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A Likely Story: purpose in narratives from charters of the early medieval Pyrenees

L1 Abstract

Despite having no early specifically narrative source materials, the area of modern Catalonia is famously rich in documentary material, contemporary original sources for transactions, judicial hearings and so on. A surprising number of these documents in fact contain narratives. Sometimes these relate to grand events, but more often they are stories particular to the transaction or hearing recorded. Using material from before and shortly after the year 1000, this chapter asks why such stories occur only occasionally, how much weight can be placed on their details given their formulaic medium and what purpose they served. It concludes that, rather than representing an access of realism breaching formulae, the stories acted mainly as a stratagem to make safe the unusual or even fraudulent, working to elicit audience sympathy or cooperation when regular, legal norms were insufficient.

L1 Keywords

Catalonia, charters, textual criticism, narratives, formulae, law

L1 **Introduction: telling stories in charters**¹

In the year 1003 an archdeacon of the cathedral of Urgell, on the southern side of the Pyrenees in what is now Catalonia, decided he needed to tell a story.

The story that he told, or at least that was written down for him, went something like this:

By our Lord Jesus. Let it be known to all men present and future how it happened to me Sendred, Archdeacon, however unworthy, of the Holy Mother of the See of Urgell and bailiff of the Andorra valley, sadly for my sins or some reason, that my lord Count Borrell built against the men of the Andorra valley a castle that is called Bragafols, which he commended to me. Those selfsame men however raised siege-works against the castle and took possession of it, and the aforesaid Count flung me in chains and shackles and held me for a long time over that castle. And he interrogated me in his name through his magnates and nobles so that I would agree to give to him that alod of mine that I had in Somont, which I held from the franchise of the men of Andorra and from my parents. I however

¹ Shamefully, this chapter was completed before I had become aware of Jeffrey A. Bowman, “From Written Record to Historical Memory: Narrating the Past in Iberian Charters,” in *Representing History, 900–1300: Art, Music, History*, ed. Robert A. Maxwell (University Park, PA: Pennsylvania State University Press, 2010), 173–80. Happily for both of us, our texts proceed with largely different materials and more or less compatible conclusions. Our few points of difference are noted in apparatus below.

answered him: I'm not giving away my parents' heredity, I'd sooner die first! And I sent a message to my lord, to Bishop Sal'la, and he himself sought the Count and said to him: For what reason, my lord, are you holding a cleric and Archdeacon of Holy Mary in chains? The Count answered: If he won't give me that alod of his that he has in Somont I shan't release him. The Bishop responded: That alod which you seek is already the above-named Mother's. Moreover, when the count heard the words of the bishop and the bishop proved all these things to be true, the count was exceedingly angry and released me from the shackles and from the chains. And on account of this service which Holy Mary the Mother of God and my lord Bishop Sal'la have done me, we, I Sendred son of Centoll and my woman Ermeriga give to My Lady the aforesaid Virgin Mary Mother of God the already-said alod which we have in Somont, with its entrances and exits and with all the things pertaining to it, in this way, namely, so that we or our kinsmen may hold the aforesaid alod as long as we may live, in the service of Holy Mary [...] by donation of Bishop Sal'la and his successors...

There is an immense amount that one could say about this story, which comes, as the ending reveals, from a donation charter to Urgell cathedral.² Its

² In the Bibliography below I give DOIs for electronically-available material where I know them to exist and URLs for material that was otherwise openly available online at the time accessed. Not all DOIs there lead to open-access materials, but the URLs all do. If I have provided neither DOI nor URL

use of direct speech is striking and unusual, but that speech refers to the text of which it forms part when it identifies Santa Maria d'Urgell as "that above-named mother," *iam dicta Genetrix*. It shows us clearly how a man in this castle-dominated world might literally wind up serving two masters, and how that might go wrong; it also tells us that in Catalonia at the turn of the first millennium an archdeacon might have a common-law wife, whose rights

it does not mean that the item is not available online, only that I did not find it there. I have omitted electronic references in these notes so as to save space, however. Sendred's story is to be found in Cebrià Baraut, ed., "Els documents, dels anys 981–1010, de l'Arxiu Capítular de la Seu d'Urgell," *Urgellia* 3 (1980): 7–166 (117–19, no. 286): "*Per Ihesum dominum nostrum. Notum sit hominibus presentibus et futuris qualiter ego Sendredus, quamvis indignus archidiaconus sancte matris Sedis Urgellensis et baiulus vallis Norrensis, evenit mihi triste pro peccatis meis sive de racione quia comes Borrellus senior meus fecit castrum contra homines valle Norrensis qui vocatur Bragafols quod comendavit eum mihi. Ipsi tamen homines posuerunt insidias contra castrum et tenuerunt eum, et tamen prelibatis comes missit me in vinculis sive in compedibus et tenuit me longo tempore per illum castrum. Et inquisivi me ut nomine suo per suos optimos vel nobiles et dedissem ei ipsum meum alodem quem habebam in Submonte, qui fuit ex franceda de homines de valle Andorra sive ex parentibus meis. Ego autem respondi ei: Non do hereditatem parentum meorum antea potius mori. Et missi ad seniorem meum indicium ad Sallanum episcopum et petivit ipse ad comitem et dixit ei: Quare domine senior tenes clericum et archidiaconem sancte Marie in vinculis? Respondit comes: Si non dederit mihi suum alodem quam habet in Submote non dimitam eum. Respondit episcopus: Ipsum alodem quem inquis iam est ex iam dicta Genetricis. Ut autem audivit comes verba episcopi et probavit omnia vera esse fuit iratus nimis et abstraxit me a compedibus sive a vinculis. Et propter hoc beneficium, quod fecit mihi Dei genetricis virginis Marie et Sanla pontifex senior meus, domanus ego Sendredus filius Centoli et mulier mea Ermeriga ad domine mee iam dicte Dei genetricis virginis Marie alodium quam habemus in Submonte iam dictum cum exiis et regressiis suis sive cum omnibus suis pertineciis, ea videlicet racione ut prelibatum alodem teneamus nos [quan]diucumque vixerimus vel consanguinei nostri in servicio sancte Marie [...] donacione Sallani episcopi vel successores suos...*"

in his property had to be respected. It tells us, furthermore, that Bishop Sal·la was a sharp operator whom it was unwise to cross. Looking deeper, though, it is clear that the narrative twists around some awkward points. Why, for example, did Sendred hold land from the franchise of the same people that he was supposed to be guarding against? Was that why he was chosen as bailiff? Or was that why he found himself under siege? For Sendred, these facts did not help the story and so we do not know them.

