and traditions, the monarchy established itself with an administration, a judiciary, and finances. It would have been very surprising if, before this moral and material advance of the monarchy, the independence of the nobility and the free towns had remained intact. In practice, in spite of the respect of a Saint Louis for the rights of others, an era of decline was setting in for them. It is this which we have still to examine.
CHAPTER III

HEGEMONY OF THE CAPE TIAN MONARCHY IN FRANCE. PRESTIGE IN THE WEST, 1202–1370

I

THE ANARCHY

THANKS to energetic monarchs and their reliable ministers the Capetian monarchy during the first two-thirds of the thirteenth century had brought off a difficult coup. To the benefit of French unity and civilization throughout its widely extended demesnes and even beyond, it had won acceptance for the principles of peace and order. Their bailiffs and seneschals had, on occasion, committed abuses which it had been necessary to stamp out but many of them had been excellent administrators. Good or bad they had won respect for the name of the king and worked, in co-operation with the lawyers of the Curia Regis, to draw from the feudal position of the king as overlord all the advantages which custom and its interpretation allowed. Saint Louis, inspired by a religious appreciation of his duties and a certainty of his rights as a consecrated king, had gone even farther. Full of horror and disgust at the internal wars in which he had taken part during his mother’s regency he was not satisfied with a vigorous check on feudal rebellions. He dared to publish and put into effect an ordinance forbidding personal revenge and the wearing of arms. He was the first to strike a blow at the communal separatism which was one of the roots of disorder and his equitable administration was successful in bringing about the assimilation of the newly annexed territories. He said that war between Christians was a sin and put his theory into practice. He was chosen as arbitrator by the nobles who quarrelled among themselves, by foreign magnates, and by the English at war with their king. He gave his dynasty a glory which was to last for many centuries. The present chapter will be devoted to a study of these facts.
Anarchy and violence had so deeply saturated the life of society that the success of monarchical authority was difficult and, in part at least, ephemeral. The Middle Ages had been an era of brutality. The nobility considered war as a normal condition of existence for a man of noble birth and peace as a necessary breathing space rendered bearable by blood-stained tournaments and savage hunting parties. War was the natural method of avenging an injury, of winning an inheritance or a wife, a source of pillage and pleasure, or even a method of support for an aggrieved lord or vassal. The more and more precise rules of feudal law were broken when they seemed likely to check or modify violence. Apart from that, even if they formed a close bond between lord and vassals, they took no account of the relations between the vassals of the same lord. Lateral obligations could scarcely find existence except within the State. At the beginning of the thirteenth century, this anarchy seemed irremediable, for the French baron was master in his own house. He knew no bond to the king except the feudal oath: he paid no taxation except in the particular cases we have analysed. He didn’t allow the royal officers to enter his dominions. He struck his own money and could exclude the royal coinage. Within his barony, he legislated and granted charters and communies, he administered and did justice and exercised the seignorial rights which were often harsh and oppressive. It was not only the dukes and great counts who enjoyed this independence. There were numerous châtelains whom none of their neighbours “dare resist”.¹

It was not only the king’s duty, in virtue of his oath, to protect the oppressed and the victims of feudal anarchy but he also had to defend his own position against it for at any moment a suzerain might be defied by his vassal and the king was not secure from the withdrawal of homage. It is true that a king in the thirteenth century was not assailed with immediate and humiliating dangers as Louis VI had been. Throughout almost all his demesne and generally throughout the northern and western parts of his kingdom he felt himself in comparative security but the spirit of feudal independence might break out anywhere even within the

¹ Case of the châtelain of St. Omer about 1200: CCCXV, 96; on all this question see CDL, chap. viii, ix; CDXLVII, 219 ff.; DCLXX, 106–7, 109–110.
royal family. We have seen how until 1214 Philip Augustus was frequently betrayed by his vassals and a coalition built up by a man whom he had loaded with wealth almost destroyed his dynasty. Right at the end of his reign he again suspected certain barons of conspiracy. Until the period when Saint Louis set out for Egypt, taking the most belligerent of his barons, the unsettled and warlike temper of the nobility was to cause the monarchy great anxiety. The turbulence of the other social classes, clerks and commoners of town and countryside, did not present a direct menace to the royal authority but it contributed to the general disorder. An extremely important document like the Register of the Visits which the Archbishop of Rouen, Eudo Rigaud, the friend of Saint Louis, made to his parishes shows that the lower clergy were themselves much too coarse to be able to influence men to respect one another. Christianity had but a weak grip on men's souls whatever their rank in society. In addition, the Church was being destroyed from within by furious hatreds which were given open expression of a character that it is impossible for us to imagine since the Reformation and the development of free thought has given an open expression to the opposition and forced the orthodox to mask their disagreements. Injuries, assaults, and bloodshed between clerks were not rare. The Church frequently became involved in violent conflicts with the bourgeoisie of the towns and ill treated its serfs. Tonsured vagabonds and criminals were numerous. Although such theoreticians as Beaumanoir reserved the right of war to the nobles, the commons also practised the old custom of vengeance and small-scale wars developed between different families as the result of some assassination, particularly in the north or east of the kingdom. These feuds were only extenuated by truces and the assurances which custom imposed until the moment when a formal "peace to factions" ended the vendetta.

In the towns, disorder was complicated by the grave

1 XCVII, 195.
2 LXIX; CXLIV, 480-1; CDL, 41, 51 ff., 146 ff., 198 ff., 255 ff.; CCLXII, 38 ff.; CCLXI, 2nd part, chap. iii and iv.
3 XVI, ii, 350 ff., §§ 1671-2, 1691; CDXXXVIII, 208 ff. For Burgundy see DCLXIX, 104 ff. For the North, CLXXV, 202 ff. and passim; CCLXXXIX, 417 ff.; CCLXVIII, 3 ff., 45 ff., 150 ff., 215 ff.; DXVI, 48 and n. 2, 221-2. For English Guienne, C, n. 504-6.
dissensions arising between rich and poor. The greater burgesses monopolized municipal office, governed the free towns to their own advantages, and oppressed the lower order until their egotism stimulated revolt in addition to the wars which they were frequently carrying on with the lord of the district or equivocal communications with the king’s enemies.¹

The victory of the monarchy over anarchy was almost complete by the end of Saint Louis’s reign. It had been achieved by force and by judicial and administrative action.

II

MILITARY REPRESSION

We have seen that Philip Augustus possessed a well organized and dependable army which gave him the means to destroy the feudal coalition of 1214 in spite of the powerful support given by the emperor and the King of England, and to continue the struggle which he had started at the beginning of his reign against the lords, great and small alike, who robbed merchants and pillaged the churches. One of his biggest successes was the submission of Auvergne; the count, Guy II, was a shameless brigand; in 1213 the castle of Tournoël which was reckoned to be impregnable was captured by the royal troops who found an enormous booty stolen from the churches. It was all restored and a “constable of the king in Auvergne” maintained order there henceforward.²

The dangers of 1214 appeared again during the minority of Louis IX. The emperor, on this occasion, was not concerned. Frederick II owed his position to the Capetians and circumstances did not allow ingratitude but the young King of England, Henry III, dreamt of revenge and went to the support of the rebel barons. On the death of Louis VIII, the loyal monarchists immediately feared “the disloyalty of the traitors”.³ The somewhat rough firmness of the queen regent, Blanche of Castile, gave the barons no opportunity of taking

¹ XVI, ii, 267 ff., §§ 1520 ff.; CDXXXVIII, 206 ff.; CCCXV, 159 ff., 316 ff.; CCCXXXVI, 87 ff.
² CXLI, iv, 2nd part, 393; LXXII, ii, n. 2485 (1237).
advantage of the minority of Louis IX unless they found some excuse for taking up arms. They could not contest the validity of the oral testament 1 by which Louis VIII had decided that his children and kingdom should be entrusted to the guardianship of Blanche. Louis VIII had exercised a right conferred on him by a monarchical custom that was already of long standing. They claimed, however, that his choice was bad, declaring that “it was not a woman’s business” to govern such an important thing as the kingdom of France. They reproached Blanche with bringing her son up to hate his barons and with surrounding him with clerks. The regency should be given to the barons, to the peers, not to a foreigner who sent the king’s wealth to Spain instead of distributing it to the French. 3

During the winter of 1226–7 a coalition began to form itself. In 1230, when the territories of the Count of Champagne, who had become an ally of the regent, 4 were ravaged by the confederates and the King of England disembarked at St. Malo with a strong force, there was every reason to expect the rapid collapse of the monarchy. The danger was avoided by the courage and ability of the regent and her advisers. It had, in fact, been lessened by the mediocrity and fickleness of the barons. Their puppet, Philip Hurepel, the king’s uncle, was an incapable leader. Blanche’s most dangerous opponent was another prince of the royal family, Pierre de Dreux, who was later nicknamed Mauclere. 4 He held the county or duchy of Brittany as the guardian of his son, a minor, and was by no means satisfied with this temporary power. A rough and ambitious man he did not hesitate at open treason and transferred his homage and the fief of Brittany to the King of England. When the latter failed to send any assistance, Pierre de Dreux withdrew his homage and submitted (1234). The fomentors of the regent’s trouble had, all in turn, disappeared or were on the point of disappearing. 5

