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Transformation« Debates**

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Zur Forschungsgeschichte und Methodendiskussion

PHILIPPE BUC

WHAT IS ORDER?

In the Aftermath of the »Feudal Transformation« Debates*

In memoriam Fredric Cheyette (1936–2015).

In 2010, for a volume meant to introduce students to key historiographical issues and concepts, the French historian Patrick Boucheron published a short chapter devoted to the »year thousand and feudalism«, »An mil et féodalité«¹. The »and« bridged two highly polemicized issues. Given the Christian calendar then en vogue, computing years *anno domini*, had there been in Catholic Europe at the millennium of the Lord's incarnation (AD 1000) or of His passion (AD 1033) widely shared apocalyptic expectations? And had there taken place over the course of the long eleventh century a massive transformation in politics and society, accompanied by systemic violence, a »feudal revolution« or »feudal mutation«²? The two issues belonged together given that some scholarship had linked apocalyptic expectations with the social and political crises, the former being a reaction to the latter and an attempt at rolling back

* My sincere thanks to the Vienna colleagues, Andreas Fischer, Rutger Kramer, Christina Lutter, Walter Pohl, Reinhild Rössler, who discussed a draft of this article in a workshop held on March 15th, 2018, and suggested much in terms of ideas, references and organization. My thanks as well to Steve White, Martial Staub and Aziz Al-Azmeh.

1 Patrick BOUCHERON, An mil et féodalisme, in: Christian DELACROIX, François DOSSE, Patrick GARCIA, Nicolas OFFENSTADT (ed.), *Historiographies. Concepts et débats*, vol. 2, Paris 2010, p. 952–966. A better state of the field is given, but in German, by Hans-Werner GOETZ, *Gesellschaftliche Neuformierungen um die erste Jahrtausendwende? Zum Streit um die »Mutation de l'an mil«*, in: Achim HUBEL, Bernd SCHNEIDMÜLLER (ed.), *Aufbruch ins zweite Jahrtausend. Innovation und Kontinuität in der Mitte des Mittelalters*, Ostfildern 2004 (*Mittelalter-Forschungen*, 16), p. 31–50. Goetz nicely relates the French debate to the German-language historiography on the late eleventh-century crisis in the *Reich*. In English, Warren C. BROWN, Piotr GÓRECKI, *What Conflict Means: The Making of Medieval Conflict Studies in the United States, 1970–2000*, in: ID. (ed.), *Conflict in Medieval Europe. Changing Perspectives on Society and Culture*, Aldershot 2003, p. 1–35, explains the interdisciplinary background of the feudal revolution controversy.

2 The title of Jean-Pierre POLY, *Éric BOURNAZEL*, *La mutation féodale: X^e–XII^e siècle*, Paris 1980; American as *The Feudal Transformation: 900–1200*, New York 1990. The rejoinder came in Dominique BARTHÉLEMY, *La mutation féodale a-t-elle eu lieu?*, in: *Annales ESC* 47 (1992), p. 767–775.

the new and oppressive feudal dispensation³. For the second, it was symptomatic of the French historical profession's often limited horizons that it hardly paid attention to non-hexagonal positions (except to a few among those Anglo-Saxons outsiders whose work is devoted to the French hexagon)⁴, in what had been since the 1990s a stormy debate. Most remarkably, Dominique Barthélemy's œuvre, which opposed trenchantly the theory of the feudal mutation or revolution, was presented as an attempt to murder his Doktorvater Georges Duby: »it was also somewhat against a part of himself that he [Barthélemy] was battling⁵.« There was unfortunately little space left in the chapter both for the elaboration of those actual »historiographic sublation« (*dépassement historiographique*) that did come out of this alleged Freudian episode and even for key positions, including, most surprisingly, Susan Reynolds's explosive 1994 attack against »feudalism«, »Fiefs and Vassals«⁶, or its forerunner, Elizabeth A. R. Brown's famous »The Tyranny of a Construct«⁷. The following pages look to these remarkable elaborations and build on the French and non-French dimensions of the debate. After two prolegomena, the first devoted to Eschatology, the second to the crafted nature of the medieval evidence, they will discuss, third, the newer methodological entanglements between History and Anthropology, resulting in particular in a renewed attention to honor and the awareness of the tactical role of honorable gifts in the negotiation of hierarchies, moving away from a more functionalist approach to a more processual approach. The fourth and final part will descend to the meta-level and meditate on the assumed relation of State and order, questioning genealogically these two concepts.

- 3 A classic is Richard A. LANDES, *Between Aristocracy and Heresy: Popular Participation in the Peace of God*, in: Thomas F. HEAD, Richard LANDES (ed.), *The Peace of God: Social Violence and Religious Response in France around the Year 1000*, Ithaca 1992, p. 184–218. The linkage is also alleged in POLY, BOURNAZEL, *La mutation féodale* (as in n. 2), chapter 9.
- 4 See the ironical remarks of the late Timothy REUTER, *The »Feudal Revolution«*, in: *Past & Present* 155 (1997), p. 177–208, at p. 187–189: »As all of us in our hearts know, European medieval history is essentially French history.«
- 5 BOUCHERON, *An mil et féodalisme* (as in n. 1), p. 958: »(...) c'était aussi un peu contre une part de lui-même qu'il bataillait.« The thinly-veiled allusion to Freudian issues is accompanied by a not so discrete charge of showmanship, *ibidem*, p. 963: »(...) puisque l'on doit dédramatiser la coupure sociale de l'an mil, dramatisons la »mutation de l'an mil« en une polémique qui, en elle-même, puisse faire événement ...« (the three points belong to Boucheron's text).
- 6 The best synthetic evaluation to date of the reactions to Reynolds may be Steffen PATZOLD, *Das Lehnswesen*, Munich 2012.
- 7 Elizabeth A. R. BROWN, *The Tyranny of a Construct: Feudalism and Historians of Medieval Europe*, in: *American Historical Review* 79/4 (1974), p. 1063–1088; Susan REYNOLDS, *Fiefs and Vassals. The Medieval Evidence Reinterpreted*, Oxford 1994. That the reception of the book was non-existent in Spain before recently is easily explainable; it had ignored Iberia, see Adam KOSTO, *What about Spain? Iberia in the Historiography of Medieval European Feudalism*, in: Sverre BAGGE, Michael H. GELTING, Thomas LINDKVIST (ed.), *Feudalism. New Landscapes of Debate*, Turnhout 2011, p. 135–158, at p. 154–155. The Italianist Boucheron could however hardly have ignored a study according to which the illusion of feudalism began with twelfth-century Italian jurists' systematization of Conrad II's so-called »Constitutio de feudis«.

1. No more Apocalypse around the Year Thousand?

To start thus on a codicil to eschatology, the theme evacuated in just two pages in »An mil et féodalité«. *Pace* Boucheron, it is not exact that the debate over the apocalyptic year thousand had been settled as of 2010. Further, here too as in the case of the feudal revolution controversies, there have been sublations, *dépassements*. Boucheron may have had in mind a – much acclaimed in Paris – booklet, entitled »The false terrors of the Year Thousand: Waiting for the End of Times or deepening of the Faith?«⁸. »Terror« was, let it be stated in passing, a straw man. Not all serious twentieth-century scholars had focused on »terror«. For the Eschaton was not only »terrifying«. In medieval Europe, as today in American Protestant fundamentalism⁹, there existed also hope for, and likely joy at, the expected return of Christ the King. The refutation of these »terrors of the year thousand« hinged, as the booklet's title indicates, around the putatively absolute opposition between realized eschatology and expectative eschatology. But this dichotomous distinction, modern and not medieval, does by no means reflect medieval exegesis' actual grammar; the types of the Old Testament and the script of John's Revelation can be realized already in the time of the Church, understood as the last millennium, yet this does not mean that they will not be realized fully at the expected End of Times¹⁰. A ruler can both promote the actuation of reform (thus fitting the booklet's »approfondissement de la Foi«) and believe that the Eschaton is near (the booklet's rejected »attente de la fin des temps«). This non-exclusivity explains the simultaneity, in Otto III's governance, of on the one hand imperial work for the Church and missionary activity, and on the other hand, apocalyptic tones (including his famous visit at Pentecost of the year 1000 to the Aachen grave of Charlemagne)¹¹. As expressed by Ed Peters in a 2002 article, there is no need to stake an extreme position. Peters would accept what he calls a

