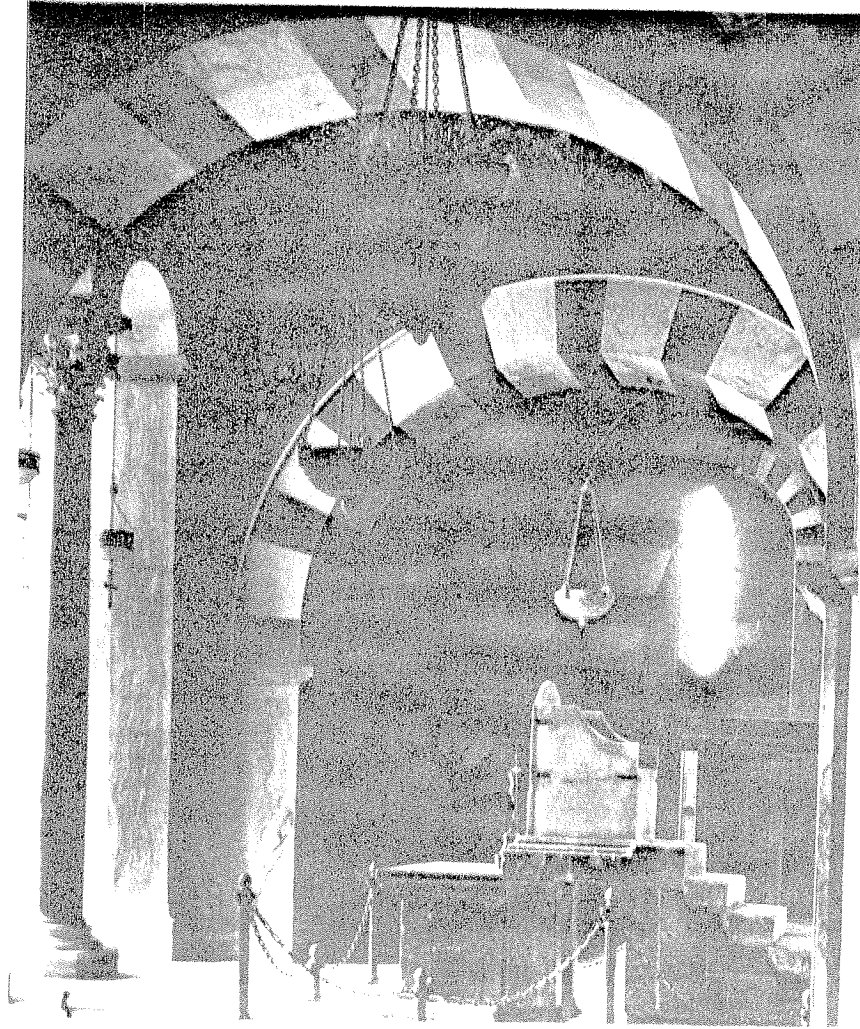


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*Charlemagne's throne in the gallery of the octagon of the palace chapel at Aachen.* The throne, which is approached by a staircase with six steps consists of four stone pillars supporting the *mensa*, i.e. the base on which the chair is raised. The 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.

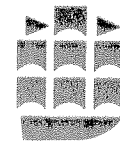
Installed in the seclusion of the royal (later imperial) logia, the throne faced the main altar, which was visible through the centre opening of a three-part bay formed by two marble pilasters and two marble columns. Charlemagne could thus follow the Mass and liturgical offices. For an even clearer view, 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.

F. L. Ganshof

# The Carolingians and the Frankish Monarchy

Studies in  
Carolingian History

*Translated by Janet Sondheimer*



Longman

*De iuramentis ut frustra non fiant et non aliter nisi senioribus ad utilitatem regiam et unicuique qui suam iustitiam querit.* There is no mention of the oath of fidelity to the king, which is naturally regarded as lawful. Halphen discusses the rule laid down in 805, op. cit., 202.

53. On this point see the excellent appraisals of Fustel de Coulanges, op. cit., 255 and Brunner-von Schwerin, op. cit., II, 2nd edn, pp. 77 and 82. I took the subject of this study as a topic for research in my seminar on medieval history at the University of Ghent in 1947-8 and 1949-50. Mlle M. van Winter, 'candidat en philosophie et lettres', MM. W. Roels and R. van Caenegem, 'licenciés en philosophie et lettres', and M. A. H. Bredero all took an active share in the work. When this article was already in the press, M. Roels drew my attention to a legal record which proves that the oath of 802 was actually administered: it is a notice of a Bavarian judgment, dated 14 August 802, mentioning witnesses who were cited and heard *per sacramentum fidelitatis quem domno Karolo magno imperatori ipso praesente anno intraverant* (T. Bitterauf, *Die Traditionen des Hochstifts Freising*, I, Munich 1905, no. 186, pp. 178-9).

