*), his *Nicomachean Ethics*, and his *Metaphysics*. Although Aristotle's value in the medieval Christian schools was controversial and disputed, Thomas Aquinas treated him as virtually inerrant within the obvious limitations of his purview. Aristotle's works, too, were accompanied by a system of more or less authoritative exegetical texts. These included commentaries, especially those of "the Commentator," namely, the Spanish Muslim sage Averroes (Ibn Rushd, d. 1126), but also a Neoplatonic commentary tradition, transmitted to the Latin West chiefly through the Christian scholar Boethius (d. 524). This sub-system also included a highly selective corpus of philosophical writings by Muslim and Jewish sages, translated from Arabic into Latin, and construed as a supplement to Aristotle.

The status of Aristotle's corpus as a subsidiary yet autonomous philosophical canon for theologians was to a large extent a product of his expanded role in the study of Liberal Arts, since the study of Arts was the gateway to all the other branches of learning. That role in the university faculties of Arts, where philosophy was isolated by its own canon from Christian doctrine, proved highly problematic and potentially subversive, especially in Paris. Nevertheless, the mendicant friars carried it over into their own in-house schools. Without this institutional setting, the Dominican friars Albertus Magnus and Thomas Aquinas could not have been the energetic and widely esteemed commentators on Aristotle's works that they were.

As a canonical *system*, therefore, scholastic theology typically included but was much wider and more complex than a biblical commentary tradition. What needs to be understood is exactly how texts from various sources carried authority, and what kinds of authority they might carry, *in relation to* the biblical canon.

Conclusion

Within the limits of a necessarily schematic and idealized exploration, and avoiding many of the enticing avenues and branching distinctions that are familiar to specialists in the field, I have proposed that the feature of scholastic theology that most needs to be understood and expounded is its fundamental albeit multifarious dependence on prescribed texts, with the manner of that dependence and the methods that it entailed. Although this dependence was remarkably complex and included much more than a commentary tradition, it is best understood, I suggest, as a canonical culture. I am not in any way suggesting that attention to canonicity should replace attention to other structural and institutional features of scholastic culture, such as the role of logic or of the liberal arts. But I *am* suggesting that as scholars we do not attend enough to the canonical basis of this culture: to how canons work.

With that in mind, we might construe *canonical culture* institutionally as a *Wissenschaft* providing the expertise that qualifies a student to become a master and to be a full-fledged member of the scholarly community in a particular field. Such expertise was established and measured by mastery of a relatively small set of prescribed authoritative texts, such as commentaries, which form a system subordinate to the canon.

The canon itself needs to be ancient, or at least remote enough to be considered as foundational, that is, as *preceding rather than as belonging to* dialectical reasoning and the acquisition of knowledge within the experts' own intellectual community. The wisdom of the canon *per se* was embodied, transmitted, and interpreted through the corpus of subordinate literatures, some of which achieved a quasi-canonical, virtually inerrant status, such as the writings of Augustine for scholastic theologians. These derived their secondary authority from that of the canon. No person could become a recognized expert in the field without help from the subsidiary corpus. Together, the canon and the subsidiary literature, which in the case of theology was complex and many-layered, constitute the *canonical system.*

Canonical culture, in which prescribed texts functioned as mirrors of insight, is what most sharply distinguishes ancient or traditional *Wissenschaften* from modern *Wissenschaften.* In the former, texts are fundamental, and antiquity is a necessary qualification for the highest levels of textual authority. In the latter, texts are peripheral, ephemeral, and merely instrumental, and antiquity implies quaintness and redundancy.[54]

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54 An extreme, albeit not necessarily very scientific, example of this modern cultural trait is the Ted Talk, where novelty is the essence of wisdom: unless no one has heard this before, it is not worth saying. But is such novelty a sustainable resource?.

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