- 8 Sylvain GOUGUENHEIM, *Les fausses terreurs de l'an Mil: attente de la fin des temps ou approfondissement de la foi*, Paris 1999. The book criticizes both Richard Landes (for Boucheron the standard bearer of the »terreurs«), and Johannes FRIED, *Endzeiterwartung und Jahrtausendwende*, in: *Deutsches Archiv* 45 (1989), p. 381–473 (unknown to Boucheron's 2010 state of the field). The latter answered Gouguenheim with a long corrective, Johannes FRIED, *Endzeit fest im Griff des Positivismus?*, in: *Historische Zeitschrift* 275 (2002), p. 281–322 (an answer also ignored by the 2010 state of the field).
- 9 See Gian Luca POTESTÀ, *Ripensare i messianismi*, in: *Nuova informazione bibliografica* 4/14 (2014), p. 721–748; the classic study is Paul BOYER, *When Time Shall Be no More. Prophecy Belief in Modern American Culture*, Cambridge (Mass.) 1992; see now Matthew Avery SUTTEN, *American Apocalypse. A History of Modern Evangelicalism*, Cambridge (Mass.) 2014, p. 330 and *passim*. I tried to establish parallels with crusading culture in Philippe BUC, *Evangelical Fundamentalist fiction and medieval crusading epics*, forthcoming in: *Cahiers de recherches médiévales et humanistes* 35 (2019) (forthcoming).
- 10 See Philippe BUC, *La vengeance de Dieu. De l'exégèse patristique à la réforme ecclésiastique et à la première croisade*, in: Dominique BARTHÉLEMY, François BOUGARD, Régine LE JEAN (ed.), *La vengeance, 400–1200*, Rome 2006 (Collection de l'École française de Rome, 357), p. 451–486, esp. P. 475–478. Discussion of plural realizations in ID, *Holy War, Martyrdom, and Terror. Christianity, Violence, and the West*, Philadelphia 2015, p. 75–77.
- 11 For which see Matthew GABRIELE, *Otto III, Charlemagne, and Pentecost A.D. 1000: A Reconsideration Using Diplomatic Evidence*, in: Michael FRASSETTO (ed.), *The Year 1000: Religious and Social Response to the Turning of the First Millennium*, New York 2002, p. 111–132.

»weak thesis of apocalyptic expectations« that does not fetishize the year 1000 (or 1033); that looks for eschatological symptoms in a longer temporal frame; and that correlates these traces with the ascetic energies visible in the late tenth and eleventh century, deployed for reform and the edification of the Church¹². What is however much more hypothetical is the linkage between eschatology and feudal revolution – if the latter took place¹³.

2. The Sources and their Issues: Language and Losses

Much of the debate on the »feudal revolution« or »feudal mutation« has turned around the reliability of the sources. As is well known, Dominique Barthélemy seized on an admittedly *en passant* remark by George Duby, to suggest that the seeming appearance of a new order (or disorder) might be owed to a change in the documentation. We had, so Duby, the sudden »revelation« of processes hidden from sight in the late Carolingian era. Barthélemy proposed thus that historians had to deal with a *mutation documentaire*, a transformation in the corpus of surviving sources¹⁴. Violence was an artifact of the sources and not a reflection or even refraction of real and massive conflicts. Stephen D. White has described how monastic authors attributed reprehensible violent deeds to their local lay rivals and represented them, leaving open for a potential later reconciliation the door to reinterpretations using the lexicon of repentance, grace, humility, and conversion¹⁵.

Of course, musings about the reliability of information purveyed by clerical and monastic sources about the world of politics were, by the 1990s, old currency. In Germany, Jörg Kasten had noticed already in 1974 that monastic cartulary-chronicles could provide genealogical data with the aim to justify donations and to hamstring potential challenges from relatives of the donors¹⁶. *Darstellungsabsicht* or *causa scribendi* had been explored in 1988 in a now classic article on Ottonian royalty and royalty-centered chronicles¹⁷. Shortly after that, therefore contemporaneously with Barthélemy's critique, Patrick Geary theorized accidental and purposeful forgetting

12 Edward PETERS, Mutations, Adjustments, Terrors, Historians, and the Year 1000, in: FRASSETTO (ed.), *The Year 1000* (as in n. 11), p. 9–28. See recently siding with the anti-apocalypse side of the debate James T. PALMER, *The Apocalypse in the Early Middle Ages*, Cambridge (UK) 2014.

13 One of the key proponents of the linkage has shown well enough in a brilliant book that eschatology could accompany very diverse socio-political formations, see Richard LANDES, *Heaven on Earth: The Varieties of the Millennial Experience*, Oxford 2011.

14 The expression »mutation documentaire« provides the title to the first part of his published thèse d'état, Dominique BARTHÉLEMY, *La société dans le comté de Vendôme: de l'an mil au XIV^e siècle*, Paris 1993. Cf. Georges DUBY, *Les trois ordres ou l'imaginaire du féodalisme*, Paris 1979, p. 183–186. Surprising was the lack of French reaction to Otto Gerhard OEXLE, *Die »Wirklichkeit« und das »Wissen«*. Ein Blick auf das sozialgeschichtliche Œuvre von Georges Duby, in: *Historische Zeitschrift* 232 (1981), p. 61–91; reprint in: ID, *Die Wirklichkeit und das Wissen*, Göttingen 2011, p. 340–401. Oexle's methodological critique, disconnecting actual political processes from classifications, be they ideological or topical, could have advanced the debate.

15 Stephen D. WHITE, *Repenser la violence: de 2000 à 1000*, in: *Médiévales* 37 (1999), p. 99–113, at p. 107–111.

16 Jörg KASTEN, *Historiae foundationum monasteriorum. Frühformen monastischer Institutionsgeschichte im Mittelalter*, Munich 1974.

17 Gerd ALTHOFF, »Causa scribendi« und Darstellungsabsicht: Die Lebensbeschreibungen der

of the past around the year thousand, underlining among other phenomena how monasteries had appropriated to their own benefit the aristocratic memory of the past, in competition with noble women¹⁸. And (relevant to the question of what existed before the feudal revolution), *mutations documentaires* had been posited for earlier than the late tenth to twelfth centuries. Karl Ferdinand Werner, convinced of the administrative nature of the Carolingian state (and that there was a state producing documents), argued that we had lost the immense majority of the sources that would have proven this. Administrative documents, written ad hoc, for a specific occasion, did not enjoy a long shelf life; they tended to be systematically discarded¹⁹. Similar processes have been observed for High Medieval England²⁰. And one knows from yet other historical periods how the destruction, planned and systematically executed or accidental yet systemic, of documents can be part of a process of ordering; the annihilation of past documents serves the emergence of a new political configuration.

But for the critiques of the mutation or revolution model, the issue was not simply one of shifts in documentation, and therefore of lexis, shifts that might not correspond to sea-changes in economy, society, and politics. It was, on the one hand, whether the words employed in charters and other documents, in particular *feodum* or *miles*, were used consistently and referred always to the same sort of object or status, or fairly randomly, without fixed correspondence²¹. It was, on the other hand, whether writers did not, often enough, use terms tactically, as Barthélemy and White showed: a given monastic institution might label an individual person differently in moments of good rapports and in moments of conflict²². Modern historians can be deceived by pious medieval strategies.

3. The Methodological Harvest: A Homeostatic Conflict Culture, Honor, Processuality and Tactics

Where is historiography now? On wider historiographic horizons than those bounded within the Gallic hexagon, there is an acknowledgment of European diversity, even at a spatial level smaller than provinces, both as to surviving sources (with the

Königin Mathilde und andere Beispiele, in: Michael BORGOLTE (ed.), *Litterae Medii Aevi*, Sigmaringen 1988, p. 117–133.

18 Patrick J. GEARY, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium*, Princeton 1994.

19 Karl Ferdinand WERNER, *Missus – Marchio – Comes. Entre l'administration centrale et l'administration locale de l'empire Carolingien*, in: Werner PARAVICINI and Karl Ferdinand WERNER (ed.), *Histoire comparée de l'administration (IV^e–XVII^e siècles)*, Munich 1980 (Beihefte der Francia, 9), p. 191–239.

20 Twelfth-century English royal writs, laconic and to-the-point orders written on small, often hand-sized, parchment bits, as occasional pieces, did not tend to be archivally preserved, see Michael T. CLANCHY, *From Memory to Written Record: England, 1066–1307*, London 1979. See in general the classic Arnold ESCH, *Überlieferungschance und Überlieferungszufall als methodisches Problem des Historikers*, in: *Historische Zeitschrift* 240 (1985), p. 529–570.

21 REYNOLDS, *Fiefs and Vassals* (as in n. 7), *passim*.

22 WHITE, *Repenser la violence* (as in n. 15), p. 107–111.

attendant historiographic issues)²³, and as to actual political cultures²⁴. Diversity in functions: As underlined by the best German-language synthesis to date, »fiefs« and »vassalage« served an astonishing array of social, political, and economic strategies. They were highly flexible instruments, which does explain their spread into the late Middle Ages²⁵. Geographic diversity: the functions to which fiefs were put (and who had recourse to them, e. g., princes, monasteries ...) vary locally. If one understands by »feudalism« what the German-language historiography called *Lehnswesen*, the conjunction of fief and vassal (what Reynolds, for the whole of Western Europe, considers a fiction invented by twelfth-century Italian jurists interested in systematizing and classification and by early modern lawyers), there is geographic diversity as well. It is, for instance, likely that Flanders and Northern Italy, plus Catalonia and the Southern Languedoc knew, from the eleventh century on, the linkage between »fiefs« and »vassalage«²⁶. Money, far from being (as older models would have had it) antithetical to fiefs or vassalage, may account for this precocity for at least Flanders and Lombardy²⁷. In a chapter destined for French students, one may understand – perhaps – Boucheron's lack of engagement with non-French areas and non-France-related historiography. But this limitation comes with costs – an inability to see some of the positive returns of often heated polemics²⁸. For transregional comparison can produce the »historiographic sublation« (*dépassement historiographique*) desired by the current holder of Georges Duby and Pierre Toubert's Collège de France Chair.

