In our last three chapters we have seen how a new militarism grew in the Midi and Catalonia, how a powerful Church began, with some success, to curb its most extreme manifestations, and how efforts to create principalities of real permanence and with real authority ended in failure almost everywhere. As a result of all this, except in portions of the Spanish March and Aquitaine, by 1050 there existed no governmental structures, either feudal or nonfeudal in nature, which could assure peace and order for this society. Local nobles were supreme in their local regions. Sometimes such nobles bear titles of count or viscount. Sometimes they are called barons. Sometimes, as in parts of Auvergne and Catalonia, they are called comtor or conditor. The actual title seems unimportant. Whatever title they bear they seem alike; they are independent magnates controlling their domains, large or small, by virtue of their own strength and authority, and little bound to others except by ties so fragile that they could easily be broken. In short, between 975 and 1050 Southern France and much of Catalonia was in the hands of an aristocracy of nobles whom we might well refer to as principes, just as their own age tended to do.

Within their own private domains such principes did maintain a system of dominio or a private administration which might be called government. They made use of subordinate officials called viguiers or vicars to administer justice and judices whose functions are less certain. They levied upon these domains the cens and even certain other dues and exactions of a more onerous sort, some legal and some illegal in character. On Church lands which tended to be organized as commandes or guardas entrusted to these same nobles, the same system tended to be used. Everywhere in the Midi and Catalonia, then, there existed, during this period, a kind of local government which we would do well to think of as seigneurial, almost in the classic sense of the word, either an older milder system preferred by the great allodial landholders and the Church, or the new harsher type which was exercised over nearby regions by the castellans and milites of the new fortresses. It is when one proceeds beyond such jurisdictions and local control that one finds oneself in another world -- one in which no real governmental system existed at all. No power existed which could supervise the principes as they exercised their authority or which could restrain them as they restrained and controlled their own subordinate officials. Here the failure to create principalities in the Midi and Catalonia with any real authority over more than a local district becomes apparent as a failure with serious consequences for the society of the period.

In our last chapter an attempt was made to explain why this situation existed, even in such a region as Provence, which initially had a workable system imposed upon it by Marquis William I but which by 1030 had disintegrated into the same kind of area -- controlled by nobles, principes, and castellans -- which we find elsewhere in Southern France. Since no princeps could create a strong permanent principality in the face of the family system of the time, the tendency of land to become allodial, and
the power of a new militarism and a reforming Church, the *principes* took over the ruins of such efforts and ruled supreme.

Having noted this vital and important fact, however, we must go on to emphasize that this did not result in either anarchy or complete and total disorder. Faced by the political realities of the period, the society of the Midi and Catalonia found a way to keep peace and order which allowed [364] a maximum of independence to alodial landowner, churchman, castellan, and noble in whom real authority was vested. This society evolved a way of maintaining some of the necessary benefits of government in an age in which no over-all institutions could be provided for this purpose.

The system which evolved for this purpose was not a feudal one, though feudal elements existed in it. Nor was it new. It actually was an outgrowth of those informal tribunals which more and more, about the middle of the tenth century, replaced the Carolingian court system and handled the *guirpitios* of this period.[5] By 975 it was in full flower everywhere north of the Spanish March and continued to expand throughout the years we are discussing. We can describe it in simple fashion, as a system whereby assemblies, councils, or groups of important lay and clerical magnates were gathered together on an informal basis whenever a matter arose which affected their interests in a collective way. In other words when a matter came up which could not be handled within the framework of private seigneurial jurisdiction or the family system, others were called in to advise and to give their assent to a particular act or action. We might say, then, that the substitute for institutions of government by 975 was the collective judgment of a group of the *principes* who had an interest in, or knowledge of, a particular problem or procedure.

Any important magnate could hold such a meeting, assembly, or court in Southern France during this period. It might be an abbot of an important monastery, a bishop, or an archbishop. It might be an important lay noble, a *princeps*, or even a less important one. It might even be an important personage from outside the region, like a St. Odilon of Cluny, visiting the Midi to use his influence to restrain the excesses of the new militarism in a region like Auvergne. All that was necessary was that the person calling together such an assembly be able to get a gathering of important personages who could then consider a certain matter which was important to him and to those who came in response to his appeal.

The occasion for such an assembly of notables or magnates could vary in many ways. It might be called to consider the election of an important Church official, or to guarantee privileges to a Church establishment or even to found a new monastery or nunnery. It could be used to announce important gifts of property to such a church or abbey. It could be assembled to witness a *guirpitio*, that formal relinquishing of land or rights usurped from a particular Church establishment. It could meet to help settle property disputes between landowners. It could be called together to arrange for the building of a bridge or to reduce dues which were restraining trade. On a more formal regional scale it could be called together to proclaim the Peace of God in areas of the Midi and Catalonia. It could even be used to witness the imposition of a penance upon an important noble personage.

Who tended to make up such assemblies? They varied in their character generally speaking in regions where the family system was a powerful factor. They always included the important members of a family whose business was being considered by such a body, and almost always the principal representatives of important neighboring noble families or important churchmen. Our documents of the period describe them in various ways. Sometimes they are simply called by name or by title. Sometimes they are referred to as *principes*, sometimes as barons, sometimes as *seniores*, sometimes as *nobiles*, and most often as *boni homines*. We even find them called *friends* and *neighbors*. Some of them seem to have been bound by ties of *fidelitas* to the individual who summoned such an assembly in which case they are referred to as *fideles* in the charters of the period.
How were they expected to act or to function? In many cases our information makes it clear that they were simply witnesses, present to add the weight and prestige of their persons to the action being taken by him who called them together. In other cases there seems to have been formed a deliberative body which attempted to arbitrate a dispute or to reach a solution agreeable to the parties concerned. They seem to have acted in this way when such a dispute, if allowed to continue, menaced the public by threatening to lead to violence. In other words they reflect for us the presence of a relatively effective public opinion in the broad sense of the word, which was the only possible substitute for political institutions available to a society which had little or no government.

