

ABSTRACT

BATTLE, INDRAYANI. A Castellan Claims his Castles: Textualization of Claims in Eleventh-Century Aquitaine. (Under the direction of Dr. Julie Mell.)

The *Conventum inter Guillelmum Aquitanorum Comitem et Hugonem Chilarchum* is a 340-line, highly descriptive document of claims, counter-claims, and often violent conflicts, all revolving around property, between Hugh of Lusignan and Count William of Aquitaine, written by an unidentified author and scribe. This eleventh-century document is written in a conversational mode, largely using direct speech, and from a secular perspective, since both parties are lay lords. It is the textualization, or the writing down, of a series of events and oral transactions of the demands of Hugh for the properties he claimed by right of inheritance, either directly or by proximity to his kin. The textualization allowed the author to control the information that was incorporated into the text, thereby to be passed into the future. While historians have called the document highly unusual, because of its length, because of its direct speech, because of its one-sided portrayal of events, and because there is no comparative document from the region, they nevertheless study the document for lord-vassal relationships of the eleventh century. However, the question of why the document was written has still not been adequately answered, although a few historians have put forward their assertions of the document as literature rather than history. These assertions seem largely based on the *Conventum*'s grammatical or narrative structure, which are only a part of its textualization.

I maintain that the importance of the document lies in this textualization of legal claims as understood in the moral standards and accepted norms of conduct in the

eleventh century, all of which provide the events therein with legal validity and thus, by extension, to the agreement itself. This type of evaluation allows the text to take its place with other legal documents of the early-eleventh century. I further maintain that Hugh had the document written to formalize his claims, not only against Count William of Aquitaine but also against Count Fulk Nerra of Anjou, since most of the lands that Hugh claimed were under men commended to Anjou.

To do this I examine the importance of land, its role in the attainment of personal power, its role in the identity-formation of a family, the methods of its acquisition, the disputes around its inheritance and ownership, and the methods of dispute settlement, including the role of violence. In the upheavals of the early eleventh century, textualization of land holdings and their dispute settlements provided a permanent record for family identity and for the legal procedures that were employed. The thesis also examines the geo-political implication for the setting of the *Conventum*, the power struggle between the Counts William and Fulk, and the possession of allodial or free lands and their added influence on the bargaining power of the lords. Then, I trace the importance of textualization as a continuation of the documentation process already prevalent under the Carolingians. Subsequently, it is necessary to look at some of the words and portrayed events that indicate the use of customary procedures by Hugh in making his claims. The thesis also examines the oath of fidelity to see how the relationship of a lord and his man was defined, how the oath affected the conduct of each to the other, and its implications in the ongoing debate over the lord-vassal relationship and thus the feudalization of eleventh-century social structure.

A Castellan Claims his Castles: Textualization of Claims in Eleventh-Century Aquitaine

by
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DEDICATION

To my family and friends who have supported my academic journey,
and especially to my grandmother

Kamla Devi Patkar,

You never gave up on me.

BIOGRAPHY

Indrayani Battle was born in Bombay, India. After a move to New Delhi while still in elementary school, her vacations were mostly spent in Bombay. Shorter holidays were spent visiting ruins, forts, castles, temples, and museums, on and off the beaten path. The family explored India from one end to another with a father who instilled in them a love for all things historical. After graduating from high school and spending six months learning German at the Goethe Institute in Pune, Indrayani moved to Germany.

In Germany Indrayani worked on an US Army base, first in the Rheinland-Pfalz, and after seven years, in Bavaria where she spent the next fifteen years. While in Bavaria, she successfully completed a history and a psychology class at the University of Maryland, Europe. But, academics had to wait until she moved to North Carolina with her husband and her daughter.

While working at Sandhills Community College, North Carolina, Indrayani enrolled in classes and graduated *summa cum laude* with an Associates of Arts degree, and as a member of the Phi Theta Kappa. Transferring to University of North Carolina at Chapel Hill, Indrayani graduated a year and a half later with a Bachelor of Arts in History, and as a member of the Phi Alpha Theta. After working for a year and a half with high school students taking classes at Sandhills Community College, Indrayani started a Masters program in history at North Carolina State University with a graduation date of 2010.

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An academic journey like mine could only have been possible with the love, support, and faith of a wonderful family, close and extended, as well as fantastic friends, associates, and teachers.

It was the encouragement of Dr. Alfoldi, my former boss in Germany, who insisted I take college classes at the University of Maryland that set me on the academic path. This encouragement only continued at Sandhills Community College, starting with the President, Dr. Dempsey, who insisted I apply to Chapel Hill when I didn't think I could get in. I also received a lot of encouragement from the faculty and associates at the community college, many who have become good friends. My math professor and dearest friend, Linda Chandler, has been and continues to be a constant source of strength for me since I first walked into her office. At Chapel Hill I was lucky to have interesting and encouraging professors like Dr. Pfaff and Dr. McVaugh who know how to make medieval history come alive, and I really appreciate the recommendations they wrote on my behalf.

My professors at North Carolina State University have been just as encouraging and helpful. I am grateful to my advisor Dr. Mell for listening to my interests when I first met with her, and then suggesting the perfect fit for my Master's thesis. Grateful thanks also go to Dr. Parker for offering to be on my committee. He is the only professor I know who can bring life to pottery shards, and make a dry subject like economy so interesting. Dr. Gilmartin always listened very patiently to everything I had to say, and very gently suggested different ways of looking at the same puzzle. Dr. Khater's lectures were always fascinating and extremely instructive and I am grateful that he asked me to assist him. A student's life of deadlines is difficult enough, but

Norene and Courtney from the administrative office were always there to smooth things over and their help has been invaluable. The friendship and support of my fellow graduate students has been just as invaluable and I wish them all the best.

Closer to home, I am grateful for the friendship and encouragement of neighbors Carolyn and Maria, they are like extended family, as are Sarah and Marcelle. They insist on checking up on me at least once a week, since my own family is far away in India. My Indian family's long-distance encouragement and love has been unfailing and I regret that my father, who instilled in me the love of all things historical, did not live long enough to see me receive my undergraduate degree. However, my grandmother who always knew that I would one day find my academic bearings will rejoice at my achievements, and I know my sister Vinita will travel with her family to be with me when I graduate. I have also been doubly blessed with having wonderful parents in my in-laws, Robert and Joan Battle. They are always there for me, with love, with encouragement and their time. Heartfelt thanks also go to my mother-in-law for patiently reading through my drafts, for correcting those frustrating commas, and for telling me that she is always interested in whatever I write. I feel truly blessed for all of this support.

However, I would never have been able to achieve any of my academic dreams if I had not had absolute and unquestioning love and support from my husband, Jonathan. He has allowed me to be me, and that along with his love is the best gift I have received. My daughter Dawn continues to show unflinching faith in her mother and shows her love and support in countless ways. Without Jonathan and Dawn all my achievements would be meaningless.

With all the love, support, and encouragement I have received, it goes without saying that I alone bear responsibility for any errors found in my work.

TABLE OF CONTENTS

INTRODUCTION.....	1
CHAPTER I: Land is Power, Land is Wealth.....	26
Violence as a Legal Means of Dispute Settlement	47
CHAPTER II: Geo-Politics in Aquitaine and Anjou	59
Hugh's Position in the Region.....	71
CHAPTER III: From Oral to Written	78
Legal Setting within the <i>Conventum</i>	96
Oath of Fidelity or <i>de forma fidelitatis</i>	104
CONCLUSION AND QUESTIONS	115
BIBLIOGRAPHY	127

INTRODUCTION

“*meus tu es ad facere meam voluntatem*”¹ (you are mine to do my will). This oft-cited statement in the “*Conventum inter Guillelmum Aquitanorum Comitem et Hugonem Chiliarchum*,”² is one of the sentences which has led many historians and specialists to mine the document for information on the nature of lordship, the nature of lord-vassal relationships, for forms and methods of dispute settlements, for the meaning and the use of violence among the upper echelons of medieval society, for the rise of the power of castellans, and for the forms of inheritance in the middle ages.

The *Conventum* is a 340-line narrative, occupying fifteen manuscript pages, and noted as Paris, BN, MS, Lat., 5927. The text of the *Conventum* is a narrative of disputes between the castellan, Hugh of Lusignan (d. ca. 1030) and his lord, Count William of Aquitaine (ruled, ca. 995/6 – 1030), who was also referred to as Duke William of Aquitaine. These disputes concerned lands and castles that Hugh claimed were his by right of inheritance, either because they had belonged to his father, to his uncle, or to some other kin.³ While the disputes involved properties in “Poitou, La Marche, and the Angoumois,” Beech has pointed out that the narrative involves “eighteen” nobles in the form of, “counts,

¹ Jane Martindale, “*Conventum inter Guillelmum Aquitanorum comitem et Hugonem Chiliarchum*.” *Status, Authority and Regional Power*. Variorum Collected Studies Series. Norfolk, (Great Britain: Ashgate Publishing Limited, 1997), VIIb. 543,

² Martindale. “*Conventum*”. VIIa 1-3, VIIb.528-553, I have used this version of the narrative and its subsequent translation, a work that Martindale refers to as having a “composite origin” being a collaborate effort by Jane and Andrew Martindale, Susan Reynolds, John Gillingham, Paul Hyams, Rosamond McKitterick, Janet Nelson, Stephen D. White, and Patrick Wormald. pp.2-3, VIIa. Borrowing from Martindale, I have also referred to the document as *Conventum* in my thesis. However, it is uncertain whether the document itself carries this heading. Martindale’s footnote, n.1, VIIb, 528, notes that “Labbe gave the heading ‘*Conventio inter Willelmum Ducem Aquitaine et Hugonem Chiliarchum*’ to this text,” however, William is never called *dux* in the document, and “the author employed the usage *conventum* rather than *conventio*.”

³ Martindale. “*Conventum*.” VIIb.,541-8.

viscounts, castellans, and prelates,” in addition to Hugh and William.⁴ This emphasis makes the *Conventum* a document dealing solely with the interactions of the upper nobility of the region.

While the document has become a popular source of interpretation for lord-vassal relationships, for the study of the practice of fief-giving, for the information on the settlement of disputes, and for the emergence of castles and the role of the castellans in the region of Aquitaine, Anjou, and Angouleme, the nature of the *Conventum* still remains a problem. Some historians have put forward the idea of it as a literary or fictive text, even as a vernacular proto-epic.

I propose that Hugh recognized the value of textualizing his disagreements and his negotiations with Count William, for obtaining what he considered his ‘rights,’ and the final outcome, that is, the agreement itself, thereby giving the oral transactions and the concluding agreement a permanency and legal validation. Anchoring the events in text also allowed for their reproduction in the future and dissemination to a wider or different audience, if necessary. This was especially important given the amount of mistrust existing among the parties. Therefore, I propose that Hugh probably realized the value of leaving a written record for his heirs at a time when the laws for rights to property and inheritance were largely customary laws, open to negotiation, and dependent upon the power of the individual lords.

⁴ George T. Beech, “The Contribution of Diplomatics to the Identification of an Early-Eleventh-Century Aquitanian Narrative,” in *Charters, Cartularies and Archives: the preservation and transmission of documents in the medieval west*. Eds. Adam J. Kosto and Anders. Proceedings of a colloquium of the Aquitanian Narrative, in “*Charters, Cartularies and Archives: the preservation and transmission of documents in the medieval west*. Edited by. Adam J. Kosto and Anders. Proceedings of a colloquium of the Commission internationale de diplomatique. Princeton and New York, 16-18 September 1999.(Toronto, Ontario, Canada: Pontifical Institute of Medieval Studies,2002), 62.

Further, I propose that the reason for documenting the events showing Hugh as a man loyal to the Count was not only for the purpose of strengthening the position of Hugh and his heirs against the machinations of the lord, or future lords, of Aquitaine, but also largely against anticipated manipulations by the Count of Anjou, the real and growing power in the area, whose influence had even spread within Aquitaine and the county of Poitou. I maintain that the events portrayed in the documents should be examined in their entirety, within their historical context, as events propelling the momentum forward rather than studied as singular events. Based on these observations, my aim is to show that the conduct of Hugh and of William was in keeping with the traditional forms understood at the time, and the negotiations and dispute settlements all followed a pattern that was understood and employed by the parties and were steps in the process of reaching a satisfactory agreement. Therefore, I propose a different way of looking at the *Conventum*. Oral events, which by the very act of their being textualized, become a permanent record and change their nature by becoming interpretive texts, drawing attention to the bonds and relationships formed and anchored in time; and in becoming a text, the *Conventum* takes its place with other legal documents.

The *Conventum* was first published in 1647 by Jean Besley in his *Histoire des comtes de Poitou et des ducs de Guyenne*, and survives only in two manuscripts: one in the Paris, *Bibliothèque Nationale*, MS, Latin 5927, believed by Beech to be dated to ca. 1060, and the other to be found in the *Bibliothèque Nationale*, fifteenth-century MS, Latin 9767.

Conservative dating, by means of the information contained in the text, places the actual *Conventum* between ca. 1022-8. This dating hinges upon the dispute regarding the castle of

Vivonne which must have begun before the year 1023, the year that Bishop Giselbertus with whom Hugh was negotiating, died, leaving Hugh to negotiate with his successor, Isembertus. The final date for the settlement of disputes has been suggested as 1027-8, as Count William of Angouleme, who seems to have played a role in the final agreement, died in March 1028. However, a date before March 1025 for the final agreement also seems plausible as Hugh was able to obtain a “papal bull for a monastic foundation on his Lusignan lands,” through the help of the Poitevin Count and the bishop of Angouleme.⁵ The count and Hugh may have already reached their agreement by this date and we then have the count finally keeping his promise to work in Hugh’s favor.

There is also much speculation about the actual scribe of the *Conventum*. While one historian believes that it might have been a grateful cleric,⁶ albeit not well-versed in literary Latin, since the Latin of the text seems to follow the vernacular, possibly Occitan, some speculation rests on Hugh himself being the scribe of the text, or at least the author. I would speculate that the sentence ‘*sic etiam fortiter promisit comes Ugoni quantum ipse bene scit*,’ (thus the count vehemently promised Hugh, as he himself well *knows*)⁷, points to both Hugh and the count being alive at the time, with Hugh possibly dictating the text. But, the sentence that describes Hugh’s heavy-handedness against the men of Civray castle does not portray

⁵ Martindale. “*Conventum*.” VIIb, 530. The dating sequence has also been put forward by Martindale.

⁶ Sidney Painter. “The Lords of Lusignan in the Eleventh and Twelfth Centuries.” *Speculum*, Vol. 32. No.1 (January, 1957). pp. 27-47. www.jstor.org/stable/2849244 [accessed 3 Sept. 2009].

⁷ Martindale. “*Conventum*.” Italics mine to emphasize my point that it can be translated in the present.

him in a positive light.⁸ This could also lessen the possibility of Hugh's being the actual scribe of the text.

The problem that the historians face is in trying to characterize the *Conventum* as they try to identify the nature of the text, its category, and its genre. Indeed, as has been pointed out, "the Conventum betrays no signs of . . . ecclesiastical" characteristics that typify documents of the medieval period. "[B]ishops . . . are presented as builders and holders of castles, subordinated to the count's authority," and they are also shown as negotiating on behalf of the parties involved in conflicts and disputes.⁹

However, there is no dispute that the text is a wholly one-sided narrative of Hugh's view of the events. It also portrays the count's authority within his region, carrying out the prerogatives that were once limited to royal authority: the right to build or limit fortifications and castles and thus through their control, exercise and expand power in the area and within a society where public authority had been eclipsed by private, *seigneurial*, power. A *seigneurie* has been described as a territory where the private landlord, the *seigneur*, exercised public authority, for example, by holding his own court, by imposing penalties and by receiving dues within his own territory.¹⁰

The office of the count (*comes*, meaning companion) was the link between the king at the center and the localities, some which were physically located at some distance from the center. Thus, the official authority of a count encompassed a certain geographical area

⁸ Martindale. " *Conventum*." VIIb,.544-a. *Homines autem de Sivriaco, ut viderunt oppressionem quam faciebat eis Ugo, non valentes sustinere, fecerunt finem cum Bernardo et reddiderunt ei castrum.*

⁹ Martindale. " *Conventum*." VIIb, 532.

¹⁰ Glossary found in *Settlement of Disputes in Early Medieval Europe*. Eds. Wendy Davis and Paul Fouracre. (Cambridge: Cambridge University Press, 1986), 274.

referred to as the county (*pagus*). This office, already in existence under the Merovingians, and even the late Roman period, became more defined under the Carolingians. The position of the count was usually filled by close relatives and friends of the emperor, thus literally companions, or by men who already had deep roots in the area and owed a special gratitude to the emperor. In either case, “loyalty was a prerequisite for the job.”¹¹

The count’s office was seen as and referred to as an *honor* and was given in exchange for an oath of fidelity. Further, the count received a *beneficium* (benefice) of land to support the expenses incurred in carrying out his official duties. The count “attended royal councils, fought with the royal army when summoned,” providing manpower made up of freemen from within his allocated lands, provided hospitality when the king visited his county, and accepted and carried out “all royal messages or capitularies sent to him.”¹² At first, this was a temporary office, dependent upon his satisfactory performance, or his death. However, with time, this authority came to be seen as a hereditary office, especially from the time of Charles the Bald (823-877),¹³ and the *beneficium* became increasingly incorporated into the allodial lands, free lands that the count already possessed, increasing his power within his geographical area.

In return for this authority, the count had a multitude of duties to carry out, largely of a legal and of a military nature. He was required to preside over the county courts (*mallus*), assisted by the leading men in the area, and to carry out judgments in the name of the king.

¹¹ Jean Dunbabin, *France in the Making: 843-1180*. (New York, NY: Oxford University Press, 2000), 6-8.

¹² Dunbabin. *France*, 8.

¹³ Ibid. See Also footnote 47.

Less important courts were attended by the count's assistant, the lesser officials called the *vicarii*; if the county was very large, the count appointed officials to assist him or take over in his absence, and they were called viscounts. Military obligations demanded that the count not only defend his county from external attacks, he "was also required to render military service in person," accompanied by his men, "to the king when the *ban* was called," as well as to collect and deliver the royal dues in the form of comital levy as the crown's representative.¹⁴ The men accompanying the count were the local lords, church representatives, and all free men who were not exempted from military service. Exemption was allowed upon the payment of a fee. We see in the *Conventum*, but also know from the *Chanson de Geste* like the *Song of Roland*,¹⁵ that ecclesiastical lords also took part in military conflicts as warrior knights, rather than solely as spiritual counselors.

The calling of the *ban* provided the direct contact between the crown and its high officials. Here the count delivered the revenues collected from court fines, fees from exempted military service, from tolls collected on rivers, on bridges, on highways, and from the markets. For his trouble, the count also received a share of the collected monies, and therefore, had a vested interest in its collection. To keep a check on the misuse of so much power, "special royal envoys" called *missi dominici* were sent to check up on the counts, especially under Charlemagne. However, from the middle of the ninth century as local defence grew more important, and especially during the Viking raids, bans began to be called

¹⁴ Dunbabin. *France*, 6-7.

¹⁵ *Song of Roland*. Translated by Glyn Burgess. (London and New York: Penguin Books, 1990)

less often.¹⁶ Increasing regionalism in the areas under the high officials and the consolidation of their power, largely through the changing nature of their official authority, for example, from temporary to inherited permanency, and the consolidation of their free and allotted lands, led to “the appearance of groups of counties under the leadership of one powerful figure.”¹⁷ The rule of these princes, alternately known as *dux* (duke), or *marchio* (marcher lord), in addition to *comes*, “bore a marked relationship with the . . . units in pre-Carolingian Gaul,” and is seen as “the evolution of the territorial principalit[ies].”¹⁸ This evolution is seen as the breakdown of Carolingian authority, or alternately, as the failure of Carolingian reforms to change old ways.¹⁹ It is among this stratum of society and within these areas of territorial principality, namely Aquitaine, Anjou, and Angouleme, that the events of the *Conventum* are played out.

The *Conventum* has been used by historians who have been interested in various aspects of the eleventh-century history of the West-Frankish region, whether it was the history of the counts ruling in the area,²⁰ the increase in castle-building and fortifications in the area,²¹ the rise of powerful castellans in the region,²² or the general historical geography of the region at the time.²³ The *Conventum* is also studied by historians to understand the breakdown of central authority in the Frankish kingdom in the post-Carolingian period, as

¹⁶ Dunbabin. *France*. pp. 7.

¹⁷ Dunbabin.. *France*. pp. 12.

¹⁸ Dunbabin.. *France*. pp. 12.

¹⁹ Ibid.

²⁰ Bernard S. Bachrach, *Fulk Nerra, the Neo-Roman Consul, 987-1040: A Political Biography of the Angevin Count*, (Berkely, Los Angeles, London: University of California Press, 1993)

²¹ Ibid.

²² Painter. “The Lords of Lusignan.” Also, Painter. “Castellans of the Plain of Poitou in the Eleventh and Twelfth Centuries.” *Speculum*, Vol. 31. No. 2 (April, 1956). 243-257. www.jstor.org/stable/2849411.

²³ Beech. “The Contribution.”

well as the upheavals of the early Capetian rulers. This period is seen as giving rise to the power of lordships in the eleventh and twelfth centuries, a period whose study has also triggered the debate over “feudal revolution” among some historians.²⁴

In the study of the *Conventum*, the most important historiography has been set within the framework of the larger debate on feudalism. It has been addressed by Susan Reynolds through her in-depth research on the reinterpretation of feudalism, to evaluate the nature of lordship ; for the comprehensive research put together by Thomas N. Bisson for his argument on the sudden rise and profusion of lordships after c.1000, which he termed “feudal revolution,” and also to evaluate the rise of lordship, and the increase in arbitrary violence that characterized this lordship; through the arguments of George Beech and Stephen White on the character of the *Conventum*, and White on the nature, forms, and methods of dispute settlements in the medieval West-Frankish region; through the socio-political and legal arguments proposed by Jane Martindale in her comprehensive study of the text, and by Bernard S. Bachrach on the fortifications in the areas of Aquitaine and Anjou, as well as on his biography of Count Fulk Nerra of Anjou, the powerful political opponent of the Duke of Aquitaine.

Susan Reynolds found that the breakdown of central authority in post-Carolingian France made the old norms of administration more difficult to enforce. Disputes between

²⁴ Jane Martindale. *Status, Authority and Regional Power*. Susan Reynolds. *Fiefs and Vassals: Medieval Evidence Reinterpreted*. (New York: Oxford University Press Inc., 2001); Elizabeth A.R. Brown. “The Tyranny of a Construct: Feudalism and Historians of Medieval Europe,” in *Debating the Middle Ages: Issues and Readings*. Ed. Lester K. Little and Rosenwein. (MA: Blackwell Publishing, 1998), 148-169; T.N. Bisson. “The “Feudal Revolution.” *Past & Present*, No. 142 (Feb., 1994), 6-42. Oxford University Press. www.jstor.org/stable/651195, [accessed 27 August 2009]; Dominique Barthelemy and Stephen D. White. “The “Feudal Revolution.” *Past & Present*, No. 152 (Aug., 1996), 196-223. Oxford University Press. www.jstor.org/stable/651060, [accessed 3 September 2009].

feuding parties sometimes led to their settlement by violent conflicts (*guerra*), but more often settlement by a court or an assembly was the preferred method. In the case of the latter, the settlements now were “less rule-based and more a matter of inevitably vague and disputable custom” and depended on social rank.²⁵ While social rank had always mattered to the nobility, there was now little to oppose it. Thus, the settlement of disputes ultimately involved the struggle to gain or maintain status and, through it, power.

The disputes in the *Conventum*, for Reynolds, reads like a compilation of “catalogues of complaints against Duke [or Count] William V of Aquitaine.”²⁶ While this compilation still reflected some of the traditional norms based on Carolingian structure, that is, recognizing comital authority via “references to benefices,²⁷ fisci,²⁸ and *placita*,”²⁹ Hugh’s “determination to get what had been held by his father and uncle reflects even older values,”³⁰ of inheritances. For Reynolds, Hugh’s justifications, as set down in the *Conventum*, imply that prevailing custom “allowed recourse to self-help and war sooner than it would have done two hundred years before or two hundred years later.”³¹ Based on this interpretation, Hugh could claim to be “acting in self-defence and under provocation.”³² Reynolds also recognizes that Hugh must have held property independently of that which he

²⁵ Reynolds. *Fiefs and Vassals*. 125.

²⁶ Reynolds. *Fiefs*. 125.

²⁷ Latin *beneficium*. Land, and, or, property granted by a lord to his men in return for service, usually military aid and counsel.

²⁸ Latin *fiscus*. A term that could refer to royal estates as ‘fiscal land’s’ as well as the office which gathered revenue from various sources.

²⁹ Latin singular *placitum*. Term meaning public court hearing, and increasingly across many public hearings, as well as documentation of the case.

³⁰ Reynolds. *Fiefs*, 125.

³¹ Reynolds. *Fiefs*. 125.

³² *Ibid.*.

had received from William, but he “did not accuse the count of trying to take” away that property.³³ Furthermore, Hugh also recognized that he held certain properties only in part, which he agreed to surrender to the Count if necessary. This was the case with the fortress at Gencay (Vienne) which Hugh agreed he held in part (*una pars sit mea et alia tua*).³⁴ This practice of holding property in part was a direct result of the lack of inexhaustible supply of land that could be given in return for service. Hugh also recognized that he had obligations of military service to the Count, but the extent of those seems to have been also open to negotiation.³⁵

In the debate over feudalism, a study of the role of the castles and fortresses as portrayed in the *Conventum*, proves inconclusive as proof of its existence for Reynolds. Even though a count or a lord built more fortresses than he could look after himself, Reynolds felt that he was unlikely to “hand them over to castellans as full alods³⁶ or inheritances.”³⁷ It is also unclear what differences lay “between castles held as . . . fiefs,”³⁸ and those held by castellans, leaving the historians to infer different interpretations of the role of property in the eleventh century, and thereby elude fitting those interpretations into defined categories of the nature of feudal lordships or vassalage, as envisioned by historians of classical feudalism.³⁹ While the castellan hoped to pass on the properties and the responsibilities to his son, the rights of the castellan who built his own fortress on his own allodial lands would presumably

³³ Ibid.