## 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 formulary 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.<sup>1</sup> If we turn to the *Lex Ribuaria*, we find that it contains provisions which mention a *cancellarius*, 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.<sup>2</sup> It is by no means established, however, that the 'chancellor' of the *Lex Ribuaria* 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.<sup>3</sup> 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 768, 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-

vention in support of religion, the royal power and the rights of communities and subjects.<sup>4</sup> A new form of administrative document had made its appearance, the document shortly to be known as a *capitulare missorum*.

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<sup>5</sup> 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.<sup>6</sup> In judicial matters we find an unmistakable preference for written evidence.<sup>7</sup> 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.<sup>8</sup>

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 and final renunciation of all his rights over Bavaria, made at Frankfurt in 794 and recorded in a document made in as many as three copies.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> There may have been occasions when one or

two important people were given copies of the agenda in advance of the meeting.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup> We have here the development of a document first met with under Pippin III, the *capitulare missorum*. Three such survive from the period before the imperial coronation, and perhaps seventeen from the period after it.<sup>15</sup> Some of these *capitularia missorum* were drawn up for the use of *missi ad hoc*, 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;<sup>16</sup> 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.<sup>17</sup> With the exception of the great *capitulare missorum* of 802, which embodies a religious and political programme promulgated after Charlemagne had assumed the imperial title,<sup>18</sup> these texts show a great economy in drafting, some of the articles even taking the form of headings or allusions.<sup>19</sup>

Another administrative document carried by *missi* was the *tractoria*, an authorisation to requisition transport, lodgings and provisions.<sup>20</sup>

Along with the *capitularia missorum* 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.<sup>21</sup>

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.<sup>22</sup>

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 Herstal.<sup>23</sup> Another circular, issued between 25 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 807—we have the copy addressed to bishop Gerbald of Liège—and perhaps again in 810.<sup>24</sup> Also to be classed as circulars are the celebrated *Epistola de litteris colendis*, 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 homiliary composed by Paul the Deacon.<sup>25</sup> Finally, there is the *Capitulare de villis*, issued between 770 and 800 to administrators of *fisci*, in an attempt to ‘bring a modicum of order into the by now defective management’ of the royal domains.<sup>26</sup>

Another type of document sent out directly from the Palace was the written mobilisation order, when it was not transmitted through the intermediary of a *missus*.<sup>27</sup> 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.<sup>28</sup>

The Palace also despatched administrative documents direct to individuals. Comparable with our modern despatches, they dealt with some particular affair or class of affairs,<sup>29</sup> usually issuing some directive; they are often called by the traditional name, *indiculum*.

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 Pippin as king of Italy which was based on written instructions (*sceda*) 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 obligatory addition to all the national laws.<sup>30</sup> The other type is exemplified by the set of instructions (*ammunitio*) handed down by the emperor to the Fathers of the five reforming councils which met in 813, listing the chief matters requiring discussion.<sup>31</sup>

The various administrative documents so far discussed have one thing in common: they all issued from the Palace. The documents we now turn to were issued either by the ‘itinerant commissioners’ sent out by the king (or emperor), or by agents of royal (or imperial) authority in the localities.

On occasion the *missi* seem to have used the written word in their dealings with the inhabitants of their *missaticum*, or with the royal agents it was their duty to inspect. The documents of this nature which have survived all date from the imperial period. One of them, comprising thirteen articles, contains directives which the emperor ordered the *missi* sent out in the spring of 802 to communicate to the people; it may well be that this is the Latin summary form of their *admonitio*, the announcement the *missi* were required to make to the free men attending their *placitum*.<sup>32</sup> We also have examples of written instructions sent or handed to counts by *missi*—all well-known personages—on ordinary tours of inspection, as a guide to the performance of their duties. In one of them it is stressed that the written directive is merely a summary, complementing their oral instructions; counts in doubt over its meaning should seek enlightenment from the *missi* by sending them a deputy capable of understanding their explanation.<sup>33</sup> We also have the text of a speech in the exhortatory vein composed by a *missus*, doubtless an ecclesiastic and probably an Italian, for the edification of the clergy, royal agents and inhabitants of his *missaticum*.<sup>34</sup>

