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The Carolingians and the Frankish Monarchy  Studies in Carolingian History

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Charlemagne's throne in the gallery of the octagon of the palace chapel at Aachen. The throne, which is approached by a staircase with six steps consists of four stone pillars supporting the mensa, i.e. the base on which the chair is raised. The chair is made of oak planks encased in slabs of white marble. The side pieces are curved to provide elbow rests. The back, rounded at the top, consists only of an upper part; the space below is filled by an upright wooden plank.

Installed in the enclosure of the royal (later imperial) logia, the throne faced the main altar, which was visible through the central opening of a three-part bay formed by two marble pilasters and two marble columns. Charlemagne could thus follow the Mass and liturgical offices. For an even clearer view, the bronze grilles, made at Aachen, which barred the lower part of the bay could be opened at the centre. The throne, like the chapel as a whole, dates from the late eighth or early ninth century.
VIII. The use of the written word in Charlemagne’s administration

It is known that the use of the written word for administrative purposes survived, in at least some parts of the territory ruled by the Frankish monarch, as a debased legacy from the Later Empire. In the formulation of Marculf, which was compiled in the Paris region during the first half of the seventh century, documents used in administrative practice are given some prominence.¹ If we turn to the *Lex Riburiae*, we find that it contains provisions which mention a *constellarius*, who seems to have been a scribe attached to the county court and qualified to draw up charters. Some of these provisions may belong to the oldest part of the text, in which case they date from the second quarter of the seventh century; they show traces of borrowings from the Burgundian law, and through this intermediary from Roman institutions.² It is by no means established, however, that the ‘chancellor’ of the *Lex Riburiae* was called on to write documents which formed part of an administrative routine. After the middle of the seventh century there is nothing further, or at all events nothing of which we can be certain.³ From that time onward, the only use for written records seems to have been to furnish proof of individual rights, or to assist in such proof.

So far as we can judge from the sources, the use of the written word for administrative purposes started to revive under Pippin III, though only to a very modest extent. His rare capitularies deal chiefly with church affairs, and administrative documents do not enter the picture. With one exception. In 708, when Pippin sent his commissioners into a subdued Aquitaine, he armed them with a memorandum of their basic instructions, as elaborated during an assembly; this was a summary of the measures they were expected to implement, some being of permanent application, others no doubt related to issues of current importance. In almost every case, the purpose of the measures was to make authoritative inter-
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vention in support of religion, the royal power and the rights of communities and subjects. A new form of administrative document had made its appearance, the document shortly to be known as a capitulaire missorium.

When we come to the reign of Charlemagne we find a change in the situation. The number of sources to enlighten us about administrative records becomes more plentiful; and although more numerous for the period after the imperial coronation, they are spread over the entire reign. This abundance of documentation is novel and revealing.

Whatever the field, Charlemagne attached great importance to setting things down in writing. We find an increase in the documents designed to furnish or facilitate proof of individual rights. Existing legal provisions regarding both Church and state were grouped together and published, and new ones promulgated; in the period immediately following the imperial coronation there was even an attempt, admittedly abortive, to commit to writing all the national laws currently in force within the realm and to make judges adhere to the written text of the laws. In judicial matters we find an unmistakable preference for written evidence. The same preoccupation shows itself in procedure: a new rule, first laid down by a capitulary of 794 and repeated in several subsequent capitularies, prescribed that parties or witnesses directed by civil or ecclesiastical authorities to appear before the royal court at the Palace should go armed with a document prepared for the occasion.

The foregoing facts have been mentioned as a necessary introduction to the business of this present article, which is to examine the use of the written word for administrative purposes. They are important as an aid to placing the measures taken by Charlemagne in this field within their general context.

We should start by examining the documents which originated in the Palace. They fall into several groups, the first consisting of documents drawn up for the use of the monarch. We know that two acts of great political importance were recorded in writing. One was Tassilo III's solemn renunciation of all his rights over Bavaria, made at Frankfurt in 794 and recorded in a document made in as many as three copies. The other was Charlemagne's disposition of the succession, effected at Thionville in 806 and recorded in a solemn instrumentum drafted with particular care, a copy of which was even sent to Rome to receive the pope's subscription. This Divisio Regnorum may have been the first Carolingian arrangement for the succession ever recorded in writing.

Another type of document prepared for the use of the monarch was the written agenda listing questions for deliberation with the lay and ecclesiastical magnates at the general assembly. Whether such documents were regularly produced is not known; the examples we have relate to the assemblies of 808 and 811. There may have been occasions when one or two important people were given copies of the agenda in advance of the meeting.

Sometimes the points discussed at the assembly and the decisions taken were recorded afterwards in a minute. A few such minutes have survived, all dating from the period after Charlemagne became emperor; they were apparently used as the basis for drafting instructions to missi, or for framing capitularies more general in scope.

In a second group we can place documents sent out from the Palace, first and foremost those connected with the activities of the missi dominici. What these 'itinerant commissioners' frequently received was a memorandum containing instructions to themselves and a note of the communications they were to make to the agents of power and inhabitants in the localities, communications concerned in some cases with permanent orders of general application and in others with matters of immediate interest; action on the orders they brought with them was usually left to the missi to initiate.

We have here the development of a document first met with under Pippin III, the capitulaire missorium. Three such survive from the period before the imperial coronation, and perhaps seventeen from the period after it. Some of these capitularia missorium were drawn up for the use of missi ad loca, for example the missi sent on a special mission to Aquitaine in 789 and the missi made responsible in 807 and 808 for mobilising the army in a particular region; others were prepared for missi on regular tours of inspection, who when appropriate received a copy which included articles relating specifically to a particular group of counties they were visiting. With the exception of the great capitulaire missorium of 862, which embodies a religious and political programme promulgated after Charlemagne had assumed the imperial title, these texts show a great economy in drafting, some of the articles even taking the form of headings or subheadings.