The most obvious difficulty, however, is that the story's internal content is at odds with its external form. Count Borrell had died in 993; the events described must therefore have taken place at least a decade earlier than Sendred's unwilling gift.³ At some level, therefore, Sal·la was lying if he told the count that the land was already the Virgin's. At best, Sendred had taken some time to make good on the bishop's promise and, even when he did, he and Ermeriga received the lands back in the cathedral's service for their and their kinsmen's lifetimes.⁴ If Sendred had earlier promised the lands to Sal·la, though, surely that earlier promise would have adequately explained the gift,

³ For his death date see Cebrià Baraut, "La data i el lloc de la mort del comte Borrell II de Barcelona-Urgell," *Urgellia* 10 (1990): 469–72.

⁴ The document is phrased as a donation, but its terms clearly amount to what would have been formulated as a *precaria* elsewhere: see Laurent Morelle, "Les « actes de précaire », instruments de transferts patrimoniaux (France du nord et de l'est, VIII^e–XI^e siècle)," in "Les transferts patrimoniaux en Europe occidentale, VIII^e – Xe siècle : actes de la table ronde de Rome, 6, 7 et 8 mai 1999", ed. François Bougard, *Mélanges de l'École Française de Rome: Moyen âge* 111 (1999): 487–983 (607–47).

but Sendred did not record it; instead he told the story of the time his old boss put him in chains. There is, in other words, no easy way for the gift to be above board as we are told it, but the story was still important to tell.

At this point some context is needed. In 1003, Urgell was one of eleven counties and a number of lesser territories like Andorra that made up a zone that we could call Catalonia, although its inhabitants did not yet do so and it is identifiable as such largely by not being part of Toulouse, Provence, Navarre, Aragón or al-Andalus.⁵ Al-Andalus was resurgent at this point, having for twenty years been a military terror in the north under the Amirid family of chief ministers for the increasingly-isolated caliph. This was about to fall apart, but that would not yet have been apparent.⁶ The eleven counties had eight counts and all were probably related, but this did not make them a unit. Urgell, where Sendred made his gift, was ruled by Count Ermengol I, son of Count Borrell of the charter, and Ermengol's brother Ramon Borrell

⁵ For general political background see Julia M. H. Smith, “‘*Fines Imperii*’: the marches,” in *The New Cambridge Medieval History volume 2: c. 700–c. 900*, ed. Rosamond McKitterick (Cambridge: Cambridge University Press, 1995), 179–85, and Michel Zimmermann, “Western Francia: the southern principalities,” in *The New Cambridge Medieval History volume 3: c. 900–c. 1024*, ed. Timothy Reuter (Cambridge: Cambridge University Press, 1999), 441–49, or in Catalan Josep Maria Salrach, “Introducció: canvi social, poder i identitat,” in *Història Política, Societat i Cultura dels Països Catalans volum 2: la formació de la societat feudal, segles VI–XII*, ed. Josep Maria Salrach i Marés (Barcelona: Gran Enciclopedia Catalana, 1998, repr. 2001), 15–67. The classic work on identity in the area remains Ramon d’Abadal i de Vinyals, *Els primers comtes catalans*, vol. 1 of *Biogràfies catalanes: serie històrica* (Barcelona: Vicens Vives, 1958, repr. 1980).

⁶ Hugh Kennedy, *Muslim Spain and Portugal: a political history* (London: Longmans, 1996), 109–29.

was the most powerful ruler of the area, in Barcelona, Girona and Osona. Even in cooperation, however, these two held no explicit supremacy over their cousins in Besalú-Cerdanya and Empúries-Rosselló.

Until very recently, all these zones had been notionally obedient to the Carolingian kings, occasionally obtaining royal precepts from them right up until 986, although Borrell was at that point changing tack after more than twenty years as a client of the Caliph of Córdoba.⁷ Borrell, who had ruled all four of his sons' counties, was one of the most powerful men in northern Spain, but this did not enable him to resist Córdoba's armies when the Muslim chief minister al-Mansur sacked Barcelona in 985. Borrell's lords, men like Bishop Sal·la, were hard for him to restrict and the range of ways, ideological and bluntly matter-of-fact, in which he did it would make a book in themselves.⁸ Their variety did not always mean success, however.

L1 Early Medieval Narratives in Catalonia

Although it is famous (or infamous) for the extent of its early medieval documentary preservation, the area these men ruled has left us almost nothing in the way of historical narrative.⁹ The earliest sets of annals perhaps

⁷ Jonathan Jarrett, "Caliph, King or Grandfather: strategies of legitimisation on the Spanish March in the reign of Lothar III," *The Medieval Journal* 1.2 (2011): 1–21.

⁸ Borrell is not well studied. Jonathan Jarrett, *Rulers and Ruled in Frontier Catalonia 880–1010: pathways of power* (Woodbridge: Boydell and Brewer for the Royal Historical Society, 2010), 141–66, goes some way toward changing this and gives such references as exist.

⁹ There are thought to be some six or seven thousand charters extant from the territories of Catalunya

have cores dating back to the late tenth century, but have almost no detail until much later; before 1000 they tend only to record the capture of Barcelona by Charlemagne's son Louis the Pious as King of Aquitaine in 801 and its aforementioned sack by al-Mansur, an event which has been argued to have kickstarted Catalan national consciousness and a local historiography.¹⁰ The former claim might be contested, although only non-Catalans have done so; the latter seems perfectly justifiable, but the fruits of this historiographical impulse were nonetheless a long time emerging.¹¹

Vella from the period 782 (when preservation begins) to 1000. The situation will be clarified when the ongoing *Catalunya Carolíngia* project, which aims to publish all pre-1000 material, is completed. On it see Jesus Alturó i Perucho, "A propòsit de la publicació dels diplomes de la Catalunya Carolíngia," *Estudis Romànics*. 27 (2005): 289–97. Adam J. Kosto, "Laymen, Clerics and Documentary Practices in the Early Middle Ages: the example of Catalonia," *Speculum* 80 (2005): 44–74, opens with an apology to his colleagues for the quantity of his source material. On the absence of early narratives from the general area see Thomas Noel Bisson, "Unheroed Past: history and commemoration in South Frankland before the Albigensian Crusade," *Speculum* 65 (1990): 281–308.

