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Carolingian Administration

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The State and the Palace

Long studied by historians and erudite specialists, the political and administrative institutions of the Carolingian Empire present fewer problems and uncertainties than the social structure or the economic climate of the age. However, they have by no means been always correctly understood. What has struck authors above all has been the vigor with which the sovereigns of the new dynasty sought to give the Frankish State a solid framework, to enforce order, to ensure obedience to the royal commands. That they made such an effort cannot be denied. A careful reading of the capitularies conveys the very distinct impression that when the Carolingians came to power, they faced a desperate situation, one of profound anarchy, with authority almost completely dissolved. Pepin the Short and, in particular, Charlemagne tried to bring a little order into this almost universal disorder, to use and to develop the too feeble instruments of government that they had inherited from their Merovingian predecessors. One has to admit that for a time they partially succeeded, under conditions so unfavorable that what they accomplished even looks like a brilliant success.

But we must not be deceived. At no moment of its history did the Carolingian Empire possess the solid armature of a true State. A huge collection of peoples, there is no way of holding it together save through the goodwill of a Frankish aristocracy of great proprietors and warriors who are more concerned to enrich themselves than to back up the sovereign's authority. In a predominantly rural world, in a society in which the bonds between the different classes of producers and proprietors are essentially a matter of personal relationships, there is no room for more than a rudi-

mentary administration; the agents of power are never, or almost never, professional officials: the organs of government are reduced to means as elementary as they are ineffective. Only through his personal prestige does a sovereign contrive, as best he can, to maintain some authority in an empire lacking firm organization. Even Charlemagne wears himself out in overcoming periodic political "crises", suppressing conspiracies and crushing the revolts that constantly threaten his work of restoration. Even the idea of the State, which has become thoroughly blurred, no longer serves to bolster power or keep subjects obedient. One begins to doubt whether the concepts of "administration", "institutions", or of a "State" are adequate to grasp the reality.

The Idea of the State

It is a commonplace to recall that at the beginning of the 5th century the Roman Empire still possessed, even in the already anaemic provinces of the West, a large body of specialized administrators. The offices of the Prefecture of the Gauls, located first at Trier and later at Arles, were still in command of some 2000 officials. A competent personnel, then, could still to some extent ward off internal and external dangers to the State, guarantee the security of property and persons, and above all ensure prompt execution of the orders of the prince. These conditions continued or were restored, in the Eastern Empire; in the West, on the contrary, and especially in Gaul, the Roman administrative edifice disintegrated during the 5th century in consequence of the Germanic invasions and the setting up of the barbarian kingdoms. What remained of it crumbled away in the course of the 6th and 7th centuries. In respect of administration, what the Carolingians inherited from the Merovingians amounted to practically nothing.

Worse still, along with its organs of administration the idea of the State, as it had found expression in the Roman Empire in the word *respublica*, had also wasted away. The term summed up the idea that all citizens formed a group under a supreme authority constituted for their good and embodied in the sovereign. In the Roman view—theory was far removed from practice—the imperial authority, although it might at times appear to be despotic, was in no way personal or arbitrary: its sole purpose was to promote the good of all, to strive to uphold the abstract concept of *respublica*. Obedience to the emperor derived from the public good and helped to further it.

All of this vanished in the barbarian kingdoms. Instead of a State, one undoubtedly tyrannical yet based on the idea of the public good, there was a personal and absolute monarchy. Under the Merovingians the kingdom, at least in theory, becomes the personal property of the sovereign; at his death his children divide it up in equal shares, as they would divide a private patrimony; there is no moral concept of the good of his subjects to

restrain the king-despot in the exercise of his authority. The concept of the sovereign is the direct opposite of the concept that Roman public law had developed. But the new concept, too, was wholly theoretical: in reality, the theory of Merovingian absolutism was much at variance with the facts, mainly because of the social structure. The growing powers of the landed aristocracy kept the sphere of unchecked absolutism within very narrow limits. Yet this aristocracy, whose ambitions were simply for material wealth and the satisfaction of its hunger for power, showed itself incapable of developing any political theory. It produced not a single positive or constructive idea to set against the idea of the State as *respublica*, with which the jurists of the Late Empire were familiar. The very word *respublica*, as Fustel de Coulanges remarks, passed out of current vocabulary. When it occurs in writings of the 7th and 8th centuries, it refers to the Eastern Roman Empire, not to the Frankish kingdom. If the word went out of use, without being replaced by any equivalent term, it is because the idea of the State had disappeared from men's minds.

We have to admit that the Carolingians tried to fill this vacuum and to revive, under a new form, the idea of the State. They tried to replace the old Roman idea by one that stressed the collective duties of all subjects to the sovereign and the duties of the sovereign, a newer concept, to his subjects. The theory took form in Charlemagne's entourage and it is in his capitularies and in those of his son Louis the Pious that we find it most clearly expressed. The idea is new. It is entirely independent of the Roman idea, having arisen among clerics and being bathed in a religious sentiment that was naturally lacking in the political structure of the Late Empire. Contrary to the Merovingian sovereigns' view of their power, the Frankish king is no longer merely the owner of territories to be exploited for his material benefit. He speaks and acts in the name of the community of the peoples placed under his authority. He holds this sovereign power from God who, according to the Davidian and sacerdotal view of monarchy dear to clerics brought up on Holy Scripture, has designated the king to lead the newly elect people to salvation. The king reigns over all Christians; the king and his people have reciprocal obligations which flow from divine law.

