Rhetorical Strategies and Legal Arguments: 'Evil Customs' and Saint-Florent de Saumur, 979-1011[1]

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Remarquons tout d'abord que les sources
sont presque exclusivement d'origine ecclésiastique.
Nous sommes donc condamnés à ne voir
la société laïque que par les yeux des clercs.
Or les sentiments propres à leur état déforment
souvent leur vision et nous seront obligés
à de constantes rectifications....
Ne l'oublions jamais.
(Georges Duby)[2]

Cum periculosum sit homini propria pro Christo non dare,
multo vero periculosus aliena auferre.
(cartulary or *Livre Noir* of Saint-Florent)[3]

Sometime around the year 1000, the abbey of Saint-Florent de Saumur and Fulk Nerra, the count of Anjou, were involved in a dispute over what the monks

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[2] Georges Duby, *La société aux XIe et XIIe siècles dans la région máconnaise*, 2nd ed. (Paris: École Pratique des Hautes Études, 1971; 1st ed., 1953), pp. 13-14: "Let us take note first of all that [our] sources are almost exclusively of ecclesiastical origin. We are thus condemned never to see lay society except through the eyes of churchmen. The sentiments peculiar to their estate often distort their vision and we will be constantly obliged to make corrections ... Let us never forget this."

[3] *Bibliothèque Nationale*, nouvelles acq. lat., no. 1930, "Livre Noir de Saint-Florent de Saumur," c. 1070 (hereafter cited as *Livre Noir*) fol. 31r: "Although it is dangerous for a man not to make gifts of his own temporal goods for the sake of Christ, it is even more dangerous to take away others."

termed "evil customs."[4] To present their claims, Abbot Robert and the monks of Saint-Florent came to Fulk, complaining that one of Fulk's *fideles*, Aubri, by then deceased, had "unjustly oppressed" (*iniuste opprimi*) the monks and their men. Aubri had tried to have the inhabitants of the estate of Saint-Georges, which Saint-Florent claimed and of which Aubri was *advocatus*, recognize his lordship over them. According to the monks of Saint-Florent, this amounted to imposing "new exactions and customs and unjust laws" (*novas exactiones et consuetudines iniustasque leges*) which were unheard of in the time of Fulk's predecessors. The monks added that at the estate of Saint-Georges, whom Fulk's predecessors held "in such veneration" (*in tanta veneratione*), it was the custom that the *advocatus* of the estate should not introduce exactions or seek revenues, but should instead protect the estate "for the love of God and the salvation of his soul" (*pro dei amore et salute anime suae*).

Fulk discussed this matter with his *fideles*, determined that the monks' claim was "just" (*iustam*), and ordered Aubri's wife, sons and *fideles* to come before him. He persuaded them to dismiss the "evil customs" (*malas consuetudines*) of which Saint-Florent complained, "for the sake of the soul of their *senior*, which

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[4] *Livre Noir*, fol. 28^{r-v} (990-1011) [edited in Louis Halphen, *Le Comté d'Anjou au XIe siécle*, (Paris, 1906; reprint, Geneva: Slatkine-Megariotis Reprints, 1974), pp. 346-347.] The *Livre Noir* gives the charter the title "Decretum Fulconis comitis de potestate Sancti Georgii martyris." The text is as follows:*In dei nomine. Fulco gratia dei comes. Notum esse volumus omnibus sancte dei ecclesiae fidelibus, presentibus scilicet et futuris, precipueque successoribus nostris quoniam adiit nos abbas Sancti Florentii Rotbertus nomine cum suis monachis reclamans se sueque potestatis homines iniuste opprimi a quo[n?]dam fideli nostro, Alberico nomine, occasione commendisie, novas exactiones et consuetudines iniustasque leges quae temporibus predecessorum nostrorum nunquam in illa potestate vel auditae fuerunt. Illa autem potestas ob honorem sanctissimi martyris Georgii in tanta veneratione a praedecessoribus nostris est habita ut nullus ibi advocatus aliquam exactionem inferre praesumeret nec sibi questum aliquem adquirere sed omni tempore pro dei amore et salute anime suae salvam faceret. Quod nos diligentius cum nostris fidelibus inquirentes, cognovimus iustam esse reclamationem abbatis ac monachorum ibique coram nobis adesse iussimus mulierem praefati Alberici et filium ac fideles, suadentes eis ut pro anima senioris sui, quae nobis pro hac causa videbatur in magno periculo esse, illas malas consuetudines dimitterent et nunquam amplius de illa potestate requirerent nisi quantum Rainaldus [*later gloss: Rainaldus Thoringus pater Fulcodii vicecomitis de roca forti*] eiusdem potestatis advocatus habere visus est. Quod et sponte fecerunt. Nos vero abbatem et monachos obnixe deprecati sumus ut pro dei amore mala quae iam dictus Albericus contra Sanctum Florentium commiserat indulgeret et absolve redignaretur. Fecit namque ut iussimus prescriptas abbas et monachi tenore tali et ratione ut uxor illius sepedicti Alberici cum filiis suis ac fidelibus ad locum Sancti Florentii pergeret et ibi coram omnibus quae ille commisit prout posset emendaret et malas consuetudines ut coram nobis fecerat ibi ante Sancti Florentii praesentiam dimitteret. Nos ergo ex nostra auctoritate et preceptione iubemus ut nullus unquam ex heredibus Alberici has quas dimittimus repetere audeat malas consuetudines quia, si fecerit, pro dei amore et anime meae salute vindex existam et ipse dominus noster Jesus Christus, pro cuius amore beatus martyr Georgius acerba sustinuit supplicia, illum qui repetere voluerit, si non emendaverit, in profundum infernum demergat et cum diabolo et angelis eius adiunctus poenas infernales sustineat cum Dathan et Abiran et cum Iuda proditore qui dominum deum nostrum tradidit.*

seemed to us to be in great danger" on account of these customs (*pro anima senioris sui, quae nobis pro hac causa videbatur in magno periculo esse*). Fulk stipulated that they should require from the estate no more than the previous *advocatus*, Renaud the Thuringian, Viscount of Angers, was known to have collected. Fulk then "pleaded with all [his] strength" (*obnixe deprecati sumus*) with the monks and Abbot Robert that "for the love of God" (*pro dei amore*) they should pardon Aubri's "evil deeds against Saint Florent" (*mala ... contra Sanctum Florentium*) and "deem him worthy again" (*absolve redignaretur*). The monks agreed, and Aubri's wife, sons and *fideles* proceeded to the abbey of Saint-Florent to again publicly proclaim their dismissal of "evil customs" in the presence of the saint. A sanction clause at the end of the charter drawn up to record these events warned against any of Aubri's heirs attempting to impose "evil customs" again. If anyone should do so, Fulk promised, "for the love of God and the salvation of my soul, I will step forth as an avenger" (*pro dei amore et anime meae salute vindex existam*), and unless he make amends, "our lord Jesus Christ himself, for the love of whom the blessed martyr Georges endured bitter sufferings, shall plunge him...into deepest hell and, with the devil and his angels, he shall endure the punishments of hell joined with Dathan and Abiron and with Judas the Traitor who betrayed our lord God" (*ipse dominus noster Jesus Christus, pro cuius amore beatus martyr Georgius acerba sustinuit supplicia, illum...in profundum infernum demergat et cum diabolo et angelis eius adiunctus poenas infernales sustineat cum Dathan et Abiran et cum Iuda proditore qui dominum deum nostrum tradidit*).

