Latin vulgaire – latin tardif

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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 Codex Diplomaticus Amafitanus and will discuss the significance of these texts within the wider context of the project. Although nominal influence and grammatical relations are the main focus of the research, their interpretation, alongside other phenomena at various levels of analysis, in particular the lexical, 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 Moncalieri 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. Amafil, 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 consequent survival of professional figures that guaranteed the running of the municipal chanceries. These figures included the scrivane, notari and tesailliores, in other words the officials, and in 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 (Guy 1964: 584). 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 (Guy 1984: 584-86; Del Tredoppo 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 Tasinassi, 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 Tasinassi 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 espandersi. Lambito da una forte corrente germanica, nel ducaato partenopeo, e in quelli posteriori di Amalfi, Sorrento e Gaeta, il diritto romano ebbe modo di evolversi, di adattarsi alle nuove condizioni de' tempi, e nel possonó cogliersi nella sua giagarida decrepitudine, fino all'estante in cui il taglio 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 svoltesi tendevano a mantenersi nella vecchia trama, non è solo dovuta all'immunità dall'influenza longobarda. Il diritto più colto si afferma nelle terre più colte: alla vita nuditale civile del ducaato 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, ed i piccoli proprietari coltivatori del breve popolo, non oppongono...

2. The tenth-century documents from the Codex Diplomaticus Amafitanus

The texts analysed are part of a collection of tenth- to fourteenth-century legal documents from Amalfi that had been preserved in the State Archives in Naples. The collection was edited by Cesare 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 originalists from the tenth century have been considered. 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 (torris), 939, Constantinus scriba
Doc. VII, Charta vendectionis, 946, Johannes prebystre et scriba
Doc. VIII, Charta rueditionis, 970, Ursus scriba
Doc. IX, Charta cessionis, 971, Ioannes scriba
Doc. X, Charta inuritacionis, 977, Ioannes scriba
Doc. XI, Charta vendectionis, 984, Sergius prebystre et scriba
Doc. XII, Charta vendectionis, 985, name of the scribe not readable
Doc. XIII, Charta manifestationis, 987, Ioannes scriba
Doc. XIV, Charta manifestationis, 990, Ioannes scriba
Doc. XV, Charta vendectionis, 993, Isaia scriba
Doc. XVII, Charta vendectionis, 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 intitulatio, the exposition, the provision, the penalty clause; the corroboration and the signatures of both the witnesses and the scribe.

Protocol:

Invocation to God: In nomine domini Del salvatoris nostri Deus Christi
Datum: Temporibus domini + the name(s) of the rulers, Annus...;

Intitulatio:

Certum est... + proper name(s) of the actor(s), Consuus + me(hes) + 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 pronomi(u) (om pronomi(u) auque spontanea(m) voluimte A presenti die scribère et forma direi vixit sum volo... hanc chartiun

This is followed by the verb that characterizes the contract type (divideere et definie rei sumus, secundumque e contrario, cœsimul).

Provision:

In evidecet ratione at...

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1 Not all of the documents in the collection are original.
2 For further details see Filangieri (1970 [1917]: 20).---
Here the chartula vindiandas 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 to property is transferred, the price (quantus) and a solemn declaration regarding adherence to the contract (ab omni humana persona testentse et defensare promittimus).

Penalty clause: 
Quod si minime volbis exinde fecerinus duedicem byzantius volbis compomere promittimus 

Corroboration: 
Et haec charta sit forma in perpetuum 

Signatures of the witnesses and the scriba

Despite the formalistic 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 scriba", Johannes (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.1

2.2. The language of the documents

So far there has been no systematic study of the linguistic structure of the documents. Filangiari 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 winos, he thinks that the texts contain "Vulgar Latin distortions of Classical Latin", as well as aspects of spoken language. For Filangiari, the syntax deserves only the rather impressionistic label "very strange":

