

Ne memoria nostri pereat

— Rhetoric and Preoccupation with Oblivion in a King's Last Will

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Introduction¹

In the year 1285, King Magnus² Birgersson of Sweden made his will,³ a document of some four modern quarto pages in length, famous among Swedish historians for its detailed instructions concerning the King's property and its disposal after his death. At first sight it offers the Latinist few prospects of literary enjoyment, as its main parts deal only with property matters. It is furthermore written in a technical language, intermingled with a few Swedish place names, as well as a couple of vernacular words that define concepts or objects for which no adequate Latin word offered itself.⁴ On the other hand, the King himself, who reigned in a period which is considered to be one of the more important ones in Swedish history,⁵ enjoyed considerable intellectual powers and a liberal education.⁶ This should warn us against forming too hasty a judgement on the possible literary qualities of his last will and testament.

The purpose of this paper is to demonstrate that, hidden behind the apparently arid woodpile of legal phrasing, there blooms a minor garden of literary flowers planted with a surprising variety and grace.

Organisation of a Medieval Will

The will is organised according to the precepts of a medieval diploma⁷ where the short, conventional **protocol** contains an *invocatio*, a *devotio*, an *intitulatio*, an *inscriptio* and

¹ This paper was first published in the Festschrift to Professor Tore Janson: Aili, H. & af Trampe, P., *Tongues and Texts Unlimited*, Studies in Honour of Tore Janson on the Occasion of his Sixtieth Birthday. Stockholm: Institutionen för klassiska språk 2000. Before printing the paper was discussed at the Stockholm Latin Seminar (chairman Professor Jan Öberg), whose members gave me numerous, most valuable comments, which I have gratefully incorporated in the text. Professor Eva Odelman of *Riksarkivet*, Stockholm, kindly saved me from committing a trio of errors. Professor Christina S. Kraus, Yale University (ex-Oriel College, Oxford), graciously read and learnedly commented both on my discussion and my English. Remaining errors are, needless to say, entirely my own.

² Reigned 1275-1290. He is generally known in Swedish history as Magnus Ladulås.

³ Printed in *Diplomatarium Suecanum (DS)*, No. 802 (Vol. I, 1829, 655-659).

⁴ See the two Old Swedish words given in the text (Appendix §9f.): *sænkth* "brocade", which actually summarises and qualifies the Latin phrase *casulam aurifrigiatam factam opere plumario* "a brocade chasuble manufactured from material stitched with gold" (see also *GMLS* s.v. *plumarius*); and *blyald*, a word of obscure origins which apparently denotes a precious kind of silk cloth inlaid with gold (cf. *KL* 21, 126 s.v. *bliald*; in OFr the word is spelled *bliant*, in OHG *blialt*). The technique of using a vernacular word, whenever the Latin vocabulary was not precise enough, is not unique to Swedish documents: cf. Larson (1996) whose excellent thesis is a dictionary of vernacular words found in Latin documents from Tuscany.

⁵ Cf. Schück, 1982, 654, with further references.

⁶ Cf. Schück, 1982, 647f.

⁷ My division is based on the document itself, but in the main accords with Guyotjeannin *et al.* (1993:72ff.)

a *salutatio* in close succession;⁸ then follows, almost as a separate entity, an **arenga**⁹ lamenting the shortness of man's life and the necessity of his preparing for life's end by pious deeds; this general statement is resumed on the personal level in the first part of the **context**, namely in the *narratio*, where the King gives his reasons for making a will. Hereafter follows the *dispositio*,¹⁰ being the main part of the document. This is written in longish and rather unstructured periods. It gives the King's instructions as to his funeral and his property, including detailed instructions as to how his donations were to be paid for by the sale of land; the recipients are his family and friends and the Church: the latter is charged in return with the task of reading Masses for the King's soul. In the **eschatocol**, a *corroboratio*, in its phrasing similar to a conventional *arenga* and lamenting the fickleness of human memory,¹¹ precedes the *sigillatio* and the names and ranks of those confirming with their seals the validity of this testament. The will is concluded by the King's thanking all his subjects for their services and requesting all men of the realm, and in particular all men of the Church, to remain faithful to his widowed Queen and orphaned children and to offer regular prayers for his soul. The document is sealed and dated in St. Peter's Cathedral, in the diocesan capital of Skara in western Sweden, in the year 1285.¹²

Passages to Be Discussed

In the following discussion we will concentrate on rhetorical devices present in the three least technical parts: those which lent themselves more readily to literary embellishment, namely 1. the *arenga*, 2. the *eschatocol*, and 3. the concluding *request*, and we shall mainly leave the *dispositio* outside the discussion.

The text has so far only been printed in the *Diplomatarium Suecanum*, a work not very easily accessible to readers outside Scandinavia, and I have therefore prepared a new edition of the full text, printed in the Appendix.¹³

The present discussion will focus on the rhetorical elements contained in three key passages; they are printed below in a graphical arrangement, designed to make the rhetorical structure stand out in a way not possible to achieve in a conventional edition.¹⁴ As a further aid to the reader, I also give an English translation: my ambition is not to render Latin elegance by an English equivalent, but rather to help readers without full command of Latin to perceive the elegance of the original constructions.

1:2-5 Cum

primorum parentum preuaricacione promerente

⁸ Cf. Appendix, paragraph 1.

⁹ Cf. Appendix, paragraphs 2-4.

¹⁰ Cf. Appendix, paragraphs 6-29.

¹¹ Cf. Ljungfors (1955:130ff) and Öberg (1974:14) for the history of this type of *corroboratio*.

¹² In the heading to this document, *DS* adds the date, the 22nd of February.

¹³ The text was in its entirety collated by myself against the original parchment charter, retained at the National Archives (*Riksarkivet*) in Stockholm. In my edition, abbreviations of Latin words are consistently resolved. The vernacular words (among which are reckoned all those that have not been given a Latin case ending) are always written out in full in the manuscript; hence, the vexed problem of how to resolve their abbreviated forms does not arise, but to mark their un-Latin character I have printed them in *italics*. I have marked the *cursus* by adding accents to the words of the sentence endings. The orthography of the original is retained, while the punctuation and usage of capital letters has been modernised; finally, the text has been divided into numbered paragraphs.