From the several hundred examples of such assemblies found in the sources of the period let us examine the actions of a few councils, meetings, or courts, whatever they may be called in our charters. Let us begin with the Toulousain. Here we find three such assemblies which concerned themselves with the exactions that certain individuals were levying on the market of the city of Toulouse. The first, mentioned in a charter which dates from between 1004 and 1010, was a council of noblemen which made a certain Donat give up the dues he was levying on the market. Donat states that he does so "cum consilio" of Count William and Bishop [366] Raymond of Toulouse and other "principium terre."(6) This apparently did not settle the matter, for a little later we find a mention of another court or council which felt it necessary to deal with this matter. This council or court was composed of Count William again and the archbishop of Narbonne and a number of other bishops, including those of Toulouse, Carcassonne, Béziers, and Maguelonne, which threatened excommunication of any who continued such exactions.(7) In the year 1050, however, the matter seems to have come up again, and this time we find it is Count William himself who agrees to give up such exactions before a group or assembly of "boni homines."(8) Each of these assemblies was quite different from the others. Yet each of them could deal with such a specific question as the market of Toulouse and the dues levied upon it. For another example of such an assembly, the charter in which Count Pons of Toulouse gives to Cluny the abbey of Moissac is revealing too. Pons says he is making this gift "cum consilio" of his wife Countess Almodis and a number of noblemen whom he calls "principium mihi."(9) But even a simple individual layman or churchman could also hold such a court. Thus we learn from a document of 1036 that a monk of Montolieu, having sought out a certain Bernard Odalric, who unjustly held a church belonging to this abbey, gathered together a group of noblemen who witnessed the guirpitio of this church by Bernard in return for a payment of some twenty solidi.(10) When we turn to Gascony we find references to still other kinds of assemblies. One, dating from 985, seems to be an assembly gathered to witness the penance which Archbishop García I laid upon Count William of Astronove for marrying a wife within the prohibited degree. (11) The assembly, we are told, consisted of certain principes, such as the duke of Gascony, Count William's brothers -- Bernard, Raymond, and García -- the bishop of Toulouse, and a number of other important personages. A [367] little later another assembly, referred to as a court, met in 1027 to found the abbey of Sainte-Croix. This court, says the charter, provided land for this establishment and was composed of "omnes principes Burdegalensium."(12) North of Gascony in Western Aquitaine the same kind of assembly seems to have been common. One such was called together in 1027 to judge a lady accused of poisoning Count William II of Angoulême. (13) Ademar of Chabannes says that it was attended by the "principes et nobiles" of Angoulême, Périgord, and Saintonge. Or we read in a charter how Duke William of Aquitaine gave a church to the abbey of Saint-Jean d'Angély in 1038 in the presence of a gathering which is composed of men called by the Duke in his charter "primatibus meis et principibus."(14) Again another charter of 1040 informs us of certain principes present in 1040 when Abbot Ademar of Saint-Etienne de Baigne made a new division of family property with his brother Itier.(15)
In the nearby Limousin soon after 992 a charter tells us how Viscount Arthimbaud gave a church to the abbey of Uzerche "cum consilio et voluntate fidelium nostrorum," and how Bishop Hildegare of Limoges added certain rights with the consent of the barons who live near this abbey. In 1025 our sources mention another gift of a church, this time by Viscount Ademar, to Saint-Martial of Limoges, done "cum voluntate fidelium nostrorum Widoni et Gauzfredi ceterorum que propinquium atque amicorum nostrorum." A little later, in 1039, when Bishop Hildegare forbids interference in the election of the abbots of Uzerche and Saint-Martial he does so, says the charter, "cum consilio canonicum ac baronem circa monasterium consistientiam." In 1045 the charter given Bishop Jordain by Duke William of Aquitaine which regulated the election of the bishops of Limoges mentions that this is done "in praesenti nobilium, clericorum vel laicorum." Three years later, when land is given to found a nunnery, we learn that among those present on this occasion were the bishops of Angoulême, Périgord, and Limoges, three viscounts of the region, and a number of noblemen.

In Auvergne when a certain noble landowner called Robert gave the abbey of Sauxillanges, about 1030, a large gift of property, the charter says he does so "cum consilio amicorum meorum." Still another document of the same period shows another important Auvergnat noble called Artmann giving up exactions he had been levying on Church property "cum consilio fidelium meorum," in this case identified as the milites of his castle of Nonette. Still a third noble, a certain Robert, son of Ictor, gives the same abbey a mansus in the presence of an assembly which he calls "ejusdem regionibus seniores." It is in this same part of France that we hear of "principes et nobiles" who attend the council at which the bishops of the region proclaim the Peace of God; and here St. Odilon of Cluny, in addition to holding a series of assemblies which persuaded nobles to return land they had usurped from Sauxillanges, ordered the "principes illis terrae" to come before him to explain their exactions over land belonging to the priory of Saint-Flour.

