

*With best wishes,
Joseph R. Strayer*

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NORMANDY AND LANGUEDOC*

By JOSEPH R. STRAYER

It occurred to me recently that in forty years of working on the history of mediæval France I had spent more time in studying the institutions of Normandy and Languedoc than those of any other French provinces. There are obvious reasons for this preference, not the least of which is that I was a student of Charles Homer Haskins. But why did Haskins, and, before Haskins, Delisle, begin their distinguished careers with works on Normandy? Why is the study of Norman law still flourishing? And, to go to my other province, why, from the time of Devic and Vaissete to the present, has so much been written about Languedoc?

My predilection for these provinces is thus not a purely personal matter. It is hardly necessary, nor is there space, to list all the books dealing with Normandy and Languedoc that have appeared in France, England, and the United States in the last half century. It is however, interesting to note that if American mediævalists tended to be Normans in Haskins' day, they are now showing a certain preference for the Midi.¹ But, however the balance has shifted, there has been a continuing interest in the history of the two provinces. Generations of historians have been convinced that Normandy and Languedoc played a key role in mediæval history. I want to examine only one aspect of that role, the influence of Normandy and Languedoc on the development of the French state.

One might begin with the old and obvious observation that the acquisition of Normandy and Languedoc greatly increased the power of the king by increasing the size of the royal domain. But it is too easily assumed that the full significance of these acquisitions can be measured in square miles of territory and *livres tournois* of income. The additional income was important, as we shall see, but far more important were the geographical location and the political prominence of the two provinces. If the Capetians had acquired roughly the same amount of land from the petty counts and barons of the East and the Center — (which

* Presidential address read at the annual meeting of the Mediaeval Academy of America, 6 April 1968.

¹ For example, J. H. Mundy, *Liberty and Political Power in Toulouse (1050-1230)* (New York 1954); T. N. Bisson, *Assemblies and Representation in Languedoc in the Thirteenth Century* (Princeton 1964); A. R. Lewis, *The Development of Southern French and Catalan Society, 718-1050* (Austin 1965).

seemed to be the natural directions for expansion in the twelfth century) — they would still have been only counts of Paris — lords of a large and rich domain, but lords of a domain that was landlocked and surrounded by principalities which were rapidly becoming independent states. France without Normandy and Languedoc could have been a Bavaria or a Bohemia but not the France of Philip the Fair or of Louis XIV. Adding a province such as Vermandois to the royal domain did not basically alter the power relationship between the king and the lords of the great feudal principalities. The conquest of Normandy and the gradual annexation of Languedoc did change the relationship completely and permanently. There was no future for feudal principalities when the strongest and the most independent examples of the species had been eliminated. The old ring of feudal states which had encircled the Ile de France was broken and the remaining principalities were isolated, unable to combine against the king or to resist the encroachments of his officials. Thus, a new kingdom of France could be created, a kingdom very different from the old France squeezed between Normandy and the Loire.²

The political significance of the annexation far outweighed the financial benefits. But those benefits were not inconsiderable; the domain (in the narrow sense of the word) was denser and more profitable in Normandy and in Languedoc than in other regions. Many Normans had forfeited their holdings by adhering to King John; many southerners had lost their lands as heretics or supporters of heretics. As long as the newly acquired domain was kept in the king's hand and carefully administered, as it was during most of the thirteenth century, it produced a very large share of the king's ordinary revenues. Thus at Ascension in 1238, Normandy gave 38,581 l.p. of a total gross revenue of 101,279 l.p.³ At All Saints 1286 Normandy contributed 56,677 l.p. of the Temple Treasury's receipts of 209,321 l.p.⁴ Norman payments continued in about this proportion down to the period when general taxation became important. Thus, at All Saints 1289 the Exchequer paid 56,389 l.p. of a total of 243,532 l.p. and at Ascension 1290 paid 60,225 l.p. of a total of 241,153 l.p.⁵ Normandy was thus producing at least 120,000 l.p. a year, or about as much as all of the old domain.⁶

² Charles T. Wood, "Regnum Francie," *Traditio*, xxiii (1967), 117-147, discusses some of the conceptual problems raised by the acquisition of Normandy, see especially pp. 137-138: "the Norman conquest may have been of the greatest consequence in the process whereby the monarchy transformed itself from a more-or-less feudal principality into something more nearly approximating the modern state. . . . In Normandy the king's power was so overwhelmingly greater than in his domain that he could not for long have believed that power, domain and kingdom (in its restricted sense) were roughly equivalent terms. He would soon have to begin to distinguish between them, and when he did, he found that royal power and the *regnum* could be extended . . . without necessity of any corresponding growth in the size of the domain."

