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Walter Goffart: »Defensio Patriae« as a Carolingian military obligation

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WALTER GOFFART

»DEFENSIO PATRIAE«
AS A CAROLINGIAN MILITARY OBLIGATION

I

An important strand in writings about the Carolingian army has skirted the army itself but focused on another military activity, called *defensio patriae*, Germanic *lantweri*, meaning »home defense« or variants such as »defense of the homeland«. Recent opinions illustrate the eminence *defensio patriae* has attained. For example, »At the basic level of Carolingian military organization, all able-bodied men, whether free or unfree, were required to participate in providing for the local defense«. It seems that, in capitularies of 847 and 864, *defensio patriae* may have obliged the whole *populus* to turn out as a mass levy against enemy invaders. Bernard and David Bachrach called this duty primary in the Carolingian military system, the »basic« complement to the royal army. Simon Coupland took *lantweri* to be a military corps and to have been more rapidly mobilized and deployed than the king's ponderous army¹. What »home defense« was, how it has become prominent in recent historical literature, and whether its prominence is deserved are my concerns.

Some words about terminology. In Carolingian parlance, *exercitus* or *hostis* meant the king's army, and the same word was used for the freemen's obligation to join it when summoned. Absence from it by those mobilized was punished by the *haribannus*, a royal fine with a maximum of sixty shillings. *Defensio patriae*, *lantweri*, was an activity, not an armed force, perhaps involving everyone (male), presumably without regard to legal status, and punished for dereliction by local courts². Although *exercitus* (*hostis*) could be referred to, such as in charters, as an obligation apart from any mobilization, neither it nor *defensio patriae* was a standing armed force³.

- 1 Bernard S. BACHRACH, David BACHRACH, Early Saxon Frontier Warfare. Henry I, Otto I, and Carolingian Military Institutions, in: *Journal of Medieval Military History* 10 (2012), p. 17–60, here p. 23; Simon COUPLAND, The Carolingian Army and the Struggle against the Vikings, in: *Viator* 35 (2004), p. 49–70, here p. 52. COUPLAND's other branches are »Coastal Defense« and »The Host« (i. e., the royal army proper). For the earliest citation of *defensio patriae*, in context, see n. 26, below. Typically, the brief account of the army by Philippe DEPREUX, *Les sociétés occidentales du milieu to VI^e à la fin du IX^e siècle*, Rennes 2002, p. 112, pays much attention to *lantweri*.
- 2 For *exercitus/hostis* and *haribannus*, see the model charter (*formula*) cited in n. 57, below (*exercitus* and *hostis* are interchangeable). *Defensio patriae* is well defined in the text of 822–823 cited n. 27, below. Most citations of *defensio patriae* are associated with a royal army, as will be seen, rather than with an indiscriminate mass levy.
- 3 By »standing force«, I mean something like our regular army or National Guard. For *exercitus/hostis* in charters, see n. 57, below.

»Home defense« is now envisaged as a local duty to which free men could be relegated. In 1968, François-Louis Ganshof said: »all the subjects of the king [...] owed him military service. [But this] service was general only in case of enemy invasion of the territory of the *regnum* [i. e., *defensio patriae*] and only in the region where invasion was feared⁴.« Some decades later (1985), Timothy Reuter said (in paraphrase), free men, although possibly liable to royal army duty as *liberi*, were not mobilized; but they and all other males, including less-than-free ones, were subject to the traditional duty of local defense (*Landwehr*) in the eventuality of an enemy invasion; further, »The evidence for a general obligation to serve in the army (apart from *defensio patriae*) is much thinner [...] for the period before 800 than is often supposed«⁵. A much earlier authority, Hans Delbrück, expressed the same idea: »the general levy of the people was still legally and formally existent under Charlemagne. [...] But] It was only in the militia, the mobilization for defense against an enemy invasion (*defensio patriae*), that the ancient general obligation for military service continued to survive⁶.« None of these authors except Delbrück took home defense to have been a »force«, as though an auxiliary army; *defensio* was an activity. Other scholars, notably David Nicolle (1984), Philippe Contamine (1984,1992)⁷, Bernard Bachrach (2001), Simon Coupland (2004), Étienne Renard (2006), and Wilfried Hart-

- 4 François-Louis GANSHOF, Frankish Institutions under Charlemagne, (tr.) Bryce and Mary LYON, Providence/Rhode Island 1968, p. 59. The quotation is taken over almost verbatim by Philippe CONTAMINE, War in the Middle Ages, (tr.) Michael JONES, Oxford 1984, p. 24. Further, François-Louis GANSHOF, L'armée sous les Carolingiens, in: Settimane di studio del Centro italiano di studi sull'alto medioevo 15 (1968), p. 111 with n. 9, »appel général« is called *lantweri*, »Le nom est plus ancien, aussi bien que l'institution«. No evidence for this is cited. (Ganshof, died 1980, was the most famous Carolingianist of the twentieth century.)
- 5 Timothy REUTER, The End of Carolingian Military Expansion, reprinted in: ID., Medieval Politics and Modern Mentalities, (ed.) Janet NELSON, Cambridge 2006, p. 251–267, here p. 259; originally in Peter GODMAN, Roger COLLINS (eds.), Charlemagne's Heir, Oxford 1990, p. 391–405. Timothy REUTER, Plunder and Tribute in the Carolingian Empire, reprinted in: Medieval Politics (as above), p. 231–250, here p. 246, see also p. 245; originally in: Transactions of the Royal Historical Society, Fifth series, 35 (1985), p. 75–94. All my citations of these two articles are from the reprinting in Medieval Politics (which, unfortunately, is repaginated). Reuter introduces the term *defensio patriae* on p. 245 (of Plunder and Tribute), but does not define it, as a »traditional duty (or obligation)«, until p. 260–261. See also Timothy REUTER, Carolingian and Ottonian Warfare, in: Medieval Warfare. A History, (ed.) Maurice KEEN, Oxford 1999, p. 25, »There was a clear obligation on all freemen to turn out and fight in case of invasion«. This obligation, as Reuter understood it, was different from a king's mobilization of his *exercitus*. (Reuter was a talented, prolific, versatile, and very influential Anglo-German historian, whose premature death in 2002 is universally mourned. His articles on the Carolingian army are the most noticed and praised recent writings on the subject.)
- 6 Hans DELBRÜCK, History of the Art of War, vol. 3, The Middle Ages, (tr.) Walter J. RENFROE, Jr., Westport/Connecticut 1982, p. 14 (originally 1923). Note the reference to a *militia*.
- 7 David NICOLLE, The Age of Charlemagne, Oxford 1984 (Men-at-Arms Series, 150), p. 6–7 (a picture book, weird ideas about *defensio patriae*); Philippe CONTAMINE in: Histoire militaire de la France, (ed.) André CORVISIER, 2 vols., vol. 1, Paris 1992, p. 27: all males were subject to military service, »Toutefois, ce service militaire généralisé, appelé *lantweri*« had many limitations: only defensive and in the kingdom. In a thought-provoking aside, Contamine evoked the damaging effects for economic life of withdrawing many men from agriculture to serve in the *exercitus* during the belle saison (p. 28). He concluded that universal service must have been theoretical. See also n. 4, above.

mann (2010), also attributed to home defense a notable part in the Carolingian military system⁸.

The most extensive recent discussion of Carolingian military service is by Matthew Innes in his monograph »State and Society in the Early Middle Ages« (2000). Innes does not depart from the teaching about *defensio patriae* laid out in Reuter's articles of 1985 and 1990. The key ideas may be summarized in a few words: there was no general obligation to perform military service; the »normative sources« that seem to document such an obligation are all from the early 9th Century; this post-800 evidence coincided with a great change, Charlemagne's deliberate shift from an offensive to a defensive military policy; the change involved organizing »a responsive defensive system [for] defense of the homeland«; poorer men were mobilized from then on but for home defense only⁹. The present article of mine about *defensio patriae* bears on Innes, via Reuter, only as regards home defense and the relation of *pauperi liberi* to it. His other points will be dealt with in a follow-up study, in preparation, which discourages the old and widely held idea that the appearance of military capitularies after 800 coincided with a deep change in Carolingian policy and recruitment.

