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INHALTSVERZEICHNIS

AUFSÄTZE

David S. BACHRACH Royal Justice and the Comital Office in East Francia c. 814–c. 899	1
Rowan WATSON Angoulême, Périgueux and Monastic Reform in 10 th Century Aquitaine	25
George T. BEECH A Previously Unknown Loire Valley Monk (Saumur), Poet, and Bishop in Brittany, Galo (†1129)	49
Dominique BARTHÉLEMY, avec la collaboration de Nicolas RUFFINI-RONZANI La paix diocésaine du Toulousain en 1163	77
Pierre MONNET 1378–2018: Charles IV un Européen?	105
Valeska KOAL »Was schaden tanzen bringt«. Zur kirchlichen Tanzpolemik in der Zeit des Großen Abendländischen Schismas	121
Jean-Dominique DELLE LUCHE Pouvoir, fabricants et sociétés de tir face à la diffusion des canons rayés dans le Saint-Empire (2 ^{ème} moitié du XVI ^e siècle)	147
Florian KÜHNEL Zur Professionalisierung diplomatischer Verwaltung. Sekretäre und adminis- trative Praktiken in der französischen Botschaft in Istanbul (17. und 18. Jahr- hundert)	167
Susan RICHTER Une mise en garde contre l’infamie de la destitution. Les »Faits mémorables des empereurs de la Chine« (1788)	191
Heidi MEHRKENS Teacher, Father, King. Royal Representations of Louis-Philippe I	207
Ulrich LAPPENKÜPER Bismarck und Frankreich. Das gescheiterte Projekt zur Bildung einer »ganz unwiderstehlichen Macht«	231
Theo SCHLEY Die Kriegsheimkehr des Walther Cartellieri (September 1918–September 1919). Eine Fallstudie	251

VI

ZUR FORSCHUNGSGESCHICHTE UND METHODENDISKUSSION

Philippe BUC	
What is Order? In the Aftermath of the »Feudal Transformation« Debates . . .	281
Dorit BRIXIUS	
La production du savoir botanique sur le terrain. Les défis d'acclimatation de la noix de muscade sur l'île Maurice (1748–1783).	301
Silja BEHRE	
Regards croisés sur les 50 ans de »1968« en France et en Allemagne	319

MISZELLEN

Jérôme VERDOOT	
L'émergence de la communauté urbaine de Thuin aux XII ^e –XIII ^e siècles	331
Christophe FURON	
Carrière et renommée d'un capitaine modèle du XV ^e siècle: Étienne de Vignoles, dit La Hire	347
Christof PAULUS	
Spätmittelalterlicher Nationalismus und eine neue Quelle zu den Armagnaken-einfällen im Elsass 1444/1445	369
Pascal FIRGES	
Oriental Despotism or Constitutional State? A French Revolutionary Diplomat's Endeavour to De-Foreignize the Ottoman Empire	385
Klaus MALETTKE	
»Une paix sûre et prompte«. Le projet de Richelieu d'établir une paix durable en Europe	401

ATELIER

La chevalerie en représentation

Table ronde organisée par l'Institut historique allemand le 19 avril 2016

Études réunies par Guillaume Bureaux

Guillaume BUREAUX	
Avant-propos	411
Guillaume BUREAUX	
La théâtralisation du pouvoir au sein des pas d'armes angevins et bourguignons	413

Alexandra ILINA	
Remarques sur l'iconographie du chevalier sarrasin dans les manuscrits du »Tristan en prose«	423
Audrey PENNEL	
Des hourds aux lices: la place des »dames« dans les enluminures des tournois et Pas d'armes aux XIV ^e et XV ^e siècles	431
Jayne WACKETT †	
Capturing Kingliness: Chivalry and English Kingship	443
Gion WALLMEYER	
With Pen and Sword. Knights as Crusade Advisors between the 12 th and the 14 th Century	453
Claudia WITTIG	
Zur Konstruktion des Ritters in der deutschen und französischen Moraldidaxe des Hochmittelalters	469
Resümees/Résumés/Abstracts	485
Im Jahr 2018 eingegangene Rezensionsexemplare/Livres reçus pour recension en 2018	499

DAVID S. BACHRACH

ROYAL JUSTICE AND THE COMITAL OFFICE
IN EAST FRANCIA C. 814–C. 899

The comital office during the reign of Charlemagne, and particularly the duties of the counts as royal officials, has been the subject of a number of schematic surveys, which draw exhaustively on the capitularies of Charlemagne and retrospectively on those of Louis the Pious as well¹. These studies have provided a very clear account of the intentions of the Carolingian imperial government with regard to the role that counts were to perform in the provision of justice for the ruler's free subjects up through 814. However, there has been considerably less work done on the actual provision of royal justice through the aegis of comital courts, either during Charlemagne's reign or thereafter². This is particularly true of counts in the East in the lands that eventually comprised the realm of Louis the German, and the somewhat enhanced realm of his grandson, Arnulf of Carinthia, inclusive of Lotharingia.

With respect to these regions, scholars have devoted very little attention either to the way the comital office functioned in actual practice or even to how it was supposed to function in principle³. This is not to say that eastern counts have been ignored. Rather the scholarly focus has been on prosopographical rather than pragmatic institutional or administrative issues⁴. One central purpose of this essay, therefore, is to fill the substantial lacuna in the scholarship regarding the actual per-

- 1 See, for example, Helen M. CAM, *Local Government in Francia and England: A Comparison of the Local Administration and Jurisdiction of the Carolingian Empire with that of the West Saxon Kingdom*, London 1912; François L. GANSHOF, *Frankish Institutions under Charlemagne*, Providence 1968, p. 26–34; Karl Ferdinand WERNER, *Missus – Marchio – Comes: Entre l'administration centrale et l'administration locale de l'Empire carolingien*, in: Werner PARAVICINI, Karl Ferdinand (ed.), *Histoire comparée de l'administration (IV^e–XVIII^e siècles)*, Munich 1980, p. 191–239; and Jennifer DAVIS, *A Pattern for Power: Charlemagne's Delegation of Judicial Responsibilities*, in: EAD., Michael MCCORMICK (ed.), *The Long Morning of Medieval Europe*, Aldershot 2008, p. 235–246.
- 2 It is noteworthy, for example, that *La giustizia nell'alto medioevo (secoli IX–X)*, 2 vols., Spoleto 1997 (*Settimane di Studio del Centro Italiano di Studi sull'alto medioevo*, 44) includes no articles on the role of the count in the provision of public justice. For brief treatments of actual comital duties in West Francia and Italy, see Janet NELSON, *Dispute Settlement in Carolingian West Francia*, in: Wendy DAVIES, Paul FOURACRE (ed.), *The Settlement of Disputes in Early Medieval Europe*, Cambridge 1986, p. 45–64; and François BOUGARD, *Laien als Amtsträger. Über die Grafen des Regnum Italiae*, in: Walter POHL, Veronika WIESER (ed.), *Der frühmittelalterliche Staat. Europäische Perspektiven*, Vienna 2009, p. 201–215.
- 3 However, see Warren C. BROWN, *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society*, Ithaca 2001, who discusses some aspects of comital judicial procedure within the context of considering the economic and political aims of major ecclesiastical officials in Bavaria.
- 4 Typical in this regard is the recent study by Sophie GLANSDORFF, *Comites in regno Hludowici regis constituti: Prosopographie des détenteurs d'offices séculiers en Francie orientale, de Louis*

formance of their judicial duties by counts in the eastern kingdom from the reign of Louis the Pious (814–840) to that of Arnulf of Carinthia (887–899). Concomitantly, this essay also will consider the question of whether the capitularies regarding the provision of royal justice throughout the Carolingian Empire, which were issued during the early decades of the ninth century, continued to play a role in regulating the count's judicial duties during the mid and late ninth century in East Francia⁵.

This study begins with a review of the historiography dealing with the comital office in the East before turning to the problem of the role played by counts as the king's judicial officials at the local level. The actual practice of royal justice through the aegis of the East Carolingian counts is examined in a range of source materials, including royal charters, so-called private charters, historiographical works, ecclesiastical legislation, letters, and a panygeric poem. These different genres of source materials provide both a royal perspective on the performance of their duties by counts, as well as more local perspectives of those whose lives were impacted by the actions of the counts.

Historiographical Background

Beginning in the 1930s, scholars pursuing what became known as the New Constitutional History sought to challenge the classical scholarly model that counts in the German-speaking lands were public officials, appointed by the king. In place of this image of royal government, scholars including Heinrich Dannenbauer, Otto Brunner, Heinrich Mitteis, and Walter Schlesinger asserted that in contrast with the West, the central organizing principle of the early medieval kingdom of Germany was *Herrschaft* (lordship), in which the nobles possessed legal authority separate from and equal to that of the ruler⁶. The power of the nobility, therefore, was not based on the delegation of public authority from the king but rather on autogenous lordship, with the concomitant claim that all non-nobles lived under the protection (German *Munt*) of either the ruler or a noble⁷.

le Germanique à Charles le Gros 826–887, Ostfildern 2011, which provides an in depth examination of comital families but no information about the conduct of the comital office.

- 5 For a valuable synthesis of the scholarship dealing with the manuscript traditions of the capitularies as well as their distribution, see Philippe DEPREUX, *Charlemagne et les capitulaires: formation et réception d'un corpus normatif*, in: Rolf GROSSE, Michel SOT (ed.), *Charlemagne: les temps, les espaces, les hommes. Construction et déconstruction d'un règne*, Turnhout 2018, p. 19–43. Also see the important collection of information regarding the project to publish a new edition of the Carolingian capitularies at capitularia.uni-koeln.de/en/ under the direction of Professor Karl Ubl.
- 6 Regarding this tradition, see Frantisek GRAUS, *Verfassungsgeschichte des Mittelalters*, in: *Historische Zeitschrift* 243 (1986), p. 529–589; and the more recent survey of the scholarship by David S. BACHRACH, *The Written Word in Carolingian-Style Fiscal Administration under King Henry I*, 919–936, in: *German History* 28 (2010), p. 399–423.
- 7 The foundational works establishing the concept of autogenous *Herrschaft* were published by Otto Freiherr von DUNGERN, *Die Entstehung der Landeshoheit in Österreich*, Vienna 1910; and ID., *Adelsherrschaft im Mittelalter*, Munich 1927. See the valuable discussion of this scholarly model by Werner HECHBERGER, *Adel im fränkisch-deutschen Mittelalter: Zur Anatomie eines Forschungsproblems*, Ostfildern 2005, p. 234–236.

According to the New Constitutionalist model of the comital office, as it became fully developed during the 1940s and 1950s, the count was not a public official in East Francia⁸. Rather, counts were depicted as the personal representatives of the king, who administered lands that belonged personally to the ruler, and oversaw his personal dependents. These latter came to known as the *Königsfreie* (king's free men)⁹. The *comitatus* in this model did not constitute specific geographical spaces within which the count held a governmentally constituted authority. Rather, according to the New Constitutionalist, the *comitatus* should be understood as the count's *Gefolgschaft*, that is his following, which was comprised of royal dependents living on scattered royal assets. Schlesinger coined the term *Streu grafschaften* to denote this type of comital jurisdiction¹⁰.

The New Constitutionalist model, although challenged by some scholars, remained the dominant prism for understanding the Carolingian East in German historiography up through the early 1970s¹¹. However, the publication by Hans Schulze of his study of the *Grafchaftsverfassung* in the lands east of the Rhine in 1973 fundamentally challenged and redirected the historiographical tradition¹². Arguing largely on constitutional grounds, and drawing on both royal and local charters as well as the capitularies, Schulze demonstrated that counts in the Carolingian East were public officials, that they were appointed by the king, and that they had public duties within defined geographical regions. After a period of debate during the 1980s, spurred by Michael Borgolte's studies of Swabian counts, Schulze's arguments won general acceptance in German scholarship¹³. However, there never emerged in the

- 8 Adolf WAAS, *Herrschaft und Staat im deutschen Frühmittelalter*, Berlin 1938; Walter SCHLESINGER, *Die Entstehung der Landesherrschaft. Untersuchungen vorwiegend nach mitteldeutschen Quellen*, Dresden 1941, p. XII, and 136–139; Elisabeth HAM, *Herzogs- und Königsgut, Gau und Grafenschaft im frühmittelalterlichen Baiern*, Munich 1950; and Karl BOSL, *Grafenschaft*, in: Hellmuth RÖSSLER and Günther FRANZ (ed.), *Sachwörterbuch zur deutschen Geschichte*, vol. 1, Munich 1958, p. 369–371. For the enormous influence of Waas, see Ludwig HOLZFURTNER, *Die Grafenschaft der Andechser: Comitatus und Grafenschaft in Bayern 1000–1180*, Munich 1994, particularly p. 5–6.
- 9 Theodor MAYER, *Die Königsfreien und der Staat des frühen Mittelalters*, in: *Das Problem der Freiheit in der deutschen und schweizerischen Geschichte*, Sigmaringen 1955, p. 7–56; Heinrich DANNENBAUER, *Die Freien im karolingischen Heer*, in: *Aus Verfassungs- und Landesgeschichte. Festschrift zum 70. Geburtstag von Theodor Mayer*, 2 vols., Lindau, Konstanz 1954–1955, vol. 1, p. 49–64; and ID., *Königsfreie und Ministeriale*, in: *Grundlagen der mittelalterlichen Welt, Skizzen und Studien*, Stuttgart 1958, p. 329–353.
- 10 See the discussion of this issue by Peter SCHMID, *Regensburg: Stadt der Könige und Herzöge im Mittelalter*, Kallmünz 1977, p. 204–230.
- 11 See, for example, Otto STOLZ, *Das Wesen der Grafenschaft im Raume Oberbayern – Tyrol – Salzburg*, in: *Zeitschrift für bayerische Landesgeschichte* 15 (1949), p. 68–109; Erich Freiherr von GUTTENBERG, *Iudex h. e. comes aut grafio. Ein Beitrag zum Problem der fränkischen »Grafenschaftsverfassung« in der Merowingerzeit*, in: *Festschrift für Edmund E. Stengel*, Münster, Cologne 1952, p. 93–129; Wolfgang METZ, *Gau und Pagus im karolingischen Hessen*, in: *Hessisches Jahrbuch für Landesgeschichte* 5 (1955), p. 1–23; and ID., *Bemerkungen über Provinz und Gau in der karolingischen Verfassungs- und Geistesgeschichte*, in: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Germ. Abt. 73 (1956), p. 361–372.
- 12 Hans K. SCHULZE, *Die Grafchaftsverfassung der Karolingerzeit in den Gebieten östlich des Rheins*, Berlin 1973.
- 13 See, for example, the observations by Roman DEUTINGER, *Königsherrschaft im Ostfränkischen Reich. Eine Pragmatische Verfassungsgeschichte der späten Karolingerzeit*, Ostfildern 2006,

German-language tradition a detailed treatment of the actual performance of their duties by counts, including their obligation to provide a forum for the judicial needs of the king's free subjects.

As the discussion of the comital office, itself, waned in German-language scholarship, there developed a wave of interest among Anglophone scholars in the East Carolingian world, which led inter alia to a consideration of the comital office¹⁴. However, rather than beginning with the Schulze consensus, British and US scholars have tended to read East Carolingian history through the prism of *Herrschaft* championed by the New Constitutional History¹⁵. Many studies published in English over the past quarter century have downplayed the importance of the Carolingian royal government in matters at the local level and insisted upon lordship as the proper prism through which to investigate the administration and provision of justice. As a consequence, ostensibly governmental activities, such as the organization of legal assemblies, have been presented as being under the control of local magnates, who did not hold offices, rather than in the hands of counts, who were appointed by the king and served the public or royal interest¹⁶. As will become clear, the wealth of contemporary sources does not sustain the interpretation of the royally appointed count as marginal in the administration and provision of justice, but rather as playing a central role.

The Comital Office and Legal Jurisdiction in East Francia

Writing with regard to the year 852, Rudolf of Fulda devoted considerable attention to Louis the German's progress throughout East Francia, dispensing justice in conjunction with his ecclesiastical and secular officials¹⁷. According to Rudolf, when Louis the German arrived at Erfurt, he decreed that »no count or subordinate official should take up anyone's case as an advocate within his own comital jurisdiction or district, though they might freely do so in the districts of others«¹⁸. As is evident from this passage, Rudolf takes for granted, and assumes that his audience would as well, that Louis the German's realm was divided into administrative districts under both counts and sub-comital officials, who were responsible for overseeing legal

p. 147–150. However, also see Erwin KUPFER, Karolingische Grafschaftsstrukturen im bayrisch-österreichischen Raum, in: Mitteilungen des Instituts für Österreichische Geschichtsforschung 111 (2003), p. 1–17.

14 Timothy REUTER, *Germany in the Early Middle Ages, c. 800–1056*, London 1991, played a very important role in this process.

15 Very prominent in the Anglo-phone tradition was Timothy Reuter, whose numerous studies emphasized the central role of lordship in understanding the early medieval German kingdom. See, for example, *The Making of England and Germany, 850–1050: Points of Comparison and Difference*, in: Alfred P. SMYTH (ed.), *Medieval Europeans. Studies in Ethnic Identity and National Perspectives in Medieval Europe*, Basingstoke 1998, p. 53–70.

16 Typical in this regard is the work of Matthew INNES, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400–1000*, Cambridge 2000, p. 124 who argues, inter alia, »Comital power rested on illustrious presence and public performance, not instituted jurisdiction«.

17 *Annales Fuldenses*, ed. Friedrich KURZE, Hanover 1891 (MGH SS rer. Germ., 7), anno 852.

18 *Ibid.*, anno 852, *nullus praefectus in sua praefectura aut quaestionarius infra quaesturam suam alicuius causam advocate nomine susciperet agendam, in alienis vero praefecturis vel quaesturis singuli pro sua voluntate aliorum causis agendis haberent facultatem*.

matters as agents of the king. What is at issue in Rudolf's text is not Louis the German establishing the system in his realm that was set out so clearly in the capitularies of his father and grandfather for both counts and their subordinate officials to exercise legal authority as an extension of royal justice. Rather, Louis the German was dealing with corruption in the already existing system, which was based on the institutions that had been established over the previous seventy years.

In considering the nature of comital legal authority, the phrases *in sua praefectura* used by Rudolf with respect to the counts, and *infra quæsturam suam* with respect to the *centenarii/vicarii* also serve as an explicit confirmation these royal officials held geographically defined jurisdictions. There is no sense in which *in sua praefectura* and *in alienis praefecturis* can be understood to refer to a supposed territorially diffuse *Gefolgschaften* of the count. Rudolf's observation regarding the territorial nature of the administrative district held by a count is mirrored in a charter issued by Louis the German in the previous decade on behalf of a priest named Dominicus. In this case, Louis granted fiscal property to the priest, which previously had been held by another cleric named Ratpero¹⁹. Of particular importance in the present context is that the word *map*, which provided the details about the location of this fiscal property at Lebenbrunn, draws attention to the territorial boundaries between the administrative jurisdictions of two counts, in this case identifying the Zöbernbach as the boundary between the districts (*comitatus*) governed by Counts Radpot and Richarius²⁰.

Comital Courts and Ecclesiastical Legislation

The thoroughgoing knowledge that comital courts functioned in the east within specified territorial boundaries, expressed by Rudolf of Fulda, also permeates a series of church councils held under the leadership of Louis the German and his successors. This can be seen quite clearly, for example, in the canons issued by the council of Mainz that was organized in 847 under the direction of King Louis and Archbishop Rabanus (847–856)²¹. The thirteenth canon of the council, for example, prohibited priests from attending comital legal assemblies for the purpose of pursuing litigation, with the exception of cases in which they were defending the rights of widows and orphans²². The bishops attending the synod at Mainz also reiterated in the seventeenth canon the long-standing prohibition, enunciated in numerous capit-

19 Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren, ed. Paul KEHR, Berlin 1934 (MGH Die Urkunden der deutschen Karolinger, 1), Louis the German, nr. 38 and the commentary by SCHULZE, *Grafchaftsverfassung* (as in n. 12), p. 310.