"Importante è...lo studio della lingua, specialmente nei documenti del secolo X, che la troppo imperfetta eduazione letteraria dei scribi fa spesso largamente trasporre la deformativa della lingua latina in quella volgare. Non rare ricorrono in alcune carte locazioni di lingua parlata: frequentemente si osservano la caduta di f finale nella terza persona del verbo, il passaggio della preposizione de al caso genitivo, la sostituzione dei de all'ab, l'ampliamento dell'uso dell'ablative tendente ad arrogare 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 derivati dall'arbitraria e delle forme derivati dall'arbitraria e corruzione di linguaggio. La sintassi è straordinaria ed il periodo è del tutto deformento, quando non manchii a dirittura. Impera le formule: 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. Solitamente nel secolo XII la restituzione degli studi giuridici e l'incremento della cultura fan giungere i loro riflessi anche nei recenti della cota amalfitana, ovvi i curiali danno alla charta una struttura giuridica più perfetta e una migliore forma latina" (Filangiari 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. Phanomena that are commonly found in Late Latin legal scripts, such as confusion between e and e, a and a, are rare. In particular, as regards confusion between vowels, only one text consistently uses in place of e and in place of a. Somewhat more frequent are confusions between a and .

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

1 I will analyse these differences in a forthcoming paper.

substitui 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 2nd and 3rd 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 formalic and technical expressions, appearing for example in terms referring to a document type or in legal expressions:

(1) chartula nostrae vinditantis (IX, 16)  
(2) chartulae nostrae comparationis (XII, 19)  
(3) gene nominis (IX, 10) 

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 generosica Marie (VII, 12)  
(5) de causa beat Andrea apostoli...domini nostri Iesu chresti (VII, 12)  
(6) tempus duxi domini Sergii et domini Maroniz (VII, 12) 

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

(7) F. Marius, f. Ioannis (IV, 6 passim), f. qd. Petro, f. Ursi (VIII, 13-14 passim)  
(8) dom. Bicta cognata...f. dom. Taulri (XIII, 21)  
(9) cum domo Sergii Piccicelli (XI, 18)  
(10) una cum [con]ensense et volantem dom. Marone aecro nostro (IV, 6)

The so-called "Genitivus maius" is found in several documents: 

(11) auri solidi (VIII, 14; IX, 15; X, 17; XI, 18)  
(12) avet lori (XI, 19) 

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

(13) in presenta testum (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 heredita 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) subita domo de heredita Constantini (VIII, 14)

The second example contains one of the very few irregularities in the selection of Case with a 3rd 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 cases 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 comparatione (IX, 15)

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

512

513
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 an 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 Ablativus appears in fixed expressions of place and time, like loco nominativo..., die presentis. It can also be observed in the fixed expression that appears in the protocol: temporemosus + N(oun) 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 1st 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 haveavis (VIII, 14)
(18) liberum habeatis potestatem (XII, 19; XIII, 21)
(19) et suam addere ads! vineas (Ipam dominatores de Ipsa exierit (VII, 12)
(20) venustudinesque atque et in presentem cessimus et contradominus vobis dom. Petrum I. Leonis com. de Ioanne com. plenarius postum de vinea in Regimini Maiorem postum (VII, 12)
(21) talem curam exinde habeamus ut... (X, 16)
(22) ut suis et semper ego et mei heredes teneamus ss. vineas et laboramus eam (X, 16)
(23) fenestram maioris haveavis... regem haveavis... vinea exinde haveatis at ingrediemus et ad
egrediemus (XI, 18)
(24) ut... gestare debeatem munetieum (XI, 18).

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

(25) Ipsa portio de sputum dedit illi via (IV, 7)
(26) [comparum] vobis promittimus librum uno de auro (VII, 12) [cf. comparum solido elsewhere]
(27) [pro eo] quod assignati nobis una peria vestra de vineta et terra buca in Stavi pusta (X, 16)
(28) hoc est inserteriam et casanectium et terra vacca (XII, 19)
(29) scrivere et firmare... Ipsa terra (XIII, 20)
(30) [gestare debeatem] munetieum et inventerque aqua (XI, 18).

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

(31) et ipsa portio uno vestra... portemus vobis (X, 17).

It is well known, however, that variation in the occurrence of -m in the Accusative of 1st 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 might 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. 

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) toto ipsa olive (IV), ipsa (croci) (IV), regie et fenestre et grade fabrique (VIII), tertia (IX), ipsa vestre (bucti) (X), alle chartule (XI), chartule (XII).

The former Accusative forms only appear in two Prepositional Phrases:

(32b) av ipsas cruxes (IV), per tabularia (XII).

