

# Spoken language in medieval legal charters? Revisiting some 8th century *notitiae*

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## ABSTRACT

This study explores the interplay between formulaic language, direct speech, and scribes' linguistic competence in medieval legal charters, particularly *notitiae*. This documentary genre, which records various stages of legal proceedings, includes testimonies rendered in direct speech. Linguistic analysis, including comparisons with the *chartulae* written by the same scribe, reveals how scribes, acting as agents in the passage from orality to writing, played an active role in shaping direct speech. Their linguistic skills are reflected in complex ways. While direct speech might be expected to mirror spoken language, the presence of formulaic and stereotyped constructions suggests a more nuanced reality. This may stem not only from the orality-to-writing process but also from a certain ritualism embedded in some medieval legal practices, as suggested by the linguistic analysis of the documentation.

## KEYWORDS

direct speech, formulaic language, medieval Latin, medieval legal charters, scribes

## 1. PRELIMINARY ISSUES AND KEY RESEARCH QUESTIONS

The relationship between “formulaic” and “free” sections in medieval legal charters has long intrigued linguists, particularly in connection with the transition from Latin to the Romance languages and the potential to link written/spoken variation to this process. Scholars have explored whether linguistic features found primarily in the free parts of notarial documents

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could be traces of spoken language, emphasising the practical purpose of the documents and the need for them to be understood and accessible to all parties involved in the legal act.

As a starting point, it may be useful to recall Sabatini's well-known observations regarding the linguistic and cognitive contrast experienced by notaries between formulaic and free sections, which can be attributed to the distinction between the notaries' pre-existing formulaic framework and the case-specific information provided by the parties involved. According to Sabatini ([1965] 1996a, 101–102, [1968] 1996b, 227–228), the formulaic section relied on largely memorised traditional formulae, altered only unintentionally, preserving an official, “monumentalised” linguistic register.<sup>1</sup>

In contrast, free sections were more closely aligned with the vernacular, reflecting oral and spontaneous speech without efforts to impose grammatical norms. These sections required notaries to adapt in real-time, often transcribing dictated speech, particularly for concrete and everyday matters, accessible even to less educated audiences.<sup>2</sup>

Banniard (2017, 23) shares a similar view: “This language is mainly coded by the legal requirements of this type of document: everything must be absolutely clear, the location of the property must be unambiguous, and everyone must understand this information”.<sup>3</sup>

However, on the need for documents to be comprehensible, Varvaro (1968, 312) cautions against overestimating it: “Nor should the need for the notarial documents to be understood by the parties concerned be overrated: even today, how many are able to understand them? And how many understood them when they were written in Latin?”.<sup>4</sup> While both viewpoints have their validity, further distinctions may be drawn, even within the free sections of the text, between key information necessary for comprehension and more peripheral content. Notably, Sabatini himself cites the localisation of the property as a case in point (see below).

Larson (2000, 151), on the other hand, points out that any apparent spontaneity in certain linguistic traits must be reconsidered in light of the genre itself: these are documents produced

<sup>1</sup>Due to a scarcity of direct evidence, the training and apprenticeship of early medieval notaries remains a subject of speculation. This uncertainty extends to the transmission of formulae, whose uniformity often characterises – diachronically and diatopically – large groups of documents. While the existence of general formularies has been proposed, scholars such as Costamagna (1975, 215–216) have suggested that notaries often relied on existing documents as models. In a recent and insightful work, Korikiakangas (2022) has further explored this issue, asking “how scribes reproduced the formulaic parts of early medieval charters: whether they copied them from physical models or memorised and then reproduced them from memory – or something in between these two opposing positions” (Korikiakangas 2022, 4). The two situations have different linguistic implications, reflecting distinct cognitive processes involved in copying or reproducing by memory written text. Korikiakangas' conclusion is that, “when writing a new private charter, early medieval scribes relied predominantly on their memory. They had memorised the essential formula repertoire from physical models because, in most cases, it was much more economic than a continual recourse to those models. However, it is likely that the same scribes also utilised physical models when their semantic memory failed with respect to certain phrasing or, more generally, when they composed less frequent document types” (Korikiakangas 2022, 24).

<sup>2</sup>According to Larson (2011, 85), Sabatini's hypotheses are significantly reinforced by the fact that, in later documents (11th and 12th centuries), the more or less clear alternation between two registers of Latin is replaced by an analogous alternation between Latin and a genuine vernacular.

<sup>3</sup>“Ce langage est codé surtout par les réquisitions juridiques de ce type de document: il faut absolument que tout en soit clair, la localisation du bien sans équivoque, et que tous comprennent ces données” (translation mine).

<sup>4</sup>“Né va sopravvalutata l'esigenza che le carte notarili fossero comprese dagli interessati: anche oggi, quanti sono in grado di capirle? E quanti le capivano quando erano scritte in latino?” (translation mine).

within the tradition of legal language, which is inherently conservative and highly formulaic from the very beginning.

Returning to Sabatini's observations, it is worth noting that they refer particularly to the most common and frequent medieval documentary genre, namely the *chartula*. This type of document had a dispositive function and was used to record agreements and transactions of various kinds concerning goods and real estate. The boundary between the sections of the document described by Sabatini can be observed in the *chartula* at all linguistic levels, for example, in the microtoponyms used to locate a property,<sup>5</sup> or in the everyday lexicon employed by notaries to record the characteristics and appurtenances of a given good.<sup>6</sup>

Some studies have however shown that the distinction between formulaic and free sections of documents should not be understood dichotomously. Room for variation and innovation exists even within formulaic sections, especially at the morphological and syntactic levels, as well as in lexical choices, albeit within a limited set of competing options – one of which tends to dominate in frequency. Similarly, some repetition of terms and structures can be observed also in the free sections.<sup>7</sup> Sornicola (2017a, 23), in my view, provides one of the most convincing interpretations of what this documentary material has to offer: “The *facies* of the charters is not simply the sum of Latin survivals and Romance innovations, but an active “field of tension” in which these two worlds meet and clash in ways that are not always easy to understand. For this reason, it seems to us that it is not possible to consider the documents as the testimony of an artificial and inert linguistic *facies*. The main difficulty in analysing these texts lies precisely in understanding the area of active reaction to school Latin, to the linguistic varieties of colloquial usage, as well as to the experimentation of structures confined to writing”.<sup>8</sup>

Adopting this perspective, I will focus, as other scholars have already done (see below), on a less common documentary genre in the Early Middle Ages that is particularly well-suited to investigating traces of spoken language in legal documents, namely the *notitia iudicati*. This genre had a probative function and recorded the various stages of a trial: the appearance

<sup>5</sup>The localisation of property in medieval documents often relied on commonly used references and local dimensions, as emphasised by constructions like “locus ubi dicitur”, which introduced microtoponyms linked to the agricultural subdivision of the territory (cf. Cammarosano 1991, 74–75), often with transparent semantics or with a linguistic characterisation that Larson (2011, 86) labels as vulgar. For a linguistic analysis of the structures that introduce toponyms and microtoponyms in some medieval documentary sources, see D'Argenio & Ghezzi (2024) and D'Argenio & Vecchia (2025). Doubts can likewise be raised about the necessity of specifying the exact locations of land parcels with extreme precision, especially insofar as placename usage is concerned. Rather, it appears that boundary identification relied on naming the owners of adjacent parcels and on the material boundary markers set out on the ground, which are frequently mentioned in the charters. For discussions of the concepts of ambiguity and vagueness as applied to localisation in medieval documents, see D'Argenio & Ghezzi (2024).

