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Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840-987)*. Utrecht Studies in Medieval Literacy 19. Turnhout, Belgium: Brepols, 2012. xix + 661 pp. Map, figures, notes, bibliography, and index. \$145.00 U.S (cl.); 100.00 €. ISBN 978-2-503-53595-1.

Response by Geoffrey Koziol, University of California, Berkeley

Knowing that *The Politics of Memory and Identity* would be controversial, I worried about its reception, particularly by specialists in diplomatics and prosopography, whom I admire all the more because I lack their training and talents. I worried that they would simply dismiss my arguments as wrong-headed and damn my technical analyses as inept. So for the book to have received two such detailed and favorable evaluations in an *H-France Forum* is immensely gratifying. I am especially grateful to Hans Hummer, who has written such an accurate exposition of my often complex arguments. He has understood exactly what I was trying to do in each chapter and in the book as a whole. Brigitte Bedos-Rezak was, quite honestly, one of the readers I often had in my mind as I wrote. An expert diplomatist who is also deeply philosophically engaged, she has produced a review that raises exactly the right challenges. Connie Bouchard's review is much less favorable, yet it will give readers useful points of departure for making their own judgments. Readers of this forum should also know how important Bouchard's own work was to me, from her editions of cartularies to her articles on the Bosonids and the three Bernards. At least twice, her responses to my inquiries helped me decide difficult questions.[1]

In any case, these are three very different reviews, with little in common save an acknowledgment that my book is complicated, so let me begin with that. One reason it took so many years to begin writing *The Politics of Memory and Identity* is that I tried so hard *not* to write such a complicated book. In particular, I tried to do exactly what Bouchard suggests: to write two shorter books instead of one long one. I also tried to write a series of articles in which I could "offload" the most complex argumentation, making it possible to write a shorter, more streamlined book. Neither alternative worked. The two books were too similar in argument and evidence to keep distinct; the articles were too condensed to be comprehensible or convincing. The only solution was to write one long, complicated book.

I did try to present my arguments and expositions tightly and coherently. Hummer's careful account is a very good guide to my intentions. Yet even I must admit that long, detailed analyses repeatedly interrupt the flow of the arguments and narratives, making them hard to follow. But the details are essential to the analysis. The reasons go to the heart of Bedos-Rezak's immensely thoughtful review. She is absolutely correct that accepting or criticizing *The Politics of Memory* requires implicit or explicit assumptions about epistemology. She is not, however, entirely correct in claiming that J. L. Austin holds that "utterances have no truth value since they do not describe the world but act upon it." Austin is simply uninterested in utterances that have truth value (more precisely, that are falsifiable). He is interested only in those kinds of utterances that do not describe the world but act upon it. Such "performative" utterances have been particularly intriguing to philosophers of language because they acutely illustrate the central problem of the philosophy of mind (which is to say, one of the fundamental problems of epistemology): how do we know the mind of another?[2] If Lord Grantham of *Downton Abbey* remarks in the presence of Carson the butler, "My, it's drafty in here," how does Carson know that Lord Grantham is not making a statement about the air circulation in the library but is politely ordering him to close the window? Nothing in the utterance's syntax or semantics conveys this meaning. The answer must be bound up with context, where that context is not only situational but also social, economic, cultural, and relational—a total context, to adapt Marcel Mauss, fixing the interpretation of a

single utterance.[3] The answer must also assume that one person can, in practice, accurately interpret the mind of another by correctly interpreting the context of an utterance.

