

## *The search for peace in a time of war: the Carolingian Brüderkrieg, 840–843*

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In the Eighth-Century Gelasian Sacramentary of Gellone, organised violence was classified in three ways, providing for various eventualities: there were prayers in time of war (*in tempore belli*), ›that the Roman Empire should have peace; and prayers in time of dispute (*in contencione*), ›that we should shun perverse enterprises and always love holy justice; and there was a prayer *pro invidia hominum*, ›that we may be freed from the brigandage of wicked men (*latratus hominum pessimorum*), so that once the filthy contagion of their vomit is removed, they may not pollute our purity<sup>1</sup>. These varieties of organised violence could be seen as points along a scale of magnitude. War, feuding and crime were distinguished in principle. In practice, they were not very clearly differentiated. There was much self-help; and while kings aspired to impose peace, there was nothing like a state-monopoly of legitimate force<sup>2</sup>. Further, early medieval kingdoms coexisted uneasily, perpetually exposed to the threat of neighbours' subversion, and to the lure of raiding and plundering those same neighbours<sup>3</sup>. Even when not overt, violence, within and between realms, often seems to lie just beneath the surface of early medieval narratives: one way or another, there was ›a permanent state of potential war<sup>4</sup>...

... which means, presumably, that the actual state was normally one of (admittedly precarious) peace. The Frankish Church preached peace, and prayed for it incessantly. ›Peace did not look like the suppression of war: on the contrary, it was war that seemed a negation of peace<sup>5</sup>. As the Carolingian Reforms began to bite, the lay elite in northern as well as southern Continental Europe became more numerous among the consumers, and even the producers, of the written word<sup>6</sup>. This is unequivocal good news for historians – but it was a mixed blessing for many of those lay persons themselves. Their texts held up to them social values, including negative attitudes towards violence and sexuality, which had largely been construc-

1) Sacramentary of Gellone, ed. A. DUMAS, (CCL. 159), Turholt 1981, p. 429–430.

2) Cf. Reinhold KAISER, Selbsthilfe und Gewaltmonopol. Königliche Friedenswahrung in Deutschland und Frankreich im Mittelalter, in: FMASt 17 (1983) p. 55–72.

3) Timothy REUTER, Plunder and tribute in the Carolingian Empire, in: Transactions of the Royal Historical Society 35 (1985) p. 75–94.

4) Gina FASOLI, Pace e guerra nell'alto medioevo, in: Pace e guerra (Sett. cent. it. 15), 1967, i. p. 28.

5) Roger BONNAUD-DELMARE, L'idée de paix à l'époque carolingienne, Paris 1939, p. 1–2.

6) Rosamond MCKITTERICK, The Carolingians and the Written Word, London 1991, p. 211–270.

ted by ecclesiastics; and such models for elite laymen as had been handed on from the world of Late Antiquity assumed a civilian lifestyle, whereas the lay elite of the Carolingian world was military – by profession. Alcuin writing his ›Mahnschreiben‹ for Count Guy of the Breton March concentrated on the count's private life: on ›the inner disposition towards peace without which his offerings to God were nothing‹<sup>7</sup>). Jonas of Orleans, advising Count Matfrid, concentrated on the duties of Christian marriage (within which sexual relations were strictly for procreation) and domestic peace<sup>8</sup>). Yet a count's public life involved, *ex officio*, the direct use of violence: *in tempore belli, in contencione*, and in cleaning up the unpleasant mess left by brigands' activities.

Jean Devisse has claimed that the Frankish Church was very successful in turning the aristocracy from hawks into doves: the ninth-century nobility had become so addicted to peace that the church had difficulty in reinfusing them with martial spirit in order to resist its enemies<sup>9</sup>). Yet the veritable armouries bequeathed in aristocratic wills<sup>10</sup>), and the plentiful evidence of aristocratic behaviour, suggests that excessively pacific *potentes* were not really the problem. Even before Alcuin was at his elbow, Charlemagne worried about attacks by armed bands of horsemen on people travelling to the palace; and he had been prepared to make men end their feuds (*faidae*), if necessary by deporting those who refused to accept settlement<sup>11</sup>). The word ›peace‹ became commoner in capitularies, no doubt in part through Alcuin's influence<sup>12</sup>). In 805 Charlemagne called dispute-settlement ›peace‹ when he forebade the carrying of spears (but not swords) *infra patria*, adding: ›if a man is conducting a private dispute (*faidosus*) [*missi* are to establish] which party is refusing to settle, so that they may be pacified (*pacati sint*), and they will be compelled to peace even if they don't want it (*distringantur ad pacem etiamsi noluerunt*)<sup>13</sup>). The problem of dissension between *potentiores* was the kind that really mattered. Charlemagne might apply himself (with doubtful success) to the suppression of *trustes* in Saxony and Aquitaine<sup>14</sup>); but in enlisting lords of Frankish warbands as his agents, alongside, or instead of, counts, in summoning and controlling the

7) Alcuin, *De Virtutibus et vitiis*, MPL 101, cols. 613–638. See Reto R. BEZZOLA, *Les origines et la formation de la littérature courtoise en occident (500–1200)*, première partie, Paris 1958, p. 111; Hans Hubert ANTON, *Fürstenspiegel und Herrscherethos in der Karolingerzeit*, Bonn 1968, p. 84–86.

8) Jonas, *De Institutione laicali*, MPL 106, cols. 121–278.

9) Jean DEVISSE, *Hincmar archevêque de Reims 845–882*, Geneva 1975/76, i, p. 498–499; John Michael WALLACE-HADRILL, *Early Medieval History*, London 1975, p. 31.

10) See Pierre RICHÉ, *Trésors et collections d'aristocrates laïcs carolingiens*, in: *Cahiers archéologiques* 22 (1972) pp. 39–46, repr. in RICHÉ, *Instruction et vie religieuse dans le haut Moyen Age*, London 1981, ch. IX. Cf. Régine LE JAN-HENNEBICQUE, *Satellites et bandes armées dans le monde franc (VII<sup>e</sup>–X<sup>e</sup> siècles)*, in: *Le Combattant au Moyen Age*, Paris 1990, p. 97–105.

11) MGH Cap. I, no. 20 (779), cc. 17, 22, p. 51. On peace in Charlemagne's capitularies, see Eugen EWIG, *Zum christlichen Königsgedanken im Frühmittelalter*, in: *Das Königtum. Seine geistigen und rechtlichen Grundlagen* (VuF. 3), Konstanz 1956, p. 7–73, at 63.

12) See J. M. WALLACE-HADRILL, *Early Germanic Kingship in England and on the Continent*, Oxford 1971, p. 14–15.

