

CLASS OUTLINE — LECTURE 5  
The Origins of Feudalism

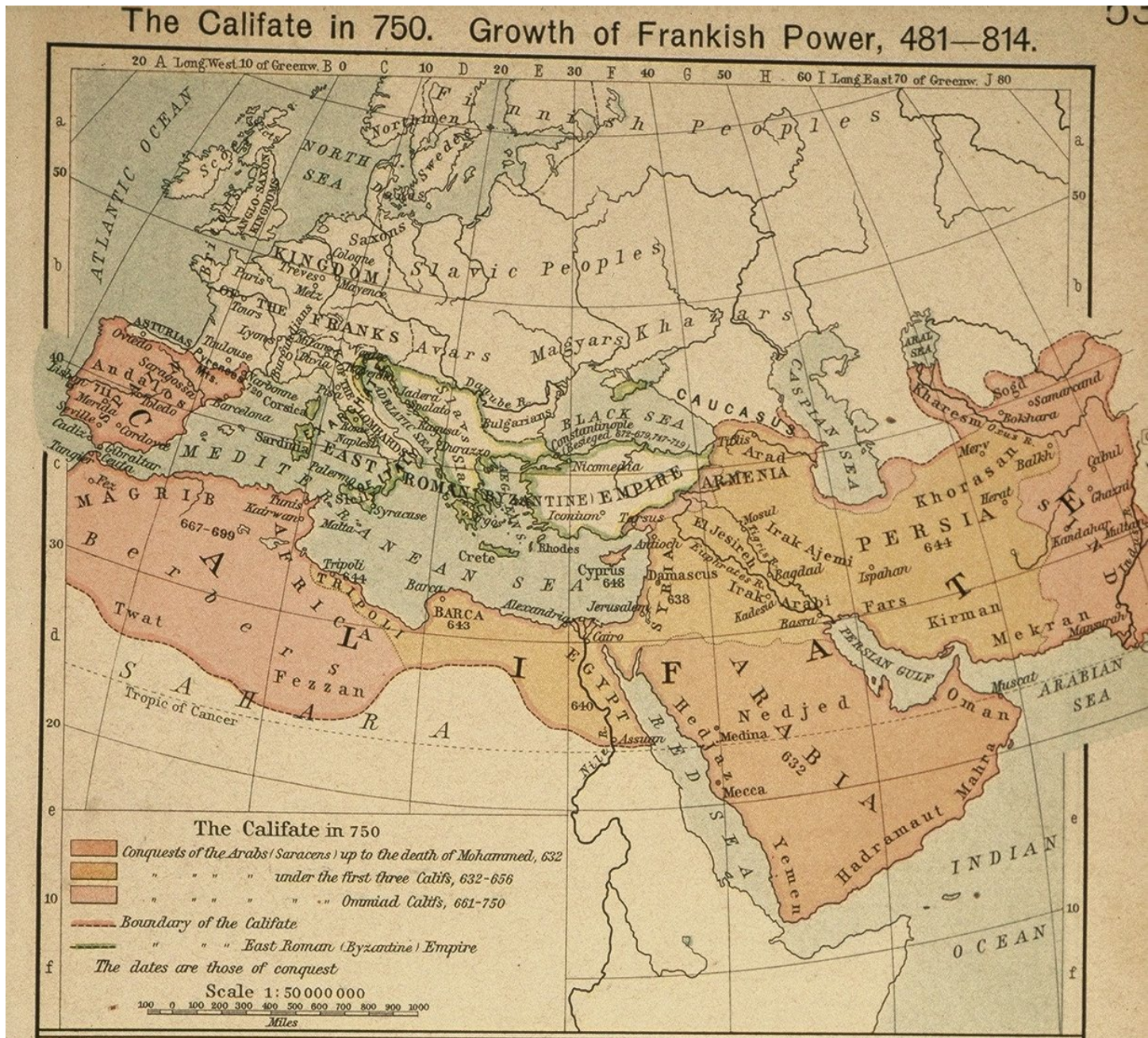
A Brief Sketch of Political History 500–1100

(1)



