



CAROLINGIAN FRONTIERS: ITALY AND BEYOND

edited by

Maddalena Betti, Francesco Borri, Stefano Gasparri



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THE Ruling in
LOZ hard times
Patterns of power and practices of government
in the making of Carolingian Italy

RULING IN HARD TIMES

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Front cover image: Main Rampart of the southern Boundary of Denmark (Danewirke), 8th-9th Century, north-west of Kurburg (Schleswig-Holstein, Germany)

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Fiscal resources and political competition on the periphery of the Carolingian empire: some Catalan examples (9th century)

by Igor Santos Salazar

By analysing *diplomas* and judicial documents recording disputes in the Carolingian counties located in the eastern Pyrenees, this chapter aims to analyse how fiscal assets constituted an important political resource for the creation of a system of government on the south-western periphery of the Carolingian empire. The study of these documents also helps to decode the way in which those public lands were used by Carolingian officials (*comites*) to build loyal clienteles from among competing military aristocracies.

Middle Ages; 9th century; Carolingian empire; Catalonia; eastern Pyrenees; Carolingians counts; Carolingian justice; fiscal resources.

Abbreviations

ChLA² 112 = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin charters. 2nd series, Ninth century*, ed. G. Cavallo – G. Nicolaj, CXII, *Spain I*, ed. J. Alturo – T. Alaix, Zurich 2017.

DCII = *Recueil des Actes de Charles II le Chauve, roi de France*, commencé par A. Giry, continué par M. Prou, terminé et publié sous la direction de F. Lots par G. Tessier, III, Paris 1955.

Justícia = *Justícia i resolució de conflictes a la Catalunya Medieval. Col·lecció diplomàtica. Segles IX-XI*, dir. J.M. Salrach – T. Mantagut, Barcelona 2018 (Textos jurídics catalans. Documents, 2).

MGH, AB = *Annales Bertiniani*, ed. G. Waitz, MGH, Hannover 1883 (SS rer. Germ., 5).

MGH, Capit. I = *Capitularia regum Francorum*, I, ed. A. Boretius, Hannover 1883 (Legum sectio, II).

MGH, DK = *Pippins, Karlmanns und Karls des Grossen*, ed. E. Mühlbacher, München 1906 (Diploma Karolinerum, 1).

MGH, DLP = *Die Urkunden Ludwigs des Frommen*, ed. T. Kölzer, 3 vols, München 2016 (Diplomata Karolinerum, 2).

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Placiti = *I placiti del "Regnum Italiae"*, ed. C. Manaresi, vol. 1, Roma 1955 (Fonti per la Storia d'Italia, 92).

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In this article I analyse an area situated on the western periphery of the Carolingian world, in order to address important questions relating to the role played by fiscal assets (i.e. the material bases of public power, basically land) in the construction of governing strategies between kings, counts and local élites. My analysis will focus on the period ranging from the reign of Charlemagne to that of Charles II, and in the southern counties that Frankish annalists defined, for a very brief period, as the Spanish March¹. In so doing, I will consciously distance myself from some of the main historiographical issues that have characterised the last half-century of studies on Carolingian Catalonia (whose borders are very different when compared to those of the modern Spanish region): the debates on the ethnic identity of the *Hispani*, on the meanings of legal concepts such as *aprisio* and, above all, on the sterile, ideological and anachronistic efforts to discover the phantasmagorical roots and contours of the Catalan nation. Thanks to recent researches by authors such as Cullen J. Chandler and Jonathan Jarrett² about the *Hispani* and the extensive legal use of *aprisio* – which is nothing more than a tool to identify land clearance in Catalan charters –, I can move forward and concentrate in these pages on the study of a *dossier* of public documents – *diplomas* and the judicial proceedings known as *placita* – in relation to recent developments in the study of public assets and the royal fisc, taking into account lands characterised by their belonging to the public fisc, over which social élites and public officials were in dispute³.

1. *Land, courts and political peripheries: Carolingian conquest and governance*

Once Gerona (785) had been conquered, Carolingian rule spread across the southern side of the Pyrenees slowly, until the fall of Barcelona (801), over a mosaic of authorities that were (and indeed are) difficult to characterise both for the Carolingian authors and for modern scholars. The areas under Frankish control are defined in ambiguous ways in the charters: labels such as *territorio*, *pagus*, *valle*, describe a landscape in which only Girona and Barcelona

¹ Zimmermann, *Le concept*.