¹⁰ On the annals and their contexts, see now Stefano Maria Cingolani, *Els Annals de la Família Ripipullense i les Genealogies de Pallars-Ribagorça*, vol. 3 of *Monuments d'Història de la Corona d'Aragó* (Valencia: Premsa Universitat de Valencia, 2010); for the 985 argument, Michel Zimmermann, "La prise de Barcelone par al-Mansûr et la naissance de l'historiographie catalane," in *L'Historiographie en Occident du V^e au XV^e siècle. Actes du Congrès de la Société des Historiens Médiévistes de l'Enseignement Supérieur. Tours, 10-12 juin 1977*, vol. 87 of *Annales de Bretagne et des Pays de l'Ouest* (Rennes : Presses universitaires de Rennes, 1980), 191–218; on the sack see now Gaspar Feliu i Montfort, *La Presa de Barcelona per Almansor: història i mitificació* (Barcelona: Institut d'Estudis Catalans, 2007).

¹¹ Compare Paul H. Freedman, "The Symbolic Implications of the Events of 985–988," in *Symposium internacional sobre els orígens de Catalunya (segles VIII–XI)*, ed. Federico Udina i Martorell

Nonetheless, components of a narrative history can be found in the surviving documents. In the 1003 document already instanced, for example, we have an eye-witness account of a rebellion against outside rule in Andorra and the victim's reaction. More significant narrative efforts were made for the sack of Barcelona in 985, and indeed its details have been extensively reconstructed from such accounts. Four years afterwards, one such document recalled:

There died or were captured all the inhabitants of that city or of the same county who had entered there by order of the lord Count Borrell to guard and defend it, and there perished all their substance, whatever they had gathered together there, as much books as royal precepts and all their collected documents of all sorts through which they had retained all their alods or possessions among themselves and before them their parents for two hundred years or more.¹²

(Barcelona: Generalitat de Catalunya, 1991–92), 2 vols, also published as *Memorias de le Real Academia de Buenas Letras de Barcelona* 23 and 24 (1991 and 1992), I, 117–29, to Josep Maria Font i Rius et al., *Procés d'independència de Catalunya (ss. VIII–XI). La fita del 988*, vol. 5 of *Textos i Documentos* (Barcelona: Generalitat de Catalunya, 1999); Zimmermann, “Prise de Barcelone,” is also judicious here, but cf. Bowman, “Written Record to Historical Memory”, 175 and n. 9.

¹² Àngel Fàbrega i Grau, ed., *Diplomatari de la Catedral de Barcelona: documents dels anys 844–1260. Volum I: documents dels anys 844–1000*, vol. 1 of *Fonts Documentals* (Barcelona: Catedral de Barcelona, 1995), pp. 377–79 (no. 172): “... *ibi mortui vel capti sunt omnes habitantibus de eadem civitate vel de eiusdem comitatu que ibidem introierant per iussionem de dompno Borrello comite ad*

This is arguably historiography, and it can certainly inform ours. Such documents tell us, for example, of an attempt by Count Borrell to mass a defence from the locality.¹³ It is also perhaps surprising to be told that people still held royal precepts in this area, and it is notable that this was recorded even though the actor in the charter was not claiming to have lost one.

Nonetheless, at the point when this document was originally written, its story was not news to anyone. The events of 985 were all too fresh in most people's minds: the sack had already become, in documentary shorthand, "the day Barcelona died" and its psychological impact was far out of proportion to the physical damage caused, which recent work has suggested was not very serious.¹⁴ The point in telling this story at such length was therefore not just to

custodiendum vel ad defendendum eam, et ibi periiit omnem substancias eorum quicquid ibidem conragaverunt, tam libris quam preceptis regalis vel cunctis illorum scriptoris omnibusque modis confectis per quas retinebant cunctis eorum alodis vel possessionibus inter eos et precedentes eorum parentibus CC anni et amplius..."

¹³ Feliu indexes these documents in his *Presa*, 7–11, and removes from consideration the false *Cronica de Sant Pere de les Puelles* which is excerpted in Petrus de Marca, *Marca Hispanica sive Limes Hispanicus, hoc est geographica and historica descriptio cataloniæ, ruscinonis, & circumiacentium populorum*, ed. Étienne Baluze (Paris: Franciscus Muguet, 1688, repr. Barcelona: Base, 1972, 1989 and 1998 as vol. 1 of *Apographa historica Cathaloniae: Series historica*), cols 933–34 (ap. CXXXIV).

¹⁴ Federico Udina Martorell, *El Archivo Condal de Barcelona en los siglos IX–X: estudio crítico de sus fondos*, vol. 17 of *Textos* (Barcelona: Consejo Superior de Investigaciones Científicas, 1951), pp. 421–23 (doc. no. 232 (p. 423): "*in quando die Barchinona interiit*"). Zimmermann, "Prise," discusses the psychological impact, but Gaspar Feliu, "Al-Mansur, Barcelona i Sant Cugat," *Acta Historica et Archaeologica Mediævalia* 3 (1982), 49–54, suggests that only part of the city's defences were over-

explain the loss of the transactor's documents; it was presumably to engage the sympathy of the audience by reminding them of what they had all collectively suffered, and how it had been no-one's fault except perhaps Borrell's, and that therefore the plaintiff's unsubstantiable claim ought to be looked on kindly.¹⁵

L1 Narratives and Formulae

A transaction charter, of course, can be viewed as a narrative in itself.¹⁶ By it we are told of a decision made by the author of the document and carried out before witnesses, which, although in these 'dispositive' documents it is usually recounted in the present tense, was still a record of something in the past, for all that its outcomes might remain active.¹⁷ More than this, in the clauses by which documents less egregious than those so far instanced explain their authors' claim on the property of which they now disposed, it is

run.

¹⁵ Bowman, "Written Record to Historical Memory," 177–78, prefers a slightly different reading.