All performative analyses, whether of utterances or actions, therefore hinge upon context.[4] This is why there is so much detail in *The Politics of Memory*. The detail establishes the contextualizations that alone allow us to infer the performative meaning(s) of diplomas. And it is indeed a question of plural "contextualizations." As Bedos-Rezak says, the context must be multi-temporal: it involves not only the circumstances contemporary to a diploma's issuance but also past events relevant to the actors, their perceptions of the past, and their different expectations for the future. The context is therefore also multi-perspectival, since every actor will see the event differently, bringing to it different present goals and different perspectives on the relevant past and desired futures. Finally, the relevant context must include the codes (what Gerd Althoff calls "the rules of the game") that allow certain kinds of actions and speech-acts to convey meanings distinctive to the society and to different social groups within it, those codes changing significantly even across a community's medium-term history.[5]

In understanding the performative aspects of diplomas, this last layer of contextualization is supremely important. We do not really require Austin or Searle to justify interpreting diplomas as performative acts. We only need to recognize that performativity permeated the society in which charters were used. Disputed legal status, changes in legal status, conveyances of legal rights, treaties, positions of favor and disfavor, and so forth were almost always established through performative acts—that is, public actions that acted out claims, judgments, transferences, and changes in rank and relationship. To show that he had a claim to a stand of woods, a lord sent his agents into those woods to publicly cut down timber. To show that this lord's claim was illegitimate, his opponent sent his own agents to publicly resist them. To show that he accepted his servitude, an individual appeared publicly before his master with a rope around his neck, the tag end a leash which his master might hold. To show that land had been transferred to a church, a conveyer publicly placed on the church's altar a charter stating the conveyance or a *festuca* representing the land. To show that they would support a conveyance in case of future dispute, subscribers physically and publicly touched the charter that accompanied the conveyance. Such *performances* created *performatives* by which all parties publicly acted out their acceptance of a state of affairs. Having seen and heard the performative act, its witnesses could later state, in case of a challenge, that an individual had acted as the serf of a lord; that a parcel of land had actually been properly conveyed to a church; that a lord had never in practice enjoyed unchallenged use of a woods. Showing how diplomas participated in a social practice of performativity is the point of *The Politics of Memory*. It is especially the point of those discussions in chapter seven which Bouchard regards as "digressions."

Having stated these principles, I can respond to some of the other issues the reviewers raise. The most important may be Bedos-Rezak's question: how does one know whether a suggested interpretation of a performative act in the past is correct? There is no way to know for certain; one can only judge some interpretations as better than others.[6] I also think that in making such judgments, early medieval historians underrate explicit inductive reasoning, while tending to prefer deduction. That is, forced to choose between different interpretations, the best is that which most simply explains the most issues, especially the most puzzling issues (since failures in our models can usually be identified by what those models do not cover, and what models do not cover is often revealed by what appears puzzling to us). If another historian attacks my interpretation on the grounds that I have not considered one or more important issues, I am willing to reconsider. If someone produces an interpretation that more simply explains all the relevant details, I am willing to reconsider. But I believe that my interpretations make a great deal of inductive sense of many aspects of diplomas that past accounts do not explain well (for example, the performative elements of their formulas, striking variations in their frequency during reigns, and equally striking preferences among beneficiaries). Most important of all, a performative analysis explains the most puzzling diplomas, including some of those Bouchard mentions: Boso's

bizarre pseudo-diploma of 879, the unique language of Acfred's foundation charter for Sauxillanges, and the overreaching of the Le Mans Forgeries.[7]

Bedos-Rezak suggests that my "practice of textual analysis leads [me] to see diplomatic discourse as indexing a pre-discursive intentional self and thus to infer the psychological state of mind of King Charles the Simple." However, I would never use the word "index" (assuming that she is using the word in its technical Peircean sense, as she does in her own work).[8] The whole point of "speech acts"—what makes them philosophically intriguing and socially powerful—is that they cannot be "indexed" at all, for speech acts/performatives are not signs that, by definition, are attached to a single clearly recognizable meaning. I also do not believe that there is any such thing as a "pre-discursive intentional self," not in the present and not in the ninth and tenth centuries. On the contrary, I hope I demonstrate that Robert of Neustria's and Charles the Simple's sense of self was very much discursively constructed. For Charles's sense of his own identity was, I argue, shaped by his knowledge of past diplomas (and capitularies, genealogies, and histories). And Robert's was shaped by what he knew of his father's and brother's actions against Bretons and Vikings and their disagreements with the Breton/Viking policies of Charles the Bald and Charles the Fat. On the other hand, I do firmly believe that there is a discursively inflected intentional self and, accordingly, that it is possible "to infer the psychological state of mind" of Charles the Simple. Of course, how one does this depends upon the interpretation of context and, ultimately, upon the validity of one's inductive reconstruction of circumstances and intentions.