The opinions of the three quoted historians, Delbrück, Ganshof, and Reuter, have an underlying agreement in purpose, to distance the poorer freemen (*pauperi liberi*) from the *exercitus* and mobilize them only for defense¹⁰. Ganshof: the general military service of all males, rather than the *exercitus*, would oppose enemy invaders of the kingdom. Reuter: *lantweri* was a defensive duty of all poorer males, who, until

8 Bernard BACHRACH, *Early Carolingian Warfare. Prelude to Empire*, Philadelphia 2001, p. 53–54 (has »lantwer« descend from Roman beginnings and is thin on the Carolingian aspects); COUPLAND, *The Carolingian Army* (as in n. 1); Étienne RENARD, *Une élite paysanne en crise? Le poids des charges militaires pour les petits alleutiers entre Loire et Rhin au IX^e siècle*, in: François BOUGARD et al. (eds.), *Les élites au haut Moyen Âge. Crise et renouvellements*, Turnhout 2006, p. 315–336, here p. 320–321; Wilfrid HARTMANN, *Karl der Große*, Stuttgart 2010, p. 109. The list could be continued; references to *lantweri* are found almost everywhere. One exception is Johannes FRIED, *Karl der Große. Gewalt und Glaube. Eine Biographie*, Munich 2013, p. 149–153, which disregards *defensio patriae* and has a good account of Charlemagne's army.

9 Matthew INNES, *State and Society in the Early Middle Age. The Middle Rhine Valley, 400–1000*, Cambridge 2000, p. 143–153, here p. 143–144, 151; DEPREUX, *Sociétés occidentales* (as in n. 1), p. 110–114.

10 *Pauperi* stand higher on the early medieval scale of wealth than our »poor«. We would not call them »paupers« at all. In the mobilization documents (e.g., a capitulary of 808, MGH Capit., vol. 1, Hanover 1883, p. 137; text in the Appendix, p. 39, below), the »poor« start one step below ownership of four *mansi* – considerable wealth. They were freemen subject to army mobilization even if not rich enough to serve on horseback. A »two-*mansus*« man was theoretically as rich as a parish priest, whose church had at least a two-*mansus* endowment. Carolingian »poverty« (in our sense) would start with the landless (and even they were mobilized in 807, *ibid.*, p. 134–135). See Régine LE JAN, »Pauperes« et »paupertas« dans l'Occident carolingien aux IX^e et X^e siècles, in: *Revue du Nord* 50 (1968), p. 169–187, here p. 170–172; DEPREUX, *Sociétés occidentales* (as in n. 1), p. 142. *Mansus*, a multi-sided term, is used here as a measure of landed wealth, without fuller and more precise definition. For an argument that the measure was standardized by the Carolingian government in the 780s (as one of its standardization initiatives), see Étienne RENARD, *Pour une meilleure compréhension du monde paysan du haut Moyen Âge – mots et concepts – structures administratives, juridiques et sociales*, 2 vols., vol. 2, *Essai* (unpub. doctoral thesis, Université de Namur [FUNDP], 2006–2007), p. 33. (I am grateful to Dr Renard for the kindness of mailing me the relevant pages of his thesis.)

the 800s, turned out only for this purpose. Delbrück: the ancient, general military obligation existed only in the mobilization for defense. The authors expressing these views span many decades. More than three generations of specialists have maintained that the long-standing Frankish general obligation to military service extended to poorer freemen, but demanded nothing more from them than to carry out home defense. The royal call to arms, so it is said, kept poorer freemen from service in the *exercitus*, which was composed of loftier, higher quality warriors.

Defensio patriae used to be an incidental subject in accounts of the Carolingian army. Heinrich Brunner assigned six lines to it in a thirteen-page discussion (1892), and Ferdinand Lot was even more cursory (1946)¹¹. This restraint no longer prevails. As just seen, a series of changes has been put forward by noted historians, all of them having in common a modification, basically a marked narrowing, of the role of poor freemen in the *exercitus*, consigning them to mere defense outside the army. But the sources contradict this downplaying of the poor. The capitularies – 808 is a model example (see the Appendix) – take pains to integrate *liberi pauperi* into the call-up of the *exercitus*. The order mobilizing them runs into, and uses the same terms as, the order applied to freemen paying their own way. Reuter (the leading recent authority) would have none of this. He set out four interpretations of the established rules which, he claimed, allowed the poor freemen to be kept from the main force of the royal army and limited to home defense. Reuter's proposals are followed by my responses:

Reuter, Down to the 800s, poor freemen had no obligation for military service except *lantweri* locally confined¹²:

Goffart, Reuter argued from silence. There is no documentation before 800. No duty of home defense is attested before the mid-800s, if then, and was not demonstrably »traditional«.

R., In the 800s, the general service laid down in the capitularies as being required of poor freemen was *lantweri*¹³:

G., The capitularies of Charlemagne and his son never mention home defense in connection with poor freemen (*pauperi liberi*) or anyone else. They seem to have drafted poor freemen into the *exercitus* and had them serve alongside rich freemen.

R., From ca. 800, *liberi homines* with less than a four-manse property rating had to club together (see the note), presumably as *lantweri*, to attain that minimum¹⁴:

11 Heinrich BRUNNER, *Deutsche Rechtsgeschichte*, vol. 2, Leipzig 1892, p. 202–216, *lantweri*, p. 215; Ferdinand LOT, *L'art militaire et les armées au Moyen Âge en Europe et dans le Proche-Orient*, 2 vols., vol. 1, Paris 1946, p. 93.

12 REUTER, *Plunder* (as in n. 5), p. 246; Étienne RENARD, *La politique militaire de Charlemagne et la paysannerie franque*, in: *Francia* 36 (2009), p. 1–32, here p. 8–9; RENARD, *Élite* (as in n. 8), p. 321.

13 REUTER, *End of Expansion* (as in n. 5), p. 260.

14 *Ibid.*, p. 261; RENARD, *Politique militaire* (as in n. 12), p. 23–24. The capitularies of 807, c. 2, and 808, c. 1, MGH Capit., vol. 1, p. 134–135, 137, envisage the formation of groups (»clubs«) of 2, 3, 4, etc. men (whose manses added together reach the 4-manse standard), of which one member would join the royal army and the others would all help to equip him. The members of the club fulfilled their military obligation, mostly by proxy (one joined the army), and were not fined for non-attendance. Clubbing is found in other tax systems (e.g., ancient Greece had groups, called

G., The soldiers furnished by the clubs were destined for the *exercitus* just like the self-supporting rich men. Home defense is never mentioned in their connection.

R., The royal army consisted of picked troops for offensive action in special relation to the king, whereas defensive warfare was based on a general call up of freemen (*lantweri*)¹⁵:

G., The military capitularies of Charlemagne and Louis the Pious do not support this duality of duties. An offensive *exercitus* was not distinguished from a defensive formation called *lantweri*. The only military obligation was *exercitus/hostis*.

Reuter's four points can be responded to without elaborate argumentation. The capitularies leave no doubt that poor freemen served in the *exercitus*. The contention that they did not before being mentioned in capitularies is an argument from silence. The *pauperi* were engaged in the same service as rich men, *mutatis mutandis*; they were subject to the established fine, *haribannus*, for shirking service (with a penalty scaled to their resources); the recruitment »clubs« produced conscripts for the *exercitus*; there was no alternative formation to mobilize them into; poor freemen served alongside rich ones in an offensive as well as a defensive capacity (besides having an obvious role as infantry, they were well qualified to be field engineers [or sappers] and probably more useful for this much needed activity than as fighters)¹⁶.