Another administrative document carried by missi was the tractoria, an authorisation to requisition transport, lodgings and provisions.

Along with the capitularia missorium we should notice the analogous document sometimes issued to bishops, abbots and counts—by no means all of whom acted as missi dominici—on their departure for home at the conclusion of a general assembly; it listed the measures, chiefly administrative, to be notified to local populations and implemented. This written memorandum was clearly a reinforcement to instructions given orally. We have the text of one of these documents, dating probably from 808.

Written instructions might also be issued to ambassadors sent on embassies abroad. Two sets have survived, both relating to missions to the pope; one of them specifies the exact words the ambassadors were to use, the other takes the form of a letter addressed to the ambassador, who was a very distinguished person, namely Angilbert.

We have been concerned so far with administrative documents issued
by the Palace and handed directly to agents of the royal authority. But there were also those the Palace despatched to various parts of the country, some of which were what we would describe as circulars. The earliest surviving circular, sent out between 779 and 781, was addressed to the secular agents of royal authority in Italy, to remind them of certain general principles of government and to order the enforcement in Italy of regulations laid down in the capitulary of Heradell.29 Another circular, issued between 21 December 792 and 7 April 793 and sent probably to all bishops, abbots and counts, instructs the clergy, counts, and royal vassals in the pious exercises and almsgiving appropriate to times of famine or political crisis. Circulars with a similar theme were also sent out in 805—we have the copy addressed to bishop Gerhard of Liège—and perhaps again in 815.30 Also to be classed as circulars are the celebrated Epistola de litteris ineditis, issued between 789 and 800 to bishops and abbots enlisting them in a campaign for education—we have the copy addressed to Abbot Baugulf of Fulda—and the Epistola generalis of 786–801, ordering the clergy to use the homily composed by Paul the Deacon.31 Finally, there is the Capitulare de villis, issued between 770 and 800 to administrators of fests, in an attempt to turn a modicum of order into the by now defective management of the royal domains.32

Another type of document sent out directly from the Palace was the written mobilisation order, when it was not transmitted through the intermediacy of a missive.33 This order, addressed in any case to counts and to bishops and abbots whose churches enjoyed immunity, would specify the place and time for the army to assemble and might also include details about the type of fighting men, equipment, and war material required. We know of one such mobilisation order, dated 806 and addressed to Abbot Fulrad of St Quentin.34

The Palace also despatched administrative documents direct to individuals. Comparable with our modern despatches, they dealt with some particular affair or class of affairs, often issued some directive; they are often called by the traditional name, individu.35

We hear of two further types of administrative document sent directly from the Palace. There is the type which can broadly be described as written directives issued by Charlemagne to his sons who ruled autonomous kingdoms. Instructions of this kind must have been drawn up for Louis when he was king of Aquitaine, though no trace of them has survived. But we have a capitulary promulgated by Pepin as king of Italy which was based on written instructions (sidele) from his father, and also a letter from Charlemagne to his son in which he refers, inter alia, to the fact that the capitulary of 803 is an obligation additional to all the national laws.36 The other type is exemplified by the set of instructions (ammonitio) handed down by the emperor to the Fathers of the five reforming councils which met in 813, listing the chief matters requiring discussion.37
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Marseilles: it is a lengthy and muddled document, showing no sign that it was compiled to any standard pattern.  

particularly important are the reports the king commanded from every part of the Frankish and Lombard kingdoms on the administration of the oath of fidelity he imposed on all his subjects in 793. the basic document, as we learn from the capitulary promulgated on the occasion, was a list drawn up by the count, continuo, giving the names of all who had taken the oath and distinguishing natives of the pagus from those who had come as vassals from elsewhere; defaults had to be listed under a separate heading. Having compiled their list, the counts were to hand it over to the missi who would deliver it to the palace, but not before they had added their own return, giving the names of all persons from whom they themselves had taken the oath, hands between hands, and a numerical statement, based on the counts' lists, of the total number of oath-takers in their missatiuns. it will be appreciated that the actual execution of such an order may well have fallen far short of what was intended.

after Charlemagne's accession to the empire we hear of more and more details to be reported by missi at the end of their tours, although we cannot always be sure whether the headings are for a general report or for one of more limited scope. in any case, the missi were required to report in writing to the emperor all public pronouncements they made in the course of their tours (breves de adiunctiones), and they were reminded of their duty to inform him of their interventions and decisions (de opera). they had to report serious professional misdemeanours by counts, they had to submit lists of important personages, lay or clerical, who absented themselves from the placta missisce; they had to send in the names of any scabiti, advocati or 'notaries' they themselves had appointed. they are told to report, county by county, on the upkeep of benefices held from the king or from other lords within their missaticum, and at a later date to submit a full list of all such benefices with a descriptio of each, detailing the state of upkeep, encroachments on the king's rights, and the numbers of vassals living casati on lands which formed part of the benefice. On yet another occasion they are asked for a full list of non-autonomous elements in the population. Lastly, when a capitulary was promulgated as an addition to one or all the national laws, the missi had to supervise the subscription of a copy by the counts, subordinate officials and scabiti, and presumably convey the copy back to the palace.

the Palace also received reports and returns relating to the administration of the royal domains. in 787 we find Charlemagne demanding descriptions—we can, i think, call them polyptychs—of all the italian domains he had assigned to Hildegard, his deceased queen. this is a text which applies to lands in the italian peninsula, but there is nothing specifically Italian in the preoccupation which inspired it. in any case, we also have the Capitulare de villis, which is quite general in its application and