Complaints similar to those made by the monks of Saint-Florent about "new exactions" (*novae exactiones*) or "evil customs" (*malae consuetudines*), began to appear in the document collections of the monasteries of France in the second half of the tenth century.[5] "Customs" in these cases included various types of taxes, tolls, peasant labor-services, privileges and profits of justice, and other rights-in-property. In their charters, monastic scribes represented these disputed customs as new, more oppressive, and unjust exactions, violently imposed by lay lords. For

[5] On the appearance of the term *consuetudines*, see Jean-François Lemarignier, "La dislocation du *pagus* et le problème des *consuetudines* (X^{e}-XIe siècles);" in *Mélanges d'histoire du moyen âge dédiés à la mémoire de L. Halphen* (Paris: Presses Universitaires de France, 1951), pp. 401-410; Olivier Guillot, "*Consuetudines, consuetudo*: Quelques remarques sur l'apparition de ces termes dans les sources françaises des premiers temps Capétiens (à l'exception du Midi)," *Mémoires de la Société pour l'histoire de droit et des institutions des anciens pays bourguignons, comtois, et romands*, 40 (1983), pp. 21-48; and *idem*, "Les *consuetudines* au sens d'exactions dans la France des premiers temps Capétiens," in Elisabeth Magnou-Nortier, ed., *Pouvoirs et libertés au temps des premiers Capétiens* (Maulevrier: Éditions Herault, 1992), pp. 232-246. Guillot dates the appearance (or re-appearance) in France of the use of *consuetudines* meaning "exactions" to 987. One of the cases examined in this paper occurred about a decade before that date, but this case uses *exactiones* rather than *consuetudines* to denote disputed exactions. While for certain purposes it may be worthwhile to consider cases that use the term *consuetudines* separately from those that do not, for the purposes of this paper the disputes examined herein are similar enough in structure and content to be grouped together whether or not the term *consuetudines* appears explicitly.

the past half-century, these monastic documents have played a central role in works of historians who argue that a dramatic social and political transformation, the "Feudal Revolution," took place in France around the year 1000.[6] Such

[6] The relevant bibliography includes Georges Duby, "The Evolution of Judicial Institutions: Burgundy in the Tenth and Eleventh Centuries," in idem, *The Chivalrous Society* , transl. Cynthia Postan (Berkeley: The University of California Press, 1980), pp. 15-58 [originally published as "Recherches sur l'évolution des institutions judiciaires pendent le Xe et le XIe siécles dans le Sud de la Bourgogne," *Le Moyen Âge*, 52:3/4 (1946), pp. 149-194, and 53:1/2 (1947), pp. 15-38]; Lemarignier, "La dislocation du *pagus*,"; Duby, *La société*; Georges Duby, *Les trois ordres ou l'imaginaire du féodalisme* (Paris: Gallimard, 1978); Pierre Bonnassie, *La Catalogne au tournant de l'an mil: Croissance et mutations d'une société* (Paris: A. Michel, 1990); other works by Bonnassie, many of which are collected and translated (having originally been published in France, 1968-1987) in idem, *From Slavery to Feudalism in South-Western Europe*, transl. Jean Birrell (New York: Manchester University Press, 1992); Guy Bois, *La mutation de l'an mil. Lournand, village mâconnais de l'Antiquité au féodalisme* (Paris: Fayard, 1989) [for critiques of which see the special issue of *Médiévales* 21 (1991) devoted to it, and also Alain Guerreau, "Lournand au Xe siécle: histoire et fiction," *Le Moyen Âge*, 96 (1990), pp. 519-537]; Jean-Pierre Poly and Eric Bournazel, *La mutation féodale, X^e-XIIe siécle*, 2nd ed. (Paris: Presses Universitaires de France, 1991; 1st ed. 1980) which synthesizes numerous French regional studies which took Duby's study of the Mâconnais (see n. 2) as their conceptual model, and links the Feudal Revolution thesis to a multiplicity of social, political, economic, cultural, and religious transformations believed by the authors to occur in Francia between the end of the Carolingian period and the twelfth century; and most recently, Thomas N. Bisson, "The Feudal Revolution," *Past and Present*, 142 (1994), pp. 6-42, and idem, "Medieval Lordship," *Speculum*, 70 (1995), pp. 743-759. For critiques of these and other works related to the Feudal Revolution thesis, see Dominique Barthélemy's extended review of the second edition of Poly and Bournazel: "La mutation féodale a-t-elle eu lieu? (note critique)" *Annales ESC*, 1992, pp. 767-777 [the response to which by Poly and Bournazel can be found in "Que faut-il préférer au ,mutationisme'? Ou le problème de changement sociale," *Revue historique de droit français et étranger*, 72 (1994), pp. 401-412]; Dominique Barthélemy, *La société dans le comté de Vendôme de l'an mil au XIVe siécle* (Paris: Fayard, 1993); Janet Nelson's insightful review in *Speculum*, 69 (1994), pp. 163-169 of Thomas Head and Richard Landes, eds., *The Peace of God: Social Violence and Religious Response in France around the Year 1000* (Ithaca: Cornell University Press, 1992); the responses by Dominique Barthélemy, Stephen D. White, Timothy Reuter, and Chris Wiekham to Bisson's "The Feudal Revolution," *Past and Present*, 152 (1996), pp. 196-223, and 155 (1997), pp. 177-208; Dominique Barthélemy's collected "anti-mutationist" essays in *La mutation de l'an mil a-t-elle eu lieu? Servage et chevalerie dans la France des Xe et XIe siécles* (Paris: Fayard, 1997); and Stephen D. White, "Repenser la violence: de 2000 à 1000," *Médiévales*, 37 (1999), pp. 99-113.

A number of scholars have begun to critique the ways in which proponents of the "Feudal Revolution" have used records of disputes over "evil customs," and this paper is intended to complement those critiques. For example, Stephen D. White, in "From Peace to Power: The Study of Disputes in Medieval France," in Esther Cohen and Mayke de Jong, eds., *Medieval Transformations: Texts, Power, and Gifts in Context* (Leiden and Boston: Brill, 2001) suggests that these disputes were three-sided conflicts in which ecclesiastical lords, lay lords and even peasants struggled for control over land and the products of peasant labor. Richard Barton, in "Power and Lordship in Maine, c. 890-1110," Ph.D. dissertation, University of California at Berkeley, 1997, has used a recent discussion of "evil customs" to oppose Bisson's portrait of "violent" and revolutionary social transformation, arguing instead that from the perspective of

discussions of "evil customs," however, have generally treated monastic accounts of disputes over these customs as transparent "legal" records in which monks demonstrated in legal terms that lay lords who had usurped "public" or "state" powers were violently imposing unjust and illegitimate exactions on monks and peasants.[7]

Previous discussions of "evil customs" have therefore rarely reconstructed the specifics of individual disputes over customs to uncover the variety of ways in which monks challenged their enemies,[8] and have thus ignored the rhetorical strategies that monks employed when disputing "evil customs."[9] Such strategies are evident in the ways that the monks of Saint-Florent shaped and performed their complaints about "evil customs" in three cases that occurred in the decades surrounding the year 1000, including the case involving Fulk Nerra outlined above. A close reading of these cases and a consideration of the public setting and oral

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monks, such customs were "new" and "unjust," "...only in the sense that they were being exercised by a lord other than the abbot" (pp. 278-294, with the quote at p. 293). Treating disputes over "evil customs" as part of the processes of "setting new boundaries of lordship" (pp. 290-291), Barton follows Dominique Barthélemy is setting these conflicts in a context that includes an account of how monasteries were dynamic and expanding institutions (see Barthélemy's chapter on "Le succès des moines noirs," in *La société*, pp. 365-439). In this way Barton treats disputes over "evil customs" as by-products of monastic expansion, as well as lay "exploitation."