1 CDLXIII, 48 ff. 2 CLXX, 64 ff., 106–110. 3 On their relations see DCLXXI, p. xv ff. 4 DXXVIII, i, 48–9. 5 CLXX, chap. ii–v; DCLXXI. In the same year, 1234, Louis IX reached his twentieth year. Should we say he became a major? Philip Augustus had been considered such at the age of 14. In fact, it is impossible to say what date marked the end of the regency of Blanche of Castile. Until her death she reigned jointly with her son.
A last explosion of feudal discontent developed between 1240 and 1248. We have seen how, at that period, the Albigensians, driven to despair by persecution, were raising their heads once more and that there were armed struggles in Languedoc (1240). The following year, the king’s brother, Alphonse, was invested with his appanage and came to Poitou to receive the homage of his vassals. Hugh de Lusignan, Count of La Marche, the most powerful of them, however, had married Isabelle d’Angoulême, the mother of Henry III, King of England. In her infancy, we must remember, Isabelle had been Hugh’s fiancée: John Lackland had married her and thus provoked the Poitevin barons to appeal to Philip Augustus. A proud and violent woman, she had no wish that her husband should do homage to the new Count of Poitiers. Stunned by a conjugal ultimatum, the somewhat comic secret of which has been revealed to us by a contemporary, Hugh de Lusignan resigned himself to plotting a conspiracy. The Poitevin barons who had been among the chief sources of the troubles of the regency asked nothing better than to join in some agitation. They held meetings, first among themselves, then with the barons and mayors of the big towns of Gascony. The “French”, they protested, want to reduce us to slavery: we should do better to come to an agreement with the King of England who is a long way off and has no designs upon our goods. Henry III promised to come in person to his mother’s support. The King of Aragon, Lord of Montpellier, and the Count of Toulouse took a part in the game but the French king’s army in the spring of 1242 lost no time in taking possession of the Poitevin strongholds; Henry III only brought three hundred knights over from England. Face to face with Louis IX on the bridge of Taillebourg he did not dare to risk a battle and retired within the walls of Saintes. On the next day when English and Gascons had made a sortie he gave the signal for flight. He returned to England with one more defeat on his record. The Poitevins submitted and the Count of Toulouse, as we have seen, was forced to do the same. Against the armed insurrection of the baronage the kings had known how to defend themselves. More remarkable

1 LXXIII, 518 ff.
2 CLXX, 842 ff; CLXIV, 289 ff.
and a greater innovation was the legal and administrative struggle they waged against anarchy.

III

Administrative Action. Bailiffs and Seneschals

In this activity of the monarchy we must distinguish between the part played by the local officials, seneschals, bailiffs, and subordinate officers acting far from their master's eye, and the king himself governing his Court. The local officials worked stubbornly for the development of the royal authority and they secured universal respect for it. In many cases the re-establishment of order was due to their energy; frequently, also, they had an audacious attitude towards the nobility, an aggressive policy which did not always win the approval of the Crown. Some of them (the provosts (viguiers) and farmers in the South, the provosts in the north) still bought their offices and had a personal interest in being extortionate and in rounding off the royal demesne; all wished to play important parts. Some of them had even come to consider themselves independent authorities and, if they had not been checked in time, they would have reconstituted, particularly in the South, a feudal hierarchy of officials.

We have practically none of the archives of bailiwicks and seneschalships left but we have some of the complaints addressed to the king about the conduct of his officials and important remnants of the inquiries which Saint Louis commanded. To these we must add the documents about the appanage of Alphonse de Poitiers. What do we learn from these texts? For the northern and western parts of the demesne we know very little of the encroachments of bailiffs, seneschals, provosts, and subordinate officers at the expense of the lay and ecclesiastical nobility and the communes.

It is certain, however, that they were not merely satisfied to apply the royal ordinances and the sentences of the Curia. They tried to extend their judicial competence at the expense

1 Cf. for example, DCLVII documents cited 3 and 4, p. 203 ff.
2 XXXVIII; XXXVII. Cf. CCLXV; DCLXXXII, chap. vii; CCLXXV; CCLXXI; DLX, vol. ii, bk. ii, chap. ii.
HEGEMONY OF CAPETIAN MONARCHY

of the neighbouring lords. The Bishop of Orleans, for example, sent to Louis IX in 1245 a long list of grievances against the bailiff and he was primarily concerned with controversies over jurisdiction.\(^1\) About 1257, the Countess of La Marche carried her complaints to Alphonse of Poitiers; the Seneschal of Poitou and his officials extorted money from the countess's men, encroached on her jurisdiction, summoned and arrested in a completely arbitrary manner.\(^2\) Gonthier, châtelain of Laon about 1248, worked to increase the number of men subject to the king to the disadvantage of the nobles.\(^3\)

As for the complaints presented by lesser men to the inquisitors sent out by Saint Louis, they are concerned with the thefts of the sergeants, the chicaneries of foresters and beadle, and the exactions of provosts anxious to get the utmost profit from their farm. This provost or that sergeant, we are told, arrests at random and the accused have to bribe him. Fines mounted up and were by no means bound by custom and they were increased further if it appeared that the victim had the means to pay more. The methods used to enforce their payment were barbarous in the extreme. The prisons were rough and confessions were obtained by torture. Taxes were continually increasing, peasants who were quite willing to fulfil their host service were obliged to pay the substitute tax, etc. Joinville, whose lordship was situated in Champagne, found a plausible excuse for not going on crusade a second time alleging that he had to defend his lieges. They had been "destroyed and impoverished" by the agents of the King of France and the Count of Champagne while he was in Egypt with the king.\(^4\)

The bailiffs themselves, in spite of their prestige, did not entirely avoid accusations. Some of them, like Matthew de Beaune in Vermandois, seem to have been the subject of unjust complaint by the people over whom they had authority; on examination, the mass of grievances disappears,\(^5\) but, in Artois, Nevelon the Marshal left the reputation of a terrible man.\(^6\) After the Conquest of Normandy, Philip Augustus needed a man of some energy and he entrusted the bailiwick of Pont Audemer to a celebrated

\(^{1}\) LXXII, ii, n. 3398.
\(^{2}\) XII, 509 ff.
\(^{3}\) XXXVIII, 260-9.
\(^{4}\) LXVIII, § 735.
\(^{5}\) XXXVIII, 815*-10*, proof n. 152; DXLXIII, 165-7.
\(^{6}\) DXVII, 215-16.
mercenary leader, Lambert Cadoc; it would be vain to expect much delicacy of him; he pocketed £14,200 belonging to the king, and Philip Augustus, "enraged with him," cast him into prison. He did not emerge till 1227. That, however, was exceptional. In general the bailiffs were faithful servants and the only reproach against them is undue zeal for the monarchy. Depredation and pillage were the work of provosts and sergeants of all ranks.

In the southern demesnes, annexed after the Albigensian crusade, and in the lands which Alphonse of Poitiers inherited from his father-in-law, the Count of Toulouse, abuses were certainly more serious. There were already seneschalships in the County of Toulouse at the period when the counts were independent and these powerful lords let their officials rob all at will. It was traditional. The seneschals and their lieutenants, the provosts (viguiers), who were established by Louis VIII and IX, were nobles and councillors from the North. They were not paid sufficient and they lived too far from Paris to be kept under any close surveillance. They adopted evil habits. Their provost, generally known as "bailes" (farmers), were local men who were not much better. The old abuses that the inhabitants suffered were now aggravated by the persecution of heretics, which gave an air of legality to their usurpations, and the determination of the royal agents to ruin the privileges of lords and cities alike even outside the royal demesne and even beyond the frontier of the kingdom. Under the pretexts of restoring order and defending the king's rights, the seneschals of Saint Louis destroyed numerous castles, prevented the exercise of other jurisdictions, enforced within the barons' demesnes ordinances which were applicable to the royal demesne and carried out themselves the regulation of the highways there, doing everything in their power to make the lands of the king coterminous with their seneschalships. The Albigensian crusade which had ruined so many families in the South had left in existence in the Gévaudan and Velay a nobility of needy minor barons, little but brigands, grouped around two powerful houses which had renounced the heresy, the Pelest, and the Lords of Anduze. The seneschals of Beaucaire

2 [XXX, n. 116–19, 132, 247, 363, etc.; LXXII, ii, n. 1987–8; CXXLV, 180 ff.; DXIX, 115.]
HEGEMONY OF CAPETIAN MONARCHY

carried on a bitter struggle with this nobility of the Cevennes, they destroyed the prestige of the Pelets and dispossessed to a considerable extent the Lord of Anduze. They even penetrated into the Vivarais which was imperial territory where they made annexations and summoned the Bishop of Viviers to their court. In the seneschalship of Carcassonne, a noble lady who refused to give up her rights of "haute justice", was threatened with the fire and the Bishop of Lodève found himself deprived of his power to receive homage on the king's behalf and his rights of "haute justice". At Beaucaire the consulate was suppressed.

The excesses of which the royal officers in the North and West were accused were multiplied in the South by the distance of the king and the absence of any effective control. The seneschals levied tallages contrary to all custom, set ransoms on the whole population of a town on the occasion of a murder, usurped private estates, and made requisitions without payment. Some of them adopted the methods of a Turkish pasha and brooked no resistance. If anyone was so ill advised as to say "The seneschals protect robbers", or "The seneschals will soon be recalled", he became liable to a heavy fine. The provosts and farmers were even more unpopular because they were natives and their frequently humble origins were well known. The provosts followed the example set by the seneschals or even refused to obey them. One of them, accused of arbitrary imprisonment, replied that he had to get money out of those who had it for he had bought his office at a high price. The farmers' stole provisions, imposed undue services for their own advantage and overwhelmed the lesser men with annoyances, injuries, and unbearable humiliations. Their victims frequently preferred to flee the country.