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demands from the indices, or chief administrators of the fisci, a multiplicity of reports and returns. the annual returns to be compiled and sent to the Palace were as follows: a statement of the produce derived from cultivation (latabilio), submitted before the ms-stay fetched from st. ARGENTIUM DE NOSTRO LABORES) was paid in on the day appointed, which was palm sunday; a statement of the commodities available for consumption during Lent, after the court's allocation had been subtracted; three separate returns of the total production of the fisci, the first showing everything allocated to the king's service or the army, or still in hand for some special purpose, the second showing what had been distributed to the paupers, set aside for sowing and so forth, the third accounting for all the rest, for example everything sold; and a general survey, to be submitted each Christmas, showing production, revenues of various kinds, and the resources of the fisci in human and material equipment and reserves, all set out under the appropriate headings. it is well to bear in mind that we are dealing here with instructions; how far they were carried out may have been another matter.

further orders on estate management were issued after Charlemagne's accession to the empire. between 803 and 813 he demanded returns, to be sent to the palace, of the wood and the issued to the men who worked in the gynaeceum on the royal domains, and a statement of the number of garments woven. in 811 he wanted descriptions not only of benefices held by the Crown but also of all royal domains not granted out in benefice; and to give him a clearer picture of the imperial properties, the descriptions had to be made by missiaces. the descriptions of the fields of Annapes, Gysoing, Somand (France, Nord), Vitry (Pas-de-Calais) and Trier (Sènse et Isc), known to us from the Bréviaire eclipse, were possibly made in response to this command.

To the reports and returns dealing with the administration of the royal domains we must add those demanded in respect of the landed properties of great ecclesiastical establishments. we know that in 787 Charlemagne ordered two missi, Abbot Landri of Juniages and count richard—to compile an inventory of the possessions of St Wandrille. this is unlikely to have been an isolated case. Furthermore, the Bréviaire eclipse, which were intended as models for descriptions of domains, contain not only brevia for fisci but also some fragmentary descriptions—of a different type—of church properties (belonging to the bishopric of Augsburg and the abbey of Weissenburg); these descriptions obviously owed their existence to the intervention of missi. when we think of the use the Carolingians made of church property, the interest of such documentation becomes apparent.

All the administrative documents so far discussed can be attributed to the activity of the Palace, missi, local officials, or administrators of domains. But we also hear of written records we are unable to connect with the
activity of any known institution or agent. Who, for example, drew up the list of Saxon hostages and their custodians, the gist of which has come down to us? Was it compiled in the Palace, or by some commander in the field? We do not know. What we do know is that the commendatariae, the letters of recommendation which a priest who had served one Eigenkirche had to present to his new master before being accepted to serve another, were issued not by a representative of public authority but by the lord of the Eigenkirche the priest was leaving; even so, we are still dealing with a document which Charlemagne's legislation made obligatory.66

Just how administrative documents were produced is difficult to establish. As regards the documents which issued from the Palace (capitularia missarum, circulars, despatches, instructions of various kinds), we are completely in the dark: there is nothing to indicate whether or not they were produced by what is conventionally known as the chancery.62 In all probability they were written, on orders from the monarch or one of his advisers, either by a cleric serving in the Palace or by some young man preparing himself for public or ecclesiastical office, one of the pueri palatini.63 There seems to have been no regular writing office with the capacity to produce copies of the same document in reasonable quantity. In 808, when Charlemagne issued a capitulary concerning mobilisation in a particular region, he ordered it to be made in four copies: one for the missi conveying the capitulary, one for the count involved, one for the missi who would command the army once it had mobilised, and one for the chancellor. Since the capitulary must have affected several counts, we can only suppose that each was expected to take note of its contents, if necessary making a copy, before passing it on; providing a copy for all the counts affected was apparently beyond the resources of the Palace. Still in the later part of the reign, we hear that a document whose content was to be notified to local officials and populations through the missi could not be supplied to each group of commissioners; those who had a copy were expected to pass the information on to the rest.68 With such methods of transmission there was obviously plenty of scope for error. Presumably, the 'notary' who in all probability accompanied the missi to attend to their written business in many cases made copies or notes of documents for them, which could partly account for the great diversities in the manuscript tradition of certain capitulaires.

Documents purporting to be written by missi or counts must in practice have been the work of a notary when they had one, or of some cleric pressed into service for the occasion. Some places had a cancellarius or notarius appointed for the county and charged with the drawing up of deeds: where this was so, we can assume he would normally have attended to the count's written business.69 In the period after his accession to the empire, Charlemagne gave orders that bishops and abbots, as well as counts, should each have a notary;60 if a count had failed to appoint one, the missi had the emperor's instructions to appoint one themselves.61 It is questionable whether this order was everywhere obeyed.62

The use of the written word for administrative purposes supposes the existence of archives, since without them records cannot play their proper role. That archives of a kind existed at the Palace is not in doubt. We know that two copies of 'Pseudo's solemn renunciation of 794 were destined for preservation at the Palace. The same is true of one of the copies of the mobilisation capitulary of 808, and of one text of the canons issued by each of the five reforming councils of 813.63 It was presumably in the Palace archives that Fuldhard, private secretary to Louis the Pious,64 found the letters Charlemagne received from the king of Galicia and Asturias, and from the Irish kings.65 This was the archivum palatii.66 It seems to have been placed under the authority of the chancellor, though whether the deposit was a dependency of the 'chapel' is impossible to say.67 We know nothing of the way it was organised, nor even whether the Dogmatica scriptoria, to whom Alcuin addressed a letter, was attached to the deposit.68 It is known that along with documents received the archive also housed drafts of documents sent out, as was certainly the case with some of the capitulaires.69 But we cannot tell if this was a general rule, and if so, how far it was observed.