In Rouergue about 1020 we find a certain magnate, called Gerald Richard, giving back to the abbey of Conques a large tract of land, including a forest, before an assembly which included in its membership Bishop Frotaire and a number of other important landowners. And a priest, Hugh, and his brother at about this time before a court of Conques, presided over by Abbot Odairic and consisting of a number of monks and laymen, gave their property to this establishment too. About 1035 at Albi a somewhat similar assembly met and decided to build a new bridge across the river Tarn. Among those present there were the bishops of Albi, Nîmes, Rodez, and Cahors, the abbot of Saint-Sernin of Albi, and Viscount Aton of the same city.

In Velay and nearby Valence similar assemblies seem to be common too. In 996, for instance, a charter tells us of a certain Hunald who gave property to the abbey of Saint-Chaffre "cum authoritate virorum qui chartam signaverunt," and four years later in giving to Saint-Chaffre a monastery Viscount Etienne of Gevaudun says he does so with the consent of the bishops of LePuy and Viviers, of Pons, count of Gevaudun, and his brother Bertrand, and all "amicis et fidelibus nostris." A charter of 1012 from the Lyonnais mentions that a certain Aigro and his brother gave a church and other property to the abbey of Savigny "cum consilio amicorum meorum," a phrase repeated by Lord Guerin eight years later in making a similar gift to this same monastery "cum consilio amicorum et parentum meorum." In charters of 984 and 1007 which mention the archbishop's confirmation of the elections of Hugh and Durand as abbots of Savigny, the archbishop says he is acting with the consent of the lords of the region. Just so, in 1033, along, acrimonius dispute between Savigny and Abbess Astrudis over the church of Saint-Sernin was finally settled by a council which included in its membership not only the archbishops of Lyon and Vienne but also others who are called "aliorum.
principium" among whom some milites are mentioned. And when in 1044 a certain miles agreed to give up dues that he was levying upon the church of Saint-Etienne of Lyon, he did so only after he had been summoned to appear before an assembly presided over by Archbishop Oldaric and composed of "quamplurimos nobilium clericorum et laicorum."

To the south of Lyon we have evidence of other such assemblies or councils meeting during this period. There was one which was composed of bishops, counts, and noblemen whom Bishop Hugh called "his friends" and who witnessed his gift of a church and other property at Geneva to Cluny in 993; or the so-called public council which forced Lord Sylvius in 995 to return land he had usurped to the abbey of Saint-Barnard de Romans; or that composed of brothers, fideles, and friends which witnessed a gift made to Saint-Chaffe by Aquinas of Dauphiny in 1024. No wonder we find that it was a similar assembly of bishops, abbots, and principes of Vienne and Valence which met to confirm Saint-Barnard's right of sanctuary, and that it was before a "coram princibus" of nobles and bishops that a certain Aimon in 1050 made a guirpito of land in Savoy which he had usurped from the abbey of Saint-Sulpice.

Turning to Provence we find in our records even more examples of such assemblies of mixed noblemen and churchmen which seem to have been held for all sorts of purposes in every part of this region. This seems particularly true when the over-all structure of justice dispensed by general courts began to weaken soon after the death of Marquis William I in 994. Thus, it is in this same year that we find Almeradus, bishop of Riez, attending a court presided over by Lord Gamier, prepositus of Cluny, and giving up exactions he was levying on the villa of Valentiolo. Ten years later, in 1004, a charter mentions a group of important noblemen, including Marquis Roubaud and his wife, William of Antibes, and other magnates who met to elect an abbot of Saint-Pons of Nice. A year later our sources tell us how a great assembly of magnates and churchmen met to give privileges to the abbey of Saint-Victor of Marseille. It included Count Roubaud of Provence, Bishop Pons of Marseille, Count William of Toulouse, and a number of abbots and other churchmen. Still another document of a year later mentions these same noblemen and certain others who met to choose a new abbot for this same monastery. The nobles mentioned are called "fideles laici."

After the year 1026 such assemblies seem even more common in Provence. Thus in this year we learn that Viscount William of Marseille gave an allod to Saint-Victor in Sisteron in the presence of members of his family and "ceteri circumadstantes milites," who signed the charter as witnesses to his gift. A similar large group of witnesses were present when Bishop Josselin and his kinsmen and other landowners gave the abbey of Saint-Martin near Fréjust to Saint-Victor of Marseille in 1030; and when Lambert and his wife, in the presence of the bishops of Sistemon, Antibes, and Nice in 1033, gave a number of churches to the abbey of Lérins. Our records also show us another large gathering of notables in 1040, when Archbishop Rambaud of Arles gave the castle of Auriol to Saint-Victor, and when Count Otto and Conrad of Vintmille, a year later, gave the abbey of Saint-Michael to Lérins "in presantia multones homines ipsius loci." A charter of 1045 tells us that it was a council "episcoporum ac provincialum nobiliorum" which used ordeals to decide a dispute between Viscount Pierre of Gap and the abbey of Saint-Victor; and a similar council, or assembly of "milites et boni homines," meeting in 1050, gave permission to Abbot Pons of Saint-Sernin of Vence to give his monastery to the church of this civitas. Thus it was a court presided over by Lord Acbert of Digne and consisting of members of his family and "multis militibus adstantibus et aliiorum multum" which settled a dispute in 1055 between Saint-Victor and certain allodial landholders of the region.

Wherever we look in Provence we find assemblies meeting and acting as they do in the rest of the
Midi.