³⁴ Jane Martindale. “*Conventum*”. VIIb 545. Also in Reynolds, *Fiefs*, 126.

³⁵ Reynolds, *Fiefs*. 126.

³⁶ Alternately, allod. Lands held with full proprietary rights.

³⁷ Reynolds, *Fiefs*. 170.

³⁸ Ibid.

³⁹ Ganshof. *Feudalism*. Trans. by Philip Grierson. Medieval Academy of America, (Toronto: Canada, University of Toronto Press, 1996).

have more weight and perhaps fewer obligations than a custodian of a castle that was “responsible to his lord for its safety.”⁴⁰ Thus, for Reynolds, no clear picture of the attributes of feudalism is to be found in the study of the *Conventum*.

In the case of Hugh of Lusignan and Count William of Aquitaine, historians are unsure as to who originally built the contested fortresses, or who originally owned the lands they were built upon, and the terms of their transfer, if any. Reynolds, however, agrees that “Whatever the rights and wrongs of Hugh of Lusignan’s grievances in the early eleventh century,” what comes through “is his belief that what his father or uncle had held should have come to him” and that the Count of Aquitaine “seems to have gone a part of the way to meet that claim.”⁴¹ If decent records of property holdings and transfers had existed, Reynolds believes, the disputes between the two would possibly have been different. The study of the *Conventum*, therefore, given the meager property records, allows the historian to try to understand the nature of inheritance practices as carried out by the lords, and as perceived by their dependents.

In the settlement of disputes, for Reynolds, the use of power by medieval rulers, “however arbitrary and violent,” was seen as having legitimate authority.⁴² In cases where authority was not readily accepted, it had to be backed by coercive power, and some who protested or rebelled were usually “crushed by force or the threat of force.” In such cases,

⁴⁰ Reynolds, *Fiefs*. 170.

⁴¹ Reynolds, *Fiefs*. 174

⁴² Susan Reynolds. “Secular Power and Authority in the Middle Ages.” *Power and Identity in the Middle Ages: Essays in memory of Rees Davies*. Eds. Huw Pryce and John Watts. (Oxford University Press, 2007), 11

“submission may have been to power rather than accepted authority.”⁴³ This conclusion can also be applied to the events described in the *Conventum*, as the Count promised Hugh certain properties and rewards for his service, promises that he was either unable to keep, or did not intend to keep. Hugh, however, continued to follow the Count’s wishes in the hopes of obtaining these rewards, until such time that he felt forced to repudiate his fidelity to the Count. Despite the instances showing the lord-dependent relationships, and the disputes concerning property in the form of fiefs, for Reynolds, this document does not change her position on feudalism as being a totally artificial construct, devised by seventeenth century lawyers.

The rise of these lordships and the use of violence to assert their authority and power, as well as forms of inheritance under these lords, in the eleventh and twelfth century is the focus of Bisson’s study.⁴⁴ In the tenth and eleventh centuries, new lordships multiplied, along with a growing population. These lordships “aimed at creating power over people as well as mobilizing wealth, whether by exploitation of beneficial tenures, or by the imposition of protective or judicial customs,” and often a “pretence to enhanced social status through command and constraint.”⁴⁵ Bisson calls the time period from 950 to 1150, with a proliferation of new lordships, “the age of lordship.”⁴⁶ However, Bisson seems to contradict himself when he writes about the practice of inheritance under Charles the Bald, as this

⁴³ Reynolds. “Secular Power.” 12.

⁴⁴ Thomas N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government*, (New Jersey: Princeton University Press, 2009)

⁴⁵ Bisson. *The Crisis*. 34.

⁴⁶ Bisson. *The Crisis*. 42.

practice seems to have been already put in place under the Carolingians and was not a unique feature of the rise of lordships after c. 1000.

In 877 Charles the Bald secured support for his final expedition by permitting the sons of counts and of royal vassals alike to succeed to their fathers' tenures, a regulation that effectually confused fiscal (public) and proprietary tenures. And when his son Louis the Stammerer then attempted to act on the old right to dispose of benefices, he was forced to desist by an uprising of magnates.⁴⁷

The magnates were, therefore, challenging the king's monopoly of granting or disposing land and property since they already saw their offices and benefits as hereditary. This practice, then, cannot be seen as a new characteristic that arose out of the breakdown of the Carolingian authority, but as one that had already laid down its roots under the Carolingians.

In the following generations, inheritance of counties and *honores* became the norm in many regions of the Frankish kingdom. *Honor* as a term came into use during the Carolingian period but was derived from its Late Antiquity usage. At first, it was a social rank associated with rights and a legal position for the king's official, and endowed with lands for his upkeep. By the tenth century, however, an *honor* commonly involved lands granted by a lord to his man.⁴⁸

Bisson asks two questions of the interpretation of this age in history which could also be asked of the documentation in the *Conventum*: "first, whether the violence of ambition and constraint so often found in written sources can be accepted as a plausible representation of 'what happened'; and second, whether evidence of 'violence' and 'disorder' in the tenth

⁴⁷ Bisson. *The Crisis*, 33-34.

⁴⁸ *Property and Power in the Early Middle Ages*. Eds. Wendy Davies and Paul Fouracre, (Cambridge, Great Britain: Cambridge University Press, 1995), 278.

and eleventh centuries points to disruptive historical change, or even to revolutionary change.”⁴⁹

Within the details of the *Conventum*, Bisson sees “an unpolitical mode of affective patrimonial power rooted in will instead of consensus” in William’s assertion to Hugh, “you are mine, to do my will”⁵⁰ (*meus tu es ad facere meam voluntatem*). Bisson uses this assertion as an example of coercive violence that increasingly accompanied the multiplication of lay lords, knights, and castles, a multiplication which he asserts characterizes this period. In the *Conventum*, Bisson sees “intriguing details of lordship, vassalage, infidelity, and violence,”⁵¹ and the sully of feudal relationships through the desire for more benefices and rewards. The *Conventum*, Bisson notes, affirms how a lesser lord, Hugh, was no longer “content with fidelity of submission that left the count free to alter agreements bearing on Hugh’s interest without consulting him.”⁵² Hugh’s reciprocation of the same kind of behavior leads to “vengeful seizures and devastations”⁵³ by Count William. Bisson believes that at this time public order had disintegrated, leaving behind “the tenacious recognition that complaints should be pleaded openly and procedurally.”⁵⁴ This procedure of making a plea, though ambiguous at first, I believe to be evident in the *Conventum*. The outcome of such a plea (*placitum*), however, was not based on any set laws but depended

⁴⁹ Bisson. *The Crisis*, 44.

⁵⁰ Bisson. *The Crisis*, 47.

⁵¹ Bisson. *The Crisis*, 52.

⁵² Bisson. *The Crisis*, 52.

⁵³ Bisson. *The Crisis*, 52.

⁵⁴ Bisson. *The Crisis*, 54.

largely upon the judges who were usually the peers of one of the parties involved, and usually had a stake in the outcome.

While Bisson draws upon the text of the *Conventum* to show the breakdown of public order and the rise of lordship after c. 1000, both White and Beech draw upon the text to compare its language and the language used by Fulbert of Chartres in his letter to Duke William⁵⁵, to show its similarities with the language used in charters belonging to the late ninth and early tenth centuries. White finds that the language used to swear the oaths of fidelity and the customary laws prevalent under the Carolingians did not undergo any drastic changes in the eleventh century. In this conclusion, White does not see the drastic change of a ‘feudal revolution’ as proposed by Bisson.⁵⁶ However, most of the relevant charters denoting oaths that White mentions are charters between a king and his lords, rather than between lords. By the eleventh century, there was an increase in castle-building with castellans in charge of the fortifications, and the *Conventum*, as well as the history of the counties in the later centuries, shows the rise and expansion of the power and status of the lords who started as castellans. They swore oaths of fidelity to the magnate in their region, and often to multiple lords, causing complications in the dispute settlements between these lords, as each strove to shift the balance of power in his favor.

Stephen White also questions the nature of the text of the *Conventum*, as well as the extent to which it can be regarded as having any objective or documentary character.

⁵⁵ *The Letters and Poems of Fulbert of Chartres*. Edited and translated by Frederick Behrends. (Oxford: The Clarendon Press, 1976). Ltr.51. 90-93.

⁵⁶ Stephen D. White. “A Crisis of Fidelity in c. 1000?” *Re-thinking Kinship and Feudalism in Early Medieval Europe*. Variorum Collected Studies Series. (Hampshire, Aldershot, Great Britain: Ashgate Publishing Limited., 2005), XII, 1-24.

Considering the text's one-sided presentation of events, White questions how Hugh could succeed in constructing a narrative which portrays William, his lord, as a villain, through his unjust treatment of Hugh. Studying the text, White concluded that the text is a carefully constructed document, a "rhetorical strategy" to dishonor Duke William by portraying him as the evil lord, and Hugh as the good vassal, in the manner of some of the epics of the twelfth century.⁵⁷ Although White provides this proposal as a reason the *Conventum* was written, he has, nevertheless, also studied the document to try and discern forms of dispute settlements,⁵⁸ of gift-exchange,⁵⁹ and of inheritance patterns.⁶⁰ White's conclusion is that there were "no set codes or rules to settle the disputes," but their outcome depended largely on the party that had the power to assert themselves, either directly or indirectly, and in the last instance by the use of violence.⁶¹

The remarkably repetitive style and content of the *Conventum*, for White, presents a lot of the traits of the oral juridical tradition. By using the same words and the same formulas in a repetitive manner, Hugh is shown repeating the same actions many times, giving those numerous repetitions different functions. For example, by starting and closing similar scenes the same way, certain formulas guarantee the continuity of the narrative, which is essential

⁵⁷ Stephen D. White, "Strategie Rhetorique dans la *Conventio* de Hugues de Lusignan," in *Re-thinking Kinship and Feudalism in Early Medieval Europe*. Variorum Collected Series, (Burlington, VT: Ashgate Publishing, 2005) 147-157. With grateful thanks to Dr. Pierre-Louis for his translation into English.

⁵⁸ Stephen D. White. "*Pactum . . . Legem Vincit et Amor Judicium*: The Settlement of disputes by compromise in eleventh-century western France." *Feuding and Peace-making in Eleventh-Century France*. Variorum Collected Studies Series. (Burlington, VT: Ashgate Publishing Company, 2005).

⁵⁹ Stephen D. White. "The Discourse of Inheritance in Twelfth-Century France: alternative models of the fief in 'Raoul de Cambrai.'" *Re-thinking Kinship and Feudalism in Early Medieval Europe*. Variorum Collected Studies Series. (Burlington, VT: Ashgate Publishing Company, 2005), 173-197

⁶⁰ Ibid.

⁶¹ Stephen D. White. "Inheritances and Legal Arguments in Western France, 1050-1150." *Feuding and Peace-making in Eleventh-Century France*. Variorum Collected Studies Series. (Burlington, VT: Ashgate Publishing Company, 2000).

for the oral discourse. Six encounters between Hugh and William start by a formula stressing that one walked to the other and spoke, giving the listener a visual action. Another formula presents specifically the frame of mind of the interlocutors as they part. A third one describes precisely the emotional reaction of a protagonist to the words that he just heard.⁶² This, White ascertains, creates the visual narration for the listener, if indeed the text was meant to be read aloud in the form of an epic. White believes that it is through the clever use of this “rhetorical strategy” that the scribe was able to convince his audience, about whom one can only speculate, of Hugh’s rights, and portray the Count as the bad lord.

In its form as a narrative, the *Conventum* portrays the idea of the Count as the “evil lord” as the counterpart to the archetypal evil lord of the vernacular epics and, for White, it could be regarded as the forerunner to the epics which White compares in his article. White also compares the language used in the *Conventum* with the language used in the epics of *Charroi of Nimes* and *Raoul de Cambrai*. He justifies his theories based on the usage of language depicting certain events, as well as the juxtaposition of words, within each of the texts.⁶³ However, I find this comparison does not make a valid case for considering the *Conventum* in the same terms. These texts belong to a later period, the twelfth and the thirteenth centuries; they were definitely fictional in nature; they contained powerful kingly figures that fought against the Saracens; and, *Raoul de Cambrai*, as portrayed in White’s interpretation, contained the complications of royal kinship within its tangled relationships.

⁶² Stephen D. White. “Strategie” 147-157.

⁶³ Stephen D. White. “The Discourse of Inheritance”. 173-197

Although I do not see the *Conventum* as a literary fiction, I believe that these other fictional texts nevertheless are of importance as they provide medieval images of the period in question. They also primarily deal with the question of inheritances and the tactics used by lords, to maneuver for time by promising different vassals (although Hugh is never referred to as such in the text) fiefs the lords never really had to give to begin with, and were fully aware that they had limited land resources to gift for services or alliances of mutual aid. Hugh must have also been acutely aware of this tactic, giving him all the more reason to have his grievances, efforts, and final outcome, documented in writing. Thus, the text provides the framework for the interpretation of events textualized therein, while at the same time allowing Hugh to protest his lord's bad behavior while justifying his own.

In almost the same manner as White, George Beech decided to study the text in "the way the scribe presented it and laid it out on the page, punctuated it, and invested it with a number of so-called visual clues."⁶⁴ Beech's view is that the document is a "kind of literary text and possibly a prose precursor of the earliest epics,"⁶⁵ while acknowledging that lack of comparable material makes his view highly speculative. However, in a later article that shows Beech's reassessment of the *Conventum* within the framework of the characteristics of feudal relationships, he maintains that "the customs commonly thought to regulate the lord/dependent relationship, fidelity, service, aids, etc., had little relevance to concrete situations in daily life."⁶⁶ I also disagree with Beech's implication that each event should be

⁶⁴ Beech. "The Contribution of Diplomats." 61.

⁶⁵ Beech. "The Contribution of Diplomats." 62-3.

⁶⁶ George T. Beech. "The lord/dependent (vassal) relationship: a case study from Aquitaine c.1030." *Journal of medieval History*, Vol.24, No.11-30. 1998,.1

viewed separately. Instead, they should be viewed as events connected to each other, propelling the narrative forward to the conclusion of the *Conventum*. Further, Beech believes that Hugh and the Count, in order “to avoid anarchy . . . did not rely just on custom, but negotiated agreements or settlements for each issue as it arose,” and “sought to control lawlessness through the giving of pledges.”⁶⁷ While I agree that both contenders sought to renegotiate agreements “as [they] arose,” I do not agree that it was to avoid discord and violence, but rather that violence, actually carried out or the threat thereof was used as a potential or decisive mechanism, as a part of the legitimate process that led to the negotiations.

In her study of the negotiations within the *Conventum*, Jane Martindale has also studied the document in the traditional manner, that is, in attempting to identify feudal and legal values of early eleventh-century Aquitaine. Within the study of legal values inherent in the text, she also disagrees, as do I, with Bisson and his perception that the complaints in the *Conventum* were not pleaded openly. In her thorough study of the *Conventum*, based on the use of terms that could possibly be seen as events occurring in legal settings and the desire of Hugh to obtain a “good plea” (*placitum bonum. . . fac mihi habere*), she also affirms that the narrative shows Hugh expressing doubts over whether he could trust William to fulfill his assurances and promises.⁶⁸ This trust is especially important as the lord-vassal relationship could only flourish based on the oath sworn to serve each other with obligations of mutual trust, aid, and counsel, all bound together by loyalty.

⁶⁷ Beech. “The lord/dependent,” 28.

⁶⁸ Martindale. “*Conventum*,” 544-544a.

The first study that Martindale undertook of the *Conventum* was in 1969. The purpose of the study at the time was to get “information . . . about the activity of a group of powerful laymen during the early decades of the eleventh century,”⁶⁹ and to understand how “secular politics were conducted in Poitou and its surrounding regions.”⁷⁰ The document is seen as a narrative which provides a multitude of information on many levels that are of interest to historians who study the period in the West Frankish lands. Thus, Martindale acknowledges that she and other historians have studied the narrative for “valuable genealogical material and information about the origins of Poitevin *chatellenies*,”⁷¹ the development of feudal customs in the region, the “conditions . . . governing the relationship between lord and vassal during a time when the vassal was struggling to establish an unassailable hereditary right to his *honour*, and when the lord was trying to perpetuate arbitrary authority over all his vassal’s activities.”⁷²

While all historians agree that the narrative is one-sided, providing only Hugh’s viewpoint, the document nevertheless provides information about various services that a lord could demand from his man, services that were as yet undefined and open to negotiation. This narration, juxtaposed with the letter of Bishop Fulbert of Chartres, outlining the duties of the vassal and the expectations of the lord, provides the realistic view of the relationship against the idealistic, ecclesiastical vision of this bond in the early decades of the eleventh

⁶⁹ Martindale, Jane. “An Introduction to the *Conventum inter Guillelmum Aquitanoum comitem et Hugonem Chiliarchum*, 1969.” *Status, Authority and Regional Power*. Variorum Collected Series. (Norfolk, Great Britain: Ashgate publishing limited.,1997). VIIa, 1.

⁷⁰ Martindale. “An Introduction.” 1-2.

⁷¹ Martindale. “*Conventum*.” VIIb, 528.

⁷² Martindale. “*Conventum*.” VIIb, 529.

century. Also, as Martindale points out, “since there do not seem to be any internal discrepancies which make the narrative untrustworthy, this establishes its general value for the historian,” even while acknowledging that it provides a “biased version of the course of events,”⁷³ being a one-sided narrative in favor of Hugh de Lusignan.

While the document itself is presented as “the record of an oral agreement whose elaborate narrative is a necessary prelude to the account of the final settlement made between the count and Hugh,”⁷⁴ Martindale argues that the document does not conform to the models of any literary text or diplomatic forms for the region at that time. This makes it difficult to compare it with any similar text to understand the character of the document. However, Martindale is surprised at the portrayal of Count William as exercising his authority in an arbitrary fashion, but concludes that comital authority at the time hinged on the “control or possession” of castles, fully or in part, as well as for increases in landed resources.⁷⁵

In her 1997 book of collected essays on the ninth to twelfth-century Aquitaine and France, Martindale found it necessary to add a postscript to her previous essay on the *Conventum*. While it does not repudiate her analysis of the *Conventum* in the earlier essay, it provides corrections to some of the assertions made by other historians as to the purpose of the narrative. Thus, Martindale does not believe that the narrative is a literary invention or a work of fiction, as proposed by White or Beech,⁷⁶ since most of the characters in the account

⁷³ Martindale. “*Conventum*.” VIIb, 529-31. Also, footnote 3.

⁷⁴ Martindale. “*Conventum*.” VIIb, 532.

⁷⁵ Martindale. “*Conventum*.” VIIb, 535.

⁷⁶ White “Strategie;” Beech, “Diplomatics;” Beech, “Lord/Dependent”

of events “were figures of political and social importance”⁷⁷ in this period. However, in light of the extensive study put together by Susan Reynolds on the idea and terminology of feudalism as being principally a post-medieval concept,⁷⁸ Martindale found the need to revise some of her assumptions of the same.

Since she first wrote her article in 1969, many historians have approached the *Conventum* from different angles, some of which have been mentioned above. This multiplicity has led Martindale to explore the narrative in a form different from her previous study. The emphasis in the “Postscript” is largely on the linguistic aspect of the document, the vernacular aspect of the written form, and what it says about the use of the written and spoken Latin of the time and the development of the regional language. The emphasis is also on what the language used in the narrative says about the judicial traditions in the area, the composition and workings of the count’s courts, and the underlying idea of the customs of the secular court. However, after studying the document for all the above-mentioned themes, Martindale makes this statement about the *Conventum*: “Its purpose thus remains mysterious.”⁷⁹

I will, therefore, address the purpose through the textualization of the *Conventum*. As already mentioned, I will show the *Conventum* to be a document giving Hugh’s claims and the agreement he reached with Count William to achieve legal validity. I do this by first discussing the importance of land in the early eleventh century, the ways that land could be

⁷⁷ Martindale, Jane . “The *Conventum*: A Postscript.” *Status, Authority and Regional Power*. Variorum Collected Series. (Norfolk, Great Britain: Ashgate publishing limited, 1997). VIII, 2

⁷⁸ Reynolds. *Fiefs*. Also footnoted in “The *Conventum*,” VIII,.3,

⁷⁹ Martindale. “The *Conventum*: A Postscript.” VIII .22.

acquired at the time, its role in creating and maintaining relationships, and land as a medium for the building of a historical identity of a family. The dispute settlements portrayed in the *Conventum* around land will also be discussed, as will the role of violence in the negotiations centering on land disputes. In the next chapter, I discuss the geo-politics of Aquitaine and Anjou and the implications of the growing power of the Count of Anjou and his policies of expansion within the region. These policies necessitate the discussion of inheritance practices followed by the Count and the inability of the Count of Aquitaine to provide a check to Anjou's ambitions. Further, the independent power of Hugh will be discussed within the settings of his lands in Lusignan, as well as the role of allodial lands which also helped create and maintain relationships by the very nature of their being free lands. Lastly, the importance of textualization is discussed at length in the chapter entitled "From Oral to Written." The importance of the written word is examined with its historical significance under the Carolingians and onto the eleventh century, as is the importance of textualization in a largely oral culture, following the "weak thesis" proposal of Brian Stock, whereby changes in documentation structures denote changes in society for a culture that is already pre-literate. Then I discuss the similar texts found in the Catalonian region and termed *convenientiae* as they are documents of agreements and settlements reached on a variety of issues and presented with great detail in their texts. I discuss the similarities and the dissimilarities between these texts, and provide possible links and connections between the *convenientia* and the *Conventum*. Next, I will discuss the uses of terms having legal connotations, for example, *placitum*, *litigation*, and *contentio*, and their role in customary tradition, and their

role in negotiations and solving disputes. Finally, recognizing that the oath of fidelity plays a central role in the conduct of the lords towards each other, oath characteristics are also examined especially based upon the explanation provided by Bishop Fulbert of Chartres in his famous letter to Count William. Also examined are the implications of oaths for the larger debate on feudalism. Through these steps I will show that the events portrayed within the *Conventum* and taken as a whole provide the historian with a legal document whose textualization is the very essence of its legal validity.

CHAPTER I: Land is power, Land is Wealth

I had the fortune in that battle, by my bright sword,
To make return to Hygelac for the treasures he had given me.
He had granted me land, land to enjoy
And leave to my heirs.¹

Thus Beowulf rejoiced in receiving land from his lord, in an epic poem said to have been written sometime between the eighth and eleventh century, but perhaps composed much earlier. As Beowulf tells us, the land was given to him not only to enjoy for a limited time, but to be able to leave to his heirs. Just as with Hugh of Lusignan, it became every knight's desire to be rewarded for service by his lord, preferably by the grant of land, or at least, by a good marriage with a suitable heiress who would provide the land as part of her marriage portion.

Indeed, a hundred and fifty years after the period of the *Conventum*, William Marshal (c.1144?-1219), the most chivalrous knight of the English court of the time, at nearly fifty years of age, was bemoaning the fact that he was still a poor man. Certainly, upon his return from the Crusades in 1187, his master, the king, had granted him a modest fief of thirty-two *livres* annually, but the real reason for his poverty, he told his biographer, lay in his still being a bachelor. What he needed from the king of England was "a wife who might be a rich heiress."² Four years previously, he had rejected the daughter of Roger Bethune who would have "brought to the marriage only an income and not the land along with the seigneurial

¹ I found this used in Robert Bartlett's *The Making of Europe*. Princeton, (New Jersey: Princeton University Press), 45. My quote is taken from *Beowulf*. Trans. Michael Alexander. (Middlesex: Penguin Books, 1973), lines 2490-93, 129.

² Georges Duby, *William Marshal: The Flower of Chivalry*. Translated by Richard Howard. (New York: Pantheon Books, 1985). 119-20.

powers he dreamed of.”³ Two years later he had his wish, for he received a wealthy heiress worth “sixty-five- and- a-half fiefs,”⁴ making him the earl of Pembroke, one of the wealthiest men owning lands in England and Ireland. At this time, land was scarcer than in Hugh’s time; for land is a non-reproducing commodity, and both Hugh and William Marshal could have only obtained it as a gift, an inheritance, or as a dowry.

So, why did the acquisition of land play such an important role in medieval society? Land provided wealth, status, power and additionally, was instrumental in forming an identity for the family that could look back and trace the owners or tenants of property as related by blood, and who could be identified as father, grandfather, uncle, or kin; “land [therefore] not only formed the basis of a family’s wealth and power,” it was also “the means by which a family knew itself in historical perspective.”⁵ Thus memory becomes not just an act of personal recollection but rather “a social commemoration” whereby “information is transmitted over time and space.”⁶ Already in the ninth century (841-843), the famous manual of the noblewoman Dhuoda instructed her eldest son William to pray for his father’s relatives who had “bequeathed him their possessions in lawful inheritance,” and had provided him a list of their names, “written down in the chapters towards the end of [the]

³Ibid.

⁴ Duby. *William Marshal*, 121.

⁵ Patrick J Geary. “Land, Language and Memory in Europe 700-1100.” *Transactions of the Royal Historical Society*, Sixth Series, Vol. 9 (1999): 170-1. <http://www.jstor.org/stable/3679398> [accessed July 11, 2009]

⁶ Matthew Innes, “Keeping it in the Family: Women and Aristocratic Memory, 700-1200.” *Medieval Memories: Men, Women and the Past, 700-1300*. Ed. Elisabeth van Houts. (England: Pearson Education Ltd., 2001), 17.

little book.”⁷ Here, the importance of ancestors and their role in transmission of inheritances is already evident in Dhuoda’s creation of this memory through her written instructions, as is the reciprocal gift of prayers for these ancestors.⁸ Further, Dhuoda instructed William to pray for his deceased paternal uncle, Theodoric. William, when he entered the king’s service had received this uncle’s lands as *honores*, to be held of the king.⁹ Thus, here we also have an example of non-allodial lands, transmitted through inheritance from one’s ancestors, and a tradition that was already becoming anchored in custom. Land, therefore, was useful in creating a memory of the past, and textualization of the ownership or occupancy of land also provided knowledge for the future. Textualization, however, also meant that the composition of the text and the word-choice would be carefully chosen to portray what the author intended.

