Signalling Language Choice in Anglo-Saxon and Frankish Charters, *c.*700-*c.*900

Edward Roberts and Francesca Tinti

Charters have long been at the heart of research on the use of the written word in early medieval Europe. However, the role of vernacular languages in the documentary cultures of Germanic-speaking societies has tended to be overlooked. This is less true in studies of Anglo-Saxon England, where the vernacular gradually became much more conspicuous in virtually all aspects of written culture.[1] By contrast, the documentary evidence from eastern Francia presents different challenges: Old High German and Old Saxon, unlike Old English, never became widely used administrative languages, and Latin remained the near-universal language of written documents well into the thirteenth century.[2] Nevertheless, some illuminating evidence for the use of the vernacular in the Frankish East can be picked out from this Latin corpus.[3] Charters from outside the Romance-language area offer ideal material for investigating interactions between the spoken word and the written word in the

[1] For growing scholarly awareness of the significant linguistic features of Anglo-Saxon charters, see the classic studies by Susan Kelly, 'Anglo-Saxon Lay Society and the Written Word', and Simon Keynes, 'Royal Government and the Written Word in Late Anglo-Saxon England', both in *The Uses of Literacy in Early Mediaeval Europe*, ed. Rosamond McKitterick (Cambridge, 1990), pp. 36-62 and 226-57, with the more recent Kathryn A. Lowe, 'Lay Literacy in Anglo-Saxon England and the Development of the Chirograph', in *Anglo-Saxon Manuscripts and their Heritage*, ed. Philip Pulsiano and Elaine M. Treharne (Aldershot, 1998), pp. 161-204; Herbert Schendl, 'Beyond Boundaries: Code-Switching in the Leases of Oswald of Worcester', in *Code-Switching in Early English*, ed. Herbert Schendl and Laura Wright, Topics in English Linguistics 76 (Berlin, 2011), pp. 47-94; Robert Gallagher, 'The Vernacular in Anglo-Saxon Charters: Expansion and Innovation in Ninth-Century England', *Historical Research* 91 (2018), 205-35; Francesca Tinti, 'Writing Latin and Old English in Tenth-Century England: Patterns, Formulae and Language Choice in the Leases of Oswald of Worcester', in *Writing, Kinship and Power in Anglo-Saxon England*, ed. Rory Naismith and David A. Woodman (Cambridge, 2018), pp. 303-27; and Robert Gallagher and Francesca Tinti, 'Latin, Old English and Documentary Practice at Worcester from Wærferth to Oswald', *Anglo-Saxon England* 46 (in press). See also Francesca Tinti's introduction to this volume for traditional historiographical interpretations of Anglo-Saxon written linguistic practices as an exceptional case in early medieval western Europe. For help provided on various aspects of this chapter we are grateful to Richard Ashdowne, Robert Gallagher, Wolfgang Haubrichs, Annina Seiler, and Elizabeth Tyler.

[2] Continental charters as a whole engaged with the vernacular much later than those from England: Thomas Brunner, 'Le passage aux langues vernaculaires dans les actes de la pratique en Occident', *Le Moyen Age* 115 (2009), 29-72.

[3] See for instance Patrick J. Geary, 'Land, Language and Memory in Europe, 700-1100', *Transactions of the Royal Historical Society*, Sixth Series, 9 (1999), 169-84; Rolf Bergmann, 'Pragmatische Voraussetzungen althochdeutscher Texte: Die Grenzbeschreibungen', *Jahrbuch für Germanistische Sprachgeschichte* 3 (2012), 57-74; Edward Roberts, 'Boundary Clauses and the Use of the Vernacular in Eastern Frankish Charters, *c.*750-*c.*900', *Historical Research* 91 (2018), 580-604.

early Middle Ages. In these regions, it is reasonable to suppose that the vernacular was the predominant language spoken during legal proceedings, as suggested by, among other things, the presence of vernacular elements in the *Vorakte* of the St Gall charters or the need to translate Latin documents into Old English at public assemblies, as is occasionally mentioned in Anglo-Saxon sources.[4] Thus, even charters written more or less entirely in Latin – which is to say the majority from England in the late seventh to ninth centuries and virtually all those from continental Western Europe in the same period – offer an underexploited resource for historical sociolinguists. The actors involved in these proceedings and the scribes who recorded them had two languages available to them during the process of a transaction and its documentation. The linguistic choices they made in such contexts rested on a variety of conditions, including local custom, the practices of individual scriptoria, the availability of models such as formularies, and personal preference.[5]

The documentary corpora of Anglo-Saxon England and eastern Carolingian Francia in the period *c.*700 to *c.*900 form the basis of this chapter. There are excellent grounds for considering these two regions in comparison: for one, they share a linguistic and cultural Germanic heritage. In addition, substantial early medieval documentary collections have survived in both areas. We argue that Anglo-Saxon and eastern Frankish charters of this period attest to several notable developments in the consciousness of language-use and its application in documentary contexts in both territories. Our analysis focuses on what linguists refer to as 'code-switching', the alternating use of two languages in a single utterance or text.[6] We identify and investigate the different types of code-switching that can be observed in Anglo-Saxon and East Frankish charters, ranging from seamless, un-signalled shifts between languages to clearly demarcated translations or clarifications, which were often indicated by phrases such as 'quod vulgo dicitur' or 'qui nominatur nostra propria lingua'. These latter phenomena are sometimes referred to as 'flagged switches'.[7] Furthermore, we examine instances of explicit linguistic consciousness in charters, most notably through references to the *theodisca* (usually continental Germanic language) and *saxonica* languages (usually Old English). The invocation of the vernacular as a language that could be described

[4] For instance, papal letters were translated into the vernacular at the synod of *Clofesho* in 747: Kelly, 'Anglo-Saxon Lay Society', pp. 56-57. See in general Patrick J. Geary, *Language and Power in the Early Middle Ages* (Waltham, MA, 2013), pp. 63-68. On *Vorakte*, see Stefan Sonderegger, 'Das Althochdeutsche der Vorakte der älteren St. Galler Urkunden. Ein Beitrag zum Problem der Urkundensprache in althochdeutscher Zeit', *Zeitschrift für Mundartforschung* 28 (1961), 251-86; and Annina Seiler, this volume.

[5] Kelly 'Anglo-Saxon Lay Society'; Lowe, 'Lay Literacy'; Alice Rio, *Legal Practice and the Written Word in the Early Middle Ages: Frankish Formulae,* c.*500*-c.*1000* (Cambridge, 2009), pp. 9-40; Nicholas Brooks, 'Latin and Old English in Ninth-Century Canterbury', in *Spoken and Written Language: Relations between Latin and the Vernacular Languages in the Earlier Middle Ages*, eds Mary Garrison, Arpad P. Orbán, and Marco Mostert (Turnhout, 2013), pp. 113-31; Tinti, 'Writing Latin and Old English'.

[6] For definitions, see Charlotte Hoffmann, *An Introduction to Bilingualism* (London, 1991), pp. 109-17; and for historically-situated discussion, see J. N. Adams, *Bilingualism and the Latin Language* (Cambridge, 2003), pp. 18-29.

[7] Suzanne Romaine, *Bilingualism*, 2nd ed. (Oxford, 1995), p. 153; Adams, *Bilingualism*, pp. 318-19.

as ‘ours’, ‘theirs’, or ‘of the people’, or explicitly termed as (e.g.) ‘Saxon’ suggests that language came to be identified with groups, peoples, and places in new ways in the late eighth and ninth centuries.[8] Latin’s status as the standard language of written administration in both England and Francia has usually led scholars to suppose that Old English or Old High German elements were included in charters simply to facilitate communication in societies with minimal or partial Latin literacy. We suggest that the vernacular rather could be invoked quite deliberately as a means of engendering social inclusion or exclusion, and that it usually conveyed intention and meaning far beyond simple clarification or translation.

Charters and languages in England and Francia

Anglo-Saxon and Frankish charters derived from a common Roman diplomatic tradition. Across continental Western Europe, there is demonstrable continuity between late Roman and early medieval documentary practices. In England, however, there seems to have been a fissure in the use of written documents following the end of Roman Britain and the arrival of Christianity around the turn of the seventh century.[9] Although it is not clear exactly when charters were reintroduced in England, they may have been modelled on late Roman private deeds rather than on Merovingian charters, as might be expected owing to Frankish influence in the kingdom of Kent. Documentary practices were probably transmitted by missionaries sent from Rome, with the Canterbury bishops Augustine (597–609) and Theodore (668–90) being the most likely candidates.[10] But whereas ‘barbarian’ rulers on the continent inherited and continued to employ a variety of documentary forms and notarial practices, in England a single charter template was adopted and used more or less indiscriminately for land grants made by kings, other laymen, and ecclesiastics. Thus, whereas in Francia charters issued by

[8] On the issue of how language can (though does not necessarily) express identity, see *Sprache und Identität im frühen Mittelalter*, eds Walter Pohl and Bernhard Zeller (Vienna, 2012). Charter evidence, however, is seldom drawn on in this volume.

[9] On documentary continuities in early medieval Europe, see *Documentary Culture and the Laity in the Early Middle Ages*, eds Warren C. Brown, Marios Costambeys, Matthew Innes, and Adam Kosto (Cambridge, 2013).

[10] Wilhelm Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 224-33; Pierre Chaplais, ‘Who Introduced Charters into England? The Case for Augustine’, *Journal of the Society of Archivists* 3 (1969), 526-42; Kelly, ‘Anglo-Saxon Lay Society’, pp. 40-43; Ben Snook, ‘Who Introduced Charters into England? The Case for Theodore’, in *Textus Roffensis: Law, Language and Libraries in Early Medieval England*, eds Bruce O’Brien and Barbara Bombi (Turnhout, 2015), pp. 257-89. On the evidence for Merovingian overlordship of Kent, see Ian Wood, *The Merovingian Kingdoms, 450-751* (Harlow, 1994), pp. 176-80. On the study of Anglo-Saxon charters, see Nicholas Brooks, ‘Anglo-Saxon Charters: Recent Work’, in his *Anglo-Saxon Myths: State and Church 400-1066* (London, 2000), pp. 181-215; Simon Keynes, ‘Anglo-Saxon Charters: Lost and Found’, in *Myth, Rulership, Church and Charters: Essays in Honour of Nicholas Brooks*, eds. Julia Barrow and Andrew Wareham (Aldershot, 2008), pp. 45-66. For Augustine’s death date see Richard Shaw, ‘When did Augustine of Canterbury Die?’, *Journal of Ecclesiastical History* 67.3 (2016), 473-91.

rulers were formulaically and visually distinct from those issued by bishops, abbots, dukes, counts, and others (so-called 'private' charters), in England it is not possible to detect such significant differences in the diplomatic structure of the earlier records.[11] While there are good reasons to treat the classical diplomatic categories of 'public' and 'private' documents with caution, the distinction this draws between royal and non-royal documents is helpful for the present comparison (and need not imply anything about the legitimacy of the issuing authority).[12] In this respect, the proportional differences of surviving royal versus private charters from England and East Francia are striking: in the period 700–900, there are about 300 substantially authentic extant charters from Anglo-Saxon England, the great majority of which are royal diplomas (including both 'original' single-sheets and later copies).[13] In contrast, for the same period in eastern Francia (that is, the Germanic-speaking lands which, after 843, roughly constituted the kingdom of Louis the German), there are well over 8,000 extant charters, of which only about 700 were issued by kings.[14]

The preponderance of private charters from East Francia owes much to the archival innovation of the cartulary around 800, which ensured the survival of thousands of records at monasteries such as Fulda, Lorsch, Mondsee, and Wissembourg and episcopal churches such as Freising, Regensburg, and Passau. In Anglo-Saxon England, by contrast, there are no extant cartularies predating the eleventh century.[15] Consequently, a far higher proportion of Anglo-Saxon charters survive as original single-sheet documents – about 80 of the roughly 300 known to have been issued between 700 and 900. Most of these single-sheets come from

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[11] Albert Bruckner, 'Zur Diplomatik der älteren angelsächsischen Urkunde', *Archivalische Zeitschrift* 61 (1965), 11-45; and his introduction to *ChLA* 4, pp. xiii-xxiii. See also Snook, 'Who Introduced Charters', p. 267; Robert Gallagher, 'The Latin Charter in Anglo-Saxon England: Beyond the Royal Diploma' (forthcoming). On the relationship between Carolingian-era royal diplomas and private charters, see Mark Mersiowsky, 'Y-a-t-il une influence des actes royaux sur les actes privés du IX^{e} siècle?', in *Les actes comme expression du pouvoir au Haut Moyen Âge. Actes de la Table Ronde de Nancy, 26-27 novembre 1999*, eds Marie-José Gasse-Grandjean and Benoît-Michel Tock (Turnhout, 2003), pp. 139-78; and the same author's *Die Urkunde in der Karolingerzeit. Originale, Urkundenpraxis und politische Kommunikation*, 2 vols., MGH Schriften 60 (Wiesbaden, 2015), 1:413-18 and *passim*.

