

# Latin vulgaire – latin tardif

## VIII

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# NOMINAL INFLECTION AND GRAMMATICAL RELATIONS IN TENTH-CENTURY LEGAL DOCUMENTS FROM THE SOUTH OF ITALY (CODEX DIPLOMATICUS AMALFITANUS)

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## 1. Introduction: the continued use of Roman Law in the Byzantine dukedoms of coastal Campania

The work presented here is part of a long-term research project on Latin documents that originate from the Langobardic and Byzantine dukedoms of Southern Italy from the ninth to the eleventh centuries. On this occasion I will focus on the tenth-century documents from the so-called *Codice Diplomatico Amalfitano* and will discuss the significance of these texts within the wider context of the project. Although nominal inflection and grammatical relations are the main focus of the research, they are studied alongside other phenomena at various levels of analysis, in particular the lexical. This is necessary in order to gain an understanding of the context in which the observed phenomena appear.

The legal documents from the Langobardic and Byzantine dukedoms of the area known today as Campania are of particular interest. It is well known that the Early-Medieval scriptoria in Cava, Benevento, Salerno and Montecassino played a significant role in the linguistic and cultural history of Italy. For one thing, this is the area from which the first texts in the Italian vernacular originate. Linguists are perhaps less aware of the fact that these territories are also of significance when it comes to the history of Roman law. The Byzantine dukedoms of coastal Campania, i.e. Amalfi, Sorrento, Gaeta and above all Naples, were the only centres - along with Ravenna - to witness continued use of the Roman *Curiae*. The permanence of the Roman administrative institutions led to the survival, albeit on a small scale during the difficult sixth and seventh centuries, of the Roman juridical traditions, and the concomitant survival of professional figures that guaranteed the running of the municipal chanceries. These figures included the *scribae*, *notarii* and *tabelliones*, in other words the officials, and at the highest ranks of the *ordo*, the gentlemen who must have been trained to varying degrees in the arts of writing, grammar and law. Therefore investigating the language of the legal documents from these areas could offer an interesting vantage point for the study of the continuities and discontinuities of Latin linguistic traditions, particularly since legal styles are renowned for their conservatism. The fact that the Byzantine dukedoms of coastal Campania were not unimportant cultural centres adds to the interest of the documents in question. This is certainly the case for Naples which, despite inevitable periods of decline, seems to have enjoyed a rich cultural life from Classical and Late Antiquity through to the Early Middle Ages (Gay 1904: 594). In a different way, this is also true for Amalfi, which evolved from an obscure Byzantine *castrum* in the sixth century into a power of the first rank in the Mediterranean during the ninth, tenth and eleventh centuries (Gay 1904: 584-86; Del Treppo and Leone 1977). In the contracts studied the primary actors (sellers, buyers, etc.) are wealthy merchants and landowners from Amalfi. We have here a unique opportunity to observe how professional scribes and legal experts from cultivated social contexts reacted to Latin linguistic traditions.

An authoritative historian of Roman and Italian law, Nino Tamassia, has drawn attention to the difference between the less cultivated areas of the Langobardic dukedoms, where Germanic law prevailed, and the more sophisticated areas of the coast that remained under Roman law. Here Roman law remained in use until it turned into what Tamassia calls "a riotous decrepitude":

"In quella parte dell'Italia meridionale che fu immune dall'invasione longobarda, il [...] diritto, sulla base delle vecchie tradizioni classiche, non soffrì interruzioni nel suo libero esplicarsi. Lambito da una forte corrente germanica, nel ducato partenopeo, e in quelli posteriori di Amalfi, Sorrento e Gaeta, il diritto romano ebbe modo di svolgersi, di adattarsi alle nuove condizioni de' tempi; e noi possiamo coglierlo nella sua gagliarda decrepitezza, fino all'istante in cui il rinascimento classico dovuto a Bologna, e favorito da Federico II, ricongiunge la storia giuridica meridionale a quella di tutta Italia. Si noti però che la conservazione di questo diritto [...] proprio nelle regioni che i traffici, le industrie, la vita economica più svolta tendevano a mantenere nella vecchia fisionomia, non è solo dovuta all'immunità dall'influenza longobarda. Il diritto più colto si afferma nelle terre più colte: alla vita rudimentale civile del ducato beneventano bastano le forme [...] del diritto germanico, il quale, senza ostacoli, in località ove gli elementi locali, in gran parte costituiti di coloni e di pastori, o di piccoli proprietari coltivatori del breve podere, non opposero...

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una resistenza intima, riuscì a diventare la legge territoriale, senza ulteriori contrasti" (Tamassia 1957 [1908]: 56-57)

It may not be irrelevant here to note that Tamassia's socio-cultural partition also coincides with a major linguistic boundary in contemporary Campania.

## 2. The tenth-century documents from the *Codice Diplomatico Amalfitano*

### 2.1. Philological aspects of the documents from Amalfi

The texts analysed are part of a collection of tenth- to fourteenth-century legal documents from Amalfi that had been preserved in the State Archive in Naples. The collection was edited by Count Riccardo Filangieri di Candida in 1917, but was unfortunately destroyed when the Nazis burned many archive documents in 1943. Filangieri's reputation as a leading figure in archive studies during the first half of the twentieth century and the excellent quality of his edition make linguistic study of the collection possible. Filangieri was President of the International Society for Archives at The Hague, and was for many years Director of the State Archive in Naples and also head of the network of Italian Archives. In this paper only the originals from the tenth century have been considered.<sup>1</sup> They are listed here in the order in which they appear in Filangieri (1917), alongside a description of the contract type, the date of production of the text and the name of the scribe.