Documents concerning the royal domains and their administration, when they were kept, may have formed a separate deposit. A reference in a capitulary from the imperial period suggests that they went to the camera or chamberlain's office;70 when a general superintendent of the domains was appointed, he may perhaps have taken charge of them.71

As for the counts, we know that in the imperial period, at least, they were requested to make a collection of the capitulaires and other instructions addressed or communicated to them, which according to extant copies they received from their missi they were to read and re-read.72 It is doubtful whether the counts' collections can ever have been very complete.

We must now consider what conclusions are to be drawn from the foregoing exposition.

The fuller use of the written word to administer the Frankish realm under Charlemagne stands in contrast with the modest role it played under Pippin III and its insignificance in the preceding reign. Unmistakable signs of this fuller use appear as early as the 780s and 790s: it reflects aspirations towards a clearer view of things and a concern for order, stability and system in state and society, goals characteristic of Charlemagne, which the written word could help to promote. In the years following the imperial coronation we find still greater emphasis on written records, as is consistent with what we know of the emperor's
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efforts, admittedly somewhat fruitless, to make his government more efficient, and thus better equipped to combat a growing number of abuses. These developments in the use of written records during the latter part of the reign are no doubt also partly accounted for by the emperor’s decreasing mobility. However that may be, there seems to me no doubt that the use of the written word for administrative purposes was an act of policy.74

It was a policy which continued to be applied, and with greater emphasis, under Louis the Pious; in Francia Occidentalis it even continued under Charles the Bald. But thereafter, from the end of the ninth and in the succeeding centuries, the use of the written word to administer the states produced by the dissolution of the Carolingian empire progressively diminished, until it almost reached vanishing point. This is a fact so well known that it hardly needs to be recalled.

It must also be said that even under Charlemagne the written word was not fully exploited. It is highly characteristic, for example, that no trace has survived of any diploma of appointment to important offices, for example that of count,75 although we know that such a diploma existed in the sixth and early seventh centuries. Furthermore, it seems certain that many of the records ordered to be made were never in fact compiled, or if they were, only in unsatisfactory fashion. One reason, of course, was the deficiency of personnel, both in quality and quantity. This can be illustrated by considering two particular cases. I have already described the returns demanded in connection with the oath-taking of 793: would every county have had a scribe capable of compiling them, by centena or vicaria, with the necessary clarity and precision? That some returns were compiled is not in doubt; we can be equally certain that others were never produced, or if produced, that they left something to be desired.76

Again, what of the many returns demanded from the indices who managed the fisc?77 To compile them, these officials would have needed assistance not only from scribes but also from expert accountants. Where were such men to be found? As in the first instance, we need not doubt that some returns were made; but few can have met the requirements laid down, and many probably never saw the light of day.

When these documents—reports, lists, returns and so on—arrived at the Palace, were they all used, or indeed used? The answer is undoubtedly that they were not. We find no trace at the Palace of the departments needed to sort, study and classify documents of this kind. Some of them were used; just a few were referred to more than once—very important texts preserved with special care, or others whose survival was due to chance—but the bulk must have piled up in a confused heap, or vanished completely. We have to set this mass of documents arriving at the Palace beside the mass of business which had to be transacted there, but could not be dealt with, or was handled inefficiently.78 Admittedly,

these remarks apply only to the Frankish or imperial Palatium; in the departments and archives of the Palatium of Italy better order may well have prevailed.

Effective use of written documents demands a minimum of intellectual training. At the period under discussion this was a very weak point, particularly among the laity. We have only to look at the questions counts asked of the Palace, and the replies which came back, to realize that the mental capacity of both sides was strictly limited. When a missus invited a count to send a subordinate to receive instructions, he had to stress it should be someone capable of understanding them.79 Even the scribes—and they were clerics—were not clear in their work. The report submitted by the missus Vernarius in 780 would be incomprehensible if we did not also have the report of a placentum to enlighten us.80 We have only to look at a few capitularies—capitulare missorium in particular—to realize just how faulty and obscure they are in composition, even at the end of the reign. Documents of this kind must have produced some dire confusions.

But when all is said, the fuller use made by Charlemagne—and Louis the Pious—of the written word in the administration of their realm is a fact of great historical importance. For despite all the imperfections and failings, it gave a powerful stimulus to the formation and development of social and political cadres which have left a profound and distinctive mark on countries once part of the Carolingian empire.81

NOTES

1 Charlemagne et l’usage de l’écrit en matière administrative, Le Moyen Age 17 (1911), 1–25.

1. MGH Formulari, Form. Marculf, 305, 4, 6, 8, 11, 19, 23, 26–9, 174 on the date and origins of the formulary I share the views of L. Levillain, ‘Le formulaire de Marculf et la critique moderne’, Bibliothèque de l’École des Chartes (1925). See also F. Loi, L’inçapt fascicule et la capitulation personnelle sous le Bas-Empire et à l’époque francaise (Paris, 1928), 83 ff.


3. Formula no. 6 (which is a charter from the king designating someone bishop of a certain) of the episc. Marculf: a collection dating apparently from the mid-eighth century—is still thoroughly Merovingian (MGH Formulari, p. 109); formula no. 51 (ibid., p. 115: royal command to a count to take action against a paganus who has failed to appear before the king’s court) of the Tours collection—generally considered to date from about the middle of the eighth century—is largely a reproduction of Marculf i, 37, but has
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been given an inutilitio which conforms to that of Pippin III: it would be rash to assert that this formula reproduces a document which actually existed.

4. MGH Cap., i, no. 18: the only articles dealing with judicial activities are c. ix and x.

5. For a typical passage see the introductory section to the Admonitio generalis of 886 (MGH Cap., i, no. 22): in order to make whatever reforms are necessary in the life and organisation of the Church, Charlemagne is sending missi on a visitation of bishops and abbies; furthermore, sed et aliqua capitula ex canonicis institutionibus, qua magis nobis necessaria vitandantur subinclusa.