13) MGH Cap. I, no. 44 (805), c. 5, p. 123.

14) MGH Cap. I, no. 20 (779), c. 14, p. 50; no. 24 (789), c. 15, p. 66.

host<sup>15</sup>), he relied, inevitably, on those same *potentiores* and their followings whom, in other contexts, he might wish to restrain<sup>16</sup>. If *potentiores* refused to settle their quarrels (*si se pacificare noluerint*), Charlemagne himself would take action<sup>17</sup>. One such dispute involved Alcuin himself, now, in 802, residing at his abbey of St-Martin Tours: a priest guilty of crime had fled from Orleans to St-Martin and sought asylum there. The bishop of Orleans had sent *octo primates homines*<sup>18</sup> who broke into the altar area of St-Martin's church in pursuit of the errant priest. A crowd of local beggars (*mendici*) gathered to defend the priest, and there was *timor et tumultus ubique*. Alcuin wrote to report all this to Charlemagne, protesting about the breach of sanctuary<sup>19</sup>. Charlemagne's response was curt (reminiscent of Henry II of England on criminous clerks): the bishop of Orleans had acted with his approval, he said. Alcuin gave way<sup>20</sup>. No doubt there ensued what Augustine had called 'peace of a kind'<sup>21</sup>.

We can guess what sort of men the bishop had sent to make his point. Young nobles joined such bands of *commilitones* to gain experience, make friends, seek fame and fortune. A problem of social control thus compounded the political one: the *iuvenes* of the eleventh and twelfth centuries were no new phenomenon. Campaigns (*itinera*) were regular annual events; and the maintainance of *pax in itinere* was a recurrent problem<sup>22</sup>. Contingents destroyed crops, seized fodder to feed their horses, stole and ravaged within the realm, long before they had reached enemy territory. There never was a very tidy fit between the ecclesiastical definition of the objects of offensive yet just war, namely pagans or heretics, and the reality, namely that the Franks' opponents were mostly their Christian neighbours. In the heyday of Charlemagne's empire, thanks to imperial expansion, and the regular deployment of large numbers of *potentes*, and hence of young men, in aggressive war, a good deal of violence had been projected outside the *patria*. This changed in the ninth century. From c. 805, the Franks encountered 'a shortage of victims who were both conquerable and profitable'<sup>23</sup>. That meant new limits to the attractiveness of collective violence outside the Frankish realm as 'previously subdued peoples ... defected and a shortage of wealth began to afflict the realm'<sup>24</sup>.

15) MGH Cap. I, no. 50 (808), c. 1, p. 137; no. 74 (811), c. 9, p. 167. Cf. the various associated problems outlined in no. 73 (811), p. 166.

16) Gerd ALTHOFF, *Verwandte, Freunde und Getreue*, Darmstadt 1990, p. 151–152, asks what distinguished the *trustes* of capitulary no. 20 (above n. 14) from the retinues of nobles. The short answer is that those particular *trustes* were Saxon.

17) MGH Cap. I, no. 80 (811/813), c. 2, p. 176.

18) Cf. Micah 5:5, 'eight principal men'.

19) Ep. 245, MGH Ep. Karol. IV, ii, p. 393–398.

20) Epp. 247, 249, MGH Epp. Karol. IV, ii, p. 399–401, 401–404.

21) *The City of God*, XIX, 10.

22) See MGH Cap. I, nos. 18, cc. 6, 7, p. 43; 75, p. 168; 150, cc. 16, 17, p. 305; Cap. II, nos. 204, *adnuntiatio Karoli* c. 1, p. 71; 260, cc. 12, 13, p. 274; 266, c. 9, p. 287.

23) Timothy REUTER, *The end of Carolingian military expansion*, in: Peter GODMAN/Roger COLLINS (Ed.), *Charlemagne's Heir*, Oxford 1990, p. 391–405, at 404.

24) I quote from the interpretation (dating from the 860s, and from the Mainz region) of a vision allegedly seen by Charlemagne, in which some of the problems of his successors were foreshadowed: Patrick

The young men of the 820s might have been willing to try old-style aggressive campaigns; but beyond the frontiers their lords now saw danger rather than advantage. Count Hugh's household troupe mocked him with rude songs: ›he daren't come out of his own doorway!<sup>25)</sup>. But Hugh refused to risk his neck in Spain when he could enrich himself and his following from his countship in Neustria<sup>26)</sup>. Competition for lands and offices there was acute. It was hardly coincidental that ›Mahnschreiben‹ were the product of the Loire valley region.

Youthful joking-behaviour could become a social problem. One mid-ninth-century evening, coming home from hunting together, ›a young man jumped on another – it was a young man's idea of a joke – and pretended he was trying to steal his horse<sup>27)</sup>. In the brawl that followed, the assailant was fatally injured. That was not so funny: especially as he was a king's son. In another story, a young man (also, as it happened, a king's son) was chasing a girl he fancied and when she fled into her father's house, ›being a young man, for a joke he tried to ride through the doorway<sup>28)</sup>. The young man died from internal injuries. *Seniores*, who were literally seniors as well as lords, needed to establish their authority over wild young men. Ninth-century battle-training was designed to convert wildness into disciplined tactics. Military exercises could turn nasty and the participants strike to wound in earnest: well-executed manœuvres impressed, by contrast, because of the commanders' control over their young followers<sup>29)</sup>.

Behind the youth-training problem there was a youth-employment problem: for now that warfare beyond the frontiers had become a rarity, there were fewer job opportunities for the noble young. While monasteries absorbed large numbers in spiritual warfare, many still sought the followings of lords, including ecclesiastical ones. Martial skills, as in the case of Bishop Theodulf's *primates homines*, had now to be directed against the strongholds and the followings of other *potentes*. Competition for followers' loyalty increased. Looking back from the 850s, Paschasius Radbertus thought that a turning-point had come in the reign of Louis the Pious, in the Carolingian family-disputes of the early 830s. Before then, a distinction between brigands and noble followings had been possible, but now, the followings consisted of brigands: ›hardly anyone can keep his *milites* behind him for a fair wage, but only by acts of

GEARY, Germanic Tradition and Royal Ideology in the Ninth Century, in: FMASt 21 (1987) p. 274–294, at 294.

25) Thegan, *Vita Hludowici imperatoris*, c. 28, MGH SS II, p. 597.

26) *Annales regni Francorum* 827, ed. Friedrich KURZE (MGH SRG [in us. schol.]), Hannover 1895, p. 173. I take Hugh's perception of his own interests to be among the factors that scuppered the Spanish campaign of 827.