Turning to Languedoc west of Toulouse again we find evidence of many such assemblies. In 985 a charter tells us of how a group of the "men of Montpellier" and Bishop Pierre of Melgueil and Viscount Aimery of Narbonne met and reached an agreement concerning tolls levied on commerce of Montpellier with Narbonne, both that arriving by sea and that by land. Later, in 998, before a court consisting of a number of boni homines and presided over by Abbot Etienne, two brothers gave up land belonging to the abbey of Montolieu, which they were occupying unjustly. In 1013, when Countess Garsinde of Anduze and her sister Viscountess Senegunde of Millau were disputing ownership of a villa at Palaiz, the matter was settled by a court held at Béziers whose members included a number of abbots, noblemen, and "aliorum bonorum hominum." The charter which tells us of this court calls its members "seniores et boni homines." At least a score of guirpitios of land belonging to the abbeys of Aniane and Gellone during this period took place before similar assemblies or courts of noblemen who lived near these establishments. Even more interesting is a record of an agreement reached between these two rival abbeys, sometime between 1031 and 1048, which was negotiated before a group of notables or "laicorum hominum." This agreement concerned the building of a bridge near these two abbeys. Still another important assembly of notables met in 1029 to witness the gift of lands to these two abbeys by Marquis Bernard of Anduze and his wife Countess Garsinde. This included among its members the count of Toulouse, the viscount of Albi, and a number of important bishops and churchmen. A similar group of noblemen formed a court or council which met at Narbonne in 1023 to arbitrate a dispute between a landowner named Rainard and the abbey of Saint-Paul of Narbonne. Just as we find another assembly which met two years earlier to elect an abbot of Caunes, an assembly which included Count Pierre of Carcassonne, his nephew, Viscount Aton of Nîmes, and a number of other magnates whom the charter calls "principes et clienti nostri."

We do have a record of one case involving such court or assembly or council which gives us perhaps the best possible idea of how they functioned in the Midi during this period. This case seems to have concerned a dispute in 1053 between two noblemen of Béziers and the canons of Saint-Nazaire over a certain church which both parties claimed. To settle this matter an assembly or court of the seniores or nobility of the region met and called both parties before them. When no agreement could be reached, despite the efforts of these assembled nobles, they recommended that the matter be settled by judicial combat, "cum scuto et bacalo," says the charter. Neither side regarded this as a proper solution, apparently, and so another court or placitum met to settle the matter, this time one presided over jointly by the bishop and viscount of the city, and including a number of nobles and "boni homines" who were not present at the first court. After a good deal of argument the lay landowners agreed to give up their claims to this property upon payment of some 300 solidi by the canons of Saint-Nazaire. This agreement settled the dispute at last.

Now an examination of this case shows us how assemblies and courts of this type functioned in the Midi. In the first place we can see that these assemblies were informal gatherings rather than formal ones. They seem to have no clear jurisdiction over the parties concerned who may refuse to accept their verdict, as happened in the case of the initial court with its verdict of a judicial combat. Third, they strive to reach an agreement satisfactory to both parties rather than to lay down the law as such, hence the payment of 300 solidi in return for giving up a claim to the disputed land by the two landowners in question. They seem like bodies which arbitrate disputes rather than give a formal verdict. And finally if one court cannot solve a problem, this case proves that another one can be called together to meet and finally settle it.
There still remains one final region which needs to be examined. That region is Catalonia. Here we find a situation somewhat different from elsewhere in the Midi, because the essential structure of the Carolingian court system and of Visigothic law had not disappeared. Like Provence at the time of Marquis William I, the Spanish March preserved a more organized government than was the case north of the Pyrenees. Thus we find in our documents evidence from the years 978, 985, 989, 1011, 1013, 1017, 1018, 1025, 1033, 1036, and 1037 (63) that Carolingian-type courts continued to be held in the Barcelona region; as well as evidence dating from the years 987, 1010, 1027, 1030, and 1031, (64) that they are still found in Cerdanya-Besalu and Roussillon. Our sources make it clear (374) that the procedure in use is still in accordance with Visigothic law, and that the usual judices and boni homines attended these tribunals to assist the counts or their representatives in arriving at a judgment in accordance with the law.

Along with this formal legal system and equally important, however, we begin to find another of a more private sort which also developed during these years. One of the first proofs of such a system is to be found in charters which inform us of certain wills by which important landowners of Catalonia bequeathed their property and their rights to their heirs. Thus in 981 documents tell us of how two important magnates, Viscount Guitard of Barcelona and Lord Galindo, left their property to heirs in wills sworn as valid before a judex and a panel of boni homines. (65) In 985 this procedure, which seems to have been new and rather unusual in Catalonia, was used again in the case of a will left by Ramio, who died as a captive in Cordova, and one by Viscount Ernimiro of Cardona. Lord Ramio's will was probated before a judex and a group of boni homines; (66) Viscount Ernimiro's before an assembly, which consisted of his co-milites Ennego, Borrucio, Jotfred, Senior, and other lords of the Catalan border marches. (67) By 992 such procedures had become regularized, and we find a series of these wills in charters dating from 992, 993, 994, 1002, 1010, 1024, 1027, 1032, 1045, and 1046. (68) Some, like that of Adalberto of the viscontal family of Barcelona in 1010, which disposed of castles like Mogio and Albaniya, which he owned, were to result in law suits later on in the courts of the counts of Barcelona. (69) All seem to reflect a more private jurisdiction than the legal procedures used before this period allowed.

