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Miszellen

FRASER MCNAIR

A LOST DIPLOMA OF LOUIS IV FOR THE CHURCH OF CHALON-SUR-SAÔNE¹?

In 1019, at the start of his year-long pilgrimage to the holy places of Burgundy and Aquitaine, King Robert II of France, known as »the Pious«, and his son Hugh Magnus issued a diploma for the cathedral of Saint-Vincent in Chalon-sur-Saône, restoring a number of estates to that church². In addition to the information this act can give us about the politics, society, and economics of the early eleventh century, comparing its text to other Frankish royal diplomas also gives us insight into events of seventy years earlier. Textual comparison in diplomatic has a long history. Within the field of diplomatic, there have been valuable textual comparison studies. Recently, the most prominent of these have carried out large-scale comparisons over wide areas. The advent of electronic databases and tools of digital analysis have been especially useful here, and important work has been produced comparing thousands and thousands of acts. These large-scale studies lend themselves well to big conclusions, about the use of charters in sizeable geographical areas over the course of centuries. My goal here is rather smaller: to use smaller-scale textual comparison between a relatively limited corpus (in this case, diplomas of the Frankish kings) to argue that, based on Robert's diploma, we can infer the existence of a lost and unmentioned diploma of King Louis IV (r. 936–954), probably issued either around 940 or around 950; and to draw out what this might mean both for our understanding of Louis' reign and for the use of similar methods elsewhere.

Establishing Textual Similarities

First, we must establish textual similarities between the Robert and Hugh's act and those of Louis. An important initial question, of course, is why these rulers were working within a much larger and longer Frankish tradition of royal acts³. Showing the nuts and bolts of large-scale textual comparison between hundreds (if not thousands) of acts is not really possible in a short article; although I did first notice the striking resemblances between the diplomatic of Louis' reign and our 1019 diploma in the process of such a large-scale comparison. Given the space available, though, it seems best first of all to establish a *prima facie* resemblance between a key element of the 1019 text and Louis' acts; and then compare a much smaller number of diplomas to establish a high correlation between them.

- 1 I would like to thank Jonathan Jarrett, Levi Roach and Laurent Morelle for their kind and helpful suggestions.
- 2 Helgaud of Fleury, *La vie de Robert le Pieux*, ed. and trans. Robert-Henri BAUTIER, Gillette LABORY, Paris 1965 (*Sources d'histoire médiévale*, 1), cap. 27, p. 124–128.
- 3 Robert-Henri BAUTIER, *Les actes royaux de l'époque carolingienne*, in: Jan BISTRICKÝ (ed.), *Typologie der Königsurkunden*, Olomouc 1998 (*Acta Colloquii Olomucensis*), p. 32.

The key to finding which acts are worth comparing lies in the *arenga*, or preamble, of the 1019 act. Robert and Hugh's *arenga* bears a very close similarity to several of Louis' acts, such as this act issued for the abbey of Sant Pere de Rodes in 953⁴.

Robert's act, 1019

*Dum⁵ locis sanctorum divino cultui mancipatis
opere nostri iuvaminis prebere satagimus
ab omnium summo remuneratore id nobis
recompensari pro certo confidimus⁶.*

Louis' act, 953

*Si locis sanctorum divino cultui mancipatis
aliquam nostri iuvaminis dignitatisque
regiae opem conferimus, ab omnium summo
remuneratore id nobis recompensari pro certo
confidimus⁷.*

By itself, this is intriguing, but not necessarily significant. However, although the *arenga* of Robert's act is unique amongst the corpus of his charters, that of Louis' act is repeated several times in that king's diplomas⁸. More-or-less similar *arengae* can be found in seven other diplomas issued in that king's name (out of a total of thirty-eight genuine surviving acts), with three of these being very close indeed (as we shall see below)⁹. Moreover, although many *formulae* in Frankish royal diplomas are similar, the *formula* in the Rodes act is actually very distinctive, and (with one exception to which we shall come) unique to Louis' reign. The combination of the elements *loca sanctorum* (»places of the saints«) and *loca divino cultui mancipata* (»places given over to divine worship«, a common phrase in royal acts but not when combined with the previ-

- 4 Robert's act: the original survives as AD Saône-et-Loire, G 156 no. 2, accessible online and hereafter cited from Cédric GIRAUD, Jean-Baptiste RENAULT, Benoît-Michel TOCK (ed.), Chartes originales antérieures à 1121 conservées en France, online edition, Orléans 2010, no. 615 (<http://www.cn-telma.fr/originaux/charte615/> [21/03/2022]); Louis' act: Philippe LAUER (ed.), Recueil des actes de Louis IV, roi de France (936–954), Paris 1914 [D L4], no. 45, p. 101.
- 5 The unusual conjunction dum to introduce this clause appears to be an occasional idiosyncrasy of Robert's chancery: in the West Frankish diplomatic corpus, an introductory dum is attested three times in Robert's acts (apart from this one, the other two are Chartes originales antérieures à 1121 (as in n. 4), no. 3052 (<http://telma.irht.cnrs.fr/outils/originaux/charte3053/> [21/03/2022]) and no. 3101 (<http://telma.irht.cnrs.fr/outils/originaux/charte3101/> [21/03/2022])). It is otherwise only attested in Georges Tessier (ed.), Recueil des actes de Charles II le Chauve, roi de France (3 vols), Paris, 1943–1955, vol. 1, no. 178, p. 472 (itself of somewhat dubious authenticity).
- 6 Translation: »When we busy ourselves to offer the work of our aid to places of the saints given over to divine worship, we are for certain confident it will be repaid to us by the Highest Remunerator of everything.«
- 7 Translation: »If We confer any of Our aid and the work of royal dignity on places of the saints given over to divine worship, We are for certain confident it will be repaid to Us by the Highest Remunerator of everything.«
- 8 On the formulae of Louis' acts, see LAUER's comments in Recueil des actes de Louis IV (as in n. 4), p. xxiii–xxiv.
- 9 The most similar are: Recueil des actes de Louis IV, nos 17, p. 43–44 (= Friedrich HAUSMANN, Alfred GAWLIK [ed.], Arengenverzeichnis zu den Königs- und Kaiserurkunden von den Merowingern bis Heinrich VI., Munich 1987 [MGH Hilfsmittel, 9], no. 3161, p. 525); 19, p. 48 (= Arengenverzeichnis, no. 3060, p. 510); 45, p. 101 (= Arengenverzeichnis, no. 3159, p. 525); somewhat less similar is D L4, no. 41, p. 94 (= Arengenverzeichnis, no. 3155, p. 524); more distant resemblances can be found in DD L4 nos 8, p. 21 (= Arengenverzeichnis, no. 3144, p. 524); 36, p. 84 (= Arengenverzeichnis, no. 2916, p. 488; being from the archive of Sint-Pieters in Ghent, this act is a priori suspect, but the investigation of Adriaan VERHULST, Kritische studie over de oorkonde van Lodewijk IV van Overzee, koning van Frankrijk, voor de Sint-Pietersabdij te Gent [20 augustus 950], in: Bulletin de la Commission royale d'histoire 150 [1984], p. 272–327, established that, although with some interpolations, the diploma is basically authentic); and 38, p. 89 (= Arengenverzeichnis, no. 2916, p. 488). I am not counting amongst the total number of acts either no. 11, p. 33–35, or no. 25, p. 58–64, the authenticity of which are doubtful.