<sup>6</sup>On the lexicon of material culture in notarial document from the Middle Ages, see Ditchfield (2007) and Ferrari (2023).

<sup>7</sup>See for this perspective applied to the various levels of linguistic analysis, the works included in Sornicola, D'Argenio, & Greco (2017), which investigate the earliest charters stored in the archive of the Abbey of Cava de' Tirreni.

<sup>8</sup>“La *facies* delle carte non è la semplice somma di sopravvivenze del latino e di innovazioni romanze, ma un “campo di tensione” attivo in cui questi due mondi si incontrano e si scontrano in maniera che non è sempre facile comprendere. Per questa ragione ci sembra che non sia possibile considerare i documenti come la testimonianza di una *facies* linguistica artificiale e morta. La maggiore difficoltà di analisi di questi testi è proprio nella comprensione della zona di reazione attiva al latino di scuola, alle varietà linguistiche degli usi colloquiali, così come alle sperimentazioni di strutture confinate alla scrittura” (translation mine).

of the parties before the judging authority, the legal grounds of the dispute, the debate (which could be more or less detailed), and the final decision. Particularly noteworthy are the statements made by the witnesses during the proceedings, which are often recorded in reported speech, predominantly in direct form.

As Korkiakangas (2016, 7) has already pointed out, in documents with probative function “the distribution of formulaic and non-formulaic parts is different, and, in general, they provide more space for improvisation than the normal *chartae*”. Furthermore, “[t]he *notitiae iudicati* present, presumably, the clearest cases of non-formulaic language” (Korkiakangas 2016, 21). However, the scholar immediately cautions us that even expressions which appear non-formulaic at first glance can, upon closer examination, reveal their stereotyped nature through repetition across multiple *notitiae iudicati*. Thus, while direct speech might, in principle, be considered the best representative of the spoken language in medieval legal documents, it nevertheless raises certain questions related to the formulaic nature of these texts and the role of scribes’ linguistic skills in their production. To what extent can we consider these statements as *verbatim* transcriptions? To what degree are formulae also present in testimonies? How much of the linguistic material we read can be attributed to the witness and how much to the scribe? Can we, albeit approximatively, distinguish between the two?

Although addressing these questions is both challenging and controversial, this study aims to explore them by examining specific linguistic structures and lexical items found in direct speech and comparing them with other sections of the same documents (in cited examples, text vs. direct speech) or with *chartulae* written by the same scribe. We do not seek to provide definitive answers, but rather to contribute to the ongoing discussion regarding the linguistic features of formulaic and non-formulaic components within medieval legal documents, and what these may reveal about spoken language. While it is conceivable that the direct speech in the *notitiae iudicati* preserves, at least in part, what was actually said during legal proceedings, we must be cautious in assuming these passages constitute *verbatim* transcripts in the modern sense. In my opinion, we cannot overlook the fact that the scribe’s linguistic skills have an impact on the form and linguistic features of the reported testimonies. Furthermore, another aspect not to be underestimated is also the fact that these disputes often involved ecclesiastics, therefore individuals who generally had access to a higher level of education and literacy than the average person of the time.

## 2. THE CORPUS AND ITS HISTORICAL BACKGROUND

The linguistic data analysed is drawn from a modest-sized corpus of five original *notitiae iudicati* / *notitiae brevis*<sup>9</sup> drafted in Tuscany between 785 and 797 by three distinct scribes.<sup>10</sup>

<sup>9</sup>Although *notitiae iudicati* and *notitiae brevis* exhibit distinct characteristics, they share some common features, and both can be classified as documentary evidence of legal proceedings. As Bartoli Langeli (2003, 12–13) notes, the *brevis* were not only lists but also documents recording legal actions, and even judicial documents such as inquiries or sentences could bear this title, often accompanied by the term *notitia*. Unlike the *notitia iudicati*, the *notitia brevis* frequently lacks the name of its drafter.

<sup>10</sup>These are all the *notitiae* currently present (January 31, 2025) in the LLDB database with the exception of ChLA 39, 1139, which, however, is not an original but a contemporary copy.

These documents are published in various volumes of the *Chartae Latinae Antiquiores* (= ChLA)<sup>11</sup> devoted to the diplomatic sources stored in the Lucca Diocesan Archive (located in present-day Tuscany). I have processed these texts for inclusion in the *Computerized Historical Linguistic Database of the Latin Inscriptions of the Imperial Age* (= LLDB database).<sup>12</sup> This database provides invaluable support for linguistic research, particularly in identifying and interpreting deviations from the “classical” norm (so-called “errors”) within the texts under examination.<sup>13</sup>

The corpus metadata is as follows (Table 1):

**Table 1.** The corpus metadata

ChLA vol.	Doc. no.	Documentary genre	Date of issue	Place of issue	Scribe's Name and Title
38	1098	Notitia iudicati	785	Lucca	Ratfonsus <sup>14</sup>
38	1106	Notitia iudicati	786	Lucca	Filippus presbyter <sup>15</sup>
38	1121	Notitia brevis	788	Monte S. Quirico (Lucca)	Gumpertus subdiaconus <sup>16</sup>
39	1140	Notitia brevis	793	Quarantiana (Corazzano, in the province of Pisa)	Unknown, perhaps Gumpertus presbyter <sup>17</sup>
40	1156	Notitia brevis	797	S. Reparata of Lucca	Gumpertus presbyter

<sup>11</sup>In citations, the abbreviation will be followed by the volume number and, separated by a comma, the document number. When necessary, the line number(s) indication will be preceded by “l./ll.”.

<sup>12</sup>Since 2023, the LLDB has begun to include data derived from charters predominantly of private law from mostly the 8th century published in the *Chartae Latinae Antiquiores* within the framework of the HORIZON-ERC-2022-ADG project no. 101098102, entitled “Digital Latin Dialectology (DiLaDi): Tracing Linguistic Variation in the Light of Ancient and Early Medieval Sources”, led by Béla Adamik (<http://lldb.elte.hu/>; for the methodology of linguistic data annotation, see Adamik 2016). The database is continuously updated. As of the end of January 2025, the LLDB contains 25,661 data forms derived from 296 ChLA documents dated between 1st and 9th centuries. When data forms are grouped by place of issue (with respect to historical regions and with number of data forms > 50), 16,950 data forms originate from *Etruria*, 4,152 from *Raetia*, 1,717 from *Germania superior*, 714 from *Britannia*, 504 from *Latium et Campania*, 681 from *Belgica*, 386 from *Aemilia*, 142 from *Aegyptus*, 224 from *Hispania citerior*. When data forms are grouped by date of issue (with number of data forms > 50), 24,959 date back to 8th century, 346 to 6th century, 161 to 7th century, 143 to 2nd century.

<sup>13</sup>Cf. the guidelines for data collection ([https://lldb.elte.hu/admin/doc\\_guidelines.php](https://lldb.elte.hu/admin/doc_guidelines.php)): “For the purposes of this project, data are defined as linguistic phenomena that can be isolated at text level (in terms of surface manifestation, such phenomena can be phonetic [orthographic], morphological, syntactic, lexicographical, or lexico-semantic) and that deviate from what is called the “classical” norm. For the data collector, qualifying a phenomenon as datum is based on mere difference, as defined above, irrespective of whether that difference corresponds to his / her expectations in terms of diachronic processes that he / she may be aware of, whether it is due to linguistic or extra-linguistic (i.e. graphic or technical etc.) factors”.