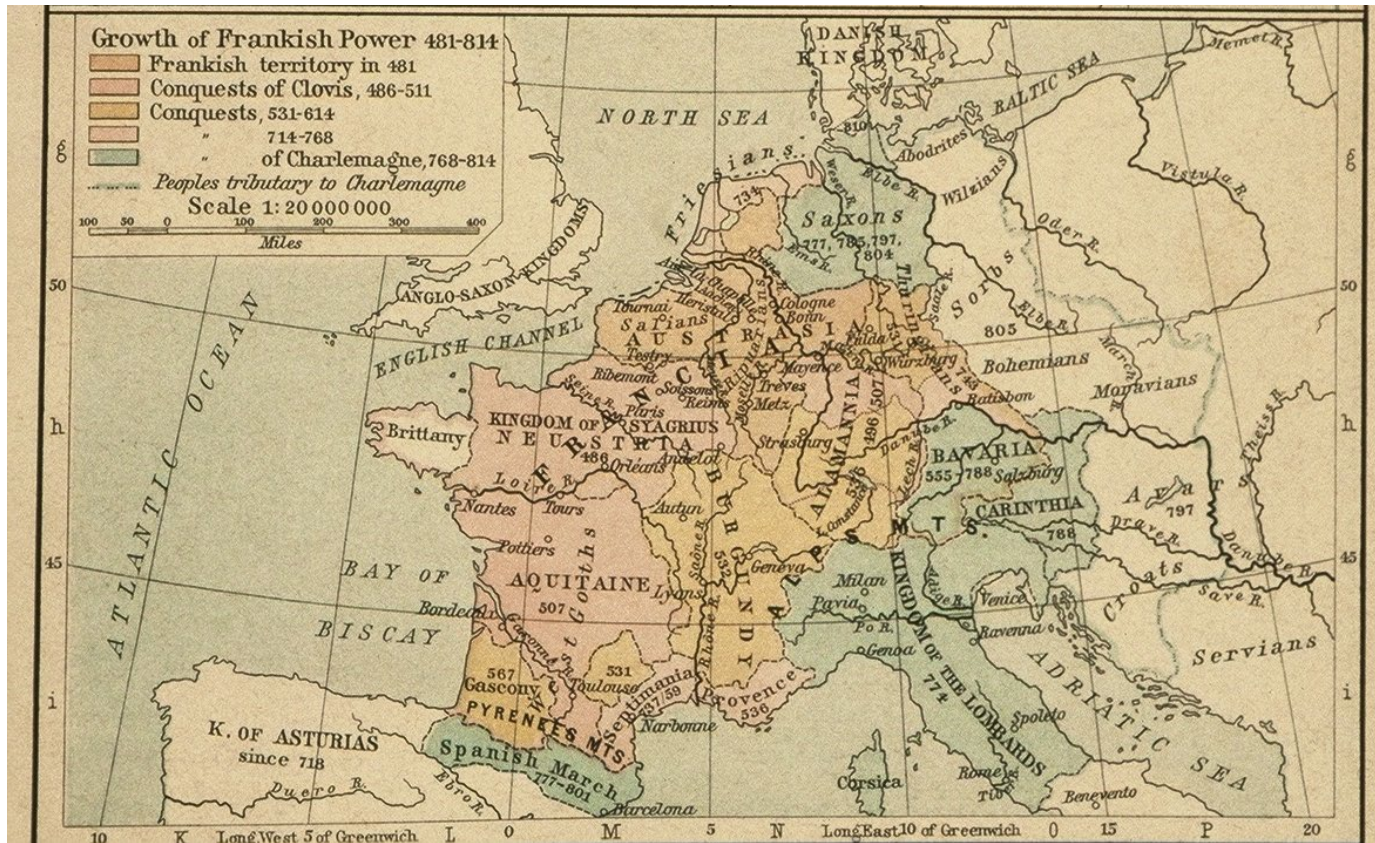
The map above shows Europe and the East Roman Empire from 533 to roughly 600.

(2) 632 death of Mohammed



The map above shows to the growth of the califate to roughly 750.

(3)



The map above shows the growth of Frankish power from 481 to 814.

486 – 511 Clovis, son of Merovich, king of the Franks

629 – 639 Dagobert, last effective Merovingian king of the Franks

680 – 714 Pepin of Heristal, mayor of the palace

714 – 741 Charles Martel, mayor (732(3), battle of Tours/Poitiers)

714 – 751 - 768 Pepin the Short, mayor then king

768 – 814 Charlemagne, king (emperor, 800 – 814)

814 – 840 Louis the Pious (emperor)

(4)



The map shows the Carolingian empire, the Byzantine empire, and the Caliphate in 814.

(5)



The map shows the breakup of the Carolingian empire from 843–888.

West	Middle	East
840–77 Charles the Bald	840–55 Lothair, emp. 855–69 Lothair II	840–76 Louis the German

(6)



The map shows the invasions of the 9th and 10th centuries. The Northmen, popularly known as ‘Vikings’ are shown in orange, the Magyars in red, and the Saracens in blue

(7)



The map shows Europe and the Byzantine empire about the year 1000.

<i>France</i>	<i>Germany</i>
898–922 Charles the Simple	919–36 Henry the Fowler
	936–62–73 Otto the Great, kg. emp.
	973–83 Otto II
987–96 Hugh Capet	983–1002 Otto III
	1002–1024 Henry II
996–1031 Robert II the Pious	1024–39 Conrad II
1031–1060 Henry I	1039–56 Henry III
1060–1108 Philip I	1056–1106 Henry IV

(8)



The map shows Europe and the Mediterranean lands in roughly the year 1097. The inset shows the divisions between Western and Eastern Christians and Muslims (the latter divided between those adhering to the calif of Baghdad and that of Cairo).

## Feudalism

1. Feudalism is topic of hot controversy.
2. The Problem of Definition—the Social View
  - a. A type of economy, built around the manor, in the model, though not always in reality, the manor is coextensive with the vill, with open fields, lord, priest, free tenants, serfs and a lord's court to manage the whole.
  - b. A type of society characterized by multiple relationships of dependency, lord and man (vassal), with mutual obligations of support, particularly military, summed up in the ceremonies of homage and fealty.
3. The Problem of Definition—the governmental-legal view
  - a. Feudalism is a pyramidal structure of governance, based on landholding in which the king rules his tenants-in-chief, they their vassals down to the peasant. Every man owes suit in his lord's court, only the tenants in chief owe it in the king's.