ous element) appears in three of Louis' diplomas and not elsewhere. Even more characteristic is the description of God as the *remunerator omnium [bonorum]* (»remunerator of all [goods]«)¹⁰, and the statement that Louis was confident for certain (*pro certo confidimus*) to be repaid (*recompensari*) by Him¹¹. Outside of Louis' diplomas, these phrases are rare; and they are almost never combined elsewhere¹². Thus, the language of Robert's *arenga* is very closely paralleled in multiple acts of Louis IV, and these acts only. It would therefore seem reasonable to compare these texts more closely, in order to demonstrate that Robert and Hugh's diploma is remarkably similar to Louis' acts not only in its *arenga* but in other features of its language. If the reader will forgive a lengthy series of tables, the simplest way would be to place the 1019 diploma side by side with the four acts of Louis IV whose *arengae* bear the closest resemblance to its own:

| Changes to text formatting highlight similarities between Robert's act and: | | | |
|---|---|---|---|
| <i>All four of Louis' acts</i> | | | |
| <i>Three of Louis' acts</i> | | | |
| <i>Two of Louis' acts</i> | | | |
| <i>One of Louis' acts</i> | | | |
| Edition, Issuer, Recipient, place of Issue, Date | Chartes originales antérieures à 1121 (as in n. 4) no. 615 (Robert the Pious and Hugh Magnus to Saint-Vincent de Chalon-sur-Saône, issued at Paris, 1019) | Recueil des actes de Louis IV (as in n. 4) no. 17 (Louis IV to Chanteuges, place of issue unknown but in Aquitaine, 5 th December 941) | Recueil des actes de Louis IV no. 19 (Louis IV to Saint-Jean-d'Angély, issued at Poitiers, 7 th January 942) |
| <i>Invocatio</i> | <i>In nomine</i> summae <i>individuaeque Trinitatis.</i> | <i>In nomine</i> sanctae et <i>individuae Trinitatis.</i> | <i>In nomine</i> sanctae et <i>individuae Trinitatis.</i> |
| <i>Intitulatio</i> | Rotbertus necne Hugo filius ejus uno eodemque tempore <i>divina</i> miserante <i>clementia reges Francorum.</i> | Ludovicus <i>divina</i> annuente gratia <i>Francorum rex.</i> | Ludovicus gratia Dei <i>Francorum rex.</i> |
| <i>Arenga</i> | Dum <i>locis sanctorum divino cultui mancipatis opere nostri juvaminis</i> prebere satagimus | Si <i>locis sanctorum et divino cultui mancipatis</i> ob amorem Dei et sanctorum ejus aliquid | Si <i>loca sancta divino cultui mancipata</i> ob amorem Dei et sanctorum ejus rite disponimus atque in melius |

10 The phrase *remunerator omnium bonorum* (or similar, such as *largitor omnium bonorum*) appears seven times in acts of Louis IV; otherwise, it appears in Paul KEHR (ed.), *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, Berlin 1934 (MGH *Die Urkunden der deutschen Karolinger*, 2), nos 47, p. 63; and 59, p. 80; Paul KEHR (ed.), *Die Urkunden Arnolds*, Berlin 1940 (MGH *Die Urkunden der deutschen Karolinger*, 3), no. 172, p. 261; and Theodor SCHIEFFER (ed.), *Die Urkunden Zwentibolds und Ludwigs des Kindes*, Berlin 1960 (MGH *Die Urkunden der deutschen Karolinger*, 4), no. 23, p. 60.

11 The phrase *pro certo confidimus* appears seven times in acts of Louis IV; otherwise, it appears only in MGH DD Arn (as in n. 10), nos 10, p. 18; and 166, p. 254. The verb *recompensari* is more common in the corpus of Frankish royal *arengae*: besides the seven times it appears in Louis' diplomas, it appears in twelve acts of his predecessors or contemporaries, including four acts of Louis II of Italy – nonetheless, acts of Louis IV alone account for over a third of its instances.

12 The two exceptions are MGH D Zw (as in n. 10), no. 23, p. 60 (= *Arengenverzeichnis* [as in n. 9], no. 1590, p. 274), for Cambrai; and Theodor SICKEL (ed.), *Die Urkunden Otto des II. und Otto des III.*, Hannover 1888 (MGH *Die Urkunden der deutschen Könige und Kaiser*, 2), no. 283, p. 329 (= *Arengenverzeichnis*, no. 2358, p. 402); but both of these are clearly dissimilar to the acts we are considering in form and in other points of vocabulary.