[12] See in general *Documentary Culture*, eds. Brown et al., pp. 11-12; Mersiowsky, *Die Urkunde*, 1:278-80.

[13] See <http://www.ehu.eus/lasc>.

[14] On the problems of 'originality' and 'authenticity', see Kelly, 'Anglo-Saxon Lay Society', pp. 42-43. For East Frankish numbers, see Fred Schwind, 'Beobachtungen zur inneren Struktur des Dorfes in karolingischer Zeit' in *Das Dorf der Eisenzeit und des frühen Mittelalters. Siedlungsform, wirtschaftliche Funktion, soziale Struktur*, ed. Herbert Jankuhn, (Göttingen, 1977), pp. 444-93, at pp. 445-49.

[15] Hans Hummer, 'The Production and Preservation of Documents in Francia: The Evidence of Cartularies', in *Documentary Culture*, eds Brown et al., pp. 189-230; G. R. C. Davis, *Medieval Cartularies of Great Britain and Ireland*, revised by Claire Breay, Julian Harrison and David M. Smith (London, 2010), pp. xv, 217-18; Francesca Tinti, *Sustaining Belief: The Church of Worcester from c.870 to c.1100* (Farnham, 2010), pp. 85-125.

Christ Church, Canterbury.[16] Royal charters also predominate among extant original single-sheet Frankish documents, with the notable exception of the more than 700 original charters from St Gall.[17] In this same period in Anglo-Saxon England, the granting of charters seems generally to have been less frequent and more usually associated with secular rulers, although the initiative most likely came from the Church. Certainly at this time, Anglo-Saxon charters were written by their beneficiaries, implying that clerical elites were well aware of the utility of documents from very early on. The proliferation of councils and assemblies in the eighth and ninth centuries probably provided a venue for the clerical promotion of documentary practices.[18] From the beginning, however, Anglo-Saxon charters lacked several characteristics of their continental counterparts, such as the scribe's name, authentication mechanisms, and formulaic features that distinguished royal and non-royal documents. These idiosyncrasies suggest that an incipient documentary culture was encouraged by clerics with some knowledge of late Roman diplomatic conventions, but that adherence to such norms either proved impractical or was deemed to have limited benefit.[19] One also has to bear in mind that, as mentioned above, charters were reintroduced in Britain by churchmen following a notable documentary hiatus, and that because they possessed a markedly religious character and were issued less frequently than on the continent, they were probably revered as special, possibly sacred objects.

These aspects of Anglo-Saxon documentary practice represent important contrasts with charters produced in other regions of the former Western Roman Empire, which more directly imitated Roman examples.[20] Even though such peoples as the Alemanni and the

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[16] For an overview of the archives and editorial state of Anglo-Saxon charters, see the Kemble website: <http://www.kemble.asnc.cam.ac.uk>. On Anglo-Saxon private charters before 900, see Anton Scharer, 'Das angelsächsische Urkundenwesen (7.-9. Jahrhundert)', in *Die Privaturkunden der Karolingerzeit*, eds Peter Erhart, Karl Heidecker, and Bernhard Zeller (Zurich, 2009), pp. 229-36; Simon Keynes, 'Angelsächsische Urkunden (7.-9. Jahrhundert)', in *Mensch und Schrift im frühen Mittelalter*, eds Peter Erhart and Lorenz Hollenstein (St Gall, 2006), pp. 97-109. See also Gallagher and Wiles, this volume, for a catalogue of single sheets.

[17] Mersiowsky, *Die Urkunde*, 1:54-64. On the St Gall archive, see Peter Erhart, '*Carta ista amalfitana est et nescitur legere*: The Charters of Cava dei Tirenni and St Gall and their Evidence for Early Archival Practice', *Gazette du livre médiéval* 50 (2007), 27-39; Matthew Innes, 'Archives, Documents and Landowners in Carolingian Francia', in *Documentary Culture*, eds Brown et al., pp. 152-88.

[18] Simon Keynes, 'Church Councils, Royal Assemblies, and Anglo-Saxon Royal Diplomas', in *Kingship, Legislation and Power in Anglo-Saxon England*, eds Gale R. Owen-Crocker and Brian W. Schneider (Woodbridge, 2013), pp. 17-182.

[19] Kelly, 'Anglo-Saxon Lay Society', pp. 42-45; Charles Insley, 'Archives and Lay Documentary Practice in the Anglo-Saxon World', in *Documentary Culture*, eds Brown et al., pp. 336-62, at pp. 341-42.

[20] Patrick Wormald, '*Lex scripta* and *verbum regis*: Legislation and Germanic Kingship from Euric to Cnut', in *Early Medieval Kingship*, eds. P. H. Sawyer and I. N. Wood (Leeds, 1977), pp. 105-38; Peter Classen, 'Fortleben und Wandel spätrömischen Urkundenwesens im frühen Mittelalter', in *Recht und Schrift im Mittelalter*, ed. Peter Classen (Sigmaringen, 1977), pp. 13-54, with discussion of the language of late Roman charters at pp. 25-8; Rosamond McKitterick, *The Carolingians and the Written Word* (Cambridge, 1989), pp. 77-134; and the

Bavarians, like the Anglo-Saxons, spoke Germanic and needed to be Christianized, their occupation of the more Romanized provinces of Germania Superior and Rhaetia arguably led to stronger continuities of earlier legal traditions. This is probably explicable by these groups' geographical proximity to Rome, their close links with more thoroughly Romanized regions to the west and south, and their subjection to the Franks.[21] The greater geographical isolation of Britain, coupled with probable Irish influence, may also account for the more frequent recourse to the vernacular in Anglo-Saxon charters.[22] In this regard, law codes offer a well-known, instructive parallel, with those from England having been written in Old English, and those from other post-Roman kingdoms in Latin.[23] There has been considerable debate about why Romano-British culture and Brittonic language were so comprehensively overthrown by the arrival of the Anglo-Saxons, whereas Latin continued to thrive in Gaul, Spain, and Italy long after the arrival of the Franks, Goths, and Lombards.[24] In the case of Frankish Gaul, it is relatively clear that the Merovingian elites became bilingual, having adopted Latin while retaining their West Germanic vernacular ('Frankish' or 'Old Frankish'). Thus, Charibert (d. 567) was acclaimed in Paris by 'barbarians' (Franks) and Romans 'in different tongues', that is, in their own languages, while Chilperic (d. 584) thought it prudent to introduce four new characters into the alphabet, evidently in an attempt to aid Germanic

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chapters of *Documentary Culture*, eds Brown et al., especially Warren C. Brown, 'The *gesta municipalia* and the Public Validation of Documents in Frankish Europe', pp. 95-124.

[21] For comparative views on the emergence of post-Roman peoples and polities, see *Regna and Gentes: The Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*, eds Hans-Werner Goetz, Jörg Jarnut, and Walter Pohl (Leiden, 2003). On linguistic developments among the Alemanni and Bavarians, see Wolfgang Haubrichs and Max Pfister, 'La *Romania submersa* dans les pays de langue allemand', in *Manuel des langues romanes*, eds Andre Klump, Johannes Kramer, and Aline Willems (Berlin, 2014), pp. 224-44; and Wolfgang Haubrichs, 'Baiovarii, Romani and Others. Language, Names and Groups South of the River Danube and in the Eastern Alps during the Early Middle Ages', in *The Baiuvarii and Thuringi: An Ethnographic Perspective*, eds Janine Fries-Knoblach, Heiko Steuer, and John Hines (Woodbridge, 2014), pp. 23-81.

[22] Julia M. H. Smith, 'Writing in Britain and Ireland, c. 400 to c. 800', in *The Cambridge History of Early Medieval English Literature*, ed. Claire A. Lees (Cambridge, 2013), pp. 19-49, esp. p. 48; Andy Orchard, 'Latin and the Vernacular Languages: The Creation of a Bilingual Textual Culture', in *After Rome*, ed. Thomas Charles-Edwards (Oxford, 2003), pp. 191-219.

[23] Wormald, '*Lex scripta*', p. 115; Nicholas Brooks, 'The Laws of King Æthelberht of Kent: Preservation, Content, and Composition', in *Textus Roffensis*, eds O'Brien and Bombi, pp. 105-36, at pp. 125-30. Note, however, the fragmentary vernacular translations of Latin legislation on the continent: Rolf Bergmann, *Althochdeutsche und altsächsische Literatur* (Berlin, 2013), pp. 236-38, 467-69.

[24] See for instance, Hans-Werner Goetz, '*Gens*, Kings and Kingdoms: The Franks', and Alex Woolf, 'The Britons: From Romans to Barbarians', both in *Regna and Gentes*, eds Goetz et al., pp. 307-44 and 345-80 respectively; *The Britons in Anglo-Saxon England*, ed. Nick Higham (Woodbridge, 2007), especially the contributions of Nick Higham, 'Historical Narrative as Cultural Politics: Rome, "British-ness" and "English-ness"', pp. 68-79, Alex Woolf, 'Apartheid and Economics in Anglo-Saxon England', pp. 115-29, and Richard Coates, 'Invisible Britons: The View from Linguistics', pp. 172-91.

literacy.[25] Whereas Old English emerged as a common language of the newly established Anglo-Saxon kingdoms (albeit with several dialects), a large part of Merovingian Francia was bilingual. In the eighth century, Frankish language died out in Gaul, having never fully developed as a written language, and the West Franks seem to have become monolingual Romance speakers.[26]

The dramatic expansion of the Frankish realm under the Carolingians helped ensure that it remained a polity in which multiple languages coexisted. Germanic persisted as a spoken language on the eastern margins of the Merovingian world in Frisia and Thuringia, but the Carolingian conquests of Alemannia, Bavaria, and Saxony brought a far greater Germanic-speaking territory under direct Frankish control.[27] While Latin clearly remained intelligible and functional among imperial elites, there has been much discussion about the extent to which people in different parts of the empire could also understand each other's spoken native Romance or Germanic vernaculars.[28] The Carolingians' encouragement of

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[25] For these stories, see, respectively, Venantius Fortunatus, *Opera poetica*, VI.2, ed. Friedrich Leo, MGH Auct. ant. 4.1 (Berlin, 1881), p. 131; Gregory of Tours, *Libri historiarum decem*, V.44, eds Bruno Krusch and Wilhelm Levison, MGH SRM 1.1 (Hanover, 1951), p. 254.

