

## THE CRISIS OF THE CATALONIAN FRANCHISES (1150-1200)\*

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One of the classical problems of western medieval history is that of how qualitatively personal modes of fidelity and service were overtaken by bureaucratic government in the twelfth and thirteenth centuries. An older school of historians, focussing on the rise of *prévôts* and *baillis* in France, spoke of the de-feudalizing of royal administration. They seem to have thought that by ceasing to be vassals such agents must have become more faithful to the king. This curious view has been all but destroyed by recent research. It now appears not only that «new officials», such as seneschals in France and bailiffs and vicars in Catalonia, were often rewarded with fiefs but also that they were actively engaged with the new feudal law by which their masters were building effective monarchies. This means that in some cases the very agents of a new public order continued to think of offices in proprietary terms. The error of the old view was to imagine that feudalism was incompatible with centralized order. The error of the new view has been to neglect the implications of what would appear to be a remarkable disjunction between administrative «mentality» (as we would now call it) and purposes at the dawn of European government<sup>1</sup>.

Of this situation the history of Catalonia in the twelfth century affords an important example. On the eve of his conquests of Tortosa and Lleida the count-prince Ramon Berenguer IV (1131-1162) had almost lost control of his old patrimonial domains. It is true that we do not know very well how he and

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\* The abbreviations are: ACA = Arxiu de la Corona d'Aragó. (The records cited are all in the series Cancelleria, pergamins: and mostly in the subseries Extraintentari. They are cited after note 5 as Extraintv., followed by the record's number.); BRABLB = *Boletín de la Real Academia de Buenas Letras de Barcelona*; CDIACA = *Colección de documentos inéditos del Archivo General de la Corona de Aragón*, ed. Próspero de Bofarull y Mascaró et al., some 50 vols. to date (Barcelona, since 1847); CPC = *Cartas de población y franquicia de Cataluña*, ed. J.M. Font Rius, 2 vols. in 3 parts (Madrid-Barcelona, 1969-83); FAC = *Fiscal accounts of Catalonia under the early count-kings (1151-1213)*, ed. T.N. Bisson, 2 vols. (Berkeley-Los Angeles, 1984); LFM = *Liber Feudorum Maior. Cartulario real que se conserva en el Archivo de la Corona de Aragón*, ed. Francisco Miquel Rosell, 2 vols. (Barcelona, 1945-47); R.B. = ACA, pergamins Ramon Berenguer.

<sup>1</sup> For older interpretations of early administrative history in France see Achille Luchaire, *Manuel des institutions françaises. Période des Capétiens* (Paris, 1892), pp. 539-555; J.W. Thompson, *The development of the French monarchy under Louis VI le Gros, 1108-1137* (Chicago, 1895), pp. 46-56; Emile Chénon, *Histoire générale du droit français public et privé des origines à 1815*, 2 vols. (Paris, 1926-29), i, 606-620; Charles Petit-Dutaillis, *La monarchie féodale en France et en Angleterre, Xe-XIIIe siècle* (Paris, 1933), pp. 89-94, 204-206; tr. E.D. Hunt, *The feudal monarchy in France and England...* (London, 1936), pp. 81-85, 184-186. For recent work see Eric Bournazel, *Le gouvernement capétien au XIIIe siècle, 1108-1180...* (Paris, 1975); T.N. Bisson, «The problem of feudal monarchy: Aragon, Catalonia, and France», *Speculum*, liii (1978), 460-478. The classical formulation of a theory of shift from patrimonial to bureaucratic structures is Max Weber, as in *Economy and society: an outline of interpretive sociology*, ed. Guenther Roth and Claus Wittich, 2 vols. (Berkeley-Los Angeles, 1978), i, ch. 3.

previous counts of Barcelona had dominated those domains. That is part of the problem that confronts us. But it is clear that Ramon Berenguer IV ordered remedial measures toward 1150 that resulted in the revival of a superior comital jurisdiction and the imposition of fiscal accountability; and these measures, as I have tried to show elsewhere, led to the institution *de novo* of territorial administration in the later twelfth century<sup>2</sup>. What is less clear is whether these measures created a new kind of accountable service or offices. Certainly no such change occurred very rapidly nor can it have occurred at all as the conscious application of a new theory of administration. On the contrary, the new impulses may have originated as a mechanism of defense against a widely prevalent practice of exploitative lordship that had spread throughout Catalan-speaking lands since the eleventh century and was threatening to overwhelm the comital patrimony of Barcelona<sup>3</sup>.

In order to test this hypothesis the present study is based on records of popular complaint presented to counts of Barcelona or their judges in the twelfth century. More exactly, it is based on those complaints, among many others emanating from all parts of Catalonia in the eleventh and twelfth centuries, that came from comital domains east and north of the old frontier in the years from about 1140 to about 1200. These complaints bear the marks of a common impulse. The domains they concern may be spoken of as franchises; that is, they were deemed to be free of lordship other than that of the count (or, after 1162, of the count-king)<sup>4</sup>. It is true that the concept of franchise in comital domains had weakened since the resolution of the feudal crisis toward 1060. Among the communities in the Gironès, the Vallès, the Penedès, and the Ribes valley that will chiefly interest us, only the men of Corró spoke of themselves as *franchearii*<sup>5</sup>. But if the sense of public security restored by the great counts Ramon Berenguer I (1035-1076) and Ramon Berenguer III (c. 1093-1131) persisted in the neutral usage of other records, the burden of complaint was assuredly such as to revive the old fear of exploitation. The plaintiffs thought of themselves as rightfully free of the exactions they reported. Their records are open to all the objections that attend one-sided allegations; we may be sure that they do not understate the evils to which they point and even suspect that they sometimes exaggerate. But our problem is not so much to verify these complaints as to grasp the concepts and attitudes that inform them. In attempting to do this it will be necessary to consider how the behavior that is deplored might have been justified, so that in the end we shall be concerned quite as much with lordship as with administration. The crisis of the franchises was a test of the extent to which a prevailing practice of lordship could be accommodated within a framework of administrative fidelity.

<sup>2</sup> *FAC*, i, chs. 2, 5.

<sup>3</sup> Pierre Bonnassie, *La Catalogne du milieu du Xe à la fin du XIe siècle: croissance et mutations d'une société*. 2 vols. (Toulouse, 1975-76), ii, chs. 9-12; Manuel Riu, «La feudalització del camp català», *Cuadernos de historia económica de Cataluña*, xix (1978), 29-46; T.N. Bisson, «L'essor de la Catalogne: identité, pouvoir, et idéologie dans une société du XIIe siècle», *Annales: E.S.C.*, xxxix (1984), 465-472.

<sup>4</sup> On the concept of «franchise», see Bonnassie, *La Catalogne*, i, 311-316, 318; ii, 648-651, 810-812; idem and Pierre Guichard, «Les communautés rurales en Catalogne et dans le pays valencien (IXe-milieu XIVe siècle)», *Flaran* 4 (1982), 79-93.

<sup>5</sup> ACA, Cancelleria, pergamins extrainventari 3214. See also *FAC*, ii, no. 14: «*Hoc est capud breue de totis franchedis quas habet R. Berengarii chomes Barchinonensis in parrochia Sancti Mamenti de Korrono superiori...*»

## I. The Accountability of Rural Violence

The complaints are recorded in undated parchment originals in a series commencing about 1150. At least four of these come from the time of Ramon Berenguer IV, who died in August 1162. Possibly the earliest is a list of «complaints [*querimonie*] which the men of Terrassa make about Deusde to the Count of Barcelona»; this may be placed in the year 1150 or shortly thereafter<sup>6</sup>. Then there are: a «brief of many evils» perpetrated against «the lord Count and his peasants» by Arnau de Perella at Caldes de Malavella and Llagostera (about 1150); a complaint of the men of Font-rubí against the count and his vicars (probably toward 1150-1155); and a memorial of complaint against Dorca at *Valmala* (probably in the upper Vallès, toward 1150-1162)<sup>7</sup>. All of these records (even that of Font-rubí) are addressed directly or indirectly to Count Ramon Berenguer IV, and by this token we may identify at least nine further complaints of similar character from the time of the count-king Alfons I (1162-1196). Two of these are additional lists of *querimoniae* from Font-rubí, which show that remedies in that domain were tardy or inadequate<sup>8</sup>. The first of these if not both must date from the early years of Alfons, as does an isolated complaint from the *francherii* of Corró<sup>9</sup>. Also from the 1160s or possibly the 1170s are two lists of complaint from the Ribes valley<sup>10</sup>. From the period 1175-1185 come two sets of complaints by the men of Cabra<sup>11</sup>. Our sample concludes with a complaint of c. 1182-1185 about violence in an uncertain place, a set of *querimoniae* by men at Molela toward 1190, and a long series of grievances by men of Argençola perhaps toward 1193<sup>12</sup>.