Bedos-Rezak seems to appreciate my attention to context; but she worries that my readings of context are so "slippery" that I am able to oscillate between different accounts of individual diplomas according to my particular needs. I do not deny the charge, because to me it points to a strength, not a weakness. This does not mean that I condemn her call for "a careful elucidation of those ideologies that govern the use of language." Quite the contrary, I could not state more clearly the very purpose of my first book, *Begging Pardon and Favor* (1992). And I admire her efforts to accomplish this purpose in *When Ego Was Imago* (2011). Yet that cannot be our only goal, for it gives us no ground for imagining even the *possibility* of ninth- and tenth-century individuality. It also ignores the variability and wondrous creativity of human language and practice. In contrast, if the great benefit of speech-act theory is its awareness of how much meaning depends upon context, then the very same utterance or action not only can but must bear quite different interpretations in different contexts. No "careful elucidation of those ideologies that govern the use of language" can account for such different meanings. High-status epithets assigned to Robert of Neustria in Charles the Simple's diplomas could have had quite different meanings in different contexts, depending on whether formal relations between the two leaders were good (903), strained (911), or poor (918). In any case, I do not claim that we should take the epithets given Robert of Neustria in an act of Charles the Simple from 918 "as evidence of their good relations and mutual trust," nor do I state that one should take Charles's epithets for his wife Frederuna (*carissima, dilectissima*) as evidence of deep affection. In both passages I state the opposite: although we might *want* to take such epithets at face value, we cannot; rather, we must always evaluate them in context. Thus, Robert's high-honor epithets in a diploma of 918 must be evaluated in terms of the evidence for Robert's nearly contemporary alliance with Raoul of Burgundy against Charles and Charles's increasingly assertive interference in lay abbacies like those that were the core of Robert's power.

The need for precise contextualization is also demonstrated by Hummer's question: in calling attention to the importance West Frankish aristocrats attributed to consensus, how do I know that this was any different from East Frankish expectations? Hummer here cites the reign of Henry I the Fowler as a well-known example for the importance of consensus in East Frankish politics. He might also have cited recent studies by Eric Goldberg and Roman Deutinger on Louis the German's realm.[9] However, specialists in Ottonian and Salian history also emphasize that because Henry I was the first non-Carolingian East Frankish king, such expressions of consensus were especially important during

his reign, and that under later Saxon kings and especially under the Salians such expressions were far less pronounced. Furthermore, if one compares specialized studies of East Frankish and West Frankish kingship and political communities (few scholars knowing both sufficiently well to generalize), one cannot help but notice that expressions of consensus in West Frankish texts are far more frequent, far more detailed, and far more demanding of kings than any East Frankish equivalents.<sup>[10]</sup> Consistent with this observation, it is also worth pointing out that praise and criticism of kings in the West Frankish kingdom are invariably articulated in terms of the need of rulers to accept counsel and rule by consensus. Rebellions and criticisms of kings in the East Frankish kingdom and the later empire are articulated in terms of a king's failure to do justice to the rights of magnates and kinsmen. So consensus was a more charged political value in the West Frankish political community than in the East Frankish one.