20 Louis the German (as in n. 19), nr. 38, *iuxta rivolum qui vocatur Sevira in marca ubi Radpoti et Ribharii comitatus confiniuntur*. Regarding the complex issues about identifying the sometimes dynamic boundaries of specific administrative jurisdictions, see Jens SCHNEIDER, *Begriffe und Methoden der aktuellen Raumforschung*, in: Sebastian BRATHER, Jürgen DENDORFER (ed.), *Grenzen, Räume und Identitäten. Der Oberrhein und seine Nachbarregionen von der Antike bis zum Hochmittelalter*, Ostfildern 2017, p. 341–358; and Theo KÖLZER, *Die Anfänge der sächsischen Diözesen in der Karolingerzeit*, in: *Archiv für Diplomatik* 61 (2015), p. 1–37.

21 *Capitularia regum Francorum*, 2 vols., ed. Alfred BORETIUS, Viktor KRAUSE, Hanover 1883–1897 (MGH Capitularia, 1–2), vol. 2, p. 173–184, nr. 248.

22 *Ibid.*, p. 179, c. 13.

ularies, that poor free men (*pauperes*) shall not be oppressed by being summoned too frequently to comital *placita*. The bishops asserted instead that the summons of the free poor should be limited to those occasions »that are set out in the earlier capitulary of the king«²³.

The reference to the »earlier capitulary of the king« in the edict of the council of Mainz calls to mind Charlemagne's command that »*centenarii* shall not have frequent general assemblies because of the poor. (...) The poor, who are not involved in a legal case, shall not be summoned to those assemblies more than twice or three times a year«²⁴. Louis the Pious issued a similar capitulary regulating comital courts in 817, commanding that »counts are not to oppress the poor through continuous *placita*«²⁵. Louis added that it was not the role of the free poor to go to comital assemblies simply to serve as observers, but should only be summoned to plead in those cases regarding personal freedom and inheritance. The other exception allowed for the summoning of the free poor in those cases in which the count required their attendance at a *mallum* to give testimony in an inquest so that justice could be done in a case²⁶.

Given the importance accorded to capitularies by the bishops gathered at Mainz in 847 for establishing the framework in which comital courts were intended to operate, it is noteworthy that numerous scholars have made the untenable claim that the capitularies, as a whole, are of little value in understanding the reality of royal governance²⁷. In the context of this essay, it is noteworthy that even scholars who accept the value of capitularies for understanding aspects of governance in the West, reject their application to the East on the assumption that they were neither disseminated nor produced there²⁸. By contrast, the bishops gathered at Mainz alongside Louis the German took an entirely different view and treated royal capitularies as the legal basis for reiterating existing regulations on the holding of comital judicial assemblies.

In addition to drawing on royal capitularies to regulate who was to attend comital assemblies and whom the counts were permitted to summon and under what circumstances, the bishops gathered at Mainz also were concerned to limit the opportunities for counts, among other royal officials, to use their offices illegitimately for their personal gain. In the eighteenth canon of this council the bishops commanded: »That for the sake of the poor, whose care is our obligation, it is pleasing to us that neither bishops, nor abbots, nor counts, nor the counts' representatives, nor judges

23 Ibid., p. 180, c. 17: *et ut sepius non fiant manniti ad placita nisi sicut in dominico capitulari olim facto praecipitur.*

24 Capitularia (as in n. 21), vol. 1, p. 104, nr. 4: *Et centenarii generalem placitum frequentius non habeant propter pauperes. (...) ut his pauperes qui nullam causam ibidem non habeant non cogantur in placitum venire nisi bis aut ter in anno.*

25 Ibid., p. 135, c. 3.

26 Ibid.: *De ceteris vero inquisitionibus per distractionem comitis ad mallum veniant et iuste examinentur ad iustitias faciendum.*

27 For an exceptionally clear statement of this view, see REUTER, Germany (as in n. 14), p. 27.

28 For the rejection of the earlier model, and an emphasis on the importance of capitularies in Louis the German's kingdom, see Eric GOLDBERG, *Dominus Hludowicus serenissimus imperator sedens pro tribunal: Conflict, Justice, and Ideology at the Court of Louis the German*, in: Matthias BECHER, Alheydis PLASSMANN (ed.) *Streit am Hof im frühen Mittelalter*, Bonn 2011, p. 175–202.

shall dare, in any way whatsoever, to attempt to take by force or to purchase in difficult circumstances or by trickery the property of the poor or less powerful. If any of these officials wishes to purchase something, he shall do this in a public assembly before appropriate witnesses and with a proper explanation²⁹.« This regulation of the behavior of counts, as well as other officials, including the requirement that such property transactions take place in a public assembly, also demonstrates continuity with numerous capitularies issued by Charlemagne and Louis the Pious³⁰.

The concern for the proper functioning of comital courts was raised again at the council of Worms, held at the command and under the supervision of Louis the German in 868³¹. In the thirty-fifth canon issued by this council, the bishops legislated with royal approval on proper judicial procedure, asserting that: »It is fitting that the life of an innocent man not be destroyed unjustly at the hands of accusers. Therefore, whenever there is an accusation against someone, he shall not be delivered to punishment before the accuser is presented before the accused, and judgment of the laws and the canons is considered so that if the person is found to be unworthy of making an accusation, the accused will not be condemned on the basis of his accusation³².« As was true of Rudolf of Fulda, discussed above, the bishops gathered at Worms, as well as Louis the German, clearly took for granted the existence of a legal system in the kingdom, under the direction of counts, in which cases were brought against defendants, and testimony was heard. Moreover, the requirement for an investigation of the *sententia* of both the *leges* and the canons presupposes that the courts had the capacity to treat individuals, including both laymen and clerics, according to their own law, a point to which I will return below.

The broad-based legal jurisdiction of the counts, as contrasted with the supposed rule of counts only over their *Gefolgschaften*, is illuminated again in the statutes issued by the council of Tribur, assembled under the leadership of Archbishop Hatto of Mainz (891–913) and King Arnulf (887–899), the grandson of Louis the German, in May 895³³. According to the surviving statutes published by the bishops, Arnulf began the assembly by promising that he would restore, insofar as they had been weakened, the legal force of the decrees of the canons as well as the decrees of his

29 Capitularia (as in n. 21), vol. 2, p. 248, c. 18: *propter provisiones pauperum, quorum curam habere debemus, placuit nobis, ut nec episcopi nec abates nec comites nec vicarii nec iudices nullusque ominino sub mala occasione vel malo ingenio res pauperum vel minus potentum emere aut vi tollere audeat. Sed quisquis ex eis aliquid comparare voluerit, in publico placito coram idoneis testibus et cum ratione hoc faciat*. See the discussion of this passage by Maximilian DIESENBERGER, *Predigt und Politik im frühmittelalterlichen Bayern: Arn von Salzburg, Karl der Große und die Salzburger Sermones-Sammlung*, Berlin 2016, p. 311.

30 See, for example, Capitularia (as in n. 21), vol. 1, p. 43, c. 16; p. 78, c. 22; p. 154, c. 2.

31 Die Konzilien der karolingischen Teilreiche 860–874, ed. Wilfried HARTMANN, Hanover 1998 (MGH Concilia, 4), with the ascription to Louis the German at p. 261.

32 Ibid., p. 278: *Dignum est, ut vita innocentis non maculetur pernicie accusantium. Adeo quisquis a quolibet criminatur; non ante accusatus supplitio deputetur quam accusator praesentetur atque legum et canonum sententia exquiratur, ut si indigna ad accusandum persona invenitur, ad eius accusationem non iudicetur*.

33 Die Konzilien der karolingischen Teilreiche 875–911, ed. Wilfried HARTMANN, Isolde SCHRÖDER, Gerhard SCHMITZ, Hanover 2012 (MGH Concilia, 5), p. 371 for Arnulf's role in organizing the synod.

predecessors which were contained in the capitularies³⁴. As seen above with respect to the council of Mainz in 847, neither Arnulf nor the assembled bishops at Tribur were under the impression that the Carolingian capitularies from the earlier ninth century were immaterial or even moribund. Rather they were a fundamental element of living law. Indeed, the account of the acts of the synod records that among their first tasks, the bishops discussed the capitularies of earlier kings³⁵.

The importance of these older capitularies with respect to the legal duties of the count is revealed in the third canon of the council of Tribur where Arnulf and the bishops treated the problem of enforcing ecclesiastical sanctions on secular sinners. In this context, Arnulf, speaking in the first person, made clear his expectation that the counts aid the bishops in their efforts stating: »we command and by our authority enjoin upon all of the counts in our kingdom that after (the sinners) have been struck with anathema by the bishops and, nevertheless, are not turned toward the path of penance, that they shall be apprehended by the counts and brought before us so that those who do not stand in awe of divine justice, shall bear a human judgment³⁶.« Arnulf's utilization of the counts in this manner is consistent with the efforts of Charlemagne, Louis the Pious, as well as the West Frankish ruler Charles the Bald, in both capitularies and ecclesiastical statutes to integrate the secular and ecclesiastical judicial systems to help secure the moral reform of his realm³⁷.

In order to facilitate the cooperation between the bishops and counts, the council at Tribur sought to eliminate the possibility that the two sets of officials, lay and ecclesiastical, would hold their assemblies on the same day. The ninth canon of the council concerns the question: »if it should happen that the bishop and the count announce an ecclesiastical and a secular assembly on the same day«³⁸. Perhaps not surprisingly, the episcopal assembly ruled that the count would have to postpone his assembly, and exercise his *bannum*, delegated to him by the king, to require all of the people, whom he had assembled at his *placitum*, to go to the bishop's assembly³⁹.

In this context it is to be noted that the bishops assembled at Tribur as well as King Arnulf expected that counts would regularly exercise their *bannum* and summon the *populus* within their area of jurisdiction to a comital *placitum*. This expectation is consistent with the contemporary letter sent by the bishops of Bavaria to Pope

34 Ibid., p. 371.

35 Ibid.

36 Ibid., p. 346: *praecipimus et auctoritate nostra iniungimus omnibus regni nostri comitibus, postquam ab episcopis anathemate excommunicationis percelluntur et tamen ad poenitendum non inclinantur, ut ab ipsis comprehendantur et ante nos perferantur, ut qui divina iudicia non verentur, humana sententia feriantur.*

37 See, for example, Capitularia (as in n. 21), vol. 1, p. 78, c. 16; Council of Mainz (806), c. 8 in Concilia aevi Karolini, vol. 1/1 (742–817), ed. Albert WERMINGHOFF, Hannover 1906 (MGH Concilia, 2), p. 262; Council of Tours (813), c. 33, *ibid.*, p. 290; and the preamble to the Council of Quierzy (857), which is included in Die Konzilien der karolingischen Teilreiche 843–859, ed. Wilfried HARTMANN, Hanover 1984 (MGH Concilia, 3), p. 385. This requirement for counts to aid the bishops in the moral reformation of the lay population also was included by Ansegisus in his collection in book 2.6. See Die Kapitulariensammlung des Ansegis, ed. Gerhard SCHMITZ, Hanover 1996 (MGH Capitularia. Nova series, 1), p. 526–527.

38 Die Konzilien der karolingischen Teilreiche 875–911 (as in n. 33), p. 348: *De eo, si episcopus ecclesiasticum et comes saeculare placitum una die condixerunt.*

39 Ibid.

John IX (898–900) regarding the state of the church in Moravia, where they observed that alongside the ecclesiastical hierarchy, »our counts within the boundaries of this region continue the practice of holding secular legal assemblies, and correct what needs to be corrected, and no one opposes them«⁴⁰.

Comital Jurisdiction and Immunities

Scholars dealing with the question of comital jurisdiction have tended to ignore the information provided by immunity clauses in royal charters, presumably because these are thought to represent fossilized remains from an earlier age, or served as now moribund boilerplate⁴¹. However such an interpretation is not tenable given the reality that charters were not simply highly stylized documents produced in the rarified atmosphere of the royal chancery, but rather were the end result of lengthy negotiations between the king and the recipient that touched on all aspects of the document⁴². Moreover, these documents were not simply handed over to the recipients, but rather were read aloud in court, further reaffirming the importance of all of the clauses of the charter⁴³. As a consequence, rather than mere boilerplate, immunity clauses asserted the contemporary concerns of both the recipients and the expectations of the ruler in real time, and can be seen to represent the appreciation of both sides regarding current institutional realities.

The value of immunity clauses for illuminating the judicial jurisdiction of counts can be seen, for example, in a comparison of the immunities granted to the monasteries of Prüm and Hersfeld, first during the reign of Louis the Pious and then during the reigns of his sons Louis the German and Lothair I. In February 815, Louis the Pious responded to the request of Abbot Tancrad of Prüm (804–829) that he renew the protections and immunities granted to the monastery by his predecessors⁴⁴. The immunity granted by Louis was quite extensive, and freed Prüm from a wide range of fiscal exactions. In addition, the emperor granted that »no public judge or anyone possessing judicial authority« would in the future have the authority to hear legal cases, that is *ad causas audiendas*, or summon witnesses, that is *fideiussores tollendos* in any of the churches, fields, or other properties belonging to Prüm⁴⁵.

40 Ibid., p. 461: *Etiam et nostri comites illi terre confines placita secularia illic continuaverunt, et, que corrigenda sunt, correxerunt, tributa tulerunt, et nulli eis resisterunt.*

41 See the comment by Hartmut HOFFMANN, *Grafschaften in Bischofshand*, in: *Deutsches Archiv* 46 (1990), p. 375–480, here p. 457.

42 See, in this context, Karl HEIDECKER, *Communications by Written Texts in Court Cases: Some Charter Evidence (ca. 800–ca. 1100)*, in: Marco MOSTERT (ed.), *New Approaches to Medieval Communications*, Turnhout 1999, p. 101–126; and Mark MERSIOWSKY, *Urkundenpraxis in den Karolingischen Kanzleien*, in: Giuseppe DE GREGORIO, Maria GALANTE (ed.), *La produzione scritta tecnica e scientifica nel Medioevo: libro e document tra scuole e professioni*, Spoleto 2012, p. 209–241, with the discussion of the literature there.

43 This issue has been treated in detail for the West by Geoffrey KOZIOL, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)*, Turnhout 2012.

44 *Die Urkunden Ludwig des Frommen*, 3 vols., ed. Theo KÖLZER (MGH *Die Urkunden der Karolinger*, 2), Wiesbaden 2016, nr. 53.

45 Ibid.

However, the meaning of even such an apparently sweeping grant of a judicial immunity from comital oversight is not quite as clear as the charter would seem to present it. The original charter issued by Pippin I (751–768), which had been addressed to »all our bishops, abbots, dukes, counts, courtiers, agents, centenarii, and *missi*,« stated, »no public judge shall presume to hear cases, or demand judicial fines anywhere at any time *without our order or the command of our heirs* (emphasis added)«⁴⁶. This additional clause makes clear the ongoing authority of the count to hear cases involving both the free and unfree dependents of Prüm, whenever the king decided to permit it.

When Charlemagne renewed Prüm's immunity in 775, he added a number of clauses, including forbidding local officials, who held judicial authority, from summoning witnesses, as well as freeing the dependents of the monastery from comital jurisdiction with regard to certain military taxes and duties⁴⁷. The privilege of 775, however, keeps in place the limitation *absque iussione nostra vel heredum nostrorum*. Moreover, in 803 Charlemagne issued a blanket limitation on all ecclesiastical judicial immunities, stating that if someone committed either murder or theft within an immunity, or some other crime outside an immunity and fled into the territory of an immunist, the count was to *command* (*mandere*) either the bishop or abbot to return the guilty party to comital justice⁴⁸. This was a significant limitation on the immunity not only of Prüm but also on all other ecclesiastical institutions holding judicial immunities from comital oversight.

Charlemagne's capitulary requiring that counts command bishops and abbots to return certain classes of criminals to royal justice, administered by the count, was included by Ansegisus in his collection of capitularies, which he produced during the reign of Louis the Pious, and which subsequently had a very broad diffusion across the Carolingian Empire⁴⁹. When the bishops at the synod of Tribur in 895, discussed above, enjoined Arnulf to restore to their full authority any royal capitularies whose force had been weakened, a number of scholars have argued that they were referring to Ansegisus' collection⁵⁰. Such a view is certainly very plausible given the large number of copies of the Ansegisus collection that were available in the Carolingian East in 895 and, indeed, long thereafter⁵¹.

46 Die Urkunden Pippins, Karlmanns und Karls des Großen, ed. Engelbert MÜHLBACHER, Hannover 1906 (MGH Die Urkunden der Karolinger, 1), Pepin nr. 18: *nullus iudex publicus absque iussione nostra vel heredum nostrorum ad causas audiendo aut freda undique exigendum quoque tempore non praesumat ingredere*.

47 Ibid., Charlemagne nr. 108.

48 Capitularia (as in n. 21), vol. 1, p. 39, c. 2.

49 Ansegis (as in n. 37), nr. 3.26, p. 583.

50 With regard to the availability of Ansegisus' collection to the bishops at the synod of Tribur, see the comment by the editors of Die Konzilien der karolingischen Teilreiche 875–911 (as in n. 33), p. 372, nr. 203.

51 In this regard, see Hubert MORDEK, *Bibliotheca capitularium regum Francorum manuscripta: Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse*, Munich 1995, p. 43–47, 124–125, 153–157, 714–716, 841–842 for copies of Ansegisus' collection that were produced in the ninth century in the East. There are an even greater number of 10th century copies of Ansegisus from eastern scriptoria, which points to the presence of a larger corpus of ninth-century texts than have survived up to the present. Also see the introduction to the new edition of Ansegisus' text in *Die Kapitulariensammlung des Ansegis* (as in n. 37), particularly p. 71–374.

Keeping in mind that even a seemingly broad-based immunity from the judicial authority of the count was limited in significant ways, it is useful to compare the immunity granted by Louis the Pious to Prüm with the one he issued to the monastery of Hersfeld in 820. In the latter case, as had been true at Prüm, Abbot Bunus (820–840) requested that Louis the Pious renew the privileges that Hersfeld had received from Charlemagne⁵². The *narratio* of the charter states that the original privilege had stated »no count or any other official holding judicial authority should presume to impose any levies in the *villae* or other properties of the monastery«⁵³. Louis granted the request of Abbot Bunus, and renewed the monastery's privileges, including the prohibition on counts and other local officials from imposing levies on Hersfeld. However, Louis did not add any kind of judicial immunity, and the charter gives no basis for concluding that the dependents or properties of Hersfeld were freed from the normal judicial oversight and jurisdiction of the local counts.

When we look forward to the period after Louis the Pious' death in 840, we see once more the renewal of the immunities for both Prüm and Hersfeld. In February 841, Lothair I issued a charter on behalf of the monastery of Prüm and its abbot Marcward (829–853) in which he renewed the judicial privileges of the house, without making any changes to the basic structure of the royal judicial immunity⁵⁴. Lothair's action can be contrasted with Louis the German's treatment of the monastery of Hersfeld. On 31 October 843, Louis the German issued two separate charters to Abbot Brunward (840–875), the first of which was a largely a word for word reiteration of Louis the Pious' privilege of 820, which did not include any judicial immunity⁵⁵. However, the second privilege included a clause directed toward his counts which stated: »Therefore we command that neither you nor your subordinates nor your successors shall hear cases in the estates, churches, fields, or other possession (...) nor shall you summon witnesses«⁵⁶. Clearly there was a change in the status of the royal immunity held by Hersfeld, which now included at least some immunity from judicial oversight by local royal officials.

However, even the grant of an ostensibly complete immunity from comital legal jurisdiction did not ensure that ecclesiastical assets and dependents would be freed from the count's oversight. The danger of counts illegitimately violating ecclesiastical judicial immunities is illuminated quite clearly in a case involving the monastery of Corvey, which had been founded by Louis the Pious in 816. In June 833, while holding court at Worms, Louis the Pious issued a letter to Bishop Badurad (815–862) of Paderborn in his capacity as a *missus* operating in Saxony, noting that the king had

For the reception of Ansegisus' collection also see Takuro TSUDA, Was hat Ansegis gesammelt? Über die zeitgenössische Wahrnehmung der »Kapitularen« in der Karolingerzeit, in: *Concilium medii aevi* 16 (2013), p. 209–231.

