INTRODUCTION

History, historians, and seigneurial war

In the spring of 1348 a war (guerra) broke out in southern France between Géraud de la Barthe (or la Barre), lord of Aure, and Hugh, lord of Arpajon, over the marital fate of an heiress named Hélène de Castelnau. ¹ Hélène’s late father had specified in his will that the girl could only be married with the agreement of her ‘paternal friends and that of his barony’s people’, but Hélène’s widowed mother, herself having married Hugh d’Arpajon, married the girl to her new step-son, Jean d’Arpajon. ² Disappointed in his hopes that these paternal friends would hand the girl and her lands to him, Géraud de la Barthe assembled his troops and attacked the Arpajons. According to royal pardons and other documents issued later, Géraud gathered ‘200 armed and horsed men and 300 foot-soldiers’, and ‘with arms and banner displayed . . . on his own authority and against royal prohibitions’, he invaded Arpajon’s lands. As it was reported:

They forcefully attacked the castle of Brousse and did all they could to kill the Arpajons’ people and those with them inside the castle, and they overran Arpajons’ land and that of their vassals and subjects, destroying, robbing and damaging them . . . they destroyed Brousse, the castle Caumont . . . and other places, castles, and towns, and many houses, mills, and manors, and shelters, and they set many on fire and killed many of their men and wounded others . . . and they took many animals, foodstuffs, and other moveable goods in the Arpajon lands and those of their vassals and subjects . . . ³

¹ The sources for this war include Lettres closes, Lettres de par le roy de Philippe de Valois, ed. R. Cazelles (Paris, 1958), no. 198; AN x2a 5, fols. 109v, 111r, 119r, 147v, 152r, 176r, 177v–178r; AN J J 77, no. 402, fol. 247; AN J J 78, no. 250, fol. 139; AN J J 80, no. 60, fols. 33v–34r.
² AN x2a 5, fol. 118r.
³ AN J J 77, no. 402, fol. 247. There is a confirmation of this grant at AN J J 80, no. 60, fols. 33v–34r. A royal mandate issued a year later (AN x2a 5, fol. 177v–178r) provides substantially the same narrative. The detail about the number of troops is taken from the latter document. Further discussion can be found below, pp. 10–11, and in Chapter 3, below.
By such violence, Géraud succeeded in driving the Arpajons out of Hélène’s lands and taking the barony (though not the girl) for himself.

The sort of war fought between Arpajon and la Barthe was not a unique occurrence. From about 1250 to about 1400, somewhere between sixty-four and ninety-five such conflicts took place in southern France alone (see Figure 1), and royal court registers, which contain dozens of cases against those making war in other parts of the kingdom, show that they were also frequent north of the River Loire.4 Modern historians usually call such conflicts ‘private wars’ or ‘feuds’, but such terms (which never appear in the sources) belie the fact that these were substantial, organized hostilities waged between important people with significant economic and political interests at stake.5 Indeed, when the sources use an umbrella term for them, it is usually guerra (war), the same term employed for the wars of the king.6

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4 See the list of southern wars in Appendix B. The definition of war and the quantification of violence are discussed below. The second section of each chapter is devoted to narrative descriptions of each war with documentary citations. Comparative cases from other parts of the kingdom are cited throughout this book, and see J. Firnhaber-Baker, ‘Seigneurial War and Royal Power in Later Medieval Southern France’, Past & Present 208 (2010): 55, nn. 48 and 50, and pp. 58–60.


6 See below, pp. 18–19.
wars’ (as I will call them) normally involved castles and several hundred men, many of whom were on horseback and some of whom, especially in the mid-fourteenth century, were mercenaries. They generally lasted at least several months, though some endured for years, and many affected a sizable geographic area. That of Arpajon and la Barthe, for example, involved places and fortifications in the districts of Toulouse, Beaucaire, and Cahors. Such wars were fought by lords, here meaning not only hereditary nobles holding fiscal and jurisdictional rights over a barony, but also prelates, and even town consulates, whose powers sometimes approximated those of ecclesiastical and hereditary lords. The point of these wars was nearly always to claim or exercise lordship. They were fought for reasons such as conflicts over the inheritance of a barony or possession of a castle; over the right to exercise justice or to collect taxes; or, as in the la Barthe/Arpajon case, over the right to marry an heiress to a barony. Sometimes they were fought to discipline recalcitrant vassals or to assert independence from an overlord.