It could happen that *missi* were doubtful over the meaning of instructions they had received from the Palace, or about the measures they should take, and we know that some sought to resolve their difficulty by writing to the Palace for further instructions. To one such request a *missus* received a somewhat impatient response (still extant), displaying a very clear disposition to leave him to shoulder his own responsibilities.<sup>35</sup>

We are much less well informed about the use made by counts of the written word in the administration of their counties; it can only have been on a very restricted scale. We have a formula for an *indiculum de comite ad vicarium*,<sup>36</sup> but it is hard to believe counts often made use of it to remind subordinates of basic rules for the exercise of their office. We know that during the imperial period a count might be called on to supply a written report to the *missi* on some specific matter, for example acts of rebellion.<sup>37</sup> And that is all. Certain texts suggest, however, that in Italy the counts made a more extensive and systematic use of written documents,<sup>38</sup> which should not surprise us.

A group of administrative documents comprising reports and returns addressed to the king or emperor merits particular attention. The work of compiling them often fell to the *missi*, and we hear of them performing this task from quite early in the reign. One such report still extant was drawn up in 780 by Vernarius, one of the *missi* appointed *ad hoc* to investigate alleged encroachments on properties belonging to the church of

Marseilles: it is a lengthy and muddled document, showing no sign that it was compiled to any standard pattern.<sup>39</sup>

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, *centena* by *centena*, 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; defaulters 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 count's lists, of the total number of oath-takers in their *missaticum*.<sup>40</sup> 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<sup>41</sup> 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 adnuntiatione*), and they were reminded of their duty to inform him of their interventions and decisions (*de opere*).<sup>42</sup> They had to report serious professional misdemeanours by counts,<sup>43</sup> they had to submit lists of important personages, lay or clerical, who absented themselves from the *placita missorum*,<sup>44</sup> they had to send in the names of any *scabini*, *advocati* or 'notaries' they themselves had appointed.<sup>45</sup> 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.<sup>46</sup> On yet another occasion they are asked for a full list of non-autochthonous elements in the population.<sup>47</sup> 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 *scabini*, and presumably convey the copy back to the Palace.<sup>48</sup>

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 Hildegarde, 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.<sup>49</sup> In any case, we also have the *Capitulare de villis*, which is quite general in its application<sup>50</sup> and

demands from the *iudices*, 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 product derived from cultivation (*laboratio*), submitted before the money raised from it (*argentum de nostro laboratu*) 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 *fiscus*, 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 *prebendarii*, 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 *fiscus* in human and material equipment and reserves, all set out under the appropriate headings.<sup>51</sup> 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 802 and 813 he demanded returns, to be sent to the Palace, of the wool and flax issued to women who worked in the *gynaecaea* on the royal domains, and a statement of the number of garments woven.<sup>52</sup> In 811 he wanted *descriptions* not only of benefices held from 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 *missatica*.<sup>53</sup> The descriptions of the *fiscs* of Annappes, Cysoing, Somain (France, Nord), Vitry (Pas-de-Calais) and Triel (Seine-et-Oise), known to us from the *Brevium exempla*, were possibly made in response to this command.<sup>54</sup>

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 Jumièges and count Richard—to compile an inventory of the possessions of St Wandrille. This is unlikely to have been an isolated case. Furthermore, the *Brevium exempla*, 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.<sup>55</sup>

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 *commendaticiae*, 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.<sup>56</sup>

Just how administrative documents were produced is difficult to establish. As regards the documents which issued from the Palace (*capitularia missorum*, 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.<sup>57</sup> 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*.<sup>58</sup> 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.<sup>59</sup> 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 divergencies in the manuscript tradition of certain capitularies.