[7] Many examples can be found in the works arguing for "Feudal Revolution," cited above, n. 6. See most recently Thomas Head, "The Development of the Peace of God in Aquitaine, AD 970-1005," *Speculum*, 74 (1999), pp. 656-686, at p. 686 (underscoring added): "The appearance of the term *malae consuetudines* is significantly novel and occurs within the context and the logic of the Peace. Lip service has often been paid to the importance of this *legal language*, but it has never been adequately mapped, and its implications for the debates over the 'feudal revolution' or 'mutation' have not been fully realized." Fredric L. Cheyette neatly articulates the contestable methodological assumptions involved here in his review of Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (New York and Oxford: Oxford University Press, 1994) in *Speculum*, 71 (1996), pp. 998-1006, at p. 1000: "Those who read medieval documents through the lenses of the conventional construction of "feudalism," make two fundamental assumptions: first that the documents, especially charters, are *legal* documents, drawing their meaning from a preexisting body of law, be it Roman (Theodosian, Visigothic, Justinianic), ecclesiastical, or customary; second – a corollary of the first – that particular words in those documents have technical meanings which they retain over long periods of time, meanings given to them by that body of law."

[8] White, "From Peace to Power," has noted how the language of records of disputes over "evil customs" has been used in describing the "Feudal Revolution," but that these disputes have been marginalized in terms of studying and analyzing them closely *as disputes*.

[9] In adopting such an approach, this paper is partially inspired by the perspective taken by Barbara Rosenwein, Thomas Head, and Sharon Farmer, in "Monks and Their Enemies: A Comparative Approach," *Speculum*, 66 (1991), pp. 764-796, who argued, p. 765: "... the question of how monks confronted their enemies has never been squarely broached. Maledictions and appeals to saintly patronage were only a small part of the arsenal of monastic weapons, and the role that monks played as mediators was only a subset of monastic social relations in general. It is time to focus on the monks themselves ..."

nature of Saint-Florent's complaints should contextualize these disputes and reveal monastic strategies and actions in these conflicts.

Although the abbey of Saint-Florent was refounded at Saumur by Count Thibaud I of Blois as recently as c. 950, it had become, by the early eleventh-century, one of the wealthiest monasteries in the Loire valley.[10] The largest number and some of the earliest cases of "evil customs" in western France come from Saint-Florent. This makes its archives enticing to the historian of "evil customs." For this very reason, however, historians should be cautious about considering this abbey's experience representative of monasticism in the region. As Richard Barton has suggested in his study of the county of Maine, the number of disputes over "evil customs" at Saint-Florent may be a function of the abbey's "... difficult political situation as a major site of contention between the counts of Anjou and Blois."[11] On the other hand, the monks of Saint-Florent may have been particularly inventive and successful in using complaints of "evil customs" to press their own claims to property and its associated rights. In fact, during the late-tenth and early-eleventh century, and particularly during the abbacy of Robert of Blois (985-1011), the abbey of Saint-Florent expanded and thrived, acquiring new lands through various forms of exchange, receiving immunities from exactions that other religious communities had to pay and considered legitimate, as well gaining quit-claims of exactions that Saint-Florent described as "evil customs."[12]

In each of the earliest recorded disputes over customs involving Saint-Florent, the charters make clear that an oral, public exchange preceded the creation of the charter. In each case the monks of Saint-Florent came before a count – in one case, Odo I of Blois, in the other two, Fulk Nerra, the count of Anjou – in order to present protests against exactions that they claimed the count's *fideles* were imposing in the estates of Saint-Florent. The complaints of Saint-Florent can be read as textual counterparts to what Gerd Althoff has described as "demonstrative and ritual actions invested with impressive theatrics and unmistakable symbolic qualities."[13] The monks of Saint-Florent constructed and presented their claims in a stylized manner that is clear in the repetitive nature of their statements and the public, oral setting of their complaints.

Often the complaints of Saint-Florent reveal little about what, precisely, the disputed customs were in each case. In the dispute with Fulk Nerra outlined above, Aubri's actions are described only with a parenthetical *occasione commendisie*, the emphasis being given to Saint-Florent's description of this action as "new exactions and customs and unjust laws" (*novas exactiones et consuetudines iniustasque leges*). Aubri's heirs were instructed to collect no more revenue from the estate of Saint-Georges than Viscount Renaud had done, but how much this

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[10] B. S. Bachrach, "Robert of Blois, Abbot of Saint-Florent de Saumur and Saint-Mesmin de Micy (985-1011)," *Revue Bénédictine*, LXXXVIII:1-2 (1978), pp. 123-146.

[11] Barton, "Power and Lordship," p. 340, n. 172.

[12] Bachrach, "Robert of Blois," pp. 124-125, 130-131, 135, 138-139, 144.

[13] Gerd Althoff, "Promises Made, Promises Made To Be Kept: The Obliging Power of Staged Rituals in the Middle Ages," unpublished paper, p. 1.

was is not made explicit.[14] In another case, Fulk Nerra instructed his *fideles* to take nothing, "neither with nor without [their] forces" (*neque in hoste neque sine hoste*), from the estates of Saint-Florent. This could perhaps imply that Fulk's *fideles* were provisioned by the inhabitants of one or more of Saint-Florent's estates while on campaign, but it remains unclear precisely what Saint-Florent's protests against "usurpations and evil customs" (*pervasiones et malas consuetudines*) actually consisted of.[15] The charter that details Saint-Florent's case with Count Odo I of Blois is in fact unusual in its listing of possible customs, yet the complaints which the monks of Saint-Florent made after coming into Odo's presence did not specify disputed exactions, but rather claimed that the monks were "oppressed" (*praegravari*), that their estates were "treated unjustly" (*suam potestatem iniuste tractari*) and that "unjust laws and new exactions were being imposed upon them" (*iniustas leges et exactiones novas sibi superponi*).[16] The complaints of Saint-

[14] See n. 4 and accompanying text.