Such wars are historically significant in their own right as they obviously damaged local property and rearranged local power relations and land holdings. But they are also important because they speak to the relationship between lordship, violence, and justice during a key period in the development of French political history. It was in the thirteenth and early fourteenth century that the French crown consolidated and further developed the territorial, administrative, and ideological advances begun under Kings Louis VI, Louis VII, and especially Philip II Augustus. Part of this development entailed channelling disputes into judicial courts and away from the sort of violent ‘self-help’ of the sort that wars like that of Arpajon and la Barthe exemplified. In the process, the crown asserted royal prerogatives over a seigneurial class accustomed to independence as a result of centuries of weak centralized power. But the fourteenth century, particularly in its later decades, was one of many challenges as the plague and the Hundred Years War took their toll on the country and the crown’s ability to rule. Moreover, as has been recently emphasized, monarchy was not the only type of political power undergoing change at the end of the Middle Ages. Political, military, and economic developments meant that

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8 Although perhaps surprising, there is almost no evidence that motives such as vengeance for slights to honour or long-standing family feuds incited seigneurial wars in southern France from 1250 to 1400. In the few cases in which such a motive seems supportable from the evidence, I have noted this, but even in these cases, there was always also _casus belli_ involving money, land, or power. See pp. 42, 139–40.
lordship and municipal government may have changed just as much, if not more than, that of the crown, which, as recent work has argued, was more in dialogue with these other sorts of power than in opposition to them. The wars of the lords, and similar conflicts fought by municipalities, thus provide an important window on to the role of violence and government in the development of political power at both the central and local levels during a critical, if tumultuous, period.

This book draws on data from the entire realm of France, but it focuses primarily on the South, here meaning the three southern seneschalies (or administrative districts) of Languedoc seated at Toulouse, Carcassonne, and Beaucaire/Nîmes, as well as the two bailliages of the Auvergne and the Mountains of Auvergne. These areas constituted about a quarter of the kingdom of France, and much more during the decade after the Treaty of Brétigny (1360), which made huge territorial concessions to the English. This part of the kingdom is not unproblematically representative of the whole, but it is certainly not any more exceptional in its regional variations than, say, Normandy or Champagne, or even the Île-de-France itself. Southern society experienced the same sorts of large-scale changes underway in the rest of France, both in rural contexts, where demographic and military developments undermined traditional lord/peasant relationships, and in municipal ones, as commercial, military, and political developments made urban centres increasingly complex and important.

In fact, for the study of the development of royal power in relation to seigneurial society, the South’s particularities offer considerable advantages. The region had only recently come into French royal possession following the Albigensian Crusade (1209–29), which meant that, unlike in regions closer to Paris, where the crown had to contend with long-established jurisdictional boundaries and customary rights, many of the great established powers, like the counts of Toulouse and the viscounts of Carcassonne, had been eliminated. This allowed the crown to establish its own administrative organization and even some new lordships, such as that of the Lévis in Mirepoix, in a large area that mainly consisted of royal domain land. There were still great barons – Foix, Armagnac, Comminges, and Albret – on the borders of these lands whose activities and rights impinged upon the crown in ways that those of lesser lords did not, and whom the crown had to approach based on political rather than legal and governmental considerations. But in most

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9 J. Watts, The Making of Polities: Europe, 1300–1500 (Cambridge, 2009); G. Small, Late Medieval France (Basingstoke, 2009).
of Languedoc, the crown had the opportunity to institute structures and practices reflecting its philosophy of rule rather than the political accretions of history.

By focusing on seigneurial wars in this part of the kingdom, this book aims to understand how royal/seigneurial engagement was influenced by and in turn contributed to changes in royal government. The answers that follow may sometimes appear contradictory. At certain times and in particular contexts, the king and his officers sought to prohibit seigneurial war and to divert such conflicts into royal courts, thus asserting the superiority of coercive royal justice to violent seigneurial self-help. Yet such impulses ran contrary to other, robust tendencies, like respect for seigneurial rights and an approach to law and justice that favoured negotiation, clemency, and settlement over coercive enforcement. My central contention is that the authority of the French royal state over seigneurial violence expanded substantially in the thirteenth and fourteenth centuries, but that this occurred as much through cooperation as through coercion. Much of this development was unplanned and unintentional: the result of ad hoc administrative and bureaucratic adaptation, often in the face of challenging circumstances, in ways that sometimes competed with and sometimes complemented institutional, normative justice, and in which the lords were frequently fully complicit. There was no single trajectory of development, and many of the judicial and bureaucratic elements that became integral to later political organization coexisted with features that appear antithetical to them. While the crown did become stronger in some ways over the course of the later thirteenth and the fourteenth century, this happened differently, less intentionally, and in a less linear fashion than has been previously shown.

In arguing for the simultaneous growth of royal government based on coercive justice and the persistence of seigneurial self-help, I am drawing upon two historiographical approaches to medieval violence that have often appeared incompatible or even antagonistic. One emphasizes the growth of royal justice and government, paying particular attention to the development of institutions and ideology, while the second focuses on the ways that processes of disputing could create social order, even when pursued violently and/or outside institutional channels.