A first result of the debates has been a generalized willingness to read the evidence through the lenses of Anthropology. The »Anthropological Turn«, whose banner

23 Florian MAZEL, Die lehnsrechtlichen Bindungen in der Provence des 12. Jahrhunderts im Spiegel der Urkunden, in: Jürgen DENDORFER, Roman DEUTINGER (ed.), *Das Lehnswesen im Mittelalter: Forschungskonstrukte – Quellenbefunde – Deutungsrelevanz*, Ostfildern 2010, p. 255–280, at p. 278–279.

24 The well-grounded verdict of Oliver AUGE, art. Lehnrecht – Lehnswesen, in: Albrecht CORDES et al., *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 3, 2nd ed., Berlin 2016, col. 717–736, at p. 726; see also the discussion of data and historiography in PATZOLD, *Das Lehnswesen* (as in n. 6).

25 PATZOLD, *Das Lehnswesen* (as in n. 6), harvesting the finest marrow of the contributions to DENDORFER, DEUTINGER (ed.), *Das Lehnswesen im Mittelalter* (as in n. 23), and Karl-Heinz SPIESS, (ed.) *Ausbildung und Verbreitung des Lehnswesens im Reich und in Italien im 12. und 13. Jahrhundert* (Vorträge und Forschungen, 76), Ostfildern 2013.

26 For Flanders, see Dirk HEIRBAUT, Feudalism in the twelfth century charters of the Low Countries, in: DENDORFER, DEUTINGER (ed.), *Das Lehnswesen im Mittelalter* (as in n. 23), p. 217–253, followed by AUGE, art. Lehnrecht – Lehnswesen (as in n. 24), col. 726. For Provence, MAZEL, *Lehnsrechtliche Bindungen* (as in n. 23), p. 279 (note that until the thirteenth century, fiefs in exchange for fidelity concern only the upper aristocracy and the count plus the bishops).

27 See AUGE, art. Lehnrecht – Lehnswesen (as in n. 24), col. 726, with the comments of Steffen PATZOLD, *Das Lehnswesen im Spiegel historiographischer Quellen des 12. und 13. Jahrhunderts*, in: Karl-Heinz SPIESS, (ed.) *Ausbildung und Verbreitung* (as in n. 25), p. 269–306, at p. 305; ID, PATZOLD, *Das Lehnswesen* (as in n. 6), p. 93. HEIRBAUT, Feudalism (as in n. 26), p. 241, notes indeed the precocity of fiefs in the form of salaries (*fiefs-rentes*), attested already for money in 1087, and even earlier in kind; see earlier ID, The fief-rente: a new evaluation based on Flemish sources (1000–1305), in: *Tijdschrift voor rechtsgeschiedenis* 67/1 (1999), p. 1–37.

28 See now BAGGE, GELTING, LINDKVIST (ed.), *Feudalism. New Landscapes of Debate* (as in n. 7), for chapters covering several European polities; DENDORFER, DEUTINGER (ed.), *Das Lehnswesen im Mittelalter* (as in n. 23); SPIESS (ed.) *Ausbildung und Verbreitung*; PATZOLD, *Das Lehnswesen* (as in n. 6).

Jacques Le Goff carried in the 1970s in the vanguard with his »The symbolic ritual of vassalage«²⁹, has molded French historiography to the point that parties on both sides of the feudal revolution debate speak its language, while imagining very different political societies. Thus for instance Hélène Debax in 2011: »Le fief n'est pas une unité de propriété, un terroir ou un espace, c'est une relation, un lien institué« (the fief is not a property unit, a region, or a space; it is a relationship, an instituted link)³⁰. On the other side of the debate, Barthélemy had called in 1997 historians »(...) to perceive this lordship, that demesne more as a network of relationships than as a territory« (*de percevoir cette seigneurie, ce domaine, comme un réseau de relations plus que comme un territoire*)³¹.

Relational is also Barthélemy's fine reconceptualization of the political history of France – in conformity with his refusal of major breaks and crises – as series and cycles of ever shifting, labile coalitions involving the Capetian ruler and the greater nobles, which aimed at the preservation of the equilibrium of power between all parties. Here the homeostatic mechanisms suggested by functionalist Anthropology allow Barthélemy to produce a narrative that makes sense of successive conflicts – an *histoire événementielle*, but with structure and concepts that organize the chaos of war and make sense of it³². A byproduct of this approach is an original reconstruction of the tournament's origins, visible circa 1100–1130, and even more of its importance. Barthélemy reconceptualizes the tournament as a form of limited warfare and part of war-making that did not ignore bloodshed but followed rules of engagement. It took place between enemies who knew one another, but were enemies. It had fully its place in, and normally took place during, the not-so-energetic campaigns characteristic of the time. The tournament, thus, fits well the general outline of a culture of war favoring equilibria, and shying from »decisive, trenchant outcomes«. This limited but energetic violence finds its place next to the long eleventh and twelfth century's demonstrative plunder and beating of peasants³³. More even, it was the tournament and not the Peace of God or the crusade, that according to Barthélemy shaped

29 Jacques LE GOFF, *Le rituel symbolique de la vassalité*, in: *Simboli e simbologia nell'Alto Medioevo*, Spoleto 1976 (Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo, 23), p. 679–788; reprint in: ID, *Pour un autre Moyen Âge*, Paris 1978, p. 349–420.

30 Hélène DÉBAX, *L'aristocratie languedocienne et la société féodale: Le témoignage des sources (Midi de la France: XI^e et XII^e siècles)*, in: BAGGE, GELTING, LINDKVIST (ed.), *Feudalism* (as in n. 7), p. 77–100, at p. 96.

31 Dominique BARTHÉLEMY, *La mutation de l'an mil a-t-elle eu lieu?*, Paris 1997, p. 153 (American translation as *The Serf, the Knight, and the Historian*, Ithaca 2009), reworking ID, *Qu'est-ce que le servage, en France au XI^e siècle?*, in: *Revue historique* 287 (1992), p. 233–284, where these considerations were not yet explicitated; see also Fredric L. CHEYETTE, *Ermengard of Narbonne and the World of the Troubadours*, Ithaca 2001, p. 227; French trans. as *Ermengarde de Narbonne et le monde des troubadours*, Paris 2006. Yet another ground-breaking study ignored in BOUCHERON, *An mil et féodalité* (as in n. 1).

32 Dominique BARTHÉLEMY, *Nouvelle histoire des Capétiens, 987–1214*, Paris 2012. The king-centered title is deceptive, since it is a full history of the Gallic *société politique*, which while taking in fully the ruler, and underlining his importance, makes him a player among other players.

33 Dominique BARTHÉLEMY, *Les origines du tournoi chevaleresque*, in: François BOUGARD, Régine LE JAN, Thomas LIENHARD (ed.), *Agón. La compétition, V^e–XII^e siècle*, Turnhout 2012, p. 111–130, cit. at p. 121. See, e.g., p. 124: »(...) these chivalric fights are always specific moments of a political-military campaign; we should not say bluntly, a war, so attenuated it is.«

and redefined chivalry (*militia*) in the High Middle Ages, between ca. 1050 and ca. 1130. One should say »redefined« instead of »created«, since there is a continuum in forms linking the High Medieval *militia* to early medieval military ethos, also prone to limited warfare. In the second half of the twelfth century, the knightly North-western Europe's princes avoided »dangerous battles« and preferred tournaments; they were »complements« of, or »substitutes« for wars between principalities, and were indeed more frequent than these³⁴. The crusade: Barthélemy's model further allows him to revisit the *miles* as crusader. In contact with the not too different chivalric world of Turkic and Arab Outremer, the Frankish knights oftentimes operated with their Muslim adversaries very much as they had at home: limited combat, common parleys, and shifting alliances. This low-grade violence among equals, one must add, likely has as a necessary condition the organization in flexible and fungible military *mouvances*. For the early Middle Ages, Guy Halsall has commented that »stability was maintained by the existence of types of violence which served the interests of particular groups« (as for example in Merovingian Francia), but violence, depending on the political structure, could also be destabilizing (as for instance in neighboring Visigothic Iberia)³⁵. The homeostatic system mapped out by Barthélemy faltered in France's later Middle Ages, organized in stiffer factions, for which gentlemanly compromises with the foe might be seen as treason, deserving death.

