# SOMMARIO DEL FASCICOLO

<table>
<thead>
<tr>
<th>Articolo</th>
<th>Pagina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premessa, di Michelangelo Zaccarello e Martin Maiden</td>
<td>163</td>
</tr>
<tr>
<td>Michel Banniard, <em>Changements dans le degré de cohérence graphie/langage: de la notation du phrasé à la notation de la phonie (VIII-XIe siècle)</em></td>
<td>178</td>
</tr>
<tr>
<td>Annalisa Cipollone, <em>Appunti per una rilettura delle carte Barbieri</em></td>
<td>200</td>
</tr>
<tr>
<td>Glauco Sanga, <em>Accanimento filologico: ancora sulla rima e sulla lingua della poesia italiana delle Origini</em></td>
<td>221</td>
</tr>
<tr>
<td>Ricarda Liver, <em>La formazione delle tradizioni scritte nel romancio dei Grigioni</em></td>
<td>243</td>
</tr>
<tr>
<td>Roger Wright, <em>Sociophilology and Twelfth-Century Spain</em></td>
<td>253</td>
</tr>
<tr>
<td>António H.A. Emiliano, <em>The Textualization of Portuguese in the Late 12th and Early 13th Centuries</em></td>
<td>275</td>
</tr>
<tr>
<td>Josép Moran i Ocerinjauregui, <em>Inicio y desarrollo del catalán escrito</em></td>
<td>311</td>
</tr>
<tr>
<td>Ghieorghe Chivu, <em>Cele mai vechi texte românești: probleme filologice și lingvistice</em></td>
<td>320</td>
</tr>
<tr>
<td>Osservazioni conclusive, di Alberto Várvaro</td>
<td>328</td>
</tr>
</tbody>
</table>

**Indici**

| Indice dei nomi | 341 |
THE TEXTUALIZATION OF PORTUGUESE
IN THE LATE 12TH AND EARLY 13TH CENTURIES

I. INTRODUCTORY REMARKS

The textualization of Portuguese in the late 12th and early 13th centuries was the result of an orthographic change which took many decades to unfold. This is not a trivial remark, since it entails the assumption (fully corroborated, in my view, by the extant linguistic and textual data) that the “emergent” autonomous Old Portuguese *scripta* of the early 13th century is phylogenetically related to the preceding tradition of documental production. This earlier tradition of writing, which can be conveniently referred to as “Latin-Romance”, or “Latin-Portuguese”, was the only available means for writing legal Old Portuguese, and although the texts look Latinate in appearance, their latinity is a highly vulgarized one. Thus my stance is that in the early 13th century people did not stop writing Latin and began writing Old Portuguese, but rather that they began systematically to write Old Portuguese in a new way. This new way had attained a high degree of stabilization at the Royal Chancery by 1214, and in many monastic and capitular centres across the realm scribes were developing and experimenting with a considerably “de-latinized” or vulgarized writing system throughout the 12th century.

Labelling a medieval text written in Portugal in the second half of the 12th century and in the first half of the 13th century as Latin-Romance or Romance (i.e. Portuguese) is strictly a scripto-linguistic matter, which hangs on the analysis of the writing system (the graphemic system) used by the scribes and copyists. In my view the issue of determining which are the earliest Portuguese texts – if one accepts that this an interesting issue – is also a scripto-linguistic issue: its study must rely on a contrastive Latin/Romance typology (à la Banniard, *q.v.* below) and on a quantitative analysis of certain graphemic features or markers.

Given the fact that, in order to understand the emergence of Portuguese writing in the early 13th century, we must bear in mind that it was preceded by a Latin-Portuguese tradition, which, as Lindley Cintra suggested, was based on the Late Latin Visigothic tradition,¹ it is crucial that we ask

ourselves what this tradition was, how it came about, and how it evolved throughout several centuries of documental production. Although this is not the place to address this matter in detail, I refer below to some milestones in the development of the Latin-Portuguese tradition.

2. Conceptual frameworks for understanding the emergence of Romance writing

In this section I refer to research which is in my opinion of crucial and decisive importance for understanding how the Latin written tradition was gradually changed from within, as the gap between spoken and written language widened as a result of language change in the Romance speaking communities. One cannot understand the development of Portuguese writing without looking at the forces behind the origins of Romance writing in the Early Middle Ages.

Francesco Sabatini’s contribution is in my view decisive for understanding the development of Romance writing as the result of changes from within the Latin tradition: his stress on the «aspetto filogenetico» of the development of early Romance writing (I regard for all purposes Iberian notarial Latin as “early Ibero-Romance writing”) and on the «esigenze reali di comunicazione» (as a powerful and crucial motivation for changing the Latin system) provide important insights into what may have happened in early medieval Iberia.

Michel Banniard, in his monumental *Viva Voce*, whose main theses bear many points of contact (more than the Author cared to admit at the


3. F. Sabatini, *Lingua parlata, ‘scripta’ e coscienza linguistica nelle origini romanze*, in Atti del xiv Congresso, cit., pp. 445-53, p. 449: «Il testo volgare scritto viene sopravvalutato quando si vuol fondare esclusivamente su di esso la storia linguistica di un periodo storico; viene non meno dannosamente sottovalutato quando viene isolato dall’intera massa di produzione scritta circolante nella società del tempo. [...] il testo scritto viene non compreso nella sua reale portata se non viene visto nella sua specifica posizione e funzione nel quadro generale del sistema di comunicazioni vigente in quella società e nel quadro delle esigenze reali di comunicazione (giuridica o religiosa o letteraria) che quella società manifestava».

time) with the controversial book by Roger Wright,5 examined the process of *rupture de la communication verticale* in the Latin speaking world from Late Antiquity to the Early Middle Ages: in his view the breakdown in communication between the written Latin tradition and the spoken vernaculars may have happened much later than was generally supposed. One of his most important contributions to the field of Romance Linguistics (a field in which Banniard states no explicit claim) is his demand for the establishment of a *typologie contrastive latin/roman*: such a typology (which must in fact be regarded as a set of typologies for the several Romance speaking communities) is in Banniard’s view the foundation for any serious enquiry into the development of Romance writing and into the language changes that gave it momentum:

Toute analyse des vitesses de transformation linguistique repose d’abord sur l’établissement d’une typologie contrastive latin/roman, au niveau essentiel de la morphologie et de la syntaxe. L’absence d’une telle typologie est regrettable, car toutes les études de linguistique diachronique devraient partir d’une telle description fondamentale […]. C’est d’une typologie de ce genre que devrait partir toute étude de linguistique diachronique. Elle conduirait à une archéologie du changement d’autant mieux fondée que nous avons la chance de disposer d’une documentation abondante qui conduit le chercheur des origines de la latinité à la naissance des langues romanes.6

The impact of the work of British hispanist Roger Wright in the renovation of the field of Romance Linguistics in the late 20th century cannot be overstated, even if for some more traditional-minded Romanists and Latinists his theses may seem a bit off the mark. I would point to four main contributions out of his large production:

1) the invention of Medieval Latin was a consequence of the Carolingian Reform which precipitated the emergence of a new way of writing in Carolingian France;7

2) the stable socio-scripto-linguistic (my expression) situation in the Ibero-Romance communities till the 12th century can be better described and assessed as one of “complex monolingualism” rather than one of bilingualism or diglossia;8


3) the main linguistic effect of the Gregorian Reform in Iberia in the late 11th century was the introduction of Medieval Latin.\textsuperscript{9}

4) Latin-Romance (viewed by traditional philologists as a barbarous or corrupt form of written Latin) functioned as a special type of written communication, a true \textit{lingua scritta viva} as Sabatini put it,\textsuperscript{10} which was clearly distinct both from the classical and reformed Latin traditions, and bore a close relationship to vernacular speech.\textsuperscript{11}

For reasons of space I refer in detail to just these three authors, although it would be enormously unfair not to mention the contributions to this dossier of scholars such as H.F. Muller, P. Taylor, L.F. Sas, R.L. Politzer, M.A. Pei, A. Uddholm, P. Zumthor, E. Löfstedt, E. Pulgram, R.A. Hall Jr, H. Lüdtke, G. Ineichen, M. Selig, M. van Uytfanghe, and, most especially, József Herman.

3. Conceptual frameworks for understanding the emergence and development of Romance writing in Iberia

The emergence of Romance writing in Iberia was given its first global attempt at interpretation by Ramón Menéndez Pidal in the monumental \textit{Orígenes del Español}.\textsuperscript{12} His great work has many implications for the study of Ibero-Romance, but here I want to underline his theory of the \textit{dos corrientes de vulgaridad en la lengua notarial}, which is of enormous importance for understanding the development of notarial Latin in Spain:

Descubrí así dos encontradas corrientes de vulgaridad en la lengua notarial: una que venía de los siglos antiguos y se extinguía en el curso de los dos primeros tercios del XI; otra que empezaba en el último tercio del XII y triunfaba con la adopción del lenguaje vulgar en el XIII. ¿Qué había ocurrido a fines del XI para detener la primera de estas dos corrientes? Pues la reforma cluniacense que restauró la latinidad y se alzó como barrera aisladora entre las dos direcciones reseñadas. Y ¿qué ocurrió a fines del siglo XII para iniciar la segunda corriente? Pues un movimiento general a toda la Romania que llevaba a secularizar la cultura, y por

\textsuperscript{9} Cf. Wilson, \textit{Late Latin}, cit.


\textsuperscript{12} R. Menéndez Pidal, \textit{Orígenes del Español: Estado lingüístico de la Península Ibérica hasta el siglo X}, novena edición (según la tercera, muy corregida y adicionada), Madrid, Espasa-Calpe, 1980\textsuperscript{8} [1926, 1950\textsuperscript{7}].