52 Louis the Pious (as in nr. 44), nr. 182.

53 Ibid.: *neque comes neque ulla iudiciaria potestas in villis eorum vel rebus aliquid exactari praesumerent*.

54 Die Urkunden Lothars I. und Lothars II., ed. Theodor SCHIEFFER, Hanover 1966 (MGH Die Urkunden der Karolinger, 3), Lothair I, nr. 56.

55 Louis the German (as in n. 19), nr. 32.

56 Ibid., nr. 33: *Praecipientes ergo iubemus, ut neque vos neque iuniores aut successores vestri in villis aut curtes seu ecclesias aut agros vel reliquas possessiones ad causas audiendas (...) nec fideiussores tollendos*.

received complaints from Abbot Warin of Corvey (831–856)⁵⁷. Louis stated, in part, that »certain counts wished to violate and break our aforementioned command in that they wish to compel both free and semi-free men living on the lands of this monastery to undertake military service and to detain them with regard to judicial matters, which we do not wish for them to do«⁵⁸. In order to combat this problem, Louis commanded Bishop Badurad to take the royal letter to Corvey, and to summon the local counts there to hear the king's command on this matter. Moreover, Badurad was to inform the counts that if they wished to continue to have the king's grace, they would obey his commands and no longer infringe upon the military and judicial immunity enjoyed by the monastery of Corvey⁵⁹.

This case illustrates two important points. First, the counts in the region around Corvey regularly exercised their judicial authority and summoned the dependents of the monastery to their *placita*. If even the dependents of Corvey, who ostensibly were immune from comital jurisdiction, were subject to comital judicial action, it would seem very likely that all of the other people in the region were as well. Secondly, the system of royal oversight of comital officials through *missi*, which is found ubiquitously in the capitularies, would appear to have been operative in Saxony at this point.

The reason why the counts in this case violated the judicial immunity held by Corvey is not specified in Louis the Pious' letter to Bishop Badurad. One possibility, however, is the financial benefit that accrued to the counts for doing their job of providing justice for the people through the holding of comital *placita*. This financial benefit included not only the *fredus*, that is the fine which went to the holder of the court, but also the ancillary fees that were paid to the count by litigants⁶⁰. Consequently, counts had very good reason to seek as much business as possible for their courts, and to ignore, insofar as they dared, the immunities of ecclesiastical institutions. This interest of the count to maximize the business conducted at his *mallum*, moreover, highlights the need for clearly drawn boundaries between the administrative jurisdictions of counts in order to avoid conflicts over the particular *mallum* that a free man was to attend.

In considering immunity clauses overall, it is clear that in the absence of a judicial immunity the dependents and the lands of ecclesiastical institutions would be subject to comital judicial authority. Another way of saying this is that all individuals and institutions without immunities were subject to comital judicial jurisdiction. In this context, it is important to emphasize that in contrast to the scores of surviving immunities issued to ecclesiastical institutions by the Carolingian kings in the Eastern realm throughout the ninth century, there is only one such surviving immunity is-

57 Louis the Pious (as in n. 44), nr. 330.

58 Ibid.: *quidam comites memoratum praeceptum nostrum infringere et convellere velint, in eo videlicet quod homines tam liberos quam et latos, qui super terram eiusdem monasterii consistunt, in hostem ire compellant et distringere iudiciario more velint, quod nolumus ut faciant.*

59 Ibid.

60 The *fredus* is mentioned in the Salian, Frisian, Saxon, and Alammanic law codes, as well as numerous capitularies. The citations to the relevant texts can be found in Jan Frederik NIERMEYER, *Mediae Latinitatis Lexicon Minus*, Leiden 1997, p. 453–454. With respect to the additional fees paid by litigants, see Capitularia (as in n. 21), vol. 1, p. 77, c. 8; and p. 192, c. 15.

sued to a secular individual. This was Arnulf of Carinthia's well-known privilege for his *ministerialis* Heimo, which was issued in the spring of 888⁶¹.

The *narratio* of this charter explains that Heimo requested from the king that he be granted legal jurisdiction over those of his properties that were located within the *pagus* of Grönzgau, where Margrave Arbo held the comital jurisdiction⁶². Arnulf agreed and commanded, in a manner very similar to numerous ecclesiastical immunities, that neither Arbo, »nor any other public judge or any other official holding judicial authority shall presume to act against our command, to detain any of his men, whether free or slave, to hear legal cases that are now subject to his authority, or to impose or inflict damages upon him through false prettexts«⁶³.

However, Heimo and his men were still subject to Margrave Arbo in matters pertaining to the public defense, and were required explicitly to help maintain the local fortifications and to defend them in case of enemy attack. In addition, Heimo, himself, was not free from comital oversight for his own legal actions. Instead, the privilege reads, »this same Heimo or his representative shall go to the public legal assembly of this aforementioned count, to have his own legal needs met, and to obtain justice«⁶⁴. Moreover, the next clause states that, »if perhaps someone from the kingdom of the Moravians should come for the sake of justice, and if this concerns an issue that Heimo or his advocate is not able to correct, judgment in this matter will be settled effectively by this same count (Arbo)«⁶⁵. As these clauses make clear, the grant of an immunity to Heimo was neither absolute, nor did it vitiate comital judicial authority in the region. Rather, the count's *mallum* continued to function, and Heimo, himself, was subject to its judgment, even though he had obtained the authority to hear the cases of his dependents on his own lands.

The Practices of Comital Justice in East Francia

The previous two sections have shed light on the normal expectation of the East Frankish kings as well as their bishops that counts possessed broad and territorially-based judicial jurisdictions throughout *Francia orientalis*, which were delegated to them by the ruler. Moreover, the jurisdictional competence of the counts that is delineated in the capitularies of Charlemagne and Louis the Pious would appear to have been valid in East Francia throughout the ninth century. This reality is illuminated in Rudolf of Fulda's history, in immunity clauses of royal charters, as well as in the explicit statements of the bishops at the councils of Mainz and Tribur that their

61 Die Urkunden Arnolfs, ed. Paul KEHR, Berlin 1940 (MGH Die Urkunden der deutschen Karolinger, 3), nr. 32.

62 Ibid.

63 Ibid.: *nec ullus iudex publicus vel ulla ex iudiciaria potestate persona ausu temerario contra hanc nostrae institutionis auctoritatem in easdem proprii sui iuris causas aut homines eius tam ingenuos quam servos ibidem habitantes distringendos vel ullas inlicitas occasiones seu ullius praesurae calamitatem ingerre vel exactare praesumat.*

64 Ibid.: *Ad publicum iam fati comitis mallum scilicet idem Heimo seu vicarius eius legem ac iustitiam exigendam vel perpetrandum pergat.*

65 Ibid.: *Et si forsan de Maravorum regno aliquis causa iustitiae supervenerit, si tale quidlibet est quod ipse Heimo vel advocatus eius corrigere nequiverit, iudicio eiusdem comitis potenter finiat.*

deliberations were based on royal capitularies issued by previous kings. The focus in the last part of this study turns from the existence of territorially-based judicial jurisdiction to the actual practices and procedures of the comital *placita* in East Francia. The purpose here is to highlight the ways in which counts interacted with the individuals and communities whose legal rights they were obligated to protect and preserve.

Evidence from Royal Charters

To begin with an example from the late ninth century, Arnulf of Carinthia issued a command, whose date unfortunately has not survived, to the counts and other magnates of Swabia, who were not royal officials but rather merely wealth free men, instructing them to help the monastery of St. Gall recover its lost properties⁶⁶. In order to facilitate this process, Arnulf commanded that »each of our counts and viscounts, in each of their comital jurisdictions or vicomital areas of jurisdiction, shall make inquiries of the rectors and advocates of this house, through the process of a formal legal assembly, regarding the properties belonging to this aforesaid monastery. If they wish to have our grace, they shall do this at once without any delay or neglect, taking oaths on the basis of the king's authority, and they shall not omit doing justice to this same monastery«⁶⁷. Presumably, the *primates*, who also were addressed in this letter, were to aid the counts and the counts' subordinate officials in this effort.

It is notable that the charter specifies that these oaths were to be taken *ex regia potestate*. The use of the sworn oath in this case can be traced to the decision by Arnulf's grandfather, Louis the German, to issue a special privilege to St. Gall that granted the monastery the same protected status as that possessed by royal fiscal assets, so that its properties would be protected by the procedure of the sworn inquest⁶⁸. What we see in this case, therefore, is St. Gall continuing to benefit from this privilege. The use of sworn testimony in this manner also demonstrates continuities with the capitularies of earlier Carolingian rulers, which had emphasized that oath-sworn testimony only was to be taken with regard to royal assets⁶⁹.

Turning back to the charter, it is clear that Arnulf considered it to be normal procedure that his counts and their subordinate officials had territorially defined areas of jurisdiction. This is made explicit in Arnulf's command that counts and subcomital officials were to hold detailed inquests in each of their areas of jurisdiction rather than summoning members of putative *Gefolgschaften* to provide testimony. Arnulf's expectations in this case were precisely the same as those which informed Rudolf of Fulda's description of the administrative districts of counts and subcomital officials across East Francia in 852, thereby demonstrating fundamental continuity from the reign of Louis the German to that of his grandson.

66 Arnulf (as in n. 61), nr. 111.

67 Ibid.: *ut unusquisque comitum nostrorum vel vicariorum in singulis comitatibus et ministerii quicquid ad praefatum monasterium cause seu inste mallationis ab advocato vel rectoribus eius fuerit perquirendum, statim ad presens sine contradictionis obstaculo vel neglectu cum iuramento ex regia potestate coacto, eidem monasterio iustitiam facere non omittat.*

68 Louis the German (as in n. 19), nr. 71.

69 See, for example, Capitularia (as in n. 21), vol. 1, p. 144, c. 1 and p. 148, c. 2.

In this context, Arnulf commanded that the counts and other royal officials first obtain information from the officials of St. Gall about properties located within their jurisdictions, and then to obtain further information about these properties by taking sworn testimony. Such a procedure was possible because of the authority of the count and subcomital officials to summon witnesses to a legal assembly. Here again, therefore, we can see the relationship between the inhabitants of the count's administrative jurisdiction, that is his *comitatus*, and the count, himself. The governmentally directed nature of this extensive legal process is made clear in the next clause. Here Arnulf commanded, »If anyone through obstinance or hostility should presume to oppose our command, we order each count and judge that this person be brought to our palace under the ban, and there condemned by the judgment of our just royal censure, let him learn that our power is not to be tested«⁷⁰. In short, Arnulf's circular letter to the counts of Swabia offers a glimpse both at the procedures used in comital courts in Swabia, as well as at the governmental nature of the comital office.

The procedures set out by Arnulf for his counts and subcomital officials to follow, particularly with regard to the taking of testimony, are entirely consistent with those enunciated in the capitularies regarding the use of the inquest to settle property disputes in matters that touch on the royal interest⁷¹. The process of adjudication, however, is not spelled out in the royal command to the Swabian counts, likely because this was an order to initiate a procedure rather than the description of the proceedings of a trial. By contrast, a charter issued by Arnulf on behalf of a count named Meginhard in May 899 illuminates some specific aspects of workings of a comital court⁷².

In this case, Meginward wanted to execute a property exchange with Bishop Erchanbald of Eichstätt (882–912), which, like all such exchanges, was an arrangement that required a royal license⁷³. As part of the exchange process, it was necessary to carry out an inquest to determine, in part, whether the lay party actually had full legal possession of the property he wished to exchange. To this end, Meginward provided the details of how he had acquired his property, which are set out in the *narratio* of the charter. The count stated that the property he wished to exchange originally was held by two men named Gozbert and Diekter in the *pagus* of Swalafeld, which at that time was located within the administrative jurisdiction (*comitatus*) of Count Ernst. Gozbert and Diekter were summoned to that count's assembly, »and because they did not want to go to the *placitum* to plead their case, their property was taken from them in the legal assembly by the legal judgment of the people and

70 Ibid.: *Si autem ullus contra hoc decreti nostri preceptum aliquid obstinationis vel repugnationis inire presumat, iubemus unicuique comiti et iudici, ut cum banno nostro ad palatium nostrum distringatur, ut ibi iusto regiae censure diiudicatus iudicio sentiat nostram potestatem non esse temperandam.*

71 See, for example, Capitularia (as in n. 21), vol. 1, p. 87, c. 2; p. 144, c. 1; p. 145, c. 2–3; p. 148, c. 2; and Capitularia (as in n. 21), vol. 2, p. 188, c. 2.

72 Arnulf (as in n. 61), nr. 175.

73 See in this regard, Philippe DEPREUX, The Development of Charters Confirming Exchange by the Royal Administration (Eighth-Tenth Centuries), in: Karl HEIDECKER (ed.), Charters and the Use of the Written Word in Medieval Society, Turnhout 2000, p. 43–62.

was handed over to the king⁷⁴. Subsequently, Arnulf granted this property to Meginward, who held it in allodial tenure and consequently was given permission to make the exchange with Bishop Erchanbold.

As this charter was not concerned with Count Ernst's *placitum* other than to confirm that the property in question legally belonged to Meginward, the *narratio* leaves out a great deal of information that would be helpful to know, such as why Gozbert and Diekter were summoned and why they refused to attend the count's legal assembly. What is clear, however, is that a judgment was issued against them through the legal decision of the *populus*, and that this decision was issued in the context of the count's *mallum*, which here can have no meaning other than his legal assembly. In addition, the nature of this assembly as an expression of royal justice is made clear by the fact that the confiscated property was handed over to the king, who in turn gave it to Count Meginhard. In sum, this brief report, although missing many details, shows how a judgment was reached when litigants refused a comital summons, and illuminates the role of the »people« in the judicial process, acting, however, under the authority of the count.

Evidence from Private Charters

One might expect that royal charters would provide an image of the successful functioning of the comital court in a manner that reflected positively on the king and the men whom he chose to act as his representatives and agents. By contrast, so-called private charters, which were crafted by scribes working for ecclesiastical office holders, might be expected to have the interests of their employers foremost in mind rather than attempting to present a positive impression of the agents of the royal government. The following example, from the reign of Louis the Pious, considers a comital legal assembly, held in 825, from the point of view of Rabanus Maurus during his tenure as abbot of Fulda (822–842). The portion of the proceedings that interested the scribe from Fulda concerned the property boundaries and possessions of the monastery of Hünfeld, a holding of the monastery of Fulda while Rabanus was abbot⁷⁵. Because of its value in illuminating the legal practices at a comital *mallum*, the description of the proceedings are translated here in full.

A restitution of goods in a public assembly under Count Poppo:

»In the year of the incarnation of our lord Jesus Christ 825, in the twelfth year of our most serene emperor Louis in the month of February on the tenth calends of the month of March, there was a public gathering with Count Poppo and the entirety of his *comitatus* within the boundaries of the *villa* called Geismar. And a large-scale inquest was undertaken in this same gathering regarding the boundaries of the monastery that is called Hünfeld. And each person at this assembly who was found (to have) some (property) within the boundaries of the monastery, either was shown to own this, each according to his own law,

74 Arnulf (as in n. 61), nr. 175: *et in publico mallo, quia ad placitum venire et illic regere noluerunt, legali populorum iudicio eis ablata et in regiam potestatem contracta est.*

75 Cf. the treatment of this text by INNES, *State and Society* (as in n. 16), p. 121–122.

before the aforementioned count and the entire assembly, or that he held it unjustly and restored it and gave it back to the legates of Abbot Rabanus of the monastery of St. Boniface. Others there stated that they recognized that their hereditary properties were within these same boundaries and that they ought to be able to possess those properties that they were seen to possess up to the present day as benefices from the administrators of the monastery of St. Boniface. They ought therefore to possess them from this day forward, and restore without any damage those things that they held unjustly. These are those who gave up and restored whatever they held within these boundaries⁷⁶.«

The dominant figure in this account is Count Poppo, who had summoned all of the people from his area of jurisdiction, that is his *comitatus*, to attend a »public assembly«. As the witness list to this document makes clear, Poppo took testimony from 29 men regarding the properties of five men, against whom the monastery of Hünfeld had made claims. An additional 16 men are listed as witnesses to the restoration of property to Hünfeld. There is no overlap between the two lists of witnesses. Thus, the considerable number of individuals (45) who participated as witnesses in the property disputes involving Hünfeld, alone, makes clear that this was quite a large legal assembly that drew from a broad cross-section of the population living within the boundaries of Poppo's *comitatus*. The scribe from Fulda had no interest in transcribing the other cases heard in this assembly, or providing lists of witnesses, who participated in them.

When all of the information provided by the Fulda scribe is taken into account, we see a legal process that follows the same forms as those listed in the royal charters discussed above. First, we have a count exercising his authority, delegated to him by the king, to summon to a judicial assembly of all the men living under the count's legal jurisdiction, which is the only reasonable interpretation of the phrase *totius comitatus eius* in the context of this case. Secondly, we have a count exercising the authority delegated to him by the king in holding an inquest and taking testimony from 29 men, who actually had knowledge about the case recorded by the scribe from Fulda. It is noteworthy, however, that there is no mention of the count taking sworn testimony, as the property at issue was not part of the royal fisc, and Fulda was not granted the right to have a sworn inquest to defend its properties in the same manner as St. Gall, discussed above. Third, we have an assembly, under the leadership of the

76 Codex diplomaticus Fuldensis, ed. Ernst Friedrich Johann DRONKE, Fulda 1850, nr. 456: *Restitutio bonorum in conventu publico sub Poppone comite: Anno ab incarnatione domini nostri Ihesu Christi DCCCXXV regni autem serenissimi imperatoris Hludowici XII. mense februario decimo kalendas martii factus est publicus conventus Popponis comitis et totius comitatus eius in terminis villae quae dicitur Geismari factaque est exquisitio magna in eodem convent de terminis monasterii quod nuncupator Hunafeld et quisquis in illo placito repertus fuerat aliquid sibi infra terminos eiusdem monasterii aut ad proprietatem vindicare aut iniuste retinere hoc secundum legem ipsorum coram supra nominato comite et omni conventu restituit atque legatis Hrabani monasterii sancti Bonifacii abbatis reddidit et confessi sunt ibi qui in eisdem finibus hereditates habere voluerint quia per beneficium praevisorum monasterii sancti Bonifatii usque ad hanc diem ea quae habere videbantur possiderent ac deinceps habere debuissent atque voluissent ut sine damno restituerent quod iniuste tenuerunt. Isti sunt qui dimiserunt atque restituerunt quicquid in finibus illis habuerunt.*

count, making legal judgments on the basis of this testimony. Moreover, each of the men involved in a dispute with Hünfeld had the judgment made *secundum legem ipsorum*, meaning that the assembly was able to distinguish among the legal claims of men, who lived under different laws. As seen above, this was the requirement that would be set some four decades later by the bishops gathered at the synod of Worms in 868, which demonstrates fundamental continuity between the judicial practices during the reigns of Louis the Pious and Louis the German. Finally, we have the restitution of property that was carried out under the supervision of the count's *missi*. This demonstrates not only the fact that the count had agents to carry out his will, that is an administrative apparatus, but that the enforcement of legal judgments confirmed by the count was also part of the count's governmental duties.

In light of the claims of some scholars that legal assemblies such as the one held at the *villa* of Geismar under Count Poppo's leadership were dominated by local magnates, it is worth noting that only six of the 45 men who witnessed the property disputes involving Hünfeld can be identified as local leading men. These six men appear as *maiores de natu*, a typical phrase used in a wide range of Carolingian texts to denote the good and the great, in another case involving the monastery of Fulda at a legal assembly overseen by Count Poppo in 827. This latter case purportedly brought together all of the leading men (*maiores de natu*) from Poppo's *comitatus*⁷⁷. However, seven of the important local men from the 827 dispute do not figure at all in the court cases involving Hünfeld in 825⁷⁸. As a consequence, rather than demonstrating the domination of property disputes by the great men of the locality, the witness lists from 825 indicate that only those men with information about the history of the properties in dispute were questioned by the count, and that these included six *maiores de natu*, and 23 other local free men.

