

a088598

# TRADITIO

STUDIES IN ANCIENT AND MEDIEVAL  
HISTORY, THOUGHT AND RELIGION

*Editors*

STEPHAN KUTTNER   ANSELM STRITTMATTER  
EDWIN A. QUAIN   BERNARD M. PEEBLES  
ROBERT E. McNALLY

VOLUME XX

29



FORDHAM UNIVERSITY PRESS  
NEW YORK  
1964

imaginary than real. 751.4 φάρμακον, 8 ἐπιτεχίζωμεν, 15 ὀφθαλμός νοσῶν, 38 εὐρίπων χαλεπότερον. 752.62 κάθ' ὅσον ἐν ἀκροπόλει τῇ κεφαλῇ. 754.4 — an elaborate metaphor from pruning trees.

Sermon 2: 753.3-7: An accumulation of 8 disparate metaphors to describe Old Testament times is followed (12-14) by 7 metaphors to describe punishment. 32 ὥσπερ ἐκ τινος παλιρρόοις, 45 ἐκκόπτοντες, 47-754.27 The oblique (κύνκλῳ περιῶν) approach in war. 754.6 καταβαλεῖν, 7 σβέσαι, 8 ἀποστήσαι, 20 ἀποπηδήσοντας, 22 κύνκλω περιῶν, 25 πρόρριζον ἀνασπῶν, 26 καταχέων, 28 δηλητήριον . . . φάρμακα, 45 πρόσωπον. 755.14-18 depriving youth of inheritance, 53 τὰ μέλη τοῦ Χριστοῦ, τὰ τέκνα τῆς Ἐκκλησίας, 756.34 ἱατρὸς, 36 φαρμακὸς καὶ γόης, 52 λοιμικὸν χωρίον, 56 λοιμῶδους . . . νοσήματος. 757.8 τῶν ὑπευθύνων, 22 φαρμάκον . . . πληγὴν. 758.16 ἐπαντλάτε ῥήμασιν.

Sermon 3: 757.4 γυμνάσαι . . . λόγον, 9-14 a comparison with a citizen forbidden to introduce Persian customs.

758.23-32 magistrates and public executioners. 760.3 καθάπερ ἐπὶ κατάντους χωρίου.

Sermon 4: 759.8 St. Paul ὡς ἐξ οὐρανῶν ἀγγέλον καταβάντος, . . . ὡς αὐτοῦ τοῦ Χριστοῦ. 760.3 νόσημα τῆς ψυχῆς, 32-33 the Church. 761.17 νόσῳ καὶ λιμῷ παλαίῳ. 762.8 βραβείων . . . στεφάνων 763.3 ἑὼν καὶ τράγων δίκην τῇ γαστρὶ προσηλωμένοι, 4 δουλεύοντες πράγμασιν, 10 εὐθύνας, 11 ὥσπερ πρὸς τοὺς μαινόμενους, 38 metaphors for judgment: εὐθύνας, δικαστήρια, κολάσεις, τιμὰς, ψήφους, κρίσεις. 764.50 καθάπερ ἱατρὸς ἄριστος.

Sermon 5: 765.1 δόγμα πονηρὸν καὶ σηπεδόνοσ ἀνιάτον γέμον, 12-17 comparison from medicine 27-29 ὥσπερ ἀνεργάτιστον πλοῖον. 766.16 στρέψη τὸν ἄτρακτον ἢ Κλωθῶ 26 τῆς εἰμαρμένης τὰ ἐπὶ χεῖρα 767. 46-51 comparison ὥσπερ ἂν εἴ τις εἰς τὸ βάραθρον 60 φορντός, λαβύρινθος, ζάλη. 768.10 τὰ ἀνθρώπινα διοικοῦσα ἐριννὸς τις 769.2 καθάπερ ἐκ πηγῶν, 8 τῆς κακίας ὁδὸν 10 στέφανον, 17 θλίψεις καὶ στενοχωρίαι 770.8 ἐφόδιον κολάσεως.

Sermon 6: 769.23 δαπάνη, 770.3-25 a body overburdened with food and drink sinks like a ship carrying too much cargo. 771.11 diseases of body and soul, 19-25 nasal disorders and discharges, 40 δηλητηρίων φαρμάκων, 62 a triad of metaphors for suicide: βάραθρον, βρόχους, κρημνῶν. 772.8 ὥσπερ εἰς λιμένα, 15 θηρίον . . . ἡ τροφή 773. 10-11 πάντα σαρκικά . . . παιδαγωγία ἦν τὰ Ἰουδαϊκά.

The Catholic University of America.

## THE PUBLIC ASSEMBLY IN THE TIME OF LOUIS THE PIOUS

By JOEL T. ROSENTHAL

The prominence of the public assembly is one of the most striking features of the reign of Louis the Pious.<sup>1</sup> Both the chronicles and the imperial biographers<sup>2</sup> refer again and again to the frequent public gatherings at which much of the business of the empire was transacted. This business varied in nature and importance, just as the assemblies varied in their location and duration. However, there seems to have been no major category of public business which was systematically kept from the purview of the public assembly.