Land and its inheritance is the main focus of disputes in the *Conventum*. I use the term land interchangeably with property, for the term land entailed the land with all the buildings upon it, as well as all who dwelt upon that land, man and beast. Hugh of Lusignan was an ambitious man who strove to acquire more land; for land brought wealth, wealth brought armed men who allowed for the possibility to acquire more land, and through land and wealth, gain power and status. Armed men were then necessary to defend this wealth; and in a world where the usage of coins was relatively uncommon or impractical, as Marc Bloch has argued, these men who formed the lord’s retinue, could only be maintained by the

⁷Innes. “Keeping,” pp. 18-9. William was at the court of Charles the Bald with his father Bernard of Septemania, the most powerful lord in Europe, and seen by the king as a political threat for he had interests in the areas of Southern France and the Spanish March.

⁸ Also pointed out by Innes, “Keeping,” 19.

⁹ Innes. “Keeping,” 20.

lord in two ways: “one was to take the [men] into one’s household, to feed and clothe [them],” known as prebend, or “to grant [them] in return for [their] services an estate which, if exploited directly or in the form of dues levied on the cultivators of the soil would enable [them] to provide for [themselves].”¹⁰ This pattern was seen among all levels of most noble societies, whether princes or dukes, counts, viscounts, or castellans, and especially in the region under discussion.

The strongholds and castles that are claimed by Hugh in the *Conventum* lay largely along the southeastern border of Aquitaine, but also in territories held of Count William by the Counts of Anjou and of Angouleme. Hugh sought to gain control over these lands and thereby to increase his administrative, military, and economic base. However, while Hugh only asked for lands he believed were rightfully his, he was prepared to accept the one or the other fief, and even a marriage alliance if it came with lands. Thus, I maintain that the textualization of Hugh’s claims to lands also tells a different story, one that reveals Hugh manipulation of the one or the other lord in order to receive some property, not necessarily belonging to his ancestors; that claims and disputes centering on land also caused tension within the social order, is also evident from the text; and that not just the negotiations, but feuds and conflicts with its accompanying violence were all modes of processes that medieval people sought in order to diffuse these tensions.

The events described in the *Conventum*, which are completely one-sided in Hugh’s favor, take place in western France, south of the Loire River in the Gâtine of Poitou, within

¹⁰ Marc Bloch, *Feudal Society*. Translated by L.A. Manyon. v.1.(Chicago: The University of Chicago Press,1961), 68.

the duchy of Aquitaine.¹¹ The narrative starts with the promise made by the Count to give Hugh the *honor* of viscount Boso upon his death. This agreement was witnessed by Bishop Roho, the Bishop of Angouleme, who kissed the Count's arm to seal the agreement. However, the viscount of Thouars took this land away and the Count did not seem to have intervened in any way. Next, the Count promised Hugh the *honor* and the wife of the lately deceased Joscelin of Parthenay, and indeed, according to the text, demanded that Hugh accept this offer. However the writer of the text insisted that Hugh did not specifically ask for these lands or the widow, but decided to accept the Count's proposal. When this too came to naught, Hugh went behind William's back and negotiated with Thouars for a marriage alliance with his daughter, with the implication of land involved in the alliance. While Hugh must have married her at some point, as she is mentioned under siege by his foe, Bernard of La Marche, Hugh does not seem to have profited much by this marriage alliance, for her brother is mentioned in the text as carrying on a feud with Hugh. What Hugh did claim from Count William were the lands of Vivonne, Civray, and Chize, but a reading of the *Conventum* shows that he was prepared to receive any acceptable property that William would give him as a fief

The giving of fiefs as a form of gift-giving is also under discussion in the *Conventum*. A gift is something that is presumably given openly, freely, and without expectations. However, giving a gift, under a system of obligation and mutual dependency, elicits a response of exchange for the gift, thereby creating a social custom of gift-exchange. Since "the reciprocity of the gift is an essential element of this exchange," the exchange, as a

¹¹ Martindale, "*Conventum*." The whole and complete paragraph has been summarized from this text.

transaction “create[s], maintain[s], or restore[s] relations between individuals or groups of people,” and it also implies a commitment and an obligation, both to “accept the gift” and also to reciprocate with a counter-gift.¹² In these cases of gift-giving, counter gifts were in the form of service for lands.

The importance of the gift-exchange, thus, lay in its “crucial role” as a medium of consolidation and continuation of the relations established by the gift-giving. It also meant that gift-giving was “not restricted to one occasion, but rather an episode in a continuous social relationship.” Among the gifts that comprised giving in the medieval period were “landed property, money, objects, prayers, services, and even human beings like brides and oblates.”¹³ These gifts “contributed [to the] process of social integration and to the building of power and lordship.” Also, the highly “ceremonial and public” nature of gift-giving bestowed upon the donor as well as the donee, “social prestige, which could be transformed into power and political gain.”¹⁴ It is this form of gift-giving that is under consideration here; to see how it was politically and socially structured, whether Hugh was justified in believing he deserved these gifts, and how the disputes around the giving of fiefs inherent in the *Conventum* fit into the customary tradition of the obligations of giving, and in the reciprocity of exchange.

Starting with the Merovingians, and especially under the Carolingians, land brought “wealth and clients,” both military and political, and with it “access to the spoils of public

¹² Bijsterveld, Arnoud-Jan. “The Medieval Gift as Agent of Social Bonding and Political Power: A Comparative Approach.” *Medieval Transformations : Texts, Power, and Gifts in Context*. Ed. E. Cohen and M.B. de Jong. (Leiden: Koninklijke Brill NV, 2000), 124.

¹³ Ibid.

¹⁴ Bijsterveld. “The Medieval Gift,” 124-5.

office where power really lay.”¹⁵ Sometime in the eighth century, the “author of the ‘Life of St. Landiberti’ emphasized the power of a dangerous enemy thus: ‘Dodo was the *domesticus* (leading administrator) of Prince Pippin, and he had many estates (*possessiones*) and many armed men (*pueri* –literally, boys) in his following.’” Already, the author had discerned that power was to be found “in a combination of office and property”¹⁶ Even under the Carolingians, power was found “in the hands of the local landholders,” so the weakening of central authority in the tenth century “made little difference”¹⁷ to the administrative structure that had developed in the region, arguing for continuity rather than a radical change in the eleventh century. This power allowed men “bargaining rights over their weak neighbours,”¹⁸ and the power to achieve social standing. Having achieved a certain social standing meant that one could then strive for upward mobility within the nobility.

Thus, social status was of extreme importance in the “aggressively competitive” society of the time, as was the protection of that social status. Through the honoring of one’s “social and religious obligations” and “through dealings with others,” men were able to create an environment that converted their wealth and status into power.¹⁹ “Generosity, sumptuous display, the provision of patronage and the furnishing of aid were all ways of expressing status, and they all required wealth.”²⁰ Further, this “conversion of property into power” meant that wealth also had to flow from the lord to his followers, creating a

¹⁵ Wickham, Chris. “Property, Ownership and Signorial Power in Twelfth-Century Tuscany,” in *Property and Power in the Early Middle Ages*. Eds. Wendy Davies and Paul Fouracre, (Cambridge: Cambridge University Press, 1995), 243.

¹⁶ Wickham. “Property, Ownership,” 245.

¹⁷ Wickham. “Property, Ownership,” 247.

¹⁸ Wickham. “Property, Ownership,” 243.

¹⁹ Wickham. “Property, Ownershi,,” 269.

²⁰ Ibid.

competition for men to serve their lord, and conversely, putting social pressure on the lord to increase his power.²¹ One way to increase wealth and status was through service to a powerful lord and this demand seems to have “outstripped opportunity,” helping to multiply newly independent lordships and their ability to recruit men from the lesser nobility.²²

Land or property can also function as a “medium through which relations of friendship, kinship and enmity . . . of patronage and deference, [found] public and often highly ritualized expression,” especially “at those points [where] rights in it [were] being granted away or modified.”²³ Barbara Rosenwein and Stephen White have both shown how donations to Cluny and other monasteries “created a permanent relationship between institutions and the donors, one which could be reaffirmed or renewed in subsequent generations.”²⁴ This happened even when the original donors’ kin challenged gifts made by their ancestors. The same pattern seems to have also been followed in the gift of land and the giving of fiefs.

This then was Hugh’s world. He needed land to settle armed men who would help him legitimize and expand his power base. Hugh cleverly only asked Count William for land that had belonged to his kin and which, therefore, he believed he had the right to possess. Could he have known that, in most cases, the Count may not have been in a position to give

²¹ Ibid.

²² Wickham. “Property, Ownership,” 270.

²³ Timothy Reuter, “Property Transactions and Social Relations Between Rulers, Bishops and Nobles in Early Eleventh-Century Saxony: the evidence of the *Vita Meinweri*,” in *Property and Power in the Early Middle Ages*. Eds. Wendy Davies and Paul Fouracre. (Cambridge: Cambridge University Press, 1995), 172.

²⁴ Reuter. “Property Transactions.” 172; Barbara Rosenwein. *Rhinoceros Bound: The Abbey of Cluny in the Tenth Century*. (Philadelphia: University of Pennsylvania, 1982); Stephen White. *Custom, Kinship, and Gifts to Saints: The Laudatio Parentum in Western France, 1050-1150*. (Chapel Hill: University of North Carolina Press, 1988)

those properties to him since there would have been other claimants as well? Most certainly, for it seems to have been the practice of the lords to keep their men tied to their services by means of exactly such promises as portrayed in the images of literary epics. The Count did promise him other properties in lieu of the ones Hugh claimed, but never really kept that promise. The Count was also intent on keeping the balance of power in his own favor, by playing off his vassals against each other, and against the encroaching power of Count Fulk of Anjou. The text of the *Conventum* starts with the Count promising Hugh a good marriage with the widow of Joscelin of Parthenay, an alliance which would have included those lands as well. This was yet another empty promise, one of many that are mentioned in the *Conventum*. So Hugh went behind the Count's back and tried to negotiate with Viscount Radulf of Thouars for a marriage alliance with his daughter, while still demanding fiefs from William.

In his study of the nature of fief-giving, Stephen White has constructed two models, good-fief-giving, and bad-fief-giving, which he has based on cultural and political notions of exchange.²⁵ First, I will give a brief synopsis of the historiographical data on fief-giving. Then, based on White's study, I will describe the two forms of fief-giving before examining how the *Conventum* fits into either model. From there, I will move on to discuss the dispute settlements found in the text with a special focus on the role and use of violence as a legitimate form of dispute settlement. In doing so, I place myself against Bisson's argument

²⁵ Stephen D. White, "Service for Fiefs or Fiefs for Service: The Politics of Reciprocity." in *Rethinking Kinship and Feudalism in Early Medieval Europe*. Variorum, (Hampshire, UK.: Ashgate Publishing Limited, 2005)

for a crisis in fidelity around c.1000, a crisis that Bisson sees as being characterized by arbitrary violence emanating from the lords and castellans.²⁶

Classical feudalism has been defined by Ganshof as “the legal union between vassalage and fief.”²⁷ Before this period, the gift of a fief was “a discretionary reward given by a lord to his man” for his past services performed out of love and loyalty for his lord.²⁸ In classical feudalism, largely between the tenth and thirteenth centuries, service, mostly in the form of military service, was often rendered in return for a fief. Other historians, like Le Goff, saw in the reciprocity model, a contract of vassalage, whereby the relationship between a lord and his man was inducted rather than continued: “Finally, the ritual of entry into vassalage concludes with the investiture of the fief.”²⁹ While the lord gave the fief voluntarily and the vassal was free to accept the gift, implicit in this transaction was an expectation of service, by the man. For Duby, who calls the medieval organization of land ownership and production a “manorial system” instead of feudalism, the giving of fiefs disrupted the relationship between the lords and their men, “threatening to dispossess their masters altogether.”³⁰

In this continuing debate on fief-giving, lordships, and vassals, Thomas Bisson has added in a new dimension he calls “The ‘Feudal Revolution.’”³¹ Based on the changes that he

²⁶ Bisson, Thomas N. “The ‘Feudal Revolution.’” *Past & Present*, No. 142 (Feb., 1994), pp. 6-42. <http://www.jstor.org/stable/651195>. [accessed August 27, 2009]

²⁷ Ganshof, *Feudalism*. 40-3.

²⁸ Ganshof, *Feudalism*. 24; White. “Service for Fiefs.” 64

²⁹ Jacques Le Goff, *Time, Work, and Culture in the Middle Ages*. Trans. Arthur Goldhammer. (Chicago: The University of Chicago Press, 1977), 244; White, “Service for Fiefs.” 65.

³⁰ Georges Duby. *Rural Economy and Country Life in the Medieval West*. Trans. Cynthia Postan. (Philadelphia: University of Pennsylvania Press, 1998), 34, 230; White “Service for Fiefs,” 68.

³¹ Bisson, “The ‘Feudal Revolution.’”

saw emerging around the year 1000, changes he calls “The crises of the millennium,” Bisson believes that the authority of the government dissolved around this time, giving rise to local power brought on by a “multiplication of fighting men,” a proliferation of castles with “harsh new lordships of command based in [those] castles,” and a new kind of violence where “the habitual resort to brute force [was] an order of power in its own right.” Bisson’s assumption is that while the use of violence “was frequent, continuous and by no means new,” a new lesson was learned during the Viking and Magyar invasions: “If aliens, even unhorsed, could plunder harvest piles or monastic treasures, so could penurious vassals or mounted servants in a magnate’s household.” Bisson, thus, believes that knights learned their violent, appropriative behavior from their lords, seen in examples where “in c.945, King Louis IV’s Norman allies [attacked] Duke Hugh in Vermandois, ravaging crops, seizing or burning vills, [and] violating churches.”³²

Therefore, readings like that of the *Conventum*, juxtaposed with the reading of Fulbert of Chartres letter to Count William, for Bisson, “point to a crisis of fidelity.”³³ From such readings, Bisson sees “how benefices and rewards were muddying the waters of good faith,”³⁴ and places stress on “the violence of castellans and knights” as a “method of lordship.”³⁵ In these new lordships, Bisson sees the “unpolitical mode of affective patrimonial power rooted in will instead of consensus,” in that famous statement “You are mine to do my will (*meus tu es ad facere meam voluntatem*)” which Count William is “said

³² Bisson. “The ‘Feudal Revolution,’” 13.

³³ Bisson. “The ‘Feudal Revolution,’” 27.

³⁴ Bisson. “The ‘Feudal Revolution,’” 26.

³⁵ Bisson. “The ‘Feudal Revolution,’” 18.

to have declared” to Hugh of Lusignan. Thus, for Bisson, the crisis of c.1000 is to be recognized in “the characteristic violence of lay seigneurial power,” where the “typical struggle” lay between the “opposing . . . levels of . . . seigneurial elites,” and not between lords and peasants.³⁶ In my discussion of the dispute settlement as processed by Hugh in the text of the *Conventum*, I will address this use of violence within the frame of customary legal tradition, rather than as an institutionalized administrative form, rendering the use of violence a legal method used in the process of negotiations and dispute settlements.

Since the demands of Hugh Lusignan were for land, either in the form of a good marriage or in the form of fiefs, we must first discuss the forms of fief-giving and see why Hugh felt justified in his demands. For this purpose, I will discuss the two forms of fief-giving proposed by White. He used what he calls “medieval images of imaginary fief-giving” found in the twelfth-century Old French literature, as a starting point for his study,³⁷ as well as “didactic works” and other ‘texts generally considered to be records of practice.’³⁸ With this study, he hopes to “construct a cultural model of fief-giving,” as well as “a simplified model of aristocratic political patronage.”³⁹ While I have made the assertion earlier that the themes of the epics of later eleventh- and twelfth century are different from that of the *Conventum*, the historian would still be ill-advised to discard or disregard the medieval images found in these texts. In this case, they provide a glimpse into the practices of the fief-

³⁶ Bisson. “The ‘Feudal Revolution,’” 40.

³⁷ White. “Service for Fiefs,” 69.

³⁸ White. “Service for Fiefs,” 70.

³⁹ Ibid.

giving processes as understood by contemporary society and could be used to affirm or negate that which is provided by other historical texts.

White's models show that good-fief-giving, akin to good gifts, "are generous rewards for having served and honored a lord."⁴⁰ These gifts brought honor to both the lord and the man. Their underlying purpose was to put the man in the lord's debt and oblige him to continue to reciprocate in the future with service. Gifts of fiefs were deemed bad "when they were given to servile underlings in return for precisely defined future service."⁴¹ This opened the fief-giving to "condemnation as a shameful act," by becoming a solely "instrumental function of buying service for the lord [and] was openly acknowledged by the parties themselves."⁴² I interpret this as a sign that true gift-giving had been corrupted, in that it became a sign of contractual transaction rather than an honor, which in itself changed the nature of the gift into a non-gift. Thus, the good gift fits into the cultural model, and the contractual model is representative of the bad gift, and they are also emblematic of the difference between the largesse in the cultural model and the avarice in the contractual model.

The contrast between largesse and avarice in the forms of gift-giving was found in Raoul de Houdene's *Le roman des eles*:

A generous man . . . If he has anything, he must give immediately, and if cannot give, but makes a promise, he should proffer his apologies so openly and outline his intentions so clearly that everyone can recognise his desire to do good. The miser, by contrast, shames himself not by withholding gifts but by making them the wrong way: [I]f he gives, he will

⁴⁰ White. "Service for Fiefs," 71.

⁴¹ Ibid.

⁴² Ibid.

hold his gift back so long that he who receives it will not feel any gratitude towards him; and if [he] makes a promise, he will place so many conditions on it that one can certainly tell at once that his promise is worthless.⁴³

The same sort of example was found in the gift-giving by King Arthur in the prose-romance, *Sir Lancelot of the Lake*. When the king so honored “his folk . . . so that ere the half year was passed he had so regained their hearts that he had built more than a thousand dwellings on the field. . . thus they turned . . . with their whole hearts to the king for the great kindness that he had shown them.”⁴⁴ Another example “of good-fief-giving is described in Alexandre de Paris’s *Le roman d’Alexandre*,” as a “dying Alexander distributes” rewards to his men for services rendered; “gifts as parts of honorable exchanges of land for service and is praised after his death, for having honored his men with gifts.”⁴⁵

Your great largesse could never be equaled,
For even before you had acquired wealth by conquest,
You had already given it away or promised to give it away.⁴⁶

Good gifts are thus seen as “representing . . . a bond of amity;” they are “treated as tokens of honor and friendship, and they “reward honorable service performed out of love and loyalty.”⁴⁷

Therefore, with the reward of land, there was no mention of any function of the fief, for example, its economic value, because no monetary value was laid upon the services of the man or of his relationship with his lord. The bond of love and loyalty was understood. Fiefs

⁴³ *Raoul de Houdenc: Le Roman Des Eles*. Trans. Keith Busby. (Amsterdam/Philadelphia: John Benjamins Publishing Company, 1983). 162. ; Also, White. “Service for Fiefs,” 76.

⁴⁴ *Sir Lancelot of the Lake*. Trans. by Lucy Allen Paton. (London: George Routledge & Sons Ltd., 1929), 170. ; Also White. “Service for Fiefs,” 73-4.

⁴⁵ White. “Service for Fiefs,” 77.

⁴⁶ White. “Service for Fiefs,” 78.

⁴⁷ White. “Service for Fiefs,” 79.

given freely were also never open to re-negotiation and therefore could be passed on to one's heirs. The mention of the fief only arose in the case of a dispute, or when no gift was forthcoming. In that case it became a calculated transaction for past or future service, and thus could be re-negotiated many times. This gave the gift a temporary nature, and for that very reason difficult to reconcile as an object of inheritance.

Examples of bad gift-giving are found also in the Alexander romance in the character of the lord Darius in his practice of bad gift-giving, as a foil to the king, and in the “miserly gift-giving” of King Louis against the largesse of his man Count William in *Le charroi de Nîmes*, and in bad gift-giving practiced by another King Louis in *Raoul de Cambrai*.⁴⁸ If the characteristics of good gift-giving are speed, spontaneity, and joy,⁴⁹ then bad gift-giving, based on the images created in the didactic works just mentioned, reflect “delays [in] giving as long as possible,” with carefully calculated advantages or disadvantages, and political pressures. “A bad lord promises what he cannot give, will not give, or should not give,” such as the inheritances of minor heirs, male or female, or of widows and their marriage portions.⁵⁰ Some lords, like Darius, withheld gifts from lords for their past services, or only gave them after extracting promises of certain services, thus making it a contractual transaction, rather than a spontaneous gift aimed at winning his men’s love. Darius gave fiefs and “noble wives, along with their lands to serfs, thereby wasting resources” that he could

⁴⁸ White. “Service for Fiefs,” 81-3.

⁴⁹ White. “Service for Fiefs,” 83.

⁵⁰ Ibid.

have used to honor his nobles instead.⁵¹ A dismal thought for the modern mind but true, since both could be seen in this context as good gifts, and both were in short supply.

The twelfth-century literary texts provide us with an ambiguous idea of fief-giving in which the historian is presented with a variety of ways to read the socio-political environment in which fief-giving took place; the texts provide “political processes” in which fiefs are taken away or forfeited, in which men are shamed by “disinheriting them of their fiefs, or by failing to reward them with fiefs.”⁵² This ambiguity, of course, allowed the authors to posture their characters as good lords and bad lords in the creation of their literary stories.

The reality of fief-giving, outside of the vernacular texts, can also be found in the historical writings of Orderic Vitalis from the early twelfth century. The writings also show the pattern of good-fief-giving. For example, when William the Conqueror “divided the chief provinces of England amongst his followers . . . [he] made the humblest of the Normans men of wealth, with civil and military authority.”⁵³ Orderic goes on to write that the king “granted many great honors to other adventurers who had supported him and favored them so highly that they had many vassals in England wealthier and more powerful than their own fathers had been in Normandy.”⁵⁴ King William also “allocated land to knights” to keep them and ensure that they would be “ready to be mustered at a moment’s notice in the king’s

⁵¹ Ibid.

⁵² White. “Service for Fiefs,” 89.

⁵³ *The Ecclesiastical History of Orderic Vitalis*. Vol. II, Bks. III and IV. Ed. and Trans. by Marjorie Chibnall. (Oxford : Clarendon Press, 1990), 260-1. *Adiutoribus suis inclitas Angliae regions distribuit, et ex infimis Normannorum clientibus tribunes et centurions ditissimos erexit.* ; White, “Service for Fiefs,” 92.

⁵⁴ *Ecclesiastical History*, 264-5. *Allisque aduenis qui sibi coheserant magnos et multos in Anglia ditiores et potentiores haberent clientes, quam eorum in Neustria fuerant parentes* ; White. “Service for Fiefs,” 92

service.”⁵⁵ Here too, land played an important role in both, recruiting followers and in maintaining them. Land was also the medium of establishing and strengthening ties of kinship, loyalty, and friendship, through its function as a reward, even as it created administrative and economic units for the new rulers.

Basing myself on White’s models, I now examine where the *Conventum* fits into the various forms of fief-giving suggested by the literary texts. By the early eleventh century, fief-giving, seems to have become the means of remuneration for future services. As already mentioned, the services of armed men were a necessary tool to acquire and establish wealth, power, and status, and land was the desired reward for these services. This was seen in the letter of Fulbert of Chartres enumerating the forms necessary to be a good vassal and worthy of his fief. However, the letter as it is laid out separates the expected conduct of the vassal from the holding of a fief, but it does imply that some form of service before the fief had been received, and that service had to continue if the vassal expected to hold onto his fief.⁵⁶

Even the *Conventum* seems to portray Count William and Hugh of Lusignan in the characters of bad lord and good *fidelis*. But, because Hugh is depicted as demanding only those properties he claimed were his by inheritance, his portrayed character fits the mold of the man who serves out of love and loyalty (*propter eius amorem fidelitatemque*).⁵⁷ The Count also promised Hugh that he would not act, in regards to the claimed properties,

⁵⁵*Ecclesiastical History*, 266-7. *Terras autem militibus ita distribuit . . . ac ad imperium regis prout ratio poposcerit celeriter exhiberet.*

⁵⁶*The Letters and Poems of Fulbert of Chartres*. Ed. and trans. Frederick Behrends. (London: Oxford University Press, 1976), Ltr. 51, 90-1.

⁵⁷Martindale. “*Conventum*,” 542-a.

without first consulting with Hugh (*sine consilio Ugoni*).⁵⁸ Upon the death of Viscount Radulf of Thouars, Count William promised Hugh that he would not make any agreements with the new Viscount, a nephew of Radulf, or “the men of the fortress of Thouars” before he had handed Hugh his land back, but he did not “make any settlement for Hugh, and Hugh did not get his land.”⁵⁹ Presumably, the lands for Hugh were to have come out of the Thouars’ lands; otherwise there would have been no need to consult with the new Viscount or the men of Thouars. Thus, the future reward model only becomes applicable in Hugh’s case when the Count promises him another property in lieu of the ones claimed by Hugh. In this way, Count William left Hugh dangling with false promises. Among other promises that the Count makes to Hugh, but does not seem to intend to keep, is the promise to give Hugh whatever he asked for and to make Hugh his “friend before everyone else” except his son.⁶⁰ He also promised to “reward him generously, warrant gifts to him, and aid him against enemies.”⁶¹

However, he not only forgot his promise when he gave land to others, but also gave and then took away land he had given Hugh, either fully, or in part. While it seems that Hugh’s behavior towards his lord was in keeping with the expected behavior of love and fidelity, Count William inadvertently, or deliberately, turned his promises and negotiations

⁵⁸ Martindale. “*Conventum*,” 544-a

⁵⁹ Martindale. “*Conventum*,” 542-a, 543-a. *Comes autem dicit Ugoni: ‘Ego finem non faciam cum Ioszfreddum vicecomiti qui nepus fuit Radulfo, neque cum hominibus de Toarcinse castro usquequo terram tuam reddam’. Et nil hoc factum, sed habiit comes fecitque finem cum vicecomite Ioszfredo et cum hominibus Toarcinse,; ninilque finem fecit Hugoni et sua terra Ugo non habuit.*

⁶⁰ Martindale. “*Conventum*,” 542-a. *Ego dabo tibi quocumque petieris mihi, meusque eris amicus super omnes pretr filio meo.*

⁶¹ White. “Service for Fiefs,” 95.

with Hugh into a contract based on “a purely transactional form.”⁶² The *Conventum*, thus, retains a focus based on the relationship of a lord and his man, a relationship whose foundations relied upon the exchanges of gifts, based on service provided out of love and loyalty. This relationship is the continuation of the Carolingian form of vassalage rather than a “crises of fidelity” that was proposed by Bisson.⁶³ The textualization of this relationship in the *Conventum* also shows that it portrays parallel relationships found in other texts, both imaginary and historical, and should be seen as a legal document of recorded events.