³ *Recueil des historiens des Gaules et de la France* (cited hereafter as *H.F.*) xxi, 252-257.

⁴ L. Delisle, *Mémoire sur les opérations financières des Templiers* (Paris, 1889), p. 118.

⁵ *Ibid.*, pp. 122-123.

⁶ This figure for Normandy is almost certainly too low; it omits Gisors for example. Borrelli de Serres, *Recherches sur divers services publics*, Paris, 1904, II, Appendix A, table VI, puts the net revenue from Normandy in 1290 at 177,428 l.t. or almost 134,000 l.p. For the *bailliages* of France in this period, see Delisle, *Opérations financières*, pp. 118-123, and Borrelli de Serres, II, Appendix A, table V.

It is a little more difficult to estimate the ordinary revenue of Languedoc, first because domainial revenues cannot always be distinguished from extraordinary revenues, and second, because Languedoc did not form a distinct accounting unit as did Normandy. But if we define Languedoc as comprising the five *sénéchaussées* of Perigord-Quercy, Rouergue, Toulouse-Albigois, Carcassonne-Béziers, and Beaucaire-Nîmes which were often grouped together for administrative purposes,⁷ then we can at least establish a rough basis for comparison. According to the figures of Borrelli de Serres all of the former lands of Alfonse of Poitiers plus Carcassonne and Beaucaire had a gross annual income of about 165,000 l.t. in the 1290's. If one subtracts Poitou-Limousin and Saintonge the figure drops to 133,300 l.t., and without Auvergne to 104,993 l.t. or about 84,000 l.p.⁸ These are very unsatisfactory figures; they certainly include some extraordinary revenues and they do not allow for local expenses. On the other hand, during part of this period, local expenses were inflated by the occupation of Aquitaine and the resulting expenditures for military purposes. The most one can say is that Languedoc made a significant contribution to the Treasury.

In short, at a time when the king's ordinary annual revenue was about 450,000 l.p.,⁹ Normandy and Languedoc were responsible for something like 200,000 l.p., or very nearly half the total. Royal power did not vary directly with royal income, but both income and power would have been much diminished if the king had not had control of the resources of Normandy and Languedoc.

The new provinces gave the royal government opportunities for a notable increase in income and power, but they also created problems that might have led to a disastrous loss of prestige. The French government of the late twelfth century was scarcely equipped to deal with this vast increase in the size of the domain; it lacked trained personnel and specialized institutions. The cozy, comfortable little court of a Louis VI or a Louis VII could cope with the problems of the old domain by informal, *ad hoc* procedures. A handful of able men could deal with any kind of business as it arose, they needed neither a large supporting staff of clerks nor an elaborate system of records. Local administration was largely in the hands of *prévôts*, men who were both weak and inefficient. The inadequacies of this system, or rather, this lack of system, were obvious even before the conquest of Normandy, and some improvements had been made.

The figures vary according to one's definition of "old domain," but if Mâcon is subtracted and Gisors put with Normandy instead of with "France" the two regions produce revenues which are of the same order of magnitude.

⁷ E.g., in *Ordonnances des rois de France XI*, 371 (1292); Archives Nationales, JJ 36 fol. 85 no. 196 (1305), JJ 48 fol. 80v no. 133 (1309).

⁸ Borrelli de Serres, II, 437 and Appendix A, Table VIII. Some confirmation of Borrelli's figures may be derived from R. Fawtier, *Comptes royaux*, nos. 8985, 10243 and 10497. In the fiscal year 1293-1294 (almost a normal year) the *net* income from Quercy, Toulouse, and Rouergue was 37,959 l.t. Carcassonne and Beaucaire must each have produced more than the 11,906 l. of Rouergue; a total of 75,000 l.t or 60,000 l. p. does not seem unlikely.

⁹ *Ibid.* II, 489, and Appendix A, table II, Borrelli de Serres shows that the annual revenue for the period 1286-1292 averaged about 650,000 l.p. a year. It should be remembered that the clergy paid a tenth, that is, about 210,000 l.p., during each of these years, see J. R. Strayer and C. H. Taylor, *Studies in Early French Taxation* (Cambridge, 1939), pp. 7-8, 95.