¹⁶ Herwig Wolfram, "Political Theory and Narrative in Charters", trans. P. Geary, *Viator: medieval and Renaissance studies* 26 (1995): 39–51; Sarah Foot, "Reading Anglo-Saxon Charters: Memory, Record, or Story?," in *Narrative and History in the Early Medieval West*, ed. Elizabeth M. Tyler and Ross Balzaretto, vol. 16 in *Studies in the Early Middle Ages* (Turnhout: Brepols, 2006), 39–66; more broadly, Patrick Geary, *Phantoms of Remembrance: memory and oblivion at the end of the first millennium* (Princeton: Princeton University Press, 1995).

¹⁷ On the division, largely formal, between dispositive and probative charters, see Reinhard Härtel, *Notarielle und kirchliche Urkunden im frühen und hohen Mittelalter* (Wien and München: Böhlau Verlag, 2011), 25.

arguable that even the most basic charters also resort to micro-narrative: a claim to hold land from a previous purchase, from inheritance or from the assart of the land (*aprisio*, in the language of these documents) were also stories, however compressed, stories of another such decision and handover, of a legitimate birth and upbringing sufficient to entitle the landholder to succession to their parents or of a lengthy endeavour of clearance.¹⁸

Such clauses were of course formulaic; they can be found repeated through document after document with only minimal variation.¹⁹ Formulae as inclusive as, “it came to us from our parents or from purchase or from *aprisio* or through whatever voice it may be” may have been so vague because they were covering a range of different circumstances, but it is hard to distinguish that possibility from the scribe just employing a handy catch-all.²⁰

¹⁸ Some ready examples pulled from just one edition, Ramon Ordeig i Mata, ed., *Catalunya Carolíngia IV: els comtats d’Osona i Manresa*, vol. 53 of *Memòries de la Secció Històrico-Arqueològica* (Barcelona: Institut d’Estudis Catalans, 1999), 3 vols, one example per volume given here of many more possible: land from parents, I, 277 (no. 311), II, 699–700 (no. 942), III, 1145–46 (no. 1603), etc., from purchase, I, 315 (no. 372), II, 727–28 (no. 989), III, 1273–74 (no. 1796), etc., from *aprisio* I, 126–27 (no. 80), II, 603–04 (no. 791), III, 1303 (no. 1839), etc. On the nature of *aprisio*, see Jonathan Jarrett, “Settling the Kings’ Lands: *aprisio* in Catalonia in perspective,” *Early Medieval Europe* 18 (2010), 320–42.

¹⁹ This is extensively analysed by Michel Zimmermann, *Écrire et lire en Catalogne (IX^e–XIII^e siècle)*, vol. 23 of *Bibliothèque de la Casa de Velázquez* (Madrid: Casa de Velázquez, 2003), 2 vols, I, 203–84, though see now also Jonathan Jarrett, “Comparing the Earliest Documentary Culture in Catalonia,” in *Problems and Possibilities of Early Medieval Charters*, ed. Jonathan Jarrett and Allan Scott McKinley, vol. 19 of *International Medieval Research* (Turnhout: Brepols, 2013), 89–128.

²⁰ Ordeig, *Catalunya Carolíngia IV*, I, 199–200 (no. 179): “*nobis advenit de parentorum vel ex*

Certainly, the writers of these documents laboured to be inclusive. This is clearest of all in the descriptions of the properties concerned, which beyond a very basic level of elaboration tend to fall into descriptive pairs that aim for total coverage by the use of opposites like 'on the mountain or in the valley', 'upslope or down', and so on, or complementary pairs of attributes, 'houses and buildings, lands and vines, meadows and pastures, woods and copses, cultivated and waste, fruiting trees and non-fruiting trees,' so that nothing could be left out. These also are so widely-repeated that their formulaic nature is evident. This, however, should not be taken to mean that any of these clauses were invariable. In fact, variation between the various options and their extensions is considerable.²¹ This means that choices were made about which ones to use and how much of them, and these choices may have been made as much by the owners of the properties in question as by the scribes who wrote for them.

With any narrative constrained by a formula, be it of form or of content, there is an obvious likelihood that the expectations placed upon that narrative by the formula will overwhelm its relation to the actual facts of the matter with which it deals.²² Choices of formulae may indeed be made to

comparacione sive de aprisione vel pro qualicumque voce...."

²¹ Michel Zimmermann, "Glose, tautologie ou inventaire ? L'énumération descriptive dans la documentation catalane du Xe au XIIIe siècle," *Cahiers de linguistique hispanique médiévale* 14 (1989), 309–38.

²² A point most sharply made, for all narrative texts, in Hayden White, *The content of the form: narrative discourse and historical representation* (Baltimore: Johns Hopkins University Press, 1987);

bring this about, as we shall see. Nonetheless, the fact that choices of formulae could be made here indicates to us that factors outside these documents were influences on them, even if only in the choice of the formulae. An illustrative example is dovecotes, which are occasionally named as attributes of landed property being transferred in this corpus.²³ It could indeed be thought that a fully-equipped and desirable country steading would naturally have one of these, and therefore that the description of a given estate should include one, but if so, this pressure was only rarely felt.²⁴ To sustain the idea that this was solely a formula, it becomes necessary to distinguish certain properties or holdings as being somehow deserving of this rare distinction. It is hard to think of a factor more likely to have influenced the scribe or the property's owner in this regard than the actual existence of a dovecote, not least since the recipient of an estate fictively so described might have scope for redress against the previous owner. The issue is pressed even harder by documents covering several properties of which only one is said to have a dovecote, and so on.²⁵ The same argument can be made for other attributes of these lands, most of all mills, which were of an economic significance that made their presence or absence a serious concern. In general, it seems likely that, while formulae were clearly part of the narrative apparatus of these documents, the

for charters see also Foot, "Reading Anglo-Saxon Charters".

²³ E. g. Ordeig, *Catalunya Carolíngia IV*, I, 385–86 (no. 477), II, 629–30 (no. 832), III, 1171 (no. 1642), etc.

²⁴ Some very large estates were not attributed one, e. g. *ibid.*, III, 1268 (no. 1786).