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

5. Rosanna Somicola

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 2nd and 3rd 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) harenstem ibdem uno palamento fabreti et uno ducet (VII, 12)
(33b) et ipsa noce ubi fecimus ipsa cruze (IV, 7)

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

(34a) The Late Latin type conuls (Mass.) ‘praedium rusticum seu casa cum certo agri modo’ (LIMCIII 66a, MLLM, 1971) appears several times in the form conuel (Accusative Singular), but convel (in the Plural, with Object function) in IV, 6. Cf. LIMCIII 66a, MLLM, 1971, where another type is recorded, conuelos, in documents that come from several different areas.

(34b) The type inuguli ‘husband, wife’ (which appears in post-classical Latin as a Noun: see Blase 479a) occurs in the form inugiei ‘wife’ (Nominative?) in XIII, 20, but in other documents it has the form inugiei ‘idem’ (XII, 19).

(34c) The type manumium ‘tabulaturn, vel lupia extra partiem projectus et ad proplegium spita’ (Foscioli 13, 145a) appears as manumius (Nominative) / manumium (Accusative) in VIII, 13-14 pastum (cf. LIMCIII 317b).

(34d) The Classical type fructus (Mass.) 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, respectively, in (35) and (36) respectively, are not easy to analyse:

(35) in vestre et de vestris heredes sint potestatis (VIII, 14)
(36) in ipsa olive ubi fecimus ipsa crucis (IV, 7)

Given that the formula in vestre et de vestris heredes sint potestatis could be considered functionally equivalent to a Plural Accusative (= in vestre et de vestris heredes sint potestace) Crucis could also be analysed as a Plural Accusative. This seems to be confirmed by the preceding clause at ipsa noce ubi fecimus ipsa crucis, 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 (instead of e), this type of variation does not occur in either text IV or VII and the 3rd 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 potestatis and crucis, with the -s ending that is perhaps purely orthographic. A similar analysis could be applied to the form finis in (37):

(37) et containis finis (XI, 18).

The form finis occurs with the verb continere in the 3rd 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’, rather than the meaning ‘to include’. 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 containis 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 3rd declension nouns, along the lines already described for potestatis and crucis. 5

7. This hypothesis is also supported by the fact that in other documents this expression is substituted by recemmanus vobis finis (VIII, 13).
Dative extension appears sporadically in what seem to be frozen forms. It appears in various oblique (i.e. non-Nominaive) contexts, as can be seen if we compare examples (39) and (40) that come from the same document:

(39) nec datum me heredibusque meis componere primumtius vobis et at hereditas vestra... scidos quinquaginta (IX, 16)
(40) nullam requisitionem exinde habeatis non vos non vestri heredes (IX, 10).

3.3. Syntactic factors affecting the use of declensions

Perhaps the most significant developments 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 uncommon construction involving the Accusative Subject with the verb to be (cf. example (43) from document XI, which occurs alongside examples (44) and (45)).

(41) dicat... quia istic vineam bene est aratura et cultum (IX, 16-17)
(43) ipsum vinoce ab omni hancu perfossa assiasti et defenso prumitnium (VII, 12)
(43) tantum anc chartulam sit firma et stabils in sempiternum (XI, 18)
(44) et ec chartula sit firma et stabils (XI, 18)
(45) s alsa chartula paranti sit ianvis 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 2nd declension with an –o ending appear sporadically (see (46) and (47)). Compare this example to (48), where the Subject of the relative clause takes the Nominative in accordance with Classical usage:

(46) nullam requisitionem exinde (sic) habeatis non vos non vestros heredes per nullum modum in perpetuum (XIII, 21)
(47) ipsa terra quod nobis dedacta est pastimandum dom. Tauro f. Johanni (XIII, 20 and 21; XIV, 22
(48) ipsum insertetum quem pastin 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) Quaenam me Constantino tetigist princeptrum de ipsius caesare de Fusculium (IV, 7)

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 Adelzeli et domini Sergii genitorii et filio gloriosissimus ducibus (CDA XIII, 19)
(51) et italiavmus iudices ipse olive cum et tuto ipso terra vacuum alip ipsas cruces in ipsa nominatim at ipsa noce longitudinem passi viginti: similis per totum passi vigeniti et latitudinem quantum fuerit (IV, 6).