These records bear allegations to the count (or after 1162, the count-king) against the department of comital agents. The identity of these agents will concern us presently; here we must ask whether the external form of the documents points to something like a judicial campaign of administrative remedy. The best reason for thinking so is that these documents are certainly judicial records: they are the written memorials of complaint, of the kind formerly labelled *clamores* or *rancuras*, required to institute procedures at law<sup>13</sup>. What is more, the concentration of at least four of these complaints in the period c. 1150-1162 is consistent with other evidence that in these charged years after his great conquests Count Ramon Berenguer IV sought to reestablish his authority by judicial means; the compilation of the *Usatges* of Barcelona as well as a series of great

<sup>6</sup> Extrainv. 3275.

<sup>7</sup> R.B. IV extrainv. 2501; Extrainv. 3409, 3202. Extrainv. 3409 was printed, very imperfectly, by Joaquim Miret y Sans, «Pro sermone plebeico», *BRABLB*, vii (1913), 109-110. A closely related record is R.B. IV 29 sense data (*CDIACA*, iv, no. 161).

<sup>8</sup> Extrainv. 3141, 3288.

<sup>9</sup> Extrainv. 3214.

<sup>10</sup> Extrainv. 3217, 3433.

<sup>11</sup> Pergamins Alfons I extrainv. 2609; Extrainv. 3474. These are exceptional in character and form. The first was printed imperfectly by Miret y Sans, «Pro sermone plebeico», 110-111; and by Frederic Udina Martorell, «Un singul[ar] pergami del rei d'Aragó, Alfons I, comte de Barcelona i marquès de Provença», *Provence historique*, fascicules 93-94 (1975), 116-129, with commentary. The second purports to be a complaint of local magnates together with the *probi homines de Cabra* against the bailiff Bertran de Vilafranca.

<sup>12</sup> Extrainv. 3442, 3148, 3145.

<sup>13</sup> See Bonnassie, *La Catalogne*, ii, 615, 730, 736.

pleas (*iudicia*) in the 1150s both attest to this initiative<sup>14</sup>. Yet it is hard to find a link between these phenomena. Not one of our *querimoniae* can be traced in extant distinct records of judgment, a silence that may be significant; just as in the eleventh century it was surely easier to take depositions than to get them tried. Moreover, since the *iudicia* we have are normally lacking their pertinent lists of complaint, it looks as if cases were intentionally preserved either as memorials of allegation or as judgments. Nor does the verbal form of the complaints suggest a uniform campaign toward 1150. The four records antedating 1162 have no form in common, although it is possible that the expression *hec sunt querimoniae quas faciunt homines de...* which figures in the depositions of Terrassa was or became standard; it is found after 1162 in the complaints of Font-rubí, Cabra, Molela, and Argençola, as well as in others probably after 1200 for Igualada and Tàrraga<sup>15</sup>.

Whatever their consequence the memorials of complaint were judicial records. They were also, and perhaps even more characteristically, accounts. They were concerned not simply with judicial remedy nor simply with what might now be termed administrative accountability, but also with the structure of fiscal obligations and even with receipts. For example, the complaints of Terrassa (c. 1150) consist chiefly of a list of alleged thefts by Deusde: 6 sous 1 wether and 2 pairs of chickens from Pere Guillem de *Ruuir*, 15 sous from Carbonell de *Font de Coloma*, 6 quarters of grain from Guillem Gerouart, etc<sup>16</sup>. The «brief of evils» inflicted on villagers at Caldes de Malavella and Llagostera (c. 1150) begin as a general account of the vicar's malfesance before proceeding to itemize in detail his alleged extortions and seizures<sup>17</sup>. These records significantly resemble the earliest extant fiscal accounts for comital domains in Catalonia, which date from the very same years; and not accidentally so, for they were written by the same scribes<sup>18</sup>.

Indeed, it would be mistaken to distinguish categorically between surveys (*capbreus*), accounts, and lists of complaints. Just as toward 1157-1158 the earliest surviving estates of annual account appear to be nothing other than the annotation of *capbreus*, so we find complaints cast in the form of *capbreus*<sup>19</sup>. The record of Caldes-Llagostera is explicitly a *breve malorum*, as we have seen; but the memorial of *Valmala* is an even more telling example of formal conflation. This record begins and ends as an inventory of land at *Valmala* held by Dorca from the count. But it cannot have been made by Dorca or his men, for the first items it contains are a series of seizures from (sub)-tenants at *Pegeres*. Someone from the count's entourage inquiring of tenants about their obligations had been told instead (or besides) about their payments<sup>20</sup>. From this point of view it might

<sup>14</sup> *Usatges de Barcelona*, ed. Ramon d'Abadal i Vinyals and Ferran Valls Taberner (Barcelona, 1913); see also Bonnassie, *La Catalogne*, ii, 711-732; Joan Bastardas i Parera, *Sobre la problemàtica dels Usatges de Barcelona* (Barcelona, 1977). For *iudicia* see among other records *CDIACA*, iv, nos. 67, 71, 88, 98, 140, 145-147; *LFM*, i, no. 246.

<sup>15</sup> Extrainv. 3275, 3409, 3202; R.B. IV extrainv. 2501 (before 1162); Extrainv. 3141, 3288, 3474, 3148, 3145, 3493, 3514.

<sup>16</sup> Extrainv. 3275.

<sup>17</sup> R.B. IV extrainv. 2501.

<sup>18</sup> *FAC*, i, chs. 1, 2; ii, nos. 1, 2, 5-7, 9-12, 14, 15, 17-19.

<sup>19</sup> *Ibid.*, ii, nos. 5-7, 9; i, 52-58.

<sup>20</sup> R.B. IV extrainv. 2501; Extrainv. 3202. See also R.B. IV 29 sense data: «*Hec est comemoracio maleficiorum quorum Ber mironis domino suo R. berengario comiti barchinonensis [sic] et principi Aragonensis iniuste facit...*»

appear that statements of seizure (*querimoniae*) as well as statements of account (*computa*) evolved from *capbreus*, and considered strictly as a matter of diplomatic that may well be true. The *capbreu*, or inventory, was the old and fundamental if not even unique form of administrative account in Mediterranean societies; the assimilation of judicial *clamores* to it cannot have been new in 1150. What was apparently new at that time was the idea of administrative review, the idea that prescriptive accounts (such as *capbreus*) should be supplemented so as to afford periodic statements of collection and balance by means of which better judgments of the quality of service could be made. Now it looks as if lists of abusive seizures may have been among the earliest such estates of account to be made, and if this is so, we are entitled to wonder whether the more specific idea of recurrent written accountancy may have arisen in Catalonia from the complaints of malfeasance in the franchises toward 1150. Similarly in Languedoc there is little evidence of seigneurial accounting in writing other than surveys before the famous *querimoniae* of 1247-1248, which produced itemized accounts of extortions. In any case, the bills of complaint that interest us here cannot be regarded as narrowly judicial nor indeed can we safely distinguish between «judicial» and «administrative» functions in the later years of Ramon Berenguer IV. The problem at that time was the fidelity of omniscient servants; it was a problem of accountability.

It remains true, however, that in one respect the memorials of complaint stand distinct from other accounts: they are accounts of violence. More exactly, they are accounts of arbitrary behaviour that typically lapsed into violence. Their governing verbs are *tollere*, *abstulere*, *frangere*, *verberare*, *eiicere*, *auferre*, *perdere*, and the like; these do not altogether replace more neutral verbs, such as *donare*, *colligere*, *tenere*, but they impart so uniquely negative a tone to the records that contain them that we cannot hope to make sense of them in strictly fiscal terms. The authors of these records were usually claimants, not defendants. The people whom they charged would surely have accounted differently (if capable at all of so bizarre an exercise) though not necessarily more accurately<sup>21</sup>. The might have chosen other verbs. Would they have balked at nouns like *forces* and *toltas*? The real problem is to know where they would have drawn the line between «just» and «unjust». Only their victims could have created their portraits; yet if the subjects rejected the art they may nonetheless have recognized the likeness.

## II. Profiles of Exploitative Lordship

All the complaints name individual tormentors. Most of these persons can be identified in other records as well, although seldom fully enough either to confirm or to invalidate the impression conveyed by the *querimoniae*. Deusde was castellan at Terrassa when he was accused toward 1150 and perhaps had been so for many years. He held a benefice on comital revenues, from which the bailiff had to pay him 50 pigs. Yet the men of Terrassa charged him with seizures so itemized as to provide a good impression of his methods. Not content to accept some share of the customary tallage from the bailiff, he visited home-

<sup>21</sup> Cf. Extraintv. 3288: «...non solebamus dare quod .ii. qe. ordeï per lozet et nunc faciunt nobis dare .iiii. qe...» with FAC, ii, no. 18: «Primum ad diem qua ego emparauï baiuliam Gerunde baiulus Gerunde non dabat domino comiti de lezdis et usaticis nisi. dccc. solidos et ego dono inde domino meo de ipsis lezdis et usaticis mille .d. solidos pro unoquoque anno.»

steads himself, demanding money and produce and losing his temper when the people sometimes resisted. From the distribution of sums in coin it looks as if a typical demand was around 6 sous and 3 quarters or *mitgers* of grain; but since seizures amounting to 50s., 58s., and even 200s. are reported, Deusde would seem to have returned repeatedly to some victims. It was dangerous to oppose him, for he was in the habit of striking people on the head. Guillem Gerouart reported the seizure of 6 quarters of grain and a wether, but his mother had a tooth knocked out. Ramon Uldric who reported no seizure had his «head broken» (*fregit capud*); while Ramon de Canet could not escape the same injury by paying 6s. From Pere Guillem de *Brugera* Deusde took 3s. and 3 *mitgers* of barley «and wounded his wife»<sup>22</sup>.