The first camp often depicts later medieval government as the fruit of a struggle between the crown and the lords, seeing seigneurial war as a stumbling block on the road to state-building: a relic of the violent seigneurial privilege that re-emergent royal power was well on the way
to eliminating.10 This tradition has a long pedigree, dating to at least the seventeenth century, but it remains a durable argument: thus, while at the end of the seventeenth century Charles du Cange characterized royal efforts against seigneurial war as a battle against ‘a detestable custom’ and a ‘breach of royal authority’, in 2007 Louis de Carbonnières argued that the royal court sought to suppress seigneurial war ‘in order to ensure the monopoly (monopole) of the king’s sovereign authority against the nobility’s customs’.11 This perspective is particularly characteristic of French scholarship, owing to the later experience of absolutism and to the importance of the modern État, but the idea of seigneurial war as primarily an impediment to the consolidation of royal power also appears in some Anglophone scholarship on France.12 As Richard Kaeuper put it, ‘When lords at all levels, and townspeople as well, sallied forth in arms to settle their own grievances, a long tradition of private rights ... ran headlong against a developing theory of public authority vested in kingship ...’13 A more recent book goes even further, asserting that in France by the end of the fourteenth century, ‘The private urge to violence was well on its way towards being co-opted by the institutions of public justice.’14

Part of the purpose of this book is to complicate this narrative of the nascent state’s triumph over private violence, but that does not mean that I find it wholly unconvincing: lordship and royal government looked very different in the sixteenth century from the way that they did in the twelfth, and these changes had a great deal to do with legal, ideological, and especially administrative developments that began in the thirteenth and fourteenth centuries.15 A preference for non-violent judicial redress over violent self-help was part of these developments. There could be no question of the crown successfully defending the sort of Weberian ‘monopoly on legitimate violence’ that is an integral feature of most modern

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12 It is also characteristic of an older school of thought on later medieval English history. See n. 32, below.


14 W. C. Brown, Violence in Medieval Europe (Harlow, 2011), 283.


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states, but by the later thirteenth century, and perhaps even before, the coexistence of royal and seigneurial authority backed up by force was running into difficulty as the growth of royal government confronted long-standing seigneurial rights, privileges, and habits, including that of going to war. As this book shows, the crown did prosecute – and eventually criminally prosecute – lords who went to war against one another, and it very early on developed the administrative networks necessary to execute its judgments.

But the perdurance of seigneurial war suggests that focusing exclusively or primarily on such developments must leave out a great deal of the experience of power, violence, and government in this critical period. As this book will help to demonstrate, lords were governmental entities in their own right with the same sort of responsibilities for doing justice and maintaining peace that confronted the king. Although this could create tension, it also meant that the crown and the lords were engaged in the same project of governance and that most of the time they worked together rather well. Lords’ legitimate judicial and fiscal responsibilities meant that they were themselves public entities, and it is difficult to see how they could execute justice or enforce the collection of taxes without recourse to violence. Indeed, the crown recognized the forcible correction of seigneurial subjects and vassals as a legitimate cause for even large-scale violence, sometimes to an extent that resembled warfare. Of course, lords themselves, not to mention their lawyers, frequently argued that their wars were licit, even if the royal courts disagreed. If viewed from the perspective of lordship, rather than the royalist state, seigneurial war resembles the role that Otto Brunner identified for feud in his seminal work published in 1939, which argued that the socio-political order of medieval Austria and Bavaria was structured around lordship, an

16 Max Weber’s famous characterization of the state is that its ‘administrative staff successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order’; The Theory of Social and Economic Organization, ed. and trans. A. M. Henderson and T. Parsons (New York, 1947), 154, emphasis in original.
17 There is very little scholarship on the governmental role of ordinary lords in France in the later Middle Ages. A major exception is P. Charbonnier, Une autre France: la seigneurie rurale en Basse Auvergne du XVe au XIVe siècle, 2 vols. (Clermont-Ferrand, 1980), and now also see I. Mathieu, Les justices seigneuriales en Anjou et dans le Maine à la fin du moyen âge (Rennes, 2011). For the governmental role of the English nobility and gentry, see G. Harriss, ‘Political Society and the Growth of Government in Late Medieval England’, Past & Present 138 (1993): 28–57, esp. 31–4 and discussion below, p. 10. For the ‘nobility as an intrinsic part of the public sphere’ in Flemish government, see F. Buylaert, W. de Clercq, and J. Dumolyn, ‘Sumptuary Legislation, Material Culture, and the Semiotics of ‘Vivre Noblement’ in the County of Flanders (14th–16th Centuries)’, Social History 36 (2011): 393–417, quote at 399.
19 De Carbonnières, ‘Pouvoir royal’.
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expression of power whose constitutive element was the assertion and protection of rights through the exercise of violence. 22