[26] For Old English dialects, see Peter R. Kitson, 'The Nature of Old English Dialect Distributions, Mainly as Exhibited in Charter Boundaries: Part 1, Vocabulary', in *Medieval Dialectology*, ed. Jacek Fisiak, Trends in Linguistics, Studies and Monographs 79 (Berlin, 1995), pp. 43-135. On Frankish, see Wolfgang Haubrichs and Max Pfister, 'Fränkisch (Frankish)', in *Wieser Enzyklopädie. Sprachen des europäischen Westens. Erster Band*, (Klagenfurt, 2008), pp. 249-74; and on the evidence for Merovingian bilingual areas, see Wolfgang Haubrichs, 'Sprache und Sprachzeugnisse der merowingischen Franken', in *Die Franken - Wegbereiter Europas. 5. bis 8. Jahrhundert n. Chr.*, eds Alfried Wieczorek, Patrick Périn, Karin von Welck and Wilfried Menghin, 2 vols (Mainz, 1996), 1:559-73; Wolfgang Haubrichs, 'Germania submersa. Zu Fragen der Quantität und Dauer germanischer Siedlungsinseln im romanischen Lothringen und Südbelgien', in *Verborum Amor. Studien zur Geschichte und Kunst der deutschen Sprache. Festschrift für Stefan Sonderegger zum 65. Geburtstag*, eds Harald Burger, Alois M. Haas and Peter von Matt (Berlin, 1992), pp. 633-66; Michel Banniard, 'Germanophonie, latinophonie et accès à la *Schriftlichkeit* (V^{e}–VIII^{e} siècle)', in *Akkulturation. Probleme einer germanisch-romanischen Kultursynthese in Spätantike und frühem Mittelalter*, eds Dieter Hägermann, Wolfgang Haubrichs, Jörg Jarnut, and Claudia Giefers (Berlin, 2004), pp. 340-58.

[27] For an overview, see Marios Costambeys, Matthew Innes and Simon MacLean, *The Carolingian World* (Cambridge, 2011), pp. 31-79.

[28] McKitterick, *Carolingians*, pp. 7-8, 21-22; Michel Banniard, 'Language and Communication in Carolingian Europe', in *The New Cambridge Medieval History 2: c.700-c.900*, ed. Rosamond McKitterick (Cambridge, 1995), pp. 695-708; Wolfgang Haubrichs and Max Pfister, 'Die Prümer Romania', in *Sprachgeschichte - Dialektologie - Onomastik - Volkskunde. Beiträge zum Kolloquium am 3./4. Dezember 1999 an der Johannes Gutenberg-Universität Mainz. Wolfgang Kleiber zum 70. Geburtstag*, eds Rudolf Bentzinger, Damaris Nübling and Rudolf Steffens, (Stuttgart, 2001), pp. 169-95; Ernst Hellgardt, 'Zur Mehrsprachigkeit im Karolingerreich. Bemerkungen aus Anlaß von Rosamond McKittericks Buch "The Carolingians and the Written Word"', *Beiträge zur Geschichte der deutschen Sprache* 118 (1996), 1-48; Hans J. Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600-1000* (Cambridge, 2005), pp. 130-54; Jens Schneider,

regular and correct Latin, the language of the Bible and of the Roman Empire, was ideal for governing a vast, multi-ethnic polity, but may also have inhibited the spread of written German in administrative or legal contexts.[29]

The allure of tradition partly explains why private charters tended to be formulaically and linguistically uniform across Frankish Europe.[30] Furthermore, the consistency of royal diplomas owes something to the fact that, under Charlemagne and Louis the Pious, there was a single political centre where the royal chancery honed a documentary format that reflected the imperial, sacred character of Carolingian kingship. Carolingian diplomas were clearly intended as official documents produced by royal notaries who carefully followed protocols of appearance, language, and validation.[31] In England, by contrast, there were multiple kingdoms and multiple agencies issuing royal diplomas. In the eighth century the political situation was dominated by the kings of Mercia, who managed to extend their control over other polities, such as the kingdoms of the Hwicce and the South Saxons; their rulers continued to issue charters, although styling themselves as subkings and, later, ealdormen. The kingdom of Kent offered more resistance to Mercian expansion in the second half of the eighth century, though by 798 it was firmly under Mercian control. Wessex, by contrast, never really suffered from Mercian encroachment, and, by the late ninth century, was the only kingdom that had managed to survive intact in the aftermath of Scandinavian attacks and settlement.[32] Over the period under consideration charters were issued in the name of rulers from all the above-mentioned polities, but they were still normally produced in ecclesiastical scriptoria rather than royal chanceries, and very often by the beneficiaries themselves. Wessex represents an exception in this respect, where extant ninth-century charters bear witness to the emergence of a centralized system of documentary production, thus anticipating some of the features which characterize the much better attested tenth-century royal writing office.[33] It is important to bear in mind, however, that, as mentioned

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Auf der Suche nach dem verlorenen Reich: Lotharingien im 9. und 10. Jahrhundert (Cologne, 2010), pp. 283-423. See further Haubrichs, this volume.

[29] McKitterick, *Carolingians*, pp. 7-22; Janet L. Nelson, 'Literacy in Carolingian Government', in *The Uses of Literacy*, ed. McKitterick, pp. 258-96; Mayke de Jong, 'Some Reflections on Mandarin Language', in *East and West: Modes of Communication. Proceedings of the First Plenary Conference at Merida*, eds Evangelos Chrysos and Ian Wood (Leiden, 1999), pp. 61-69.

[30] Paul Fouracre, 'Cultural Conformity and Social Conservatism in Early Medieval Europe', *History Workshop Journal* 33 (1992), 152-61 at pp. 155-56; and, more generally, *Die Privaturkunden*, eds Erhart et al.

[31] Rosamond McKitterick, *Charlemagne: The Formation of a European Identity* (Cambridge, 2008), pp. 199-204; Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840-987)* (Turnhout, 2012), pp. 52-62; Mersiowsky, *Die Urkunde*, 1:64-115.

[32] Simon Keynes, 'England, 700-900' in *The New Cambridge Medieval History*, II: *c.700-c.900*, ed. Rosamond McKitterick (Cambridge, 1995), pp. 18-42.

[33] Simon Keynes, 'The West Saxon Charters of King Æthelwulf and his Sons', *The English Historical Review* 109 (1994), 1109-49. For the debate on the Anglo-Saxon royal chancery, see, classically, Richard Drögereit, 'Gab es eine angelsächsische Königskanzlei?', *Archiv für Urkundenforschung* 13 (1935), 335-436; Pierre Chaplais, 'The Origin and Authenticity of the

above, the overwhelming majority of single-sheet charters from before *c*.900 come from Christ Church, Canterbury. These documents are generally agreed to indicate composition in ecclesiastical scriptoria, even at the end of our period, when Kent was firmly under the control of Wessex, as the emergence of a West Saxon diplomatic tradition did not affect the charters that the ninth-century kings issued as rulers of Kent.[34]

The use of charters and language thus varied in accordance with the prevailing political and social conditions of the Anglo-Saxon and eastern Frankish kingdoms. Ultimately, however, we are dealing with two societies in which, by the middle of the eighth century, individuals and institutions placed similar value in the written word and were beginning to contemplate whether their vernacular could be used in documentary contexts.

Using the vernacular in charters: from technical terms to boundary clauses

There are two general contexts for the appearance of the vernacular in early medieval charters. The first of these is the employment of vernacular technical terms. This was relatively common in Francia, where Frankish terms for specific rights, procedures, obligations, and types of property had long been Latinized and used in charters and normative legal texts.[35] Germanic words such as *alodis*, *marca*, *bannus*, *mallus*, *mundiburdium*, and *wadium* were very common. Less common vernacular terms were also normally Latinized and invoked, for example, to denote payments (e.g., *stofa*, an annual royal levy), social groups (e.g., *barscalci*, 'free men'), secular offices (e.g., *furiskeozus*, 'advocate'), properties (e.g., *hluz* or *hluzzum*, 'lot', that is, a portion of property), and more.[36] The describing,

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Royal Anglo-Saxon diploma', *Journal of the Society of Archivists* 3.2 (1965), 48-61; Simon Keynes, *The Diplomas of King Æthelred 'the Unready', 978-1016* (Cambridge, 1980), pp. 14-153; with the summary of Brooks, 'Anglo-Saxon Charters', pp. 188-89, 207-9. See also *Charters of Abingdon Abbey*, Part 1, ed. S. E. Kelly, Anglo-Saxon Charters VII (Oxford, 2000), pp. lxxii-cxxxi. For a more recent and detailed treatment of historiographical developments in the study of Anglo-Saxon royal diplomas from the late nineteenth century to the present day, see Keynes, 'Church Councils', pp. 42-102.

[34] Nicholas Brooks, *The Early History of the Church of Canterbury: Christ Church from 597 to 1066* (London, 1984), pp. 168-70, 327-30; Simon Keynes, 'The Control of Kent in the Ninth Century', *EME* 2.2 (1993), 111-31; Keynes, 'West Saxon Charters'; *Charters of Christ Church Canterbury*, Part 1, eds N. P. Brooks and S. E. Kelly, Anglo-Saxon Charters 17 (Oxford, 2013) [hereafter cited as *CantCC*], pp. 112-35.

[35] Ruth Schmidt-Wiegand, 'Stammesrecht und Volkssprache in karolingischer Zeit', in *Aspekte der Nationenbildung im Mittelalter*, eds. Helmut Beumann and Werner Schröder (Sigmaringen, 1978), pp. 171-203; D. H. Green, *Language and History in the Early Germanic World* (Cambridge, 1998), pp. 182-200.

[36] *Stofa*: MGH D Lothar II, no. 6, pp. 391-92 (Metz, A.D. 856); *barscalci*: *Die Traditionen des Hochstifts Freising*, ed. Theodor Bitterauf, 2 vols, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, N.F. 4-5 (Munich, 1905), no. 523b, 1:450 (A.D. 825); *furiskeozus*: Wartmann 1, no. 300, pp. 277-78 (= *ChLA* 102, no. 40, pp. 96-97, A.D. 826); *hluz*: see *Traditionen Freising*, no. 326, 1:279 (A.D. 814); no. 534, 1:456 (A.D. 826); no. 537, 1:458 (A.D. 826); no. 538, 1:458-59 (A.D. 826). For Lombard parallels, see Stoffella in this volume?

surveying, and transacting of property frequently provided circumstances for the invocation of vernacular terms. Thus, for example, an 819 charter from Regensburg records a survey of the *marca* of Cham undertaken by Bishop Baturich and local notables, describing the perambulation with a unique Old High German noun: 'Haec sunt nomina eorum, qui audierunt rationem istam et cauallicauerunt illam commarcam et fuerunt in ista pireisa…'.[37] The witness list of a Fulda charter of 824 states that 'isti sunt testes qui hoc audierunt et uiderunt giuueridam…'.[38] An original St Gall charter of 837 records a grant of property made out of the donor's *swascara*, his special right or privilege over a portion of land ('… et in meam suuascaram accepi …').[39] In virtually all these cases, etymologically vernacular words were declined as Latin nouns and thus effectively treated as loanwords, and scribes did not signal any shift from Latin to Germanic language.

By contrast, vernacular technical terms were rarely Latinized in this way in Anglo-Saxon charters. In England, it was more common for a scribe to give a Latin approximation for an Old English term, as in the cases of *hid* ('hide'), often rendered as *mansus* or *manens*, and *sulung*, often given as *aratrum*. If a charter required an Old English word, it usually followed a Latin word and was introduced with a clarifying statement such as 'id est' or 'quod dicimus'. Typical is an 815 diploma of Coenwulf of Mercia, ordering that an estate be free from all royal dues, 'exceptis his arcis et pontis constructionibus et expeditione ac singulare pretium ad penam, id est angylde'.[40] We discuss such 'flagging' of vernacular language in more detail below; here it is sufficient to note simply that Anglo-Saxon documents seldom incorporate Latinized vernacular technical terms. This contrast with Frankish charters suggests an interesting difference in the ways Latin and the vernacular were approached in our two societies: in the period under investigation Anglo-Saxon scribes seem to have been less willing than their East Frankish counterparts to shoehorn Germanic words into an overarching Latin syntax and morphology.[41]

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[37] *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, ed. Josef Widemann, Quellen und Erörterungen zur bayerischen Geschichte, N.F. 8 (Darmstadt, 1969), no. 16, pp. 15-17: 'These are the names of those who heard this verdict and rode [around] the *commarca* and were in this *pireisa* ("riding")'. See Reinhard Bauer, *Die ältesten Grenzbeschreibungen in Bayern und ihre Aussagen für Namenkunde und Geschichte (Munich, 1988)*, pp. 129-39; Michael Prinz, 'Vergessene Wörter – frühe volkssprachige Lexik in lateinischen Traditionsurkunden', *Jahrbuch für germanistische Sprachgeschichte* 1 (2010), 292-322, at pp. 300-1.