Doc. IV, Charta divisionis (merissi) 939, Constantinus scriba  
Doc. VII, Charta venditionis, 964, Iohannes presbyter et scriba  
Doc. VIII, Charta venditionis, 970, Ursus scriba  
Doc. IX, Charta cessionis, 971, Iohannes scriba  
Doc. X, Charta incartationis, 977, Iohannes scriba  
Doc. XI, Charta venditionis, 984, Sergius presbyter et scriba  
Doc. XII, Charta venditionis, 985, name of the scribe not readable  
Doc. XIII, Charta manifestationis, 987, Iohannes scriba  
Doc. XIV, Charta manifestationis, 990, Iohannes scriba  
Doc. XV, Charta venditionis, 993, Taurus scriba  
Doc. XVII, Charta venditionis, 998, Leo scriba

The textual structure of the documents is highly formulaic and stereotyped. There may be some differences between the various types of contract since the different acts recorded, such as divisions, sales and donations, involve a range of specific formulae. Most of the documents conform to the following general structure: the *protocol*, which may or may not include an invocation to God but always gives the date of production of the document, the *intitulation*, the *exposition*, the *provision*, the *penalty clause*, the *corroboration* and the *signatures* of both the witnesses and the scribe.<sup>2</sup>

#### Protocol:

Invocation to God: *In nomine domini Dei salvatoris nostri Ihesu Christi*

Date: *Temporibus domini* + the name(s) of the rulers, *Anno...*

#### Intitulation:

*Certum est me* + proper name(s) of the actor(s), *Constat* + *me/nos* + proper name(s) of the actor(s), *Manifestum facimus nos* + proper name(s) of the actor(s)

*Ego quidem* + the name of the actor

#### Exposition:

*A presenti die pronta(m)* (or *prontissima(m)*) *atque spontanea(m) voluntate*

*A presenti die scribere et firmare visus sum vobis... hanc chartam*

This is followed by the verb that characterizes the contract type (*dividere et definire visi sumus*, *venundedimus et contradedimus*, *cessimus*).

#### Provision:

*In ea videlicet ratione ut...*

1 Not all of the documents in the collection are originals.

2 For further details see Filangieri (1970 [1919]: 20ff).

Here the *chartae venditionis* give the name and a detailed description of the property that is being sold, as well as specifying the goods that accompany the property and details of its boundaries; there then follow the promissory formula, according to which the property is transferred, the price (*sanatio*) and a solemn declaration regarding adherence to the contract (*ab omni humana persona antestare et defensam promittimus*).

Penalty clause:

*Quod si minime vobis exinde fecerimus duodecim byzantios vobis componere promittimus*

Corroboration:

*Et hec charta sit firma in perpetuum*

Signatures of the witnesses and the *scriba*

Despite the formulaic and stereotyped nature of the charters, there are interesting linguistic differences that may relate to the scribe's cultural learning and to the period in which they were written. An example of the effect of cultural learning can be seen in the writing of the two scribes who declare themselves to be "presbyteri et scribae", *Iohannes* (Doc. VII, 964), and *Sergius* (Doc. XI, 984). The structural and stylistic features that they use are some of the most sophisticated in the corpus. I will not delve any further into this question here.<sup>3</sup>

## 2.2. The language of the documents

So far there has been no systematic study of the linguistic structure of the documents. Filangieri did highlight their linguistic interest, but as an historian and archivist rather than a linguist, his opinion of the language of the collection was very negative. For him the texts contain corrupt structures and, remaining within conventional wisdom, he thinks that the texts contain "Vulgar Latin distortions of Classical Latin" as well as aspects of spoken language. For Filangieri, the syntax deserves only the rather impressionistic label "very strange":

"Importante è ... lo studio della lingua, specialmente nei documenti del secolo X, ove la troppo imperfetta educazione letteraria dei scribi fa spesso largamente trasparire la deformazione della lingua latina in quella volgare. Non rare ricorrono in alcune carte locuzioni di lingua parlata: frequentemente si osservano la caduta di *t* finale nella terza persona dei verbi, il passaggio della preposizione *de* al caso genitivo, la sostituzione del *da* all'*ab*, l'ampliamento dell'uso dell'ablativo tendente a surrogare tutti gli altri casi, che han già a loro volta perduto tutto l'antico valore. Interessante è la ricerca dei neologismi d'importazione barbarica e delle forme derivanti da corruzione di linguaggio. La sintassi è stranissima ed il periodo è del tutto deformato, quando non manchi a dirittura. Impera le formula: ma abitualmente lo scriba non cura il nesso logico tra formula e formula, né quello grammaticale, con grave danno della sintassi e spesso della intelligibilità del documento. Soltanto nel secolo XII la restaurazione degli studi giuridici e l'incremento della cultura fan giungere i loro riflessi anche nei recessi della costa amalfitana, ove i curiali danno alla charta una struttura giuridica più perfetta e una migliore forma latina" (Filangieri 1970 [1919]: 47-48).

But is this really the case? The analysis of nominal inflection and grammatical relations may tell a different story.

## 3. The use of declensions

Before discussing the use of declensions, it is important to note that the orthography of the documents analysed is rather regular. Phenomena that are commonly found in Late Latin legal scripts, such as confusion between *e* and *i*, *o* and *u*, are rare. In particular, as regards confusion between vowels, only one text consistently uses *i* in place of *e* and *u* in place of *o*. Somewhat more frequent are confusions between *d* and *t* and especially *b* and *v*.