This paper is not a study of the legislation of Louis the Pious.<sup>3</sup> It is, rather, an inquiry into the role played by the public assembly in the administration and government of the empire; when and where the assemblies were held, what was done at the sessions, what was not done, and what regular institutional character did the assembly come to possess. Our interest is not simply in what the Carolingians did, but in how. Was the public assembly an active or a passive body? Was it a merely convenient extension of the royal council,<sup>4</sup> or did it, and its business, differ generically from the council? It is through

<sup>1</sup> H. Pirenne, *A History of Europe* (1958) I, 89-90: 'Obliged to reckon with the aristocracy to whom they owed their crown, Pippin the Short and Charlemagne could not refuse it a place in the government. The magnates of the kingdom deliberated with them, assembling at court in a *conventus* at the feasts of Christmas and Easter. . . . As manifested and expressed. . . . the royal power seems that of an absolute sovereign, but of one whose absolutism is doubly limited. It is limited, in the first place, by Christian morality, and it accepts this limitation. It is limited further by the necessity of avoiding anything that will displease the aristocracy, and to this limitation it submits.'

<sup>2</sup> The narrative sources for the reign have been used in this study. They are to be found in the *Monumenta Germaniae Historica, Scriptores* I & II. In volume I are to be found: Einhardi Annales (EA), Annalium Bertinianorum Pars Prima (AB), Annales Laurissenses Minores (ALM), Annalium Bertinianorum Pars Secunda (PTA), Chronicon Moissiacense (CM), Fuldensis Annales Einhardi (FAE), and Annalium Fuldensium Pars Secunda (FAR). In volume II are found: Annales Xantenses (AX), Thegani Vita Hludowici Imperatoris (Thg), Vita Hludowici Imperatoris (Ast), Ermoldi Nigelli, Carmina (Erm), and Nithard: Historiarum (Nit).

<sup>3</sup> For the legislation of Louis the Pious: Sickel, *Acta Carolinorum*, II; Böhmer: *Regesta Imperii*, I; Simson, *Jahrbücher des fränkischen Reiches unter Ludwig dem Frommen* and in the MGH: *Legum* I, sectio 1, sectio 2 (*Capitularia Regum Francorum* I 2), section 3, and *Concilia* II, parts 1 & 2.

<sup>4</sup> Fustel de Coulanges, 'Les transformations de la royauté pendant l'époque carolingien-



YEAR	MONTH	PLACE	SOURCE										
			<i>Ast</i>	<i>Thg</i>	<i>Nit</i>	EA	ALM	FAE	FAR	AB	PTA	CM	AX
825	May	Aix	*			*							
	Aug.	Aix <sup>l</sup>	*										
826	May-June	Ingelheim	*			*		*					*
	Oct.	Ing.(Saltz)	*			*		*					
827 <sup>k</sup>	Spring	Nijmegen				*							
	Aug.-Sept.	Compiègne				*							
828	Feb.	Aix	*			*							
	June-July	Ingelheim <sup>l</sup>	*	*		*							
829 <sup>m</sup>	August	Worms	*			*		*					*
830	Feb.	Aix							*				
	Oct.	Nijmegen	*		*					*			
831 <sup>n</sup>	Feb.	Aix								*			
	Autumn	Thionville	*							*			
832 <sup>p</sup>	—	Nijmegen						*o					
	April	Mainz								*			
	Late	Orleans	*							*			
	Summer												
	Nov.	Tours	*										
	833	June	Rothfeld <sup>a</sup>	*									
834	Oct.	Compiègne	*							*			
	Spring	St. Denis	*										r
835	Nov.	Attigny								*			
	Feb.	Thionville		*						*			
	June	Lyons	*					*					
	Nov.	Attigny	*										
	836	Feb.	Aix	*									
837 <sup>h</sup>	Apr.-May	Thionville	*	*				*			*		
	Sept.	Worms									*		
	Feb.	Aix									*		
838	June	Nijmegen									*		
	Nov.-Dec.	Aix			*								
	May-June	Nijmegen							*		*		
839	Aug.-Sept.	Kierzy	*								*		
	Apr-June	Worms	*		*								
	Sept.	Chalons	*								*		
	Early?	Mainz			*t								
840	Apr.-May	Worms <sup>u</sup>	*										
	June	Frankfort							*				

a. Most of this year, from the time that Louis reached Aix, was devoted to the general business of government, and the assembly of 814 was probably the most general one Louis ever held. All the sources cover the business of this year, but not all actually speak of an assembly having been held. ALM: 'Eo anno placitum suum cum Francis imperator Hludowicus habuit Kalendas Augusti mensis'; EA: 'Habitoque Aquisgrani generali populi sui conventu ad iustitias faciendas'; FAE: 'Habitoque Aquisgrani generali conventu populi sui . . .'

b. CM has the entry which should appear for 817 placed under 815.

c. CM says that Louis held an assembly in 816: 'Habuit consilium cum episcopis, abbatibus et comitatibus suis; deinde reversus est ad Aquis palatium . . .' The editor of CM says that 816 should read 818. However in 818 Louis was at the Breton war. Furthermore, the *Acta* (ed. Sickel) show Louis to have been at Compiègne in November 816. Therefore he seemingly held an assembly; Simson, *Jahrbücher* I 75, confirms this. The papal coronation of 816 did not take place at a public assembly.

