1   Introduction

In 1928, archaeologists working along the Tunisian-Algerian border uncovered an earthenware jar containing forty-five wooden panels. When deciphered, the scraps were found to contain the texts of thirty-four Latin documents from the last decade of the fifth century: tables of calculations, a record of a dowry and several documents of sale. Most of the latter concern small plots of olive, fig and nut trees; one deals with a slave. The properties and individuals involved appear to have been associated with a single rural estate, the Fundus Tuletianos.[1]

The episcopal archive in Pisa preserves a simple list of eighty-eight documents given by Teuspert to Ghittia and her daughters. No reason can be given for its composition, but it can be dated to between 768 and 774. It inventories different kinds of documents, many of them rare among the large numbers of complete documents that survive in Italian ecclesiastical archives, but here catalogued and classified with care. In over half of the various charters (*cartae*), notes (*breves*), judgements (*iudicati*), letters *(epistolae)* and precepts (*praecepta*), neither party to the transaction was expressly associated with the Church. Ghittia herself was a nun, but her collection includes documents from a wide variety of her kin and contacts in which she is not implicated; forty-four of the documents in her list, for example, concern the layman Alahis.[2]

A formula collection from Gaul compiled towards the end of the seventh century contains a model letter from a king to an unfortunate who has had his house destroyed by fire. Among the things he lost were all of his documents, particularly those that recorded his title to property. According to the text, the man provides written testimony to the king verifying his property claims; the king then issues this letter confirming his property rights. Late in the ninth century – two centuries

---

[1] *Tablettes Albertini: Actes privés de l'époque vandale (fin du Ve siècle)*, ed. C. Courtois *et al.*, 2 vols. (Paris, 1952); see below, 40.
[2] *ChLA* XXVI 808; *CDL* II 295; see below, 239.

1

later – a Bavarian formula collection includes the same text word-for-word, save that the house in which the documents had been stored is now a monastery.[3]

A monk at the monastery of Sahagún in León in the early twelfth century, transcribing charters into a codex for his institution, copied a document that listed in abbreviated form twelve sales of land concerning a property called Melgar de Foracasas. These transactions, which did not involve the monastery, dated from between 945 and 954. In 959 Melgar de Foracasas was donated to the monastery by its peasant proprietors, Iscam and Filaura, along with the document. The total value of the twelve parcels was 133 *solidi*, 22 measures of wheat, a small plot and a red cow.[4]

For much of the modern period, a deeply embedded commonplace held that in Europe and the Mediterranean world in the early Middle Ages (AD 400–1000) documents were produced, used and preserved primarily by, and according to the needs and interests of, churchmen and monks. A corollary belief maintained that the surviving evidence for early medieval society so completely depended on the Church for its production and preservation that the investigation of such things as secular practices of landowning and conflict resolution, as opposed to the strategies used by the Church to pursue its interests, was impossible. Any effort to look beyond the confines of ecclesiastical institutions and reconstruct the workings of society as a whole would necessarily be indirect because of the nature of the surviving evidence.[5]

Yet, each of the examples given above shows laypeople using and storing documents. Many other examples like these survive, mostly – though not exclusively – scattered among and embedded in ecclesiastical and monastic archives. In the last several decades, early medievalists interested in how the written word was used in their period have begun to explore the implications of this evidence, namely that the early medieval laity may in fact have used and relied on writing to carry on the business of their lives to a considerable degree. Their efforts have begun to transform dramatically our understanding of writing practices in the period.[6]

---

[3] Marculf 1.33; *Form. Marc. Kar.* 22. See the discussion by Brown, 'Documents'.
[4] *Colección diplomática del monasterio de Sahagún (siglos IX y X)*, ed. J. M. Mínguez Fernández (León, 1976), nos. 94, 162, 164; see below, 279–80.
[5] See Kosto, 'Laymen', 47nn10–12; M. Clanchy, *From Memory to Written Record: England, 1066–1307*, 2nd edn (Oxford, 1993), 32.
[6] In addition to the work of the scholars represented in this volume, see two decades of publication on the subject by Cambridge University Press, from McKitterick, *Carolingians* to Rio, *Legal Practice*. French and Italian projects centre on the École française de