Here if ever we seem to have a case of routine petty tyranny. The count's castellan descends on the tenants, gouges them, injures a few (*pour encourager les autres?*), and provokes their itemized bill of damages. The social order may have been similar at Corró, Font-rubí, and Ribes. In these places, too, castellans or their masters seem to have worked out of nearby castles to bully tenants and peasants. Yet the profiles of these men and their acts differ from that of Deusde and from each other. At Corró the charge against Pere de Bell-lloc was that he had broken into the count-king's village, dragged men thence «often bound by the throat» and thrown them into prison. Four men of the place listed specific thefts in crops and animals together with those suffered by a neighbor. These accusations point not to routine exploitation but to a raid. Pere had no rights at Corró; but having been tempted or crossed he simply indulged himself some lucrative pillage<sup>23</sup>.

In the Ribes valley the problem was more like that at Terrassa but on a larger scale. Here we have two sets of carefully itemized accusations against Ramon de Ribes, who held vicarial powers in the valley. The villagers of several places charged him with seizures of property but mostly of money in sums higher than at Terrassa, averaging around 20s. per individual at Ribes and Querals and perhaps a little less at Pardines. Like Deusde Ramon could be nasty when angered. When the relative of a man he had dispossessed made complaint, Ramon struck him with spurs «so that he did not get up from his bed until he died.» A peasant who had been so indiscreet as to appeal to the king suffered a blow from Ramon «at the church portal.» These were clearly cases of intimidation and the fact that they stand alone among some forty-eight reported incidents may suggest that most men had learned to keep out of Ramon's way. If that is so, Pere Fabre was foolish to complain to Ramon that thieves had broken into his house: it cost him 8s<sup>24</sup>.

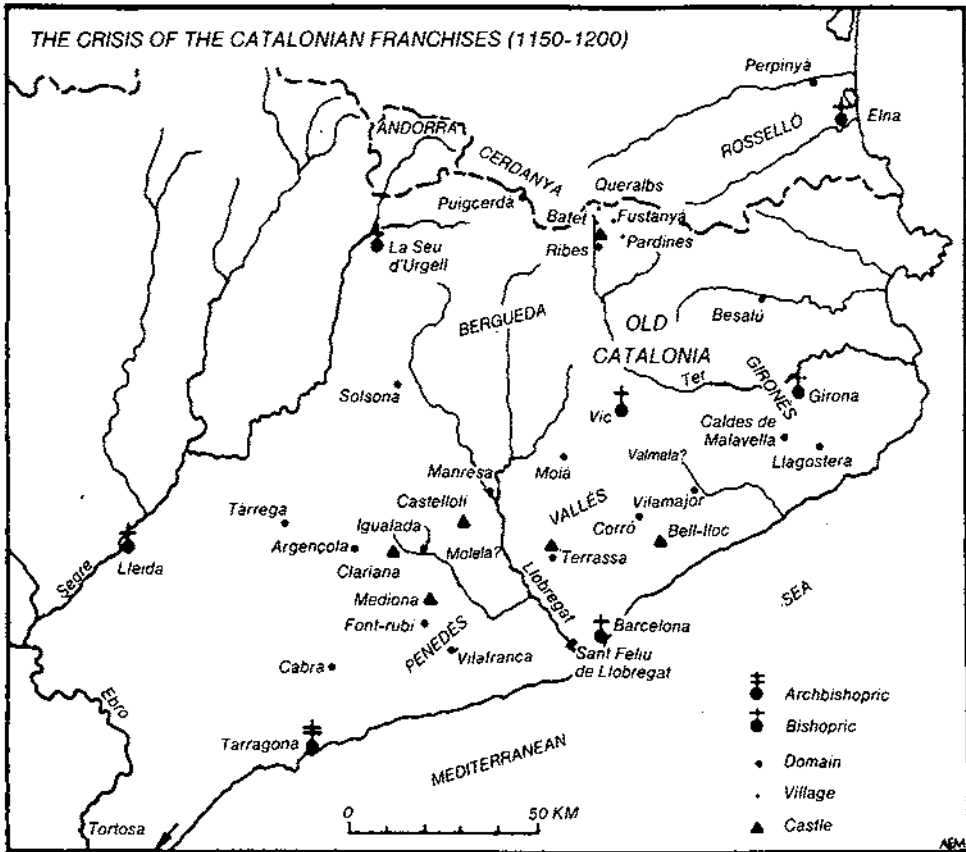
Ramon's was an orderly tyranny, marked more by greed than by violence. It was alleged that having seized the manse of Roca corba he retained it in his own hand (*ad dominicum*), destroyed the king's mill, and set up his own cloth mill from which he was collecting 30s. per annum<sup>25</sup>. More than half of the depositions tell of demands for money on occasions of intestacy, sterility, deaths or departures of children, or litigation of any sort. The peasants had no doubt that these demands were quite as wrongful as the seizures of land and animals: «these evils and many others» was the summation of their complaints by the men of

<sup>22</sup> Extrainv. 3275. See also *FAC*, i, 171; ii, no. 10.

<sup>23</sup> Extrainv. 3214. See also *FAC*, i, 169; ii, no. 14.

<sup>24</sup> Extrainv. 3217, 3433; the quotations are from 3433. See also *FAC*, i, 185-186; ii, nos. 7, 15, 55.

<sup>25</sup> Extrainv. 3433.



Queralbs<sup>26</sup>. It is not so clear, as we shall see, that they thought their vicar's deeds were unjust. There is little testimony about his character or style apart from the reported demands and seizures. The picture that emerges is not that of a plunderer but of a magnate-entrepreneur far from the king's scrutiny remorselessly exploiting his jurisdiction of custom.

At Font-rubí the situation was more complicated. Here it looks as if the count's bailiffs were bold enough to share in the attempt of local magnates to expand their lordship at the expense of free peasants, not strong enough to hold that expansion within tolerable limits. In their first *querimonia* men of Font-rubí charged that Count Ramon Berenguer IV himself had imposed novel exactions and *questae* in barley, wheat, and money. But already the main complaints are reserved for «the vicars»: that is, lords of the neighborhood claiming to exercise comital rights of justice, of whom the «lady» (*domina*) of Mediona, Ramon de Barbera, and Berenguer de Bleda are alleged to have helped themselves wilfully to 20s. apiece as well as to exactions in grain, animals, and wine<sup>27</sup>. Among these lords Berenguer seems to be the chief culprit and in two further memorials after 1162 he figures as a high-handed magnate preying on peasants through his castellans<sup>28</sup>.

The accusations against Berenguer and his cronies and castellans are more personal and less detailed than those against Deusde, Pere de Bell-lloc, and Ramon de Ribes. They are specific, to be sure. Berenguer's man Pere dels Archs «made great *forces* and great tolts on us, he has broken into our houses and stolen pigs and ham-sides and chickens and has broken our casks and he has taken chickens [*sic*] and gardens and trees and cheeses and eggs... [etc.].» But the damages are not itemized, at least not at first. The trouble had happened so fast (and perhaps so continuously) that the victims could do little better than wring their hands. But already in their first account comes the report of «another time in the month of August» when Berenguer de Bleda robbed Ramon Martí and his brother-in-law of an ox and one sextar of barley; and further attempts at itemizing damages follow. In fact, the record incorporates distinct grievances: against Berenguer de Mediona for taking «our donkeys... to his houses»; or «another time» for demanding cart-service to Tortosa; etc. But these complaints tend to lose specificity and finally lapse into generalities: «we complain of Ramon de Barbera for the injury he has done»; there are seven other such charges<sup>29</sup>.

In short, there is some formal ambiguity in the representation of dissatisfaction at Font-rubí. One reason for this must be that the scribe and perhaps also his informants are more interested than those elsewhere in the character of their lords' misdeeds. Thus they not only reiterate generalities about forcible seizure and housebreaking, they note more than once that Berenguer de Bleda or his men «cut our beards»<sup>30</sup>. This at least was more subtle intimidation than Deusde's head-cracking at Terrassa. But they whacked people at Font-rubí, too. Nor is this all. Pere dels Archs has «now once again» seized «our donkeys» to

<sup>26</sup> Extrainv. 3433, 3217.

<sup>27</sup> Extrainv. 3409: «... [see quotation in note 51] *Conquerimus ipsos uikarios qui faciunt nobis magnas forces et tollas et tollent nobis ipsum ordeí et tritici...*».

<sup>28</sup> Extrainv. 3409, 3141, 3288.

<sup>29</sup> Extrainv. 3409.