¹⁴ This representation follows very simple principles: the main clause (or its various members, separated by intervening subordinate clauses) begins extreme left; the main subordinate clauses and participial constructions begin one step in; secondary subordinate clauses and constructions begin one step further in; parallel members are arranged roughly underneath each other. For the sake of structural clarity, the *accusativus cum infinitivo* has been treated on a par with the subordinate clauses, although this practice tends to obscure the syntax. Minor punctuation is only given to separate subordinate clauses that belong to different verbs. The paragraph numbers of the full text (cf. Appendix) are given collectively, in the head of each sections.

que iusto Dei iudicio transiuit ad posteros
 sit humanum genus
 non solum multiplicibus subiectum penalitatibus et erumpnis
 verum etiam moriendi necessitati ineuitabiliter addictum
 sitque humana vita ventus et
 vapor ad modicum parens
 exitus ignara penitus et incerta
 simusque nichilominus
 post discursum huius vite
 ante tribunal supremi Iudicis recepturi
 prout in corpore gessimus siue bonum siue malum
 nam quecumque seminauerit homo
 hec et metet,
 consultum et expediens fore
 non ambigitur
 condicionem status vigilanter aduertere
 diem resolutionis mentis oculis crebrius anteponere
 elemosinis peccata redimere et
 equissimi Iudicis faciem
 caute congruis rationibus
 hoc est placatiuis pietatis opéribus
 preuenire.
 Nos igitur
 Dei gracia preuenti et
 afflati inspiracione Altissimi
 super discriminatum et instabilem statum vite momentanee
 mentales oculos attollentes
 extremumque diem, incertum penitus, preuenire cupientes
 dignum duximus
 amore eterne hereditatis accensi
 pro celestibus terrena
 pro eternis temporalia
 pro incorruptibilibus commutare caduca
 et in hunc modum
 preuia deliberacione diligenti et debita
 nostrum cóndere testaméntum.

Whereas, owing to our first parents' transgression, which has passed to their posterity by God's righteous judgement, Mankind is not only subjected to manifold sufferings and troubles, but is also inevitably and by necessity doomed to Death; and whereas human life is wind and vapour visible but for little while, utterly ignorant and uncertain of its end; and whereas we are nonetheless, after this life has run to its end, doomed to receive, before the seat of the Supreme Judge, according to what we have committed bodily, whether it be good or bad — for whatever man has sown he shall also reap —: it will undoubtedly be advisable and expedient for us, vigilantly to heed the condition of our state, often hold the day of release before our mental eyes, atone for our sins with alms, and cautiously anticipate the face of our righteous Judge with fitting plans — that is with acceptable works of piety.

We therefore, helped by the grace of God and touched by the inspiring breath of the Highest, lifting the eyes of Our mind above the dangers and fickleness of Our short life and desirous to anticipate Our final day (utterly unknown to us), consider it fitting, fired as We are by love for Our eternal heritance, to exchange earthly things for heavenly, temporal for eternal, perishable for indestructible, and, after due and diligent deliberation, to express Our last will in the following manner.

2:30 Sed quia facta mortalium obliuionis iacturam senciunt

nisi munimentis litterarum alligentur et
 earum adminiculo ab obliuionis interitu defendantur,
 idcirco presentem seriem
 sigillo nostro
 dilecte vxoris nostre
 dilectique ffratris nostri domini B. ducis Finlandie necnon et
 venerabilium patrum
 domini archiepiscopi Vpsalensis ac
 ceterorum, suffraganeorum regni nostri
 communire decreuimus
 vt sic scrupulum dubitacionis cuiuscumque
 que suboriri possit in posterum
 explodat facíliter et
 compéscat.

But, inasmuch as the deeds of mortal Man will suffer loss through oblivion unless bound by the bulwark of letters and defended by their help from oblivion's ruin, therefore it is Our decision to give force to the words of the present writing by means of Our own Seal, by means of that of Our beloved wife, by means of that of Our beloved brother, Lord B., Duke of Finland, as well as by means of those of Our venerable fathers, his Lordship the Archbishop of Uppsala and other bishops, suffragans of Our realm, in order that Our testament shall thus easily reject and suppress the pricking of any kind of doubt that might arise in the future.

3:31-34 Ceterum

ne de receptis curialitatibus
 laboribus et
 seruiciis
 iudicemur immemores aut ingrati
 omnibus regni nostri episcopis
 clericis
 nobilibus
 militibus
 armigeris ac
 famulis vniuersis
 de recepto fauore et fideli seruicio
 ex intimo corde graciaram referimus acciones
 monentes instancius
 affectuosiusque rogantes
 quatinus hoc idem fidelitatis et obsequij vinculum
 erga dilectam vxorem nostram et prolem
 singuli velitis in posterum firmiter et inuiolabiliter obseruare.

Insuper
 quia mortuorum memoria
 vt plurimum
 surrepentibus seculi curis et sollicitudinibus
 a mentibus solet elabi superstitum
 magisque pium et meritorium esse dinoscitur
 tunc cuique sollicitis subuenire suffragiis
 quando ipse sibi est omnino impotens et
 extra statum meriti vel demeriti constitutus

idcirco
 ne memoria nostri
 simul cum sonitu campanarum
 pereat
 sed in piis fidelium desideriiis vigeat et
 radicata remaneat

animam nostram sacris oracionibus omnium
 cuiuscumque sint etatis
 status
 condicionis
 religionis vel
 ordinis
 sub spe et amore mercedis eterne
 omni deuocionis affectu
 quo possumus
 humiliter recommendamus
 postulantes et
 petentes de gracia et munere speciali
 quod quilibet episcopus in sua dyocesi et
 ecclesia
 in memoriam nostri aliqua specialia suffragia
 dignetur et
 velit constituere anniversarij nostri término recurrénte.

We furthermore, in order not to be held forgetful or ungrateful concerning those courtesies, works or services We have received, transmit Our deepest, heartfelt gratitude to you all: bishops, clerks, noblemen, knights, squires and all servants of Our reign, for the favour and faithful services We have received from you, and We charge you urgently and lovingly request that you will in future one and all hold fast and unbroken this same band of fidelity and obedience towards Our beloved Wife and children.