[15] *Archives Départementales Maine-et-Loire*, (hereafter cited as *ADML*) H 1840, no. 4, contemporary copy (987-1011). Cf. the cartulary copy in *Livre Noir*, fol. 26^{v}, which gives it the title, "Decretum Fulconis comitis de abbatia Sancti Florentii." The text is as follows:In nomine sanctae trinitatis. Fulco andegavensium comes. Notum sit omnibus dei cultoribus et precipue successoribus et fidelibus nostris quia deprecatus est me quidam abbas monasterii Sancti Florentii nomine Rotbertus ut pervasiones et malas consuetudines quas homines nostri potestatibus Sancti Florentii inferebant tollerem propter deum et eundem Sanctum Florentium et ut ipse abbas et successores eius et omnis congregatio eiusdem loci pro nobis et progenitoribus nostris deum semper exorare studeant. Placuit ergo michi facere hanc notitiam coram fidelibus nostris ut remitteret unusquisque pervasiones et malas consuetudines quas faciebant in terra Sancti Florentii et sponsionem de hac re fecerunt deo et michi ut neque in hoste neque sine hoste neque pro ulla occasione aliquid tollant neque homines affligant neque calumniam inferant in tota abbatia Sancti Florentii. Et si quis ex fidelibus nostris hanc promissionem quam fecerunt deo et nobis mentitus fuerit et veteres calumnias vel novas rursus intulerit primum iram dei et omnium sanctorum incurrat et nostram vidictam sibi imminere sciat nisi emendaverit. Hoc itaque scripto designamus et manu nostra et fidelium nostrorum roboramus atque firmamus.

[16] *ADML* H 1840, no. 1, original (978/9). [Edited in Jacques Boussard, "Le droit de *vicaria* à la lumière de quelques documents angevins et tourangeaux," in *Études de civilisation médiévale (IXe-XII siècles). Mélanges offerts à Edmond-René Labande* (Poitiers: Centre d'Études Supérieures de Civilisation Médiévales, 1974), pp. 39-54, at pp. 46-47.] Cf. copies in *ADML* H 1840, nos. 2 and 3, and the cartulary copy in *Livre Noir*, fol.. 12^{r-v}. The *Livre Noir* gives the charter, which itself does not use the term *malae consuetudines*, the title, "Notitia de malis consuetudinibus dimissis tempore Odonis comitis filii Teutbaldi et Amalberti abbatis in abbatia Sancti Florentii." The text is as follows: In dei nomine. Odo comes et marchio. Notum esse volumus omnibus fidelibus sanctae dei ecclesiae presentibus scilicet ac futuris praecipueque successoribus nostris quia expetierunt nostram presentiam abbas Sancti Florentii nomine Amalbertus cum fratribus suis reclamantes se praegravari et suam potestatem iniuste tractari nec statuta regali per privilegia et praecepta eidem loco collata conservari sed iniustas leges et exactiones novas sibi superponi. Quod diligentius cum fidelibus nostris pertractantes statuimus et insolubiliter observandum decrevimus ut nullus fidelium nostrorum cui castri Salmuri concesserimus provisionem in omni potestate Sancti Florentii quam pater noster bonae memoriae Teutbaldus illi in dedicatione monasterii sui reddidit tam in terris quam in aquis vel quam habitatores eiusdem loci in antea tenebant vel postea adquisierunt ullam exactionem

Florent were cast in normative rather than descriptive terms. These complaints therefore resemble what Pierre Bourdieu calls "officializing strategies, the object of which is to transmute ... particular interests ... into disinterested, ... publicly avowable, legitimate interests."[17]

The monks of Saint-Florent repeatedly used and invoked certain words and ideas in their complaints. "Novelty" appears in these brief cases four times (*novas, nunquam in illa potestate ... auditae fuerint, inferebant*). The mention of innovation alone would be enough to suggest that their enemies' actions were illegitimate.[18] The monks, however, added "oppression" to each case (*praegravari, opprimi, affligant*), "usurpation" appears three times (*pervasiones, nec statuta regali...conservari*), "injustice" four times (*iniuste, iniustas*), and "evil" no less than six (*mala, malas*). The use of these words was clearly designed to have a powerful rhetorical effect, legitimating monastic claims to various customs by attacking the claims of the monks' adversaries.

It is true that these sources only give us evidence of these meetings through a monastic "linguistic and cultural translation."[19] We can speculate about or re-

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presumant inferre vel expetere neque in ripatico neque in cespatico neque in pulveratico neque in teloneo neque in effusione sanguinis suorum hominum etiam si membra sibi absciderunt, nisi solummodo de incendio vel furto seu rapto aut etiam homicidio externorum hominum. Quae si fuerint reperta a preposito ipsius potestatis iudiciariae districtione tradantur nec hac occasione vicarius potestatem ingrediatur. Itaque exceptis his nullam volumus illis molestiam fieri nec hominibus potestatis suae per occasionem telonei vel vicariae sed libere pro anima patris nostri qui ipsium locum in sancta religione constituit et servos dei ibi congregavit et pro nobis et matre nostra et fratribus et fidelibus nostris domini clementiam exposcant, quatinus in remuneratione iustorum ex illorum tuitione mercedem a pio domino recipiamus. [*Signatures*:] Odonis comitis qui hanc notitiam fieri praecepit. Gauzfridi vicecomitis. Plastulfi. Arduini. Teduini. Americi. Dadonis. Hugonis archiepiscopi fratris Odonis comitis. Arduini archiepiscopi. Hervei thesaurarii. Avisgaudi. Gelduini. Data mense februario anno xxiiii regnante Hlothario rege. Actum in civitate turonis publice.

[17] Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 1977), p. 40.

[18] Whereas the imposition of an individual custom on a given estate may or may not have been "new," many of the exactions themselves and incidences of disputes over them were generally not new, but rather quite old. See, e.g., Dominique Barthélemy, *La société*, especially pp. 349-352 and the works cited therein; Elisabeth Magnou-Nortier, "Place du concile du Puy (v. 994) dans l'évolution de l'idée de paix," *Mélanges offerts à Jean Dauvillier* (Toulouse, 1979), pp. 489-506; eadem, "Les mauvaises coutumes en Auvergne, Bourgogne mériodionale, Languedoc et Provence au XIe siècle," in *Structures féodales et féodalisme dans l'occident méditerranéen* (Rome: École Française de Rome, 1980); and eadem, "The Enemies of the Peace: Reflection on a Vocabulary, 500-1100," in Thomas Head and Richard Landes, eds., *The Peace of God*, pp. 58-79.