² Chandler, *Between Court*, and Jarrett, *Settling*.

³ In recent years, the analysis of the economic foundations of power in the early medieval kingdoms of Western Europe has increasingly focused on fiscal assets, see at least: *Spazio pubblico* and *Biens publics*. For Catalonia see now Salrach, *Catalunya carolíngia and the public nature*.

could be called *civitates*⁴. Moreover, the references to *comitati* are consistent but intermittent, while mentions to the Spanish March appear only in narrative sources⁵. In fact, the territory supposedly organised within the March is described with great ambiguity in the Carolingian normative sources⁶.

Furthermore, the complete set of written sources preserved for the period between the end of the eighth century and the first half of the ninth – mostly preserved as later copies from the twelfth to the seventeenth centuries – shows a large group of public officials, mostly counts, acting within the geographical space of what has come to be called, with a useful anachronism, Carolingian Catalonia. From Roussillon to Barcelona, and from Ampurias to Urgell, there are about twelve men described as counts during the time between the Carolingian conquest and the age of Bernard of Septimania, to which at least another ten counts must be added for the time between Bernard's execution (844) and the last years of Charles II's government (from 870 onwards)⁷.

The inclusion of the Iberian *comitati* and territories within the Carolingian political construct led to the imposing of a new brand of political and economic exploitation which can be seen in other European spaces controlled by the Frankish emperor, such as Northern-Central Italy and Dalmatia. In this sense, a diploma from Charlemagne dated to 812 and addressed to some counts (among them Bera and Gauselm, active in the areas of Barcelona, Conflent, Rossellò and Ampurias) – designed to respond to the complaints of forty-two *Hispani* who had denounced in Aachen the injustices perpetrated against them by public officials – is very interesting. The document, preserved as a copy in a twelfth-century Narbonne cartulary, is clear in highlighting the role of the counts and other public officials linked to them (such as the *saiones*), accused of illegally imposing censuses, and acting with force taking land and properties recognized as possession of the *Hispani* by the Carolingian authority, in which one can recognize land considered by the Carolingian rulers as part of the *fisc*⁸. The document also shows that the resolution of the conflict fell to Archbishop John and the king of Aquitaine and son of Charle-

⁴ «in villa Borraciano, in territorio Bisildunense», *Justicia*, no. 2 (817 IX) 15: «in pago Ruscilione [...] et in pago Confluentis villa que vocatur Prata [...] seu etiam in pago Cerdanie villa que vocatur Montelianos», DCII, no. 17 (843 I 23).

⁵ As, for example, MGH, AB, *ad annum* 844. For the memory of “Spain” in Carolingian narrative sources see Latowsky, *Carolingian Imperial Biography*, pp. 123-148.

⁶ See the *Ordinatio Imperii*, c. 1: «Volumus ut Pippinus habeat Aquitaniam et Wasconiam et markan Tolosanam totam et insuper comitatos quatuor, id est in Septimania Carcassensem et in Burgundia Agustudunensem et Avalensem et Nivernensem», MGH, Capit. I, no. 136, pp. 270-273.

⁷ Reference texts for political history of the area include D'Abadal, *Dels visigots*, Salrach, *El domini*, and, more recently, Chandler, *Carolingian Catalonia*. For the comital family links, see Aurell, *Les noces, passim*.

⁸ The diploma is clear in recognising that the wastelands were granted to the *Hispani* by the Carolingian authority and that they can therefore be considered as fiscal lands: «ad nostram fiduciam de Hispania venientes per nostram datam licentiam erema loca sibi ad laboricandum propriserant et laboratas habere videntur», MGH, DK, no. 217 (812 IV 2).

magne, Louis, who had to impose order on social groups that had been under Carolingian rule for a relatively short time.