[38] *Codex diplomaticus Fuldensis*, ed. Ernst Friedrich Johann Dronke (Kassel, 1850), no. 448, p. 198: 'These are the witnesses who heard this and saw the *giuuerida* ("investiture")'.

[39] Wartmann 1, no. 360, pp. 335-36 (= *ChLA* 104, no. 1, pp. 15-17).

[40] S 178 (*CantCC* 51). [Translate?]

[41] On this point see also David Trotter, 'A Polyglot Glossary of the Twelfth Century', in *De Mot en Mot: Aspects of Medieval Linguistics*, eds Stewart Gregory and D. A. Trotter (Cardiff, 1997), pp. 81–91, at p. 89: 'when Anglo-Saxons wrote English they wrote English, and when they wrote Latin they wrote Latin. They did not contaminate their Latin with English […]. But from the very beginning of Norman traditions in England one encounters scores and hundreds of English words in Latin forms in hundreds of documents'. A search through the database of the *Dictionary of Medieval Latin from British Sources* has produced a list of *c*.800 words whose etymology is certainly or possibly related to Old English terms.

The second context in which one often finds vernacular language in a charter is the boundary clause and, more generally, topographical descriptions. This applies especially to Anglo-Saxon England, but it is also true to some extent of Frankish charters. Previous work on the use of the vernacular in early medieval documents has often focused on such descriptions of landscape, which is where the vast majority of vernacular language in Anglo-Saxon and East Frankish charters before *c*.900 appears.[42] Much of this research has been conducted from philological perspectives examining the early development of English and German, especially in relation to the study of place-names.[43] However, more remains to be said about such boundary descriptions from a sociolinguistic point of view, that is, in terms of what this evidence can tell us about the interaction between Latin and the vernacular in the overall process of oral property transactions and their documentation. Anglo-Saxon boundary clauses furnish many examples of 'intra-sentential' code-switching. One of the earliest examples of a mixed-language boundary description is contained in an original diploma of Wihtred of Kent from 697x712.[44] From a later period there is an original private charter of c.853x859 from Canterbury recording a purchase of land by a certain Plegred which delineates its boundary in a mixture of Latin and Old English.[45] Although most of the original

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Interestingly, however, the great majority of these Latinized originally vernacular words only appear in post-Conquest texts, with the earliest attestations often coming from Domesday Book or the *Quadripartitus*, i.e. the extensive Latin translation of Anglo-Saxon legislation compiled in the early twelfth century. The impression that eighth- and ninth-century Anglo-Saxon charters did not include Latinized vernacular words would thus seem to be confirmed. We thank Dr Richard Ashdowne for sharing the list with us and for drawing our attention to David Trotter's remark.

[42] For England, see Michael Reed, 'Anglo-Saxon Charter-Boundaries', in *Discovering Past Landscapes*, ed. Michael Reed (London, 1984), pp. 261-306; Peter Kitson, 'Quantifying Qualifiers in Anglo-Saxon Charter Boundaries'; Kathryn A. Lowe, 'The Development of the Anglo-Saxon Boundary Clause', *Nomina* 21 (1998), 63-100; Nicholas Howe, *Writing the Map of Anglo-Saxon England: Essays in Cultural Geography* (New Haven, CT, 2008), pp. 32-38. For East Francia, see Bauer, *Grenzbeschreibungen*; Geary, 'Land, Language and Memory'; Roberts, 'Boundary Clauses'. On the issues of vernacular place-names and properhood, see below, text corresponding to notes 53-56. On the growth of vernacular usage in ninth-century England, see Brooks, 'Latin and Old English'; and Gallagher, 'The Vernacular'.

[43] See, for instance, *Ortsname und Urkunde. Frühmittelalterliche Ortsnamenüberlieferung*, ed. Rudolf Schützeichel (Heidelberg, 1990). For more recent approaches on Anglo-Saxon place-names, building on the developments of landscape history, see the essays in *Place-Names, Language and the Anglo-Saxon Landscape*, eds Nicholas J. Higham and Martin J. Ryan (Woodbridge, 2011).

[44] S 19 (*CantCC* 5, p. 286): '… conferre bassilicae beatae Mariae genitricis Dei quae sita est in loco qui dicitur Limingae terram .iiii. aratrorum quae dicitur Pleghelmestun . cum omnibus ad eandem terram pertinentibus iuxta notissimos terminos id est bereueg . et meguines paed et stretleg …'. It should be noted that in this early single-sheet charter the description of the bounds is contained within the body of the main text of the charter rather than being supplied after the main text, as would become customary in later Anglo-Saxon diplomas.

[45] S 1196 (*CantCC* 85, p. 747): 'Ego Plegred aliquam terre unculam emi \et/ Eðelmode duci sexcentis denariis hoc est an healf tun que ante pertinebat to Wilburgewellan ðet land healf 7 healfne tun hiis terminibus circumcincta Ab oriente cyniges heiweg A meritie stret to

single-sheet diplomas providing examples of such mixed-language topographical descriptions come from Christ Church Canterbury due to the above-mentioned circumstances of archival preservation, similar cases of intra-sentential code-switching can be found in many other boundary clauses contained in generally reliable copies of late seventh-, eighth- and ninth-century charters from such diverse archives as Barking, Muchelney, Glastonbury, Wells, Worcester, Evesham, Rochester, and Abingdon.[46] In addition to these early occurrences of the vernacular in boundary clauses and in other references to the landscape, one could highlight several other cases of code-switching, which, from the early decades of the ninth century, begin to appear in Anglo-Saxon charters for purposes other than geographical descriptions.[47] Such recourse to the vernacular in Anglo-Saxon charters has traditionally been viewed either as evidence of poor Latinity or as an attempt to render key aspects of transactions comprehensible to lay audiences. More recent studies, however, have argued that the diversity and irregularity of this linguistic interplay indicates that such code-switching could arise from an array of scribal or authorial choices made in relation to different audiences.[48] While early Anglo-Saxon charters were rather uniform, by the ninth century, documents were being produced in different ways in different scriptoria and kingdoms; there was no single documentary form or linguistic protocol. Thus, one occasionally finds rather anomalous charters such as the surviving original grant of King Berhtwulf of Mercia to his thegn Forthred, issued in 844x845 and written almost entirely in Old English.[49]

In Carolingian Francia, as outlined above, documents tended to conform more to formularies and a narrower set of diplomatic standards, and royal charters drew legitimation from newly fixed chancery practices. Historical and political circumstances thus militated against the use of the vernacular in the documents of Germanic-speaking eastern Francia. Boundary clauses were not formulaic or common on the continent. Nevertheless, there are a number of mixed-language boundary descriptions from this region which display remarkable similarities to those from England. Moreover, they provide rare examples of non-Latinized vernacular language being used in East Frankish charters. For instance, there is a single-sheet charter of 777 from the monastery of Fulda describing the investiture and boundaries of the estate of Hammelburg, which had been granted by Charlemagne earlier that year. The prose

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Scufeling forde Ab occidente Stur Ab aquilone cyninges land 7 halfne wer una prata on burgwara medam suðeweardum 7 an norðeweardum burgwaramedam healfmed 7 meahselog an cyninges strete…'

[46] See for instance S 1171 (Barking, A.D. 685x693), S 244 (Muchelney, A.D. 702), S 1410 (Glastonbury, A.D. 744), S 262 (Wells, A.D. 766), S 109 (Worcester, A.D. 775 or 777), S 114 (Evesham, A.D. 779, original or contemporary copy), S 129 (Rochester, A.D. 788), and S 268 (Abingdon, A.D. 801).

[47] Gallagher, 'The Vernacular'.

[48] For older arguments, see especially N. P. Brooks, 'England in the Ninth Century: The Crucible of Defeat', *Transactions of the Royal Historical Society*, Fifth Series, 29 (1979), 1-20; Kelly, 'Anglo-Saxon Lay Society'; but cf. more recent works such as Brooks, 'Latin and Old English', pp. 115-16; Lowe, 'Lay Literacy'; Helen Gittos, 'The Audience for Old English Texts: Ælfric, Rhetoric and 'the Edification of the Simple', *Anglo-Saxon England* 43 (2014), 231-66; Tinti, 'Writing Latin and Old English'; Gallagher, 'The Vernacular'; Gallagher and Tinti, 'Latin, Old English and Documentary Practice'.

[49] S 204 (*CantCC* 75).

switches between Latin and Old High German without any indication that different languages were being used, and there is no attempt to Latinize the Germanic vocabulary.[50] A Fulda charter of 801 (surviving only in an early modern copy) describes a grant of newly cleared land belonging to the *villa* of Burghaun made by a group of landowners to the monastery, providing the boundary in a similar mixture of Latin and German words and phrases.[51] Although the quantity of vernacular language in Frankish documents is far smaller than in those of Anglo-Saxon England, these continental boundary descriptions nevertheless constitute important examples of 'un-signalled' code-switching and furnish crucial evidence for the interplay between Latin and the Germanic vernacular. Having examined the more usual vernacular contexts of technical terms and landscape descriptions, let us now turn to a different and more explicit type of evidence for linguistic awareness in this same corpus.

Language consciousness

Some charters provide clearer evidence for linguistic awareness, as when scribes and draftsmen employed certain phrasings to 'flag' language switches. These phrases varied according to several different factors, including local practice, adherence to available formularies, and personal preferences. Some patterns can however be identified in the bodies of materials considered here. As mentioned above, the introduction of vernacular terms in otherwise mostly Latin texts is particularly frequent when dealing with topographical elements. In the great majority of cases such switches occur in order to introduce place-names through the use of phrases such as 'in loco qui dicitur' or 'terra quae appellatur'. These phrases appear in charters issued all over Western Europe, but, on account of their generic character, they do not demonstrate a specific awareness on the part of the scribe or draftsman of the linguistic nature of the words which follow them. Caution is needed

[50] *ChLA* 12, no. 542, pp. 72-73 (which also includes a facsimile): '…Et descriptus est atque consignatus idem locus undique his terminis, postquam iuraverunt nobiliores terrae illius, ut edicerent veritatem de ipsius fisci quantitate: primum de Salu iuxta Teitenbah in caput suum, de capite Teitenbah in Scaranuirst, de Scaranuirste in caput Staranbah, de capite Staranbah in Scuntra, de Scuntra in Nendichenueld, deinde in thie teofun gruoba, inde in Ennesfirst then uuestaron, inde in Perenfirst, inde in orientale caput Lutibah, inde in Lutibrunnon, inde in obanentig Uuinessol, inde in obanentig Uuinestal, inde in then burguueg, inde in Otitales houbit, deinde in thie michilun buochun, inde in Blenchibrunnon, inde ubar Sala in thaz marchoug, inde in then matten uueg, inde in thie teofun clingun, inde in Hunzesbah in Eltingesbrunnon, inde in mittan Eichinaberg, inde in Hiltifridesburg, inde in thaz steinina houg, inde in then lintinon seo, inde in theo teofun clingun unzi themo brunnen, inde in ein sol, inde in ein steininaz hog, inde in Steinfirst, inde in Sala in then elm.' See Bauer, *Grenzbeschreibungen*, pp. 3-27; Geary, 'Land, Language and Memory', pp. 177-79; Bergmann, 'Voraussetzungen'.