For example, the first *baillis* were instituted probably by Louis VII and certainly before 1190. Nevertheless, the French royal government was still underdeveloped and amorphous at the beginning of the thirteenth century, as a glance at the accounts of 1202 demonstrates. It was only after the conquest of Normandy that it began to work out its basic institutional structure.

The successful response to the challenge posed by the acquisition of new territories guaranteed the future of the French monarchy. The nature of the response determined the general administrative policies of the French government for the next six centuries. And the peculiar characteristics of Normandy and Languedoc were decisive in persuading the government to adopt the administrative pattern that was to prevail in France for so many generations.

Down to the time of the conquest of Normandy the royal domain had been expanding in an area that was fairly homogeneous as far as law, institutions, and social conditions were concerned. For example, adding Vermandois posed no particular problem; its customs were not vastly different from those of the Ile de France. But as Professor Yver has shown in a remarkable series of studies, there was a sharp difference between the customs of the East of France and those of the West.¹⁰ And of all the western customs the most rigorous and well-defined was the custom of Normandy. The basic rules of Norman law had already been written down;¹¹ the Normans had a fully developed system of courts to enforce this law, and the landed classes in Normandy were strongly attached to their law. Norman customs could not be overridden without danger of rebellion, and they could not be assimilated to those of the Ile de France without causing impossible confusion in the courts.

There were, in fact, many reasons why the royal government should have wished to preserve Norman law and institutions. The duke had extensive powers throughout the duchy, powers far greater than those which the king possessed in most of the old royal domain. To mention one of his most striking prerogatives, the duke was responsible for the preservation of public order. With very few exceptions serious crimes (pleas of the sword) were reserved for his courts.¹² Private war was forbidden and the rule of no disseisin without judgment was firmly established.¹³ The Norman Church was firmly under ducal control; for example, disputes over the right of presentation were settled in ducal courts.¹⁴ Assimilation of the customs of Normandy to those of the old domain would have meant a serious loss of power and income.

Philip Augustus did not hesitate in determining his policy. Almost before the conquest was completed he was taking steps to preserve Norman customs and Norman institutions. Norman notables were asked to define and explain peculiar

¹⁰ J. Yver, "Les caractères originaux du groupe de coutumes de l'Ouest de la France," *Revue historique de droit français et étranger*, 1952, pp. 18-79; *Egalité entre héritiers et exclusion des enfants dotés: essai de géographie coutumière* (Paris 1966).

¹¹ E. J. Tardif, ed., *Statuta et Consuetudines Normannie*, in vol. 1, part 1 of his *Coutumiers de Normandie* (Rouen 1881).

¹² *Ibid.*, pp. 43, 64-65, chs. 53 and 70.

¹³ *Ibid.*, p. 27, ch. 31, and pp. 18-19, 21-23, chs. 17, 21, 22. See J. Yver on these points in *Revue historique de droit français et étranger* (1967), p. 390.

¹⁴ *Statuta et Consuetudines*, p. 23, ch. 23.

aspects of their law, such as the limitations imposed on the courts of the Church.¹⁵ The Exchequer continued to exist as the highest and final court enforcing Norman law; its decisions were being recorded officially as early as 1207.¹⁶ A new version of the Norman *coutumier* was produced, as it became evident that Norman law was going to survive.¹⁷ As was only prudent, the men who presided in Norman courts were intimates of the king, drawn from the old royal domain, but they made no attempt to change either the substance or the procedure of Norman law.

In short, Philip Augustus had hit on a formula which was followed by all his successors. When a province came under direct control of the king it preserved its customs and its institutions, but the customs were enforced and the institutions were staffed by men sent out from the royal court at Paris. This policy was in many ways enormously successful. One should contrast it with the English tendency to insist on introducing English law and institutions in conquered territories. England failed in its attempt to annex Scotland, made only slight headway in Ireland and spent several centuries in gaining full control of so small a province as Wales. France, on the other hand, attached firmly to the crown territories as diverse as Normandy, Languedoc, Dauphiné, and Brittany.