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.<sup>60</sup> 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;<sup>61</sup> if a count had failed to appoint one, the *missi* had the emperor's instructions to appoint one themselves.<sup>62</sup> It is questionable whether this order was everywhere obeyed.<sup>63</sup>

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 Tassilo'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.<sup>64</sup> It was presumably in the Palace archives that Einhard, private secretary to Louis the Pious,<sup>65</sup> found the letters Charlemagne received from the king of Galicia and Asturias, and from the Irish kings.<sup>66</sup> This was the *archivum palatii*;<sup>67</sup> 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.<sup>68</sup> We know nothing of the way it was organised, nor even whether the Dogvulfus *scriniarius*, to whom Alcuin addressed a letter, was attached to the deposit.<sup>69</sup> 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 capitularies.<sup>70</sup> 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;<sup>71</sup> when a general superintendent of the domains was appointed, he may perhaps have taken charge of them.<sup>72</sup>

As for the counts, we know that in the imperial period, at least, they were requested to make a collection of the capitularies and other instructions addressed or communicated to them, which according to exhortations they received from their *missi* they were to read and re-read.<sup>73</sup> 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 reigns. Unmistakeable 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

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.<sup>74</sup>

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,<sup>75</sup> 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.<sup>76</sup> Again, what of the many returns demanded from the *indices* who managed the *fisci*?<sup>77</sup> 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 useable? 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 especial 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.<sup>78</sup> 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 realise 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.<sup>79</sup> 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 *placitum* to enlighten us.<sup>80</sup> We have only to look at a few capitularies—*capitularia missorum* in particular—to realise 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.<sup>81</sup>

#### NOTES

- \* Charlemagne et l'usage de l'écrit en matière administrative', *Le Moyen Age* LVII (1951), 1-25.
1. MGH *Formulae*, *Form. Marculfi*, i, nos 5, 6, 8, 11, 19, 23, 26-9, 37; 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* (1923). See also F. Lot, *L'impôt foncier et la capitation personnelle sous le Bas-Empire et à l'époque franque* (Paris, 1928), 83 ff.
  2. *Lex Ribuaria*, lix and lxxxviii, ed. R. Sohm, MGH *Leges*, v, pp. 247-50, 267. As regards this text, I accept the views of F. Beyerle, 'Volksrechtliche Studien. 1. Die Lex Ribuaria. III. Das Gesetzbuch Ribuariens', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung* (1928 and 1935).
  3. Formula no. 6 (which is a charter from the king designating someone bishop of a *civitas*) of the *suppl. Marculfi*—a collection dating apparently from the mid-eighth century—is still thoroughly Merovingian (MGH *Formulae*, p. 109); formula no. 33 (*ibid.*, p. 155: royal command to a count to take action against a *pagensis* 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



- been given an *intitulatio* 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 789 (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 bishoprics and abbeys; furthermore, *sed et aliqua capitula ex canonicis institutionibus, quae magis nobis necessaria videbantur subiunximus*.
  6. I have in mind manifestations of law-making such as the publication and revision of the national laws, the promulgation of general regulations, intended to be permanent, in capitularies of various types, and the promulgation, starting in 803, of *capitularia legibus addenda*. On attempts to commit law (with revisions) to writing see *Annales Laureshamenses*, 802 (MGH *SS.*, I); Einhard, *l'K.*, xxix. For the judges' obligation to observe the written law, see *Ann. Lauresh.*, loc. cit., and *Capitulare missorum generale*, 802, xxvi (MGH *Cap.*, I, no. 33). In Italy, not surprisingly, the superiority of written over customary law is asserted as early as 787 (MGH *Cap.*, I, no. 95, x); for the date see C. de Clercq, *La législation religieuse franque de Clovis à Charlemagne*, (Louvain, 1936), 165–7.
  7. See for example the *Capitulare legibus additum* (803), c. vii (MGH *Cap.*, I, no. 39) and the reply to questions put by a *missus*, (802–14), *ibid.*, no. 58, c. vii. On the implications of the attempt to institute a 'chancellor' or 'notary' for each county, which at latest dates from 803, see A. de Bouïard, *Manuel de diplomatie française 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 veniant accusatores cum accusatu cum litteris metropolitano, ut sciamus veritatem rei. Capitulare missorum generale* issued at Thionville, 805, 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 custodia et cum ipsis litteris . . . ad palatium nostrum remittantur*. Capitulary issued at Aachen, 809, c. xiv (*ibid.*, no. 61): oath-helpers are ordered . . . *cum indiculo aut 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 litteris commendatitiis dirigere eum studeat ad regem*. A capitulary issued by Pippin III (751–55) 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. ARF, 806: *De hac partitione et testamentum factum et iureiurando ab optimatibus Francorum confirmatum et constitutiones pacis conservandae causa factae, atque haec omnia litteris mandata sunt et Leoni papae ut his sua manu subscriberet per Einhardum missa*. The text is printed MGH *Cap.*, I, no. 45.