d. The Vannes assembly is the only assembly held at the military rendezvous. AE: 'Atque his ita dispositis, ipse cum maximo exercitu Britanniam adgressus, generalem conventum Venedis habuit.' Ast and Erm confirm this, as does Simson, I, 131-2. There is no record of any legislation from the assembly. The CMH says there was an assembly at Heristal late in the year. Louis did hold court and receive envoys there, but there is no record that an assembly was convened.

e. This Aix assembly was convened either at the end of 818 or beginning of 819.

f. Warnkoenig and Gerard put this assembly, in January 820, at Ingelheim. However, the sources are explicit, and the *Acta* show Louis to have been at Aix for the first four months of the year. They would not reflect every journey, but they usually show an assembly. Simson confirms Aix as the site, I, 153.

g. Louis was going east, to winter at Frankfort and to call an assembly of the eastern lords and peoples. The *Acta* show he reached Frankfort after December 1.

h. There are no assemblies mentioned in this year, the only such hiatus. Louis spent much of the year levying war against the Bretons, and the *Acta* show he issued decrees from Compiègne and Rouen. The CMH refers to an assembly at Rouen, and Warnkoenig and Gerard to one at Compiègne, but neither offers evidence. Simson speaks of no assembly.

j. Warnkoenig and Gerard say there was an assembly at Paris, as does Simson I 249 (quoting Baron). I find no evidence in the sources.

k. Warnkoenig and Gerard say there was an assembly at Aix in February. Louis was then at Aix, but the sources do not mention an assembly, nor does Simson.

l. Warnkoenig and Gerard say this assembly was called at Ingelheim and then continued in session at Frankfort and Thionville through the summer. This seems without any basis in the sources: AE: 'Imperator mense (Junii) ad Ingilheim villam venit, ibique per aliquot dies placitum habuit . . .'

m. Simson, I, 313 - 15, tells of an assembly at Mainz. No *Acta* were issued thence. His source is the *Epist. Fuldens.* and Mansi.

n. There are some references to a May assembly at Ingelheim. The CMH refers to it, and the *Acta* show that Louis was there from at least May 14 through June 9. Simson confirms Sickel on this.

o. There is no reference in the *Acta* to Louis' presence at Nijmegen in 831, but the evidence seems firm, FAE: 'Conventu apud Noviomagum habito, imperator omnes qui sibi contrarii fuerunt, velut iuste exauctoravit . . .'

p. Warnkoenig and Gerard say there was an assembly at St. Denis, August 832. The *Acta* show Louis to have been there, but no mention is made in the chronicles of an assembly.

q. The 'Field of Lies' was not a regular public business meeting, but it would seem to belong in a list of the assemblies of the reign.

r. The assembly at Paris, which freed Louis, was a military gathering at which Lothair was planning to establish himself and to carry out the regular civil business. The AX say that he first held a military assembly at Soissons.

s. Warnkoenig and Gerard refer to a May assembly at Thionville. The *Acta* show Louis to have been there in late June, but there is no mention of an assembly.

t. Nithard is the only source to mention this assembly: 'Eodem tempore nuntiatur quod Ludhowicus a patre suo descivisset et quicquid trans Rhenum regni continebatur sibi vindicare vellet. Quod pater eius audiens, indicto conventu, Magoniacum venit ac trajecto exercitu fugere illum. . . .' Louis did spend the entire first half of the year in Germany, so such an assembly is not improbable.

u. Warnkoenig and Gerard say there was also an Ingelheim assembly, but neither the chronicles nor the *Acta* confirm this.

The assemblies were not held in conformity with any pattern. Louis wintered frequently at Aix, and when there was the need or desire for an assembly during the winter, it was often held there. This was not a rule, but merely a general practice, and when he wintered elsewhere the business followed. Otherwise, assemblies were held at irregular intervals, and at a varying number of times per year. In 824 there seemingly were no assemblies.<sup>8</sup> In other years, as in 831, 832, or 837 there may have been as least four. They were convened when the press of business required. This may have been upon arrival — summoned or unsummoned — of foreign envoys, of *missi*, or of Louis' envoys, or for legislative purposes, or to make public announcements, etc. In any event, Louis was the sole determiner of when and where an assembly was to be held. There was usually an interval of several months between assemblies. The duration of the assembly was uncertain — sometimes the business seems to have been finished in a few days, while at other times the affairs of several weeks or even months are referred to as comprising a single assembly.<sup>9</sup>

Besides those at Aix assemblies were held at about a score of sites in the empire. Aix, Compiègne, Ingelheim, Thionville, and Nijmegen were preferred locations; all in or near the great heartlands of the Carolingian fisc.<sup>10</sup> Occasionally Louis ventured farther afield, as to Orleans or Lyons, but this was unusual, and only happened when military business might summon him to a

<sup>8</sup> There is nothing unusual about this year, except the absence of a (designated) assembly. Louis spent more of the year in 'France' than in 'Germany.'

<sup>9</sup> Ast, 637 (page in the MGH).

<sup>10</sup> On the Carolingian fisc, cf. J. W. Thompson, *Dissolution of the Carolingian Fisc in the Ninth Century* (1935).

rarely visited part of the empire where it might also prove expedient to convene an assembly.<sup>11</sup> The German assemblies were held in or near Louis' own lands and palaces, and they were close to a part of the Empire where the military and diplomatic guard had to be kept without relaxation. The Spanish, Breton, and Balkan wars, while frequent, were less of a threat to the Carolingian fisc lands, and the emperor rarely strayed so far from his homes and headquarters.

