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MEROVINGIAN POLYPTYCHS
REFLECTIONS ON TWO RECENT PUBLICATIONS

The great polyptychs of the ninth century, such as the one ordered by Abbot Irmino of St. Germain des Prés, are incomparable sources for the social and economic conditions of the early Middle Ages. Their background, however, is anything but clear. Did these stately records have Merovingian antecedents? Do they descend from Roman procedures of tax registry, and, if so, by what detours? These old but unanswered questions call for renewed attention as a result of two recent and important publications. The later of them in date – Robert Fossier's *Polyptyques et censiers*, a contribution to the *Typologie des sources du moyen âge occidental* – offers a broad introduction to the study of medieval estate records. A more specialized focus is furnished by Pierre Gasnault's monumental edition of *Documents comptables de Saint-Martin de Tours à l'époque mérovingienne* – twenty-six fragmentary returns of payments in kind, from about the year 700, whose survival and recovery are as astonishing as their contents are unique.¹

On the general subject of Merovingian polyptychs, both Fossier and Gasnault rather whet than satisfy the reader's appetite. Gasnault's admirable preliminaries to his edition extract as much as may be drawn from the Tours parchments, but he did not seek to situate the records he edited within the context of comparable Merovingian documentation, which is somewhat richer than one might suspect. Fossier, for his part, oriented his exposition toward the High Middle Ages rather than toward the procedures and records that lie behind the polyptychs of Carolingian date. For anyone concerned with the prehistory of medieval estate records, both works call for amplification.

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Although Fossier's wide focus recommends his book as a point of departure, its deliberate limitations should be recognized. An informed reader of *Polyptyques et censiers* soon realizes how profoundly Fossier is indebted to Charles-Edmond Perrin's *Recherches sur la seigneurie rurale en Lorraine*; in preparing a *mise au point* of existing research, Fossier wisely chose to be guided by a monograph whose outstanding scholarship has not been dimmed after forty-five years.² Again understandably,

¹ Robert FOSSIER, *Polyptyques et censiers*, Turnhout 1978 (*Typologie des sources du moyen âge occidental*, ed. Léopold GENICOT, fasc. 28); Pierre GASNAULT, *Documents comptables de Saint-Martin de Tours à l'époque mérovingienne*, Paris 1975 (*Collection de documents inédits sur l'histoire de France*, in-4°).

² Charles-Edmond PERRIN, *Recherches sur la seigneurie rurale en Lorraine d'après les plus anciens censiers (IX^e-XII^e s.)*, Paris 1935 (*Publications de la Faculté des lettres de l'Université de Strasbourg*, 71). See FOSSIER, *Polypt.*, p. 15 n. 7.

Fossier paid little attention to »L'origine des »livres fonciers« médiévaux«; his major concern is reserved for the medieval books themselves, which his contribution to the *Typologie* is chiefly meant to elucidate. It may indeed be true, as Fossier intimates, that »le IX^e siècle a vu fleurir, quasi ex nihilo, un imposant bouquet d'inventaires de biens et revenus«, whose novelty should not be dimmed by excessive concern with late Roman and Merovingian anticipations.³ Yet it is also true that the centuries prior to the Carolingian reforms have a coherence of their own, and that Fossier's three pages on the origins of polyptychs, however incidental to his main concerns, will, by virtue of being in a work of standard reference, have a greater effect in guiding research than their author may have wished. For all these reasons, a review of his findings, and a somewhat fuller examination of the antecedents of »livres fonciers«, may furnish some needed correctives.

Fossier presents the background of polyptychs in the form of a debate between contending schools of thought. One hypothesis, he maintains, »rattache [les inventaires médiévaux] aux prescriptions publiques accompagnant, depuis la fin du III^e siècle au plus tard, la tenue à jour du cadastre«; Cassiodorus is said to attest to such procedures in the Italy of Odoacer (476–93). Moreover, the »glissement de la taxation publique aux mains des particuliers« would explain that »dès le VI^e siècle . . . le maître ait conservé la coutume« of drafting inventories of his possessions.⁴ This first hypothesis of a public procedure »sliding« as custom into private hands in the sixth century is, according to Fossier, opposed by a contrary argument: »D'autres historiens, plus récemment, attachent une importance plus grande à l'origine éventuellement privée de ces états de biens . . .« We are referred to the second-century inscriptions from Tunisia attesting to the existence of a *lex saltus* or *lex fundi* »enregistrant les obligations des colons et les droits du maître«; although they apply only to imperial lands, other evidence, such as a document from sixth-century Ravenna, »paraît montrer que beaucoup de *potentes* conservaient l'habitude d'établir un relevé des exigences acceptées sur leurs domaines . . .«⁵ For further clarification of the issue, Fossier then turns to a consideration of the semantic development of the term *polyptychum*, notably to its possible derivation from a contraction of *publica lex*, »c'est-à-dire la *lex saltus* d'origine privée évoquée tout à l'heure«. He concludes, moderately, that »On semble aujourd'hui admettre . . . qu'une contamination s'est produite avant le VII^e siècle entre l'instrument du cadastre et l'inventaire du domaine . . .«⁶

Fossier's few lines contain a disquieting accumulation of minor flaws. The term »cadastre« is unguardedly transposed to antiquity, as though Roman procedures of land registry for fiscal purposes were identical to modern ones; Cassiodorus is presented as a witness to Odoacer's régime rather than to his proper generation (that of the Ostrogoths); the *lex saltus* is rightly specified at first to occur on imperial domains

³ FOSSIER, *Polypt.*, p. 24.

⁴ *Ibid.*, pp. 22–23.

⁵ *Ibid.*, p. 23. Cf. Marc BLOCH, *Les caractères originaux de l'histoire rurale française*, Paris 1960, I, p. 79: already in the Roman world, each great estate had its own *consuetudo praedii*. For decisive objections to this view, see below n. 8.

⁶ FOSSIER, *Polypt.*, p. 24.

but, on the next page, comes to be called »d'origine privée«; the relationship of the term *polyptychum* to *publica lex* turns out, on verification of Fossier's reference, to result, not from a modern conjecture, but from the etymologizing of a tenth-century ecclesiastic.⁷ Such corrections would be unimportant if Fossier were right in his main contention, namely, that a debate exists between some scholars who derive medieval »livres fonciers« from public records and others, »plus récemment«, who derive them from private inventories – that, in other words, distinct, alternative lines of pre-Carolingian development can be envisaged and documented. In reality, the »more recent« hypothesis that Fossier evokes is imaginary. No evidence has ever been discovered tending to establish that private *potentes* in the fifth century, let alone earlier, ever drew up records comparable to the medieval ones that we have.⁸ Although ostensibly reporting the accumulated findings of scholarship, Fossier sets out a position that has no advocate among his predecessors.

The view that Fossier comes nearest to endorsing is, as said before, that espoused by Perrin, but Perrin's argument can be precisely grasped only by referring to his own words. Perrin did not believe that what he called »le censier du haut moyen âge« – Fossier's »livres fonciers« – had alternative sources. He maintained that the form of such texts »dérive du cadastre romain, ou plus précisément du cadastre des *fundi excepti*, établi par le soin des *potentes*«;⁹ but he immediately observed a serious difficulty: »Si les censiers les plus anciens . . . rapellent, par leurs dispositions générales, la *forma censualis* du Bas-Empire, ils en diffèrent profondément par le tableau détaillé qu'ils présentent des différentes charges domaniales imposés à l'unité de tenure.« As Perrin saw the matter, if a source secondary to public records needed to be evoked at all, it was because of that part of Carolingian censiers in which peasant dues and services were detailed: »on ne voit pas, pour l'instant, ni à quelle date, ni dans quelles conditions, [les grands propriétaires] ont eu l'idée d'adjoindre au cadastre de chaque domaine, ce tableau des redevances et des services, qui suffit à distinguer le censier de tout autre type d'inventaire similaire.«¹⁰ Perrin's discussion has the advantage of culminating in a precise question. The Roman *forma censualis* did not prescribe the inclusion of tax payments; it was designed only to produce a statement of gross productive assets, the declaration in proportion to which the state levied taxes; when and how did this statement of assets come to be coupled with a fixed (tax) charge? Having defined the crucial issue, Perrin left the problem for others to solve, if indeed it could ever be solved in view of the surviving evidence.

Nevertheless, Perrin himself took the matter one step farther. In a footnote, he

⁷ For the term »cadaster«, see n. 15 below. The one reference to Odoacer in a context of taxation does not concern polyptychs; Cassiodorus, *Variae* 4.38 (ed. Å. J. FRIDH, *Corpus Christianorum*, series Latina, XCVI, p. 213). On tenth-century etymologizing, PERRIN, *Recherches* (above n. 2) pp. 104–06.

⁸ This negative point was very firmly made by Édouard BEAUDOUIN, *Les grands domaines dans l'Empire romain d'après des travaux récents*, in: *Nouvelle revue historique de droit français et étranger* 22 (1898) pp. 85–87; it is conceded by FOSSIER, *Polypt.*, p. 24. For new evidence, equally negative, see below n. 13.