Along with this new method of probating wills of important personages before assemblies or courts of their peers gathered together informally for this purpose, we find other uses of assemblies which met outside the formal legal system of the region and which resemble in many ways those (375) which we have just been describing in the Midi. One of the earliest of these which we find is a court in 988, which was presided over by Bishop Godemar of Gerona and Abbot Oddo of San-Cugat, and which included a number of boni homines. (70) This court or assembly managed to persuade a certain landowner, called Sentimiro, to reach an agreement with the abbey of San-Cugat, an agreement called a pacto or conventio, concerning some land which his brother had left to this monastery, land which he had been unwilling to relinquish. Though the wording is a little different, obviously here we see in Catalonia the same kind of guirpitio which was so common during this period in the Midi. In 996 we have a record of a similar guirpitio in which the family of a certain Sunifred relinquished to this same monastery certain water rights which it claimed, and did so before a body of men called "procures et boni homines. " (71) Soon more important noblemen were following this kind of procedure. Witness a court of similar nature which, in the year 1000, was presided over by Bishop Berengar of Elne and Viscount Sunifred of Cerdanya and which included a number of laity and churchmen; (72) or that mixed body of lay and ecclesiastical boni homines before which Sunyer, count of Pallars and his family, appeared in 1007 to give up property they were occupying which belonged to the abbey of San-Vincent of Oveix. (73) Cases involving similar disputes in the Barcelona region are also found in documents dating from 1028, 1036, and 1045, (74) in Besalu in 1018, (75) in Roussillon in 1036 and 1037, (76) and in
Thus we can see that in Catalonia too, as in the rest of the Midi, the informal agreement or the private will, made legal and binding by being arranged or probated before groups of *principes, nobiles, milites*, or *boni homines*, began to replace action taken before more formal courts, though the formal Carolingian courts and legal system never completely disappeared. In fact, it seems probable that if the counts of Barcelona had not begun, about 1060, a system of legal reforms which produced that body or code of law we call the *Usatches*, the Spanish March might have followed the same path as the rest of the Midi. It would have had a system in which law and order were maintained only as a result of informal assemblies of important laymen and churchmen, who met and settled disputes where no governmental machinery existed for this purpose.

How can we sum up, then, the way in which lords south of Poitou and Burgundy managed to keep order and minimize disputes in an age without an adequately functioning government? The answer seems clear. In Southern France, and to a certain extent in Catalonia, the substitute for governmental machinery was a practice of periodically gathering together important magnates and churchmen in informal courts, councils, or assemblies. By means of such gatherings the society of the period was able to transcend the narrow limits of Church and private seigneurial jurisdiction. This made possible the building of bridges, the election of abbots, the ordering of privileges of various sorts, and most important of all the settling of disputes. While in theory such assemblies often had no true jurisdiction over the matters with which they concerned themselves, in practice they tended to represent public opinion to such an extent that they were generally able to get results, and particularly to arbitrate disputes which were brought before them. They could even lay down courses of action or programs, like the Peace of God, which could then be implemented on a more local level by assemblies less important than the regional councils which first proclaimed them. The existence of such a system explains why in the Midi and Catalonia peace generally prevailed in this period, despite the growth of militarism and the failure of principalities. And from them were to be derived local courts and, more important, later assemblies which were to be used to deal with conflicts like those that took place between the counts of Toulouse, the kings of Aragón, and other major powers in the Midi.

We are now able to consider a final question. To what extent were these courts, assemblies, and gatherings feudal? The answer seems clear. In some of them we do find a feudal element. Some of those who attended them did so as the *fideles* of those who called them together. But such *fideles* seem in general to have been in the minority. Judging from the examples of such assemblies or courts down to 1050 attendance always seems to have been based more on the region in which they were located or an interest in the matter they were called to deal with than any individual ties of loyalty which demanded court service. In spirit, throughout this period, such gatherings seem more Carolingian in this sense than feudal. And they were to remain so until Southern France in the twelfth and thirteenth century began to come under the control of Northern French monarchs.

It would be a mistake, however, to conclude this discussion of the political system found in the Midi and Catalonia from 975 to 1050 on such a note. For by this time we are able, at last, to discern the beginnings of two principalities in lands lying south of Poitou and Burgundy. The first of these was a new duchy of Aquitaine. The second was a new county of Barcelona. Each of these in its own way illustrates a new and growing trend toward political consolidation which at last we see gathering strength in these regions.

Let us first consider the duchy of Aquitaine, which was an outgrowth of the county of Poitou. Though the counts of Poitou had long had claims to Auvergne, the Limousin, and the rest of Western Aquitaine, as well as taking the title of duke of Aquitaine, they had had little real control over these regions. After 975, as the power of their principal rivals, the House of Toulouse-Rouergue declined, they began to
renew their efforts to expand. At first, despite assistance given them by the kings of France, they made little progress. Any allegiance received from the Limousin was of a temporary nature, and Angoulême under its able counts went its own way. As for Auvergne, their control over portions of it was generally only nominal.

Gradually, however, they began to do better, for they had certain advantages. In the first place they were able to maintain in their nuclear county of Poitou a centralized Carolingian administration, and the dukes were able, about the year 1000, to graft upon this structure a centralized feudalism much like that developing in nearby Anjou and Normandy. They had, therefore, a well organized base from which they could move south and east at the expense of their rivals. Secondly, they perceived the advantages of supporting Church reform or at least the Church's opposition to the abuses of the new militarism, which gave them allies of importance in the rest of Aquitaine. By 1027 their well organized armies of vassals, assisted by the count of Anjou, had conquered much of the Limousin and within a year or so had control of Saintonge. Soon all Western Aquitaine was under their control and they were supreme north of the Garonne. Then in 1053 Gascony fell to them also. By the end of our period a great duchy of Aquitaine had appeared between the Loire and the Pyrenees.