<sup>14</sup>Ratfonsus is also the drafter of two other documents (ChLA 37, 1071 and 1084). These documents are not yet present (January 31, 2025) in the LLDB database.

<sup>15</sup>Filippus presbyter is also the drafter of other documents (ChLA 38, 1096, 1103, 1109, and 1117). He is a direct *discipulus* of Osprandus (Schiaparelli 1924, 69; Caturegli 1959, 125; Petrucci 1973, tav. 3).

<sup>16</sup>Many documents from the last years of the 8th century can be attributed to Gumpertus. He appears as *subdiaconus* in documents dated 784 and as *presbyter* in documents from 790 to 797 (cf. the editor’s introduction to ChLA 35, 1021).

<sup>17</sup>For identification, see the editor’s introduction to ChLA 38, 1121.

The documentation preserved in the Lucca Diocesan Archive has been extensively studied by palaeographers and linguists, owing to its significance and the abundance of original and early medieval documents. Of particular interest is the possible presence of a local *scriptorium* and school, where *magister–discipulus* relationships among scribes have been reconstructed.<sup>18</sup> This aspect is relevant to our analysis, as both Ratfonsus and Filippus can be traced back to this school, even though they had a different direct *magister*. According to Schiaparelli (1924, 68–69), the Lucca charters of the eighth century display a remarkable uniformity and continuity of scribal practices, suggesting the presence of a significant writing centre.<sup>19</sup> A substantial number of documents attest to the persistence of a shared writing tradition, characterised by consistent script types with identical or closely related features. In the earliest phase, the leading figure was Gaudentius *presbiter notarius sancte ecclesie Lucane civitatis* (727–750), who appears to have acted as a master and whose pupil was Ratfonsus.<sup>20</sup> Subsequently, his disciple Osprandus *subdiaconus* trained other scribes whose handwriting reveals clear affinities with his own, among whom was Filippus.<sup>21</sup>

Furthermore, the fact that Ratfonsus, Filippus, and Gumpertus also produced other types of documents, such as *chartulae*, provides a valuable opportunity to compare the linguistic features of direct speech with those of different documentary genres within the same scribal hands. In my view, this is a point of considerable importance: if direct speech reflects a language closer to spoken usage and attributable to individuals other than the scribes themselves, then we should expect to observe linguistic features that distinguish it both from other sections of the same document and from texts of a different documentary genre. Otherwise, greater weight may be given to the role of scribes and their linguistic competence in shaping the testimonies through direct speech. Furthermore, contrary to Banniard’s (2017, 33) view, according to which automatic analyses that oppose “norm” and “error” are wholly ineffective for the study of such linguistic data, I believe that automatic quantitative analysis can serve as a valuable resource in directing subsequent qualitative investigations.

Discrepancies in the percentage or types of errors between *chartulae* and *notitiae iudicati* could, for example, offer a subtle indication that the latter genre is closer to spoken language – a hypothesis that warrants further investigation through detailed analysis; conversely, similar

<sup>18</sup>The Lucca Diocesan Archive is one of the most important Italian archives for the Early Middle Ages for number of documents stored (cf. Magistrale 2010; Todros 2010). From the extensive bibliography, I will limit myself here to citing, for the cultural context Caturegli (1950), Coturri (1973), and Petrucci (1992), for the palaeographic aspects Schiaparelli (1924), Petrucci (1973), and Caturegli (1959), and for the linguistic analysis of the documents that the archive stored Banniard (2017), Galdi (forthcoming), Korkiakangas (2016), Larson (1988), and Politzer & Politzer (1953). The potential existence of a *scriptorium* in Lucca is attested solely by the renowned *Codex Lucensis* 490, compiled under Bishop Giovanni I from 796 to 816, involving around forty scribes.

<sup>19</sup>The identification of the school and the connections among notaries, based on palaeographic criteria by Schiaparelli (1924), Petrucci (1973), and Caturegli (1959), has been recently complemented by Galdi’s (forthcoming) linguistic analysis. This approach has provided additional evidence supporting the hypothesis of a unified school on the basis of the study of language and formulae.

<sup>20</sup>Schiaparelli (1924, 68) identifies as belonging to Gaudentius’s school: Osprandus, *subdiaconus* and then *diaconus notarius Sancte Lucane ecclesie* (753–772), Radalpert (754), Ratfusu (779), Ratfonso (782), and Magnolf(us) (783).

<sup>21</sup>According to Schiaparelli (1924, 69), among the scribes linked to the deacon Osprandus are: Sichiprand (767), Austripertus *clericus* (767), Gheipertus *clericus* (774), and Filippus *clericus*, who later became subdeacon and priest (770–797).

percentages might prompt a more cautious interpretation of the likelihood of finding traces of spoken language in this type of written evidence.

### 3. LINGUISTIC DATA

#### 3.1. Direct speech in ChLA 38, 1098

The legal content of the *notitia iudicati* written by Ratfonsus in 785 documents a dispute over the ownership of the Church of St. Peter and its associated properties. The case opposed Bishop Iohannes of Lucca to a man named Alprandus. Bishop Iohannes claimed that the church and its properties rightfully belonged to the Church of St. Martin, over which he presided. He further argued that Agiprandus, Alprandus' son and a cleric ordained at the Church of St. Peter, had engaged in misconduct and was therefore no longer entitled to the property. Conversely, Alprandus contended that the church and its properties had been inherited from his father-in-law, Damianus, a priest, and were not part of the holdings of the Church of St. Martin. He also contended that Agiprandus' misconduct had no bearing on the validity of his claim. The court ruled in favour of Bishop Iohannes, declaring the church and its properties to belong to the Church of St. Martin. Agiprandus was subsequently ordered to return all goods he had taken from the church and to swear an oath affirming that he had not removed any other property. A more comprehensive description of the legal content of the document and the trial, as well as a detailed linguistic analysis, is contained in Banniard (2017, 28–33). The scholar pays special attention to direct speech, pointing out several elements which, in his view, confirm the permeability of these sections of the document to immediate orality (Banniard 2017, 33). For instance, Banniard highlights that the direct speech of the lines 7–11 presents an incongruity between the complex syntax and the lack of control function of the inflectional endings.<sup>22</sup> In his view, adopting a realistic linguistic perspective requires first recognising that many of the written suffixed cases hinder comprehension. However, when read aloud, this kind of text functioned pragmatically: they were pronounced with natural articulation, without case endings, using the sound system of Proto-Italian (Banniard 2017, 29). However, these reflections appear to hinge on a reversal of perspective – not from the actually spoken to the written, but from writing to reading. Furthermore, it has not been demonstrated that this functioning applies specifically to instances of direct speech; rather, it could be extended to notarial documentation as a whole, which is widely permeated by case values that are either atrophied or entirely lost, and by problems concerning the analysability of the form-function relationship in nominal case endings.<sup>23</sup>

A comparative analysis of multiple documents produced by the same scribe might offer further insights.