In the early years of the reign there was an assembly at Aix almost annually. Later, as the reign grew more troublesome, Louis held more assemblies while on a royal progress. Perhaps when the prestige of his father had still been strong Louis could simply order all men to come to him. Later this was not the case. He had to go where friends, and friendly lands, were to be found. The dignified perambulations of the early years give way to almost frantic journeys in the later years, and we see this story clearly from a listing of the sites of the assemblies.

So it is established that Louis used his assembly frequently, if not regularly, for the transaction of public business. There is no indication that business dealt with in an assembly took precedence over that handled more privately, nor does any distinction seem to have been recognized. This is hardly surprising.<sup>12</sup>

Fustel says the Carolingian assembly handled three general types of business, or rather that it had three main purposes: military, judicial, and general political and administrative matters.<sup>13</sup> Frequently, of course, all were dealt with in a single assembly, since such distinctions are but a modern convenience.<sup>13a</sup> Actually the categories of business covered can be enlarged to include the succession problem, ecclesiastical legislation and general or secular legislation, foreign affairs (sometimes distinct from military matters), financial matters, and miscellaneous business, e. g., royal weddings. However, it is easier to follow Fustel's three categories, and then to elaborate upon them.

The military purpose underlay the original Frankish assembly.<sup>14</sup> Once the rendezvous of the free warriors had been the major, if not the sole purpose

<sup>11</sup> The Orleans assembly of 832 was held because Louis felt it necessary, after years of unrest, to visit Aquitaine again. The Chalons assembly of 839 was also chosen so the troublesome south of France could be watched.

<sup>12</sup> We know from English history that it took about a century of parliamentary development before there came to be a recognized distinction between the laws made with the consent of the estates and those without.

<sup>13</sup> Fustel, *op. cit.* 357.

<sup>13a</sup> Warnkoenig et Gerard, *op. cit.* 21, 'Les affaires traitées dans ces réunions étaient ou ecclésiastiques, civiles, politiques, ou mixtes; aussi distinguait-on trois espèces de capitulaires: les capitulaires ecclésiastiques, les capitulaires mondains et les capitulaires généraux. Les assemblées relatives aux affaires de l'Église étaient en même temps des conciles nationaux.'

<sup>14</sup> Fustel, *op. cit.* 407.

TABLE II

Place	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840
Aix	*		*	*	*	*	*	*	*			**			*		*	*					*				*
Frankfort																											
Paderborn																											
Mainz																											
Worms		*																									*
Ingelheim						*																				*	*
Thionville								*										*	*								
Nijmegen								*									*	*							*		
Attigny																											
Kierzy								*																	*		
Chalons																											*
Lyons																											
Compiègne										*																	
Paris																											
Orleans																					*						
Vannes																			*								
Tours																										*	*

of the public gathering. Eventually other business became pressing, as the administration proliferated, and military matters became, to some extent, the private business of the monarch. By the time of Louis the great campaigns were still begun with a pre-arranged rendezvous of the army, but few of these meetings of the host coincided with public assemblies, and many of them had not even been called at a public assembly. Clearly, the military needs of Louis were somewhat apart from his public business. This distinction was furthered by the fact that few of his wars were great general campaigns, as had been the Saxon or Lombard wars of Charlemagne. The wars of Louis' reign were largely the concern of the Franks along the respective marches, and Louis dealt with them largely by delegation of authority to the lords of those regions.

Though the assembly no longer was the old gathering of the host, much of its business was concerned with declarations of war and peace.<sup>15</sup> At the Ingelheim assembly in 819 the decision was reached that Liudewitus of Pannonia was an untrustworthy neighbor, and war was declared.<sup>16</sup> The progress of this war was then considered at the Aix assembly in the winter of 820,<sup>17</sup> and again at the Aix assembly in February, 821.<sup>18</sup> At the assembly at Saltz, October 826, the continued treachery of Aizo was reported, and Louis decided upon war.<sup>19</sup> In these instances the assembly was not a meeting of the armed host, but rather a session for the transaction of public business, one form of which was the declaration of war.

On many occasions the military business seems to have been but a minor part of the public business of the assembly, or even to have been handled apart. This was the case after the Ingelheim assembly in 819, and after that held at Attigny in 822.<sup>20</sup> At Ingelheim, in June 828, it was decided to send Pippin with an army to the Spanish march, after the assembly was adjourned.<sup>21</sup> At the end of the assembly at Worms in 829 Lothair was sent to Ita-

<sup>15</sup> Erm 489-90, and Ast, 623: 'Habitoque Venedis generali conventu.'

<sup>16</sup> EA 205: Liudewitus was 'superbia elatus.'

<sup>17</sup> AE 206: 'Conventus ibidem habitus, in quo de Liudewiti defectione deliberatum est, ut tres exercitus simul ex tribus partibus ad devastandam eius regionem atque ipsius audaciam coercendam mitterentur.'

<sup>18</sup> AE 207: 'De bello Liudewitico tractatum, ac tres exercitus ordinati qui futura aestate perfidorum agros per vices vastarent.'