It needs to be emphasized, however, that this large new duchy of Aquitaine was still in many ways not a true principality. In the Limousin, in Auvergne, and in Gascony the authority of the dukes was still very nominal. The society of these regions clung to its nonfeudal family structure, its distrust of centralized authority, and its reliance on alodial rights. As Henry II and Richard the Lionhearted were to discover, it was difficult to change the Limousin and the rest of Western Aquitaine into a region whose lords behaved like English barons, while Gascony was to remain distinctive and opposed to centralized feudal institutions even longer. But at least by 1053 a beginning had been made of creating something approaching a principality in a part of the Midi where nothing like it had existed down to the year 1000.

The county of Barcelona, the other principality which needs to be examined, presents a somewhat different story. Here, as in Poitou, there were rulers who had had, since Count Guifred's time, some real pretense of authority over more than their nuclear counties of Barcelona, Gerona, and Ausona. Here too we find the same story of late tenth century failures, as Count Borell II gradually lost out to his cousins of Cerdanya-Besalu and began to find it difficult to control his own marcher lords. His policy of dependence on Cordova proved equally disastrous, as the sack of Barcelona in 985 and the later Moslem attack of 1002-1003 clearly showed. By the time of Count Borell's death, it seemed that the days of a strong marquis of Catalonia of the House of Barcelona were over.

Then things began to change. Borell's successor Count Raymond Borell and his wife, the able Countess Ermisseende, began a new era for the House of Barcelona. Raymond Borell and his kinsman Count Ermengol began to lead Catalan armies south into Moslem territory. They revitalized the judicial system by making their court one in which justice was available. They began to recover a measure of control over castles belonging to marcher lords who had for some decades ignored the rights of the counts over such fortresses. They brought a new prestige again to their house. When Count Raymond Borell died, Countess Ermisseende continued to act with vigor, at the very moment when Cerdanya-Besalu was in the process of disintegrating.

Finally, in 1039, Raymond Berengar the Old, the real architect of Barcelona's greatness, became count. He reorganized and strengthened the judicial institutions of his counties still further, a process which led to the codification of Barcelona's laws in the famous Usatches, the work of the great jurist Bonefill March, which Raymond Berengar and his council of magnates promulgated in 1060. Even more
than his predecessors he understood the importance of control of castles, and forced the marcher lords who possessed them to do him homage for them and to recognize the rights which he had over them as count.\textsuperscript{(100)} Nor did he neglect Church reform, supporting it until by 1061 he and his magnates could proclaim a Peace of God by comital princely authority.\textsuperscript{(101)} Finally, he made the important discovery that the most effective method that could be used to control the new feudalism of the time was the use of money. He began to purchase support from his barons, and in the 1040's through the payment of some 20,000 \textit{solidi} secured the loyalty of Count Ermengol of Urgell and his \textit{milites} and castellans, He followed it up with other payments to the \textit{conditores} and castellans of Urgell about 1050.\textsuperscript{(102)} Soon he [381] was to buy the loyalty of his cousins in Cerdanya-Besalu and assume power over all of Catalonia.

Thus at last a new county of Barcelona began to arise as a strong principality. Prestige and booty gained in battle against the Moors, judicial centralization, Church reform, and control over military lords through feudal ties and gold, laid the foundation of a new strong Catalan state, which was to compete with the duchy of Aquitaine and a revived county of Toulouse -- established by Raymond of Saint-Gilles -- for leadership in Southern France. In Catalonia and Aquitaine by 1050, if not elsewhere, we can see the beginnings of a new political centralization which was to transform the political life of the regions south of Poitou and Burgundy.

Notes for Chapter 18

1. Amblard, \textit{comptor} of Nonette, is mentioned in \textit{Cart. de Saint-Flour}, nos. 5, 6. In Catalonia \textit{comtores} or \textit{conditores} are mentioned in a charter of 994. (\textit{Cart. de San Cugat}, no. 298), and one of 1050 (\textit{Liber Feudorum}, no. 147).

2. See the excellent description of the situation in the Limousin during this period G. Tenant de la Tour, \textit{L'homme et la terre de Charlemagne à Saint Louis}, pp. 200-295.

3. In Catalonia charters dating from 990 and 999 contain references to such officials (\textit{Cart. de San Cugat}, nos. 247, 343). See also the right which a landowner possessed over a \textit{villa} in Pallars according to a charter of 1010 (\textit{Marca hispanica}, I, ap. 163). See the same situation reflected during the years 1004-1020 in Auvergne (\textit{Cart. de Saint-Flour}, no. 5; and \textit{Cart. de Sauxillanges}, no. 804); or in Rouergue according to a charter of 1019 (\textit{Cart. de Conques}, no. 304).

4. See references to such \textit{commandes} in Auvergne in 1025 (\textit{Cart. de Sauxillanges}, no. 781); or in Rouergue about 1030 (\textit{Cart. de Conques}, nos. 23, 366); or about 1050 (\textit{ibid.}, nos. 94, 452); or in Dauphiny about 1050 (\textit{Cart. de Saint-Barnard de Romans}, no. 91).

5. See Chapter II, Section IV, on the beginnings of this system of informal courts or assemblies before which \textit{guirpitios} took place.


7. \textit{Ibid.}, nos. 135-137.


10. \textit{Hist. Gén. de Lang.}, V, no. 207. There are a number of other such gatherings we know of in this region which took place during these years. None were held by a nobleman who had a right to hold such a court, per se, and all were held with \textit{boni homines}, nobles, or \textit{principes} present. See \textit{Hist. Gén. de Lang.}, IV, 772-773; V, no. 163; "Cart. de Lézat" [unprinted], X, 69; and \textit{Cart. de Saint-Sernin}, no. 232.
11. *Cart. d'Auch*, nos. 51, 52.