<sup>22</sup>“*Domine, audire nus dignetis, quia iste Agiprand clericus filio istius Alprandi ab antecessore meus Peredeus episcopus fuit ordinatus in ecclesia nostra Sancti Petri et in omnia res eidem ecclesie pertinentes, et modo iste Agiprandus clericus inimicus suadentes temptus est in adulterium et in aliam malitiam. Unde secundum Deum et sancte canonici ecclesia et res ipsa haberet non debet*” (ChLA 38, 1098, ll. 7–11). In quotations from the documents, italics are used – following the editorial criteria of the ChLA – to indicate the expanded forms of abbreviations.

<sup>23</sup>For a comprehensive discussion on the irregular patterns of the noun inflectional morphology in medieval charters, see Sornicola (2017b); cf. also the observations in § 3.2 on the comparison, based on the LLDB data, between *chartulae* vs. *notitia* drafted by the same scribe, Filippus.

To this end, we now turn to the forms of the third singular person of the imperfect indicative that occur in this document:

- (1) Text: Dicebat (l. 7), Respondebat (l. 11), Respondebat (l. 17), Respondebat (l. 23), dicebat (l. 30), dicebat (l. 47)
- (2) Direct speech (*Iohannes episcopus*): faciebat (l. 21), inperavat (l. 21), dava (l. 22), resedebat (l. 22)
- (3) Direct speech (*Alprandus*): dava (l. 28)

We can notice that the most marked form in the Romance sense is represented by *dava* (cf. Larson 1988, § 32) and that it is found precisely in direct speech, in two structures that are in a certain sense symmetrical:

- (4) Direct speech (*Iohannes episcopus*): Et per singulos annus gustare eorum dava in ipsa basilicae Sancti Petri (ll. 21–22)
- (5) Direct speech (*Alprandus*): et ipso gustare<sup>24</sup> per singulos annus, unde vos dicitis, sua voluntate dava (ll. 27–28)

It is therefore plausible to consider that the word reflects what was actually uttered; however, the absence of other third person singular imperfect forms with the *-va/-ba* ending in this document, as well as in any other text authored by Ratfonus, weakens this hypothesis. In addition, it is interesting to note that, apart from the two occurrences discussed above, forms with *-va/-ba* ending do not appear in any of the 25,661 data forms from the ChLA documents currently present (January 31, 2025) in the LLDB database. It is also worth noting that *dava* is a short form, both phonologically and graphically. This may have influenced the scribe: by not recognising the form as an instance of imperfect, he may have failed to apply the imperfect ending *-bat* he knew well. In other words, the other imperfects in the direct speeches may likewise have been pronounced with a *-va* ending, but their greater physical saliency would have allowed the scribe to identify them as imperfect forms and to append the correct, familiar suffix in the written text.<sup>25</sup>

With regard to the third person singular of the perfect indicative, we can observe two cases of deviation in our document: the standard ending *-it* appears either as *-et* or as *-e*. These non-standard forms occur both in the narrative portions and in direct speech, without any clear distributional distinction between the two:

- (6) Text: possidde (l. 31), dixit (l. 36), tulle (l. 56), posuet (l. 58), posuet (l. 59)
- (7) Direct speech (*Iohannes episcopus*): abuet aut possidde (l. 19), residde (l. 20), abuet (l. 43), tulle (l. 54), offertum fuet (l. 54)
- (8) Direct speech (*Alprandus*): abuet vel possidde (l. 25), abuet (l. 27), ordinatum fuet (l. 39), abuet (l. 40), ordinatus fuet (l. 44)<sup>26</sup>

<sup>24</sup>On the substantivised infinitive *gustare*, meaning ‘meal’, cf. LIMAEL s.v. and Larson (1988, § 35).

<sup>25</sup>I would like to thank one of the anonymous reviewers for suggesting this additional possible interpretation.

<sup>26</sup>On the remodeled strong perfect forms as *possidde* and *residde*, cf. Larson (1988, §§ 32–33, 2000, 157–158).

The comparison with the other two documents written by Ratfonsus reveals that these cases is also present elsewhere:

- (9) ChLA 37, 1071: *convinet* (l. 5), *tene* (l. 9, 17, 18, 19, 24, 25); *abuēt* (l. 16, 20), *fueret* (l. 30), *rogavet* (l. 31)
- (10) ChLA 37, 1084: *convinet* (l. 4), *obvinet* (l. 10, 13, 14, 17), *rogavet* (l. 43)

The number of lexical types affected by the deviations, coupled with a search within the LLDB database for these forms, appears to support the hypothesis that this might be a characteristic of Ratfonsus' writing not related to the participants in the trial: *possidde*, *dixe*, *tulle*, occur only in Ratfonsus; *posuet* and *abuēt* register only one occurrence in other scribes; *fuet* is found only in one document besides Ratfonsus' *notitia iudicati*.<sup>27</sup>

A similar case is given by the subjunctive pluperfect forms, which should be in the third person singular or plural but which have a final *-m*, both in the narrative portions and in direct speech:

- (11) Direct speech (*Iohannes episcopus*): *quod ipse bassilica [...] ipsius Dammiani vel de eius parenti fuissem aut pertenuissem* (ll. 18–19)
- (12) Direct speech (*Alprandus*): *quod ipse bassi<li>ca [...] ecclesie Sancti Martini domo episcopali tuo pertenuissem* (ll. 24–26)<sup>28</sup>
- (13) Direct speech (*Iohannes episcopus*): *quos casa ubi Dammianus presbitero havitavit, vel res que ad sua manus abuēt, de eius parenti fuissem* (ll. 43–44)
- (14) Text: *de casa et res ipsa, unde Alprandus dicebat quod de parenti Dammiani presbiteri fuissem* (l. 48)

One might interpret this as a confusion between the first and third person,<sup>29</sup> but also as a case of hypercorrect use of final *-m*. In the LLDB database, such deviations in the subjunctive pluperfect are rare.

With regard to verbal government, the construction of *pertinere* with the dative instead of *ad* + accusative stands out. This appears to be a case of hypercorrection, contrasting with the more commonly observed shift from simple case usage to prepositional phrases; this hypercorrect structure may be more characteristic of written registers or to oral contexts of a formal register. The greater presence in Latin of verbs governing a simple case as opposed to prepositional phrases may have prompted speakers – especially ecclesiastics, who possessed a certain level of Latin education – to employ an hypercorrected dative in place of the prepositional phrase governed by *ad*, likely perceived as more colloquial. In all cases where this structure

<sup>27</sup>The case of *tene* is different, since this form is found in formulaic structures that often recur in charters in the indications of boundaries and show a high degree of stereotypy also in relation to other deviations (*uno capo tene ... alio lato tene = unum caput tenet ... aliud (= alterum) latus tenet*). On the form *tene*, cf. also Larson (1988, § 32).

<sup>28</sup>Angle brackets enclose the editor's additions to conjectural lacunae.