This type of problem linked to the government of fiscal resources, which developed in Catalonia shortly after the Frankish conquest – although the diploma does not indicate the geographical areas in which the counts' actions had taken place, the presence of Bera and Gauselm link the lands to Northern Iberia –, can also be seen on the eastern periphery of the empire, in Istria. In 804, in a place called Rižana, Charlemagne's *missi* listened to the complaints of one hundred and seventy-two *homines capitaneos* – a term which can be understood to denote the elite of possessors of the Istrian territories, both rural and urban – denouncing the behaviour and illicit actions of the patriarch of Grado, Fortunatus, several bishops, and the highest Frankish authority in the area, the duke John⁹. All of them were accused of not maintaining the old Byzantine uses and customs after the conquest of Istria by the Frankish armies. Indeed, the patriarch of Grado is criticized for not having met the tax obligations owed to the public authority, and for replacing them with levies on the lay possessors of the area. Along with other charges, the *homines* gathered at the court also accused the Frankish duke of having appropriated the sums that should have served, or at least once served, for the financing of the public authority¹⁰.

The example of the *Hispani* is very different from that of Istria, of course. However, in both documents it is possible to follow the imposition of the Carolingians' political system, and the violence that came after through the arbitrary imposition of some charges by the public officials. Likewise, it is possible to follow the negotiation mechanisms (basically imperial justice) that were implemented to heal the social and political fractures that the actions of counts, duke and lesser agents such as the *saiones*, had provoked in these two peripheral regions of the empire. In addition, in both cases it is possible to see the centrality of public assets and resources (land, censuses...) as the main features of the conflict¹¹.

⁹ Placiti, no. 17, pp. 48-56.

¹⁰ On Rižana see Borri, *Neighbors and Relatives*, with further bibliography.

¹¹ A diploma issued by Louis the Pious shortly after, already acting as the new emperor, confirms the public origin of the lands worked by the *Hispani* «quando idem Hispani in nostrum regnum venerunt et locum desertum quem ad habitandum occupaverunt, per praeceptum domini et genitoris nostri ac nostrum sibi ac successoribus suis ad possidendum adepti sunt», MGH, DLP, no. 88 (816 II 10). Much later, a diploma of Charles II is even more explicit – and in this case we do know the territory to which it refers (Roussillon, Conflent, Cerdagne and Urgell) – when it points out the fiscal nature of some lands granted to a certain Sicfridus: «concedimus cuidam fideli nostro nomine Sicfrido et per hanc nostram auctoritatem largimur ob devotionem servitii seu compendium quasdam res juris nostri que ita noscuntur fore, in pago Ruscilione videlicet que vocatur Kanoas cum suis omnibus appendiciis, et in pago Confluente villa que vocatur Prata cum mancipiis que ad idem Confluente pertinent, seu etiam in pago Cerdanie villa que vocatur Montelianos et Hencurrio, in pago Orjel villa que vocatur vallis Andorra cum suis omnibus appendiciis, totum ad integrum», DCII, no. 17 (843 I 23).

2. The quest for fiscal resources: local elites, counts and political competition in the 9th century

We have to wait few years, until the reign of Charles II over West Francia, in order to observe locally (and with some continuity) the development of controversies between those who held control over the land and the Carolingian counts. Thanks to a small group of judicial records – almost all of which were copied in the seventeenth century and are today preserved in the Bibliothèque Nationale de France –, we can gain an insight into the fierce competition that was established in the Pyrenean counties between certain social élites and the counts for the control of lands whose nature, whether public or private, was at the centre of the dispute.

On a winter's day in the year 843, before a tribunal summoned in «loco Acusiano» (nowadays Agusà, located about five kilometres west of Perpignan) and presided over by the *vicedominus* Witiza on behalf of the count Suniarius of Roussillon, Odoacre, the count's representative («mandatarius de comite») questioned Wimera, the representative of a woman named Revella, with the intention of proving that some land located «in loco Baxiano» formed part of the fiscal estates controlled by the count. Indeed, Odoacre testified that such assets had to be «beneficius seniori meo». The case was settled through the testimony of a group of witnesses who swore before the court that the disputed lands had belonged to Revella and her husband Protasius for more than thirty years, even before Suniarius came into office: «habentem iamdicta loca ad proprio per XXX^a annos seu amplius, quieto hordine, in facies de antecessores de Suniario comite vel in faciem ipsius Suniarii»¹².