12. *Cart. de Sainte-Croix*, no. 1. For other examples of such assemblies which our sources often report were attended by *principes* see *Cart. de la Réolle*, no. 153 (c. 980), and *Cart. de Lucq*, no. 4 (c. 1040-1050).


15. *Cart. de Saint-Etienne de Baigne*, no. 120.

16. *Cart. d'Uzerche*, no. 46.

17. *Cart. de l'aumônerie de Saint-Martal de Limoges*, no. 29.


20. *Cart. d'Uzerche*, no. 842. For other examples of such assemblies found in Western Aquitaine and the Limousin see *Cart. de Dorat*, no. 2 (987); *Cart. de Vigeois*, no. 24 (1001-1031); *Cart. d'Uzerche*, no. 47 (1025); *Cart. de Saint-Etienne de Limoges*, nos. 24 (1047-1050), 69 (1027); *Cart. de Savigny*, no. 633 (c. 1028); *Cart. de Saint-Jean d'Angély*, no. 158 (1030), 193 (1040); *Cart. d'Angoulême*, no. 6 (1040); and *Cart. de Paunat*, no. 6.


25. *Cart. de Saint-Flour*, nos. 5, 6. For other examples of such assemblies see the charters of the period from Auvergne such as *Cart. de Sauxillanges*, nos. 279, 290, 378, 419, 476, 635 (996-1049), and *Cart. de Brioude*, no. 331 (1011).

26. *Cart. de Gellone*, no. 82.


28. *Hist. Gén. de Lang.*, V, no. 205. This charter calls these men the *principes* of Albi. For other examples of such assemblies in this region see *ibid.*, no. 142 (987); *Cart. de Conques*, nos. 23 (1010-1053), 83 (1031-1065), 175 (997-1004).

29. *Cart. de Saint-Chaffre*, no. 141.


35. *Chartes de Cluny*, IV, no. 2960. For a record of other such assemblies in this region see *Cart. de Savigny*, nos. 256 (976), 553 (992), 602 (1017); *Cart. de Saint-Chaffre*, no. 56 (1034); and *Chartes de Cluny*, IV, no. 2921 (circa 1050).

37. Cart. de Saint-Barnard de Romans, no. 56.
38. Cart. de Saint-Chaffre, no. 357.
39. Cart. de Saint-Barnard de Romans, no. 79.
40. Cart. de Saint-Sulpice, no. 3. For other examples of such assemblies see Cart. de Saint-André-le-bas, nos. 32 (1023), 179 (1003), 212 (1046), 241 (1036-1050); Cart. de Saint-Barnard de Romans, nos. 74 (1025), 96 (1050); Cart. de Saint-Maurice de Vienne, no. 50 (1028).
41. The last record of such a general court or placitum generale held in Provence dates from 984 (Cart. de Saint-Victor, no. 654).
42. Chartes de Cluny, III, no. 2268.
43. Cart. de Saint-Pons de Nice, no. 2.
44. Cart. de Saint-Victor, no. 15.
45. Ibid., no. 1054.
46. Ibid., no. 655.
47. Ibid., no. 599.
48. Cart. de Lérins, no. 144.
49. Cart. de Saint-Victor, no. 58.
50. Cart. de Lérins, no. 167. See also the record of a council or assembly which met nearby in 1044 (Cart. de Saint-Victor, no. 659).
51. Cart. de Saint-Victor, no. 691.
52. Cart. de Lérins, no. 97.
53. Cart. de Saint-Victor, no. 739.
54. Liber Instrumentonum Memonialium [Montpellier], no. 149.
55. Cart. de Carcassonne, I, 196. See also a charter of 998 describing an assembly of churchmen, nobles, and fideles present when Viscount Stephen of Gevaudun founded the abbey of Langogne (Hist. Gén. de Lang., V, no. 156).
56. Cart. de Conques, no. 18.
57. See for instance Cart. de Gellone, nos. 11, 16, 24, 33, 34, 54, 86, 107, 133, 146, 248, 305; Cart. d'Aniane, nos. 142, 146, 230, 244, 277, 332; Hist. Gén. de Lang., V, no. 206.
58. Cart. de Gellone, nos. 18, 20.
59. Ibid., no. 6.
61. Cart. de Carcassonne, IV, 75.
62. Cart. de Béziers, no. 66.
63. Liber Feudorum, no. 320 (978); Catalunya Carolingia, II, 72-73 (985); El Archivo Condal de Barcelona, no. 2 (989); Cart. de San Cugat, nos. 437-439 (1011), 452 (1013), 464 (1017), 470 (1018), 496 (1025), 529 (1033), 542 (1036), 545 (1037).
64. El Archivo Condal de Barcelona, no. D (987); Hist. Gén. de Lang., V, nos. 168 (1010), 193 (1020);
Cart. roussillonnais, nos. 32 (1027), 33 (1030), 34 (1031).

65. Cart. de San Cugat, nos. 136, 139.

66. Ibid., no. 171.


68. Archivo Catedral de Barcelona, no. 26 (994); Cart. de San Cugat, nos. 280, 281 (992), 294 (993), 372-374 (1002), 431, 432 (1010), 491 (1024), 505 (1027), 526 (1032), 581 (1045), 587 (1046).