This new conception of a kind of Christian monarchy is nowhere better defined than in the instructions the emperor gave to his *missi* in 802, charging them to exact a new oath of loyalty to the sovereign from all his subjects. Charlemagne states that many of his subjects felt that earlier oaths they had taken were merely personal, like those of a vassal, creating only negative obligations: not to do the sovereign wrong, not to make any alliance with his enemies nor with men who had broken their oath to him. The emperor rejects this interpretation as too narrow. For him, the oath imposes positive obligations much more extensive than mere fidelity to the sovereign. And he is careful to list them: the *fidelis* should in the first place

pledge himself to serve God, "because the emperor cannot personally supervise each man". In other words, the emperor, who has the duty of guarding the faith, relies on each man to help him, to the best of his abilities, in maintaining strict observance of the Christian moral law. Similarly the *fidelis* must do no wrong to churches, widows, orphans or strangers, "because the emperor, after God and his saints, is their protector and their defender": he can protect them properly only if all his subjects help him. Finally, to take only the more significant clauses, the oath of fidelity binds the subject who has taken it not to deviate from the path of justice, and to aid the emperor, with all his might, to ensure the triumph of justice.

This idea of collaboration between the sovereign and his subjects for a common end, which is peace on earth and the salvation of as many people as possible, had the effect of infinitely multiplying the obligations stemming from the oath of fidelity. One can make a list of these by going through the capitularies issued after Charlemagne's imperial coronation, the date at which he takes the role of leader of the Christian people, in which his clergy had cast him, seriously. For example, it is forbidden to harbor a thief, since "every thief is disloyal both to us and to the Franks, and so is whoever gives him shelter". In so far as he is able, every *fidelis* is in duty bound to assist the poor, in order to suppress the social and moral scourge of vagabondage. For analogous moral reasons, he must refrain from cornering food supplies or conniving at illicit raising of prices, both of which are counter to the common good. All these obligations will be found repeated and justified in a capitulary of Louis the Pious dating from 823–825, in which the sovereign very clearly defines the reasons for these reciprocal rights and duties: it is the emperor's personal duty to watch over the Church and to maintain peace and justice "for the whole of his people" but, he adds, "although this command may appear to rest wholly on our person, it is really, however, by God's authority and human organization, divided in such a way that each of you, wherever he lives and in whatever social rank he is placed, may know that he bears a part of our burden; it follows that I must be your admonisher in all things and that you must be my helpers". The purpose of each man's duties is then to help the sovereign provide for "the common utility", to avoid "common harm", to work for "the common salvation of all".

There can be no denying the nobility of the sentiments behind this concept of the sovereign as the supreme guide of the Christian people, who demands the cooperation of each for the good and the salvation of all. But, if we find this idea in Charlemagne's legislation and in that of his son Louis the Pious, we may properly ask what resonance it evoked in their subjects: to what extent could it have been translated into action? Let us repeat, the idea came from the clergy; it was based on the Scriptures and on Christian morality, and represented the aspirations of moralists. Surely there is something illusory in believing, as L. Halphen did, that this idea sustained

the political equilibrium of the Empire up to the time of troubles in the 830's? Actually, it could have been of practical use only in a truly Christian society, one pervaded by deep faith and an impeccable morality. These conditions plainly did not exist. One may even go so far as to say that the whole scheme was constructed in a void, with nothing to support it. Neither the sovereigns nor the clergy in their entourage could possibly have made it work.

In the first place, the social structure of the Frankish Empire was unfavorable to it. In a rural world, primitive in its customs and habituated to violence, the king's *fideles* were unable to grasp an abstract idea of the common good for which they would feel themselves responsible as a group. Even the development of relationships of dependence, which the sovereigns themselves encouraged, created none but purely personal obligations; their moral and compulsive value was strictly limited to the fulfilling of reciprocal duties between *fideles* and their lords. In such a society, held together by a multiplicity of oaths, there was no room for an abstract idea of the State and of the common good, even when it was upheld by a religious ideal and spiritual sanctions.

In the second place, the Christian monarchy of which Charlemagne dreamed could only be effectively realized if the sovereign, who was the representative of God on earth, the apex of the system, had the physical means to make his will known and respected. But he did not possess such means. In an immeasurably sprawling empire, there were not enough agents even to execute decisions taken at the summit. There were no true officials, men of experience and professional zeal; in short, there was no administration at all, in the proper sense of the term. A quick view of the chief mechanisms of this so-called "administration" will more than prove this.

The Palace

It would be extremely deceptive to speak of a "central administration" around the sovereign to which any important port of his functions were delegated, with specialized powers and with offices handling current business and issuing orders. Such a central administration existed in Charlemagne's time in the Eastern Roman Empire and, in a less highly developed but still very complicated form, at the headquarters of the Abbasid Caliphs of Baghdad. We can be quite sure that nothing like this existed at the court of the Frankish sovereign. What some historians by slipshod error call "the central administration" of the Carolingian Empire is the Palace, which can be defined as the private household group including *fideles* and servants who live with the sovereign and follow him around as he moves from place to place.