On the whole, the patterns of the Classical Latin declension system are rather well preserved, particularly as regards nouns of the 2<sup>nd</sup> and 3<sup>rd</sup> declensions. There are a few "irregularities" but mainly in nouns of the 1<sup>st</sup> declension. However, it should be borne in mind that there is a strong tendency to

substitute the traditional synthetic Genitive, Dative and Ablative constructions with analytic constructions governed by a preposition taking either the Accusative or Ablative case. It is well known that this tendency was already apparent in Latin of the Republican and Imperial periods.

As regards the 2<sup>nd</sup> and 3<sup>rd</sup> declensions, the Nominative / Accusative morphological opposition is almost always reflected in the coding of the Subject / Object relation. Synthetic Genitives and Datives remain quite frequent in a small set of constructions that are either frozen expressions or archaisms. The Genitive is used in formulaic and technical expressions, appearing for example in terms referring to a document type or in legal expressions:

- (1) *chartula nostre vinditionis* (IX, 16)
- (2) *chartule nostre comparationis* (XII, 19)
- (3) *pene nomine* (IX, 16)

It is also used for proper names, in particular the names of saints, the Virgin Mary and Christ, and in phrases referring to a church or to an ecclesiastical domain, or to the Dukes that ruled the country when they are mentioned in the information about the date of production of the document in the protocol:

- (4) in... *ecclesiam beate dei genitricis Marie* (VII, 12)
- (5) *de causa beati Andree apostoli domini nostri Iesu christi* (VII, 12)
- (6) *temporibus domini Sergii et domini Mansonis* (VII, 12)

Proper nouns used with a synthetic Genitive or Dative also appear in patronymics (note here the interesting oscillation between the more classical Dative construction and the Genitive construction) and in Possessor phrases:

- (7) *f. Marini*, *f. Iohannis* (IV, 6 passim), *f. qd. Petro*, *f. Urso* (VIII, 13-14 passim)
- (8) *dom. Blactu cognata*... *f. dom. Tauri* (XIII, 21)
- (9) *cum domo Sergii Piscicelli* (XI, 18)
- (10) *una cum [con]sensum et voluntatem dom. Marende socere nostre* (IV, 6)

The so-called "Genetivus materiae" is found in several documents:

- (11) *auri solidos* (VIII, 14; IX, 15; X, 17; XI, 18)
- (12) *auri tari* (XII, 19)

Although the synthetic Genitive also occurs in formulaic expressions with Plural nouns, such as:

- (13) *in presentia testium* (only in IV, 7)

it is much more frequent in the Singular than in the Plural. This does not come as a surprise, given the semantic properties of the nouns and the constructions characteristically used in this type of document (see above).

Synthetic and analytic constructions often appear together, as can be seen in (14). Here the analytic construction *de* + Ablative, which is frequently found with a range of functions, is immediately followed by a Possessor phrase in the Genitive:

- (14) *parte de domo heredis Constantini* (VIII, 13)

The same scribe in the same text and in the same type of phrase can choose to alternate between a synthetic and an analytic Possessor construction, as can be seen if we compare (14) and (15):

- (15) *subtus domo de heredes Constantini* (VIII, 14)

The second example contains one of the very few irregularities in the selection of Case with a 3<sup>rd</sup> declension noun. This is possibly due to interference between the synthetic and analytic forms. What we see when we compare (14) and (15) suggests that the synthetic construction, which appears in the more stereotyped part of the text, is not part of the writer's active competence. In fact, there are other pieces of evidence that point to the frozen nature of the synthetic Case forms. However, not all instances can easily be interpreted in this way. In example (16):

- (16) *quod habuimus de parentorum et de comparatum* (IX, 15)

the Genitive form *parentorum* can be analysed in two ways. It can first be analysed as a hypercharacterizing marker of Case that has lost autonomous meaning, which is immediately governed by

3 I will analyse these differences in a forthcoming paper.

the preposition *de* with a specifying function (in this interpretation the clause meaning would be 'what we have that belonged to our parents'). Alternatively, it can be analysed as a word that has kept autonomous meaning and is only indirectly governed by the preposition *de* with a partitive function (in this interpretation the clause meaning would be 'what we have from what belonged to our parents'). The simple Ablative appears in fixed expressions of place and time, like *loco nominato*..., *die presenti*. It can also be observed in the fixed expression that appears in the protocol: *temporibus* + NP(s) in the Genitive.

### 3.2. Irregularities

I have already stated that there are very few irregularities concerning the declension system in the documents analysed. The one relatively significant area where there is deviation from Classical Latin concerns 1<sup>st</sup> declension Accusatives. In the Singular, where deviations are caused by the loss of *-m* in the Accusative, there are few irregularities. Most nouns with the Object function have the normal Classical inflection, as in the following examples:

- (17) *licentiam* et potestatem haveatis (VIII, 14)
- (18) *liveram* habeatis potestatem (XII, 19; XIII, 21)
- (19) et noluerunt *ipsam vineam* ipsi dominatores de ipsa ecclesia (VII, 12)
- (20) venundedimus atque et in presentem cessimus et contradidimus vobis dom. Petro f. Leonis com. de Iohanne com. *plenariam petiam* de vinea in Reginnam Maiorem positam (VII, 12)
- (21) talem *curam* exinde habeamus ut... (X, 16)
- (22) ut amodo et semper ego et mei heredes teneamus ss. *vineam* et laboremus eam (X, 16)
- (23) *fenestram* maiorem haveatis... *regiam* haveatis... *viam* exinde haveatis at ingrediendum et ad egrediendum (XI, 18)
- (24) ut... gectare deveatis *mundeziam* (XI, 18).