<sup>29</sup>In the LLDB database the opposite case – a third person in place of a first person – is much more frequent, in particular in the indicative perfect: in this case it may be a matter of the hypercorrect addition of a final *-t*. On this phenomenon in medieval charters from Southern Italy, see D'Argenio (2013, 2017).

appears in the direct speech with a noun phrase consisting of at least one noun, the dative is used, or, in a single occurrence, a prepositional phrase introduced by *in*.<sup>30</sup> The following examples illustrate this pattern:

- (15) Direct speech (*Iohannes episcopus*): eidem ecclesie pertinentes (l. 9); ipse<sup>31</sup> basilica Sancti Petri vel res ibidem pertinentes (ll. 18–19); in ipsa bassilica Sancti Petri pertenuerunt (l. 56)
- (16) Direct speech (*Alprandus*): pertenuit ecclesie Sancti Martini domo episcopali tuo (l. 14–15); ecclesie Sancti Martini domo episcopali tuo pertenuissem (ll. 25–26); basilice Sancti Petri nulla pertenuit (ll. 40–41)
- (17) Text: basilicae Sancti Petri non pertenuissem (ll. 50–51)

Only in one case, but with a pronoun, we can observe the use of *ad* + accusative:

- (18) Direct speech (*Alprandus*): res ad eam pertinentes (l. 24)

In a previous document dated 782 (ChLA 37, 1084), Ratfonsus instead wrote:

- (19) ad predicta sala vel casa massaricia pertinentes (l. 12)
- (20) ad ipsa casam [per]tinentes (ll. 16–17)
- (21) ad ipse case pertinentes (l. 24)
- (22) ad Sancto Angelus ibidem ad Asilacto eidem ecclesie Sancti Andreae est pertinentes (ll. 25–26)

Despite the uncertainty regarding the case form following *ad*, these examples nonetheless support the contention that Ratfonsus was familiar with the verbal government of *pertinere*. Thus, although the data does not allow for a definitive conclusion, it can be hypothesised that the use of the dative in this specific context is due to the spoken discourse, as a form of speakers' hyper-correction reported in the writing by Ratfonsus and that it also influenced the only occurrence in the text outside of direct speech.<sup>32</sup> The other instances of the dative in place of *ad* + accusative found in the LLDB database all concern only pronouns, in particular *mihi* (instead of *ad me*). It is from this perspective that I believe the comparison of multiple documents written by the same scribe could also be useful in delineating profiles of scribes' linguistic abilities.

<sup>30</sup>The instances recorded in the LLDB under the code "in + acc./in + abl. pro dat." are by no means rare (91 as of January 31, 2025), all derived from documents written in *Etruria*.

<sup>31</sup>I interpret the form *ipse* as *ipsae* (*ae* > *E*), an alternative to *ipsi* for the feminine dative (cf. ThLL s.v. *ipse*).

<sup>32</sup>I do not consider it possible to extend the present conclusion to a broader hypothesis concerning the survival of oblique case forms in singular nouns in the spoken language of the time. While this is indeed a highly interesting issue, and some isolated data – such as the alternation observed in the indeclinable proper name *Deusdedit* between *Deusdedit* (in subject function) and *Deusdedi* (in oblique function) as discussed in § 3.3 – might suggest such an interpretation, the available instances of direct speech are generally too scarce in medieval documentation to provide a reliable basis for addressing this research question, especially in contrast or comparison with written language. After all, proper names themselves, as is well known, represent a special case within the nominal system, making them particularly complex to interpret from a historical-linguistic perspective.

Another aspect raised by the *notitiae iudicati* concerns the extent to which the witnesses' statements were, in a sense, ritualised / stereotyped and whether they reproduced – either orally or in the scribe's written account – formulae that were customary in actual trial practice. As also [Korkiakangas \(2016\)](#) notes (see above), it is possible to find some recurring expressions. The incipits of the testimonies with *veritas* also seem to fall within a certain repetitive use:

- (23) Direct speech (*Alprandus*): *Veritas non est quod ...* (l. 24)
- (24) Direct speech (*Alprandus*): *Veritas quia ...* (l. 37)
- (25) Direct speech (*Iohannes*): *Veritas non est quod ...* (ll. 43–44)<sup>33</sup>

The ritualistic nature of this expression could be supported by its presence also in the *notitia iudicati* written by *Filippus* ([ChLA 38](#), 1106) and by the fact that in both documents we find occurrences with and without the verb *esse* between *veritas* and the complementiser:

- (26) [ChLA 38](#), 1106, direct speeches: *Certe veritas, quia ...* (l. 7); *Certam vobis dico veritatem, quia ...* (l. 10); *Veritas est, quia ...* (l. 15); *Veritas, quia ...* (l. 19)

Another expression that can be cited in this respect is *inimico suadente*, which we find in both *Ratfonsus* and *Filippus* and is probably linked to the ecclesiastical sphere to which the parties involved in these trials belong:

- (27) Direct speech (*Iohannes*): *in iste Agiprandus clericus inimicus suadentes temptus est in adulterium et in aliam malitiam* ([ChLA 38](#), 1098, ll. 9–10)
- (28) Direct speech (*Deusdedit*): *Postea inimicum eum suadente involavit mihi ipsam chartulam et querit mihi contrare ipsam ecclesiam* ([ChLA 38](#), 1106, ll. 6–7)

From a broader perspective, considering the rarity with which scribes found themselves called upon to write *notitiae*, it is possible that they drew on models or on earlier *notitiae*, a practice that may account for the mechanical reproduction of certain structure, even more so than for *chartulae*.<sup>34</sup>

Moreover, further support for the presence of a certain ritualism / stereotyping in witnesses' statements or in their written representations is provided by the direct speeches ascribed to multiple individuals – undoubtedly employed for purposes of condensation – where it is impossible to determine whether they were uttered by a single person – either on behalf of all the others or with the others subsequently confirming –, or repeated in succession by each individual participant.<sup>35</sup>

<sup>33</sup>We do not discuss here subordinate clauses with complementisers and the alternation of *quod* / *quia*. For a general overview, see [Cuzzolin \(1994\)](#) and [Herman \(\[1989\] 2006a\)](#); as for medieval documentation, see [Greco \(2015, 2017\)](#).

<sup>34</sup>See fn. 1 above.

<sup>35</sup>As an emblematic case, see [ChLA 40](#), 1184, in which some direct speeches are ascribed to three individuals: “Dicebant *suprascriptus* Iacobus, Ostrifonsus et Rotchis presbiter: «Tu Altiprande abes [...]»” (l. 5); “Respondebat *suprascriptus* Iacobus, Ostrifonsus et Rotchis presbiter [...]: « In quantum de res [...]»” (ll. 11–12).

### 3.2. Direct speech in ChLA 38, 1106

The *notitia iudicati* in ChLA 38, 1106 was written in Lucca in 786 by Filippus, a direct *discipulus* of Osprandus, who in turn was a *discipulus* of Gaudentius. The legal dispute concerns the ownership of the Church of St. Angel *de Sragio* between Deusdedit, archdeacon and rector of the church of St. Sylvester, and Deusdona, priest and rector of the Church of St. Angel *de Sragio*. Deusdedit claimed that Deusdona had formally appointed him as rector of St. Angel *de Sragio* through a charter but had subsequently stolen this document to contest his rightful ownership. Deusdona, while admitting to having appointed Deusdedit via charter, denied stealing the document. He instead alleged that the charter had been destroyed by a pilgrim acting upon his request. The authority, however, ruled in favour of Deusdedit, finding that Deusdona had indeed stolen the charter and that Deusdedit was the rightful owner of the Church of St. Angel *de Sragio*. Deusdona was subsequently ordered to return the stolen charter and prohibited from further interfering with Deusdedit's ownership of the church.