27) Regino, *Chronicon*, ed. Friedrich KURZE (MGH SRG [in us. schol.]), Hannover 1890, p. 101: *levitate iuvenili ductus ...*

28) *Annales Vedastini* 822, ed. Bernhard von SIMSON (MGH SRG [in us. schol.]), Hannover 1909, p. 53. The young man in this case was King Louis III of the West Franks.

29) Nithard, *Histoire des fils de Louis le Pieux*, I, 6, ed. Philippe LAUER, Paris 1926, p. 112.

pillage and violence<sup>30</sup>). Paschasius had an axe to grind, but he was surely correct to observe that the source of ›wages‹ – plunder acquired through war (*bellum*) against ›external peoples‹ – was not what it had been. Lordship, and royal lordship, became more than ever a matter of ›internal management‹ of *rixas et dissensiones . . . quas vulgus werras nominat*<sup>31</sup>). This was war of a kind. *Werra*, unlike *bellum*, was a private affair, and because it was not waged in defence of the *res publica*, it could never be legitimate in the eyes of churchmen. Augustine had not prescribed for *werra justa*. In the 850s, Hincmar of Rheims would castigate the practitioners of *werra* as *praedatores, latrones, raptores*, and (revealingly) *homines cabalarii*<sup>32</sup>). These men were not social upstarts, but rather, the sons and grandsons of the men who had made Charlemagne's empire. The distinction between brigandage and ›legitimate feuding‹ was frequently in the eye of the beholder<sup>33</sup>). It was not common brigands, but nobles, erstwhile holders of rich patrimonies, who in 860 would have to swear to Charles the Bald (if, that is, they wished to recover their lands): *illi non forconsiliabo neque werribo*<sup>34</sup>). These men had waged *werra* within the realm, and against the king.

Could a Carolingian state survive, then, once expansion was off the agenda? The Roman Empire, after all, had survived for centuries without expanding its frontiers. What did those Roman soldiers do with their time? The state had to use them often enough to crush rebellion; and there were often civil wars to be fought. But if monopoly of legitimate force is seen as an essential of state-hood, there are problems with the Later Roman Empire. Thugs and brigands – *latrones, praedones* – were a permanent part of the late antique landscape<sup>35</sup>). The state's use of the army to maintain internal order was only ever partially successful. The state recruited *latrones* itself, to turn them against other *latrones*. And it used them thus indirectly, through the good offices of local elites: the men who ran local government knew whom to call on for protection. Between an expansive *regnum* and a *latrocinium*, so the pirate told Alexander, the

30) Paschasius Radbertus, Epitaphium Arsenii, ed. Ernst DÜMLER, in: AAB 1900, p. 83. Paschasius continued: . . . *quanto amplius latronibus constipati, tanto potentiores* (the larger the gang of thugs they're surrounded by, the more clout they have).

31) ›Quarrels and fights which are popularly known as ›wars‹: Querzy Letter (858), ed. Wilfried HARTMANN, Die Konzilien des karolingischen Teilreiches 843–859, MGH Conc. III, no. 41, c. 15, p. 426. Cf. the same pairing in Nithard, Histoire (cf. n. 29), IV, 7, p. 144: *ubique dissensiones et rixae* . . .

32) MGH Cap. II, no. 266 (857), p. 286–289 (cf. Janet L. NELSON, Politics and Ritual in Early Medieval Europe, London 1986, p. 96–98; and NELSON, Charles le Chauve et les utilisations du savoir, in: Dominique IOGNA-PRAT, Colette JUDY and Guy LOBRICHON (Ed.), L'école carolingienne d'Auxerre, Paris 1991, p. 37–54, at 47–48); Hincmar, Ep. 126, MGH Ep. VII (i), Berlin 1939, p. 63.

33) Cf. Timothy REUTER, Unruhezeitung, Fehde, Rebellion, Widerstand: Gewalt und Frieden in der Politik der Salierzeit, in: Stefan WEINFURTER (Ed.), Die Salier und das Reich, Sigmaringen 1991, Bd. iii, p. 297–325, at 301, n. 20. Siegfried EPPERLEIN, Herrschaft und Volk im karolingischen Imperium, Berlin 1969, p. 102 suggests that *fideles* and *latrones* were two quite distinct groups before the 850s; but this seems unlikely.

34) MGH Cap. II, no. 270, c. 9, p. 298.

35) Brent D. SHAW, Bandits in the Roman Empire, in: PP 105 (1984) p. 3–52.

difference was only one of scale<sup>36</sup>). A non-expanding *regnum* depended on the management of *latrocinium* within its own frontiers. Thus Roman Emperors and Louis the Pious faced similar situations.

There was a further similarity, which had equally important implications for the incidence, and management, of violence. Theirs were states with similar succession-systems. Bureaucratic-appointive, with an elective dash, the Later Roman Empire's system may once have appeared<sup>37</sup>). But in the time of the Christian Emperors the hereditary element loomed large, bringing with it the distinctive trait of partitioning between heirs. The empire was split between east and west in 396 because Theodosius left two sons. In 337, Constantine left three sons (he had murdered a fourth) and the empire was split into three. The eldest got their father's patrimony, the western provinces, and Constantinople only after further negotiations with the second son, ruler of the east; the youngest son got Italy and Rome. In the 830s, a Frankish scholar, Freulf of Lisieux, writing Book II of his ›Universal History‹ for the education of the little Charles, youngest son of Louis the Pious, noted these divisions without comment<sup>38</sup>). So: a *res publica* could be treated like a patrimony.

The Carolingian state, like the Later Roman Empire, blurred Weberian ideal-types; it wavered over primogeniture, and over the distinction between inheritance and acquisitions, as criteria for partition. In 806 Charlemagne provided for four variant possibilities, one of which (but only one) assigned the whole Carolingian patrimony intact to a single son<sup>39</sup>). These possibilities may never have been mapped out in detail, in fact, until the late Peter Classen did it twenty years ago (and the shock has yet to be fully absorbed)<sup>40</sup>). Any one of those 806 projects would have caused huge difficulties had it begun to be implemented<sup>41</sup>). Only the deaths of his two elder brothers enabled Louis the Pious, the youngest, to succeed, fairy-tale fashion, to the whole inheritance. Such confusions and contradictions of principle were symptoms, more than causes, of conflict within the ruling family. Those confusions, though,

36) Augustine, *The City of God*, IV, 4; cf. XIX, 12: the robber-band has a semblance of peace, and the lone bandit's household its ›shadow of peace ... If he were offered the servitude of a larger number – say, of a whole state or nation – the brigand would become a king.