[19] Stephen D. White, *Custom, Kinship, and Gifts to Saints: The Laudatio Parentum in Western France, 1050-1150* (Chapel Hill, NC: University of North Carolina Press, 1988), p. 11; with regard to this problem, see also Fredric L. Cheyette, "The Invention of the State," in *Essays in Medieval Civilization: The Walter Precott Webb Memorial Lectures*, eds. Bede K. Lackner and Kenneth Roy Philip (Austin: University of Texas Press), pp. 143-176; Georges Duby warned long ago that these sources give us no view of lay society other than through clerical eyes, and we therefore must make corrections for this bias (see n. 2); see also Otto Brunner,

construct through circumstantial evidence, other reasons why Fulk Nerra or Odo of Blois would ask their *fideles* to quitclaim so-called "evil customs."[20] But the monks of Saint-Florent gave them specific reasons for doing so – both in terms of speaking before the counts and in their representations of the counts' responses. The monks tell us that Odo of Blois made his decree against these customs in the hope that the monks of Saint-Florent would seek God's "mercy" (*clementiam*) for himself, his kin, and his men, as a "just reward" (*remuneratione iustorum*) for protecting the monks. In one of the cases involving Fulk Nerra, Abbot Robert of Saint-Florent "pleaded" (*deprecatus est*) with Fulk to abolish "usurpations and evil customs" (*pervasiones et malas consuetudines*). The abbot said Fulk should do this, "for the sake of God and Saint-Florent," (*propter deum et...Sanctum Florentium*) and so that the abbot, his successors, and the entire monastic community of Saint-Florent would pray for Fulk and his ancestors (*ut ipse abbas et successores eius et omnis congregatio eiusdem loci pro nobis et progenitoribus nostris deum semper exorare studeant*). In Saint-Florent's other case with Fulk, it is the count himself whom the charter represents as worried about the spiritual consequences of the imposition of "evil customs": he persuaded Aubri's kin and men to dismiss "evil customs" for the sake of Aubri's soul, which "seemed to be in great danger" (*pro anima senioris sui, quae nobis pro hac cause videbatur in magno' periculo esse*). Both cases with Fulk offered the count's vengeance (*vidictam, vindex*) against anyone who might try to reclaim or reimpose "evil customs," and in one case Fulk specified that the reason for this was "the love of God and the salvation of my soul" (*pro dei amore et anime meae salute*). Each case with Fulk also promised any unrepentant enemy of the abbey the wrath of God (*ira Dei*) and in one of these cases, that Christ himself would plunge the malefactor into the depths of hell with the likes of Dathan, Abiran, and Judas. All of these statements thus connected "evil customs," and the disposition of temporal goods, with eternal salvation. Alongside the repetition of words like "evil," and "unjust," this connection could only further buttress the claims of Saint-Florent.

In connecting "evil customs" with spiritual rewards and perils, the monks of Saint-Florent invoked a monastic ideology whose elaboration we can observe in the preambles and sanction clauses of other charters of Saint-Florent during the same time period. It is interesting that a recent manual on diplomatics has sug-

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Land and Lordship: Structures of Governance in Medieval Austria, trans. Howard Kaminsky and James Van Horn Melton (Philadelphia: University of Pennsylvania Press, 1984), p. 71, where he writes, "All clerical sources inevitably offer the church's point of view, reprehending the feud as detestable 'brigandage' – except of course when they deal with the feuds of those whom they favor"; and Stephen D. White, "Repenser la violence," pp. 100-101, discussing clerical complaints of *violentia*, which often accompanied monastic denunciations of *malae consuetudines*: "... how we interpret 'seigneurial violence' will turn largely on what perspective we adopt in viewing the public, physical violence that eleventh-century monks chronically attributed to their lay adversaries in disputes but that those adversaries may well have understood as legitimate moves in the game of feuding."

[20] Not the least of which reasons would be that such actions allowed the counts a performance of lordship and obliged Saint-Florent to the counts for their protection.

gested that the contents of charter preambles seem to have no "juridical value" whatsoever.[21] Yet like the rhetorical strategies that Stephen D. White sees as underlying the *Conventio* of Hugh of Lusignan, the monks of Saint-Florent, when making their claims against "evil customs," "... did not present anything remotely resembling a legal argument in which the application of rules to facts justifies a particular legal outcome."[22] Instead, the monks publicly staged their claims from a position of moral outrage and condemnation, repeating certain words and phrases, and invoking the very ideology presented in their preambles and sanction clauses. This ideology promised heavenly "rewards" and "mercy" to monastic benefactors[23] – the case with Odo of Blois uses these same words: *remuneratio* and *clementia* – and threatened spiritual violence, the worst punishments of hell – *poenas infernales*, as in one of the cases with Fulk – to potential malefactors.[24]

The words and phrases which the abbots of Saint-Florent used in cases of "evil customs," are the very same ones through which the preambles and sanction clauses of Saint-Florent expressed this monastic ideology, whereby the monks of Saint-Florent represented their benefactors as acting, "for the love of God and Saint Florent" (*pro amore dei et Sancti Florentii*), and expecting in return, "the redemption of [their] sins," (*redemptio peccatorum meorum*), "eternal rewards" (*aeterna premia*, *remuneratio*), "recompense" (*recompensatio*), "divine mercy" and "pity" (*divina clementia*, *merces*), and "the salvation of [their] soul[s] and the souls of [their] kin" (*pro salute animae meae et animarum parentorum meorum*). The monks added biblical quotations to their preambles to support the view that the means to combat sin and avoid damnation was through monastic benefaction.

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[21] Olivier Guyotjeannin, Jacques Pycke, and Benoît-Michel Tocke, *Diplomatique Médiévale* (Turnhout: Brepols, 1993), p. 76: "Et de fait, avec le préambule ou *arenga*, on se trouve en face à une partie qui à nos yeux n'a aucune valeur juridique et qui n'apporte aucun renseignement concret ..."

[22] Stephen D. White, "Stratégie rhétorique dans la *Conventio* de Hugues de Lusignan," in *Mélanges offerts à Georges Duby*, vol. II: *Le tenancier, le fidèle et le citoyen* (Aix-en-Provence: Publications de l'Université de Provence, 1993), pp. 147-157 at p. 148.

[23] These and the quotations in the following two paragraphs can be found in charters of Saint-Florent from the late tenth to the mid-eleventh century in the *Livre Noir*, fol.12^{v}-14^{r}, 15^{v}-16^{v}, 18^{r}-26^{v}, 31^{r}-36^{r}.

[24] Many scholars have written on gifts to monasteries and their spiritual and social consequences. They include Barbara Rosenwein, *To Be The Neighbor of Saint Peter: The Social Meaning of Cluny's Property, 909-1049* (Ithaca: Cornell University Press, 1989); Penelope Johnson, *Prayer, Patronage and Power: The Abbey of la Trinité, Vendôme, 1032-1187* (New York: New York University Press, 1981); Constance Bouchard, *Sword, Miter, and Cloister: Nobility and the Church in Burgundy, 980-1194* (Ithaca: Cornell University Press, 1987); and White, *Custom*. On spiritual threats see Lester K. Little, *Benedictine Maledictions: Liturgical Cursing in Romanesque France* (Ithaca: Cornell University Press, 1993). Dominique Barthélemy sees in such threats and also in miracle stories that described and promised divine vengeance against monastic enemies a sort of "religious terrorism." See his *L'an mil et la paix de Dieu* (Paris: Fayard, 1999), with the quote at p. 23. On whether such threats and instances of supernatural punishments can and should be represented as violence see White, "Repenser la violence."

These verses included: Luke 16:9: "Make friends for yourselves with the mammon of iniquity, so that when you shall fail, they may receive you into everlasting dwellings;" Matthew 6:20: "Lay up for yourselves treasures in heaven...;" Luke 11:41: "Give alms: and behold, all things are clean unto you;" and Galatians 6:10: "Therefore while we have time, let us do good works (*bona*) for everyone, but especially for the household of the faithful." Although each of the phrases used in these charter preambles is itself formulaic, the multiplication and elaboration of these phrases, the addition of biblical verses and the varying paraphrases of these verses shows the importance of this discourse for the ways in which the monks of Saint-Florent wished to represent their benefactors and gifts. This discourse, moreover, was reciprocal.