⁹ PERRIN, *Recherches* (above n. 2) p. 593. *Fundi excepti* are mentioned nowhere except in a work of ca. A.D. 100, Hyginus, *De limitibus constituendis* (ed. Friedrich BLUHME et al., *Die Schriften der römischen Feldmesser I*, Berlin 1848, p. 197), with specific reference to the *adsignationes* of Augustus. Such *fundi* cannot be considered a common Roman institution.

¹⁰ PERRIN, *Recherches*, pp. 593–94.

expressed sympathy for a theory insufficiently developed by Josef Šusta and, on that basis, he formulated his question more pointedly than in the main text. He said: »Ces articles [concernant les charges des tenanciers] constituent la coutume du domaine et perpétuent, comme Šusta lui-même l'a bien vu, l'ancienne *lex saltus* de l'époque romaine. Le censier médiéval est né de la réunion de deux documents parfaitement distincts à l'origine: le *polyptychum* ou cadastre et la *lex saltus*. Comment et quand s'est faite cette réunion? C'est là tout le problème . . .«¹¹ In these lines, Perrin more closely prefigured Fossier's alternative sources for »livres fonciers«. But when Perrin's reasoning and presentation are restored to their original form, the solid and fundamental part of the argument can be clearly distinguished from the subsidiary consideration that he regarded as more speculative.

If an attempt is made to answer Perrin's lucid questions by referring to the late Roman evidence, one is soon obliged to conclude that his marginal evocation, after Šusta, of an »ancienne *lex saltus*« is a trail that leads nowhere. A *lex saltus* does occur in second-century inscriptions from Tunisia, but it concerns imperial, not private, lands.¹² What Perrin wished this *lex* to be is a record of the custom of the domain, and it might once have been hoped that evidence would be uncovered tending to show that private proprietors, before the Middle Ages, also recorded the custom prevailing on their lands. Such hopes have proved altogether vain. Even the famous Tablettes Albertini, although illustrating the perpetuation into the later fifth century of a public *lex Manciana* recorded in the second-century inscriptions, offer no support of any kind to the idea that private *leges saltus* existed in the later Roman Empire. Because unsubstantiated, the hypothesis that Roman proprietors ever drew up such documents as a matter of private management is best abandoned.¹³ Yet the lack of such private records in no way invalidates Perrin's fundamental question: how did the declaration of estate assets come to be coupled with a listing of fixed payments? Perrin's footsteps can continue to be followed provided attention is turned away from private practices and toward public ones. An answer can be found once close attention is paid to the evidence of late Roman tax administration.

It will be somewhat easier to deal with the problem of how payments came to be coupled with inventory if certain ideas that Perrin expressed about the background to polyptychs are first rectified. He too adverted to »the Roman cadaster«; he seems to have equated it to »la *forma censualis* du Bas-Empire«, but left it otherwise undefined. Moreover, Perrin accepted as a point of departure that the cadaster relevant to the eventual drafting of Carolingian censiers was not a public record, invariably associated

¹¹ Ibid., p. 594 n. 1. He was referring to Josef ŠUSTA, Zur Geschichte und Kritik der Urbarialaufzeichnungen, in: Sitzungsberichte der Wiener Akademie der Wiss., phil.-hist. Classe 138 (1897), no. 8, esp. pp. 8–9, 30–31.

¹² The inscriptions in question are in: Fontes iuris Romani Antejustiniani I, Leges, ed. Salvator RICCOBONO, Florence 1968, pp. 481–98. The conditions and terms they lay down bring to mind the opening up of new lands for development rather than a model of domainial management.

¹³ As above n. 8, and add Tablettes Albertini. Actes privés de l'époque vandale, ed. C. COURTOIS, L. LESCHI, C. PERRAT, and C. SAUMAGNE, Paris 1952. These are (with two incidental exceptions) ordinary instruments of sale; they establish the persistence of a state law encouraging the development of African land. One can only wonder how FOSSIER (Polypt., p. 23 n. 6) arrived at the strange idea that they document an extension to private *latifundia* of the »usages de gestion« of imperial land.

with state authority and taxation; rather, it was, according to him, a document whose form descended from public models but whose execution, even in antiquity, had somehow passed into the hands of *potentes* or of »grands propriétaires« in general. The latter, Perrin appears to have considered to be private individuals, men who, for their personal advantage, applied formerly public documents to the purposes of managing their *fundi excepti*. These views had been anticipated by Perrin's predecessors, notably Šusta; and, as has just been observed, Fossier continues to espouse them.¹⁴ They should not be perpetuated without amendment.

In the first place, the anachronistic term »cadaster« has the regrettable effect of casting the techniques and rules of Roman fiscality into a mold that they did not possess. To consider whether or not the Roman Empire had a cadaster at all is, no doubt, otiose; all one would be doing in such a discussion is to argue how near or far the Empire came to modern forms of tax administration. It is enough to observe that the term »cadaster« is alien to Roman fiscality.¹⁵ There was a *forma censualis*, as Perrin said; it was a model for the drafting of declarations of taxable assets for purposes of assessment.¹⁶ The resulting declarations bore the predictable name of *professiones censuales*. They were collected by the public authorities in records to which Roman legislators gave various names: *libri publici, civitatum ac provinciarum encautaria* (383), *censuales paginae* (391), *codex* (393), *ratiocinia publica* (400), *vasaria publica* (412), *breves, chartae publicae*, and *polyptycha* (422).¹⁷ As the terminology shows, these records were still explicitly public in the early fifth century. They might contain not only *professiones censuales* but also tax receipts, transfers of liability, immunities, and other documents concerning fiscality.¹⁸ Towards the middle of the fifth century, Vegetius summed up the matter when he observed that military accounts used to be daily recorded *maiore prope diligentia, quam res annonaria vel civilis polyptychis*

¹⁴ For ŠUSTA, as above n. 11. His theory hinged on an idea of Roman Grundherrschaft which he derived from N. D. FUSTEL DE COULANGES, *Le colonat romain*, in: *Recherches sur quelques problèmes d'histoire*, Paris 1885, pp. 84–85, 129, 183–84; Adolf SCHULTEN, *Die römischen Grundherrschaften*, Weimar 1896; and E. BEAUDOUIN, *Grands domaines dans l'Empire romain*, in: *Nouv. rev. hist. de droit fr. et étr.* 21 (1897) pp. 543–99, 673–720; 22 (1898) pp. 27–115, 194–219, 310–50, 545–84, 694–746 (also separately, Paris 1899).

¹⁵ The word »cadaster« itself, which derives from Byzantine (not late Roman) fiscality, does not antedate the late medieval period; see A. ANDRÉADES, *Deux livres récents sur les finances byzantines*, in: *Byzantinische Zs.* 28 (1928) pp. 287–323, esp. 304. On the inappropriateness of the term to late Roman conditions, see Walter GOFFART, *From Roman Taxation to Mediaeval Seigneurie: Three Notes*, in: *Speculum* 47 (1972) p. 377 n. 121, and ID., *Caput and Colonate: Towards a History of Late Roman Taxation*, Toronto 1974 (Phoenix Supplementary Volumes, 12), pp. 120–21 with n. 29. The Roman technique of centuriation, and such associated documents as the epigraphic »cadaster of Orange«, have no known connection to late imperial fiscal practices; see, in brief, O. A. W. DILKE, *The Roman Land Surveyors*, Newton Abbot 1971, pp. 133–77.

¹⁶ The only known model is in Dig. 50.15.4 (Ulpian); cf. GOFFART, *Caput and Colonate*, p. 42. The different format in Cod. Th. 9.42.7 (369) is meant for the inventory of property that was being incorporated into the imperial *res privata*, and not for a tax declaration. FOSSIER, *Polypt.*, p. 22, errs in referring to a rescript of Diocletian and a text of 369 »d'après Ulpian«.

¹⁷ Cod. Th. 13.10.8 (383), 11.3.5 (391), 13.11.5 (393), 11.26.2 (400), 13.11.13 (412), 11.28.13 (422). The allegation of FOSSIER, *Polypt.*, p. 16, that Roman *brevia* were summaries »probably« issued to the taxpayer, has no discernible basis. In the law of 422, *brevia* are the inspectors' records newly delivered to the central government bureaux and synonymous to *polyptychi*.

¹⁸ For the details, see GOFFART, *Three Notes* (above n. 15) p. 377.

adnotatur.¹⁹ The comprehensive scope of Roman polyptychs could hardly be better described than this, and their public character, on the eve of the barbarian régimes, seems uncontested. To hear the ponderous word *cadaster*, one would hardly suspect how lively, diverse, and flexible an instrument the late Roman *censuales paginae* or *polyptycha* were.