Information of these things reached the royal court from time to time and there was a perfect willingness to repress them severely but it was not always respected or obeyed. The Seneschal William des Ormes having overtaxed the men of Roujan received an appeal to the king from them. He cast the protestants into prison. Pierre d'Athies who governed the seneschalship of Beaucaire by methods of terror (1239–1241) said, "I would gladly give a hundred marks to hear no more

1 Curious complaints of the inhabitants of Beziers in L, n. 36, pp. 89–91.
of this talk about the king and queen," and to one of his victims who appealed to the king he replied, "Go and ——." He persecuted the Lady of Alais who obtained royal letters which he declared that he would not carry out.

It was under these conditions that the king decided, in 1247, to establish commissions of inquiry.

IV

INQUESTS AND ORDINANCES

In fact, Saint Louis was disturbed in his conscience by thoughts of the iniquities which were being committed. Could he leave them unreformed on the eve of his departure on crusade? Could he leave his subjects at the mercy of men who seemed to be guaranteed impunity by tradition? His character made one decision inevitable but there is reason to believe that he was encouraged to take action by the churchmen who had such frequent cause to complain of his officials and even by his advisers who regarded the seneschals with some bitterness because of their independence. Further, it had been customary for the Capetians to send representatives of their Court on circuit but the measures taken had an entirely new character. It was no longer a question, as previously, of the delegates working in the king's interests; on the contrary, it was their task to collect all the grievances against the monarchy which were brought forward and to satisfy them. The commissioners' task, the king declared in his letters of January, 1247, "will be to receive in writing and examine all the complaints which can justifiably be brought against us and our ancestors as well as statements concerning the injustice and exactions of which our bailiffs, provosts, foresters, sergeants, and the subordinates have been guilty." On the other hand one circuit was not sufficient and, on his return from Palestine, Saint Louis organized them every year. Since the inquiries were pious in intention and their object was to repair faults that had occurred, the commissioners were almost always churchmen, particularly Franciscans, at the beginning almost without exception. He gradually introduced among them some of the councillors of his court
who presided over the commissions because it was found that the clergy had little experience and often allowed themselves to be deceived. Until the end of his reign, however, people considered the inquisitors' circuits as designed to do "justice to all, poor and rich alike". After the death of Saint Louis, the character of these missions was completely changed and their only object was to extort money from the subjects.¹

Alphonse of Poitiers, who administered his appanage by the same machinery as the king his demesnes, also ordered inquests into the excesses of his officials but owing to his somewhat distrustful and peremptory nature he allowed them much less freedom, and his Court which, like that of the king, was held in Paris examined in general the demands recorded by the mission.² The royal inquisitors, on the other hand, had most extensive powers for dealing with grievances which had been established. They heard plaintiffs patiently, solemnly recorded the futile complaints of old women, questioned the local arbitrators, and, if there was need, commanded restitution to be made.³ The king so far from opposing them was overburdened with scruples. He was disturbed by the fact that in the restitution of goods unjustly acquired, particularly the goods of Jews, it was not always possible to discover the rightful owners and he sought the Church’s authority to use the money on works of piety.⁴

The administrative result of the inquests was the publication of the great ordinances of 1254 and 1256 on the duties of bailiffs, seneschals, and provosts.⁵ Alphonse of Poitiers acting, as always, along the same lines as his brother published similar decrees for his demesnes.⁶ The bailiff or seneschal entering on his duties must swear in public to do justice truly, to respect local customs, to preserve the king’s rights, to accept no bribes and offer none to the councillors of the royal court. There followed a series of regulations which frequently seemed to be inspired by the Roman legislation

¹ See the Preambles to the Inquests, XXXVIII, 253c, 256b, 301, etc.; LVI, 150–1; CDLXXI, 39 ff.; CCCXCV, 1–4.
² CDLXXV, 906 ff.
³ See, in particular, LXXII, vol. iii, nn. 4202, 4268, 4272, 4278, 4320, etc.
⁴ Ibid., nn. 4404, 4502, 4508, 4510–4556, 4541–8; XXX, n. 622.
⁵ LXXXVII, 1, 65–61.
⁶ CDLXXV, 481 ff.; CXII, 145–150.
on provincial governors, in particular, the obligation to remain fifty days in his former office when a bailiff was moved elsewhere so that anyone he had wronged could seek remedy of him. Bailiffs and seneschals were forbidden to marry or to acquire land within their district without permission. They could not levy taxes which were not sanctioned by custom or, by craft or terror, extort money payments or make use of torture when the accused had little support. They had to check debauchery and gaming and set an example themselves. Finally, as we have seen, they had to call together meetings of arbitrators to consult them on the advisability of exporting wine and corn. That was not a new thing. In the South, at least, a system of consultations was quite usual. They were not by any means concerned with the creation of a small-scale parlement. In this particular case, the king wished to prevent his officials from forbidding export unseasonably so that they could sell licences to the merchants. These assemblies did not exist everywhere but some of them were probably the origin of the provincial estates.

These ordinances were not fully applied nor for long periods at a time but, at least in their administrative clauses, which the royal commissioners could watch in practice, they were useful and contributed to the good name of the monarchy. It was certainly a happy attempt to reduce the local officials to their duties again and to make the moderating and equitable influence of the Curia generally felt. In the South the results were very noticeable. The seneschals were left in office only for short periods—a year or two or four at the most—and they were frequently sent instructions. Appeals to the Curia grew in number and led to revisions of judgments. Even locally, the seneschal lost part of his judicial power which was given to a superior judge (judez major). Alphonse of Poitiers, for his part, abolished the abuses of his agents and forbade his farmers to inflict fines. Established in Paris, like his brother, he governed from afar but he liked to be fully informed and kept up an enormous correspondence; in spite of his greed, delays, and cavilling over details he contributed

1 DCLXIV, iii, 263–4.
2 CDLXXV, 508 ff.; CCLXIII, 127 ff.; CDLXXI, 49.
3 DCLXXIII, 143–4.
4 CDLXXI, 84 ff., 66–7, 89, 108 ff.
to the return of prosperity and peace in the South so depopulated and impoverished by religious wars. From its experiences gained during three-quarters of a century the Court retained its distrust of bailiffs and seneschals and already the decline of their great powers was becoming apparent. However, they had undertaken and were to continue the work of weakening rival powers. Saint Louis himself so respectful of the rights of others took advantage, wherever possible, of the work of these ants which were gnawing away the feudal structure.

V

THE KING OVERLORD

Beyond the local officials, there was the king and his Court. What policy were they following? What were their means of action? What was the extent of their claims?

Philip Augustus had been an adaptable man with few scruples; Louis VIII and Blanche of Castile somewhat harsh and severe. Saint Louis bequeathed to his heir this maxim: “Maintain an honesty that you never compromise whatever may happen,” but he had no intention of yielding any of the rights of the crown. All these princes, in varying degrees, felt very keenly that there was “only one king in France and, above all, they wanted to gain from their prerogative as “dominus superior”, of “supreme suzerain”, every advantage which it implied. The monarchy remained feudal but now it was a source of strength for them, for a suzerain who had money, an extensive demesne, a stable army, could demand a great deal in vassal service. A powerful feudal king should be ready to fix in writing, if necessary as a result of inquests, all the obligations of his vassals. That is what Henry II had done in England and what Philip Augustus did during the second part of his reign. The register of the Trésor des Chartes commenced by his vice-chancellor Guérin in 1220 contains transcriptions of 132 inquests made between 1195 and 1220 “on the order of our lord the king on various

2 XXXIX, 228.
subjects”; many are concerned with the rights of the king over certain territories in the way of justice, revenues, regale, hunting, etc. From the same period date the feudal statistics which modern scholarship has, if not studied, at least prepared for study and baptized as the *Scripta de feodis*. It is a series of inquiries, incomplete and somewhat incoherent, answered by the principal bailiffs of Philip Augustus on the feudal obligations of the nobles of their district. It also includes an enumeration of the bishoprics of the demesne and the duties of hospitality and host service which some of them owe, a list of the castles and fortresses of the king, a list of dukes and counts (to the number of thirty-two), a list of barons, that is to say lords who although of lower rank have sovereign rights (numbering sixty), of seventy-five châtelains, of thirty-nine communes, of the knights banneret, of knights with an income of £60, widows possessing a lordship, and finally the list of sergeants, horses, and carts which are due to the king in time of war. This great statistical undertaking, which was evidently suggested by the Anglo-Norman inquests, shows an interest in detailed information which the Capetian monarchy had not displayed before.