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| | <i>ab omnium summo remuneratore id nobis recompensari pro certo confidimus.</i> | conferimus, seu quae a fidelibus devote largiuntur, regia auctoritate nostra corroboramus, <i>a summo bonorum omnium remuneratore compensari nobis id pro certo confidimus.</i> | reformamus, <i>a summo remuneratore id nobis recompensari pro certo confidimus.</i> |
| Promulgatio | <i>Quocirca omnium sancte Dei ecclesie fidelium nostrorumve tam presentium quam et futurorum noverit sollertia ...</i> | <i>Quocirca omnium sanctae Dei ecclesiae fidelium tam praesentium quam et futurorum noverit industria ...</i> | Quapropter <i>omnium sanctae Dei ecclesiae fidelium tam praesentium quam et futurorum noverit solertia</i> et prudens industria ... |
| Narratio | ... quam <i>nostrae</i> serenitatis <i>adiens</i> [<i>presentiam</i> *], Gosfredus Cabillonum presul magnificus nobisque admodum diligendus, humiliter expetiit quatinus quasdam res que pravorum hominum violentia injuste Cabillonensi ecclesie subtractae fore videbantur, nostrae tuitionis supplemento eidem ecclesie restituere <i>dignaremur</i> . <i>Quod et fecimus.</i> *corr. for text <i>presentia</i> | ... quoniam <i>nostrae</i> dignitatis <i>praesentiam</i> humiliter adeutes monachi sancti Marcellini egregii confessoris Cantogilonensis coenobii obnixi sibi <i>expetiere quatenus</i> res, quas Cunibertus, quondam praepositus, ceterique fratres sancti Juliani pro communi salute, per consensum Ragemundi, principis Aquitanorum, necnon aliorum ipsius patriae procerum, tam episcoporum quam laicorum, praedicto monasterio contulerant, nostrae regalitatis praeepto, ut in illorum testament sancitum est, confirmare <i>dignaremur</i> . | ... quod <i>nostrae</i> dignitatis <i>adientes presentiam</i> Rogerius, comes illustris, et Eblo nostram humiliter expetiere clementiam <i>quatenus</i> quandam abbatiam in honorem sancti Joannis Baptistae, in loco qui dicitur Angiriaco, nunc a pristino penitus honore desolatam, cuidam servo Dei, nomine Martino, causa emendandi, per praeeptum nostrae regalitatis conferre <i>dignaremur</i> . <i>Quod et fecimus.</i> |
| Dispositio | Sunt <u>autem</u> prelibatae res in pago Cabillonensi site, hoc est: [description of the property]. <i>Unde hoc nostrae altitudinis decretum fieri, ac Gosfredo Cabillonensi ecclesie presuli fratribusque ipsius sedis dare [precepimus]*, per quod jubemus ac regali auctoritate sancimus,</i> predictus pontifex omnia que prenotata sunt canonicis Sancti contulit Vincentii cum ecclesia suprascripta Boiace villeg quam a sancto Lupo data et ab aliis abstracta de fratrum generalitate in honore sancti Victoris dicata | Quorum petitionibus, ob Christi et sancti ejus jam praelibati Marcellini dilectionem, sive fidelium nostrorum deprecationem, videlicet Heirici, Lingonensis episcopi, et Gotheschalchi, Anciensi praesulis, Rogerii quoque illustris comitis, nostrum praebentes assensum, jussimus hoc regale decretum fieri, in quo confirmando decernimus et decernendo firmamus ut monachi praefati loci Cantogiolensis jam dictas res, cum omni integritate, tam mancipiis quam universis sibi jure et legaliter pertinentibus, | <i>Unde hoc nostrae altitudinis decretum fieri ac memorato Martino dare praecipimus, per quod praefatam abbatiam cum omni integritate quamdiu advixerit teneat,</i> et monachos inibi regulariter, Deo auxiliante, collocet, et ipsi monachi secundum regulam sancti Benedicti omni tempore, post discessum istius, abbatem eligant sibi, et nullus comes aut aliqua persona praepotens aliquod praedictum praenominatae abbatis sancti Joannis inferat, sed, secundum aliorum morem locorum, sub regula |