Though it is now recognized that he overstated the case for a seigneurial right to feud unimpeded by legal restrictions of sovereign authority, Brunner’s idea that seigneurial violence might be legitimate and even socially and politically constructive has been a fruitful point of departure for a second historiographical camp focused on the pursuit and resolution of disputes. 21 Drawing upon anthropological studies of conflict in ‘traditional’ societies, a primarily Anglophone and particularly American strand of scholarship has argued that ‘self-help’, meaning organized, premeditated violence committed (usually by social elites) for the redress of wrong outside institutional judicial channels, should be seen as one aspect of disputing processes that, while violent, were governed by social norms and therefore legitimate in their own way. 22 Such disputes were not inimical to social order but actually constructive of it. The goal of disputes and their resolution was not adherence to the law, but rather the maintenance of rights and the satisfaction of the parties. Settlement of disputes was processual, entailing on-going processes of negotiation, exchange, and settlement of which violence between the disputants was one aspect. The arbitration and resolution of conflict came through the intervention of friends and local notables, without recourse to judicial courts.

While many of this second camp’s seminal works focus on France in the immediate post-millennial centuries, this approach has had considerably


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less traction in the historiography on France in later centuries. Historians have tended to assume that such disputing processes were eliminated by the advent of official royal justice from Louis IX on. With the exception of Claude Gauvard, who has highlighted the ways in which clemency and negotiation affirmed the idea of royal sovereignty even in the tumultuous reign of Charles VI, there has been virtually no work on seigneurial conflict in France after 1250. This is understandable given the unabashedly statist tilt of most historiography on France and the related perception that royal government was but a prelude to the absolutist state of early modern France. But it is not necessary to abandon the insights granted by a focus on the crown in order to pay more attention to local society. Historiography focused elsewhere has shown that informal disputing (including violence) and official, institutional justice could coexist in fruitful ways. Daniel Lord Smail, for example, has argued that centralized justice in Marseilles grew because people used it as another avenue in which to pursue their enmity, while Paul Hyams has advocated studying ‘feud alongside the law courts and within a single system of conflict resolution and social control’.

If we look to German and English historiography, historians have emphasized the role that this sort of dispute processing played in the socio-political landscape well into the later Middle Ages and the early modern period. For Germany, Christine Reinle has shown that politically important discourses about right, violence, and authority could also operate in non-noble contexts. Gadi Algazi has demonstrated that it was not just a question of power in the narrow sense of politics and government, but also one of social organization, affective relationships, and economic domination. And Hillay Zmora has argued that seigneurial conflicts in fifteenth-century Franconia were closely related to German princes’ efforts at state-building, being both a result of rivalries among

25 As noted in the Conclusion to this book, however, the royalist character of ‘absolutism’ has undergone significant revision in recent decades.
28 Herrschaftswelt und Gewalt der Herren im späten Mittelalter. Herrschaft, Gegenexistenz und Sprachgebrauch (Frankfurt am Main, 1996) and ‘Social Use of Private War’.
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would-be sovereign princes and an incitement to further princely wars.29 England is normally regarded as a more centralized and royalist polity than the fractured Empire, but in it, too, recent historiography has emphasized the constructive role that aristocrats played in government, including through their disputes.30 Decentralized by nature as well as necessity, royal government had to rely upon local powers to carry out the essential functions of taxation, justice, and peace-keeping. Obviously, this left open the possibility of the use of violence and justice for private ends, and much aristocratic conflict – primarily provoked by land disputes – was pursued not only through judicial litigation, but also by forcible seizure and informal arbitration by the disputants’ friends, family, and lords.31 This was once seen as a reflection of royal weakness, corruption, tolerance towards aristocratic excesses, and an easy acceptance of violence alien to modern sensibilities.32 More recent scholarship, though, has understood violence in aristocratic disputes not as a less ‘civilized’ alternative to public justice, but as a complementary means of pursuing conflict, often in conjunction with centralized governmental structures.33

Later medieval France had very different political circumstances from either the Empire or England, but the evidence suggests that in France, too, both violence and ‘old-style’ arbitration remained key to conflicts and were combined with, rather than eliminated by, royal justice.34 To turn again to the Arpajon/la Barthe case, when news of Hélène’s marriage first came to the king’s ears in February 1348, it was feared that the situation might lead to war, and royal commissioners were sent out to put the girl and her lands under royal protection until the matter could be worked

29 Zmora, State and Nobility, ch. 5, esp. p. 100.
33 E.g. Harriss, Shaping the Nation, 197–202; Maddern, Violence and Social Order, chs. 3–4.
34 An argument developed throughout this book but also in Firnhaber-Baker, ‘Fasts in medio’.