The most important thing for a feudal lord was to have the highest possible number of dependable vassals, to gain liege homages, to secure the immediate dependence of the sub-vassals, and to prevent vassals becoming under-vassals. In this respect the king had to adopt the same policy as a duke or a count; at the beginning of the system of vassalage, a Carolingian sovereign could depend on the loyalty of all his subjects and, in the thirteenth century, the conception of the “subject” was only just beginning to emerge again and an under-vassal would only serve the king on the order of his immediate lord or by virtue of special arrangements. Philip Augustus, Louis VIII, and Saint Louis increased considerably the number of their direct vassals throughout the southern part of the kingdom even outside the demesnes they annexed. The Count of Perigord (1204 and 1212), the Bishop of Limoges (1204), the Viscount of Turenne (1212),

---


2 CXXVI, 605–728.
and a number of lords who had to clear themselves of the suspicion of heresy \(^1\) fell into this category. Saint Louis bought from Thibaud of Champagne, in 1234, for 40,000 Tournois the suzerainty of the counties of Chartres, Blois, and Sancerre and of the viscounty of Châteaudun which ceased to be fiefs of Champagne.\(^2\) In Flanders, the kings continued to pay pensions, money fees, to the vassals of the count to secure their liege homage.\(^3\) On the Rhône frontier several imperial territories, particularly parts of the County of Valentinnois, became fiefs of the King of France.\(^4\) Philip Augustus took advantage of circumstances and went so far as to demand, by an indirect method, an oath of fidelity from all the vassals of the Duke of Brittany. In fact, when Pierre de Dreux received the duchy from him, he not only offered him liege homage but took the following engagement: “I will receive the homage and loyalty of the Bretons only in accordance with loyalty to my lord the King of France in such fashion that if I do not serve him well and faithfully, they shall assist the said king against me until he has the satisfaction he requires.”\(^5\) A danger threatened the suzerain of a fief divided between several heirs; one of them received the homage of the others and became their immediate lord. Philip Augustus, in 1209, in agreement with a certain number of barons, published an ordinance prescribing that in such a case all the heirs “shall hold in chief and without an intermediary” of the lord of whom the fief was previously held.\(^6\)

Feudal loyalties were so uncertain that the kings sought some means of guaranteeing them. We see, around Philip Augustus, “sworn knights.”\(^7\) They had, undoubtedly, taken a special oath; this was a very ancient custom. The same king tried to make use also of the threat of ecclesiastical censure.\(^8\) Above all, however, he used the method of feudal sureties and it proved so effective that we find it constantly in use throughout the thirteenth century.\(^9\) When a vassal

---

\(^1\) XXXI, nn. 821-2, 875, 1409, 1401.
\(^2\) LXXII, ii, n. 2910; DCLXVI, 224.
\(^3\) LXXII, ii, n. 2909.
\(^4\) CXXVIII, 114-15.
\(^5\) 27th January, 1213; LXXII, i, n. 1083.
\(^6\) XXX, n. 1136. On this policy of the kings, see also LXXII, ii, n. 1959.
\(^7\) XLI, 111.
\(^8\)* XXXI, nn. 486, 500.
\(^9\)* XXXVI, n. 15, p. 55, example of 1292.
made a promise, pact, or agreement with the king, if he took charge of a fortress or if he had merely become suspect, the king demanded of the lords over whom he had authority that they should provide him with warrant or even the vassal concerned had to find sureties for himself among his relations and friends. The guarantors promised the king to assist him if necessary against a disloyal subject or to pay him a certain sum of money; in certain cases, the king could confiscate the goods of the lord standing surety. Examples are innumerable. In 1212 many lords of the Angevin area promised Philip Augustus to pay him a thousand pounds if Amauri de Craon refused to give up the stronghold of Chantocé\(^1\) at the first demand. In 1230, Dauphin, Count of Auvergne, and his grandson, Robert, made peace with the king and did him homage. Five lords gave him security for their promise to recognize the authority of the Curia Regis if the case arose. In 1231 Foulque Pesnel became security for the loyalty of his nephew, the Lord of Fougeres; if the latter broke his engagement the king could seize as forfeit all that Foulque Pesnel held of him.\(^2\) The count and countesses who governed Flanders in succession after the period when Ferrand became suspect to Philip Augustus were surrounded with a network of securities demanded of the lords and towns of the district (1212, 1217, 1226, 1237, 1245, etc.); for example, when the Countess of Flanders married Thomas of Savoy in 1237 the representatives of Saint Louis received the guarantee of twenty-four lords and forty-eight towns.\(^3\) Finally, we must note that it was impossible to escape the obligation. In 1285 Hugh IV Duke of Burgundy refused to stand surety for Thibaud, Count of Champagne, who seemed to be preparing some treason. Louis IX forced Hugh IV to make due apology and write to him in the following terms: “I have apologized to my very dear lord Louis, illustrious King of France, to do his will to the extent of five thousand marks of silver, because I was not willing to guarantee the loyalty of Thibaud, Count of Champagne, as he required.” The duchess-mother of Burgundy and five of the vassals of the duke had to become security in turn for the payment

\(^1\) \textit{XXXI}, nn. 1339–1348. Other examples, \textit{DOLX}, 116 and note, 117.
\(^2\) \textit{LXXII}, ii, nn. 2098, 2129. See also nn. 2090–2128, 2741, 2799–2803, etc.
\(^3\) Ibid., n. 2585 ff.
of these five thousand marks. If the case had arisen and the payment had not been made Hugh himself would have been held as a hostage in Paris or the king would even have occupied all the fief that the duke held of him. The letter finished with an obligation of loyalty and obedience to the king.  

This systematic use of guarantees, to which historians have not paid sufficient attention, was certainly one of the most powerful means by which the progress of the Capetian monarchy in the thirteenth century was achieved. The customs regulating feudal succession gave the king an opportunity to gain considerable advantages, strategical and territorial from his rights as suzerain. In place of the right of relief demanded of the chief heir, the suzerain could, by agreement with him, obtain some territory. In cases of collateral succession, Philip Augustus frequently used or abused his authority to buy all or part of the inheritance. When a fief held directly of the king passed to the widow of a lord or the heir was a minor, the Crown exercised its right of seizure without scruple from the time of Philip Augustus. When Raoul d’Exoudun, Count of Eu by right of his wife and a supporter of the English party, died without an heir Philip Augustus demanded of his widow considerable cessions of territory and a relief of five thousand marks of silver. He placed one of his bailiffs in the county as a co-administrator until the sum was paid and forbade all new fortification. Naturally the widow had always to swear to the king not to remarry without his consent and, if she had a daughter, to take a like engagement on her behalf. Philip Augustus levied a handsome brokerage when he secured wealthy marriages for his friends and reserved the most profitable unions for his relations. It was in this way that Pierre de Dreux came to marry the heiress to the County of Brittany, Philip Hurepel the heiress to the County of Boulogne, Alphonse de Poitiers the heiress to the County of Boulogne, Alphonse de Poitiers the heiress to the County of

---

1 Ibid., n. 2965.
2 For example, Nogent l’Erembert in 1219; XXXI, n. 1891; cf. DCLXX, 121-2.
4 Act of Philip Augustus edited in CCLI, iv, 2nd part, 644.
5 LXXII, 1, n. 1360; cf. CCLI, iv, 2nd part, 547-8; CCLXVI, 549.
6 LXXII, 11, nn. 2027, 2385, 2533, 2578, etc.
7 Acquisition of Montargis, Gien, Pont-Saint-Maxence; DCLXX, 121.
Toulouse. In all three cases lordships were involved which no man was in a position to defend. For the same reason, the County of Champagne fell to the guardianship of Philip Augustus who protected the countess regent effectively but treated Champagne as an annex of the royal demesne during the minority of Thiébaud. During the century which followed Bouvines the County of Flanders was kept closely subjected; the captivity of the defeated of Bouvines, Ferrand, the appearance of an imposter, the “false Baldwin” who claimed to be the old Count Baldwin, finally the release of Ferrand bought at a high price put the Countess Jeanne at the mercy of Philip Augustus, Louis VIII, and Blanche of Castile; subsequently the famous quarrel between the Countess Margaret’s children gave Saint Louis a fine opportunity. Feudal custom allowed for division and exchanges. Philip Augustus took advantage of this to secure places which commanded the frontiers of the demesne or the main routes and to take over some of the strongest fortified castles of the period. He often imposed on his vassals the obligation to surrender a certain castle to him at the first summons.

The vassal owed his suzerain military service and service at court. We have already seen how these feudal obligations developed in the thirteenth century. Forty days’ host service, though irritating and inadequate, provided the king with a powerful force. This was very clearly seen in 1280 when the English invasion gave the regent an opportunity to summon and use in her service vassals who were at the height of a revolt. The duty of aid and council at Court allowed Philip Augustus and his successors to rely on the baronage to guarantee their policy. That was the ultimate source of the king’s power to issue general ordinances which were not merely Utopian proclamations. In the thirteenth century ordinances agreed to by their vassals were a means of government used equally, we must point out, by the dukes and

1 CXLVII, iv, part 1; DCLXX, 108–9, 115; CCXI, iv, 2nd part, 291–3, 834–5.
2 CCCLXXXIII, vols. i, ii, bks. vii, ix; DCLXXXI, i, 402–9; DXVII, 396–402. See below.
3 DCLXX, 119–120, 122–3; DXVII, 321.
4 For example, XXXI, an. 1840, 2191, 2225, etc.
5 CLXX, 173–4, 177.
6 For example in 1203: XXXI, n. 782, 770–780.
greater counts within their lordships; the king, however, was supreme and he was to succeed in making ordinances for the whole kingdom.