6. I have in mind manifestations of law-making such as the publication and revision of the national laws, the promulgation of general regulations, which are permanent, in capitulaires of various types, and the promulgation, starting in 803, of capitularia legis addenda. On attempts to commit law (with revisions) to writing see Annales Laureshamenses, 802 (MGH IV, i); Einhard, 1 K, xxix. For the judges' obligation to observe the written law, see Ann. Lanuv., loc. cit., and capitularia missorum generales, 802, xxvi (MGH Cap., i, no. 31). In Italy, not surprisingly, the superiority of written over customary law is asserted as early as 879 (MGH Cap., i, no. 95, x); for the date see C. de Clercq, La législation religieuse françoise de Clovis à Charles IX, (Louvain, 1916), 165–7.

7. See for example the Capitularia legis addenda (803), c. vii (MGH Cap., i, no. 35) and the reply to questions put by a missus, (802–3), ibid., no. 38, c. vii. On the implications of the attempt to institute a 'chancelor' or 'notary' for each diocese, which at latest dates from 803, see A. de Bouard, Manuel de diplomatie françoise et pontificale, ii. L'acte privé (Paris, 1948), 129–30.

8. Synod of Frankfurt, 794, c. vi (MGH Cap., i, no. 28): if, in a dispute lying within his competence, a bishop is unable to secure the appearance or submission of the defendant either before himself or before the metropolitan, tunc tandem eundo auxilium accetum ac capitularem litterarum metropolitam, ut viam veritatis vi. Capitularia missorum generales issued at Thionville, 803, c. viii (ibid., no. 44); if one of the parties to a suit is unwilling either to acquiesce in the judgment or to make a charge of false judgment and wants to apply to the Palace, then that party must produce the request and ... cum custodes et cum suis litteris ... ad palatium nostrum veniuntur. Capitulary issued at Aachen, 809, c. xiv (ibid., no. 61): oath-helpers are ordered ... cum indicio et sigillo ad palatium venire. Bavarian synod held in 799 or 800 at Freising and presided over by Arn, archbishop of Salzburg, c. xxvi (ibid., no. 24): same rule as in the Frankfurt capitulary, cum litterarum commundatibus dirigere eum studet ad regem. A capitulary issued by Pippin III (711–15) provides for similar cases (MGH Cap., i, no. 13, c. vii; on the date see De Clercq, op. cit., pp. 131–2), but makes no mention of written documents.

9. Synod of Frankfurt, c. iii (MGH Cap., i, no. 28). See below, n. 64.

10. AHR, 865: De hac partitiue et testamento factumque et inimicando ob actionem: ... cum omnibus litisibi mandata suae et Leoni pape in his mna manus subscripsit per subinclusa missa. The text is printed MGH Cap., i, no. 45.

11. 803, MGH Cap., i, no. 51: by anno octavo. Capitula cum primis conferenda. Thirteen articles follow, in the form of short headings (i. De inutilitibus et judicio, ii. De judicio temporis ecclesiae, iii. De interpositione ducum et principum et vicarii, iv. De capitularia missorum generales ... et singulariter illos aliqui. The three capitularia are of the same character; the first is missis, the second ecclesiastical and the third secular. On the whole topic see De Clercq, op. cit., 210–11, 212–15.

12. MGH Cap., i, no. 71, xii: ... in quantum investigaverunt possumis mittere eun vehire non dubito.

13. G. Seeliger is probably right when he says (Die Kapitularen der Karolinger, Munich, 1893, 71) that MGH Cap., i, no. 63 minutes decisions taken during an assembly held at Aachen in 805; no. 61 could be a capitularem per quod bremenium promulgated at the conclusion of that assembly, and no. 62 a memorandum for the missi who were charged, amongst other things, to see that the measures decided on were executed. For the assembly of 810 and 816 would play the same role as no. 61 for that of 809 and no. 63 the same role as no. 62. Seeliger (op. cit., 212) thinks we should regard both nos. 61 and 64 as minutes of the assembly's decisions, but his view is difficult to reconcile with c. vii and xii of no. 64, which certainly look like instructions to missi.

14. Articles which make this last duty plain are to be found in a number of capitularia: the capitularia missorum of 803 (MGH Cap., no. 49), c. v, vii, xvi, xvii, xix, the capitularia missorum generales issued at Tournai, 805 (ibid., no. 44), xii, xix; the memorandum of 807 (ibid., no. 48), c. iii; the capitularia missorum capitularia of 815 (ibid., no. 50); cf. De Clercq, op. cit., 221). Seeliger argues (op. cit., 69–70) that several of these texts should not be classed as capitularia missorum, but the passages just cited are already enough to weaken his case.

15. The documents I accept as capitularia missorum are as follows, all printed MGH Cap., i: nos 23, 24, 25, 26, 27, 29, 31, 34, 40, 41, 44, 46, 48, 49 (in part), 50, 53, 60, 62, 64, 66, 67, 69, 83, 88. 

16. Ibid., nos 24, 48, 50.

17. The list of instructions issued to the missi who were despatched throughout the empire in the spring of 802 has survived in copies made for the missitia of Paris, Le Mans, and Orleans (MGH Cap., i, no. 34). Certain articles (xii, xiii, xiv, xv) notably those which apply to coastal regions, figure only in the copies intended for the Paris and Le Mans missitiae.


19. For example, cap. miss., 802 (see above n. 15), c. vii. De pernicia, c. viii. De bonifico, c. vii. De illi bonifico qui nostre beneficice habebant fictia et aboles erat restitutis. Similiter et de regno ecclesiasticum.