9 The form “assistant” 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.

516

Rosanna Sornicola

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. (52a)):

(52a) ut iam aliquando vos exinde non quaeramus de ipsa ss. terrae eadem tectis et viscibus omniis cum omnibus (XIII, 21; XIV, 22).

All of these absolute constructions can be shown to have antecedents at different stages of Late Latin.

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 1st 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 conservis; CIL IV, 2155 ab paulum, for cum cf. CIL IV, 221 cum sodales [see also Vatlinus 1599, 121], for de cf. Thes. V, 1, 43.350s) and particularly frequent in texts such as Italia and Peregrinato, and in technical writings (Gromatici, Aplicci, etc.).

Ab:

(53a) a nobis summissem personam (all documents)
(53b) ab ipse crucibus (IV)
(53c) a paresi (VIII)
(53d) neque a nos neque ab hereditibus nostris... nullam requisionem exinde (VII)
(53e) ab omnem hominem animasce et defunesse (IX).

De:

(54a) in vestra et de vestris heredibus (VIII, XII, XIII)
(54b) qui de nobis et vobis (X)
(54c) de Constantino, de domino Marino (XI)
(54d) quia... de nos... enique de nos (IV)
(54e) de nos heredes uberrimae (VIII)
(54f) de ipse caesare (IV)
(54g) de tellio de planariam suam manus (IX)
(54h) ipse personem de ipso visum (X)
(54i) de e chartula... de ipsem codicem (XII).

Cum:

(55a) cum totum ipso alto (IV)
(55b) una cum consentium et voluntatem (IV)
(55c) cum salvi viam suam (IX)
(55d) cum personem de... (IX)
(55e) cum fabrificato et iectum (IX)
(55f) cum nostro exportarium (IX)
(55g) cum supercriptos textus (XII).

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. From the earliest texts they are typical of legal and bureaucratic language, especially with the verbs habere and esse, but they then become particularly frequent in Late Latin. In:

(56a) sic habetis ipsum privatem communalem in ipsum minimum (VIII, 14)
(56b) sic autem nobis convenit in nonum deliverationem et in omne decessionem (this formula occurs in almost all documents)
(56c) in ss. locum (XI, 18)
(56d) in ipsum cadium Exularem habere (XI, 18)

The following typical bureaucratic expression used in earlier stages of the language:

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

often occurs in 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 Latin, but it is nonetheless frequently used in the Inscriptions, and it is given by St Augustine (Confessions I, 118, 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 figuras amplifications or other rhetorical devices are added to the importance of the social rite of contract. Paraphrases of synonyms are very frequent:

(58a) prona etque spontanea et voluntaria
(58b) ab omnibus huius genus antestate et defensoris promittimus (VII has “antestari et defendari”)
(58c) pleuraria et integra (petia de terra, etc.)
(58d) habeas et possidere
(58e) remanserimus abeuntur et constantissimus

In the following formulae 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) ad avocatus die et in perpetuis temporibus in vestra et de vestris heredibus sit potestatem habendae, fraudendi possidendi vindendi donandi seu comitandi livrern habeatis potestatem (XII 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 Papyrus from Ravenna. The types:

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

In the Arnulf charters there is a hybrid form in which the complement clause has a finite Verb and a Subject noun in the Nominative. This is different from the other structures that are found in various

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15 Particularly interesting are early examples with habere in the laws: *CIL. res og. < scii quis ... in eum aegrum agi iugera non amplius XXX possidet habebeat* (CIL IV, 585).
17 It is already attested in the Lex Saliciana (cf. CIL II, 1963, 1: 2) and in Cicero (Moral. 33; Verr. II, 5,98).
18 Cf. CIL (Schiaparelli 1929: 125-4f). However, here too subordinate structures without complementizer can occasionally be detected: see CIL (Schiaparelli 1929: 98-5f).
19 See Trillmich (1950: 30-32).
21 I give more detailed discussion of the lex used in the documents in a work in progress.
22 Cf. Focareti 4:58f.
LIMITING LOGOGRAPHIC LATIN: (NON-) SEPARATION OF ORTHOGRAPHIC WORDS IN MEDIEVAL IBERIAN WRITING

Tom Finbow

1. 'Complex Mixed' 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., Latin-like, orthographic tradition of Modern English and Modern French writing (see e.g. Wright 1982, 1994, 2000, 2002). The kind of graphophonic relations Wright laid out 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):

"Dun Pelvay ome take my Mocel girl and dowses her out of my money and sent her back to her husband..."