37) See the analysis of patrimonial regimes in Max WEBER, *Economy and Society*, New York 1968, III, 1006–1069. For useful discussion of problems of typology, see Chris WICKHAM, *Systactic structures: social theory for historians*, in: *PP* 132 (1991) p. 188–203.

38) Freulf, *Chronicorum tomi duo*, II, iii, 20, MPL 106, col. 1200.

39) Eugen EWIG, *Überlegungen zu den merowingischen und karolingischen Teilungen*, in: *Nascità dell'Europa ed Europa Carolingia* (Sett. cent. it. 27), Spoleto 1981), i, p. 225–253, at p. 240–244.

40) CLASSEN, *Karl der Große und der Thronfolge im Frankenreich*, in: *Fschr. f. Hermann Heimpel*, Göttingen 1972, III, p. 109–134.

41) For the shock-waves caused by the division of 817, see Michael BORGOLTE, *Die Grafen Alemanniens in merowingischer und karolingischer Zeit*, Sigmaringen 1986, p. 223; Karl Ferdinand WERNER, *Hlodovicus Augustus: gouverner l'empire chrétien – idées et réalités*, in: *GODMAN/COLLINS* (cf. n. 23), p. 3–124, at 41–54.

were compounded after Charlemagne's death by the conjuncture of Reutereseque involution and the thwarted expectations of the next Carolingian generation.

In the ninth century Frankish sons were taught to obey. Hrabanus Maurus would have cause to hammer home that message to the sons of Louis the Pious: *honor* was owed to fathers as a form of subjection to divinely-ordained higher powers<sup>42</sup>). ›I never tire of telling you‹, wrote the noblewoman Dhuoda to her 15-year old, ›how you should fear, love and be faithful to your father in all things. Do not sadden or spurn him. [Ecclesiasticus 3:14, 15] ... Never let such wickedness even enter your thoughts. We have heard that that kind of misdeed has been committed by many sons: but they are not like you ... There are many sons, they say, who at the present time plot such crimes, not bearing in mind what's happened in the past but alleging that their situation in the present is unjust (*nefas*). Such men do not acquire the property they hope to gain at other's expense – rather, they lose it; and often enough they barely manage to get back what was theirs<sup>43</sup>). Dhuoda, says Pierre Riché, preached ›a religion of paternity‹<sup>44</sup>). Yet she protests too much. Even as she assures her son of her confidence in his filial obedience, she recalls sons who rebelled against their fathers' control. It was the fault-line inherent in the system of dynastic succession, in family or state. The scarcer the resource and the more valuable the prize, the more likely was filial rebellion. Equally likely, and more violent still, was conflict between brothers, *a fortiore* between half-brothers. Dhuoda urged her elder son to look after the younger one, still a baby<sup>45</sup>). Fraternal care could hardly be assumed. A Frankish writer c. 850 reported a fraternal quarrel arising from an attempt to divide an inheritance – ›as often happens in such a case‹<sup>46</sup>) – and one brother slew the other.

If we narrow the focus to the Carolingian family in the years immediately preceding 840, we can see why conflict was so likely to follow Louis the Pious's death<sup>47</sup>). In 830 and 833, when Louis's adult sons rebelled, their apologists justified their conduct precisely in terms of defence of right order in the household, claiming in 830 that Louis's wife (the adult sons' stepmother) had polluted their father's bed, and in 833, that Louis himself was ›a disturber of the peace‹, and had misruled both family and realm<sup>48</sup>). The rebellious sons posed as family-

42) MGH Epp. Karol. V, p. 416–419.

43) Dhuoda, Manuel pour mon fils, trans. Pierre RICHÉ, Paris 1975, III, c. 1, p. 134–136. Augustine's comments on filial subjection were recorded in his Commentaries on the Psalms, a work which certainly influenced Dhuoda, III, 10, p. 178; V, 1, p. 262. For Augustine, see Brent D. SHAW, The family in Late Antiquity: the experience of Augustine, in: PP 115 (1987) p. 3–51, at 19–25.

44) RICHÉ, Introduction to Dhuoda (cf. n. 43), p. 27.

45) Dhuoda, Manuel (cf. n. 43), I, 7, p. 116–117.

46) Odo of Glanfeuil, Miracula Sancti Mauri, MGH SS XV, p. 470.

47) Cf. now Rudolf SCHIEFFER, Väter und Söhne im Karolingerhause, in: Beiträge zur Geschichte des *Regnum Francorum* (Francia. Beih. 22) Paris 1990, p. 149–164.

48) Elizabeth WARD, Agobard of Lyons and Paschasius Radbertus as critics of the Empress Judith, in: Studies in Church History 27 (1990) p. 15–25. For the significance of Gregory IV's role in 833, see Johannes FRIED, Ludwig der Fromme, das Papsttum und die fränkische Kirche, in: GODMAN/COLLINS (cf. n. 23), p. 231–273.

guardians. Nevertheless, they shirked responsibility for their father's deposition. An episcopal judgement, in condemning Louis, exculpated Lothar and his brothers. But the bishops who judged were a small group of Lothar's partisans<sup>49</sup>. They imposed the penance that meant the emperor had to lay down his weapons, thus could no longer govern – since governing and fighting, for kings as for aristocrats, were inseparable<sup>50</sup>. But the bishops laid no claim to a right to depose the emperor. Louis's supporters, notably Hrabanus Maurus, abbot of Fulda, shared Augustine's views on rebel sons: nothing excused their conduct, and only their father's exceptional clemency could forgive them. In 834, once Louis had re-established control of family and realm, Lothar was sent to Italy (an *acquisition* of his grandfather's), and deprived, for the time being, of any part in the Frankish *patrimony*. His episcopal supporters (and propagandists) were disgraced.

Louis the Pious's last years were a political success in so far as he imposed his will on Lothar. But the problem of filial discontent inevitably remained unresolved. The emperor's third son, Louis the German, confined to Bavaria, demanded a share of Francia as well. The emperor refused. At Fulda, Hrabanus upheld the emperor's paternal authority as staunchly as ever; and it was perhaps in this milieu that the *Heliand* poet in the late 830s purveyed to the Saxons the larger lesson of fidelity (without, however, underestimating the internal conflicts fidelity could entail for would-be *fideles*)<sup>51</sup>. Nevertheless, when Louis the German rebelled, and tried to take over territory his father controlled, the son claimed ›part of the realm across the Rhine *quasi iure sibi debitam* – on the grounds that it was his due by right<sup>52</sup>. He believed that his father owed him, and immediately, by way of pre-mortem not post-mortem succession, the eastern part of the Frankish heartlands. The East Frankish author of the ›Annals of Fulda‹ has Louis the German in 839 refusing actually to fight his father ›knowing that it was wicked‹. On the other hand, the author of the ›Annals of St-Bertin‹ shows Louis the Pious anxious not to ›spill the blood of a people who felt themselves one‹, and suggests that that was what prevented open conflict<sup>53</sup>. Was the Younger Louis engaged only in a show of defiance, a ritual of rebellion? Plainly his father did not think so – and in his dying breath he

49) See J. L. NELSON, The last years of Louis the Pious, in: GODMAN/COLLINS (cf. n. 23), p. 147–161, at 155–156.