For those who did *mala* rather than *bona* for the monastery, the charters of Saint-Florent promised them *mala* in return. They again used some of the same words and phrases as in the two cases of "evil customs" involving Saint-Florent and Fulk Nerra. For those who attempted to claim or reclaim estates which Saint-Florent considered its own, the charters promised potential malefactors "the anger (*ira*) and judgment (*iudicium*) of God" and "all his saints," and that they would "suffer the punishments of hell" (*infernales poenas*). One of Saint-Florent's charters promised the monks of Saint-Maur that if they did not give up their claim to certain tithes also claimed by Saint-Florent, they too would be "damned with Dathan and Abiron, and thrust into the deepest parts of hell with Judas the traitor" (*cum Dathan et Abiran in inferno damnati sint et cum Iuda proditore demersionem profundissimae gehennae*). Just as Aubri's soul was represented as being "in great danger" on account of "evil customs," yet another preamble from Saint-Florent warned that, "although it is dangerous for a man not to make gifts of his own temporal goods for the sake of Christ, it is even more dangerous to take away others" (*cum periculosum sit homini propria pro Christo non dare, multo vero periculosus aliena auferre*).

A number of scholars have demonstrated the ways that gifts to monasteries created important bonds – both spiritual and social – among certain groups in medieval society.[25] As White comments, gifts to monasteries created

> enduring social relationships that involved not just the parties immediately involved in [the exchange], but also other living persons, the dead, the unborn, God and His saints, and the living representations of God and those saints; ... property exchanged in this way came to symbolize the relationships that had been created when it had been exchanged; ... *and ... any change in the disposition of* [a] *particular piece of property could affect the relationships that this property symbolized.*[26]

[25] See, e.g., the works by Bouchard, Johnson, Rosenwein and White cited in n. 24.

[26] Stephen D. White, "'*Pactum ... Legum Vincit et Amor Iudicium*' The Settlement of Disputes by Compromise in Eleventh-Century Western France," *American Journal of Legal History*, 22 (1978), pp. 281-308, at pp. 302-303, italics added. See also the works by Bouchard, Johnson, Rosenwein, and White cited above, n. 24.

In their disputes with Odo of Blois and Fulk Nerra, the monks of Saint-Florent called to mind the relationships that the counts' predecessors had had with the abbey, perhaps implying that "evil customs" were threatening these relationships. When they accused Fulk's man Aubri of imposing "evil customs" in the estate of Saint-Georges, the monks of Saint-Florent reminded Fulk of the veneration that his predecessors had had for Saint Georges. In Saint-Florent's dispute with Odo of Blois, Odo describes the estates of the monastery as those which his father Thibaud, "of blessed memory," who "founded the place on account of holy religion and gathered there the servants of God" (*qui ipsium locum in sancta religione constituit et servos dei ibi congregavit*), had given to Saint-Florent upon his refounding of the monastery, giving it "as much in lands as in waters or inhabitants of the same place which they formerly possessed" (*quam pater noster bonae memoriae Teutbaldus illi in dedicatione monasterii sui reddidit tam in terris quam in aquis vel quam habitatores eiusdem loci in antea tenebant*).

Through public denunciations and the use of certain words and phrases, the monks of Saint-Florent laid before the counts of Blois and Anjou *bona* and *mala*, salvation and damnation. Instead of presenting a fully articulated "legal argument" in support of a particular decision, the monks of Saint-Florent publicly staged their claims in a stylized manner using moral and religious language in an attempt to convince the counts and their audiences of their claims' legitimacy. The designation of a particular custom as "evil" formed an important part of Saint-Florent's attempts to keep, protect, or even gain valuable property-rights by presenting their claims in normative terms. The rhetorical strategies deployed by Saint-Florent presented "evil customs" as a threat to the salvation of those who were accused of imposing them, as actions which also jeopardized the salvation of the imposers' lords, the counts of Anjou and Blois, and perhaps even the salvation of the counts' predecessors. The quitclaiming of such customs was represented as an action of potential benefit to the souls of the quitclaimers. In this we see one of the possible reasons why Aubri's wife, sons, and *fideles* would *twice* dismiss disputed "evil customs."

To end this discussion on a speculative note, the monks of Saint-Florent may not have used this strategy in all their disputes over customs, or may have used it only at specific moments in the disputing process.[27] A summary of *convenientiae*, or agreements, which Saint-Florent made between 986 and 996, with Gelduin, the lord of Saumur, is interesting with regard to this question.[28] In discussing customs,

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[27] Here we are reminded again of how often charters portray interactions which were extended, complex, social, political, and legal processes only in terms of discrete events. See, e. g., Rosenwein, *To Be The Neighbor*, chap. 2; White, *Custom*, p.15; and Emily Zack Tabuteau, *Transfers of Property in Eleventh-Century Norman Law* (Chapel Hill: University of North Carolina Press, 1988), p. 124.

[28] *Livre Noir*, fol. 27^{v}-28^{r} (986-996), which gives it the title "Convenientiae inter Sanctum Florentium et Gelduinum quae fuerint temporibus Odonis comitis et Roberti abbatis." The text is as follows: Hoc est ut nichil accipiat Gelduinus de omni re districtum nisi de furto de raptu de incendio de homicidio vel asaltu potestatem et ut nullus missus Gelduini ingrediatur in

the *convenientiae* make no mention of "evil," no references to sin or salvation. Rather, they simply list the compromises that Saint-Florent made with Gelduin. The main concern seems to have been that Gelduin's *vicarius* should not judge cases without Saint-Florent's provost present to act as co-judge and thus share the profits collected from judging cases. Perhaps the heightened drama of the rhetorical strategies that Saint-Florent used in pressing their claims before Odo of Blois and Fulk Nerra, especially when presented orally in a public forum, left no room for such compromises.

Previous discussions of "evil customs" have generally proceeded by isolating a particular "legal" vocabulary, tracing it though large numbers of documents, and using it as transparent evidence that Carolingian administrative structures had collapsed and were replaced by "banal" lordships.[29] Such an approach to "evil customs" assumes, among other things, that monks were, to quote Jean-Pierre Poly, accurate "*observers* of social reality," not *actors* in that social reality, despite the fact that monastic communities had clear economic and political interests in the disputes over customs that monastic scribes recorded.[30] Saint-Florent's complaints about "evil customs," however, – a blanket term which could encompass a wide variety of actions from collecting market-duties to acting as judges in disputes – were quite different from Thomas Head's recent description of complaints of *malae consuetudines* as "legal language" which needs only to be "mapped" to uncover its implications for the "Feudal Revolution."[31] Their complaints were neither the transparent accounts of unbiased observers, nor "legal"