Fifteen years later, in front of a tribunal summoned in the basilica of Saint Peter of Elna (about fifteen kilometres north of modern Spanish-French border of La Junquera), a new lawsuit was heard. Therein, a man called Recemirus was involved against the will of the *vicecomes* of Roussillon Richelmus – who was represented by his advocate, Danhiel –, who pledged to take back into the comital fisc the lands placed in the village of «Tresmalos». These lands, located in the territory of Elna, were, according to Recemirus, claimed to be its property. The testimony offered by the men called to testify before the tribunal is of great importance in decoding the mechanisms discussed in the previous paragraph. Let us listen to their voices:

Sapemus et vidimus oculis nostris et auribus audivimus et de presentes fuimus in predicta villa Tresmalos, quando venit avius istius Ricemiri, condam nomine Wadamirus, et pater ipsius idipsi Ricemiri, nomine Witigisus, et prendiderunt iamdictas terras prius per illorum adprisionem, sicut ceteri Spani, vel per preceptum domini imperatoris, et possiderunt eas infra hos legitimos annos, usque dum Suniarius comes eas tulit ad supradicto Witigiso, patre istius meminiti Ricemiri, sua fortia et inbe-

¹² Justícia, no. 10 (843 II 7), p. 46. The day before, the witnesses cited in the charter had gathered in the church of Agusà, defending again Revella's full ownership of the disputed property: Justícia, no. 9 (843 II 6.)

neficiabit eas ad homine suo condam Tructerio. Et hodie magis pertinent ad istum Ricemirum pro partibus avii sui condam Wadamiro et patri suo condam Witigiso pro illorum adprisione ad habendum per supradictas terras, quam ulli homini ad beneficio, ad cuius vocem Danhiel advocatus Richelmo vicemcomite eis repettet. Et ea quae scimus recte et veraciter testificamus per supra adnixum iuramentum in Domino¹³.

The document could not be richer in the nuances it offers on the fierce competition for land conducted by Carolingian counts: first of all, once again, there is the recourse to public recognition of the exploitation of land – with the use of the *aprisio* sanctioned by a diploma –, which gives to those lands a character not too different to the lands identified as belonging to the imperial fisc. Secondly, Suniarius, already the protagonist of the judicial proceedings celebrated in 843, took the land by force from Witigisus, the father of Recemirus, in order to grant it to Tructerius, one of his followers. From that indeterminate day onwards, the public officials saw the village of «Tresmalos» as a public asset (i.e. within the county's availability) and for this reason they fought again to maintain the village as a *beneficium* against the reasons given by Recemirus.

This case recalls certain contemporary examples documented in the kingdom of Italy, in particular the cases concerning the monastery of San Bartolomeo in Pistoia and the Cathedral of Cremona. Both ecclesiastical institutions received from the Carolingian emperors fiscal lands and assets (such as the tax revenues from the ports on the river Po, in the case of Cremona) that were, successively, occupied by public officials who, remembering the fiscal nature of such resources, chose other recipients for them in order to favour their own patronage interests¹⁴. The problems created by such strategies were solved in the same way in two places as different as Roussillon and the heart of the Italian kingdom: the Carolingian justices heard the deposition of numerous witnesses, lay and ecclesiastical, who solved the cases against the interests of the public officials¹⁵.

A diploma from Charles II addressed to Frodoïn, the bishop of Barcelona, may serve to clarify both the public nature of the *beneficia* mentioned in the judicial proceedings in the territory of Roussillon, and the ways in which those assets finished, often, into private hands. In the year 862, the king granted as private property to the bishop the assets which «prephatus [Sunarius] ad suum beneficium visus eas fuit abere, sicut in scripto quando ad fiscum nostrum redacte sunt legitime vel scriptum esse dinoscitur»¹⁶. It is possible that the Sunarius mentioned in the diploma was not the same man mentioned as a count in Rousillon. In spite of this, the diploma is an example of the circulation of land and resources from the fisc towards private patrimonies and of the competition between different social agents for the control of such lands.

¹³ Justicia, no. 13 (858 VI 5), pp. 50-51.

¹⁴ For these cases see now Santos Salazar, *Governare, passim*.