This transformation has not, however, taken hold in the non-specialist literature, either in the work of early medievalists not themselves directly concerned with writing practices or in the assumptions about the early Middle Ages perpetuated by those working on the high and late medieval periods. The reason, we think, has to do with scale. Each specialist working on document use among the early medieval laity has tended to focus on the examples with which he or she is familiar. Their insights have, therefore, been restricted to particular times and particular regions. This may well have created or reinforced an impression in the wider scholarly world that their examples were exceptional rather than typical. Though as a group the specialists now have a sense that the laity used writing more than was earlier believed, they have not yet put all of their individual pieces together to form a broad picture of how early medieval laypeople used documents or how their use of documents developed over time from the end of the Roman period through the turn of the first millennium. Nor have they been able to describe in anything like a comprehensive fashion exactly how laypeople in the period used writing, how we can discover this from sources whose survival in the main has been mediated by ecclesiastical and monastic archives and interests, or how this information might change our understanding of early medieval history in general.

This book represents an effort by a group of scholars who work on late antique and early medieval documentary culture to put their pieces of the puzzle of lay documentary use together and to see what picture emerges. We examine, directly and across a broad range of space and time, the scattered but nevertheless significant evidence for the use of documents by laypeople – that is, men and women who were not officials or functionaries of a church or members of a religious community, in transactions that did not involve ecclesiastical institutions – as well as the factors determining the survival or not of lay documents. We also explore the similar evidence for the existence of what can only be called 'lay archives'; that is, collections or dossiers of documents kept and used

Rome: *Les Transferts*; F. Bougard, L. Feller and R. Le Jan (eds.), *Dots et douaires dans le haut moyen âge* (Rome, 2002); F. Bougard, C. La Rocca and R. Le Jan (eds.), *Sauver son âme et se perpétuer: La transmission du patrimoine au haut moyen âge* (Rome, 2005); L. Feller and C. Wickham (eds.), *Le marché de la terre au moyen âge* (Rome, 2005). The German and Dutch projects are the Sonderforschungsbereich 231: Träger, Felder, Formen pragmatischer Schriftlichkeit im Mittelalter (Universität Münster, 1986–99), reported on in *Frühmittelalterliche Studien* from 1988 on; and the Pionier Project Verschriftelijking (Universiteit Utrecht), published in the series Utrecht Studies in Medieval Literacy (Turnhout, 1999–).

4   Introduction

by laypeople.[7] In other words, we address the degree to which laypeople were not just using documents, but regarding them as important enough to store and make retrievable. Some of the evidence for these lay practices survives more or less independently of ecclesiastical institutions. However, much of our discussion uses indirect evidence that, for example, ecclesiastical archives took over or incorporated material which originated outside the Church, or that ecclesiastical institutions served as 'safe deposits' for the secular records of lay landowners. We thus directly question the premise that patterns of current document survival reflect patterns of early medieval access to and control of written documentation, and that clerics writing charters and ecclesiastical institutions storing them did so only to serve narrow sectional interests which were distinct from those of the wider society.[8] Putting all of our pieces together, we will show how laypeople together with clerics and monks participated in what was a common documentary culture, and how we can begin to integrate the experiences they recorded in their documents into our histories of the early Middle Ages.

The laity

To begin with our main category of analysis: the laity, as opposed to Christian clergy and monks, is not a group whose existence or characteristics we can take for granted or whose unchanging distinctiveness we can automatically assume. Lay is a relational category that can exist only in dialogue with categories of the clerical. This relationship shifted radically in the course of the first millennium. It is only in the late second and early third centuries, for example, that sources begin to mention laity (*laikos/laicus*) at all. Laypeople begin then to be identified as such by clerics, even while clerics admitted their own origins in the laity. Fourth- and fifth-century councils insisted on the distinctiveness of the priesthood, to the extent that ascetics who took a monastic vow were classified as laymen.[9] In the eighth and ninth centuries, as the Carolingians tried to delineate more sharply the distinctions between lay and clerical, monks came to join the ranks of the 'clergy' – the classical tripartite theory of social functions, so very different from earlier patristic models, merged what had previously been two distinct orders into 'those