50) Contrast Louis's earlier penance in 822, see Mayke DE JONG, Power and humility in Carolingian society: the public penance of Louis the Pious, in: Early Medieval Europe 1 (1992) p. 29–52. For the disabilities penance entailed, see Karl LEYSER, Early medieval Canon Law and the beginnings of Knighthood, in: Lutz FLENKSE/Werner RÖSENER/Thomas ZOTZ (Ed.), Institutionen, Kultur und Gesellschaft im Mittelalter. FSchr. f. Josef Fleckenstein zu seinem 65. Geburtstag, Sigmaringen 1984, p. 549–566.

51) Cf. Karl Ferdinand WERNER, *Hlodovicus Augustus*: gouverner l'empire chrétien – idées et réalités, in: GODMAN/COLLINS (cf. n. 23), p. 3–124, at 99–100 and n. 369.

52) *Annales Fuldenses* 840, ed. Friedrich KURZE (MGH SRG [in us. schol.] AF), p. 30, cf. English translation Timothy REUTER, Manchester 1992, p. 17.

53) AF (cf. n. 52) 839, p. 30, trans. REUTER, p. 16; *Annales de St Bertin* 839, ed. Félix GRAT/Jeanne VIEILLIARD/Suzanne CLÉMENCET, Paris 1964 (AB), p. 26; *sanguinem communis populi fundi ... metuens*, English translation Janet L. NELSON, Manchester 1991, p. 41.



refused forgiveness to his rebellious son. Yet both father and son appealed to norms of conduct and rights – *fas* and *ius* – which made sense to contemporaries. Each of them had a case to make<sup>54</sup>).

So too did Lothar, the first-born. Since early in Louis the Pious's reign, Lothar's ecclesiastical supporters had argued for an impartible *regnum Francorum*, and for succession by primogeniture. Such was the scheme embodied in the *Ordinatio Imperii* of 817. In the late 830s, partible succession of the heartlands returned to the agenda with a series of succession-schemes and division-projects announced by Louis the Pious (an old man in a hurry) between 837 and 839<sup>55</sup>). *Fideles* hardly knew from one year to the next in whose realm they should expect to end up. Uncertainty must have bred further insecurity during these frenetic years. Imitator of Christian Roman Emperors, Louis treated the empire like a family inheritance, exercising his rights like a Roman paterfamilias to promote, demote, exclude potential heirs. In 839, he not only excluded Louis the German from any share in the heartlands of Francia, but attempted the total disinheritance of two of his grandsons, whose father Pippin of Aquitaine had died in December 838. Six months later, the whole empire was divided – on parchment – between Lothar, the *primogenitus*, and Charles the Bald, the youngest son. The death of Louis the Pious in June 840 made that division-plan (like the rest) a dead-letter. On his deathbed, Louis bequeathed the imperial regalia to Lothar, who twenty-three years before had been promised the patrimony of Francia entire<sup>56</sup>). Lothar was determined to make a reality of his imperial pre-eminence: he therefore needed Francia where Carolingian lands and resources were concentrated. To his brothers' supporters, Lothar's conduct breached the laws of nature<sup>57</sup>) – in other words, of fraternal sharing.

How far was Lothar prepared to go? In the last throes of his rebellion in 833/34, the level of violence within the Frankish realm had escalated dramatically, and ominously. The brutal killings of Louis's supporters in Burgundy attracted quite widespread attention; still more so did the drowning as a witch of Gerberga, the sister of Bernard, Louis's one-time favourite<sup>58</sup>). There was a ferocious pitched battle in the Loire valley in which a number of Louis's leading men (including his chancellor) were killed<sup>59</sup>). The contestants were rivals for regional power who had attached themselves to rival Carolingians. In 841, Lothar's men ravaged and raped in Neustria (again violence was peculiarly concentrated in that region); and Lothar carried off

54) Cf. Lothar in 830, Nithard (cf. n. 29) I, 3, p. 10: *quasi justa querimonia reperta*.

55) For these and other projects, see Eugen EWIG, Überlegungen (cf. n. 39), p. 246–253, with the qualifications of Peter CLASSEN in the *discussione* at p. 255–256, stressing, rightly in my view, the overriding importance of the Frankish heartlands.

56) AF (cf. n. 52) 840, p. 31.

57) AB (cf. n. 53) 840, p. 36: *iura naturae*.

58) AB (cf. n. 53) 834, p. 14; Nithard (cf. N. 29), I, 5, p. 20. Lothar personally saw to Gerberga's drowning, which thus straddled the categories of public and private vengeance: Thegan, *Vita Hludouuici*, c. 52, SS, p. 601; cf. Astonomer, *Vita Hludowici*, c. 52, SS, p. 638–639. Two counts were also killed.

59) AB (cf. n. 53) 834, p. 13; Nithard (cf. n. 29), I, 5, p. 20.

treasures that had been deposited in churches for safe-keeping<sup>60</sup> – the ninth-century equivalent of robbing banks. Lothar was ensuring that if he did not get Neustria, whoever did would inherit a ruined realm. Now the region became again the cockpit of *perduellio* involving the heirs of the contestants of 834<sup>61</sup>. A chain-reaction of violence seemed to have been unleashed.

What of violence within the Carolingian family? Nithard mentions no fewer than three times allegations that Lothar hated his brother ›*usque ad intermitionem*›<sup>62</sup>; he also says that Lothar threatened death to those who refused their support, and actually killed some of his brothers' men<sup>63</sup>. It would be interesting to have the story told from Lothar's standpoint. Nithard reveals that in May 841 Lothar was afraid that Charles might ambush him<sup>64</sup>. Charles had already proved himself quite capable of ambushing a magnate whom he mistrusted – though Nithard (apologetically?) says that his aim was to capture, not kill, the magnate concerned<sup>65</sup>. Charles as a student-prince had read Freculf's ›Universal History‹, and he knew what had happened to the eldest son of Constantine:

when by a kind of brigandage (*latrocinium*), in a stupid, foul and drunken fashion, he tried to seize what did not belong to him he was slain by [his younger brother]'s generals and [his corpse] hurled into a river<sup>66</sup>.