Details of the Palace organization, which elude us entirely prior to the

reign of Charlemagne, are still only imperfectly known over the greater part of the 9th century. Many historians have been deceived by a celebrated work, the *De ordine palatii*, having uncritically taken its description as factual (L. Halphen, in the *Revue historique*, 1938). The author is the famous Hincmar, Archbishop of Rheims. Writing in 882, towards the end of a long career, he was trying to instruct the young King Carloman, sole ruler of Western Francia, who next to his uncle the Emperor Charles the Fat was the last survivor of the Carolingian dynasty. Hincmar looks back nostalgically to the grandeur of "the kingdom" in the preceding age —a veritable golden age—when he was young, and still further back, to the age of the glorious Charlemagne. He professes to be drawing on personal memories and on those of his elders, and even to be using a treatise since lost, by a contemporary of Charlemagne, Abbot Adelhard of Corbie. In fact, the picture he puts together is purely an ideal, altogether idyllic: he depicts a perfectly smooth organization of domestic and administrative services, where all the officials and serving-men were "joyous and laughing", lively and alert, where everyone knew exactly what he had to do. He puts his own political concepts into this figment of imagination; in particular, he gives the high clergy a leading place in the government of the kingdom, a place which they certainly did not hold under Charlemagne. He ascribes a firm and solid maturity to institutions which were on the contrary still very fluid, for example the great assemblies or *plaids*, the holding of councils, the procedures employed in the promulgation of capitularies. As L. Halphen says, "We see a truly idyllic scene: a program of carefully thought out deliberations that were yet kept secret; a body of councillors incapable of favoring private interests above the general interest, wholly incorruptible and deaf to flattery. . . ." This enchanting picture does not precisely correspond to any of the realities, at any moment, of the Carolingian Empire. It is best to ignore such biased writing and to keep to the facts, scant though they are, that the documents bearing on administrative practice disclose.

Like most of the institutions of the age, the Palace, under the first Carolingians, is a legacy from the Merovingians. From the reign of Charlemagne, the kings of the new dynasty gave it a new orientation, improving and extending some of its services. This Carolingian work deserves a close look.

The Chapel.   The first of the services in which we see a change is the body that is beginning to be called the king's "chapel". It comprises all those priests and clerks whose duty is to hold divine service and meet the religious needs of the king and his following and also to guard the precious relics the king owns and to venerate them by prayer. Indeed, it is from this latter function that the word "chapel", unknown in the primitive Church but destined to spread throughout the Christian world, derives. Among the precious relics to which the Carolingians laid personal claim, the cele-

brated cape (*cappa*) of St. Martin, which at some unknown date in the 7th century the Frankish kings had managed to remove from the Abbey of Tours to their personal oratory, was held in special veneration. Subsequently the mayors of the Austrasian palace had appropriated it, at the beginning of the 8th century. The diminutive, *capella* (the little cape), as it was familiarly called, quickly became attached to the sovereign's private oratory where it was kept. (It was with this new meaning, of a place of private prayer, as distinct from a church, that the term usually came to be used in the middle ages.) Finally, the clerks in charge of the oratory naturally came to be called *capellani* (chaplains).

This rather large group of clerks was placed under the direction of their principal member, who in Charlemagne's time still had no definite title. Under Louis the Pious he began to be called the chief chaplain or archchaplain. Already by Charlemagne's time he was an important person, always chosen from among the highest dignitaries of the Frankish Church. After the death of Fulrad, Abbot of Saint-Denis, who had held this position, in 782, Charlemagne gave it to Angilram, Bishop of Metz, who died in 791, and then to Hildebald, Bishop of Metz, who served under Louis the Pious up to 818. For these "absentee" bishops, it had been necessary to get a papal dispensation from the duty of residing in their diocese, on the excuse that the king's need to have them constantly at his side was a true need of the Church. The pope even conferred on Hildebald the personal dignity of archbishop; the records of a council held in 818 entitle him pompously, "Archbishop of the sacred palace". It goes without saying that this high dignitary of the Church and the Palace was the sovereign's chief ecclesiastical adviser, having a place of honor above all other prelates. But the "services" of which he took charge were in no sense administrative except in one case, which modern historians, in too much of a hurry to anticipate later developments, have called those of the "chancery". They refer to embryonic official work that was marginal to the chapel itself; the head of the latter had no part in it; those who conducted it, being clergy, are sometimes found helping with the religious duties incumbent on the chapel staff.

The term "chancery" (*cancellaria*), as describing a true administrative department, does not actually appear in the feudal monarchies until the 12th century. But under the Carolingians there is something that resembles this department and is progressively detached from the chapel. From the time of Pepin the Short the habit had grown up of recruiting the few scribes needed for the government of the palace from among the chapel clerks. This was quite natural; Latin remained the only official language of administration, to unlettered laymen it was almost incomprehensible, and clerks were the only people who could speak or write it with any correctness. In their capacity as clerks of the chapel, these scribes remained under the jurisdiction of the arch-chaplain. But in their capacity as scribes, they

were called either *notarii* or *cancelarii*, and were under a chief scribe chosen from their ranks. His principal role was to write, on the acts and charters drawn up in this embryonic department, the validating sentence that diplomatists call the *recognitio*. Towards the end of Charlemagne's reign, this chief of the royal notaries or scribes has a definite place in the palace hierarchy. Henceforth the title of chancellor is reserved for him alone, for in the eyes of the sovereign he is the chancellor *par excellence* (*cancellarius noster*).