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omni potestate Sancti Florentii sine nostro preposito pro ulla iustitia facienda. Hoc autem quod dico iustitiam quae debet facere missus Gelduini cum nostro misso haec est de furto de raptu de incendio de homicidio de asaltu si nostri homines in alteram potestatem homines asalierint aut si coliberti nostri alios homines sive de nostra potestate sive de alia homines occiderunt. Si vero inter se aliquid horum egerint nichil pertinebit illi. Si autem homines alterius potestatis ad iustitiam illius venerint. Si in mercato se reclamaverint et ibi homines presentes fuerint de quibus se reclamant faciat iustitiam vicarius illius et nos nichil habemus. Si vero in mercato non fuerint non faciat iustitia vicarius sine nostro misso et hoc quod exinde acceperint mediam partem accipiat et mediam nobis demittet et hoc non faciant nisi de solis mercatannis. De aliis autem hominibus nostrae potestatis nullum accipiat districtum etiam si se reclamaverint ad eum nisi de mercato, de teloneo autem nostrae potestatis. Si nostri homines vinum de suis vineis ubicunque voluerint duxerint nichil accipiat exinde telonei. Si vero vendiderint aliis hominibus illi reddant debitum excepto hominibus nostris. Si illi comparaverint et in nostra potestate remiserint ex inde non dabunt teloneum. Pulveraticum vero de carro vel a sino nec de ullo negotio nichil accipiat de omni nostra potestate. Sed et homines nostre potestatis qui pisces vel mercatum aliquod per aquam vel terram duxerint libere ubicunque voluerint sine calumnia pergant.

[29] For these tendeneies see, c. g., Lemarignier, "La dislocation du *pagus*,"; Guillot, "*Consuetudines*, *consuetudo*,"; and Christian Lauranson-Rosaz, "Les mauvaises coutumes d'Auvergne," *Annales du Midi* 192 (1990), pp. 557-586.

[30] Jean-Pierre Poly, "Europe in the year 1000," chapter 1 of *The Cambridge Illustrated History of the Middle Ages,* vol. II: *950-1250*, ed. Robert Fossier (Cambridge: Cambridge University Press, 1997), p. 19, italics added.

[31] See n. 7.

arguments framed in technical terms, but rather rhetorically constructed denunciations designed to undermine their opponents' claims. As such, Saint-Florent's protests against "evil customs" may well conceal as much as they reveal about contemporary economic, social, and political realities. I would suggest that they not be treated as an element in what Thomas Bisson, in his recent account of the "Feudal Revolution," has called a "cacophony of symmetrical evidence [that] surely points to abrupt and disruptive [social] change."[32] Nor should *malae consuetudines* themselves be reflexively described as "new and evil taxes,"[33] "radically new burdens,"[34] usurpations of "public" power,[35] acts of "Mafiosi,"[36] "piracy,"[37] "pillage," [38] "depredation,"[39] "predatory coercion"[40] "extortion"[41] or, simply, "violence."[42]

In deploying sophisticated rhetorical strategies designed to advance their own claims to rights-in-property, Saint-Florent's complaints do, however, provide evidence that the monks of Saint-Florent were not passive, disengaged observers of medieval society. These cases illustrate the richness of Saint-Florent's strategies for pressing their claims in disputes, and provide an opportunity to analyze this monastic discourse and its oral presentation in a public setting. This type of linguistic analysis can only, and should, complement analyses of these disputes in all their social, political, legal and economic aspects.

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[32] Bisson, "The Feudal Revolution," p. 22.

[33] Guy Lobrichon, "The Chiaroscuro of Heresy: Early Eleventh Century Aquitaine as seen from Auxerre." in Head and Landes, *The Peace of God*, pp. 80-103, at p. 92.

[34] Pierre Bonnassie, "The Survival and Extinction of the Slave System in the Early Medieval West," in *From Slavery to Feudalism*, p. 57.

[35] Lemarignier, "La dislocation du *pagus*," *passim*. He argues, p. 9, that by the mid-eleventh century, such usurpations had brought about "une émiettement extrême de la puissance publique, tel qu'il n'a peut-être jamais été atteint et, en tout cas, certainement jamais dépassé en aucune autre période de l'histoire."

[36] Christian Lauranson-Rosaz, "Peace from the Mountains: The Auvergnat Origins of the Peace of God," in Head and Landes, *The Peace of God*, pp. 104-134, at p. 115.

[37] Pierre Bonnassie, *La Catalogne du milieu du Xe à la fin du XIe siècle, croissance et mutations d'une société* (Toulouse, 1975-1976), vol. II, p. 590.

[38] Christian Lauranson-Rosaz, "Les mauvaises coutumes," p. 567.

[39] Ibid.

[40] Bisson, "The Feudal Revolution," p. 23.

[41] Bisson, "The Feudal Revolution," p. 31.

[42] Lauranson-Rosaz, "Les mauvaises coutumes," *passim*, especially pp. 566, 580-581. Cf. Elisabeth Magnou-Nortier, "The Enemies of the Peace" especially at p. 72 where she points out that several historians have translated *mala consuetudo* as "violence."

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Cover illustration: The wife of Potiphar covets Joseph: "... erat autem Joseph pulchra facie et decorus apectu: post multos itaque dies iecit domina oculos suis in Ioseph et ait dormi mecum." ("... And Joseph was [a] goodly [person], and well favoured. And it came to pass after these things, that his master's wife cast her eyes upon Joseph; and she said, Lie with me."), Gen. 39: 6-7 (KJV). Concordantiae Caritatis, c. 1350. Cistercian abbey of Lilienfeld (Lower Austria), ms 151, fol. 244v (detail). Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit (Krems an der Donau).

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Preface

Oral culture played an instrumental role in medieval society.[1] Due to the lack of any direct source evidence, however, research into the functions and importance of oral communication in the Middle Ages must confront a number of significant problems. Only indrect traces offer the opportunity to analyze phenomena that were based on or connected with the spoken word. The 'oral history' of the Middle Ages requires the application of different approaches than dealing with the 20th or 21st century.

For some decades Medieval Studies have been interested in questions of orality and literacy, their relationship and the substitution of the spoken by the written word.[2] Oral and literate culture were not exclusive and certainly not opposed to each other.[3] The 'art of writing' was part of the 'ars rhetorica' and writing makes no sense without speech.[4] Any existing written statement should also be seen as a spoken one, although, clearly, not every oral statement as a written one. Authors regularly wrote with oral delivery in mind. 'Speaking' and 'writing' are not antonyms.

It is also obvious that "the use of oral communication in medieval society should not be evaluated . . . as a function of *culture populaire* vis-à-vis *culture savante* but, rather, of the communication habits and the tendency of medieval man

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[1] For the late Middle Ages and the early modern period, cf. Willem Frijhoff, "Communication et vie quotidienne à la fin du moyen âge et à l'epoque moderne: réflexions de théorie et de méthode," in *Kommuniation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbichler (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), p. 24: "La plupart de gens vivait encore pour l'essentiel dans une culture orale et les procédés d'appropriation des idées passaient de préférence par la parole dite et écoutée, quand bien même on était capable d'une lecture visuelle plus ou moins rudimentaire."

[2] See Marco Mostert, "New Approaches to Medieval Communication?" in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), pp. 15-37; Michael Richter, "Die Entdeckung der 'Oralität' der mittelalterlichen Gesellschaft durch die neuere Mediävistik," in *Die Aktualität des Mittelalters*, ed. Hans-Werner Goetz (Bochum: D. Winkler, 2000), pp. 273-287.