<sup>30</sup> Extrainv. 3409: «... *et pela nos ipsas barbes... et pelauit nostras barbas...*»; Extrainv. 3288: «... *et pilat nobis barbas et flagellat nobis turpe...*».



assist in work of fortification for Berenguer<sup>31</sup>. In later memorials we are shown Berenguer de Bleda and his castellans imposing unprecedented *albergae* on the villagers «which he receives with all his *familia* and spends in his houses as he wishes.» Martí de Font-rubí complained «that B. de Bleda came into his house with all his family, Christians as well as Saracens, dogs as well as animals, and he did this by great force and against Martí's will... and he stayed there with all his *familia* for five weeks... in his upper houses», leaving Martí and *his* family downstairs<sup>32</sup>. Yet another deposition had it that Berenguer de Bleda «sends his deputy with his donkey to their cellars» where he helps himself «to as much wine as he wishes against the will of those men»<sup>33</sup>.

This is a different and sharper profile. Berenguer de Bleda is not loathe to exploit his jurisdictional powers: here as in the Ribes there is mention of judicial exactions. But Berenguer is more visible than Ramon de Ribes, more imposing, – and more pretentious. We can visualize him and his knights clanking about the vills of Font-rubí, demanding provisions (*albergae*) according to the military custom now common in Occitania and Catalonia. We can see him with his dependents and servants, including Moorish slaves perhaps acquired after the late conquests of Tortosa and Lleida, requisitioning rooms in a prosperous villager's quarters. And if we could surely connect the work of fortification for which donkeys were seized with this unwilling hospitality we might infer that Berenguer was in process of self-promotion at the expense of men more nearly of his own status than he would have wished to admit. There are two other hints that this inference may be correct. One is that Berenguer is alleged to have borrowed (and mistreated) a mare for threshing his grain, as if he himself engaged in such rustic labour. The other is that Martí de Font-rubí «sustained great shame and great dishonor in his houses» for having been forced to put up Berenguer and his entourage<sup>34</sup>. Was this not the shame of being humiliated by the power and pretense of a peer?

It remains to visit the domains of Caldes de Malavella and Llagostera, where toward 1150 the most remarkable of these accounts of rural violence was produced. In these places the scribe, or more likely the anonymous individual who collected and dictated the complaints against Arnau de Perella, was in no doubt how to proceed. His record includes perfectly itemized lists of exactions and extortions dating back to the count's expedition to Almería (1147), moving forward in time, and distinguishing between complainants at Caldes and at Llagostera. From these lists alone may be projected a plausible portrait. Like Ramon de Ribes Arnau was chiefly a manipulator of justice. His favorite technique seems to have been to sell his peace or quittance to persons charged with violations of customary law. Some nineteen men and women paid an average 5s. 10d. for such quittances. But Arnau could extort for other reasons, or none at all; and

<sup>31</sup> Extrainv. 3409.

<sup>32</sup> Extrainv. 3141: «...*Conqueritur Martinus de Fonterub[e]lo de B. de Bleda quod uenit cum omni familia sua tam christianis quam sarracenis tam canibus quam bestiis intus in domum suam et hoc fecit magna ui atque inuito Martino et fecit ibi quendam clibanum de calce. et mansit ibi cum omni familia sua .v. ebdomados. et stetit in suis superioribus domibus. et Martinus cum familia sua s[er]uabat deorsum. et ibi Martinus sustinebat magnum dedecus et magna opprobria in suis domibus...».*

<sup>33</sup> Extrainv. 3141, 3288.

<sup>34</sup> Extrainv. 3141, and quotation in note 32. On the larger cultural problem see the essays by Julian Pitt-Rivers and Julio Caro Baroja in *Honour and shame: the values of Mediterranean society*, ed. J.G. Peristiany (Chicago, 1966).

we know even from the itemized allegations that he drove villagers from their homes. There is no direct evidence of physical violence<sup>35</sup>.

But we know much more than this about Arnau de Perella, because his accuser saw fit to preface his list with a general account of his misdeeds. The gist of this account is as follows: Arnau de Perella collects from the count's peasants great amounts (*explets*) of grain «which he spends in his house with his *familia* and his friends and his elders and relations.» He feigned illness when the count summoned him to the campaign of Almería, putting the proceeds (for that purpose) to his own use, «and so he does every year.» He neglects the count's demesnes, so that instead of having surpluses in wheat, barley, feedgrain, and millet such as his predecessor Ramon Guillem achieved, he spends all on himself. He exploits the vintage, seizing the peasant's grapes, and makes a select white wine which «he drinks faithfully [*fideliter!*] with his friends and elders and relations, except when the lord count's *familia* happens to stop there and drinks.» He also makes and consumes good red wine, although Ramon Guillem used to trade it for feed-grain. And while Ramon used to pay the count from a healthy surplus in coin, Arnau doesn't pay «our lord-count a single penny!» He has diverted judicial revenue to his own uses, and squandered the tenants' dues in pigs. Finally, he has driven out the old bailiffs and replaced them with his cronies. He entered into sworn pacts of fidelity with some men of Caldes, then broke his oaths, thereby precipitating disorders in which the young men of the villages were forced to flee «to the other honors of noble knights where they get on better»<sup>36</sup>.

From this account (here drastically pruned of its rhetoric) we can portray Arnau de Perella better than any others of his type in the franchises. In fact, the account is so good that it poses a problem of perspective that will have to be addressed in the next section. Even here it is necessary to observe that the accountant's point of view is more explicitly «administrative»<sup>37</sup> than that of the plaintiffs elsewhere; it is directed not only to what villagers have lost but also to what the count has lost through Arnau's infidelity and incompetence. Yet if lost revenues matter more than physical abuse to this observer that does not prove that Arnau de Perella was less violent than Deusde or Pere de Bell-lloc. It does prove that Arnau's ends were thought quite as interesting –and appalling– as his means. The charges are not so different, after all, from those at Font-rubí. Here again we are shown what looks like a peasant on the make. And here again we are shown the «life-style» of a petty magnate. But the representation of these charges is different: the depictions are clearer than at Font-rubí and, what is more important, they are narratively linked.

The most vivid image in the complaints at Caldes and Llagostera is that of Arnau de Perella seizing from peasants and retiring to his house to eat and drink with his *familia*. They drink *fideliter*, but not it seems to the count's health. The

<sup>35</sup> R.B. IV extrainv. 2501. Of this text I have made a study and edition that will be published elsewhere.

<sup>36</sup> R.B. IV extrainv. 2501. The quotations cannot be justified fully here. The following phrases are typical: «*Primum sui* [i.e., Arnau's] *pagenses laboranti campos et condaminas domini comitis et Arnallus colligit inde magnos explets frumenti et ordeï et aliorum blads quos expendit in domo sua cum sua familia et suis amicis atque senioribus seu parentibus... Expendit omne milium in suis actibus quod Raimundus Guillelmi antecessor eius solebat comutare pro cibario... Prescriptus Raimundus solebat dare domino comiti, cui Deus omnia peccata sua dimittat, solidos cc.1. aut .cc. aut .c. et Arnallus de Per non dat domino nostro comiti solummodo denarium i....»; see also note 50.*

<sup>37</sup> But this may not be the right word, as we shall see (below, p. 171).

fidelities that interest Arnau are those he is imposing on his cronies and bailiffs –his bailiffs, that is, not the count’s–; he has a growing clientele of dependents. And what makes this intolerable is that Arnau was no lord to begin with! Appointed to supervise the count’s bailiffs and exercise vicarial jurisdiction, he had received certain manses and revenues in fief from the count<sup>38</sup>; but it is clear from the memorial that Arnau worked these lands himself or was expected to do so. Yet the fields he tended, «with one pair of oxen», it was alleged, «did not suffice for his dogs!»<sup>39</sup> This is the man who neglects the count’s reserve lands, squeezes the peasants beyond allotted quotas, and retreats to his house to live like a lord. He has no castle, let us note, but that may come next. He is, in short, a fraud. One might perhaps put up with such bullying and strutting from a noble, but not from a peasant! This account is original in that it represents not merely event and consequence but also process: the process of social ascent. What our anonymous accuser has wrought is a description of the ways in which a new lordship was created: one of the most terrible, most frequent, and least visible occurrences in medieval history<sup>40</sup>.

### III. *The Nostalgia of Communal Lament*

For the sake of clarity these depictions of exploitative lordship have been dealt with as if they were objective representations. Our purpose has been to discover what kinds of behaviour may safely be attributed to the subjects of complaint on the basis of partial evidence. But the results of this inquiry cannot be understood out of context. The difficulty lies not so much in the distortions or exaggerations of individual charges –these faults alone would hardly affect a typology based on the charges– as in the peculiarly subjective commentary that attends the charges and gives them their meaning. Here is an insistent voice of the countryside telling of the traditions and ideals of village life.

It is a methodically muted voice, to be sure. When the depositions were collected and recorded the scribes were inclined to represent them in the third person as seizures by A from B. This seems to have been the prevailing form, deriving perhaps from the impersonal usage of *capbreus*. The *querimoniae* of Terrassa are entirely in a third-person voice and so are those of Caldes-Llagostera, although in the latter case (as we shall see) the texture is deceptive<sup>41</sup>. The memorial of *Valmala*, which is virtually a *capbreu*, consists of some 22 items, all but one of which are expressed in the third person. But the one exception –*Teneo Pelegrino .i. camp ad Ermengarda et donem tasca...*– is enough to show that here as elsewhere the scribe was recording spoken depositions as he heard them, forgetting only once to convert from the subjective to the descriptive mode<sup>42</sup>. Similar lapses occur in one of the memorials of Ribes and in one of Font-rubí<sup>43</sup>.