278
tanto a entronizar el romance como lengua oficial ordinaria, dejando el latín so-
lamente como supletorio para los actos más solemnes.13

1080 was the date of the Council of Burgos, a provincial council spon-
sored by King Alfonso VI of León and Castille: it introduced officially the
Gregorian Reform (also called the Cluniac Reform) in Iberia; with the
Reform came the Gallo-Roman liturgy, the Carolingian script, Medieval
Latin (which was virtually unintelligible to monolingual speakers of Ibero-
Romance), and French influence in Iberian culture began.14

Although the scribal production after 1080 can, as a matter of descriptive
convenience, be separated from the earlier production which goes back to
the earliest known documents from the 8th and 9th centuries (because there
was an apparent increase in the early 12th century in the correctness
of written Latin in notarial documents), this does not mean that one should
take Pidal’s theory of the two independent trends of vulgarization at face
value. The two trends of vulgarization that Pidal found and identified
seem in my view to be two phases of a single trend: this single trend of
vulgarization was present already in the earliest witnesses of the Latin-
Romance production (as far as we are able to know), and was punctuated
by certain aspects of the history of the Iberian speech communities, such
as the implementation of the Gregorian reform and the growing national-
ism of the Christian kingdoms in the late 12th century. The virtues of
Menéndez Pidal’s model should be found, not in his literal formulation,
but in its conceptual content: one should retain the notion that certain
extra-linguistic aspects affected the notarial tradition and contributed
decisively to accelerate the process of vernacularization that led to the
creation of Romance orthographies in Iberia.

Roger Wright’s book15 focused on Spain and Carolingian France. His
remarks on the impact of the Gregorian Reform, on Pidal’s latin vulgar
leonés, on the pronunciation of unreformed Latin (his phonetic transcrip-
tions must have shocked Latinists and Romanists alike at the time, and
probably still do), and on the Riojan glosses, among other topics, are a

13. Ibid., p. viii.
14. Cf. WRIGHT, Late Latin, cit. (chap. v, Latin and Romance in Spain, 1050/1250); J. Martoso,
Le monachisme ibérique et Cluny: Les monastères du diocèse de Porto de l’an mil à 1200, Louvain,
Univ. de Louvain, 1968; C.J. Bishko, Fernando I y los orígenes de la alianza castellano-leonesa con
50-116.
15. WRIGHT, Late Latin, cit.
ANTÓNIO H.A. EMILIANO

fundamental contribution to the understanding of the development of Romance writing in Iberia.

His thinking can be nicely summed up by a quote from a recent text:

_Durante siglos los habitantes cristianos de la Península vivieron un estado de monolingüismo complejo en el que la forma escrita de su lengua no era nada más que eso, la forma escrita de la misma lengua que hablaban. Lo escrito no era, desde luego, transcripción fonética de lo hablado, lo mismo que no lo es hoy día en las lenguas francesa, castellana e inglesa, etc. Desde el siglo IX hasta el siglo XII, esta relación sencilla entre el habla y la escritura que se veía en la península Ibérica no catalana, divergía de la que existía en otras áreas de habla romance [...]. Francia, Cataluña y la parte norteña de Italia, habían conocido las reformas de la renovación cultural impulsada por los carolingios a principios del siglo IX. En estas zonas, se tenía la idea y la práctica del latín que ahora llamamos medieval, lengua distinta de su romance normal. Esta gramática incluía palabras, giros sintácticos y desinencias morfológicas que habían caído en desuso en el habla activa de todos; y la relación que había entre escritura y lectura oral había cambiado también, porque al leer textos en alta voz adoptaban ya la nueva práctica, que había originado antes en las regiones de habla germánica, de pronunciar una unidad fonética para cada letra ya escrita [...]. En general, las reformas no llegaron a la Península (fuera de Cataluña) hasta finales del siglo XI, y – según se desprende de la investigación de este libro – en varios sitios, al parecer, hasta bastante avanzado el siglo XII._

After the publication of Wright’s book several scholars found there an echo of their own thinking and their dissatisfaction with conventional wisdom, and some began reconsidering things that were taken for granted in traditional Romance Linguistics, like the existence of Latin/Romance diglossia in Romania throughout Late Antiquity and the High Middle Ages. A reflex of this rethinking and of Wright’s influence in the formulation of fresh new ideas is the book edited by him containing several papers presented in a special session on «Latin and the Romance Languages in the Early Middle Ages» of the Ninth International Conference on Historical Linguistics that took place in Rutgers University (New Brunswick, New Jersey) in 1989. One of the interesting ideas that were explored there was the logographic nature of Latin writing in Iberia before the 13th century. I refer specifically to Blake, Emiliano, Pensado, and Stengaard.

18. R.J. BLAKE, _Syntactic Aspects of Latinate Texts of the Early Middle Ages_, ibid., pp. 219-32; A.
The main idea was that there was much more about reading Latin (aloud) than just associating sounds to letters one by one, or even words and morphemes to written forms one by one, and that the writing system need not have been phonemically shallow in order to represent adequately the structures of the vernacular.

In three seminal papers published a few years later Wright himself summed up his ideas on the subject, refining the idea that Latin writing had become logographic in Spain, i.e. that the spelling did not reflect isomorphically the pronunciation of a text, and that the Latinate appearance of Iberian texts written before the Reform did not point to a distinction between the written and the spoken language as separate languages before the Reform. The logographic perspective reinforced the idea that diglossia and/or bilingualism were unneeded concepts for dealing with the socio-linguistic situation of the Ibero-Romance communities: what there was was “just” a phonemically opaque system of writing used by monolingual speakers of Romance (communicating with monolingual speakers of Romance) to represent what was a very formal and highly stylized written register of the vernacular, not a separate language.

Also the work of the latinist José Antonio Puentes Romay on the spelling conventions of medieval notaries should be mentioned: although very critical of Wright’s views, Puentes’ important work confirms in many respects what Wright wrote about the relation between Latinate spelling and Romance.20

The first application of both Banniard’s idea of a Latin/Romance contrastive typology and Wright’s concept of “Latin-Romance” to an Iberian document was done by latinist Maurilio Pérez González; Pérez reinforces

Emiliano, Latin or Romance? Graphemic Variation and Scripto-linguistic Change in Medieval Spain, ibid., pp. 233-48; C. Pendas, How was Leonese Vulgar Latin Read?, ibid., pp. 190-204; B. Stengaard, The Combination of Glosses in the Códice Emilianense 60 (Glosas Emilianenses), ibid., pp. 177-89.


Banniard's claim that the establishment of such a typology should form the basis for future research in Medieval Latin texts:

No ha sido nuestro propósito defender aquí una teoría en perjuicio de las otras. Aún más, creemos que ninguna de ellas establece de una manera plenamente satisfactoria una tipología contrastiva latín/romance, de manera que podamos discernir con claridad qué fenómenos lingüísticos implican la desaparición de hechos estructurales específicamente latinos y la aparición de hechos estructurales específicamente romances. Esta cuestión es sumamente pertinente, puesto que no siempre se está de acuerdo sobre la naturaleza, el alcance diacrónico y la significación de los fenómenos lingüísticos. Y, sin embargo, éste debería ser el tema central de las futuras investigaciones, si es que realmente se desea avanzar en la comprensión de la situación lingüística de la E. Media.21

He notes that Banniard's proposal in *Viva Voce* was sketchy at the most, and sets out to apply a specific typology to a specific text, none other than the earliest known Hispanic document, known as the *Diploma Silonis regis* from 775:

Los defensores del bilingüismo medieval han procedido frecuentemente por simple intuición, por una especie de lógica personal y, consecuentemente, subjetiva. Algo similar se observa en los defensores de la diglosia, a pesar de que algunos, como Sabatini, han contribuido a aclarar mucho aspectos lingüísticos previos. Wright ha traspasado pocas veces el terreno de la fonética. Herman suele prestar atención a importantes cuestiones lingüísticas, pero le falta la obra metódica que la analice todas o, al menos, en su mayor parte. Banniard acaba de publicar una obra muy documentada sobre la comunicación escrita y oral en la E. Media; pero nos deja con la miel en los labios, como él mismo reconoce, a pesar de que esboza una tipología contrastiva latín/romance, que nosotros intentaremos aplicar en la medida de lo posible a algunos fenómenos lingüísticos del diploma del rey Silo.22

Although I find some of his conclusions biased by his Classical Latin background I think that Pérez’ article laid the groundwork for future research in Iberian Latin-Romance texts, because his general conclusion is that the language represented in the text cannot be described as Latin, and that the deviations from Latin spelling conventions are systematic (and systemic) and reflect systematically traits of the vernacular speech.

I undertook a similar task with regard to the earliest known Latin-Portuguese document dated from 882.23 Unlike Pérez and Banniard I think

22. Ibid.
that grapho-phonemic aspects can and should form the basis for a Latin/Romance contrastive typology. The scriptolinguistic analysis of the 882 charter shows that it was written by a speaker of Old Portuguese, and that some Portuguese phonetic markers, such as the existence nasal vowels, and deletion of intervocalic /n/ and /l/, were already present in the language of the scribe.

Research in Hispanic Medieval Latin should also be mentioned here: A.C. Jennings, N.P. Sacks, J. Bastardas Parera, L. Sletsjo, M. Diaz y Diaz, A. Veiga Arias, M. Perez Gonzalez, A. Garcia Leal, M. del P.


31. A. García Leal, El latín de la diplomática asturleonesa (775-1035), Oviedo, Servicio de
Álvarez Maurín are of particular importance for the characterization of Hispanic unrefomed Latin as a specific mode of written communication, even though they do not present a conceptual framework for understanding the emergence of Romance writing in Spain (with the possible exception of the excellent treatise by the latinist Pilar Álvarez Maurín).

4. Conceptual frameworks for understanding the emergence and development of Romance writing in Portugal

In this section I refer to a body of work which I consider of crucial importance for understanding the problems underlying the assessment of the development of a Portuguese writing system. This system surfaced in the early 13th century, but must have been the product of several decades of elaboration and experimentation.