Also fostered by Anthropology (but not only by it), historiography has been re-sensitized to the importance of honor in medieval political culture – for the aristocracy of course, but also for lesser men and women. Explored with great sensitivity by Thomas N. Bisson, the »tormented voices« of the well-to-do Catalan peasants complain of brutal economic lordly oppression but also speak movingly, and with an authentic ring, of shameful deeds and humiliations³⁶. At the level of the aristocracy, and further East, Timothy Reuter demonstrated the interest in status that long overdetermined politics in the German empire to the cost of the calculating modernizing processes that historiographically characterize France and England's march toward the State. Knut Görich built on Reuter. His 2001 book devoted to Frederick I of Hohenstaufen (r. 1152–1190) centered on honor, according to him synonymous with »right« or »rights«. Friedrich Barbarossa had been traditionally presented as a ruler comparable to Henry II Plantagenet, in particular in the Hohenstaufen's attempt to create a feudal pyramid to strengthen his regal-imperial power; this twelfth-century drive towards a »feudal monarchy«, alas, failed, in part owing to accidents, in part owing to centripetal forces. But Görich underscores how the German emperor and his aristocracy shared an understanding of *honor* that often overrode other considerations; in the Althoffian and Durkheimian tradition, he considers this shared culture

34 Dominique BARTHÉLEMY, *La chevalerie. De la Germanie antique à la France du XII^e siècle*, Paris 2007, revised 2012, citations at p. 373, 379 (one will however frown at Barthélemy's use of »Germanic« to characterize both chivalry's origins and its »essential« traits); Guy HALSALL, *Violence and Society in the Early Medieval West: an Introductory Survey*, in: ID. (ed.), *Violence and Society in the Early Medieval West*, Woodbridge 1998, p. 1–45, at p. 31–32.

35 BARTHÉLEMY, *La chevalerie* (as in n. 34), p. 336–356.

36 Thomas N. BISSON, *Tormented Voices: Power, Crisis, and Humanity in Rural Catalonia, 1140–1200*, Cambridge (Mass.) 1998.

and honorable interactions (gift-exchange like acts of honoring) to have been »integrative«³⁷. Whether Görich is correct here given what he also mentions – aristocrats' violent reactions to perceived dis-honor – is far from a moot point, and we shall return to the social actors' subjectivities³⁸.

But what has the Empire to do with the Franco-French feudal revolution debate, or rather, its sublation? Importantly, Reuter suggested that we might re-consider the French and English kingdoms with an eye to the dignified dimension of politics³⁹. Reuter had taken more than one leaf from Clifford Geertz's *Negara* and its provocative suggestion of the priority of pomp over politics in Bali. Consequently, he invited medievalists to investigate whether and how far display and honor might not have been considerations that (sometimes? oftentimes?) overrode in France and in England cold power-politics of the proto-Hobbesian or proto-Bodinian sort. Did these aristocracies not (sometimes? oftentimes?) make economic or political power serve pomp rather than the contrary⁴⁰?

Southern French lords, according to Fredric Cheyette, thus cared about *gîte* or *alberga* not because of the meager revenues they generated, but because these demonstratively exacted gifts documented their rank and lifted them above *hoi poloi*⁴¹. Monasteries cared to obtain in public the oath of potentially independent fat peas-

- 37 See Gerd ALTHOFF, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde*, Darmstadt 1997; Althoff's positions have markedly evolved, compare ID, *Die Macht der Rituale. Symbolik und Herrschaft im Mittelalter*, Darmstadt 2004, and ID, *Spielregeln politischer Kommunikation und das Problem der Ambiguität*, in: Barbara STOLLBERG-RILINGER, Tim NEU, Christina BRAUNER (ed.), *Alles nur symbolisch? Bilanz und Perspektiven der Erforschung symbolischer Kommunikation*, Cologne 2013, p. 35–51. On this tradition, see Philippe BUC, in: Peter LINEHAN, Janet L. NELSON, Marios COSTAMBEYS (ed.), *The Medieval World*, 2nd ed., London 2018, p. 223–248.
- 38 Knut GÖRICH, *Die Ehre Friedrich Barbarossas: Kommunikation, Konflikt und politisches Handeln im 12. Jahrhundert*, Darmstadt 2001, esp. p. 1–36, 327–330. Görich mentions the »dis-integrative« force of honor at p. 35, apparently considering that its »integrative« force dominated.
- 39 Timothy REUTER, *The medieval German Sonderweg? The Empire and its rulers in the High Middle Ages*, in: Anne DUGGAN (ed.), *Kings and Kingship in Medieval Europe*, London 1993, p. 179–211; reprint in: REUTER, *Medieval politics and modern mentalities*, Cambridge (UK) 2006, p. 388–412; ID, *Nur im Westen was Neues? Das Werden prämoderner Staatsformen im europäischen Hochmittelalter*, in: Joachim EHLERS (ed.), *Deutschland und der Westen Europas*, Stuttgart 2002 (Vorträge und Forschungen, 56), p. 327–351; English trans.: All quiet except on the Western Front? The emergence of pre-modern forms of statehood in the Central Middle Ages, in: ID. (ed.), *Medieval politics*, p. 432–458. For a critique of the often unreflective usage of Geertz by historians, see Philippe BUC, *The Dangers of Ritual. Between Early Medieval Texts and Social-Scientific Theory*, Princeton 2001, p. 227–229; the reply by Geoffrey KOZIOL, *The Dangers of polemic: Is ritual still an interesting topic of historical study?*, in: *Early Medieval Europe* 11 (2002), p. 367–388; and my counter-reply, *The monster and the critics: a ritual reply*, in: *Early Medieval Europe* 15 (2007), p. 441–452.
- 40 Clifford GEERTZ, *Negara. The Theatre State in Nineteenth-Century Bali*, Princeton 1980, p. 13, 121–123. Reuterian musings on, and partial endorsement for medieval Germany of Geertz in Timothy REUTER, *Regemque, quem in Francia pene perdidit, in patria magnifice recepit: Ottonian ruler representation in synchronic and diachronic comparison*, in: Ernst SCHUBERT, Gerd ALTHOFF (ed.), *Herrschaftsrepräsentation im ottonischen Sachsen*, Sigmaringen 1996 (Vorträge und Forschungen, 46), p. 363–380; reprint in: REUTER, *Medieval politics* (as in n. 39), p. 127–146.
- 41 CHEYETTE, *Ermengard* (as in n. 31), p. 158–167.

ants (who were sometime their agents in local communities) to keep them in their place in the social hierarchy. The rite of chevage was likely demanded in order to clarify a status when there were problems. And indeed, the clearer the status of a person, the rarer the rites of statutory servitude and words devoted to them⁴². Who gave a fief (when publicly so) mattered sometimes more than the fief itself⁴³. It stands to reason, however, that Cheyette's implicit dichotomy between symbolic, expressive gains and material, economic gains is too stark, one might even say reductionist. This somewhat extreme dichotomy constitutes the counterpoint to Duby's equally unilateral insistence on the purely economic nature of lordly predation in the long eleventh century, which he expressed in his monumental 1962 »L'économie rurale et la vie des campagnes«⁴⁴. But the older discussion of *honor* as simultaneously material and symbolic in Heinrich Fichtenau's »Lebensordnungen des 10. Jahrhunderts« warns against this dichotomy. Barthélemy, in reacting to Reynolds' nihilism, hammered the point in: »Honor, voilà le grand mot, dont la polysémie faisait converger tous les attributs d'une classe: le prestige, la richesse, le droit à commander, l'incorporation dans le baronage du royaume ou d'une province (...).« And in his 2007 book on chivalry, he underlined the interaction in tournament culture between *prix*, »price« as prestige and social appraisal (thus social capital), and »gain«, direct material earnings (economic capital), sometimes merged, sometimes opposed⁴⁵.

In reverse, an abbey might make sure that a favored dependent did not look too servile, to the contrary – as in the case, explained by Fredric Cheyette, of one Pons of Auriac. Pons held from Saint-Pons de Thomières, an institution he served usefully in his village, a vineyard and an orchard *in pignore*, security for two small loans of 3 s and 10 s allegedly consented to the monks. The latter were in Pons' debt; this fiction made reality heightened his status while giving him a holding⁴⁶. The same Cheyette underlines the diversity in Occitan fiefs – fiefs that honor, fiefs »that were less honorable, that did owe rents and tributes«, adding, »fiefs that could be considered dishonoring, fiefs given by bad lords«⁴⁷. The issue for the elites was indeed how status, inclusive of noble status, could be made »compatible with a honorable dependency, vassalage«⁴⁸. Further, Cheyette notes, in Occitania, what is visible in some other regions of the Latin West: a disconnection between fidelity and the fief, to the point that one could give something that one did not have, the giving being more import-

42 BARTHÉLEMY, *Mutation de l'an mil*, p. 142, 148.

43 CHEYETTE, Ermengard (as in n. 31), p. 227.

44 Georges DUBY, *L'économie rurale et la vie des campagnes dans l'Occident médiévale*, 2 vols., Paris 1962; English trans.: *Rural economy and country life in the medieval West*, London 1968.