[diˈnʌn pelˈvei oʊm eɪ tʌke maɪ məkəl ɡɜːl ənd dɔʊzəs hə əʊt ʌv maɪ ˈmiːni ənd ʃənt hə əʊt ˈbiə kət hər həbəˈdɜːst]

Leaving to write involved the techniques for reproducing or ornamentals indicating morphological properties such as m-, -ab-/abl- and a spelling system not closely suited to the evolved Romance. Seventeenth-century French [diˈnʌm] or [diˈnʌb], for example, might be spelled VIRGIN, VIRGIN,E or VIRGIN, in the same way as Modern French [diˈnʌmb] can be spelled chanteur, chanteuse, chanteur.

Wright (1982: xiii)

Wright (1982) and Wright (1999) provide tentative models of how orthographic conventions might have functioned in a 'Complex Mixed' 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 11th AD 988 [after Wright 1982: 166-67]:

"In Dej merore. Ego Splendensius tui Fredericus in Domino salutem. Idgo plenius mihi aliquo communi..."

[ɪn dɛi mɛrə rʊ] [iː ˈspləndənsjəs tjuˈfriːdərɪkəs ɪn ˈdəʊməʊ səˈljuːtəm ɪdɡə ˈplenjʊs miː hi ə liˈkjuː ˈkɒməni]

Wright and Wright's (1999: 514-15) ideas support the idea that a Carolingian model is the best way to understand the full extent of the 'Complex Mixed' Latin orthography that was in use in the Carolingian period.

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

"Ideas nona pazu lita i dis Pelvay et versat ielam de reo, et levit innovam se teram..."

[ɪˈdiəz nənə ˈpazu lɪtə i ˈdiːs ˈpɛlvɛ i ət ərˌvært iɛləm ði ˈreʊ oʊ ət lɪˈvɪt ɪˈnɔvəm ʃi ˈtɛrəm]

Wright's ideas on the reformed phonology of pre-Carolingian and pre-Gregorian reform Latin was the phonology of contemporary vernacular speech has met with fairly general acceptance (e.g. Baudr, Enallaco, Pensado, Perutz, etc.). Nevertheless, Wright's claim that as a result of such complex orthographic correspondences, in conjunction with patterns of orthographic changes, many words were preserved in the language of the Carolingian period. Modern orthographies demonstrate that 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 moving the former were still understood even if not actively used (Wright 2002: 89-90; Green 1993).

Wright's hypothesis that widespread transcription of their being based on notarial documents, which exhibit especially versaccial lexis and grammar. These models have been criticized, however, for the perception failure to account for the impact that the etjvical and meko-syllabic might have had. While the ortho 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 "innovam, dominum in a manner comprehensible to someone whose natural means of expressing the same proposition was unknown? The problem is that notarial documents can be an issue. The more numerous language of the introductory invocatio and concluding anto sections of such texts frequently contain items that do not appear in the present vernacular dispersedly ('Dowswell, 1995, 2001; Bikke, 1991).

References


CDL = Codice Diplomatico Amalfitano, a cura di Riccardo Filangieri di Candido (Napoli, Reale Archivio di Stato), 1917.


CIL = Corpus inscriptionum latinarum consilii et auctoritatis Academiae Regiae Borussiae editum (Berlin, 1863-).


Del Treppo, Mario e Leone, Alfonso, 1977, Amalfi medioevale (Napoli, Giannini).


Frid, Ake, Études critiques et synthèses sur les Vians de Cassiodore (Gotteberg, Elanders Boktryckeri Aktiebolag).

Gale, Jules, 1904, L'Italie médiévale et l'Empire byzantin depuis l'avènement de Basile Ier jusqu'à la bataille des Barres (Rome, Fenestrelle).

Heltula, Anne, 1987, Studies on the Latin Accusative Absolute (Helsinki, Societatem Scientiarum Fennica).


Tamassia, N., 1957, Studio sulla storia giuridica dell'Italia meridionale (Bari, Società di Storia Patria per la Puglia).


Väinölä, Veikko, 1959, Le latin vulgaire des inscriptions pompéiennes (Berlin, Akademie Verlag).

Notes:

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