This is the document cited by Korkiakangas (2016, 21) because “an accused, who ends up confessing his delict, quotes his very own treacherous words in (2)”.<sup>36</sup> According to the scholar, “[b]eing an aggravating confession, the utterance is likely to have been recorded verbatim. This is the motive for which meticulous verbalisations of actually spoken words can be expected to figure in the *notitiae iudicati*”. However, the caveat mentioned above follows: “the clause of (3)<sup>37</sup> is found, *mutatis mutandis*, in many a *notitia* despite its non-formulaic appearance”. In my view, the unresolved question remains: what a “transcription” of a testimony given during a trial in the Early Middle Ages could have meant – was it truly *verbatim*?

From a methodological standpoint, it may be pertinent to observe whether there are any differences in the types of deviations from the norm in the various texts written by Filippus (*chartulae*, Figure 1 vs. *notitia*, Figure 2).

An illustration of the data underlying the graphs is not possible here due to space constraints; nevertheless, although the proportions of error types are fairly similar between the two documentary genres, an interesting finding concerns the phenomena classified under the labels *verbalia* and *syntactica et lexica*, which occur at a slightly higher rate in the *notitia* than in the *chartulae*. Their potential significance can only be assessed through a fine-grained qualitative study, which must also account for the fact that the data may be skewed by a lack of useful contexts for the emergence of certain phenomena in one genre than the other.

More generally, the comparison between Figures 1 and 2 could instead support the view that the scribe's writing habits and formulaic patterns exert a greater influence on the observable linguistic output than the actual spoken discourse (bearing in mind, incidentally, that even in the case of *chartulae* the scribe received most of the information orally from the contracting parties, see above § 1).

With reference to the analysis of specific phenomena, it is interesting to observe, in this document as well, the constructions associated with a specific verb, namely *confirmare*. Two constructions alternate:

<sup>36</sup>“Vade, si potest, tolle cartulam illam quam ego feci Deusdedi presbiteri de ecclesia mea Sancti Angeli et res ad eam pertinente et dili ea” (l. 11).

<sup>37</sup>“dum testimonia et notario ipsum per evangelia testimonium suum confirmaverunt et ipse Deusdedit presbiter iuravit sicut supra iudicavimus” (l. 37).

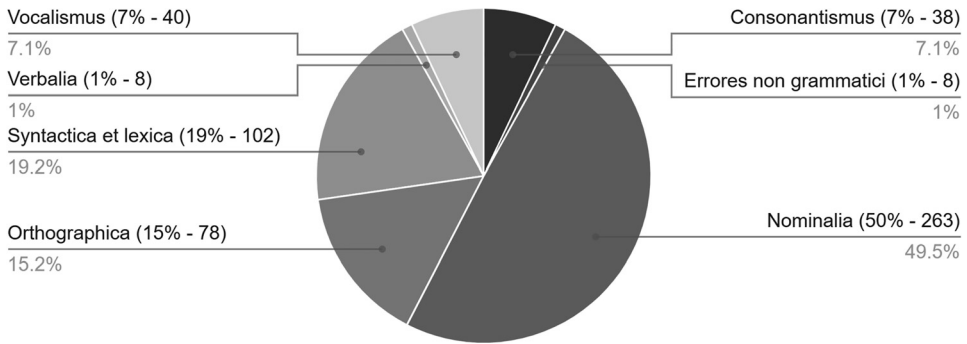


Figure 1. Types of deviation from the norm in ChLA 38, 1096, 1103, 1109, and 1117 (*chartuale*)<sup>38</sup>

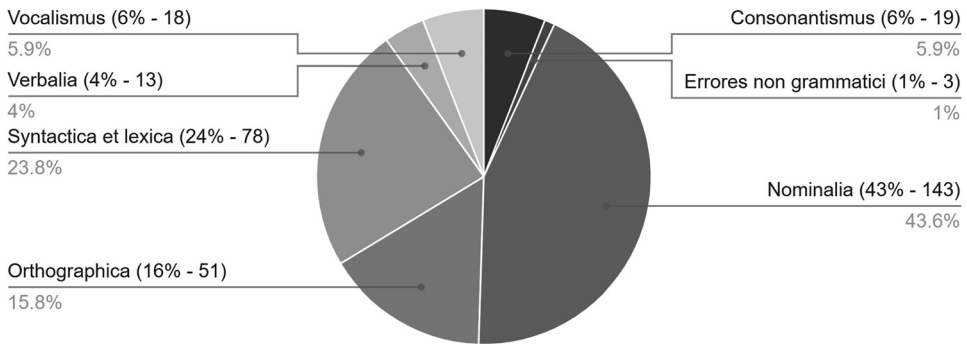


Figure 2. Types of deviation from the norm in ChLA 38, 1106 (*notitia*)

a. person to whom it is confirmed: *in* + accusative / thing confirmed: accusative

- (29) Direct speech (*Deusdedit*): *per cartulam in me confirmavit ecclesiam* (l. 5)  
 (30) Direct speech (*Deusdona*): *per cartulam confirmavi in te ipsam ecclesiam* (l. 7)  
 (31) Direct speech (*Deusdedit*): *in me per cartulam confirmavit ipsam ecclesiam* (l. 18)  
 (32) Text: *per iam memoratam cartulam in eum confirmatum fuit* (l. 40)

<sup>38</sup>Orthographica included purely orthographic code types as: "litterae Graecae, g > C, qu > CV, H > ø, aspiratio vitiosa, ch > C, ph > P, th > T, PH~ F, c > K, k > C, x > SX / CS / XS / XSS / XX, i (= /j/) > II, áe > E, é > AE, é: > AE, ae > E, e > AE, e: > AE, ae / áe > AI, ae / áe > AEI, ai > AEI / AE, i: > II, e: > EE, a: > AA, o: > OO, u: > VV (the colon or ":" after a vowel indicates that the vowel is long; the accent above a vowel as in e.g. "é" indicates that the vowel is stressed). Purely orthographic phenomena here include not only spelling patterns based on different (substandard) practices (which were to be avoided in standard orthography), such as CV instead of QV, CS instead of X, or geminating vowels as VV to denote long *u*, but also which testify to linguistic changes that have already taken place (are no longer active), such as not writing H (H > ø), writing it in the wrong place (aspiratio vitiosa), or confusing AE and E" (Adamik 2021, 5, fn. 15). For the methods of annotation, data querying, and visualization in the LLDB, see Adamik (2016) and the LLDB documentation guidelines and code system on the site of the database ([https://lldb.elte.hu/admin/doc\\_guidelines.php](https://lldb.elte.hu/admin/doc_guidelines.php); [https://lldb.elte.hu/admin/abbrev\\_codes.php](https://lldb.elte.hu/admin/abbrev_codes.php)).

b. person to whom it is confirmed: accusative / thing confirmed: *in* + accusative/ablative

- (33) Direct speech (*Deusdona*): ego confirmo te in ipsam ecclesiam (l. 11)  
 (34) Direct speech (*Deusdedit*): confirma me in ipsam ecclesiam (ll. 12–13)  
 (35) Direct speech (*Deusdona*): eum confirmaverat in ecclesia (l. 16)

Naturally, the structures are not entirely equivalent from a semantic viewpoint. Moreover, in the *in* + accusative construction of type (a), the phrase appears in place of a dative – a well-attested structure in the LLDB database with verbs such as *offerre* and *dare*<sup>39</sup> –, while type (b) exhibits a structure without deviations from the norm (given also the presence of abbreviations, the formal alternation between the accusative and the ablative following the preposition *in* is left aside). The distribution of the two constructions in the text seems to be linked to the presence of the phrase *per chartulam*: a regularity that could be related more to a writing pattern than to an actually spoken discourse, an element in favour of the hypothesis that even seemingly free constructions are actually fixed formulaic expressions within notarial writing habits.