20. Known to us from Formulae Imperialis no. 7 (MGH Formulae, p. 292), this collection dates from the reign of Louis the Pious, whose chancery it was compiled. Despite this late date, the formula agrees so well with information
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to be gleaned from some of Charlemagne's capitulaires (no. 3, xxvii; no. 40, v and xvii and no. 59 ii), that I feel justified in using it here. Cf. F. L. Ganshof, 'La Tractoria', Revue d'histoire du droit, viii (1927), 88–90. The missal of Formulae Marculfianae ati carolini no. 20 (MGH Formulae, pp. 124–2) has a Carolingian look to it, but for our present purpose it is of no interest, since it is an almost word for word copy of Form. Marculf, i, xi.

21. MGH Cap., i, no. 54: Capitulare quo volumus si episcopi, abbates et comites qui modo ad causa redunt per singulam locum eorum nota faciant et observare sunt, tam infra eorum parochios et misericors seu ministria eorum communia tium qui in exercicio suis sunt opusculo nostro ferrentur. There follow six articles dealing with aid to the needy, mobilisation, brigandage, and the monastic life.

22. MGH Cap., i, no. 111 (ambassadors sent with gifts for Pope Hadrian I, presumably 781); MGH Epist., iv, pp. 133–6 (mission to Pope Leo III, 796).

23. MGH Cap., i, no. 977; on the date see De Clercq, op. cit., 161–2.

24. MGH Cap., i, no. 21; on the date see F. L. Ganshof, 'Note sur deux capitulaires non datés de Charlemagne', Miscellanea L. van der Eemen, i (Bruxelles, 123–8; Melcher's formula no. 63 (MGH Formulae, p. 262) presumably represents written instructions given by a missus to a bishop. MGH Cap., i, no. 124 and note the allusion in no. 127.

25. MGH Cap., i, no. 29, later in date than Admonitio generalis iuxti (789; ibid., no. 22), but prior to Charlemagne's assumption of the imperial title, ibid., i, no. 25; on the date see F. L. Ganshof, 'La révision de la Bible par Alcuin', Bibliothèque d'Humanisme et Renaissance, ix (1947), 12–32 above).

26. MGH Cap., i, no. 52; on the date see M. Bloch, 'L'origine et la date du Capitulaire de Villars', Revue Historique, cxliii (1921), from which the passage in inverted commas is taken, and F. L. Ganshof, 'Observations sur la localisation du Capitulaire de Villars', Le Moyen Age (1949), 203–4.

27. MGH Cap., i, no. 54 (805–8), iii, instructions in case of mobilisation: Ut omnes praeparatati sint ad Dei servitium et ad nostram utilitatem, quandocumque missus aut epistola nostra veniret, ut statum nubiscum veniret faciat.

28. MGH Cap., i, no. 75, which Borretius dates 804–811; my reasons for assigning it a more precise date will be justified elsewhere.

29. MGH Cap., i, no. 122 (to Bishop Gerhard of Liege; De Clercq, rightly in my opinion, dates it 801–810, op. cit., 222–3). Cartae Sueciae no. 26 and Formulae Marculfianae are carolini no. 18 (MGH Formulae, pp. 196, 121) are also relevant even though they may be adaptations of earlier texts (see Form. Marculf, i nos. 17 and 26, ibid., pp. 67, 60–1). Cartae Sueciae no. 18 (ibid., p. 193) is definitely not taken from a document issued by the palace.

30. MGH Cap., i, no. 94 (Pavia, 787–8; De Clercq, op. cit., 165–7). Ineptit capitula de diversis institutis secundum vetit domni Caroli, generosus nostro, ibid., no. 104 (806–810; the capitation to which he alludes is that of 803, ibid., no. 59).

31. Council of Mainz, c. iv and vi; MGH Concilia, i, no. 35; Council of Tours, c. ii, ibid., no. 38.

32. MGH Cap., i, no. 59; two articles (ii and xi) are still in the second person.

33. MGH Cap., i, no. 85 (802–813; cf. De Clercq, op. cit., 226), c. iv: si aliquid de omni illo mandatum . . . quod vobis domini nostris aut scribendo aut dicendo commendatum est, doletisse aut vellet missum restraint bene intelligitum ad nostra missione, quilibet omnium et bene intelligitum et admirabile Domini bene perpetuus.