- b. Feudalism is a pyramidal system of land holding whereby all land is holden of the king for service usually knight's service and the tenants in chief parcel out the land to subtenants for service, knights and other things: knight's service, serjeanty, socage, frankalmoign and incidents, suit of court, aid, wardship, marriage, relief, primer seisin, escheat.
4. The broader social/economic pattern is present in all the major w. European countries in the M.A., but it may well have been there before the break-up of the Carolingian empire. The legal/governmental definition of feudalism is another story.
  5. There is a law-book about feudalism called the *Libri feudorum*. It's a glossators' book, the earliest version of which comes from mid-12th century Italy. It's late for our purposes, and it comes from a time when feudal institutions were already competing with other types of institutions for legal recognition. There's a collection of documents in Section IV of the *Materials* that may help.
  6. The earliest elements: From both Merovingian and Carolingian times we have various documents that describe men becoming subordinate to other men.
    - a. [Doc. A: the *antrustio* c. 650]: [Elements: (1) arms, (2) aid and protection, including a special *wergeld*, no land, (3) ceremony of homage described.] "It is right that those who have promised us unbroken faith should be rewarded by our aid and protection. Now since our faithful subject \_\_\_ with the will of God has come to our palace with his arms and has there sworn in our hands to keep his trust and fidelity to us, therefore we decree and command by the present writing that henceforth the said is to be numbered among our *antrustiones*. If anyone shall presume to slay him, let him know that he shall have to pay 600 *solidi* as a *wergeld* for him."
    - b. [Doc. D—commendation c. 750.] "To my great lord, \_\_\_, I, \_\_\_. Since, as was well known, I had not wherewith to feed and clothe myself, I came to you and told you my wish, to commend myself to you and to put myself under your protection. I have now done so, on the condition that you shall supply me with food and clothing as far as I shall merit by my services, and that as long as I live I shall perform such services for you as are becoming to a freeman, and shall never have the right to withdraw from your power and protection, but shall remain under them all the days of my life. It is agreed that if either of us shall try to break this compact he shall pay \_\_\_ *solidi*, and the compact shall still hold. It is also agreed that two copies of this letter shall be made and signed by us, which also has been done."
    - c. [Doc. I rules about vassals leaving the service of their lords (816)] "If anyone shall wish to leave his lord and is able to prove against him one of these crimes, that is, in the first place, if the lord has wished to reduce him unjustly into servitude; in the second place, if he has taken counsel against his life; in the third place if the lord has committed adultery with the wife of his vassal, in the fourth place if he has willfully attacked him with a drawn sword; in the fifth place, if the lord has been able to bring defense to his vassal after he commended his hands to him, and has not done so; it is allowed to the vassal to leave him. If the lord has perpetrated anything against the vassal in these five points it is allowed the vassal to leave him." [And in the same Doc. I, but with a date of 847:] "We will moreover that each free man in our kingdom shall choose a lord, from us or our faithful, such a one as he wishes."

7. The next step in the process is hard to discern, particularly from the documents that we have. It was assumed in the theories of feudalism of the previous generation, but many of the elements are speculative, and it is on this speculation that recent challenges to the whole notion of feudalism have been based. The traditional story goes like this:
- a. Lords set up their vassals on land to supply them with their needs in return for services.
  - b. The invention of the knight. Stirrups and Charles Martel (Tours/Poitiers, 732/3).
  - c. These men had to be supported somehow and the church had a lot of land. (One can buy this step without the controversial element of the knight, which may well be later.)
  - d. To hand was the legal idea of *precarium* and benefice [(Doc. B) (650)] which was probably used for things other than gifts to the church: “I, \_\_\_\_, and my wife, \_\_\_\_, in the name of the Lord, give by this letter of gift, and transfer from our ownership to the ownership and authority of the monastery of \_\_\_\_, over which the venerable abbot \_\_\_\_ presides, and which was founded in the honor of \_\_\_\_ by \_\_\_\_ in the county of \_\_\_\_, the following villas situated in the county of \_\_\_\_, with all the lands, houses, buildings, tenants, slaves, vineyards, woods, fields, pastures, meadows, streams and all other belongings and dependencies, and all things movable and immovable which are found in the said villas now or may be added later; in order that under the protection of Christ they may be used for the support and maintenance of the monks who dwell in the aforesaid monastery. We do this on condition that as long as either of us shall live we may possess the aforesaid villas, without prejudice to the ownership of the monastery and without diminution of the value of them, except that we shall be allowed to emancipate any of the slaves that dwell on the lands for the salvation of our souls. After the death of both of us, the aforesaid villas with any additions of improvements which have been made, shall return immediately to the possession of the said monastery and the said abbot and his successors, without taking any judicial process or obtaining the consent of the heirs.”
  - e. The result is [Doc. E (743)] the grant of land to support the vassal, but the grant is not regarded as permanent. “Also we have established, with the advice of our clergy and the Christian people, that because of threats of war and the invasions of some of the border tribes, we shall in the future, God consenting, take possession of a part of the land belonging to the Church, on precarial tenure and with a fixed rent, for the support of our army and on these conditions. From each appropriated estate one shilling, that is twelve pence, shall be paid annually to the church or monastery. But if the person granted the property should die, the Church shall recover its own property unless, necessity requiring it, the ruler should command the *precaria* be renewed and written again. Let care be taken in each case that no church or monastery whose land has been granted in *precaria* should thus suffer poverty or want. If poverty demands it, then let the whole possession be returned to the church or house of God.”
  - f. The family came to the fore; vassals came to view benefices as their own. [Doc. F (Charlemagne 806)] “We have heard that counts and other men who hold benefices from us have improved their own property at the expense of the benefices, and have made the serfs on the benefices labor on their own land, so that our benefices are waste and those dwelling on them in many places suffer great evils. We have heard that some sell the benefices which they hold from us to other men in full ownership, and then,