The question is sufficiently important for us to note some of the stages. The articles of 1205–6 limiting ecclesiastical jurisdictions were drawn up "By agreement between the king and his barons"; the ordinance of 1209 quoted above concerning suzerainty over fiefs divided between several heirs bears the following subscription: "Philip, king, Eudo, Duke of Bourgogne, Hervé, Count of Nevers, Renaud, Count of Boulogne, Gaucher, Count of St. Pol, Guy de Dampierre, and many other magnates of the realm of France have unanimously agreed and have established by their public assent that from 1st May onwards, this will govern all cases of feudal tenures..." In particular, however, there are successive ordinances concerning the Jews and regulating or forbidding usury which allow us to measure the progress of the royal power in the matter of general legislation during the reigns of Philip Augustus, Louis VIII, and Louis IX. Philip Augustus made ordinances only for the Jews of his potestas, his demesne, or he made an agreement on this matter with the Countess of Champagne and the Sire de Dampierre which was binding only on the parties immediately concerned. Louis VIII, in 1223, went very much farther. He secured the oaths of eleven dukes and counts and thirteen other lords to an ordinance which he had made in agreement with them in relation to an important financial agreement, "None of us shall receive nor hold the Jews of another," to which was added, "this stipulation applies to those who have sworn to establish it and to those who have not." The Count of Champagne had not been present at the meeting of 1223 and the king, Louis VIII, demanded a promise to respect the said clause. If he had refused the twenty-four signatories of the ordinance would have assisted the king to coerce him. The other clauses, however, were only obligatory in the demesnes of the king and those who had sworn to maintain them. Finally, in 1290, in the regency of Blanche of Castile, the king published an ordinance forbidding usury in general.

---

1 CCLV, 41–2; LXXXIII, 1, 914.
2 Ibid., n. 1196.
3 Ann. 1206: n. 1003.
5 XXXI, n. 928.
and the retention of Jews belonging to another lord. Twenty-one barons had subscribed or sealed it in some form or other. They were bound to enforce the observance of the ordinance in its entirety within their dominions and to assist in coercing those barons who did not wish to observe the statutes in question. These texts show clearly the transition between the dominical or Utopian ordinances of Louis VII on the one hand and, on the other, the generally applicable ordinances of the second half of the thirteenth century. These generally applicable ordinances appear quite clearly at the end of the personal reign of Saint Louis without even a mention of baronial consent: he, himself, is the origin of the prohibition of private wars throughout the kingdom as we shall see below or of the ordinance that his moneys shall be current in all parts and that, throughout his realm, certain coins shall have a certain value, and that money counterfeiting the royal coinage should be pierced and confiscated even in the territories of lords “who have their own money.” Saint Louis considered, on such questions, that the king had the right to impose his will because it was in obvious agreement with the general interest. Beaumanoir, some years later, interpreted his idea very well when he said that the king could make what ordinances he liked that were for the common good. The idea contains elements of both Roman and religious theories but their application was only possible because the predecessors of Saint Louis had been able gradually to extend the effective area of their edicts thanks to the system of feudal conferences.

We have already shown by what machinery the royal justice was exercised and how a Parlement of Paris gradually emerged from the Curia. This development of monarchical justice during the reign of Philip Augustus, Louis VIII, and Saint Louis had had important consequences. One of the most serious of the barons’ obligations in the opinion of these

1 LXXII, n. 2088.

2 LXXXVII, i, 54, 98–9. Ordinances of Philip Augustus and Saint Louis for the punishment of blasphemers throughout the kingdom (LVII, bk. i, l. 395 ff.; LXXXVII, i, 99–102); they have a religious character which relates them to the ordinances concerning heretics and the crusades. They were not, in our opinion, the means by which the kings achieved general legislative power.

3 XVI, ii, 1512–13. The first draft dates from 1280–3.
three kings was to answer summonses "stare in Curia".\(^1\)

It is true that the barons for their part had the right to claim judgment by their peers but in practice this principle frequently failed. From the beginning of the thirteenth century the competence of the royal court, largely composed of lawyers, to judge the differences of the barons was no longer questioned.\(^2\) During the reign of Saint Louis the king's moral prestige and the high reputation of the parlement led to a rapid increase in cases and arbitration. By the end of the period the king's justice was invoked in the farthest corners of the kingdom.\(^3\) Henry III himself, in a controversy with a powerful Gascon vassal, accepted an arbitral judgment in the court of France, pronounced, moreover, by his sister-in-law the Queen Margaret.\(^4\)

Feudal justice, in France for the first time, received severe blows not only from the position of the royal bailiffs and seneschals but also from that of the Curia Regis. It was certainly restricted, not, it is true, altogether in the manner in which it is frequently said to have been. There is frequent talk of "royal causes", of the "alien bourgeoisie", and of the suppression of the judicial duel as powerful weapons in the hands of the members of the Curia. But the so-called royal causes were not regarded as an offensive innovation.\(^5\) In the towns outside the demesne there were "royal burgesses" and "royal proctors" who could demand his justice unless they had been caught red-handed. The Count of Joigny was even imprisoned in the Châtelet on Saint Louis's orders for having imprisoned one of these "royal burgesses" and left him to die in prison.\(^6\) They were not, however, very numerous and the Parlement of Paris does not often appear to have been concerned on their behalf.\(^7\) As for the judicial duel it was, at the same time, a method of proof and a means of appeal; the plaintiff could challenge his adversary for a false oath or his judge for false judgment.\(^8\) The custom had been prohibited by the Church many times, particularly by

---

1 See, for example, LXXXII, ii, nn. 1946, 2010.
2 DULXX, 80–89; DXVII, 851–6.
3 LXXI, nn. 28 to 61 and the bibliography, p. xxv ff.
4 LXXII, iv, n. 4017. On arbitration in the thirteenth century: CXCVII, 10 ff.
5 DXII, 817 ff.
6 DXXIII, 91 ff., 124 ff.
7 CXVI, 27 ff.
8 LVI, 148.
the Lateran Council in 1215, and it was abolished by the scrupulous Louis IX in 1258, but only in the demesne and before the royal judges.\footnote{Text and commentary in \textit{XL}, i, 487 ff., and Intro., 265 ff.; \textit{LXXVII}, i, 86-98. Cf. \textit{DXXVII}, 168-174; \textit{CCXX}, 111 ff.; \textit{CVIII}, 629 ff.; \textit{CCLXXIX}, 279, 407.} Saint Louis was anxious to deal with the method of proof and the means of appeal at the same time. He ordered the use of “witnesses or charters as proofs”, and an appeal to Parlement in case of a false judgment. This celebrated ordinance which his successor, however, allowed to fall into disuse,\footnote{\textit{DCLXX}, 92; \textit{CCCLXVIII}, 290.} respected the independence of the lords with rights of justice who drew considerable financial profits from the practice of the duel. It harmed feudal justice only indirectly by its support for the “appelation”, which we usually call the appeal. This procedure of appeal had arisen quite naturally out of the feudal custom which, in a part of France at least, allowed for recourse to the lord immediately superior. The suppression of the judicial duel within the demesne popularized it even outside; with a choice between two procedures leading to the same object, people of good faith and good sense became more and more ready to use the appeal rather than a remedy of pagan origin which the Church had deprecated as frequently being fatal to the innocent. On the other hand, the procedure of Inquest which was henceforward the normal usage made appeals easier and more certain by making it possible to reconsider the business on the spot by delegates of the Curia.\footnote{\textit{DCLXX}, 93.} Appeals became more and more numerous.\footnote{On their character, see \textit{OCCLXVIII}, 50, note 3.} Since the king was “suzerain over all”, the supremacy of the Parlement of Paris which was to prove of primary importance for the development of the monarchy was established to a very considerable extent on feudal principles.

VI

\textbf{The King above Feudalism}

This, however, was not all. The Capetians of the eleventh and twelfth centuries or those who theorized and acted in...
their name had never forgotten that the king was above Feudalism even when they were not in a position to reap from their feudal supremacy the advantages which, potentially, it offered. Even more did the Capetians of the thirteenth century seek, and find it possible, to realize their consecration oaths, to stretch their arms beyond feudal bounds, to protect the weak wherever they were to be found in the kingdom. We have seen that they had the power to suppress anarchy and brigandage by force of arms. By legal methods they had also suppressed violence and injustice. Saint Louis’s remark that “there is only one king in France”, has a very considerable meaning and from the end of Philip Augustus’s reign represented the real position. The idea that the inhabitants of the realm were their subjects which, for a long time, had been submerged slowly regained its prominence. It was the duty of these subjects to obey and the members of the royal family were the first subjects. At a correct estimation, the submission of the king’s relations was one of the most characteristic events of the period. No longer do we find sons, brothers, or the wife of the king putting up serious opposition to his plans. Thanks to the growth of the royal authority, Philip Augustus had been able to dispense with the practice of associating his heir presumptive in the throne while the latter, except in certain very rare cases (and even then it may have been in connivance with the king), had been a tool in the king’s hands; he held of his mother the lordship of Artois but he did not even hold the title of count and was simply called “the eldest son of the King of France”.¹ Louis IX had frequently found it necessary to reprove his brother Charles of Anjou who had a violent and tyrannical character and he never allowed him to infringe the moral rules which he had imposed on himself. He had forced him to pay his debts, to give up lands which he had seized unjustly, and even to give up dicing.² A day was to come when the princes of the royal house, too generously endowed, would be terrible rivals for the king but in the thirteenth century the custom of appanages did not produce these effects. The most dangerous resistance that Saint Louis met with among his closest relatives was not from brothers