The “father” of Portuguese philology, José Leite de Vasconcellos, recognized that notarial Latin was a special mode of written communication which in some way reflected the structures of the vernacular, although his phrasing suggests a diglossic conception:

Não devemos confundir latim vulgar com latim bárbaro. Aquele é língua viva, que a pouco e pouco se modificou, estando hoje representado pelas línguas românicas ou românicos; este é o latim dos escrivães da idade-média, latim não só estropiado, mas mesclado de palavras e expressões da língua falada. Pelo que toca a Portugal, possuímos textos em latim bárbaro, do século IX em diante. Antes de começar a usar-se o português nos documentos (contratos, testamentos, etc.), eles escreviam-se neste latim. Falava-se uma língua (româncio), e escrevia-se outra (latim bárbaro) [...]. As palavras e expressões portuguesas que transparecem nos documentos latino-bárbaros constituem o que costumo chamar português proto-histórico, que é a primeira fase do português arcaico.33

Publicaciones de la Univ. de Oviedo, 1988 (in microfiche); Id., Lengua hablada y lengua escrita en el reino de León, in Estudios de Tradición Clásica y Humanística (vii Jornadas de Filología Clásica de las Universidades de Castilla-León), ed. by M.A. MARCOS CASQUERO, León, Univ. de León, 1993, pp. 29-44.


and also:

Ao português pré-histórico segue-se o português proto-histórico, já revelado em documentos latino-bárbaros, que vão do séc. IX ao XIII (principalmente) [...]. O que eu chamo português proto-histórico é a língua que se revela por baixo, se posso assim dizer, do latim bárbaro, e não o latim bárbaro, ou gíria tabelioa [...].34

Vasconcellos’ teachings and writings influenced whole generations of Portuguese scholars, and though he uses the now outdated expressions «latim bárbaro» and «documentos latino-bárbaros» he clearly grasped the close relation between the peculiar latinity of the documents and the vernacular. His notion that beneath latim bárbaro one can glimpse a living spoken language is of value even today, and thus provides the earliest conceptual framework for the early textualization of Portuguese.

The first overview of the development of the notarial Portuguese tradition was presented in Clarinda Maia’s huge volume which contains editions and a graphematic study of Galician and Portuguese texts from the second half of the 13th century to the 16th century. It does not truly provide a conceptual framework for the emergence and development of Romance writing in Portugal. However, Maia’s large scale study offers precious and fundamental information about the early development of Portuguese writing from the 13th century on, namely that there were already clear differences between Galician and Portuguese writing in the 13th century:

No início do período abrangido pelo presente estudo, ou seja, na segunda metade do século XIII e no princípio do século seguinte, verifica-se que as tradições gráficas notariais das duas grandes zonas da área galego-portuguesa não eram totalmente coincidentes. A ortografia dos documentos da Galiza revela afinidades mais profundas com documentos portugueses mais antigos, da primeira metade do século XIII – de que dispomos apenas do testamento de Afonso II e da Notícia de torto – ou do início da segunda metade desse século.35

This idea that Galician scribal practices in the 13th century were more conservative from the outset is interesting, because it may point to some extra-linguistic influences at work in Portugal which were absent in Galicia:


No fim do século XIII, época a partir da qual foi possível, com base nos documentos publicados neste trabalho, dispor de materiais de carácter grafemático comparáveis, relativos à Galiza e a Portugal, os sistemas de grafemas utilizados para a representação de cada um dos fonemas das séries indicadas eram muito menos complexos a sul do Minho, apresentando um menor número de alternâncias grafemáticas, em virtude da eliminação, mais antiga do que na Galiza, de alguns processos gráficos equivalentes. Há grafemas que, desde o mais antigo documento português inserido na edição agora publicada, haviam já sido completamente eliminados, ao passo que na Galiza continuavam em vigor até ao fim do século XIII ou, de modo eventual e esporádico, ainda em documentos do século seguinte.36

Maia's remarks about the relation between the early Galician and Portuguese scriptae and the notarial Latin tradition are scarce, but are accurate in the sense that Maia assumes that there was in fact a genetic relationship between the two traditions. She refers to the Latin tradition as the «período das origens»:

Na primitiva e remota época das origens do idioma, reflectida apenas nas formas românicas que aforam nos documentos em latim dos séculos IX-XII, as tradições gráficas da Galiza e do Noroeste de Portugal deviam ser praticamente coinciden tes, uma vez que as duas regiões, integradas no reino de Leão, estavam sujeitas às mesmas correntes culturais. Tal conclusão parece poder inferir-se do facto de que, ainda em meados do século XIII, no essencial, não só era idêntica a grafia dos documentos da Galiza e de Portugal, como também não apresentava traços particulares diferenciadores relativamente à grafia de documentos castelhanos e leoneses.37

and also:

Completamente ausentes dos documentos portugueses agora publicados – de que o mais antigo remonta ao ano de 1281 –, foram esses grafemas [li, lj, ly, lli, ni, nj] utilizados em documentos portugueses da primeira metade do século XIII, concretamente na Noticia de torto e no Testamento de Afonso II. Também na trans crição de outros fonemas aparecem grafemas que foram assinalados exclusivamente em documentos da Galiza, mas que, no entanto, também foram utilizados em documentos de Portugal mais antigos do que os agora publicados, pelo facto de constituírem reminiscências da grafia do período das origens, comum a várias regiões peninsulares. O grafema gi, com o valor de [ʁ] (ou [ʁ]), sobrevivia ainda na Galiza em documentos do século XIII e do primeiro quartel do século XIV, ao passo que em Portugal se encontram apenas vestígios dessa grafia no início do século XIII: várias formas com gi (cf., por exemplo, agia, aqiam, beixo ‘beijo’, segia,

36. Ibid.
37. Ibid.

286
segiam) se registam no exemplar de Lisboa do Testamento de Afonso II, do ano de 1214. Indícios dessa grafia surgem também em documentos castelhanos, correspondentes ao período das origens, dos séculos XI e XII.  

We owe the concept of *produção primitiva portuguesa*, i.e. «early Portuguese documental production» to Ivo de Castro, a leading figure in Portuguese philology and linguistics:

Mas antes de 1255 existiu também uma diminuta *produção primitiva portuguesa*, constituída por documentos de carácter notarial escritos em português, cuja importância é excepcional para o estudo da primeira fase da história da língua: o *Testamento de Afonso II* (1214), a *Notícia de Torto* (ca. 1214) e dois documentos de Mogadouro recentemente descobertos.

Se se perguntar se esta lista é completa, a resposta mais prudente será negativa. [...] Mas não é apenas a perspectiva de aparecerem novos documentos em português do período anterior a 1255 que nos recomenda uma resposta negativa. Mesmo que nenhuma nova descoberta fosse feita, bastam os dados internos dos documentos que possuimos para nos persuadirem de que eles não foram os únicos, nem certamente os primeiros a usar o português, em vez do latim, como língua da escrita.

The canon of the *produção primitiva* includes just two texts: the will of King D. Afonso II from 1214 (which survived in two witnesses) and the *Notícia de Torto* from 1211-1216. For some scholars (Castro included) it now should also include a recently found document known as *Notícia de Fiadores* from 1175, which I refer to below.

If one took this concept as referring broadly to a kind of scribal practice, rather than referring more narrowly to a body of texts, it could prove to be extremely enlightening: if one takes this conceptual step, i.e. if one considers that *produção primitiva* refers to a set of practices rather than to a closed group of texts, then the number of texts which can be included in the early Portuguese production increases significantly, with the recent findings in the archives; but then of course one must very clearly define a set of graphemic and textual criteria in order to distinguish between a Latin-Portuguese text, albeit a highly Romanized one, i.e. a proto-Portuguese text, and an early Portuguese text proper.

Castro’s insight that even if there were no more textual discoveries one should assume as a certainty that there were documents written in Portuguese in centres such as the Royal Chancery prior to the Will from 1214,

38. Ibid.
is very important, and, as far as we can know, accurate. People were certainly writing in Portuguese or proto-Portuguese fashion long before 1214, but, although we now know several proto-Portuguese texts, there is no known original Portuguese pre-dating the 13th century.

There is a considerable gap between the references above to Leite de Vasconcellos on one hand and Clarinda Maia and Ivo Castro on the other: it would be unfair not to mention in this context the work of the late Portuguese linguist and philologist Luis Filipe Lindley Cintra, a disciple of Menéndez Pidal; although he did not leave a body of theoretical thought from which a conceptual framework could be extracted, he was instrumental in presenting a general overview and classification of medieval Portuguese texts and in studying and publishing the early Portuguese text known as Notícia de Torto.40

Cintra disagreed with Pidal about the nature and origin of notarial Latin, which Cintra refers to very accurately as a «tradition graphique consolidée», although his view that notarial Latin was nothing but a written artificial language is a bit strained:

Le cas de la Péninsule Ibérique me paraît assez différent [de celui de la France du Nord]. Les études faites jusqu'à présent semblent indiquer que ce n'est que dans le royaume de Léon, et plutôt dans les chartes latines que dans les chartes en langue romane, que l'on découle l'existence d'une tradition graphique consolidée, sûrement très ancienne (elle doit, pour ses traits fondamentaux, remonter à l'époque wisigothique), à l'intérieur de laquelle se mêlent des formes latines classiques, ou propres au latin tardif, des formes que l'on peut supposer romanes, mais d'une époque très antérieure à celle des chartes [...] Il me semble très improbabile que ce langage soit autre chose qu'un langage écrit, artificiel. À mon avis, cette scripta ne fait que refléter et au dedans de certaines limites le roman de l'époque wisigothique continué par le roman mozarabe. (En le disant, je m'écarte de l'opinion du grand hispaniste qui nous a fait connaître et qui a étudié pour la première fois ces textes, c'est-à-dire, de D. Ramón Menéndez Pidal qui admettait que ces chartes reproduisaient assez fidèlement un langage parlé au Xe et XIe siècles [...]).41


41. LINDLEY CINTRA, Langue parlée et traditions écrites, cit., p. 464.
In the words of Ivo Castro (personal communication), for Cintra «o mundo estava arrumado» (‘the world was a tidy place’), i.e. there were no major problems to be addressed in the study of the early textualization of Portuguese – this was of course the standard position of traditional Romance Linguistics regarding virtually every language domain of medieval Romania. For many scholars the emergence of Romance writing was a natural thing to happen (see more on this below).