<sup>19</sup> Ast 630-32: Aizo was a chronic troublemaker along the Spanish borders, and his exploits, working with the Saracens against Christians when it suited him, etc, provide a realistic glimpse of a chapter of history which we know mainly from the Cid.

<sup>20</sup> AE 206-7 (for 819) and AE, 209 (for 822): 'Peracto conventu quod Attiniaci habetur . . . Hlotharum vero filium suum in Italiam misit . . .'

<sup>21</sup> AE 217.

ly.<sup>22</sup> The assembly which reinstated Louis in 834 seems to have been a military one.<sup>23</sup> However, in the face of an anomalous situation Lothair was trying at that time to assess the loyalty of the Franks. They did assemble, in arms, as befitted the occasion, and then chose to leave Lothair and to declare for his father. This assembly was not of the usual sort — convoked by the emperor to deal with an agenda he chose to present — but rather one which had to be called before Lothair could have a guarantee of his own sovereignty.<sup>24</sup>

Fustel says the judicial function of the assembly was its second purpose.<sup>25</sup> For the reign of Louis the Pious he specifically refers to the judgment passed against the rebellious Bernard in 818, that against Count Bera of Barcelona in 820, and that against the leaders of the military expedition to Aquitaine in 828. Fustel attempts to show that the judgment of 818 was done in an assembly, but not in a *general* or *public* assembly:

S'il y a une conclusion scientifique à tirer de ces observations de détail, c'est que l'assemblée générale du peuple n'est jamais décrite par les écrivains comme ayant exercé le pouvoir judiciaire. Les . . . jugements dont nous venons de parler ont été rendus pendant un *conventus*, mais non par un *conventus*. Ils ressemblent d'ailleurs à ceux que le roi rendait en dehors du *conventus*, presque tous les jours de l'année. La seule différence est que le tribunal du roi s'est trouvé plus nombreux; et cela tient à ce que la réunion générale avait groupé autour du roi tous les comtes, tous les vassaux, tous les évêques. C'est pour cette raison que les affaires particulièrement graves, comme celles de Pepin et de Bernard, ont été réservées par le prince au moment où il tiendrait son *conventus*; mais rien n'autorise à penser qu'il les ait réservées en vertu d'un droit supérieur de la nation franque ou de l'assemblée générale.<sup>26</sup>

This is irrelevant, for the point is not by whom was the judgment made, but rather where — and the answer is in or before the public assembly. That spectators in a modern court do not vote with the jury does not vitiate the public character of the modern judicial process.

Judicial business is not always distinguishable from other public concerns. The judgment against Bera followed his defeat in a trial by combat, and Louis commuted the death penalty to banishment.<sup>27</sup> This is reminiscent of an overlord presiding over the feudal relations of his vassals. Perhaps the

<sup>22</sup> AE 218: 'Hlotharium quoque filium suum, finito illo conventu, in Italiam direxit.'

<sup>23</sup> Ast 638-9, and AB, 427.

<sup>24</sup> Amid the confusion surrounding the deposition and reinstatement of Louis it is not surprising to discover that the assemblies were other than the usual business meetings.

<sup>25</sup> Fustel, *op. cit.* 372.

<sup>26</sup> *Ibid.* 385.

<sup>27</sup> Erm 501.

general amnesty of 821, though ordered by executive fiat, should be considered as a form of judicial business.<sup>28</sup> This amnesty was announced in the assembly at Thionville, immediately after Lothair's marriage to Irmingard. In 823 a quarrel among the Wiltzi was arbitrated in the assembly,<sup>29</sup> and in 828 those responsible for the military disaster were publicly cashiered, though Louis was reluctant to be so harsh: 'Imperatoris animus, natura misericordissimus, semper peccantibus misericordiam praerogare studuit.'<sup>30</sup> In 831 Louis deliberated the fate of his enemies before the people assembled at Nijmegen.<sup>31</sup> These public judgments were executed, not because justice in camera was less efficacious, but because it was less solemn. Forgiveness was more Christian, punishment more fearsome, when publicly proclaimed.

This leaves the multitude of business which Fustel assigns to the realm of 'affaires politiques ou administratives.'<sup>32</sup> Some further differentiation is possible: the succession problem, ecclesiastical legislation, secular legislation, foreign affairs, financial matters, and various miscellaneous affairs. The assembly usually handled business in more than one category, as we would expect. However, not every assembly was called to handle every type of business. When an assembly was in a particular part of the empire it might concern itself with matters relevant to those areas, and be attended by the lords of that particular vicinity. There is no indication, on the other hand, that assemblies were more all-embracing or official when held at Aix or Thionville than at some outlying place, e. g., Lyon or Chalons.

The succession problem overshadowed Louis' reign to the extent that the reign is often considered merely an entre-acte between Charles' death and the dismemberment of 843. This inescapable problem was treated at a number of public assemblies, and it particularly reminds us that the public character of the assembly was of a limited, and usually passive nature. The partitions were made by Louis in private, or with his councillors, or with his sons, but they were announced in public. Sometimes public support for the decision was especially sought through acclamation.

<sup>28</sup> Ast 626 (for 821): 'Imperatoris porro clementia, cum in aliis semper admirabilis clara-verit rebus, in hoc quammaxime conventu, quanta eius inesset pectori, manifestissime patuit.'