[51] *Urkundenbuch des Klosters Fulda*, ed. Edmund E. Stengel (Marburg, 1956-58), no. 275, pp. 397-400: '…a Tunibach sursum vel sursum Tunibach usque ad Treuiches eichi, deinde sursum in Bramfirst, deinde in Caltenbahhes haubit, deinde in Ruhunbah, deinde in des kuninges uueg per ambos hagon, inde in Suuarzahafurt, deinde in daz smala eihahi, deinde after dero firsti in Rinacha haubit, deinde iterum in Tunibach…'

however, since place-names normally originate as descriptions of features of the landscape and are directly related to the way in which a local community speaks of such topographical features.[52] Moreover, we are no longer in a position to establish whether the terms which follow phrases like the above-mentioned ones still had semantic meaning when the charters that contain them were issued. In other words, we cannot ascertain whether terms that function as place-names were already employed just as labels or, by contrast, whether local users could still relate their meaning to the features to which they originally, as common nouns or phrases, referred.[53] For example, in an eighth-century charter issued by Ealdwulf, king of the East Saxons, in favour of a *comes* named Hunlaf, one of the places where the land granted was located is referred to as 'loco qui dicitur Stanmere'.[54] The latter term means 'stony pool', but we do not know whether the pool which gave origin to this way of calling the place was still there when the charter was issued, or whether local inhabitants would have been thinking of it when referring to this location.[55] Conversely, modern editing conventions require the employment of a capital initial letter when such place-names appear in documents, even though the original texts did not employ similarly unequivocal ways of signalling properhood. Such conventions tend to suggest to a modern reader's mind that those words were already functioning as labels when the charters containing them were produced, thus obfuscating the possibility that they could in fact retain semantic meaning.

This is relevant because, as mentioned above, terms which function as place-names, irrespective of whether they still conveyed semantic meaning, obviously originated at a local level among those who lived in or near the location itself. In Anglo-Saxon and East Frankish charters, such terms would thus almost invariably introduce Germanic words within a Latin text. When draftsmen flagged the inclusion of these terms with such relatively neutral phrases

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[52] See Hubertus Menke, *Das Namengut der frühen karolingischen Königsurkunden* (Heidelberg, 1980), pp. 341-44. For similar issues in French documents from a slightly later period, see Michel Parisse, '*Quod vulgo dicitur*: la latinisation des noms communs dans les chartes', *Médiévales* 42 (2002), 45-54, at pp. 45-6.

[53] For a detailed treatment see Richard Coates, 'Singular Definite Expressions with a Unique Denotatum and the Limits of Properhood', *Linguistics* 38.6 (2000), 1161-74, and, by the same author, 'A Strictly Millian Approach to the Definition of the Proper Name', *Mind and Language* 24 (2009), 433-44; Bergmann, 'Voraussetzungen', pp. 63-69. See also Kate Wiles, 'The Treatment of Charter Bounds by the Worcester Cartulary Scribes', *New Medieval Literatures* 13 (2011), 113-36, and Fran Colman, 'First, Catch Your Name … On Names and Word Classes, Especially in Old English', *English Studies* 96 (2015), 310-36 for a discussion focusing on Anglo-Saxon materials. On place-name morphology in Francia, see *Ortsname und Urkunde*, ed. Schützeichel.

[54] S 50 (*CantCC* 17). This is the modern place-name Stanmer, still used to refer to the same location in Sussex. The charter only survives in a thirteenth-century copy and, though its most recent editors consider it untrustworthy in this received form, they believe that it 'ultimately depends on an eighth-century document': Brooks and Kelly, *CantCC* 17, p. 370.

[55] In those cases in which scribes provided a Latin rendering of a vernacular place-name, it would seem, by contrast, that there persisted a clear awareness of the geographical features to which the name itself referred. One such example is provided by a ninth-century charter from Worcester referring to the city of Bath as follows: 'in illo famoso urbe qui nominatur et calidum balneum, þæt is æt þæm hatum baðum': S 210 (BCS 509).

as the ones quoted above, it is not possible to ascertain whether they were aware of the code-switching they were introducing, whether they thought they were simply giving proper names, or whether they would have automatically recognized the semantic meaning of those words. Various factors would have determined one or the other possibility and, in fact, in many cases things may have been far from clear-cut, with vernacular phrases still preserving semantic force while also being on their way to becoming labels.[56]

In many other cases, however, draftsmen do provide hints in charters about their attitude to and awareness of the inclusion of vernacular Germanic single terms or strings of words. In England, place-names could be introduced through reference to local knowledgeable people with phrases such as 'quam solicolæ … nominant', 'ubi ab incolis … appellatur', or 'quem ruricolae … solent clamare'.[57] By referring to those who would have commonly called or described relevant locations through the vernacular words contained in the documents, draftsmen evoked a space inhabited by people who spoke a language markedly different from the Latin of the charters. In Anglo-Saxon documents, where these phrases are especially common, the term *vulgus* is also occasionally employed, as in the case of a charter of King Coenwulf of Mercia which refers to Tamworth, the place where the diploma was issued in 808, through the words 'Actum est in loco celeberrimo quae a uulgo uocatur Tomeworðig'.[58] Here the word *vulgus*, instead of denoting specifically the persons who lived in the locality as in the case of *solicolae* or *incolae*, conveys the more general meaning of 'common people', thus implying that in order to name Tamworth, it was necessary to employ the more commonly spoken vernacular in contrast to the Latin of the documents.

In continental charters, the language of the common people is frequently referred to with some variation of the phrase 'quod vulgo dicitur', in which *vulgo*, originally the ablative form of *vulgus*, functions as an adverb meaning 'commonly' or 'usually'.[59] The phrase has

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[56] Not surprisingly a more acute awareness of place-names' semantic value is generally shown by foreigners or authors who are writing for a foreign audience. A case in point is undoubtedly Asser, the Welsh biographer of King Alfred the Great, who often spells out in his Latin account of the King's Life the meaning of the English place-names he mentions; e.g., 'in insula quae vocatur Sceapieg, quod interpretatur "insula ovium"' (ch. 3); 'in loco qui dicitur Aclea, id est "in campulo quercus"' (ch. 5). On several occasions he also provides the Old Welsh corresponding place-name: 'insula quae dicitur in Saxonica lingua Tenet, Britannico autem sermone Ruim' (ch. 9); 'ad alium locum qui dicitur Saxonice Exanceastre, Britannice autem Cairuuisc, Latine quoque civitas Exae' (ch. 49). For further significant examples see chs 37, 55, 57. All quotations are from *Asser's Life of King Alfred together with the Annals of Saint Neots Erroneously Ascribed to Asser*, ed. William Henry Stevenson (Oxford, 1959).

[57] See for example S 258 (BCS 179, from Winchester, Old Minster; A.D. 749), S 161 (*CantCC* 37; A.D. 805), S 178 (*CantCC* 51; A.D. 815). The reference to *incolae* seems to be especially favoured at Canterbury in the early ninth century, whereas *solicolae* is attested at Worcester and Winchester. Interestingly, references to local inhabitants appear seldom to have occurred in eastern Francia.

[58] S 163 (*CantCC* 40).

[59] This adverbial usage is widely attested in antiquity: Frédérique Biville, '"Qui vulgo dicitur…" Formes "vulgaires" de la creation lexicale en Latin', in *Latin vulgaire, latin tardif*

attracted the attention of historians and philologists, albeit largely in relation to the long-running debate on the divergence of Latin and Romance.[60] Studies have thus mostly focused on texts produced in Romance-speaking areas, only touching occasionally on the contemporary use of this phrase in eastern Frankish territories, where it usually signalled the introduction of Germanic terms and phrases in Latin documents.[61] The occurrences of 'quod vulgo dicitur' (or similar variants) in charters from the Frankish East are particularly noteworthy, as the presence of the adverb *vulgo* bridges the written Latin of the documents and the Germanic vernacular spoken language. Moreover, the phrase is not simply or solely employed to introduce topographical terms (although this was often the case at Freising[62]), but occurs especially in contexts in which scribes introduced vernacular terms after having first given their meaning in Latin. In other words, phrases containing the adverb *vulgo* are often employed to introduce translations from Latin to the Germanic vernacular. A Lorsch charter of 770 provides one such example when tracing the perimeter of a large tract of woodland, which was marked by tree-notching: 'ipsa incisio arborum in ipsa die facta fuit, que uulgo lachus appellatur siue diuisio'.[63] In a Freising charter of 793 recording a donation of property around Donauwörth by Count Helmoin, the phrase 'quod vulgo dicitur' is used to provide a vernacular translation of a portion of the boundary clause contained in the document: '… exinde tendit in iusu iuxta rivolum usque ad magnum rubum quod vulgo dicitur nidar pi deru lahhun za deru mihilun eihi …'.[64] In these and other similar cases, scribes were clearly conscious of their code-switching, relying on the adverb *vulgo* to express

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IV. Actes du 4e colloque international sur le latin vulgaire et tardif, Caen, 2-5 septembre 1994, ed. Louis Callebat (Hildesheim, 1995), pp. 193-203; Rosanna Sornicola, '"Vulgo dicitur": Vulgarisms in Legal Latin', *Journal of Latin Linguistics* 12 (2013), 269-99, at pp. 274-77, 281-2.

[60] Marc van Uytfanghe, 'Les expressions du type *quod vulgo vocant* dans des textes latins antérieurs au Concile de Tours et aux Serments de Strasbourg: témoignages lexicologiques et sociolinguistiques de la "langue rustique romaine"?', *Zeitschrift für romanische Philologie* 105 (1989), 28-49, with further bibliography; Parisse, 'Quod vulgo dicitur'.

[61] An exception is *Quod vulgo dicitur. Studien zum Altniederländischen*, eds W. Pijnenburg, A. Quak and T. Schoonheim (Amsterdam, 2003), although despite the volume's title, the only contribution that deals with this expression in any detail is Dirk P. Blok, 'Altniederländisches in lateinischen Dokumenten, 800 - ca. 1250', pp. 169-82, who, despite a focus on twelfth-century Dutch evidence, notes that such phrases seem to have become common in the Low Countries in the Carolingian period: pp. 174-81.

[62] See, e.g., *Traditionen Freising*, no. 34, 1:61-62; no. 100, 1:117-18; no. 197, 1:187-90; no. 199, 1:191-92; no. 273, 1:240-41; no. 405, 1:349; no. 434a, 1:371-72; no. 437, 1:376; no. 475, 1:406-7; no. 560, 1:481-82; no. 575, 1:492; no. 576, 1:493-94. See further Bauer, *Grenzbeschreibungen*, pp. 274-76.

[63] *Codex Laureshamensis*, ed. Karl Glöckner, 3 vols (Darmstadt, 1929-36), no. 10, 1:286-87: 'a tree-notch was made on that same day, which in the vernacular is called a *lachus*, or "division"'. For tree-marking, see also for instance MGH D Louis the Pious, no. 378, pp. 942-45; *Traditionen Regensburg*, no. 59, pp. 59-60.