Historians have studied the *Conventum* for instances of anger and ire portrayed by Hugh as his demands went unheeded, as promises were broken, when the Count, in anger, made disparaging statements about Hugh, or when he ordered Hugh to commend himself to other lords. However, Cheyette has put forward another sentiment that seems just as appropriate: shame. He points out that in the same chansons that White studied, *Raoul de Cambrai* and *Charroi de Nimes*, the poets attribute the sentiment of shame to the knights who feel dishonored by their lords when promises are not kept, lands not given, or inheritances taken away. This is indicated by the presence of the word *honte* (shame) in the first text, and the word *honiz* (shame) in the second.⁶⁴ Therefore, if a “knight who did not act like one was shamed; so was the knight who was not treated like one.”⁶⁵ The knight who was supposed to live by a “known internalized code,” even if there was no written code, but a behavior

⁶² White. “Service for Fiefs,” 96.

⁶³ Ibid; Also, Bisson. “Feudal Revolution.” 40-3.

⁶⁴ Cheyette. “Suum,” 294.

⁶⁵ Ibid.

understood by contemporaries, “felt opprobrium” if he “violated” that ethic, “or when [he] was violated. [He] lost [his] standing in the sight of others.”⁶⁶

Another example of the question of receiving fiefs, benefices, and inheritances being linked to personal honor is expressed in a letter written by Count Odo II of Chartres to King Robert, and dated mid 1023-early 1024,⁶⁷ around the same time that Hugh and William were involved in their tussle over inheritances and benefices. Odo II had been called upon by King Robert’s vassal Count Richard (*tuus fidelis*)⁶⁸ to appear for a trial. However, Count Odo II did not attend and wrote King Robert a letter explaining why. The most interesting part of the letter, though, deals with his indignation at the king for denying him his benefice:

I am exceedingly astonished that so hastily and without hearing my case you have judged me unworthy to hold a benefice from you. For if it is a question of my birth, it is clear that by God’s grace I am able to enter on an inheritance. If it is a question of the nature of the benefice you gave me, the fact is that it does not come from your domain, but from the estates which come to me with your consent by hereditary right from my ancestors. If it is a question of what I deserve in return for my service, you yourself know how as long as I had your favour I served you at home, in the field, and in foreign parts. But after you withdrew your favour from me and tried to dishonor me by taking away the benefice you had given me, if in defending myself and my benefice I in any way offended you, I did so because I was provoked by the wrongs done to me and forced by the circumstances. For how can I honourably forgo defending my benefice? I call God and my soul to witness that I would prefer to die with honour while defending it than to live dishonoured by its loss. But if you would stop trying to dishonor me in this way, there is nothing in the world I should like more to have or to deserve than your favour.⁶⁹

⁶⁶ Ibid.

⁶⁷ *Letters and Poems*. Ltr. No. 86, 152-155.

⁶⁸ *Letters and Poems*. As pointed out by Behrends in footnote 2, it is possibly Duke Richard II of Normandy, 153

⁶⁹ *Letters and Poems*. 152-155. *Sed de te, domine mi, ualde mirror, qui me tam prepropere causa indiscussa tuo beneficio iudicabas indignum. Nam si respiciatur ad condicionem generis, claret Dei gratia quod hereditabilis sim. Si ad qualitatem beneficii quod mihi dedisti, constat quia non est de tuo fisco sed de his quae*

This letter portrays many of the same sentiments that Hugh portrayed in the *Conventum*. He too believed that his inheritances were his by right from his ancestors, and he claimed that he also deserved these by his having been, and continuing to be, a loyal man to the Count. In addition, the above letter also levies claims of being dishonored and warnings that Odo was prepared to defend what he considered his rights. However, he left the door open to the continuation of their lord-vassal relationship if his honor was restored to him, probably with a pun on the word. Did Hugh claim or demand anything less as a loyal man?

In the *Conventum*, fidelity and fiefs melded to become the focal point of the discourse, underscored by William's bad behavior towards his man and, finally, trying to reduce Hugh to a slave's status and in failing to aid him. For a stratum of society that was so competitive, and especially mindful of its social status, being compared to a peasant or even an unfree person would have been most insulting to any knight, or castellan. Disputes often arose between lords because of this competitive nature; especially disputes revolving around property, resulting in conflicts that were often violent. In most cases, "friends and arbiters"⁷⁰ came together to try and reach a solution that would primarily remove the threat of violence, to give something to everyone, so as to save face, status, and standing. This, Cheyette found, was only "possible, however, [with] a social group whose members rubbed each other often

mihi per tuam gratiam ex maioribus meis hereditario iure contingent. Si ad erucii meritum, ipse profecto nosti donec tuam gratiam habui quomodo tibi seruierim domi et militiae et peregre. At postquam gratiam tuam auetisti a me, et honorem quem dederas mihi tollere nisus es, si me et honorem meum defendendo aliqua tibi ingrata commisi, feci hoc lacesitus iniuriis et necessitate coactus. Ouomodo enim dimittere possum, ut non defendam honorem meum? Deum et animam meam testor, quod magis eligerem honoratus mori, quam uiuere dishonoratus. At si me dishonorare uelle desistas, nihil in mundo est quod magis quam gratiam tuam uel habere uel promereri desiderem.

⁷⁰ Cheyette. "Suum," 295

enough for their pressure to be effective.”⁷¹ But, this does not seem to have happened in Hugh’s case. As Hugh had unsuccessfully brought his case before an assembly (*placitum*) many times, Hugh finally felt that he had no recourse but to resort to violence in order to force a resolution, one that would perhaps work in his favor, just as Odo II warned King Robert he would do. The *Conventum* is interspersed with details of the violent conduct of the lords, their feuds, and their conflicts, with hostage takings, mutilations of hostages, pillage, and arson; at the core of these conflicts were property rights.

Violence as Legal Means of Dispute Settlement

In November 1095, at the Council of Clermont, Pope Urban II dispensed “a papal authorization of a war for the liberation or defence of the church” in exchange for “the granting of spiritual and temporal privileges to participants.”⁷² In this dispensation for the participants of the Crusades, Bull sees “the earliest example of a new form of meritorious violence.”⁷³ He seems surprised when he asks, “How was it that . . . Urban II and his advisers . . . could contemplate preaching acts of aggression as legitimate expressions of the church’s authority?”⁷⁴ The answer, he believes, lies in the “ecclesiastics’ accommodation to social attitudes which accepted violence as not only an unremarkable feature of everyday existence but also a worthwhile pursuit,” especially when “enforcing judicial decisions, asserting political authority, or vindicating property rights and family honor.”⁷⁵ Pope Urban II, as Bull

⁷¹ Cheyette. “Suum,” 295.

⁷² Marcus Bull. *Knightly Piety and the Lay Responses to the First Crusade : the Limousin and Gascony, c. 970-c. 1130*. (Oxford: Clarendon Press, 1993), 173-4.

⁷³ Bull. *Knightly Piety*, 174.

⁷⁴ Bull. *Knightly Piety*, 175.

⁷⁵ Ibid..

points out, was “born into a castellan family from Champagne.”⁷⁶ Who better than one born into a castellan community would know how effectively to use violence as an accepted means of dispute settlement?

Our knowledge of medieval violence is largely gleaned through records of peace movements and charters written by monks. In the former, they “merely specify violent acts that clerical leaders tried to forbid and limit.” The records do not mention “how violence was actually practiced or understood by those who used it.”⁷⁷ In fact, many of the records for the Peace of God show requirements put in place to protect the church’s interests in the first place. Bisson quotes the Oath of Beauvais (1023) to suggest that “in practice the brutal devices of warfare (had) been encroaching on lordship,” and the oath was seen as limiting certain behaviors of the knights. According to the oath, knights promised “not to break into sanctuaries ‘on excuse of protection, unless on account of some malefactor who has broken [the] peace or on account of a homicide or . . . of the seizure of a man or horse’”. The knight further promised not to “burn or destroy houses” unless there was an enemy or thief inside, and the houses were attached to castles. He also promised not to destroy mills, or seize grain, unless it was required by the cavalcade or the army, and it was on his land.⁷⁸ So, “Did the eleventh- and twelfth-century church do more to curb social ‘violence,’” as Barthelemy has asked? He answers himself: “It legitimized and pardoned the knights, encouraging them to offend again. Look at Fulk Nerra, the count of Anjou (987-1040) who alternated war crimes

⁷⁶ Bull. *Knightly Piety*. 192.

⁷⁷ Stephen D. White, “The “Feudal Revolution”:comment,” in *Feuding and Peace-Making in Eleventh-Century France*.(Burlington, VT: Ashgate Publishing, 2005),. 210.

⁷⁸ Bisson. “The ‘Feudal Revolution.’” 20.

with pious reparations.”⁷⁹ Reparations or agreements, pious or lay, were usually the effected results for all attempted negotiations.

Eleventh-century violence, reconstructed from charters and records, show an extended list of forbidden acts, but these lie within the same social field as the illegal acts listed in the Beauvais oath:

plundering and burning an entire village; burning barns and houses; seizure of horses, cows or pigs; killing horses; damaging a mill; destroying of fishing-nets; cutting down trees; uprooting vines; homicide; attempted homicide; abusing hospitality; improperly pasturing animals; berating peasants and seizing their goods or money; issuing threats; . . . evicting a tenant; ejecting a plough; seizing a beehive; collecting tithes or customs; usurping a mill; taking over a church; and invading land.⁸⁰

Thus, reading into the oath shows that violence (*violentia*) “took different forms, and because monastic charters show violence carried out by castellans, knights, foresters, or bailiffs, most of it can be termed ‘seigneurial.’”⁸¹ Furthermore, the different forms also entailed “violent acts in disputes” which are understood as feuds. Feuding served many purposes and was not just used in its limiting capacity for revenge, or “offenses against honor or breaches of existing custom.”⁸² It can also be seen as an effort to gain justice or as a prelude to an agreement that would bring satisfaction to both sides, “since feuds were carried out in conflicts between hostile groups”⁸³ and not just individual foes. The practice of feuding also depended on mechanisms that seem informal to us, but were certainly

⁷⁹ Dominique Barthelemy, and Stephen d. White. “The ‘Feudal Revolution.’” 202.

⁸⁰ White. “Feudal Revolution”:comment,” 210.

⁸¹ Ibid.

⁸² White. “Feudal Revolution”:comment,” 200.

⁸³ White. “Feudal Revolution”:comment,” 200-1.

understood and followed by the feuding parties. Thus, “the effectiveness of such mechanisms presupposed . . . the existence both of enduring social ties and cohesiveness between social groups”⁸⁴ Therefore, we find feuding and violence being practiced at all levels of society from great nobles down to the lowest peasant, not just vertically, top-down, but also horizontally among the same social classes.

Violence, as practiced by the different social groups, “not only served as” an intimidating factor, to assert “domination” and “as a method of expropriation” and aggression, but violence also took on “different meanings in different contexts.”⁸⁵ Thus violence could form part of a “legal strategy,”⁸⁶ especially when asserting rights, or asserting power, or property claims. The destruction of fishing nets and “the seizure of fish caught in them,” addresses disputes over fishing rights. Disputes over monastery lands were sometimes settled by first sending in the castellans’ or knights’ horses into abbey pastures and then sending in cattle, pigs, and other animals. Plunder of grain was often carried out because the peasants were not making use of the lord’s mill and causing him economic harm.⁸⁷ Thus, acts of violence functioned as a pressure on feuding groups, moving them towards negotiating an acceptable agreement.

For example, on the Limousin border an abbey called Beaulieu was founded by an ancient family of viscounts who had held Turenne and Comborn as vassals of the Count of Perigord. On the other side of the border, separated by the river Cere, resided the lords of

⁸⁴ Ibid.

⁸⁵ White. “Feudal Revolution:comment,” 212.

⁸⁶ Ibid.

⁸⁷ White. “Feudal Revolution:commen,,” 213.

Castelnau, vassals of the Counts of Toulouse and enemies of the viscounts of Turenne. Sometime “around the year 980, the lords of Castelnau” attacked and defeated the “Turenne faction and seized” the abbey. The resulting conflict was settled by an agreement: “The Count of Toulouse handed over the abbey to the Count of Perigord” as a fief and he in turn handed the abbey to Turenne, who then “conceded” it to the lord of Castelnau.⁸⁸

Thus, Perigord must have commended himself to the Count of Toulouse for the abbey, which he was then able to give as a fief to the lord of Turenne, who in turn gave it to Castelnau, thus putting the lords of Castelnau under obligation to Turenne. This example shows how feuding parties, each led by a Count, gifted and received the same piece of land, whereby, all parties were satisfied and did not require losing or obtaining new land - of which there was probably none to be had. Here again, land was the medium through which social relationships were renegotiated, renewed, or reaffirmed. The prelude to this agreement, though, was a violent episode that started the conflict which surely was also a result of a long-standing feud. The violence may have also been deliberately initiated in order to force the parties to come to an agreement, one that was beneficial to both sides.

Another example is to be found in the letters of Peter the Venerable, even if it is from many decades later. While “letters to Rome bewail the miserable conditions in Burgundy,” Peter placed his hopes in “the return of powerful local men, whose network of personal relationships – or access to brute force – was the most effective remedy he knew for a violent

⁸⁸ Jean-Pierre Poly and Eric Bournazel. *The Feudal Transformation: 900-1200*, Trans. by Caroline Higgitt, (New York, NY: Holmes and Meier, 1991), 74.

land,” peace to be achieved by lords like Humbert III, crusader and man of arms.⁸⁹ The abbot therefore, knew and condoned “retaliating violence, to arm his own men, to provide directly for the safety of his monks.”⁹⁰ Even Count Geoffrey of Anjou’s commemorative plaque from the 1150s proclaims and glorifies the use of violence to induce peace: “From thy sword, O Prince, hordes of plunderers have fled; and, with the blossoming of peace, tranquility is bestowed upon the churches.”⁹¹ The clergy, therefore, was also not above using violence when it worked in their favor.

Multiple instances of violence are also to be found in the *Conventum*. The first major instance is found in the conflict around the lands from Thouars to which Hugh laid claim. We read that “for the misdeeds Hugh committed on behalf of the Count (*pro malifacto quem fecit Ugo pro Comite*)” against the viscount Thouars, the viscount “set fire to the fortress of Monzeuil, captured Hugh’s horsemen and cut off their hands and a great deal else besides (*incendit castro Mosolio cepit caballarios Ugoni et incidit manus illorum et satis alio facto*) .”⁹² The Count did not come to Hugh’s aid and the conflict escalated, with Hugh capturing forty-three of the best knights of Thouars. The Count though, demanded the hostages from Hugh, which he supposedly had a right to demand as Hugh’s lord. Hugh seems to have handed the men over despite their ransom value of forty-thousand *solidi*, and ended up losing both land and hostages. There are no other details forthcoming, and one can only infer that

⁸⁹ Gregory A. Smith, “Sine Rege, Sine Principe: Peter the Venerable on Violence in Twelfth-Century Burgundy.” *Speculum*, Vol. 77, no.1 (Jan., 2002), pp. 27. www.jstor.org/stable/2703084 [accessed on 12 February 2010]

⁹⁰ Ibid.

⁹¹ Smith. “Sine Rege,” 11.

⁹² Martindale. “*Conventum*,” 543-a.

this conflict perhaps ended in a stalemate. However, what seems like excessive cruelty in the cutting-off of the right hands was a way of incapacitating the enemy forces, and ensuring that those knights would never be able to fight again. Militarily at least, it could be seen as a success, for Hugh still managed to take captives from the other party, despite the injury done to his knights. The other possibility lies in the Count's own relationship with the viscounts of Thouars. He seems to have had problems with the viscounts, since we read that Hugh committed misdeeds "on behalf of the Count," and it may have been in the Count's interest to let his dependents fight with each other, rather than getting embroiled in it himself. In that case, the violence here would be the medium for creating a conflict where perhaps none before existed, by deflecting it away from the Count and towards the lords.

The other violent conflict that is described by the *Conventum* is that between the marcher lord Bernard and Aimeri, who has been called a "tribune."⁹³ At first, it was Hugh and Bernard who fought against Aimeri; then Aimeri and Bernard fought Hugh. In this prolonged conflict, all the negative requirements that the oath of Beauvais placed upon the knights were disregarded as the *Conventum* describes instances of pillage, plunder, loot, and arson, carried out by one or the other party. In this conflict too, Count William did not come to Hugh's aid, not even when his fortress was being burned down and Hugh's wife was in danger.⁹⁴ Again, nothing seems to have come out of this conflict, even though the *Conventum* mentions pleas and truces that took place between events. The pleas did not render judgment

⁹³ Ibid.

⁹⁴ Martindale. "Conventum," 545-a. *Cucurrit nuntius ad Ugonem, dixit ei : 'Bernardus obsessam habet uxorem tuam in castro vetulo qui superat ab igne.' Veniens Ugo ad comitem, dixit ei: 'Meus senior, nunc mihi adiuva, quia obessa est modo mulier mea.' Comes vero nihil ei audiutorium nec consilium dedit.*

in Hugh's favor, and Bernard broke the truce while Hugh was away with the Count on his business. However, the Count by not having helped Hugh, and by not keeping his promises of holding his hostages for him, seems to have deliberately egged on the conflict. In this way, he himself was not militarily involved in the fray, and could still maintain his position without losing his power. It is not possible to get many political details from the *Conventum*, but William may not have been in a strong military position to effect any changes, especially along his borders where many of these castles lay. His strategy would have been to let the conflict escalate, and keep the lords and the castellans involved in a feud with each other. As to the lords, these conflicts "also provided occasions for mobilizing the political support needed to compete for resources and to pursue expansionist political strategies,"⁹⁵ although these did not always end successfully in Hugh's favor.

Count William seems to have cultivated and encouraged the feuds and the conflicts by withholding promises, withholding aid and counsel, and returning hostages. It was probably in his best interests to keep these lords occupied with each other, especially as his military position was not very strong.⁹⁶ He even went so far as to consult with the other great power in the region, Count Fulk Nerra of Anjou, as how best to disburse of lands and inheritances, since the political network in the region was complicated by the lords holding fiefs from both magnates. It was only when he was directly affected by Hugh's renouncement of his oath and actively capturing his castle, that the Count declared outright

⁹⁵ Stephen D. White, "From Peace to Power: The Study of Disputes in Medieval France." *Feuding and Peace-Making in Eleventh-Century France*. (Burlington, VT: Ashgate Publishing, 2005), 12.

⁹⁶ Bernard S. Bachrach, "Toward a Reappraisal of William the Great, Duke of Aquitaine (995-1030)." *Journal of Medieval History* 5, (1979): 11-21. North-Holland Publishing Company. 1979.

war on Hugh (*nomen de guerra*),⁹⁷ unleashing violence on both sides. Only then did Hugh and the Count, after some negotiation, “engage” seriously “in a plea” together (*consideravit se comes et levaverunt placitum invicem*).⁹⁸ In the end, Hugh seems to have got most of what he had demanded, namely his Uncle Joscelin’s honor, with all its lands, fortresses, and tower (*istam honorem que fuit avunculo tuo – kastrum, turrem, et omnem istam honorem*)⁹⁹

By the beginning of the eleventh century, a “system” that “relied on the shared command of fortresses, particularly on the frontiers” of the county, was in place, under the authority of Duke William the Great. This duke was the same Count William of the *Conventum*, as the Aquitanian Counts had been styling themselves as dukes for over a generation. Hugh was just as ambitious and powerful as the other lords in the Poitevin County. He owned allodial lands free of any obligations to the Count and also had a yearly settlement from the abbey of St. Maixant that Count William’s mother had given to the family.¹⁰⁰ However, this period has also been identified by historians as the time when the lords of the castles were becoming more aware of their family genealogies, their ties to their castles and lands, and, therefore, pushing for the inheritance of their fiefs as part of their patrimony. In a complicated network of homage and commendations, the castles with their lands were interwoven through the fabric of lordship that depended on a delicate balance to hold it all together.

⁹⁷ Martindale. “*Conventum*,” .547-a.

⁹⁸ Ibid.

⁹⁹ Ibid, pp. 548-a.

¹⁰⁰ Painter. “Lords of Lusignan,” 32.

In the geography of the area, “Hugh of Lusignan held Mouzeuil in the fiscal area around Fontenay-le-Comte, the lords of Chatellerault . . . protected the abbey of Saint-Maixent” and “held Sainte-Soline; Aimery of Rancogne” who could possibly be identified as the tribune Aimery of the *Conventum*, “held Civray” from La Marche. However, the viscounts of Thouars “held Hermenault” and coveted “Mouzeuil, while Hugh coveted Sainte-Soline,” and “Civray,” and the viscount “Bernard of La Marcha” held “Gencay from the Counts of Anjou,” and had his eyes on “Confolens,” which belonged to Hugh. This network was further complicated by partial holdings in various castles and fiefs. “Hugh’s father had held a quarter of Civray (and) Hugh . . . had held half of Vivonne castle, the lord’s house, and two parts of the ‘fiefs of the vassals.’” Vivonne castle was held of the “bishop of Poitiers” and “Confolens from the Count of Angouleme.”¹⁰¹ These partial holdings can be seen as the Counts’ trying to neutralize the one or the other lord or castellan amassing a base and thus too much power. The castles with their castellans now formed the loci of the county, and while “major landlords had always had power over people,” now it became “more detailed and was found closer at hand,” and came to play a greater role in daily life as attitudes of the lords towards their lands started to change,¹⁰² especially with the levying of new tolls, taxes, and fees.

The acquiring of land, as seen in the *Conventum* and from the other examples, became a focus of many transactions between the lords. The lack of readily available land meant that it had to be received as a gift, as a reward, or through a marriage alliance. The

¹⁰¹ Poly and Bournazel. *The Feudal Transformation*. 70.

¹⁰² Davies and Fouracre. *Property and Power*, 259-60.

relationships between the lords came to be governed by the giving and the receiving of these gifts, which for the warrior class that laid such a high premium on status, was tied into the larger social culture of being honored, or being dishonored and shamed. Land that had to be received from someone else usually meant that other claimants to the same property existed as well, causing all the friction that is present in the *Conventum*, although the Count seems to possess the power to decide in favor of the one or the other claimant. This situation meant that the outcome depended upon the negotiating skills of the involved parties, and the strength of their bargaining positions. Thus, the *Conventum* details the efforts made by Hugh to “get his hands, by succession, by marriage, by agreement, and if necessary by violence on the fortresses near his castle.”¹⁰³ The problems came to the forefront when the ambitions of all the other lords in the area clashed with ambitions of the others. The resulting conflicts, accompanied by acts of violence, understood as those described in the Beauvais oath, often helped the parties to come to an agreement or to maintain the balance of power within their region.

The acquisition of new lands or the protection of existing property played an important role in eleventh century Aquitaine, as can be seen in the *Conventum*, in which all the events revolve around Hugh’s struggle to get his rightful inheritance, or some other acceptable fief. By the early eleventh century, political systems structured in the counties were made up of patterns of power based principally on the control of land, and this included power over people who inhabited the land. In a circuitous pattern, land brought wealth,

¹⁰³ Poly and Bournazel. *The Feudal Transformation*. 70.

wealth brought clientele, especially in the form of armed men, armed men who helped their lord acquire and hold lands. The land and the retinue of available men helped the lords achieve status and power. Thus, the more land the lord could acquire, the higher would be his rank or standing in his highly visual and competitive world. This status and power, which had to be recognized as legitimate by the men, was not difficult with the backing of land, wealth and armed men, and gave the lords access to means of public power which had been appropriated by them, and was now implemented as private power at the local level. The textualization of the *Conventum* gives a glimpse into just how through the control of land this power was implemented, how it worked, and at which points it met with resistance.

The textualization of the *Conventum* also provided Hugh with a record of the lands he claimed and through which ancestors. While at times he seems to have been unsure which relatives they were by the use of the phrase, “or some other kin”, he nevertheless knew them to be a part of his familial group. Thus, anchoring this right in text also gave what could be a vague claim its legitimacy. Ultimately, legitimacy was the desired effect of the textualization of Hugh’s negotiations for his claims.

CHAPTER II: Geo-politics in Aquitaine and Anjou

When Fulk, an untried youth of about seventeen,” succeeded his father as Count of Anjou in 987, “he inherited substantial resources and dedicated enemies.”¹ His father, Geoffrey Grey mantle (d.987), had managed to extend his territories and influence within the Aquitaine region, first by swearing an oath of fidelity to the Duke of Aquitaine, and then by making use of strategic marriage alliances and the use of kin to fill vacant positions. He married off his “daughter to the Count of Rennes,” his “niece to Aldebert of La Marche and Peigord,” and “his son to Elizabeth of Vendome, sister to Louis V,”² thereby even creating an influential royal alliance. Some of these alliances brought Geoffrey into the heart of Aquitanian territory, for example, through his cousins Pons and Bernard, who “succeeded their father Count Stephen, a powerful magnate in central Aquitaine as “counts of Gevandum and Forez.”³ Therefore, by the time Fulk succeeded Geoffrey as the Count of Anjou, Angevin interests were well established within and around Aquitaine.