There was, however, a price to be paid for this success. France had to develop a relatively large and highly centralized bureaucracy to control provinces with such widely differing customs. Local leaders could not be expected to understand the administrative techniques or the policies of the central government; their political experience was bounded by the customs and interests of a single province. The local representatives of royal authority were normally outsiders, men who had no roots in the region they administered. There was often friction between the agents of the king who were working for the interests of the state as a whole, and provincial leaders who were concerned mainly with preserving local customs and protecting local interests. There was unavoidable delay and inefficiency in trying to adapt general policies to fit many different sets of laws and institutions. In this respect the English, with their emphasis on common law and common institutions, had an advantage over the French. England could be held together and governed by a small bureaucracy which supervised the work of unpaid local notables. English administration was perhaps no more efficient than French, but it was inefficient at far less cost in men, in time, and in money.

If the annexation of Normandy forced the creation of this new pattern of administration, it was the annexation of lower Languedoc that fixed the pattern irrevocably. It is interesting to speculate as to what might have happened if the next large addition to the royal domain had been Champagne, rather than Beaucaire and Carcassonne. As Professor Benton has shown in a forthcoming study,¹⁸ Champagne was rather easily assimilated into the old domain. The High

¹⁵ E. J. Tardif, *Coutumiers de Normandie*, vol. 1, part 2, pp. 89-93.

¹⁶ L. Delisle, *Recueil de jugements de l'Échiquier de Normandie* (Paris 1864), p. 4.

¹⁷ Tardif, *Coutumiers*, vol. 1, part 1, pp. lxxii-lxxiv, puts the date of this new version as between 1218 and 1223.

¹⁸ John F. Benton, "Philip the Fair and the *Jours* of Troyes." As he notes "the western frontier of the county [of Champagne] was permeable to royal influence" even before it had been acquired by the king.

Court of Champagne, the *Grands Jours*, gradually lost its identity and became absorbed in the Parlement of Paris. This is not surprising, for the customs and institutions of Champagne were rather like those of the Ile de France. But if Champagne had been acquired at an early date, then a very large part of the royal domain would have had similar customs. In such a situation there might have been a tendency to ignore the Norman experiment and to try to impose a greater degree of uniformity throughout the king's lands. As it was, there could be no such temptation. Languedoc posed even more problems than had Normandy. The law, the society, even the language were almost incomprehensible to a Frenchman of the North. How could the usages of the Ile de France fit a region where feudalism had never fully developed, where nobles served in town governments, where written documents played an essential role in legal proceedings? Clearly Languedoc would have to be treated as a separate unit and be allowed to retain its own laws and its own institutions. The real problem was to implement the other half of the Norman precedent, that is, to find men from the old royal domain who could run administrative and judicial systems so different from those they had hitherto known. Seneschals and castellans might be north Frenchmen, but it was a long time before many northerners could master the *droit écrit*. Meanwhile the judges were largely southerners, trained in south French (occasionally Italian) law-schools.¹⁹ Such men might be loyal to the king, but they were determined to preserve and to draw the full consequences of the differences in procedure and substance which distinguished their law so clearly from that of the North. Even less than in Normandy could there be an assimilation of regional usages to those of the old domain.

If the annexations of Normandy and Languedoc posed the problem of creating new techniques of administration, the institutions of the newly acquired provinces also supplied some of the materials for a solution. We have probably looked too much for evidence of direct borrowing which, on the whole, was rare. More important was the juxtaposition of the old and the new domain. This juxtaposition stimulated thinking about political problems and speeded up the development of half-formed institutions and procedures. If Norman methods of accounting were better than those of the old domain, then there was reason to try to improve all royal financial accounts. If the techniques of appealing from a lower to a higher court were becoming more sophisticated in Languedoc than in the North, then it was easier to see how the appellate jurisdiction of the *curia regis* could be built into an effective instrument of control. The interactions between the old and the new domain were often very complex. Men sent from Paris to Normandy or Languedoc would seek clarification or definition of procedures that had been taken for granted by the natives of the province, and the definition in turn would reveal more clearly the advantages of the local procedure and the need to build institutions in the central government that would give similar results. Certainly there would have been a reform of royal financial

¹⁹ See my forthcoming study, *Les gens de justice du Languedoc sous Philippe le Bel*; Jan Rogozinski, *The Lawyers of Lower Languedoc* (typescript thesis in Princeton University Library) and André Gouron, "Enseignement du droit . . . dans le Midi de la France à la fin du XIII^e et au début du XIV^e siècle," *Recueil de mémoires et travaux publiés par la Société du Droit des Anciens Pays de Droit Écrit*, fascicule V, Faculté de Droit de Montpellier (1966), pp. 1-33.

operations and an increase in the judicial activities of the *curia regis* even if Normandy and Languedoc had not been annexed to the domain. But the examples of Normandy and Languedoc facilitated and speeded up these developments.