[64] *Traditionen Freising*, no. 166a, 1:161-64: 'from there it extends downwards along the stream up to the big oak tree which is commonly [or 'in the vernacular'] called *nidar pi deru lahhun za deru mihilun eihi* ("down by the stream to the great oak tree")'. See Bauer, *Grenzbeschreibungen*, pp. 166-73.

a change from the usual, expected Latin to their native tongue.[65] The phrase in Helmoin's charter, however, is particularly striking, given the scarcity of vernacular usage in Frankish documents, and we are compelled to ask what may have prompted the interruption. The political background to Helmoin's donation is relatively clear: in 788, Charlemagne deposed Tassilo III, the last Agilolfing duke of Bavaria, and stayed there in 791–93 to oversee the integration of the region into his kingdom. Helmoin, a prominent member of the Agilolfing family, was consequently subjected to the Carolingian takeover. As the charter recounts, the land in question had been appropriated for the fisc by royal commissioners. Charlemagne, however, intervened and restored the property to Helmoin on the condition that he donate it to the church of Freising. As part of the re-investment of the land, its boundary was perambulated, and it is here that the vernacular statement was made. This portion of the property, most likely an inheritance of particular significance, was commemorated in the count's own language, perhaps as an assertion of his family identity in the face of this foreign imposition and the enforced alienation of the land.[66]

Anglo-Saxon draftsmen, by contrast, did not employ the phrase 'quod vulgo dicitur', but found other ways to flag the use of Old English in their Latin charters. In this same period – the late eighth and early ninth century – it is possible to observe the appearance of two new, much more explicit, language-flagging features in Anglo-Saxon charters: the naming of the vernacular language as 'Saxon' and the use of phrases containing a first-person plural verb, such as 'quem nos vocamus'. Alternatively, but clearly to the same effect, we also find the first-person possessive adjective *nostra* in phrases like 'qui nominatur nostra propria lingua'. Both features can be found in a charter from Abingdon dated 801 and preserved in an early thirteenth-century cartulary.[67] This was issued by Beorhtric, king of the West Saxons in favour of a *princeps* named Lulla. The land transacted is said to have been located 'ubi nota appellatione Saxonice Eastun dicitur', while the bounds refer to a 'sharp stone' through the words 'iuxta uno acerbo lapidum quem nos stancestil uocamus'. The use of the word *Saxonice* makes explicit the necessary switch to the vernacular to introduce the place-name

[65] See for example *Cartulaire de l'abbaye de Gorze*, ed. A. d'Herbomez (Paris, 1898), no. 11, pp. 24-28: 'vineas quoque sepire, quod vulgo dicitur manuerc arare' (as well as two other instances in the same charter); *Traditionen Freising*, no. 326, 1:279: 'territorium quod vulgo dicitur einan hluz'; MGH D Louis the German, no. 124, pp. 174-75: 'ut eis liceret habere plenam legem, quae vulgo dicitur phaath'.

[66] Janet L. Nelson, 'The Language of Charters and Charter-related Documents in the Reign of Charlemagne', lecture delivered at Universidad del País Vasco, Vitoria-Gasteiz, 8 February 2016, video available online: <https://ehutb.ehu.es/video/58c6703af82b2b990f8b457a>. For the Bavarian context, see Janet L. Nelson, 'Staging Integration in Bavaria, 791-3', in *Neue Wege der Frühmittelalterforschung*, eds Walter Pohl, Maximilian Diesenberger and Bernhard Zeller (Vienna, forthcoming); and on the identification of individuals and groups with particular properties, see Geary, 'Land, Language and Memory'.

[67] S 268 (*Abing* 7). Although earlier scholars had cast some doubts on the authenticity of this document, its latest editor – Susan Kelly – has identified features which point towards its likely authenticity, particularly in the boundary clause; ibid. p. 34. The earliest occurrence of *Saxonice* can be found in a record from the Worcester archive dated 796 and preserved in an early eleventh-century cartulary; S 148 (BCS 278): 'in celebri vico qui Saxonice vocatur æt Baðum'.

Eastun (i.e., Crux Easton, Hants.). This represents an important development from the more neutral ways in which place-names were provided in the examples examined above. In this case the scribe is not simply reporting the name of a place, he is also explicitly saying that in order to do so he needs to change language, and that the code he is introducing is the vernacular 'Saxon' language. Here, then, the vernacular is given a precise name and identity, and is thus provided with status and recognition. The flagging in the boundary clause takes things even further: although the name of the language is not repeated there, the use of the first-person plural 'nos … uocamus' generates a process through which both the scribe and his audience can identify with the vernacular word *stancestil*. The function of this flagging phrase is similar to that performed by the words 'quod vulgo dicitur' in continental sources, in that in both cases we are witnessing the insertion of a vernacular translation of text previously provided in Latin. Thanks to the use of the first person in Beorhtric's charter, however, the Old English word is marked up as a portion of the text which – the scribe can guarantee – will be recognizable by all those with access to the charter, either through direct reading or by hearing it read out.[68]

The earliest charter surviving in its original form in which the same mechanism can be identified is a diploma issued by King Coenwulf of Mercia in 811 in favour of Archbishop Wulfred of Canterbury.[69] While the place-names mentioned in this charter are introduced by phrases such as 'ibi ab incolis … nuncupato', or 'quod … illic nominatur', the urban tenements granted by the king to the archbishop, together with other landed properties in Kent, are described as 'duas possessiunculas et tertiam dimediam id est in nostra loquella ðridda half haga' ('two and a half small properties, that is, in our speech, two and a half tenements'). Old English works rather differently from Latin to express half numerals, as is shown by the pattern emerging from this example (ordinal number + *half* + noun).[70] The provision of an Old English translation for this technical aspect of the text can be at least in part attributed to the pragmatic nature of the information conveyed, which has often been cited to justify the presence of the vernacular in documentary sources. However, one must also bear in mind that the reference to 'nostra loquella' would have engendered in the draftsman and his audience the same process of identification with the language that has been observed in the case of Beorhtric's charter. There are numerous other examples in ninth-century English charters of vernacular terms inserted through references to 'our language' or the use of first-person plurals like *dicimus*, *vocamus* etc. As well as in documents from Canterbury and Abingdon, these occur in records from Worcester, Rochester, Malmesbury,

[68] On charters as texts for reading either in public or private contexts and, more generally, on their performative nature, see D. H. Green, *Medieval Listening and Reading: The Primary Reception of German Literature, 800-1300* (Cambridge, 1994), pp. 99-101; Kelly, 'Anglo-Saxon Lay Society', pp. 56-57; Geary, 'Land, Language and Memory'; and Scott Thompson Smith, *Land and Book: Literature and Land Tenure in Anglo-Saxon England* (Toronto, 2012), pp. 22-69.

[69] S 168 (*CantCC* 44).

[70] See Alistair Campbell, *Old English Grammar* (Oxford, 1959, repr. with corrections 1991), p. 285.

and Winchester.[71] In several of these cases we can also observe in the same sentence the combination of a reference to 'us' and/or 'our language' with the explicit naming of the language as 'Saxon'. This is exemplified by a surviving single sheet from the Worcester cathedral archive, a diploma of King Wiglaf of Mercia, dated 836, granting privileges to the minster at Hanbury (Worcestershire).[72] Among the exemptions from worldly obligations granted, there is one described as 'difficultate illa quam nos Saxonice faestingmenn dicimus'. The Old English term *fæstingmen* would seem to indicate a category of people, probably royal agents, whom religious institutions such as that at Hanbury had the obligation to feed and entertain.[73] Furthermore, it is worth noting that references to the vernacular as the 'Saxon' language can be found in charters issued in Mercia, Kent, and Wessex throughout the ninth century and the beginning of the tenth.[74] The term itself, which would seem to appear at the turn of the ninth century to refer to the Old English vernacular in charters from all the above-mentioned regions, is obviously associated with the ethnonym that had been most commonly used to define the Anglo-Saxons since the fifth century, i.e. *Saxones*. Bede famously departed from this usage preferring to adopt the term *Angli* and to speak in most cases of the *lingua Anglorum*, a choice which, as suggested by Jennifer O'Reilly, was probably meant to avoid possible negative associations with the word *saxum*, sometimes used to refer to the hardness of unconverted peoples.[75] Bede's choice, however, does not seem to

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[71] E.g. S 177 (*CantCC 48*), S 287 (*CantCC* 71), S 293 (*CantCC* 73), S 328 (*CantCC* 83), S 332 (*CantCC* 86), S 344 (*CantCC* 93), all from Canterbury, Christ Church; S 190 (BCS 416), S 193 (BCS 434), S 206 (BCS 487), S 207 (BCS 489), from Worcester; S 1271 (*Abing* 12), from Abingdon; S 299 (*Roch* 229), S 315 (*Roch* 23), from Rochester; S 356 (*Malm* 20), from Malmesbury; S 1277 (BCS 544), from Winchester, Old Minster.

[72] S 190 (BCS 416).

[73] See Kelly, *Abing* 12, pp. 58-59. The same reference to this exemption, including the explicit mention of the 'Saxon' language, can also be found in other ninth-century charters from Mercia and Kent: S 271 (*Roch* 18); S 193 (BCS 434) from Worcester; S 1271 (*Abing* 12). As observed in Gallagher, 'The Vernacular', p. 209, *fæstingmen* is one of the earliest non-locative vernacular terms to appear in Anglo-Saxon charters.

[74] These are, in chronological order, S 148 (BCS 278), S 268 (*Abing* 7), S 161 (*CantCC* 37, a slightly more complex case referring to *ritu Saxonica*; cf. S 169, *CantCC* 46), S 190 (BCS 416), S 287 (*CantCC* 71), S 193 (*Pet* Appendix 3), S 293 (*CantCC* 73), S 1271 (*Abing* 12), S 315 (*Roch* 23), S 207 (BCS 489), S 332 (*CantCC* 86), S 1284 (BCS 590), S 374 (BCS 564), S 372 (BCS 613), S 1286 (BCS 611). The remarkable paucity of surviving early charters from Northumbria does not allow one to ascertain whether the same term would have also been used in charters produced there: *Charters of Northern Houses*, ed. D. A. Woodman, Anglo-Saxon Charters 16 (Oxford, 2012), pp. 1-6. For the terms used by the Northumbrian Bede to define the vernacular English language see Nicholas Brooks, 'Bede and the English', Jarrow Lecture 1999, pp. 8-9, 15, and by the same author, 'English Identity from Bede to the Millennium', *Haskins Society Journal* 14 (2003), pp. 33-51, at pp. 35-36.

[75] Jennifer O'Reilly, 'The Multitude of Isles and the Corner-stone: Topography, Exegesis, and the Identity of the *Angli* in Bede's *Historia ecclesiastica*, in *Anglo-Saxon Traces*, eds Jane Roberts and Leslie Webster, Essays in Anglo-Saxon Studies 4 (Tempe, AZ, 2011), pp. 201-27. Cf. Michael Richter, 'Bede's *Angli*: Angles or English?', *Peritia* 3 (1984), 99-114; Nicholas Brooks, *Bede and the English*, Jarrow Lecture 1999 (Jarrow, 2000); Nicholas

have had an impact on surviving eighth- and ninth-century charters, though, of course, one wonders whether the resulting picture would be different if records from this period had also been preserved in Northumbria.[76] Such uniformity at this time is in any case striking, given that England still encompassed a number of different polities in various states of political and military turmoil, a process which would eventually lead to the expansion of the West Saxon kingdom and, in the first half of the tenth century, the creation of the kingdom of the English. In spite of the political divisions and the geographical distribution of Old English dialects, surviving charters attest to a clear notion of a shared vernacular language throughout all these territories.[77]

Continental charters, by contrast, present a different picture in this respect. For one, the use of first-person plural verbs, such as *dicimus* or *nominamus*, in order to introduce vernacular terms appears to have been restricted to private charters.[78] A Freising charter of 802, for instance, employs the phrases 'duo loca quod dicimus houasteti' and 'territorium quod dicimus kapreitta' to introduce vernacular terms indicating farmsteads (*houasteti*) and a field (*kapreitta*).[79] A Fulda charter of 817x818 uses the verb *dicimus* before a vernacular word whose meaning had first been given in Latin ('extra tres laboraturas siluae quas nos dicimus thriurothe').[80] In this case we can perceive the same translating function that has been observed for English documents employing vernacular technical terms whose meaning is first provided in Latin. An interesting contrast, however, is provided by an original single-sheet private charter of 817 from St Gall which introduces the vernacular term *chuuiltiuuerch* ('evening work') through the formula 'quod Alamanni dicunt'.[81] This phrase also occurs in the *Lex Alamannorum* to signpost the use of specific Alemannic (i.e., Upper German) terms in the otherwise Latin text of the legislative code.[82] To understand the use of this phrase in the St Gall charter, which was written by a monastic scribe named Wolfcoz and records a

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Brooks, 'English Identity from Bede to the Millennium', *The Haskins Society Journal* 14 (2003), 33-52;.