Count Fulk of Anjou, who followed his father’s policies of expansion, has also been portrayed by historians as an ambitious lord who viciously carried out his plans, but who also rewarded loyalty. The textualization of the agreement that was finally reached between Hugh and Count William not only provided legitimacy for Hugh’s claims, it also turned his written

¹ Bachrach, Bernard S.. “A Study in Feudal Politics: Relations Between Fulk Nerra and William the Great, 995-1030.” *State-Building in Medieval France : Studies in Early Angevin History*. Variorum Collected Studies Series.(Brookfield, VT: Ashgate Publishing, 1995), 112.

² Bernard S. Bachrach, “Geoffrey Grey mantle, Count of the Angevins, 960-987: A Study in French Politics.” *State-Building in Medieval France : Studies in Early Angevin History*. Variorum Collected Studies Series. (Brookfield, VT: Ashgate Publishing, 1995),. 34-5.

³ Bachrach. “A Study,” 113.

Conventum into a legal document that could be used in future disputes if necessary. At the same time, the document emphasized Hugh's loyalty and proper conduct as a *fidelis*, in case he or his heirs needed to renegotiate for their property from Fulk Nerra, a lord to whom Hugh had also commended himself. It is interesting to note that from all the upper nobility present in the *Conventum*, namely, Count William, Count Fulk, Count William of Angouleme, Bishops Roho, Isembert, and Gerald, Hugh is shown having direct speech only with the first two Counts. Thus, Count Fulk was the other person of importance in the text and one who had the power to heavily influence Hugh's ambitions. The *Conventum* also presents the Counts William and Fulk consulting with each other before making decisions regarding disputed property. This was of course done to keep the balance of power in their favor by carefully and strategically placing the castellans in positions which allowed the Counts to dominate the region from their bases of influence.

This influence is brought home when William was unable or unwilling to support Hugh's demands for Gencay against Fulk's. He even took it away from Hugh and gave it back to Fulk. Further, he asked Hugh to commend himself to the Count of Angouleme and put himself in his mercy "so that he would not be able to change his position or give help to Count Fulk; and because the Count was afraid to lose either Fulk or Hugh, and Hugh did just that, so "that he would not sustain damage from Fulk."⁴ I therefore base my assertions on these obvious examples of subordination of William to Fulk Nerra.

⁴ Martindale. "*Conventum*," 546-a. *Rogavit Ugonem ad se veniret, et mandavit ei pro Guillelmo comite Engolisma ut mitteret in sua mercede, quia non potebat mutare ut non adiuveret Fulconi ; et timebat perdere aut Fulconem aut Ugonem. Also, ipse erat securus de Fulconem quod male non fuisset ductus.*

I, therefore, examine the power of the Count of Anjou as the bigger threat to Hugh's expansionist ambitions in the region, as Fulk gave and took away fiefs and benefices from those who believed they were the rightful heirs, or controlled them through marriage alliances, or by giving them land far away from their familial base of power. Therefore, I believe that the textualization of claims made by Hugh were largely to provide legitimacy of his position vis-à-vis Count Anjou rather than with Count William of Poitou.

In examining the power of Count Fulk, I base and build my claims on the extensive research done by Bernard S. Bachrach on early Angevin history and the political biography of Fulk Nerra as a neo-Roman consul. Making use of charters from various monasteries and abbeys associated with Anjou, Aquitaine, and Angouleme,⁵ Bachrach makes a valid case for how Fulk Nerra built his Angevin Empire, literally on the ground with his fortification policies, especially focused on "his lines of communication between important population centers eastward from his capital in Angers."⁶ This study necessitates examining Fulk's career against those of a contemporary magnate, his direct neighbor, and one who was most affected by Fulk's policies: William the Great of Aquitaine. In this, Bachrach maintains, and I concur, that William was only able to negotiate from a militarily weak position. Thus, Fulk was successful in expanding his claims within Aquitaine, oftentimes without the use of direct force and mostly through clever use of alliances, either through marriage, outright occupying open positions or lands with ambiguous claims, or the placement of loyal *fideles* in those positions. This placement remained unchallenged by William, largely because he lacked the

⁵ Among others, Bachrach has used the charters of Saint-Hilaire, Saint-Maixent, and. Nouaille,

⁶ Bernard S. Bachrach, *Fulk Nerra, the Neo-Roman Consul*, xi.

military power to protest. However, while putting the claims of Hugh of Lusignan within the context of the Angevin power and expansion, I do not agree with Bachrach that Hugh was “a relatively minor personage.”⁷ Sidney Painter shows that Hugh must have held considerable amount of allodial lands, independent of either William or Fulk.⁸ I maintain that the possession of these allodial lands gave Hugh the required independence and the bargaining power needed to claim lands he believed were his, while using the traditional means of negotiation at his disposal. These claims, as discerned from the *Conventum*, were made against both Count William and Count Fulk, for whom having the services of Hugh must have meant having access to a sizeable manpower, if indeed Hugh’s title in the agreement, *Chilarchus*, was accurate.

As early as 995, William and Fulk had engaged in battle whose outcome had laid the ground for their co-existence in the region. Aldebert, Count of Perigord and La Marche, had attacked Poitou, “captured and destroyed the frontier stronghold of Gencay,” and successfully besieged the city of Poitiers. As the war became more heated, Aldebert was able to retake Gencay and burn it down again, implying that it had been rebuilt in between, and therefore must not have been a stone castle which takes longer to build. Then King Robert, cousin of Count William, had joined in the fray. Although he retook Tours, Robert and William together were unable to defeat Count Boso, Aldebert’s successor. King Robert

⁷ Bernard S. Bachrach. “Fulk Nerra and William the Great.” *State-Building in Medieval France: Studies in Early Angevin History*. Variorum Collected Series. (Brookfield, VT: Ashgate Publishing, 1995), footnote, 51, 120.

⁸ Sidney Painter. “The Lords of Lusignan in the Eleventh and Twelfth Centuries. *Speculum*, Vol. 32, No. 1 (Jan., 1957), 27-47. Medieval Academy of America. <http://www.jstor.org/stable/2849244> [accessed 3 Sept. 2009].

seems to have given up and departed north to deal with his own problems, leaving William with the knowledge that he could not expect any help from that end and that he lacked the military skills and power to defend his domains. However, both Boso and William along with Fulk, came to an agreement, which was cemented by William's marriage to Aldemode, Fulk's cousin and widow of the aforementioned Aldebert, around c.1000.⁹ This set the ground for the relationship and coexistence between the counts in their region.

The agreement also included the commendation of Fulk Nerra to Count William for properties within Aquitaine. Ademar of Chabannes, who often wrote of Count William in glowing terms, described the commendation of Fulk thus: "And when he [William] had Fulk, the count of Anjou, commended himself into his hands, he conceded to him as a benefice Loudun and several other stronghold in Poitou and also Saintes with certain fortified places."¹⁰ With this commendation, "Fulk performed the vassal's obligation to attend his lord's court and to provide him with counsel," and also witnessed some of William's charters.¹¹ That this agreement held is shown by the letter that Fulk wrote in 1024 to King Robert in support of William's interests in Italy, when William was trying to get the crown of Italy for his son. He also apparently allowed peaceful transition of clerical travelers through the Angevin lands on their way to visit Count William.¹²

⁹ Bachrach. "A Study," 114-6.

¹⁰ *Ademari Cabannensis Chronicon*. Eds. Fernand Bossier, Rita Beyers, Georges Declercq, et.al. (Turnhout, Belgian: Brepolis Publishers,),1999. Bk III, 41, 162. *Cumque comitem Andegavensem Folconem in minibus suis commendatum haberet, concesserat ei pro beneficio castrum Losdunum cum aliis nonnullis in Pictavorum solo, Santonas quoque urbem cm quibusdam castellis*. Also, Bachrach, "A Study," 116.

¹¹ Bachrach. "A Study," 116.

¹² Ibid.

Even though Fulk had commended himself to William, there can be no doubt that it was not a traditionally understood relationship between a lord and his vassal. This seems to have been a *proforma* relationship between two nobles of equal social status, who made use of the tradition of commendation to establish an understanding of non-interference from both houses, but largely on William's part. This possibility speaks for a differentiation between taking of the oath of fidelity only with respect to security of the lord's body or for commendations with homage. It further underscores the idea that the oath of fidelity had come to be used in different but still ambiguous ways that seemed to have caused uncertainty even among contemporaries, hence the famous letter of Fulbert of Chartres answering William's query of the duties of a lord and his vassal. The commendation between social equals, therefore, was used, and worked as a mechanism to maintain peaceful relations between the two. This, however, did not stop Fulk's expansion within Aquitaine and speaks for the weak position of Count William in terms of military and political power in his own territory.

Within Poitou itself, "Loudunaise, Vihiers, Meron, and the Mauges," were controlled or held by the Angevins, while the Count of Anjou could depend upon the aid of the viscounts of Thouars, "whose friendship Geoffrey, father of Fulk Nerra, had courted with gifts of land."¹³ The Thouars had already proven their loyalty to the Angevin house by coming to their aid in the battle fought between Fulk Nerra and Count Odo I of Blois. Odo, who was a powerful magnate of France, was also the brother-in-law of William Fierabas (963-993), the father of Count /Duke William the Great of the *Conventum*. Therefore, by the

¹³ Bachrach. "Fulk Nerra," pp. 113.

time William took over as the Count, the border area between Aquitaine and Anjou, “from Mauges in the west to Loudun in the east was strongly defended” by the Angevins with the possibility of a threat from within Aquitaine coming from the Thouars. This also meant that William could not afford to attack Fulk without losing the battle. Fulk’s relatives and supporters were also in a position to attack Poitou (the capital city of Aquitaine) from the south,¹⁴ thus leaving William no option but to largely ignore Fulk’s taking over of lands and properties as he saw fit.

Thus, for example, when “Fulk lured Count Herbert of Maine to Saintes in Aquitaine and imprisoned him there for two years,” William did not intervene. William did not even intervene when Fulk “extort[ed] control of four important domains from the chapter” of Saint-Hilaire of Poitiers, “a particular favorite of” William’s and supposedly under his protection.¹⁵ According to the charters of this chapter, “Fulk promised them ‘protection’ for his control”¹⁶ of their lands; a protection that William apparently was not able to provide. William was not also unable to stop Fulk from building the fort of Moncontour near the monastery of Saint-Jouin, nor was he able to stop the castellan of this fort and Fulk’s *fidelis*, from “despoiling” the monasteries’ lands.¹⁷ Even when Hugh of Lusignan had managed to get control of the “frontier stronghold of Gencay,” William would not allow Hugh to go against Fulk’s wishes; after Hugh had rebuilt the fortress he had burned down, William

¹⁴ Ibid.

¹⁵ Bachrach. “Fulk Nerra,” 119-20.

¹⁶ Ibid.

¹⁷ Bachrach. “Fulk Nerra,” 120.

pressured Hugh into returning it to Fulk.¹⁸ Also, after promising to give Hugh Joscelin of Parthenay's lands and widow, William was not in a position to carry through with his promise because the lords of Parthenay were Fulk's *fideles*. So, even while William and Fulk engaged in a "plea" and decided to give Hugh something from William's lands (*Comes autem, agens placitum cum comite Fulconi, promisit ei de sua propria beneficia dare illi*), they seemed to have played off the Viscount of Thouars against Hugh by telling him that they were still going through with the promise (*similiterque faciam ut honorem nec uxorem Joscelini possideat*).¹⁹ This seems to have been done in order to thwart the marriage alliance between Thouars and Lusignan which the Counts tried to stop, and indeed, may have been instrumental in instigating a conflict between the two. However, there must have been a time of peace between Thouars and Hugh for Hugh did marry Thouars' daughter, Audearde.²⁰ While marrying the daughter of a viscount was definitely a step up for Hugh, he does not seem to have benefited much by the alliance. Hugh received "the castle of Mouzeuil in western Poitou" as his wife's dowry, but in the reoccurring conflict between Thouars and Hugh, Thouars' successor, Geoffrey, took back the castle.²¹ Again, William does not seem to have come to the aid of his man, especially if it meant going against Count Fulk from whom Thouars also held land.

Land in the form of "*beneficia* and other *honores*," was the medium through which Fulk "cultivated the friendship and support of" men, but he also made sure that the balance of

¹⁸ Martindale. "*Conventum*," 546-a. Also mentioned in Bachrach, "Fulk Nerra," 120.

¹⁹ Martindale. "*Conventum*," 542-a

²⁰ Painter, "The Lords of Lusignan," 30.

²¹ Ibid.

power was still in his control.²² Fulk's policy for the "control of the Angevin aristocracy" was "simple and straightforward."²³ Those who had proven their loyalty and ability were rewarded. However, while the "sons of castellans would likely be made castellans . . . they were not permitted to succeed to their father's offices."²⁴ Fulk was always careful to neutralize those familial influences in regions that were seen to be developing their bases of power. This was done by either moving the castellan to a region far from the family's center of influence, or by bringing in officials from other areas. Thus, Alberic of Vihiers was given the villa of Champagne-sur-Sarthe not Vihiers, while the lord established at Vihiers was originally an Angevin relative called Albericus. Upon the death of Albericus, Fulk "placed Vihiers" in charge of Bouchard from Angers, and Albericus' heir was placed "at the stronghold of Montjean, considerably further to the west."²⁵ . The castellans of Loudun too were never of the same family even though they were from the entourages of Fulk, and his father before him. Roger I of Loudun was established at the new stronghold of Montrevault."²⁶ Conversely, the sons of the Viscount Renaud seem not to have been loyal to Fulk and lost their *honores*. These are examples of the policies followed by Fulk Nerra in furthering his ambitions in the region of Anjou, policies that were certainly familiar to other lords in the neighboring counties as well. These policies seem to have strengthened his position and are now associated with the preliminary efforts to establish an empire.

²² Bachrach, Bernard S.. "Enforcement of the Forma Fidelitatis." *State-Building in Medieval France: Studies in Early Angevin History*. Variorum Collected Studies Series. (Brookfield, VT: Ashgate Publishing, 1995), 802.

²³ Bachrach. *Fulk Nerra*, 256.

²⁴ Ibid.

²⁵ Bachrach. "Enforcement of the Forma Fidelitatis," 804-5.

²⁶ Bachrach. "Enforcement of the Forma Fidelitatis," 802-3.

In the second half of the second decade of the eleventh century, Fulk encountered resistance to his lordship, as Viscount Thouars started trouble “on the border between Poitou and the Mauges region” by building a stronghold at Montfoucon close to the Mauges frontier.²⁷ Odo II and his supporters also prepared an offensive against the Angevins, and attacked Amboise, an Angevin stronghold. Even the newly crowned King Henry took part on Odo’s side, but “Sulpicius of Buzancais, Fulk’s castellan at Amboise” held off the attack successfully.²⁸ After a truce had been negotiated, Fulk responded by a series of alliances to reward those who had been loyal to him. One such reward was a marriage of Sulpicius’ niece, Hersendis, to Lisoius, the castellan of Loches, and also a loyal Angevin supporter. Lisoius was “granted the stone tower at Amboise along with all that pertained to it,” as well as the family’s *domus* at Loches.²⁹ Further, Fulk arranged a marriage for Hersendis’ younger sister with a “certain *vir nobilis* (nobleman) named Fulk from the region of Berry who also received the stronghold of Villentrois. Arrangements were also made for Sulpicius’ nephew Robert to receive the family lands of Buzancais.³⁰ In this way, Fulk, while disposing Sulpicius’ lands, also ensured that one family did not become too powerful by breaking up the family and dispersing it away from its base. Lisoius was therefore seen as better suited than the nephew, Sulpicius’ heir, to govern the eastern frontier,” and the other lands were then divided between the two sisters. Thus, Fulk controlled the inheritances and marriages of his *fideles* to maintain the balance of power within his territory, and to guard the control

²⁷ Bachrach. *Fulk Nerra*, 184.

²⁸ Ibid.

²⁹ Bachrach. *Fulk Nerra*, 185.

³⁰ Bachrach. *Fulk Nerra*, 186.

points of his territory, especially along his lines of communication, even as he strengthened his control over his possessions.

Loyalty for Fulk also began at home. An anecdote narrates that Fulk's son, Geoffrey Martel, shortly after reaching maturity in 1021, "asked his father for the church located at Maze."³¹ Geoffrey was given the property, "according to a *conventio*, an agreement, which stipulated" that he "was to give it to no one and to keep the *dominica* (domain) for himself."³² Shortly thereafter, Fulk learned that Geoffrey had given "the church as a *fevum* (fief) to a certain *fidelis* of his own, thus breaking the agreement. Fulk is said to have immediately repossessed the church. However, upon learning that it was not the *dominica* but the "*fructus* (income) of the *fevum*" that had been given, he had returned the church to his son. This anecdote shows that while Fulk was prepared to make right when he had erred, first and foremost was the high premium he placed on loyalty, even from his own family members.³³

The pattern of distributing properties to loyal followers and taking it away from those that did not pass the test, was only underscored by Fulk's violent character as also known to his contemporaries. Thus, he was accused of killing his first wife Elizabeth. The failure of the Countess Elizabeth of Vendome to produce a male heir in their fifteen years of marriage certainly had something to do with it, as she is reported to have taken a lover, whether to produce a son or out of alienation towards Fulk, however, is not known. What is known is that Elizabeth, upon being informed of Fulk's knowledge of the events, "seized control of the

³¹ Bachrach. "Enforcement," 818.

³² Ibid.

³³ Ibid.

citadel at Angers with a handful of supporters and held it against her husband.”³⁴ In Fulk’s siege of the citadel, “Elizabeth fell from the high walls and was captured”, upon which Fulk promptly had her “burned for adultery,” and the citadel set on fire to dislodge the rest of her supporters.³⁵

In another instance, Fulk had his men murder his enemy, Hugh of Beauvais, a loyal supporter of the House of Blois and the count of the king’s palace. Due to poor timing, this action took place in the king’s presence and Fulbert of Chartres sought to chastise him and threatened him with excommunication if proper reparations were not made.³⁶ But the king was prepared to negotiate through Fulbert and asked Fulk to “stand trial” and prove his innocence by oath or by combat. Fulk had to give up the men who had carried out the deed and were enjoying his protection within Anjou and Fulk had to repudiate the men to show his “honor” for the king.³⁷ This proved to be a problematic stipulation for Fulk; for he was unwilling to give up or repudiate his *fideles* since the lesson he had learned from his father was “that the power of the Angevin counts rested on the loyal support of the *milites*.”³⁸ Conversely, Fulk risked being excommunicated, charged with treason, and attacked by the full force of the king and his allies. Fulk’s answer to the dilemma was to go on a pilgrimage. As Barthelemy has noted, “Fulk Nerra alternated war crimes with pious reparations.”³⁹ Not just history, but even his contemporaries noted Fulk’s violent and ambitious ways, “When he

³⁴ Bachrach. *Fulk Nerra*. 76.

³⁵ Ibid.

³⁶ *The Letters and Poems of Fulbert of Chartres*. 26-31.

³⁷ Bachrach. *Fulk Nerra*, 112. Also, *Letters and Poems*, 26-31. *Talem etiam a rege conditionem impetrauimus si ueneris in iudicium; Vinde te commonemus, ut ante praescriptum terminum auctores tanti sceleris aut in iudicium adducas, aut propter honore, regis tui repudies.*

³⁸ Bachrach. *Fulk Nerra*, 112-3.

³⁹ Barthelemy, Dominique and Stephen d. White. “The ‘Feudal Revolution.’” 202.

had shed much blood in many battles in many places, he was driven by fear of hell to go to our Saviour's sepulcher at Jerusalem."⁴⁰

Hugh's Position in the Region

Confronted with so much power and a weak overlord, how could Hugh lay claims to properties, some of which were held of Fulk Nerra? The answer, I believe, lies in the fact that Hugh came from an old line, even if it were of lesser nobles, and more importantly, he must have possessed many allodial lands independent of either of the Counts. Based largely on charters from different monasteries and abbeys, Sidney Painter has done a comprehensive study on the lords of Lusignan from their beginnings to the year 1200 when Hugh IX of Lusignan did homage to King John of England who was also Duke of Aquitaine through his mother Eleanor, for the county of La Marche,⁴¹ the lands of which had also been coveted by Hugh of the *Conventum*. The aim of Painter's study however, is to trace the rise of the landed family to its development into a "baronial house" in the thirteenth century. He speculates that the Lusignans were able to accomplish more than their castellan neighbors due to "a continuous series of vigorous and unscrupulous leaders for ten generations," as "part of the answer." However, I believe it is also important to stress that the possession of large amounts of allodial lands for which the Lusignans did not owe any allegiance.

The seat of the Lusignans lay close to the town and abbey of Saint-Maixent, and the earliest reference to a castle of Lusignan was in 1009, in a charter from the abbey of

⁴⁰ *Rodulfi Glabri Historium Libri Quinque*. Edited and translated by John France. (Oxford: Oxford University Press, 1989), 61. *Cum enim circumquaque in diuersis preliorum euentibus plurimum humanum fudisset sanguine, metu gehenne territus, sepulchum Saluatoris Hierosolimorum adiit.*

⁴¹ Painter. "The Lords of Lusignan," 43.

Nouaille.⁴² Painter believes that Hugh's many references to the lands once held by his kin show that the Lusignans "had been of importance in the region for several generations,"⁴³ as can also be discerned by the use of the name Hugh in at least three instances before that of the Hugh of the *Conventum*. But, given the insufficient information for this region it may be a sufficient reason to assert longevity perhaps, but not importance. The importance was derived from the holdings of free land and the manpower to which it allowed access. This would be borne out by Painter's study which found that lands in the "immediate vicinity of the [Lusignan] seat were allods," and St-Hilaire of Poitiers also owned allodial land in the area.⁴⁴ That the Lusignans seem to have exercised some control over the holders of allods near their castle is seen in the example of "one of the lords consenting to the grant to St-Cyperien of an allod in the *dominatu* (demesne) of Lusignan."⁴⁵ The Lusignans were also found "exercising the rights of justice and collecting dues from the land of St-Hilaire," and as a vicary probably exercised "vicarial rights over the neighboring countryside."⁴⁶ About "ten miles south and slightly east of Lusignan, lay a band of fertile land" which formed part of the Lusignan allods. Further, they also held the forest as a benefice, probably from the bishop of Poitiers, going back to the time of Hugh I, also known as Venator, who is thought to have been the chief huntsman of the Counts of Poitiers. Further honors came from the Countess Emma, mother of Count William, in the form of a tax levied on the town of Saint-Maixent, with the proceeds to be given to her knight Hugh Albus, the father of Hugh IV of the

⁴² Painter. "The Lords of Lusignan," 27.

⁴³ Painter. "The Lords of Lusignan," 28.

⁴⁴ Painter. "The Lords of Lusignan," 29.

⁴⁵ Ibid.

⁴⁶ Painter. "The Lords of Lusignan," 29

Conventum.⁴⁷ All of these lands and offices brought in revenue for the Lusignans, and it also seems to have brought Hugh the service of a thousand men, although how many were armed cannot be known. Thus, Hugh seems to have had enough power and a bargaining position to allow him to make his demands and to defy the Count.

As can be gleaned from the *Conventum*, Hugh coveted more land and castles. His constant demand for what he believed was his rightful inheritance was backed by ever increasing conflicts with his neighbors. Once he actually captured the castle of Gencay but was forced by William to give it up. He was also required to provide service to William as an obligation of a dependent man. Although the *Conventum* does not mention the swearing of an oath, the fact that William was acknowledged as his lord to whom he owed love and loyalty and finally the very public act of unfaithing himself to William, all imply an earlier oath-taking. Also, since the *Conventum* has Hugh serving Count William at his court and accompanying him to various assemblies and count's courts, Hugh must have been a person of some importance and not a "relatively minor personage," as declared by Bachrach.

To underscore this importance one only has to look into Lusignan's history to see that Hugh founded two monasteries, at his castles of Lusignan and of Couhe`. The lands for these houses came from Hugh's inherited allods. In fact, since the lands chosen for one of the monasteries outside of Lusignan belonged to St-Hilaire, an exchange of land had been necessary and was carried out with this abbey. Anchored in the charters of Nouaille, the witnesses at the assembly to this exchange on 6 March 1025 were all prominent personages from the area: "Count William, Countess Agnes, the count's sons, William and Eudes; Count

⁴⁷ Painter. "The Lords of Lusignan," 28.

William of Angouleme and his son, Alduin; the archbishop of Bordeaux; and the bishops of Poitiers, Angouleme, Perigeux, and Limoges.”⁴⁸ Shortly thereafter, Count William also obtained charters for each of Hugh’s monasteries from King Robert. This involvement of Count William also implies the prior agreement of the *Conventum* for this level of amity between Hugh and William. Hugh went even further by petitioning the Pope, through Bishop Isembert of Poitiers, asking for an exemption for the “Notre Dame of Lusignan from all ecclesiastical authorities except the abbot of Nouaille.”⁴⁹ This privilege was granted to Hugh, further underscoring his importance in the area. The textualization of this process shows that Hugh was considered an important person in his region and must have carried some political power. Of course, since the transaction was anchored in a monastery’s charter, it was the church’s way of ensuring and legitimizing its rights. This textualization, however, became an added aid to communal memory and by entering the monastery’s archives gave permanency to the bond created between the House of Lusignan, the monastery, and all others associated with this religious establishment.

So also, the relative independence brought on by possession of inherited allodial lands allowed Hugh to make and demand those claims for properties that are to be found in the text of the *Conventum*. He not only made these claims against Count William but, to a lesser extent, also against Count Fulk. From the first reading of the *Conventum* it would seem that Hugh was not really successful in getting what he demanded. However, he did get the castle of Vivonne with all the lands and *honors* that his Uncle Joscelin had held. Perhaps that

⁴⁸ Painter. “The Lords of Lusignan,” 44.

⁴⁹ Ibid.

was Hugh's ploy all along, to ask for a lot and see what he could eventually get, as long as he got something. For, as already discussed, it was also a matter of social status and honor that he be treated like a noble knight. The *Conventum* does not specify the extent of the property that went with Joscelin's honor, but it may have been quite substantial, enough for Hugh to release his claims to the other properties. But, given Fulk Nerra's record of not allowing heirs to receive their father's property or office, Hugh may have thought it prudent to have the details of his effort put into writing for future claims.