The notion that such records »slid« into the hands of *potentes*, becoming used by them in managing their private estates, is intimately linked to a widely espoused theory concerning the origin of the medieval seigneurie rurale itself. That theory, perhaps most comprehensively set out by E. Beaudouin, maintains that the features that were to characterize the Carolingian *villa* took form on the large estates of private Roman proprietors, whose control over laborers and land inexorably gained strength while the Empire dwindled away.²⁰ However justified such ideas may be in other respects, their application to the prehistory of polyptychs cannot be sustained. There is no early evidence that private landowners drew up inventories of their domains or codes of estate custom (*leges saltus*); in contrast, the uninterrupted activity of governments in recording land assessments for tax purposes is amply documented.²¹ Since public records are securely attested whereas private ones remain wholly conjectural, a crucial role in the formation of medieval »livres fonciers« can hardly be assigned to private initiatives. Towards A.D. 500, to be sure, some indications begin to appear that *polyptycha* were being handled, not only by agents of the state, but by great proprietors or their subordinates. These practices were evidently sanctioned by contemporary governments. The question they pose is, not whether public records had »slid« into private hands, but rather whether ecclesiastical institutions and *viri illustres* – the *potentes* of Perrin's and Fossier's presentations – might not, in fifth- and sixth-century law, have ranked as being just as »public«, and just as entitled to avail themselves of the methods of tax law, as were the Roman state and its barbarian successors.²²

At the outset of the sixth century, records of *professiones* – polyptychs, if we wish – seem only slightly less exclusively public than they were before. On the attestation of Cassiodorus, they were used in the administration of the Visigothic kings of Toulouse, and they occur again as royal documents in the seventh-century *Leges Visigothorum*.²³ The results of a tax inspection ordered by the Ostrogothic king

¹⁹ Vegetius, *Epitoma rei militaris* II, 19. For the date, Walter GOFFART, *The Date and Purpose of Vegetius' De re militari*, in: *Traditio* 33 (1977) pp. 69–88.

²⁰ BEAUDOUIN, as above n. 14. See also Alfons DOPSCH, *Wirtschaftliche und soziale Grundlagen der europäischen Kulturentwicklung*, Vienna 1923, I, pp. 331–39; Charles-Edmond PERRIN, *La seigneurie rurale en France et en Allemagne du début du IX^e à la fin du XII^e siècle. I: Les antécédents du régime domanial: La villa de l'époque carolingienne*, Paris 1953 (Les cours de la Sorbonne), pp. 15–26.

²¹ As above nn. 5, 8, 13.

²² Cf. GOFFART, *Three Notes* (above n. 15) pp. 382–84. The public character of ostensibly private management has been illuminatingly shown by Jean DURLIAT, »De conlaboratu«: faux rendements et vraie comptabilité publique à l'époque carolingienne, in: *Revue hist. du droit français et étranger* 56 (1978) pp. 445–57, and ID., *Les attributions civiles des évêques mérovingiens: l'exemple de Didier, évêque de Cahors (630–655)*, in: *Annales du Midi* 91 (1979) pp. 237–54.

²³ Cassiodorus, *Variae* 5.39.2, 13 (ed. FRIDH, pp. 213, 214); *Leges Visigothorum* 12.2.13 (MGH, *Leges nationum Germanicarum* I, p. 419): *polipticis publicis*.

Theodoric was to be consigned to polyptychs.²⁴ Subjects of the Frankish monarchy, in the seventh century, proved that they were *bene ingenui* by not appearing in *poliptici publici*, and the Fredegar chronicle uses *polepticus* as its standard, technical term for public tax records (ca. 660).²⁵ The association of polyptychs with the authorities that succeeded the Roman state seems undimmed.

Alongside these indications of continuity with Roman practices, a scattering of comparative novelties occurs. For one thing, the western interpreters of the Theodosian Code, towards 500, offer *polyptycha exactorum* as a gloss on *ratiocinia publica*; if *polyptycha* were in the hands of »collectors«, payments could hardly have been alien to their contents.²⁶ Justinian's legislation evokes *demosiai apographai* – in Latin, *publicae professiones* – in the safekeeping of »guardians« (*phylakes*), who do not appear to correspond to a fixed rank in the bureaucracy and might not be agents of the state.²⁷ Pope Gelasius (492–96) was apparently responsible for a polyptych of the properties of the Roman church, and Gregory the Great (590–604) is said to have »commuted« all the estate revenue (in kind) that it recorded.²⁸ In the mid-sixth century, the church of Ravenna, whose importance in Italy was then second only to Rome's, supplies the first surviving lists visibly approximating ninth-century estate records; not their least noteworthy feature is that, in part, they are written in the elongated script reserved for official *gesta municipalia*.²⁹ Moreover, the letters of Gregory the Great illustrate how transfers of farms from the Roman church to another proprietor involved the deletion of entries from the *polyptycha* of Gregory's estate agents.³⁰ Before imagining that these documents attest to slippage of any kind toward private *potentes*, it would have to be decided where public authority was located in the sixth-century world. A commentator would have to think twice before maintaining that, at the time, the churches of Rome and Ravenna were less entitled to be classed as public than were the Frankish and Visigothic monarchies.

Once the concepts of a »cadaster« and of a »slide« into private hands are set aside, it is somewhat easier to come to terms with the basic question posed by Perrin; when and in what circumstances did listings of payment – the distinguishing feature, as he rightly saw, of the medieval censier – come to be included in the *professiones censuales* prescribed by Roman tax law? Is it necessary to evoke a second category of document, such as a code of domainial custom, in order to account for this ostensibly medieval particularity? The evidence already surveyed – *polyptycha* »of collectors«, ca. 500; the

²⁴ Cassiod., Var. 5.14 (pp. 193–94).

²⁵ Marculf, Formulae I, 19 (MGH, Formulae, pp. 55–56); Fredegar, Chronicon II, 37, III, 80 (MGH, Script. rer. Merov. II, pp. 62, 115). On the date of the Fredegar chronicle, see Walter GOFFART, The Fredegar Chronicle Reconsidered, in: Speculum 38 (1963) pp. 206–41, and Alvar ERIKSON, The Problem of Authorship in the Chronicle of Fredegar, in: Eranos 63 (1965) pp. 47–76.

²⁶ Interpretatio to Cod. Th. 11.26.2: *si securitates ratiociniis publicis vel in polyptycis exactorum continentur.*

²⁷ Nov. Just. 128.4 (545).

²⁸ From a ninth-century source, Johannes Diaconus, Vita Gregorii Magni II, 24 (MIGNE, P. L. 75, col. 96–97). For Gelasius, see also below n. 55.

²⁹ PItal 3 (Jan-Olof TJÄDER, Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445–700, I, Lund 1955, pp. 186–89, 124–26). Cf. GOFFART, Three Notes (above n. 15) p. 385.

³⁰ Gregory the Great, Registrum epistolarum IX, 49, 199, XIV, 14 (MGH, Epistolae II, pp. 75, 188, 432).

papyri from Ravenna, ca. 555, recording payments due; Gregory the Great commuting the *reditus* entered in the polyptych of Gelasius – offers a partial answer. The more important evidence is found at an earlier date, near the fourth century and the changes that then occurred in Roman fiscality.

If early *professiones censuales*, such as those carved on stone in the diocese of Asiana, omit payments, it is because the taxes then levied varied from year to year in accordance with the emperor's annual announcement of the tax rate, the *delegatio*.³¹ Already in 385, however, one finds reference to a *delegatio solita*, as though the rate had attained a customary fixity.³² The widespread commutation of the old *annona* in kind to a tax in gold, a process that is known to have been largely completed by the close of the fourth century, is hardly conceivable unless the state had simultaneously stopped levying the *titulus annonarius* at an annually changeable level.³³ It is not surprising, therefore, that by 412 a western law clearly establishes that the listing of payments had been integrated into assessment records: *Loca, quae praestationem suam implere non possunt, praecipimus adaequari, ut, quid praestare possint, mera fide et integra veritate scribatur, id vero quod impossibile est a vasariis publicis auferatur*; the payments that the *loca* were incapable of making were to be struck from the records – in which, as it would seem, they were already enrolled – whereas those that were possible in current circumstances were now to be solemnly written down.³⁴ Another noteworthy feature of this law is that it is entered in the title *De censitoribus, peraequatoribus et inspectoribus*. As will presently be seen, the practice of *peraequatio* and *inspectio* was to be no less intimately associated with the drafting of papal and Merovingian polyptychs than it was with the *vasaria publica* of the fifth century.

The coupling in the records of *praestationes* with *professiones* was enduring. By the time of the Ostrogothic régime in Italy, it was perfectly standard for the state to adjust the payments due according to its books. The *Variae epistolae* of Cassiodorus contain a *Formula qua census releuetur ei qui unam casam possidet praegrauatam*, and its text shows that *census* is understood in the sense of a render – French »cens« – rather than of an assessment: *magnitudini uestrae . . . praesenti auctoritate decernimus, ut . . . tot solidos tributarios supradictae possessionis . . . faciatis de uasariis publicis diligenter abradi*.³⁵ In short, the feature that Perrin believed to distinguish »le censier médiéval« from its Roman precedents is not medieval at all. Payments began to be incorporated into public *censuales paginae* toward the close of the fourth century; their inclusion resulted from a far-reaching adjustment in the character and procedures of imperial

³¹ For the inscriptions, see André DÉLÉAGE, *La capitation du Bas-Empire*, Mâcon 1945, pp. 163–96; GOFFART, *Caput and Colonate* (above n. 15) pp. 113–21. They play a major part in the argument of Charles Holt TAYLOR, *Note on the Origins of the Polyptychs*, in: *Mélanges d'histoire offerts à Henri Pirenne*, II, Brussels 1926, pp. 475–81. On the annual *delegatio*, see Johannes KARAYANNOPULOS, *Das Finanzwesen des frühbyzantinischen Staates*, Munich 1958 (*Südosteuropäische Arbeiten*, 52), pp. 87–90.