<sup>38</sup> *FAC*, ii, no. 1G; see also i, 174-175.

<sup>39</sup> R.B. IV extrainv. 2501: «*Iterum Arnallus non laborat nisi cum pare uno bouum in terris domini comitis et in illis quas aufert suis rusticis et non sufficit eius laboratio suis canibus...*».

<sup>40</sup> The process could be more benign, it is true. Professor R.H. Hilton has drawn my attention to the story of Ketelbern of Canley whose successors «arrogated to themselves the lordship of Canley hamlet», *The Stoneleigh Leger Book*, ed. R.H. Hilton (Oxford, 1960), pp. xxxiv-xxxv, 30-35.

<sup>41</sup> Extrainv. 3275: «...*abstulit Deusdedit... et fregit capud...*»; and quotations in notes 36 and 39.

<sup>42</sup> Extrainv. 3202.

<sup>43</sup> Extrainv. 3433, 3288.

But in other records the subjective intrusions can no longer be called lapses. One of the later memorials of Font-rubí begins correctly enough before slipping irreversibly into «we» forms that seem to show the scribe sharing the grievances he is writing, a circumstance even more evident in the earliest *querimoniae* from that place<sup>44</sup>. In the Ribes valley the same scribe who wrote descriptively in one record reported depositions in another as if the victims themselves were speaking: compare *Abstulit R. de Ribes ad Petrum Rastan de Ribes unum bouem...* with *Abstulit R. de Ribes michi Berengario Bonifilii .xx. solidos...*<sup>45</sup>. At Corró there is no question of a notarial form at all:

*Nos Pages et .A. de Ualoria et .G. Iohanis et P. de Valoria conquerimur domino nostro regi et omnes alii franchearii similiter qui sumus sui proprii homines uestri de Petro de Belloco...*<sup>46</sup>.

These tendencies to subjective expression were far from accidental. No scribal convention could contain the vehemence with which these villagers felt their grievances nor were they content to leave it to others to address their ruler. «Lord Count Ramon Berenguer», cried the men of Font-rubí, «all these evils that are written in this charter are pillages and sorrows and *forces* and tolts that Ramon de Barbera and Berenguer de Bleda... [etc.] and their men have inflicted on us... and Oh Lord Count, if you will not give us redress, tell us so, that we may go on our way»<sup>47</sup>. The threat of exodus figures also in the apostrophic lament at Ribes; that it was no idle threat is suggested by the assertion that the young men of Caldes and Llagostera had fled «to the other honors of noble knights where they get on better.» These are the words of desperate men – and their desperation is collective<sup>48</sup>.

For it is clear that these men are acting as communities. That is the significance of the first- and third- person plural verbs that resound in their records. «These are the complaints that the men of Terrassa make to the count of Barcelona.» At Corró the four named plaintiffs identify with «all the other *franchearii* likewise who [we] are your men.» In the memorials of Ribes, where the complaints are listed individually, the apostrophes are poignantly collective: «these evils and many others did R. de Ribes to us men of Queralbs.» Or again: «the men of Queralbs tell you, Lord King, that you are losing your share in barley-threshing in Queralbs and in Fustanyà and in Pardines and in Ribes and in Batet.» At Font-rubí the earliest record of *querimoniae* is almost entirely expressed in impassioned first-person plural language; and all three extant memo-

<sup>44</sup> Extrainv. 3288; cf. 3409.

<sup>45</sup> Extrainv. 3433, 3217.

<sup>46</sup> Extrainv. 3214.

<sup>47</sup> Extrainv. 3409: «*Domine Raimundi Berengarii comes, omnia hec mala que in ista karta scribuntur sunt rapine et gemitus et forces et toltes que Raimundus de Barbera et Berengarius de Bleda et Petrus Bernardi de Podio albari et domina de Midiona et suis homin[is] quas faciunt nobis. et ó domine còmes si non feceris ad nos redergér discite ad nos, ut eamus nostram uiam.*»

<sup>48</sup> Extrainv. 3433: «*Sciat dominus rex quod hec que diximus uera sunt et ad ueritatem duce-mus in curia ipsius uel iudicio uel sacramento et nisi acceperit aliud consilium de nobis omnes sumus exules.*» Also R.B. IV extrainv. 2501, as quoted in note 51. For these peasant communities the count-prince is the visionary deliverer: see generally E.R. Wolf, «On peasant rebellions», in *Peasants and peasant societies: selected readings*, ed. Teodor Shanin (Harmondsworth, 1971), pp. 272-273. The threat of exodus (if not the reality) seems to have been common in medieval Catalonia: see also *FAC*, ii, no. 131. For parallels in different societies, see Jerome Blum, *Lord and peasant in Russia from the ninth to the nineteenth century* (Princeton, 1961), pp. 106-113, 163, 266-268; E.F. Irschick, «Peasant survival strategies and rehearsals for rebellion in eighteenth-century South India», *Peasant Studies*, ix (1982), 215-241, at 232-238.

rials are from the associated *homines* of Font-rubí<sup>49</sup>. At Cabra, where the communal identity is evident in several records, the «good men of Cabra» joined two local magnates in making charges against the king's bailiff toward 1175<sup>50</sup>. Even at Caldes and Llagostera, where the representation of grievances eschews subjective language, the idea of community comes through, except that here it is the count and the peasants alike –and together– who suffer «great injury» from Arnau de Perella's seizures. Moreover, this community is evoked in uniquely affective terms. After Arnau made and broke his pacts

never has the land done anything but get worse... and there is not there one-half of the men whom he found in that village when their troubles began. Between Caldes and Llagostera there used to be one hundred young men [*iuuenes*] counting the sons of peasants, and weavers, and other masters [*magistri*] and bachelors who had money and grain. And they would lend to their lords and parents and neighbors, and now there is not a single one left who has anything of value, but they flee to the other honors of noble knights where they get on better...<sup>51</sup>.

Through the searing demoralization of their society these villagers clung to the vision of a better past. In fact, they were trying to restore an old regime. That is explicitly the theme in the nostalgic early memorial of Font-rubí:

first [we complain] of the count who is our best lord, of the usages that he has put on us that we never had in his father's lifetime... and we ask you [Ramon Berenguer IV] by God and by His Mother because you are our best lord that you restore to us the usages that your father and your grandfather had on us, and what we give you will be a great joy to you. And if you cannot do [this, at least] put us in your demesne and keep us [there]<sup>52</sup>.

In this place as at Caldes-Llagostera the peasants see men intruding themselves between the count and his tenants.

But on one point there was a difference. There were still no castles at Caldes and Llagostera –and no castellans. It is altogether likely that these were traditional franchisal communities of the kind that had in most places succumbed to the pressure of military lordship in the eleventh century. At Font-rubí comital tenants had lived under the protection of castellans who had respected franchisal custom until the 1140s, when new magnates holding local fiefs and vica-

<sup>49</sup> Extrainv. 3275 (Terrassa), 3214 (Corró), 3217, 3433 (Ribes), 3409 (Font-rubí).

<sup>50</sup> Extrainv. 3474, Alfons I extrainv. 2609; *FAC*, i, 214; ii, no. 156. See also Udina Martorell, «Un singular[ajr] pergami,» 127.

<sup>51</sup> R.B. IV extrainv. 2501: «...*Post quam hec sacramenta fuerunt facta et non obseruata nunquam fecit terra nisi peiorare et fulminari lapidibus atque grandinibus et malis nebulis et non est ibi medietas hominum quos inuenit in uilla illa quando malo eorum uenit super eos. Erant inter Kalidas et Lacustariam .c. iuuenes inter filios rusticorum et testores et alios magistros et baculares qui habebant denarios et annonam. Et acomodabant inde senioribus atque genitoribus et uicinis et modo non est ibi unus solus qui habet aliquid boni, sed fugiunt in alios honores nobilium militum ubi melius se habent...*».

<sup>52</sup> Extrainv. 3409: «*Conqueritur homines de Fonte rubea. Imprimis de ipsum comite qui est nostrum seniore meliore de usaticos que abet missos super nos que non abemus unquam in uita de suum pater... & rogamus uos per deum et per sua mater quare uos estis nostrum meliore seniore quomodo tornetis nobis in ipsos usaticos que tenuerint nobis pater uester et auium uestrum. et hoc quod damus uobis magnum erit uobis gaudium et si non potueritis facere, mitatis nobis in uestrum dominicum et retinetis nobis...*».

rial rights upset an old order dating back to Ramon Berenguer I if not to the founding of the old frontier in the tenth century<sup>53</sup>. The new castellans or vicars and their habits were the problem, so that communities could only place their hopes in bailiffs (or former bailiffs), who may themselves have initiated the complaints at Caldes-Llagostera and at Terrassa. At Terrassa, however, the record is too reticent to make clear whether a preexistent sense of community was thought to be endangered<sup>54</sup>. At Corró the *franchearii* were certainly a community—more exactly, a double community comprising the parishes of Santa Eulàlia of Corró d'Avall and Sant Mamet of Corró d'Amunt—when Pere de Bell-lloc descended on them, presumably from his castle a few kilometers to the east<sup>55</sup>. Not far from Font-rubí Berenguer de Clariana preyed on the men of Argençola and Cabra in the later twelfth century, provoking collective protests in both places<sup>56</sup>.