Moreover, inasmuch as the memory of the Dead will usually slip out of mind among those who remain alive, when the cares and worries of the world steal upon them; and inasmuch as it is well known to be more pious and meritorious to succour someone with punctilious prayers than, when the Dead themselves are wholly powerless on their own behalf and placed outside the condition of merit or demerit; therefore, in order that Our memory may not fade with the tolling of the bells but may flourish and stay rooted thanks to the faithful prayers of the pious, We humbly, in the hope and love of eternal recompense and with all the zealous devotion We command, recommend Our soul to the holy prayers of all men, whatever their age, rank, condition, religious order or priestly state; and We request and entreat them of a special grace and gift, namely that every bishop will condescend and be willing to institute, in his diocese and cathedral, some special prayers to Our memory, on the set and recurring day of Our anniversary.

Analysis

The above passages clearly reveal that their composer was well versed in Latin rhetoric. They are richly embellished with the artifice of this genre, such as alliteration (*primorum parentum preuaricacione promerente; vita ventus et vapor; placatiuis pietatis operibus preuenire; surrepentibus seculi curis et sollicitudinibus; sollicitis subuenire suffragiis; fauore et fideli*), hyperbaton (*iusto Dei iudicio; multiplicibus subiectum penalitatibus et erumpnis; exitus ignara penitus et incerta; explodat faciliter et compescat*), tricolon with variation of the subject (*sit humanum genus ... addictum, sitque humana vita ... incerta, simusque nichilominus ... hec et metet*), pure chiasm (*monentes instancius - affectuosius rogantes*) as well as a chiasitic organisation of three genitives (*facta mortalium obliuionis iacturam senciunt nisi munimentis litterarum alligentur*), and a conscientious regard for the "Gesetz der wachsenden Glieder", in the above tricolon as well as in the infinitives of the main clause (*condicionem ... aduertere, diem ... antepone, elemosinis peccata ... redimere et equissimi iudicis faciem ... preuenire*).

All of this, as well as the consistent use of *cursus velox*¹⁵ in the five sentence endings, is a kind of literary embellishment that had probably been learnt and performed by rote: its expression required a great deal of initial instruction and subsequent training, and its presence enables us to assume that the author was a very competent alumnus of a good school or university, and thus a *rara avis* in the kingdom of Sweden of his time. But the probable source of all this elaboration was the precepts of an *ars dictaminis*, not necessarily independent thinking or taste.

The phraseology used reveals that the Latin translator had enjoyed a wide reading and possessed a capacity for using verbal treasures in a new environment. Thus, the metaphor on the "eyes of the mind"¹⁶ has a long history from ancient Greek and Rome, and was in frequent use among the writers of the Church. St. Augustine uses a number of the phrases found in King Magnus's will, notably, *moriendi necessitas*,¹⁷ *pro celestibus terrena*,¹⁸ and *scrupulum dubitacionis*;¹⁹ Bonaventura offers *status meriti vel demeriti*,²⁰ Caesarius of Arles has *recepturi ... prout ... gessimus siue bonum siue malum*,²¹ finally, *ab obliuionis interitu defendere* can be found in *Historia Compostellana*.²² Other phrases, as *dies resolucionis*,²³ *eterna hereditas*,²⁴ *merces eterna*,²⁵ and *primores parentes*²⁶ have been used by numerous Church Fathers. An obvious loan from the Bible is *que seminauerit homo, hec et metet*.²⁷ With the exception of the last-mentioned quotation, we cannot be sure by what way — directly or indirectly, from the Church Fathers enumerated — this phraseology reached the Latin composer of King Magnus's will. It is sufficient here to state that he moves with great ease in a world of traditional imagery, as his borrowed phraseology is competently adapted to its new *milieu*, without any awkward patches.

In the vocabulary, the numerous medievalisms²⁸ — including the very necessary words denoting the Church and its functions — reveal that the translator used the Latin language as a familiar tool, without any anachronistic concern for the purity of the ancient language. This observation is also valid for his syntax, which contains certain non-classical features: thus, in the place of an *ut finale*, we find *quod* or *quatinus* with the subjunctive (*rogantes quatinus ... velitis; postulantes et petentes ... quod*

¹⁵ *indiuidue trinitatis* (pp 4p), *filio Ihesu Christo* (pp 2 2), *operibus preuenire* (pp 4p), *condere testamentum* (pp 4p), *faciliter et compescat* (pp 1 3p), *demeriti constitutus* (pp 4p), *termino recurrente* (pp 4p) — the notation within brackets follows the convention introduced by Janson (1975). In the full text, printed in the Appendix, we find that the same pattern recurs before nearly every full stop (I have added accents in the appropriate places in order to facilitate reading): it is easier to point at the single exception to this rule, namely **26 monétam Skarensem** (*cursus planus*), than to enumerate all the instances of *cursus velox*.

¹⁶ For the classical origins of this metaphor, cf. Crusius, ch. 7,4 (I am most grateful to Mr. Lars Uebel of the Stockholm Latin seminar for this reference). It clearly caught the imagination of Christian authors: a search in the *CLCLT* gives some 200 hits on *mentis oculi* (*oculorum, oculos, oculis*), a considerable number of which stem from St. Augustine and Gregory the Great. The accepted form is *mentis oculi*; the alternative, *mentales oculi*, found in paragraph 5, is not to be found at all in *CLCLT* and only once in *PLD*. Whatever the origin of the latter form, it appears to have caught on: St. Birgitta uses it twice (*Reuelaciones*, lib. IV 52:17 *Oculi vero eius apparent in occipite, quia mentales oculos auertit*, and VI 45:R *Christus dicit matri, quod homines mentalibus oculis ceci possunt visum recuperare*). The form *mentis oculi*, on the other hand, appears to have made no impression on the Swedish saint.

¹⁷ Augustinus, *Contra Iulianum opus imperfectum*, PL 45, coll. 1398,6 and 1581,45.

¹⁸ Augustinus, *Epistulae*, 140,11.

¹⁹ Augustinus, *In Ioh. euangelium tractatus*, 36,4; *De civitate dei* 9,23; *De trinitate*, 1,11.

²⁰ Bonaventura, *Breuiiloquium*, 2,9.

²¹ Caesarius Arelatensis, *Sermones*, 58,1.

²² *Historia Compostellana*, 1,18.

²³ *CLCLT* gives some 50 hits, starting with Augustinus, *Conf.* 9,13.

²⁴ *CLCLT* gives 67 hits, starting with pseudo-Cyprianus, *Auctoris ignoti Aduersos Iudeos*, 5,20.

²⁵ *CLCLT* gives 23 hits, starting with Tertullianus, *De resurrectione mortuorum*, 40,39.