³² Cod. J. 1.55.4 (385).

³³ For the complex conversion to gold, see now André CÉRATI, *Caractère annonaire et assiette de l'impôt foncier au Bas Empire*, Paris 1975 (*Bibliothèque d'histoire du droit et droit romain*, 20), pp. 57–183. For what the evidence may be worth, a fixed tax, rather than annually changing *delegationes*, seems presupposed by Claudian, *De IX consulatu Honorii Augusti*, line 496, *impia continui cessant augmenta tributi*.

³⁴ Cod. Th. 13.11.13. For earlier *peraequationes* possibly involving alterations of payments, see Cod. Th. 13.11.16 (394) and 5.16.29 (399). Cf. GOFFART, *Three Notes* (above n. 15) p. 381.

³⁵ *Variae* 7.45.2 (pp. 293–94).

taxation. From that time, the fiscal authorities no longer limited themselves to a mere rejuvenation of *professiones* (what Fossier calls »la tenue à jour du cadastre«). That practice, such as it had been, was superseded by a technique of official *peraequatio*, in which considerations of ownership and taxable resources were directly combined with adjustments of payment.

These findings terminate the review of Fossier's remarks about the origins of »livres fonciers«. To be sure, nothing has been said here concerning the precise link between early records and the polyptychs of the Carolingian world, which may indeed, as Fossier suggests, proceed quasi ex nihilo. Nevertheless, some light has been shed on the question how the drafting of *polyptycha* survived the fall of the Roman Empire and was perpetuated as a public procedure in the Frankish kingdom, as, for example, Marculf's formulary and the Fredegar chronicle attest. To sum up, early medieval polyptychs were only remotely anticipated by the classical Roman *forma censualis*; their proper point of departure is situated in the vicinity of the year 400, when the government of the Theodosian dynasty instituted the practice of incorporating details of tax payment into the declarations of taxable assets for purposes of assessment. From then on, the combined statement of resources and payment was standard. Moreover, such records were written down as the final step in an official process of assessment revision (*peraequatio, inspectio*), of which Gothic, papal, and Merovingian examples will presently be surveyed. If churches and, conceivably, lay *potentes*, as well as royal administrators, participated in the establishment of such documentation, it was because their status had a public dimension and their revenues a tax-like character. The details of these matters will gain clarity from the newly published Documents comptables de Saint-Martin de Tours, when these astonishingly surviving parchments are situated in their wider Merovingian setting.

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The twenty-six lists published by Gasnault belong to the late seventh or early eighth century. They are, above all, records of payments. Each list, to the extent that it may be reconstituted, applied to a named *villa* or *domus*. Within that circumscription, the abbey's tributaries were grouped into smaller units, each of which is called a *colonica* and bears a place name. The fuller fragments set out, at base, *colonica* such-and-such and, aligned beneath it, a list of personal names, overwhelmingly masculine, directly followed by the payments they owe, exclusively in kind and consisting of wheat, barley, and other cereals. Since several lines refer to *agrarium* and *racio de agrario*, there is reason to think that the lists record only a part of the peasants' total obligations. Sometimes, the payment in grain is replaced by one of wood, once called *lignaticum*.³⁶

Perhaps the most arresting and unique feature of the Tours documents is that they were used in practice, by the men who actually collected the peasant dues in grain and wood. As Gasnault observes, »... la partie de la ligne où ont été portées les indications relatives à la nature et à la quantité des redevances versées a, dans presque tous les cas, été rayée par un trait horizontal. ... Nous pensons que la personne

³⁶ GASNAULT, Documents, pp. 15–18, 40, 42, 63.

chargée de contrôler les recouvrements avait ces états entre les mains et, au fur et à mesure que les tenanciers s'étaient acquittés de leur charges, elle rayait l'article les concernant.³⁷ The practical destination of these parchments is further shown by the fact that the ink employed for the basic text is invariably different from that of the crossings out. The contemporary use of the lists is unparalleled in Carolingian »livres fonciers«, let alone in evidence of earlier date. An applicable analogy might be the *polyptycha exactorum* mentioned by the interpreters of the Theodosian Code,³⁸ but even that reference suggests a loftier body of *exactores* than the humble collectors of grain and wood documented by the Tours parchments.

Another feature calling for special comment is the general description found on the dorse of three of the better preserved lists. The following words have been deciphered: *XXI orden. domno Agirico a . . . (I), [a]grarium de Iogundiaco in anno XXII ord. Agyri[co] (VI), In ann. XXII ord. . . . domn. Agyrico abbate domus Milciacus racio de agrario (VII)*.³⁹ As the editor has rightly pointed out, the documents are thus described as accounts of payment (owed and, if checked off, made) in respect to something called *agrarium*. The word *agrarium* is comparatively rare but attested as early as the fourth century; it is perhaps best understood as an informal term for »land tax«, especially for the tax paid at the lowest, most physical level of possession of the soil.⁴⁰ Abbot Agyric is identified by Gasnault as having ruled St. Martin's in the second half of the seventh century.⁴¹ To this extent, the interpretation of these three lines poses no problem. But how is *In ann. XXII ord[en]* to be understood? The last word is clearly a form of the verb *ordinare*, probably the participle *ordinante*. The phrase might, accordingly, be interpreted in alternative ways, depending on whether the participle evokes Agyric's »reign« (as Gasnault understands it to), or rather refers to an »ordinance« by Agyric concerning the abbey's lands and tenants. The meaning, in the first case, would be that the lists were drawn up in the twenty-first to twenty-fourth years of Agyric's rule as abbot. Alternatively, if an »ordinance« rather than a »reign« is in question, Agyric need no longer have been alive (though he might be), and the lists would have been drawn up pursuant to his *ordinatio*, twenty-odd years after that reorganization had taken place. The evidence does not clearly favor one interpretation over the other. The one certainty, as will be seen, is that the verb *ordinare* has intimate associations with the drafting of estate records in the Merovingian epoch.

For the purpose of relating the parchments from St. Martin's to the broader question of Merovingian polyptychs, two lines of investigation are made possible by complementary evidence. The first concerns the practical utilization of these lists, and thus their location in a chain of estate administration. The second is occasioned by the »ordinance« of Abbot Agyric and, in connection with it, the governmental practices giving rise to documents recording peasant payments. To help with the first question, there are four royal charters plus a private one of exceptional importance, preserved in the *Actus pontificum* of the bishopric of Le Mans and applying to an episcopal estate in

³⁷ Ibid., p. 20.

³⁸ As above n. 26.

³⁹ GASNAULT, Documents, pp. 29, 40, 42.

⁴⁰ Wolfgang METZ, Die hofrechtlichen Bestimmungen des Lex Baiuvariorum I, 13 und die fränkische Reichsgutverwaltung, in: Deutsches Archiv 12 (1956) p. 193.

⁴¹ GASNAULT, Documents, p. 15.

Poitou. As regards Abbot Agyric's ordinance, a series of documents, extending from the *Variae* of Cassiodorus to a set of entries in Flodoard's *Historia Remensis ecclesiae*, precisely illustrates the circumstances in which early polyptychs were drawn up.

Many years ago, Ferdinand Lot published two articles based upon a group of late Merovingian charters concerning a locality called Ardin, which belonged to the bishopric of Le Mans in the seventh and eighth centuries; he recognized their exceptional value for the history of early estate management.⁴² Two of these five documents show King Childeric II granting all revenues from Ardin to the bishopric and instructing royal agents to cease collecting anything from the lands in question (669, 673/4).⁴³ The third item in chronological order is virtually unique: It is an acknowledgement of debt (*epistola caucionis, caucio*), dated June 721, and it portrays eight men, who call themselves the *iuniores* of the bishop's *agens* for Ardin, obligating themselves to pay unequal sums of money, totaling 400 shillings, to the bishopric in July; the *caucio* further specifies that, on the same day that these payments are due, the accounts of the eight *iuniores* will be audited by the episcopal *vicedominus*.⁴⁴ The total payment of 400 shillings, set down in the private charter of 721, establishes the relevance to Ardin of two more royal charters for Le Mans, one earlier, the other a little later than the *caucio* (713, 722). These are simply confirmations of immunity for all the episcopal lands, but with an unusual clause; the charters provide that the bishop and his successors will, through their *missi*, remit to the public purse 200 *solidi inferendales* and another 200 in *auro pagensi*, payments *quod ad fiscum nostrum . . . fuit consuetudo redendi*.⁴⁵ The occurrence of the same exception in an immunity charter of ca. 705 for St. Sergius at Angers – *solidos sex inferendales et alios sex de remissaria auri pagensis* to be paid to the fisc – confirms the authenticity of this rare departure from the normal formulary of immunity.⁴⁶

The five charters about Ardin tell a somewhat different story from the usual tale of royal gifts of land to churches. The hardest point to determine, owing to poorly copied evidence, is whether Ardin had been given to Le Mans prior to 669. If it was, the royal donor had clearly reserved all fiscal rights and revenues.⁴⁷ In 669, immunity

⁴² Ferdinand LOT, *Un grand domaine à l'époque franque: Ardin en Poitou. Contribution à l'étude de l'impôt*, in: *Cinquantenaire de l'École pratique des Hautes-Études*, Paris 1922 (Bibliothèque de l'École des Hautes Études, sciences hist. et philol., 231), pp. 118–25; ID., *La conquête des pays entre Seine et Loire par les Francs*, in: *Revue historique* 165 (1930) pp. 241–53; now reprinted in: *Recueil des travaux historiques de Ferdinand LOT*, II, Geneva 1970, pp. 191–211, 113–25. The same documents have recently drawn the attention of Reinhold KAISER, *Steuer und Zoll in der Merowingerzeit*, in: *Francia* 7 (1979) pp. 15–16.