For Fulk Nerra also knew the importance of putting things in writing. A "comital tradition" of the Angevin House, the count had already "recognized the importance of using written documents in the business of government."⁵⁰ Geoffrey Grey mantle had "placed a high value on the written word and observed . . . that 'because the memory of things done rightly slips away from the senses,'"⁵¹ it was important to have it in writing. A charter written by him for the abbess of Sainte-Croix started thus:

The shrewdness of the holy ancient father was that whatever agreements or decrees one would wish to have endure in force should not so much be supported by worthy men but be placed in an enduring form by means of writing.⁵²

Fulk too believed that "'a memory is written in letters so that those matters that cannot be remembered otherwise are kept in the memory through the use of letters,'" or "'these basic facts are written down in a bee-like manner so that in the full length of time . . . we may refer

⁵⁰ Bernard S. Bachrach. "Fulk Nerra's Exploitation of the *Facultates Monachorum*, Ca: 1000" ."
State-Building in Medieval France: Studies in Early Angevin History. Variorum Collected Series.
(Brookfield, VT: Ashgate Publishing, 1995), 35.

⁵¹ Bachrach. "Fulk Nerra's Exploitation," 35.

⁵² Ibid.

to these things as a result of having been inscribed.”⁵³ Therefore, Fulk Nerra recognized the importance of putting things in writing “as a basis for legitimization.”⁵⁴ Is it too unlikely to think that Hugh could have had the same regard for the institution of writing and the importance of the written word?

The eleventh century saw the rapid growth in castle-building, either by landed knights or by counts. Even if counts built the castles, as was the case with Count Fulk, they still had to be manned by their men, called castellans. Just as rapidly, protected by their castles and their men, these castellans took over many of the duties that the counts had carried out under kings and with the breakdown of central authority in the tenth century, had appropriated for themselves. Now, in the early decades of the eleventh century, it seemed that the authority of the counts was weakening as well. Fulk Nerra, however, seems to have recognized and worked to push back against this trend within his territories; his policies of rewarding his men with inheritances, marriage alliances, and lucrative positions, certainly seems to underscore his success in checking most of that push for power within his lands.

The textualization of Hugh’s claims was meant to provide them with an “enduring form,” just as Fulk Nerra and his father before him, had recognized. While the *Conventum* tells of Hugh commending himself to Fulk at William’s behest, it is not clear whether he received any property in return,⁵⁵ or it was a ploy on William’s part to neutralize any military

⁵³ Ibid.

⁵⁴ Bachrach. “Fulk Nerra’s Exploitation,” 45.

⁵⁵ Martindale, “*Conventum*,” 542-a, *Fulco promisit ut haec quod a se pertinebat daret Hugoni.*; 546-a, *Respondit ei Ugo (to Fulk): ‘Quando ego fui homo tuus, dixi tibi quia si ego valebam ad inimicas meos tollere castellos, tulissem et tenuissem in tua fidelitate; . . . Et ait Fulco: ‘Tu qui meus es, quomodo teneas hoc quod ego non dedi tibi extra meo grado ?*

aid Hugh might be tempted to give Fulk against William. Thus, within the textualization is also inherent a record of the network of lords to whom Hugh was commended, again cementing in writing the bonds and relationships that were created, even if they did not always work to Hugh's advantage. However, the written form also contributed to the larger picture of portraying the loyalty of Hugh, who was forced to enter into conflicts with his neighbors in order to strengthen his political position and to finally receive some land.

CHAPTER III: From Oral to Written

“The moving finger writes, and having writ moves on.”¹ With this sentence, Omar Khayyam was actually emphasizing the irrevocability of a person’s deeds, in the second half of the same century as the events and text of the *Conventum*, but at the same time, he was also presenting the importance of the written word in his depiction of the stylus as an extension of the scribe’s finger. Writing not only lent permanency, but to the medieval mind, the written words had a connotation of the divine and of knowledge, as found in the liturgical and ecclesiastical books, and this in turn lent credence to the writing.²

In a highly competitive society where the nobility saw themselves as an exclusive class, disputes and conflicts centering on the claims of property have been the subject of many historical documents. In almost all cases, they tell of the negotiations and the agreements that effected them. A closer look at these agreements often reveals instances of violence that precipitated the conflicts. Aggression seems to have been an acceptable step in the process of dispute settlements. Thus, the *Conventum* is full of violent incidents that formed part of the ongoing conflicts between Hugh and other lords. However, the end of the *Conventum* shows that it was easier for Hugh to go back to his dependent position by re-affirming his oath of fidelity to Count William and his son, because “given the political and

¹ *The Rubaiyat of Omar Khayyam*. Trans. by Edward FitzGerald. (New York: Walter J. Black, Inc., 1942), Quatrain 51, 36

² Michael T. Clanchy, “Medieval Mentalities and Primitive Legal Practice.” *Law, laity and Solidarities: Essays in honour of Susan Reynolds*. Eds. Pauline Stafford, Janet L. Nelson and Jane Martindale. (Manchester and New York: Manchester University Press, 2001), 88.

economical conditions of the day,” the nobility found in this arrangement, the best possibilities for advancing themselves.³

The negotiations described in the text were wholly oral in nature. They would have most definitely been spoken out in the presence of others, and accompanied by rituals and mannerisms that would have been understood by contemporaries. Further, the text informs us that Hugh, time and again, pleaded the case of his proprietary rights in a legal setting of the time called a *placitum* (assembly). The text also portrays Hugh’s conduct in the manner of a man loyal to his lord. Although no provisions for the writing down of the agreement in the future are mentioned or even hinted at in the text, Hugh surely understood the importance of having the various events, promises, disputes, and finally the agreement, documented. Thus the textualization of the *Conventum* not only invested the text with permanency, but it also provided knowledge whose meaning the reader or listener could understand, interpret, and for future use, especially if Hugh or his heirs wanted to contest the possession of any of the properties mentioned in the text.

Exactly what kind of knowledge the *Conventum* provided must therefore be discussed along with the reasons for its textualization. While discussing the importance of textualizing Hugh’s claims, the question of the unusual nature of the *Conventum*, that is, non-formulaic, lengthy, and employing direct speech, also comes to the forefront. Here, I will first discuss the implications of textuality in the eleventh century, based on the extensive study done by

³Beech. “The lord/dependent,” 13

Brian Stock on medieval communication.⁴ Next, I will examine a study done on documents called *convenientiae* (agreements) to discuss their similarities and dissimilarities with the *Conventum*. I will discuss how the placement of the *Conventum* in a particular manuscript gave it authority and credence. I will discuss why some of the points made by other historians, like Beech, of the visual markings in the text are unwarranted, thereby disputing the idea that the visual markings were so unique as to deem the *Conventum* a literary fantasy of an unknown author for the amusement of his aristocratic audience. The text will then be examined within the legal culture that is prevalent in the description of the events, and the words used to identify some of these settings. Finally, I will argue that the focus of the written document that transcribes the oral events, rests on Hugh's having stayed true to the oath of fidelity that he must have sworn to Count William early in their association, perhaps already sworn in the lifetime of Hugh's father, publicly in front of witnesses. Hugh felt his conduct in keeping with his understanding of the oath of fidelity justified his behavior towards the Count, and on "a system based entirely on faith,"⁵ the Count is portrayed as not keeping his word. All of these impart legality, in the customary tradition of the time, to the events, the spoken dialogues, and also to the written text itself; a legality that would hold up in a future dispute, if necessary. However, because written documents carried legal weight, the use of forgeries was also a known problem of the time, and often live witnesses were preferred in addition to any documented information. For dispute settlements brought before a court usually required witnesses who could attest to, or remember, how certain properties

⁴ Brian Stock. *Implications of Literacy: Written Languages and Models of Interpretation in the Eleventh and Twelfth Centuries*. (Princeton, New Jersey: Princeton University Press, 1983)

⁵ Poly and Bournazel, *Feudal Transformation*, 71

had been acquired or tenanted by whom and any other circumstances on which a case for the property hinged. Thus, memory and knowledge were important components of cases heard in courts or assemblies and the written text of the *Conventum* provided all of this information as well.

What then was the importance of writing in a largely oral and visual society? The practice of written documentation in the form of surveys of royal lands and castles had become customary during the Carolingian period. The *Capitulare de Villis* that have come down to us, show “prescriptive text dealing with royal estate-managements,” that depended upon capable bailiffs who could render well-written accounts to the envoys (*missus*) of the Carolingian king. This process meant complete written accounts of yields, of payments owed and received, of revenues from all of the estates’ resources to include markets and mills, as well as listing of all tenants on royal lands.⁶ The partition of Charlemagne’s kingdom among his sons also required a thorough survey of the royal lands and estates, as “fraternal conflicts,” often necessitated “hand-outs of royal lands to win noble support,”⁷ underscoring the importance placed on written surveys for ‘knowledge’ by the Carolingian courts. As Nithard⁸ has informed us “When the emissaries of Louis and Charles took up the division of the kingdom,” it was found that no one was “thoroughly familiar with the whole empire,”⁹ thereby making it difficult to effect a smooth division of property. Written surveys therefore played an important part under Carolingian rule, as it not only helped them form

⁶ Janet L. Nelson, “Literacy in Carolingian Government.” *The Frankish World: 750-900*. (London, UK and Rio Grande, Ohio: The Hambledon Press, 1996), 14

⁷ Nelson. “Literacy,” 15

⁸ A contemporary writer who was also Charlemagne’s cousin.

⁹ *Carolingian Chronicles*. iv, 5, 171. Also in Nelson, “Literacy,” 16

administrative policies, but also provided knowledge for future disputes arising under successive kings.

Further impetus was given to the surveys as Charles the Bald needed the knowledge to negotiate payments to the Vikings who were raiding the western regions of his realm. The same information then was used by him to requisition the labor and the materials needed to build the fortification at Pitres to protect the valleys of the Seine and the Oise from the Viking raids.¹⁰

Of interest for written surveys is also a charter of 871 which expected those at the county level who had received lands from the *fisc* to provide written documentation of the original grants, or they risked having their lands being incorporated back into the *fisc*. The same documentary evidence could then also be used by lay magnates to successfully defend their property in public courts, even against the “counterclaims of . . . very powerful ecclesiastical part[ies].”¹¹ A pattern of recorded surveys, transactions, and other details of landed properties, therefore, was already of great importance in the Carolingian period, and different forms of written record-keeping continued into the eleventh century. Thus, the tradition of written documentation through surveys was already in place by the eleventh century. By documenting the negotiations to the properties that he considered were his by right of inheritance, Hugh of Lusignan chose to safeguard his landed property by textualizing his claims, negotiations, and agreement with Count William and his heir. The document would then not only act as a witness for future negotiations and pleas, if required, but at the

¹⁰ Nelson, “Literacy,” 18.

¹¹ Nelson, “Literacy,” 16.

same time the claimed ownership to various properties by one family member or another defined ancestral lands and thereby created an association of kinship and familial affiliation that contributed to the formation of an identity for the house of Lusignan.

Transmission of oral communications in textual form came with an emergence in literacy in the eleventh century in a society that was largely oral, and which Brian Stock found “contributed to the way in which individuals perceive[d] issues, frame[d] them in language, and evolve[d] systems of interpretation.”¹² The period between the eleventh and the thirteenth century, for Stock, was not so much a culture of illiterate but a non-literate population, which imparted a “broader range of purposes” to written texts than understood in a literate society.¹³ Some texts were merely “recorded oral transactions” implying the services of a scribe but little else.¹⁴ Other texts “functioned as evidential documents . . . in case the oral record was forgotten or obliterated,”¹⁵ or texts acted in a juridical capacity, thereby, “effectively supersed[ing] oral arrangements.”¹⁶ Thus it becomes important to study medieval texts not just for their oral or written elements, but also to take into consideration their intended audience and their intended purpose, which is what I have done in my study of the *Conventum*.

For the study of texts, Stock proposed two theories of theses, “the strong thesis” and “the weak thesis.”¹⁷ The strong thesis is the study of the impact of literacy on an only oral

¹² Stoc., *Implications*, 5

¹³ Brian Stock. *Implications*, 7.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid

¹⁷ Ibid. 5

society without previous access to writing, making it “possible to speculate” on the impact that literacy would have on that society.¹⁸ The weak thesis takes into account “the interaction of the oral and the written” in a society with pre-existing use of textuality. In a weak thesis, “the oral and the written [are] seen as forms of expression and performance,” and emphasis is placed on “everyday challenges and responses of social life.”¹⁹ The *Conventum* then can be seen as an example of the weak thesis, as a text that provides a window into the workings of a medieval society that was undergoing changes in the upheavals of the post-Carolingian and early Capetian rule.

With an increase in textuality, written forms became increasingly important in “law, administration, and commerce,” but still existed alongside an oral tradition that underwent a readjustment to fit into a culture which was now “simultaneously oral and written.”²⁰ The result, Stock believes, was that while “performative acts . . . remained verbal, and individualistic,” now “they were increasingly contextualized by writing” implying “shared values, assumptions, and modes of explanation.”²¹ The permanency of the texts also altered other relationships, namely those between the reader and the audience, and the texts themselves became “autonomous vehicle[s] of exchange,” although the context of the texts retained their original purpose, at least in part, “supplied by a common understanding”²² of their contents. It is therefore important to explore inter-group relationships of those using the

¹⁸ Ibid.

¹⁹ Ibid. 7.

²⁰ Brian Stock. *Listening for the Text: On the Uses of the Past*. (Baltimore and London: Johns Hopkins University Press, 1990), 19.

²¹ Ibid. 20.

²² Ibid. 45.

texts, to examine their interactions, and the outcomes of those interactions, all within their historical context.²³

The historical context as well as the contents of documents termed *convenientiae*, for the Catalan region was undertaken by Adam Kosto. Kosto's aim was to study the *convenientiae* for their link to the exercise of power in the region and how the "integral elements of its conception, construction, and application" allowed for the use of *convenientiae* in restructuring the social and political order in the region.²⁴ The word *convenientia* is derived from "the verb *convenire* (to come together), in the use of classical and post-classical Latin." In the general sense it is also used to mean "understanding" "concord," or "harmony"²⁵ However, the word increasingly came to denote "an agreement" in its usage. For example, "Isidore of Seville . . . in the book of his *Etymologies* devoted to legal terminology [wrote]: 'A purchase and sale is an exchange of things and a contract arising from an agreement (*convenientia*).'"²⁶

The *convenientia* came into use in the Catalan counties in the upheavals caused after the sack of Barcelona in 985. Even though the counts of Barcelona took control of the area by 988, they were only able to attain a stable administration by the middle of the eleventh century. Prior to this time crisis in the "internal political developments of the house of Barcelona" led to a "transformation in the structures of power," and affected the count's

²³ Stock. *Listening*, 22-3.

²⁴ Adam J. Kosto, *Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000-1200*. (Cambridge: Cambridge University Press, 2001), 25.

²⁵ Ibid. 33

²⁶ Ibid. Also footnote 19 as: *emtio et verditio est rerum comutatio atque contractus ex convenientia veniens*.

ability to “exercise power and dispense justice.”²⁷ A shift away from the “strong legal culture of the ninth and tenth century” Catalonia to a loss of confidence in the system, is seen by Kosto in the “refusal to accept witnesses and [withdraw] from a *placitum*,” and in the ambiguous use of certain terminology by scribes in the composition of documents.²⁸ “This ambiguity, for Kosto, is an “indication of a transitional period” with scribes moving away “from traditional formulae and forced to improvise.”²⁹

Early eleventh-century southwest Frankish counties were also facing upheavals in their administrative as well as judicial systems. The breakdown of central authority in the post-Carolingian period and the conflicts surrounding the rise of the Capetian rulers were certainly major factors that contributed to the crisis of power in this region of Francia. The rise of castles and castellans, largely to secure the border regions of the counties as well as their lines of communications, also denotes a weakening of comital authority rather than its strengthening. Counts were forced to negotiate with these castellans to help secure their own positions and power. Thus, transformations in the power structures can be discerned on both sides of the Frankish borders, and possibly also for similar shift in forms of documentation within Aquitaine, of which the *Conventum* is one such document.

The first surviving *convenientia*, also the primary source for Kosto’s study, was with 2,500 words one of “the longest eleventh-century records in the comital archive,” and dated from 1020.³⁰ The document “indicates in a balanced fashion the acts and responsibilities of

²⁷ Kosto, *Making Agreements*, 13

²⁸ Kosto, *Making Agreements*, 51-2

²⁹ Ibid. 43

³⁰ Ibid. 26

both parties.”³¹ This agreement provides details, in sections, of “the undertakings” of each of the parties, and the third section details the procedures for “the settlement of disputes.”³² Kosto also found that the documents typically began with the phrase ‘*haec est convenientia*’ (this is an agreement), and covered a wide range of topics, but also some of these were also subjects of documents which were not *convenientiae*. The document that was the primary source for Kosto starts: “*Hec est convenientia inter Ermengaudum comitem et Ermengaudum episcopum*,” while the text of the agreement between Hugh and Count William is also begins with “*Aquitanorum comes vocitatus Guillelmus Conventum habuit cum Hugonem Chiliarchum*” (The Count of the Aquitanians called William had an agreement with Hugh Chiliarch)³³ and further Kosto has pointed out that “the world depicted in the *Conventum* between William V of Aquitaine and Hugh of Lusignan corresponds” to the “model” of the *convenientia*, and the relationships and conflicts that the *Conventum* describes are similar to incidences described in various *convenientiae*.³⁴

While the *convenientiae* were considered legal documents by contemporary society, they were very different from the other documents common at the time. They lacked the “consistency and formality” of the other documents.³⁵ While most medieval documents contain elements that “serve a functional purpose,” like names of witnesses to transactions; “verbal invocations,” for example, “*in nomine Domini*” (in the name of the Lord); or “dating clauses” mostly found at the end of the documents, Kosto found that the *convenientiae* are

³¹ Ibid.

³² Ibid. 26-7.

³³ Martindale, “*Conventum*,” 541-2a.

³⁴ Kosto. *Making Agreements*, 22

³⁵ Kosto. *Making Agreements*, 160

largely devoid of this information.³⁶ This absence underscores the non-formulaic and novel form of documentation indicating that the “scribes had no models from which to work,”³⁷ before the middle of the eleventh century. However, as scribes produced more and more of these documents for the comital court in the Catalan region, Kosto noted the emergence of a standard form of these documents after the twelfth century.³⁸

While the above-mentioned characteristics are also typical for the *Conventum*, the *convenientiae* lay out details in concrete terms, details that are missing in the *Conventum*. Thus they define “details of the rights and obligations of those with interests in the castles,” “the terms of castle-guard,” the “agreements between landowners and tenants,” and the “division of inheritances.”³⁹ In places like Latium, “the *convenientia*’s primary function was to record vassalic contract[s],” and it “also served to conclude judicial proceedings.”⁴⁰ The *Conventum*, however, while giving details of the conflicts in which Hugh was embroiled, gives few, if any, details of actual terms of ownership, tenure, or details of inheritances. Even the obligations of the lord and his man are ambiguous, mentioned only in the core fundamentals of love, loyalty, fidelity, counsel, and service. While pleas and pledges are identified, they are one-sided, narrated in Hugh’s terms, and constitute a document of personal claims for castles and lands. Also, no procedures are specified in case of a default on the agreement but are left to the judgment of God and the fear of perjury, a mortal sin, in the form of an oath sworn by all parties. However, the textualization of events and the

³⁶ Kosto, *Making Agreements*, 161

³⁷ Ibid.

³⁸ Ibid.

³⁹ Kosto, *Making Agreements*, 22

⁴⁰ Kosto, *Making Agreements*, 22.

production of the written document of the *Conventum* itself, act as a validation of a sworn oath by all parties concerned, and as a mechanism for the resolution of future conflicts.

The preservation of written texts, therefore, was not a random act by copyists or scribes. Documents were carefully selected for a particular reason, aimed to convey posterity by deliberately selecting materials to create a version of events.⁴¹ Thus, there must have been a reason why the scribe of the MS 5927 chose to place the *Conventum* after the chronicles of Bishop Ademar of Chabannes in this manuscript. Perhaps Ademar planned to add it into his many re-written versions of the chronicles, but did not get it done; the scribe who composed the manuscript wanted to show that William the Great was not as king-like as Ademar professed; or, the scribe believed that the *Conventum* belonged with the events of the years chronicled by Ademar who never alluded to them in his writings.⁴² Without collaborating documents, however, the reasons remain highly speculative. What can be said with certainty is that the MS 5927 was found in a manuscript that was kept in the abbey of Saint Cybard in Angouleme, and I ascribe to Martindale's speculation, that this was connected to the help Hugh received from the lords of Angouleme, Duke William and Bishop Roho, who had also been negotiating with the other lords on Hugh's behalf.⁴³ The *Conventum* was inserted into the same manuscript of what was believed to be the royal diploma for Saint-Cybard by Charles the Great (but was in fact a diploma issued by Charles the Bald in 852), granting

⁴¹ Michael T. Clanchy, *From Memory to Written Record, England 1066-1307*. (Cambridge, MA: Blackwell Publishers, 1993), 147.

⁴² Beech. "Contributions of Diplomatics."

⁴³ Martindale, "*Conventum*," 542-a. *Roho vero episcopus vidit et audivit osculavitque brachium comiti* (Bishop Roho saw and heard this, and kissed the count's arm). Also, *mandeit ei pro Guuillielmo comite Engolisma ut mitteret in sua mercede* (commanded him to put himself in the mercy of count William of Angouleme) 546-a

immunity and estates to the monastery, making Angouleme the focal point from which to explore the broader historical setting involving the Counts of Aquitaine, of Angouleme, and Hugh of Lusignan.⁴⁴ We are also told by Ademar of Chabannes that the two Counts were close friends, “companions in war and fellow-travellers to Italy.”⁴⁵ Thus there exists a strong possibility that the *Conventum* entered the archives of this monastery via the count or the bishop. Other surviving documents and charters ascribed to the Aquitanian count, either in his name, or bearing his subscription, also show a close collaboration between Count William of Aquitaine and the Count and the Bishop of Angouleme.⁴⁶

Yet another strong case for the monastery in Angouleme as a repository for the *Conventum* lies, I find, in the close connection that Catalonia had with its northern neighbors. As mentioned, the Catalan *convenientiae* had a lot of similarity with the *Conventum*. Thus the link with Angouleme, for the textualization and the repository of the document, could lie in the south rather than towards the north of Aquitaine. The “administrative and cultural links” of the Catalan counties were tied to the Carolingian church, under the Archbishop of Narbonne,⁴⁷ while Clunaic monasteries were found along the border on both sides. Administrative ties to Septimania and the strength of Carolingian traditions prevalent in the region also show Catalonia as an extension of the empire, rather than as an independent Christian kingdom. Additionally, the Catalan comital families, “all descended from Bello, a

⁴⁴ Martindale, “The *Conventum*: A Postscript.” VIII, 31

⁴⁵ Martindale, “The *Conventum*: A Postscript.” VIII, 32

⁴⁶ Martindale, “The *Conventum*: A Postscript.” VIII, 32-33

⁴⁷ Kosto. *Making Agreements*, 6.

count of Carcassone under Charlemagne,” looked north for their marriage alliances.⁴⁸

“Between 930 and 1080, twenty-two of the thirty Catalan Countesses came from . . .

Languedoc, Auvergne, La Marche, Provence, and Burgundy.”⁴⁹ Most of these areas were directly or indirectly connected to the county of Angouleme. The scribe of the *Conventum* could have come into Hugh’s orbit through any of these channels. Taking into consideration the help that Hugh received from Bishop Roho and the Count of Angouleme, and given the close association of Catalonia with its northern neighbors, especially the county of Angouleme, the monastery of Saint-Cybard of Angouleme no longer seems a strange place for the textualization and preservation of the *Conventum*. Why a singular example of this type of a document has been found in this region, though, still remains to be answered.

As I make a case for why the *Conventum* should be understood as a legal document through the textualization of its narrated events, it is also important to address one of the reasons that Beech put forward for its fictive nature. The reasons involved visual markings in the written text which Beech analyzed for his assertions.⁵⁰ Written texts were transmitted to the non-literate, or even to the educated, by the habit of having them read aloud, for the preference of the medieval people was for listening to the statements rather than reading the script for themselves. Since clerks did most of the writing and the reading of the documents, it was possible to involve a broader group of people, all laymen, literate and illiterate, in the use of documents and charters in their transactions, and to pass on their contents in their verbal form. Therefore, a system of punctuation intended to assist in reading the text aloud

⁴⁸ Kosto, *Making Agreements*, 7

⁴⁹ Ibid.

⁵⁰ Beech. “Contribution of Diplomats”

was used by the clerks, and as Clanchy has noted, because “medieval Latin was an artificial language without any native speakers,” commonly known stress markers were employed on or before certain syllables to aid the clerk in reading the text aloud.⁵¹ This is a plausible explanation for the way the scribe of the *Conventum* “punctuated it, and invested it with a number of so-called visual cues,” that George Beech has noted.⁵² Except, according to Beech, these “visual clues,” were to have alerted a “narrator or a jongleur,” to accommodate his voice or tone to changes in events, to pauses, to “convey emotion, or otherwise aid in the theatrics.”⁵³ They were a normal part of what Beech “speculates” was “a Latin prose narrative intended for oral performance,” and meant mainly for “an aristocratic audience” that would have been most appreciative of a narrative about the “struggles over land and castles between members of their [own] class.”⁵⁴

Thus, in my mind’s eye, I see a scribe, perhaps a cleric, sitting by a window, at a roughly hewn table with a parchment, an inkwell, and some stylus, the nibs of which he must have carefully sharpened beforehand. He bends over his parchment and starts to write as Hugh, pacing up and down the room, hands perhaps clasped behind his back, or alternately swinging by his sides, gazes at the floor, then perhaps into the distance, as he recalls and narrates his events. Perchance his narration was in Romance or Occitan vernacular which the scribe then had to transcribe into the Latin that is the language of the *Conventum*. Did Hugh

⁵¹ Clanchy. *From Memory*, 269.

⁵² Beech. “Contribution of Diplomats” 61.

⁵³ Ibid. 79.