The procedure as seen in the *placitum* summoned by Count Poppo in Thuringia is quite similar to that described in documents preserved in the cartulary of the monastery of St. Emmeram from the second and early third decade of the ninth century. For example, a text recounting events from 819 reports that it was a *missus* of a count named Gerold, called Wichelmus, who oversaw the return of property to St. Emmeram that had been taken, unjustly in view of the monastery, by two men named Anawanus and his brother Rihuvassus⁷⁹. This procedure mirrors exactly the return of property to the Fulda under the supervision of Poppo's *missus*, as discussed above.

Another charter in St. Emmeram's cartulary records a legal proceeding held in 822, which details the steps taken by Count Hatto and his *missus*, named Hiltirochus, to address a complaint raised by Bishop Baturich of Regensburg (817–847) against a group of men near Cham⁸⁰. This document, which is written entirely from the point of view of Baturich and the monks at St. Emmeram records that the bishop, accompanied by his huntsman Rodold and his *vicarius* Betto, went to Cham along with Hiltiro, »whom Count Hatto had send to this same place, namely Cham, so that he

77 Ibid., nr. 471.

78 Ibid.

79 Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram, ed. Josef WIDEMANN, 2nd ed., Aalen 1988, nr. 15.

80 Ibid., nr. 16.

might hear the case that the bishop had against those living nearby, who had usurped for themselves unjustly the property of St. Peter the Apostle and St. Emmeram the Martyr⁸¹. Once there, Hiltiro took testimony from the bishop along with Rodold, Betto, and from the men against whom Baturich made his accusations. Then the count's *missus* accompanied by the bishop and his men rode around the entire property, and listened as Baturich, Rodold, and Betto stated the specific boundaries of the properties that they claimed belonged to the monastery of St. Emmeram. The document concludes by listing all of those who gave testimony, but notably does not provide any information about a judgment issued by Hiltiro or the recovery of the property for the monastery. The silence on this point permits the inference that the seven men against whom Bishop Baturich made his claims retained possession of the lands that they supposedly held *iniuste*. From an administrative perspective, it is clear that the count was able to delegate to his *missus* the authority to take testimony in his stead.

The procedure followed by Hiltiro, acting on behalf of Count Hatto, was markedly similar to that seen in the legal assembly held by Count Poppo. Hiltiro took testimony from both sides in the case, and then heard from witnesses. He also took an additional step of touring the entire property with the bishop's forester and *vicarius* to get their testimony about what they asserted should be the boundaries of the property claimed by Baturich. It would appear, however, that this all was in vain, at least from the perspective of the prelate, which suggests that high rank did not always win the day in judicial disputes.

In addition to adjudicating disputes, legal assemblies held by counts also served as a crucial forum for making agreements, particularly regarding property. As discussed above, the capitularies of both Charlemagne and Louis the Pious include numerous prohibitions on any transfers of private property to secular or ecclesiastical office holders being made in secret. Rather, such transfers of property had to be made in public in the presence of a legally constituted authority, such as the count or an official of the central government such as a royal *missus*. It is not surprising, therefore, that very large numbers of property donations made throughout the ninth century to monasteries, whose cartularies have survived, are recorded as having been made with some variation on the phrase *in mallo publico coram comite*⁸². One example, which can stand in for many, concerns an arrangement made by the *nobiles vires* Pezzi and Managolt in April 830, who sold woodlands located at Galenberg to the

81 Ibid.: *quem ipse Hatto comes miserat ad eundem Chambe locum, ut audiret, qualem ipse episcopus cum illis vicinis haberet rationem, qui commarcam sancti Petri apostolic et beati Emmerammi martyris iniuste sibimet usurpaverunt.*

82 See, for example, Die Alten Mönchslisten und die Traditionen von Corvey, ed. Klemens HONSELMANN, Paderborn 1982, nr. 6, 26, 27, 28, 31, 41, 43, 62, 63, 64, 98, 114, 139, 163, 190; Die Traditionen des Hochstifts Freising (744–926), ed. Theodor BITTERAU, Munich 1905, nr. 381, 390, 396, 404, 530, 538, 539, 541, 544, 556, 567, 568, 569, 574, 592, 598, 599, 600, 602, 603, 614, 648, 661, 678, 684, 698, 701, 708, 739, 898, 899, 1032; Urkundenbuch der Abtei Sanct Gallen, vol. 1 (700–840), ed. Hermann WARTMANN, Zürich 1863, nr. 144, 150, 160, 205, 230, 240, 277, 297, 302, 325; vol. 2 (840–920), Zürich 1866, nr. 446, 487, 567, 582, 639, 684; Urkundenbuch der Reichsabtei Hersfeld, vol. 1, ed. Hans WEIRICH, Marburg 1936, nr. 26, 35; Die Traditionen des Hochstifts Regensburg, (as in n. 79), nr. 32, 36, 96, 117, 126, 147; Codex diplomaticus Fuldensis (as in n. 76), nr. 302, 356, 387, 388, 389, 405, 408, 429, 450, 483, 508, 512, 628.

church of St. Mary at Freising in return for a horse and a monetary payment. Afterwards, according to the Freising cartulary, these men came to the comital *placitum* and confirmed in the presence of Counts Werinharius and Ogo that they had made this exchange⁸³.

Royal Justice and Comital Courts in Letters

The royal charters, discussed above, describe the activities of the comital court largely from the perspective of the king. The private charters illuminate the ways in which ecclesiastical office holders perceived the activities of counts as these impinged upon church interests. By contrast with both types of charters, a letter sent by Einhard, Charlemagne's courtier, to a count during the final decade of Louis the Pious' reign, provides some insight regarding the count's judicial role from the perspective of those who suffered judicial penalties⁸⁴. In this letter, Einhard reported to the count that two free poor men (*pauperes homines*) had fled to his monastery at Seligenstadt. They had come to Einhard because they had been convicted of theft in the count's presence, and then were subjected to a fine, which was too heavy for them to bear. According to Einhard, the poor men had already paid part of the fine, but were unable to pay the rest at present, because of their poverty. Einhard therefore beseeched the count to show mercy »to the extent that is possible« so that these men would not be completely ruined for their crime of taking animals in a hunting preserve belonging to the king (*dominica foraste*)⁸⁵.

Einhard's letter to the count, whose name has not been preserved, provides a considerable amount of information regarding the course of events when a trial resulted in a conviction. First, it is noteworthy that the men were convicted in the presence of the count, but not by the individual actions of the count, himself, but rather by the court. This scenario is consistent with the procedures outlined in the capitularies that assigned to the *scabini* the role of issuing a judgment in an assembly over which the count presided⁸⁶. Once these two men were convicted and a fine was imposed, they apparently were not required to pay it all at once, but rather paid what they could at the time. However, the fact that Einhard was moved to write on their behalf strongly suggests that the poor men, despite their inability to pay, were being hounded by the count's officials. Finally, Einhard's plea to the count to show mercy »to the extent that this was possible« indicates both that mercy was possible under royal justice, but that there were clear limits on the count's ability to use his judgment to grant mercy.

Another letter of Einhard shows that even for an associate of a high-ranking nobleman it was not always a straight-forward proposition to obtain justice from the local count. Sometime before 830, Einhard wrote to a count named Hruotbert asking for details about what the count had done in the case of Einhard's dependent Alaf-

83 Die Traditionen des Hochstifts Freising (as in n. 76), nr. 592.

84 Epistolae Karolini aevi, vol. 3, ed. Ernst DÜMMLER, Berlin 1889–1899 (MGH Epistolae, 5), p. 133, nr. 47.

85 Ibid.: in *quantum possibile est*.

86 See, for example, Capitularia (as in n. 21), vol. 1, p. 39, c. 10; p. 41, c. 8; p. 58, c. 7; p. 61, c. 2; p. 77, c. 13; and p. 99, c. 12.

rid⁸⁷. Apparently, Hruotbert had already carried out an inquest (*inquisitio*) among the more truthful men (*veraces homines*), as required by the capitularies, and Einhard had brought the results of the inquest to Emperor Louis' attention⁸⁸. According to Einhard, the emperor was surprised to find out that the case had not yet been resolved. Consequently, Einhard's letter was intended to spur Count Hruotbert to action in a case that should have been settled some time before⁸⁹.

In one final letter from Einhard we see the ways in which powerful men sought to ensure that the scales of justice were weighted in favor of themselves and their dependents. In this case, Einhard began his letter by emphasizing how much he relied upon the friendship (*amicicia*) (sic) of an unnamed count⁹⁰. Einhard then noted that the advocate of his monastery at Seligenstadt was seeking to acquire possession of certain dependent laborers (*mancipia*) in the count's court, and added that he hoped his advocate might have the count's aid in this endeavor⁹¹. Einhard signed off by beseeching the count not only to help the monastery's advocate in this matter, but in another case as well, »so that you might merit having the aforementioned martyrs of Christ as your patrons and intercessors with God«⁹². In effect, Einhard was asking the count to intercede on behalf of Einhard's advocate in the court over which the count, himself, presided. This is precisely the kind of corruption that Louis the German sought to prohibit in his edict, discussed above, where the East Frankish ruler forbade counts and sub-comital officials from acting as advocates in court cases within their own jurisdictions.

Crime and Punishment

Einhard's letter on behalf of the *pauperes homines*, discussed above, points to an aspect of count's duties to provide justice that is far different from the one seen in either private or royal charters, namely the conviction of criminals and their punishment. One would not expect to find references to punishment in either royal or private charters, as these largely focused on questions relating to the disposition of property. But this does not entail that the majority or even a large part of the business conducted at a comital *mallum* actually concerned the disposition of landed assets. As we have seen, the bishops at the synod of Worms in 868 were very concerned about legal proceedings dealing with what we might term »criminal« cases, and especially that individuals might be executed without a proper trial. It is in this context that the assembled prelates mandated that counts follow appropriate legal proce-

87 Epistolae Karolini aevi, vol. 3 (as in n. 84), p. 112, nr. 7.

88 Ibid. For the capitulary requirements that inquests involve the better and more truthful men, see Capitularia (as in n. 21), vol. 1, p. 144, c. 1; p. 145, c. 3; Capitularia (as in n. 21), vol. 2, p. 187, c. 1; p. 188, c. 2; p. 192, c. 3.

89 Epistolae Karolini aevi, vol. 3 (as in n. 84), p. 112, nr. 7.

90 Ibid., nr. 50.

91 Ibid.: *que presens advocatus noster N. coram vobis quesivit et (quae ipse sperat) posse adquire, si vestrum adiutorium habuerit.*

92 Ibid.: *ut per hoc memoratos Christi martyres vestros apud Deum patronos atque intercessores habere mereamini.*

dures, including allowing the defendant to face his accuser, and compelling the court to make a decision regarding the character and likely veracity of the accuser.

The potential harshness of royal justice was given a literary expression in the well-known poem, »Carmen de Timone comite«, which was written circa 834 in honor of Louis the German, in his position as king of Bavaria⁹³. The hero of the short poem is a count named Timo, who was appointed by Louis to provide justice. In particular, Timo is described as one who »returns the law to the good, and seeks out the evil with the law«⁹⁴. The poet praises Timo by emphasizing that when he arrives, »he commands that the highwaymen be hung, and that the thieves have their faces branded with a permanent mark«⁹⁵. The poet adds that the convicted had their noses cut off, a punishment depicted as dishonorable, while others lost a foot or a hand⁹⁶. Such punishments are rarely encountered in narrative sources, and also do not figure in charters. However, the poem almost certainly reflects the experience of poorer men, and certainly of the unfree, whose punishments, as seen in the Frankish laws, were always harsher and more focused on corporal discipline, than those meted out to their »betters«⁹⁷.

Conclusion

In this study, I have sought to show that the East Frankish kings and their bishops expressed very clearly the reality that the administrative competence of the count included his jurisdiction in legal affairs over the free inhabitants of his *comitatus*, which comprised a bounded territory. This was demonstrated both in formal, prescriptive commands, in the wording of immunity clauses that specified the ways in which certain ecclesiastical institutions and their dependents were removed from comital oversight, as well as in Rudolf of Fulda's discussion in the »Annals of Fulda«. However, it also bears emphasis that immunity clauses were far from absolute, and counts continued to exercise jurisdiction over the free dependents of ostensibly immune ecclesiastical institutions, sometimes in a manner authorized by the government and sometimes illicitly.

In considering the organizing principles for the ongoing legal jurisdiction and competence of counts in East Francia, both Louis the German and Arnulf, as well as the bishops of the eastern kingdom, looked to the capitularies of Charlemagne and Louis the Pious for guidance. Arnulf, in particular, emphasized at the council of

93 Carmen de Timone comite, in: *Poetae Latini aevi Carolini*, vol. 2, ed. Ernst DÜMLER, Berlin 1884 (MGH Poetae, 2), p. 120–124. See the useful discussion of this poem and its background by BROWN, Unjust Seizure (as in n. 3), p. 1–5. Also see the detailed discussion of this poem, and its implications for the harshness of justice meted out by counts by Christof PAULUS, *Das Pfalzgrafenamt in Bayern im frühen und hohen Mittelalter*, Munich 2007, p. 131–151.

94 Carmen de Timone comite, line 6: *Iura bonis reddens, iure malos quaciens*.

95 Ibid., lines 65–66: *Ergo comes veniens censet pendere latrones / Furibus et furvas semper habere genas*.

96 Ibid., lines 67–68: *Detruncare reis inhonesto vulnere nares / Iste pedem perdit, perdit et ille manum*.

97 See, for example, *Pactus legis Salicae*, ed. Karl August ECKHARDT, Hanover 1962 (MGH Leges nationum Germanicarum, 4/1), p. 145, 40 § 1; *Capitularia* (as in n. 21), vol. 1, p. 147, nr. 60, c. 3; and *ibid.*, p. 149, nr. 62, c. 11.

Tribur in 895 that it was his obligation to maintain the regulations set out in the capitularies of his predecessors, and to reinvigorate any of those that had fallen into desuetude. The fact that the episcopal council of Tribur issued three canons based on earlier ninth-century capitularies specifically dealing with the rendering of royal justice at the comital *mallum*, makes it clear that this aspect of the count's administrative burden was a live issue at the end of the ninth century.

When turning to the actual judicial practice in the comital *mallum*, as treated in a variety of sources, we see once again that the counts were acting in a manner consistent with their duty to provide royal justice to the king's subjects. However, it would be incorrect to conclude that royal justice always was impartial and consistently available to all on an equal basis. As Einhard's letter on behalf of his advocate, discussed above, makes clear, the good and great certainly sought to influence the court in their own favor. However, powerful magnates did not always win. Moreover, that judicial fairness was a matter of concern to the eastern kings is aptly illustrated in Louis the German's prohibition of counts or sub-comital officials acting as advocates in cases over which they were presiding. In a different vein, the bishops at the council of Worms in 868 were quite worried that individuals would be punished by counts without following proper procedure and affording the accused their legal rights. Their worries in this regard were consistent with the concerns expressed by a number of Carolingian writers earlier in the ninth century such as Alcuin, Walafrid Strabo, and Theodulf of Orleans⁹⁸. Indeed, Einhard expressed a similar concern in his letter on behalf of the two poor men convicted of violating the royal forest *ban-num*. The savagery with which punishments could be enforced by counts is illustrated in graphic terms by the poet of the »Carmen de Timone comite«.

In sum, royal justice in the count's legal assembly in East Francia was much like the other institutions of the Carolingian Empire. Although the king maintained significant control through the appointment of counts as royal judicial officials, he was compelled to delegate authority to men, whom the Carolingians, themselves, recognized were inherently susceptible to corruption. The system of justice through the institution of the comital court as conceptualized by the rulers of East Francia worked imperfectly, but it did serve in both theory and in practice to protect the interests of free men, including against the overweening ambition of their wealthier and more powerful neighbors.

98 See a discussion of this issue by PAULUS, Pfalzgrafamt (as in n. 93), p. 143–144.

ROWAN WATSON

ANGOULÊME, PÉRIGUEUX AND MONASTIC REFORM IN 10th CENTURY AQUITAINE

For a century and more after the death of Louis the Pious in 840, Aquitaine was characterised by unstable government. From the 930s, a more stable political framework began to emerge, one that formed a background to a hitherto un-noticed effort at monastic reform. The movement throws new light on the nature of relations between rulers in Aquitaine, this at a time when the counts of Poitiers were extending their authority – styled dukes from 965, their power in the region was plausibly being described as regal by the 1020s¹. Confusion in the major literary source for the period, the chronicle of Ademar of Chabannes (d. 1034), has obscured the significance of this reform even for recent authorities, as has the uncritical use of charter evidence. Ademar's chronicle was composed from the mid-1020s with the aim of up-dating conventional histories of the Franks to bring Aquitaine into the narrative and to celebrate the rule of William the Great, duke of Aquitaine from c. 995 to 1030, and William, count of Angoulême from 988 to 1028; what follows brings into relief problems in a source long considered problematic.

After subjection to Carolingian power in 768, monasticism flourished in Aquitaine, with the observance developed by Benedict of Aniane promoted as a standard. The Astronomer described how Frankish abbots, as well as counts and vassals, were installed in the region; when Louis the Pious left Aquitaine in 814 to take up the inheritance of Charlemagne, his reforming activity had prompted bishops and laymen to emulate him, such that Aquitaine was resplendent with centres of monastic excellence: *veluti quibusdam lychnis totum decoratur Aquitanie regnum*². The picture is supported by the list of monasteries exempt from impositions appended in c. 850 to the »Notitia de servitio monasteriorum« of 817; among them were a number that would be contained within the Aquitaine ruled from Poitiers by the late 10th century. These monasteries were excused taxes (called *dona*) and military service, owing only prayers *pro salute imperatoris (...) et stabilitate imperii*. Not on the list were houses such as St Seurin in Bordeaux, St Hilaire in Poitiers and St Martial in Limoges, all of which had imperial privileges from Louis the Pious, presumably too strategically important to be exempted in this way³.

- 1 Pascale BOURGAIN, L'Aquitaine d'Adémar de Chabannes, in: Jean-Yves CASANOVA, Valérie FASSEUR (eds), L'Aquitaine des littératures médiévales, Leiden, Boston 2011, p.101.
- 2 Ernst TREMP (ed.), Astronomus Vita Hludovici Imperatoris, Hanover 1895 (MGH SS rer. Germ., 64), p. 290–292, 336–340; Philippe WOLFF, L'Aquitaine et ses marges, in: Helmut BEUMANN (ed.), Persönlichkeit und Geschichte, Düsseldorf 1967 (Karl der Große. Lebenswerk und Nachleben, 1), p. 290–291. – I am particularly grateful to John Gillingham for comments on a draft of this article.
- 3 Émile LESNE, Les ordonnances monastiques de Louis le Pieux et la *Notitia de servitio monaste-*

Conditions deteriorated for almost a century from the 840s. When Louis the Pious disinherited the sons of king Pepin I after the latter's death in 838, civil wars characterised the region. A virtual collapse of government was either provoked or intensified by Vikings, who burnt Saintes in 845 with Bordeaux, Périgueux, Melle and Limoges suffering the same fate in the next few years⁴. Major abbeys were driven to safer regions: Noirmoutiers, situated near the coast, abandoned its premises in 830 to relocate to Tournus by 875, while Charroux sought refuge in Angoulême and the protection of its count, Vulgrin, in c. 866⁵. The lack of any bishop or count of Saintes after 862 suggests the collapse of any form of government in the Charente basin⁶. Vikings raids are evidenced up to the early 11th century, but king Raoul's defeat of a Viking army threatening Limoges in 930 appears as a turning point⁷.