¹⁵ For a similar case near Narbonne see, Justicia, no. 4 (834 IX 11).

¹⁶ CDII, no. 245 (862? VIII 19).

The situation was not very different in the territories of Cerdanya and Gerona. Salomon, the count active in Urgell-Cerdanya, presided over a court composed of several *iudices*, including his viscount Adalelmus, with the intention of clarifying a dispute between Witisclus and Sonnane about the legal nature of the village of «Setteretto», today Tor de Querol, located near the church of Sant Martí d'Aravó, in a territory now divided by the modern boundaries created after the Treaty of the Pyrenees (1659) between the province of Gerona and the Department of the Pyrénées Orientales. This charter offers new, extremely interesting details on the mechanisms by which the relationship between local élites and Carolingian power was created through the exploitation of land granted through diplomas (and therefore characterised by an obvious public quality); the mention to the *aprisio*, and the successive controversy surrounding the ambiguous legal nature of the same lands generations after its first concession and exploitation.

The history of Witisclus is easily told: the *villa* he claimed as his own had been inherited from his aunt Ailo, who was in turn heir to these lands by virtue of the inheritance obtained after the death of her father, the count of Aragon Aznar Galindo, who had obtained it much earlier (but we do not know how much earlier) «per sua ruptura et aprisione per preceptum domni imperatoris». Conversely, Sonnane defended himself by saying that he had the village «per beneficio de seniore meo Salomon comes»¹⁷.

Once again one can see the ambiguous juridical characterization of the lands (public or private) in a highly competitive social and economic environment. The Catalan counties were dominated by the contrast between, on the one hand, the “hunger” of the *comites* over lands associated with some form of public origin (not by chance the exploitation of those assets were always confirmed by *diplomas*), lands much needed by public officials to strengthen their clientele, and, on the other, the realities on the ground, where family groups defended the possession of those same patrimonies using witnesses capable of proving that they had owned the land for more than thirty years as required by Visigothic law (and Lombard and Roman law, of course). Sonnane lost the case despite the fact that the president of the court was the same count who had granted him the land in *beneficium*. The strength of the public consciousness of Carolingian counts engaged in such courts is clearly shown in this kind of judgements.¹⁸

Another example of the struggle to keep some assets in the *publicum*, for interests linked to comital politics, is found in another trial presided over by Count Salomon in 868. The case had, once again, to delineate the nature of three villages, Canavelles, Entrevalls and Ocenyes, that had once been part of the patrimony of Count Bera (one of the *comites* present in the diploma

¹⁷ Justicia, no. 14 (862 VIII 26), p. 52. On the counts of Aragon see Sénac, *Estudio sobre*.

¹⁸ These procedural mechanisms and their results can be observed in many other areas of the Carolingian world, particularly in Italy. As an example see Bougard, *La justice, passim*.

issued by Charlemagne in 812), disputed by the monastery of Eixalada (situated on the river Têt, in the Conflent). Reconsidering, *mandatarius* of the count, renounced his claim to retain as part of the comital fisc and returned to abbot Witiza and presbyter Protasius the lands of the villages because the lands were not public. Count Bera had bought and inherited the villages and then passed them to his daughter Rotruda. Later, Rotruda gave them to her daughter Anna who, together with the abbot Eldebertus, donated the lands in dispute to the monastery of Eixalada¹⁹. The court showed that being owned by a count was not enough to consider those villages as part of the fisc because they were part of his private wealth.

Furthermore, in Gerona it is possible to document the action of ecclesiastical institutions which were, little by little, occupying spaces that seem to have been, once, those of the fisc in a process well documented in other areas of the Carolingian empire during the first half of the ninth century²⁰. This was the case of the lands disputed by Leo and the bishop of Gerona Gondemarus. In this trial, which is preserved in copy in the thirteenth-century *Cartoral de Carlomany* of the cathedral of Girona, it is possible to read, as we have already seen several times, the complaints of a layman, Leo, who accuses the bishop of having unjustly occupied the village of Fonteta (Gerona) that his father of «heremo traxisset sicut ceteri ispani». As can be seen, recourse to *aprisio* was typical of the *Hispani*, of which there remained ample memory in the charters.