⁴³ D. Merov. Spuria 67, 69; *Actus pontificum Cenomannis in urbe degentium*, ed. G. BUSSON and A. LEDRU, *Le Mans 1901* (*Archives historiques du Maine*, 2), pp. 219–21. For a full list of the charters about Ardin, see Walter GOFFART, *The Le Mans Forgeries*, Cambridge, Mass. 1966 (*Harvard Historical Studies*, 76), pp. 257–59. They include several renewals of the immunity for Ardin.

⁴⁴ *Actus pont. Cenom.*, pp. 240–42.

⁴⁵ D. Merov. Spuria 84, 87; *Actus pont. Cenom.*, pp. 228–30, 186–89; cf. GOFFART, *Le Mans Forgeries*, pp. 272–73. It might be worth noting that neither of these confirmations of immunity includes the otherwise standard clause that the privilege also applied to episcopal lands acquired in the future.

⁴⁶ D. Merov. 74.

⁴⁷ An essential verb is missing from the charter of 673–74. The general sense favors Lot's interpretation that there had been a prior gift (Ardin en Poitou, as above n. 42, p. 110). Yet a puzzle remains: if fiscal rights were reserved, what had the substance of the original gift of Ardin consisted of? The possibility of a *nudum dominium* seems far-fetched. One is reminded of the overlordship specified in legal formularies from

for Ardin was granted and, by this token, all the reserved revenues were ceded *in luminaribus ad basilicam sancti Gervasii*, that is, to the bishopric of Le Mans; the usual provisions about the exclusion of royal agents were laid down. But the king's generosity was not unqualified. As the abnormal immunity charters of 713 and 722 disclose, the bishopric, in exchange for the immunity of Ardin, undertook the obligation of annually paying 400 shillings to the royal treasury on account of two taxes.⁴⁸ The *caucio* of 721 shows that Le Mans expected to offset its debt to the treasury by collecting *illas inferendas vel omnia exactum* from Ardin to the self-same amount. If 400 shillings were all that Ardin would yield, the advantage of Le Mans from this royal gift is somewhat obscure.⁴⁹ A much more obvious gain was made by the royal treasury; it exchanged the *pagenses* of Ardin for a single debtor – the bishopric – whose solvency was based on extensive possessions and which could therefore make up any shortage in collections from Ardin by revenues from elsewhere.

The particular value of the Ardin documents is that they illustrate a transaction whose existence is more easily suspected than documented, namely, the transformation of taxpayers, administered by the royal government, into estate tenants obligated to a church. When the residents of Ardin were subject to collection by the fisc, their names were presumably entered in a *polepticus publicus*; once they came under the control of Le Mans, the documentation of their former payments is likely to have passed from the fisc into the bishopric's possession. The *caucio* of 721 alludes to these tax records in two ways. First, it refers to an *annunciata carta, quod fuit regnante Chil[d]erico rege, de ipsa inferenda*, perhaps meaning a schedule of payments in the time of the king who yielded the fiscal revenues.⁵⁰ Second, the *caucio* invokes a *brevis* (not necessarily different from the *carta*) that the bishopric retained detailing the *servitium* of the men of Ardin. When the eight *iuniores* went to Le Mans to make their payments totaling 400 shillings, they were also, according to the *caucio*, to render accounts of breaches of obligations. The passage, as transmitted in a late copy, defies precise translation, but its sense seems sufficiently clear.⁵¹ Each peasant of Ardin owed service to the owner as recorded in a *brevis* that remained in the bishopric's possession

nearby counties, on which see P. W. A. IMMINK, *Propriété ou seigneurie? À propos des »baux perpétuels« des formules d'Angers et de Tours*, in: *Tijdschrift voor Rechtsgeschiedenis* 29 (1961) pp. 416–31. But Imminck assumed, plausibly enough, that sovereignty (or seigneurie) preceded ownership. In the case of Ardin, ownership of some kind would have had to precede the sovereignty that came from immunity.

⁴⁸ Concerning these taxes, see LOT, *Ardin en Poitou* (above n. 42) pp. 200–207. His later idea that *inferenda* was »un antique tribut« (*Conquête du pays d'entre Seine et Loire*, pp. 247–51) has little to recommend it. I am inclined to stress that the taxes were evenly divided under two headings, one of which refers to gold, that the noun *inferenda* is new to fiscal vocabulary in the seventh century, and that it is one of the very rare names for a specific tax that occurs in Frankish immunity charters (notably D. Karol. 14).

⁴⁹ To be sure, the profits ceded to Le Mans in connection with the immunity of Ardin were, like those of the standard formulary of immunity, chiefly of a non-tax character (*causas audiendas, freda exigenda, mansiones aut paratas faciendas*); these gains would accrue to the bishopric regardless of its payment to the treasury.

⁵⁰ LOT, *Ardin en Poitou* (above n. 42) p. 207, understood this *carta* to be Childeric's *emunitas*. He may be right.

⁵¹ *Actus pont. Cenom.*, p. 241: *Similiter et de illis fidefactis, quod nostri pagenses, qui hoc contempserunt, et vobis de ipsis vicis hoc vobis sponndimus, ut per unumquisque hominem, de suo servicio, iuxta quod vobis quidem fecerunt et vester brevis loquitur: ipso die, in integrum exinde apud nos satisfacere debeamus.*

(*unumquisque hominem de suo servicio iuxta quod . . . vester brevis loquitur*); some of them fell short of fulfilling their obligations (*nostri pagenses qui hoc contempserunt*); the defaulters made undertakings (*fidefacti*) to the eight *iuniores*; and the latter, when they appeared before the episcopal *vicedominus*, rendered account of these *fidefacti* as representing the difference between the money they actually paid and the full 400 shillings they had obligated themselves for.

For a study of estate records, the essential point is the bishopric's detailed *brevis*—its estate record about Ardin, synonymous to a polyptych. Since the eight *iuniores*, who might appropriately be called »collectors«, were required to render accounts to the owner, it is logical to assume that each one was provided with an extract of the bishopric's *brevis* applying to his share of the whole, *unusquisque de sua parte*, as the *caucio* states. The archives of Le Mans do not provide an example of these extracts, carried about by the *exactores* as they addressed themselves to the *pagenses* of Ardin; there is every likelihood, however, that the parchments from St. Martin's at Tours are documents of precisely this kind.

The relevance of the Le Mans *caucio* of 721 to the états de redevances from St. Martin's is plain. As originally drafted, the newly edited parchments were lists, drawn up for each *villa* or *domus* subdivided into *colonicae*, itemizing the obligated peasants and the payments of grain, or a substitute in wood, that they owed in respect of the year's *agrarium*. The lists were issued to collectors who crossed out the payments, probably in order to signify that they had been duly acquitted. The Le Mans *caucio* of 721 furnishes a basis for concluding that the Tours lists were extracted from a fuller *brevis*, or polyptych, in the possession of St. Martin's, detailing the abbey's possessions and, among other things, the payments of *agrarium* arising from them.

One further inference that may be drawn from the Le Mans *caucio* helps to explain the odd fact that the états de redevances from St. Martin's itemize only dues in kind. From the parchments alone, it might be imagined that the collectors for St. Martin's were only agents of transmission, gathering the tenants' wheat, rye, and so forth and delivering them to the abbey storehouses. This conclusion need not follow, however; the evidence from Le Mans is of special value in documenting a more complex form of management. The *iuniores* were responsible, as seen above, for collecting the *servicium* of the men of Ardin recorded in the *brevis* held by the church. That this *servicium* was in money seems improbable in view of the repeated references to *inferenda*, a tax in kind. Yet money is precisely what the *iuniores* owed to the bishopric. The probable purpose of the *caucio*, therefore, was to convert the *servicium* owed by each tenant into a simple money payment by each collector. The latter was, in effect, a tax farmer, who bought the grain or other commodities owed to the church and paid for it with the currency that the church wished to receive.⁵² If this parallel may be extended to Tours, the états de redevances would document the goods that the residents of the *colonicae* owed to St. Martin's and paid to the collectors, but not necessarily the goods that the collectors handed over to the abbey. Their payments

⁵² Cf. on a larger scale, the association of royal officials with a money lender in Gregory of Tours, *Historiae* VII, 23 (MGH, *Script. rer. Merov.* I², pp. 343–44). See also LOT, Ardin en Poitou (above n. 42) pp. 207–208.

may have consisted of something other than grain and wood, such as money, set out in a separate contract, now lost, between the collectors and the abbey. And just as the *iuniores* of Le Mans had to render accounts to the bishopric, so the record of payment and non-payment contained in the Tours parchments had, presumably, to be presented to the abbey for verification, in case an adjustment needed to be made between the sum owed by each collector and the amount that, in the light of his checked-off collections, he could actually pay.