having received the price in the public court, they buy back the lands as allodial lands. This must not be done, for those who do this break the faith which they promised us.” By the 9th c. [Doc. J, 875] in some areas the benefice seems to be inheritable, at least under some circumstances. “If a count whose son accompanies us shall die during our absence, our son with the advice of our faithful subjects shall appoint one of the near relatives of the deceased count to govern the county with the aid of the officials of the county and the bishop in whose diocese it is, until we are notified of the case and have an opportunity to give the son of the count his father’s honors. But if the deceased count shall leave a minor son, that son shall govern the county with the aid of the officials and the bishop in whose diocese it is, until the death of the said count has been brought to our notice and we endow the son with his father’s honors. But if the count shall not leave a son, our son with the advice of our faithful subjects shall appoint someone to govern the county with the aid of the officials of the county; and the bishop, until our commands in respect to it are made known. And no one shall feel aggrieved, if we give the county to another than the one who governed it up to the time of our appointment. The same procedure shall be observed in regard to our vassals; and the bishops, abbots, and counts of our kingdom, and our other faithful subjects, shall do the same toward their men.” It was, as we have noted, probably not until the 11th century that it became firmly established in the Empire.

- g. Public functions become enmeshed in the process. [Doc. C (650)] From a very early time shows grants of immunity from jurisdiction were given to churches and monasteries. “We believe that our reign will best be rendered memorable, if we bestow suitable benefits on churches (or whatever you wish to insert here), with pious purpose, and if we secure these benefits under the protection of God by putting them in writing. Therefore, be it known to you that we have granted the request of that apostolic man, the bishop of \_\_\_\_, for the salvation of our souls, namely, that no public official may enter the lands which his church holds now, by our gift or by the gift of anyone else, or which his church may receive in the future, for the purpose of trying cases, or collecting taxes; but that the said bishop and his successors shall hold the said lands in the name of the Lord with full immunity. We decree therefore that neither you nor any of your subordinates or successors, nor any other public official shall presume to enter the lands of the said church for the purpose of trying cases, or collecting taxes or revenues, or receiving entertainment or seizing supplies or securities. All the taxes and other revenues which the royal treasury has a right to demand from the people on the lands of the said church, whether they be freemen or slaves, Romans or barbarians, we now bestow on the said church for our future salvation, to be used by the officials of the church forever for the best interests of the church.” That these could run with the land even if that land came into the hands of a layman is suggested by Doc. J (875), above. These public functions too could become inheritable. The honor, public office, was being treated like a benefice.
- h. The 9th century also gives us various pieces of evidence about bad lordship and overmighty royal officers. Doc. F (806, see above) concerns how difficult it is to get a royal official to treat his use of royal lands as not his own. Doc. G (805 X 829) contain, among other things, an interesting rule about witnesses (“Freemen who have no lands of their own, but live on the land of a lord, are not to be received as witnesses, because they hold land of another; but they are to be accepted as compurgators, because they

are free. Those who have land of their own, and yet live on the land of a lord, are not to be rejected as witnesses because they live on the land of a lord but their testimony shall be accepted because they have land of their own.”), and much complaint about oppression (e.g., “Poor men complain that they are despoiled of their property, and they make this complaint equally against bishops and abbots and their agents, and against counts and their subordinates”). The fact is, however, that the emperor regards it as his job to do something about it.

- i. Doc. H (826 X 829) may be the most famous doc. from this period, a ninth-century survey of the estate of the great abbey of St. Germain near (now in) Paris. It shows us how a great lordship held its stuff together. Particularly interesting are the variations in status among the peasants (*colonus*, *colona*, slave, freed).
8. Our evidence has dealt with the period before 900. The late 9th and early 10th centuries were a confusing time in Europe just as they were in England, and in many places for the same reason: the Vikings. If you follow the argument to this point you can see how the late 10th and early 11th centuries might have produced an intensification of what was already there. The pieces that had existed since the 9th century got put together in more and more places.
  - a. Written early in the 11th century (doc. K1) this famous letter of Fulbert of Chartres made it into the *Libri feudorum*. We haven’t time to analyze the rhetoric in full but we should point out that Fulbert emphasizes the reciprocal nature of the obligation. Notice that he speaks of fealty not of homage.

#### Fulbert of Chartres On fealty (1020)<sup>1</sup>

To William most glorious duke of the Aquitanians, bishop Fulbert the favor of his prayers.

Asked to write something concerning the form of fealty, I have noted briefly for you on the authority of the books the things which follow. He who swears fealty to his lord ought always to have these six things in memory; what is harmless, safe, honorable, useful, easy, practicable. Harmless, that is to say that he should not be injurious to his lord in his body; safe, that he should not be injurious to him in his secrets or in the defenses through which he is able to be secure; honorable, that he should not be injurious to him in his justice or in other matters that pertain to his honor; useful, that he should not be injurious to him in his possessions; easy or practicable, that that good which his lord is able to do easily, be make not difficult, nor that which is practicable he make impossible to him.

However, that the faithful vassal should avoid these injuries is proper, but not for this does he deserve his holding; for it is not sufficient to abstain from evil unless what is good is done also. It remains, therefore, that in the same six things mentioned above he should faithfully counsel and aid his lord, if he wishes to be looked upon as worthy of his benefice and to be safe concerning the fealty which he has sworn.