²⁵ For example, the endowment of the monastery of Sant Benet de Bages, *ibid.*, II, 730–32 (no. 995A).

scribes would mostly have chosen among their available formula stock on the basis of the actual matter of the case in question.²⁶

A simple document containing an ordinary sale or donation, barring a deliberate attempt to mislead on the part of one or other party to its redaction, need not therefore stand too far from the facts merely because of being formulaically constructed. There was room in the formulae to cover most plausible cases of an ordinary kind; this was, after all, the purpose for which they had been written. The form would here accommodate a variety of contents.

L1 **The Force of Law**

It could also be argued that, since there was a written law in this area that governed transaction and record procedures, the actions and transactions that our documents describe were themselves constrained by formulae, and that the documents are in this sense realistically formulaic.²⁷ In fact, the Visigothic

²⁶ Mills appear in e. g. *ibid.*, I, 125–26 (no. 79), II, 833–34 (no. 1148), III, 1282 (no. 1805), etc. On their importance see Pierre Bonnassie, *La Catalogne du milieu du X^e à la fin du XI^e siècle : croissance et mutations d'une société*, vols 23 and 29 of *Publications de l'Université de Toulouse-Le Mirail, série A* (Toulouse: Association de Publications de l'Université Toulouse-le-Mirail, 1975–76), 2 vols, I, 459–64.

²⁷ Michel Zimmermann, “L’usage du Droit wisigothique en Catalogne du IX^e au XII^e siècle : Approches d’une signification culturelle,” *Mélanges de la Casa de Velázquez* 9 (1973): 233–81; Roger Collins, “‘*Sicut lex Gothorum continet*’: law and charters in ninth- and tenth-century León and Catalonia,” *English Historical Review* 100 (1985), 489–512, repr. in *idem, Law, Culture and Regionalism in Early Medieval Spain*, vol. 256 of *Variorum Collected Studies* (Aldershot: Ashgate, 1992), V; Jeffrey A. Bowman, *Shifting Landmarks: Property, Proof, and Dispute in Catalonia around the Year 1000* (Ithaca: Cornell University Press, 2004), 33–55 and references there, and specifically on

Law as preserved in the *Forum Iudicum*, the Book of Judges that constituted the area's jurisprudence until the late twelfth century at least, although it is insistent on the necessity of written documents of transactions, gives very little detail about how they should be constructed or used.²⁸ A supposedly-Visigothic formulae collection survives, in a twelfth-century copy in Oviedo, but this finds only scant reflections in the documents of practice from what is now Catalonia.²⁹ The clearest echoes are, significantly, in the area of testamentary practice, where a substantial ceremonial component was regular and structures the documents: the testator had to appoint executors, or "almsmen", as the word used, *elemosinarii*, is more literally translated, to dictate to them the terms of his or her will, and then after the demise of the testator they had publically to declare the will under oath in a church before judges. This naturally involved a certain degree of narrative, as the almsmen explained their appointment and the deceased's adequate condition to make such decisions at that time.³⁰ Sometimes they had more to explain: one case

legal influence on formulae Zimmermann, *Écrire et lire*, II, 664–68; cf. Jarrett, "Comparing the Earliest Documentary Culture," 105–7.

²⁸ Karl Zeumer, ed., *Leges Visigothorum*, vol. 1 of *Monumenta Germaniae Historica (Leges Nationum Germanicum)* (Hannover: Hahn, 1902, repr. 2005), 33–456, the relevant section being 105–20 (II. 5).

²⁹ Karl Zeumer, ed., *Formulae Merovingici et Karolini Aevi, accedunt Ordines Iudiciorum Dei*, vol. 1 of *Monumenta Germaniae Historica (Formulae)* (Hannover: Hahn, 1882–86, repr. 2011), 572–95; see Jarrett, "Comparing the Earliest Documentary Culture," 105–7.

³⁰ On these practices, see Collins, "'Sicut lex Gothorum continet'"; Nathaniel Taylor, "Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure in Carolingian Septimania," in *Proceedings of the Tenth International Conference on Medieval Canon Law*, ed. Kenneth Pennington

from the city of Elne tells us that the deceased, though a priest, had nonetheless made no written will but simply come to the door of his house and shouted his intentions to the street. This being adequately recalled, however, the document that records it is otherwise compliant to expectations.³¹ The physical, and indeed liturgical, choreography of this process would have been enacted within most if not all persons' memories, reproducing these formulae long after most other models in the Visigothic formulary had become obsolete.³² In this area, therefore, while the formulae were still representative of reality, it was a reality that was substantially conditioned, and constrained, by their own enactment over a period of centuries.

In areas where the law was less frequently applied, however, we can sometimes see how form could overwhelm content. We have a very few documents of judicial hearings that had been convened in order to allow plaintiffs who had lost documents by misadventure to have their contents

et al., vol. 6 in *Monumenta iuris canonici, series C: Subsidia* (Vatican City: Biblioteca Apostolica Vaticana, 2001), 767–80; Zimmermann, *Écrire et lire*, I, 263–70.

³¹ Claude Devic and Jean Vaissete, *Histoire Générale de Languedoc avec les Notes et les Pièces Justificatives. Édition accompagnée de dissertations et actes nouvelles, contenant le recueil des inscriptions de la province antiques et du moyen âge, des planches, des cartes géographiques et des vues des monuments*, ed. Édouard Dulaurier (Toulouse: Privat, 1875, repr. Osnabrück: Otto Zeller Verlag, 1973), V, 395–96 (Preuves : chartes et documents, no. 194).

³² On liturgical action as a historiographical agent see Margot Fassler, “The Liturgical Framework of Time and the Representation of History,” in Maxwell, *Representing History*, 149–71.

recalled by witnesses and recorded anew in a judge's charter, a process known to diplomatists as *reparatio scripturae*, for which the Visigothic Law made basic provision. Several such documents survive from just after the sack of Barcelona, and one from after a later attack on the city of Manresa in 997; rather more survive as the bedrock of the documentary preservation of the monastery of Saint-Michel de Cuxa (as it now is), which moved to that location after the destruction of its founders' original house at Sant Andreu d'Eixalada by flood in 897, whereupon the erstwhile donors, almost all still available, were induced to participate in such ceremonies to assure the devastated community of their endowment. All these more or less conform, despite the near century and fair distances that separate their redaction, to a coherent pattern of ceremony and record, suggesting that models of a fairly regular kind were available, whether in writing or in community memory.³³ Two others, however, from the county of Vic at a time soon after the restoration of comital government there, give us rather more detail in their witnesses' testimony on the process of charter production, as follows:

... we the above-written witnesses know... and saw with our eyes, and heard with our ears, and also were present at that hour while there were persons by the name of Domènec, who is dead, and his wife Guisilda, and

³³ José Rius Serra, "Reparatio Scriptura," *Anuario de Historia del Derecho Español* 5 (1928): 246–53; Zimmermann, *Écrire et lire*, I, 73–9; Bowman, *Shifting Landmarks*, 151–61; Josep María Salrach, *Justícia i poder a Catalunya abans de l'any mil*, vol. 55 in *Referències* (Vic: Eumo, 2013), 194–98.