²⁶ *CLCLT* gives 24 hits, starting with Augustinus, *Serm.* 260C.

²⁷ *Gal.* 2,6,8.

²⁸ Cf. the nouns, *penalitas, elemosina, dux, suffraganeus, curialitas, episcopus, clericus, miles, armiger, suffragium, religio, ordo*.

quilibet episcopus ... dignetur et velit constituere).²⁹ *Quicumque* is permitted to take the subjunctive (*cuiuscumque sint etatis* etc.), which only occurs in exceptional instances in classical Latin.³⁰ Finally, *quisque* (*tunc cuique ... subuenire*) is used as a synonym of the indefinite *quis* "someone", a feature that can be observed even in late Latin.³¹ In both his vocabulary and his syntax the author is thus an unashamed child of his own era.

To a reader acquainted with the rolling periods achieved by Cicero and Livy, the periodical structure displayed above is not, perhaps, altogether remarkable — it would be a fairly easy matter to adduce much more advanced structuring in classical rhetoric. A reader of medieval Latin, on the other hand, will note that the author has managed to retain a firm syntactical grip on his periods: we look in vain for anacoluthon or catachresis! Most modern Latinists — at least those who have tried their hand at writing even a modest approximation of a Ciceronian period — will know how tenuous is the thread of grammatical congruence and how easily it will break at the slightest distraction of the mind. Hence, the mere fact that these periods — the wording of which may have been partly culled from good formularies — were successfully knitted together without errors of morphology or syntax is in itself a sign of a considerable degree of competence. We must keep in mind that this is a document from a period that marks only the beginning of the high middle ages, for in this respect Sweden lagged far behind the more advanced nations on the Continent and the British Isles.

The linguistic and stylistic competence of the author is well illustrated by the *arenga*, which starts off with a trio of causal clauses of growing length, the last one containing an elegant antithesis (*post ... ante*). They lead up to a main clause that governs an impersonal accusative with infinitive that in its turn governs three infinitives of increasing lengths. The thought expressed is that the sorry state of mankind, owing to the sins of Adam and Eve, can only be remedied by an awareness of our state of sin and by general penance. The second part of the *arenga* complements the first one by bringing the argument down to the individual level, more exactly to the state of the King himself, who is inspired by the grace of God into recognizing his predicament and exchanging his worldly goods into eternal treasure. A series of four participial clauses — the final one transposed to follow the main verb — express the situation; the main clause impersonally states the fact of the King's conclusion and two infinitives his resulting actions. In the latter part the exchange of things eternal for material goods is expressed in three, almost synonymous prepositional clauses, all strikingly antithetical (*pro celestibus terrena, pro eternis temporalia, pro incorruptilibus caduca*). Variation pervades the whole period, as the first part of the *arenga* contains an initial causal clause with three collective or impersonal subjects, explicit (*humanum genus, humana vita*) and implicit ("we of mankind") and an impersonal main predicate (*non ambigitur*). This is carefully echoed by four participles in the second part of the *arenga* (*preuenti, afflati, attollentes, cupientes*) where the subject and predicate of the main clause are entirely personal (*nos duximus*).

The *arenga*-like *corroboratio* is far shorter than the *arenga* proper and is much more businesslike in its language, assuring posterity that the document at hand does, indeed, represent the King's will, enumerating by name and rank the witnesses to this act,³² and identifying their seals. The formal words that confirm the validity of the document belong to the main clause and name those witnesses who have appended their seals to it. Two subordinate clauses, couched in a rhetorical form, offer on the one hand a reason, on the other hand a purpose for the act of sealing the will: the causal clause states with emphasis that oblivion is a danger to man's deeds, as they suffer the risk of disappearing out of mind unless they are expressed in writing; the final clause states

²⁹ Szantyr pp. 582 and 656

³⁰ Szantyr p. 562.

³¹ Szantyr p. 199.

³² As Öberg (1974:19) points out concerning an earlier charter, the witnesses need not have been physically present to witness the King's making and formulating his will.

that the purpose of the seals is to obviate the risk of future dispute.³³ The literary elegance of this rather short period is not to be doubted, as the all-important main clause, containing the nucleus of the formal message, is flanked by the dependent clauses with their proverbs on the dangers of oblivion (expressed twice with elegant variation: *obliuionis iacturam* — *ab obliuionis interitu*), and of future dispute.

In the last of the rhetorically structured sections of the testament we find one passage that far transcends the conventional to strike a note of real poetry:

Ne memoria nostri simul cum sonitu campanarum pereat ...
In order that our memory may not fade with the tolling of the bells ...

This is powerful imagery, offering as it were a cinematic dimension, a vision of the funeral procession on their way out of church, talking eagerly of political matters at hand, forgetting their dead king at the same rate as the clamour of the bells falls into silence.³⁴ The full phrase displays two contrasting elements carefully ordered and surprisingly forceful: *mortuorum memoria* is set in chiasm against *memoria nostri*, and *surrepentibus seculi curis et sollicitudinibus* is set alliteratively against *simul cum sonitu campanarum*. Moreover, while both elements represent diminution of memory, they also demonstrate an increasing movement: in the former instance worldly cares represent the creeping but overwhelming pressure that will crush the memory of the dead; this perspective is effectively balanced in the latter element, where the diminuendo movement, represented by the dead king's memory fading with the tolling of the bells, is countered by the picture of the same memory, vigorous and flowering thanks to the prayers of the faithful.