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| | <p><u>cum omni integritate habeant teneant</u> firmiterve possideant.</p> <p>* corr. for text: precedimus</p> | <p>perpetuo possideant, et quicquid in futuro eis concessum fuerit, eadem auctoritate corroboretur. Praecipimus denique ut nulla praepotens persona aliquod umquam praepudicium eis inferat neque censum quemdam injuste perquirat, sed ipsi cum omnibus suis rebus ab omni dominatu cujuslibet personae sint liberi et absoluti. Abbatem vero non per alicujus jussionem sed secundum sancti Benedicti regulam omni tempore sibi instituant.</p> | <p>jam dicti almi Benedicti militantium, immunis sub nostra deffensione et successorum nostrorum permaneat.</p> |
| <i>Corroboratio</i> | <p><i>Et ut nostrę</i> regalitatis auctoritas inviolabiliter conservetur, <i>manu nostra eam subter firmantes sigillo nostro</i> subtus corroborari jussimus.</p> | <p><i>Et ut</i> haec <i>nostrę</i> auctoritatis gratia inviolabiliter per succedentia temporum curricula observetur ab omnibus, <i>manu nostra eam subter firmantes</i>, annuli nostri imagine firmari praecipimus.</p> | <p><i>Et ut</i> hoc <i>nostrae</i> auctoritatis emolumentum per succedentia temporum curricula inviolabiliter perseveret, <i>manu</i> propria <i>subter firmantes</i>, anuli nostri imagine corroborari praecipimus.</p> |
| <i>Dating Clause</i> | <p>Actum Parisius incarnati Verbi anno MXVIII et regni Rotberti regis tricessimo quarto indictione secunda.</p> | <p>Datum non. Decembris, indictione XV, anno VI regnante Ludovico gloriosissimo rege.</p> | <p>Actum Pictavis civitate, VII idus januarii, indictione X, anno autem VI regnante Ludovico rege Francorum.</p> |
| <i>Subscription</i> | <p>Ego Balduinus cancellarius relegi et subscripsi.</p> | <p>Signum Ludovici gloriosissimi regis. [Dating clause] Odilo cancellarius ad vicem Heirici episcopi summique cancellarii recognovit.</p> | <p>Signum Ludovici gloriosissimi regis. [Dating clause] Odilo notarius ad vicem Eirici episcopi recognovit.</p> |
| <i>Valedictory Formula</i> | | <p>In nomine Dei, foeliciter. Amen.</p> | |
| <p>Recueil des actes de Louis IV no. 41 (Louis IV to Saint-Michel de Cuxa, issued at Rheims, 4th February 952)</p> | | <p>Recueil des actes de Louis IV no. 45 (Louis IV to Sant Pere de Rodes, issued at Laon, 8th September 953)</p> | |
| <p><i>In nomine</i> sanctae et <i>individuae Trinitatis</i>.</p> | | <p><i>In nomine</i> sanctae et <i>individuae Trinitatis</i>.</p> | |
| <p>Ludovicus divina propitiante <i>clementia Franchorum rex</i>.</p> | | <p>Ludovicus divina propiciante <i>clementia Francorum rex</i>.</p> | |
| <p>Si <i>locis</i> sacris et <i>divino cultui</i> <i>mancipatis</i>, ob amorem Dei sanctorumque ejus, <i>opem</i> aliquam conferimus, opportunum <i>ab</i> ipsoque omnium bonorum <i>remuneratore pro certo confidimus</i> fore <i>nobis recompensandum</i>.</p> | | <p>Si <i>locis</i> <i>sanctorum</i> <i>divino cultui</i> <i>mancipatis</i> aliquam nostri juvaminis dignitatisque regiae <i>opem</i> conferimus, <i>ab omnium summo remuneratore id nobis recompensari pro certo confidimus</i>.</p> | |
| <p><i>Quocirca omnium sanctae Dei ecclesiae fidelium nostrorumque, tam praesentium quam futurorum, noverit</i> solertia ...</p> | | <p>Quapropter <i>omnium sanctae Dei ecclesiae fidelium nostrorumve, tam praesentium quam et futurorum, noverit</i> solertia ...</p> | |

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| <p>... quoniam ad <i>nostram</i> dirigens <i>praesentiam</i> Gondefredus, abbas monasterii quod situm est in pago Confluente, in loco qui dicitur Coxiano, sub honore sancti Germani et sancti Michaelis, quondam suorum monachum nomine Suniarium, nostram humiliter <i>expetiit</i> reverentiam <i>quatinus</i> eum, monachos suos una cum praescripto monasterio et cellis sibi pertinentibus aliisque omnibus rebus sub <i>nostrae</i> immunitatis <i>tuitione</i> recipere <i>dignaremur</i>.</p> | <p>... quoniam <i>nostrae</i> dignitatis <i>adiens praesentiam</i> Hildesindus, abbas monasterii sancti Petri quod situm est in monte Rodes, reverenter <i>expetiit quatinus</i> quandam piscationem, ex consensu et voluntate Gozfredi, illustris comitis, ex cuius comitatu ad praesens esse videbatur, nostrae regalitatis praecepto jam in praelibato monasterio largiri in perpetuum <i>dignaremur, quod et fecimus</i>.</p> |
| <p>Cujus, inquam, petitionibus libenter adquiescentes, eundem abbatem cum monachis suis et jam praememoratum monasterium cum omnibus rebus seu villaribus ac villis ibidem pertinentibus sive cellis sibi subjectis, [description of the property follows], sicut in illorum privilegio et in cartis eorum continetur, cum omni earum rerum integritate, sub nostra defensione, sicut dictum est, omnino contra omnium inquietudines constituentes, praecipimus et jubemus ut [a long immunity clause follows, after the model of a normal Carolingian immunity clause but bearing no resemblance to the text of Robert's act. It is followed by a guarantee of free election of the abbot which also bears no resemblance to the 1019 diploma].</p> | <p>Est <i>autem</i> memorata piscatio in comitatu Petraelatense posita... [a description of the fishery and its borders follows].</p> <p><i>Unde hoc nostrae altitudinis decretum fieri ac praelibato abbati Hildesindo dari praecipimus, per quod praedictum stagnum cum omni integritate, veluti superius relatam est, tam ipse quam sui successores atque monachi praedicti coenobii habeant, teneat ac perpetualiter possideant, atque secundum sui velle, ut melius amodo voluerint, per omnia disponere satagant.</i></p> <p><i>Regia denique auctoritate jubemus atque sancimus quod nullus comitum seu vicecomitum vel vicariorum aut aliqua praepotens persona aliquam exinde violentiam inferat; sed, sicut disposuimus, in abbatis potestate consistat.</i></p> |
| <p><i>Et ut</i> haec <i>nostrae auctoritatis</i> confirmatio perpetualiter obtineat firmitatis vigorem, <i>manu</i> propria <i>subter firmantes</i>, anuli nostri impressione <i>corroborari</i> praecipimus.</p> | <p><i>Et ut</i> haec <i>nostrae auctoritatis</i> largitio <i>conserveatur, manu</i> nostra <i>eam subter firmantes sigillo</i> insigniri <i>nostro</i> mandavimus.</p> |
| <p>Actum Reme civitate, secundo nonas februarii, indictione VI, anno XVI regnante Ludovico rege glorioso.</p> | <p>Actum Lauduni montis, VI idus septembris, anno XVIII, indictione XI, regnante Ludovico rege glorioso.</p> |
| <p>Signum domni Ludovici gloriosissimi regis. [Dating clause] Oydilo cancellarius ad vicem Artaldi archiepiscopi <i>relegit et subscripsit</i>.</p> | <p>Signum domni Ludovici gloriosissimi regis. [Dating clause] Oydilo, regiae dignitatis cancellarius, ad vicem Artaldi archiepiscopi, recognovit.</p> |