There is, then, a chancellor in the Carolingian palace. One cannot say that he directs a true chancery, for the little group of scribes under his orders has only a very restricted competence, has no centralized control over the issue of royal commands, and creates no important administrative archives.

It would be a mistake to look on the chancellor's office as a kind of central secretariat for the Carolingian monarchy. Indeed, the chancellor had only a limited responsibility for public "writings", and the sphere of the latter was in turn very narrow. It is not his business to take down the decisions of judicial pleas, which the parties to suits want carried out. Nor is it he who drafts capitularies or writes the king's letters. His work is limited to seeing that charters, that is, the solemn record of royal gifts, are properly written and validated. And in Charlemagne's reign a custom was appearing that was to spread during the 9th century, by which the churches and abbeys that were the principal beneficiaries of royal charters preferred to draft the text of the privilege in their own *scriptorium* and simply present it to the chancellor for validation. This considerably reduced the work of the royal notaries; the chancellor did not need a large staff.

Besides, let us not forget that the prevalence of illiteracy among the laity, consequently the very slight use that was made of writing, minimized the value of the written word. The king's will is expressed by mouth, by oral commands; the king's word (*verbum regis*) is identical with the king's edict (*bannum regis*), that is, with the right to govern. The king gives his orders orally to the *fideles* who approach him in his palace or when he hears pleas. And it is orally that his orders are communicated, by his great men, to the mass of the people whom the king cannot reach. In most cases a written order is not, properly speaking, an order, but merely a reminder of what the king had ordered orally. No doubt some of the chancellor's notaries drafted some official orders (*praecepta*) in a stereotyped common form. Again, if the king happened to send letters to men charged to carry out his orders, this way of transmitting the king's wishes had some secondary value. To conduct administration through writing would have required that the local agents of power have scribes about them capable of corresponding with the central power and of translating the king's written orders to the counts. Yet in spite of the advice Charlemagne gave them to

this effect (he himself perceived the administrative value of regular correspondence), most of them did nothing about it.

This bankruptcy of writing enables us to understand the purpose and the variety of forms of the documents that are commonly classed together as capitularies. They bear little relation to authentic legislation. Very rarely, and only when their importance made it necessary, they take the form of "precepts" issued in the name of the emperor and formally validated. Much more often they are merely more or less detailed "minutes", not validated by the royal seal, of decisions announced or read by the king at his judicial sessions. More often still, they simply summarize, point by point, royal decisions. Sometimes only the headings of these were copied out, these being considered sufficient to refresh the memory of all who had been charged to execute the king's oral orders. One letter sent by Charlemagne's *missi* to the counts specifically defines this role of the capitularies as reminders: "We admonish you to reread your capitularies and to recall the verbal orders that were given you; then apply yourselves to show such zeal that you may be rewarded by God and by your master, the great emperor". It follows that only the oral transmission of royal orders is legally binding. The adage, "ignorance of the law is no excuse" had no currency in the Carolingian Empire, for no one who had not heard the law was bound to obey it. A letter of Charlemagne to his son Pepin, King of Italy (806–810), implicitly admits this: the Italians, he says, will not obey the capitularies that the emperor has ordered incorporated in their law, because they have not been so notified by the emperor in person. He then orders his son, who had been present at the judicial session where these capitularies had been orally proclaimed, to have them publicly read throughout his kingdom, in order that everyone should obey them.

In a society with so little need for writing, the chancellor's "department" remained quite embryonic. In consequence it was not impelled to keep any complete file of records. Only those capitularies that were written out in full and were in the form of precepts, could be kept in the archives. In the case of a capitulary relating to the organization of the army (808), Charlemagne orders that four sets of copies be made: one for the *missi* sent on tour, one for the counts who would have to do what it ordered, one for the *missi* of the army; the fourth was for the chancellor, evidently for safe-keeping at the palace. Louis the Pious gave a similar order in 819, for the capitularies recording the decisions taken at the last judicial session. But the collection remained small. In the reign of Louis the Pious, Bishop Angesise went to the chancellor's archives at the palace to get a set of the capitularies copied for his own use. It seems safe to say that he took copies of all he could find, which amounted to twenty-nine. Yet, for the period covered by his collection, modern specialists could easily triple this number. Better still, a little later it happened that a certain Benedict the Levite had the imagination to enlarge Angesise's collection by interpolat-

ing some false capitularies of his own composition. The palace archives were so badly kept, and people were so ignorant of the content of capitularies, that up to the reign of Charles the Bald these forgeries were regarded as authentic. Can one still speak of the Carolingian administration as having a "central secretariat"?