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<sup>1</sup> From Pennsylvania Translations and Reprints Series, Vol. IV, no. 3, pp. 23–24. William was in trouble at this point. [https://en.wikipedia.org/wiki/William\\_V,\\_Duke\\_of\\_Aquitaine](https://en.wikipedia.org/wiki/William_V,_Duke_of_Aquitaine). Fulbert is said to have negotiated a treaty between William and William II of Angoulême, but the duke, who was a peaceable man and learned, lost out. For a quite negative assessment of him, see Bernard S. Bachrach, ‘Toward a Reappraisal of William the Great, Duke of Aquitaine (995–1030)’, *JMH* 5 (1979) 11–21, with many references. The key document is later, edited in Jane Martindale, ‘Conventum inter Guillelmum Aquitanorum comes et Hugonem Chiliarchum’, *EHR* 84 (1969) 528–48.

The lord also ought to act toward his faithful vassal reciprocally in all these things. And if he does not do this he will be justly considered guilty of bad faith, just as the former, if he should be detected in the avoidance of or the doing of or the consenting to them, would be perfidious and perjured.

I would have written to you at greater length, if I had not been occupied with many other things, including the rebuilding of our city and church which was lately entirely consumed in a great fire; from which loss though we could not for a while be diverted, yet by the hope of the comfort of God and of you we breathe again.

- b. Almost contemporary with Fulbert, Conrad II, the Holy Roman emperor, promulgated this law, while he was besieging Milan.

Conrad II 'Edict on Benefices' (1037)<sup>2</sup>

[p. 356] In the name of the holy and indivisible Trinity, Conrad [II, r.1024–1039] by the grace of God August Emperor of the Romans. We wish it to be known to all those faithful to the Holy Church of God and to us, both in the present and in the future, that in order to reconcile the minds/spirits [*animi*] of the magnates [*seniores*] and the knights [*milites*] so that they may be found in mutual harmony and so that they may serve us and their lords [*seniores*] faithfully, constantly, and with devotion, we order and firmly establish: that no knight [who was the tenant] of bishops, abbots, margraves, counts or any others, who now holds a benefice from our public goods [i.e. royal/imperial lands], or estates from the Church, or who has held and hitherto unjustly lost [a benefice], both our capitanei [*maiores vasvassores*] and their valvassores [*milites*],<sup>3</sup> they should not suffer the loss of their benefice without a certain and convicted fault/crime [*culpa*] in accordance with the law [*constitucionem*] of our predecessors and the judgement of their peers.

[p. 357] If a dispute arises between the magnates and the knights, inspite of the judgment of his peers, then let [the knight] be deprived of his benefice, [but] if he says that this was done unjustly or with ill-will, he himself should hold the benefice until the magnate/lord [*senior*] and he who is accused, with his peers, shall come before our presence and there [in the imperial court] the case shall be justly determined. If however, the peers of the accused fail in judgement to their lord/magnate, then let he who is accused hold his benefice until he himself comes to our presence with his lord/magnate and his peers. If, however, the lord/magnate or knight, who is accused has decided to come to our presence [at the imperial court], he should make that decision known to him with whom they were in dispute six weeks before starting the journey. And while this was to be observed by the capitanei [*maiores vasvassores*]. For the valvassores [*minores vasvassores*] of the kingdom of [Italy], however, their cases are to be decided either before their lords/magnates or before our imperial official [*missus*].<sup>4</sup> We also command that

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<sup>2</sup> Translation by Alison Creber from Die Urkunden Konrads II, ed. H. Bresslau, MGH DD 4 (Hannover, 1909), no. 244 (1037), pp. 335–7.

[https://www.academia.edu/38099376/Translation\\_Edictum\\_de\\_beneficiis\\_regni\\_italici\\_Edict\\_on\\_the\\_Benefices\\_of\\_the\\_Kingdom\\_of\\_Italy\\_issued\\_by\\_Emperor\\_Conrad\\_II\\_of\\_Germany\\_28\\_May\\_1037](https://www.academia.edu/38099376/Translation_Edictum_de_beneficiis_regni_italici_Edict_on_the_Benefices_of_the_Kingdom_of_Italy_issued_by_Emperor_Conrad_II_of_Germany_28_May_1037).

<sup>3</sup> On the status of these greater and lesser *vasvassores*: T. Reuter, 'Valvassor', in A. Erler and E. Kaufmann, eds., *Handwörterbuch zur Deutschen Rechtsgeschichte*, 5 vols. (Berlin, 1984–90), V, 643. AC.

<sup>4</sup> *Missi* were royal/imperial messengers and overseers: see K.F. Werner, 'Missus-Marchio-Comes: entre l'administration centrale et l'administration locale de l'Empire carolingien,' in W. Paravicini and K.F. Werner, eds., *Histoire comparée de l'administration (IVe–XVIIIe siècles)* (Munich, 1980), pp. 191–239. AC.

when any knight, whether capitanei or valvassores [*sive de maioribus sive de minoribus*], has departed from this world, let his son have his benefice. If, however, [the knight] does not have a son, but leaves a grandson [*abiatico*] from his male son [*masculus filius*], let him have the benefice in the same way, while respecting the custom of the capitanei of giving horses and arms to their lords. If by chance, [the knight] does not leave a grandson by his son, but has a legitimate brother on his father's side [*frater legitimus ex parte patris*], let him have the benefice which was his father's, [provided that] he gives satisfaction if he has offended his lord [*senior*], and becomes his knight.<sup>5</sup> In addition we prohibit by all means that any lord/magnate [*senior*] should presume to make an exchange, or *precaria* or *libellus*<sup>6</sup> of any benefice held by his knights without their consent. No one was to dare unjustly to divest [a knight] of those goods which he held with full rights [*proprietary iure*], or by precept, or by legitimate *libellus* or *precaria*. We wish to have the *fodrum*<sup>7</sup> from castles which our predecessors had, but that which they did not have, by no means do we demand. If anyone breaks this order, let him pay a contribution of one hundred pounds of gold, half to our chamber/court [*kamera*] and half to the one to whom the damage was done.