Leo complained to Charles II, who sent some documents («litteras») for the bishop's attention. The answer of Gondemarus' *mandatarius* was clear: everything that Leo's father had been able to control in the village and its lands was done exclusively «pro beneficio hoc habuit de quondam Gaucelmo comiti»²¹. The judgment shows, then, that the fate of what was once within the lands which formed the comital fisc could pass without trouble into the episcopal patrimony, as was also seen in the case of the episcopate of Barcelona in 862²².

All these examples show the strong competition for the control of lands which the *comites* considered a duty of their office (i.e. the administration of public assets). But it would be wrong to think that all land obtained through *aprisiones* was always subject to dispute in courts. Fragmented as it is, the documentation provides examples of this type of land being patrimonialised and sold without major problems or claims by any public official. This is the case of a sale dated in the year 900, in which four people sell the land they

¹⁹ «Bera comis abuit ipsum alodem ex comparatione vel alode parentorum suorum, et quiete possedit et dimisit filia sua Rotrude», Justicia, no. 16 (868 VIII 18), p. 58. For the family of Bera see Aurell, *Les noces*, p. 42.

²⁰ Santos Salazar, *Fiscal Lands*.

²¹ Justicia, no. 12 (850 I 22), p. 49.

²² See note 15. For a characterisation of the differences between the imperial and comital fisc, see Bougard, *Les biens et les revenus publics*, pp. 109-110.

have in Bas (Besalù) to a married couple «terra nostra que nobis advenit per aprisione nostra vel nos tenemus per preceptum regis, sicut ceteri Spani»²³. Probably, by the year 900, the fiscal memory of the lands, in a political horizon in which fewer counts were already active, was weaker, and could have favoured privatisation processes that had been more difficult to interpret only two generations earlier. But this is a problem that needs further investigation.

3. Conclusion

The small dossier of charters studied here testify to the complex mechanisms existing behind the exploitation of lands of public origin. From this point of view, the documents cited are even more significant because they offer data on land-tenure based on lay examples within documentary horizons usually characterised in the Early Middle Ages by the predominance of testimonies coming from ecclesiastical institutions (both monasteries and bishoprics, with the exception of the comital archive of Barcelona)²⁴. Although the Carolingian authorities favoured a good number of people with the concession of wastelands by means of diplomas (which characterised such lands as public), the passage of time favoured their privatization in the hands of the families that received them. This did not prevent the public officials, perhaps endowed with inventories or lists of goods of which we know nothing, from claiming some of these assets as belonging to their office, sometimes even taking by violence the lands they needed to satisfy their own clients and *fideles*.

This sort of race for the control of lands sustained by very different kind of *possessores* documented in the eastern Pyrenees, and especially by the *comites* – thanks to the type of documentation that we have preserved, which gives us a view of the upper strata of society –, can be interpreted as the fruit of a strong political competition between the aristocracies, who needed resources to face periods of political instability with sufficient means to satisfy the loyalty of their followers. Not by chance, most of the examples that we have come from moments of strong crisis between the holders of the offices, as was the case with the failed rebellions of Bernard of Septimania (844) and his son William (850). These led to the appointment of new counts in the area, as was the case of the aforementioned Suniarius and Salomon²⁵, although the counts' interest in knowing, defending and reorganising the fate of public assets located in their *comitati* had to be always present among their main objectives of government. This can be seen from the guidelines on *beneficia* included in the capitularies directed to the *comites*²⁶.

²³ ChLA² 112, no. 19 (900 III 15).

²⁴ On documentary culture of Carolingian era see *Documentary Culture*, and on the characters of Catalan archives see Salrach, *Catalunya carolíngia and the public nature*, p. 22.

²⁵ Chandler, *Carolingian Catalonia*, pp. 107-113 and 120.

²⁶ MGH, Capit. I, n. 99 (a. 806-810).

In all this, the charters document strategies for the articulation of fiscal lands observable in other areas of the Carolingian world, without the situation of Carolingian Catalonia on the frontier with al-Andalus, or its legal diversity (due to the importance of the *Lex Visigothorum*), having any influence on well-known experiences related to the management of land and justice. The supposed Catalan exceptionality, therefore, disappears as soon as its reality is studied in the context of the Carolingian empire.