Of all these domains it looks as if Caldes and Llagostera and (possibly) Corró had the best preserved communities when their troubles began. They were, accordingly, the most outrageously disrupted communities. For these people seizures, demands, and pillaging were simply wrong—they were «evils» (*mala*) to be remedied. And since the remedy sought was judicial, these wrongs may also have been thought unjust. Yet there are signs that the equivalence between «wrong» and «unjust» was already problematical. Even at Caldes a fair number of seizures seem to have been connected with judicial occasions, while at Font-rubí the repeated references to unexcused seizures may conceal jurisdictional payments, fines, and the like<sup>57</sup>. But the most illuminating case is that of Ribes.

The survival of franchisal communities in the Ribes valley was doubtless more tenuous than elsewhere. Ramon de Ribes was exercising practically unlimited powers as castellan-vicar, having apparently succeeded Gauceran de Sales, to whom in 1140 Ramon Berenguer IV had commended «the castle of Ribes and all strongholds in the whole valley of Ribes»<sup>58</sup>. Now the peasants who, one by one, alleged that Ramon had «taken away» from them had no doubt that he had injured them. But what is striking about *their* account is that when (presumably) pressed for reasons for the takings or seizures they were all too ready to supply reasons. «R. de Ribes took from me Berenguer Bonfill 20s. . . . because I had two cows from a certain sterile woman who had died. . . . Another time he took another 20s. from me for the oath I made, and [he did] *this unjustly*.» Can it be that the odious seizure of a deceased woman's cows was in some sense just? Pere de Bag claimed that he had been forced to pay 12s. «because I married my daughter in Cerdanya and he made [me] redeem her.» Or again: «I Bernat de Boxó engaged my daughter to a husband and before the marriage she was killed by lightning, wherefore R. de Ribes took 28s. from me.» Listen, on the other hand, to Pere Amad, from whom Ramon seized «one good cow, for what reason I do not know.» Ermessen and her husband were relieved of 5s. «because

<sup>53</sup> *CPC*, i<sup>1</sup>, no. 11; *FAC*, i, 207; Bonnassie and Guichard, «Les communautés rurales,» 79-85.

<sup>54</sup> *Extrainv.* 3275.

<sup>55</sup> *Extrainv.* 3214; *FAC*, i, 169; ii, no. 14; and for Pere de Bell-lloc, *Els castells catalans*, 6 vols. in 7 parts (Barcelona: Dalmau, 1967-79), ii, 259-263.

<sup>56</sup> Pergamins Alfons I *extrainv.* 2609; *Extrainv.* 3145; and for Berenguer de Clariana, *Els castells catalans*, iii, 518.

<sup>57</sup> R.B. IV *extrainv.* 2501; *Extrainv.* 3409, 3141, 3288.

<sup>58</sup> *LFM*, ii, no. 580; *Els castells catalans*, v, 73-75; *FAC*, i, 185.

our young son died, *no other cause* [causa].» One more example: Bernat Duran and his brother Guillem between them were forced to pay a total of 200s. «for many unjust occasions»<sup>59</sup>.

From this account we must conclude that in the Ribes valley toward 1165-1175 some «causes» or «occasions» for demanding payments were considered «just»<sup>60</sup>. If the peasants themselves admitted as much it is hardly necessary to inquire of Ramon de Ribes. The «taking away» of money was always evil (to the peasants) but not apparently always unjust. By acknowledging that some seizures were «for cause» the peasants were drawn, perhaps unwittingly, into recognizing a custom of exploitative lordship that is more advanced than anything yet tolerated in the comital domains of the lowlands. Ramon de Ribes is not more brutal than his counterparts at Terrassa or Font-rubí but his arbitrariness is more practiced – more customary. It provokes a desperate apostrophe, to be sure; and the threat to flee may be a sign that afflictive lordship was still perceived by some to be a wicked novelty. Yet there is no evocation of a better past. The poignancy attaches to individual lamentations. Ramon took away my best cow, said Guillem Pere, «because I furtively received two cheeses when I was hungry, so I was never afterward able to work»<sup>61</sup>. These are resigned as well as desperate men.

#### IV. *The Legitimation of Arbitrary Lordship*

The appeals from the franchises were not entirely in vain. While their immediate results are not known, there is reason to believe that the count-king's protectorate of peasants was restored in most of our communities in the later twelfth century. At Caldes and Llagostera Arnau de Perella failed to establish a military lordship, although not for lack of trying. In 1183 his son Bernat lost his claim to a house at Caldes that his neighbors testified had been built for the king. There were still no castles in these parishes adjoining the route to Occitania and the king continued to commend agrarian tenures to villagers in return for provisions<sup>62</sup>. At Terrassa, where the bailiwick remained independent of the castellany, we hear of no complaint after Deusde's time; while at Corró d'Avall there was some expansion of the king's direct lordship in the 1170s and 1180s<sup>63</sup>.

It is possible that franchisal communities of a traditional kind survived into the thirteenth century in these places. They are not known to have received charters, and it may be significant in this connection that their complaints include no charges against the count or the king. If the bailiffs here were allies of the villagers, privileges were not required. It is for places where the allegations did sometimes extend to the ruler or his bailiffs that we find evidence of charters or conventions. The men of Cabra agreed to pay 100 morabetins at Christmans *pro questia statuta*, while those of Font-rubí paid 100 quarters of grain yearly. When

<sup>59</sup> Extrainv. 3217. The emphasis in quotations is (of course) added.

<sup>60</sup> For the judicial background of the «causes», see Bonnassie, *La Catalogne*, ii, 560-566, 580-584, 588-590.

<sup>61</sup> Extrainv. 3217; see also 3433.

<sup>62</sup> *LFM*, i, no. 400; *ACA*, pergamins Alfons I, 359, 446, 447; *FAC*, i, 174, 176; ii, no. 101.

<sup>63</sup> *FAC*, i, 169, 171.

the bailiffs pestered the bishop's tenants at Font-rubi, Alfons I bestowed a privilege on the church of Barcelona<sup>64</sup>.

But the successes of the count's tenants were severely qualified at best. They were hardly a defeat of arbitrary lordship. It was easier to dampen the ambitions of an upstart like Arnau de Perella than the plunderings of a castellan like Pere de Bell-lloc. For the franchisal communities were like clearings in a thickening jungle of seigneurial violence and exploitation. If Count Ramon Berenguer IV rewarded his *fideles*, some of them doubtless his companions-in-arms, with fiefs on his old domains, could he realistically expect them to treat his peasants other than men of their class treated their own? The frontier, the expeditions against Moors, and the conquests, to say nothing of association with powerful crusader barons from across the Pyrenees, had whetted an insatiable appetite for wealth and status among the barons and knights of Old Catalonia. We must try to see matters from their point of view. To a Berenguer de Bleda the lament that gouges on peasants were unprecedented may have seemed a laughable impertinence; what was new, surely, was the effort to curtail them. And that effort, such as it was, soon became threatening. It is altogether likely that prelates and advisers of Alfons I had the troubles in the franchises in mind when they undertook to impose a territorial Peace on Catalonia in 1173. This ambitious scheme entailed not merely reforming the vicariate but also limiting the militarism of magnates in their own domains; worse still, the magnates were required to swear to uphold the statutes that clipped their wings. It is no wonder that some resisted, forcing public confrontation with the king in Corts at Girona (1188) and Barbastro (1192). It was an uneven match. Under Pere I (1196-1213) the magnates tried to expand their exemptions from what they spoke of in 1202 as the «peace and truce of the lord king», and in the same Cort the king conceded «that if lords maltreat [*male tractaverint*] their peasants or take things away from them», they are not answerable to the king unless they hold fiefs of the king or churches<sup>65</sup>.

With this famous provision we come close to a theory of bad lordship. If the barons themselves could speak openly of their inflictions and seizures as abuses immune from external sanctions, then a whole category of seigneurial violence was vindicated against the aggressive tendencies of the Peace. This was to legitimize practices against which the franchisal peasants had protested. But as we have seen those protests themselves were tainted with acquiescence. The peasants of Ribes who denounced seizures for intestacy or sterility were sure that these were wrong but not sure they were unjust. At Caldes and Llagostera the account of payments for the vicar's peace have a suspiciously routine appearance. Nor were the count-kings and their bailiffs disposed to resist the spread of lucrative customs that strengthened their control of rural manpower. By 1179 *intestia*, *exorchia*, and *cucucia* figured among the king's rightful (or rather, just?) revenues at Font-rubi and they are found soon afterward in the bailiwicks of Vilamajor, Sant Feliu de Llobregat, Terrassa, and Moià<sup>66</sup>. What is more, the king's

<sup>64</sup> *CPC*, i<sup>1</sup>, no. 200; Arxiu Capitular de Barcelona, «Libri antiquitatum» iv, fol. 119 (Joseph Mas, *Notes històriques del bisbat de Barcelona*, 12 vols. [Barcelona, 1906-15], xii, no. 2201); *Cartulario de «Sant Cugat» del Vallès*, ed. José Rius Serra, 3 vols. (Barcelona, 1945-47), iii, no. 1243.