Only a few NPs with the Object function do not appear with final *-m*:

- (25) ipsa portio de supstis det illi *via* (IV, 7)
- (26) [componere] vobis promittimus *libra una* de auro (VII, 12) (cf. componere *solidos* elsewhere)
- (27) pro eo quod assignasti nobis *una petia vestra* de vinea et terra bacua in Stavi posita (X, 16)
- (28) hoc est insertetum et castanietum et terra *vacua* (XII, 19)
- (29) scribere et firmare... *ipsa terra* (XIII, 20)
- (30) gectare deveatis *mundeziam* et inverticare *aqua* (XI, 18).

Sometimes it is only a modifier within the phrase that is not Case-marked by *-m*:

- (31) et ipsam portionem *vestra*... portemus vobis (X, 17).

It is well known, however, that variation in the occurrence of final *-m* in the Accusative of 1<sup>st</sup> declension nouns must have been a widespread phenomenon in spoken registers across various regions and different social strata in the ancient language. With this in mind, the irregularities seen should not be considered mistakes, but rather pieces of evidence to support the idea that there existed a dynamic tension between written and spoken norms in Latin. These were perhaps less irreconcilable than one may think. The scribes must have had very good command of the Classical written norm, given that they only rarely let the form without the final nasal appear.<sup>4</sup>

In the Plural, the situation is substantially different. Here the documents bear witness to an almost complete levelling of the distinction between Nominative and Accusative forms, with the former Nominative now dominant. The following are examples of NPs with the Object function:

- (32a) tote ipse olive (IV), ipse (crucis) (IV), regie et fenestre et grade fabrite (VIII), tertie (IX), ipse vestre (bucti) (X), alie chartule (XI), chartule (XII).

The former Accusative forms only appear in two Prepositional Phrases:

- (32b) av *ipsas* cruces (IV), per *tubulas* (XI).

As with the loss of *-m* in the Singular, which also implied a levelling of Nominative and Accusative, the reduction of former Accusative forms to the Nominative in the Plural may not have been a new

phenomenon. However, the fact that the two phenomena occur with different frequencies could suggest that in the Plural the Case levelling had reached a stage of higher morphologization than in the Singular. When it comes to 2<sup>nd</sup> and 3<sup>rd</sup> declension nouns there are very few irregularities in the use of Nominative and Accusative inflections. Clauses like (33a, b) are rare even in the non-stereotyped parts of the documents:

- (33a) haventem ibidem uno palmento fabrito et uno duleo (VII, 12)
- (33b) at ipsa nocte ubi fecimus ipsa *cruce* (IV, 7)

However, several metaplasms of declension or Gender can be seen:

- (34a) The Late Latin type *casalis* (Masc.) 'praedium rusticum seu casa cum certo agri modo' (LIMALI 66a, MLLM 1, 197a) appears several times in the form *casalem* (Accusative Singular), but *casali* (in the Plural, with Object function) in IV, 6. Cf. LIMALI 66a, MLLM 1, 197a, where another type is recorded, *casalus*, in documents that come from several different areas.

- (34b) The type *iugalis* 'husband; wife' (which appears in post-classical Latin as a Noun: see Blaise 479a) occurs in the form *iugali* 'wife' (Nominative?) in XIII, 20, but in other documents it has the form *iugalia* 'idem' (XII, 19).

- (34c) The type *maenianum* 'tabulatum, vel lapis extra parietem projectus et ad prospiciendum aptus' (Forcellini 3, 145c) appears as *minianus* (Nominative) / *minianum* (Accusative) in VIII, 13-14 passim (cf. LIMALI 317b).

- (34d) The Classical type *fructus* (Masc.) occurs in IV, 6; X, 17 has the Plural *fructura*, possibly related to the Late Latin Neuter form *fructum*.

On several occasions there are particular problems for interpretation. The forms *potestatis* and *crucis*, in (35) and (36) respectively, are not easy to analyse:

- (35) in vestra et de vestris heredes sint *potestatis* (VIII, 14)
- (36) in ipse olive ubi fecimus ipse *crucis* (IV, 7).

Given that the formula in *vestram sit potestatem* occurs in almost all of the documents, *potestatis* could be considered functionally equivalent to a Plural Accusative (= in *vestra et de vestris heredes sint potestates*). *Crucis* could also be analysed as a Plural Accusative. This seems to be confirmed by the preceding clause at *ipsa nocte ubi fecimus ipsa cruce*, and by the form of the determiner *ipse*. In both cases it is difficult to explain the word's form purely in terms of orthographic variation in vowel use (*i* instead of *e*): this type of variation does not occur in either text IV or VII and the 3<sup>rd</sup> declension system in both texts is regular. Moreover, both documents use a rather sophisticated style. It is not impossible that what we see here are the Romance Plural forms *potestati* and *cruci*, with the *-s* ending that is perhaps purely orthographic.<sup>5</sup> A similar analysis could be applied to the form *finis* in (37):

- (37) et continet *finis* (XI, 18).

The form *finis* occurs with the verb *continere* in the 3<sup>rd</sup> person Singular of the Present tense:

- (38a) nam continet *finis* (VII, 12).