[3] Peter Burke calls the construct of "oral versus literate" useful but at the same time dangerous: idem, "Mündliche Kultur und >Druckkultur< im spätmittelalterlichen Italien," in *Volkskultur des europäischen Spätmittelalters*, eds. Peter Dinzelbacher and Hans-Dieter Mück (Stuttgart: Alfred Kröner Verlag, 1987), p. 60.

[4] Michael Clanchy, "Introduction," in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), p. 6.

to share his intellectual experiences in the corporate framework."[5] Oral delivery was not "the sole prerogative of any socioeconomic class."[6]

For all these reasons, it is important to analyze the extent of and context, in which 'speech acts,' auditive effects, and oral tradition occur in medieval sources .[7] Research into the use of the spoken word or references to it in texts and images provides new insight into various, mainly social, rules and patterns of the communication system. It opens up additional approaches to the organization and complexity of different, but indispensably related, media in medieval society, and their comparative analysis.[8]

The spoken word is connected with the physical presence of its 'sender.' Speech may represent the authenticity of the given message in a more obvious way than written texts or images. Therefore, the use of 'speech acts' in written or visual evidence also has to be seen in context with the attempt to create, construct, or prove authenticity. Moreover, spoken messages contribute to and increase the lifelikeness of their contents, which may influence their perception by the receiver, their efficacy and success. Being aware of such a situation will have led to the explicit and intended use and application of the spoken word in written texts and images – to increase their authenticity and importance, too.

If one operates with a model of 'closeness' and 'distance' of communication with regard to the level of relation of 'senders' and 'receivers,' then the 'speech acts' or their representation have to be seen as contributors to a 'closer' connection among the participants of the communication process.[9] At the same time, however, speech might be evaluated as less official. One regularly comes across 'oral space'

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[5] Sophia Menache, *The Vox Dei. Communication in the Middle Ages* (New York and Oxford: Oxford University Press, 1990), p. 19.

[6] Ibidem, p. 21. Cf. also Jan-Dirk Müller, "Zwischen mündlicher Anweisung und schriftlicher Sicherung von Tradition. Zur Kommunikationsstruktur spätmittelalterlicher Fechtbücher," in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbichler (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), p. 400: "Offensichtlich sind schriftliche und nichtschriftliche Tradierung von Wissen weiterhin relativ unabhängig voneinander, nachdem die Schrift längst dazu angesetzt hat, Inseln der Mündlichkeit oder praktisch-enaktiver Wissensvermittlung zu erobern. Die Gedächtnisstütze kann die Erfahrung nicht ersetzen, sondern allenfalls reaktivieren. Sie ist sogar nur verständlich, wo sie auf anderweitig vermittelte Vorkenntnisse stößt."

[7] Cf. W.F.H. Nicolaisen, ed., *Oral Tradition in the Middle Ages* (Binghamton: Center for Medieval and Renaissance Studies, 1995).

[8] See, esp., Horst Wenzel, *Hören und Sehen, Schrift und Bild. Kultur und Gedächtnis im Mittelalter* (Munich: C.H. Beck, 1995), passim.

[9] See also Stefan Sonderegger, ">Gesprochen oder nur geschrieben?< Mündlichkeit in mittelalterlichen Texten als direkter Zugang zum Menschen," in *Homo Medietas. Aufsätze zu Religiosität, Literatur und Denkformen des Menschen vom Mittelalter bis in die Neuzeit. Festschrift für Alois Maria Haas zum 65. Geburtstag,* eds. Claudia Brinker-von der Heyde and Niklaus Largier (Bern et al.: Peter Lang, 1999), p. 665: "Jedenfalls darf man sich bewußt bleiben, daß auch in den Texten des deutschen Mittelalters die Reflexe gesprochener Sprache eine bedeutende Schicht ausmachen, die besonders dann immer wieder hervortritt, wenn es um einen direkten Zugang zum Menschen geht, um einVerstehen aus unmittelbarer Partnerschaft heraus ..."

that has become institutionalized or more official by the application of 'written space.'[10] Simultanous employment of such different levels and qualities of messages must often have had considerable influence on their efficacy.[11]

The papers in this volume are the outcome of an international workshop that was held in February, 2001, at the Department of Medieval Studies, Central European University, Budapest. Participants concentrated on problems of the occurrence, usage, and patterns of the spoken word in written and visual sources of the Middle Ages. They dealt with the role and contents of direct and indirect speech in textual evidence or in relation to it, such as chronicles, travel descriptions, court and canonization protocols, sermons, testaments, law-books, literary sources, drama, etc. They also tried to analyze the function of oral expression in connection with late medieval images.

The audiovisuality of medieval communication processes[12] has proved to be evident and, thus, important for any kind of further comparative analysis of the various levels of the 'oral–visual–literate,' i.e. multimedia culture of the Middle Ages. Particular emphasis has to be put on methodological problems, such as the necessity of interdisciplinary approaches,[13] or the question of the extent to which we are, generally, able to comprehend and to decode the communication systems of the past.[14] Moreover, the medievalist does not come across any types of sources in which oral communication represents the main concern.[15] Instead, she or he is confronted, at first glance, with a great variety of 'casual' and 'marginal' evidence.

We would like to thank all the contributors to the workshop and to this volume. Their cooperation made it possible to publish the results of the meeting in the same year in which it took place. This can be seen as a rare exception, at least in the world of the historical disciplines. The head, faculty, staff, and students of the Department of Medieval Studies of Central European University offered various help and support. Special thanks go to Judith Rasson, the copy editor of

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[10] This, e.g., could be well shown in a case study on the pilgrimage to Santiago de Compostela: Friederike Hassauer, "Schriftlichkeit und Mündlichkeit im Alltag des Pilgers am Beispiel der Wallfahrt nach Santiago de Compostela," in *Wallfahrt und Alltag in Mittelalter und früher Neuzeit*, eds. Gerhard Jaritz and Barbara Schuh (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), pp. 277-316.

[11] Cf. Bob Scribner, "Mündliche Kommunikation und Strategien der Macht in Deutschland im 16. Jahrhundert," in *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit*, ed. Helmut Hundsbichler (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1992), pp. 183-197.

[12] Wenzel, *Hören und Sehen*, p. 292.

[13] Cf. Ursula Schaefer, "Zum Problem der Mündlichkeit," in *Modernes Mittelalter. Neue Bilder einer populären Epoche*, ed. Joachim Heinzle (Frankfurt am Main and Leipzig: Insel Verlag, 1994), pp. 374 f.

[14] Frijhoff, "Communication et vie quotidienne," p. 25: "Sommes-nous encore en mesure de communiquer avec la communication de jadis?"

[15] Michael Richter, *Sprache und Gesellschaft im Mittelalter. Untersuchungen zur mündlichen Kommunikation in England von der Mitte des elften bis zu Beginn des vierzehnten Jahrhunderts* (Stuttgart: Anton Hiersemann, 1979), p. 22.

this volume, who took particluar care with the texts of the many non-native speakers fighting with the pitfalls of the English language.

Budapest, Krems, and Constance
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