<sup>65</sup> T.N. Bisson, «The organized peace in southern France and Catalonia, ca. 1140-ca. 1233.» *American historical review*, lxxxii (1977), 295-304; idem, «L'essor de la Catalogne.» 465-472. For the Cort (of Cervera) of 1202, *Cortes de los antiguos reinos de Aragón y de Valencia y principado de Cataluña*, 26 vols. (Madrid, 1896-1920), i<sup>1</sup>, 86-87.

<sup>66</sup> *FAC*, ii, nos. 34, 110, 111, 114, 116; cf. no. 124.



men themselves were not loathe to admit that such exactions were «bad usages» from which it required the royal grace to exempt. In his charter of 1163 the child-king is made to say that he dispenses the men of Barcelona from «all bad usages [*mali usatici*] imposed by his father's predecessors... except for what I retain in *exorchiae*»<sup>67</sup>. Here already the *mali usos* of later notoriety make their appearance, for *exorchia* (the fine on collateral inheritance when not identical with that on intestacy) was among the burdens of *remença* serfdom<sup>68</sup>. And if the king himself can lay claim to a «bad usage» as such, we may suspect that he was of no mind to launch a zealous assault on seigneurial prerogatives. What he did oppose –or more likely his prelates, such as Guillem de Torroja, who counselled that he reorganize the old peace and truce to this end– was the more arbitrary and brutal manifestations of protection (*baiulia*) as exercised by his own men.

The *querimoniae* show that *remença* had already an ominously customary meaning toward 1150-1160. Every seizure, every oath, every occasion –and almost every violence– could be redeemed, ransomed. That was the real problem in the Ribes valley, but it is evident everywhere else as well<sup>69</sup>. It is the same new insistence on jurisdictional power that also appears in northern France, only it is less restrained in Catalonia, less regulated, than in France<sup>70</sup>. It is in this circumstance as well as in the clustering of customary exactions that the complaints of the franchises point to an awareness of chronic disorder that marks the origin of the *remença* problem in Catalonia.

But redemption remained a singularly ambiguous concept as well as a pervasive one in the twelfth century. In practice it might be an act of capricious violence – but it might otherwise be a pacification. It was a purchase, and as in any market transaction the purchaser's satisfaction was not guaranteed. The townsmen of Vic who paid a *redemptio monete* to Pere I in 1197 were purchasing the king's promise to hold the coinage stable, to forego an arbitrary mutation; yet it is clear from the abortive charter of Girona a few years later that for some Catalans ransoms of coinage were no less arbitrary than novel exactions of other sorts, including debasements of coinage<sup>71</sup>. On the other hand, the men at Cabra who commuted the king's arbitrary *questia* into a fixed annual payment toward 1194 were buying a release from violence that surely improved their lot<sup>72</sup>. Transactions of this sort benefitted both parties. It is surprising that we

<sup>67</sup> CPC, i<sup>1</sup>, no. 120.

<sup>68</sup> See generally J.-A. Brutails, *Etude sur la condition des populations rurales du Roussillon au moyen âge* (Paris, 1891), pp. 183-196; Eduardo de Hinojosa, *El régimen señorial y la cuestión agraria en Cataluña durante la Edad Media* (Madrid, 1905), ch. 6; Jaime Vicens Vives, *Historia de los remensas en el siglo XV* (Barcelona, 1945), pp. 15-41; J.M. Font Rius, *Orígenes del régimen municipal de Cataluña* (Madrid, 1946), pp. 101-108; Jaume Sobrequès i Callicó, «La crisi social agrària de la baixa Edat mitjana: els remences», *Cuadernos de historia económica de Cataluña*, xix (1978), 47-56; and Paul Freedman, «The enservment process in medieval Catalonia: evidence from ecclesiastical sources», *Viator*, xiii (1982), 225-244, at 226-228.

<sup>69</sup> At Cabra the bailiff Bertran de Vilafranca had collected a tax (*missio*) for the king toward 1175, and «quando tota fuit pacata abstulit Bertrandus Petro de Albi suum asinum et redemerunt eum per iii solidos». See also below, note 76.

<sup>70</sup> Georges Duby, *Guerriers et paysans, VII-XIIe siècle. Premier essor de l'économie européenne* (Paris, 1973), pp. 254-256; tr. H.B. Clarke, *The early growth of the European economy...* (London, 1974), pp. 227-229.

<sup>71</sup> T.N. Bisson, *Conservation of coinage: monetary exploitation and its restraint in France, Catalonia, and Aragon (c. A.D. 1000-c. 1225)* (Oxford, 1979), pp. 83-91.

<sup>72</sup> CPC, i<sup>1</sup>, no. 200.

have so little evidence of them. It is worth noting, however, that the king reserved his *placita* at Cabra while making no (explicit) mention of *intestia*, *exorchia*, and *cucucia*. Could it be that these were implicitly reserved in exchange for the renunciation of non-causal taxation?

Some such exchange must at any rate have occurred in lowland domains of the old county of Barcelona. Among these were the localities whose inhabitants raised complaints. Few of these places received charters of privilege. Their old franchisal status persisted as the count-kings continued to exploit them directly, or to commend them temporarily. Now for these domains the fiscal accounts show that the king routinely collected what were now called the «five» (or «six») causes—that is, *arsina*, *cucucia*, *exorchia*, *intestaciones*, *homicidia*, *troba*—but not tallage or *questia*<sup>73</sup>. Where *questiae* do figure (in these domains), as at Barcelona and at Caldes de Malavella, they have every appearance of regulated impositions<sup>74</sup>. Out of the crisis, it seems, had come a bargain by which capricious bullying and violence were exchanged for contingent fines. In most of the franchisal lowlands a direct and reformed management had done the work for which charters were required elsewhere.

Yet it was a tainted compromise at best. It sanctioned a custom of tenurial exactions (however regulated) whose legitimacy was held in doubt by the count-kings and magnates alike (to say nothing of peasants). Nor was the compromise speedily effected in upland domains. In Cerdanya and the Berguedà the counts of Barcelona had inherited the new mode of afflictive lordship, from which they seldom dispensed<sup>75</sup>. At Moià as late as 1209 Pere I pledged the honor to his creditor Berenguer de Riera with the whole array of revenues, including *questiae*, *toltae*, *forciae*, «ransoms of men», *cuguciae*, *exorchiae*, *intestiae*, «and everything belonging to us in whatsoever manner, just or unjust»<sup>76</sup>. It would be difficult to imagine a better invitation—or a more legitimate one—to exercise an arbitrary lordship.

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So we return to the problem with which we began. Is it not possible that in his eagerness to mobilize credit and service in the giddy days of his great conquests, Ramon Berenguer IV not only commended vicarial fiefs in his old domains, but encouraged his *fideles* to exploit them unchecked? Unfortunately we do not know the circumstances and terms of these earlier commissions, but from

<sup>73</sup> *FAC*, ii, nos. 34, 110, 111, 114, 116, 118, 124.

<sup>74</sup> *CPC*, i<sup>1</sup>, no. 120; *FAC*, ii, nos. 101, 125. It is clear that while the despised exactions were sometimes clustered (citations in note 73), the cluster varies and is not yet identified as such with servile status. See, however, note 76.

<sup>75</sup> *FAC*, ii, nos. IM-P, 8, 10, E, 11, 17, 19, 46, 53, 76, 112B, etc. One may plot geographically the incidence of indexed citations to *questia* (*chestia*) to show that Manresa (no. 32) and Moià (no. 124; cf., however, no. 116: no mention of *questia*) lay just outside the new franchisal zone. Royal domains in Berguedà, Cerdanya (and Ribes), and Rosselló remained burdened with *mals usos*, save for chartered exemptions, as at Puigcerdà and Cotlliure (*CPC*, i<sup>1</sup>, nos. 166, 223); these exemptions are more inclusive than those in the old comital lowland domains.

<sup>76</sup> *FAC*, ii, no. 124: «... impignoramus tibi et cui uelis dictum honorem cum hominibus et feminis et expletis et exitibus, censibus, usibus, seruiciis, adempmentis, questiis, tollis, forciis, placitis, stabilimentis, hominum redemptionibus, cuguciis, exorchis, intestis, homicidiis, et uniuersis ad nos quoquomodo iuste uel iniuste spectantibus, tali pacto...». Note the mention of *homines*, *feminae*, *redemptiones*: this is already a *remença* lordship.

their results it would appear that the count-prince regarded their recipients as allies rather than administrators. Their support and fidelity were more important to him than public order. They took no oath of administration. They were routinely unaccountable, for the *capbreus* that served to test the bailiff's fidelity set no limits on proceeds of jurisdiction and customary causes<sup>77</sup>. Magnates and vicars viewed their commission not as the condition of service but as reward, so that quite as in the case of conventions with castellans, the very idea of commission (of responsibility, fidelity) tended to fade out of mind. This is a feudal outlook, precisely speaking, for it is the fief that defines the relationship; and the proprietary sense of the fief encroaches on the administrative. Men of such outlook took easily to the afflictive mode of lordship so widely practiced by the castral aristocracy of the old Catalan counties.