Lay Dignitaries. There is still less sign of any well-organized administrative service among the sovereign's lay entourage than in the work attached to the chapel. In this area the Carolingians made few important changes in the embryonic organs of government bequeathed them by the Merovingians. The Frankish kings' *domus* was managed by a cluster of "palatine officers" who were really only domestic officials. Domestic and public functions were intermingled, in utter confusion. The household managers, being in the sovereign's immediate following, on occasion were engaged on what we would call public business. This remains the rule in the Carolingian palace.

Of all the offices surrounding the Merovingian royalty, only one disappeared in the course of the 8th century, that of the *major domus* (which historians have dressed up in the ludicrous name of "mayor of the palace"), the chief administrator of the sovereign's whole household. His disappearance is obviously due to the fact that after he acceded to the royal dignity he was not replaced. After his usurpation in 751, Pepin the Short had no wish to have a powerful personage around who might overshadow him. The management of the royal domestic affairs passed to an officer with the German title of seneschal (Latinized as *senescalcus*). Literally, the word means "the old man, the chief of the servants". His main job was to procure food for the Palace. Writers and poets of the Carolingian renaissance paraphrased his title, which to their ears sounded barbarous, into "the prefect of the royal table". Alongside him was the butler, who enjoyed almost similar rank, and was responsible for keeping the Palace supplied with drink. Since the bulk of these provisions came from the royal domains, either through transport of their surplus or through the Palace moving around to consume this on the spot, the seneschal and the butler naturally exercised a certain authority and even control over the administration of these fiscal domains. (See articles 16 and 17 of the Capitulary *De Villis.*) The seneschal may even in Charlemagne's time, as was the case in the feudal age, have been responsible for examining the accounts of the domain stewards. Since the fisc was the sovereign's personal property, these functions were still of a domestic character.

The duties also of the constable (*comes stabuli,* count of the stable) were mainly domestic, being concerned with the royal stables. His functions, however, assumed special importance during military campaigns, for he was in charge of supplying remounts for the cavalry, the essential part of Frankish armies.

All of these high officials had numerous humbler servants under them:

servants to clean the royal apartments, door-keepers, porters, a swarm of cooks and pantrymen, grooms, and hunters and falconers. From the circumstance that they were his chief household officers, the seneschal and butler and constable were among the king's most trusted advisers. He employed them in many other capacities, on diplomatic missions and in positions of military command. The fact remains, however, that they were domestic officers. One should by no means think of them as "ministers", in the modern sense of the term, nor as heads of administrative departments.

But there were some lay officers in the Palace who did manage embryonic departments, for example, the chamberlain (*camerarius*), who was in charge of the king's private rooms. This part of the palace, being the most secret and the best guarded, was naturally the place where the king's treasure was piled. The word *chamber* comes to be synonymous with *treasure;* it is not in the least like a modern treasury. Lacking proper administrative institutions, the Frankish kingdom has no administrative expenses. It pays no salaries. All the king's servants, even those at the palace, get their living through allowances from his supplies, through free distributions of food and clothing, and through prebends, that is, fixed claims on the produce of particular lands. The monarchy incurs no costs in the public or collective interest, for public works are carried out through requisitioning materials and demanding service from those who will use them; military defence is on a similar basis. On the other hand, the kingdom has very little revenue, just enough for its modest needs: the remnants of public receipts over and above what is taken by the local agents as their allowance and for costs; surplus revenues from the fiscal domains; and finally the gifts that great men of the realm, or foreign rulers and their ambassadors offer the king. All this goes into the sovereign's chamber, or treasure. These reserves, on which the king draws to reward his followers or to meet unavoidable expenses, are not entirely in money. There is more gold and silver in the form of bars, hoarded; it is the chamber which on the occasion of Charles the Bald's monetary reform, under the Edict of Pîtres (864), lends the mint directors the mass of silver required to start minting the new coins. There were also jewels, gold crowns, ornaments, pieces of goldsmith's work, and even a store of luxury textiles: ceremonial robes, silks, colored cloth and furred cloth.

This treasure is the king's private hoard, it never plays the role of a public treasury. We should not be deceived by the erroneous description of it by Latinist writers in the sovereign's following, who dip into the classical past to speak of it as a public treasure (aerarium publicum). Certain modern historians have gone still further astray in seeing the chamberlain as a joint minister of finance and foreign affairs, simply because it was his duty to receive ambassadors! All we can say is that the management of this hoard required him to employ a few subordinate officials to take inven-

tories and keep rough accounts. True, we know very little about these arrangements, only that they could not have been at all highly developed. To repeat, the sovereign regarded the treasure simply as his personal property, to be used and disposed of as he pleased.

Einhard tells us how Charlemagne, three years before his death, made arrangements to divide his possessions among his children, legitimate and illegitimate. Two-thirds were placed under seal and set aside to be divided equally among the twenty-one metropolitan churches of the empire. The other third was divided into four parts, one for churches, one for his bastards and their descendants, one for the poor, and one for gratuities to the palace servants. Thus the emperor's successor would start with no treasure at all; he would have to build it up again. In the circumstances it is hardly surprising that when Louis the Pious came to the throne he refrained from executing Charlemagne's will, which, to make it more solemn, had been signed by eleven bishops, four abbots, and fifteen counts. If we may believe his nephew and biographer Nithard, Louis contented himself with reserving one third for his father's funeral and for alms to the Church and kept the other two-thirds for himself, paying out of it, however, the dowries of his two legitimate sisters. Nothing better reveals the extremely rudimentary nature of this supposed "financial administration".