⁵⁴ Ibid.

refer to himself as *Chiliarchum*, leader of a thousand men? Or, did the scribe decide to portray him as a powerful man, since elsewhere he has been referred to as *Brunus*?⁵⁵

The *Conventum* certainly portrays Hugh as a character who tenaciously went after what he considered his ‘rights,’ even as he constantly professed his love and loyalty for Count William, until such time as he publicly repudiated both. All of these transactions and communications occurred on an entirely oral basis, not only between Hugh and Count William of Aquitaine, but also between him and other grasping and greedy lords, all of whom were involved in the tussle for power and status in the region. Indeed, most of the negotiations and interactions that took place between them are described in direct speech, and this description helps give the text a forward momentum which then culminated in an agreement, also expressed and agreed upon orally. The text is full of verbs that show this form of oral communication. Thus, the Count “hastened to Hugh” and “said to him,” or, “I’ll give you whatever you ask of me,” when Count William spoke to Hugh.⁵⁶ Other lords also have direct speech attributed to their interaction with each other. Most important among them are Count William of Aquitaine, Count Fulk Nerra of Anjou, Viscount Radulf of Thouars, Bernard of La Marche, and an unidentified tribune named Aimeri.

Oral communication has implications beyond the absence of the literary. It is a process that takes both hearing and speech into account, “for spoken words are always modification of a total situation which is more than verbal,”⁵⁷ since they never occur alone in

⁵⁵Latin for Brown. *La Chronique de Saint-Maixent: 751-1140*. Ed. Jean Verdo, .(Paris: Societe D’Edition, 1979), 112

⁵⁶ Martindale. “The *Conventum*: A Postscript.” VIII, 12-13

⁵⁷ Martindale. “The *Conventum*: A Postscript.” VIII, 11-12.

a vacuum. The text of the *Conventum* also alludes to the presence of an audience as part of the process of oral communication in many of the transactions described, for the lords were almost always accompanied by their men, and on more solemn occasions, by other lords and peers, for example, at negotiations, at the count's court, or when pleas (*placita*) were held. On these occasions the texture of the speech would possibly be more formal and would probably be accompanied by gestures. An example is at oath-taking, or at negotiations, for instance, at the beginning of the text, when Count William promised Hugh the *honor* of Viscount Boso upon his death, and Bishop Roho of Angouleme saw and heard this and kissed the count's arm.⁵⁸ The text further mentions that there were other people present⁵⁹ and the count's promises were made verbally and in their presence, and Bishop Roho accepted and legitimized the verbal promise with a gesture that was known as such and accepted by contemporaries: a kiss. The kiss was used to confirm all "types of agreements such as the gift of a piece of property, the renunciation of a disputed claim, the making of a marriage alliance," as well as a sign of homage and mutual fealty.⁶⁰ Therefore, for the historian, "the discussion of orality must be attached to the 'legal culture'" that is the setting for most of the transactions and events described in the *Conventum*.⁶¹

⁵⁸ Martindale. "*Conventum*." VIIb, pp. *Roho vero episcopus vidit et osculavitque brachium comiti*

⁵⁹ Martindale. "*Conventum*." VIIb, 542-a. *Haec dixit coram omnibus*

⁶⁰ Major, J Russell, "Bastard Feudalism" and the Kiss: Changing Social Mores in Late Medieval and Early Modern France." *Journal of Interdisciplinary History*. Vol. 17, No.3 (Winter, 1987), 513.

⁶¹ Martindale. "The *Conventum*: A Postscript." VIII, 13.

The discussion of a legal culture first necessitates the question: what is law? ⁶²And, how does it function in society? In its basic sense, law “denotes the ways the members of a society or groups in society habitually perform certain acts, whether or not they consciously put those ways into words.”⁶³ This habit then becomes the ‘norm’. For example, a norm is established in those societies where the eldest son “habitually takes over his father’s property,” upon his father’s death. This norm would then be called the ‘law’ of the society.⁶⁴ Laws can then be defined as norms of behavior expected and set down by members of a society. These norms are thought to be neutral so as to apply to the majority of a society’s beliefs. These beliefs are based on how a society defines itself, or strives to define itself.

In the France of the eleventh and twelfth century, no real distinction existed between morals or proper conduct and law, and “dispute settlement served values quite distinct from the network of do and don’t, of shall and shall-not.”⁶⁵ Property disputes “were settled by arbitration and compromise, when not by war.”⁶⁶ A picture of the legal culture for these centuries that emerges is that of “undifferentiated, indeterminate, and flexible law”⁶⁷ appropriate to a largely non-literate society. Thus, deduction of the nature of laws for this period has to be done through the grants, charters, and other documents of individual cases,

⁶² Also asked and convincingly laid out by Frederic L. Cheyette. “*Suum Cuique Tribuere*.” *French Historical Studies*, Vol. 6, No. 3 (Spring, 1970), 287. <http://www.jstor.org/stable/286060>, [accessed 5 November 2009]

⁶³ Cheyette. “*Suum*,” 288

⁶⁴ Ibid.

⁶⁵ Cheyette. “*Suum*,” 288

⁶⁶ Cheyette. “*Suum*,” .291.

⁶⁷ Susan. Reynolds, “Law and Communities in Western Christendom, c. 900-1140,” *The American Journal of Legal History*, Vol. 25, No. 3 (Jul., 1981). 207, <http://www.jstor.org/stable/845249>, [accessed: 03Sept 2009].

rather than any written codes.⁶⁸ It is, however, important to realize that ‘custom’ as a law or validity did not come into rule in eleventh century France as a result of the vacuum left by a deteriorating central government, but it is a thing that was continuous and surviving.⁶⁹

Legal Setting within the *Conventum*

The terminology used in the text of the *Conventum* underscores the setting of legal culture within which the oral communications take place. Word-forms of *placitum*, *litigatio*, and *contentio* give the transactions validity and were understood as such in prevailing legal conventions.⁷⁰ A *placitum* at this time generally referred to a public court case. It was usually presided over by one or more counts, sometimes by bishops, depending on the importance of the case, and often by other important persons in the region, carried across many court hearings and finally appearing in the document recording the case.⁷¹ A *litigatio* was a term which denoted “the initiation or conduct of a . . . dispute which was pursued according to prevailing” customs.⁷² While *contentio* was also used for legal settlement of disputes, in the *Conventum* it had the added element of the use of force. This use of force is carried out by physical destruction like the burning of fortresses, looting, and other destruction of property, and “is described as *magna contentio*.”⁷³

The central issue for Hugh was to get back from Count William and also from Count Fulk Nerra of Anjou, those properties that he claimed were his by right of inheritance. When

⁶⁸ Many legal historians try and track this development through the Salian and Ripurian law codes, among others. It is however, not necessary for this paper.

⁶⁹ Reynolds. “Law and Communities,” 209

⁷⁰ This point also taken up by Martindale, “*Conventum: A Postscript*.” VIII, 16.

⁷¹ *Settlement of Disputes*. 273.

⁷² Martindale. “*Conventum: A Postscript*.” VIII, 17.

⁷³ Martindale, “*Conventum: A Postscript*.” VIII, 18.

no fief was forthcoming, Hugh took matters in his own hands. Hugh marched to the fortress of Chize and, seizing the tower, threw out Peter and his men who he felt were holding the property unjustly because he believed it was his by right of inheritance.⁷⁴ After Hugh had burned down the fortress of Gencay and then rebuilt it with Count William's permission, Fulk tried to take the fortress of Gencay away from Hugh, even after he had become Fulk's man at Count William's insistence. Hugh refused to surrender the fortress to anyone as he pointed out, "that which you are demanding from me belonged to my kin, and I have a better right to it than those who were holding it."⁷⁵

In the course of settling of disputes, or in the case of Hugh's first asking for and then demanding his rights, as a customary form of legal proceedings comes up often in the *Conventum*. Pleading at an assembly or court (*placitum*) was "a matter of the parties telling their stories in such a manner as to persuade their audience," especially the influential ones.⁷⁶ The idea was to present the parties as loyal and good, and possessing the right to their claim. It usually followed the pattern in which disputants "told their tales and pleaded their cases," and the preferred form of judgment was a settlement or "honorable compensation." The idea was to find acceptable terms for all parties involved so as to avoid violent conflict, and to "restore peace [to] the community."⁷⁷ Therefore, traces of requirements worked out by

⁷⁴ Martindale. "Conventum." VII, 547-a. *Ad castrum Kasiacum que fuit avunculo suo. Also, Fecitque Ugo pro hoc quia cogitavit habere rectum, quia fuerat patri suo vel ad aliis parentibus suis, quem perdebat.*

⁷⁵ Martindale. "Conventum." VII, 546-a. *Sic volo, facere, quia istum castrum quem tu requiris, ad consanguineas meos fuit, et rectum habeo melius quam illi qui tenebant.*

⁷⁶ Paul. Hyams, "Norms and Legal Argument Before 1150." *Law and History – Current Legal Issues* 2003. Vol. 6. Eds. Andrew Lewis and Michael Lobban. (Oxford and New York: Oxford University Press, 2004), 42.

⁷⁷ Hyams. "Norms and Legal Argument," 42-3.

William of Aquitaine in the Peace of God council held in Poitiers in 1011-14, are also to be found in the text of the *Conventum*. It requires that

All litigation in the *pagi* of the *principes* . . . would be submitted to their jurisdiction or to that of a judge of the *pagus*; with or without the agreement of the parties involved, they would give judgment. If they refused, they would lose the hostages that they had given to the duke at the end of the council; if they were unable to come they would call other important men present at the council, lords or bishops, to pass sentence on the guilty.⁷⁸

Hugh's meeting at the Count's court and other assemblies mentioned in the *Conventum* seems to have followed this pattern set down at the Peace council; he had taken part in the pleas (*levaverunt placitum invicem*)⁷⁹ and had also surrendered hostages to Count William when he had demanded them (*Redde mihi homines*),⁸⁰ and then had subsequently lost them and his plea (*Postea Ugo homines non habuit nec rectum*).⁸¹

The *Conventum* began with negotiations for the lands of Parthenay between Count William and Hugh. At the same time, Hugh was also negotiating behind the count's back, with Radulf of Thouars for a marriage alliance with Radulf's daughter. This alliance would possibly have had adverse implications for the balance of power against both Count William and Count Fulk, which is why they forbade Radulf to fulfill any agreement made with Hugh.⁸² At this time, Count William, according to the text, engaged in a plea (*agens placitum*) with Count Fulk and promised to give something to Hugh from his own benefices (*promisit ei de sua propria beneficia dare illi*). Count Fulk also seems to have promised to

⁷⁸ Jean-Pierre Poly and Eric Bournazel. *The Feudal Transformation* 152.

⁷⁹ Martindale. "*Conventum*," 547-a.

⁸⁰ Martindale. "*Conventum*," 543-a.

⁸¹ Ibid.

⁸² Martindale. "*Conventum*," VII, 542

give Hugh that which belonged to him (*Fulco promisit ut haec quod a se pertinebat daret Hugoni*).⁸³ At this *placitum*, which by its very nature was a public procedure, the Count also sent for Radulf and told him about the agreement (*conventum*) that had been reached with Count Fulk regarding Hugh. He further explained to Radulf that he had made this *conventum* because Radulf had not been faithful to William. Here the term *placitum* spills over into the meaning attributed to the term meaning an agreement or settlement, although the agreement or settlement could also be made outside of the court proceedings. The judges at the *placita* (assemblies) were usually the disputant's peers and also important people from the region. The lack of a codified legal system meant that judgments passed at the assemblies did not always correspond to the rights or wrongs of the dispute, but were decided by those who might, directly or indirectly, be affected by the outcome.

Since Hugh was unsuccessful in retrieving his property from either of the counts to his satisfaction, he repeatedly demanded that Count William obtain a 'good plea' for him.⁸⁴ After the death of the tribune Aimeri, Hugh again did not receive any of the promised property from William, probably because Aimeri had a son who also laid claim to his father's lands. One of the tactics of the time was that the lords would promise their men lands and property that they never really had to give. It was one way of ensuring service from their man, to keep him dangling with the hope of future rewards for services rendered.⁸⁵ However,

⁸³ Martindale. "*Conventum*." VII, 542

⁸⁴ Martindale. "*Conventum*: A Postscript." VIII, 14. *Placitum bonum fac mihi habere*. Martindale. "*Conventum*." VII, 544

⁸⁵ Stephen D White, "The Discourse on Inheritance," in *Re-thinking Kinship and Feudalism in Early Medieval Europe*, (Burlington, VT: Ashgate Publishing, 2005), 196

the text of the *Conventum* has Hugh demanding only that which he considered he had prior right to, more than those holding it from the greater lords.

The demand for a ‘good plea’ notwithstanding, the receipt of his property seems to have been the other important theme in the *Conventum*. After Aimeri’s death and the subsequent enmity of his son against Hugh, Count William agreed to hold a plea for Hugh and promised him that if ‘they’ (those passing judgment) did not ‘behave well towards [Hugh],’ he would finish building the fortress of Civray and hand it over to Hugh.⁸⁶ However, on this occasion, the ownership of the fortress of Civray does not seem to have gone well, for the men of Civray found Hugh an oppressive lord and turned the castle over to Bernard. Therefore, Hugh was again begging and urging Count William by the faith which a lord owes to help his man (*per fidem quam senior adiuvari debet homini suo*), to either get him (Hugo) a good plea or his fisc (*aut placitum bonum, aut fiscum meum*). Yet again, Count William failed in his obligations towards his man, and Hugh seems to have suffered much loss. The crisis reached a head when after going to the Count’s court, putting forward his case, and not getting a satisfactory judgment, Hugh defied the Count in the hearing of all (*defidavit comitem de se . . . audientibus cunctis*) by retracting his oath of fidelity, and keeping only the oath of not harming his body and his city (*nisi de civitate sua et de corpora suo*). So, at least in the case of Hugh, the institution of a plea in the count’s court did not get him the judgment he was seeking. This situation also meant that future possibilities existed for Hugh or his heirs to reopen negotiations for the properties mentioned in the text, again

⁸⁶ Martindale. “*Conventum*.” VII, 544-a *Habeam placitum cum illis ut si obtime fecrint sit bonum, sint autem faciam tibi castrum quem incoavi.*’

manifesting a reason to textualize the efforts that had gone into the final agreement. The *Conventum*, therefore, also attests to the inadequacy of the legal system in place at the time. Hugh does not seem bound to accept the decision of the *placita* that were held for him. According to the *Conventum*, Hugh therefore took matters in his own hands by starting conflicts against those lords that he saw taking over the lands he claimed.

Another term that has the connotations of legal procedure is *litigatio*. The translation of this term is comparable to the modern-day lawsuit. There are two instances in the text where the term has been used. In the first instance, Viscount Radulf of Thouars engaged in litigation with Count William after William forbade him to marry his daughter to Hugh, and Hugh was also forced to litigate against Radulf ‘for the love of the Count.’⁸⁷ Further, the text states that through this litigation Hugh received great damage, so that this form of litigation is probably to be seen more along the lines of a conflict with damage to property.⁸⁸

In the second instance, Hugh along with Viscount Bernard of La Marche ‘engaged in a litigation’ against the unidentified tribune Aimeri. In this case, Aimeri had taken away the fortress of Civray from Bernard; however, Hugh believed it should have come to him because it had once belonged to his father. Added to this ambiguous mix, Count William was also irate with Aimeri, presumably because the fortress had been taken away without his permission.⁸⁹ The interest in this fort probably lay in its being close to the border and thus

⁸⁷ Martindale. “*Conventum*.” VII, 542-a. *Ceptque Radulful litigationem cum comite Guillelmo, et Ugo pro amorem comiti cum Radulfo*

⁸⁸ Martindale. “*Conventum*.” VII, 542-a. *Recipitque dampnum Ugo valde*. Also a point made by Martindale in “*Conventum: A Postscript*.” VIII, 17.

⁸⁹ Martindale. “*Conventum*.” VII, 543-a. *Pro ira quam tenebat Guillelmus Comes adversus Aimericum amonuit Ugonem ut fieret homo supradicto Bernardo pro ipsam de castro wui fuerat patri suo, et ut ambo accipere litigationem cum Aimericum*.

being of military importance. The result was that Hugh and Bernard engaged in a great conflict with Aimeri (*contentionem*), and sustained much damage in manpower and ‘many other matters.’⁹⁰

The same scenario repeated itself, this time regarding the fortress of Chize, which Aimeri had captured. Here *litigatio* and *contentio* seem to overlap, showing that even within their legal connotation, the use of these terms denoted a more violent form of dispute. Again, it is difficult to say what the details of this conflict were and therefore difficult to classify it as war; however, it did result in a lot of damage to property. This damage is particularly obvious when Bernard and Aimeri teamed up and caused a *contentio* between them and Hugh, thereby increasing the tension among all the parties. The result was bloody and violent, with fields and provisions being burnt, horsemen and knights being captured; their right hands being cut off, other men and women, presumably peasants and servants, being captured, and finally even Hugh’s wife being in danger from the fire that was set to his residential castle of Confolens.⁹¹ It is therefore difficult to define the boundaries between litigation and contention, except perhaps in their intensity. However, both denoted the use of these violent methods in the process of negotiations between conflicting parties.

All these conflicts were precipitated by the Count’s failure to provide adequate aid, if any, to Hugh, just as a lord was expected to do for his man, and finally with Hugh’s public

⁹⁰ Martindale. “*Conventum*.” VII, 544-a. *et recepit dampnum valde de suos homines vel de multas res alias*.

⁹¹ Martindale. “*Conventum*.” VII, 545-a.

repudiation of the Count's over-lordship led to a full-fledged war (*guerra*) between them.⁹²

This meant that Hugh was no longer under the protection of the Count, a protection that the text purports Hugh never had, but the loss of which nevertheless put him outside the Count's power, and justified, under law, the Count's confiscation of Hugh's benefices. A grave situation like a war meant that the only resolution acceptable would be an agreement or settlement, satisfying to both parties, to restore peace between them.⁹³

The concluding negotiations of the agreement, also transacted orally, came after Hugh and the Count had first engaged in war and then engaged in a plea, and the Count promised Hugh the honor of his uncle Joscelin, provided Hugh relinquished all the other demands on those properties once held by his father and by his other kin. When Hugh questioned his sincerity, the Count offered him a trial by battle through a serf (*pro uno servo tibi ostendam ut portet tibi iudicium*).⁹⁴ A trial of this sort was always seen as a last resort in passing judgment, and thus a part of the legal process understood at the time. Trial by battle, a common occurrence in the "Germanic kingdoms of the early Middle Ages," continued "as an essential and regular part of judicial procedure," under the Carolingians, and later under their successors. This trial was supposed to provide divine judgment when human processes had failed, and because of the divine nature of its judgment, was carried out in the hope "that it might inhibit perjured oaths."⁹⁵

⁹² Martindale. "Conventum." VII, 547-a. *Contristavit se Ugo et defidavit comitem de se, nisi de civitate sua et de corpore suo, audientibus cunctis*. Also, *adprehenderunt homines comiti beneficium hominibus Ugoni pro nomine de guerra*.

⁹³ Martindale. "Conventum: A Postscript." VIII, 19.

⁹⁴ Martindale. "Conventum." VII, 548-a

⁹⁵ Robert. Bartlett, *Trial by Fire and Water: the Medieval Judicial Ordeal*. (Oxford and New York: Oxford University Press, 1986), 105

However, Hugh declined the offer of a judgment by battle. Since this offer seems to have been made in a church, or at least in front of an altar, Hugh is shown placing his trust in God and in the Count's mercy (*in misericordiam domini et in tua mercede*). Besides giving up the claims to various properties, Hugh had to also give up all the complaints (*querelas*) he had brought against the Count in the past, and again swear fidelity to the Count and his son, while the Count and his son promised to keep their obligations with Hugh. All parties seem to have agreed to this settlement, which was then again publicly proclaimed before witnesses, as probably was the swearing of fidelity, making it a legally binding agreement. The textualization of these proceedings lent permanency to the final agreement and validated the bond that was re-created by the swearing of the oath.

Oath of Fidelity or *de forma fidelitatis*

Hugh's demands for aid and counsel from Count William, presupposes that Hugh had sworn an oath of fidelity, because he 'unfaithed' himself, according to the text. Since Hugh is portrayed as conducting himself in keeping with the obligations of fidelity he swore to Count William, and most assuredly also his heir, it is important to discuss the nature and characteristics of the oath of fidelity, and its function in the central Middle Ages. Further, it is necessary to discuss how the question of fiefs and inheritances tied into the relationship created by the oath between a lord and his man.

If we consult Ganshof's classical study of feudalism, the act of commendation which was seen as the prelude to the obligations of fealty, started as a "protective relationship set up

by one free man over another.”⁹⁶ This was a legal act, *se commendare* as a verb in the sense of “placing oneself under the authority of another,”⁹⁷ and it also occurred frequently in the text of the *Conventum* as Count William orders Hugh to ‘commend’ himself to other lords.

These occurrences of commendation are found as far back as formulas under the Merovingians, but Ganshof believed that they were based on even older forms. Ganshof provides examples of two types of formulas which dealt with two different kinds of protective relationships, one to feed, clothe and sustain a free man in return for service; the other to protect, an armed companion of the king (*antrustio*) and a member of his inner circle, also for service rendered.⁹⁸ Thus, commendation was not limited to any subset of the population, nor was it limited to military service, the one stipulation being that the person should commend himself of his free will and be a free person.

Under the Carolingians, the oath of fidelity was required to be taken by every free man of the Frankish kingdom in the presence of the count, who noted their names in lists which were then presented to the king. After Charlemagne became the emperor, the nature of the oaths changed. The oaths were now required to include faith and loyalty to the kingdom, to the king, and to his sons, thus changing the nature of the oath as an individual relationship to that of a political security for the kingdom and its heirs. Additionally, the oath included obedience and non-interference with regards to “the commands, property, taxes, army and

⁹⁶ Ganshof, F.L. *Feudalism*. 5

⁹⁷ Ibid.

⁹⁸ Ganshof. *Feudalism*, 4-8.

courts of the king.”⁹⁹ While the oaths were taken for the life of either party, in a section of a capitulary dated 802-803, Charlemagne forbade anyone to abandon his lord having once accepted the symbolic lordly gift of a shilling “unless his lord seeks to kill him, or assaults him with a stave, or debauches his wife or daughter, or takes away his allodial property.” In 843, Charles the Bald promised for each of his *fideles* “his due law in each rank and status . . . , and not to deprive anyone of his honor without just cause,” in return for the *fidelis*’ promise to “uphold the king’s honor.”¹⁰⁰ Thus under the Carolingians, as already stated, *honores*, benefices, and fiefs, were already being bestowed as gifts for services rendered.

Already under the Carolingians, the bestowed properties were considered to be inheritances along with the offices attached to them.¹⁰¹ However, now along with their positions, the men of rank (the magnates), also had their men who rendered them service of a military nature, especially in the western Frankish region like Aquitaine, Anjou, and Angouleme. In return for this service, the men, who were largely viscounts, marcher lords, and castellans, received properties in the form of *honors* and *benefices*. These lords now threatened the power of the Dukes and the Counts even as the lords strove to build up their own power and assert their independence. Thus, the structure of lordship that Charlemagne had initiated under his rule continued onto the eleventh century, in a more expanded version than he could have possibly imagined.

⁹⁹ Rosamond McKitterick, *The Frankish Kingdoms Under the Carolingians: 751 – 987*. (England, UK: Pearson Education Limited, 1983), 88.

¹⁰⁰ Stephen D. White, “A Crises of Fidelity in c. 1000?” *Re-thinking Kinship and Feudalism in Early Medieval Europe*. Variorum Series. (Burlington, VT: Ashgate Publishing, 2005), 8

¹⁰¹ Bisson. *The Crisis*, 33-34.

The obligations of this lordship, however, was probably open to interpretation if William of Aquitaine had to write to Bishop Fulbert of Chartres to get his advice on the obligations a lord and his man owed each other under the oath of fidelity.¹⁰² The letter has been dated by Behrends as “before 9 June 1021,” which would, in all likelihood, pre-date the timeframe of the *Conventum*. However, from the text it cannot be discerned whether there were other negotiations or transactions which could have preceded those narrated in the *Conventum*, causing Count William to pose this question. Another letter dated “late 1022-early 1023?” but addressed to Hildegard, the closest disciple of Bishop Fulbert, explains why Count William “cannot fulfill his promise (to Hildegard) at present.” Could it be in some way connected to William’s troubles with Hugh? For William writes, “I ask you to hold out a little longer until I have settled the very troublesome affairs in which I am now involved.”¹⁰³ Without any other evidence, this question merely remains an interesting speculation. However, were there to be a connection between that letter and the events of the text, it would provide viable evidence that the *Conventum* was not simply a narrative written for amusement of the aristocracy.

The letter of Bishop Fulbert of Chartres, on the other hand, would surely have been read aloud, and it is worth quoting in full, if only to show how the Count could have been justified in thinking that he had the right to deny Hugh those properties he claimed were his. The letter is well-known to medievalists as *De forma fidelitatis* because of its opening terminology:

¹⁰² *The Letters and Poems*. Ltr. 51, 90-1.