An eleventh-century view of the monastic past: Ademar of Chabannes

Ademar of Chabannes is famously unreliable as a source⁸, but he knew the Astronomer's life and could conclude in his chronicle that Louis was responsible, through his son Pepin I (d. 838) as king of Aquitaine, for founding St Jean d'Angély north of Saintes, St Cyprien in Poitiers and Brantôme in the Périgord, putting them with St Cybard in Angoulême under the control of an abbot named Martin⁹. The idea was plausible; Pepin's control of Angoulême and Poitiers is evidenced by his grant of 825

riorum, in: *Revue d'histoire de l'Église de France* 6 (1920), p. 449–493; Theo KÖLZER (ed.), *Die Urkunden Ludwigs des Frommen*, vol. 1, Wiesbaden 2016 (MGH *Die Urkunden der Karolinger*, 2), nos 1 and 5 (St Hilaire), 15 and 16 (St Seurin, Bordeaux), 127 and 128 (Church of Limoges) and vol. 2, Wiesbaden 2016, no. 333 (St Martial, Limoges).

- 4 Léonce AUZIAS, *L'Aquitaine carolingienne*, Toulouse, Paris 1937, p. 124. For this area in the 9th and 10th centuries, see Robert FAVREAU, *Histoire de l'Aunis et de la Saintonge*, vol. 2: *Le Moyen Âge, La Crèche* 2014, p. 32; most complete is Luc BOURGEOIS, *Le comté d'Angoulême et ses marges, fin IX^e–milieu XI^e siècle*, in ID. et al. (eds), *Une résidence des comtes d'Angoulême autour de l'an mil: le castrum d'Andone. Publication des fouilles d'André Debord*, Caen 2009, p. 384–394 – what follows differs from his account in several points of detail.
- 5 For Noirmoutiers, see René POUPARDIN, *Monuments de l'histoire des abbayes de Saint-Philibert*, Paris 1905, p. XXV–XXXIX; for Charroux, Pascale BOURGAIN, Richard LANDES, Georges PON (eds), *Ademari Cabanensis Chronicon*, Turnhout 1999 (*Corpus Christianorum. Cont. med.*, 129), p. 145 (book III, c. 23).
- 6 FAVREAU, *Le Moyen Âge* (as in n. 4), p. 34; ID., *Evêques d'Angoulême et Saintes avant 1200*, in: *Revue historique du Centre Ouest* 9/1 (2010), p. 90–91.
- 7 Robert LATOUCHE (ed.), Richer, *Histoire de France (885–995)*, vol. 1, Paris 1930, p. 108–111; Philippe LAUER, Robert I^{er} et Raoul de Bourgogne, 923–936, Paris 1910, p. 157–158; André DEBORD, *La société laïque dans les pays de la Charente, X^e–XII^e s.*, Paris 1984, p. 49–56; Marcel GARAUD, *Les incursions des Normands en Poitou et leurs conséquences*, in: *Revue historique* 180 (1937), p. 248 ff.
- 8 John GILLINGHAM, *Ademar of Chabannes and the history of Aquitaine in the reign of Charles the Bald*, in: Margaret Templeton GIBSON (ed.), *Charles the Bald. Court and Kingdom*, 2nd ed., Aldershot 1990, p. 41–51; Richard LANDES, *Relics, apocalypse, and the deceptions of history. Ademar of Chabannes, 989–1034*, Cambridge, Mass., London 1995, p. 135, notes Ademar's tendency to write »historical fiction«; Yves CHAUVIN, Georges PON (trad.), *Adémar de Chabannes, Chronique*, Turnhout 2003, p. 14 – the introduction to this translation provides an excellent synopsis of problems relating to Ademar.
- 9 *Ademari Cabanensis Chronicon* (as in n. 5), p. 133 (III 16)

to Ste Croix in Poitiers of the right to hold fairs at *Cajoca (...)* in *pago Pictavensi* and at *Fulchrodo (...)* in *pago Engolesmensi*, and to exempt them from taxes; Ademar had no memory of this any more than of Pepin's installation of a monastic regime at St Maixent freed *ab omnibus secularium vel publicarum impedicionibus* – the latter a useful reminder that even reformed institutions might be subject to services and taxation¹⁰. Ademar's remark is useful in linking these establishments, but his chronology is quite at fault, led as he was by a desire to give Carolingian origins to institutions that were powerful in his own day. The same desire had driven him to develop the preposterous story that Vulgrin had served Pepin the Short (d. 768) and his son Charlemagne (d. 814) before being made count of Angoulême by Charles the Bald in 866; the chronicler attempted to make this credible by describing Vulgrin as an old man when he arrived in the city¹¹. Ademar likewise attributed to Charlemagne the privilege of Charles the Bald of 852 for St Cybard¹².

Evidence for the very existence in the 9th century of all but one of the abbeys mentioned by Ademar is very slight. Brantôme was mentioned in the list of exempted abbeys of c. 850¹³. But it is extremely doubtful that St Jean d'Angély and St Cyprien, or even St Cybard, existed as independent institutions at this time. A 17th century Benedictine scholar saw a document which he thought issued by Pepin I in 817/836 which exempted St Jean d'Angély from *pedagium* on the transport of goods throughout the kingdom; the text is lost¹⁴. Otherwise the earliest reference to St Jean d'Angély comes from Louis IV's diploma of 942; this referred to the loss of the place's pristine glory (*quandam abbatiam [...] nunc a pristino penitus honore desolatam*), but it is difficult to avoid the conclusion that some kind of cell was being raised to monastic status – certainly conditions in the area until this date surely favoured what has been called »eremitic monasticism« rather than the »coenobitical monasticism« established in 942¹⁵. St Cyprien was built in 932/936 by bishop Frotier *consentiente (...)* *rege nostro Radulfo necnon comite nostro Willemo*, though the church on which it was based was amassing property from shortly after 900; Frotier acquired a papal privilege which, while accepting the bishop's rights, forbade any material demands from laymen and limited what liturgical services they could expect¹⁶. As for Angoulême,

10 Maurice PROU, LÉON LEVILLAIN (eds), *Recueil des actes de Pépin I^{er}, et de Pépin II, rois d'Aquitaine (814–848)*, Paris 1926, nos 3, 9.

11 Ademari Cabanensis *Chronicon* (as in n. 5), p. 138 (III 19)

12 Georges TESSIER (ed.), *Recueil des actes de Charles II le Chauve*, vol. 1, Paris 1943–1955, no. 149

13 LESNE, *Ordonnances monastiques* (as in n. 3), p. 492; a manuscript of the Lorsch Annals mentions Brantôme under the year 768, but this appears to be an 11th-century interpolation; see Charles HIGOUNET in: *Lexikon des Mittelalters*, vol. 2, Munich, Zürich 1983, col. 577, and MGH *Capit.*, vol. 1, Hanover 1883, p. 351, and MGH *SS*, vol. 1, Hanover 1836, p. 146 (*Annals of Lorsch*, for 768).

14 *Recueil des actes de Pépin I^{er}* (as in n. 10), no. 41. Royal diplomas of this date never refer to any tax as a *pedagium*.

15 Maurice PROU, Philippe LAUER (eds), *Recueil des actes de Louis IV, roi de France, 937–954*, Paris 1914, no. 19; Joachim WOLLASCH, *Monasticism*, in: Timothy REUTER (ed.), *The New Cambridge History*, vol. 3, Cambridge 1999, p. 167–169. The discussion of Isabelle ROSÉ, *Fondations et réformes à l'époque Carolingienne*, in: *Monachesimi d'orient et d'occidente nell'alto medioevo*, vol. 1, Spoleto 2017, p. 405, warns against taking specific diplomatic documents as marking foundations, preferring them to be seen against a background of a long-term reform process.

16 François-Xavier RÉDET (ed.), *Cartulaire de l'abbaye de Saint-Cyprien de Poitiers*, Poitiers 1874,

Ademar of Chabannes went to some lengths to invent a Merovingian past for St Cybard, claiming that the counts of Angoulême had been protectors of the abbey (*advocati eius et defensores*) since the time of king Childebert (d. 711), though no Merovingian count has ever been identified. Like his claim that St Germain, bishop of Paris, had been sent by king Charibert I in the 6th century to consecrate the basilica of St Cybard along with Gregory of Tours, this was certainly fictitious¹⁷. The first unassailable evidence for some kind of religious institution comes from the diploma of Charles the Bald of 852; St Cybard was then described as a *monasterium* run by the bishop (*sub regimine [episcopi]*); its clerics were managed *secundum proprii pontificis canonicam administrationem*. That the church had monastic status before the second quarter of the 10th century is extremely doubtful; it was amassing property from the 880s but under the management of the bishop of Angoulême, as will be seen. Archaeological evidence of the pre-Romanesque abbey suggests a series of cells, probably based around the tomb of St Cybard, rather than quarters for collective living, and it is difficult to disagree with the conclusion of the director of excavations there that, until about c. 930, a group of canons protected the tomb and cult of St Cybard under the direction of the bishop¹⁸.

The career of abbot Martin

The abbot Martin mentioned by Ademar did indeed run the monasteries of St Jean d'Angély, St Cyprien of Poitiers, St Cybard and Brantôme, not in the 830s but in the 930s. This mistake has led many medieval and modern historians astray¹⁹. These houses, Brantôme excepted, were not established or developed by imperial or royal patrons, but were the creations of 10th-century secular rulers, the heirs of agents dispatched to these distant parts of the Empire by Carolingian monarchs in the 9th century who had managed to found comital dynasties. Martin was remembered as having a special link with the St Cyprien in Poitiers, the centre of his wide-reaching reform activities. The account of his career that follows will show his particularly close links with the counts of Poitiers, allowing us to regard him as a Poitevin²⁰.

p. XXII, nos 3, 4, 115, 301, 235, 270, 271, 277; Harald ZIMMERMANN (ed.), *Papsturkunden 896–1046*, vol. 1, Vienna 1984, no. 63.

17 Ademari Cabanensis Chronicon (as in n. 5), p. 158, 44–45 (III 36 and I 29). Gregory of Tours' history refers to a *cellula* to which St Cybard retired with a few *monachi*, but this was hardly a monastery (MGH SS rer. Merov., vol. 1/1, Hanover 1951, p. 277–278). The miracles and »Vita sancti ac beatissimi Eparchii« published in MGH SS rer. Merov., vol. III, Hanover 1896, p. 550–564, from the 14th-century BnF, ms latin 5306, were clearly composed in the 11th century or later.

18 Brigitte BOISSAVIT-CAMUS, *Saint-Cybard: de l'abbaye au CNBDI. Histoire d'un site, Angoulême 1991*, p. 11.

19 Jules DE LA MARTINIÈRE, *Saint Cybard. Étude critique de textes*, in: *Bulletin de la Société archéologique et historique de la Charente*, VII^e série, 7 (1906–1907), p. 101–106, accepts that Ademar erroneously named Martin as abbot of the four monasteries but, on the basis of a 12th-century source claiming that Pepin I had given a charter to the Cathedral of Angoulême, asserts, with improbable circumstantial evidence, that St Cybard itself had been founded at the time of king Pepin; see Jacques BOUSSARD (ed.), *Historia pontificum et comitum Engolismensium*, Paris 1957, p. 4.

20 Alfred RICHARD, *Histoire des comtes de Poitou*, vol. 1, Paris 1903, p. 82, 84, 85, refers to Martin as abbot in St Cyprien, St Jean d'Angély and Jumièges but does not link him to Ademar of

Martin was a reformer active on a much broader scale than imagined by Ademar. His career paralleled that of a number of 10th-century reformers, though unlike Odo, the second abbot of Cluny (d. 942), Gerard of Brogne (d. 959) in Flanders or even Gauzelin of St Julien de Tours, active from the 980s to 1007, he left behind minimal documentation²¹. Like these figures, Martin was recruited by secular powers to reform institutions under their control, and like them, he was described as abbot of several establishments at the same time – a common feature of monastic reform in the 10th century²². The earliest reference to Martin comes not from Poitiers but from Angoulême, in an undated charter, subscribed by Martin as abbot, by which count Ademar and his wife Santia endowed St Cybard with a church and property near the city²³. Count Ademar appears in the succession of counts found in the Angoulême annals, and he was mentioned in a charter of 923, but did not appear in Ademar of Chabannes' account of the descendents of Vulgrin²⁴. Martin's presence in the undated charter suggests a date near 930, the date of count Ademar's death according to the annals²⁵. Ademar of Chabannes was totally confused about this count Ademar. His copy of the annals expanded Ademar's title to *comes Egolismensis*²⁶, but in his chronicle this individual was identified – or mis-identified – as a count of Poitiers, one said to have died in 926 and succeeded by Ebles. This was patently an error since Ebles had driven Ademar from Poitiers in 902 and established a dynasty that spread its authority throughout Aquitaine thereafter. The chronicler explained Ademar's presence in Angoulême by describing how, as count of Poitiers, he was a »familiar« of Alduin and William, counts of Angoulême and Perigueux, marrying William's daughter Sancia²⁷. The chronicle underlines Ademar's position as count of Poitiers

Chabannes's account, no more does Françoise POIRIER-COUTANSAIS, *Les monastères du Poitou avant l'an mil*, in: *Revue Mabillon* 53 (1963), p. 18, or Jean BECQUET, *Les premiers abbés de St Augustin*, in: *Revue Mabillon* 58 (1975), p. 358–359.

- 21 Isabelle ROSÉ, *Construire une société seigneuriale: itinéraire et écclésiologie de l'abbé Odon de Cluny (fin IX^e-milieu du X^e siècle)*, Turnhout 2008, p. 27–31; Steven VANDERPUTTEN, Brigitte MEIJNS, Gérard de Brogne en Flandre. État de la question sur les réformes monastiques du X^e siècle, in: *Revue du Nord* 92 (2010), p. 271–297; Guy-Marie OURY, *La reconstruction monastique dans l'Ouest: l'abbé Gauzbert de Saint-Julien de Tours*, in: *Revue Mabillon* 54 (1964), p. 69–124. Only in the 18th century was information first brought together to identify Martin's activities: *Annales ordinis sancti Benedicti*, vol. III, Paris 1739, p. 448–449.
- 22 Giles CONSTABLE, *Cluny in the monastic world of the tenth century*, in: *Il secolo di ferro: mita e realtà del secolo X*, vol. 1, Spoleto 1991, p. 409, 410, 414. For Ebles and Girbertus as co-abbots of St Maixent, see Alfred RICHARD (ed.), *Chartes et documents pour servir à l'histoire de l'abbaye de Saint-Maixent, Poitiers 1886*, p. lxx–lxx.
- 23 Paul LEFRANCQ (ed.), *Le cartulaire de l'abbaye de Saint-Cybard, Angoulême 1930*, no. 161.
- 24 Jean NANGLARD (ed.), *Cartulaire de l'Église d'Angoulême, Angoulême 1900*, no. 27, a joint endowment of cathedral and St Cybard.
- 25 The annals of Angoulême, a source totally independent of Ademar of Chabannes, is now *Biblioteca Apostolica Vaticana*, MS Reg. lat. 1127, fol. 1r–2r, published as *Annales Engolismenses*, in: *MGH SS*, vol. 16, Hanover 1859, p. 485–487.
- 26 Ademar's edited copy of the annals is now BnF, ms latin 2400, f.137 *bis* verso, published as *Annales Engolismenses*, in: *MGH SS*, vol. 4, Hanover 1841, p. 5.
- 27 Ademari Cabanensis *Chronicon* (as in n. 5), p. 141 (III 21): *Ademarus autem filius Emenonis, Santiam in conjugio copulavit sibi, ab Alduino et Willelmo familiaris fovebatur*; *ibid.*, p. 144 (III 23): *Ademarus comes Pictavensis defunctus est*. Emeno was the count of Angoulême (d. 866) who preceded Vulgrin.

by describing his endowment of St Hilaire de Poitiers (an endowment not recorded among its many charters of this period), with property at Courcôme near Ruffec (where authentic counts of Poitiers had property in the 9th and 10th centuries)²⁸, and his burial there. The chronicler evidently sought to replicate for the 10th century the kind of friendship that linked the rulers Poitiers and Angoulême in his own day²⁹. These errors do not, however, affect the conclusion that the ruler of Angoulême called on Martin, a Poitevin cleric, to reform St Cybard.

Martin is recorded as abbot of St Cybard up to 941³⁰. At St Cyprien, the earliest document to mention Martin as abbot is datable to 933/934, and he is recorded in this position until his death in November 942³¹. A monk named Aimon acted as co-abbot³². That Poitiers was the base from which Martin operated is clearly indicated by the action of William Tête d'Étoupe, count of Poitiers, in the mid-930s when he sent Martin with twelve monks to Normandy take over the governance of the abbey of Jumièges, this at the request of his brother-in-law, William Longsword, duke of

28 Courcôme was near Ruffec, a castle owned by the duke of Aquitaine in the early 11th century; see Ademari Cabanensis Chronicon (as in n. 5), p. 163 (III 41). Ebles, count of Poitiers in 891, owned land at Courcôme: an *alodium nomine Curcolmum* was included in his endowment of St Martin de Tours of that date (Jean BESLY, *Histoire des comtes de Poitou et ducs de Guyenne*, Paris 1647, p. 209). Courcôme is not mentioned in the Louis IV's privilege of 942 listing lands of St Hilaire (PROU, LAUER, *Recueil des actes de Louis IV* [as in n. 15], no. 18). A charter of c. 970 records the gift of *alodium meum nomine Curte Colma (...) situs in pago Pictavo* to St Hilaire de Poitiers by William Fier-à-Bras, duke of Aquitaine: Louis François Xavier RÉDET (ed.), *Documents pour l'histoire de Saint-Hilaire de Poitiers*, in: *Mémoires de la Société des Antiquaires de l'Ouest* 15 (1848), no. 39; see also RICHARD, *Comtes de Poitou* (as in n. 20), vol. 1, p. 45, 105. Ademar of Chabannes' list of gifts to abbeys by count Ademar is highly problematic, only that for Cybard in Angoulême is known from a charter: LEFRANCQ, *Cartulaire de Saint-Cybard* (as in n. 23), no. 161. Other abbeys supposedly endowed by count Ademar – Charroux, St Martial de Limoges, St Jean d'Angély – are all known to have owned land in the areas from which count Ademar made his gifts, but no details of their origin are known: Ademari Cabanensis Chronicon (as in n. 5), p. 142 (III 21).

29 On the devolution of Poitiers in 902, see RICHARD, *Comtes de Poitou* (as in n. 20), vol. 1, p. 52; Jean-Pierre BRUNTERC'H, *Naissance et affirmation des principautés au temps du roi Eudes: l'exemple de l'Aquitaine*, in: Olivier GUILLOT, Robert FAVREAU (eds), *Pays de Loire et Aquitaine, de Robert le Fort aux premiers Capétiens*, Poitiers 1990, p. 83. The count Ademar mentioned in the life of Gerald of Aurillac might be another candidate for identification of the erstwhile count Ademar of Poitiers; see Anne-Marie BULTOT-VERLEYSEN (ed.), *Odon de Cluny. Vita Gerardi Auriliacensis*, Brussels 2009, p. 50, 59, 183–189.

30 LEFRANCQ, *Cartulaire de Saint-Cybard* (as in n. 23), no. 218, dated 937 mentions abbot Martin, as does no. 237, dated the kalends of July (1 July), the 6th year of Louis IV's reign. A gift to St Cybard and the cathedral dated 922 implies there were not monks or an abbot of St Cybard at that date: NANGlard, *Cartulaire de l'Église d'Angoulême* (as in n. 24), no. 27.

31 Jean LAPORTE, *Les listes abbaticales de Jumièges*, in: *Jumièges. Congrès scientifique du XIII^e centenaire*, Rouen 1955, p. 455, suggests that Martin died in Poitiers in 943 on 21 March. A 13th-century calendar from Ste Croix records an obit for an abbot Martin on 24 October; assuming this is the reforming abbot Martin, his death or commemoration would be in 942: Pierre DE MONSABERT (ed.), *Documents inédits pour servir à l'histoire de l'abbaye de Sainte-Croix de Poitiers*, in: *Revue Mabillon* 9 (1913), p. 384.