Let us start by noting the similarity between Louis' acts. For the sake of completeness, I have highlighted all of the textual similarities in the documents laid out above. Some of them are clearly of little significance: the *invocatio* calling upon the Trinity proves nothing, nor does the title of *rex Francorum*; and the use of similar verbs of property is as likely to be the result of convergent evolution as of direct borrowing. Slightly more significant is the use of the verb *adiens*, in the present participle, in the petitionary *formula*: although this is not rare in the Frankish tradition (numerous acts of Charles the Simple, for instance, use this verb form), it was somewhat uncommon (thus, for instance, Louis' predecessor Ralph of Burgundy's diplomas use it only twice in nineteen surviving acts)¹³. The use of the adverb *humiliter* in combination with the verb *expetere* gives a similar picture: this pairing of words was known in the diplomas of other monarchs (again, especially in acts of Charles the Simple) but was not used all that

13 Those being Jean DUFOUR (ed.), *Recueil des actes de Robert I^{er} et Raoul, rois de France (922–936)*, Paris 1978, nos 11, p. 45; and 13, p. 54.

commonly. More distinctive again is the phrase *manu nostra subter firmantes*, with *firmare* in the present participle: some kings other than Louis IV, notably Charles the Simple and Charles the Fat, had also used similar constructions in their diplomas, but most did not. Even more striking is the frequent repetition of the phrase *quod et fecimus* in the *narratio*, which is quite rare in the West Frankish diplomatic tradition, and appears disproportionately frequently in acts of Louis IV, where it is found more than in all his predecessors' acts put together¹⁴. The employment in two of Louis' *dispositiones* of the phrase *Unde hoc nostre altitudinis decretum fieri et [Xo] dari praecepimus*, repeated word-for-word in Robert's act, is also significant here. The clause resembles a common element in diplomas of Charles the Bald. However, these usually use the word *praeceptum*. The phrase *decretum nostre altitudinis* appears in six acts of Louis IV and nowhere else in the corpus of royal diplomas. We must also re-emphasise here the similarities between the highly distinctive *arengae*, which are found in none of Louis' predecessors' acts. We have, in short, a coherent corpus.

Sourcing Textual Similarities

At this point, we need to ask: could the composer of Robert's act have got these formulae from anywhere else? This is an important matter to deal with because a newly published 991 diploma of Robert's father Hugh Capet for the abbey of Rodes reproduces the vast majority of the texts of Louis' act (the only other act from outside Louis' reign to do so)¹⁵. We may, therefore, imagine a scenario where the drafter of the 1019 diploma was working from Hugh's act with no direct knowledge of any of Louis'. This is, however, very unlikely. First, any such knowledge of Hugh's act would have had to have come from the royal court. It is highly improbable that anyone at the royal court had access to Rodes' archives (or indeed any archives in the Spanish March – Hugh Capet's act is the last known for a recipient on the March and the region's ties to the early Capetian court were limited at best)¹⁶. Equally, though, it is unlikely that knowledge of Hugh's act would have been present at the court. For the first few decades of Capetian rule, both chancery practice and chancery personnel were highly inconsistent¹⁷. We have no evidence, and no reason to suppose, that copies were kept of outgoing diplomas. Equally, Chancellor Baldwin, who subscribed Robert's diploma, was quite new in post. He would go on to be a defining character in the development of eleventh-century royal diplomas, but in 1019 he had only been acting as chancellor for a year or two, and his knowledge of old diplomas issued for

14 The phrase appears nine times in Louis IV's acts; by comparison with his West Frankish predecessors, either as *quod et fecimus* or *quod ita et fecimus*, it appears twice in the acts of Charles the Simple, once in a dubious act of Odo, once in the acts of Louis the Stammerer, three times in the acts of Charles the Bald (two of which are of dubious authenticity), and not at all in the acts of Ralph of Burgundy or Carloman II. (Given the verbal echoes between Louis' acts and late ninth-century East Frankish diplomatic given in nn. 10, 11 and 12 above, it may also be worth noting that it appears twice in the acts of Charles the Fat, once in the diplomas of Zwentibold, and twice in the acts of Henry the Fowler but not in the acts of Arnulf, Louis the Child, Conrad I or Otto the Great).

15 Adam KOSTO, *Un diplôme inédit de Hugues Capet, a. 991: un nouveau dernier diplôme royal franc pour les comtés catalans?*, in: *Journal des Savants* (2020), p. 559–561.

16 Cullen J. CHANDLER, *Carolingian Catalonia: Politics, Culture and Identity in an Imperial Province, 778–987*, Cambridge 2019 (Cambridge Studies in Medieval Life and Thought, 4th ser., 111), p. 229–230; Paul FREEDMAN, *A Charter of Oliba from Before His Entry into Religious Life*, in: Robert F. BERKHOFER III, Alan COOPER, Adam KOSTO (ed.), *The Experience of Power in Medieval Europe*, Aldershot 2005, p. 124.

17 Jaques BOUSSARD, *Le diplôme de Hugues Capet, de 988, pour l'abbaye de Corbie*, in: *Journal des Savants* (1976), p. 57; Olivier GUYOTJEANNIN, *Actes royaux français – les actes des trois premiers Capétiens (987–1060)*, in: BISTRICKÝ (ed.), *Typologie der Königsurkunden* (as in n. 3), p. 50.

recipients in the south of the kingdom is unlikely to have been great¹⁸. (Given his career continued until at least 1067, it is somewhat unlikely he was even born in 991¹⁹.) Finally, direct copying from Hugh's act (or for that matter from Louis' own act to Rodes) would not explain the similarities Robert's act shares with Louis' other diplomas but not with either diploma for Rodes. Thus, we can very probably say that the composer of Robert's act did get these *formulae* from an act of Louis IV. (Even more, the fact that the composer of Hugh Capet's diploma copied these *formulae* directly from a specific previous exemplar suggests they were not otherwise available.)