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34. MGH Cap., i, no. 121 (800–813).
35. ibid., i, no. 58 (802–813; cf. De Clercq, op. cit., 222).
36. Formulae Sueciae Merkliniae, no. 11 (MGH Formulae, p. 219; its date must be 790–809).
37. MGH Cap., i, no. 83, iii: Deinde si quisquis nobis velibus aut incommodis fuerit, . . . superaddit illos quasdam vicem fuerint et alia autra, si susceper fuerit, remunet aut nobis ipsissimius non nostrum vicem daret. . . .
38. See, for example, Pippin of Italy's capitulare of 828 (MGH Cap., i, no. 91) c. vii, and another promulgated by the same ruler at an assembly held in Manuta between 828 and 830 (ibid., no. 87; on the date see De Clercq, op. cit., 218–19), c. ii and iii.
40. MGH Cap., i, no. 25, i, ii, iii, iv (23 Dec. 792–7 Apr. 793); on the date see Ganshof, 'Note sur deux capitulaires', 128–32.
41. That the missus of spring 802 submitted a general written report seems certain: MGH Cap., i, no. 33, xl.
42. MGH Cap., i, no. 40 (803), xxv
43. MGH Cap., i, no. 84 (803–811), vi: missis certissimis quod grandem ecclesiam contra ratio nem habitationis (the missi, addressing themselves to the counts of their area).
44. MGH Cap., i, no. 58 (imperial period), c. v: et qui tunc venire contempserint, eorum summum anno ad placitum nostrum generali missis representem (the emperor addressing the missi).
45. MGH Cap., i, no. 40 (803), iii: et eorum summum, quando reversi fuerint, sumum scriptum deferant.
46. MGH Cap., i, no. 49, iv (which in my view has no connection with the preceding articles; it must in any case be later than the great capitulare missorium of spring 802, ibid., no. 35). The article sets out the various headings which should figure in the report. Ibid., i, no. 80, (813), c. v: ut missis miestri diligentem imprimatur et describere faciant missorum tuum missorum; quid missique de beneficio habatur vel quod honores casatos in tuto beneficio. C. vi: Quando eodem beneficio contristori sunt, aut quid de beneficio suo abdum comparantur el stimulis. These two articles form a group with the succeeding article, c. vii, which applies expressae verbis only to benefices held of the king (see below, n. 13).
47. MGH Cap., i, no. 67 (803–813), iv: De adventiis ut, cum missis nostris ad placitum nostrum veneant, habeant descriptionem quanti adventicii sunt in eorum missoriaco et de quo pago sunt eorum senores.
48. MGH Cap., i, no. 40 (803), xix (orders) and the note preserved in Paris, lat. 4995, f. 19 v (their execution), documents connected with the capitulare legions addition of 803 (MGH Cap., i, no. 39).
49. MGH Cap., i, no. 93 (787; cf. De Clercq, op. cit., 165), c. xiv: De rebus quibus Hildegardis reginae tradita fuerunt, volumini aut fasciculo descripsi eum brevem et ipso libro ferunt ad nos fonte additor.
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c. xxviii. c. xlv: et quod religiones fuerit nobis per brevem ... inane: c. lv: Volumen ut quicquid ad nostrum ajus indices dererint vel servarent an sequiuerentur, in uno nono scripturum faciant, et quinquies dispersuiscentur, in alio: et quod religiones fuerit nobis per brevem santeram, c. xlix: ... omnis reposita, distincta et ordinata ad Nationalem Domini nobis notam faciant, ut vide sequebamus quod vel quantum de singularibus rebus habeamus. My interpretation of these texts agrees with that of M. Bloch, 'La organización de los dominios reales carolingios y las teorías de Dopsch', Anuario de historia del derecho español (1926).

14. MGH Cap., i, no. 118, xxv ff. These texts date from the reign of Charlemagne or Louis the Pious (probably at latest before 816-7); cf. Ganshof, 'Observations sur deux capitulaires', 204, n. 8. See P. Grierson, 'The identity of the unnamed Inc and the Benedictine text of the consecration of the abbot of Saint-Bertrand de Comminges', REB, lv (1956), 92 ff., and in (1956), 3, thinks that the benefices of the bishops, abbots and abbesses in question are their episcopate or abbatial.


16. List of hostages: MGH Cap., i, no. 115; commendatio: when Charlemagne found himself obliged to regularise the status of the Esquibache he applied to it an ancient rule of canon law which forbade the acceptance of a cleric from one diocese by another without commendatio (see, e.g., Admonitio generalis of 789, MGH Cap., i, no. 22, c. iii). The texts which concern us here are canon xxvii of the Synod of Frankfurt (Ibid., no. 28) and for Italy c. vii of Pippin's capitulary of 802-810 (Ibid., no. 192; cf. de Clercq, op. cit., 218).

17. H. Bresslau, Handbuch der Urkundenlehre für Deutschland und Italien, i (2nd edn, Leipzig, 1912), 381.

18. See the letter from Alcuin, MGH Epist., iv, p. 282 (no. 171); cf. E. Lene, op. cit., v, 'Les Ecles de la fin du VIIIe siecle à la fin du XIIe', (Lille, 1940), 50.

19. MGH Cap., i, no. 50, c. viii: Istibus capitulitis exemplaria quaternum volumen ut accipiantus et nunc habebant missi nuntii, alterum enim in comes ministerrum hac facienda sunt, ut aliter non faciant nec missis nuntii nec missis nunc sint sic se nos capitulorum ordinis est, tertium habebant missi nuntii qui super exercitum nostrum constituti sunt, quartum habebat cancellarius nuntii: cf. Scholz, op. cit., pp. 32 ff. MGH Cap., i, no. 67, c. vi: Quinquecumque ibi capitula habet, ad alios missis ea transmittit qui non habent, ut nulla excusatio de ignorantia fiat; cf. Scholz, op. cit., 23.

20. In Carolingian texts, where the existence of a person drafting deeds for a county is mentioned, as in texts where there is mention of a person employed to the count's writing for him, I think cancellarius and notaries are synonymous. In favour of this view are Bresslau, op. cit., i, 2nd edn, 592 ff. and H. Brunner and C. von Schwerin, Deutscher Rechtsgeschichte, ii (2nd edn, Munich and Leipzig, 1928), 207, against O. Röell, Die Urkundenkunde der Mittealter (Munich and Berlin, 1911), 61, and A. de Boeard, op. cit., 11, 130 ff.

61. Ecclesiastical capitation issued at Thionville in 804, MGH Cap., i, no. 41: Wiltenbürtel (now Blankenburg) no. 130 added to the heading De notariis at c. v ut monopsonis scriptus et alibi vel coram suis notariis habebat; the lessons to be learned from this manuscript strike me as deserving serious consideration.

62. Capitularies issued in 803 (MGH Cap., i, no. 30, c. ii): Ut missi nostri captivi, advocatus, notarius, in domum bene locata et eorum numina, quando revelatius, cum summa scripta deferant. The power of appointment here vested in the missus looks to me like a reserve power. That the count himself normally appointed his 'notary' or 'chancellor' seems implied by a passage c. ii of the Vita V. Eparchi, composed at the beginning of the ninth century (MGL, li, no. 534), which is noted by Bresslau, op. cit., i, 2nd edn, 592 n. 2. The county cancellarius is also mentioned in the reply to questions put by a missus, printed MGH Cap., i, no. 38, c. ii, and in a fragment of a lost capitulary preserved Ansetogus, iv, 44 (Ibid., p. 342), but these passages do not touch on his administrative role.