Regarding the lexicon, the use of *testimonium* with the meaning of *testis* (cf. LIMAEL, s.v. *testimonium*) is also noteworthy, as illustrated by the following examples:

- (36) Text: consignaret ei per testimonia qui cartulam ipsam vidissent (l. 27)  
 (37) Text: Sic nobis ostendit testimonia, id est Adelchari clericus, Amicus presbiter ... (l. 30)  
 (38) Text: Et dum testimonia ipsa et ipsum notarium taliter testimonium reddidissent, interrogavimus ipsum Deusdona presbiterum, si testimonia ipsa reprovare poterent (l. 33)  
 (39) Direct speech (*Deusdona*): Nec testimonia ista reprovare possum (l. 34)  
 (40) Text: ipsa testimonia ana singolatim quam et ipse notarius iurando ante nos testimonium suum confirm[a]verunt (ll. 35–36)  
 (41) Text: Et dum testimonia et notario ipsum per evangelia testimonium suum confirmaverunt (l. 37)

The only instances of *testis* are found in the direct speech of *Deusdedit* and of the witnesses, although the expression used by the latter – *a testibus roborata* – can be considered a fixed structure.

- (42) Direct speech (*Deusdedit*): Sicut wadium dedi, testes illos hic habeo et notarium qui eam scripsit (l. 29)  
 (43) Direct speech (witnesses): Unanimiter ante nos dixerunt: “Vidi cartulam [...] et erat scripta tempore Desiderii regis et a testibus roborata” (ll. 30–31)

Considering that the term *testis* is routinely used in the non-autograph – and formulaic – witness subscriptions in the *chartulae* written by Filippus, it is difficult to hypothesise why the term *testimonia* is repeatedly employed in the *notitia*, although the influence of a usage introduced by the participants in the trial on Filippus cannot be ruled out.

<sup>39</sup>Cf. also fn. 30.

A particularly interesting case is represented by the indeclinable proper name *Deusededit*, which occurs in two forms: when it is the subject of a sentence, the form used is *Deusededit*; when it is used with other functions, it is written as *Deusededi* (without the final consonant). This happens systematically both in the text and in direct speech and seems to reflect a sort of two-case system (Table 2).

The only other occurrence of the form *Deusededit* is found significantly in the context of a direct case:

- (44) *similiter et iudicavimus et wadia dare fecimus ipsum Deusededit presbiter iam dicti Deusdonae presbiteri* (ll. 26–27).

Herman's ([1996] 2006b) observations regarding the rendering of foreign proper names in the Latin texts of the Bible apply very well to this case. Naturally, the difference remains, which is not of little importance, that in our case it is a compound name with Latin elements, but particular in that the second part is represented by a verb that gives the name a consonantal ending. According to Herman ([1996] 2006b, 93), the morphological assimilation of indeclinables represents the spontaneous process through which the language operates. This is particularly relevant in our case, since the segment that opposes the two forms is a final consonantal segment, often subject to phenomena of omission or, conversely, of overextension. The preservation of the original form, on the other hand, could be an act of a conscious expressive choice. Furthermore, Herman highlights that the inflected forms of indeclinables are predominantly found in the dative and genitive cases, often merged into a single form. As Herman ([1996] 2006b, 99) points out, the persistence of the genitive-dative is not accidental: these cases seem to be the least redundant categories within the system, relying less on the verb's government structure and specific semantics. In a still-functioning inflectional system, the genitive-dative appears to stand in opposition to other cases, which are prone to merging into an undifferentiated case. It is significant that the pattern with two-case system applies very regularly in the document written by Filippus. The other occurrences relating to this pattern in the LLDB database do not always show an equally regular picture: for instance, if in the document ChLA 38, 1100 (Lucca, 786) the form *Deusededit* occurs as a subject ("ego qui supra *Deusededit*", ll. 12 and 18) and *Deusededi* in a dative context ("mihi *Deusededi*", l. 3), in the document ChLA 38, 1107 (Lucca, 787) we instead find in genitive contexts both the form *Deusededi* ("pro remedio

**Table 2.** Forms of the proper name *Deusededit* in ChLA 38, 1106

Subject	Other functions (oblique)
venerunt ante nos <i>Deusededit presbiter</i> (l. 4)	Genitive: obsequiale istius <i>Deusededi presbiteri</i> (ll. 10–11)
Dicebat ipse <i>Deusededit presbiter</i> (l. 17)	Dative: cartulam illam quam ego feci <i>Deusededi presbiteri</i> (l. 11)
ipse <i>Deusededit arcidiaconus</i> dixit (l. 22)	Genitive: in obsequium ipsius <i>Deusededi presbiteri</i> (l. 16)
ipse <i>Deusededit presbiter</i> querebat (l. 28)	Dative: ipse <i>domnus lohanne episcopo</i> ore proprio suo dixit <i>Deusededi arcidiaconi rectori</i> (l. 20)

animae iam dicti Deusdedi”, l. 5; “casam abitationis ipsius <Deus>dedi”, l. 7) and the form *Deusdedit* (“pro anima ipsius Deusdedit”, l. 11), as well as the form *Deusdede* (in which the change *i* > *E* is also recorded) which occurs as an ablative context in a prepositional phrase with the preposition *a* (“ab ipso Deusdede”, l. 8).

### 3.3. Direct speech in the *Notitiae Brevis* Written by Gumpertus

In this paragraph, I will consider together the three *notitiae brevis*<sup>40</sup> written by Gumpertus, focussing briefly only on some lexical aspects. Although palaeographers have not identified Gumpertus as belonging to the school of Gaudentius, he is one of the most active scribes in the area.<sup>41</sup>

The first *notitia* (ChLA 38, 1121) was drafted in Lucca in 788 and concerns a dispute over the ownership of the Church of St. Cyriacus and its associated properties. The claimants, Rosselmus and Auselmus, brothers and clerics, asserted their right to inherit the church and its properties from their deceased father, Barbentus, a priest. Their claim was contested by Teudipertus, a cleric and the son of Barbentus’ brother, Teutpertus. Teudipertus argued that as the son of Barbentus’ brother, he was entitled to a share in the church and its properties. However, the court ruled in favour of the Church of St. Martin, determining that the church and its properties had always belonged to the church itself and were not subject to inheritance by any of the claimants.

For this document, I would like to focus on the gender oscillation of the lexeme *brevis*:<sup>42</sup>

- (45) Direct speech (*Iohannes*): ecce breve scriptum quem (l. 9)
- (46) Direct speech (*fili Barbenti*): ista brevis (l. 16)
- (47) Direct speech (*Teudipertus*): <i>sta brevis (l. 23)

Since only the occurrences that include a modifier allow us to detect the gender, and given the lack of such contexts in the non-dialogic sections of the text, it is not possible to ascertain whether the observed oscillation reflects a feature of Gumpertus’ linguistic competence or whether, in the direct speech passages, he is faithfully reproducing what was actually spoken. However, the analysis of another document written by Gumpertus, a *chartula* (ChLA 39, 1136), can provide us with further data.