Ana Maria Martins’ framework is probably the single most important contribution to the study of the early textualization of Portuguese in the last decades. Two important insights may be extracted from her work:

1) there were two traditions of Portuguese writing in the 12th century and early 13th century;
2) a crucial distinction between non-dispositive documents (of a private nature) and dispositive documents (of a public nature) must be made in relation to the early usage of Portuguese writing.

These are very important proposals, and her paper\(^{42}\) represents in my view a real step forward in our field.

She proposes that there were two traditions of writing Portuguese, two *scriptae*, which developed simultaneously, one in the Royal Chancery, the other in several centres scattered throughout the realm:

A Notícia de Torto e o Testamento de Afonso II, de 1214, sendo dois documentos produzidos na mesma época, apresentam-se fortemente diferenciados no que respeita às suas *scriptae*. A *scripita* do Testamento de Afonso II é surpreendente pela regularidade que evidencia; a *scripita* da Notícia de Torto surpreende pela acentuada variação. Muitos dos traços tidos por peculiaridades da Notícia de Torto reaparecem, no entanto, nos documentos que agora edito, mostrando que a Notícia de Torto não é um documento tão excepcional quanto parecia.\(^{43}\)

and also:

Temos assim dois tipos de *scripita*: uma, a *scripita* elaborada, e por isso inovadora, de uma oficina de produção (centralizada) de escrita, a chancelaria régia; outra, a *scripita* mais espontânea de notários que se iam afastando da adesão estrita ao modelo scriptográfico latino-notarial, mas cuja vinculação básica a este modelo determinava o carácter conservador do seu modo de escrever. Os documentos particulares

---

43. Ibid., p. 500.
em romance são produtos individuais, ainda que certamente não isolados de um contexto (ibérico e românico) favorecedor da sua emergência. A sua produção dispersa, associada ao seu carácter de epifenómenos, explica que entre o último quartel do século XII e meados do século XIII não tenha emergido, no âmbito da produção documental particular, uma *scripta* estabilizada, em paralelo com a *scripta* estabilizada da chancelaria régia.44

I disagree with the characterization of the first Romance texts as “epifenomena” (because there must have been an established tradition of sorts, in which scribes were taught to write in a de-latinized way), and I feel that her concept of “regional *scripta*” in fact comprises a set of *scriptae* used in several textual production centres rather than a single unified tradition. One could perhaps more adequately apply the concept of *norma pluriforme* proposed by Rita Marquilhas, not only to the emergent Portu-
guese tradition(s) but also to the Latin-Portuguese scribal tradition:

Proponho apenas que se articule a ideia de *normas pluriformes*, como seriam as que vigoravam entre os escribas dos mosteiro se chancelarias medievais, com a de *subversão* das mesmas normas. Se até finais da Idade Média a competência gráfica se restringiu a um grupo selecto de indivíduos sujeitos a um treino gráfico sistemático, o treino scriptológico, havia já na época, e passou a haver crescentemente com a aproximação da Idade Moderna, quem não dominasse tais normas e, ainda assim, executasse textos escritos que sobreviveram (pense-se, quanto mais não seja, nas características gráficas da *Notícia de Torto* e na distância que as separa, em termos de sistematicidade, das cópias suas contemporâneas do *Testamento de Afonso II*).45

Martins also proposes that the early textualization of Portuguese was originally associated with the production of non-dispositive documents, which were meant for private use, and did not bear the diplomatic features present in dispositive documents, such as a protocol, date, signature of the scribe, and other formulaic elements.

Não tendo valor legal (e sendo eminentemente pessoais), os documentos do gênero “notícia” bem poderão ter estado entre os que alimentaram a primitiva produção portuguesa. Se as “notícias não eram exactamente rascunhos mas sim “memórias privadas”, por outro lado, a sua efemeridade seria bem menos acentuada; com uma expectativa de vida mais longa, teriam mais hipóteses de sobreviver até aos nossos dias.46

44. Ibid., p. 502.
46. A.M. MARTINS-C. ALBINO, *Sobre a primitiva produção documental portuguesa em português:*

290
PORTUGUESE IN THE LATE 12TH AND EARLY 13TH CENTURIES

and also:

[...] o português começa por manifestar-se na produção de documentos de tipo mais informal, alastrando depois no terreno dos diplomas com maior grau de formalização.47

The Notícia de Torto (1211-1216) was probably a document of this kind, i.e. a personal record of certain events, and not necessarily a draft version of a lost document; this would of course help explain its survival.

In the same paper Martins publishes several texts that she discovered in the National Archive which are of the utmost importance for the study of the early textualization of Portuguese.48 In fact, several scholars have come to regard one of those texts, known as Notícia de Fiadores, from 1175 (q.v. infra), as the earliest known Portuguese text. Important as this Notícia may be its classification as an early Portuguese text is in my view unwarranted: the text is too short, basically a list of names three lines long, and it contains only one short sentence where Portuguese-like forms appear. It is not unusual in 12th century documents, to find whole sequences written in Portuguese-like manner.

It should be mentioned that the idea that Portuguese writing was initially associated with the production of private documents had already been hinted at by the eminent Portuguese historian José Mattoso, who was the first to relate the production of the royal will of 1214, on the one hand, and the King’s attempt to create a professional body of notaries, on the other hand; he also suggested a connection between the “shocking” (Mattoso’s word) use of Portuguese in the royal will and the King’s conflict with the Papacy:

A doença não impediu Afonso II de iniciar uma centralização estatal surpreendentemente inovadora, persistente e vigorosa. De tal modo inovadora, que constitui um dos mais precoces ensaios de supremacia do Estado que se conhecem na Europa feudal e que em alguns pontos lembra a acção de Frederico II [...]. Mencione-se, por fim, o aparecimento dos primeiros documentos redigidos em português. A relevância histórica do facto resulta de a língua vulgar surgir quase ao mesmo tempo num documento privado, a célebre “Notícia do torto”, que


48. MARTINS, Ainda «os mais antigos textos escritos em português», cit.

291
podia ser um mero apontamento sem qualquer intenção jurídica, e num documento dotado de toda a solenidade – o testamento régio de 27 de Junho de 1214 [...]. O facto é quase chocante, tendo em conta que a língua vulgar só viria a ser adoptada oficialmente nos documentos dotados de validade jurídica no fim do século. Dir-se-ia que o rei pretendia proclamar, perante as mais venerandas autoridades eclesiásticas da Hispânia, a “diferença” que opunha a autoridade temporal à espiritual, como se a língua própria da primeira fosse a vulgar e da segunda o latim. Dir-se-ia um processo simbólico de criar um paralelismo antinómico entre a área do poder espiritual e a do poder temporal. É óbvio o carácter especulativo desta interpretação: nada sabemos das intenções do rei. Mas não se pode também esconder o carácter surpreendente do facto [...]. A inovação era tão insólita que não alterou os hábitos e conceitos dos clérigos da corte.  

In a forthcoming article where I criticize the labelling of the Notícia de Fiadores as an early Portuguese text I propose a set of criteria for determining whether a text should be labelled Latin (i.e. Latin-Portuguese) or Romance (i.e. Portuguese); these criteria are loosely inspired in Banniard’s contrastive typology (although Banniard minimizes the importance of the graphophonemic aspects of the texts):

[...] pode dizer-se então, com propriedade, que um texto está escrito em português antigo, e não em latino-romance, quando:

1) do ponto de vista grafo-lexémico, para além de poder apresentar lexemas não latinos, não apresenta representações recorrentes de lexemas latinos que não se continuaram em português antigo;

2) do ponto de vista grafo-sintáctico, para além de poder apresentar estruturas e categorias sintácticas não latinas, não apresenta estruturas latinas estranhas (à luz do corpus de textos originais actualmente conhecido) à sintaxe do português antigo;

3) do ponto de vista grafo-morfémico, para além de poder apresentar morfemas e estruturas morfológicas não latinas, não apresenta representação de morfemas funcionais latinos ausentes na morfologia portuguesa;

4) do ponto de vista grafo-fonémico, para além de poder apresentar formas gráficas inovadoras – formas contendo grafias não latinas ou contendo grafias “abduzidas”, i.e., reinterpretadas e empregues em contextos distintos do contexto original –, não apresenta grafias e formas gráficas latinas anisomórficas relativamente às formas fonémicas portuguesas.

A condição 4 deve provavelmente ser considerada como um conjunto de condições sobre a estrutura grafémica das formas e sobre os limites da alografia.


PORTUGESE IN THE LATE 12TH AND EARLY 13TH CENTURIES

I was prompted, so to speak, to propose this set of criteria by the fact that an important segment of the scientific community in Portugal embraced the idea that the Notícia de Fiadores was the new "earliest known Portuguese text": I totally disagree with that, and although I cannot delve into the matter here I might add that the Notícia fails to meet the criteria for Portugueseness that I proposed.

5. THE EARLY TEXTUALIZATION OF PORTUGESE — TEXTUAL MILESTONES

In the Latin-Portuguese charters, and the same is true for Asturian, Leonese, Castillian and Galician, we find from the outset a scribal activity marked by systematic deviations to the Latin orthographic tradition, and punctuated by the consequences of the Gregorian reform implemented in the second half of the 11th century: among other things the reform introduced a new set of grapho-phonemic correspondence rules in the pronunciation of Latin texts, when they were read aloud. Legal documents were read aloud in order to be validated as legal acts — they were read aloud before an audience of monolingual speakers of Romance (i.e. Old Portuguese), who, at the very least, were supposed to understand the dispositive sections of the documents.