Charles had also read Einhard's ›Life of Charlemagne‹, which included the information that in 771 Charlemagne and his brother, after scarcely three years' coexistence, had seemed on the verge of war (*bellum*): an outcome averted only by the brother's death<sup>67</sup>. Given the subsequent conduct of both Charles and Louis, it is hard to credit them with fraternal consciences any more tender than Lothar's – or, for that matter, Constans'. It was not personalities, but circumstances, that dictated brutality. In the winter of 840/41, Lothar's

60) Cf. n. 59.

61) Adrevald, *Miracula Sancti Benedicti* c. 33, MPL 124, col. 936; cf. AB (cf. n. 53) 843, p. 44, 744, p. 46, trans. NELSON, p. 55 and n. 1, 58 and n. 7.

62) Nithard (cf. n. 29), I, 6, p. 28 (here Louis the German is included in the allegation); II, 4, p. 46; III, 5, p. 102. Note that Nithard also alleges, II, 7, p. 58, that the archbishop of Mainz and the count of Metz hated Louis the German *ad mortem usque*.

63) Nithard (cf. n. 29), II, 1, p. 38; II, 8, p. 62.

64) Nithard (cf. n. 29), II, 8, p. 64.

65) Nithard (cf. n. 29), II, 5, p. 50. The magnate, Bernard, escaped but some of his men were killed. Nithard also says that Charles especially resented the *seductiones* which Bernard had committed against his father and now against himself.

66) Freculd, *Chron.*, II, iii, 22, MPL 106, col. 1203. For the meaning of *latrocinium* in such Late Roman contexts, see Ramsey MACMULLEN, *Enemies of the Roman State*, Cambridge, Mass. 1967, Appendix.

67) Einhard c. 3, ed. Oswald HOLDER-EGGER (MGH SRG [in us. schol.]), p. 6. Cf. Cathwulf's letter to Charlemagne, recommending that he thank God for various gifts including his brother's removal: MGH Epp. Karol., IV, p. 502.

successive truces with his two brothers in turn were tactical moves. A contemporary observed: *Erat pax, sed instabilis*<sup>68</sup>).

›Fraternal war‹ (›Brüderkrieg‹): the modern phrase encapsulates a contradiction that was painfully real to ninth-century people. Nithard, writing as a Carolingian himself, says such a war was *quiddam sinistrum ex genere nostro*: ›something ill-omened on the part of our dynasty‹; something therefore that he was ›ashamed to hear, and still more distressed to write about‹<sup>69</sup>). In later periods (seldom before the twelfth or thirteenth century), conflict between royal brothers was not stopped, but it was inhibited once primogeniture was firmly established (with ecclesiastical posts offering more berths in religion), and it was partly defused once new conquests and new empire-building again offered prospects of aggrandisement to younger brothers. In the ninth century, and for Nithard's generation, with primogeniture only half-established and hence still disputable, and with imperial expansion arrested, fraternal coexistence was peculiarly difficult for the Carolingians, fraternal conflict peculiarly likely<sup>70</sup>). Yet such conflict was against all the obligations of family morality which Charles and Louis (like other young Franks) had been brought up to observe – rules which enjoined fraternal solidarity: *so haldih thesan minan bruodher, soso man mit rehtu sinan bruher scal*<sup>71</sup>). The Carolingian disputants of 840/41 were torn between conflicting imperatives.

So too were the men who followed them to war. For if the sons of Louis the Pious fought each other, they could do so only with supporters willing to make a Carolingian's cause their own. Lothar not only had his rights, his inheritance to claim; at the core of his following were ›disinherited ones‹ – men, or the sons of men, whom Louis the Pious had deprived ›even of their own lands‹ when he sent Lothar to Italy in 834/35. Lothar needed the wherewithal to compensate them<sup>72</sup>). Exactly the same was true of Charles and Louis: the strength of support for each was notably firm. The interests of the aristocracy, and of the younger generation, were thus crucially involved in 840–843. Men would urge their lord to defy his brother(s). Yet because the rival kings recruited their followers from the same Frankish aristocratic pool, among their armies brother was drawn up for battle against brother. These men too had been taught the value of brotherly love; and so, for them too, the Carolingian brothers' war meant the violation of basic obligations. Whatever familial strategies may have been devised to keep a

68) Agnellus of Ravenna, *Liber Pontificalis Ecclesiae Ravennatis*, ed. Oswald HOLDER-EGGER (MGH SSRL), p. 389. Note that Nithard uses the terms *pacatio* and *pax* apparently indifferently to refer to truces: e. g. I, 7, p. 30; II, 1, p. 40; III, 3, p. 94.

69) Nithard (cf. n. 29), preface to III, p. 78.

70) Again, there may be parallels with the fourth century.

71) Strasbourg Oaths, Nithard (cf. n. 29), III, 5, p. 106: ›I will so help this my brother as a man should rightly act towards his brother‹. Cf. the Romance version at p. 104: for vernacular formulae underlying these, see Ruth SCHMIDT-WIEGAND, *Eid und Gelöbniß im mittelalterlichen Recht*, in: Peter CLASSEN (Ed.), *Recht und Schrift im Mittelalter*, Sigmaringen 1977, p. 55–90, at 62–68. For appropriate feelings towards a *frater parvulus*, see Dhuoda (cf. n. 43), I, 7, p. 116.

72) Nithard (cf. n. 29), IV, 3, p. 128: *querebaturque insuper suorum qui se secuti sunt causam, quod in praefata parte que illi offerebatur, non haberet unde illis ea que amittebant restituere posset*.

foot in both camps<sup>73</sup>), no man could fight in this war without the taint of the primordial sin of Cain. Such internalised conflict for every combatant concerned would make this war very difficult to justify; would thus lead its protagonists to devote exceptional energy, at each successive stage, to its justification; would make them especially anxious, once battle was seen as inevitable, for a speedy and decisive victory. God's Judgement once declared, there was likely to be exceptionally widespread involvement in the search for peace and reconciliation, and atonement for the shedding of fraternal blood<sup>74</sup>).