45 Heinrich FICHTEAU, *Lebensordnungen des 10. Jahrhunderts. Studien über Denkart und Existenz im einstigen Karolingerreich*, 2 vols, Stuttgart 1984, American trans. by Patrick J. GEARY, *Living in the Tenth Century: Mentalities and Social Orders*, Chicago 1991; Dominique BARTHÉLEMY, *La théorie féodale à l'épreuve de l'anthropologie (note critique)*, in: *Annales HSS* 52/2 (1997), p. 321–341, at p. 331; ID, *La chevalerie* (as in n. 34), p. 393.

46 CHEYETTE, Ermengard (as in n. 31), p. 136–137.

47 *Ibid.*, p. 220.

48 BARTHÉLEMY, *Qu'est-ce que le servage?* (as in n. 31), p. 274 (original of 1992). The text goes on, immediately: »Here we see the dynamic variance between a society's ›theory‹ and its ›practice‹. In eleventh-century France, there is a whole set of semantic distinctions between homages (knightly and servile), between the various dependencies.«

ant than its contents insofar as it forged a bond between donor and recipient⁴⁹. All the same, one is not here in fully application of the first, Maussian and Malinowskian generations of the Anthropology of the gift. With the exception of the potlach, both Mauss and Malinowski tended to emphasize egalitarian reciprocity or transitivity of gifts⁵⁰. Cheyette's Occitan South is truer to Mauss' conclusion to the »Essai sur le don«, which surmises that the agonistic nature present in the potlach is present elsewhere⁵¹. And Cheyette goes beyond this second Maussian accent in emphasizing also force: Gifts »moved in all directions – up, down, and across the social hierarchy«, affirming this hierarchy: »As forcibles, requisitions, or simply takings, those that moved upward from the lowest levels emphasized grasping far more than giving⁵².« We have thus fiefs as gracious gifts and dues as exacted gifts.

These were labile attempts at stabilizing or formalizing (that is, defining and anchoring) the generalized ambiguity characteristic of personal bonds. Writing played here, as in other spheres of social interactions, the role of a card, among other cards, in a game of cards. In some Catalan cases, both the text of a sworn oath and the corresponding pact (*convenientia*) have survived. The former is the written trace of an oral performance, likely recited following a formulary. It affirms in the most general way the fidelity of the oath-giver. Usually it is compact and laconic; sometimes it gives some details as to the person's commitments. The latter, the *convenientia*, is as a rule longer; it details the precise obligations of one party, sometimes also giving information about the other's own duties. Michel Zimmermann, who has studied these document pairs⁵³, underscores how sometimes the more compact oath manages to modify the *convenientia*'s provisions, and to »cloak or rectify« the actual power balance between the parties to the pact. In one case, the fidelity that the oath proclaimed freely and willingly is in the *convenientia* settled in exchange of a rent to the oath-giver of twenty ounces of gold every year (how divergent the assessments by various parties and observers might be, honorable or dishonorable, is suggested by a chapter in Görich's book on Barbarossa)⁵⁴. In another case, where the *convenientia* documents unilateral duties (thus only one party is obligated to its partner), the oath makes duties more reciprocal. In other cases, it is the reverse: the oath is more brutally

49 CHEYETTE, Ermengard (as in n. 31), p. 223.

50 Pace what CHEYETTE himself, Ermengard (as in n. 31), p. 222, seems to hint at, with allusions to »cowry shells«. The cowry shells are the transitive objects traveling in the ring imagined by Bronislaw MALINOWSKI, *Argonauts of the Western Pacific. An Account of Native Enterprise and Adventure in the Archipelagoes of Melanesian New Guinea*, London 1922. See also Marcel MAUSS, *Essai sur le don. Formes et raison de l'échange dans les sociétés archaïques*, in: *L'Année Sociologique*, n. s. 1 (1923–1924), p. 30–186.

51 MAUSS, *Essai* (as in n. 50), e. g., p. 150–151, 174.

52 CHEYETTE, Ermengard (as in n. 31), p. 225.

53 Michel ZIMMERMANN, *Le serment vassalique en Catalogne: écriture de la fidélité ou invention d'un ordre politique?*, in: Françoise LAURENT (ed.), *Serment, promesse et engagement: rituels et modalités au Moyen Âge*, Montpellier 2008, p. 585–622.

54 GÖRICH, *Ehre Friedrich Barbarossas* (as in n. 38), p. 331–363. Or as one might say, elaborating on MAUSS, *Essai* (as in n. 50), p. 151 (»du côté du roi, la façon de donner importe autant que ce qu'il donne«), and replacing »king« by »any actor«, and enlarging »donner« by »giving or receiving«: »as for any social actor, the manner in which one gives (or receives) is as important as what is given (and received).«

direct than the corresponding *convenientia*; it expresses a real or forged surrender⁵⁵. Zimmermann concludes that the oath, »pérennisant un rapport de force conjoncturel, (...) est un instrument de pouvoir« (loosely translated, it is an instrument of power given that it makes long-lasting what was a circumstantial imbalance in the two side's relative force). More even, he sees in its abstraction (its tendency to leave empty the specifics) a totalizing submission on the part of the oath-giver to the lord's will. Oaths given ultimately, so Zimmermann, construct the »public order«⁵⁶. This may be to overestimate the potency of these documents. And an absence of particulars may open up (later) a space for negotiation, just as it may foreclose it – the options likely depending on »circumstantial« balances of power⁵⁷.

Yet the workings of »feudalism« (if one wants to use that term, which suggests system or regime as opposed to practices)⁵⁸ may have been rather different. What sort of »order« is created by the maneuvers discussed by Klaus van Eickels? Lords sought to obtain an homage when their position was contested; those men and women who gave homage did so when they too were contested. I see no »order« there, just the attempt to buttress via public acts a position of weakness⁵⁹. Pierre Bourdieu would say this had a chance of success (thus creating some »order«) only if the public persons involved already had a good degree of social capital⁶⁰.

The adoption of Anthropology, though, has proceeded in two stages. For a second characteristic of the debate has been the motion away from an older functionalist political Anthropology. The latter discipline's founding fathers emphasized structure. In the introduction to their »African Political Systems« of 1940, Meyer Fortes and E. E. Evans-Pritchard, while discussing the comparative method, argued that comparison should aim at »an abstract plane where social processes are stripped of their cultural idiom and reduced to functional terms«. This would reveal social structure (either similar or dissimilar between the comparanda, no matter whether their culture was dissimilar or similar)⁶¹. Patrick Geary's 1970s article on conflicts in eleventh-century Provence⁶², in parallel with Barthélemy's earlier revisionist work, claim-

55 ZIMMERMANN, Le serment vassalique (as in n. 53), p. 618–620.

56 Ibid., p. 620–622.

57 Indeed, Gerd ALTHOFF, Spielregeln politischer Kommunikation und das Problem der Ambiguität, in: STOLLBERG-RIEGER, NEU, BRAUNER (ed.), Alles nur symbolisch? (as in n. 37), p. 35–51, at p. 46–50, argues to the contrary that unspecific terms in oath-taking »rituals« left space for the parties to redefine their obligations, which writing did not.

58 AUGE, art. Lehnrecht – Lehnswesen (as in n. 24), col. 127, contrasts well the older understanding as that of a strict formal system, the newer positions focusing rather on social practices.

59 Klaus VAN EICKELS, Verwandtschaft, Freundschaft und Vasalität: Der Wandel von Konzepten personaler Bindung im 12. Jahrhundert, in: DENDORFER, DEUTINGER (ed.), Das Lehnswesen (as in n. 23), p. 401–412.

60 Pierre BOURDIEU, Le langage autorisé: les conditions sociales de l'efficacité du discours rituel, in: Actes de la recherche en sciences sociales 5–6 (1975), p. 183–190; reprint in: ID, Langage et pouvoir symbolique, Paris 2001, p. 159–173.

61 Meyer FORTES, Edward EVANS-PRITCHARD, Introduction to ID., African Political Systems, London 1940, p. 1–23, at p. 3. I owe this reference and its import to Jonathan SPENCER, Anthropology, Politics, and the State: Democracy and Violence in South Asia, Cambridge (UK) 2017, p. 34–35, see also p. 175–176.

62 Patrick J. GEARY, Vivre en conflit dans une France sans état: typologie des mécanismes de règlement des conflits (1050–1200), in: Annales ESC 41/5 (1986), p. 1107–1133, on which see BROWN,

ing inspiration, among others, from Peter Brown⁶³, stood in this tradition. The kind of social structure revealed, however, was homeostatic; process served the maintenance of structure. More recently, Barthélemy, without perhaps realizing it fully, has emphasized micro-processes and praxis. A fine example comes in the course of his investigation of serfdom: »(...) semi-free exist only in practice, and not in [legal] theory«. Limited freedom is neither a legal status, nor a permanent state⁶⁴. Process is at the heart of one of the most stimulating books published in the past twenty years, on which these pages have already drawn, Fredric L. Cheyette's »Ermengard of Narbonne and the World of the Troubadours« (2001). In that world, one might give something one did not actually possess in order to create an honorable bond; Cheyette has even documented chains of giving and further giving of, as it were, »possessions« that were never in any of the successive grantees-then-grantor's possession⁶⁵.