32 RÉDET, *Cartulaire de Saint-Cyprien* (as in n. 16), no. 99, is dated in the 11th year of king Raoul, i. e. 933/934; Abbot Martin is mentioned as well in a document of 935 (*ibid.*, no. 267) and in various undated documents: nos 520, 548. Aimon is mentioned as abbot in documents dated by the reign of king Raoul (hence before 936) and 938/939 (*ibid.*, nos 422, 423).

Normandy, to whose sister he was married. Once in Jumièges, Martin nominated one Anno as his co-abbot³³. William Tête d'Étoupe also had a role in Martin's dispatch to Limoges in c. 935, when Turpio, bishop of Limoges, called on him to establish a monastery in the church of St Augustin near the city, a monastery founded *iubente (...) Radulpho rege et domno Guillelmo comite*, that is to say by king Raoul and William Tête d'Étoupe³⁴. The founding of St Jean d'Angély was probably under way when Raoul was in Poitiers in January 942. The rulers of the city seized this occasion to obtain a privilege for the abbey (as they did for St Hilaire de Poitiers as well) which recorded its bestowal on Martin *causa emendandi*. The document was issued at the request of Ebles, brother of count William Tête d'Étoupe and a key figure in his government – he was abbot of St Maixent and treasurer of St Hilaire in Poitiers, this at a time when the count himself can be seen controlling the abbey's lands³⁵. On Martin's death, his place at both St Cyprien and St Jean d'Angély was taken by his colleague Aimon³⁶.

Martin's mission in the Limousin involved contact with Odo of Cluny and his circle, people who were later to join him in reforming monasteries in the Périgord. Some years before Martin's arrival, Turpio had called his brother Aimon from the Poitevin abbey of St Savin sur Gartempe to reform the abbey of St Martin in Tulle, an arrangement made on the advice of Ebles (d. c. 934), count of Poitiers, and confirmed by king Raoul. Aimon, probably the same individual as Martin's co-abbot at St Cyprien in Poitiers, appeared as abbot in Tulle in documents dated between 929 and 931, with Adacius, a pupil of Odo of Cluny, as co-abbot between at least 927 and 931³⁷. Aimon's rule would presumably have involved subjection to St Savin sur Gar-

33 Elisabeth M. C. VAN HOUTS (ed.), *Gesta Normannorum Ducum*, vol. 1, Oxford 1992, p. XXIII–XXIV, 86–88. For Martin in Jumièges, see Jean LAPORTE, *Listes abbatiales de Jumièges*, in: Jumièges (as in n. 31), p. 435–457, espec. p. 455.

34 Jean BECQUET (ed.), *Actes des évêques de Limoges des origines à 1197*, Paris 1999, p. 8, 26–27, no. 5. Philippe LABBÉ, *Novae Bibliothecae Manuscriptorum*, vol. 2, Paris 1657, p. 278, had a source which gave a date of November in the 12th year of Raoul's reign, which Becquet interprets as 934, though a later date of 935 is just as plausible: Robert-Henri BAUTIER (ed.), *Recueil des actes de Robert I^{er} et de Raoul*, Paris 1978, p. CVII.

35 *Recueil des actes de Louis IV* (as in n. 15), nos 18, 19; RICHARD, *Comtes de Poitou* (as in n.20), vol. 1, p. 95–99.

36 The fuller title of Aimo (*Aimo ex cenobio alme genetrice Dei matris atque beati Cypriani*) in the 7th year of Louis IV's reign, i. e. 942/943, has been taken to indicate that he was sole abbot (RÉDET, *Cartulaire de Saint Cyprien* [as in n. 16], no. 242). Aimo's becoming abbot of both St Cyprien and St Jean d'Angély is recorded in the »Chronique de Saint Maixent«, see Jean VERDON (ed.), *Chronique de Saint Maixent*, Paris 1979, p. 90–91.

37 The sequence of events relies upon the narrative contained in the privilege of king Raoul for St Martin in Tulle: *Recueil des actes de Robert I^{er} et de Raoul* (as in n. 34), no. 21. The document is discussed in detail – and convincingly re-dated to 931 – in Jean-Pierre BRUNTERC'H, *La succession d'Acfred, duc d'Aquitaine (927–936)*, in: *Quaestiones medii aevi novae*, vol. 6, Warsaw 2001, p. 196–239. Bautier and Dufour gave the date as 933. Ernst SACKUR, *Die Cluniacenser in ihrer kirchlichen und allgemeingeschichtlichen Wirksamkeit bis zur Mitte des elften Jahrhunderts*, vol. 1, Halle an der Saale 1892, p. 82, accepts that Aimon acted as abbot in St Cyprien, St Martial de Limoges and Tulle. Robert FAVREAU arrived at the same conclusion: *Les inscriptions de l'église de Saint-Savin-sur-Gartempe*, in: *Cahiers de Civilisation Médiévale* 19 (1976), p. 12. The chronology is uncertain, though Aimon's removal from Tulle in 931 agrees with his appearance in St Cyprien, where he was recorded in documents dated 932/936 and 942/943 (Ré-

tempe; he disappeared from Tulle in 931 when a new regime was installed by Raoul, who placed Odo of Cluny in charge of the abbey with Adacius remaining as co-abbot. Aimon was to reappear in 936 as abbot of St Martial³⁸. Odo's appearance at Tulle in 931 marked the replacement of a Poitevin reformer by a Cluniac from Burgundy³⁹. The wording of king Raoul's privilege for Tulle shows that under Aimon, the abbey had been placed under the *dominatio* of the king; when Odo became abbot, this was changed to a royal *tuitio*, a status which would agree with Cluny's aim to acquire a royal guarantee for monastic independence rather than the direct control suggested by the term *dominatio*⁴⁰. In c. 928 Aimon had supported Odo of Cluny's work at the monastery of Aurillac; as abbot of St Martial de Limoges in 942, he was to establish a spiritual association with St Benoît sur Loire (Fleury), both facts which suggest co-operation rather than rivalry⁴¹. Fleury had been reformed from its ruined state shortly before 938 by Odo of Cluny himself, with the support of duke Hugh the Great; the new arrangements benefitted from papal confirmation in 938 with the abbey's independence also guaranteed by the king, who alone was to guarantee that its *potestas* was not to be farmed out to any cleric or layman – a Cluniac style of reform⁴².

These reforming activities of abbot Martin took place in areas where Poitevin power was expanding beyond its heartlands. The founding of St Jean d'Angély was surely related to development of Poitevin authority in the Saintonge, a natural extension of the establishment by Ebles, count of Poitiers in 902–c. 934, of a viscount at Aulnay, less than 20 kilometers to the north-east⁴³. Viscount Hildegair of Limoges appeared in the entourage of count Ebles in a charter of 925; the notion that the vis-

DET, Cartulaire de Saint Cyprien [as in n. 16], nos 183, 184, 242, 251, 422). See also Isabelle Rosé, Un cas problématique de succession au X^e siècle. Le multi-abbatit d'Odon de Cluny (vers 879–942), in: Frédérique LACHAUD, Michael PENMAN (eds), Making and breaking the rules: succession in medieval Europe, c. 1000–c. 1600, Turnhout 2008, p. 206–208.

38 Rosé, Construire une société (as in n. 21), p. 218–220.

39 RICHARD, Comtes de Poitou (as in n. 20), vol. 1, p. 68, saw Raoul's privilege for Tulle as an effort to extract the abbey from the influence of Ebles, count of Poitou, and as subjection to St Savin sur Gartempe, even though the lay abbot of Tulle, Ademar, had Ebles and Raoul agreeing jointly to his endowment of Tulle, clearly an endowment that ensured Ademar's enjoyment of monastic land for his lifetime with reversion to Tulle on his death: Jean-Baptiste CHAMPEVAL, Cartulaire de l'abbaye bénédictine Saint-Martin de Tulle en Limousin, in: Cartulaires des abbayes de Tulle et de Roc-Amadour, Brive 1903, no. 14.

40 See the discussion of BRUNTERC'H, La succession d'Acfred (as in n. 37). Raoul's diploma for Cluny of 927 contrasts these terms: duke William in founding Cluny subjected it to the Pope *ad tuendum non ad dominandum* – see Recueil des actes de Robert I^{er} et de Raoul (as in n. 34), no. 12.

41 Georges KOZIOL, The politics of memory and identity in Carolingian diplomas, Turnhout 2012, p. 290–291, however, sees the advent of Odo at St Martin de Tulle in political terms, with Tulle wrested from Poitevin authority and brought into a »network« of abbeys controlled by Odo.

42 Charles DE LASTEYRIE, L'abbaye de Saint-Martial de Limoges, Paris 1901, preuves no. 4; Maurice PROU, Alexandre VIDIER (ed.), Recueil des chartes de l'abbaye de Saint-Benoît, vol. 1, Paris 1907, nos. 44 and 45; Rosé, Construire une société (as in n. 21), p. 320–324; EAD., Odon de Cluny, précurseur d'Abbon?, in: Annie DUFOUR, Gillette LABORY (eds), Abbon, un abbé de l'an mil, Turnhout 2008, p. 246–248. For the bull of 938, see Harald ZIMMERMANN (ed.), Papsturkunden 896–1046, vol. 1, Vienna 1984, no. 83.

43 Marcel GARAU, Les vicomtes de Poitou, IX^e–XII^e siècles, in: Revue historique de droit français et étranger, 4th series, 16 (1937), p. 437.

count became a »vassal« of the count of Poitiers at this time is given credence by the fact that Ebles' son, William Tête d'Étoupe, could make his brother, also called Ebles, bishop of Limoges in 944, though the extent of his authority outside Limoges itself is not clear⁴⁴. Secular authority created the conditions where reform could be envisaged⁴⁵.

What can be deduced about the kind of reform promoted by abbot Martin? Observance of the rule of St Benedict was doubtless the aim, though this could be interpreted in a number of ways, particularly the degree of isolation from secular affairs and links with family and property. The tone was not likely to have been less than that given in the life of St Gerald of Aurillac (d. c. 909), probably written by Odo of Cluny when abbot of Aurillac in 928 with the encouragement of Aimon and bishop Turpio. The regime proposed for a pious ruler was largely that followed by a monk, involving withdrawal for prayer, silent listening to the reading of sacred texts during meals, rejection of conspicuous consumption, and chastity⁴⁶. More specific points can be gleaned from other sources. In c. 935, when handing over the church of St Augustin to Martin and his monks *ad construendum monasterium*, bishop Turpio demanded that »sacred rules«, presumably those of St Benedict, should be ceaselessly observed (*sancta regula indesinenter custodiatur*); divine service was to be carried on *sine ullo strepitu saeculari*⁴⁷. Such provisions conform with the continual liturgical celebration established at Cluny. The stipulation that the ancient custom be preserved by which clerics and citizens shared the cemetery showed that some links with secular life were to be maintained, something Cluny sought to avoid. An endowment made by bishop Turpio at this time specified that no-one was to have the *potestatem (...) dominandi*, except that the bishop's legitimate rights were guaranteed – again a significant deviation from the Cluniac ideal, where freedom from interference by secular or ecclesiastical rulers was guaranteed in both royal and papal privileges⁴⁸. Louis IV's diploma of 942 for St Jean d'Angély echoed that of Raoul for

44 RICHARD, Chartes de Saint-Maixent (as in n. 22), no. 11. Vincent ROBLIN (ed.), Recueil des actes des vicomtes de Limoges, Geneva 2009, p. 9, talks of »l'entrée du vicomte dans la vassalité des comtes de Poitiers« at this date; further support comes from a single charter in which William Tête d'Étoupe was called count of Poitiers, Limoges and the Auvergne, datable only to 951/963 (RICHARD, Chartes de Saint-Maixent, no. 27). The *Adalbertus Lemovicensis* who appeared before count Ebles in 903 may conceivably be linked to the *fidelis* of Charles the Bald named Hildeburtus, who was granted land in the county of Limoges by the emperor in 879 (Pierre DE MONSABERT [ed.], Chartes de l'abbaye de Nouaillé, Poitiers 1936, no. 32; Recueil des actes de Charles II le Chauve [as in n. 12], vol. 2, no. 411); Robert DE LASTEYRIE, Étude sur les comtes et vicomtes de Limoges antérieurs à l'an 1000, Paris 1874, p. 100–101, no. 3. BRUNTERC'H, La succession d'Acfred (as in n. 37) goes as far as to suggest that Ebles became count of Limoges.

45 The conclusion of Anna Trumbore JONES, Noble Lord, Good Shepherd; episcopal power and piety in Aquitaine, 877–1050, Leiden, Boston 2009, p. 171–172, that bishops drove reform reflects a desire to see church government as independent of secular authority, a view often based on a rather literal interpretation of sources.

46 See BULTOT-VERLEYSEN, Odon de Cluny. Vita Gerardi Auriliacensis (as in n. 29). Mathew KUEFLER, The making and unmaking of a saint. Hagiography and memory in the cult of Gerald of Aurillac, Philadelphia 2014, p. 9 ff. questions Odo's authorship of the »Vita prolixior«, the tone of the »Vita brevior« being more in tune with Odo's view of monastic virtue.

47 BECQUET, Actes des évêques de Limoges (as in n. 34), nos 5, 6.

48 Ibid., no. 6.

Tulle in decreeing that the monks should elect abbots according to the rule of St Benedict, a standard condition found in royal diplomas for reformed abbeys along with specific prohibition of interference by any count or powerful person. The abbey was to enjoy immunity »under our protection«, the phrase *immunis sub nostra deffensione* being a standard provision in royal privileges of protection granted by 9th and 10th century monarchs⁴⁹. For Jumièges, Dudo of St Quentin remarked that Martin kept the monks »under the discipline of the strictest contemplative rule«. Martin dissuaded William duke of Normandy from becoming a monk on the grounds that his son and heir was a junior and needed parental direction; the implication was that monastic life was to involve complete withdrawal from affairs of the secular world. The anecdote recorded by Dudo about Martin's theological lesson to the duke suggests that such studies were to be part of the new monastic regime⁵⁰. What is absent from reform in 10th-century Aquitaine is the evocation of protection by the Pope, who from the 930s was assuming the role of guardian of the freedoms of Cluny and its closest associates: the role of royal and secular authority was similarly to guarantee the abbey's independence. However, Odo of Cluny could be flexible on occasion. When called on to reform St Julien de Tours, he appears to have been content to be guided by his old colleague, Theotolon, archbishop of Tours, and respected his rights⁵¹. At Fleury, he abandoned Cluniac insistence on independence from secular authority when he accepted the leading role of duke Hugh the Great as he met furious protests and riots when reform was imposed on the community⁵². Martin was doubtless as concerned as Odo to isolate the monastic community from secular affairs, but he may have been more relaxed about the participation of lay rulers in his work⁵³. Whether Martin met with more success than Odo in obliging monks, all from the higher echelons of society, to abandon the life-style of their class for a rigorous and cloistered life of liturgy, silence and prayer does not appear.

Monastic reform in Angoulême

Ademar of Chabannes knew that reform associated with an abbot Martin had taken place in his own abbey of St Cybard in Angoulême and that it had been led by the count. Having ascribed Martin's activities to the kingdom of Aquitaine in the 830s, he needed a personality around which to build a story of reform and celebrate the progress which the introduction of a monastic regime represented. A solution was found when he alighted on an undated document in the name of William, count of Angoulême in 930–962, which recorded a major endowment of St Cybard⁵⁴. The

49 See the discussion in *Recueil des actes de Charles le Chauve* (as in n. 12), vol. 3, p. 227–231, with clauses whose wording remained unchanged in 10th-century documents of this kind.

50 Jules LAIR (ed.), *Dudo of St Quentin, De moribus et actis primorum Normanniae ducum*, Caen 1865, p. 200–203; VAN HOUTS, *Gesta Normannorum* (as in n. 33), p. 86–89.

51 Guy-Marie OURY, *Le rôle du monastère de Saint-Julien de Tours après sa restauration par Odon de Cluny (peu avant 942–1046)*, in: GUILLOT, FAVREAU, *Pays de Loire et Aquitaine* (as in n. 29) p. 192–193.

52 *Ibid.*, p. 306–316.

53 Rosé, *Construire une société seigneuriale* (as in n. 21), p. 458–474.

54 Confusion about the sequence of counts in Angoulême stems from efforts to reconcile charter

charter is best dated between abbot Martin's death in 942 and the count's in 962⁵⁵; an edited version of the document appeared in Ademar's chronicle described as a *testamentum*⁵⁶. William subscribed the document as count and monk⁵⁷, other subscribers being his cousin count Bernard of Périgueux (another grandson of Vulgrin) and members of their families; the chronicler's text added Arnald, son of count William, as a subscriber, doubtless to link Arnald Manzer, count from 975, to the act. The endowment enabled Ademar to fabricate a story of reform: he took it to signify that count William replaced canons with monks (though charters show that monks were recorded at the abbey from an earlier date, when Martin was abbot), and that an abbot Mainard rather than Martin put in charge. A Mainard is among subscribers but is not described as abbot; however an abbot named Mainard can be found in a series of undated 10th-century documents from the abbey⁵⁸ and in a document which Ademar recorded in his notes as dating from the reign of Lothair (954–986)⁵⁹.

With Martin's arrival in Angoulême comes the first evidence that St Cybard was controlled by the count. Before this moment, the bishop of Angoulême had controlled the abbey's resources, a widespread practice in the Carolingian environment⁶⁰. The privilege of Charles the Bald of 852 showed bishop Launus as controlling clerics in the *monasterium sancti Eparchii*; early 10th-century charters indicate that the resources of the cathedral church and the abbey were managed jointly by the bishop⁶¹. The description of count William as both count and monk

evidence with statements of Ademar of Chabannes and the Angoulême annals; Ademar held that William became count after the death of his father Alduin in 916, his count Ademar being count of Poitiers. It seems reasonable to assume that William became count on the death of count Ademar in 930.

- 55 The Annals of Angoulême give the date of the death of count William, *valde amantissimus*, as 962 (MGH SS, vol. 16 [as in n. 25], p. 487); there is no reason to follow Ademar of Chabannes who in his edited copy of the Angoulême annals (ibid., vol. 4 [as in n. 26], p. 5) made this count William the son of count Bernard, calling him *Willelmus Talerandus*: Ademari Cabanensis Chronicon (as in n. 5), p. 149 (III 28).
- 56 LEFRANCQ, Cartulaire de Saint-Cybard (as in n. 23), no. 222; Ademari Cabanensis Chronicon (as in n. 5), p. 146 (III 24). The St Cybard charter has traditionally been dated to just before 945; this stemmed from the calculation of Ademar of Chabannes that count Bernard of Périgueux and his sons took over Angoulême 30 years before the death of Bernard's son Rannulf in 975.
- 57 The subscription as monk led Debord to assume that count William abdicated, his place as count of Angoulême being taken by his cousin Bernard of Périgueux and Bernard's sons: DEBORD, Société laïque (as in n. 7), p. 68.
- 58 LEFRANCQ, Cartulaire de Saint-Cybard (as in n. 23), nos 180, 216, 232bis.
- 59 Ademar's notes on charters from St Cybard notes are to be found in the margins of Leiden, University Library, Codices latini Vossiana, octavo, 15, f. 139r-144r; they were published by Oswald HOLDER-EGGER, Notizen von S. Eparch in Angoulême und S. Martial in Limoges, in: Neues Archiv 7 (1882), p. 630–637, and re-published by Léopold DELISLE, Notice sur les manuscrits originaux d'Ademar de Chabannes, Paris 1896, paginated 1–118 (an offprint from Notes et extraits des manuscrits de la bibliothèque nationale et autres bibliothèques, vol. 35, 1^{re} partie [1896], p. 241–258). Ademar recorded that *Tempore Loterii fuit Mainardus abbas sancti Eparchii* (HOLDER-EGGER, Notizen von S. Eparch, p. 634, DELISLE, Notice, p. 316).
- 60 Josef SEMMLER, Karl der Große und das fränkische Mönchtum, in: Bernhard BISCHOFF (ed.), Das Geistige Leben, Düsseldorf 1967 (Karl der Große. Lebenswerk und Nachleben, 2), p. 277; Mayke DE JONG, Carolingian monasticism; the power of prayer, in: Rosamond MCKITTERICK (ed.), The New Cambridge Medieval History, vol. 2, Cambridge 2006, p. 627–628.
- 61 NANGLARD, Cartulaire de l'église d'Angoulême (see n. 24), no. 42 (915), LEFRANCQ, Cartulaire

surely implies a comital role in governing St Cybard, even if the evidence does not match that for William Tête d'Étoupe in Poitiers, who from at least 944 was styled both count of Poitiers and abbot of St Hilaire, and was clearly involved in managing the abbey's resources⁶².