¹ DXVII, 1st part, chap. xi.
² LXVI, 140-2; LXVIII, § 405.
but from his wife Margaret of Provence who was haughty and daring and claimed to pursue her own line of policy.¹ Eleanor, the wife of the King of England, was Margaret’s sister; to her husband’s misfortune, she had filled her court with Provençal friends and relations. Margaret, who might have done a great deal of damage, was reduced to kicking against the goad and she trembled in the presence of her “lord”.² Blanche of Castile, for example, had taught her son to suppress violence even when the guilty parties were churchmen.³ Louis IX, though brave and frequently very severe, had such a horror of brutality that he tried to eradicate the custom of tournaments.⁴ He particularly commended his son to maintain “a pitying heart.” for all the suffering.⁵ He was not satisfied with doing justice to all who appealed to him for it but he refused to let the nobles abuse their judicial rights and this was an innovation. Thus Anseau de Garlande, a lord of the Île de France, put the sons of a creditor in prison to hold them as hostages. When he refused to release them, Louis ordered his incarceration.⁶ Gautier de Ligne had ordered the execution of one of his men without trial; the king put him in mercy and forced him to pay a fine.⁷ Enguerrand de Coucy, one of the most famous lords of the kingdom, had had three young nobles hung on a charge of poaching in his forest. Louis IX came to the unheard decision that Enguerrand should be put to death and it was only with the greatest difficulty that a less rigorous punishment was substituted—a huge fine of £12,000 Parisian for the succour of the Holy Land and the loss of “haute justice” over the woods and fish ponds of the lordship, etc.⁸ In general Louis IX thought little of this kind of interference and was anxious that justice should be equal for all. He would not even allow that a convicted gentleman should be executed in secret. All justice must be carried out “throughout the whole kingdom, publicly and before the people”.⁹

The great task which the monarchy could carry out only after a battle of several centuries was to stamp out the barbarous belief, as old as the world itself, in the legitimate character of the right of vengeance. Quite naturally, from one end of the social scale to the other, there was a feeling that two systems of justice existed side by side—that which could be sought from a judiciary and that which could be taken for oneself for the honour of the individual or of the family. It was the old germanic feud. There was no difference in character between the vendetta which caused these families of common people to take up arms against one another and the private feudal war. If we may believe Beaumanoir, Philip Augustus had protected those relations who saw no difference against the danger of an unforeseen attack; they could be only attacked after forty days (quarantaine-le-roi). After this delay they had to be prepared to defend themselves or to have sought the protection of a truce or a guarantee. At first, Saint Louis tried to discourage feuds by interference. They generally ended in a reconciliation (pâges à parties) and a pilgrimage overseas imposed on the murderers: if the king did not consider the penalty sufficiently severe he increased it. On departing for the crusades he sent his bailiffs the following circular:

We order and instruct you that, in all cases of wars and feuds within your bailiwick, you take and give, on our behalf, just truces that do right to all. These truces should last five years beginning from the next Nativity of Saint John the Baptist and do not wait until the parties call you in.

Later, on his return from the crusade, he decided to take a measure which aroused great anger. We have not got the text of his ordinance but we know that he forbade private wars and the carrying of arms throughout the kingdom and that it was made about January, 1258. In fact, on this date he wrote to his loyal subjects of the diocese of Le Puy "Know that, after due consultation, we have forbidden in our kingdom all wars, ravaging, and disturbances of the work of the land".

The fragments of the Inquests which we still possess prove to us that the royal officials enforced the ordinance, sought

---

1 XVII, ii, p. 572, § 1702.  
2 CCXLV, p. 308*, Proof n. 118.  
3 LXX, 146-7.  
4 LXXVII, i, 84; DXII, 149 ff.
to prevent squires travelling with arms, and arrested peasants who possessed sharpened knives; these texts show us equally that these restrictions were complained of as a tremendous abuse. Alphonse of Poitiers supported his brothers and, for example, condemned the son of the Count de Rodez and the sons of the Lord of Canilhac to a fine of £400 for carrying arms. The higher justiciaries had the right to judge offenders of this kind but it seemed quite clear that the king intended this ordinance to be applied generally. If that had been systematically carried out, the social history of France would have been very different.

VII

THE ATTEMPT TO SUBJECT THE TOWNS

During the first quarter of the thirteenth century the development of the communes continued under the same conditions as at the end of the twelfth with the open favour of the monarchy. From 1205–1224 Philip Augustus and Louis VIII granted or confirmed communes in the newly annexed territories in the north-east, Normandy, Poitou, and Saintonge. Their object was always to secure a well defended stronghold and a well trained burgess militia. Philip Augustus also confirmed communal charters granted by his lords and already the idea was growing that the king is the natural lord of the communes of the kingdom.

Certain liberties, particularly of an economic character were granted by these two kings to towns without a commune. As we have seen, the capital fell into this category. The powerful "House of the Water Merchants" of Paris was

1 CCCXV, 10 ff. Cf. the affairs of Boson de Bourdelie (1267–8), in LXXXV, 1, 286, and LXXII, iv, nn. 5308, 5314, 5318, 5335–7.
2 LXXII, iv, n. 4681.
3 Even during the reign of Saint Louis the system of guarantees, truces, and paece continued to be applied (CCXLIX, 359). From the reign of his successor we see once more "many private wars within the demesne and outside" (CCCVIII, 200–1). Louis X granted formal recognition to the right of the nobles of Burgundy to wage private wars: CCXIX, 152; CCXX, 1st art., 261; 2nd art., 249–251.
4 XXXI, nn. 929, 1029, 1030, 1116, 1294, 1366, 1444, 1574; nn. 804, 903; CCXVII, 490–1; CCXXXVIII, 279 ff.
5 For example, Poix, in Picardy, in 1208 (XXXI, n. 1108a).
HEGEMONY OF CAPELION MONARCHY

granted new commercial and judicial privileges; gradually, during the course of the thirteenth century, it was to become a sort of municipality and after 1268 the provost of the merchants and the four aldermen appear.¹ The merchants native and foreign alike were always in danger of being robbed, particularly those who frequented the fairs of Champagne and they welcomed the effective protection of Philip Augustus.² In short, before the personal reign of Saint Louis, the alliance between the Crown and the rich bourgeoisie was stronger than ever. The towns of the North, almost without exception, provided dependable support for Philip Augustus in 1214 and for Blanche of Castile during her regency.³

During the reign of Louis IX a considerable change was brought about. The bourgeoisie continued to grow richer and the corporative system stronger. It was at this period that Étienne Boileau drew up in Paris his famous Livre des Métiers.⁴ But the tyranny which the rich inflicted on the poor and the financial disorder in some towns ⁵ led Saint Louis to adopt a new policy. Urban independence which profited the oligarchy alone did not appear to him to be one of the rights which must, necessarily, be respected. Louis IX still confirmed some old charters but he only created one new commune, that of Aigues Mortes (1246) a naval and commercial base established in a barren region because of the Crusade.⁶

Obviously the idea of the commune, the bourgeois lordship in alliance with the monarchy had had its day. The time was not distant when Beaumanoir was to compare the communes to a “precocious child” who must be guided and protected and recommends the lords of the towns and the bailiffs to keep an eye on the municipal administration and settle discord between rich and poor. In addition, charters and privileges must be respected.⁷ In those words Beaumanoir formulates principles which he had seen Saint Louis apply. In the South this monarch worked for the maintenance or re-establishment of municipal franchises when his commissioners had revealed the extent of his seneschals’ abuses

¹ COCLXIV, 10–22.
² XXXI, nn. 1148, 1181, 1958, etc.
³ LXXII, ii, nn. 19761, and 1979 to 44.
⁴ XLI; COCLXXIV, 5 et passim.
⁵ See, in particular, GOIX, 87–8; CLXXXVIII, 100 ff.
⁶ COXXI, 269 ff.
⁷ XVI, ii, cap. 50.
of power. In 1254 he granted charters to Beaucaire and Nîmes and in the latter town the consulate was re-established. But that was not done "to help the precocious child" which was troublesome and improvident. He tried to reduce to administrative and financial dependence those towns in which he could take most direct action. In 1260 at least thirty-five towns possessing communes were required to produce their accounts for the year 1259 before two "masters" of the Curia Regis. Those documents are still extant in the Trésor des Chartes. They were towns from the region of Paris and the North-East, chiefly belonging to the demesne but including, also, episcopal cities such as Beauvais and Noyon. In 1262, Saint Louis ordained that the communes of "France" and Normandy should not only present their accounts each year in Paris on 17th November, but that previously, on the 29th October, their town council should be appointed anew. These two ordinances, which were applicable only in a restricted area, became obsolete from the reign of Saint Louis's son.

The king undoubtedly intended to use such measures to fight against the oligarchical spirit of the towns and to oblige the corporation to administer on sound lines, and the richer inhabitants to cease falsifying their incomes and to pay taxes according to their wealth. They also gave his councillors, who, during the second part of his reign, had to find enormous sums of money, an opportunity to estimate the resources of the towns more accurately and to extort money from them with a full knowledge of their circumstances. Further the deficits revealed in the accounts of 1260 were in many cases due to the demands of the crown. At the end of Saint Louis's reign, the bourgeoisie was heavily exploited and it was not only the Jews who were the object of financial oppression. This is how, on the 7th April, 1260, the municipality of Noyon explains "why the town of Noyon has fallen unto such heavy debt."