There is reason to believe that in this context the verb is impersonal and that it has the technical legal meaning 'to be written / to be read, described',<sup>6</sup> rather than the meaning 'to include'.<sup>7</sup> The noun could therefore be analysed as an Object. Interestingly, in document XI the form *finis* occurs in a construction similar to (38a):

- (38b) et continet *finis* (XI, 18).

The oscillation *finis* (document VII) - *finis* (document XI) could be another piece of evidence to support the idea of change in the Plural Accusative of 3<sup>rd</sup> declension nouns, along the lines already described for *potestatis* and *crucis*.

<sup>5</sup> Cf. Aebischer (1933).

<sup>6</sup> Cf. discussions by Coseriu (1968); Castellani (1976: 72-73).

<sup>7</sup> This hypothesis is also supported by the fact that in other documents this expression is substituted by *reclaramus vobis finis* (VIII, 13).

<sup>4</sup> An orthographical mistake such as "exindem" with an erratic *-m* is unique.

Dative extension appears sporadically in what seem to be frozen forms. It appears in various oblique (i.e. non-Nominative) contexts, as can be seen if we compare examples (39) and (40) that come from the same document:

- (39) tunc daturum me *heredibusque meis* componere promittimus vobis et *at heredibus* vestris...  
solidos quinquaginta (IX, 16)  
(40) nullam requisitionem exinde habeatis non vos non *vestri heredes* (IX, 16).

### 3.3. Syntactic factors affecting the use of declensions

Perhaps the most significant deviations are found in contexts in which the irregularity seems to be driven by syntactic factors. In example (41) a finite subordinate declarative clause introduced by *quia* has a Subject NP with the head noun in the Accusative case. It is not impossible that with respect to this structure the scribe was influenced by an equivalent construction involving an infinitival declarative clause; the Classical choice of Accusative Case for the Subject of the subordinate infinitive is in fact well attested in the documents (cf. (42)). However, there is an alternative hypothesis that seems preferable. According to this hypothesis example (41) has a parallel in the not uncommon construction involving the Accusative Subject with the verb *to be* (cf. example (43) from document XI, which occurs alongside examples (44) and (45)).<sup>8</sup>

- (41) dicat...*quia tota ista vineam* bene est *armata et cultatam* (X, 16-17)  
(42) *ipsam vineam* ab omni humana per[sona antestari et] defensari promittimus (VII, 12)<sup>9</sup>  
(43) tantum *anc chartulam* sit firma et stabilis in sempiternum (XI, 18)  
(44) et *ec chartula* sit firma et stabilis (XI, 18)  
(45) si *alia chartula* paruerit sit inanis et vacua (XI, 18).

In the later documents post-verbal Subject NPs, whether integrated within the clause or in apposition, are clear loci of irregularity with respect to the Classical language. Here seemingly Accusative forms or proper nouns of the 2<sup>nd</sup> declension with an -o ending appear sporadically (see (46) and (47)). Compare this to example (48), where the Subject of the relative clause takes the Nominative in accordance with Classical usage:

- (46) nullam requisitionem exindem (sic!) habeatis non vos non *vestros heredes* per nullum modum in perpetuum (XIII, 21)  
(47) ipsa terra quod nobis dederat a pastinandum dom. *Tauro* f. Iohanni (XIII, 20 and 21; XIV, 22 [at pastinandum])  
(48) ipsum insertetum quem pastinat *Marinus pecorarius* (IV, 7).

In (49) the Accusative Case-marked head of a post-verbal Subject NP might be caused by a clash between semantic role and grammatical function:

- (49) Quarum me Constantino tetigit *prima portionem* de ipsum casalem da Fuscum (IV, 7)  
(but note that a few lines later the text reads "et nos suprascripti tetigit de ipsum casalem da Fuscum *ipsa portio* a parte a suptus" (IV, 7)).<sup>10</sup>

What is interesting about all of these examples of "irregularity" is that they use structures that may be sensitive to Case perturbations at various stages in the history of Latin and the Romance languages. In other contexts the irregularities seem to be related to absolute constructions. These appear either as Ablative NPs (cf. 50) or as Accusative / Nominative NPs (cf. 51):

- (50) temporibus domini Adelferii et domini Sergii *genitori et filio gloriosissimis ducibus* (CDA XII, 19)<sup>11</sup>  
(51) et iactavimus ividem tote ipse olive cum et toto ipso terra vacuum a[v i]psas cruces in iusu nominatim at ipsa noce *longitudinem passi viginti*. similiter per totum *passi viginti et latitudinem* quantum fuerit (IV, 6).

8 Cf. Stotz (1996-2004: 4, 249-50).

9 The form "antestari" read by Filangieri poses a few problems. The verb is a deponent in Classical authors, but passive in Priscian.

10 The forms of the personal pronouns are also interesting here, but I will not comment them in this paper.

11 But note the form *genitori*, which could be the effect of a purely graphical confusion of *e* and *i*.

Other examples of non-Classical Ablative NPs are found in a construction that is typical of Late Latin legal documents that come from several parts of Romania. The construction in question consists of a list of properties given almost telegraphically (cf. (52)):

- (52) ut iam aliquando vos exinde non queramus de ipsa ss. terra *campis silvis vineis fructiferis omnia cum omnibus* (XIII, 21; XIV, 22).