A much more important role was that of the "Count of the Palace", the only addition to this group of offices (which was older than the Palace). Despite his title, he is not a successor of the defunct *major domus*. The few texts which refer to him show that he had a much more limited and better defined role. He was the normal president of the palace tribunal, where he rendered justice by virtue of a permanent delegation of power from the sovereign. The volume of business coming before the royal tribunal seems to have risen considerably under Charlemagne, at first because of the increase in the territory controlled by the Franks, and later through the prestige and authority that accrued to the sovereign. The emperor can no longer take part in the debates except occasionally, as sovereign justiciar then making a judgment from which there is no appeal. Procedural texts, as well as legislative decisions, show that the count of the palace presided over almost all cases, as the sovereign's lieutenant. His power soon became so great and so discretionary that Charlemagne himself sought to limit it: a capitulary from the end of the reign prescribes that in important suits involving men of power, that is, suits between counts, bishops, abbots and other great vassals, the count of the palace cannot in future make a final judgment without first consulting the sovereign. He will however retain full power to decide cases concerning lesser subjects and the poor. Einhard portrays this great officer visiting the sovereign when he gets up in the morning, to inform him of major cases that call for his decision; the emperor then summoned the suitors, heard a summary of the case, and immediately gave judgment. The count of the palace was, nevertheless, de-

spite this limitation, the uncontested head of the royal tribunal. He therefore necessarily found himself directing an embryonic administrative service; it was to this that the party who won a suit applied for a transcript of the decision, and it was here that applications to plead (*placita*) were drawn up. There must have been several scribes. Thus Charlemagne made the central administration of justice a little less amorphous than it had been at the beginning of the Carolingian era.

Yet what was accomplished does not amount to very much. Our brief survey obliges us to conclude that none of the palace work even distantly approached what we would call a central administration. A mixing of domestic and administrative duties, an almost total lack of differentiation of governmental responsibilities—these are the two leading characteristics. At best, we can glimpse a little rudimentary organization, consisting of a handful of subaltern employees in the services of the chancellor, the chamberlain, the count of the palace. To interpret these as actual "ministries" of the interior, of finance or of justice is to go too far, and we should be careful to shun any such false analogies.

Local and Regional Organization

Despite appearances, the local framework of Carolingian "administration" is hardly any firmer nor better equipped than the central services of the Palace. What is at first striking, however, is its apparent uniformity. Whether we look at territories anciently occupied by the Frankish monarchy, or at more recently conquered regions (Lombard Italy, Saxony), at territories under the emperor's direct control or temporarily entrusted to one of his sons as an autonomous kingdom, or constituting a "duchy" or a military "march", the land is uniformly divided into counties.

Counts and counties. These districts are all administered by a personage whose office is a legacy from Merovingian institutions and whose name is borrowed from classical Latin as was the custom in the Late Empire. The count (*comes*, companion of the prince) is also the equivalent of the Germanic *graf*, Latinized in the documents of the period as *grafio*. Under his authority is a territory that contemporaries sometimes call county (*comitatus*) but more usually *pagus* (region). It has been the equivalent, since the barbarian kingdoms were set up, of the Germanic *gau*: we know of these *gau* at least among the Lombards, the last of the Germanic peoples to enter the Roman world.

Historians have tried to enumerate all the counties in the "great" empire set up by Charlemagne, but owing to inadequate documentation they have only partially succeeded. It is besides averred, as is too often forgotten, that the boundaries of the *pagus* or the *gau* were not in all cases stable through the centuries. From one generation to another there were

variations due to subdivision of areas that were too large or to the temporary or lasting merger of adjacent areas that were too small. Though it is impossible to give an exact figure for any given date, we cannot be far wrong in placing the number of counties contained in the empire in Charlemagne's time at from 200 to 250.

The size of these districts varied considerably from one region to another and even within the same region. In general they were larger in southern Gaul and in Italy, where they quite often coincided with the bounds of ancient Roman city territories, and thus with a diocese; but the largest city territories were divided into several *pagi*. In the northern regions of Gaul, where the population was almost wholly Germanic, the *gau* were generally smaller, some not exceeding the size of one or two modern cantons. But there was no less inequality elsewhere; one thinks, for example, of the huge *pagus* of Brabant (reconstituted by Bonenfant) and of the spread of little *pagi* to the west of the Scheldt, dividing up French Flanders. Can we suppose, under these conditions, as does Halphen, that the counties were divided according to some logical system, taking account, say, of the greater or lower density of population? We have to confess that the principles behind the administrative geography of the Carolingian Empire escape us.

Administrative Personnel of the County. Before we identify the count too hastily as an "administrator" in the modern sense of the word, we should know what subordinates he had at his disposal through whom he could make a delegated authority felt among the population of the *pagus*, large or small. In this respect he was no better off than the central services around the king in the Palace; he had no real organization, not enough servants to allow him to carry out his multiple functions efficiently. He had nothing like the retinue of the *strategus* who exercised military control and directed the administration of the provinces of the Byzantine Empire at this period. His subordinates can be quickly listed.