63. The county 'chancellor' or 'notary' lingered on in the Burgundian regions and nearby southern Swabia much longer than elsewhere, perhaps an indication—though this is sheer hypothesis—that Charlemagne's plans met with greater success in those parts.

64. Synod of Frankfurt, MGH Cap., i, no. 28, c. iii: Unde tres libros ex hoc capitulo uno nunc publicis in palatio profiterentur, alius propter suaviter venire in varios palatii capituli reconditum fueri insistit. MGH Cap., i, no. 10, c. viii: see above, no. 19. ART, 813: quemadmodum et in archivio palatii exemplaria illarum habebat.

65. MGH Epist., v, pp. 111 and 113 (Einhard's letters, nos 4 and 12).

66. Einhard, I, xvi.

67. See above, no. 64.

68. See above, no. 19. Bresslau, op. cit., i, 2nd edn, p. 161, basing himself on texts which relate to the early part of Louis the Pious' reign, disputes the connection between the archivum and the chapel postulated by T. von Sickel, Acta regum et imperatorum Carolinarum, i (Vienna, 1867), 9. But Bresslau's argument assumes the existence of a chancery as an institution quite distinct from the chapel; an assumption which seems undermined by the more recent work of H. W. Kleweitz, 'Cancellaria', Deutscher Archiv für Geschichte des Mittelalters, i (1917) and G. Tisseret, 'Origines et pseudo-originaux du chanceller de Saint-Denis', Bibliothèque de l'École des Chartes, clxxv (1945-6).

69. MGH Epist., vi, p. 115 (Alcuin's letters, nos 74, 75, 76).

70. e.g. the copy of which there is direct mention in the capitulary of 808; see above, no. 19. The text of the Herital capitation (MGH Cap., i, no. 79) must have been preserved in the Palace archives; how otherwise can we account for the detailed references to its provisions in later capitularies?
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There is record of draft copies (but not of the draft copies) in the reign of Louis the Pious (Breslau, op. cit., i, 2nd edn. 105).

71. See above, n. 52.

72. For example the count Richard, villarum suarum provisorem, mentioned by the Astronomer, Vitae Hincowicz, vi (MGH SS, ii, 616), who held office in the reign of Charlemagne (794). This must surely be the count Richard who in 787 was ordered with the abbot of Jumièges, to make a 'description' of the landed possessions of St Wandrille (see above, n. 31).

73. MGH Cap., i, no. 85: introduction, Nunc autem admonemus vos ut capitularia vestra religiati et quaque rubis per orbem communis sunt recollatis... c. vii.

74. A conclusion parallel to the one reached by Redlich, op. cit., 65, and A. de Beïard, i, 150, in the matter of Charlemagne's preference for written documents as instruments of proof.

75. There is no specimen diploma of appointment to a countship among the Formularum Imperialis (see above, n. 20). Numbers 13, 14, and 15 of the Formularum Merovingian aevi Carolini (MGH Formulae, 119-20), although relating to the consecration of a bishop or the appointment of a count, merely reproduce Merovingian formulae, with slight modifications, and do not come into the picture.

76. For the lists required at the oath-taking see above, p. 130. A list of 180 persons who took the oath of fidelity in an Italian county has come down to us (MGH Cap., i, no. 181); if this list dates from the reign of Charlemagne, which is not certain, the directions given in the capitularium missorium of 792-3 have not been followed.

77. See above, p. 131.

78. See e.g., MGH Cap., i, no. 64, c. ii; ibid., c. vii and no. 74, c. iv; no. 80, c. ii.

79. Ibid., nos. 85, c. iv and 58. Cf. above, p. 129.

80. See above, n. 49.

81. The basic ideas developed in this article formed the subject of a paper read to the Legal History Section of the Ninth International Congress of the Historical Sciences held at Paris in 1950. In the discussion which followed helpful remarks, for which I am most grateful, were made by Professors C. G. Mor, of the University of Modena, G. Tessier, of the Ecole des Chartes, and F. Vercauteren, of the University of Liège, who was in the chair.

IX. The impact of Charlemagne on the institutions of the Frankish realm

While the decisive influence of Charlemagne on the institutions of the Frankish monarchy is well known, what is more obscure and what is here to be discussed in detail is the manner in which Charlemagne wielded this influence. This was done chiefly through the capitularies which were decrees divided into articles (capitulum) by which the Carolingian monarchs issued legislative and administrative provisions. Traditionally called constitutio, decretum, editium, etc., they were more recently known as capitula or capitulare. From the capitularies through which Charlemagne exerted the most influence on Frankish institutions, we have selected a few which form an important group and which are extensive ordinances, generally issued at times of crisis, most often at the gatherings of a great assembly. Though generally concerned with religious problems, they deal with numerous other matters. Their object seems to have been twofold: on the one hand, a correct enforcement of traditional rules which had been unfortunately neglected; on the other hand, adaptation of these rules to new circumstances which often involved the creation of new regulations.

Let us deal first with the capitulary of Herstal, the oldest decree to which the name of capitulate has been applied and which was published in 779. Its elaboration closed a period of very serious political crises: the disastrous expedition to Spain in 778, the violent Saxon revolt of the same year which saw the enemy at Deutz opposite Cologne, and the fear of an anti-Frankish uprising in Aquitaine and in Septimania. Prepared in the assembly that gathered at the palace of Herstal on the Meuse and promulgated by the king, this capitulary reorganised the most important public institutions and introduced considerable reform. It dealt with purely ecclesiastical matters as well as with administrative and judicial subjects which involved the functioning of several institutions. Both