All of these absolute constructions can be shown to have antecedents at different stages of Late Latin.<sup>12</sup>

### 3.4. Prepositions and Case

There is considerable variation as regards Case inflection in Prepositional phrases. This is hardly surprising. It is well known that there is variation in the choice of Case for nouns governed by prepositions as early as the 1<sup>st</sup> century AD. It is in this syntactic context that we see the most significant deviation from the Classical nominal inflection system over many centuries. However, prepositional phrases deviate from the Classical norm in another respect. The prepositions had expanded in function to cover new semantic areas, some of which had been coded by morphology in Classical Latin. Again, however, these processes can already be detected in texts from Republican and early Imperial times. It should be noted that there are clear differences in the selection of Case for Prepositional Phrases among the different documents. There are very few instances of non-Classical Case selection in the earliest documents, namely documents IV and VII that are two of the most stylistically sophisticated in the corpus. Non-Classical Case selection is very frequent in the documents of the years that follow, particularly in the documents written in the final years of the tenth century.

Below are a few examples of alternation between the Ablative and the Accusative with *ab*, *de* and *cum*. The use of the Accusative with these prepositions is a vulgarism, variously documented in the Inscriptions (for *ab* cf. *CIL* VI, 4355 *ab conservas*; *CIL* IV, 2155 *a pulvinar*; for *cum* cf. *CIL* IV, 221 *cum sodales* [see also Väänänen 1959: 121], for *de* cf. *Thes.* V, 1.43.30ss) and particularly frequent in texts such as *Itala* and *Peregrinatio*, and in technical writings (Gromatici, Apicius, etc.).<sup>13</sup>

*Ab*:

- (53a) *a nobis summissam personam* (all documents)  
(53b) *av ipsas cruces* (IV)  
(53c) *a parietem* (VIII)  
(53d) *neque a nos neque ab heredibus nostris...* nullam requisitionem exinde haveatis (VIII)  
(53e) *ab omnem hominem* antestare et defensare (XI).

*De*:

- (54a) in vestra et *de vestris heredibus* (VIII, XII, XIII)  
(54b) qui *de nobis et vobis* (X)  
(54c) *de Constantino, de domino Marino* (XII)  
(54d) qui... *de nos, unusquisque de nos* (IV)  
(54e) domo *de heredes Iohannis* (VIII)  
(54f) *de ipsum casalem* (IV)  
(54g) *tertie de plenarium unum mensem* (IX)  
(54h) ipsa portionem *de ipso vinum* (X)  
(54i) alie chartule... *de ipsum catodium* (XI).

*Cum*:

- (55a) *cum totum ipso alio* (IV)  
(55b) *una cum consensum et voluntatem* (IV)  
(55c) *cum salvam viam suam* (IX)  
(55d) *cum portionem de...* (IX)  
(55e) *cum fabricam et iectum* (IX)  
(55f) *cum nostro expensarium* (X)  
(55g) *cum suprascriptos testes* (XII).

12 See Heitula (1987); Pinkster (2005).

13 Cf. Leumann, Hofmann, Szantyr (1972: 257; 260b; 264c).

The documents also make extensive use of *in* with the Accusative, mainly with a locative value. These structures have numerous antecedents in Latin texts dating from a range of periods.<sup>14</sup> From the earliest texts they are typical of legal and bureaucratic language, especially with the verbs *habere* and *esse*,<sup>15</sup> but they then become particularly frequent in Late Latin.<sup>16</sup>

*In:*

- (56a) sic havetis ipsum parietem communalem *in ipsum minianum* (VIII, 14)
- (56b) sicut inter nobis convenit *in omnem deliverationem et in omnem decesionem* (this formula occurs in almost all documents)
- (56c) *in ss. locum* (XI, 18)
- (56d) *in ipsum catodium focularem habere* (XI, 18)

The following typical bureaucratic expression used in earlier stages of the language:<sup>17</sup>

- (56e) *in vestram sit potestatem* (in all documents, except XII, which has *in vestra* et [de vestris] heredibus sit potestate)

often occurs in our documents. The fact that the preposition *inter* is almost always used with the Ablative is consistent with the patterns observed above:

- (57) *inter nobis* (in most documents).

This construction is rarely used by the writers of Late Latinity, but it is nonetheless frequently used in the Inscriptions, and it is given by St Augustine (*Confessiones* 1.18.29) as an example of a deviation from Classical usage that learned people rightly avoided.

#### 4. Formulae

The documents contain many expressions that are typical of legal language, particularly that of the Jurists. These expressions often conform to an ideal of a style that is polished and solemn, in which the *figurae amplificationis* or other rhetorical ornaments add to the importance of the social rite of contract. Pairs of synonyms are very frequent:

- (58a) prona(m) atque spontanea(m) voluntate(m)
- (58b) ab omni humana persona antestare et defensare promittimus (VII has “[antestari et] defensari”)
- (58c) plenaria et integra (petia de terra, etc.)
- (58d) habere et possidere
- (58e) venundedimus atque contradidimus

In the following formula that appears in many documents, the details of property rights transmitted to the buyer are embedded between two occurrences of the word *potestatem* in a ring frame that appears to be intentionally created in order to reinforce or highlight it:

- (59) ud av odierna die et in perpetuis temporibus in vestra et de vestris heredibus sit *potestatem* habendi fruendi possidendi vindendi donandi seu comutandi liveram habeatis *potestatem* (XIII and elsewhere with minor variations in the form of the word *potestatem*).