II

Terminology needs to be considered again as a preliminary to surveying the sources about home defense. Coupland presents *lantweri* as one of three Carolingian military forces, as one might say »the corps of *lantweri*« or »so-and-so serves in the *lantweri*«. In this form, we might translate *lantweri* as a military unit, such as »Home Defense«, comparable to today's »National Guard« or German »Landwehr«. Brunner says, »The mass mobilization was called *lantweri*, Landwehr«¹⁷. Neither Coupland's nor Brunner's interpretation applies. One of the two citations of *lantweri*, an apparent legal gloss, says *de lantweri, id est de patriae defensione*; this translates *lant-*

»symmories«, whose members clubbed to build a fighting ship; Oxford Classical Dictionary, 3d ed., Oxford 1999, p. 1460, s. v. *symmoria*).

15 REUTER, End of Expansion (as in n. 5), p. 259. Reuter drew a line between offensive and defensive fighting. For an appropriate dissent, see John FRANCE, The Composition and Training of the Armies of Charlemagne, in: Journal of Medieval Military History 1 (2002), p. 61–82, here p. 66, »it is difficult to draw a sharp distinction between offensive and defensive warfare«.

16 For *pauperi* in the army, see the capitularies of 807 and 808 (as in n. 10). For the army fine, *haribannus*, an important explanatory text is Capitulare missorum in Theodonis villa datum secundum, generale, 805, in MGH Capit., vol. 1, p. 125, c. 19. Originally enforced by counts, its enforcement was transferred to *missi*, and finally to a separate corps of *haribannitores*. The government cared about its exaction. The notion of having »engineers« in the Carolingian army has been voiced before; see Bernard BACHRACH, Early Carolingian Warfare (as in n. 8), p. 212, 233, 239; ID., Charlemagne's Early Campaigns (768–777). A Diplomatic and Military Analysis, Leiden 2013, p. 31, 284, 295, 605; he related them especially to sieges. Karl UBL, Die Karolinger: Herrscher und Reich, Munich 2014, p. 40, envisaged an army of »armed riders, footsoldiers and siege technicians«. See also n. 47, below.

17 COUPLAND, Carolingian Army (as in n. 1), p. 52; BRUNNER, Deutsche Rechtsgeschichte (as in n. 11), vol. 2, p. 215. For Coupland's other military units, see n. 1. (Although I disagree here and there, there is much of value in Coupland's article.)

weri into its Latin form, but it is simply a gloss lacking a wider context¹⁸. The only instance of the term is in the Meersen capitulary of 847. It says, »unless an invasion of the kingdom of such a kind takes place, God forbid, which is called *lantweri*, such that all the *populus* of that kingdom proceeds [...] to repel it« (the meaning of *populus* will be discussed presently)¹⁹. In these lines, *lantweri* is not an armed activity but a term of classification; the invasion was of the kind against which military action was needed. Although the word has the advantage of being compact and having a direct German equivalent (*Landwehr*), it is found only in 847 and in the gloss.

There is evidence implying by silence that a duty of home defense did not exist. Charlemagne's Aachen capitulary of 803 has two long clauses, nine and ten, concerning the summons of the army, the penalty for evasion, and the weapons, equipment, and supplies to be brought. Nothing in either clause is about a home defense obligation. It is though there were no such thing, only the *exercitus*²⁰. The same blank is in Louis the Pious's »Constitutio I de Hispanis« of 815. This text lays down the rules for the settlement of refugees from Moslem Spain. They are »to proceed like [all other] freemen to the army with their count«; they are to perform guard duties; they are to provision royal *missi* and legates from Spain and supply them with remounts. »No other *census* [= assessment] is to be exacted from them [...]»²¹. The listed exactions are those levied from the other freemen of the empire, resembling the *tres causae* given in a 775 charter for the church of Metz: *de hoste public[...]* et *wacta vel pontos componendum*. There is no sign of *defensio patriae/lantweri* among these obligatory duties²². Charlemagne and Louis do not seem to have been aware, if they should have been, that »Only in the *lantweri*, the defence of the land, were all required to contribute or serve«²³.

- 18 MGH Capit., vol. 2, Hanover 1890, p. 71. Quoted in full in REUTER, End of Expansion (as in n. 5), p. 260, who made much of it. The passage is associated (by its editors, from the mss) with the Meersen material (and undated), but not integrated into it. According to Reuter, this extract demonstrates that the general service required of *liberi homines* was *Landwehr*, and also that offensive and defensive warfare each had its own troops. I do not know how Reuter's interpretation can be extracted from this text, whose various parts do not hang together. The text suggests that the author, a glossator, was looking in the capitularies for sentences clarifying the obligations of *pauperi Franci* and that he understood that *lantweri* was different from *hostis/exercitus*. But the glosses do not form an intelligible whole.
- 19 Full Latin citation in n. 36, below. Guy HALSALL, *Warfare and Society in the Barbarian West, 450–900*, London 2003, p. 263 n. 162, rightly pointed out that *lantweri* was applied in the capitulary to »the circumstances in which the service was exacted, rather than the service itself«.
- 20 MGH Capit., vol. 1, p. 171, dated 802–803 in François-Louis GANSHOF, *Recherches sur les capitulaires*, Paris 1958, p. 113.
- 21 MGH Capit., vol. 1, p. 261–262. Philippe DEPREUX, *Les préceptes pour les »Hispani« de Charlemagne, Louis le Pieux et Charles le Chauve*, in: Philippe SÉNAC (ed.), *Aquitaine – Espagne (VIII^e–XIII^e siècle)*, Poitiers 2001 (*Civilisation médiévale*, 12), p. 19–38, here p. 30–31, 35.
- 22 MGH *Diplomata Karolorum*, vol. 1, (ed.) Engelbert MÜHLBACHER, Berlin 1906, p. 132, no. 91. Also cf. the Anglo-Saxon *trinoda necessitas* (army, bridge and fortress work): Nicholas BROOKS, *The Development of Military Obligations in Eighth- and Ninth-Century England*, in: Peter CLEMOES, Kathleen HUGHES (eds.), *England before the Conquest. Studies in Primary Sources Presented to Dorothy Whitelock*, Cambridge 1971, p. 70.
- 23 Janet L. NELSON, *Violence in the Carolingian World and the Ritualization of Ninth-Century Warfare*, in: Guy HALSALL (ed.), *Violence and Society in the Early Medieval West*, Woodbridge/Suffolk 1998, p. 95.

The paired words *defensio patriae* stay fixed through their several citations, never subject to variations or circumlocution. *Defensio* has multiple meanings (eight in Niermeyer²⁴). The pair is absent from only one relevant text, the capitulary of 847. Is it a *terminus technicus* when found with *patriae*? Perhaps, but whereas terms like *exercitus* often denote something concrete – men assembled on parade, on the march, or on the battlefield – home defense is simply an activity that men were ordered to perform. We say »call out the National Guard«, because the Guard (in the U.S.) comprises persons who, though part-time, are established members of this corps. The 9th Century was different.

A capitulary of 806 concerning Saxony is where *defensio patriae* is first met. Ganshof, Reuter, and Renard cited it as the earliest datable text documenting the general summons²⁵. According to them, it bore out the existence of an obligation for everyone to turn out to defend their land from invasion. Their interpretation is faulty.

»If it shall be necessary to furnish aid against the Saracens of Spain or the Avars, then five of the Saxons shall equip a sixth; and if it shall be necessary to bear aid against the Bohemians, two shall equip a third; if, indeed, there is need of defending the native country against the Sorbs, then all shall come²⁶.«

There was no general mobilization of the male population. The *Saxones* of the first sentence, who sent men to distant theaters of war, are necessarily the Saxon *exercitus*, not the Saxon people. Reuter commented that »only in the event of *defensio patriae* were all obliged to fight«, meaning all the Saxons (so also Renard). The capitulary does not say this. It presupposes the presence of an organized *exercitus*, of which measured detachments could be released for service elsewhere. In the third clause the subject of the sentence does not change: the whole, undivided Saxon *exercitus*, not a mass levy of Saxon males, was to engage in defense of the *patria* against neighboring Sorbs. As the detachments for Spain or Bohemia were parts of the *exercitus*, so the entire *exercitus* was concentrated for defense against nearby enemies. There is no reason why *omnes generaliter* should refer to all the Saxons rather than to the army. *Defensio patriae* was the activity that, in this case, the entire *exercitus*, not the Saxon people, would engage in. The Saxon army was capable of doing the job without reinforcement.