A final (if earlier) jewel in this processual line is Stephen D. White's »The discourse of inheritance in twelfth-century France« (1994). A close reading of the epic »Raoul de Cambrai« allows White to distinguish several types of claims that an inferior can lodge with his superior. These types exist concurrently in the same political culture, and none has a higher effectiveness (is more legitimate) than the others. A reward can be asked as a gift for past service; owing to what White calls »warranty« (on grounds of fairness, to discharge a lord's obligations to protect his gift to his vassal, or to compensate loss incurred by the inferior party); or as a gift for a future service. Honor is at play in two possible ways: either as attached to the property being demanded (here it is synonymous with *dominium*), or because the gift itself will be honorable and honor the recipient. If one obtains the fief by right of inheritance, one actualized a claim to honor based on one's descent. If however one accepts that the fief comes from the lord's gift, it means that honor will come from this gift. These different models, argues White, coexist without one ever coming to eliminate or have decisively more force than the others because several persons might make claims to the same goods. They remain plural because as »cultural resources« they are convenient for both lords and vassals, allowing flexible strategies in competing »for fiefs, hono(u)r and power«, all the more as »claims to fiefs served not only as claims to land, but also as claims to hono(u)r and methods of negotiating political relationships«⁶⁶. Implicit in White's reconstruction is the idea that in a single political culture several mutually inconsistent repertoires can coexist, here the language of lord's rights to dispose of property and that of a lesser man to claim the same by reason of heredity. No won-

GÓRECKI, What Conflict Means (as in n. 1), p. 16–18. The same authors mention briefly the importance of Max GLUCKMAN, *ibid.*, p. 3 n. 3.

63 Barthélemy's Peter Brown is the Brown of the functionalist *Cult of the Saints, its Rise and Function in Late Antiquity*, Chicago 1981, and of the ordeal, that is, Peter BROWN, *Society and the Supernatural: A Medieval Change*, in: *Daedalus* 104 (1975), p. 133–151.

64 BARTHÉLEMY, *La mutation de l'an mil* (as in n. 31), p. 129.

65 CHEYETTE, *Ermengard* (as in n. 31), p. 223.

66 Stephen D. WHITE, *The discourse of inheritance in twelfth-century France: alternative models of the fief in Raoul de Cambrai*, in: George GARNETT, John HUDSON (ed.), *Law and government in medieval England and Normandy: essays in honour of Sir James Holt*, Cambridge (UK) 1994, p. 173–197.

der thus that in a similar manner the norms and discourse of, respectively, public order or public justice, and violence-prone aristocratic honor, coexisted, allowing some historians to see the State, others to see anarchy (as is the case in the historiography of the conflict that opposed the Salian King of Germany Henry IV to the Saxons and part of the realm's aristocracy)⁶⁷. Görich's in-passing concession that an aristocrat's honor could lead this person just as much to fight bitterly as to seek consensual solutions preserving everyone's honor suggests that »disorder« and »order« were close neighbors. But what do we mean by »order«?

4. What is »Order«? Institutions as Source of Peace and of Violence

All in all, the controversies have refined the two rival French positions, *anti-mutationiste* and *mutationiste*. They have more affinities than is at first sight visible, positive in the production of new insights in the drift they share towards processuality, practice and relationships as a focus⁶⁸, negative in their being beholden to the conceptual pair order-disorder. The feudal revolution or mutation model imagines that Western Europe (or perhaps just France) moved diachronically in a tripartite sequence, from Carolingian order through feudal anarchy to feudal order (a stage that Thomas Bisson has dubbed that of the »feudal monarchies«)⁶⁹. The »peace in the feud« alternative seeks to recover in the absence of a strong »degree of State hold« on society (better is the intensive German noun, *Staatlichkeit*) some of the order associated with the State. But one should object that the State, despite its Hobbesian or Weberian definitions, does produce, not only violence, but also disorder. And it is on

67 For this analogous argument, see Philippe BUC, *Die Krise des Reiches unter Heinrich IV., mit und ohne Spielregeln*, in: Claudia GARNIER, Hermann KAMP (ed.), *Spielregeln der Mächtigen: mittelalterliche Politik zwischen Gewohnheit und Konvention*, Darmstadt 2010, p. 61–94. See also on plural norms Warren C. BROWN, Piotr GÓRECKI, *Where Conflict Leads: On the Present and Future of Medieval Conflict Studies in the United States*, in: ID. (ed.), *Conflict in Medieval Europe* (as in n. 1), p. 265–285, at p. 279–281.

68 A move in this direction is Charles WEST, *Reframing the Feudal Revolution: Political and Social Transformation between Marne and Moselle, c. 800 – c. 1100*, Cambridge (UK) 2013. I am not fully convinced by the argument. West would have it that »symbolic communication«, being a shared, over-arching dimension, would reconcile two seemingly irreconcilable scholarly angles on the Carolingian era, the one lordship-centered and the other state-centered. But much of his evidence for »symbolic communication« comes from the ecclesiastical sector of the Carolingian world. For continuities between the two eras, Carolingian and »feudal«, see already Janet Nelson, as explained by Stephen D. WHITE, *Tenth-Century Courts at Mâcon and the Perils of Structuralist History: Re-reading Burgundian Judicial Institutions*, in: BROWN, GÓRECKI (ed.), *Conflict in Medieval Europe* (as in n. 1), p. 37–68, at p. 65.

69 WEST, *Reframing* (as in n. 68), reconceptualizes the Carolingian era, proposing that Carolingian politics empowered the aristocracy which burst onto the scene in the long eleventh century. For Carolingian ideology, see the unfortunately unpublished 2010 Doctoral dissertation in History (université d'Avignon) by Andrey GRUNIN, summarily presented in ID, *Imaginer l'Empire. Étude d'un concept étatique carolingien et évolution du vocabulaire politique dans le royaume et l'empire franc (768–840) et dans la Francia Occidentalis (840–877)*, in: *Revue de l'Institut Français d'Histoire en Allemagne* 3 (2011), p. 1–5. See Thomas N. BISSON, *The Problem of Feudal Monarchy: Aragon, Catalonia, and France*, in: *Speculum* 53/3 (1978), p. 460–478.

the State, and even more, the concept of order, that this review essay will close itself. Do we need the »State« to have »order«, and what does »order« mean?

The notion that the modern State (and law) is the primary and most efficient creator of order against violence has dominated Western reflections on politics since the Early Modern Era⁷⁰. In the mid-twentieth century, Anthropologists, in particular a group including the already mentioned Evans-Pritchard, moved one step further, to explain by which mechanisms so-called stateless societies could be orderly and not fall into total anarchy⁷¹. To simplify, custom, a loose system of norms and habits, was made the ersatz for law, serving the same function; the State's own functional ersatz was systems of positive reciprocity (the exchange of gifts and favors) and negative reciprocity (feud and compensation)⁷². Coincidentally, this was also the moment when the Austrian-German school of medieval history rejected the idea of a medieval State, preferring the notion of *konkrete Ordnungen*, concrete orders (such as estate, clan, army, fidelities). For this school, epitomized by Otto Brunner, there was no »Staat« in the sense of an all-encompassing public institution separate from »Gesellschaft«, Society; there was instead »Herrschaft«, lordship⁷³. The nineteenth-century unreflective idolatry of the modern bourgeois State's model had seduced medievalists into categorizing everything that did not fit this model as disorder and anarchy, illegitimate force⁷⁴. Or, as the jurist Carl Schmitt, who was in correspondence with Brunner, remarked in 1941, the emergence in the early modern age of the concept of »State«, correlated to the actual triumph of this specific institutional form, first in France, and then elsewhere, made one unable to apprehend older forms of order⁷⁵.

70 In this sense, already Fredric CHEYETTE, Introduction, in: ID (ed.), *Lordship in Community in Medieval Europe: Selected Readings*, New York 1968, p. 1–10, at p. 4, cited by WHITE, *Tenth-Century Courts* (as in n. 68), p. 64.

71 I draw in this paragraph on the insights (and the bibliography) gathered in Keebet VON BENDA-BECKMANN, Fernanda PIRIE (ed.), *Order and Disorder. Anthropological Perspectives*, New York 2007; see as well SPENCER, *Anthropology, Politics, and the State* (as in n. 61), in which much is to be garnered. I have learned most by meditating on an old article by Marilyn STRATHERN, *Discovering »Social Control«*, in: *Journal of Law and Society* 12/2 (1985), p. 111–134.