Monastic reform in the Périgord: the charters of count Bernard

One of the signatories of the *testamentum* mentioned above was Bernard, grandson of Vulgrin and count of Périgueux. For Ademar of Chabannes, the Périgord was a little known territory, and his chronicle abandons any coherent narrative to describe a medley of disputes and their resolution by warfare. Poitevin influence in the Périgord and La Marche is hard to trace; in the 970s, the duke acted as adviser to the viscount Guy of Limoges in disputes with Helie and Aldebert, sons of Boso of La Marche⁶³. Count Bernard's reform activities in the 930s are evidenced in three charters which, despite difficulties of interpretation, show that our Martin, together with Odo of Cluny and his colleague Adacius, were all active in the Périgord at the request of the count (see the appendix below, p. 42–47, nos 1–3). The charters, all to be dated to 936/942, were issued for the abbeys of Brantôme, Sarlat and Saint-Sour in Terrasson-Lavilledieu, all within the diocese of Périgueux at a time when references to a bishop are totally lacking. They were entrusted to Martin, Odo and Adacius, and Adacius respectively⁶⁴. The Brantôme charter survives as a very early copy, probably interpolated since its account of foundation by Charlemagne reflects 11th rather than 10th-century preoccupations; recent editors of the charter judiciously described it as a »copie figurée« rather than an original. It is a striking document with exuberant calligraphic penwork, in format if not in script rivalling the more exuberant charters from Cluny of this date⁶⁵. The Sarlat charter survives as an interpolated, late-11th century document, though fortunately a copy of an earlier version of the text is known⁶⁶. Whatever the date of the surviving versions of these charters, the information contained in them fits too neatly into what is known of reform at this time for the basic authenticity of their texts to be doubted.

de Saint-Cybard (as in n. 23), no. 235 (922). The charter of 915 records gifts to the cathedral and to St Cybard in a single document, one evidently issued from a public court, since the twelve signatories are headed by a viscount, vicarius and subvicarius. In the charter of 922, bishop Gombaud ceded land in the *potestas* of St Cybard to a lay party with the consent of the *congregatio* of the cathedral and of St Cybard.

62 The earliest charter showing William count of Poitiers in control of St Hilaire is datable to 941/942; RÉDET, Documents de Saint-Hilaire de Poitiers (as in n. 28), no. 18.

63 ROBLIN, Recueil (as in n. 44), p. 24–25; Ademari Cabanensis Chronicon (as in n. 5), p. 147 (III 25).

64 On these charters, see ROSÉ, Odon de Cluny (as in n. 21), p. 299–303.

65 Hartmut ATSMÄ, Jean VEZIN (eds), Les plus anciens documents originaux de l'abbaye de Cluny, 3 vols, Turnhout 1997, nos 4, 11; Amy G. REMENSNDYER, Remembering kings past. Monastic foundation legends in medieval southern France, Ithaca, London 1995, p. 164–165, 311–312, discusses the cult of Charlemagne at Brantôme.

66 For comparison, see BnF, Coll. Bourgogne 79, no. 166A, a charter of 1097 concerning the monastery of Baigne and Cluny, available at <http://www.cn-telma.fr/originaux/charte1733>.

The texts of count Bernard's charters are nearly identical. The use of the same text for documents drawn up for different institutions is not totally unknown at this date. The foundation charter of Déols, for example, borrows wholesale the language of Cluny's foundation charter, as does that of Romainmôtier in Burgundy⁶⁷. Grants for St Martial in Limoges of 974/988 by Gerald, viscount of Limoges, and for the abbey of Uzerche of 997/1002 by Guy, viscount of Limoges, have identical wording⁶⁸. At a later date, the text of the count of Anjou's endowment of La Trinité de Vendôme in 1040 was used in 1047 for establishing Notre Dame de Saintes⁶⁹. The similarities in count Bernard's charters surely indicate co-operation between those running the abbeys, that is to say Martin, Odo and Adacius.

Each of these charters has an independent provenance. All were drawn up in the name of Bernard, *Petrocoricensis comes* for Brantôme and Sarlat and simply *comes* for Terrasson; in each case, Bernard was count *Dei gratia*. The use of this epithet is noteworthy. The beneficiary institutions that drew up charters (papal documents can be assumed to have been issued by papal authorities, with only some royal diplomas clearly issued from a royal chancery) had their own tradition of nomenclature. William the Pious, founder of Cluny in 910, was *dono Dei comes et dux*; abbeys such as St Hilaire, St Maixent and St Jean d'Angély expressed the same idea in their own phraseology in charters of William Tête d'Étoupe as count and for his son William Fier-à-Bras as count and duke⁷⁰. The abbey of St Martial in Limoges in 977/988 graced Gerald with the title *gracia Dei Lemovicensium vicecomes*, which Vincent Roblin takes as a sign that the viscount sought to underline the regalian nature of his authority, but the occurrence is unique⁷¹. The qualification of Bernard as count »by the grace of God« was surely useful to the reformers of Brantôme, Sarlat and Terrasson, paraded to show that the grant itself had divine sanction – the count acted with the same divinely-sanctioned authority as a king.

Bernard's motives and actions are expressed in a virtually identical form: *sub iure meo retinere timui, et in ordine monastico restituere dignum duxi*. The beneficiaries were brought into the *potestas* of Christ, St Peter and St Sicaire for Brantôme, of God and St Suris for Terrasson, and of St Sauveur for Sarlat, with the count renouncing his *dominatio*; anyone bringing the monks or their property *in potestate propria* was threatened with anathema. There is no hint here of the terminology of royal privileges of the period which exempted abbeys from the jurisdiction of public officials – usually on the lines of *nullus index publicus vel quislibet ex indicaria potestate (...) ingredi audeat*⁷². The royal guarantee of immunity, expressed in royal privileges with

67 Jean HUBERT, L'abbaye exempte de Déols et la papauté, X^e–XII^e siècles, in: Bibliothèque de l'École des chartes 145 (1987), p. 12; Alexandre PAHUD, Le testament d'Adélaïde, in: Jean-Daniel MOREROD (ed.), Romainmôtier, histoire de l'abbaye, Lausanne 2001, p. 68 n. 18.

68 ROBLIN, Recueil (as in n. 44), nos 4, 5.

69 Olivier GUILLOT, Le comte d'Anjou et son entourage au XI^e siècle, Paris 1972, vol. 2, nos 79 (p. 67–69), 110 (p. 85–88).

70 Walther KIENAST, Der Herzogstitel in Frankreich und Deutschland, Munich, Vienna 1968, p. 163 ff., does not consider expressions referring to divine sanction for the ducal title.

71 ROBLIN, Recueil (as in n. 44), no. 4 and p. 97 n. 3.

72 Philippe LAUER (ed.), Recueil des actes de Charles III le Simple, Paris 1949, no. 21 (899, for Aurillac).

phrases such as *sub tuitione atque immunitatis nostre deffensione*, was replaced by the idea of what would later be called a *sauveterre* under royal protection. Brantôme, Terrasson and Sarlat were brought under royal protection with the phrase *Sint autem ipsi monachi in subiectione regis ad locum saluum faciendum*, Brantôme and Sarlat owing only prayers in return – a stipulation recalling the Carolingian requirement for Brantôme in c. 850. This phraseology was circulating among reformers, in the Limousin at least. It occurs in the agreement of c. 931 by which a viscount Ademar made over to St Martin de Tulle lands he held as lay abbot, ensuring that he retained a life interest, an arrangement made as part of the reform of the abbey by Odo of Cluny and his colleague Adacius. Viscount Ademar described the monks in Tulle as being *in mundebugo regis ad locum saluum faciendum, non ad aliquid persolvendum nisi solas orationes*⁷³. The Carolingian concept of *manburgium* had appeared in the privilege of Charles the Simple for St Gerald's monastery at Aurillac in 899 and in that of Raoul for Tulle itself in 931⁷⁴. This effort to place the abbeys directly under a king echoes the efforts of Odo to obtain royal protection for the totally independent status of Cluny, Déols and other institutions. Royal authority was unknown in the Périgord at this date, but it had a role in the reformers' vision of the perfectly ordered society. Efforts in the Périgord to provide safe havens around major abbeys seems to correspond to the zones around churches recorded in Catalonia from the 980s, though here they were termed *sacraria* and were mostly under episcopal supervision⁷⁵. Appeal to papal protection seems absent for the Périgord except for Sarlat, where there is a tantalising 17th-century reference to a papal bull issued to Odon of Cluny by Leo VII in 938/939⁷⁶.

The aftermath of reform

Reformers of the kind just discussed have been described as »technicians of reform«, consultants, sent with teams of specialists to reform specific monasteries at the request of their rulers⁷⁷. With the disappearance of powerful personalities leading reform, the houses tended to revert to earlier habits: the fate of reformed monasteries in Aquitaine was conditioned by the political fortunes of lay rulers, not by any ecclesiastical powers. Weak government in the Périgord in the second half of the 10th century may be related to a major dynastic change apparent by the 970s. Ademar of Chabannes described how Bernard count of Périgueux and his four sons, Arnald

73 Rosé, Construire une société (as in n. 21), p. 218–222; CHAMPEVAL, Cartulaires des abbayes de Tulle et de Roc-Amadour (as in n. 39), no. 14 (p. 35).

74 Recueil des actes de Charles III le Simple (as in n. 72), no. 21; Recueil des actes de Robert Ier et Raoul (as in n. 34), no. 21.

75 Pierre BONNASSIE, *Les sagreres catalanes: la concentration de l'habitat dans le cercle de paix des églises*, in: Michel FIXOR, Élisabeth ZADORA-RIO (eds), *L'environnement des églises et la topographie religieuse des campagnes médiévales*, Paris 1994, p. 72.

76 Rosé, Construire une société (as in n. 21), p. 385–389; Jean-Claude IGNACE, *Bullaire périgourdin: recueil des actes pontificaux antérieures à 1198 concernant l'ancien diocèse de Périgueux*, Périgueux 2012, no. 1, from BnF, Coll. Périgord, vol. 3, f. 145r.

77 Christian LAURANSON-ROSAZ, *Réseaux aristocratiques et pouvoir monastique dans le midi aquitain, du IX^e au XI^e siècle*, in: *Naissance et fonctionnement des réseaux monastiques et canoniaux*, Saint-Étienne 1991, p. 367.

Boirrario, William *Talerandus*, Rannulf *Bomparius* and Richard *Insipiens* ruled the counties of both Périgueux and Angoulême until the death, as the Angoulême annals tell us, of Rannulf in 975⁷⁸. The epithets given to Bernard's sons seem to reflect a literary topos, and faith in the chronicler is further slightly shaken by the three charters of count Bernard, which name Bernard's sons rather differently, but it is reasonable to follow the chronicler when he notes that Périgueux passed to the family of Bernard's sister Emma when she married Boso *Vetulus de Marca*, a man given the prestigious title of *marchio* in a document of 958. Of their children, Helie was termed count of Périgueux, his brother Aldebert merely as a count (whether of Périgueux or of La Marche is not known). Aldebert campaigned against the duke and attacked Poitiers, whose ruler appears to have supported the viscount Guy of Limoges when attacked by the brothers⁷⁹; by 989–992 Aldebert was appearing in ducal charters; count Boso (Aldebert's son or nephew) attended the duke's court from 997. Some kind of order was established when duke William the Great captured Périgueux, probably around 1003, separating Périgueux from La Marche and making Boso's son Helie count of the former and Aldebert's son Bernard ruler of the latter; Poitevin influence was reinforced by the duke's marriage to the widow of Aldebert of La Marche⁸⁰.

Against this background, Brantôme was claimed by a number of secular parties. »Count Boso«, probably count of Périgueux, managed to prevent Guy, viscount of Limoges, from enforcing his claim to it; the lords of Mussidan, in the person of Grimoard when he was bishop of Angoulême (991–1018), went to war to prevent the same viscount from gaining the abbey. The dispute ended up in Rome before Sylvester II, Pope from 999 to 1003, who managed to reconcile the parties – Sylvester was perhaps aware of the personalities, having begun his career as a monk at Aurillac⁸¹. At a later date the count of Périgueux retained or re-gained rights over Brantôme, since in 1080 count Helie could pass it to the abbey of La Chaise Dieu without reference to the lords of Mussidan, lords who were certainly dependent on him at that time⁸².

Hugh of Fleury's life of St Sacerdos, written c. 1107, refers to a papal privilege of a Pope Leo for the abbey of Sarlat. The terms have a certain ring of authenticity in in-

78 Ademari Cabanensis Chronicon (as in n. 5), p. 149 (III 28); BOURGEOIS, Une résidence des comtes d'Angoulême (as in n. 4), p. 392–393.

79 ROBLIN, Recueil (as in n. 44), p. 24–25; Ademari Cabanensis Chronicon (as in n. 5), p. 147 (III 25).

80 Ibid., p. 156 (III 34). Georges THOMAS, Comtes de La Marche de la maison de Charroux, X^e siècle–1177, Paris 1928, assumes a distinct county for La Marche in the 10th century, though many have suggested that La Marche and the county of Périgueux were one; see Robert-Henri BAUTIER, Les origines du comté de La Marche, in: Mélanges d'archéologie et d'histoire offerts à M. Henri Hemmer, Paris 1979, p. 10–19.

81 Ademari Cabanensis Chronicon (as in n. 5), p. 157–158 (III 35, 36).

82 The dispute and appeal to Rome was described by Ademar of Chabannes (ibid., p. 158 [III 36]). For La Chaise Dieu, see Roger GAUSSIN, L'abbaye de La Chaise-Dieu, 1043–1518, Paris 1962, p. 138, and for the charter of 1080, see below, p. 43–44, appendix, no. 1. In 1080, count Hélié was involved in settling a dispute between St Florent de Saumur, Charroux and the lord of Mussidan in terms which show that the latter was subject to the count's authority: Paul MARCHEGAY, Chartes anciennes de Saint-Florent près Saumur pour le Périgord, in: Bulletin de la Société historique et archéologique du Périgord 6 (1879), no. 46.

sisting that the abbot was properly elected and condemning those who despoiled the abbey's lands (*ipsius ecclesiae audeat invadere dominatum*). There was clearly a memory of comital control of Sarlat when Hugh was writing: he described the fate of a cleric named Hubert who, with the support of a simoniac count William of Périgueux, took control of Sarlat (*arripuit dominationem*), and sold its possessions before being tortured by visions⁸³. But by the 12th century, Sarlat was evidently flourishing, overwhelmed with pilgrims when the relics of St Pardulf temporarily joined those of St Sacerdos⁸⁴, and its abbots operating within a settled framework of ecclesiastical government.

The path to such a situation for the abbey of Terrasson was not without problems. By 1101 it was controlled by Raymond, viscount of Turenne, who allowed its abbot, Ademar of St Riberio, to transfer the abbey to St Martial de Limoges, by then almost reconciled to its position as a Cluniac house⁸⁵. The abbey evidently needed reform: a number of monastic offices at Terrasson were reserved to monks of St Martial in an effort to ensue correct discipline. The arrangement was not satisfactory, and the abbot of Terrasson, Bernardus Vicarius, had to be disciplined by abbot Bernard of St Martial: he was humiliated in front of the community of St Martial, but finally retained his position⁸⁶. Thereafter Terrasson appears emancipated from direct secular control.

Ademar of Chabannes' account of the rule of Angoulême by count Bernard and his sons after the death of count William in 962 provides some details of comital relations with St Cybard. Bernard's son Arnald was said to have »seized« St Cybard's *villa* at Sales-Lavalette for bestowal on Itier of Villebois, compensating the abbey with the gift of a *villa* in Jarnac (ever prejudiced, Ademar of Chabannes always saw alienation of property from the abbey as unjustifiable seizures); both actions imply comital control of the abbey⁸⁷. Ademar noted a gift to St Cybard subscribed by Bernard in an undated charter, and a gift by his son Arnald⁸⁸. The chronicler was quite clear that the later counts of Angoulême, Arnald Manzer and his son William, controlled the abbey. An outraged Ademar of Chabannes, with his usual hysterical distrust of bishops and canons, recorded that bishop Grimoard paid the count for control of St Cybard and illegally alienated some of its possessions, but the episode is as likely to have involved mortgage arrangements as theft of comital resources. For Ademar, attempts by the bishop to control land belonging to the abbey was a scandalous attack on the count's role and resources. Later abbots of St Cybard operated

83 Acta Sanctorum, May, vol. 2, Antwerp 1680, p. 17, 18.

84 Geoffrey of Vigeois, in: LABBÉ, *Novae Bibliothecae manuscriptorum librorum* (as in n. 34), vol. 2, p. 280.

85 Ibid., p. 297. Resistance to the gift or sale of St Martial to Cluny by the viscount of Limoges in the 1062–1063, and further disputes in 1087–1095 and 1114 are described in Herbert Edward John COWDREY, *The Cluniacs and the Gregorian reform*, Oxford 1970, p. 90–94. The viscount still claimed a role in the election of the abbot in 1114; see Alexandre BRUEL (ed.), *Recueil des chartes de l'abbaye de Cluny*, vol. 5, Paris 1894, no. 3909.

86 Geoffrey of Vigeois, in: LABBÉ, *Novae bibliothecae manuscriptorum librorum* (as in n. 34), vol. 2, p. 306. Terrasson was first described as belonging to St Martial in a bull of Pascal II of 1102: BRUEL, *Recueil des chartes* (as in n. 85), no. 3810.

87 Ademari Cabanensis *Chronicon* (as in n. 5), p. 149 (III 28).

88 HOLDER-EGGER, *Notizen von S. Eparch*, p. 636; DELISLE, *Notice* (as in n. 59), p. 317.

as loyal members of the count's entourage, both abbot Richard and his successor Amalfredus accompanying count William to Jerusalem in 1026⁸⁹.

Circumstantial evidence indicates that duke William Fier-à-Bras was behind the accession of count Arnald in 975. Apart from Arnald's support of the duke in a number of military campaigns, the intimate friendship of his son William when count of Angoulême (c. 988–1028) with Fier-à-Bras's son, duke William the Great (c. 994–1030), suggests the two had grown up together, the former perhaps placed in the ducal court as a hostage. Arnald's marriage to the widow of the viscount of Thouars could hardly have taken place without ducal consent⁹⁰, and the nomination of Franco, from a family of ducal servants in Saintes, as abbot of Arnald's foundation of St Amand de Boixe, show how closely he was associated with Poitevin power⁹¹.

In the late 1020s, Ademar of Chabannes took it as axiomatic that the count of Angoulême was the special protector and effective ruler of St Cybard, just as the duke of Aquitaine was the natural defender of monasticism, his ejection of a simoniac abbot from Charroux and subjection of the house to St Savin sur Gartempe praised as evidence of good government⁹². Monastic privileges of the 10th century conventionally imposed the rule of St Benedict as the necessary form of observance, but it is difficult to see that provisions for separation from secular life and for free election of abbots were anything but ignored, abbots rarely behaving as other than ducal or comital servants. Duke William the Great called on Odilon of Cluny to renew the *regularem* (...) *distinctionem* of St Jean d'Angély, but the resulting nomination of an abbot relied on the duke's approval⁹³. Duke William endowed Cluny with property in Aquitaine⁹⁴, but it was not until the 1070s and later that the rulers of Poitiers and Angoulême allowed the monasteries over which they had influence to be incorporated into the Cluniac system of government⁹⁵. But that is another story.