---

[7] For the issue of definition, see below, 12–15.
[8] See already H. Fichtenau, *Das Urkundenwesen in Österreich vom 8. bis zum frühen 13. Jahrhundert* (Vienna, 1971), 79.
[9] P. Siniscalco, *Laici e laicità: Un profilo storico* (Rome, 1986); Siniscalco, 'I laici nei primi secoli', in *Il laicato nella Bibbia e nella storia* (Rome, 1987), 91–105.

who pray'.[10] By the twelfth century, the reciprocity implicit in such theorizing was contested, as clerics attempted to define themselves as a new and self-conscious power elite; it was precisely in this period that they also attempted to define themselves as *literati*, the lettered class, thus encouraging the identification of the remainder of society as unlettered, illiterate.[11]

As our work will make clear, for much of our period the distinction between lay and clerical does not help us understand how documentary culture developed. Nevertheless, it remains necessary for our discussion. The terms 'lay' and 'clerical', of course, form the frame of reference within which modern discussions of early medieval writing have taken place, and they thus perforce form the framework for our enquiry. More important, however, is the fact that they have real, though changing, referents; our sources use them. In many times and places, people identified by our sources as lay, or not explicitly identified as clerics and monks, can be seen using documents in ways similar to those called clerics or monks and for similar purposes. However, these same sources tell us that laypeople were not the same as clergy. The interests of both were often shaped by the differing contexts in which they lived and acted and by the interests of those for whom they worked; these interests in turn helped determine what documents they used and how and where they stored them. Furthermore, there comes a point towards the end of our period when, as a result of a particular combination of cultural and political circumstances, the distinction between clerical and lay does begin to affect documentary culture in Europe on a large scale.

Laypeople, documents and the Church

Direct evidence that laypeople in Late Antiquity and the early Middle Ages used documents survives in significant amounts: for example, in

[10] On clerical identity in the Carolingian centuries, see, e.g., L. Coon, 'What Is the Word If Not Semen? Priestly Bodies in Carolingian Exegesis', in L. Brubaker and J. Smith (eds.), *Gender in the Early Medieval World: East and West, 300–900* (Cambridge, 2004), 278–300; M. de Jong, *In Samuel's Image: Child Oblation in the Early Medieval West* (Leiden, 1996); F. Prinz, *Klerus und Kreig im früheren Mittelalter* (Stuttgart, 1971). On early medieval/Carolingian 'three orders' theory and its mutation, see O. G. Oexle, '*Tria genera hominum*: Zur Geschichte eines Deutungsschemas der sozialen Wirklichkeit in Antike und Mittelalter', in L. Fenske *et al.* (eds.), *Institutionen, Gesellschaft und Kultur im Mittelalter: Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag* (Sigmaringen, 1984), 483–99, and D. Iogna-Prat, 'Le "baptême" du schema des trois ordres functionnels: L'apport de l'école d'Auxerre', *Annales ESC*, 41 (1986), 101–26.

[11] R. I. Moore, *The First European Revolution* (London, 2004); H. Grundmann, '*Litteratus– illitteratus*: Der Wandel einer Bildungsnorm vom Altertum zum Mittelalter', *Archiv für Kulturgeschichte*, 40 (1958), 1–65.

6   Introduction

the 45 per cent of documents from a sample of some 2,000 charters from
tenth-century Catalonia that record transactions involving only laymen
and laywomen; in discrete groups of lay documents from the eighth- and
ninth-century Frankish and Lombard worlds that later found their way
into monastic archives; and in collections of documents that have sur-
vived on unusual (to us) material, such as the wooden tablets from fifth-
century North Africa, or slates from seventh-century Iberia.[12] Because
this evidence is scattered in time and place and often embedded in com-
plex ways in the ecclesiastical sources, its extent and importance has been
easy to overlook.