<sup>29</sup> AE 210: 'Duo fratres, reges videlicet Wiltzorum, controversiam inter se de regno habentes, ad praesentiam imperatoris venerunt . . .'

<sup>30</sup> Ast 631.

<sup>31</sup> FAE 360: Louis publicly received the Empress back into his favor only after she had purged herself in public of the charges against her. Also, Ast 635. In 839 Louis went through one of these scenes with Lothair, Nit 839: Lothair 'una cum patre coram omni populo ita se velle annuntiavit. Hinc autem pater fratres, prout valuit, unanimes effecit, rogans et deprecans, ut invicem se diligerent, et ut alter ab altero protegeretur adortans exortat.'

<sup>32</sup> Fustel, *op. cit.* 385.

The first settlement was in 817, when Lothair was declared co-emperor and young Lewis and Pippin were given their shares of the empire. At that time the Emperor expressly wished Lothair to be recognised and designated in public.<sup>33</sup> The decision was done: 'cum consilio Francorum constituit.'<sup>34</sup> Great public approval greeted the decision: 'tunc omni populo placuit.'<sup>35</sup> It is dangerous to place too much stock in what may be the chance wording of an un-selfconscious chronicler, but there is specific emphasis placed upon the inclusive nature of the assembly of 817: 'Iussit esse ibi conventum populi de omni regno vel imperio suo apud Aquisgrani.'<sup>36</sup>

In 821, when the partition was reaffirmed, the assembly at Nijmegen was chosen for the public announcement:

In eodem anno Kalendis Maii conventum imperator habuit alterum Noviomagi, in quo partitionem regni quam inter filios suos iamdudum fecerat, coram recitari fecit, et a cunctis proceribus qui tunc affuere confirmari.<sup>37</sup>

The Astronomer's biography says that the partition of 838, giving young Charles a share of the empire, was made secretly at Aix, and only made public at the autumn assembly at Quierzy.<sup>38</sup> The public confirmation elicited there is confirmed by various sources: 'consiliis quorundam ex primoribus Francorum acquiescens.'<sup>39</sup> The last partition, that of 839, was also done in full sight of the Franks. The sons chose their portions before the host, who applauded obediently, while the old emperor heartily rejoiced.<sup>40</sup>

It can be argued that the real decisions as to the succession were carried out by force primarily, and secondarily by negotiated private agreements. This is true, but does not nullify the value of the assembly in these matters. Not the decision alone, but rather the willingness of the Franks to accept it, was what the rebellious princes had to strive for. Lothair learned in 834 that even a *fait accompli* was reversible. The public acceptance perhaps did not *have to* come from a public assembly, but that assembly was the most convenient, and most accepted place at which to gain it.

<sup>33</sup> Ast 622: 'Imperator in eodem placito filium primogenitum Hlotharium coimperatorem appellari et esse voluit . . .'

<sup>34</sup> ALM 122.

<sup>35</sup> CM 312.

<sup>36</sup> CM 312: and the chronicler continues: 'Sedem regiam, id est episcopos, abbates, sive comites et maiores natu Francorum; et manifestavit eis mysterium consilii sui . . .'

<sup>37</sup> Ast 625.

<sup>38</sup> Ast 643-44: The Aix decision: 'Sed quia inofficiosa remansit, a nobis quoque silentio premitur.'

<sup>39</sup> FAR 361, and PTA 432.

<sup>40</sup> Nit 654-55.

Most of what we would term general legislation, both of an ecclesiastical and of a secular nature, was determined or announced at the public assemblies.<sup>41</sup> Louis, of course, was greatly concerned with the condition of the Church. Under his aegis the monastic code was reformed, ecclesiastical purity strongly enjoined, and churchmen deeply involved in the imperial administration. Louis' general edicts calling for Church reform were announced at assemblies: Aix in 817, Aix in 819, Ingelheim in 826, Attigny in 835, Aix in 836, Aix in the winter of 837-38, Chalons in 839.<sup>42</sup> The business itself was of a standard sort — injunctions favoring reform, *missi* sent to conduct inquisitions and to report back, and an attempt to create a general feeling of piety which seems out of place when contrasted with the fraternal wars of the reign, but which reminds us of the catholicity of imperial interests.

The secular legislation tended perforce, to be of the same general nature as the ecclesiastical. The business which went on through the summer of 814, when Louis was assuming the government, was typical of the way in which civil government was controlled. *Missi* came and went, armed with specific orders and writs.<sup>43</sup> The great nobles — to call them vassals calls up ideas but half formulated, though Fustel uses the term<sup>44</sup> — came to pay their homage.<sup>45</sup> Oaths were renewed, presents given and received.<sup>46</sup> Later assemblies, though never again able to concentrate so fully on these matters, worked in much the same fashion.<sup>47</sup> The assembly was the obvious place for general legislation.

Two types of business were handled both in and out of assemblies, seemingly without any discrimination. These were foreign affairs and financial affairs. Foreign affairs were mainly concerned with hearing envoys and ambassadors, making or renewing truces, presiding over discussions on violated agreements, and sometimes declaring peace or war. Foreign envoys appeared at almost every assembly, and their origins remind us of the breadth of the Carolingian empire, and the scope of its interests. In the assembly of 814 the Danes and Beneventans sought the imperial presence, in 815 the Danes, Slavs, and papal emissaries, in 821 ambassadors from Pannonia seeking peace, in 823 the

<sup>41</sup> This is what one would expect, in view of the concept that 'law was customary law "the law of one's fathers."' Cf. F. Kern, *Kingship and Law in the Middle Ages* 70.