One point merits further notice. The normal belief is that home defense was an old, established institution; in Delbrück's words, »the ancient general obligation for military service«, as distinct from the more select *exercitus*. In its first written occur-

24 Jan Frederik NIERMEYER, *Mediae Latinitatis lexicon minus*, Leiden 1976, p. 312, s. v. *defensio*.

25 GANSHOF, *L'armée sous les Carolingiens* (as in n. 4), p. 111; REUTER, *End of Expansion* (as in n. 5), p. 260–261; RENARD, *Politique militaire* (as in n. 12), p. 9. It is also cited in this sense by BROOKS, *Military Obligations* (as in n. 22), p. 70 n. 5.

26 (Tr.) Paul DUTTON, in: *Carolingian Civilization: A Reader*, 2d ed., Peterborough/Ontario 2004, p. 81; *Capitulare de causis diversis* (dated 806 by GANSHOF, *Recherches* [as in n. 20], p. 111), *MGH Capit.*, vol. 1, p. 136, c. 2: *Si partibus Hispaniae sive Avaritiae solatium ferre fuerit necesse praebendi, tunc de Saxonibus quinque sextum praeparare faciant. Et si partibus Beheim fuerit necesse solatium ferre, duo tertium praepararent. Si vero circa Surabis patria defendendi necessitas fuerit, tunc omnes generaliter veniant.*

rence, however, *defensio patriae* involved the royal army, not the population. If an entrenched custom existed for »everyone« to turn up, not just the army, it was not invoked on this occasion. There were not two ancient military obligations, just one – *exercitus/hostis*.

Another early instance of *defensio patriae* against invaders is in a capitulary of Lothar in Italy in 822–823:

»Whichever free man is enjoined by his count or [the count's] subordinates to go to the defense of the homeland and does not go, and an army turns up laying waste this kingdom or damaging our faithful men, let him be subject to capital punishment. A similar ruling: if they [presumably the freemen] are called when the coming of enemies is heard, and it happens that an army does not attack, let those who were called and did not come each answer [for the offense] according to his law²⁷.«

The count was responding to an emergency: an enemy was attacking, the *exercitus* was not assembled, and he needed an armed force. The singular »man« in the first sentence is almost certainly a synecdoche for all freemen. They had been ordered to defend the land against the invaders. The capitulary put teeth into the command to serve. Lothar announced the punishment that the freemen were liable to if they absented themselves from home defense both when the enemy attacked and when it stayed away. As in Saxony in 806, the appearance of an enemy did not occasion a general summons of the population. The count and the freemen were the normal components of the *exercitus*. What happened in 822–823 was an adaptation of ordinary army mobilization to an emergency: the enemy was at the gates and about to attack. There was no appeal to a »traditional« general obligation of the population. The situation was similar to that of Saxony.

A fourth text does not mention *defensio patriae* but is cited by Reuter as illustrating the practice. It is a clause of 828 saying »that all those who owed army campaign service (*exercitalis itineris debitores*) [were to be ready to fight as soon as summoned] because we know that, on all sides, enemies of God's holy church are on the move and wish to invade the kingdom entrusted to us by God²⁸.« The mobilization must be precipitate, Reuter said, because the enemy was already in motion. This is claimed to document that the »general service« required of freemen was home defense²⁹.

27 Memoria Olonnae comitibus data, MGH Capit., vol. 1, p. 319–320, c. 18, *Quicumque enim liber homo aut a comite suo admonitus aut ad ministris eius ad patriam defendendam ire neglexerit, et exercitus supervenerit ad istius regni vastationem vel contrarietatem fidelium nostrorum, capitale subiaceat sententiam. Similiter observandum: si vocati fuerint, auditum inimicorum adventum, et ita contigerit, quod hoste non supervenerint, hii qui vocati fuerint et venire noluerint unusquisque secundum legem suam hoc emendet.*

28 Hludowici et Lotharii Epistola generalis, 828, MGH Capit., vol. 2, p. 5 (column A): *Et quia undique inimicos sanctae Dei ecclesiae commoveri et regnum a Deo nobis commissum infestare velle cognoscimus, praecipimus [...] ut omnes homines per totum regnum nostrum, qui exercitalis itineri debitores sunt, bene sint praeparati [...] ut, quocumque tempore eis a nobis denuntiatum fuerit, sine ulla mora exire et [...] pergere possint et tamdiu ibi esse, quamdiu necessitas postulaverit.*

29 REUTER, End of Expansion (as in n. 5), p. 260.

Reuter did not read *exercitalis itineris debitores* as a reference to the *exercitus* and so interpreted the clause of 828 as though it were unique, but it is not: the *debitores*, »men owing army campaign (duty)«, were freemen mobilized into the *exercitus*, and were told to hurry up. Injunctions for prompt departure of drafts of the *exercitus* are found in writing as early as 802, »let all be fully well prepared when our command or *adnuntatio* comes. If anyone says he is unprepared and disregards our command, let him be led to the palace [...]»³⁰.« Further, in 805–808, all were to be ready for God's service and our benefit (*utilitas*)³¹. The fullest expression of this idea is in the letter of Hetti, archbishop of Trier, to Frotarius of Toul, in connection with the rebellion of Bernard of Italy in 817: »that you should instruct with greatest haste that abbots [etc] all should be prepared, so that if the summons (*adnuntatio*) comes in the evening, they should proceed without any delay to Italy the next morning»³².« Hetti's subject is the *exercitus*. Orders of this kind were in the normal arsenal of Carolingian army-legislation; Reuter listed them six pages before getting to the capitulary of 828³³. A clear echo of the law of 828 is in a capitulary of 853³⁴. The problem in 828 (and the other instances of these exhortations) was not the imminence of enemy attack and the need for instant defense, but the government's belief that the mobilized »owers of army campaign« needed to be jogged to a prompt departure³⁵. Such injunctions might have been made (orally) before 802; their absence from the sparse eighth-century written records is one of the many military matters unattested before 800. These clauses, often repeated – if in 802 and down at least to 853, why not before? – do not

- 30 Capitulare missorum generale, 802, MGH Capit., vol. 1, p. 97, c. 34. According to François-Louis GANSHOF, Charlemagne's Program of Imperial Government (1961), (tr.) Janet SONDEIMER, in: The Carolingians and the Frankish Monarchy, Ithaca/N.Y. 1972, p. 63, the capitulary of 802 specifies that the army must gather in haste, not because the enemy is near, but because the king is impatient for his army to assemble. Earlier, »[...] the need to bring an adequately equipped fighting force as quickly as possible into field: all those liable for military service are required to hold themselves and their equipment in a state of instant readiness«. Haste is the leitmotiv of this legislation; it is not, as Reuter suggested, especially occasioned by the proximity of the enemy.
- 31 Capitulare missorum item speciale, 806? (dated after GANSHOF, Recherches [as in n. 20], p. 110), MGH Capit., vol. 1, p. 104, c. 52; Capitula per episcopos et comites nota facienda, 805–808, *ibid.*, p. 141, c. 3.
- 32 Michel PARISSÉ (ed.), La correspondance d'un évêque carolingien. Frothaire de Toul, Paris 1998, p. 137, *ut [...] studeas cum summa festinatione omnibus abbatibus [etc] quatenus omnes praeparati sint, ut si vespere eis adnuntiatur fuerit, mane [...] absque ulla tarditate proficiscantur in partes Italiae*.
- 33 REUTER, End of Expansion (as in n. 5), p. 254–255 n. 17.
- 34 Capitulare missorum Silvacense, 853, MGH Capit., vol. 2, p. 273–274, c. 10; n. b., *secundum consuetudinem*: the call to being ready was »customary«.
- 35 GANSHOF, L'armée sous les Carolingiens (as in n. 4), p. 117–118, explained that mobilization was conducted in two steps: 1) alert, organize recruit pools, gather equipment, 2) *iussio*, *adnuntatio*, spelled out that the contingent was to move and where it was to go. It was at step 2 that the contingent had to move at once. REUTER, End of Expansion (as in n. 5), p. 260, quoted the phrase *exercitalis itineris debitores* without noting it as a clear reference to the royal army; cf. in the Hetti letter of 817 (n. 32, above), the phrase *cuncto populo tuae, quibus convenit miliciam regiae potestati exhibere*, i. e., those of the *populus* who owe *exercitus* service (as in *debitores*). Heinrich DANNENBAUER, Die Freien im karolingischen Heer, in: *id.*, Grundlagen der mittelalterlichen Welt, Stuttgart 1959, p. 242–243, made much of this phrase, proposing (not unreasonably) that it implies the existence of freemen who do not owe military service; but these might well be children, the aged, and the infirm, a significant part of the population.

evoke the enemy's threat or an imminent invasion requiring home defense, but fear delays in *exercitus* mobilization unless hurried up.