[76] Ninth-century Latin narrative texts also call the Old English vernacular 'Saxon', as is the case for Asser's *Life of King Alfred*, about which see above, n. 56.

[77] Kitson, 'The Nature'.

[78] Though cf. the use of a first-person verb in this way in Charlemagne's *Capitulare Italicum*, discussed below.

[79] *Traditionen Freising*, no. 185, 1:177-78; see also no. 534a, 1:456; and, for a slightly later period, no. 1007, 1:760-61.

[80] *Codex diplomaticus Fuldensis*, no. 354, p. 167. See also no. 332, p. 161 (*fahstat*).

[81] Wartmann 1, no. 228, pp. 219-21 (= *ChLA* 101, no. 25, pp. 89-93): 'puelle vero infra salam manentes tres opus ad vestrum et tres sibi faciant dies, et hoc quod Alamanni chuuiltiuuerch dicunt non faciant'. On the definition of this term, see Stefan Sonderegger, *Althochdeutsche Sprache und Literatur*, 3rd ed. (Berlin, 2003), p. 72.

[82] See Wolfgang Haubrichs, '*Quod Alamanni dicunt*. Volkssprachliche Wörter in der *Lex Alamannorum*', in *Recht und Kultur im frühmittelalterlichen Alemannien. Rechtsgeschichte, Archäologie und Geschichte des 7. und 8. Jahrhunderts*, ed. Sebastian Brather (Berlin, 2017), pp. 169-209. On Old High German dialects, see Wolfgang Haubrichs, *Die Anfänge: Versuche volkssprachiger Schriftlichkeit im frühen Mittelalter (ca. 700-1050/60). Geschichte der deutschen Literatur von den Anfängen bis zum Beginn der Neuzeit, I: Von den Anfängen bis zum hohen Mittelalter*, 2nd ed. (Tübingen, 1995), pp. 23-26.

donation of Count Chadaloh to the monastery, one should bear in mind that St Gall's domain covered both Romance- and Germanic-speaking areas (Rhaetia and Alemannia, respectively).[83] It is probably for this reason that an inclusive first-person plural verb (such as *dicimus*) could not be used here to refer to a specifically Germanic technical term such as *chuuiltiuuerch*. The word was instead signposted in this private charter through reference to the long-established ethnic identity of those who, in this region, were associated with that vernacular.

Moving from private to royal charters, one finds that first-person verbs and possessive adjectives rarely appear in eastern Frankish royal diplomas to signpost the use of vernacular terms.[84] By contrast, in diplomas dealing with territories which had been recently conquered by the Franks, it is possible to encounter third-person plural verbs and pronouns. One example is provided by an original single-sheet diploma of Charlemagne issued in 811, through which the emperor confirmed Count Bennit's ownership of land given to his father, Amalung the Saxon, for his fidelity:

Praecipientes ergo iubemus, ut nullus fidelium nostrorum praesentium scilicet et futurorum praefatum Bennit vel heredes illius de hoc propriso, *quod in lingua eorum dicitur bivanc*, expoliare aut inquietare ullo quoque tempore praesumatis … [emphasis ours][85]

The beneficiary of this diploma was a member of the Saxon elite, active in a territory which had experienced a relatively recent Frankish takeover. The charter presents us with an outsider perspective, or perhaps a top-down one, rather than the inclusive descriptions of the vernacular language encountered in the English charters. Charlemagne ruled over a vast territory, which, as discussed, was markedly more multilingual than ninth-century England, and in which a royal diploma could never unequivocally refer to 'our language' as English records do. Hence the need to signpost the use of vernacular terms through the phrase 'quod in lingua eorum dicitur', i.e., 'in their language' rather than 'our own'. Similar attitudes to the language of the Saxons emerge from the later diplomas of Louis the German, in which on occasion one finds the phrase 'eorum lingua'. This is the case for two royal diplomas, issued respectively in 858 and 859, in favour of the female monastery at Herford, in Saxony, which signpost the employment of the vernacular term *lazi*/*lati* (= *lazzi*, 'semi-free people') through

[83] McKitterick, *Carolingians*, pp. 81-90; *Urkundenlandschaft Rätien*, eds Peter Erhart and Julia Kleindinst (Vienna, 2004), pp. 70-74; Zeller, this volume.
[84] MGH D Louis the German, no. 51, pp. 67-69, purportedly issued in 848, includes the phrase 'quod nos foravuerch vocamus', but this is an eleventh-century interpolation. *Foravuerch* is an Old Saxon term for 'outlying farm' or 'manor'; see Heinrich Tiefenbach, *Altsächsische Handwörterbuch* (Berlin, 2010), p. 101.
[85] MGH D Charlemagne, no. 213, pp. 284-85; and cf. the identical use of this phrase in no. 218, pp. 290-92. On *bivanc* (= *bifang*, *bifangum*), see Sebastian Freudenberg, *Trado atque dono. Die frühmittelalterliche private Grundherrschaft in Ostfranken im Spiegel der Traditionsurkunden der Klöster Lorsch und Fulda (750 bis 900)* (Stuttgart, 2013), pp. 159-64.

the phrase 'quae/qui lingua eorum … dicuntur'.[86] The dissociative effect obtained through the use of this phrase is probably a product of politico-linguistic circumstance: Old Saxon, as a Low German dialect, could be easily recognized as different from the Old High German dialects spoken by the inhabitants of the main territories in the eastern regions of the Frankish Empire.[87]

Such linguistic features should be kept in mind when considering the increasing use of the adjective *theodisca* to define the vernacular language in the diplomas issued by Louis the German for institutions located further south, that is, closer to the heart of his political base. In 837, he gave land located at the confluence of the rivers Ybbs and Danube to the church of Salzburg, one of several grants in the southeast in favour of Bavarian ecclesiastical institutions. The relevant portion of the text reads 'ex utraque parte ipsius fluminis terminatur ab occidentale parte, quod Theodisca lingua wagreini dicitur'.[88] In another charter of the same year in favour of the Alemannic monastery of Kempten, the same phrase was employed to introduce the vernacular word *muta*, indicating a specific due from which the monastery was being exempted ('nullum theloneum neque quod lingua Theodisca muta vocatur').[89] The use of *lingua theodisca* in these contexts seems to be analogous to the references to the Saxon language in the English charters discussed above.

The adjective *theodisca* (in Old High German, *diutisk*, and whence *deutsch*) was derived from the unattested Proto-Germanic noun **þeudō*- ('people'), and so is a Latinization literally meaning 'of the people', thus suggesting interesting parallels with the Latin adjective *vulgaris*. It became the general term most commonly used in the Frankish world to refer to the vernacular Germanic tongue, often in opposition to the *lingua romana*, that is, the Romance vernacular. Interestingly, the earliest attested use of the term is found in a report prepared by George of Ostia for Pope Hadrian following the legatine councils held in

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[86] MGH DD Louis the German, no. 93, pp. 134-35, and no. 95, pp. 137-38. On *lazzi*, see Eric J. Goldberg, *Struggle for Empire: Kingship and Conflict under Louis the German* (Ithaca, 2006), p. 110.

[87] On 'lingua eorum' as a phrase indicating the language of the Saxons in documentary sources, see Heinrich Tiefenbach, *Studien zu Wörtern volkssprachiger Herkunft in karolingischen Königsurkunden. Ein Beitrag zum Wortschatz der Diplome Lothars I. und Lothars II.* (Munich, 1973), p. 22, and Goldberg, *Struggle for Empire*, p. 179 n. 146. Cf. MGH D Arnulf, no. 69, pp. 103-4: 'quae secundum illorum linguam steora vel ostarstuopha vocatur'; with Tiefenbach, *Studien zu Wörtern*, pp. 89-92. For further examples of such differentiation of peoples through reference to language, see Hans-Werner Goetz, 'Lingua. Indizien und Grenzen einer Identität durch Sprache im frühen Mittelalter', in *Sprache und Identität*, eds Pohl and Zeller, pp. 61-74, at pp. 69-72.

[88] MGH D Louis the German, no. 25, pp. 30-31; Goldberg, *Struggle for Empire*, pp. 79-80. *Wagreini* probably means 'ridge': Gerhard Köbler, *Althochdeutsches Wörterbuch*, 6th ed., online version (2014) <http://www.koeblergerhard.de/ahdwbhin.html>.

[89] MGH D Louis the German, no. 24, pp. 29-30; Goldberg, *Struggle for Empire*, pp. 80-81. This charter survives in a twelfth-century cartulary, but a renewal of the privilege in 844 (MGH D Louis the German, no. 36, pp. 46-47), preserved in the original, repeats the phrase precisely.

England in 786.[90] To ensure full understanding of the council's canons at an assembly held in Mercia, George's decrees were read out 'tam latine quam theodiscę', meaning in this case that they were translated into English.[91] *Theodisca* next appears in the *Annales regni Francorum*, where in the entry for 788 the annalist reports that Tassilo, duke of the Bavarians, was summoned to Ingelheim by Charlemagne and tried for deserting King Pippin's army in 763. This was a crime, 'quod theodisca lingua harisliz dicitur'.[92] A very similar phrase concerning *harisliz* is found a few years later in Charlemagne's *Capitulare Italicum* of 801, although here the text implies that the *lingua theodisca* is the king's own: 'quod nos teudisca lingua dicimus herisliz'.[93] Here, then, the *lingua theodisca* has become the word of the king. The nature of these references to *harisliz* has led to the suggestions that the term *theodisca* was primarily used specifically to denote legal terminology, and that on the continent the *lingua theodisca* was a kind of 'high language' of the assembled, multi-ethnic Frankish army.[94] But, while *theodisca* could denote legal or military obligations (as was also the case in Louis the German's diplomas), it clearly possessed a broader meaning, as demonstrated by its appearance at the Mercian synod of 786. Here, *theodisca* obviously refers

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[90] Heinz Thomas, 'Der Ursprung des Wortes Theodiscus', *Historische Zeitschrift* 247 (1988), 295-331; Wolfgang Haubrichs, 'Theodiscus, Deutsch und Germanisch - drei Ethnonyme, drei Forschungsbegriffe. Zur Frage der Instrumentalisierung und Wertbesetzung deutscher Sprach- und Volksbezeichnungen', in *Zur Geschichte der Gleichung 'germanisch-deutsch'. Sprache und Namen, Geschichte und Institutionen*, eds Heinrich Beck, Dieter Geuenich, Heiko Steuer and Dietrich Hakelberg (Berlin, 2004), pp. 199-227; and Wolfgang Haubrichs and Herwig Wolfram, 'Theodiscus', *Reallexikon der Germanischen Altertumskunde*, 35 vols eds Heinrich Beck, Dieter Geuenich, and Heiko Steuer, (Berlin, 1972-2008), 30:421-33.

[91] Edited in Alcuin, *Epistolae*, ed. Ernst Dümmler, MGH Epp. 4 (Berlin, 1895), no. 3, p. 28. For general context, see Catherine Cubitt, *Anglo-Saxon Church Councils c.650-c.850* (London, 1995), pp. 152-90; and Joanna Story, *Carolingian Connections*, pp. 55-92. The letter is transmitted in a late-tenth-century manuscript alongside a canon law collection associated with Archbishop Ruotger of Trier (916-31), but its textual integrity is not doubted; see Story, *Carolingian Connections*, p. 58.