Memory, or more exactly, the fear of its diminution, is set here as the nucleus of a carefully erected, rhetorical structure. The portion discussed is itself only a minor

³³ According to Ljungfors (1955:105ff), who discusses the memory formulae of Swedish medieval writings at length, the dangers of oblivion or dispute generally form two separate themes of this formula; and, according to my own observations, the two themes are indeed but rarely combined in the surviving, early documents. I have found the following instances, dating from before 1285: **DS840** 1231-1240 (Official's decree) Quod iuste stabilitum est sapiencium consilio et predecessorum nostrorum iudicio et ne labatur a memoria in processu temporum, scripto commendatum fuerit ad memoriam reducendum oportet, ut contra fallacias et impetum calumpnancium firmius stabiliatur et roboretur munimine successorum, quia moderno tempore plures inueniuntur pecunie cupidi, qui non timent contraire toto conamine veritati (omitted by Ljungfors 1955:105-116); **DS847** 1250-1266. (Royal charter) In nostro tempore que geruntur ne cum lapsu temporis pariter labantur et nequa possit eis in posterum calumpnia suboriri, litterarum apicibus et virorum prudencium testimonio volumus perhennari (...). (Ljungfors 1955: 112 note 2); **DS856** 1258-1282 (Addition to a lady's will) Cum instabilis sit humana memoria et defectus multiplices paciatur, competenter sollercia sapientum prouidit ea litteris commendare que conueniunt in futurum memoriter retineri (...) Sed quia mortalium facta, vt supradiximus, obliuionis iacturam frequenter sciunt, nisi munimentis litterarum alligentur, idcirco presentem cum siggilli mei, vna cum siggillo supradicti domini Jo. abbatis, munimine duxi roborandam, ne supra paccione premissi possit aliquatenus in posterum dubitari. (Ljungfors 1955: 112 note 2, 113 note 7); **DS744** 18th May, 1282 (King Magnus' deed of a gift) Quoniam ob labilem hominum memoriam viteque fragilis breuitatem que rationabiliter acta sunt frequenter in dubium reuocantur et raro proueniunt ad puram noticiam posterorum, nisi presencium prouidencia procuretur quod scriptura superstite successoribus pateat, quod aliter abholerent mors et obliuio frequenter eciam prauitas et inuidia peruersorum (Ljungfors 1955: 112 not 2); **DS764** 24th June, 1283 (Charter of Bishop Brynolf of Skara) Quoniam ob labilem hominum memoriam viteque fragilis breuitatem que rationabiliter acta sunt frequenter in dubium reuocantur et raro proueniunt ad puram noticiam posterorum, elucescit autem et viuit accio cuius se facit littera defensore, tenore presencium omnibus volumus elucere (+ *ack cum inf*) ... Cum igitur sicut premissum est diu viuere non possit accio, que non habet vitam a testimonio viuacis littere, placuit nobis dictam commutationem mandare litteris et nostro et capituli nostri sigillis stabilire, ne ipsam processus temporis poterit infirmare aut aliqua calumpnia posterorum.

³⁴ This particular image cannot be found in either *PLD* or *CLCLT*, where I have sought for all instances of *sonitu campanarum* and *campanarum sonitu*. In these combinations, the words occur seven times in *PLD*, but nowhere conjoined with the picture of gradual oblivion.

part of a longish period where memory, or lack of memory, is a recurring theme. In the first section of the request the King expresses his hope that, by demonstrating that he remembers and commends all acts of loyalty he has received, he will inspire his subordinates to offer the same loyalty to his widow and children. In relation to his family he still shows himself capable of positive action. In relation to himself and the memory he leaves behind, on the other hand, he confesses his total helplessness (which he shares with all the dead). He can only beg humbly for remembrance.

Syntactically speaking, this period, too, is a carefully erected structure, remarkable for its parallelism. This is initially expressed by the two initial adverbs, *ceterum* and *insuper*; it is continued by the functions accorded to the subordinate and main clauses. In both sections, the King's fear is given by introductory *ne* and *quia* clauses (*ne ... iudicemur*; *quia ... memoria ... solet*; *ne memoria ... pereat*); the King's hopes or requests are instead expressed by the finite verbs of the main clauses or by coordinated participles governing final clauses (*quatinus ... velitis*; *sed ... vigeat et ... remaneat*; *quod quilibet episcopus ... dignetur et velit*).

Within this rhetorical edifice, by a beautiful twist, the central and most urgent part of the King's desire is expressed off-centre, as it were, in a subordinate clause and as a positive sequel to his most poetically expressed fear (*ne memoria nostri ... pereat sed ... vigeat et ... remaneat*).

In each separate section discussed above we have noted a careful and rhetorically effective arrangement of words and thoughts. The same care is also evident in a greater perspective, and embracing the subject matter of the document as a whole. In the *arenga* the main theme is Mankind in general and the King in particular, as a living entity: his life is described as uncertain and hedged with dangers, but with the right preparation he has the promise of life eternal. This section is followed by the *dispositio* containing little rhetoric, save for its being introduced by a second *deuotio*,³⁵ dealing with the King's own wishes concerning his property and his funeral. We may say that the topic is here the King's death itself and its immediate, material consequences. In the two final sections the perspective shifts once more, to focus on the dead — particularly the dead King —, and on the immaterial things they leave behind, namely the memory of their actions and their reputation.

Although *arengae* with fully developed memory formulae, variously expressed, are to be found in numerous Swedish documents from this period and earlier,³⁶ King Magnus' will does not introduce memory as a topic until reaching the *corroboratio*, and employs it fully only in the request. But then the theme is employed six times in short succession and with considerable variation. Oblivion is thus represented twice as a danger to the wording of the King's will and once as a possible risk to his reputation, while the memory of the dead in general and the King in particular is twice represented as a fragile thing, subject to neglect and fade. Finally, the memory of the dead King is represented as the object of material care on the same level, we might say, as his memorial. The omission of the memory theme in the *arenga* is therefore hardly due to any lack of competence in handling this topic; in view of the observed progression of the imagery, I regard it as far more likely that it was intentionally reserved for that section where it would best fit into the overall picture. The insistence with which it is then repeated also indicates that it is not only a beautifully varied expression of a conventional *topos* but reflects a genuine concern on the King's part: in other words, the preoccupation with memory is the King's own³⁷ whereas the rhetorical form is that of the author of the Latin document.

A final question briefly to be considered here concerns the authorship of the Latin text of the will. It is quite obvious that we are not reading the words of a layman,

³⁵ Cf. Appendix, paragraph 6.

³⁶ Thus, for instance, to mention but the two earliest, **DS115**, dated to 1200: *Quoniam memoria humana labilis est, scriptis ea, que de memoria labi non debent, commendare oportet*; **DS161**, dated to 1216-1222: *Ne processus temporum aboleat que in tempore facta fuisse constat commendanda sunt vivaci memorie litterarum*.