If it did not come from Hugh's charter, could the text of the Chalon diploma be borrowed from any of Louis' surviving acts? This seems unlikely. None of the acts we have been examining are for institutions in or near the geographical area of southern Burgundy. Moreover, in the case of the acts for the Spanish March, the same objections regarding knowledge of their archives at Robert's court we made above regarding Hugh's act apply. It would therefore be surprising if the 1019 diploma was derived from any of our existing exemplars. Nonetheless, given the tight resemblance between the 1019 diploma and Louis' acts, it is overwhelmingly probable that there is a direct connection between them somewhere.

For our next step then, we need to ask why Louis' diplomas have such a resemblance. First of all, it is unlikely that any of these acts were simply copied from any others directly. Admittedly, it is conceivable that the act for Saint-Jean-d'Angély could be copied from that for Chanteuges – they were issued at close enough points in time and space for this to be a possibility – but the same cannot be said for the acts for Saint-Michel de Cuxa and Sant Pere de Rodes. The latter two acts were issued far from the first two, for institutions far from the first two (and, in practice, from each other), a decade later. The most likely explanation, as Lauer noted, is that »the similarity of the *formulae* of acts in favour of different recipients allows us to say that they came from the same chancery« – we must examine the role of the royal centre²⁰.

Our attention immediately turns to the role of the king's chaplain Odilo, who acted as royal notary, with periodic interruptions (the most significant of which was between 943 and 949), for Louis' entire reign²¹. All of the acts we have been examining were produced under Odilo's oversight. None of these acts survive in the original, but the seven original diplomas surviving under his name feature no similarity of hands²². A range of scribes worked to write these diplomas, but the similarity in their *formulae* allows us to detect a guiding presence behind them. One possibility we can reasonably eliminate is that of a written model. We do not need to imagine some kind of Ludovician »Liber diurnus«, or even a chancery archive. Diplomas produced under Roric, notary between 943 and 948, do not display the kind of consistency in *formulae*

18 On Baldwin, *ibid.*, p. 46–48, 50–51.

19 See the introduction of Maurice PROU (ed.), *Recueil des actes de Philippe I^{er}, roi de France (1059–1108)*, Paris 1908, p. lxvii.

20 LAUER in *Recueil des actes de Louis IV* (as in n. 4), p. xxiii: »La similitude des formules dans des actes en faveur de destinataires différents va permettre, au contraire, de dire ... qu'ils sont émanés de la chancellerie même.«

21 On Odilo, see *ibid.*, p. xvi–xvii.

22 *Ibid.*, p. xxxiv. The variety of different hands can be easily verified through inspecting the reproductions in Ferdinand LOT, Philippe LAUER (ed.), *Diplomata Karolorum* (8 vols), Paris 1936–1949, vol. 8, nos IV–X. The fact that none of Louis' acts survive in the original means we cannot say anything about whether Robert's act featured any visual borrowings. However, in light of the fact that his act is one of the first to feature a new design of royal monograph, it is reasonable to suggest that Robert's draftsman would be quite capable of innovating in some aspects whilst retaining others. On the new monograph, see Geoffrey KOZIOL, *The Conquest of Burgundy, the Peace of God, and the Diplomas of Robert the Pious*, in: *French Historical Studies* 37 (2014), p. 180–184 and fig. 4.

seen in those produced under Odilo. Roric is named in 9 diplomas during this time. None of the *arengae* in these acts repeats any of the others (with three exceptions issued for the same beneficiary on the same day), or any of the features we have seen are characteristic of Odilo's *arengae*²³. Similarly, a wider vocabulary is used for the *promulgationes* and the verbs of petition and decision (in this latter case, there is a single act using Odilo's characteristic vocabulary²⁴); the *corroborationes* too do not use Odilo's habitual *subter firmantes*. It would be surprising if Louis' chancery had centrally curated written models which only one notary used. This leaves us with the two most likely, although not the only, possibilities being: first, that Odilo acted as draftsman for acts which were then written up by others; or, second, that Odilo's preferences were given heavy weighting in a collaborative process of composition and writing²⁵. Odilo was far from a slave to his own precedents – for instance, the *dispositio* of the act for Saint-Michel de Cuxa diverged substantially from the structure of his other acts. (Indeed, the actual terms of Odilo's *acta* are probably the most divergent parts of his texts.) Nonetheless, his choices of vocabulary make Louis' acts some of the most similar-reading in the West Frankish tradition, and his involvement gives us the key to explaining the resemblances between Louis' acts.

The most likely explanation for the similarity between the acts of Louis IV which we have been discussing, then, seems to be Odilo's role. Diplomas with Odilo as notary form quite a coherent body of texts. They use similar phrases to each other, phrases which in turn make them distinctive within the set of Frankish royal acts. As such, when we find Odilo's idiosyncratic language used in a diploma from many decades later, and there is no plausible institutional connection between that diploma's recipient and any of the recipients of Odilo's acts, the most likely explanation becomes a *deperditum*. That is, the parallels between Louis' acts and the diploma issued for Robert and Hugh are owed to the composer of the latter copying a diploma of Louis' which no longer survives.

Louis' Lost Diploma

What can we say about this diploma? Some aspects are inevitably mysterious. Because of how flexible the *dispositiones* of Odilo's acts were, hazarding any guesses about the object of the act would be very rash. We are on somewhat more solid ground when dealing with the question of for which institution Louis' lost diploma was issued, although caution is advisable. The text of acts could be copied from nearby or institutionally connected establishments (so, for instance, there are acts of Robert the Pious for Sainte-Geneviève and Saint-Denis-de-la-Chartre in Paris which take their cues from an act of Charles the Simple for the cathedral of Notre-Dame de Paris)²⁶. They could come from the place where the act was issued, although this is not otherwise attested for the reign of Robert the Pious²⁷. They could also come from much further away (as in the case of an act of Louis the Stammerer for Barcelona which is textually tied to a diplo-

23 Recueil des actes de Louis IV, nos 27–29, p. 66–71; for context, see Geoffrey KOZIOL, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)*, Turnhout 2012 (*Utrecht Studies in Medieval Literacy*, 19), p. 256–258.