69. See final settlement of the dispute raised by this will in Cart. de San Cugat, nos. 437-439.

70. Ibid., no. 218.

71. Ibid., no. 317.


73. Ibid., no. 167.

74. Cart. de San Cugat, nos. 508 (1028), 542 (1036), 577 (1045).

75. Hist. Gén. de Lang., V, no. 175.

76. Ibid., no. 207 (1036); Cart. de San Cugat, no. 545 (1037).


78. Yalls-Taberner comments on the use of two different sorts of judicial procedures in Catalonia. One he calls "arbitration" and the other formal use of courts as provided in the Lex Visigothorum. See F. Yalls-Taberner, "La Cour Comtale Barcelonaise" in Revue historique de droit français et étranger, XIV, (1935).

79. Ibid., pp. 672-682.

80. See the general statements of Raoul Glaber, Historiarum libri V, V, 17, p. 103.

81. We need some detailed studies on such informal assemblies in the Midi in later periods. They were both numerous and important.

82. For example see Cart. d'Uzerche, no. 46; Cart. de l'aumônenie de Saint-Martial de Limoges, no. 29; Cart. de Sauxillanges, no. 18; Cart. de Saint-Chaffre, no. 375; and Cart. de Carcassonne, IV, 75.

83. Ademar de Chabannes mentions one of these intermittent periods of Poitevin influence in the Limousin about 990 (Ademar de Chabannes, III, 42, pp. 165-166). This is confirmed by a charter of 987 from Dorat (Cart. de Dorat, no. 2). See efforts of the duke of Aquitaine in 1006 directed against the counts of La Marche (Ademar de Chabannes, III, 45, p. 167).

84. At least down to 1028. On the alliance between the dukes and Count William Taillefer of Angoulême see Ademar de Chabannes, III, 42, pp. 165-166. On their alliance with the Angevin House about 1010 (ibid., III, 41, pp. 163-164). On Angoulême expansion into Gascony see ibid., III, 68, p. 194.

85. See Introduction to the Cart. de Saint-Flour; pp. cvii-clxii, on the situation in Auvergne where the Poitevin House was able to exercise very little influence.

86. See the excellent articles by Garaud on the control they exercised over their nuclear county of Poitou. M. Garaud, "Les circonscriptions administratives du comté de Poitiers et les auxiliaires du comté au Xe siècle," in Le Moyen Age, LIX (1953), and "Les Vicomtes de Poitou," in Revue historique de droit français et étranger, XVI (1938). Garaud doubts that the dukes had complete authority over all
Poitevin viscounts until the eleventh century.

87. P. Labbé, *Sacrosancta Concha*, IX, col. 898; and *Cart. de Saint-Etienne de Limoges*, nos. 175-177.

88. See references to their authority at Limoges in 1027 in *Cart. de Saint-Etienne de Limoges*, no. 69; and "Aquitaniae Historiae Fragmenta," in *Ademar de Chabannes*, p. 208.

89. See the account of Duke William's successful intervention in Saintonge by the 1020's in *Ademar de Chabannes*, III, 66, p. 186. For charters showing William's authority here see *Cart. de Saint-Jean d'Angély*, nos. 42, 74, 184, 186, 197, 252.

90. See references to the marriage of Sancia, sister of the duke of Gascony, to a member of the Poitevin family during this period, a marriage which helped establish their first influence in this region, and to their successful intervention in the affairs of the Church of Gascony (*Ademar de Chabannes*, III, 39, 69, pp. 161-162, 194). By this time (c. 1030) the duke's authority was recognized throughout most of Aquitaine.


92. For records of the sale of castles and lands to marcher lords by Count Borell II and his son between 977 and 995 see *Cart. de San Cugat*, nos. 126, 211, 214, 215, 239, 240, 295; *El Archivo Condal de Barcelona*, nos. 186, 225, 232; and *Hist. Gén. de Lang.*, V, no. 132.


94. For instance see reference to Moslem destruction of the border castle of La Granada about 1002-1003, *El Archivo Catedral de Barcelona*, no. 27.


96. The first such evidence of a revitalized comital control through use of the court system is revealed in charters dating from 1011 which tell how Count Raymond Borell intervened in a dispute between the abbey of San-Cugat and the viscontal family of Barcelona (*Cart. de San Cugat*, nos. 437-439). A second such intervention took place in 1013 in a dispute between this same abbey and the family of another marcher lord (*ibid.*, no. 452). This case was not finally settled until 1017 (*ibid.*, no. 464).

97. Note also the count's intervention in 1012 in a dispute concerning control of the castle of Santa-Oliva owned by San-Cugat and controlled by a marcher lord called Isembert (*ibid.*, no. 449).

98. Countess Ermissende and her son Count Raymond Berengar presided over a series of courts in 1018, 1020, 1025, and 1033 (*Cart. de San Cugat*, nos. 470, 476, 496, 529). See the homage of Count Guifred to Countess Ermissende for a number of castles in Gerona and Ausona between 1018 and 1023 (*Liber Feudorum*, no. 272), as well as the homage which Count Ermengol of Urgell did to Count Raymond Berengar for castles in Urgell (*ibid.*, no. 157). For another example of the count's power in 1037 over castles see *Cart. de San Cugat*, no. 545.

99. On the *Usatches* which were written down first in 1058 or 1060, see F. Valls-Taberner, "Els 'usalia de curialibus usibus Barchirionae," and "Carta constitucional de Raymond Berenger I de Barcelona," in *Obras Selectas Estudios Histórico-Júdicos*, II, 55-75. See also his "El Problema de la formacio deis usatges de Barcelona," in *ibid.*, pp. 45-49.

100. For a partial list of such homages see *Liber Feudorum*, nos. 109, 150, 202, 205, 241, 284, 417-418, 437.

102. Liber Feudorum, no. 46. For other examples of this use of money to buy allegiance see ibid., nos. 36, 117, 212.