Charlemagne advises his counts always to have at least one notary with them, a scribe able to write out important administrative orders. The fact that the advice was expressly repeated indicates that many counts did not have this one indispensable secretary. There is never any proof that the advice was generally followed.

We should perhaps also credit Charlemagne with what seems to be an innovation, the creation of a proxy for each count, called the viscount, nominated by the count, the appointment being confirmed by the emperor. But this kind of permanent deputy, competent to act for the count at any time, seems to have had an effective existence only in the western regions of the Empire, that is, in Gaul. There is no example from Germany or from Italy.

When it was large enough, the country was in fact subdivided into secondary districts known either as *vigueries* (*vicaria*) or as hundreds

(*centena*). The count appointed agents, *viguiers* or *centeniers*, to exercise authority over these, but we know little of their powers. A deputy of the count in his little district, as the count was of the sovereign, in his, the *viguier* or *centenier* had however a limited competence, at least in judicial matters. The tribunal over which he presided could consider only minor cases or petty misdemeanors, important suits and major crimes being reserved for the count's tribunal. We know even less about the geography of these districts than we do about the counties. It is not certain whether all *pagi* were so divided; again, the boundaries may have altered from one generation to another.

To put the best possible face on things, that is, to suppose that the count had several notaries, that he was flanked by a viscount and that his *pagus* was divided into several hundreds, gives him at most from ten to twelve subordinate officers. On such a basis the administration of the huge Carolingian Empire would have depended on from 2,000 to 3,000 persons, including both the Palace services and the little *centeniers*. A skeleton force, whose numerical inadequacy was aggravated by extreme incompetence. Scarcely any of these agents of power were professional officials, qualified administrators. In spite of appearances, then, the Carolingian Empire possessed no proper administrative organization.

The Count's Jurisdiction. With the aid of his clearly inadequate staff, the count has to exercise jurisdiction over a wide range of affairs. Like his Merovingian predecessor, he is the local representative of the sovereign in the plenitude of his powers, possessing complete authority in the whole bundle of forms that public power assumes. These were not differentiated; to classify them according to modern style as administrative, financial, judicial and military would be futile. It is his duty to proclaim and enforce all royal commands that reach him, whether as legislative capitularies, administrative rulings or other orders, oral or written, relating to problems peculiar to his county. He levies the various dues, taxes and "gifts" that the sovereign demands from his subjects in the *pagus*; he assembles the proceeds and is responsible for their utilization, for they have to cover all local expenses. He requisitions the labor and materials required for what we might call "public works", supervising the more or less regular repair of roads and bridges. In certain cases he is required to take surplus receipts to the royal chamber. He is also responsible for the maintenance of order, for local policing, and he presides over the public tribunal or *mallus*, where he pronounces sentence and subsequently collects the fines imposed. Finally, it is he who summons, recruits, and commands the armed contingents that his pagus has to raise for the royal host. We could easily extend the list of his duties: the count is in every way the sovereign's representative in his district; he exercises the undivided totality of public power.

This depositary of sovereign power is however far from being a gov-

ernment official in the proper sense of the word. Since he is not a paid official, and receives no regular salary, it is all too easy for him to evade the control that the central government would otherwise have over him. The count's remuneration included two main elements. In the first place he was endowed, for the duration of his term of office, with an "honor", that is, with a portion of the fiscal domains within his territory. His landed revenue was sometimes swollen by the right to hold the lay abbacy of some monastery in his *pagus*. He therefore enjoyed a considerable revenue over and above what he drew from his patrimonial possessions and from benefices the sovereign may have given him. All of this combined to make him the richest of the landed aristocracy over whom he presided. This mode of remuneration, through partial and temporary alienation of landed capital, was extremely prejudicial to the sound maintenance of the sovereign's resources.

In addition to this fixed endowment the count enjoyed "perquisites". He was entitled to keep a third of the fines levied in the courts of his district, both in his own tribunal and in the hundred courts. And these fines imposed for the benefit of public authority were considerable. In all suits, the losing party had not only to pay his adversary a pecuniary composition but also to pay a fine (*freda,* in the Germanic term) as a kind of fee to the royal justice; this fine as a general rule was a third as large as the composition. The count thus kept one-ninth of the judicial payments. Besides, at least from the reign of Charlemagne, capitularies multiplied the number of misdemeanors, even minor ones, which were to be regarded as an offence against the royal power (*ban*). These were punishable by the heavy fine of 60 shillings (720 penny pieces). Since this fine belonged entirely to the public power, the count naturally kept a third of it. His perquisites also included the right to keep a portion—usually a third—of all the taxes he levied, the most profitable of which were customs and market dues. His total cut was therefore far from negligible. Inevitably he tended by corruption to increase it. In the absence of any regular system of accounting or other effective control, he could readily retain more than his legal share of taxes and judicial fines, thus appropriating large amounts of royal revenue. He could abuse his usufructuary rights in the fiscal domains with which he was endowed during his term of office, through too intensive exploitation. Finally, he could and did exploit the people under his rule by multiplying occasions for the levy of fines, part or all of which he would keep for himself. The occasions were over-frequent summons to military service in order to levy the *heriban* fine for non-appearance, and over-frequent summons to the judicial sessions to which all free men of the county were bound to come on pain of a fine (*bannum dominicum*) for default. Charlemagne's capitularies are filled with provisions denouncing such abuses of power and threatening to punish the guilty, as an example, unless they treat their people less arbitrarily. The repetition of these com-

plaints is peremptory proof that the sovereign authority was quite incapable of checking the abuse of power by its local agents; it was unable to establish justice and equity in a local administration exercised in its name by autonomous potentates.