I give below some excerpts (in normalized transcription, i.e. with all the abbreviations expanded, and with modern capitalization and punctuation) which help having an idea of the general outlook of the Latin-Portuguese documental tradition. The following three excerpts are from three of the earliest known dated original documents.

The first excerpt is from the earliest known original Latin-Portuguese charter. As I have argued elsewhere this document (despite the fact that it does not present the degree of vernacularization that Pidal found in Leonese documents from the 10th century) shows that the underlying spoken language was a variety of Old Portuguese (among other things it shows evidence for the existence of nasal vowels and the deletion of intervocalic /n/ and /l/).


51. All textual samples presented below are from original editions, and were transcribed with consultation either of the manuscripts or of good facsimiles. All texts are originals, or chancery copies, except the excerpt in n. 5, which is taken from a cartulary.

52. EMILIANO, O mais antigo documento latino-português, cit.
ANTÓNIO H.A. EMILIANO

In nomine Patri et Fili et Spiritu Sancti. Domnis inuitissimis ac triumphatoribus Sanctis Martiris Petri et Pauli, Sancti Migaeli Arcangeli cuius basilica fundamus in uilla quod uocitant Lauridos a inter duas annes Kaulunuo et Cebrario, subtus monte Petroselo, territorio Anegie. Ego serbus Dei Muzara et Zamora damus ad concedimus ad Deum et ad ipsa basilica que nos fundamus in nomine Sancti Petri et Pauli et Sancti Migaeli Arcangeli. Damus ipsa uilla ubi ipsa ecclesia fundamus in omnique circuitu suos dextruos sicut kanonica setentia docet xium pasales pro corpora tumumadum et xxna nos ad toloram- dum fratrum adque indigentium, et fora dextruos ipsa uilla per ubi illa obtinimus de presuria, per suis locis et terminus antiquus, cum pa[s]cuis, padulibus, montes, fontes, petras mobiles uel inmuules, aquis aquirum, uel sesicas molinarum, terras ruptas uel barbaras, arbores fructuosas uel infructuosas, accessum uel re- gressum, cubus, cubas, lectus, kadedras, mensas, signum de medalô, cruce, kapsa, calice de ariemto, cum quantumque ibidem a prestamo ominis est [...].

The trinitarian *invocatio* clearly reflects in a more isomorphic way the probable oralization of the formula with Old Portuguese phonetics than would the "correct" Latin spelling:

Charter: In nomine Patri et Fili et Spiritu Sancti.
"Correct" Latin: In nomine Patris et Filiâ et Spiritus Sancti.
IPA: è 'nomê 'padre e 'fiJe e es'prito 'sâte
(and also do 'padre do 'fiJo do es'prito 'sâto)

The following two excerpts are from early 10th century charters. Both show a high degree of vernacularization of the Latin tradition, and several Romance traits can be observed. The second excerpt presents the earliest occurrence of the digraph <ei> for the Galician-Portuguese diphthong /ei/, and several verbal forms without the -t ending (cf. the forms in italics).


[01] In nomen domini. Ego Odario Dauiz, id[e]o placuit mici, asto animo et bone pacis volumnas, ut facere tiui iermana mea [02] Trudili sicut et facio tiui scriptu- ra donationis et firmitatis de uilla nostra propria nominata Freiseno, qui iace inter ambas labrugas, subitus uiutas Albarellos et Castro de Boue, territorial Bragarense et Portugalense. Conzedo [04] tiui ipsa integra domus uel intrinsecus domorum, exitus montium ad domom, aquis aquirum, uel sesegas mollinarum, cum cuncis prestasionibus suis quantam in se obtine. Et conzedo tiui mancipias meas, nominibus Mariamen et Sahema et Zafara. Ipsas maurus et ipsa uilla cum omnem suas ereditates et sua prestantia, que dedit mici pater meus Daudi Abba, [07] ut noci ego ipsa uilla et ipsas ereditates et ipsas mancipias in mea uita, et post ouitum meo tornent se ipsum [08] que in scriptura post tua parte sanas et integras, et facias de eas
PORTUGUESE IN THE LATE 12TH AND EARLY 13TH CENTURIES

quod tua fuerit uluntas relinquendi, sit |⁰⁹ licentia potestas de ipsa uilla et de ipsas mancipias. Et facias micri minsas et zereum oblatione pro remedio |¹⁰ anime mee. Et insuper ad carta confirmando accepimus de te i° uaso de argento et nos lenzos, tantum nobis bene |¹¹ conplacuit [...].

In the third excerpt it is worth pointing out the several instances of intervocalic voicing of obstruents, betaism, and the use of <n> for representig the nasal palatal consonant /ɲ/ (cf. the form in italics in l. 6). The form nodeximus (for notissimus) in the first line, far from being a simple scribal mistake, is a precious witness of the creativity of the scribe, and attests to the voiced pronunciation of <t> between vowels, to the pronunciation of <ṃ> as a single fricative [s], as expected (and confirmed by testum in l. 3), and to the changes that affected the Latin vowel system. The form autorecent in l. 5 although it at first sight reflects the Latin verb AUCTORIZARE probably is the Galician-Portuguese verb /quia’ gar/ from *AUCTORICARE.


⁰¹ (chrismon) Non est diuius, set multis manet nodeximus, eo quod uenit uluntas
⁰² ad pater Didaci, nomine Flaino, et de suos eredes, nominibus Trudildi Vidsclum
⁰³ Ariulfo Honorigo Leodemundo. Placuit nouis, bone pacis uluntas, ut faceremus testum |⁰⁴ scripture ad Didagum prespiter et qui in uita sancta perseverauerit ad ipsa egesia Sancti Salbatoris. |⁰⁵ Et tradit se Didagu in manus Aluiti ipsa dote egesie et ipso pactu, ut autorecent |⁰⁶ eam Aluitu et Senorino post parte [...] in concilio qui proinde aliquis uenit, |⁰⁷ tam episcopus quam de laigalem parte, comodo carescamus ipsa egesia et ipsos pomares |⁰⁸ que ibide sunt in omne circindu, et uouis perpedi auiduro [...].

In a sense these texts could be aptly labelled as the earliest witnesses of the textualization of Portuguese, were it not for the simple fact that these texts do not present a graphemic system fully emancipated from the Latin tradition.⁵³

The emergence of an autonomous Portuguese scripta is inextricably entangled, in my view, with the spread of the scripto-linguistic consequences of the Gregorian Reform, officially introduced in Spain by the Council of Burgos of 1080: the main consequence was the establishment of a conceptual distinction between Latin and Ibero-Romance as separate

⁵³ Michel Banniard would, I am sure, have no qualms about labelling these texts as Portuguese.
languages – this paved the way for the need of a new way of writing in the Iberian Christian kingdoms, as had happened earlier in Carolingian France.

If one takes a cursory look at documents from the early 12th century it becomes apparent that the spelling and the grammar seem more “correct”, more Latinlike. The following excerpt is strikingly different from the preceding ones in spelling, morphosyntax, syntax, lexis, and formulae. The hypercorrect form Braccarense in ll. 3 and 4, the placenames Cataui l. 4, Paretes l. 4, and the name Lupa l. 3 reveal a special care of the scribe to avoid voicing of intervocalic obstruents. Bracara and its derived forms were pronounced with intervocalic /g/ and thus were many times written with <g> (cf. excerpt 2 above): it was as if the scribe flagged the form Braccarense to prevent any lector from using the Old Portuguese pronunciation /braça’es/, and to enforce instead the Reformed Latin-Portuguese pronunciation /braga’rese/; this is perfectly consistent with the Gregorian Reform’s aim of restoring the “correct” pronunciation of Latin, which was necessary for all sorts of contexts of public reading. Nevertheless a few forms escaped the scribe’s attention: Didagus l. 2, contramuda l. 6, and in his own signature the scribe wrote Menendus diamonst notuit, i.e. with diagonal instead of diagonus. The pressure of the vernacular was too strong. Judging from his name Menendus was not French, and it would have been a daunting task systematically to devoice obstruents (in writing or in reading aloud) that were voiced in his own native Portuguese tongue, especially in common words.


prosapia nostra aut extraneus. Igitur si quis audaciter inaudiendo surrexerit qui hunc factum nostrum infringere voluerit \[0^8\] sit excommunicatus et anathematizatus et maneat ab omni cetu catholicorum extraneus, et cum Iuda Domini traditore in eternalibus penis supplicium paciatur et insuper det ipsam \[0^9\] hereditatem in quadruplum et d solidos [...].

One of the earliest references to the existence of a conceptual distinction between Latin and Portuguese as separate dates from 1136 (i.e. 56 years after the Council of Burgos), in a document transcribed in the Braga cartulary known as Liber Fidei.


Dedit illis unum coopertorium lecti quod romane alifar dicitur.

The fact that the word alifar described as Romance is in fact Arabic in origin does not change the content of the statement as evidence for the existence of a conceptual distinction between Latin and Romance, since romane must be taken as meaning the same as uulgo.

From the second quarter of the 13th century, amidst a serious crisis involving the King of Portugal (D. Sancho II, son of D. Afonso II) and the Holy See, which ended tragically with the excommunication and removal of the King, we have indirect evidence for the use of written Portuguese (as a distinct language from Latin, cf. the words in italics).


[...] Cuius auctoritate mandati ad predictum regem personaliter ascendentes, eum monuimus apud Sanctaran et litteras apostolicas legi fecimus coram eo et earum sibi copiam fecimus et monitionem in scriptis ei dedimus uulgariter et latine [...].

The «litteras apostolicas» sent to the King announced his imminent excommunication: their content was so important that their bearers had to make sure that all parties involved clearly understood their content. Hence the need for a translation into Portuguese, which could only have

54. This important reference was pointed to me and sent to me by one of the participants in the Oxford Colloquium, Dr Maria João Branco (of Centro de Língua Portuguesa/Instituto Camões, Oxford, and St John’s College, Oxford) to whom I am indebted.

been possible if there was an established tradition of writing Portuguese at the Court. The reference to vulgarter in my view points not so much to the strangeness of writing Portuguese but to the linguistic distinction between Medieval Latin and Old Portuguese.