As has been suggested, Norman influence was especially strong in the area of financial administration, and the influence of Languedoc especially strong in the area of judicial organization. There were, of course, other zones of interaction, but for the sake of clarity and brevity let us confine our attention to the two topics that have been mentioned.

All during the twelfth century Norman rulers had worked consistently toward two objectives: first, to record in as much detail as possible all their rights to service and income; second, to develop an administrative system that would enable them to make the most of these rights. They succeeded almost completely in their first objective: the lists of knights' fees, the surveys of the domain, the records of amercements imposed by the justices, the rolls and memoranda of the Exchequer provided exact and comprehensive statements of what was owed to the duke.²⁰ The second objective was only partially attained. Henry II seems to have been working toward a system in which Normandy would be divided into *bailliages*, and in which a *bailli* would be the chief administrative officer of each of these districts. But the older units of the viscounty and the *prévôté* still existed; it was difficult to determine their exact relationship to the *bailliage*.²¹ The Angevins lost Normandy before they could finish their administrative reorganization and the task was completed only in the reign of St Louis.²²

This brings us to a nice example of the complex interactions that followed the conquest of Normandy. On the one hand, the French royal government accepted and used the Norman types of records, not only in Normandy, but throughout the kingdom. Lists of knight-service,²³ surveys of the domain and detailed accounts of income from each *bailliage*,²⁴ check-lists to warn the *baillis* of items for which they would be held responsible,²⁵ lists of debts to be collected²⁶ — all can be found in the thirteenth century in all parts of the royal domain. On the other hand, by the middle of the century there were notable improvements in all these documents. Norman Exchequer rolls at the end of the twelfth century are clearer and more complete than the French accounts of 1202, but *bailliage* accounts of the late thirteenth century²⁷ are much better organized, much easier to use than the old Exchequer rolls (or, for that matter, than contemporary English Pipe Rolls). Similar improvements may be noted in other documents

²⁰ Charles H. Haskins, *Norman Institutions* (Cambridge 1925), pp. 159–161; Thomas Stapleton, *Magni Rotuli Scaccarii Normanniae* (London 1840); Sidney R. Packard, *Miscellaneous Records of the Norman Exchequer 1199–1204*, in *Smith College Studies in History*, vol. XII (1926–1927).

²¹ The evidence in Stapleton's *Magni Rotuli* is neatly summed up by F. M. Powicke, *The Loss of Normandy* (Manchester 1919), pp. 103–119.

²² J. R. Strayer, *The Administration of Normandy under St. Louis* (Cambridge 1932), pp. 7–10.

²³ *H. F.* xxiii, 705 ff., 608 ff., 646 ff.

²⁴ Borrelli de Serres, *Recherches* I, 3–42; J. R. Strayer, *The Royal Domain in the Bailliage of Rouen* (Princeton 1936).

²⁵ Borrelli de Serres, *Recherches* I, 108–138; Strayer, *Administration*, pp. 33–34.

²⁶ Borrelli de Serres, *Recherches* I, 138–140. Some of the lists to which he refers are published in R. Fawtier, *Comptes royaux*, nos. 14188 ff., 14397 ff., and 27911 ff.

²⁷ Strayer, *Administration*, pp. 35–37.

such as surveys of the domain and check-lists. It looks as if some of these reforms first took place in Normandy, though the scarcity of financial records until the very end of the century makes it impossible to be sure about priorities. But it seems reasonable to suppose that royal officials from the old domain would be both stimulated by the richness of Norman records and puzzled by certain incoherencies that would not have troubled a native Norman. The combination of the two reactions could have produced a strong drive to improve the quality of financial documents.