<sup>42</sup> Ast 622; AE 205; Ast 629; AB 428; Ast 642; PTA 430-31; Ast 646 ('et tam ecclesiastica quamque publica suo more disposuit.').

<sup>43</sup> EA 201, and FAE 356: 'Ad iusticias faciendas et oppressiones popularium relevandas legatos in omnes regni sui partes misit, et erepta per vim patrimonia multis restituit.'

<sup>44</sup> Fustel, *op. cit.* 385.

<sup>45</sup> AB 426: 'Fidelitatemque promiserunt . . .' (to Lothair, in this instance, in 834).

<sup>46</sup> Nit 651.

<sup>47</sup> Thg 593; FAE, 357 ('Quae in regno suo corrigenda invenire potuit, corrigere atque emendare curavit'); AB 427-28; Thg 596.



Avars, in 825 the Bulgars, in 826 the Obotrites and Sorbs, in 828 the Danes, now for mass baptism, etc. Saracens, Spaniards, Bretons, Greeks, and numerous others made their way to the emperor and declared their business before the public assembly of the Franks.

However, these external matters were more purely the emperor's own business than were the internal affairs of the realm, and Louis handled much of such business without an assembly. The emperor himself was the essential key to foreign business, and the foreign envoys sought him. If he chose to meet them before a public gathering of his magnates, it was his business, and usually immaterial to the foreign envoys. They met him, as often as not, without an assembly: papal envoys in 815 and 817, and many other representatives in different years.<sup>48</sup>

Financial affairs were handled primarily outside the assembly, since the major sources of revenue were either private, e. g., the fisc, or tribute, or relatively fixed, e. g., regalian rights, perquisites, and taxes. The assembly was not used for the promulgation of fiscal legislation. It was used, however, as an occasional collection point, particularly when held somewhere other than at Aix. At Compiègne in 827 Louis collected the 'annualia dona.'<sup>49</sup> In 829, at Worms, there was the 'annua dona solemniter suscepta.'<sup>50</sup> There are references to this practice at the Orleans assembly in 832, Compiègne in 833, Worms in 836, and Thionville in 837.<sup>51</sup> Ordinarily the annual collections would have been carried by imperial officials to Louis, but when he was in the neighborhood the solemnity of the assembly made it an obvious place for the collection, especially as the local lords and nobles were expected to attend the assembly in any event.

Fustel, in drawing his conclusions about the Carolingian assembly, rightly emphasizes the regular usage of the assembly, and also its total dependence upon the monarch.<sup>52</sup> We have seen the frequency of meetings of the assembly. Fustel calls attention to the use of such terms as 'ut mos erat, secundum consuetudinem, more solemniter, etc.'<sup>53</sup> The sources for Louis' time

reflect this practice. The Aix assembly of 817 was 'more solito,'<sup>54</sup> and the Thionville assembly of 821 is similarly designated.<sup>55</sup> Though we must not take the chroniclers too literally, we do gain an insight as to how they were struck by the procedure when they say:

Domnus imperator, consilio cum episcopis et optimatibus suis habito . . . in praesentia totius populi . . . In quo conventu omnium orientalium Sclavorum . . .<sup>56</sup>

or 'Domnus imperator cum Maguntiam venit, ubi et ad placitum, quod eis constituerat, omnis populus occurrit . . .'<sup>57</sup>

These assemblies were the emperor's great trump card, and only he could choose when, where, and how to play this card.<sup>58</sup> Through the assembly he might tighten the bonds of loyalty in a particular part of the empire.<sup>59</sup> There he might impress foreigners and his own reluctant followers. There major public business was solemnized, e. g., Lothair's marriage in 821, and Louis' own marriage to Judith in 819.<sup>60</sup> And lest we think that the assembly was a mere form, Louis used the Nijmegen assembly in 830 because there he hoped, successfully in this case, to gain adherents and to overawe his opponents.<sup>61</sup>

<sup>54</sup> EA 204: 'Generalem populi sui conventum Aquisgrani more solito . . .'

<sup>55</sup> EA 208.

<sup>56</sup> EA 209.

<sup>57</sup> AB 425, and CM 312: 'Conventum populi de omni regno vel imperio suo . . . Tunc omni populi placuit . . . tunc tribus diebus ieiunatum est ab omni populo . . .'

<sup>58</sup> Ganshof, 'Louis the Pious Reconsidered,' *History* 42 (October 1957) 176-7, 'During the reign of Louis the Pious, the assemblies became distinct from the concerns of the army. Their character as an institution in their own right was emphasized, and one might say they acquired a more administrative stamp. From 816 to 828 there were generally two a year, and sometimes even three. The attendance does not seem to have been equally numerous at all of them. One suspects, for a few of them, an effort at specialization. We may believe that the emperor was seeking more frequent contacts with his ecclesiastical and secular officers, and especially with those most concerned with the settlement of the immediate practical problems.'