For to regard the Frankish aristocracy of the 830s and 840s as cynical exploiters of Carolingian conflict would be a crass misreading. Certainly these men were no naive idealists. They regarded violence in pursuit of justified claims, against members of their own class and within their own locality, as perfectly legitimate. They respected force, and they admired cunning. Yet, their rank and status – their *ordo* and *dignitas* – derived from exercising influence through non-violent means, and from the limiting of violence. These men were law-worthy, knowledgeable in dispute-settlement<sup>75</sup>). They shared some of the ecclesiastical reformers' very practical concern for peace: they wished to protect from others' aggression the religious houses they favoured; they wanted their ecclesiastical brothers and cousins and clients to be able to work and travel undisturbed; and they wanted peace at home. In Carolingian disputes, the aristocracy were indeed interested parties. For some, the death of Louis the Pious reawakened hopes of homecoming, and the retrieval of patrimonies; for others it no doubt meant the settling of old scores with local rivals, and the acquisition of new *honores*. Yet for many, there was in 840 an agonising decision to be made about whom to follow, which oaths to keep. Inter-Carolingian conflict made the risks of any commitment incalculable. It meant a near future of uncertainty, danger and possibly bitter remorse.

For contemporaries, the years 840–843 constituted an exceptional time: in the next decade, these years were referred back to as *tempus perturbationum*: the time of troubles<sup>76</sup>). In the larger problematic of medieval peace-breaking and peace-making, the Carolingian ›Brüderkrieg‹ thus makes a good case-study. It is also unusually well documented by strictly contemporary writers. Indeed the sheer volume and diversity of this evidence surely reflect the exceptionally intense and widespread concern this conflict generated<sup>77</sup>). There are the ›Annals of St-Bertin‹, the ›Annals of Fulda‹, and the ›Annals of Xanten‹: produced quite independently in the west, north and east of the heartlands of Francia<sup>78</sup>). A near-contemporary Italian writer,

73) See NELSON, Public Histories and private history, in: *Speculum* 60 (1985) p.251–293, reprinted in: NELSON, Politics and Ritual (cf. n. 32), p. 195–237, at 216–217.

74) See below, p. 100.

75) Cf. NELSON, Literacy in Carolingian government, in: Rosamond McKITTERICK (Hg.), *The Uses of Literacy in Early Medieval Europe*, Cambridge 1990, p. 258–296, at 267–272.

76) AB (cf. n. 53) 853, p. 67. My translation of the AB, p. 77, unfortunately obscures this reference.

77) It is indicative, too, of the newly-gained reach of literacy among the lay as well as the ecclesiastical elite: but that is another story.

78) See Heinz LÖWE, *Die Geschichtsschreibung der ausgehenden Karolingerzeit*, in: *DA* 23 (1967) p.1–30. For the range of ninth-century comment on Fontenoy, making clear the West Frankish

Agnellus of Ravenna, eagerly included information on conflict that was fought out north of the Alps yet laden with consequences for Agnellus's own, local, audience<sup>79</sup>). At the other end of the *regnum Francorum*, in Brittany, a scribe, uncertain whose reign-years to use, dated a charter: *regnantibus filiis Hludowici imperatoris et fiente turbatione inter ipsos*<sup>80</sup>). In Uzès in the Midi, a writer dated her just-completed book: *Christo propitio regnante et regem quem Deus dederit sperantem*<sup>81</sup>) – for the noblewoman Dhuoda was uncertain, even once negotiations for a settlement were under way, which side of a frontier her home would be on. Her Handbook to guide her son at the court of Charles the Bald had been begun in November 841, and finished in February 843. ›*Luctamen hodie surgit in multis*. I'm frightened, my son, that it will befall you and your fellow-warriors – for as the Apostle said: these are bad times‹<sup>82</sup>). Dhuoda advised her son to protect himself with the sign of the cross, with the words: *Cruce mihi vita, mors tibi, diabole, inimice veritatis ... mors tibi semper*<sup>83</sup>). Dhuoda's Handbook, whatever else it is, is a testimony to the participation, and the suffering, of women in war. Yet Dhuoda impresses on her son the overriding importance of faithful service, accepting that this means war-service, and leaving the direction of war to kings.

Angelbert's ›Lament‹ records another kind of wartime suffering; and it too is the work of a layperson<sup>84</sup>). Angelbert was a supporter of Lothar, perhaps a member of his personal following, who himself fought at Fontenoy, sole survivor, he says, of Lothar's front line. His lament is for his slaughtered companions whose naked corpses strewed the battlefield. There is anger here too: against the nameless *duces* whose failure to follow their king ›handed him over like a lamb to the wolf, as Judas betrayed the Saviour‹. (I suspect Angelbert had, amongst others, Bernard of Septimania in mind. Bernard was Dhuoda's husband. It was small world.) For Angelbert the battle of Fontenoy was peculiarly terrible because it pitted brother against brother. It was this breach of fraternal peace which proved Fontenoy to be the Devil's work:

concentration of the evidence, see Ernst DÜMMLER, *Geschichte des ostfränkischen Reiches*, Leipzig 1887/88, i, p. 158/59.

79) See NELSON, Charles the Bald, London 1992, p. 118–119, 275.

80) Cartulaire de Redon, ed. A. DE COURSON, Paris 1863, Appendix, no. XVI, p. 360: ›in the reign of the sons of the Emperor Louis and during the trouble between them‹.

81) Dhoua (cf. n. 43) p. 370: ›under Christ's favourable reign, and in hopes of the king whom God will give‹. This is almost the last line of Dhuoda's work, written, she says, on 2 February (843).

82) Dhuoda (cf. n. 43) p. 206: *Timeo enim me et in te tuisque militantibus eveniat, fili, pro eo quod ait Apostolus: Dies mali sunt* ([Ephesians 5:16]).

83) Dhoua (cf. n. 43) p. 128: ›the Cross is life for me, but it's death for you, Devil, you enemy of Truth, ... for you it's death, ever death‹. Dhuoda tells her son when he goes to bed at night to make the sign of the cross on his forehead, and over his bed.

84) Angelbert's Lament is edited and translated in: Peter GODMAN, *Poetry of Carolingian Renaissance*, London 1985, no. 39, p. 262–264, with comment at p. 48–50: ›three-line quindecasyllabic strophes [were] a form frequently adopted during the eighth and ninth centuries in spiritual cantica, with the alphabetic arrangement of letters at the beginning of each strophe (A–P) employed as a mnemonic technique for public recitation‹ [my stress]. GODMAN, p. 50, n. 8, also gives evidence for the poem's oral transmission.

*de fraterna rupta pace gaudet demon impius.*

The battle between brothers was a crime (*scelus*) which breached the *lex christianorum*. It was a battle therefore unworthy of praise-songs, but only of lament.