¹⁰³ *The Letters and Poems*. Ltr. 70, 118-119. *Rogans te modicum tempus adhuc sustinere, donec grauissimis quibus nunc impediior officiis expeditus.*

Since you have asked me to write a few words concerning the oath of fidelity, I have briefly set down the following for you based on what I have read.¹⁰⁴ He who swears fidelity to his lord should always keep these six terms in mind: Safe and sound, that is *not* to cause his lord any harm as to this body. Secure, that is, *not* to endanger him by betraying his secrets or the fortresses which make it possible for him to be secure. Honest, that is *not* to do anything that would detract from his lord's rights of justice or the prerogatives which have to do with his honour. Useful, *not* to cause him any loss as regards his possessions. Easy and possible, *not* to make it difficult for his lord to do something that would be of value to him and that he could otherwise do with ease, or to render it impossible for him to do what was otherwise possible. That the vassal should avoid injuring his lord in any of these ways is only right, but this does not entitle him to a fief; for it is not enough to abstain from evil, it is also necessary to do good. So it remains for him to give his lord faithful counsel and aid as regards these six points if he wishes to be considered worthy of his benefice and secure as to the fidelity that he has sworn. The lord, in turn, should be faithful to his vassal in all these matters. If he does not do so, he will rightly be considered unfaithful, just as the vassal, if he is caught violating any of them by his own actions or by giving his consent, will be considered perfidious and perjured.¹⁰⁵

Firstly, it is important to realize that Fulbert had men who also owed him allegiance;¹⁰⁶ therefore, his answer to the *forma fidelitatis* possibly leaned towards explaining the obligations of the vassal while only loosely mentioning those of the lord. Therefore, Fulbert laid out the six ways in which the vassal *should not* behave in order to be faithful to his lord, but adds that “this does not entitle him to a fief.”¹⁰⁷ The basis of all six factors was that the vassal's actions should not inflict any harm upon his lord, and the faithful observance

¹⁰⁴ Here the editor has interjected a footnote to say that Fulbert in giving his answer probably consulted the writings of “Isidore, of Hincmar of Rheims, and the Carolingian capitularies.” *Letters and Poems*. 90-1.

¹⁰⁵ Ibid. Italics mine.

¹⁰⁶ *The Letters and Poems*. Ltr. 9,. 20-1. Letter from Fulbert to Bishop Reginald of Paris: stating his terms for accepting him as a vassal, dtd. Before 17 February 1008.

¹⁰⁷ Ibid.

of these would enable him to keep the benefice he had already received, or could hope to receive if he fulfilled his obligations. This description implies that the relationship between a lord and his *fidelis* was not created on the basis of the receipt of property. But, that the man's hope of protection from his lord, and also the hope of aid and counsel, and the retaining of his benefices, also depended upon the *fidelis*' faithfully meeting his obligations. The onus of proper behavior, as Fulbert saw it, was thereby fully placed on the vassal, while placing reciprocal obligations only vaguely on the lord. Thus, the granting of land was not a part of the customary agreement between a lord and his man. Rather, it was "contingent on the *fidelis*'s earning it by fulfilling the terms of his oath of fidelity to his lord," just as it had been under the Carolingians.¹⁰⁸ The oath thus embodied the mutual trust created by specific agreements (*convenientiae*) between the parties. But, Poly and Bournazel also point out that the *forma fidelitatis* as characterized by Fulbert, changes the original sense of the oath, from that of only security to the expanded obligations provided above.¹⁰⁹

The ambiguity in the lord's part of the contract meant that the way in which the lord enforced his rights upon his man's services, encompassed the degree to which he could control his commendations to other lords, his inheritances, and his marriage alliances (*mortmain*). Thus, in the *Conventum*, the Count could demand that Hugh commend himself to other lords, or promise him the widow of another vassal. Hugh, on the other hand, is also portrayed as carrying out his obligations faithfully and out of love for the Count, thereby providing proof that he had adhered to his part of the obligations.

¹⁰⁸ Stephen D. White, "A Crisis". 10

¹⁰⁹ Poly and Bournazel, *Feudal Transformations*, 75

The act of commending oneself to another lord besides the one to whom one had sworn fidelity seems to have been a common practice in the eleventh century. As an early characteristic of the oath of fidelity, it seems by this time to have taken on a separate existence so as not to interfere in the loyalty to one's primary lord. The letter of Fulbert to Bishop Reginald of Paris "stating his terms for accepting him as a vassal" as far back as 1008, stipulates, "This is what I require of you: . . . your aid against all men saving the fidelity you owe to Robert [the king], . . . the commendation of your knights who hold benefice from the land with which we enfeoffed you saving the fidelity they owe to you."¹¹⁰ These statements show that commendation and fidelity could very well be separated. In this way, Count William tried to control the power structures in his region as he ordered Hugh to commend himself to one lord, then another. In fact, the examples of homage and fidelity in the eleventh century show that the oath of fidelity had separated itself from the act of homage. This situation differed from region to region in its intensity and details, however, especially between men of similar social rank it was usually the oath of fidelity that was sworn, converting it back into its old form of security. The textualization of such oaths and of the examples contained within the *Conventum* also created a permanent record of a relationship, one that could be useful for the creation of familial alliances, or politics of non-interference. At a time when the count's courts no longer functioned in their old capacity of passing judgment in the king's name, but was decided by peers largely with the aim of settling disputes, the oath of fidelity, therefore, helped to recreate and stabilize relationships.

¹¹⁰ *The Letters and Poems*. Ltr. 9, 20-1. *Haec a uobis exigo: . . . de auxilio uestro contra omnes homines salua fidelitate Roberti . . . commendationem uestrorum militum qui de nostro casamento beneficium tenent salua fidelitate uestra.*

That this commendation did not always take place with the expected results is seen not only in the *Conventum*, but also in the letter that Fulbert was required to send to the vassals of Bishop Reginald two months after the first. It “call[ed] on them to fulfil their obligations as his own subvassals,” on the pain of excommunication and the laying of an” interdict on Vendome and its surroundings . . . Then I shall give the benefices that you hold to one or more persons, and after that I shall not come to terms with you concerning them.”¹¹¹ So, even if the contract of obligations was not based on the expected receipt of property, not fulfilling the same could lead to its confiscation. By phrasing the lord’s obligations in such vague terms in the letter to Count William, Fulbert provided the Count and possibly other lords “with a template for making very serious claims on the loyalty of any *fidelis*,” and for the possibility of threatening him with confiscation and other sanctions.¹¹² Despite the vocational differences between the two lords, the one a bishop, the other a Count and a Duke, the authority that both exercised over their men, as shown in Fulbert’s letters, and in the *Conventum*, is very similar. The writings of Fulbert, therefore, have the same effect as instructive commentaries written on other religious or philosophical literature, and by the very nature of its written communication meant that it would be read aloud and reach a wider audience. Its wider dissemination also meant the letter had a propensity to influence other lords and their men in their behavior towards each other.

¹¹¹ *The Letters and Poems*. Ltr. 9, 20-3. *Excommunicabo uos . . . Quin etiam castellum Vidocinum et territorium eius anathematizabo, . . . Postea uero ipsa casamenta quae tenetis aut unoi aut pluribus dabo, nec ultra iam uobiscum de illis concordabo*. Also interpreted by White in “A Crisis,” 14-15.

¹¹² White. “A Crises of Fidelity.” 14-15.

Fulbert's instructions on the *de forma fidelitatis* divided the obligations of the parties into different layers. Especially the six forms expected of the vassal meant that he could repudiate some parts of those obligations while fulfilling others. Therefore, Hugh was able to defy the Count and repudiate his oath save where he swore not to hurt his body and his city, which in the case of Count William would have been Poitiers. Possibly, the city where the Count's court was situated was seen as being synonymous with his body and thus was seen as exempt from harm, while his other properties and his other vassals, as political and economic commodities became part of the *guerra* that Hugh carried out against the Count.

By using the same terminology in a rhetorical manner, White has argued that Hugh made a plausible case for his believable conduct as a good *fidelis*, as narrated in the *Conventum*.¹¹³ Thus, in a comparison between the letters of Fulbert, the Carolingian Capitularies, and "the Occitanian oaths that men swore to their lords" in the years around 1000, White finds that the same six forms, in one way or another, were to be observed by both parties. The terminology, faithful (*fidelis*), evil (*malum*), harm (*dampnum*), counsel (*consilium*), aid (*auxilium*), "the *fidelis* swore faithfully (*per directam fidem*)", "helper (*adiutor*) to his lord," "without evil trickery (*sine malo ingenio*)," "as a man ought to be to his lord (*sicut homo debet esse ad suuum seniore*)," oath (*sacramentum*), loss (*dampnum*), lord (*senior / domini*), take (*tollere*), agreement (*finis*), were all used in the same way, and in affirming the same pledges or oaths.¹¹⁴ However, it may be possible that certain words were

¹¹³ White. "Statégie Rhetorique," 147-57

¹¹⁴ White. "A Crises of Fidelity," 17.

usually applied in certain circumstances that were similar, thus showing a rhetorical pattern for those looking for it.

On the basis of these comparisons, I concur with White that a case can be made for William not having met his part of the obligations that were reciprocal to Hugh's. Therefore, William failed to aid, counsel and protect Hugh, his wife, and his property. William allowed harm and loss to come to Hugh and even accelerated events by encouraging other lords to attack and cause harm and loss to him, as seen in the conflicts with Radulf of Thouars, Bernard of La Marche, and Aimeri. William also never consulted with Hugh before making any decisions regarding castles or hostages, or any other agreements, as he had promised. While Hugh is portrayed as having kept his trust, his loyalty, and his love for William, William abrogated his trust by breaking his promises and even going so far as to shame and dishonor Hugh by making those statements which equated Hugh with a peasant or worse, an unfree man, and by not treating him as an influential lord, a *Chiliarchum*.

William, in this way, harmed Hugh in the six forms that both parties had to observe for a contractual agreement to be valid between a lord and his man. Thus Hugh was justified in seeking redress in the count's court in the form of a good plea. The "oaths of fidelity, whatever precise form they took," but probably understood by the contemporaries even if ambiguous to us, "provided the key terms of a discourse" whereby both lay and ecclesiastical lords, legitimized their conduct and tried to control their political environment.¹¹⁵ The *Conventum*, thus, shows the legitimacy of Hugh's conduct vis-à-vis his lord's trickery, the

¹¹⁵Ibid. 19.

textualization of which gave Hugh a permanent record for the claims of properties which could be produced at a future time as a testimony either for him, or for his heirs.

The need for the textualization of the oral transactions that took place between Hugh and the other lords, points also to the inadequacy of the legal system in place. Having moved away from the system of public courts, in the upheavals of the changing central authority, this system was primarily due to the non-existence of any written, regulated laws dependent rather on judgments pronounced by those who had a vested interest in its outcome. The judicial process also relied upon the witnesses that the disputing parties could produce, supplemented by written documents. The *Conventum*, just like the *convenientia*, “served the practical function of constructing a memory of the action[s] or decision[s];” an “extension in time that could be communicated at a distance.”¹¹⁶ However, it is important to remember that the “spoken words of parties to an agreement were essential,”¹¹⁷ for without the oral transactions there would have been no need for anchoring them in written form.

¹¹⁶ Kosto. *Making Agreements*, 271

¹¹⁷ Kosto, *Making Agreements*, 156

CONCLUSION AND QUESTIONS

The text of the *Conventum*, though focusing on the claims Hugh of Lusignan made against Count William of Aquitaine, and as I have maintained, also against Count Fulk Nerra of Anjou, is also a narrative of a series of conflicts between Hugh and other lords who were his neighbors. If we define conflict “broadly and inclusively” to characterize all “kinds of interpersonal or intergroup tension,” then the *Conventum*, in its narrative of events, testifies to just such tensions.¹ While it would be too simplistic to suggest that the document be looked at as only a description of a series of tensions that were resolved through forms of dispute settlements before the parties reached an agreement, nevertheless, one of the main themes of the *Conventum* is the transmission of lands by hereditary right, and the tensions which surround these claims. If the fief played such an important role in its acquisition, transmission, and creation of family identity, then the question that arises is whether the fief is a gift from the lord, or an inheritance? Also, how is the lord-vassal relationship created and maintained? Is it on the basis of a fief for service and what role does the oath of fidelity play in this relationship?

I set out to suggest a new way of looking at the *Conventum*, as a legal document and not as a text that some historians see as a proto-epic, or as a piece of vernacular literature, written for the amusement of nobility. In order to consider the validity of the *Conventum*, it is important to show that the claims, complaints, and disputes portrayed therein can “be

¹ *Conflict in Medieval Europe: Changing Perspectives on Society and Culture*. Eds. Warren C. Brown and Piotr Gorecki. (Burlington, VT: Ashgate Publishing Company, 2003), 1-2.

evaluated in relation to a set of moral standards and acknowledged codes”² of conduct. Therefore, to understand the role of a written document in a dispute, it must first be interpreted, since it is within these documents that disputing parties “constructed the normative frameworks that justified their behavior and then deployed them in that arena.”³ In so doing, I set out to show that the document as a record of properties claimed by Hugh should take its place along with other legal documents.

I have considered the legality of the document by first discussing the importance of land in the eleventh century, with an emphasis on its role in medieval society and its function in building power bases and creating interpersonal and inter-group relationships. Further, the role of land in creating a historical identity for a family has also been discussed. As the family started identifying themselves with their holdings in lands and castles, textualization of these claims became important in creating a family identity and through it, a family history. The creation of a family identity could then also be used by the castellans in their push for upward mobility in their efforts to join the ranks of the upper nobility. A family that could look back and trace illustrious ancestors through identification of their land holdings was in a better position to claim longevity for their lineage, and through it claim ancient heritage. This desire is borne out by the many *histories*⁴ that families started creating for themselves around this period.

The main focus of the *Conventum*, therefore, is the claim of Hugh of Lusignan for the properties that he believes are a part of his inheritance and should rightly belong to him.

² Martindale. “The *Conventum*: A Postscript.” VIII, 21.

³ *Conflict in Medieval Europe*, 281-2.

⁴ Italics for emphasis.

Thus, the acquisition of land and disputes revolving around land were the main points of consideration. Often the only recourse that one or the other lord had to initiate any negotiation or settlement was to start a feud or a violent conflict. The role of violence in the process of dispute negotiations was also examined. All these claims, counter-claims, and conflicts that were a part of the negotiations, either oral or physical, hinged upon the relationship of mutual aid and service, sworn by a man through his oath of fidelity, which, by the eleventh century, raised expectations of a reward, usually in the form of land, or a beneficial marriage alliance, for the vassal.

The question of vassalage, too, cannot be answered with a few documents. Documents do confirm, however, that the lord-vassal commendations did not only take place between socially superior and socially inferior men.⁵ Hence, Fulk Nerra had commended himself to William for many of the lands within Aquitaine, as had the Count of Angouleme, while Hugh was asked to commend himself to one or another lord for aid and property. Also, multiple commendations had become the norm with lack of readily available fiefs, and it was also used as a means to control the power base of the castellans by the upper nobility, leading to subtle changes taking place in the original obligations of the oath of fidelity. Individuals with a certain amount of coercive power were in a position to decide how far they were prepared to honor the one or the other part of their obligations. Thus, finally, in the case of William and Fulk, the oath was limited to not harming each other's bodies or city, an obligation that Hugh also retained when he disavowed his fidelity for William. This seems to

⁵ Constance B. Bouchard, *Strong of Body, Brave and Noble: Chivalry and Society in Medieval France*, (Ithaca, NY: Cornell University Press, 1998), 43

have been the minimum requirement of the oath that had to be retained in order to maintain some form of a relationship and to maintain room for negotiations.

The growing power of Count Fulk Nerra of Anjou and his encroachment into Aquitanian lands have also been examined as a foil to Count William's waning power and military might. Through this examination I wished to show that the *Conventum* was a document not only maintaining its validity of claims vis-à-vis Count William, but also against Fulk Nerra and his control over Aquitanian strongholds. An examination of the political history of Aquitaine and Anjou confirmed that Count Fulk was the military superior of Count William but chose to use political means to expand his stronghold and influence within that region. Here again, Fulk was commended to William presumably with the minimum obligations of the oath of fidelity, if indeed any oath was taken, or some other ritual was used. This ritual cannot be discerned from the *Conventum*, only implied, and the exact nature of commendations remains open to conjecture.

The importance of textualization of the oral transactions that were portrayed in the *Conventum* was then examined within the larger framework of the prevailing literate culture, and the tradition of document creation starting with the Carolingians. The similarities and dissimilarities of the *Conventum* with the Catalanian *convenientia* were also discussed, along with a possible connection between the two forms of documents. The *Conventum* was then examined for the legal indications provided within its narrative, by the words chosen to represent certain actions, by the events portrayed in the text, and by the conduct of the feuding parties. This review has been further expanded by setting it within the structure of

the oath of fidelity which formed the basis of the lord-vassal relationship, and by finding the oath governed more than just a hierarchical relationship, and instead proved to be the basis of almost all relationships portrayed in the *Conventum*. Thus the role and actual function of the oath of fidelity along with its expected obligations has also been examined. Since fidelity oaths and commendations determined who was a friend and came to aid, they also governed the settlement of disputes by arbitration or adjudication. Failing which, violence usually took the place of oral negotiations.

Through the examination process, I concentrated on those aspects which point to the “moral standards and acknowledged codes” of conduct, especially pertaining to Hugh, since although admittedly one-sided, the document is a narrative of his claims and assertions. In so doing, I place myself against George Beech’s and Stephen White’s assertions that the *Conventum* was possibly a proto-epic or a piece of vernacular literature written for the amusement of the nobility. Beech further asserts that “the reader will have to strain to find a single reprehensible act or sentiment attributed to a man who shines as a model of deference, obedience, civility, and patient acceptance of evil fortune at the hands of his lord – to such an extent as to defy credibility.”⁶ Thus, Beech concludes that “the author’s objective (was) not of writing factual history, but of telling a good story.”⁷ However, the *Conventum* mentions that the men from the fort of Civray found Hugh’s behavior to be high-handed and oppressive, and for that reason they went behind Hugh’s back and surrendered the castle to

⁶ Beech. “The lord/dependent,” 21

⁷ Ibid.

Bernard of La Marche.⁸ This assertion negates one of the reasons that Beech put forward to treat the document as a highly fictionalized story, bringing it back into the realm of a serious document about serious actions.

The perusal of the *Conventum*, however, raises the question of how power and political order worked in the eleventh century, and how customary legal traditions influenced that political order, especially in the settlements of disputes involving land. Disputes were largely caused by more than one claimant to the same properties. The growing number of men who expected rewards for their services and the need of the upper nobility for these men meant that there were not enough fiefs to go around. This form of reward necessitated either taking away fiefs from heirs, or keeping the men dangling with the promise of a future reward. Another method, already mentioned, was the tradition of multiple commendations. Thus, only parts of a property were given to the men for which they commended themselves to the lord. Or, a man commended himself to another for a part of his property, while still having an overlord. Either way, the lord was able to maintain his own honors while controlling his men. Thus the people who had access to power were largely the ones who could compete or negotiate with each other.

Brian Stock's weak thesis which discusses the use of different kinds of documentation in an already literate society implies that changes in forms of documentation meant changes or shifts in the traditional structure. The breakdown of central authority and the upheavals brought on by invasions and civil wars in the last years of the Carolingian rule meant that the magnates now kept jurisprudence in their own hands rather than acting as

⁸ Martindale. "*Conventum*" 544-a.

agents of the king. The nature of the *mallus publicus* (public courts) now changed and became more of an assembly to hear and settle disputes. Settlements were carried out, not on the basis of right or wrong, or written law codes, but on the basis of customary tradition. The aim was to settle disputes to the satisfaction of all parties involved, to include the judges who were the important people in the region and, therefore, also had an interest in the outcome.

Why this particular form of documentation was used by the author of the *Conventum* remains unknown. However, just over the border, in the early decades of the eleventh century, descriptive and detailed forms of documentation called *convenientia* by historians, due to their opening sentence of “*hec est convenientia*,” had come into use. As Kosto has concluded, the *convenientiae* came into being largely due to a weakening in the administrative and juridical authority in the region. Thus far, however, only one document of this kind, the *Conventum*, has been found on the Frankish side in a community that was also going through similar upheavals.

Traditionally, the administration and juridical authority comprised of the same people, as Reynolds points out, “who were qualified to speak on behalf of the collectivity of which they were the most solid, respectable, and responsible members.”⁹ The *Conventum* portrays Hugh repeatedly having his case heard at just such assemblies, and the outcome of these judgments does not seem to have satisfied him. The *Conventum* does not give any details of the assembly or of the judgment, nor is it clear what kind of witnesses he had to make his case. If Hugh would have had documents to back up his claims, would the outcome

⁹ Reynolds, “Law and Communities,” 212

have been different? While that answer remains obscure, the probability of a different outcome for Hugh was certainly possible.

The textualization of claims and settlements made orally meant not only the creation of a permanent record, but also giving validity and legality to the final agreement and the oath of fidelity that preceded it. The oath of fidelity seems to have played an important role in creating and nurturing bonds of mutual trust and alliances. These bonds helped keep a balance of power and helped the community to function, since relationships at the time were still formed on the basis of mutuality backed by an oath. The breaking of an oath would amount to perjury and sin, a problem that affected all at a time when the jeopardy of the soul was of high concern. That is why Hugh first had to renounce his oath before he could go against the Count for his demands. Conversely, the oath of fidelity also created relationships between a lord and his man which allowed the lord to dictate the terms of his obligations dependent upon his access to power, and the vassal's recourse to independent means of sustaining himself and his following. The oath also seems to have brought with it a different intensity of obligations to which each was subject. At the least, the oath affirmed a modicum of security for both parties – not to harm the lord's body and his city, and at its fullest, obligations of love, loyalty, and counsel.

The textualization of an oath meant that its oral nature took on a permanency that allowed it to act as a witness in time and space, that is, long after the actual witnesses present at the time of its undertaking were available. This also meant that written texts were more and more in use to supplant what was previously a part of the communal memory, again

showing that changes were taking place in the social structure, and thus, within the customary tradition of the time.

All of this is set in the period where Susan Reynolds does not find any real evidence of fiefs. Even documents which describe demands for fiefs, or the receipt of fiefs, or disputes around fiefs, Susan Reynolds dismisses as being the anomaly rather than the norm.

Reynolds' problem with feudalism and vassals seems to lie in there being no set norm for those terms. She finds very little evidence for "the rites and contracts made between kings or lords and the mass of their subordinates before the twelfth or thirteenth centuries."¹⁰ Just like E.A. Brown, Reynolds advocates doing away with feudalism as a term altogether. Brown finds the ism in feudalism problematic but does not propose an alternative term, vaguely suggesting that "alternative terms and perspectives exist."¹¹ While the many nuances of lord-vassal relationships makes it difficult to put all the different aspects under the umbrella heading of feudalism, the many documents and charters do show interpersonal relationships based on service and reciprocal rewards, largely involving land, first of honors, then benefices, and finally just called fiefs. If documents and charters record the settlement of disputes regarding land, then inversely, land was the medium through which those relationships were being maintained or created. Thus I find there is no reason to do away with the descriptions that are associated with feudalism, even if we recognize that feudalism did not exist in the pyramidal hierarchy that is commonly used to describe it, and was not

¹⁰ Reynolds. *Fiefs and Vassals*, .31.

¹¹ Brown, "Tyranny," 169.

everywhere practiced in the same fashion, nor that its practices evolved everywhere in an uniform manner.

Another aspect of the relationship between power and political order is seen in the ongoing debate about a feudal revolution occurring around the year 1000, which also seems to have emerged as a part of the larger debate on feudalism. Advocated by Thomas N. Bisson, this theory proposes “new regimes of arbitrary lordship over recently subjected and often intimidated peasants, the multiplication of knights and castles, and ideological repercussion – as a ‘feudal revolution,’” as a part of a change that saw the “collapse of public justice.”¹² However, through the perusal of the *Conventum* and other documents used in this thesis, a pattern of continuation emerges, rather than the drastic change that Bisson proposes.

Even under the Carolingians the lords were pushing back against the re-takeover by the king, of the lands that had been once been given out as *honores* and *benefices*. These had gone over into the family patrimony, and the lords strove to keep them in that status. Public justice, which was part of the duties of these lords and for which they had received the lands in the first place, had been largely carried out in the count’s courts within the *pagi* (county), and it continued in those courts. The only change here would be that almost all of the public justice was carried out locally, which is why many historians now look at it as private power, a result of the collapse of central authority.

¹² Bisson. “the ‘Feudal Revolution,’” 7

However, there can be no doubt that there was a “multiplication of knights and castles,”¹³ and that they vied with each other for land that would bring them power and status. Thus, it is more useful to see the eleventh-century political system in the counties as a “transformation of patterns of power . . . based largely on the control of land.”¹⁴ This power was implemented by individuals or groups rather than as a society. Indeed, here I agree with Reynolds when she asserts that it is doubtful whether medieval people saw themselves as a society.¹⁵ Rather, they functioned as kin groups within larger social groups, with one or the other individuals taking the lead within each group. Therefore, it is more beneficial to discuss the functioning of power and the political order within the region under discussion, on a basis of inter-personal or inter-group relationships. The negotiations, the settlements, and the agreements that were carried out between these groups was only possible, as Cheyette pointed out, not “on a basis of a set of impersonal rules rationally applied,” that is apparent from the thirteenth century onwards, but because these “individuals or groups [were] capable of pressuring the disputants to accept their judgment.”¹⁶ This pressuring was only possible because these social groups contained “members [who] rubbed each other often enough for their pressure to be effective.”¹⁷

We see this form of pressure being applied at various levels in the *Conventum* and in many other documents from the period. In all these texts, the issues usually revolve around property. This realization takes us back to the question I asked of the status of the fief. Is it

¹³ Ibid.

¹⁴ Davis and Fouracre. *Property and Power*, 243.

¹⁵ Reynolds, *Fiefs and Vassals*.. 31.

¹⁶ Cheyette. “Suum.”. 292.

¹⁷ Cheyette. “Suum.” 295.

given or inherited? The answer would be, both.¹⁸ Whether it was given or inherited depended upon the receiver's access to power and thus his ability to negotiate or coerce, as is amply evident from the *Conventum*. In addition, the ownership of allodial land necessitates its being added into the equation, for, as I have shown, the relative independence that owning allodial lands brought with it, also provided a stronger base for negotiations.

In concluding I maintain that the *Conventum* should be seen as a legal document. A document that textualized, and therefore validated, the events and negotiations ending with the agreement reached between William of Aquitaine and his son, and Hugh of Lusignan, thereby giving the negotiation a context and the possibility for the reader and the listener to be able to interpret it within its understood context. Neither its length, its uneven use of Latin grammar, its excessive use of direct speech, nor its one-sided portrayal of Hugh as the supposed good vassal and William as the supposed bad lord, should deter the historian from considering it a historical document, claiming legal validity, and therefore as a part of the larger ongoing feudal debate.

¹⁸ Stephen White also seems to have reached this conclusion, in "The Politics of Exchange," 181.

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