Ermoari and his wife Farelda, in the county of Osona, in the term of Taradell, in Vil·lar de Gaudila. And thus the late Domènec made a charter of sale to a man by the name of Boso, of all his hereditie which he had in the county of Osona within the limits of the castle of Taradell or in Vil·lar de Gaudila, and Ermoarí with his wife Farelda sold all their lands or house, all their hereditie, to that same Boso in Vil·lar de Gaudila. And we witnesses ourselves saw the documents, confirmed and impressed with the sign of the man named Domènec and his wife.... And it was there inserted that if we the seller or [any] of our heirs, or any man who should come against these same scriptures to disrupt them, he should compound the selfsame hereditie which is described above twofold, including whatever might have been increased at that time. And it was reported in the selfsame scripture of Domènec about the day: the 7th Kalends of March, 7th year of the reign of King Odo. And there were there *firmatores* Elderic, Elnies, Gaudila, Argemir, making a mark, and therein appeared the notary Algerand. And there was reported in the selfsame other charter of Ermoari about the day: the 8th Kalends of September, 6th year of the reign of King Odo. And we the witnesses were *firmatores* making marks in the selfsame little charter of Ermoari, and therein appeared the notary John the priest. We the witnesses saw the selfsame scriptures confirmed and corroborated and the mark of Domènec and his wife impressed, and of Ermoari and his wife the sellers, and of the *auditores* and of the chancellor just as is inserted above. And we saw the selfsame scriptures

handed over into the power of this same Boso and I the already-said Domènec and his wife, and Ermoari and his wife, I handed them over of their spontaneous will into the power of this same Boso. And we the witnesses saw and heard the selfsame scriptures read and reread one and another and a third time in Vil lar de Gaudila. And these selfsame lost scriptures did this same Boso have, and it was manifest. And that which we know we do testify rightly and truly and we swear the above-said oath in the Lord.³⁴

³⁴ Ordeig, *Catalunya Carolíngia IV*, I, 91–93 (nos 33 and 34), 92–3 (no. 34) quoted: “*Quia nos supra scripti testes scimus, et bene in veritate sapemus, et oculis nostris vidimus, et aures audivimus, et vel presente eramus ad ea ora dum erant homines nomine Domenicho condam et sua uxore Quisildes, et Ermoario et sua uxore Farelde, in comitatum Ausona, in terminio Taradelense, in villare de Gaudila. Et sic fecit Domenico chondam cartula vindictionis ad homine nomine Boso, de omnem suam hereditatem quod habebat in comitatum Ausona infra fines de castro Taradelense vel in villare Gaudila, et Ermoario cum sua uxore Farelde venundaverunt omnem illorum terras verl domo, omnem illorum ereditatem ad isto Boso in villare Gaudila. Et vidimus testes nos ipsas scripturas firmatas et signum impresas de homine domine Domenico et sua uxore, de omnem illorum hereditatem de iam dicto villare quod superius ressonat, quantum ibidem abebant, vendebant hereditatem per illorum comparatione in casis, in curtis, in ortis, terris, silvis, aquis, aquarum vieductibus vel reductibus, vel omnia quod ibidem abebant de illorum hereditatem, quiquid dicit vel nominari potest im iam dicto villare. Et erat ibidem insertum quod si nos vinditores vel de heredibus nostris, aut ullus homo qui contra ipsas scripturas veniset ad inrumpendum, composuisset ipsa hereditatem in duplo quod superius ressonat, quantum ad eo tempore immelioratas fuissent. Et resonabat in ipsa scriptura de Dominico in suo dodarum VII kalendas marcii, anno VI regnante Hodone rege. Et erant ibidem firmatores Eldericho, Elnias, Gaudila, Aregmiro, signa facientes, et resonabat ibidem in notarius Algerandus. Et resonabat in ipsa alia cartula de Ermoario in suo dodarum VIII kalendas septembras, anno VI regnante Hodone rege. Et fuimus nos testes firmatores signa facientes in ipsa cartula de Ermoario, et*

This is the kind of information on process and procedure that is almost never preserved for the early Middle Ages, and it is immensely tempting to take it at face value, not least because the procedures it describes seem sensible and functionally symbolic: the re-reading of the document on the land concerned might have been meant to make the land itself a witness, but it would also have stuck usefully in the memory of those present, as indeed the witnesses claimed it had. There is also the echo of ancestor documents in the vestigial first-person reportage of the charters' sanction clauses. Nonetheless, there is more here than can be real, and the token of this is the presence of the two notaries and a chancellor (*cancellarius*). Such figures are simply unknown in documents contemporary to these ones: the assembled documents of Carolingian Osona and Manresa offer nine usages of *notarius* and one only of *cancellarius* in 1,883 documents dating from 880 to 1000, other than these.³⁵ Of

resonabat ibidem notarius Ioannes presbiter. Vidimus nos testes ipsas scripturas firmatas et rovoratas signum impresas de Dominicho et su uxore, et de Ermoario et sua uxore vinditores, et de auditores et de cancellario sicut superius insertum est. Et vidimus ipsas scripturas traditas in potestate de isto Bosone et tradidi eas iam dicto Dominico et sua uxore, et Ermoario et sua uxore, illorum spontanea voluntate in potestate de isto Bosone. Et nos testes vidimus et audivimus ipsas scripturas legentes et relegentes una et alia et tercia vice in villare Gaudila. Et ipsas scripturas perditas abet iste Boso, et inparuit. Et ea que scimus recte et veraciter testificamus adque iuramus supra nicxum iuramentum in Domino.”