<sup>59</sup> AE 209 (for 822): 'Generali conventu congregato, necessaria quaeque ad utilitatem orientalium partium regni sui pertinentia more solemniter cum optimatibus quos ad hoc evocare iusserat, tractare curavit. In quo conventu omnium orientalium Sclavorum id est Abodritorum, Soraborum, Wiltzorum, Boheimorum, Marvanorum, Praedenecentorum et in Pannonia residentium Avarum legationes cum muneribus ad se directas audivit.' Also, for 823, AE 210: 'Mense Maio conventus in eodem loco habuit, in quo non universi Franciae primores, sed de orientali Francia atque Saxonia, Baioaria, Alamannia atque Alamanniae contermina Burgundia et regionibus Rheno adiacentibus adessee iussi sunt.'

<sup>60</sup> Louis had a penchant for staging private business before an audience, and one suspects a touch of masochism, and the desire for public self-degradation: wooing, penance, forgiveness, reunions, etc.

<sup>61</sup> AB 424, and Ast 633-34.

<sup>48</sup> AE 202, 203-4 (for 815), 216 (for 827).

<sup>49</sup> AE 216.

<sup>50</sup> AE 218; Ast, 632.

<sup>51</sup> AB 426 (for 832), 'dona annualia more solito suscipiens'; PTA 429, 'In quo cum dona annualia more solito reciperet, ac Lotharium operiretur'; PTA 430, 'annualia dona recipiens.'

<sup>52</sup> Warnkoenig & Gerard, *op. cit.* 27: 'Le pouvoir de l'empereur était bien souverain, en ce sens que sa volonté officiellement manifestée faisait loi; mais dans toutes les grandes affaires, les ordonnances impériales ou royales n'étaient décrétées qu'après délibération avec les grands, ecclésiastiques et laïques, réunis en assemblée générale.' Also, cf. Fustel, *op. cit.* 407-12.

<sup>53</sup> *Ibid.* 407 n. 1.

Tasks cannot be accomplished without tools. If the reign of Louis the Pious is adjudged to be a failure, and this is probably the correct ultimate judgment, we must admit that the tools at his disposal were insufficient. However, the fault may lie as much with the workman. Certainly the public assembly was a valuable and useful part of the administrative machinery at Louis' command. By examining its role we see how public business belonged partially to the monarch and partially to the people. Their consent was not needed for business to be disposed of — the assembly was neither democratic nor representative government. It was, however, *public* government, a necessary ancestor of representative government, and at times of crisis the role of the magnates, gathered in the assembly, was apt to change from a passive to an active one. That Louis *chose* to do business through the public assembly, rather than that he *had to* do business through the assembly is the point that must be borne in mind.

Roosevelt University  
Chicago

## COUNT GERALD OF AURILLAC AND FEUDALISM IN SOUTH CENTRAL FRANCE IN THE EARLY TENTH CENTURY

By ARCHIBALD R. LEWIS

An important source, available to the historian, which helps explain the nature of the society of South Central France in the late ninth and early tenth century is the *Life of St. Gerald of Aurillac*, written by Abbot Odo of Cluny.<sup>1</sup> It is important for a number of reasons. In the first place, it was written during a period when French royal capitularies reflect a kingly authority restricted to an area north of the Loire and thus are unable to throw much light on conditions in the Midi.<sup>2</sup> In the second place, when it was composed local narrative chronicles seem no longer to have been written south of the Loire, while those still being penned north of it, like Flodoard's *Annals*, seem to contain little information concerning this part of France. In short, the *Life of St. Gerald of Aurillac* fills an important gap in our information between the narrative found in the *Annales Bertiniani*, composed by Hincmar of Rheims, who seems well informed on events taking place in the Midi, and that found in the early eleventh-century chronicle of Ademar of Chabannes.

In addition to all this, the *Life of St. Gerald of Aurillac* is almost contemporaneous with the events it describes. St. Gerald, according to Mabillon, lived between 855 and 909 and his biographer, St. Odo of Cluny, between 879 and 942.<sup>3</sup> The two were almost contemporaries. And though Odo makes it clear in his narrative that he was not personally acquainted with Gerald, and though his biography of him follows the typical saint's life form with an emphasis on hagiological elements, he does say that he visited St. Gerald's tomb and, before he wrote it, talked with a number of individuals who knew him well. We can probably assume that Odo actually wrote his life of St. Gerald some time in the late 930's within three decades of the latter's death<sup>4</sup>

<sup>1</sup> The best edition of this life is in PL 133, entitled *De vita sancti Geraldii Auriliacensis Comitis* (hereafter called *VG* in this paper). Another excellent edition with notes is found in G. M. F. Bouange, *Histoire de l'Abbaye d'Aurillac, précédée de la vie de Saint Gérard*, I (Paris 1899). An English translation is to be found in *St. Odo of Cluny*, ed. and trans. by G. Sitwell (New York 1958). This translation, however, is not always accurate and should be used with some caution.

<sup>2</sup> See comments on this situation in F.-M. Ganshof, *Feudalism*, 2nd ed., trans. by P. Grierson, (New York 1961) 68.

<sup>3</sup> Mabillon *Acta SS. Ord. Bened.* saec. v, 6 and 124 in PL 133. 11, 34, 703, 708.

<sup>4</sup> *VG Praefatio* 640-42.