24 Recueil des actes de Louis IV (as in n. 4), no. 24, p. 57–58.

25 For the latter, see Mark MERSIOWSKY, *Towards a Reappraisal of Carolingian Sovereign Charters*, in: Karl HEIDECCKER (ed.), *Charters and the Use of the Written Word in Medieval Society*, Turnhout 2000 (*Utrecht Studies in Medieval Literacy*, 5), p. 22–23.

26 *Chartes originales antérieures à 1121* (as in n. 4), no. 2068 (<http://www.cn-telma.fr/originaux/charte2068/> [21/03/2022]), for Sainte-Geneviève; *ibid.*, no. 2067 (<http://www.cn-telma.fr/originaux/charte2067/> [21/03/2022]), for Saint-Denis-de-la-Chartre; Philippe LAUER (ed.), *Recueil des actes de Charles III le Simple*, Paris 1940, no. 64, p. 145–146.

27 For an example, see below, n. 40.

ma of Louis the Pious for Langres)²⁸. Consequently, we cannot be absolutely certain about Louis' act's original recipient. Nonetheless, it seems very probable that it was for an institution in southern Burgundy, and almost as likely that this institution was in the diocese of Chalonsur-Saône. This leaves open a number of possibilities, such as the monastery of Saint-Marcel-lès-Chalon. Looking at other instances where the composers of Robert's diplomas copied older *arengae*, though, although some are from geographically proximate institutions, they are mostly from the recipient institution. Thus, the simplest assumption is that Louis' lost act was for Chalons cathedral, in the archives of which it was then found by the composer of Robert's act.

Based on this assumption, we can say something about when this putative act might have been issued. Either the early 940s or the early 950s provides a plausible context. In the winter of 941/942, Louis IV made a tour of southern Burgundy and Aquitaine, drumming up support amongst the magnates there a campaign against the rebellious and powerful magnate Hugh the Great, who had recently allied against him with the East Frankish ruler Otto the Great²⁹. During that time, Louis issued an act for the abbey of Tournus, and appointed Bishop Heiric of Langres as his archchancellor³⁰. Louis' Burgundian support was significant – in spring 942, for instance, the king was unable to make peace in the kingdom's north and so returned to his supporters in Burgundy³¹. It would thus be quite feasible for him to have issued more diplomas in favour of the southern Burgundian magnates during this time than currently survive.

The early 950s, however, would be an equally likely time for Louis to have issued a diploma for a southern Burgundian recipient. With the tide having turned in Louis' conflict with Hugh the Great after 948, the king strengthened his ties with southern Burgundy. Between 948 and 951, he issued three surviving diplomas in favour of southern Burgundian recipients: the cathedral church of Mâcon, the abbey of Saint-Martin d'Autun, and a layman named Aquin who held land in the Mâconnais³². In 951 as well, the king fell ill in Burgundy and was looked after by Count Leotald of Mâcon³³. Leotald was one of the two main subordinates of the Burgundian duke Hugh the Black, the other being Gilbert, count of Autun. If Hugh and Leotald were consistent – and important – supporters of Louis, Gilbert played a middle course. On one hand, he was a key player in Louis' diploma for Aquin; on the other hand, it is likely around this time he married his daughter Liutgard to Hugh the Great's son Otto (his other daughter Adelaide Werra was married to Hugh's nephew Robert of Troyes)³⁴. In 952, Hugh the Black died, but it seems that the king's ties to southern Burgundy were sufficiently strong that Hugh's death had only a limited effect on the situation³⁵. It is likely that Louis visited Dijon in early 953 to confirm the

28 Félix GRAT, Jacques DE FONT-REAUUX, Georges TESSIER, Robert-Henri BAUTIER (ed.), *Recueil des actes de Louis II le Bègue, Louis III et Carloman II, rois de France (877–884)*, Paris 1978, no. 17, p. 51–55; Theo KÖLZER (ed.), *Die Urkunden Ludwigs des Frommen*, Wiesbaden 2016 (MGH Die Urkunden der Karolinger, 2), no. 1, p. 72–76.

29 For context, Geoffrey KOZIOL, *Politics of Memory* (as in n. 23), p. 294–296.

30 *Recueil des actes de Louis IV* (as in n. 4), no. 16, p. 40–42.

31 Flodoard of Rheims, *Les annales de Flodoard*, ed. Philippe LAUER, Paris 1905, s. a. 942, p. 83.

32 *Recueil des actes de Louis IV* (as in n. 4), nos 31, p. 74–76 (Mâcon), 33, p. 78–79 (Saint-Martin d'Autun), 35, p. 81–82 (Aquin).

33 Flodoard, *Annales* (as in n. 31), s. a. 951, p. 129–130.

34 Yves SASSIER, *Hugues Capet. Naissance d'une dynastie*, Paris 1987, p. 119.

35 The suggestion of Carlrichard BRÜHL, *Karolingische Miscellen III: Ein westfränkisches Reichsteilungsprojekt aus dem Jahre 953*, in: *Deutsches Archiv* 44 (1988), p. 385–389, that Louis tried to set up a Burgundian subkingdom for his youngest surviving son Charles would fit neatly into this context. However, the evidence Brühl adduces for his position is not strong enough to support it: see Eduard HLAWITSCHKA, *Der Übergang von der fränkischen zur deutschen Geschichte. Ein Abwägen von Kriterien*, in: *Zeitschrift für bayerische Landesgeschichte* 59 (1996), p. 392–394; echoed by Brigitte KASTEN, *Königssöhne und Königsherrschaft. Untersuchungen zur Teilhabe*

existing *status quo*, but the existing alliances and power structures were maintained³⁶. (After Louis' death in 954, Gilbert would turn firmly towards Hugh the Great; but there is no evidence of this before 954.) Bishop Hildebod of Chalon had ties to some recipients of surviving royal diplomas during this time – Aquin gave the land mentioned in Louis' precept to the Burgundian abbey of Cluny, in a charter referring to Louis' diploma and witnessed by Bishop Hildebod³⁷. Hildebod was also a key player in the reform of Saint-Martin d'Autun mentioned above. The bishop receiving his own royal diploma at about this time is therefore a reasonable possibility. However, there is no concrete reason to choose either the 940s or the 950s over the other; both are reasonable options.