³⁵ Rafel Ginebra and Ramon Ordeig, “Índex alfabètic de noms,” in Ordeig, *Catalunya Carolíngia IV*, III, 1355–563 (1484).

that first nine, seven are papal documents emanating from Rome,³⁶ one is a passing reference in a *sanctio* from a synod of Frankish bishops apparently at Narbonne³⁷ – that is, outside Catalonia – and the remaining one is in a document of 888 preserved in a seventeenth-century copy whose contents are at least arguably manipulated,³⁸ while *cancellarius* appears only in a forged papal Bull.³⁹ Quite why the scribe of these documents thought such officials should have been present, given that he seems unlikely ever to have met any, is unclear, but the simplest explanation would seem to be that he had a written model in which they featured, in which case almost every other detail of process in the documents becomes suspect. We need not imagine that the transactions themselves were fictive, not least since a total of five witnesses to the documents signed autograph, four in both documents. We might, however, suspect that when the scribe came up with a model of how the law or something like it expected transactions to have been done, it was in no-one's interest to claim that they had happened otherwise. There was a story they were expected to tell at this point if equilibrium was to be restored, and it was recorded so even though it was almost certainly untrue in some of its

³⁶ Ordeig, *Catalunya Carolíngia IV*, II, 524–26, 789–92 and 898–900 (nos 685, 1086, 1087, 1088 and 1247) and III, 1274–76 (no. 1797).

³⁷ *Ibid.*, I, 170–71 (no. 136).

³⁸ *Ibid.*, I, 74–76 (no. 10).

³⁹ *Ibid.*, III, 1333–34 (no. VII), which Ordeig dates to 948, but which other editors have placed at 971 or 1016.

details.⁴⁰

L1 **Records of Untruth**

In the 898 *reparatio scripturae*, while it seems unlikely that it can be correct in detail, it is hard to characterise the detectable additions as more than embellishments; the basic truth of the story told is hard to doubt. Sometimes, however, we are told stories that were demonstrably untrue. This chapter began with one, Sendred's mysteriously delayed grant to Santa Maria de la Seu d'Urgell, but we can go one step further, to a report of a story that was most probably not true and that perhaps the recorder did not believe. The evidence in this case is a parchment from the monastery of Sant Pere de Casserres, which preserves a very irregular hearing whose judge recorded it for us as follows:

In the name of omnipotent God. Let all believers in God know that there was held a hearing in the See of Vic between the monastery of Saint Peter of Casserres & Guitard of Taradell over the alod that the late Ramon Drog left to the aforementioned monastery, Guitard saying that he could not do that since he made a charter of it to his cousin Oliba of Chapraria. In this audience, indeed, was Viscount Bermon, who along with Abbot Reinard gave his testimony before Guifré the judge that when this charter that

⁴⁰ In this formulation I follow John F. Haldon, "Towards a Social History of Byzantium," in *The Social History of Byzantium*, ed. John F. Haldon (Oxford: Oxford University Press, 2009), 1–30 (10–12).

Guitard was showing was made, the author, the aforementioned Ramon, had become demented and was out of his mind. And therefore I Guifré the judge, through sworn oaths, received these witnesses and I confirm the selfsame alod in the power of Saint Peter and the power of Ramon so that from this day into the future they may have it just as the aforementioned Ramon ordered. The oaths indeed that pertain to the business are reserved and archived in the monastery. And if anyone [should come] to disrupt this, let him pay a pound of gold and let this verdict remain firm. The alod itself is moreover in l'Angle in Antunyà, and there are houses and lands and vines and mills with their bounds and appurtenances and exits and entrances. Meanwhile the charter that was shown in the hearing in the name of Oliba of Capraria was disavowed, and shall remain so in future, which was evidenced by the witnesses who are now recorded in the oaths. Definition made the 3rd Ides of March, in the 34th year of the rule of King Robert. Guifré, deacon and also judge, who with Guitard received the witnesses and signed below.⁴¹

⁴¹ Irene Llop, ed., *Col·lecció diplomàtica de Sant Pere de Casserres*, vol. 44 of *Diplomataris* (Barcelona: Fundació Noguera, 2009), I, 148–50 (no. 130): “... *Sciant omnes Deum credentes quia motus est placit in sede Vico inter cenobium Sancti Petri Kastrum serres et Witardo Taravellense, de alaude quod condam Reimundus Drogus relinquit ad prefatum cenobium. Dicens prephatus Witardus quod facere non potuit quia karta exinde fecit ad socrum suum Olibane de Chapraria. In hac vero audientia fuit Bremundus, vicescomes, qui cum Reinardo, abbate suam, exhibuit legalem testimonia ante Wifredo, iudice, quia quando ipsa karta fuit facta quod Witadus ostendebat Reimundus prephatus auctor demenserat et alienatus asensa. Et ideo ego Wifredus iudex per condicionibus editis recepit ipsos testes et confirmo ipso alaude in potestate Sancti Petri et potestati de Reimundus ut ab hodierno*”

There is so much twisted in this story that one hardly knows where to begin. For one thing, the plaintiff is recorded as maintaining that the land in question should be his because it was given to someone else, although he evidently had the charter by which that had been done and so had presumably inherited, in a step that Guifré, the judge and scribe, missed out. The defence was hardly more solid, however: if this noted madman had genuinely disposed of his property left, right and centre, then where was the monastery's charter? None is mentioned for them, and neither does one covering this property survive. Sant Pere's documents have suffered rather, but other gifts of Ramon Drog are in fact still among them.⁴² The impression left by Guifré's unusually blunt record is that the monastery had brought in the local viscount, a nephew of their alleged foundress, to enforce what had only been a verbal agreement against the rather better title of Guitard of Taradell.⁴³ This may be why Guifré did not bother to record the testimony, or

die in antea eum habebant quem ad modum constituit vel ordinavit prephatus Reimundus. Condiciones vero testium que pertinet ad huius negocii reservate vel condite sunt in ipso cenobio. Et si quis hoc disrumpere voluerit libram auri persolvat et hec consignacio firma permaneat. Est autem iamdictus alaudes in ipso Angulo in terminio Roda et sunt domos et terras et vineas et molinos cum terminis et pertinenciis, et exiis vel regresiis. Kartam vero qui ostensa placito fuit in nomine Olibane caprariense evacuata fuit, et ex in antea permansit quem ad modum premissum est cum testibus qui in condicionibus resonant. Facta definicione III idus marcii, anno XXXIII regni Radeberto rege. Guifredus levita, qui et iudex, qui cum Guitardo recep[...] testes et sub SSS....”