It is important because it allows us to confront pressing issues in the
history of medieval writing from a new perspective. Chief among these
is the question of institutional change: the effect of the end of Roman
rule on ways of structuring and recording landholding; the fate of late
Roman strategies of record-keeping in the successor states; the devel-
opment of post-Roman institutions and their demands; and the meth-
ods whereby ecclesiastical institutions in particular attempted to control
time and space through documents and archives. These changes in the
institutional landscape and in documentary practices prompted broader
transformations in the relationships between those who produced doc-
uments, the places in which documents were preserved and the uses to
which documents were put.

One aspect of this process of change turns on the development of the
early medieval Church and in particular of ecclesiastical archives. Specif-
ically ecclesiastical archives cannot be taken as given. It is necessary to
ask when and why churches and monasteries felt it necessary to store and
organize their documents in a manner distinct and separate from other
social actors and institutions. The balance between churches and other
loci of documentary production, preservation and archival activities is
historically contingent and tied to specific political contexts as well as
to long-term developments. There may also be a problem of historical
perspective. Did churches and monasteries ever *in general* come to dom-
inate the preservation and production of documents for everyone, and,
if so, when, where and why? Or, rather, have we privileged certain eccle-
siastical institutions whose impact on document preservation has been
especially durable? How did the practices of churches relate to other
forms of record-keeping, which in some areas predated the dominance
of the Church but in others piggybacked on ecclesiastical institutions?
When, where and why did ecclesiastical documentary practice become

[12] See, e.g., Kosto, 'Laymen'; *Tablettes Albertini; Documentos de época visigoda escrita en
pizarra, siglos VI–VIII*, ed. I. Velázquez Soriano (Turnhout, 2000); below, Chapters 3
and 4.

qualitatively different from those of other social institutions and groups, and what implications did this have for cultural and social practice?

The documentary and archival practices of churches and monasteries were influenced by those of the laypeople with whom they were intimately connected. As a rich seam of recent work has emphasized, the connection between churches and monasteries and the families that founded and patronized them was a two-way street.[13] The needs and interests of patron families shaped the formation and organization of churches and monasteries, and vice versa. Documentary and archival practice was as crucial to the formation of both institutional and family identity as was the movement of property. How did the inclusion of a core set of documents concerning the family of a monastery's founder affect the formation and future development of that monastery's archive? Why do so many of the documents contained in these embedded lay archives structure transfers of property *within* families? What role did women play in the ownership and transmission of property beyond making the donations to churches and monasteries that dominate the ecclesiastical records in which they appear as primary actors?

Asking these questions forces us to recognize that documents themselves played a role in social and institutional development rather than simply bearing witness to them. Early medieval archival documents are not always routine and descriptive; they can themselves be narratives subject to the same instrumental or strategic manipulation as texts more traditionally called 'narrative'.[14] The archives in which they were stored also reflect the differing interests and needs of the individuals, families or institutions that created them. Documents and archives, therefore, must themselves be treated as subjects of theoretical and historical enquiry, and must be understood in their specific historical contexts. A proper understanding of the ways in which the documentary record has been filtered, by the creation of the documents themselves and by historically contingent processes of archive formation, is necessary to understand the relationship of the surviving source material to the society it records.

When seen in this full context, our material shows that laypeople were full and conscious participants in early medieval societies that regarded

---

[13] Classically, Rosenwein, *Saint Peter*; see now, e.g., A.-J. Bijsterveld, *Do ut des: Gift Giving, Memoria and Conflict Management in the Medieval Low Countries* (Hilversum, 2005); Davies, *Acts of Giving*; Hummer, *Politics*; Costambeys, *Power*.

[14] E.g. W. Brown, 'Charters as Weapons: On the Role Played by Early Medieval Dispute Records in the Disputes They Record', *Journal of Medieval History*, 28 (2002), 222–48; P. Geary, 'Monastic Memory and the Mutation of the Year Thousand', in S. Farmer and B. H. Rosenwein (eds.), *Monks and Nuns, Saints and Outcasts* (Ithaca, NY, 2000), 19–36.

documents as important. As a rule, we have been unable to identify consistent formal differences – in script, layout or formula – between documents used by laypeople and those written by and for clerics in any of our samples, although patterns of preservation are in places distinct. The comparisons we draw between the patterns of document use and storage by laypeople and ecclesiastical institutions dissolve the picture of an impermeable divide between a literate clerical and an illiterate/oral lay culture.[15] Breaking down this divide opens up a new line of questions that can only be answered by analysing 'ecclesiastical' and 'lay' documents together, in the context of what was a common documentary culture.