The Capitulary of Meerssen in 847, already touched on, contains the sole reference to *lantweri* in all these texts, but as a classification of the enemy attack rather than as an armed activity. Item five of the capitulary is crucially important to this discussion because it may mean that defense against invaders was engaged in by a »mass levy« rather than by an ordered army as in Saxony and the Italian example. Its reference to *omnis populus illius regni*, if it signified all the able-bodied men regardless of status, would be the unique evidence for there being a »traditional duty of *Landwehr*« (Reuter), that is, an ancient obligation for all men to turn out in defense against invaders.

»5. And we wish that whatever ›man‹ of ours, in whosoever's kingdom he is, should go with his superior [lord, *senior*] to the army or to whatever other [royal] need there should be, UNLESS [my emphasis] an invasion of the kingdom of such a kind takes place, God forbid, which they call *lantweri*, such that *omnis populus* of that kingdom proceeds as an aggregate (*communiter*) to repel it³⁶.«

The clause tells us that, normally, every »man of ours« was to obey his *senior* and follow him to the army or wherever else he went on the king's business; the »man«, therefore, was one of the *liberi* obligated to perform royal military service. But, the clause continues, when the kingdom was invaded, the »men of ours« were to disregard their *seniores* and, instead, join *omnis populus* and engage in territorial defense. The logic of the two segments is clear. What needs to be established is the meaning of *omnis populus*.

The presence of the *senior* is important. Four out of the five Meerssen *capitula* are concerned with the relations of *seniores* (lords) with their commended men. For example, clause two: »We wish that each free man in our kingdom should receive the lord (*senior*) whom he wishes from ourselves and our courtiers (*fideles*).« Likewise, clause three: »We also enjoin that no man should leave his *senior* without just cause or that any should receive him, except as was customary in the time of our predecessors³⁷.« Clause five is not focused on *lantweri/defensio patriae* but on the relationship of *seniores* and their *homines* in ordinary times and when the kingdom was invaded. The opening clause concerns freemen owing military service, *hostis*, and there is no sign that this changes in the second clause; the setting is one of obedience: the

36 Hlotharii [etc] conventus apud Marsnam prius, a. 847, MGH Capit., vol. 2, p. 71, c. 5: *Et volumus, ut cuiuscumque nostrum homo, in cuiuscumque regno sit, cum seniore suo in hostem vel aliis suis utilitatibus pergat; nisi talis regni invasio, quam lantweri dicunt, quod absit, acciderit, ut omnis populus illius regni ad eam repellendam communiter pergat.* »Man of ours« seems to mean men subject to royal host duty, not royal vassals in particular. It is used in the same general sense as the phrase »*fideles* of ours« in charters (e. g. D K 166, MGH Dipl. Karol. [as in n. 22], vol. 1, p. 224 line 22; D K 169, *ibid.*, p. 227 line 21; D K 170, *ibid.*, p. 228 line 38; D K 173, *ibid.*, p. 232 line 4).

37 MGH Capit., vol. 2, p. 71, c. 2: *Volumus etiam, ut unusquisque liber homo in nostro regno seniore, qualem voluerit, in nobis et in nostris fidelibus accipiat; c. 3, Mandamus etiam, ut nullus homo seniore suum sine iusta ratione dimittat nec aliquis eum recipiat, nisi sicut tempore antecessorum nostrorum consuetudo fuit.*

homo must follow his *senior* to the army or wherever. But if an invasion requiring *lantweri* occurred, the duty of obedience to one's *senior* was overridden by that of staying in the kingdom, or returning to it, and engaging in its defense. This was an occasion when the *homo* was justified in parting from his *senior* (for the time being). »The entirety of the *populus* of that kingdom«, those with *seniores* and those without, was to disregard other obligations and engage in defense. No special name is given to this service against enemies of the kingdom; »home defense« or *patria* is not mentioned. Instead of following the *senior*, the king's »men« were to join *omnis populus* in fighting the invaders. Whom did the *populus* consist of? An established meaning of *populus* is the entirety of those men owing military service: »army, the whole body of warriors« (Niermeyer)³⁸. The sense of clause five seems to be that, in case of *lantweri*, the men with *seniores* were to join all the other military men of the kingdom, *omnis populus*, *communiter*, in defense. This is not an illustration of Delbrück's »ancient general obligation for military service« or Reuter's »traditional duty of *Landwehr*« affecting all males regardless of status³⁹. Those involved in resisting invaders were simply the entire army, *populus*, of the kingdom, carrying out the military service, *hostis*, of freemen.

The Meersen clause makes it clear that defense against an invading enemy had priority. The entire *populus*, comprising all the legitimate warriors of the kingdom, was to set itself in motion. There is no hint that a wider *populus*, including others than free men, had a long-standing duty to resist invasions. In 859, the *vulgus promiscuum* living between the Seine and Loire formed a sworn association and strongly resisted the Danes in the Seine valley; they did very well, but the *potentiores*, »magnates«, of the region took the association of the *vulgus* amiss and »easily« massacred them. Whatever else this deplorable episode illustrates, it does not encourage belief that brave Frankish peasants had a »traditional« obligation to engage in home defense against invaders⁴⁰. This was the job of the lawful army, the *populus* of the Meersen text. As in the Saxon and Italian cases, *defensio patriae* was an aspect, a distinct activity, of freemen's service in the king's army.

Seventeen years after Meersen we find the words *defensio patriae* in connection with the obligation of »everyone« (*omnes*) to engage in it. This is the very informative clause 27 of the capitulary of Pîtres in 864, most of whose five parts do not relate to home defense but deserve attention nevertheless:

»[A] Let the counts or ›our *missi* thoroughly investigate how many freemen remain in each county who can carry out a campaign at their own cost, and

38 NIERMEYER, *Lexicon minus* (as in n. 24), s.v. *populus* 3 (defined as »army, the whole body of warriors«), with citations, including this extract from the Meersen capitulary.

39 DELBRÜCK, *History* (as in n. 6); REUTER, *End of Expansion* (as in n. 5), p. 261. The English *trino-da necessitas* called for host service, as the continental *exercitus*. It did not also call for a subsidiary *defensio patriae*. Army duty did not have two grades. See Brooks, *Development of Military Obligation* (as in n. 22), p. 69–72. For a conservative (but liberty-taking) interpretation of the Meersen text and others concerning *defensio patriae*, see Kurt-Ulrich JÄSCHKE, *Burgenbau und Landesverteidigung um 900. Überlegungen zu Beispielen aus Deutschland, Frankreich und England*, Sigmaringen 1975 (Vorträge und Forschungen, Sonderbd. 16), p. 22.

40 *Annales Bertiniani*, a. 859, ed. Félix GRAT, *Annales de Saint-Bertin*, Paris 1964, p. 60.

how many of those of whom one can assist another one, how many also of those of whom two can assist and equip a third, and of those of whom three can assist and equip a fourth, and of those of whom four can assist and equip a fifth; so that they might undertake the army's campaign; and let the summary be brought to our attention⁴¹.

[B] Let those who are unable to proceed to the army's campaign engage in work according to ancient custom and that of foreign peoples, and erect new fortifications and bridges and swamp causeways, and carry out guard duties in the city and its borders.

[C] Let everyone come without any excuse to the defense of the homeland⁴².