Sign of Lord Conrad [II], most serene August Emperor of the Romans.

[imperial monogram, but no seal]

I, chancellor Kadolohus, have reviewed/authenticated [*recognovit*] this, in the place of archchancellor Hermann.

Given on 28th May [V kalends of June], V indiction, in the year of the Lord's Incarnation 1037, in the thirteenth year of Lord Conrad [II]'s reign as king, but his eleventh as emperor; negotiated at the siege of Milan. Happily, Amen.

- c. As those that don't like the concept of feudalism point out, our clearest evidence does not come until the 12th century. Both Docs. K2 and K3 are dated in this period, though there are doubts about K2. They clearly show the concepts of homage and fealty. They are both decidedly upper-class operations. In the case of both we may wonder about the underlying reality.

The charter (K2), dated in 1110, of Bernard Atton and Leo abbot of St. Mary of Lagrasse in the south of France is remarkable for the amount of detail that it gives: While there are many examples of charters of homage and fealty from this region in the 12th century,<sup>8</sup> this one is now generally regarded to be a forgery. The first witness of it does not appear until 1253.

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<sup>5</sup> Reynolds, *Fiefs [and Vassals]*, p. 200 n.83 suggests that since "this rather obscure condition seems to apply only to a brother [it perhaps] related to a particular case at issue in 1037". AC.

<sup>6</sup> *Precaria* and *livellum* were types of conditional property grants (leases) relating to Church land. With a precarial grant (*precaria*), a landowner granted the use (usufruct), but not the title, of property to someone, typically for life. With a *livellum* lease contract, someone leased property for a shorter duration in return for rent. See Spicciani, 'Concessioni livellarie'. AC.

<sup>7</sup> In general, *fodrum* refers to a tax that was levied on imperial vassals to provide fodder for the horses in the imperial retinue. In Italy, *fodrum* often incorporated a range of wider obligations relating to the accommodation and upkeep of the emperor when he was in Italy (*gistum, servitium*). See: J.W. Bernhardt, 'Fodrum, gistum, servitium regis' in *Medieval Germany: An Encyclopedia* (2001), esp. p. 228. AC.

<sup>8</sup> See Hélène Débax, *La féodalité languedocienne XIe–XIIIe siècles: Serments, hommages et fiefs dans le Languedoc des Trencavel* (Toulouse, 2003).

<sup>9</sup>“In the name of the Lord, I, Bernard Atton, Viscount of Carcassonne, in the presence of my sons, Roger [and]<sup>10</sup> Trencavel, and of Peter Roger of Barbazan, and William Hugo, and Raymond Mantellini, and Peter de Vitry, nobles, and of many other honorable men, who had come to the monastery of St. Mary of Grasse, to the honor of the festival of the august St. Mary. Lord Abbot Leo summoned me before everyone that I acknowledge to him my fidelity and homage for the castles, estates, and places which patrons and my forebearers have held from him as fiefs. I must hold them just as they held them. Therefore I render acknowledgement of these holdings and homage just as I must.

“Therefore, let all present and to come know that I the said Bernard Atton, lord and viscount of Carcassonne, acknowledge verily to thee my lord Leo, by the grace of God, abbot of St. Mary of Grasse, and to thy successors that I hold and ought to hold as a fief, in Carcassonne, the following: that is to say, the castles of Confoles, of Leoque, of Capendes, which by another name is called St. Martin of Sussagues; and the manors of Mairac of Albars and of Musso; also, in the valley of Aquitaine, Rieux, Traverina, Herault, Archas, Servians, Villatritoes, Tansiraus, Presler, Cornelles. Moreover, I acknowledge that I hold from thee and from the said monastery as a fief the castle of Termes in Narbonne; and in Minerve the castle of Tentaion, and the manors of Cassanolles, and of Ferral and Aiohars; and in Le Roges, the little village of Longville. For each and all of which I make homage and fidelity with my hands and with my mouth to you my lord Abbot Leo and to your successors, and I swear upon these four gospels of God that I will always be a faithful vassal to you and to your successors and to St. Mary of Lagrasse in all things in which a vassal is required to be faithful to his lord, and I will defend you, my lord, and all your successors, and the said monastery and the monks now and in the future and the castles and estates and all your men and their possessions against all your enemies and against all who attack you, at your demand and the request of your successors and at my own cost; and I will give to you power over all the castles and manors above described, whether I am angry or at peace with you, whenever they shall be claimed by you or by your successors. Moreover I acknowledge that for the continued confirmation of our possession of the aforementioned fiefs, I and my successors must come to the said monastery, at our own expense, whenever a new abbot shall be selected, and render homage to him and return to him power over all the fiefs described above. And when the abbot shall mount his horse I and my heirs, viscounts of Carcassonne, and our successors must hold his stirrup to honor the lordship of St. Mary of Lagrasse.