To sum up, the materials in the *Actus pontificum* of Le Mans relating to Ardin allow a positive answer to be given to the question raised by Gasnault concerning the eventual relationship of the surviving parchments to a Merovingian inventory of the estates of St. Martin's. That such a record existed at Tours becomes highly probable. What is more, the *caucio* of 721 suggests a way in which the Tours lists might have been so administered as to commute payments in kind into a revenue in money.

The second line of inquiry suggested by the états de redevances bears upon the topic with which this study began, namely, the prehistory of Carolingian polyptychs. Since it is probable that St. Martin's as well as the bishopric of Le Mans had a *livre foncier* in the early eighth century, the question arises how the two churches had come to acquire such records. In this regard, however, the documentation from Le Mans is of little value for understanding what happened at St. Martin's. The bishopric's *breviis* about Ardin is best explained on the assumption that the estate records passed directly to Le Mans from the royal fisc at the time that the fiscal revenues of Ardin came into its possession. Although there is no doubt that the Merovingian kings were very generous to St. Martin's, the Tours fragments contain nothing that suggests the conveyance of records by the fisc. Instead, there are the dorsal notations, earlier mentioned, that advert to the twenty-first and later years *ord[enante] domno Agyrice abbate*. The question that needs to be considered is whether, among a variety of possible meanings, the verb *ordinare*, as used in the Frankish epoch, had a technical sense referring to the establishment of a polyptych.

Until Gasnault's publication, Abbot Agyrice was chiefly known for having obtained from Pope Agatho a renewal of his abbey's papal privilege. Agyrice's Roman connection need not have had more profound ramifications, but its existence partly justifies beginning the survey of evidence concerning the term *ordinare* with a text from the earliest formulary of papal documents, the *Liber diurnus*. Its model charters concerning the management of the estates of the Roman church include a *Praeceptum eunte ordinatore in patrimonio*, according to which the functions of the papal *ordinator* were to carry out a *peraequatio*. The nature of this procedure is set out with admirable precision:

»Therefore, by the present order, we entrust to you the whole patrimony belonging to the holy Roman church . . . in the island of N. for purposes of equalizing and organizing it; and we charge that you . . . will examine the resources of the cultivators and that, with anxious foresight, you will set out how much in the way of rent they will pay from the present N. indiction onward. (You are further to see to it) that none of them is constrained to pay more than is necessary or that they pay less than should suitably be paid. Whatever you fix upon in the fear of God and with foresighted consideration, you will set out with the protection of our Creator's right hand, so that whoever you decide should obtain some relief of rent finds alleviation, and so that, conversely, whoever you decide should have something added is obliged to pay. For that

which is issued to the poor (i.e., from church revenues) is far from being (an act of) mercy unless those by whom (the church's revenue) is paid are justly and mercifully administered.⁵³

The *ordinator* was sent on a special mission to restore order in a part of the church's properties whose organization had got out of hand. He had the task of determining what resources the *coloni* actually had – in other words, he was to gather up-to-date declarations of taxable property – and he had the authority to reduce the payments owed by some peasants and to increase those owed by others in the light of these findings. Although apparently allowed to alter the total sum traditionally owed by this patrimony to the Roman church, he was warned that the reductions he indulged were not to be *amplius quam inferre conuenit*. Finally, he was authorized to promulgate the new order of payments; the word used is *disponas*, a term deeply entrenched in the vocabulary of late Roman public administration.⁵⁴ Was the *ordinator's* new regulation of assessments and payments – his *dispositio* – expressed in writing? Despite the silence of the formula on this point, it is not improbable that the *ordinatio* yielded a permanent record; nor would it be surprising if its form had resembled either the Ravenna papyrus (PItal 3) or even a Carolingian livre foncier.

Although the term used in the papal formula to denote the payments of the cultivators is *pensio*, rent, the mission with which the *ordinator* was charged was not modelled on any known procedure of private management. Its relationship to the techniques of taxation is clearly expressed by the term *peraequatio*, denoting a fiscal inspection whose purpose was to restore order and fairness to the levy of tribute from a given district.⁵⁵ One of the fullest texts concerning such an inspection comes from the pen of Cassiodorus, in a long letter – a virtual »capitulary« – issued by Theodoric the Ostrogoth to the high official whom he sent to reorganize the taxation of Savia (a district approximating the modern Slovenia). Theodoric's instructions, although they refer to the assessment of landowners (*possessores*) rather than *coloni*, clearly anticipate those set down by the *Liber diurnus*: »Therefore, we command that you, with the prudence for which you are famous, will inspect every landowner, taking justice into account, and you will regulate the equality of tax payments on the following basis,

⁵³ *Liber diurnus Romanorum pontificum*, c. 51 (ed. Hans FOERSTER, Bonn 1958, pp. 108–109, cf. pp. 206, 310–11): *Quapropter tibi ill. quod diuina gratia suffragante dictum sit omne patrimonium iuris sanctae romane cui deo auctore deseruimus ecclesiae per insulam ill. constitutum presenti preceptione perequandum siue ordinandum committimus & iniungimus ut colonorum uires sub diuini iudicii contemplatione consideres & quantum pensionis nomine a presenti ill. indictione inferre debeant sollicita prouisione disponas ne quisquam eorum ultra quam sufficit exigi coartetur aut amplius quam inferre conuenit minus persoluant. & quicquid tibi cum dei timore prouida deliberatione steterit eiusdem creatoris nostri dextera protegente disponas ut cui prouideris aliquid relaxandum pensionis leuigationem inueniat & cui addendum esse reddideris quod iustum est cogatur exsoluere. quia id quod pauperibus erogatur longe fit a mercede si in his a quibus infertur non fuerit iuste ac misericorditer dispensatum.*

⁵⁴ To cite only one instance, the *Notitia dignitatum* (ed. Otto SEECK, 1876, reprinted, Frankfurt 1962) invariably lists subordinates as being *sub dispositione* of the head official.

⁵⁵ For earlier evidence of such procedures in papal lands, see the letter of Gelasius I to the deacon Corvinus (JAFFÉ-WATTENBACH, *Regesta pontificum Romanorum*, no. 633, a. 494), in Paul EWALD, *Die Papstbriefe der Britischen Sammlung*, in: *Neues Archiv* 5 (1880) p. 510 n. 2: *accedere sine dilatione debebis et diligenter, cuius meriti sint vel quid prestare nunc possint, prudenterque prospicere factaque fideli descriptione nos reddere certiores, ut qualiter de eadem re transigere debeamus, plenius nosse possimus.* (Corvinus was a fact-finder rather than a full-fledged *peraequator*.) It can hardly be coincidental that the first trace of a papal polyptych is found in Gelasius's pontificate; as above n. 28.

that, with all abatements granted by others being revoked, tribute is imposed in proportion (solely) to the condition of the properties and the men. For thus justice is brought about and the resources of our provincials are relieved.« In closing, Theodoric specifies the final step of the procedure: »when your anxious and calm investigation has brought all matters to light, let polyptychs be ordered to be written.«⁵⁶ What the papal formulary merely implies is explicitly prescribed here.

Theodoric's letter about the taxation of Savia is one of many of Cassiodorus's *Variae* invoking the procedures of fiscal inspection and equalization. Another one, also including detailed *capitula*, is concerned with the reorganization of tributes in Spain while it was under Ostrogothic protectorate; among other things, the letter specifies *ut sub ordinationis uestrae nouitate inueteratae possit consuetudinis nil licere* — the new *ordinatio* was to rejuvenate and thus to affirm the rule of ancient custom.⁵⁷ Not all inspections gave good results. In an instance affecting Sicily, the inquest took too long and occasioned protests; the king provided as a remedy *si aestimatis uiribus sub aequalitate sit dispositum, debeat permanere moderatum, sin uero . . . releuetur*.⁵⁸ The authorities might also cause a *peraequatio* to be made of the possessions of a single proprietor, as in the case of an impoverished monastery: *ad . . . Senatorem praefectum praetorio dedisse nos . . . iussionem, ut eius ordinatione prouida ad praedium, de quo querella est, diligens inspector accedat et, rebus moderata inquisitione trutinatis, quicquid grauaminis potest habere possessio, rationabiliter abrogetur*.⁵⁹ In all these cases, it seems plain that the inspector's instructions extended not only to the investigation of taxpayers' resources but also to the adjustment or confirmation of what they were actually to pay. Moreover, a written record, or polyptych, was to be drawn up to give permanence to the investigator's findings and dispositive instructions.