Here, in fact, we find two occurrences of the lexeme *brevis* with a modifier: *breve illa* (l. 32) and *cum [...] memorata breve illa* (ll. 38–39). These instances suggest that, within Gumpertus’ linguistic competence, the lexeme was likely treated as feminine in gender. Moreover, in (45), the proximity of *scriptum* may have influenced the gender marking of *breve*.

The other two *notitiae brevis* are very brief texts, and although they are framed as disputes between an ecclesiastical and a lay party, their actual function appears to be that of written attestations confirming the ownership of property by a church: the layman offers no resistance

<sup>40</sup>Cf. above fn. 9.

<sup>41</sup>Cf. above fn. 16.

<sup>42</sup>Cf. MLLM, which reports the entry of the lemma as follows: *brevis* (mascul. and femin.), *breve* (neutr.).

to the ecclesiastical claim but instead expresses agreement, which significantly diminishes the spontaneity of the procedure and suggests a quasi-formulaic or ritualised nature.

ChLA 39, 1140 records a legal dispute involving Bishop Iohannes and a man named Dulciolus regarding the ownership of a house and property in the location of *Quaratiana*. Bishop Iohannes questioned Dulciolus about whether the property rightfully belonged to him or to the Church of St. Martin. Dulciolus openly admitted that he had no claim neither to the house nor the land, affirming that both belonged to St. Martin.

ChLA 39, 1156 records a legal matter in which a man named Ghiso petitioned Bishop Iohannes for mercy regarding a pledge he had made to Saripertus, a presbyter of the Monastery of St. Paul *in Villa*. Bishop Iohannes questioned Ghiso, asking whether he disputed the ownership of the Church of St. Paul *in Villa* and its associated properties, for which he had previously given the pledge. Ghiso responded that he could not and did not contest the church or its properties, affirming that they belonged to the bishop and his ecclesiastical authority. This document has been examined by Banniard (2017, 24–25), who highlights that, in his opinion, the statements conform to formal legal criteria; yet, their linguistic authenticity should not be dismissed, as these texts were not mere archival records but were spoken aloud in legal proceedings, requiring clear comprehension by the interlocutors. The presence of latinised spellings does not obscure their underlying proto-Italian structure. According to his interpretation, the scribes' deviation from classical grammatical norms is better understood as a reflection of spoken usage than as evidence of ignorance regarding Latin declensional systems.

In my view, the spontaneity of these proceedings remains largely inaccessible to our analysis, primarily due to the limited evidence concerning the practical application of the legal customs of the time and the evident formalism that, as previously discussed, appears to characterise the function of this type of document. This formality, which permeates even ostensibly dialogic elements, complicates any attempt to assess the degree of improvisation or natural speech represented in the records. With regard to the two short *notitiae brevis* under consideration, I would like to draw attention to the alternation between two synonymous verbs: *contendere*, which is widely attested throughout classical and later Latin with juridical connotations,<sup>43</sup> and *contrare*, meaning 'to deny' or 'to dispute', a verb found exclusively in medieval lexicographical sources.<sup>44</sup>

- (48) Direct speech (*Bishop Iohannes*): *contras mihi casam et rem istam ubi resedis aut dicis eam esse tuam an Sancti Martini* (ChLA 39, 1140, ll. 3–4)
- (49) Direct speech (*Dulciolus*): *nihil tibi de casa et re ista contendo quia Sancti Martini est* (ChLA 39, 1140, ll. 5–6)
- (50) Direct speech (*Bishop Iohannes*): *Et tu Ghiso contendis ecclesiam Sancti Pauli que est in Villa et rebus ividem* (ChLA 39, 1156, ll. 8–9)
- (51) Direct speech (*Ghiso*): *Quia nec ipsam ecclesiam Sancti Pauli nec rebus ibidem contrare vobis non possum nec contro, quia vestra est* (ChLA 39, 1156, ll. 10–12).

<sup>43</sup>Cf. ThLL s.v. *contendo*.

<sup>44</sup>Cf. MLW s.v. *contro*.

It is interesting to note that in both documents the two lexemes appear in the direct speeches of the two parties, in a distribution that may go against expectations: while the second statement mirrors the lexicon of the first, *contrare* and *contendere* alternate. Although this is only a hypothesis, it could be related to a stylistic or scribal habit of Gumpertus, probably linked to a preference for *variatio*, also because it is not possible to associate any precise lexical choice with either the ecclesiastical or the lay parties.

Moreover, examining the documents present in the LLDB database, both verbs seem to be characteristic of the *notitiae*, while they are absent from the *chartulae*. The verb *contendere* is also used in the other *notitia brevis* written by Gumpertus (“interrogavimus eosdem clericos si aberent quod aliquid adversus nos de ipsa ecclesia Sancti Quirici contendere”, text, ChLA 38, 1121, ll. 14–15) and in a *manifestationis notitia* containing direct speech (“pro qua re tu, Liliopincte, rem ubi resedis et cuncta que possides contendi ad partem ecclesie Sancti Martini episcopati”, direct speech, ChLA 39, 1139, ll. 2–3). The verb *contrare* occurs instead only in the direct speeches of the *notitia iudicati* written by Philippus:

- (52) Direct speech (*Deusdedit*): involavit mihi ipsam cartulam et querit mihi contrare ipsam ecclesiam (ChLA 38, 1106, ll. 6–7)
- (53) Direct speech (*Deusdona*): qualiter in te confirmavi nullam tibi exinde contro (ChLA 38, 1106, l. 8)

This could indicate that, even in the *notitiae*, the notaries made a deliberate selection among a limited set of competing lexical options.

#### 4. CONCLUSION

In conclusion, I believe that further reflection on the interplay between formulaic and free parts in medieval legal charters and their linguistic correlates is still warranted, especially with regard to the role of scribes: in a documentary genre such as *notitia iudicati*, scribal linguistic competence is expressed in ways we cannot always fully grasp. In this context, scribes become the agents of transitions from orality to writing, a transition that is never entirely neutral.<sup>45</sup> Small clues, particularly from comparative analyses, can allow us to evaluate the extent to which orality is reflected in written texts. The influence of formulaic language and stereotyped constructions may be more relevant than expected, even within contexts seemingly more receptive to spoken language, such as the direct speech recorded in the *notitiae iudicati*. This may be attributed not solely to the passage from orality to writing performed by the scribes, but also to the inherent rituality and formalism present in the medieval trials themselves or in the scribal practices tasked with representing them.

<sup>45</sup>The role of scribes as agents of linguistic change is investigated in several works of historical linguistics and historical sociolinguistics. See, for example, the works contained in Wagner, Outhwaite & Beinhoff (2013) and Sornicola (2026).

Certainly, the considerations presented in this study do not allow for generalisations or extensive overviews. However, I believe that a better interpretation of medieval charters can be achieved through a dual approach: on the one hand, by conducting detailed, case-specific analyses, and on the other, by developing quantitative frameworks that need to be further refined in the light of historical and social investigations. The interplay between these perspectives yields a more nuanced understanding of the textual and linguistic dynamics at play in medieval documentary practices.

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