11. 808, MGH *Cap.*, I, no. 51: *In anno octavo. Capitula cum primis conferendis*. Thirteen articles follow, in the form of short headings (1. *De latronibus et furibus*. 2. *De falsis testibus* etc.). 811, *ibid.*, I, nos 71, 72, 73: in two manuscripts no. 71 is headed *De interrogatione domni imperatoris de anno undecimo* and c. i runs as follows: *In primis separare volumus episcopos, abbates et comites nostros et singulariter illos alloqui*. The three capitularies are of the same character; the first is mixed, the second ecclesiastical and the third secular. On the whole topic see De Clercq, *op. cit.*, 210–11, 213–15.
12. MGH *Cap.*, I, no. 71, xiii: *Ista conservetis sicut vobis decet; et in vobis confido, piissimi pontifices, et in quantum investigare possum vobis mittere seu scribere non dubito*.
13. G. Seeliger is probably right when he says (*Die Kapitularien der Karolinger*, Munich, 1893, 71) that MGH *Cap.*, I, no. 63 minutes decisions taken during an assembly held at Aachen in 809; no. 61 could be a *capitulare per se scribendum* 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, no. 65 would play the same role as no. 63 for that of 809 and no. 64 the same role as no. 62. Seeliger (*op. cit.*, 82) thinks we should regard both nos. 65 and 64 as minutes of the assembly's decisions, but his view is difficult to reconcile with c. ii, viii 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 capitularies: the *capitulare missorum* of 803 (MGH *Cap.*, no. 40), c. iii, v, xvii, xix; the *capitulare missorum generale* issued at Thionville, 805 (*ibid.*, no. 44), xiii, xix; the *memoratorium de exercitu preparando* of 807 (*ibid.*, no. 48), c. iii; the *capitula a missis cognita facienda* of 803–813 (*ibid.*, no. 67), c. iv; the Bavarian *capitulare missorum* of 802–813 (*ibid.*, no. 69; cf. De Clercq, *op. cit.*, 221). Seeliger argues (*op. cit.*, 69–71) 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; 33, 34, 40, 43, 44, 46, 48, 49 (in part), 50, 53, 60, 62, 64, 66, 67, 69, 83.
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 *missatica* of Paris, Le Mans, and Orleans (MGH *Cap.*, I, no. 34). Certain articles (xiiiia, xiiib, xviiia), notably those which apply to coastal regions, figure only in the copies intended for the Paris and Le Mans *missatica*.
18. MGH *Cap.*, I, no. 33. cf. F. J. Ganshof, 'La fin du règne de Charlemagne. Une décomposition', *Zeitschrift für Schweizerische Geschichte*, xxviii (1948), 440–2, translated below, Ch. XII.
19. For example: *cap. miss.*, 802 (see above n. 17), c. vii. *De periuria*. c. viii. *De homicidia*. c. x. *De illis hominibus qui nostra beneficia habent destructa et alodes eorum restauratas. Similiter et de rebus ecclesiarum*.
20. Known to us from *Formulae Imperiales* no. 7 (MGH *Formulae*, p. 292); this collection dates from the reign of Louis the Pious, in whose chancery it was compiled. Despite this late date, the formula agrees so well with information