When the king went abroad we gave him fifteen hundred pounds and while he was away the queen informed us that he was in need

1 ODLXXIV, 554 ff.; ODLXXI, 247 ff.
2 LXXII, ii, n. 4393, 4391–9, 4609–4614, 4618, 4621, 4623, 4627–4630, 4643–5, 4654–5, 4662; ODLXXII; ODLXXI; OGLXXI; OGLXXI, 178 and note 1; IX, nn. 72, 80, 84, 86, and intro., pp. xcvi, cxiii ff.; OGLXXI, 286 ff.
3 L, nn. 33 and 34, pp. 85–8; OGLXXVI, i, 102 ff.; OGLXXIV, i, 33.
of money and we gave him five hundred pounds. And when the king returned we lent him six hundred pounds. We have only received one hundred pounds back and we gave him the rest. And when the king made his peace with the King of England we gave him twelve hundred. And each year we owe the king two hundred pounds Tournois for the commune we hold of him and every year our presents to visitors cost us at least a hundred pounds or more. And when the Count of Anjou was in Hainault, we were told that he needed wine and we sent him ten casks which cost us a hundred pound in all. Afterwards he let us know that he needed sergeants to maintain his honour and we sent him five hundred which cost us five hundred pounds or more. . . . And when the count was at Saint Quentin, he sent for the Commune of Noyon and it went there to preserve his person and that cost us at least six hundred pounds . . . and all this the town of Noyon did for the count in honour of the king. After the departure of the army we received information that the count needed money and would become infamous if we did not help him; we lent him twelve hundred pounds and released him of three hundred to have his acknowledgment of the nine hundred pounds.  

Noyon however was not a royal town and the bishop’s authority, at this period, did nothing but increase. But the inhabitants inevitably opposed the king to the bishop: they said that “they held their commune of the king” and demanded to be judged by the Parlement of Paris. At Beauvais, where there was another commune founded previously in opposition to the bishop, the position was pretty much the same. At the beginning of St. Louis’s reign, when the “great” and “lesser” citizens could not reach any agreement on the choice of a mayor, Blanche of Castile wished to re-establish order and imposed a foreign mayor on the city. People and bishop united against her. The young king entered the city and punished the burgesses (1233). The bishop, enraged at the intervention, vainly cast an interdict on the province of Rheims. This was the beginning of monarchical supervision. It meant a considerable financial loss to the town. Many other examples could be given of the intervention of the king and his agents in towns outside the demesne. We should also be able to describe the relations

1 In 1258, in the absence of Saint Louis, the Countess of Flanders had begged for royal help against Jean d’Avesnes, and Charles of Anjou had reduced Hainault.
2 CDXI. Document cited 47. See also COXXC, 244 ff.
3 CDXI, 108 (year 1265).
4 COXXO, 60–77.
of Alphonse de Poitiers with the towns of his appanage, his oppressive administration, his financial demands, and his differences with the town of Toulouse. In general, the bourgeoisie lost, in part, its independence and had to submit to growing demands for money and the protection of the Capet was of benefit to the whole population of the towns and the general prosperity increased. A number of "new towns" were founded within the kingdom at that time which is evidence of economic progress and the attraction of urban life.

We know little of the relations of the monarchy with the peasants and the rural communities in the thirteenth century. It appears that the monarchy had a conservative policy in this respect while, nevertheless, interfering in their affairs, particularly in questions of common pastures and customary rights. Rents, military charges, and tallages were increased but the peasants obtained the tremendous benefit of security. The better police, the suppression of seignorial brigandage, gave the population of the countryside an ease which they had not known since time immemorial. For the peasants, the thirteenth century was a period of material and moral uplift and, for the French land, an era of great clearances of rising values, and, we may well believe, of demographic increase. The spirit of order and authority which inspired the monarchy was certainly the chief factor in this renaissance.

Naturally this period of prosperity was one of numerous enfranchisements of the serfs. They obtained their liberty in the royal demesnies or elsewhere wherever they were rich enough to buy it. Saint Louis was the first king to practise collective manumissions granted, in return for a certain percentage of the goods of each, to villages peopled by serfs: a hundred villages and several thousand households received this boon from him which brought immediate gain to the Exchequer.

The enfranchisement of serfs, in spite of the fine formulas of the royal writs, was nothing but a fiscal expedient but, by his desire for peace and justice, Saint Louis procured the

---

1 CDLXXV, 554 ff.; CXCI, 504 ff.
2 CCLXXV, 72–3; CXCI, 512 ff.; CDLXXV, 566 ff.
3 CDLXXI, chap. v.
4 Innumerable complaints on this subject among the inquests of Saint Louis.
5 CLXXVIII, 60 ff.; CCLXVIII, 390 ff.; DCIII, 86 ff.; CDIX, 172 ff.
monarchy a popularity in the countryside which it had
probably never had before. Of this we have had very striking
proof. In 1251, when the royal disasters in Egypt became
known, the shepherds and churls, the "pastoral people",
rose throughout the north-east of the kingdom at the call of a
visionary to rejoin the king. Blanche of Castile encouraged
them, believing that these unfortunate people, more loyal
than the clerks and nobles, were really going to deliver her
son. They had no resources, however, and turned to pillage.
The "Crusade of the Shepherds" finished badly. It has
remained justly famous as a symptom of the love of the lower
orders of France for the good king.1 "Everyone loves him"
wrote his chaplain, Guibert de Tournai.2

VIII

THE ASSIMILATION OF THE ANNEXED TERRITORIES

About 1270, in the north and south of the kingdom alike,
the same spectacle is presented of a monarchy commanding
general respect. Apart from the Duke of Aquitaine, the King
of England, a distant vassal who nursed the bitterness of
defeat, there was no one to fear among the great feudal
nobility. The demesnes of the Capetians themselves stretched
from the bailiwick of Artois to the seneschalship of
Carcassonne. The subjection of the dominions annexed
since 1202 had been completed if we allow for the divergencies
that remained even under the regime of an absolute monarchy.

This rapid assimilation is the most striking evidence of
the advance in the royal power in the thirteenth century and
in the Capetian methods of government. There we must halt
for a moment. The order we have followed has led us to
speak already of the Capetian administration in the
Albigensian south. It has necessarily been treated in close
relation to the policy followed by the royal officials and the
great reforms suggested by the inquests. We shall not return
to that subject. It will be sufficient here to take a character-
istic type of territory seized from foreign lordship in which

1 DLXXXII, 290 ff.
2 XXVI, 501; letter of the Abbé of Troarn in XXX, n. 808.
success was difficult for reasons entirely different from those in the South: Normandy. At the same time it is a good example of direct action taken by the kings themselves and their personal followers. It throws into relief the whole policy of Philip Augustus, Louis VIII, and Saint Louis. The admirable works of Leopold Delisle, in particular his *Cartulaire Normand*, his *Recueil des Jugements de l’Échiquier* and his editions of the *Querimoniae Normannorum* of 1247 allow us to sketch at least an outline.¹

In the first place the kings had to make their conquest secure against a return to the offensive and to prevent a possible alliance between the baronage and towns of Normandy and the King of England. Strategic points were kept under supervision and the fortresses held by dependable men. The Church alone had permission to retain its possessions across the Channel. The towns and nobility were forbidden to maintain communications with England except by special authority. The Normans who had gone over to England at the time of the Conquest were warned to return and present themselves at Philip’s Court before Christmas, 1204; those who appeared after that date would lose their possessions as well as all those who subsequently returned to England or came under suspicion of communication with the enemy. These commands were very strictly carried out and were only modified by a few judgments of the Exchequer and decisions of Saint Louis where mistakes had to be rectified. The English lords lost their Norman possessions; those who at first succeeded in maintaining simultaneous homage to both kings, in 1244, were ordered to make their choice by Saint Louis. Thanks to these confiscations, Philip Augustus was able to enrich the ducal demesne and introduce new families of whose loyalty he had adequate knowledge. In this way officials, knights, and even humble sergeants of the king received lands and founded Norman families.

For the rest, the King of France proposed to govern Normandy and exploit it as “King Henry and Richard” had done. (He never spoke of John who was regarded as a usurper and had, moreover, left very bad memories.) His officials conducted inquests “so that the county should be treated as in the past.” In 1207 the canons of Rouen, giving

¹ Here we are summarizing our memoire: DXIX.
an account of a visit which Philip Augustus’s councillors had paid them, wrote: “They came on the king’s behalf and told us that he wanted full observance of the rights and liberties of the Norman churches as elsewhere and has asked us to demand nothing that we did not have in the time of King Henry, King Richard, and the Lord King of France.”

The only major administrative change was the suppression of the office of seneschal of Normandy and the appointment of chief bailiffs, “baillivi capitales,” who were, in fact, the king’s lieutenants and were chosen from among the most important members of the Court. The Exchequer (the ducal court) with its judicial and financial functions was preserved. It continued to give judgment and that was where the bailiffs of Normandy came to render their accounts. Far from lessening the importance of this provincial Court the royal officials took lessons from it in law and administration. But, at the same time, they watched it carefully. The most important of the king’s advisers during the first third of the century, such as Guérin, the Bishop of Senlis, and the Chamberlain, Barthélémy de Roye, were regular attendants at sessions of the Exchequer.

Beyond that, the Court of France, Curia Gallica, gave direct attention to certain questions and became the supreme court for Normandy as for the other countries subject to the king.