⁴² Llop, *Diplomatari*, I, 89–92, 124–26 and 132–34 (nos 62, 108 and 114).

⁴³ On the foundation of the house and its backing, see Teresa Soldevila i García, *Sant Pere de Casserres: història i llegenda* (Vic: Eumo, 1998), 35–41.

even the names, of the witnesses the monastery and viscount brought; the whole thing was a strong-arm job anyway, so he did not consider its details worth recording. Instead, he dropped into first-person narrative, turning what should have been a record of a verdict into a memo for its enforcement and dispatching the awkward job as quickly as possible.⁴⁴ It is possible that neither side here were lying, though it seems unlikely, but it is certainly clear that what was allowed to pass into record was not a legal verdict, but a story, a story that as Guifré remarked, would be preserved by the witnesses.

L1 Needs for Narrative

It is usually obvious what narratives like this were intended to achieve, to wit, a peaceful and durable acceptance that the beneficiary held the rights to the property concerned, but it is not always clear why the story was necessary, and why a simple claim of tenure *per parentorum* or similar would not do the job. Much must always have depended on local context and the interaction of personalities, but trying to intuit personalities from such documents is fraught with problems, not least because the texts are designed to present their participants as being reasonable and justified people behaving correctly when often the truth may have been precisely otherwise.

A norm is appealed to in each of these texts, indeed, whether the full story is given or not. A charter that claims land *per parentorum* was invoking the audience's expectation that it was perfectly reasonable and normal for

⁴⁴ On the usual templates for the documentation of judicial decisions under Visigothic Law in this area, see Collins, “*Sicut lex Gothorum continet*”.

land to pass from parents to children, one mentioning *aprisio* was reminding the audience or readers that the practice of claiming land on the basis of having cleared it was normal enough to have its own name, and one that mentioned a purchase was appealing to a collective conviction that this was a normal and acceptable way to acquire property. All such documents were claiming their circumstances to be instances of a recognisable and common pattern, and sometimes invoked legal or canonical norms to that effect.⁴⁵ Sometimes, however, the known patterns were inadequate. In the case of Ramon Drog, the patterns of expectation were in fact directly contradictory to the result the powers-that-were wished to achieve: the monastery did not have a charter, their opponent did, and although it availed him little, he was nonetheless the one behaving as per the usual norm.

This, then, was when the stories came out. Unusual documents were made because something unusual was being done. Ordinary charters appealed to the idea that inheritance or purchase or *aprisio* were recognised, legitimate and unproblematic ways to obtain property, and their lack of elaboration suggests that this was indeed the case. The documents that present a more extended narrative were not unproblematic, however; in fact,

⁴⁵ Bowman, *Shifting Landmarks*, 31–55, is excellent on the extent to which citations of the Visigothic Law were bent to purpose by the legal experts of this area. I am less convinced than is he that the norms invoked by their opponents were any less legalistic, however, especially with respect to the 30-year rule. On that, see Jarrett, “Settling the Kings’ Lands,” 325–27; although the Carolingians recognised it, it too was based in Visigothic legislation even if that was not cited by the Church’s opponents.

they almost always described problems, and it was these problems which their narratives were designed to overcome.

As with the likely tailoring of descriptive formulae to the attributes of the property concerned, when a charter was equipped with a narrative it was presumably tailored to requirements. Most documents did not require more than the standard formulae, though even that was a narrative assertion of a kind, that the transaction was normal enough for that to suffice. When, however, the transaction was not normal, because of having been agreed while chained to a prison wall or glared down by the local viscount or because of being completely fabricated, among many other possibilities that could have been discussed, a good strategy, apparently, was to tell a story. Some of the stories thus recorded were easily falsifiable, but the requirement was not to convince by argument, but to establish an acceptable version of the situation, on the basis of which events could now proceed as required.⁴⁶ These narratives, then, despite being individualised to the point of uniqueness and often dealing with tiny amounts of property, are not micro-histories as we usually understand the term; they are very small macro-histories, connecting the circumstances of the transactors to frames of collectively-agreed reference that enabled new actions.

This is a way of reading such documents that has application well beyond Catalonia, and indeed the Iberian Peninsula. As citation here will have made evident, that charters contain narrative material will surprise few

⁴⁶ Cf. Haldon, "Towards a Social History," 12.

diplomatists, even if it may be news to those who do not work on these kinds of texts.⁴⁷ That charters sometimes assert things which were not strictly true is hardly unknown either.⁴⁸ The strong coincidence between narrative mode and contested situations that we have seen here, however, should be a warning to those using such texts in any area or period, whether diplomatists or not, that stories told this way had a function, which as far as we can see was to invoke superstructural norms that might permit the transactors to get over obstacles against which normal process would have brought them. The true circumstances lying beneath such superstructures are mostly unrecoverable. In a few cases here, the sheer density of Catalan documentary preservation has enabled it, but the main effect of this should be to warn us that usually, the documents whose stories we study have outlived the alternative viewpoint which had made them necessary. In this sense, the form of such records has indeed overwritten the truthful content of the situation, but that form was not blindly determinative but, rather, wittingly deployed by our medieval transactors. We may not be able always to unravel their efforts at dissimulation, but we can start by recognising them for what they were: stories.⁴⁹

⁴⁷ See n. 14 above.

⁴⁸ For a useful introduction to the issues for the period, see Giles Constable, "Forgery and Plagiarism in the Middle Ages," *Archiv für Diplomatik* 29 (1983): 1–41, repr. in Constable, *Culture and Spirituality in Medieval Europe*, vol. 541 of *Variorum Collected Studies* (Aldershot: Ashgate, 1996), I.

⁴⁹ An initial version of this chapter was given as a paper to the Medieval History Seminar in the University of Oxford on 23 November 2010. I must thank Dr Mark Whittow and Professor Chris

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Wickham for the opportunity to air my work there and also for their useful thoughts on the paper as it then existed. Dr Rebecca Darley's comments have materially improved the construction of the current version. Only I can be responsible for whatever failings remain, however.

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