³⁷ The same conclusion is drawn by Schück, 1982, 636, who gives a brief résumé of the contents of the will.

repeating formulae he had learned by rote. Instead, it was an accomplished Latinist who clothed the King's will in this rhetorical, Latin garb. As this is the will of King Magnus, enacted in the year 1285 in the diocesan town of Skara, two names in particular offer themselves for consideration: they belong to the brothers, Brynolf and Peter Algotsson, who were members of a renowned family enjoying great political influence in the Swedish province of Västergötland during the 13th century. Both enjoyed the fruits of an academic education. Brynolf attended Paris University for some eighteen years, returning to Sweden with the degree of *magister artium* in 1277 at the latest; he then briefly held the office of chancellor before accepting the bishopric of Skara in 1278,³⁸ Peter was chancellor from ca. 1281³⁹ and is mentioned by function (not by name) as an executor of the King's will,⁴⁰ while his brother Brynolf is only present implicitly, as one of the suffragan bishops. Schück (1963) has pointed out, in his pioneering treatise on the office of chancellor and the *capella regis* in Sweden, that Peter also probably held the degree of *magister artium* from Paris; Schück furthermore considers it possible that Peter brought with him to the chancellery a competence in Roman law, gained perhaps at Orléans.⁴¹ In the balance, therefore, Peter appears a likely candidate for the role of composing the King's will in Latin. However, as Schück also points out, the routines of the Swedish chancellery did not reach a quality whereby it is possible to distinguish between contributions made by individuals of the staff.⁴² The organisation of a developed chancellery, such as that of the German Imperial court of the 13th century, was rather complex, comprising an *Archicancellarius* (an honorary office, in Germany held by the archbishop of Mainz), a bishop as *Cancellarius*, a *prothonotarius* and three to five *notarii*, the actual writing being the responsibility of the last mentioned staff.⁴³ If the Swedish King's chancellery even rudimentarily imitated this organisation, we may expect an important document to have been formulated by the chancellor but physically written down by a notary. Hence, even though we may feel tempted to attribute the Latin authorship of King Magnus' will to Chancellor Peter rather than to Bishop Brynolf, we must remember that the style of the Latin may also have been affected by an accomplished notary. It is therefore probable that at least three persons were involved in the composition of this document: the King himself, who orally made his decrees concerning his property and his hopes of prayers for his soul; the translator, who rendered the King's wishes into Latin; and the scribe, who put the Latin onto parchment. We have no way of knowing for certain at what stage in this transmission the literary form was added, for, although it seems reasonable to assume that the responsibility for the Latinity lay mainly with the translator and secondarily with the notary, it is far from unlikely that the King did more in this respect than just state his plain wishes.

In one sense, as Piltz⁴⁴ maintains, the question of authorship is not a vital one, given the fact that the Latin text was intended to represent the King's last will as expressed in a form that would be instantly accepted within its world. In another sense, the question is raised too early: it is not possible to make a statement on the strength of this isolated text, when we still possess so many documents written by the King

³⁸ See Pernler (in Tysk 1995:87ff, with further references). Ljungfors (1955:195) expressly names Brynolf as the Latin author of King Magnus's will, without offering any corroboration of his statement.

³⁹ He is mentioned as chancellor in DS713, DS774 and DS813. On the way this office grew in importance, and on Peter's role in this process, see Schück 1962:153ff.

⁴⁰ Cf. Appendix, paragraph 35: *dominum cancellarium*.

⁴¹ Peter's career took a dramatic turning in 1288, when, owing to his brother Folke's indiscretion, the entire family fell into disgrace. With some of his brothers Peter evaded arrest and went into exile in Norway where, thanks to the very high prestige he enjoyed, he entered the King's service and took part in the protracted negotiations concerning the throne of Scotland during 1292 and 1293, under the title of *magister Petrus Algot, domini regis Norwagie clericus* (Schück 1963:156f.).

⁴² Schück 1963:153.

⁴³ Cf. Schück 1963:137, who refers to Walter A.J., *Die deutsche Reichskanzlei während des Endkampfes zwischen Staufern und Welfen*, 1938, and Zinsmaier P., "Untersuchungen zu den Urkunden König Friedrichs II. 1212-1220, *Zeitschrift für die Geschichte des Oberrheins*, 97, 1949.

⁴⁴ Piltz 1995:122ff.

(through his chancellor and scribe or scribes) and by the Bishop himself. An in-depth investigation into the language and style of these documents, as an expression of their own time and educational milieu, therefore appears as a worthy future project. As a by-product of that study, we might also hope that the individuality of the writers should emerge and their identities be established.

Appendix

The Last Will and Testament of King Magnus Birgersson Given in Skara on the 22nd February of the year 1285

1 In nomine sancte et indiuidue trinitatis Magnus, Dei gracia Sweorum Gothorumque rex, vniuersis Christi fidelibus tam posteris quam modernis presentes litteras inspecturis salutem in Dei filio Ihesu Christo.

2 Cum primorum parentum preuaricacione promerente, que iusto Dei iudicio transiuit ad posteros, sit humanum genus non solum multiplicibus subiectum penalitatibus et erumpnis verum etiam moriendi necessitati ineuitabiliter addictum sitque humana vita ventus et vapor ad modicum parens,⁴⁵ exitus ignara penitus et incerta, **3** simusque nichilominus post discursum huius vite ante tribunal supremi iudicis recepturi prout in corpore gessimus siue bonum siue malum, nam quecumque seminauerit homo hec et metet, **4** consultum et expediens fore non ambigitur condicionem status vigilanter aduertere, diem resolutionis mentis oculis crebrius antepone, elemosinis peccata redimere et equissimi Iudicis faciem caute congruis racionibus, hoc est placatiuis pietatis opéribus preuenire.

5 Nos igitur, Dei gracia preuenti et afflati inspiracione Altissimi, super discriminatum et instabilem statum vite momentanee mentales oculos attollentes extremumque diem, incertum penitus, preuenire cupientes, dignum duximus amore eterne hereditatis accensi pro celestibus terrena, pro eternis temporalia, pro incorruptibilibus commutare caduca et in hunc modum, preuia deliberacione diligenti et debita, nostrum cóndere testaméntum.