And in the first half of the 14th century we find an eloquent testimony to the fact that Medieval Latin was a foreign language for monolingual speakers of Portuguese, in the paragraphs that precede the translation of a papal bull, in which the Pope creates the Order of Christ (I give the relevant excerpt in a normalized transcription).

7. Distinction between Latin and Romance, a.D. 1320 (Instituto dos Arquivos Nacionais/Torre do Tombo, Gaveta vii, maço 8, n.º 5, fl. iv).

| O qual priuilegio assim mostrado, o dicto Chanceler disse porque alguês leygos & |
| a moor parte dos freyres da dicta orden no ente de latin, per esta razo El Rei |
| ma da & ten por ben, que se torne este priuilegio de latin en lenguagen |
| pera o ente derem todos melhor, & pera saberem per hi os dictos freyres gardar |
| a el & ao Papa, assi como deue, aquelas cousas que hi som conteudas. |
| Pore da parte do dicto Senhor Rey mandou a mª, dicto tabelio, que traladasse |
| o dicto priuilegio de latin en lenguage, e que o tornasse en publica |
| forma & pera esto deumi ssa autoridade, do qual priuilegio tornado |

Although in this text there is no special name for the Portuguese language (it is just referred to as «lenguagen» or «nossa lenguagen»), it is felt to be a different linguistic reality from Latin.

I feel that more important than labelling this or that text as the “earliest Portuguese text” is the need to try to identify in the texts written between ca. 1080 and ca. 1200 the graphemic patterns that were later stabilized in the context of an autonomous Portuguese spelling system (this identification of graphemic patterns or tendencies can only be done after the publication and study of the many hundreds of unpublished documents kept in the Portuguese archives).

The earliest known witnesses of the new spelling system that can be properly described as Portuguese are the Portuguese will of King D. Afonso II from 1214 (preserved in two witnesses with a high degree of scriptographic stabilization) — oddly enough his second and third wills from 1218 and 1221 were written in notarial Latin, a fact that may attest to the strangeness evoked by the first will among his recipients —, and the Noticia de Torto from 1210-1216 (with a low degree of scriptographic stabilization). This latter text was thought to be a draft version — the absence of such
diplomatic elements as the date, signatures, and other formulistic elements, the bad quality of the handwriting, seemed to support this idea. Recent work, which I refer to below, suggests that the Notícia was probably a record for private use, and that Portuguese writing may have been employed before 1214 both in the drafting of dispositive documents and in the composition of non-dispositive documents of a private nature. I give here excerpts of the two texts (in normalized transcription).


[01] Eno nome de Deus. Eu, Rei Don Afonso, pela grace de Deus Rei de Portugal, scendo sano e saluo, temente o dia de mia morte, a saude de mia alma, e a proe de mia molier Raina Dona Orraca, e de meus filios, e de meus uassalos, e de todo meu Reino, fiz mia manda per que de [02] pos mia morte, mia molier e meus filios, e meu Reino e meus uassalos, e todas aquelas cousas que Deus mi deu en poder, sten en paz e en folgancia. Primeiramente mando que meu filho Infante Don Sancho que ei da Raina Dona Orraca agia meu Reino entegramente e en paz. E ssi este fór [03] morto sen semmel, o maior filio que ouuer da Raina Dona Orraca agia o Reino entegramente e en paz. E ssi filio barô nô ouuermos, a maior filia que ouuermos agiao [...].


The spelling of the two texts is very different. Whereas the royal will clearly shows that at the Court there were scribes proficient in writing Portuguese, the peculiar spellings of the Notícia have what may seem an experimental character, that I would rather characterize as greater scripto-
graphic dependency than the royal will on the older tradition of notarial
writing.

After 1214 we have to wait about 40 years for the production of texts in
Portuguese to be firmly established. After the long hiatus a reasonably
stabilized Portuguese *scripta* “emerges” in the Royal Chancery under the
auspices of D. Afonso III, King of Portugal and Count of Boulogne,
although documents were still written in notarial Latin during his reign.
Here follows an excerpt of the earliest Portuguese document in the chan-
cery (in normalized transcription):

10. *Carta de foro de Telões de Aguiar* (a.D. 1255) – excerpt (Instituto dos
Arquivos Nacionais/Torre do Tombo, Chancelaria de D. Afonso III, Livro
1, fol. 9r A).

\[15\] *Carta de foro h(er)editatis* \[16\] de Teloes de Aguyar. \[17\] Sabiam todos aqueles que
esta carta uiret que eu, Don Alfonso, \[18\] pela graça de Deus, Rey de Portugal &
Conde de \[19\] Bolonia, fazo carta de foro a uos pobladores da mya \[20\] herdade de
Tolones de Aguyar. Dou uos qua‘ta herdade \[21\] ei en essa uilla cu‘ seus termios
nouos & antigos a foro, \[22\] a saber e: como parte pelo Porto de Verea cono Souto,
\[23\] & i‘ outra parte cono Porto dos Oleyros, & i‘ outra parte \[24\] como uay pelas
ueygas as Caralhas Ge‘meas, & \[25\] ende uay aos terre‘os dos uidos da agua de
Lampazas, \[26\] & ende parte cu‘ Izima‘ pelo terreo de Mata Filios, \[27\] & como parte
cu‘ Soutelo pelo marco de Caralha, e como \[28\] parte cono termyo do castelo, e
como parte cona poboacion \[29\] pela agua do Cadouzo, & como parte pelas uerecas
\[30\] e uay ao Portu da Verrea. Do uos esta herdade co‘ \[31\] sua entrada & cu‘ sua
sayda que seiades dez & sete poboadores \[32\] ou mays se quiserdes.

The words in italics present archaic spelling conventions that were in-
herited from the Latin-Portuguese scribal tradition, and that would be
replaced in later texts produced in the Royal Chancery by more “Portu-
gueselike” spellings: \(<\text{nh}>\) and \(<\text{lh}>\) were adopted for the representation
of the nasal and lateral palatal consonants /n/ and /l/, and \(<\text{c}>\) was adopted
for the voiceless affricate /ts/. From the late 13th century on, \(<\text{m}>\) gradually
replaced \(<\text{n}>\) in word-final position as a marker of vowel nasality.

What this shows is that although the principle of writing Portuguese in
a distinct “de-latinized” way was adopted and established during the 13th
century, the adoption of the principle did not imply the abandonment of
certain Latinate spelling conventions. This seems to point to the fact that,
although the adoption of the principle may have happened suddenly at
least in the Royal Chancery, the implementation of a completely new
way of writing happened gradually.
Thus the royal will from 1214 and the Notícia de Torto are the earliest known original texts written in a clearly identifiable Portuguese scripta. However, no convincing explanation has until recently been provided for the existence of these texts, mainly because Portuguese linguists and philologists did not perceive that there was a problem to be solved and just accepted the sudden change from Latin to Portuguese in the early 13th century as granted and inevitable – a natural occurrence. Nevertheless it is important to state that there is nothing natural about literacy, and about switching from a venerable and archaic mode of writing to a more phonemically shallow system. There is nothing natural or unavoidable about leaving behind a multi-secular tradition of writing, or about creating a more phonetic orthography: these things, when they happen in literate communities, are either the result of a cultural catastrophe (like the Norman Conquest which nearly wiped out the Anglo-Saxon tradition and enabled the development of regional standards in the Middle English period), or are the result of deliberate planning and action, like the Carolingian reforms which brought about a new way of pronouncing Latin, and thus created the need for a vernacular system of spelling in Carolingian France.56

The idea that in the early 13th century people simply dropped notarial Latin as the language of record and cheerfully started to write Old Portuguese (which was after all the language they spoke), inventing ex nihilo a new fangled orthography, is untenable. In general, people write the way they are taught to write, they do not invent proprietary orthographies from scratch for their own use.

It also must be noted that a phonemically shallow system of writing is not per se better or simpler or easier to acquire and use than a more logographic system: the fact that no major changes have affected English spelling in the last 500 or 600 years, although several attempts were made from the 17th century on to reform or change the orthography, or the fact that the Classical Latin ortography was used for centuries throughout the whole Latin-speaking world with a remarkable degree of uniformity

56. «È certo che la coscienza del distacco fra tradizione latina scritta e lingua parlata si manifesta nettamente soltanto in seguito alla restaurazione carolingia del latino, e che questa coscienza viene dall’alto, per diventare via via fatto più popolare. Ma non si deve, per questo, ritenere che il processo di autonomia e affermazione del volgare si sia avviato in questo momento: è giunto invece a maturazione. Con l’uso e il riconoscimento ufficiale del volgare in età carolingia siamo davanti a un atto conclusivo di una lunga serie di tentativi, alimentati da una forte pressione che viene dal basso, dalle mille circonstanze concrete della vita quotidiana» (SABATINI, Esigenze di realismo, cit., p. 998).
(although major changes in the language had already happened by the Late Latin period) prove this point quite eloquently.

In order that a new system may be developed and adopted by a whole community there must be a strong reason for it to happen and a deliberate will to reform contemporary scribal practices. As for the reason why people started using a new way of writing in Iberia one has to look into the cultural and political conditions in the Christian kingdoms of Spain in the 12th and 13th centuries, namely, the struggle for independence of Portugal, the struggle for independence of the Christian monarchs from the papacy, the affirmation of nationalism in Castile and Portugal, the ever present conflict between centralized power and feudal power, the emergence of ideas of statehood and national identity, the expansion of the northern Christian kingdoms into the Muslim-dominated south of the Peninsula, etc.