[D] And let whoever of those [= A and B] who deserts the army pay the army fine (*haribannus*) in accordance with the tariff laid down in [our predecessors' laws]⁴³.

[E] And let those who do not come to the defense of the homeland be judged according to the ancient custom and the law (*constitutio*) of the capitularies⁴⁴. «

This is a comprehensive law about military organization, a new formulation of what Charlemagne decreed in 808 and Louis the Pious in 829⁴⁵. Section A sets out rules so traditional that the capitulary of 829 is repeated verbatim. Section D in its allusion to a tariff of *haribannus* penalties is also old law, and applies to the troops in Sections A and B. Section C differs from the Meersen clause by introducing the term *defensio patriae* and lacking any reference to an attacking enemy; »all« (*omnes*) – who? – are not to claim any excuse but to turn up for home defense. Section E adds something noteworthy about *defensio patriae*, namely, an allegedly ancient method for punishing absentees. More of this in a moment. The most novel part of the law is Section B with its listing of military duties that were to be performed in the recruit's home district, apart from the campaigning *exercitus*.

41 A verbatim quote from (Louis the Pious) Capitularia missorum, 829, MGH Capit., vol. 2, p. 10, c. 5. Note the resemblance to the capitulary of 808 (Appendix).

42 Cf. the Meersen text of 847, n. 36, above

43 For a comprehensive ruling about the *haribannus*, see the Thionville capitulary cited n. 16, above.

44 Edictum Pistense, a. 864, MGH Capit., vol. 2, p. 321–322, c. 27; cf. Brian HILL, Charles the Bald's »Edict of Pitres« (864): a Translation and Commentary, M. A. thesis, University of Minnesota, available online, p. 127–129. The translation here is mine. [A] [...] *comites vel »Emissi nostri diligenter inquirant, quanti homines liberi in singulis comitatibus maneant, qui per se possunt expeditionem facere, vel quanti de his, quibus unus alium adiuvet, quanti etiam de his, qui a duobus tertius adiuvetur vel praeparetur, necnon de his, qui a tribus quartus adiuvetur et praeparetur, sive de his, qui a quatuor quintus adiuvetur et praeparetur, ut expeditionem exercitalem facere possint, et eorum summam ad nostram notitiam deferant«*; [B] *ut illi, qui in hostem pergere non potuerint, iuxta antiquam et aliarum gentium consuetudinem ad civitates novas et pontes ac transitus paludium operentur et in civitate atque in marca wactas faciant*; [C] *ad defensionem patriae omnes sine ulla excusatione veniant*; [D] *Et qui de talibus hostem dimiserint, heribannum iuxta discretionem, quae in progenitorum nostrorum tertio libro capitulorum, capitulo XIV. continetur, persolvant*. [E] *Et qui ad defensionem patriae non occurrerint, secundum antiquam consuetudinem et capitulorum constitutionem iudicentur*.

45 For the capitulary of 808, see the Appendix; the capitulary of 829 is cited in n. 41 and n. 44, above.

Who were addressed by Section B? Presumably they were freemen and subject to obligatory military service, *hostis/exercitus*, with corresponding liability to the army fine. They were so poor that they could not afford to join the campaigning army even if subsidized by peers. As the sentence intimates, these *liberi*, although mustered as part of the *exercitus*, stayed in their home territories and did their work there. What they were ordered to perform, along with guard duty, was a category of *exercitus* service – definitely an extension of the army obligation, punishable by the *haribannus* if shirked. One might infer that these soldier-laborers working close to home paralleled similar engineering work done by freemen serving with the army on campaign. The famous army summons sent to an abbot Fulrad lists the workers' implements that a local detachment was to take to the army⁴⁶. Centuries before, such activities had been an ordinary part of soldiers' duties. Trajan's Column illustrates the normality in the Roman army of legionaries building forts, bridges, roads, and boats; clearing woods; and dismantling enemy fortifications. Because such activities were also needed by Carolingian armies – their wars involved many sieges and construction of strong points – it should have long been normal for some members of the *exercitus* to serve as field engineers⁴⁷. The difference in Section B is that the *liberi* too poor even to be subsidized were ordered to serve in their home districts and to do there what they would have done in the *exercitus* if they had been able to join it. One last point: the law of Section B is very likely to be new; it is certainly unprecedented in the capitularies. The appeal to »ancient custom« and foreign practice looks like an attempt to justify as old and traditional something that was not.

Sections C and E, very short and peremptory, concern home defense and, while omitting what the Capitulary of Meersen says about invaders, emphasize the obligatory aspect of the duty – no excuse or pretext was to stand in the way – and prescribe punishment, not by the *haribannus* but as laid down by a local court. This alternative punishment is the only sign among all the clauses referring to *defensio patriae* that a

46 Karoli ad Fulradum abbatem epistola, MGH Capit., vol. 1, p. 168, lines 26–28. This is the only example of a Carolingian army summons.

47 For field engineering on Trajan's column, see the illustrations in Conrad CICHORIUS, *Die Reliefs der Trajanssäule*, Tafelbd. 1, Berlin 1896: scenes 11, 16, 20, 16, etc.; p. 19, 21, 69, 56, 133, 159. (Cichorius is accessible by a link in Wikipedia »Trajan's Column«.) On the part of sieges and other engineering in Carolingian (and medieval) war, see e.g., John FRANCE, *The Military History of the Carolingian Period*, in: *Revue belge d'histoire militaire* 26 (1985), p. 81–100, here p. 91: »In the warfare of the Carolingians in the eighth century possession of strong points is the crucial factor and siege warfare, very much the affair of infantry, is dominant«, further p. 89–92; CONTAMINE, *Histoire militaire* (as in n. 7), p. 30–31, »Carolingian war is a war of defense and capture of fortresses«. The predominance of strong points has been recognized for more than a century; see Karl RÜBEL, *Fränkisches und spätrömisches Kriegswesen*, in: *Bonner Jahrbücher* 114–115 (1906), p. 134–159, here p. 134–142: the Saxon campaigns involved taking and building fortified positions, and battles were infantry engagements even in cases where horses were involved. For a brief but comprehensive survey of strong points in Charlemagne's campaigns, see Bernard BACHRACH, *Charlemagne's Cavalry: Myth and Reality*, in: *Military Affairs* 47 (1983), p. 181–187, here p. 181–183 (repr. in Bernard BACHRACH, *Armies and Politics in the Early Medieval West*, Aldershot/Hants. 1993). See also Matthew INNES, *Charlemagne*, in: *The Oxford Companion to Military History*, (ed.) Richard HOLMES, Charles SINGLETON, Spencer JONES, Oxford 2001, p. 196: »far from dependent on the cavalry charge«, Charlemagne was »remarkably successful at reducing enemy fortifications«.

different force from the *hostis* is envisaged. Here is the one unequivocal law appearing to prescribe a mass levy against invaders. Local defense now was a part in the military organization of the realm (if it had not been before); that is why the subject was in this comprehensive law. *Defensio patriae* was what had become of the situation described in the Meersen law: drop everything, disregard other obligations, and proceed against the invaders. Who were *omnes* and how were they mobilized and commanded? Pîtres did not fill out Meersen. The absence of a leader or summons or recruitment details – something like the counts, *missi*, and selectivity of Section A – strikes the eye. But there is another possibility for *omnes*: instead of affecting every male in the attacked district, it might mean »all the above«, that is, the soldiers of sections A and B. The legislator forces us to choose⁴⁸.

The Saxon case of 806 and later evidence suggest that *defensio patriae* was closely related to the royal army. If, as seems almost certain, *omnis populus* in 847 is a synonym for *hostis*, only *omnes* in 864 leads us away from a home defense carried out by the royal army or *exercitus*-like forces. It is a very frail basis for confirming that an »ancient general obligation« or a »traditional duty« had a part in providing for home defense. For comparison, there is no trace of such traditional duties in the English *trinoda necessitas*, which called only for service in the royal army, as did the Frankish equivalent cited in a royal charter of 775⁴⁹. It would be consistent with the rest of the evidence to understand *omnes* as meaning the soldiers of sections A and B (»all the aforesaid«), rather than a precipitate *levée en masse*.