In short the commissions of vicarial rights created lordships within the comital domains, not agencies. It is hard to see that Ramon Berenguer IV himself expected otherwise. It was left to the villagers and bailiffs to protest and in so doing to counterpose the image of an old order in which the count's benign protectorate had fostered freedoms and moral cohesion that were now being threatened or destroyed. This image was tendentious but not false. Its projection reveals the sturdy survival of an idea of fiscal administration at the level of the bailiwick. For *their* fiefs or portions bailiffs were expected to serve the count instead of themselves and to observe the *capbreus*. No doubt the reality was different, for *baiulia* had come to be regarded customarily as an exploitation as well as an agency<sup>78</sup>. It is a paradox that notions of order and community should have persisted better among bailiffs than among the vicars who controlled the courts; and it is hardly surprising that the count-kings moved to strengthen the accountability of bailiffs in the later twelfth century. If it was bailiffs who identified with the woes of villagers, as was in all likelihood the case at Caldes and Llagostera, it may have been because their own ambitions were threatened by vicarial distrains. Nevertheless, the memory of an untroubled comital protectorate was a sincere and plausible representation of villagers and bailiffs toward 1150; and the count-prince's courtiers and judges, whatever their own confusions about lordship, were receptive.

The crisis of the franchises was a confrontation between two models of lordship. A harshly afflictive domination of peasants based on intimidation and distraint threatened to sweep away the last vestiges of an ancient public order in which rural freedoms and security were guaranteed by the count and administered by his agents. This was not the first such crisis. The initial clash had occurred in the eleventh century and it had resulted in a thoroughgoing destruction of the Carolingian-Visigothic protectorate of a free peasantry. But Count Ramon Berenguer I (1035-1076) had resisted the castellans and although his success was incomplete it is becoming increasingly clear that considerable zones of old-comital and episcopal domination had escaped the worst incidents of castellan lordship as late as the second quarter of the twelfth century<sup>79</sup>. Pressure continued nonetheless on the tenants of counts and bishops ever less socially

<sup>77</sup> E.G., *ibid.*, no. 1 *passim*.

<sup>78</sup> *Glossarium mediae latinitatis Cataloniae...*, 8 fascicules to date (Barcelona, 1960-79), columns 216-220; Eulalia Rodón Binués, *El lenguaje técnico del feudalismo en el siglo XI en Cataluña...* (Barcelona, 1957), pp. 33-36.

<sup>79</sup> Bonnassie, *La Catalogne*, i, chs. 1-4; ii, chs. 9-15; Freedman, «Enserfment process», 229-235.

distinct from the new militant aristocracy<sup>80</sup>. The conflicts of the later twelfth century were continuous from the past.

Yet there was a new acerbity in the confrontation over the franchises. To what extent this resulted from the commendation of vicarial rights to ambitious men reared in castellan habits is difficult to say, for we still know too little about the earlier history of comital administration. Nor can we point to a determining shift in the communal sensibility of the villagers, although it is striking that the troubles of the later twelfth century coincided with the transition from autonomous to chartered franchisal communities to which Pierre Bonnassie has drawn attention<sup>81</sup>. Certainly the quality of communal life was threatened by tendencies to bind the peasant to his tenure, but these tendencies were not yet strong in the comital domains. Whether a community received a charter seems to have depended a good deal on who had been tormenting it and on how complaints were resolved. The peasants in any case were hardly more than interested spectators of a struggle between the count-prince and the lay magnates. And for these parties the conjuncture of 1150-1200 marked a *crise de conscience*. The *querimoniae* from the franchises resounded in comital circles with an incipient ideology of regalian principate<sup>82</sup>. The charge that Arnau de Perella had shirked a summons to the campaign of Almeria was expected to rankle. Under Alfons I the reorganized peace mobilized a regalian alliance that seriously threatened the castral baronage. It threatened partly because the king himself seemed less eager than his great father to lead the barons to lucrative plunderings of the Moors, thus rendering helpless peasants at home more vulnerable than ever; but chiefly because the militancy of this class had ceased to be simply practice or habit but had become a territorial custom. Indeed, it had become an ideology itself: that is, a self-justifying consciousness of social superiority to peasants. One glimpses the pitiless scorn of the new rich for their inferiors in the vignettes from Caldes-Llagostera and Font-rubi; to other magnates, like a Pere de Bell-lloc, uncastled peasants may have seemed surrogate Saracens. A new class longer on ambition than resources was in the making—a class for which a mode of bad lordship cynically acknowledged was jeopardized by the complaints at a moment when it seemed to have attained the sanctity of custom. The men of the franchises were the treasure of Catalonia. Should they be plundered or administered? The issue was less simple for the count-kings than for the castellan barons and knights—and to that extent the peasants of Old Catalonia were the losers.

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<sup>80</sup> For exactions in episcopal lands in Osona in the 1140s, see P.H. Freedman, *The diocese of Vic: tradition and regeneration in medieval Catalonia* (New Brunswick, 1983), p. 51.

<sup>81</sup> Bonnassie and Guichard, «Les communautés rurales», 88-93.

<sup>82</sup> Bisson, «L'essor de la Catalogne», 458-465.

## DEBAT

*P. Bonnassie:*

No voldria pas iniciar una controvèrsia amb Thomas Bisson sobre els problemes que planteja la data de naixement de l'estat català i de la nació catalana. Ben segur que l'estat català no es defineix vertaderament fins al segle XII, però abans del naixement sempre hi ha una gestació més o menys llarga. Per consegüent, aquesta gestació potser la podem situar al segle XI.

Al marge d'aquesta qüestió, m'agradaria subratllar la qualitat excepcional dels documents que ha descobert Thomas Bisson, perquè s'hi sent la veu dels pagesos, cosa molt rara en la documentació medieval. Es tracta, a més, d'un veritable crit de desesperació d'aquests pagesos. A mi m'ha recordat una mica el discurs que el poeta Owain posa en boca dels pagesos normands revoltats, si bé la insurrecció data del 997 i Owain escriu el 1170, és a dir, a la mateixa època d'aquests documents, i la situació que descriu també és la de 1170. Així, doncs, crec que es pot establir perfectament la comparació.

Encara voldria retenir una altra idea. La servitud no es va pas imposar a Catalunya d'una manera lineal, sinó després de greus crisis: una primera crisi es va produir, certament, a mitjans del segle XI; una segona crisi, que Bisson ha descrit perfectament, se situa a mitjan segle XII i durant la segona meitat d'aquest segle. Això tendria a demostrar que la pagesia catalana no va pas romandre passiva, sinó que oposà resistència, i que calgué utilitzar diverses vegades la repressió més dura per a sotmetre-la a les exigències que hom li volia imposar.

*J. M.<sup>a</sup> Salrach:*

Tornant al problema de la nació, em sembla que aquest concepte es pot definir des de dos punts de vista: com a realitat objectiva i com a realitat subjectiva. És objectiva en la mesura que constitueix un domini cultural, i subjectiva per la concepció que els habitants del país tenen de si mateixos. Doncs bé, ¿no resulta molt discutible que en els segles XI i XII la gent tingués consciència de pertànyer a una nació? Fins i tot des d'un punt de vista més objectiu, ¿voleu dir que en el segle XI la gent sabia si parlava català o occità? Tenint en compte que encara avui es discuteixen les fronteres entre aquests dos dominis lingüístics –si la cançó de Santa Fe és catalana o occitana, per exemple–, crec que la mateixa realitat objectiva de la nació devia ésser força indefinida. En canvi, des d'un punt de vista subjectiu, ¿no és veritat que en el mateix segle XI «Catalunya s'obre al món» –en expressió de Ramon d'Abadal–, i aleshores probablement es comença a prendre consciència de la identitat col·lectiva?

Sens dubte, cal valorar adequadament tots aquests factors –objectius i subjectius– per arribar a entendre bé el procés de formació nacional de Catalunya.

*A. M. Mundó:*

En el segle XI, més que no pas els conceptes de nació i Estat, el més clar és el de pàtria. L'expressió «*nostrae patriae*» apareix moltes vegades en els escrits d'Oliba, per exemple.

D'altra banda, es troben testimonis interessants sobre la idea que en aquella època tenien de la pre-Catalunya lluny de les nostres terres. Hi ha un text d'un historiador «francès», André de Fleury, que a començament del segle XI parla d'una cavalcada feta per «*quattuor duces Regni Barchinonensis*», concretament els comtes de Barcelona, Cerdanya, Besalú i Urgell. A partir d'aleshores, durant el mateix segle XI, tres o quatre textos seguits d'altres «francesos» es refereixen igualment al «*Regnum Barchinonense*». Com és lògic, això de «*regnum*» s'explica pel fet que ells mateixos formaven part d'un regne, però portar també és significatiu que defineixin aquest país com a unitat territorial i política.