The recent discovery of documents from late 12th and early 13th centuries, written in a highly de-latinized fashion (indeed for some of these texts it is difficult to apply the labels "Latin" or "Romance"), seem to provide "the missing link" between the Notarial Latin tradition and the emerging Notarial Portuguese tradition.\(^57\) In my opinion they give a precious insight of how the change from notarial Latin to notarial Portuguese might have happened (although both the direct and indirect evidence is scant). If one asks the right kinds of questions, and if one approaches the right kinds of problems, the emergence of written Portuguese in the early 13th century may cease to be tantamount to a mystery, without at the same time presenting itself as a sort of a natural and unavoidable evolutionary development.


Everything seems to point to the existence in Portugal in the 12th century of a firmly established scribal tradition marked by graphemic innovation and de-latinization; this tradition had very low textual visibility, and its witnesses, even with the recent discoveries, are scarce in number.

This proto-Portuguese tradition evolved in the late 12th and early 13th in the direction of extreme de-latinization, a fact that could be related to

the diffusion of the linguistic consequences of the Reform — this happened both in charters and in legal codes (called foros — in Spanish fueros extensos).

How was this tradition handed down across several generations of scribes? Was it systematically and formally taught and learnt? It must have been, but we simply do not know. But what we can infer from the extant texts is that at some point in time someone must have made the decision, at least in the Royal Chancery, to create and develop an entirely new way of writing, which broke up with the old Late Latin tradition: the details of this process are of course unknown, and we do not know how many years of experimentation with the new system preceded the royal will from 1214.

The low visibility of this proto-Portuguese tradition could then be explained by its initial connection to the production of non-dispositive documents (meant for private use) or provisional versions (drafts) of dispositive documents, which were not meant to survive either the writing of the mundum, i.e. of the final polished version of the text, or their moral authors.

An excellent example of this tradition is the newly found Notícia de Fiadores from 1175, a short Latin-Portuguese (or proto-Portuguese) text written in a parchment where another document had already been written:

II. Notícia de Fiadores de Paio Romeu, a.D. 1175 (Instituto dos Arquivos Nacionais/Torre do Tombo, Mosteiro de S. Cristóvão de Rio Tinto, maço 2, n.º 10).

1 Notícia fecit Pelagio Romeu, de fiadores: Stephano Pelaiz, xxi solidos; Lecton, xxi solidos; Pelai Garcia, xxi solidos; Gundisaluo Mendici, xxi solidos; 2 Egeas Anquiqui, xxta solidos; Petro Conlaco, x solidos; Gundisaluo Anquiqui, x.xxxta solidos; Egeas Monici, xtti solidos; Ihoane Suarici, xxxta solidos; 3 Mendo Garcia, x.xxi solidos; Petro Suarici, xxii solidos. Era m cc xiiitia. Isto fiadores atan v annos que se partia de isto male que li auem.

In the last line we find a whole sequence where a Portuguese sentence (with Portuguese word order, and Portuguese lexical and syntactic categories) is represented in near-Portuguese spelling. Particularly striking are the verb form auem, with the characteristic final <m> instead of <nt>, as a marker of vowel nasality, and the clitic pronoun li.

Unlike Ana Maria Martins\(^\text{58}\) and others, I do not think, as I have stated

\(^{58}\) MARTINS, Ainda « os mais antigos textos escritos em português », cit.; Id., Emergência e generalização do português escrito, cit.; Id., A emergência do português escrito na segunda metade do século XII, in Homenagem a Fernando Tito Plaza, Santiago de Compostela, Universidade, in press.

303
above, that we can consider this Notícia as the earliest known Portuguese
text: I should stress that what is fundamentally different between certain
highly vulgarized texts from the 2nd half of the 12th century and the first
truly Portuguese texts from the early 13th century is the consistent pref-

erence for innovative spellings, the absence of Latin morpho-syntax and
Latin morphemes, and the absence of Latin lexis in the texts as a whole,
and not just in certain sections.

The real textual discovery of Martins59 is in my view not so much the
Notícia de Fiadores (which is indeed an important find) but rather the pri-

cate will of Pedro Fafes from 1210 which survived in two versions: one,
Witness A, highly vulgarized, which may have been a draft of the will,
and the other, Witness B, slightly longer than A (it has two additional
paragraphs, and some of the original paragraphs were extended), with a
more Latinate appearance, and with almost no Romance spellings. The
will from 1210 is a unique piece of textual evidence for the early stages of
the textualization of Portuguese.

I give a normalized transcription of the two witnesses (all abbreviations
are expanded – with the exception of the tironian note which is transcribed
as & and of mr./mrb. which can stand for moraudios/morabetinos/morabetinis
–, capitalization and punctuation are inserted, editorial additions are given
between square brackets, and word separation is normalized). The text is
divided in paragraphs to make comparison of the two witnesses easier.

12. The Will of Pedro Fafes (a.D. 1210).60

Witness A: preliminary version or draft (probably meant as a private
record) – Instituto dos Arquivos Nacionais/Torre do Tombo, Mosteiro de
S. Simão da Junqueira, maço 5, n.º 13.

Witness B: definitive version (mundum) – Instituto dos Arquivos Nacio-
nais/Torre do Tombo, Mosteiro de S. Simão da Junqueira, maço 5, n.º 14.

Witness A

Po1  \[\text{01] Era M^* CC^a XL^a VIII^a.}\]
Po2  Ego Petrus Fafiz, timens diem mortis mee, ita meum habere mando diuidere.

59. MARTINS, Ainda «os mais antigos textos escritos em português », cit.
60. I make no reference to Martins’ editions because they lie outside the scope of this
paper. In a forthcoming paper (A. EMILIANO, Observações sobre a «produção primitiva portuguesa »:

a propósito dos dois testemunhos do testamento de Pedro Fafes de 1210, in « Verba. Anuario Galego de
Filoloxía », xxx 2003, in press) I present annotated editions of the will from 1210 in both
paleographic and normalized formats, as well as a detailed comparison and study of the two
witnesses.
In primis, |02 uno casal na poboazon que fuit de Sueiro Fañiz con sua herda, & con roteas que modo habet, & ho casal de riba |03 d'Aheste Sancto Simeoni.

Tali pacto ut nunquam prior nec prepositus nec abade habea potestatem uendendi |04 nec apenorandi ipsos casales, sed semper tenant illos duos fraters, ad seruiendum ipsum monasterium in calices, |05 in liuros, & in prole que uideant do moesteiro.

& mando uno casal in Lenci Martino Nuniz.

A Cedofeita |06 in Gontemir de Gondemar quanta hereditatem ibi habeo; saquena & habeant illam.

A ponte d'Ahoni |07 & a de Crinis, i mr.

A ponte de Don Zameiro & a de Dona Gonzina, i mr.

A conf[ar]ia de Canaueses, i mr.

Hos gafos, |08 i mr.

A Bracala, quitamentum; & dent meu auer tantum per que tenant unum anal, & per que compariet |09 unum muimento pedrino.

A Men Lousado, una uaca.

A Petro Martiniz, una iuuenca.

Hou fraters |10 Sancti Simeon, x mr., que me habeant in mente in suas orationes.

Ho casal de Lente iacet por x mr.; quito |11 loquo per noso auer.

& ho casal de riba d'Aheste quito de VIII mr. per ho noso.

& mando que iaco |12 uno casal de Petro Johanis por hos morauedios que iacet ho que mando a San Simeon.

|13 A San Simeoni una almozala, & uno plomazo, una faceroaa.

Witness B

In primis, mando Monasterio Sancti |03 Symeonis i mr. casale in a poboacion quod fui de Sueiro Fañiz cum quanto ad illum pertinet, uidelicet arrotaes |04 quas modo habet, & in rippa d'Aliste, aliud casale.

Tali pacto ut nunquam prior nec aliquis |05 habeat potestatem uendendi nec pignorandi ipsos predictos casales, sed semper tenant illos duo |06 fraters ad utiliitatem predicti monasterii, uidelicet, in libris, & in calics, & in alia prefectacia huius monasterii.

|07 Et mando i casale in Leenti Martino Nuniz.

A Cedofeita in Gontemir de Gondemar, |08 quantam hereditatem ibi habeo, & persoulant & habeant.

Ad ponte d'Ahum & Crines, i mrb.

Ad |09 ponte de Don Zameiro & de Dona Gociniza, i mr.

Ad conf[ar]ia de Canaueses, i mr.

A gafos, |10 i mr.

Ad Brachara, quitamentum; & dent tantum de meu censu per quem teneant i anal, |11 & per quem comparent unum monumentum pedrimum.

A Mendo Lousado, i uaca.

305
Pr3  Ad Petrum Martiniz |12 iuuencula.
Pr4  Ad fratres Sancti Symeonis x mr., qui me habeant in mente in suis orationibus.
Pr5  |13 Casale de Leenti persoluant de nostro censu, que iacet pro decem aureis.
Pr6  Casale derippa d' Aliste iacet |14 pro vini, & persoluant illum de nostro.
Pr7  & mando ut mittant in pignoribus casal de Petro Iohanis pro xx mrb., |15 &
     persoluant da poboacion, & aut interim casal de Petro Iohanis seruiat Sancto
     Symeone.
Pr8  Et Sancto Symeonem, |16 i almutala, & i plumacio, & i faceiroa.
Pr9  Et rogo & mando priorem Sancti Simeonis & meum |17 suprimum Menendum
     Petri qui faciant omnia mea manda impleri.
Pr10 & si forte mea mulier & filii mei ea |18 noluerint implere, prior & Menendus
     Petri per regem & per archiepiscopum |19 aut per se |18 faciant implere.

I give below a comparison of some of the textual variants.