In the same way the improvement of the Norman (and French) administrative system was based both on Norman precedents and on reforms introduced by French royal officers. Before 1200 the Norman *bailli* was more of a territorial officer than his French counterpart. The idea that there should be only one *bailli* to a district, (instead of a group of commissioners) and that he should be resident (instead of acting as an intermittent envoy of the *curia*) was accepted and applied throughout France. But the Norman *bailliages* had been too numerous and disparate in size, and by the middle of the thirteenth century they had been reduced to six roughly equal districts.²⁸ Under the Angevins, viscounties had either been farmed or had been mere accounting units,²⁹ they were not important in the administrative system. By the end of the reign of St Louis each Norman *bailliage* had been divided into viscounties,³⁰ and each viscounty was administered by a viscount who was a paid official of the crown.³¹ The viscount had important administrative duties, especially in the collection of royal revenues, and he was eligible for promotion to the office of *bailli*.³² Here again it looks as if the interaction between Angevin precedents and the desire of royal officials for clarity and consistency had produced a remarkably well-arranged administrative system. No other province was quite so neatly organized, although parts of Languedoc (especially Beaucaire) came fairly close to the Norman standard. But everywhere there was a tendency to define and enhance the powers of the *bailli* (or seneschal) and to subordinate other officers to him. It is not unreasonable to suppose that the Norman example encouraged this process.

Norman law, as we have seen, gave the duke wide responsibilities for preserving public order and seeing that justice was done throughout the duchy. But while Philip Augustus and his successors were careful to preserve their special rights in Normandy, there was little, if any extension of the principles of Norman law beyond the limits of the province. If anything, the current ran the other way. Norman courts became more like the courts of the Ile de France — a notable example is the way in which the Anglo-Norman jury gradually came to resemble a French *enquête*.³³

²⁸ *Ibid.*, pp. 8-9.

²⁹ Stapleton, *Magni Rotuli*, I, xxxv-xxxvi, and note 21 above.

³⁰ Strayer, *Administration*, pp. 9-10, and *Royal Domain*, pp. 9-11.

³¹ Strayer, *Administration*, pp. 100-101 and Appendix II.

³² J. R. Strayer, "Viscounts and Viguiers under Philip the Fair," *SPECULUM*, xxxviii (1963), 242-255. See also note 31.

³³ Strayer, *Administration*, p. 105; J. R. Strayer, "Le bref de nouvelle dessaisine et le "commun" en Normandie," *Revue historique de droit français et étranger* (1937), pp. 479-488. Note that in the *Summa*

* * *

When we turn to Languedoc, the situation is reversed. Languedoc contributed relatively little to the development of French financial administration and much to the development of the French judicial system. Languedoc was beginning to develop sophisticated court procedures in the early part of the thirteenth century, and these procedures became more exact and more complicated under Philip the Bold and Philip the Fair. Here again the interaction between local usages and royal officials who were strangers to the country must have played a part. A seneschal from the north knew little or nothing of the *droit écrit*; he needed expert advisers who eventually became the royal procurator and the royal advocate.³⁴ The principle of appeals had long been known, but appeals were now an essential part of government. Every one aggrieved by acts of royal officials appealed to Paris, so appeals, and the answers to appeals, had to be carefully formulated and justified by technical detail. There were many parts of the South where it was not at all clear how extensive was the king's jurisdiction, or indeed whether he had any jurisdiction at all — places such as the bishopric of Mende, the county of Foix, the town of Montpellier.³⁵ Interminable law-suits were required to settle disputes over these areas — law-suits which demanded great precision in procedure and great skill in justifying royal claims.

Both the procedures and the skill of men trained in southern law seem to have impressed the king and his agents. During the reign of Philip the Fair a certain number of *iurisperiti* from the Midi were added to the Council and the Parliament — not a very large number in absolute terms but one which included such famous names as Gilles Aicelin and Guillaume de Nogaret.³⁶ More important was the gradual seepage to the North of some of the structure and procedure of southern courts — the introduction of the offices of royal advocate and royal procurator, an insistence on more documents and longer and more carefully drafted documents. Finally a large number of northerners began to study Roman law, and by 1320 many judicial posts in Languedoc were filled by such men.³⁷

de legibus (vol. II of E. J. Tardif's *Coutumiers de Normandie*), ch. LXVII, para. 15 (pp. 172–174 of Tardif's edition) the Anglo-Norman accusing jury is turning into an inquest of the canonical type, with jurors examined one by one and their testimony written down.

³⁴ See my forthcoming study on *Gens de justice*. It was some time before procurators had official status; see *Olim* III, 1126, where Parlement doubts that any royal procurator in Rouergue had an adequate commission before 1312, and A. Maisonobe, ed., *Mémoire relatif au Paréage de 1307* (Mende 1896), pp. 482–484, where all procurators in Beaucaire down to 1288 are said to have lacked full powers.