Narrative sources offer passages of interest. At 829 the Carolingian Royal Annals report a moment of concern at Louis the Pious's court: the Northmen had raised a large army and were marching on the Saxon frontier; »At this news, [Louis] sent to all parts of Francia and ordered that, with the greatest haste, the entirety of his *populus* should follow him to Saxony« (and indicated where he would cross the Rhine, i. e., where the mobilized *populus* must assemble). The report of the Northmen danger was false, however. Louis went to Worms, from which he eventually released the »people« to return home⁵⁰. These lines anticipate the Meersen capitulary of 847, with its reference to the *populus* and invaders. The rapprochement is suggestive. *Populus*

48 Janet NELSON, *Translating Images of Authority: The Christian Roman Emperors in the Carolingian World* (1989), reprinted in EAD., *The Frankish World 750–900*, London 1996, p. 95, pointed out that Pîtres, c. 27 had a relationship with Valentinian III Novel. 9 (Codex Theodosianus, *Leges novellae*, [ed.] Paulus M. MEYER, ed. 3, Berlin 1962, p. 90), »one and all [...] are to take up arms against the enemy«. This line is accompanied by many other echoes of these *Novellae* elsewhere in the Capitulary; Charles the Bald consciously assumed the guise of a Christian Roman emperor. Going beyond this fascinating observation (Nelson lists predecessors who had also made it), she proposed that the Frankish duty of home defense (as seen in 864) descended directly from Valentinian's fifth-century law via the Roman law codes (and was not of Germanic provenance). Against this stands the fact, now apparent, that there was no Frankish duty, long standing or generally instituted, of home defense. Continuity seems impossible. HALSALL, *Warfare and Society* (as in n. 19), p. 99, citing Nelson, noted this relationship to late Roman law.

49 For the charter, see n. 22, above. See BROOKS, *The Development of Military Obligations* (as in n. 22).

50 *Annales regni Francorum a. 829*, (ed.) Friedrich KURZE, MGH SS rer. Germ., vol. 6, Hanover 1895, p. 177; (tr.) Reinhold RAU, *Quellen zur karolingischen Reichsgeschichte*, 3 vols., Darmstadt 1955–1960, vol. 1, p. 154–155.

in the Annals for 829 has the sense of *exercitus*, which Louis mobilized from far and wide, took with him to Worms, and eventually dismissed⁵¹.

Coupland surveys other reports of warfare for signs of *defensio patriae*⁵². His main illustration, a hypothetical case described in a capitulary of 865, involves all the local dignitaries, bishops, abbots, counts, and *missi* of a *missaticum* (a district comprising several counties), all first-line troops arrayed for official war, with a standard bearer and with a royal *missus* in overall command. Assembled against *infideles* – domestic enemies in this case, not foreigners – this (hypothetical) mobilization for home defense is far from a muster of miscellaneous civilians⁵³. What seems to be described is a summons of the *exercitus* for defense under royal auspices even if the king was absent. Another instance, two years later, points in the same direction. A Frisian people called *Cokingi* drove away Northmen led by Ruric, and Lothar II, suspecting that these vikings would return to his territories with reinforcements, »mobilized an army throughout his kingdom *ad patriae defensionem*«. The incident illustrates a summons of the royal army for defensive duty, much like the Saxons in 806 and the forces of 829 and 865⁵⁴.

To go by the modern historians cited in the opening pages, *landwehr/defensio patriae* was a secondary duty to which were assigned poorer freemen obligated to military service but not summoned to the royal *exercitus*; it was a duty favored for the freemen subject to mobilization but unqualified or unneeded (it was thought) to serve in the armies fighting the king's (offensive) wars. The summonses of 865 and 867 that we have just seen show that this discrimination between needed and unneeded troops did not apply. We are close to a situation, anticipated in 806 and later reiterated, in which defense was the task of the same *hostis* that engaged in offensives. By 869, home defense was fully integrated into the military organization if it had not been before:

»let all [bishops and abbots, counts and our vassals] always be prepared so that, if need happens to us, they may come to the defense of the homeland against pagans and other enemies of God and ourselves without delay immediately as they are notified, as the custom was in the times of our predecessors⁵⁵.«

51 The German translation (*ibid.*, p. 155) renders *populus* as »gesamter Heerbann«. On *populus* as a synonym for *exercitus*, see n. 35 and n. 38, above. It seems likely that the troops were much thinned out by partial dismissals before being wholly demobilized, but the annalist does not hesitate to use *populus* again. The sense of these lines – mobilization, campaign, dismissal – brings »army« to mind.

52 COUPLAND, Carolingian Army (as in n. 1), p. 52–54. An authentic case might be the small incident in Annales Bertiniani a. 864, (ed.) GRAT (as in n. 40), p. 113: *pagenses* of Flandria resist Northmen's landing, diverting them further up the Rhine. Less certain is an incident in the same year when Count Robert of Anjou, presumably with the troops at his command, attacked two detachments of *Northmanni* (*ibid.*, p. 116). A count with his troops sounds like a part of the royal army.

53 Capitulare Tusiense, 865, MGH Capit., vol. 1, p. 331, c. 13. COUPLAND, Carolingian Army (as in n. 1), p. 53.

54 Annales Bertiniani a. 867, (ed.) GRAT (as in n. 40), p. 137: *hostem ad patriae defensionem per regnum suum indicit quasi contra Normannos*.

55 Capitulary of Pitres, 869, MGH Capit., vol. 2, p. 337, *Adnuntatio Karoli regis*, c. 3: *omnes [episcopi et abbates, comites ac vassi nostri] ita sint semper parati, ut, si nobis necessitas evenerit, ad*

This injunction combines the »hurry-up« legislation of 802 and other years with the *defensio patriae* laws of 847 and 864. In the situation envisaged in 869, all the great dignitaries of the realm, the heart of the royal army, were in their various monasteries, dioceses, and counties and, when notified by the king of an attack, expected to perform their military service not by assembling in a grand *hostis* but by directly marching against the invading enemy. The noteworthy departure from earlier laws is the reference to notification: no earlier capitulary had specified that the military magnates had to be called up. Here, we see the royal host being mobilized not as an attack force but in defensive array. The days of offensive warfare were suspended (not to say ended) and now superseded by days of frequent (if not continual) defense. The transformation of the Carolingian army from an offensive to a (mainly) defensive force, situated by Reuter in the last years of Charlemagne's reign, may be better found in the second half of the ninth century, at least in the West Frankish kingdom⁵⁶.

An item of legal evidence illustrates how central to military affairs home defense had become by the end of the ninth century. A number of Frankish legal *formulae* (model charters) that might conceivably invoke *defensio patriae* do not do so. The collections of formularies that contain them are mainly of the ninth century, but the »excuse from the army« model is in three different compilations in similar forms and probably belongs to an early layer of the collections. The *formulae* all excuse the petitioner from further army service: »About the [royal] army (*De hoste*) [...] Know that we have granted to so-and-so that he may be sheltered from all army summonses (*hostibus*) and from all army fines (*haribanis*).« The same release in different words is in two *formulae* from other collections⁵⁷. But in 877 matters were put differently, and *defensio patriae* appears: »And if [the excused man] wishes to live quietly on his alod [= private property], let nothing be required from him except solely that he should proceed to home defense⁵⁸.« There is no explicit reference to an excuse from *hostis* and *haribannus* but, instead, the addition of an obligatory participation in *defensio patriae*. The beneficiary was not ordered to join a »Homeland Defense« force but, as elsewhere, to proceed to the defense of his *patria*, without details.

There is no evidence of a long-standing, »traditional« obligation for the entire population of Carolingian districts to turn out for home defense. The one long-entrenched military tradition was *exercitus/hostis* – obligatory service in the royal army

defensionem patriae contra paganos aut contra alios Dei et nostros inimicos, sicut consuetudo fuit tempore antecessorum nostrorum, absque mora statim, ut eis nuntiatum fuerit, possint venire.