The important thing was to conciliate the Norman population which was intelligent, distrustful, and very much attached to its own interests and the independence which the Anglo-Norman kings had granted. The kings gave personal attention to this task. There was not a year between 1204 and the death of Philip Augustus when the prince did not make a stay at Pacy, Pont de l’Arche, Gisors, or Vernon. During the later years of his reign, Saint Louis made many progresses through Normandy in spite of the breakdown in his health. It was easy for the kings to go there and they saw important advantages in personally controlling the actions of the officials they sent there. That their administration was good is proved by the inquests themselves which contain very few grievances against the bailiffs. The earliest of them were energetic men who commanded obedience. In the time of Philip Augustus, his chaplain William the Breton tells us that
Normandy was “loyal or even very loyal if only they had been willing to spare the king their abusive outbursts”. We know that the town of Breteuil was punished for an unfortunate remark of its mayor. The Normans grumbled but the total number who helped the English during their expeditions in France in 1214 or 1230 was very small. It was very soon possible to relax the initial severity. The local nobility accepted their feudal obligations and provided the crown with the warriors it demanded. The lower classes severed their connection with England very quickly and very thoroughly. The bourgeoisie of the towns after a difficult break in the commercial relations with England found new openings by turning towards the French markets and seeking the royal favours which were generously granted to them. Finally, the churches and abbeys were treated with a respect they had not always enjoyed in the time of the English kings. They were loaded with gifts and privileges and became attached to the Capetians by bonds which became more and more cordial and sincere.

It has been said that Normandy at this period remained suspected and unfortunate, but the weight of documentary evidence decisively disproves this assertion. Normandy, which had never belonged to the Capetians and had been the cradle of the glorious conquerors of England, was, in general, very quickly and very securely attached to the demesne. The mistakes of the later Plantagenets, the community of language and civilization which bound the country to France, the positive and practical spirit of the Normans, and, equally, the firmness and wisdom of the Capetian administration, the spirit of charity, justice, and peace which made Saint Louis an object of affection and admiration are sufficient to explain this fact.

IX

PRESTIGE OF THE CAPETIAN MONARCHY ABOUT 1270.
PEACE AND ARBITRATION

Saint Louis’s external position at the end of his reign was no less strong. It is almost possible to say France’s position, for French civilization during the Middle Ages had never
attained and was never to attain again to such a degree of prosperous expansion and celebrity. During that period great artists were bringing the so-called "Gothic" style to a point of perfection that their successors could not surpass throughout the West architects were imitating French models. The most celebrated work in our ancient literature, the *Roman de la Rose*, dates from this period. French prose was in process of creation: Primat in his *Grandes Chroniques de France*, which the king commissioned from him,\(^1\) gives a charming example of it. The pleasant language of our writers appeared to neighbouring peoples most delightful of all. The monarchy contributed, by its wisdom and the greatness of its political ideals, to this splendid development and its prestige profited by it. Matthew de Paris calls the King of France "The king of mortal kings".\(^2\) Who, in fact, could question his pre-eminence? The King of England ended a reign in which he had known nothing but defeats in a quarrel with his barons: his only victory, that of Evesham, had been won in civil war. His foreign policy had been as sterile as it was ruinous. His son Edmund had failed to win the kingdom of the Two Sicilies and his brother Richard of Cornwall had lost Germany. The thirteenth century was a period of glorious conquests and expansion for the kingdoms of Castile and Aragon but, at the period when Saint Louis's life ended, his contemporary, Alphonse X of Castile, an adventurous blunderer, was likewise wasting his time in canvassing for the Imperial Crown, and the Mediterranean expansion of Aragon had scarcely begun. In Germany and Italy, Frederick II, one of the most amazing minds of his time, had tried to revive the glory of the Empire and had won the implacable hatred of the Papacy. After his death (1250) the prestige of the Emperor was destroyed for a long time. Germany was only saved from chaos by disintegration. Its expansive forces could be seen only in the Slav countries of the Baltic and Central Europe. The Papacy itself, after its hard-won victory over the last of the Hohenstaufen, suffered an eclipse. At the time of Saint Louis's Tunisian crusade, the Holy See was vacant (1268–1271) since the cardinals had been unable to agree on the election of a successor to Clement IV. In Italy the only great power was the kingdom

---

\(^1\) LIII, i, Introduction.  
\(^2\) LXXX, v, 480.
of the Two Sicilies which belonged to Saint Louis's brother, Charles of Anjou.

An ambitious policy might have taken advantage of the favourable circumstances and the reputation of the dynasty. There have been braggarts to reproach Louis IX for his lack of initiative. We have seen that a certain party at Court were opposed to making peace with England. Even among the people there were individuals who reproached the king with being too much of a priest but Saint Louis followed his own path more concerned with Heaven than the earth. He respected the rights of others and hated war; not because he was afraid to die—he gave full proof of the contrary—but because war made men sin and sent many unfortunates to purgatory. It is good only when it is directed against the enemies of Christ. That is the basis of his pacifism. He knew how to defend his kingdom when attacked because it was essential to defend his rights. He was full of sympathy for the poor during war time and urged that they should be spared, but, above all, he had a horror of the sins of war. That is shown us by one particularly admirable page of the *Enseignements* which he wrote himself for his son Philip the Bold:

I advise you to take care, as far as your power allows, that you don’t make war on Christians and, if anyone does you wrong, make as many attempts as you can to find out whether you can recover your rights in any other way before you make war and do your utmost to avoid the sins that arise from war. Take care that you have been well advised before you act in any warlike manner, that your cause is thoroughly reasonable, and that you have duly summoned the wrongdoer and waited as long as you should.¹

It was in this spirit that he concluded treaties with his neighbours and undertook to act as an arbitrator in Europe during the years following his return from Syria. Almost at the same time he was negotiating with the King of England and the King of Aragon to fix the rights of each and to end the ambiguities that lead to conflict. For a long time the kings of Aragon had been claiming patronage over the "occitanien populations" and a suzerainty over Languedoc. By the Treaty of Corbeil (11th May, 1258), King Jaime renounced them, preserving only the lordship of Montpellier. Louis IX, in turn, abandoned the rights which the successors

HEGEMONY OF CAPEtIAN MONARCHy 325

of the Carolingians had retained over Catalonia and Roussillon. As a pledge of this important modification of the frontier, a marriage united the heir to the throne, Philip the Bold, and Isabella of Aragon.1 About the same time the Franco-Castilian alliance initiated by the marriage of Louis VIII was strengthened by matrimonial negotiations. Louis IX did not, for one moment, think of uniting the two kingdoms; he was only anxious that the friendship of the two sovereigns should assure peace in the West. Finally, in 1266, his daughter married the heir to Castile.2 The minstrel Sordel wrote that the King of France lost Castile by his foolishness.3

At the end of his reign the attention of Louis IX was equally engaged in attempts to bring pacification between Christians. In 1246 he imposed a reconciliation, as arbitrator, on the sons whom Margaret, Countess of Flanders and Hainault, had had of her two marriages. He gave to William de Dampierre, a son of the second marriage, the inheritance of Flanders and to John d’Avesnes, a son of the first, that of Hainault. In addition Charles of Anjou was put in possession of Hainault by the Countess Margaret and retained the suzerainty, a source of future claims by the King of France on imperial lands. (Agreement of Peronne, 24th September, 1256.) Louis IX was also arbitrator between the King of Navarre and the Duke of Brittany, between the Count of Bar and his neighbours the Count of Luxembourg and the Duke of Lorraine. In the kingdom of Arles and Vienne where it would have been so easy to take advantage of imperial decadence it was still in the capacity of arbitrator that he interfered between the Count of Burgundy and the Count of Chalon, between the dauphin Guignes and his neighbours the Duke of Savoy and Charles of Anjou, between the inhabitants of Lyons and the canons of the cathedral church. The king sent experienced councillors like Pierre the Chambellan who settled the matter in his name. Joinville tells us that when someone advised him to let all these people fight it out he replied that God had said “Blessed are the peacemakers”.4

When the English barons and Henry III in the midst of a bitter quarrel made him the judge of the validity of the

1 CIXXXIV, 138-9.
2 CIXXXI, 1 ff.
3 Cf. 93.
4 CIXXXVII, chap. viii, xiv; Examples, n. 97 and 211.
5 LXVIII, §§ 380-4; CLXXXIX, pp. xxvi-xxiv; GOXXVII, 570 ff.; COOLXXVIII, 210 ff.
Provisions of Oxford which had been broken by the Pope, Saint Louis asked for the documents, which are still extant in the Trésor des Chartes, to be sent and went to Amiens to meet the two parties. On 23rd January, 1264, he announced the annulment of the Provisions of Oxford. The Mise of Amiens is very clearly marked by the political ideas of Saint Louis.

They were not unknown in England or, at least, they were believed to be known. Evidently the barons deluded themselves when they agreed to accept the King of France as arbitrator. They knew he had a scrupulous respect for the rights of others; they thought that, in his opinion as in theirs, the barons’ duty of council was not merely an obligation of the vassal to his suzerain but was also a right of the nobility, a privilege of their class. Saint Louis, however, with the best faith in the world was of a different opinion. In some respects his political ideal was contained within the framework of Feudalism: in others it went beyond it. Louis would not admit that a consecrated king should regard his power as limited by a council. That was a realm of ideas where he was groping in the dark. In England and in France, monarchical and feudal state, the conception of the kingly divine right and of the king as suzerain governing with his barons existed together and remained irreconcilable. After we have studied the development of the monarchy in France, without losing sight of this duality of principles, we shall grasp it even better in seeking the real character of the conflicts between King John and his son and their barons.