Finally, Bedos-Rezak observes that I never state the principles by which I selected which diplomas to discuss and which to omit from my discussion. I should have done so and am happy to do so here. Briefly, I made entries for every diploma issued between 888 and 986. For each of these diplomas, I then began to search primary and secondary sources for as much contextualizing information as possible. For some diplomas (and what was especially interesting, for some clusters of diplomas), it turned out we have a great deal of information. For others, we have almost nothing. For the latter, we sometimes have little contextualizing information about any given act but a very significant number of acts for the same house (Saint-Denis, Saint-Martin of Tours, and Saint-Corneille of Compiègne, for example). The number, intertextuality, and timing of such diplomas themselves became issues demanding explanation and further research. On the basis of this preliminary work, certain patterns of use became evident: those I call accession acts, succession acts, and alliance acts. Having established these patterns, I then examined the acts of all West Frankish kings prior to 888 for confirmation or disconfirmation of the patterns. I also examined the Lotharingian and Burgundian acts of East Frankish and Middle Kingdom rulers. I decided not to do close analyses of the acts of Louis the Stammerer (save where relevant to my arguments), because their politics were extraordinarily complex and their uses seemed transitional. I decided not to discuss the acts of Louis III and Carloman in detail (again save where relevant to my arguments), because a comparison of them to Odo's acts indicated that the latter were more important to subsequent developments. I did perform a detailed analysis of Charles the Bald's acts. On the basis of this analysis I found certain later patterns strongly confirmed (e.g., accession acts and succession acts). I found others entirely absent (e.g., alliance acts, save, very significantly, for the Breton leader Erispoë in 856). I also found patterns that seemed distinctive to Charles's reign, which turned out to be linked to important moments and programs in his reign. Those patterns are discussed in *The Politics of Memory*. As for acts issued between 888 and 986, I chose to discuss those acts that best documented the various demonstrable uses of diplomas and their continuities and discontinuities. In effect, I chose to focus on those diplomas about which I could make convincing contextual arguments.

Having offered this background, I must try to meet the implicit gravamen of Bedos-Rezak's comment: is it possible that the diplomas I do not discuss would seriously modify my argument? For example, what about the thirteen diplomas issued by Louis IV between 936 and 941 that I do not discuss? In fact, I do discuss four of them.<sup>[11]</sup> A fifth is a hypothesized diploma that may never have existed; in any case, it cannot be dated closely enough to permit judgments about its context. Two diplomas are for the Spanish March, and as I twice state in the book, such acts do not fully conform to West Frankish practice. This leaves six diplomas of possible relevance that I do not discuss, because my initial forays told me that useful conclusions would not follow from additional research. The diploma Bedos-Rezak specifically cites is an excellent example of the problem.<sup>[12]</sup> We do not know which Count Hugh was the petitioner (and there are other possibilities besides Hugh the Black and Hugh the Great), nor do we know who Adalard and his wife Addila were. To my knowledge, the abbey at issue do not appear earlier or later in ways that might allow us to determine their affinities in 939-940. In other words, I said nothing about this diploma because I could say nothing about it. One might then argue that this

and some other diplomas that I do not discuss had no performative aspects to them. I accept that possibility. Indeed, my insistence that people constantly and creatively adapt social practices demands other possibilities; two recent analyses of Fleury's diplomas provide superb examples.[13] However, I also believe that *The Politics of Memory* demonstrates that in every case for which we have sufficient contextualizing information, diplomas were used performatively. It is therefore likely that Louis IV's act for Count Hugh also had performative elements; we simply lack the information needed to recover them. Certainly the absence of evidence does not allow us to assert that this diploma's issuance must have conformed to purely pragmatic administrative ends.

## NOTES

[1] Constance Brittain Bouchard, *Sword, Miter, and Cloister: Nobility and the Church in Burgundy, 980-1198* (Ithaca, N.Y.: Cornell University Press, 1987); *eadem*, "Those of My Blood": *Constructing Noble Families in Medieval Francia* (Philadelphia: University of Pennsylvania Press, 2001); *eadem*, ed., *The Cartulary of Flavigny, 717-1113* (Cambridge, Mass.: Medieval Academy of America, 1991); *eadem*, ed., *The Cartulary of Montier-en-Der, 666-1129* (Toronto: University of Toronto Press, 2004); and *eadem*, ed., *The Cartulary of St.-Marcel-lès-Chalon, 779-1126* (Cambridge, Mass.: Medieval Academy of America, 1998).

[2] J. L. Austin, *How to Do Things with Words* (Cambridge, Mass.: Harvard University Press, 1962); and John R. Searle, "Indirect Speech Acts," in *Expression and Meaning: Studies in the Theory of Speech Acts* (Cambridge: Cambridge University Press, 1979), 30-57.