Certain features of Roman fiscality were in a parlous state by the sixth century, but the procedures of *inspectio* and *peraequatio* seem to have retained their vigor and to have given land taxes a daunting capacity for rejuvenation. Neither was it only in Ostrogothic and papal Italy that the authorities availed themselves of these techniques. A well known passage of Gregory of Tours attests to their application in the Frankish kingdom. In 589, at the invitation of the bishop of Poitiers, King Childebert II sent assessors (*descriptores*) to Poitou. Gregory, contrary to his usual attitude when talking about taxation, narrates their activities with approval: (The king's assessors came) *ut scilicet populus censum, quem tempore patris (= Sigibert I, 561–75) reddiderat, facta ratione, innovata re, reddere deberet. Multi enim ex his defuncti fuerant, et ob hoc uiduis orfanisque ac debilibus tributis pondus insiderat. Quod hi*

⁵⁶ Cassiod., Var. 5.14.2, 9 (pp. 192–94): *Atque ideo prudentia, qua notus es, uniuersum possessorem considerata iustitia te iubemus inspicere et aequalitatem tributis hac ratione moderari, ut quae sub aliis facta est omni redemptione cassata pro possessionum atque hominum qualitate assis publicus imponatur. Sic enim et iustitia perficitur et uires nostrorum prouincialium subleuantur. . . . Illud sane prouidentia nostra respexit, ut omnibus a te sollicita atque aequabili indagatione compertis polyptychi iubeantur ascribi. Cf. ibid., 5.15.3 (p. 194).*

⁵⁷ Ibid., 5.39.3 (p. 213). Other investigations, ibid., 2.25, 26, 31, 4.38, 50.

⁵⁸ Ibid., 9.10–12 (pp. 356–59); quote from 9.11.2 (p. 358).

⁵⁹ Ibid., 10.26 (pp. 407–08).

*discutientes per ordinem, relaxantes pauperes ac infirmus, illos quos iustitiae conditio tributarius dabat censo publico subdiderunt.*⁶⁰

The base line for tribute payments in Poitou had been laid down in Sigibert's reign, before 575. Families and their resources had obviously fluctuated since then. The mission of Childebert's *descriptores*, just like that of the papal *ordinator*, was to bring liability to payment back into line with the current conditions of the tributaries and their wealth. In view of the instability of persons and fortunes, it was virtually indispensable for governments that lived off land taxes, as well as for churches living from rents that had often begun as taxes, to be able to avail themselves of a technique of this kind.

The most explicit evidence for a Merovingian church engaging in a reorganization of some of its lands is provided by a letter of Bishop Ruricius of Nevers, dated between 630 and 655, and preserved in the correspondence of Desiderius of Cahors. Ruricius recommends two agents of his to Desiderius, so that they will have the latter's help in their dealings with certain lands of the bishopric of Nevers located in the diocese of Cahors: *commendo apostolatui vestro . . . Mummolo presbytero et Garimundo, quos ad . . . Gregionnaco sive Albares descriptionem mancipiorum inquirenda direximus. Supplicamus, ut . . . ubi ipsis necessitas extiterit, vestro auxilio in omnibus mereantur habere, ut, quod ecclesiae vestrae Nervernensi ex ipso agro iustissime redebetur, per eorum inquisitionem vel vestro solacio perdere non debeamus.*⁶¹ Ruricius also mentions that this property was protected by a privilege of *emunitas*; Desiderius was asked to help in defending the privilege against *iudicum infestatio*, that is to say, the intervention of royal agents contrary to the well known terms of Merovingian immunity.

Commenting on this letter, Perrin concluded that »on pourrait penser au premier abord qu'il s'agit d'un inventaire des esclaves de la réserve; mais . . . il est infiniment probable que les deux clercs étaient chargés d'établir un véritable polyptyque d'un domaine qui peut-être ne comprenait que des tenures serviles, ce qui justifierait la mention de *mancipia*, à l'exclusion de tenanciers libres«. ⁶² Although Perrin's decision that a polyptych of the whole estate was to be drawn up seems entirely correct, it is doubtful that he was also right in evoking a property composed of merely servile tenures. The usage of *mancipia* as a blanket term, applying to *coloni* as well as *servi*, was too widespread to justify the hypothesis of exclusively slave cultivators.⁶³ One further observes that Ruricius of Nevers did not tell Desiderius that he wished to assure the fair distribution of burdens upon the *mancipia* of his church; rather, he reserved his anxiety for the defense of episcopal revenues. It is a refreshing change to find this alternative motive for *peraequationes* clearly expressed, since many other administrators, in Italy as well as the Frankish kingdom, must have shared the desire to defend the owner's rights against the evasive tactics of tributaries. A final aspect of Ruricius's letter meriting notice is the phrase *descriptionem . . . inquirenda*. The verb

⁶⁰ Gregory of Tours, Hist. IX, 30 (MGH, Script. rer. Merov. I², p. 448). Gregory's more normal attitude to taxation is expressed in the balance of the chapter, when the *descriptores* moved on to Tours.

⁶¹ Desiderius of Cahors, Epistolae II, 7 (MGH, Epistolae III, pp. 206–07).

⁶² PERRIN, Seigneurie rurale (above n. 20) p. 51.

⁶³ Benjamin GUÉRARD, Polyptyque de l'abbé Irminon, I, Paris 1844, p. 236: »les colons sont, le plus souvent, mis au nombre des *mancipia*«. Cf. Walter GOFFART, Barbarians and Romans (418–584): The Techniques of Accommodation, Princeton 1980, pp. 134–36.

inquirere calls to mind an anecdote in the Fredegar chronicle in which an official who had lost royal favor was sent *per pagus et civitates fiscum inquirendum* along the banks of the lower Seine; the court, according to the story, hoped that this mission would result in his being killed.⁶⁴ Although the inquisitor eventually falls victim to the forces of another king rather than to enraged tributaries, the institutional setting of the story does not lack plausibility. Some *inquisitiones* might be benign, as in Gregory of Tours' portrayal; others might arouse resistance and even violent anger. The variable resided in the instructions governing the inquisitor's mission and in his master's ability to impose his will upon tributaries who risked having their encroachments annulled and their payments scaled up.

Writing near 660, a Frankish chronicler invokes a fiscal *inquisitio* as though it were a public procedure that did not need to be explained to his readers; and the letter of Ruricius of Nevers attests to the conduct by a Frankish church of something closely resembling the *peraequatio* carried out in Italy by a papal *ordinator*. These passages are an appropriate backdrop for the most eloquent lines attesting to the drafting of polyptychs as a practice extending from the Merovingian into the Carolingian period. In the course of summarizing the early documents found in the tenth-century archives of the bishopric of Reims, Flodoard lapses eight times into identical formulas of a very distinctive kind:

(Sonnatus, ca. 610–30) *coloniae etiam villarum quarundam episcopii dispositis ordinavit servitiis.*

(Leudegiselus, ca. 630–40) *res etiam quasdam ecclesiae ordinatis disposuit coloniis.*

Disposuit etiam (Nivardus, ca. 655–73) *nonnullas ordinatis coloniis villas episcopii.*

(Rigobertus, ca. 690–730) *nonnullas etiam episcopii villas, descriptis eorum coloniis servitiisque, rite disposuit.*

(Tilpinus, 748–94) *nonnullarum quoque iura villarum dispositis ordinasse coloniis [reperitur].*

(Wulfarius, 803–14) *quasdam praeterea villas ecclesiae Remensis rite distributis atque descriptis ordinavit coloniis.*

(Ebo, 816–35/40) *colonias vero nonnullas ecclesiae, descriptis per strenuos viros colonis eorumque servitiis, ordinavit.*

(Hincmarus, 845–82) *res praeterea et villas episcopii pene omnes, ordinatis rationabiliter coloniis, describi fecit.*⁶⁵

⁶⁴ Fredegar, Chron. IV, 24–26 (MGH, Script. rer. Merov. II, pp. 130–31). Bertoald's mission was not to collect taxes (as maintained by KAISER, Steuer und Zoll, above n. 42, p. 5) but to conduct an inquest into fiscal rights, potentially a much more abrasive procedure than tax collection.

⁶⁵ Flodoard, Historia Remensis ecclesiae II, 5–7, 11, 17–19, III, 10 (MGH, Script. XIII, 454, 455, 459, 464, 466, 467, 484). Attention was first drawn to these lines, with further commentary, in GOFFART, Three Notes (above n. 15) pp. 374–76, 388–91. From the statement that Rigobert *rite disposuit*, KAISER, Steuer u. Zoll, above n. 42, p. 14, infers that polyptychs first became regular (»üblich«) under this bishop. *Rite* does not have this sense; it means »suitably, appropriately« and is so used in connection to Remigius (*suis omnibus rite dispositis*, I, 17, p. 427, from Hincmar, Vita s. Remigii, c. 60), Sonnatus (*rite restituit*, II, 5, p. 454), and Lando (*rite fecit heredem*, II, 6, p. 455); cf. the comparable adverb *rationabiliter* in connection with Hincmar. Flodoard does not, in fact, imply any change in the nature of these *ordinationes* from Sonnatus onward until Hincmar's *pene omnes*.