³⁵ For Mende see the *Mémoire* cited in note 34, and R. Michel, *L'administration royale dans la sénéchaussée de Beaucaire* (Paris 1910), pp. 454–458; for Foix, *Historie de Languedoc* x, *preuves*, cols. 285, 288, 289, 328–333, 336, 341, 371, 373, 376; for Montpellier, *B.N.*, ms lat. 9192, a long list of protests by the town.

³⁶ See F. J. Pegues, *Lawyers of the Last Capetians* (Princeton 1962), pp. 87–107. In my *Gens de justice* I estimate that not more than ten southern judges were called to Paris between 1280 and 1320.

³⁷ This point will be demonstrated in detail in a forthcoming study by Dr Jan Rogozinski. Meanwhile, his thesis, cited in note 19, gives some of the evidence. Early examples of northerners holding positions in the *pays de droit écrit* are Mathieu des Coursjumelles, *juge-ordinaire* of Cahors (1306–

During the fourteenth century, it began to be felt that some training in Roman law was desirable for anyone who aspired to high positions in the courts, even in regions of customary law.³⁸

This permeation of the legal profession by ideas and practices derived from Roman law was not, of course, due entirely to the example of Languedoc. Roman law had been known by members of the king's court since the early thirteenth century; it was taught at Orleans and, surreptitiously, at Paris; it was too famous to be neglected, even by men who wished to preserve customary law. Roman law would have influenced the law of northern France if Languedoc had never existed. But the Roman law known in the North was the learned law; it stood apart from the customary laws, though it could be used on occasion to supplement or interpret them. The law of the South (one scarcely dare call it Roman) was a customary law that had incorporated, and was still incorporating, many of the procedures and some of the substance of the civil law. It showed how ideas derived from Roman law could be put to work in a region that, for all its idiosyncracies, was certainly more like northern France than it was like ancient Rome. French royal officials had to deal with the law of Languedoc as a practical matter, not as an intellectual exercise. This constant exposure to a law which embodied many Roman principles reinforced the interest which already existed in the civil law.

Two possible consequences of the strong influence of Roman law on Languedoc may be mentioned briefly. The first representative assemblies in France were held in the South. Sometimes the delegates were given the procurator's mandate with *plena potestas* that Professor Post has taught us to look for; sometimes they were not.³⁹ But one is tempted to believe that the idea of the mandate was there even when the mandate was not when one observes that the earliest assemblies appear in regions where the influence of Roman law was strong — Italy, southern France, Spain — and that they spread only gradually into the unRomanized North.

The other point is that one of the strongest assertions of royal sovereignty in the reign of Phillip the Fair was made by a southern lawyer, Guillaume de Plaisians, and that it was couched largely in terms of Roman law.⁴⁰ Here again, we must not exaggerate. The idea of sovereignty was in the air; as Beaumanoir had shown, it could be stated just as well in terms of customary law as in the language of the civil law. But the lawyers of Languedoc at least brought some reinforcement to the idea.

1317), Raoul des Courjumelles, *juge-mage* of Beaucaire (1305–1308), and Enguerran de Fieffes, *juge-mage* of Beaucaire (1319–1325). All three are discussed in my *Gens de justice*.

³⁸ For example, in Senlis, see B. Guenée, *Tribunaux et gens de justice dans le bailliage de Senlis* (1380–1450) (Paris 1963), pp. 349–351, 384–386.

³⁹ Gaines Post, *Studies in Medieval Legal Thought* (Princeton 1964), pp. 91–162; T. N. Bisson, *Assemblies and Representation in Languedoc*, pp. 97, 99, 223–228, 274–288, 293–295.

⁴⁰ This is the well-known statement in the *Mémoire relatif au Partage*, p. 521, the king has “*protectionem et altam jurisdictionem*” and even “*proprietatem*” of all goods “*infra fines regni*” and can use them for the general welfare and for defense. He is “*imperator in regno suo et imperare possit terrae et mari et omnes populi regni sui ejus regantur imperio. . .*”