1) representation of Portuguese diphthongs with digraphs:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 04: Susiero</td>
<td>Suerio</td>
</tr>
<tr>
<td>Par. 04: do moesteiro</td>
<td>huius monasterii</td>
</tr>
<tr>
<td>Par. 06: Cedofeita</td>
<td>Cedofecta</td>
</tr>
<tr>
<td>Par. 11: muimento</td>
<td>monumentum</td>
</tr>
<tr>
<td>Par. 14: hous</td>
<td>ad</td>
</tr>
<tr>
<td>Par. 18: facerooa</td>
<td>faceiroa</td>
</tr>
</tbody>
</table>

2) deletion of intervocalic l:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 02: Fafiz</td>
<td>Fafila[z]</td>
</tr>
<tr>
<td>Par. 03: d' Aheste</td>
<td>d' Aliste</td>
</tr>
<tr>
<td>Par. 11: Bracala</td>
<td>Brachara</td>
</tr>
<tr>
<td>Par. 16: d' Aheste</td>
<td>d' Aliste</td>
</tr>
<tr>
<td>Par. 18: facerooa</td>
<td>faceiroa</td>
</tr>
</tbody>
</table>

3) deletion of intervocalic n:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 04: moesteiro</td>
<td>monasterii</td>
</tr>
<tr>
<td>Par. 11: muimento</td>
<td>monumentum</td>
</tr>
<tr>
<td>Par. 17: morauedios</td>
<td>mrb.</td>
</tr>
</tbody>
</table>

4) representation of alveolar affricates:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 02: Fafiz</td>
<td>Fafila[z]</td>
</tr>
</tbody>
</table>
5) representation of the nasal palatal consonant:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 04:</td>
<td>pignorandi</td>
</tr>
<tr>
<td>apenorandi</td>
<td>teneant</td>
</tr>
<tr>
<td>Par. 11:</td>
<td>teneant</td>
</tr>
<tr>
<td>tenant</td>
<td></td>
</tr>
</tbody>
</table>

6) voicing of obstruents:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 03:</td>
<td>rippa</td>
</tr>
<tr>
<td>riba</td>
<td>Brachara</td>
</tr>
<tr>
<td>Par. 11:</td>
<td>riba</td>
</tr>
<tr>
<td>Bracala</td>
<td>rippa</td>
</tr>
<tr>
<td>Par. 16:</td>
<td>mri4</td>
</tr>
<tr>
<td>morauedios</td>
<td></td>
</tr>
</tbody>
</table>

7) various grapho-phonemic romanisms:

<table>
<thead>
<tr>
<th>Witness A</th>
<th>Witness B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Par. 05:</td>
<td>casale</td>
</tr>
<tr>
<td>casal</td>
<td>casale</td>
</tr>
<tr>
<td>Par. 11:</td>
<td>anale</td>
</tr>
<tr>
<td>anal</td>
<td>anal</td>
</tr>
<tr>
<td>Par. 15:</td>
<td>casale</td>
</tr>
<tr>
<td>Par. 16:</td>
<td>casale</td>
</tr>
<tr>
<td>Par. 17:</td>
<td>Symeone</td>
</tr>
<tr>
<td>Simeon</td>
<td>Symeone</td>
</tr>
<tr>
<td>Par. 04:</td>
<td>habeat</td>
</tr>
<tr>
<td>habea</td>
<td>habeat</td>
</tr>
<tr>
<td>Par. 07:</td>
<td>ad</td>
</tr>
<tr>
<td>Par. 08:</td>
<td>ad</td>
</tr>
<tr>
<td>Par. 09:</td>
<td>ad</td>
</tr>
<tr>
<td>Par. 11:</td>
<td>ad</td>
</tr>
<tr>
<td>Par. 04:</td>
<td>liuros</td>
</tr>
<tr>
<td>Par. 07:</td>
<td>d' Ahum</td>
</tr>
<tr>
<td>d' Ahon</td>
<td>d' Ahum</td>
</tr>
<tr>
<td>Par. 07:</td>
<td>Crinis</td>
</tr>
<tr>
<td>Crines</td>
<td>Crines</td>
</tr>
<tr>
<td>Par. 15:</td>
<td>Leenti</td>
</tr>
<tr>
<td>Lente</td>
<td>Leenti</td>
</tr>
<tr>
<td>Par. 18:</td>
<td>Symeone</td>
</tr>
<tr>
<td>Simeoni</td>
<td>Symeone</td>
</tr>
<tr>
<td>Par. 12:</td>
<td>Mendo</td>
</tr>
<tr>
<td>Men</td>
<td>Mendo</td>
</tr>
<tr>
<td>Par. 17:</td>
<td>Sancto</td>
</tr>
<tr>
<td>San</td>
<td>Sancto</td>
</tr>
<tr>
<td>Par. 18:</td>
<td>Sancto</td>
</tr>
<tr>
<td>San</td>
<td>Sancto</td>
</tr>
</tbody>
</table>
The collation of the two texts shows that they are indeed different versions of the same legal act, i.e. they result from the same *actio*, and thus contain the same notarial document; there is therefore an unimpeachable genetic relationship between them: the text in Witness A was refurbished in the process of writing Witness B. Also, the two witnesses are written with different hands: they were the work of two separate *notatores*.

The fact that in B two paragraphs, with a clear dispositive content, were added is significant in this context: the moral author of the Will, Pedro Fafe seems to have been more precise in his provisions in the presence of the *scriptor* of B – in the final stipulations, absent in A, Pedro charges two people with carrying out his will against even the will of his widow and children: «faciant omnia mea manda impleri» (B, l. 17), and «faciant implere» (B, l. 18).

Now, as Martins notes, sixty wills, as *actiones*, could result in two types of documents, non-dispositive and dispositive. The fact that B is more dispositive than A concurs with its greater degree of latinity, and with the proposal that the use of a more romanized scripto-linguistic register was initially connected to nondispositive documents as well as to the drafts of dispositive documents.

It is thus my view that the private Will from 1210 with its two witnesses allows us, as no other known contemporary document does, to understand the process of the *conscriptio* of a legal act in the early 13th century. The comparison of the two texts form by form shows a preference in A for Romance spellings, whereas in B the Romance spellings were replaced by more Latinate solutions, and more Latin inflectional morphology was introduced. Among other things it is noticeable that the Portuguese definite article present in A was eliminated in B.

If the criteria that I proposed (qv. supra) for determining the Portuguesehood of a text are applied to both texts in a quantitative way and to certain linguistic markers the result is that the writing in Witness A is globally more near to Portuguese writing than in B, although A is not a fully Portuguese text.

The *conscriptio* of the Will from 1210 happened in at least two separate moments: a first version of the Will was drawn – not necessarily a draft. We have no way of knowing how much time elapsed between the two versions (they bear the same date). But it is significant that the date was written in A: it gives it a more formal character than we would expect in a simple draft. Then a *mundum*, a clean and polished version was written. Witness A shows that in a preliminary version of a legal text a romanized register would be chosen; this could be related to the need of recording faithfully the exact intentions and stipulations of the moral author, in an efficient and expedite fashion. If this reasoning is accurate, it only makes sense if the scribe was used to – or proficient in – writing in highly vulgarized fashion, which brings us to the existence of an established innovative tradition of writing. The presence of a considerable number of Latin elements in A, does not allow us to state that this text is written in Portuguese, if we take “Portuguese” as a strictly scriptographic label. As to B, its writing down involved the systematic and deliberate elimination of many of the Romance features present in A, and their replacement by Latin elements.

7. Concluding remarks

All this suggests the following picture: the ability to latinize a notarial text was an important aspect of scribal competence, before a fully autonomous Portuguese spelling was created for official use. Writing a text in the early 13th century (and late or even mid-12th century) could then involve both de-latinization and re-latinization: re-latinization was done with the express intent of hiding the vernacular in public documents, in order to give them an official and polished appearance.

If we extend these conclusions to the process of writing medieval Portuguese notarial documents in general we could well conclude that the second phase of the notarial tradition, which Pidal called the *segunda corriente*, was different from the earlier phase, not only in that a higher degree of vulgarization was reached in the late 12th century, but also in that a text could result from a complex process where vulgarization and latinization had each their place in different moments of the *conscriptio*.

Latinization presupposed some conceptual distinction between Latin and Romance, if not as distinct languages, at least as distinct styles of writing, that were used according to pragmatic factors (which is an interesting area of research for Portuguese sociophilology).

Documents such as Witness A of the Will from 1210, or the *Notícia de
Fiadores from 1175, or the other texts discovered and published by Ana Maria Martins, or the texts to be published shortly by José Antonio Souto Cabo in Santiago de Compostela, represent instances of an advanced stage of vernacularization of the Latin tradition in Portugal in the second half of the 12th century.

If the early textualization of Portuguese proper in the early 13th century can only be documented to our knowledge by two texts – where the Latin tradition was almost completely abandoned (i.e. where almost full de-latinization was attained) – nonetheless we must accept that it was preceded by years of experimentation, and most probably by other similar texts which simply did not happen to survive, or have yet to be unearthed.

Despite any new exciting discoveries that may still await us in the Archives, we can be sure that the early textualization of the Portuguese language in a broad sense was already under way in the 12th century, the very century when the sovereign kingdom of Portugal itself was founded.

Ivo Castro wrote pessimistically in 1986 about the state of Portuguese Historical Linguistics:

[...] estamos conscientes do século de atraso que a nossa disciplina [Linguística Histórica] tem em Portugal, da falta de continuidade do trabalho de cabouqueiro e da irregularidade da publicação das fontes, do desastre que foi nunca se ter implantado entre nós uma crítica textual profissionalizada, do muito trabalho de campo e de arquivo que ainda é preciso fazer pelas duas simples razões de nunca ter sido feito e de ainda não terem desaparecido as reliquias. [...] A nossa geração deverá gastar-se ainda em monografias. O tempo das sínteses e dos manuais virá depois.62

I think it is reasonable to say that in this first decade of a new century, what with the research undertaken by both Castro’s generation and an ensuing new generation of scholars in the past 15 years, the time for general overviews (“sínteses”) of the medieval period of the History of the Portuguese Language seems indeed to be steadily and unfailingly approaching.

António H.A. Emiliano
Universidade Nova de Lisboa