[92] *Annales regni Francorum*, s.a. 788, eds Georg Heinrich Pertz and Friedrich Kurze, MGH SS rer. Germ. 6 (Hanover, 1895), p. 80. For context, see McKitterick, *Charlemagne*, pp. 118-27.

[93] *Capitulare Italicum*, ed. Alfred Boretius, MGH Capit. 1 (Hanover, 1883), no. 98, p. 205; Jennifer R. Davis, *Charlemagne's Practice of Empire* (Cambridge, 2015), pp. 285-6.

[94] Thomas, 'Der Ursprung'; Heinz Thomas, 'Frenkisk. Zur Geschichte von theodiscus und teutonicus im Frankreich des 9. Jahrhunderts', *Beihefte der Francia* 22 (1990), 67-95; Hermann Jakobs, *Theodisk im Frankenreich* (Heidelberg, 1998), esp. pp. 32-45; Hermann Jakobs, 'Diot und Sprache. Deutsch im Verband der Frankenreiche (8. bis frühes 11. Jahrhundert)', in *Nation und Sprache. Die Diskussion ihres Verhältnisses in Geschichte und Gegenwart*, ed. Andreas Gardt (Berlin, 2000), pp. 7-46; Ruth Schmidt-Wiegand, '*Quod theodisca lingua harisliz dicitur*. Das Zeugnis der Lorscher Annalen (788) im Kontext frühmittelalterlicher Rechtssprache', in *Grammatica Ianua Artium. Festschrift für Rolf Bergmann zum 60. Geburtstag*, eds Elvira Glaser and Michael Schlaefer (Heidelberg, 1997), pp. 85-91. On vernacular glossing of legal terms, cf. the Germanic glosses of the *Lex Salica* known as the 'Malberg glosses': Ruth Schmidt-Wiegand, 'Die Malbergischen Glossen, eine frühe Überlieferung germanischer Rechtssprache', in *Germanische Rest- und Trümmersprachen*, ed. Heinrich Beck (Berlin, 1989), pp. 157-74.

to the language of those who were present. To a Romance-speaker such as George of Ostia, Old English would probably have sounded similar to continental Germanic speech. In fact, the adjective *theodiscus* can be found in relation to virtually all Germanic languages in this period.[95] Among the best-known occurrences are the decree of the 813 council of Tours requiring homilies to be translated ('transferre') 'in rusticam Romanam linguam aut Theotiscam', and the historian Nithard's account of the oaths sworn by Louis the German and Charles the Bald at Strasbourg in 842, spoken respectively in the 'romana' and 'teudisca' *linguae* so that each could be understood by the other's followers.[96] The use of the adjective *theodisca* in reference to the vernacular in Louis's diplomas should also be understood against the backdrop of a substantial linguistic and cultural programme which characterized Louis's rule of the eastern Frankish territories.[97] The central decades of the ninth century marked the golden age of Old High German literature. The production of vernacular translations and original compositions attest to the development of a new awareness of the possibilities offered by the Germanic vernacular as a written code, which may have also contributed to the appearance of this language's common designation in royal diplomas.

A generation later, in England, explorations of the possibilities offered by the vernacular were taken even further, as demonstrated by the ambitious cultural programme of King Alfred the Great (871-99), culminating in the translation into Old English of works such as Gregory the Great's *Regula pastoralis*, Boethius' *De consolatione philosophiae*, St Augustine's *Soliloquia*, and the first fifty Psalms.[98] In his preface to the translation of

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[95] See Haubrichs and Wolfram, 'Theodiscus'.

[96] *Concilium Turonense*, ed. Albert Werminghoff, MGH Conc. 2.1 (Hanover, 1906), no. 38, p. 288; Nithard, *Historiae*, ed. Philippe Lauer, *Nithard, Histoire des fils de Louis le Pieux* (Paris, 1926), III.5, p. 35. On the controversial meaning of *transferre* at the council of Tours, see Michel Banniard, *Viva voce. Communication écrite et communication orale du IV^e^ au IX^e^ siècle en Occident latin* (Paris, 1992), pp. 411-13; and Roger Wright, *Late Latin and Early Romance in Spain and Carolingian France* (Liverpool, 1982) pp. 118-22. On the evidence of glosses, see Ingo Reiffenstein, '*theodiscus* in den althochdeutschen Glossen', in *Grammatica Ianua Artium*, eds Glaser and Schlaefer, pp. 71-84.

[97] Wolfgang Haubrichs, 'Die Praefatio des Heliand. Ein Zeugnis der Religions- und Bildungspolitik Ludwigs des Deutschen', *Niederdeutsches Jahrbuch* 89 (1966), 7-32; Wolfgang Haubrichs, 'Ludwig der Deutsche und die volkssprachige Literatur', in *Ludwig der Deutsche und seine Zeit*, ed. Wilfried Hartmann (Darmstadt, 2004), pp. 203-32; Dieter Geuenich, 'Die volkssprachige Überlieferung der Karolingerzeit aus der Sicht eines Historikers', *Deutsches Archiv* 39 (1983), 104-30, pp. 121-30; Goldberg, *Struggle for Empire*, pp. 179-85; though cf. Hummer, *Politics and Power*, pp. 130-54. For other terms used for the Germanic vernacular in the ninth century, see Haubrichs and Wolfram, 'Theodiscus', pp. 425-27.

[98] These are the five works of Old English prose that are traditionally associated with Alfred, even though it should be noted that the debate as to what the king himself penned is still lively, with some scholars doubting that he authored anything at all. Other vernacular works that date back to the same period and are considered as results of the Alfredian cultural programme are the Old English version of Orosius' *Histories against the Pagans*, Bishop Wærferth's translation of Gregory the Great's *Dialogues*, the first recension of the Anglo-Saxon Chronicle, and the Old English version of Bede's *Ecclesiastical History*. See *A Companion to Alfred the Great*, eds Nicole Guenther Discenza and Paul E. Szarmach, Brill's

Gregory's work, Alfred famously provides justification for his programme of vernacular translations by referring to such illustrious precedents as those of the Greeks and the Romans, whose example the king wanted to follow when deciding to 'turn into the language that we can all understand certain books, which are the most necessary for all men to know'.[99] Just a few years earlier, references to the Greeks and the Romans as precedents for the activity of translation also featured in Otfrid of Wissembourg's *Evangelienbuch*, a vernacular gospel harmony written in the 860s. In both an introductory Latin prose text addressed to Liutbert, archbishop of Mainz, and the first chapter of the work proper, Otfrid justified his use of the vernacular language through arguments similar to those also used by Alfred.[100] One therefore finds contemporary, parallel appeals to the political and cultural importance of the vernacular in both of the regions studied here.[101] This context further suggests that the more frequent and pointed references to language in Anglo-Saxon and Frankish charters of the late eighth to late ninth centuries may indeed represent a broader sensitivity to the ways in which the vernacular could be invoked as a strategy of identification.

Conclusion

In both England and the eastern Frankish territories, therefore, the linguistic awareness emerging in the documentary sources explored here can be understood in relation to ambitious literary programmes in which the emerging vernaculars played unprecedented and substantial roles.[102] Looking beyond the well-known sources attesting to these programmes, however, charters take us deeper into society and offer a more expansive view thanks to their wide geographical distribution. Moreover, by their very nature, they provide glimpses of language-use in day-to-day contexts.[103] The analysis we have conducted here has shown quantitative and qualitative differences in the ways the vernacular could be invoked and

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Companions to the Christian Tradition 58 (Leiden, 2014), especially the editors' introduction, and chs 4 and 10, by Janet M. Bately and Mary P. Richards respectively.

[99] *Alfred the Great, Asser's Life of King Alfred and Other Contemporary Sources*, trans. Simon Keynes and Michael Lapidge (London, 1983), p. 126. For the original Old English text see *King Alfred's West Saxon Version of Gregory's Pastoral Care*, ed. Henry Sweet, 2 vols, Early English Text Society Original Series 45 and 50 (London, 1871), repr. 1958 with corrections and additions by N. R. Ker, p. 7.

[100] On the possibility that Otfrid's work was known at Alfred's court see Malcolm Godden, 'Prefaces and Epilogues in the Old English *Pastoral Care*, and their Carolingian Models', *Journal of English and Germanic Philology* 110 (2011), 441-73, at 456-59. See also Geary, *Language and Power*, pp. 47-48.

[101] On the use of the vernacular as an expression of political identity, see Jens Schneider, 'Langues germaniques', in *Les barbares*, ed. Bruno Dumézil (Paris, 2016), pp. 843-49 at p. 847

[102] See further Godden, 'Prefaces and Epilogues', pp. 455-59.

[103] As noted by Alice Rio, charters may be more easily relied upon by historians because 'their context of production was the same as that of the actions they describe' and 'although they were not put in participants' own words, were at least verified by them': Rio, *Legal Practice*, pp. 10-11.

harnessed in the documentary cultures of England and eastern Francia. In spite of those differences, however, charters from both regions demonstrate comparable interrelationships between Latin and vernacular languages while attesting to a growing linguistic consciousness on the part of draftsmen in the eighth and ninth centuries. They could usually choose whether to employ Latin or vernacular terms and phrases, or indeed both, and when draftsmen did introduce vernacular elements, they could flag such usage in a number of different ways. Such code-switching often reveals that the vernacular was employed deliberately, not merely as a substitute for poor Latinity. Establishing why this only occurred on certain occasions is an altogether more difficult question, however. The social and political settings in which charters were produced can only ever be partially reconstructed. But, as has been amply demonstrated in recent years, charters are not just passive witnesses to transfers of property rights; they are active attempts to assert and formalize social relationships.[104] Since charters are negotiated statements of co-operation, we may posit that donors also influenced their redaction, and this should be taken into consideration when asking why a vernacular term or statement appears in a particular context. In this light, the striking Old High German phrase in Count Helmoin's donation to Freising of 793 becomes what Patrick Geary has termed a 'strategy of representation', a defiant assertion of Helmoin's identification with his family property amidst the upheaval caused by the Carolingian conquest of Bavaria.[105] Similarly, the trend we have observed in Anglo-Saxon and Frankish charters of this period towards describing a vernacular tongue with possessive pronouns or in relation to the people who spoke it indicates a growing awareness of the instrumentality of language in contemporary documentary practices. Historians of post-Roman societies have generally agreed that language was not a determining factor in the formation of group or ethnic identities on the continent following the end of the Roman Empire.[106] We do not wish to suggest that the invocation of vernacular languages in our documents should be interpreted as part of a linear process in the creation of such identities, let alone in the definition of national character, as was often maintained in the late eighteenth and early nineteenth centuries.[107] We do, however, argue that, in the late eighth and ninth centuries, language was employed as a marker of social distinction, as attested by the numerous strategies through which it was signalled in Anglo-Saxon and eastern Frankish charters.

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[104] See especially Barbara H. Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property, 909-1049* (Ithaca, 1989); Matthew Innes, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400-1000* (Cambridge, 2000).
[105] Geary, *Language and Power*, p. 66.
[106] E.g., Walter Pohl, 'Telling the Difference: Signs of Ethnic Identity', in *Strategies of Distinction: The Construction of Ethnic Communities, 300-800*, eds Walter Pohl and Helmut Reimitz (Leiden, 1998), pp. 17-69, at pp. 22-27; and the same author's comments in the introduction to *Sprache und Identität*, eds Pohl and Zeller, pp. 9-22; Hans-Werner Goetz, '*Gentes et linguae*. Völker und Sprachen im Ostfränkisch-deutschen Reich in der Wahrnehmung der Zeitgenossen', in *Theodisca. Beiträge zur althochdeutschen und altniederdeutschen Sprache und Literatur in der Kultur des frühen Mittelalters*, eds Wolfgang Haubrichs, Ernst Hellgardt, Reiner Hildebrandt, Stephan Müller, and Klaus Ridder (Berlin, 2000), pp. 290-312.
[107] On which see Geary, *Language and Power*, pp. 11-37.