72 STRATHERN, *Discovering »Social Control«* (as in n. 71), p. 112–113.

73 See for this phase Hans-Werner GOETZ, *Regnum: Zum politischen Denken der Karolingerzeit*, in: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germ. Abt.* 104 (1987), p. 110–189, at p. 110–112, with references in particular to Walter Schlesinger and Otto Brunner. Cf. as well Rhys R. DAVIES, *The Medieval State: The Tyranny of a Concept?*, in: *Journal of Historical Sociology* 16/2 (2003), p. 280–300. Useful discussion of the concept in Walter POHL, *Staat und Herrschaft im Frühmittelalter: Überlegungen zum Forschungsstand*, in: Stuart AIRLIE, Walter POHL, Helmut REIMITZ (ed.), *Staat im frühen Mittelalter*, Vienna 2006, p. 9–38, at p. 1–16. Brunner's master oeuvre is Otto BRUNNER, *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter*, Baden 1939. The critique, methodological and political, in Gadi ALGAZI, *Herrengewalt und Gewalt der Herren im späten Mittelalter: Herrschaft, Gegenseitigkeit und Sprachgebrauch*, Frankfurt am Main 1996 (*Historische Studien*, 17); ID., *Otto Brunner: »Konkrete Ordnung« und Sprache der Zeit*, in: Peter SCHÖTTLER (ed.), *Geschichte als Legitimationswissenschaft, 1918–1945*, Frankfurt am Main 1997, p. 166–203; see as well the introduction by Howard KAMINSKY, James VAN HORN MELTON to their translation, *Land and Lordship: Structures of Governance in Medieval Austria*, Philadelphia 1992.

74 See conveniently the discussion in Ernst MÜLLER, Falko SCHMIEDER, *Begriffsgeschichte und historische Semantik. Ein kritisches Kompendium*, Berlin 2016, p. 268–270.

75 Carl SCHMITT, *Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff*, dated 1941, reprint in: ID, *Verfassungsrechtliche Aufsätze aus den Jahren 1924–1954. Materialien zu*

Stephen D. White has underlined the importance of Brunner's conceptions for any resolution of the Franco-French debate⁷⁶. Closer to us than Brunner's 1930s and 1950s, scholars have questioned the assumed correlation between State and order. Along with Historians, Anthropologists examining current dynamics have noticed, firstly, how the abrupt weakening of State power can lead to disorder, and also, secondly, how the appearance of a State in the vicinity of stateless societies can unhinge these, generate violence, and put them into disorder⁷⁷. Even more, Anthropologists have proposed how the State, be it weak or strong, generates a violence that observers (and social agents) can judge as disorderly (even if the State itself can present it as ordering violence). In other words, the State (or »government«) can create disorder. One can thus well imagine that a strengthened comital-ducal power, in Catalonia for instance, or in Flanders, generated violent disorder around itself in the very moment of its own self-making. Schmitt, in 1950, thought it probable that for Hobbes, the state of nature that the State overcomes should be identified with feudalism. And the State is indeed, in this Hobbesian tradition, peace inside and violence outside⁷⁸.

Matters are even more complicated. For Anthropology, meeting on this point the older tenets of the inter-war German-Austrian school, has suggested that non-state groups and agents can create some local order(s)⁷⁹. Thus the question is, for a given context, what is »the State«, or rather, what are the social institutions that are state-like, and thus, potentially generate internal order (for themselves) and, to add in the negative, external disorder? In the case of the French South, Florian Mazel, building on Barthélemy's explicit insights, has convincingly suggested that eleventh-century reforming monasticism was a source of social disruptions. These monks were, as Barthélemy explained, the proponents of a hyperbolic narrative of lay lordship's violence. They had discovered in old lexica the term of tyranny, and wielded it against their lay competitors⁸⁰. As Barthélemy also explained, their own aim was to radically revisit the older order of reciprocity and multiple ownership to the same pieces of

einer Verfassungslehre, Berlin 1958, p. 375–385. I owe this reference to Montserrat Herrero López (Pamplona).

76 WHITE, *Repenser la violence* (as. n. 15), p. 102–103 and *passim*; see as well PATZOLD, *Das Lehnswesen* (as in n. 6), p. 70, underlining why the impact of Brunner left German-language Mediävistik somewhat indifferent to the Franco-American polemics where they turned around the binary public-private.

77 R. Brian FERGUSON, Neil L. WHITEHEAD (ed.), *War in the Tribal Zone: Expanding States and Indigenous Warfare*, Santa Fe 1992, in particular ID., Introduction, *ibid.*, p. 1–30; also R. Brian FERGUSON, *Yanomami Warfare: A Political History*, Santa Fe 1995. We have been reminded of this by an incisive review by James SCOTT, *Crops, Towns, Government* [on Jared DIAMOND. *The World Until Yesterday: What Can We Learn from Traditional Societies?* London 2013], in: *The London Review of Books* 35/22 (21 November 2013), p. 13–15. For the Middle Ages, see the in-passing remark of CHEYETTE, Ermengard (as in n. 31), p. 212.

78 See Carl SCHMITT, *Der Nomos der Erde im Völkerrecht des jus publicum europaeum*, Cologne 1950, p. 65 n. 1.

79 Or with Tilly, whether the State was not one form among several of successful organized coercion, including robber-lordships and banditry, see Charles TILLY, *War Making and State Making as Organized Crime*, ed. Peter EVANS, Dietrich RUESCHEMEYER, Theda SKOCPOL, Cambridge (UK) 1985, p. 169–187.

80 BARTHÉLEMY, *L'an mil et la paix de Dieu. La France chrétienne et féodale 980–1060*, Paris 1999, p. 61–62.

land or rights, and impose its full and exclusive ownership (the sort of ownership at law that has come to dominate in the West)⁸¹. White, also sensitive to the monastic cooking of the historical record, has further proposed that monks and clerics fought for power not only with physical violence, but also via »spiritual warfare« – the mustering of relics of the saints, curses, and miracle stories⁸². Monastic revisionism of existing property lines understandably triggered the violence of their erstwhile lay partners, what Mazel has labeled »rupture de l'amitié«, the breaking of amity⁸³. For the Alsace, Hans Hummer has reconstructed the fortunes of an aristocratic kindred that in the early middle ages was in symbiosis with the monastic institutions it had founded. The monasteries served as property holdings at the disposal of the kindred, and also as hilltop fortified centers of these lords' exercise of political power. In the tenth century, some among these monastic institutions embraced reform, as a disentanglement from their patrons' interest and dominion. They were helped by the Ottonian kings, whose own aims were rather to weaken those local nobles. As a result, one branch of this lineage reoriented its energies; castle-building on the heights, and a family identity that was now much more secular and military. Hummer's conclusion is worth citing: »a comparison of Duby's Mâconnais – the birthplace of Cluniac monasticism – and the Alsatian regions of the Empire, reveals that the common denominator between the two areas was not the absence of central power, but the presence of radical, monastic reform. And one suspects that reform played a central role in changes elsewhere⁸⁴.« One might add to Hummer's suspicions that the eleventh-century process possibly was not a historical unicum; it would be worth exploring whether other monastic reforms in the West, while creating islands of peace and order did not destabilize these new islands' environment and engender disorder and violence.

But in the long eleventh century, and its twelfth-century aftermath, one can identify also next to reform monasteries another institution that in janus-faced fashion combined peace and violence. Barthélemy conceptualized in this manner in 2014 the peace of God pact and the diocesan commune, the latter deemed by Augustin Thierry an »institution de paix au dedans et de luttes au dehors« (an institution devoted to peace inside and to conflicts outside)⁸⁵. And indeed, so Barthélemy, with the auto-gene formation of these »auto-jurisdictions«, both peace and communes (be they diocesan or urban, two types that, against the existing consensus, he compares and relates as at least »homologous«) involved an interlace of consensus and coercion, coercion to bring members into the common social contract of peace, and violent

81 See also the last part of Barbara ROSENWEIN, *To Be the Neighbor of Saint Peter. The Social Meaning of Cluny's Property*, Ithaca (NY) 1989.

82 WHITE, *Repenser la violence* (as in n. 15), p. 105–107.

83 Florian MAZEL, *Amitié et rupture de l'amitié: Moines et grands laïcs provençaux au temps de la crise grégorienne* (milieu XI^e-milieu XII^e siècle), in: *Revue historique* 633 (2005), p. 53–93.

84 Hans HUMMER, *Reform and Lordship in Alsace at the Turn of the Millennium*, in: BROWN, GÓRCKI (ed.), *What Conflict Means* (as in n. 1), p. 69–84, at p. 83–84.

85 Dominique BARTHÉLEMY, *Paix de Dieu et communes dans le royaume capétien, de l'an mil à Louis VI*, dans: *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres* 2014, p. 207–241, at p. 210, from whom the Augustin Thierry citation is borrowed. Barthélemy also relates the localized truces of God to the greater Gregorian »moment«, with which they were quasi synchronous, *ibid.*, p. 218–223.

action against those who were outside this pact. They were »unanimités contraintes«⁸⁶; in the spirit of Carl Schmitt we should conceptualize them as »mini-Leviathans«.