89 Ademari Cabanensis Chronicon (as in n. 5), p. 156 (III 35), 158 (III 36), 184 (III 65).

90 For charters in which count William appeared with the duke, see Rowan WATSON, *The counts of Angoulême from the 9th to the mid-13th century*, PhD, University of East Anglia, 1979, p. 238–260; for the *Conventum*, see Jane MARTINDALE, *Conventum inter Guillelmum Aquitanorum comitem et Hugonem Chiliarchum*, in: EAD., *Status, authority and regional power; Aquitaine and France, 9th to 12th centuries*, Aldershot 1997, no. VIIb.

91 Théodore GRASILLIER, *Cartulaire de l'abbaye royale de Notre-Dame de Saintes*, Niort 1871, nos 1, 37, 52, 122. Franco *Capitolini* – a title which indicates control of the castle in Saintes – first emerged when the city was controlled by Geoffrey, count of Anjou; that Franco's control of the mint in Saintes was hereditary indicates that it pre-dated the Angevin regime.

92 Ademari Cabanensis Chronicon (as in n. 5), p. 179 (III 58). At Charroux, the ejected abbot Peter was said to be a powerful secular figure, and thus presumably liable to use the abbey's resources against the duke. Cécile TREFFORT, *Le comte de Poitiers, duc d'Aquitaine, et l'Église aux alentours de l'an mil (970–1030)*, in: *Cahiers de civilisation médiévale* 43 (2000), p. 395–449, sees ducal relations with ecclesiastical institutions chiefly in terms of promoting piety.

93 Ademari Cabanensis Chronicon (as in n. 5), p. 176–177 (III 56); Jacques HOUILLIER, *Saint Odilon, abbé de Cluny*, Louvain 1964, p. 75–76, overlooks the duke's role. Unlike the terms of the subjection of Montierneuf to Cluny in 1079, the dukes retained a role in the election of abbots at St Jean d'Angély: BRUEL, *Chartes de Cluny* (as in n. 85), vol. 4, Paris 1888, no. 3495; Georges MUSSET, *Cartulaire de l'abbaye royale de Saint-Jean d'Angély*, Paris 1901, no. 337, a dispute of 1104.

94 BRUEL, *Chartes de Cluny* (as in n. 85), vol. 3, Paris 1884, nos 2709 (1017), 2716 (1019), 2737 (1020).

95 Armin KOHNLE, *Abt Hugo von Cluny, 1049–1109*, Sigmaringen 1993, p. 206, 210–212.

Appendix

Charters of Bernard, count of Périgueux

*See Rosé, Construire une société seigneuriale (as in n. 21), p. 299–303,
for a discussion of these documents.*

1.

Count Bernard confides Brantôme to abbot Martin. – 936/942.

B. AD Haute Loire, 1H, 182/1^{bis}: »figurative copy« of a 10th-century original, made in the early 11th century, 396 x 547 mm. Endorsements: (1) *Donum abbatiae sancti sichiarii brantosmensi* (11th century); (2) *De brantosme* (13th or 14th century); (3) *Donation à l'abbaye de St Sicaire de Brantosme aux Religieux de St Benoit fait par Bernard comte de Périgueux* (18th century). Stout parchment, damaged along the bottom edge, where a decorative motif visible; ruled with hard point; writing beneath the top ruled line. The script, a rounded Caroline minuscule with highly ornamental and un-natural elements including ascenders and descenders (e.g. »p«, »q«) systematically graced with a vertical wavy flourish which is also applied like a cedilla added to the bottom of minims (e.g. »i«, or »r«) and to the foot of the tall »s«; elaborate »s-t«, »c-t« and »r-t« ligatures.

C. BnF, ms latin 12765, p.289–293: copy from B (?) by Estiennot (*floruit* 1658–1699), *ex tabulario Cantojolensi (...) originale diploma (...) reperi in tabulario Cantojolensi*, i.e. Chanteuges, an abbey subjected to La Chaise Dieu in 1137. D. BnF, Coll. Périgord, vol. 33, p.187–188: copy from C, 18th century.

Edited: (a) Jean-Baptiste PAYRARD (ed.), *Chartes inédites concernant l'histoire du Velay*, in: *Tablettes historiques du Velay* 8 (1878), p. 1–3. (b) Henri WAQUET, *Comte Bernard de Périgord et l'abbaye de Brantôme*, in: *Bulletin de la Société historique et archéologique du Périgord* 71 (1944), p. 26–27, from B, with a facsimile. (c) <http://www.cn-telma.fr/originaux/charte3672> (Chartes originales antérieures à 1121).

DISPOSITOR ordinatorque mirificus omnium rerum Deus qui ut scriptum est quos vult humiliat et quos vult exaltat [*refers to* 1 Reg. 2,7]. Certum est quia multos / quos modo exaltat in seculo venturo humiliabit, et multo magis illos qui de donis eius superbientes sub potenti manu illius humiliare dedignantur. Propterea / enim iustum est ut homo subditus sit Deo, et de his que ab ipso percipit eidem placere studeat. Hęc omnia ego Bernardus gratia Dei Petrocoricensis comes considerans / monasterium sancti Petri apostolorum principis sanctique Innocentis SIKARII quod vocatur Brantosma, qui olim constructus fuerat a dompno Karolo rege Francorum, / et hunc predictum Innocentem a transmarinis partibus evexerat (1), qui modo minime regulariter degit, sub iure meo retinere timui, et in ordine monastico / restituere dignum duxi. Volo itaque ut notum sit omnibus hominibus tam futuris quam presentibus quomodo actum sit. Igitur ego in Dei nomine Bernardus / comes consenciente uxore

mea Garsinda hunc predictum locum cum omni abbathia ad eam pertinentia in potestate domini nostri Ihesu Christi et sancti Petri apostolorum principis / ac santissimi innocentis SIKARII qui ibi corpore illeso quiescit de mea dominatione transposui pro remedio anime meę patris marisque meę et pro anima uxoris meę filiisque nostris / ac filiabus et fratribus prodecessoribus quoque nostris et amicis fidelibus et pro animabus omnium fidelium defunctorum et specialiter pro illis qui prefatum locum defenderint, / et beneficiis suis concesserint. Ideo ut predictum est cedo prescriptum locum domine Deo salvatori omnium et beati Petri apostoli in cuius nomine est consecratus sanctique Innocenti / SIKARII qui ibi cum magno favore quiescit ut sit liber et absolutus in perpetuum ab omni negotio seculari et a successoribus meis. Et trado in manibus dompni Martini abbatis / ipsius loci et in manibus monachorum ibidem manentium ut videlicet ipsi et successores eorum tam cenobium quam omnem abbathiam sine ulla contradictione teneant / et possideant, et post discessum dompni Martini abbatis eligant sibi monachi ipsius loci abbatem qualemcumque voluerint secundum regulam sancti Benedicti. / Sint autem ipsi monachi in subiectione regis ad locum saluum faciendum et non ad aliquid persolvendum nisi solum modo orationes. Ceterum aliud ei non concedo nec ulli / homini, sed potius contestor et adiuro omnes homines propinquos atque successores meos, cunctosque etiam illius cenobii vicinos tam presentes quam futuros / per tremendum sanctę Trinitatis nomen, et per merita sanctorum quorum reliquię inibi continentur, ut ullus nec abba nec monachus, vel clericus, sive etiam laicus res huius cenobii / inquietare presumat, aut in potestate propria ullo modo reddere studeat. Quod si quisquam hanc hereditatem Dei ac sancti Petri caelorum clavigeri, sanctissimique inno/centis SIKARII possidere conaverit, anathema sit et claudatur illi porta caelestis regni, et pateat ingressus inferni, et veniat super illum deprecatio psalmographi dicen/tis, Deus meus pone illum ut rotam et sicut stipulam ante faciem venti, et confundatur [Psalm 82, 14 & 18] in seculum seculi, et pereat in ęternum, non sit coheres Dei, sed sit particeps / Pharaōni, qui ait : Deum nescio, et Israel non dimittam [Exodus 5, 2]. Ego Bernardus hoc datum a me factum nutu Dei disponente ratum perfectumque in perpetuum esse volo cum stipu/latione subnixa. S. Bernardi comitis qui hanc donum fecit et scribere rogavit et manu propria firmavit, et magnatis suis affirmare precepit. S' Guillelmi / S' Arnaldi. S' Gauzberti. S' Bernardi. S' Radulfi. S' Alduini. S' Gozcelini. S' Gauzfredi. S' Heliae. S' Fulcherii. S' Amalgerii / S' Odolrici. Data in mense iunio Regnante Deo, Dompno Ludovico imperante.

(1) qui olim ... evexerat *perhaps an 11th-century interpolation*.

Parts of count Bernard's charter are echoed in the gift of Helie, count of Périgueux, to the abbey of La Chaise Dieu, of 1080, from the lost cartulary of Chanteuges (terms such as *minime regulariter degit* and *sub meo iure retinere timui* derive from count Bernard's document), copied by Dom Estiennot in the 17th century, BnF ms latin 12759, p. 189–190; the text, partially published in Gallia Christiana, vol. 2, col.1491, is as follows:

Cunctos decet christianos dum tempus habent, operari bonum et exonerare se ipsos, si quid noscitorum est, ut post obitum percipiant cum electis sempiternum premium.

Predicatur enim nobis quia quicquid semina verit homo, hec et metet. Insuper quod et de actibus nostris reddituri sumus domino rationem in die iudicii et non solum de actibus sed de verbis et cogitationibus. Hanc sententiam pertimescens, ego Helias comes Petragoricensium, gehennales penas abhorrescens et electis Dei me optans sociari, monasterium sancti Petri apostolorum principis, sanctique innocentis Sicarii quod nuncupatur Brantosma, quo modo mea ignavia minime regulariter degit, sed abusione habitantium fere ad nihilum redactum est, sub meo iure retinere timui, ac vitii eorum favere. Ideoque consilio domni Guillelmi de Monte Berulpho Petraborice sedis episcopi, et cleri ipsius, Siguini Case Dei et successoribus suis tradidi ordinandum ... [sic] Factum fuit donatio ista anno Incarnationis domine MLXXX.

2.

Count Bernard confides Saint-Sour in Terrasson-Lavilledieu to abbot Adacius; a bishop Rannulf (of Angoulême?) is among subscribers. – [936/942].

B. La Réole, Archives municipales, MS.II.6 : copy, 18th century, from the late medieval Livre noir de la Réole, f. 39, now lost, itself said to be a copy from a 12th or 13th century cartulary.

Mentioned: (i) Guy MARMIER, De l'emplacement du *monasterium Genoliacense*, in: Bulletin de la Société historique et archéologique du Périgord 10 (1883), p. 583–586.

Edited: (a) Louis-Charles GRELLET-BALGUERIE (ed.), Cartulaire du prieuré conventuel de Saint-Pierre de La Réole, in: Archives historiques de la Gironde, vol. 5, Paris, Bordeaux 1864, no. 135, from B.

The date is suggested by similarities with the charter of count Bernard for Brantôme.

Conditor atque dispositor cunctarum rerum, mirificus Deus, qui ut scriptum est, hunc humiliat et hunc exaltat [*refers to* 1 Reg. 2,7], certum est quia multos quos modo exultat in futuro seculo humiliabit, illos scilicet qui nunc de donis eius superbientes sub potenti manu illius humiliare dedignantur. Quapropter iustum est ut homo subditus sit Deo, et de bonis que ab ipso percipit, eidem placere studeat. Quod ego Bernardus, gratia Dei comes, monasterium sancti Suris, vocabulo Genoliaco, quod modo minime sub regulari disciplina manet, sub potestate mea retinere pertinui. Unde notum sit omnibus fidelibus tam presentibus quam futuris quod ego consensiente uxore mea Berta, et filiis meis, Guillelmo videlicet atque Gausberto, seu Arnaldo, et Bernardo pariter faventibus, hortante etiam atque supplicante quodam fidele meo nomine Frotario, predictum locum cum omni abbacia ipsi adherenti in potestate Dei et sancti Suris, de mea dominatione transfero ; trado enim in presenti iam dictum locum dompno Addazio abbati et monachis quibus regulariter vivere in ibi sub eius potestate placuerit, ut tam cenobium quam omnem abbatiam sine ullo contradictione teneant ac possideant, et post obitum dompni Adazii abbatis, qualem voluerint secundum regulam sancti Benedicti abbatem sibi eligant, in tali autem conventu predictum locum pro amore Dei teneant ubi servire Deo et sancto Soro studeant, et suis

orationibus meam animam pariter ex uxoris mee seu animas filiorum meorum Deo commendare satagant; habeant etiam remuneratorem Deum omnes qui predictum et habitatores eius defenderint. Sint igitur ipsi monachi in subiunctione regis ad locum saluum faciendum, non etiam ad aliquid persolvendum. Ceterum contestor et adiuro omnes propinquos atque successores nostros, cunctosque ipsius cenobii tali nos tam presentes quam futuros per tremendum sanctae Trinitatis nomen et meritum beati Suris, cuius corpus prefato in loco requiescit, ut nullus monachos vel quaslibet res eorum inquietare aut in potestate seculari ullo modo redigere presumat. Quod si quis contra voluntatem Dei hereditatem eius invadere temptaverit, maledicatur per orbem universum, insuper iram Dei incurrat et cadat. Deus meus, pone illos et rotam et confundantur [Psalm 82, 14 & 18] in seculum seculi. Nec sit coheres Dei nisi resipuerit ab hac presumptione, sed sit particeps Pharaoni qui ait Deum nescio et Israel non dimittam [Exodus 5, 2]. Ego Bernardus comes, hanc cartam ut firmior sit veriorque credatur, manu propria, manibus filiorum vel fideliorum meorum roborari decrevi. Signum Bernardi comitis et uxoris sue qui hanc cartam, hortante Frotario, fidele suo, fieri vel adfirmari rogaverunt. Signum Ramnulfii episcopi. Signum Guillelmi. Signum Gozberti. Signum Froterii. Signum Albeherii. Signum Helie. Signum ite[ru]m Helie. Signum Hebrardi. Signum Stephani. Signum – Signum + Signum – Signum – Signum – Signum.

3.

Count Bernard confides Sarlat to abbots Odo [abbot of Cluny] and Adacius. – 936/942.

B. Copy made by Jean Tarde (1561–1636) from an original charter, included in his »Chronique«, a manuscript headed »Table chronologique de l'Esglize de Sarlat«, reported in (b) as being in the »Bibliothèque publique du Lycée de Toulouse«, not identified.

C. BnF, ms latin 11826, no. 2: late 11th-century interpolated copy of an original.

D. BnF, Coll. Périgord, vol. 12, f. 281r: copy from C, 18th century.

Edited: (a) Gaston DE GÉRARD, Gabriel TARDE (eds), *Les chroniques de Jean Tarde*, Paris 1887, p. 43–45, from B. (b) *Gallia Christiana*, vol. 2, Paris 1873, Instr., col. 495, from D. (c) <http://www.cn-telma.fr/originaux/charte1826> (Chartes originales antérieures à 1121).

Mentioned: (i) Étienne BALUZE, *Historiae Tutelensis*, Paris 1717, p. 29, from B or an original. (ii) BRUEL, *Recueil des chartes* (as in n. 85), vol. 1, Paris 1876, no. 475, reference to (b).

Robert FOLZ, *Aspects du culte liturgique de saint Charlemagne en France*, in: Wolfgang BRAUNFELS, Percy Ernst SCHRAMM (eds), *Das Nachleben*, Düsseldorf 1967 (Karl der Große. Lebenswerk und Nachleben, 4) p. 90–92, considered the document

(C) a forgery, but the view was substantially modified by Isabelle Rosé, though her comparison of B and C does not take into account the later, 11th-century, date of C (Rosé, *Un cas problématique* [as in n. 37], p. 210–211).

The text copied out by Jean Tarde (B) before his death in 1636 and published in 1887 differs sufficiently from that from the archives of Cluny (C) to show that the latter was a version independent of that seen by Tarde. Tarde's text mentions as abbots Odo and Adacius but does not link them to Cluny.

The following text is based on B.

Dispositor ordinatoremque mirificus omnium rerum Deus, qui ut scriptum est, Quos vult humiliat et quos vult exultat [*refers to* 1 Reg. 2,7]. Certum est quia multos quos modo exultat, in seculo venturo humiliabit, et (1) qui ipsis bonis (2) eius superbientes sub potenti manu illius humiliare dedignantur. Quapropter iustum est ut homo subditus sit Deo, et de iis quae ab ipso percipit, eidem placere studeat. Quod ego Bernardus, gratia Dei comes Petrogoricensis haec omnia (3) considerans, monasterium sancti Salvatoris quod vocatur Sarlatum quod modo minime regulariter degit (4), sub iure meo retinere timui (5), et in ordine monastico restituere dignum duxi. Quo circa notum sit omnibus tam presentibus quam futuris, quod ego consensiente uxore mea Garsinda predictum locum cum omni abbacia ad eum pertinencia in potestate sancti Salvatoris de mea dominacione transposui pro anima videlicet patris mei et matris meae et praedecessoribus propinquis (6), et pro me et uxore meae et filiis et filiabus nostris pro fratribus quoque nostris (7) et amicis fidelibus et specialiter pro illis qui predictum locum et habitatores (8) deffenderint. Igitur ut dictum est trado praefatum locum Deo et domno Oddoni et domno Adacio abbatibus (9), et monachis (10) quos ibi vel adduxerint vel congregaverint, ut videlicet ipsi et successores eorum tam cenobium quam omnem abbaciam sine ulla contradictione teneant (11), et post vero illorum discessum (12) qualem voluerint secundum regulam sancti Benedicti abbatem sibi constituent. Sint autem et ipsi monachi in subiectione regis ad locum saluum faciendum, et non aliquit persolvendum, nisi (13) solas orationes. Ceterum contestor et adiuro omnes (14) propinquos atque successores nostros (15), cunctosque etiam illius cenobii vicinos tam presentes quam futuros per tremendum sancte Trinitatis nomen, et per meritum beatorum (16) sanctorum quorum reliquie inibi continentur ut nullus vel monachus seu quilibet homo (17) res huius cenobii inquietare presumat, aut in potestate propria alicuius praesumat (18). Quod si quis hereditatem Dei dispossidere (19) temptaverit maledicatur per orbem universum et audiat (20) Deus meus, pone illum ut rotam et sicut stipulam ante faciem venti, et confundatur in seculum seculi et pereat [Psalm 82, 14 & 18], non sit coheres Dei nisi resipuerit, sed sit particeps Pharaoni qui ait, Deum nescio et Israel non dimittam [Exodus 5, 2]. Ego Bernardus hoc datum a me factum nutu Dei disponente, ratum perfectumque in perpetuum esse volo cum stipulatione subnixam. Signum Bernardi comitis (21) qui hoc donum fecit et scribere rogavit et manu propria firmavit. S' Guillelmi. S' Arnaldi. S' Gauzberti. S' Bernardi. S' Ramnulf. S' Alduini. S' Gauzfredi. S' Heliae. S' Amalgerii. S' Fulcherii. S' Odolrici. Data in mense iunio regnante Deo et (22) domino Ludovico rege imperante.

(1) multo magis illos *added*, C. (2) donis, C. (3) haec omnia *omitted*, C. (4) degens, C. (5) extimui, C. (6) patris matrisque meae, pro discessoribus propinquis, C. (7) nostris *omitted*, C. (8) eius *added*, C. (9) trado prefatum locum Deo et dompno Odoni Cluniacensi abbati atque Adacio coabbati eius, C. (10) ad monachos, C. (11) et possideant *added*, C. (12) monachi cum consilio et voluntate abbatis cluniacensis *added*, C. (13) tantum modum *added*, C. (14) homines *added*, C. (15) meos, C. (16) beatorum *omitted*, C. (17) nullus ... homo *replaced with* ullus homo seu abba vel monachus seu quilibet clerius sive etiam laicus, C. (18) alicuius praesumat *replaced with* ullo modo redire studeat, C. (19) possidere, C. (20) per ... audiat *replaced with* a domino, et veniat super illum dempcatio psalmographi dicentis, C. (21) et uxoris suę Garsindis *added*, C. (22) et *omitted*, C.