Other formulae illustrate the evolution from older structures that are already documented in the sixth-century Papyri from Ravenna. The types:

- (60a) *Constat me* + infinite Verb (cf. Tjäder 1955-82: 2, 66).
- (60b) *Manifestum est me* + infinite Verb (cf. Tjäder 1955-82: 2, 210)

In the Amalfi charters have a hybrid form where the complement clause has a finite Verb and a Subject noun in the Nominative. Note that - unlike other structures with a finite verb that are found in various

legal scripts from other parts of Italy in the eighth century - no complementizer occurs at the beginning of the subordinate clause with the finite verb;<sup>18</sup>

- (61a) *Certum est me* + Proper noun with Nominative ending + finite Verb
- (61b) *Constat + me/nos* + Proper noun with Nominative ending + finite Verb
- (61c) *Manifestum est me* + Proper noun with Nominative ending + finite Verb.

Also worth mentioning are a few apparent “irregularities” in coreference and agreement, such as the following:

- (62a) modo vero emisimus *illos* apud vos quia minime potuimus *illos* pastinare (XIII, 20; the only possible antecedent co-referential NP = *ipsa terra quod nobis dederat...*)
- (62b) *Ego* quidem Petrus f. Petri Pedemullu a presenti die firmamus vobis... (X, 16)
- (62c) quantum dederat nobis... *ss. dom. Tauro f. dom. Iohanni de Tauro com. et dom. Blactu cognata ss. dom. Tauri et f. dom. Sergii Scancarelli* (XIV, 22)
- (62d) ut qui tulerit ipsa portione a supra ipsa cisterna maior in sua siat potestatem (IV, 7)
- (62e) *Certum est me Ursus et Manso germanis et Marenda et Theodonanda iugalibus* (XI, 17).

Again, such phenomena were not infrequent in the works of a range of Late Latin writers, and in particular in prestigious forms of bureaucratic language such as that found in Cassiodorus's *Variae*.<sup>19</sup>

Finally, of particular interest is the use of a periphrastic structure with *habere*, which is typical of the Jurists' language.<sup>20</sup>

- (63) et habuimus illud datum de antea (VII, 12).

#### 5. Conclusions

In many respects the documents use a linguistic form that is typical of fifth- and sixth-century legal texts, particularly as regards the overall textual structure, the use of technical formulae, and not least the patterns of declension in non-prepositional phrases. Other aspects, like the inflectional morphology of the nouns in the prepositional phrases, have even earlier traces in constructions that are found not only in Justinian, Ulpian, etc. but also in the traditional laws and in the archaic writers.

The lexicon shows an interesting blend of classical words and phrases (cf. *decurrere in domus*), archaisms and technical expressions typical of agricultural and architectural writing, technical legal words such as *quindenari*, *merissi*, *antestare*, and finally Late Latin expressions such as *culture*, *contrarietas*, *dare in ecclesiam*. Of particular interest are the post-classical and the subsequent developments that affect the meaning of classical lexemes, such as *armare in pergule*. Another pattern that is often seen in historical studies concerns words for which the documentation we have is discontinuous, such as *defensare* which is found in Plautus, Ovid, the *Codex Theodosianus* and Cassiodorus.<sup>21</sup> It is worth noting that even verb forms that appear typically Romance, like the periphrastic verbal constructions with *habere* mentioned in (63) or the form of the verb *to be* in (64), are widely attested in non-Classical *Sondersprachen* across a range of earlier periods:

- (64) *simus* = ‘sumus’ (in various documents).<sup>22</sup>

This description of the documents' linguistic structure is quite contrary to Filangieri's damning opinion: he called the language of these texts “barbaric Latin”. The language of the tenth-century Amalfi charters simply reflects the multi-faceted intertwining of everyday expressions that were never lost in Latin, technical words and idioms related partly to cultural traditions of specific domains such as agriculture and architecture, and partly to the formulaic and stereotyped legal style that had antecedents in ancient laws and that was authoritatively coded by the Jurists. The documents also force us to rethink the notion that the Vernacular crept into Latin. The vast majority of expressions that appear vernacular at a first sight have distant precursors.

14 Cf. Leumann, Hofmann, Szantyr (1972: 274b).

15 Particularly interesting are early examples with *habere* in the laws: cf. *Lex agr.* < sei quis>... *in eum agrum agri iugera non amplius XXX possidebit habebitve* (CIL I<sup>2</sup>, 585).

16 Cf. Leumann, Hofmann, Szantyr (1972: 277).

17 It is already attested in the *Lex Salpensis* (cf. CIL II, 1963, 1.2) and in Cicero (*Manil.* 33; *Verr.* II, 5.98).

18 Cf. CDL (Schiaparelli 1929: 125.4ff). However, here too subordinate structures without complementizer can occasionally be detected: see CDL (Schiaparelli 1929: 98.3ff).

19 See Friedh (1950: 30-32).

20 Cf. Kalb (1888: 17-18); Leumann, Hofmann, Szantyr (1972: 319-20).

21 I give more detailed discussion of the lexis used in the documents in a work in progress.

22 Cf. Forcellini 4.586a.

In conclusion, it would be wrong to think that the documents are merely formulaic and artificial. It would also be wrong to think that they look towards the past in a kind of "lingering regularity". They were certainly formulaic, but they were not artificial. They seem, on the contrary, to be full of life. One need only think of the following two examples. First, there is the technical legal word *merissi* 'division' that could appear to be a frozen remnant of the Greek *μέρισις* 'partitio'. However, the Greek lexical family represented by the stem *μερ-* (*μέρος*, *μερίς*, *μερίζω*) lives on in expressions such as *merecoppe* 'upper part', *merevesce* 'lower part (of the town)' in the modern dialects of Ischia and Procida.<sup>23</sup> Second, the phrase *a parte ab* remains in the typical Neapolitan expressions *a parte a sotto*, *a parte a coppa*, etc. Such expressions interestingly testify to the survival of the Latin preposition *ab*, long believed to have faded away in the Romance languages. One is left with the impression that the Amalfi gentlemen bear witness to the bridge that in Southern Italy links Latin to Romance, and the Ancient to the Modern world.