- to be gleaned from some of Charlemagne's capitularies (no. 32, xxvii; no. 40, v and xvii and no. 57 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 *intitulatio* of *Formulae Marculfinae aevi carolini* no. 20 (MGH *Formulae*, pp. 121–2) has a Carolingian look to it, but for our present purpose is of no interest, since it is an almost word for word copy of *Form. Marculfi*, I, xi.
21. MGH *Cap.*, I, no. 54: *Capitula quae volumus ut episcopi, abbates et comites qui modo ad casam redeunt per singula loca eorum nota faciant et observare studeant, tam infra eorum parochias et missaticos seu ministeria eorum convicinantium qui in exercitu simul cum equivoco nostro perrexerunt*. 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 785); MGH *Epist.*, IV, pp. 135–6 (mission to Pope Leo III, 796).
  23. MGH *Cap.*, I, no. 97; 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 Essen*, I (Brussels), 123–8; Merkel'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* lxxii (789; *ibid.*, no. 22), but prior to Charlemagne's assumption of the imperial title, *ibid.*, I, no. 30; on the date see F. L. Ganshof, 'La révision de la Bible par Alcuin', *Bibliothèque d'Humanisme et Renaissance*, IX (1947), 12. (p. 31 above).
  26. MGH *Cap.*, I, no. 32; on the date see M. Bloch, 'L'origine et la date du *Capitulare de Villis*', *Revue Historique*, CXLIII (1923), from which the passage in inverted commas is taken, and F. L. Ganshof, 'Observations sur la localisation du *Capitulare de Villis*', *Le Moyen Age* (1949), 203–4.
  27. MGH *Cap.*, I, no. 54 (805–8), iii, instructions in case of mobilisation: *Ut omnes praeparati sint ad Dei servitium et ad nostram utilitatem, quandoquidem missus aut epistola nostra venerit, ut statim nobiscum venire faciatis*.
  28. MGH *Cap.*, I, no. 75, which Boretius dates 804–811; my reasons for assigning it a more precise date will be justified elsewhere.
  29. MGH *Cap.*, I, no. 122 (to Bishop Gerbald of Liège; De Clercq, rightly in my opinion, dates it 801–810, op. cit., 222–3). *Cartae Senonicae* no. 26 and *Formulae Marculfinae aevi carolini* no. 18 (MGH *Formulae*, pp. 196, 121) are also relevant even though they may be adaptations of earlier texts (i.e. *Form. Marculfi* i nos. 37 and 29, *ibid.*, pp. 67, 60–1). *Cartae Senonicae* 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): *Incipit capitula de diversis institiis secundum sceda domni Caroli, genitoris nostri*, *ibid.*, no. 103 (806–810; the capitulary to which he alludes is that of 803, *ibid.*, no. 39).
  31. Council of Mainz, c. iv and vi, MGH *Concilia* II, no. 36; Council of Tours, c. li, *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 mandato . . . quod vobis domni nostri aut scribendo aut dicendo commendatum est, dubitetis ut celeriter missum vestrum bene intelligentem ad nostra mittatis, qualiter omnia et bene intelligatis et adiuvante Domino bene perficiatis*.

34. MGH *Cap.*, I, no. 121 (800–813).
35. *ibid.*, I, no. 58 (802–813; cf. De Clercq, op. cit., 222).
36. *Formulae Salicae Merckeliana*, no. 51 (MGH *Formulae*, p. 259; its date must be 790–800).
37. MGH *Cap.*, I, no. 85, iii: *Deinde ut quicumque vobis rebelles aut inobedientes fuerint . . . abbreviate illos quantumcumque fuerint et aut antea, si necesse fuerit, remandate aut nobis ipsis cum insimul fuerimus dicite . . .*
38. See, for example, Pippin of Italy's capitulary of 782–7 (MGH *Cap.*, I, no. 91) c. vi, and another promulgated by the same ruler at an assembly held in Mantua between 802 and 810 (*ibid.*, no. 80; on the date see De Clercq, op. cit., 218–19), c. ii and iii.
39. J. H. Albanès and U. Chevalier, *Gallia Christiana Novissima* II (Marseille-Valence, 1899), no. 41. On this text see F. L. Ganshof, 'Les avatars d'un domaine de l'église de Marseille à la fin du VIIe et au VIIIe siècle', *Studi in onore di Gino Luzzatto*, I (Milan, 1950), 55–6.
40. MGH *Cap.*, I, no. 25, i, ii, iii, iv (25 Dec. 792–7 Apr. 793); on the date see Ganshof, 'Note sur deux capitularies', 128–32.
41. That the *missi* 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. 85 (802–813), vi: *sciatis certissime quod grandem exinde contra vos rationem habebimus* (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 nomina annotata ad placitum nostrum generale nobis repraesentes* (the emperor addressing the *missi*).
45. MGH *Cap.*, I, no. 40 (803), iii: *et eorum nomina, quando reversi fuerint, secum scripta 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 missorum* of spring 802, *ibid.*, no. 33). The article sets out the various headings which should figure in the report. *Ibid.*, I, no. 80, (811), c. v: *ut missi nostri diligenter inquirent et describere faciant unusquisque in suo missatico, quid unusquisque de beneficio habeat vel quot homines casatos in ipso beneficio*. c. vi: *Quomodo eadem beneficia condicta sunt, aut quis de beneficio suo alodem comparavit vel struxit*. These two articles form a group with the succeeding article, c. vii, which applies *expressis verbis* only to benefices held of the king (see below, n. 53).
47. MGH *Cap.*, I, no. 67 (803–813), iv: *De adventiciis ut, cum missi nostri ad placitum nostrum venerint, habeant descriptum quanti adventicii sunt in eorum missatico et de quo pago sunt eorum seniores*.
48. MGH *Cap.*, I, no. 40 (803), xix (orders) and the note preserved in Paris, lat. 4995, f<sup>o</sup> 19 v<sup>o</sup> (their execution), documents connected with the *capitulare legibus additum* of 803 (MGH *Cap.*, I, no. 39).
49. MGH *Cap.*, I, no. 95 (787; cf. De Clercq, op. cit., 165), c. xiv: *De rebus quae Hildegardae reginae traditae fuerint, volumus ut fiant descriptae per breves et ipsae breves ad nos fiant adductae*.
50. MGH *Cap.*, I, no. 32; cf. the articles by M. Bloch and F. L. Ganshof cited n. 26, above.