“And if I or my sons or their successors do not observe to thee or to thy successors each and all the things declared above, and should come against these things, we wish that all the aforesaid fiefs should by that very fact be handed over to thee and to the said monastery of St. Mary of Grasse and to thy successors

“I, therefore, the aforesaid Lord Leo, by the grace of God abbot of St. Mary of Grasse, receive the homage and fidelity for all the fiefs of castles and estates and places which are described above; in the same manner the agreements and understandings written above; and likewise I concede to you and your heirs and their successors, the viscounts of Carcassonne, all the castles and estates and places aforesaid, as a fief, along with this present charter, prepared in copies with

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<sup>9</sup> Translation in the Mats. emended on the basis of that K. Pennington, ‘Feudal Oath of Fidelity and Homage’, in *Law as Profession and Practice in Medieval Europe: Essays in Honor of James A. Brundage*, edited by Kenneth Pennington and Melodie Harris Eichbauer (Ashgate 2011) 95.

<sup>10</sup> In the Latin text, this ‘and’ has been added by the editor. ‘Trencavel’ is normally a surname.

markings of authenticity (*in alfabetum divisa*).<sup>11</sup> And I promise to you and your heirs and successors, viscounts of Carcassonne, upon the piety and goodness of my status, that I will be a good and faithful lord concerning all those things described above.

“Moreover, I, the aforesaid viscount, acknowledge that the little villages of Cannetis, Maironis, Villamagna, Aiglino, Villadasas, Villafrancos, Villadenz, Villaudriz, St. Genese, Gauart, Conguste and Mata, with the farm-house of Mathus and the chateaux of Villalauro and Claromont, with the little villages of St. Stephen of Surlac, and of Upper and Lower Agrifolio, ought to belong to the said monastery, and whoever holds anything there holds from the same monastery, as we have seen and have heard read in the privileges and charters of the monastery, and as was there written.

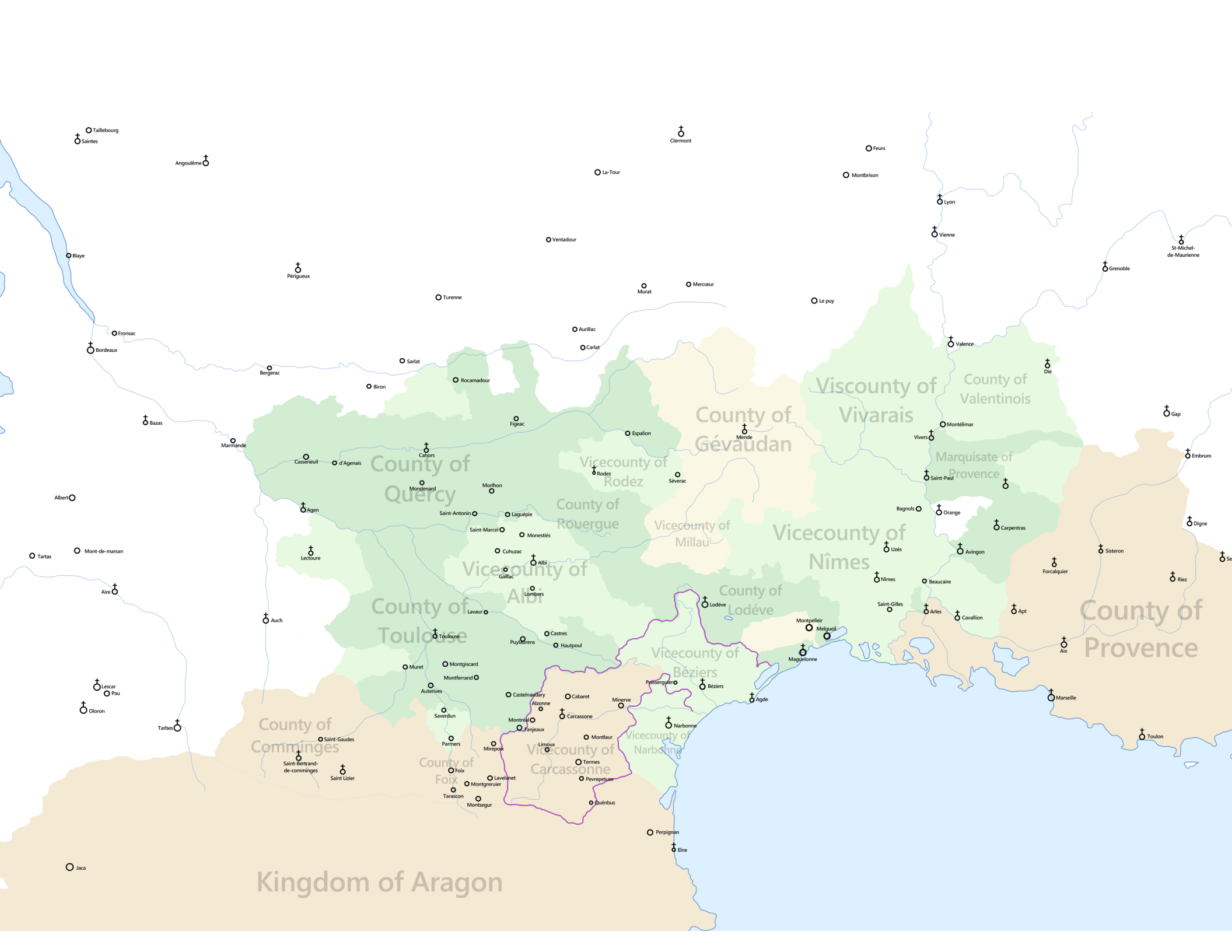
“Made in the year of the Incarnation of the Lord 1110, in the reign of Louis. Seal of Bernard Atton, viscount of Carcassonne, seal of Raymond Mantellini, seal of Peter Roger of Barbazon, seal of Roger, son of the said viscount of Carcassonne, seal of Peter de Vitry, seal of Trentavel, son of the said viscount of Carcassonne, seal of William Hugo, seal of lord abbot Leo, who has accepted this acknowledgment of the homage of the said viscount.