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## LIMITING LOGOGRAPHIC LATIN:

### (NON-) SEPARATION OF ORTHOGRAPHIC WORDS IN MEDIEVAL IBERIAN WRITING

Tom FINBOW

#### 1. 'Complex Monolingual' Latin Orthography

Wright's inspiration for the complicated manner in which an innovative, i.e. Romance-like, phonology and morphology corresponded to a conservative, i.e. Latinate, orthographic form lies in the orthographic traditions of Modern English and Modern French writing (see e.g. Wright 1982, 1994, 2000c, 2002). The kind of grapho-phonemic relations Wright had in mind can be seen in the passage below, written in Modern English orthography and accompanied by a broad phonetic transcription of how such a passage sounds when it is read aloud by a speaker of Standard Southern British English.

##### (1) After Wright (1999: 515):

<Don Pelayo can take my Moorish girl and dress her out of my money and send her back to her homeland; ...>  
[donpelájokentéjkmajmós:ɹɪfɡs:l ɛnd<sup>ə</sup>ʃɛshəwtəvmájɹmánt ɛndɛndhəbáktsəhəwmlænd]

Learning to write involved the techniques for reproducing on parchment outdated inflexional morphology (such as *-m*, *-bus*, *-abit*) and a spelling system not closely suited to the evolved Romance. Seventh-century French [vjerdʒə] or [virdʒə], for example, might be spelled VIRGEN, VIRGINEM, VIRGINE or VIRGINI, in the same way as Modern French [ʃɑ:t] can be spelled *chante*, *chantes*, *chantent*. (Wright 1982: x-xi)

Wright (1982) and Wright (1999) provide tentative models of how orthographic conventions might have functioned in a 'Complex Monolingual' Latin-speaking society before the late-eighth and ninth century Carolingian reforms (and for non-Catalan Iberia before the late eleventh- and early twelfth-century Gregorian reforms).

##### (2a) Deed of land sale, León, May 11<sup>th</sup> AD 908 [after Wright 1982: 166-67]:

<In Dei nomine. Ego Splendonijs tui Fredesinde In Domino salutem. Idgo placuit michi atque conuenit  
[ɛndiɛnwémne ioesplendóno tiefredzinde ɛndwénosalúde ijopológómie ekombine]  
nunljusqꝯ cogentis Inperio neque suadentjs articulo set probria michi acesi uoluntas ....  
[núʃoskekeodʒjéntesempérjioniswəðjéntesartéʎo sepróbrjamieatsézevoluntáde]

##### (2b) Will of Vela, canon of Santa María, Salamanca, ca. AD 1163 [after Wright 1999: 514-15]:

<Mea maura preñdat illa don Pelaio et vestiat illam de meo, et inuiet illam a sua terra  
[miamórapréndalaðompelájo iʃistalaðemio jembielasutjéɹa]  
et si quiesierit seder christiana, donent illa IIII morabetinos.  
[isikisjérsceérkristjána dónenlakwátromaraʃeðis]

Wright's idea that the oralised phonology of pre-Carolingian and pre-Gregorian reform Latin was the phonology of contemporary vernacular speech has met with fairly general acceptance (e.g. Banniard, Emiliano, Pensado, Penny, etc). Nevertheless, Wright's claim that as a result of such complex orthographic correspondences, in conjunction with passive competence, texts were comprehensible to audiences composed mainly of illiterates who possessed no knowledge of learned language has not received the same degree of acceptance. Wright envisaged a very gradual abandonment of older forms during a drawn-out co-existence with innovations meaning the former were still understood even if not actively used (Wright 2002: 89-90; Green 1991).

Wright's hypothetical transcriptions lend themselves particularly well to vernacular oralisation as a result of their being based on notarial documents, which exhibit especially vernacular lexis and grammar. These models have been criticised, however, for a perceived failure to account for the impact that the archaic lexis and morpho-syntax might have had. While the oralised text may have *sounded* like the contemporary vernacular the vocabulary would have rendered the content opaque to illiterates. How could one read aloud a passage written *ingrediamur, inquit, domum* in a manner comprehensible to someone whose natural means of expressing the same proposition was [ɛntrémós dɪʃo ɛnlakáza]? Uttering [ɛngredjámor ɛnkið dómo] (Walsh 1991: 205-18) would not overcome the problem. Even in notarial documents lexis can be an issue. The more formulaic language of the introductory *uocatio* and concluding *sanctio* sections of such texts frequently contain items that do not appear in the earliest vernacular texts (Dworkin, 1995, Blake, 1991):

Other lexical issues are not so transparent. For example, why does a moribund VOLERE (Classical VELLE) dominate in the chartulary to the virtual exclusion of *querer* <QUAERERE (only one token *kisieret*, #260, 1049, was found in the entire chartulary), although the latter will replace VOLERE as the sole Old Spanish expression of volition? That *querer* was preferred to VOLERE in the Early Middle Ages seems irrefutable from its frequent appearance in the

23 These expressions have been collected in various fieldwork studies for the *Archivio dei dialetti campani*.