For Weber, as is well known, the State is an institution that seeks to monopolize violence. This is what, on their scale, Barthélemy's peace-pacts and communes sought. As for the reforming monasteries, they were institutions that sought to monopolize property and lordship claims, including pardon and punishment in the areas they claimed (property and lordship being tendentially, until fairly late in the history of the West, conceptually coterminous, as Alain Guerreau has often reminded us in discussing *dominium*)⁸⁷. Otherwise put, the monopolizing endeavors of these institutions were (if one wants to use the concept of »order«) both ordering for themselves and disordering for their environment, factors for sometimes muscular peace within, and causes of violence outside. What Hobbes says about his Leviathan, the State, played itself out for other *konkrete Ordnungen*⁸⁸. Notwithstanding the sulfurous inter-war ideological context in which the concept of *konkrete Ordnung* was hammered, and setting aside the concept's »orderly« and »ordering« connotations, we do well to recall how until fairly late into the modern era, Western and Central European societies attributed *status*, »stat«, »état«, or »stand« to various institutions next to the (not always and everywhere) emergent modern State⁸⁹.

Finally, did »order« matter, and if so, how? Marilyn Strathern brought into play the New Guinea highlands to revisit the Western assumption that dispute resolution in stateless societies purposefully aims at re-establishing or maintaining some form of order. In her New Guinean social ensembles, it did not⁹⁰. One can and should distinguish between, on the one hand, a possible systemic function of conflict and its resolution as generative of regularity, and, on the other hand, native motivations and conceptions in pursuing conflict and settlement of conflicts. Generically seen, it is by no means obligatory that a culture sees in its violent practices a means to order or ordering, and uses disputes and dispute resolution to create or maintain configurations we may want to call order or (what is not the same concept) *Ordnungen*. Older-style functionalists and structuralists would of course have no problem with a disconnect between what natives think they do and the hidden or unconscious effects of their conceptions or deeds. But even Claude Lévi-Strauss, while stating that the easiest

86 BARTHÉLEMY, Paix de Dieu et communes (as in n. 85), p. 212, 214, 216, 240 (citation). See, for the urban communes as warlike towards their outside and internally coercive for the sake of peace, Otto Gerhard OEXLE, Friede durch Verschwörung; reprint in: ID, Die Wirklichkeit und das Wissen (as in n. 14), p. 595–635, at p. 632–634.

87 Alain GUERREAU, L'avenir d'un passé incertain: Quelle histoire du Moyen Âge au XXI^{ème} siècle?, Paris 2001.

88 See the parallel in TILLY, War Making and State Making (as in n. 79), p. 181, describing State agents as both »war making«, that is, »eliminating or neutralizing their own rivals outside the territories in which they have clear and continuous priorities as wielders of force« and »State making«, that is, »eliminating or neutralizing their rivals within those territories«. What Tilly proposes for the State can be generalized, as is explicit in his analysis, which starts with the historical competition among plural »organizations«, including bands of bandits.

89 Article »Staat« in: Otto BRUNNER, Werner CONZE, Reinhart KOSELLECK, Geschichtliche Grundbegriffe: historisches Lexikon zur politisch-sozialen Sprache in Deutschland, vol. 6, Stuttgart 1990, p. 1–154 at p. 5–26.

90 STRATHERN, Discovering »Social Control« (as in n. 71).

terrains for the investigation of structures were cultures without their own articulated models for their own structures, admitted that such native notions, where they existed, would have to be taken into account in any scholarly reconstruction of deep structures (to reject these notions or to incorporate them in our learned theorizing). They were after all »part of the facts to be studied«⁹¹.

Thus while it is tempting, for playfulness' sake, to draw on Strathern and disconnect conflict plus conflict resolution from any conscious native interest in ordering society, Papua is not Francia⁹². In the medieval Latin West, there existed notions of order. One such conception had been theorized by name in Augustine's »De civitate Dei«; the Church Father had identified »peace« with »justice« and »order«⁹³, as we know from Roger Bonneau-Delamare, and before him Henri-Xavier Arquillère and Ernst Bernheim⁹⁴. It does remain to be mapped out how common was the specifically Augustinian semantic linkage (*pax – ordo – iustitia*). Furthermore, it seems that in the High Middle Ages the term *ordo* was often semantically paired with other notions than those present in the Augustinian definition⁹⁵. Yet alongside discourse, the resiliency of political boundaries, among other symptoms, betrays the conceptual permanence of a public entity called the *regnum* – an ideal order »from above«⁹⁶. Furthermore, as Otto Gerhard Oexle's studies have shown, there existed with the *communiae*, *communiones* and *conjuraciones* a non-Augustinian ideology (and a practice) of peace and ordering through sworn pacts – *communio* could be synonymous with *pax* (order, as it were, »from below«)⁹⁷. As said above, and as is clear in the German civil war that erupted in the 1070s, several values and norms coexisted in the

91 Claude LÉVI-STRAUSS, *Anthropologie structurale*, Paris 1957; reed. 1974, p. 334–336.

92 See Marc BLOCH's warning in *Les rois thaumaturges*, reed. Paris 1983, p. 54, cited by Philippe BUC, *Anthropologie et Histoire* (note critique). À propos de *Communities of Violence* de David Nirenberg, in: *Annales HSS* 53/6 (1998), p. 1243–1249, at p. 1247.

93 Augustine, *De civitate Dei* 19.13, ed. Bernhard DOMBART, Alfons KALB, Turnhout 1955 (*Corpus Christianorum. Series Latina*, 48), p. 678.

94 Roger BONNAUD-DELAMARE, *L'idée de paix à l'époque carolingienne*, Paris 1939; Henri-Xavier ARQUILLÈRE, *L'augustinisme politique: Essai sur la formation des théories politiques du Moyen Âge*, Paris 1934 (privileging the concept of *iustitia*); Ernst BERNHEIM, *Mittelalterliche Zeitan-schauungen in ihrem Einfluss auf Politik und Geschichtsschreibung*, 2 vol., Tübingen 1918 (privileging *ordo-pax*).

95 The practical and theoretical difficulties to map medieval notions of *ordo* are well presented, with full references to historiography, by Bernhard JUSSEN, *Ordo zwischen Ideengeschichte und Lexikometrie. Vorarbeiten an einem Hilfsmittel mediävistischer Begriffsgeschichte*, in: Bernd SCHNEIDMÜLLER, Stefan WEINFURTER (ed.), *Ordnungskonfigurationen im hohen Mittelalter*, Ostfildern 2006, p. 227–256. Jussen also puts severely in question whether Augustine's definition of *ordo* was as common as historians of ideas would have it. For private and public in the earlier Middle Ages, see HALSALL, *Violence and Society* (as in n. 34), p. 7–11.

96 One can refer to the German-German controversy between Johannes Fried and Hans-Werner Goetz on whether an idea of »State« existed under the Carolingians. See Hans-Werner GOETZ, in: ARLIE, POHL, REIMITZ (ed.), *Staat im frühen Mittelalter* (as in n. 73), p. 39–58, at p. 46 with references. It began with Johannes FRIED, *Der karolingische Herrschaftsverband im 9. Jahrhundert zwischen »Kirche« und »Königshaus«*, in: *Historische Zeitschrift* 235 (1982), p. 1–43, criticized by Hans-Werner GOETZ, *Regnum: Zum politischen Denken der Karolingerzeit*, in: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germ. Abt.* 104 (1987), p. 110–189. Cf. also Susan REYNOLDS, *Kingdoms and Communities in Western Europe, 900–1300*, Oxford 1984.

97 See in particular OEXLE, *Friede durch Verschwörung* (as in n. 86).

political culture of the High Middle Ages. One of them was order, and with it came an appeal to the »public«, whether in the Augustinian form, in newer configurations, and/or in the more grass-root version proposed by sworn associations⁹⁸. This plurality cannot have been indifferent to the actual workings of the medieval world for the period that »An mil et féodalité« claims to discuss⁹⁹. But it explains also why historians who would want to see either public order or the reign of self-serving honor, picking and choosing evidence, see only the one or the other.

The »feudal revolution« debate has been uncommonly violent, and the feuds it unleashed may yet flare again. Yet when meditated upon, it suggests the importance of competing models of honor, the coexistence in the High Middle Ages of several institutions which, like the famed »State«, engendered both order and disorder, and finally, the heuristic limits of concepts of »order«¹⁰⁰.

98 »Public« here in the French usage at play in the Franco-French feudal revolution debate, with connotation of »common good«, »public good«. The plural early modern European genealogies of »public« and »private« are currently being researched by the Centre for Privacy Studies at the University of Copenhagen.

99 See Chris WICKHAM, *Debate. The »feudal revolution«*, in: *Past & Present* 155 (1997), p. 196–208, at p. 202–205, who sees a plurality of norms (public and local-aristocratic) in the Carolingian era, an insight that can be transferred to the troubled (or not) eleventh century (no matter what Wickham himself suggests p. 205).

100 I am unsure what Stewart and Strathern mean by saying that the »seeming paradox« that violence appears both as »subversive« of, and »constitutive of order« is resolved simply if we realize that »order is a subjective concept«, Pamela J. STEWART, Andrew STRATHERN, *Violence: Theory and ethnography*, London 2002, p. 2. Whose subjectivity, the scholars' (order becomes a property of objective structures) or the social agents' (order and disorder are subjective)? There are at least three ways to define order: (1) a subjective conception, property of social actors, that there exists a socio-political configuration; (2) order as an objective, observed regularity; (3) order as an essence or objective structure.