6 In honore Domini nostri Ihesu Christi et sanctissime matris sue virginis Marie gloriosique confessoris sui Francisci et omnium sanctorum legamus, donamus et assignamus in primis ffratribus minoribus in *Stokholm*, apud quos eciam eligimus sepulturam, quam, quin ibi fiat, nullus sub interminacione anathematis attemptet impedire, presertim cum super hoc nobis littera domini apostolici sit concessa, **7** curiam nostram *Snwtærstad*, pro consummacione ecclesie et dormitorij, que Deo auctore de nostra ordinacione et elemósina sunt fundáta. Item pro maiori altari ibidem ornatum altaris sollempnionem quem habemus cum aureo calice et duobus baldekinis, quorum alterum sit pro altaris antependio et alterum pro tabule tegumento, temporibus quibus non contingit ipsam tábulam reuelári. **8** Item pixidem argenteam pro sacra ewcharistia in cybório conseruánda. Item pelues argenteas, ampullas argenteas et maius argenteum thuribulum de capella nostra cum duobus candelabris habentibus nodos cristallinos et cum cruce eburnea in summitate cybórii collocánda. **9** Item casulam aurifrigiatam factam opere plumario, quod vulgo dicitur *sænkth*, cum ceteris ad eam pertinentibus sacerdotálibus ornaméntis. Item dalmaticam et subtile de ymaginibus beate virginis cum ceteris, que in missa ad ornatum dyaconi et subdyáconi requirúntur. **10** Item ad altare beatissime virginis Marie antependium de *blyald* cum casula dalmatica et subtili de baldekino forratis rubeo serico⁴⁶ cum ceteris ad hoc pertinentibus sacerdotalibus ornamentis et cum eisdem in maioribus festiuitatibus beatissime vírginis celebrétur. **11** Item ad altare beati Francisci ornatum altaris, quem habemus in minoribus sollempnitatibus, cum casula de ymaginibus beate virginis et ceteris sacerdotálibus ornaméntis.

12 Ceterum si nos, vocante Domino, in tam remotis regni partibus mori contigerit, quod ad locum sepulture supradictum corpus nostrum mox deferri non poterit, tempore intermedio eligimus colligi in tunc viciniori conuentu ffratrum minorum, quousque ad locum destinatum commode et sine grauamine eorum, per quos fiet transitus, póterit asportári. **13** Racione cuius

⁴⁵ Cf. Augustinus, *Speculum*, cap. 46 (*Cl.* 0272, p. 275, l. 8) quae enim est uita uestra? uapor est ad modicum parens, deinde exterminatur - pro eo ut dicatis: si dominus uoluerit et si uixerimus, faciemus hoc aut illud. *CLCLT* cites a total of 24 instances of *ad modicum parens*, by, among others, Caesarius of Arles, Gregory the Great, Bernard of Clairvaux, and Salimbene.

⁴⁶ serico *DS*

tunc cedant ffratribus illius conuentus dextrarius noster armatura et quadraginta marche denariorum de múnere speciáli.

14 Item pro redempcione crucis nostre ad terram sanctam assignamus quadringentas marchas puri, cum quibus mittantur quattuor milites lóco Nóstri. Pro huius autem summe solucione assignamus anno obitus nostri *Almenningxøre* per Westgociam et *Ledhongxlamæ* et *Nefgiald* per Westmanniam, super hoc instanter rogantes omnes, quibus hec a Nobis sunt collata pro stipendiis, quod nullus egre ferat quod hec pro tantis nostris leuamus necessitatibus illo anno, et si assignata summa non sufficit, pro supplemento in secundo anno *Almenningxøre* de Westgócia colligátur. **15** Cuius exsecucionem in Westgocia committimus domino archiepiscopo, domino Skarensi, cancellario et drozato; in Westmannia, domino archiepiscopo, domino Arosiensi, cancellário et drozátó.

16 Item pro redempcione crucis nostre in Rigam anno obitus nostri in expensis nostris quattuor armigeri transmittántur. Item ad locum beati Francisci Assisij viginti quáttuor márchas púri. Item monachis de *Warnem*, ubi predilecti progenitores nostri sunt reconditi, trecentas marchas denariorum, pro quarum solucione assignamus eis curiam nostram *Badhini*, quousque a nostris redimatur heredibus, sub hac forma: **17** monachi, cum regimen et curam curie prefate susceperint, computari et conscribi faciant fideliter cum scitu domini Skarensis et aduocati ibidem omnia, que recipiunt, et estimari faciant certitudinaliter et taxari, ut relicta caucione estimacionis, tam penes ipsum dominum episcopum quam penes monachos quam eciam penes aduocatum, sine cuiuslibet diminucionis vel dilapidacionis dispendio ipsam in omnibus eque bonam restituant sicut susceperint, cum eam representari contigerit nostris herédibus rediméndam. **18** Tempore vero intermedio volumus, quod singulis annis de redditibus eiusdem curie, quos colligere, custodire et disponere teneatur prior vel maior cellararius,⁴⁷ fiant tres pitancie ffratribus in conuentu, et illis diebus dicantur vigilie sollempniter et missa in conuentu et a quolibet ffratre sacerdote una missa, a ffratribus vero clericis non sacerdotibus et laycis correspondancia in psalteriis et Pater noster ita, quod una die pro Nobis, alia pro ffratre nostro et tertia pro parentibus nostris, ut dictum est, misse pariter et eis corruencia cum vigiliis dictis sollémpniter persoluántur. **19** Cum vero dictam curiam redimi contigerit, ordinamus quod illas trecentas marchas prior vel maior cellararius, vt dictum est, sub ordinacionem suam et prouidenciam recipiat et in predium vel alios tales certos redditus cum scitu semper et consilio domini Skarensis et aduocati ibidem conuertat, de quibus annuatim die obitus nostri in perpetuum una sollempnis pitancia procuretur ffratribus supranotatam suffragiorum sollempnitatem tunc pro Nobis nullatenus omissuris; **20** et si quid residuum fuerit, hoc illo anno pro infirmorum ffratrum necessitatibus erogetur et ad hoc ipse prior vel cellararius, quicumque in illo officio fuerit ad quod dicte trecente marche deuenerint, firmiter teneátur. **21** Et ut hec nostra ordinacio et vltima voluntas irrefragabiliter et sine subtraccione qualibet obseruetur, volumus quod istud inter ipsos monachos in registro redigatur et in scripto ad perpetuam rei geste memoriam pósteris relinquátur.