Although some of these lines did not escape the attention of Émile Lesne, he unaccountably missed the first three.⁶⁶ They establish that seventh-century bishops of Reims, just like their successors in the Carolingian era, carried out *ordinationes* of the *coloniae* and *villae* belonging to their see. The earliest of these bishops, Sonnatius, conducted his *ordinatio* not very long before Ruricius of Nevers sent his two emissaries to the Cahorsin. Flodoard's testimony assures us that the written records of his activity survived for centuries in the archives of Reims.

If ninth-century livres fonciers and, even more, the *brevium exempla* were taken to typify the wide class of documents to which they belong, it would be reasonable to assume that polyptychs were basically inventories, that is to say, written records of the status quo at the moment when the inquest resulting in the inventory occurred.⁶⁷ Whether such was the nature of the *descriptiones* carried out in the Carolingian epoch remains a possibility that needs to be either established or disproved. For the Merovingian age, however, the situation seems clear. All the texts that have now been examined, including those from Reims, combine in evoking, not a passive inventory, but a positive *ordinatio* or *peraequatio* – the application of a public administrative procedure whose use may be traced continuously from the fifth century. At a specific moment, the king's agents or those of an ecclesiastical establishment carried out a reorganization of some part of the *res* pertaining to them; they did so because collections from the *villae* and *coloniae* had deteriorated to such a degree that, if the owner's revenue was to be maintained at the established level, an inquiry needed to be conducted among the cultivators to determine who now held what and how much each tributary ought to pay. If such an effort needed to be made, its results deserved to be consigned to written form, to serve at least as a base line for the next *ordinatio*, when the passage of years, and the next cycle of deterioration, required that it should take place.

The continuity of *peraequationes* in the successor states of the Roman Empire has now been illustrated. The reason for doing so was to furnish a context for the verb *ordinare* in the parchments from St. Martin's at Tours. When, near the opening of the eighth century, these états de redevances advert to the passage of years *orden[ante] domno Agyrico*, they may refer only to the years of Agyric's abbacy. Yet the technical sense of *ordinatio*, discernible in Cassiodorus, the *Liber diurnus*, and Flodoard, makes it more than just possible that the word, as used at Tours, was meant to evoke a positive measure instituted by the abbot in the administration of the lands and tributaries of St. Martin's. If so, it may be understood that Agyric, at some point in his abbacy, not necessarily at its start, judged that the collection of his revenue had got out of hand and, accordingly, caused a formal inquest to be conducted, so that liability to such dues as *agrarium* and their payment might be brought back into line with the current realities of life and tenure among the tributary peasants. In short, he carried out an *ordinatio*. Its written results, or polyptych, continued for over twenty years to be the basis for the issue of the parchments annually drawn up to guide collections and,

⁶⁶ Émile LESNE, *Histoire de la propriété ecclésiastique en France*. III: L'inventaire de la propriété, Paris 1936, p. 7. Lesne perhaps deliberately kept clear of the early history of polyptychs.

⁶⁷ E.g., LESNE, *Hist. de la prop. eccl.* III, pp. 1–3; FOSSIER, *Polypt.*, p. 16. The connection of polyptychs with Roman *professiones censuales*, rather than with *peraequationes*, might tend to encourage this mistaken interpretation.

eventually, to permit the collectors, by crossing out each entry, to check off payments made. The surviving parchments thus attest, not just to the base record from which they were extracted, but also to the twenty-year-old administrative measure whose results the base record enrolled.

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The evidence examined in these pages does not answer the question whether such imposing and comprehensive ninth-century records as the polyptych of St. Germain des Prés are related to Merovingian practices, let alone continues them. To that extent, Fossier's hypothesis that Carolingian *livres fonciers* proceed quasi ex nihilo is, for the time being, as acceptable as any other. It is almost certainly wrong, however, to imagine that polyptychs as such, in their characteristic form, burst suddenly into bloom as a result of strictly Carolingian initiatives. To be sure, the traces of Merovingian polyptychs are few and faint, even after Gasnault's publication; the sixth-century text from Ravenna known as Pltal 3 continues to come closest to directly anticipating Carolingian types.⁶⁸ These traces, however, do not stand alone. They are complemented by a reasonably broad trail of documentation attesting to a fiscal procedure of *inspectio*, *ordinatio*, or *peraequatio* whose results were regularly consigned to writing. A gulf was once thought to separate Roman assessment records from those of the Carolingians; ninth-century polyptychs were believed to contain a feature unknown to Roman records, and the assumption of a slide from public to private practices was deemed necessary in order to explain the resemblance of medieval estate documents to Roman models. This gulf is bridged once the relationship of *peraequationes* to polyptychs is brought into focus.

Late Roman, Ostrogothic, and Merovingian *livres fonciers* were not static inventories; they were the end-product of a public procedure of reassessment that originated in the fourth century (if not before) and that, by the fifth century at latest, involved the fixing of payments as well as the appraisal of resources. *Peraequationes* or *ordinationes* were widely applied because necessary, in a régime of land taxes, to keep the payments due to the state, or to the authorized collector of tax proceeds, in balance with the mutability of peasant families and resources. In the affected district, the *peraequatio* reorganized tributary obligations in such a way that personal liability to taxation was again made proportionate to the possession of productive resources; its results, enshrined in writing, served as a base line for subsequent mutations, down to the moment when conditions degenerated to such an extent from those of the past that a new intervention by the authority entitled to taxes needed to take place.

The continuity of *peraequationes* from Roman to Frankish times should not be taken to imply that seventh-century fiscality directly mirrored that of 200 years before; there surely were changes, notably the devolution of fiscal prerogatives that allowed other authorities than the imperial or royal government to conduct reassessments in their own right.⁶⁹ The procedure for reorganizing land taxes lived on because

⁶⁸ As above n. 29.

⁶⁹ KAISER, *Steuer u. Zoll* (above n. 42) pp. 12–13, associates this step with tax collection by churches, on the principle that tax records were instruments of collection (p. 7). A no less plausible hypothesis would attach the practice to seventh-century privileges of immunity.

it was adaptable to a variety of contexts. The sources bear out that it was resorted to not only by the Ostrogothic, Byzantine, and papal administrators of Italy but also by the kings and churches of Merovingian Gaul. Toward 660, a Frankish chronicler spoke familiarly of the process of fiscal inquest; a bishop of Reims contemporary to Charlemagne »ordained« several *villae* of his church in apparently the same fashion as his seventh-century predecessors had. However distant the great Carolingian polyptychs may seem to be from the Merovingian age, in reality they are separated by only a few decades from the long-standing process of *peraequatio* and its written records.

RÉSUMÉ FRANÇAIS

L'ouvrage de Robert Fossier, *Polyptyques et censiers* (1978), ainsi que les *Documents comptables de St-Martin de Tours à l'époque mérovingienne*, édités par Pierre Gasnault (1975), appellent à des compléments: le premier sur l'origine des livres fonciers carolingiens, le second sur la place des parchemins de Tours parmi les plus anciens polyptyques.

Fossier, à la suite de Ch.-E. Perrin, maintient que le schéma des polyptyques carolingiens découle des inventaires privés des *potentes* romains, et non pas des relevés de la fiscalité impériale. D'autre part, Perrin a souligné que l'énumération détaillée des charges, propre aux censiers médiévaux, était étrangère aux déclarations foncières des Romains; le problème clef, selon lui, serait d'établir quand et comment la liste des charges paysannes fut liée à l'inventaire de la propriété.

En reprenant les textes, il appert tout d'abord que la genèse des polyptyques ne doit rien à la documentation privée. Les autorités publiques, romaines et barbares, tinrent en main l'enregistrement fiscal; à partir de l'an 400 environ, elles adjoignirent aux déclarations foncières des contribuables les états des sommes que ceux-ci avaient à payer. Cette liaison des redevances à l'inventaire fut un aspect du procédé officiel de *peraequatio*, par lequel les charges fiscales d'une circonscription étaient réorganisées et donnaient lieu à un document écrit.

Afin d'élargir le contexte des comptes de St-Martin de Tours publiés par Gasnault, il est fait appel à plusieurs chartes du Mans, qui nous permettent de voir les fragments de St-Martin comme étant extraits d'un polyptyque. De plus, la phrase *orden(ante) Agyrico abbate*, par laquelle les parchemins tourangeaux sont datés, est rapportée au procédé d'*ordinatio*, dit aussi *peraequatio*. Cette procédure fiscale, qui donnait lieu depuis le V^e siècle à la rédaction de polyptyques, nous est connue par une série de témoignages allant de Cassiodore à Flodoard.

Ainsi les deux éléments qui devaient caractériser le schéma des censiers médiévaux se rencontrèrent dans la documentation fiscale du début du V^e siècle. Quoique ces livres fonciers primitifs n'aient laissé que de maigres vestiges, leurs contours s'éclaircissent, pour peu que le polyptyque soit reconnu comme le résultat écrit d'un procédé de *peraequatio* dont les traces se retrouvent depuis le Bas-Empire jusqu'aux derniers Mérovingiens.