Normandy and Languedoc stimulated and contributed to the growth of the royal administration for reasons and in ways that seem clear and understandable. What is not so understandable is that Normandy and Languedoc also contributed to the growth of French nationalism. Some of the earliest expressions of French patriotism, or of protonational sentiments, come from men who were born in the two conquered provinces. On second thought it may not be so surprising that a new and more impersonal form of loyalty had to be developed in areas outside the old domain. The "religion of monarchy" was a religion of the Ile de France. What did Reims or St Denis mean to an inhabitant of Bayeux, or of Nîmes? Was the *rex Francorum* also *rex Normannorum* and *rex Tholosanorum*? Devotion to the king and to the Capetian dynasty was reasonable and normal for men who lived in the old domain, but it made very little sense to those who had long been subject to other dynasties. Something more than personal loyalty was needed to assure whole-hearted support for the new political situation. The solution was found in emphasizing the "regnum" and the "patria" rather than the person of the king. These terms appealed both to the reason and to the emotions. If the southerner Plaisians used the legal argument that anyone who was "in regno et de regno" was *ipso facto* subject to the authority of the king,⁴¹ the Norman Guillaume de Sauqueville equated the kingdom of France with the kingdom of heaven⁴² and the Norman Pierre Dubois thought that celestial influences had favored France above all other kingdoms.⁴³ For Nogaret, loyalty to his "patria" was a legal duty but it was also a moral obligation; he was ready to die for his fatherland.⁴⁴ As the late Professor Kantorowicz pointed out, it had been a long time since the theme "pro patria mori" had had any appeal to subjects of western rulers.⁴⁵ It is interesting to find it stressed by a man who came from the heart of Languedoc and whose ancestors may very well have been persecuted by the king of France or by his agents.

Once again Normandy and Languedoc had set a problem and helped to furnish a solution. There were always some doubts about the trustworthiness of the men of a newly acquired province; it was a generation after the conquest before a Norman was allowed to govern a Norman *bailliage*.⁴⁶ Preservation of local customs ensured acquiescence in royal rule, but something more positive than acquiescence was desirable. Personal loyalty to the king could be developed but

⁴¹ *Ibid.*, pp. 520, 524, 525.

⁴² B. N., ms lat. 16495, fols. 97v, 101. See H. Kämpf, *Pierre Dubois*, Leipzig and Berlin 1935, pp. 112-114 where Guillaume's sermon "Osanna filio David" is printed.

⁴³ Pierre Dubois, *Summaria brevis*, ed. H. Kämpf (Leipzig 1936), pp. 11, 12, 21, and *De recuperatione*, ed., Ch. V. Langlois (Paris 1891), pp. 128, 139.

⁴⁴ P. Dupuy, *Histoire du différend* (Paris 1655), pp. 250, 309, especially the latter, where he says that "quisque teneatur patriam suam defendere, pro qua defensione si patrem occidat, meritum habet" and that he is bound to defend "patriam meam, regnum Francie. . . et pro ipsa defensione exponere vitam meam."

⁴⁵ E. Kantorowicz, *The King's Two Bodies* (Princeton 1957), pp. 232-237, 249-255.

⁴⁶ Strayer, *Administration*, p. 95. R. Cazelles, *La société politique et la crise de la royauté sous Philippe de Valois* (Paris 1958), pp. 271-272 shows that even after 1328 men from the old domain had a better chance of obtaining royal office than those from Normandy, and that men from Languedoc were almost excluded from posts in the central government.

it grew slowly. Loyalty to the kingdom, to the fatherland, probably struck root quicker in the new provinces. It could be, and was argued that the newly acquired province had always been part of the kingdom⁴⁷ and that it was merely being reintegrated into the body politic to which it belonged. To be joined to the French *regnum* was not a catastrophe but a blessing. Had not Clement V (himself from a region not yet annexed to the French crown) said that the kingdom of France, inhabited by a chosen people, was "distinguished by marks of special favor and grace?"⁴⁸ This doctrine was accepted by Normans and southerners in the thirteenth century, just as it was to be accepted later on by Bretons, Gascons, Provençaux, and Lorrainers. Some of the strongest supporters of French nationalism, from Jeanne d'Arc to Charles de Gaulle, have come from the peripheral provinces. Here, as in so many other ways, Normandy and Languedoc set a pattern that was followed by the rest of France.

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⁴⁷ This is the basic argument that runs through the *Mémoire relatif au paréage* and in the claims to Lyons (for the latter see P. Bonnassieux, *De la réunion de Lyon a la France* [Lyon 1875], pp. 88-90).

⁴⁸ In the bull *rex gloriae*, *Registrum Clementis Papae V*, no. 7501.