Conclusion

Whatever the precise circumstances, it seems almost certain that Louis IV did issue an act for a southern Burgundian institution, very probably for Chalon cathedral, which no longer survives even as a mention. If so, then this has a number of implications, which we can run through briefly. First, this lost diploma reinforces a maxim which is well-known and accepted by most historians, but which bears repeating: the surviving diploma record is by its nature good at showing which people and places did have ties with kingship; but its silences are not always a very good guide to which people and places did not. The importance of Louis' ties with southern Burgundy have tended not to receive as much attention in historiography as they are due in comparison with the royal heartlands in the kingdom's north-east (such as Laon, Rheims, and Compiègne), in no small part because fewer diplomas for Burgundian recipients have been preserved. The discovery of this act's existence does something to redress the balance. It can be added to our other diplomatic and narrative evidence to support the case that southern Burgundy contained important royal allies and was in quite close contact with kingship during Louis' reign.

Second, it suggests something of the problems and possibilities for the use of textual comparison as a method to discover lost diplomas. Until now, Louis' diploma was completely lost without trace. Comparing the *formulae* used in a later act has allowed us to recover its traces. This method has some potential for expansion. However, we have also seen the limitations of such a method. Diplomas of Louis written by his notary Odilo, as we have noted, are, similar to one another and yet recognisably distinct amidst the Frankish diplomatic tradition as a whole. Similar groups of texts within that tradition are less common. This is important, because a move in either direction makes this method much less useful. If a hypothetical lost diploma were to have repeated a preceding act entirely, it would be invisible. For instance, an act of Robert the Pious for the abbey of Saint-Serge in Angers takes some of its *formulae* from a ninth-century act of Charles the Bald (although Robert's act mentions no earlier precepts)³⁸. If (for the sake of argument) Charles the Simple – who had some contact, at least, with Saint-

am Reich in der Merowinger- und Karolingerzeit, Hannover 1997 (MGH Schriften, 44), p. 491, n. 219.

36 Recueil des actes de Robert I^{er} et Raoul (as in n. 13), no. 24, p. 101–102, refers to a visit by King Ralph († 936) to Dijon after the death of Hugh the Black with Robert of Troyes, Gilbert of Burgundy and Viscount Robert of Dijon. The two Roberts not being attested earlier than the 940s, the most likely solution is that the name of the king has been mixed up and the visitor was Louis instead of Ralph.

37 Auguste BERNARD, Alexandre BRUEL (ed.), Recueil des chartes de l'abbaye de Cluny (6 vols), Paris 1876–1904, vol. 1, no. 721, p. 673–675.

38 Yves CHAUVIN (ed.), Premier et second livres des cartulaires de l'abbaye Saint-Serge et Saint-Bach d'Angers (XI^e–XII^e siècles) (2 vols), Angers 1997, vol. 1, no. 17, p. 25–27; Recueil des actes de Charles le Chauve (as in n. 5), vol. 1, no. 106, p. 282–284.

Serge – had issued a diploma for the monastery which simply repeated Charles the Bald’s act in the same way, we would now have no way to detect it, because we would have no reason to suspect that Robert’s text was not simply taken from the act of Charles the Bald³⁹. On the other side, if the *formulae* of a hypothetical lost diploma were to be distinctive, they would be untraceable because there would be no point of comparison. For example, the *arenga* of Charles the Bald’s 877 act founding the abbey of Saint-Corneille at Compiègne was reused in a diploma of 903 issued by Charles the Simple in favour of Saint-Germain-des-Prés⁴⁰. If, for whatever reason, the former diploma had not survived down to present times, we would not be able to infer its existence from the latter. This is for several reasons, but on a purely textual level, the 877 *arenga* is too dissimilar to other acts of Charles the Bald to place it into a series as we have done with our lost act of Louis. Consequently, this works best as a method for detecting diplomas which can be reliably placed within a distinctive group, and there are not as many of these as we might like. Louis IV has a couple; the reign of Carloman II also has some acts which form a recognisable set⁴¹. There may well be others, but this will be a task for further investigation. Nonetheless, detecting diplomas which are no longer extant via textual comparison, even if only a few are found, would be a valuable contribution to scholarship. The study of late- and post-Carolingian history often rests on fragments. A few more, however small they are, could have important consequences for our understanding of the period.

39 Cartulaires de Saint-Serge et Saint-Bach (as in n. 38), no. 14, p. 18–19.

40 As noted by Josiane BARBIER, Laurent MORELLE, De la séduction des actes aberrants: autour du dernier diplôme de Charles le Simple (Compiègne, 29 juillet 923), in: Laurent JÉGOU, Sylvie JOYE, Thomas LIENHARD, Jens SCHNEIDER (ed.), Faire lien: aristocratie, réseaux et échanges compétitifs. Mélanges en l’honneur de Régine le Jan, Paris 2015 (Histoire ancienne et médiévale), p. 330–331; see Recueil des actes de Charles le Simple (as in n. 26), no. 4, p. 96 (= Arengenverzeichnis [as in n. 9], no. 1908, p. 325); Recueil des actes de Charles le Chauve (as in n. 5), vol. 2, no. 425, p. 451.

41 Those whose *arengae* begin *si utilitatibus locorum*: for references see BAUTIER in the introduction to Recueil des actes de Louis II le Bègue, Louis III et Carloman II (as in n. 28), p. xciii.