51. c. xxviii. c. xlv: *et quod reliquum fuerit nobis per breuem . . . innotescant*. c. lv: *Volumus ut quicquid ad nostrum opus iudices dederint vel seruerint aut sequestraverint, in uno breue conscribi faciant, et quicquid dispensaverint, in alio; et quod reliquum fuerit, nobis per breuem innotescant*. c. lxii: . . . *omnia seposita, distincta et ordinata ad Nativitatem Domini nobis notum faciant, ut scire valeamus quid vel quantum de singulis 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).
52. MGH *Cap.*, I, no. 77 (802–813), xix: . . . *et perveniant ad cameram nostram per rationem*.
53. MGH *Cap.*, I, no. 80 (811), vii: *Ut non solum beneficia episcoporum, abbatum abbatissarum atque comitum sive vassallorum nostrorum sed etiam nostri fisci describantur, ut scire possimus quantum etiam de nostro in minusculis legatione habeamus*. E. Lesne, *Histoire de la propriété ecclésiastique en France*, II, 2 (Lille, 1926), 73 ff. and III (1936), 3, thinks that the benefices of the bishops, abbots and abbesses in question are their *episcopatus* or *abbatia*.
54. MGH *Cap.*, I, no. 128, xxv ff. These texts date from the reign of Charlemagne or Louis the Pious (probably at latest before 836–7); cf. Ganshof, 'Observations sur deux capitulaires', 204, n. 8. See P. Grierson, 'The identity of the unnamed fiscs in the *Brevium exempla ad describendas res ecclesiasticas et fiscales*' *Revue Belge de Philologie et d'Histoire*, xviii (1939), and J. Vannérus, 'Une énigme toponymique: *Treola*', *Bulletin de la Commission royale de Toponymie et de Dialectologie*, xxii (1948).
55. *Gesta Sanctorum Patrum Fontanellensis Coenobii*, xi, 3 (ed. F. Lobier and J. Laporte, Rouen and Paris, 1936, p. 82). *Brevium exempla* c. i ff. and c. x ff. cf. E. Lesne, op. cit. II, 1 (Lille, 1922), 64 ff. and III (1936), 1–4.
56. List of hostages: MGH *Cap.*, I, no. 115; *commendatitiae*: when Charlemagne found himself obliged to regularise the status of the *Eigenkirche* he applied to it an ancient rule of canon law which forbade the acceptance of a cleric from one diocese by another without *commendatitiae* (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. viii of Pippin's capitulary of 802–810 (ibid., no. 102; cf. de Clercq, op. cit., 218).
57. H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, I, (2nd edn, Leipzig, 1912), 381.
58. See the letter from Alcuin, MGH *Epistolae*, IV, p. 282 (no. 171); cf. E. Lesne, op. cit., v, 'Les Écoles de la fin du VIIIe siècle à la fin du XIIe', (Lille, 1940), 39.
59. MGH *Cap.*, I, no. 50, c. viii: *Istius capitularii exemplaria quatuor volumus ut scribantur: et unum habeant missi nostri, alterum comes in cuius ministeriis haec facienda sunt, ut aliter non faciant neque missus noster neque comes nisi sicut a nobis capitulis ordinatum est, tertium habeant missi nostri qui super exercitum nostrum constituendi sunt, quartum habeat cancellarius noster*; cf. Seeliger, op. cit., pp. 22–3. MGH *Cap.*, I, no. 67, c. vi: *Quicumque ista capitula habet, ad alios missos ea transmittat qui non habent, ut nulla excusatio de ignorantia fiat*; cf. Seeliger, op. cit., 23.
60. 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 do the count's writing for him, I think *cancellarius* and *notarius* are synonymous. In favour of this view are Bresslau, op. cit., I, 2nd edn, 592–3 and H. Brunner and C. von Schwerin, *Deutsche Rechtsgeschichte*, II (2nd edn, Munich and Leipzig, 1928), 249; against, O. Redlich, *Die Privaturkunden des Mittelalters* (Munich and Berlin, 1911), 65, and A. de Bouard, op. cit., II, 130–1.
61. Ecclesiastical capitulary issued at Thionville in 805, MGH *Cap.*, I, no. 43: Wolfenbüttel (*fonds* Blankenburg) ms. 150.52 adds to the heading *De notariis* at c. iv *ut unusquisque episcopus aut abbas vel comes suum notarium habeat*; the lessons to be learned from this manuscript strike me as deserving serious consideration.
62. *Capitulare missorum* of 803 (MGH *Cap.*, I, no. 40, c. iii: *Ut missi nostri scabinos, advocatos, notarios per singula loca elegant et eorum nomina, quando reversi fuerint, secum 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 S. Eparchii*, composed at the beginning of the ninth century (MGH *SS rer. Merov.*, III, p. 553), 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. 58, c. ii, and in a fragment of a lost capitulary preserved Ansegisus, iii, 43 (ibid., I, p. 430), 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 breves ex hoc capitulo uno tenore conscriptos fieri praecepit: unum in palatio retinendum, alium praefato Tassiloni . . . dandum tertium vero in sacri palatii capella recondendum fieri iussit*. MGH *Cap.*, I, no. 50, c. viii: see above, n. 59. *ARL*, 813: . . . *quamquam et in archivo palatii exemplaria illarum habeantur*.
65. MGH *Epistolae*, v, pp. 111 and 115 (Einhard's letters, nos 4 and 12).
66. Einhard, I K, xvi.
67. See above, n. 64.
68. See above, n. 59. Bresslau, op. cit., I, 2nd edn, p. 163, basing himself on texts which relate to the early part of Louis the Pious's reign, disputes the connection between the *archivum* and the chapel postulated by T. (von) Sickel, *Acta regum et imperatorum Karolinorum*, 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. Klewitz, 'Cancellaria', *Deutsches Archiv für Geschichte des Mittelalters*, I (1937) and G. Tessier, 'Originaux et pseudo-originaux du chartier de Saint-Denis', *Bibliothèque de l'École des Chartes*, CVI (1945–6).
69. MGH *Epistolae*, IV, p. 115 (Alcuin's letters, no. 73, c. 789–796).
70. e.g. the copy of which there is direct mention in the capitulary of 808; see above, n. 59. The text of the Herstal capitulary (MGH *Cap.*, I, no. 20 (779)) 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 (Bresslau, *op. cit.*, I, 2nd edn. 163).