22 Item ecclesie Vpsalensi quattuor marchas puri, de quibus fiat vel procuretur supra maius altare ymago vírginis glorióse. Item ecclesie Skarensi quattuor marchas puri pro pixide ad deferendum corpus domínicum pro infirmis. Item ecclesie Lincopensi quattuor marchas puri pro calice, cum quo semper super maius altare celebrentur misse⁴⁸ de mortuis, quocienscumque eas ibi contígerit celebrári. **23** Item ecclesie Strengenensi quattuor marchas puri pro thuríbulo procurádo. Item ecclesie Arosiensi ornátum altáris. Item ecclesie Finlandie quattuor marchas puri pro calice ad maius altare et pixide pro sacra eucharístia conseruánda. Item ecclesie Wexinensi⁴⁹ capellam nostram cotidianam, ornatum scilicet altaris, indumenta rubea et tres cappas, quarum una viridis et due rúbei sunt colóris. **24** Item singulis claustris tam ffratrum minorum quam ffratrum predicatorum quam eciam griseorum necnon et monialium in regno nóstro tres márchas púri. Item singulis hospitalibus duas marchas argenti, ad ordinacionem dyocesani episcopi, pro véstibus infirmórum. **25** Item singulis ecclesiis in quarum parrochiis sunt bona nostra, siue patrimonialia siue corone, tres marchas argenti, quarum medietas cedat ecclesie pro luminaribus et medietas sacerdotí. **26** Pro istorum omnium solucione⁵⁰ in Westgocia, tam ecclesie katedrali quam aliis locis, assignamus monetam Skarensensem; in

⁴⁷ cellerarius *DS et sic deinceps par. 19 et 20.*

⁴⁸ misse *supra lin. suppl. ms.*

⁴⁹ Wexionensi *DS*

⁵⁰ omnium solucione *ob foramen pergameni iam legi nequit, habetur DS.*

Østgocia monetam Suthercopie, Skiæningie et Iunæcopie; in dyocesi Strengenensi monetam Nycopie et Øræbro; **27** in Swecia vero et Finlandia monetam in Vpsalia et Arosia deputamus sub hac forma scilicet, quod quilibet episcopus in sua dyocesi, cancellarius noster atque dapifer cum monetario super collatis et expensis, erogatis et erogandis, computacionem teneant, quousque in solidum fuerit expeditum et pro nostra ordinacione singulis plenarie persolutum. **28** Preterea centum marchas, in quibus tenemur ecclesie Vpsalensi, et centum marchas, in quibus tenemur ecclesie Strengenensi, ceteraque omnia, in quibus tenemur, siue ecclesiis siue mercatoribus siue aliis quibuscumque, sic solui et expediri decernimus, sicut super hiis cum consiliariis nostris Skiæningie ex deliberacione diffiniuimus et prout super hoc sigilla omnium nostrum appensa instrumento super hoc confecto clarius protestantur. **29** Proinde, siquid soluendum superest de eo quod tenebamur pro ffratre nostro, duce Erico, usque ad supplementum plenarium, deputamus curiam nostram *Tunar*; exsecucionem illius et solucionem, siquid fuerit, domino Lincopensi et decano eiusdem loci totaliter committentes.

30 Sed quia facta mortalium obliuionis iacturam sentiunt, nisi munimentis litterarum alligentur et earum adminiculo ab obliuionis interitu defendantur, idcirco presentem seriem sigillo nostro, dilecte vxoris nostre dilectique ffratris nostri domini B. ducis Finlandie necnon et venerabilium patrum, domini archiepiscopi Vpsalensis ac ceterorum, suffraganeorum regni nostri, communire decreuimus, vt sic scrupulum dubitacionis cuiuscumque, que suboriri possit in posterum, explodat facilliter et compescat.

31 Ceterum, ne de receptis curialitatibus, laboribus et seruiciis iudicemur immemores aut ingrati, omnibus regni nostri episcopis, clericis, nobiles, militibus, armigeris ac famulis vniuersis de recepto fauore et fidei seruicio ex intimo corde graciaram referimus acciones, monentes instancius affectuosiusque rogantes, quatinus hoc idem fidelitatis et obsequij vinculum erga dilectam vxorem nostram et prolem singuli velit in posterum firmiter et inuiolabiliter obseruare.

32 Insuper, quia mortuorum memoria, vt plurimum, surrepentibus seculi curis et sollicitudinibus a mentibus solet elabi superstitem magisque pium et meritorium esse dinoscitur, tunc cuique sollicitis subuenire suffragiis, quando⁵¹ ipse sibi est omnino impotens et extra statum meriti vel demeriti constitutus, **33** idcirco, ne memoria nostri⁵² simul cum sonitu campanarum⁵³ pereat sed in piis fidelium desideriis vigeat et radicata remaneat, animam nostram sacris oracionibus omnium, cuiuscumque sint etatis, status, condicionis, religionis vel ordinis, sub spe et amore mercedis eterne omni deuocionis affectu, quo possumus, **34** humiliter recommendamus postulantes et petentes de gracia et munere speciali, quod quilibet episcopus in sua dyocesi et ecclesia in memoriam nostri aliqua specialia suffragia dignetur et velit constituere anniversarij nostri termino recurrente.

35 Huius autem testamenti nostri ordinacionis et ultime voluntatis exsecutores constituimus dilectam Consortem nostram, dilectum ffratrem nostrum dominum B. ducem Finlandie, venerabiles patres dominum archiepiscopum Vpsalensem et omnes suffraganeos, dominum cancellarium, dominum dapiferum omnesque consiliarios nostros, quos monemus attentius instanciusque rogamus, ut in eterne retribucionis meritum hec omnia sine dilacione, dissimulacione, diminucione et impedimento quolibet curent et promoueant et faciant feliciter expediri.

36 Datum et actum Skaris anno ab incarnatione Domini millesimo ducentesimo septuagesimo quinto, coronacionis nostri anno octauo, in cathedra beati Petri.⁵⁴

⁵¹ quoniam *perperam DS*, cf. *GLMS s.v.* quoniam.

⁵² nostra *perperam DS*.

⁵³ This appears to be the first instance of *campana* meaning "church bell" in Swedish medieval Latin; it clearly antedates that instance, dated from 1336, cited by *GMLS s.v.* as the first usage of this word in this meaning. In medieval Swedish, "klokka", meaning "church bell" does not appear to be found until in the 14th century: cf. Söderwall (including Supplement) *s.v.* "klokka".

⁵⁴ In view of the consistent and almost exclusive use of the *cursus velox*, the failure to conclude the will with yet another of the same kind, by writing *káthedra sánci Pétri*, strikes the eye; but as the medieval

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accentuation was probably *kathédra*, it is quite likely that the possibility of achieving a *cursus velox* never occurred to the translator.