[3] Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, trans. Ian Cunnison (London: Cohen and West, 1966), 76-77.

[4] Martin Jay, "Intention and Irony: The Missed Encounter between Hayden White and Quentin Skinner," *History and Theory* 52 (2013): 32-48.

[5] Gerd Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt: Deutsche Verlags-Anstalt, 1997), noting especially his account of the way early Ottonian codes differed from late Carolingian codes and early Ottonian from late Ottonian and Salian.

[6] Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton, N.J.: Princeton University Press, 1979); and *idem*, *Objectivity, Relativism, and Truth* (Cambridge: Cambridge University Press, 1991).

[7] In these three cases and in some others, Bouchard dismisses my analyses without engaging my arguments or stating them accurately. I do not claim that Le Mans was located in Brittany (it was not). I claim that Charles the Bald's reorganization of the Breton March in 856 left Le Mans as one of two centers (with Angers) that surveilled the Bretons and Vikings and led Charles to allow the secularization of the holdings of Saint-Calais at the expense of the bishops of Le Mans. And that decision had everything to do with the Le Mans Forgeries. I do not say that Boso's extant 879 act was written by his enemies but by his former allies when they made their submissions to his enemies. Which reigning ruler is mentioned in a charter's dating clause and which is omitted have long been recognized as crucial indicators of political allegiance: see Heinrich Fichtenau, "Politische Datierungen des frühen Mittelalters," in *Beiträge zur Mediävistik: Ausgewählte Aufsätze*, 3 vols. (Stuttgart: Hiersemann, 1975-86), 3:186-285; Jean Dufour, *Recueil des actes de Robert I<sup>r</sup> et de Raoul, rois de France (922-936)* (Paris: Imprimerie nationale, 1978), cv-cxxii. I do not say that the Robertians had tried to unseat the Carolingians "from the ninth century onward." Rather, I say that this seems to be the perspective of the *Historia Francorum Senonensis*. I did examine Pippin II's diploma for Solignac in

Limoges (AD Haute-Vienne). I cited Léon Levillain's edition because I learned nothing new from the original and I could not improve on his analysis of the act.

[8] Brigitte Bedos-Rezak, *When Ego Was Imago: Signs of Identity in the Middle Ages* (Leiden: Brill, 2011), 62-64.

[9] Eric Goldberg, *Struggle for Empire: Kingship and Conflict under Louis the German, 817-876* (Ithaca, N.Y.: Cornell University Press, 2006); and R. Deutinger, *Königsherrschaft im ostfränkischen Reich: Eine pragmatische Verfassungsgeschichte der späten Karolingerzeit* (Ostfildern: Jan Thorbecke Verlag, 2006).

[10] E. Magnou-Nortier, *Foi et fidélité: Recherches sur l'évolution des liens personnels chez les Francs du VII<sup>e</sup> au IX<sup>e</sup> siècle* (Toulouse: Association des publications de l'Université de Toulouse-Le Mirail, 1976); and Olivier Guillot and Yves Sassier, *Pouvoirs et institutions dans la France médiévale: des origines à l'époque féodale*, 3 ed., 2 vols. (Paris: A. Colin, 1999).

[11] Philippe Lauer, ed., *Recueil des actes de Louis IV, roi de France (936-954)* (Paris: Imprimerie nationale, 1914), nos. 4, 13, 14, 16; and Koziol, *The Politics of Memory*, 549, 258-259, 295.

[12] Lauer, ed., *Recueil des actes de Louis IV*, no. 12.

[13] Laurent Morelle, "Que peut-on savoir du temporel de Fleury à l'époque d'Abbon?" in *Abbon, un abbé de l'an mil*, ed. A. Dufour and G. Labory (Turnhout: Brepols, 2008), 101-150; and Olivier Guyotjeannin, "Diplôme de Hugues Capet pour l'abbaye de Fleury (Paris, 993)," in *Autour de Gerbert d'Aurillac, le pape de l'an mil*, ed. Olivier Guyotjeannin and Emmanuel Poulle (Paris: École des Chartes, 1996), 110-118.

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