71. See above, n. 52.
72. For example the count Richard, *villarum suarum provisorum*, mentioned by the Astronomer, *Vita Hludowici*, vi (MGH SS, II, 610), 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. 55).
73. MGH *Cap.*, I, no. 85: introduction, *Nunc autem admonemus vos ut capitularia vestra relegatis et quaeque vobis per verba commendata sunt recolatis... c. vii: Deinde ut istam epistolam et saepius legatis et bene salvam faciatis, ut ipsa inter nos et vos in testimonium sit, utrum sic factum habeatis sicut ibi scriptum est aut non habeatis...*
74. A conclusion parallel to the one reached by Redlich, *op. cit.*, 65, and A. de Boüard, II, 130, 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 *Formulae Imperiales* (see above, n. 20). Numbers 13, 14, and 15 of the *Formulae Marculfinae 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 *capitulare missorum* of 792-3 have not been followed.
77. See above, p. 131.
78. See e.g., MGH *Cap.*, I, no. 64, c. 1; *ibid.*, c. xiii 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. 39.
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\*

**W**HILE 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.<sup>1</sup>

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*, *edictum*, etc., they were more recently known as *capitula* or *capitulare*.<sup>2</sup> 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 *capitulare* 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.<sup>3</sup> It dealt with purely ecclesiastical matters as well as with administrative and judicial subjects which involved the functioning of several institutions. Both