56 REUTER, End of Expansion (as in n. 5), p. 254–255, 259–263.

57 *Formulae Salicae Merkelianae*, no. 42, MGH *Formulae*, (ed.) Karl ZEUMER, Hanover 1886, p. 257, *Cognoscatis quia nos [...] nomine ille concessimus, ut [...] de omnibus hostibus et de omnibus haribanis [...] securus exinde valeat resedere.* Also, *Cartae Senonicae* 19, p. 193; *Collectio Pataviensis* 3, p. 457–458. On the formula collections, see Rudolf BUCHNER, *Die Rechtsquellen*, in: Wilhelm WATTENBACH, Wilhelm LEVISON, *Deutschlands Geschichtsquellen im Mittelalter. Vorzeit und Merowingern*, Beiheft, Weimar 1953, p. 49–55; Alice RIO, *Legal Practice and the Written Word in the Early Middle Ages: Frankish Formulae, c. 500–1000*, Cambridge 2009.

58 *Capitulary of Quierzy, 877*, MGH *Capit.*, vol. 2, p. 358, c. 10: *Et si in alode suo quiete vivere voluerit, nullus [...] aliud aliquid ab eo requiratur, nisi solummodo, ut ad patriae defensionem pergat.* The »nothing else to be required of him« might embrace *hostis* and *haribannus*, but this is uncertain.

when mobilized. (The same held for England⁵⁹.) When first encountered, at the beginning of the ninth century, *defensio patriae* was carried out by the fully assembled Saxon army, not by a mass levy of men from the attacked territory. There is no later text leading us to believe with any certainty that there was a »tradition« of home defense. The duty of defending territory clung resolutely to persons subject to royal military service. Even retired freemen were subject to this obligation. The balance of evidence throughout the ninth century tips in the direction of a defense carried out by forces summoned to the *exercitus*.

Two Italian capitularies, at the very end of the century, add a footnote, and a twist, to the mainly West Frankish capitularies just discussed. Guido of Spoleto, emperor for a short time, held an assembly in Pavia in January 891 legislating about various matters. Two of the clauses refer to *praedones*, robbers. In one, they were allowed to cross a county peacefully, but, if they got out of hand and started robbing the natives, the count was to call out the *populus terrae*, the people of the district, and take stern measures. The next clause evokes the same cast of characters; the count had called out laymen, both free and slave, from the county to help him against prowling robbers intruding in the county. The situations are reminiscent of the old American west (at least as seen in books and films) – the sheriff summoning the equivalent of a posse in pursuit of malefactors. There is no reference to »home defense« or any other army-style terminology. Chasing robbers was a police action engaged in by civilians rounded up by the count⁶⁰. The army was reserved for a later clause. Pursuant to an imperial command, a count had ordered his *arimanni* (freemen) to proceed in armed array to defend the homeland (*ad defensionem patriae*)⁶¹. Here, we no longer hear of men being mobilized to join the royal host or an *expeditio*. The imperial summons to »defense« by the army was, evidently, the collective term for any military activity, offensive as well as defensive. We are reminded of the German *Wehrmacht*, »defense force«, that is, the army, or the U. S. »Defense« Department, that is, the ministry of all the armed forces. Language had evolved.

III

It is generally understood that freemen of the Frankish kingdoms were duty bound to follow their kings to war at their own cost, and that this obligation extended into the Carolingian period⁶². Some scholars became uncomfortable with this idea and sought to qualify it. Historians from Delbrück in the 1920s to Reuter in the 1980s accepted the notion of general military duty but restricted it, for ordinary Frankish freemen, to home defense. To repeat Delbrück, it was only in the mobilization against an enemy invasion, *defensio patriae/lantweri*, that the ancient general obliga-

59 BROOKS, Development of Military Obligation (as in n. 22), p. 69.

60 Widonis imperatoris capitulare Papiense legibus addendum, MGH Capit., vol. 2, p. 107–108, c. 1–2.

61 Ibid., p. 108, c. 4: *Si igitur ex precepto imperiali comes loci ad defensionem patriae suos aerimannos hostiliter properare monuerit.*

62 A succinct formulation, Ferdinand LOT, Christian PFISTER, François-Louis GANSHOF, Les destinées de l'Empire en Occident, Paris 1927, p. 557: (my tr.) »[Under the Carolingians] military service remained obligatory for all freemen and at their own cost.«

tion for military service survived. The discomfort widely caused by the idea of obligatory service by all freemen was allayed by conjuring up a limited, age-old duty of *defensio patriae* in cases of hostile invasion, assigning the freemen to it, and removing them from service in the *exercitus*. It went unnoticed that such a division of duties presupposed two different, traditional military obligations, one for the poor (*defensio patriae*), one for the rich (*exercitus/hostis*). Ordinary Frankish freemen, limited to home defense, would have had little part in the making of the Carolingian empire. The conquests of Pippin and Charlemagne would have been achieved by armies composed chiefly of »magnates and their followers«. This duality is not in the sources, however; military duty came in only one flavor.

An institution taken to be antique, the »ancient, traditional« duty of local defense, proves on closer scrutiny not to have existed at all. *Defensio patriae* was not left to the care of otherwise unmobilized men; it was one of the charges of royal armies. The freemen, rich and poor, were summoned to the *exercitus* alongside the magnates and their henchmen. The mobilizing capitularies spell this out unambiguously, and the rules they report were not recent inventions. Was there a modest change at the mid-ninth century? The reference to *omnis populus* in the capitulary of Meersen, and to *omnes* in that of Pîtres, seems to detach us from the official army and evoke a mixed force brought into being for dealing with an emergency situation. But this is a forced interpretation. The words in question are better understood as references to the *hostis*. The normal order of affairs was that home defense in the late 800s was a task of royal armies as it had been in the early 800s. The Pîtres capitulary of 869 conveys the dominant rules. Traces of a »traditional« obligation for all indiscriminate men to rally in defense of the homeland cannot be found.

A universal military obligation for freemen was recognized by the three historians quoted at the beginning of these pages. In Ganshof's words, »all the subjects of the king [...] owed him military service«. But in the writings of these authors and many others, this service was severely circumscribed. Wrongly. The Frankish kingdoms had no »traditional duty of local defense«. When freemen were mobilized, there was no alternative to their serving in the royal *exercitus* alongside »magnates and their followers« in an offensive and defensive capacity. The Carolingian conquests were not an exclusively »noble« enterprise. The rank and file of freemen also took part. There were useful tasks for them to perform.

Appendix

Recruitment in a military capitulary of 808

C. 1, *Ut omnis liber homo, qui quatuor mansos vestitos de proprio suo sive de alicuius beneficio habet, ipse se praeparet et per se in hostem pergat, sive cum seniore suo si senior eius perrexerit sive cum comite suo. Qui vero tres mansos de proprio habuerit, huic adiungatur qui unum mansum habeat et det illi adiutorium, et ille pro ambobus possit. Qui autem duos habet de proprio tantum, iungatur illi alter qui similiter duos mansos habeat, et unus ex eis, altero illum adiuvante, pergat in hostem. Qui etiam tantum unum mansum de proprio habet, adiugantur ei tres qui similiter habeant et dent ei adiutorium, et ille pergat tantum; tres vero qui illi adiutorium dederunt domi remaneant*⁶³.

»That every free man who has four occupied [i. e., cultivated] *mansi* of his own or in benefice from another should equip himself and go on his own behalf to join the host, either with his lord (if his lord goes) or with his count. A man who has three *mansi* of his own should be joined by someone who has one and who can give him assistance so that he can go on behalf of both. A man who has only two *mansi* of his own should be joined by someone who also has two, and one of them should go to join the [army], with the other giving him assistance. A man who has only one *mansus* of his own should be joined with three others in a similar situation who can give him assistance: he alone should go, and the three who give him assistance should remain at home⁶⁴.«

63 MGH Capit., vol. 1, p. 137.

64 Henry Royston LOYN, John PERCIVAL (Tr.), *The Reign of Charlemagne. Documents on Carolingian Government and Administration*, London 1975, p. 96.