Literacy and the use of documents

Our sources consist principally of documentary records; that is, written texts generated primarily for pragmatic purposes.[16] These might be records of legal transactions: conveyances of property for the most part, but also testaments, or records of dispute settlements. But they also include a small but significant number of letters and formulaic models for drafting letters, and accounting documents. Alternative sources for our questions in our period scarcely exist. Scholars of the high and late Middle Ages have a number of resources beyond documentary records or letters for studying the use of writing among a broad swath of the laity, such as, for example, texts written for entertainment, texts written in the vernacular, university texts or religious texts written explicitly for a lay market. The very small number of such non-documentary texts from the early Middle Ages that can help illuminate written culture outside the Church (such as, for Carolingian Francia, the letter of the aristocratic woman Dhuoda to her son William, or the *Histories* of the equally aristocratic Nithard) reflect the activities, needs and interests of the very highest members of the elite; moreover, they have already been thoroughly explored.[17] Documentary texts thus provide challenging but potentially fruitful material with which to expand our picture of early medieval documentary culture beyond the elites.

[15]   The 'impermeable divide' model has recently been critiqued from other materials, most notably as regards intellectual and religious culture: see, e.g., J. M. H. Smith, *Europe after Rome: A New Cultural History 500–1000* (Oxford, 2005). Cf. T. Reuter, 'Gifts and Simony', in E. Cohen and M. de Jong (eds.), *Medieval Transformations: Texts, Power and Gifts in Context* (Leiden, 2005), 157–68, for eleventh-century change.

[16]   As in the title of the Münster project (above, n. 6), 'pragmatische Schriftlichkeit'.

[17]   E.g. the essays collected in P. Wormald and J. L. Nelson (eds.), *Lay Intellectuals in the Carolingian World* (Cambridge, 2007).

As noted above, the number of lay documents that survive from the early Middle Ages, while significant, appears very small when compared to the tens of thousands of documents that concern the business of churchmen and monks.[18] After the twelfth century, the archival and documentary practices of the laity become much more visible, and they have therefore been studied directly.[19] One important product of the scholarship on this later period has been a new willingness to push past the constraints of the concept of 'literacy' – defined as the ability to read and to write – by allowing for the study of practices beyond these abilities and therefore beyond the clerical elites most likely to possess them. Drawing on a new historiography that has emphasized the collective contexts – whether sociable or pragmatic – of premodern reading, these medievalists have felt more confident in presenting the peasant listening to the reading of a biblical text[20] and the landowner who hires a scribe to redact a charter as nevertheless 'using literacy'.[21]

When this work has looked back to the early Middle Ages, it has assumed – quite naturally given the views held until recently by many early medievalists – that the vast majority of early medieval people relied exclusively on oral communication.[22] Both Michael Clanchy and Brian