However, the sovereign was not wholly helpless in the face of "officials" who did not choose to comply with his orders. The capitularies to which we have just referred constantly threaten counts who behave too independently or are too oppressive, with total loss of their "honor", that is to say, not only with the loss of their lucrative office and its comfortable landed endowment, but with probable loss of benefices and possible confiscation of their patrimonial property. These brutal deprivations were not a mere threat. There is proof that under Louis the Pious one such threat was actually carried out, and many more examples of this are known from the period of the civil wars between this emperor's sons. But were a few dramatic cases, occurring in particularly horrible circumstances or during the troubles of a political crisis, sufficient to ensure the loyalty, let alone the honesty, of counts? For that, the sovereign would have had to be in a position to dismiss or recall his agents at any moment, and to replace a weak or prevaricating man, without any difficulty, by a more reliable and competent candidate.

In principle, to be sure, the count held office only at the will of the sovereign, who appointed men of his own choice, and dismissed and replaced his administrative personnel at pleasure. In practice, this arbitrary power was severely limited. To begin with, the sovereign did not have a large enough supply of able men at his disposal from which good administrators could be drawn. It has long been noticed that the counts were recruited exclusively among the high Frankish aristocracy; it would be more accurate to say, from Austrasian aristocracy who were relatives of the ruling family. It has been ascertained that of 110 men who have been identified as holding important administrative positions and playing a major role in the government of the empire under Charlemagne and Louis the Pious, 70 were Austrasian Franks; of these, 52 were related to the Carolingian dynasty by some kind of family tie. All important matters, then, were in the hands of a few dozen great families, almost all of whom had intermarried. Even when a count's office was not passed on to his heir—the custom of hereditary succession appeared only gradually, in the latter half of the 9th century, and did not become universal—the successor of a count who died or who was removed, even when the dismissal occurred as a brutal punishment, was almost always a close relative. The best-known example of this is the countship of Autun, which for over a century was held by members of only three great families, all three from Austrasia. Scholars have been able to prove, through genealogical research, that all of the counts of Autun were near relatives of their predecessors.

Obviously the sovereign could not risk alienating so tightly knit an

aristocracy by arbitrary removal of counts. In a society thoroughly vassal-
ized, the honor was as a matter of fact assimilated to the benefice. It could
be taken away from the beneficiary only in case of flagrant misconduct.
This is why, even under Charlemagne, and contrary to what has sometimes
been affirmed, the count is often left in office so long that one can regard
him as really irremovable. He has time to acquire property of his own in
his county, to create a personal clientele of vassals there; sometimes he
marries there; in short, he becomes rooted there and founds a family. He
can be moved only by offering him advancement, that is, by offering him
more profitable honors elsewhere. The fixity of the counts dignity, tem-
porarily destroyed during the civil strife between the sons of Louis the
Pious, was resumed and accentuated under their successors. When, from
856 on, we see the magnates of western Francia entering into an alliance
and promising each other mutual aid should the king unjustly deprive
them of their benefices and their honors, this amounts only to the explicit
formulation of a rule already implicitly recognized: the removal of a count
is justified only in case of outright rebellion. In these circumstances, can
we speak of him as though he were an official, a docile instrument in the
king's hand? The truth is that local administration was as non-existent as
central administration.

II

A Note on State Organization: Segmentary States in Africa and in Medieval Europe

AIDAN W. SOUTHALL

Some writers on the subject have assumed that state organisation might
emerge as a result of either external conquest or internal diversification.[1]
Others have stressed conquest as an invariable concomitant. Genuine
ethnographic evidence is poor, but Oberg and Gluckman assume a con-
quest origin for the Banyankole and Zulu, as Nadel tends to do for the
Nupe.[2]

On the basis of the Alur evidence which I have already given,[3] I would
suggest that, under certain conditions, the interaction of diverse ethnic
groups of contrasted social structure may predispose them to coalesce into
a composite structure of dominance and subjection out of which state forms
develop. This process cannot adequately be described as conquest. There
are two general conditions which favour it, the one structural and the other
cultural: first, one ethnic group is politically organised only on a small
scale, order is enforcible only within very small groups, and the degree of
violence which is only restrained by the free balance of forces between con-
flicting groups is very considerable; another adjacent ethnic group presents
the aspect of political organisation on a wider scale, securing a minimum
of peace and order to communities which are thus less restricted in numbers
and territory. Second, the one society offers to the other leaders of a charis-
matic type.[4] I use this term from Weber because his tracing of the "routini-
zation" of pure into hereditary charisma is the only really relevant discus-
sion of this problem, and among the many writings on sacral chiefship
there are none which appreciate this aspect of its significance.