“And I, the monk John, have written this charter at the command of the said lord Bernard Atton, viscount of Carcassonne and of his sons on the day and year given above, in the presence and witness of all those named above.”

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<sup>11</sup> “Per alfabetum divisa” was a notarial methodology for indicating the validity and authenticity of two or more copies of the same document. See C.A. Garufi, “Memoratoria, chartae et instrumenta divisa in Sicilia nei secoli XI à XV,” *Bullettino dell’Istituto Storico Italiano per il medio evo*, 32 (1912): pp. 67–127. The notarial system used an alphabet divided between the two documents to attest to their authenticity. [KP.]





Taillebourg  
Saintes

Angoulême

Clermont

Feurs

Blaye

Périgueux

Ventadour

Murat

Mercoeur

Montbrison

Lyon

Vienna

St-Michel-de-Maurienne

Grenoble

Turenne

Le puy

Fronsac

Bordeaux

Bergerac

Sarlat

Biron

Rocamadour

Aurillac

Carlat

Valence

County of  
Valentinois

Viscounty of  
Vivarais

County of  
Gévaudan

Vicounty of  
Rodez

Marquisate of  
Provence

County of  
Quercy

County of  
Rouergue

Vicounty of  
Millau

Vicounty of  
Nîmes

Montlimar

Viviers

Saint-Paul

Gap

Embrun

Alber

Tartas

Mont-de-marsan

Aire

Lectoure

Vicounty of  
Albi

County of  
Toulouse

County of  
Lodève

County of  
Provence

County of  
Comminges

County of  
Foix

Vicounty of  
Carcassonne

Vicounty of  
Narbonne

Vicounty of  
Béziers

County of  
Nîmes

Aix

Tartas

Lescar

Pau

Oloron

Tarbes

Saint-Gaudes

Saint-Bertrand-de-comminges

Saint-Lizier

Partiers

Saverdun

Montbré

Fanjeux

Montségur

Montgrèner

Tarascon

Montségur

Castelnaudary

Alzonne

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Alzonne

Alzonne

Perpignan

Elne

Montpellier

Melguell

Maguelonne

Uzès

Nîmes

Beaucaire

Arles

Cavallion

Apt

Marseille

Toulon

Kingdom of Aragon



[The preceding map is used to illustrate the holdings of the Trenvavel family in <https://en.wikipedia.org/wiki/Trencavel>, but is, in fact, just a map of medieval Languedoc. Places with crosses are bishoprics; those without are simply major towns. The modern image of the town of Lagrasse (<https://en.wikipedia.org/wiki/Lagrasse>) shows the abbey in shadows on the right. It is still a working abbey. Lagrasse is about equidistant from Carcassonne and Narbonne (which are about 40 miles apart) and slightly to the south.]

A description (K3) of a homage ceremony done to William count of Flanders in 1127 as described by Galbert de Bruges in his *Chronicle of the Murder of Charles the Good*. Galbert was a notary, and so interested in legal details:

“Throughout the whole remaining part of the day those who had previously enfeoffed by the most pious count Charles did homage to the count, taking up now again their fiefs and offices and whatever they had before rightfully and legitimately obtained. On Thursday the seventh of April homages were again made to the count being completed in the following order of faith and security. First they did their homage thus, the count asked if he was willing to become completely his man, and the other replied, ‘I am willing’; and with clasped hands, surrounded by the hands of the count, they were bound together by a kiss. Secondly, he who had done homage gave his fealty to the representative of the count in these words, ‘I promise on my faith that I will in future be faithful to count William and will observe my homage to him completely against all persons in good faith and without deceit,’ and thirdly he took his oath to this upon the relics of the saints. Afterward, with a little rod which the count held in his hand, he gave investitures to all who by this agreement had given their security and homage and accompanying oath.”

### Summary

1. I have just covered a number of topics that are highly controversial. Obviously, I have put my own spin on them. Let me be more explicit about that spin:
2. Like the great Belgian historian Henri Pirenne, I regard the Carolingian empire as representing the beginning of the medieval world, not the end of the ancient. I do this because like Pirenne, I regard the break up of the Mediterranean world that took place with the Islamic conquest as focusing attention on the West as a separate unit and focusing attention to the north.
3. Like the great historians of feudalism of the last generation, I believe that the origins of feudalism as a peculiarly medieval institution are to be found in the break up of the Carolingian empire in the 9th century. Some elements were already there in Carolingian times, vassallic commendation, the benefice, and the bann. What was added during the breakup was the privatization of jurisdiction, if jurisdiction is the proper term for it..
4. Like all historians of feudalism, I think that the institution changed in the 10th and 11th centuries. Like many modern historians of feudalism, but not Bloch and Ganshof, I think we can speak of a second feudal age, perhaps we should just speak of the feudal age, beginning in the second half of the 11th century and not much before.
5. One more institution must be added, the church. That is what we we will deal with on Wednesday.