[18] See Kosto, 'Laymen'; M. Garrison, '"Send More Socks": On Mentality and the Preser-
     vation Contexts of Medieval Letters', in M. Mostert (ed.), *New Approaches to Medieval
     Communication* (Turnhout, 1999), 49–99.
[19] The path-breaking work is Clanchy, *From Memory to Written Record*. For case studies,
     see, e.g., R. Berkhofer, *Day of Reckoning: Power and Accountability in Medieval France*
     (Philadelphia, 2004), and, for aristocratic as opposed to ecclesiastical record-keeping:
     J. Freed, *The Counts of Falkenstein: Aristocratic Consciousness in Twelfth-Century Bavaria*
     (Philadelphia, 1983); *Littere baronum: The Earliest Cartulary of the Counts of Champagne*,
     ed. T. Evergates (Toronto, 2003); *Feudal Society in Medieval France: Documents from the
     County of Champagne*, ed. T. Evergates (Philadelphia, 1993); A. J. Kosto, 'The *Liber
     feudorum maior* of the Counts of Barcelona: The Cartulary as an Expression of Power',
     Journal of Medieval History, 27 (2001), 1–22; and K. Heidecker (ed.), *Charters and the
     Use of the Written Word in Medieval Society* (Turnhout, 2000).
[20] In any case, as Geoffrey Koziol pointed out to us in his review of an early draft of
     this volume, the stereotype of the 'illiterate' peasant is in many ways, at least in the
     later Middle Ages, an ideological or constructed trope. See S. Teuscher, 'Textualizing
     Peasant Enquiries: German *Weistümer* between Orality and Literacy', in Heidecker
     (ed.), *Charters*, 239–53; P. Biller and A. Hudson (eds.), *Heresy and Literacy, 1000–1530*
     (Cambridge, 1994).
[21] Smith, *Europe after Rome*, 13–50, for a synthesis. For the historiography, see L. Melve,
     'Literacy-Aurality-Orality: A Survey of Recent Research into the Orality-Literacy Com-
     plex of the Latin Middle Ages', *Symbolae Osloenses*, 78 (2003), 141–97; M. Clanchy,
     'Introduction' and M. Mostert, 'New Approaches to Medieval Communication', in
     Mostert (ed.), *New Approaches*, 3–14, 15–40; and work cited above, n. 6.
[22] A view still defended by Michael Richter: *The Formation of the Medieval West: Studies in
     the Oral Culture of the Barbarians* (Dublin, 1994); '"Quisquis scit scribere, nullum potat
     abere labore": Zur Laienschriftlichkeit im 8. Jahrhundert', in J. Jarnut and U. Nonn
     (eds.), *Karl Martell in seiner Zeit* (Sigmaringen, 1994), 393–404.

Stock, for example, argue that the eleventh century witnessed a funda-
mental transition from orality to literacy.[23] However, Rosamond McKitt-
erick has extended the study of literate practices back before the eleventh
century, documenting their extent in law and administration, property
transactions and manuscript culture in eighth- and ninth-century Fran-
cia, and describing a society 'largely dependent on the written word for
its religion, law, government and learning'. She argues specifically for the
substantial involvement of laypeople in this culture of writing.[24] McKit-
terick and others have also hypothesized that the use of writing among
the laity extended well below the level of the elites.

We recognize the dangers of reifying as 'literacy' a variety of activities
which may have been distinct in their medieval manifestations and which
may not fit with modern assumptions about what 'literacy' entails –
especially the assumption that it is tied to the ability to read and write.
We will therefore use the phrases such as 'documentary practices' or
'documentary use' rather than 'literacy', in order to capture the full
range of ways that early medieval people might have interacted with
documentary culture.[25]

Documents produced and used by early medieval laypeople survive in
a very limited number of contexts. Some texts, like Ghittia's, exist as sin-
gle sheets of parchment; others, like those from the Fundus Tuletianos,
were written on papyrus, wood or slate. In the case of wood and slate,
they are only preserved when and where they were deposited under con-
ditions that have allowed for their physical survival and rediscovery. Still
other lay documents were copied in the early Middle Ages as formulas,
such as those concerning burned archives. Letters survive in a few letter
collections, but more often because they were likewise incorporated as
model texts into formula collections. Most stand-alone lay documents,
however, whether on papyrus or parchment, have been transmitted to us
along with surviving parts of the ecclesiastical or monastic archives into
which they were later incorporated. Furthermore, a large proportion of
our sources survives not individually, but because they were copied in the
ninth to thirteenth centuries, along with other contents of ecclesiastical

[23] Clanchy, *From Memory to Written Record*; B. Stock, *The Implications of Literacy: Written
Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton,
NJ, 1983).

[24] See McKitterick, *Carolingians* (quotation at p. 2); *Uses of Literacy*; and, for a sense of
some of the directions of subsequent debate, Walter Pohl and Paul Herold (eds.),
Vom Nutzen des Schreibens: Soziales Gedächtnis, Herrschaft und Besitz im Mittelalter
(Vienna, 2002).

[25] Cf. D. Ganz, '*Temptabat et scribere*: Vom Schreiben in der Karolingerzeit', in R. Schieffer
(ed.), *Schriftkultur und Reichsverwaltung in der Karolingerzeit* (Opladen, 1996), 13–33.