Hrabanus Maurus had to deal with the aftermath of Fontenoy in another way, when Archbishop Otgar of Mainz asked what penance should be imposed on those who excused the homicide lately perpetrated in rebellion and in the battle of our rulers on the grounds that it was not necessary for any man to do penance for this, because it had been done on the order of rulers, and the outcome had been a Judgement of God<sup>85</sup>). Hrabanus insisted that penance was indeed necessary. Halitgar of Cambrai (writing some twenty years earlier) had considered that killing in battle did not require penance if done to defend oneself or one's close kin<sup>86</sup>). The killings at Fontenoy did not fall into those categories: indeed that battle, Hrabanus suggested, had been characterised by killings of *proximi* – neighbours and kinsmen: killings deliberate, not accidental. The perpetrators had preferred the favour of their temporal lords to the favour of the eternal Lord. There could be no pardon without penance. Those who tried to argue the contrary should reflect on the difference between a rebel, who took up arms to breach the peace, and a lawful ruler, who fought to defend right against wrong. (Hrabanus clearly refused to recognise Fontenoy's verdict as a Judgement of God against Lothar.) It may have been no coincidence that along with this letter Hrabanus sent Otgar his *libellus* penalising those who claimed to bring about men's downfall by magic<sup>87</sup>). These were anxious times<sup>88</sup>).

Just as topical was the collection of passages, mostly from the Old Testament, made apparently in 842, and preserved in two manuscripts, from Corbie and Cambrai<sup>89</sup>). The texts make gloomy reading: they start with Genesis 6:5–6 (and God saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually); continue with Daniel 12:1–4 (and there shall be a time of trouble . . . 2. ); and a string of prophetic denunciations<sup>90</sup>), including, most disturbingly apt of all, Jeremiah 9:4–5:

85) Hrabanus Ep. 32, MGH Epp. Karol. V, p. 463–464.

86) See Raymund КОРТЪЕ, Die Bußbücher Halitgars von Cambrai und des Hrabanus Maurus, Berlin 1980, p. 240–244. Some thirty years later, in: De regis persona et regio ministerio c. 9, MPL 125, col. 841, Hincmar of Reims would argue, quoting Augustine, The City of God, I, 21: *non peccasse eos qui Deo auctore bella gesserunt . . . aut personam gerentes publicae potestatis . . . sceleratos morte punierunt*, and in c. 11, *ibid.*, col. 842, *militem potestati sub qua est obedientem non peccare si hominem occidat*, citing Augustine, The City of God, I, 26. See now Raymund КОРТЪЕ, Die Tötung im Kriege. Ein moralisches und rechtliches Problem im frühen Mittelalter (Beiträge zur Friedensethik 11), Barsbüttel 1991.

87) Hrabanus Ep. 33, MGH Epp. Karol. V, p. 465. The abbot of Fulda also received a copy.

88) On the contexts in which such claims, and accusations, could flourish, and on Hrabanus' work, see Edward PETERS, The Magician, the Witch and the Law, Philadelphia 1978, p. 15–18.

89) Paul W. FINSTERWALDER, Eine parteipolitische Kundgebung eines Anhängers Lothars I., in: NA 47 (1928) p. 393–415.

90) Amos 5:12 (for I know your manifold transgressions and your mighty sins . . .); Job 12:24 (he taketh away the heart of the chief of the people of the earth, and causeth them to wander in the wilderness where there is no way).

›Take ye heed every one of his neighbour and trust ye not in any brother: for every brother will utterly supplant, and every neighbour will walk with slanders‹. (*Et vir fratrem suum deridebit et veritatem non loquetur*). A second set of citations warns against accepting bribes, and, finally, against precipitate action: ›Judge nothing before the time‹ (I Corinthians 4:5; ›The wise man will be silent until the right time‹ (Ecclesiasticus 20:7). The author may have been Bishop Thierry of Cambrai: his commitment to Lothar would certainly help explain why Cambrai ended up, anomalously, on Lothar's side of the 843 division-line. In 842, Thierry chose the better part of valour.

No-one had learned that lesson better than the Astronomer, the anonymous biographer of Louis the Pious, who, so Ernst Tremp has recently suggested, having written his work for Lothar in the winter of 840/41, changed tack after Fontenoy and presented it instead to Charles the Bald<sup>91</sup>). Tremp's dating is persuasive. The ›Life of Louis‹ too was a response to the time of troubles: an evocation of lost peace. Yet it hardly constituted a coming-to-terms with the situation which followed Louis the Pious's death. Rather, the Astronomer harked back to 839, and tried, still, to square the circle between the claims of Lothar and Charles the Bald. It is the Astronomer who, like the ›Annals of Fulda‹, reports the dying emperor's bequest of the imperial regalia to Lothar; but, unlike the annalist, the biographer says there were strings attached: ›Lothar would have to keep faith to Charles ... and allow him his whole share of the *regnum*‹<sup>92</sup>). There was the rub. By the terms of 839, *unitas* would have been a state of mind, and nothing more. After June 840, peace was not to be had on those terms, because Lothar had decided that *unitas* was to be a political reality. What Tremp calls the Astronomer's ›paradox‹<sup>93</sup>) was actually a contradiction.

Peter Godman, reading in Angelbert's poem an ›Aquitanian or, at least, partisan‹ view<sup>94</sup>), denies any such ›regionalism‹ or partisanship in Florus of Lyons' lament on the splitting of the empire<sup>95</sup>). Here Godman finds ›the formal tones of clerical response‹, which, by implication, was un-partisan. Yet Florus, like his patron, Archbishop Agobard of Lyons, was certainly a supporter of Lothar; and it was probably no coincidence that Bishop Modoin of Autun, against whom Florus wrote a defence of his own church of Lyons, was an early supporter of Charles<sup>96</sup>). There is no very sharp distinction to be drawn between belief in a unitary empire, and personal commitment to Lothar's ›party‹. The imperialists were the partisans; and regional interests and rivalries played a large role in accounting for their choice. Florus's

91) Ernst TREMP, *Die Überlieferung der Vita Hludowici imperatoris des Astronomus* (MGH Stud. u. Texte. 1), Hannover 1991, p. 128–156, esp. p. 138, rightly situating this author ›im Spannungsfeld des Bruderzwists‹.

92) Astronomer, c. 63, p. 647: *et portionem regni totam illi consentiret*.

93) TREMP (cf. n. 91), p. 150.

94) Poetry of the Carolingian Renaissance (cf. n. 84), p. 50.

95) MGH PP II, Berlin 1884, p. 559–564; text with English translation, GODMAN, Poetry (cf. n. 84), p. 264–273 (supplying the title: Lament on the division of the empire).

96) Lupus of Ferrières, Ep. 17, in: *Correspondance*, ed. Léon LEVILLAIN, Paris 1927–35, i, p. 98.

words ought not to be taken out of context as a typical, generalisable, epitaph on the Carolingian Empire.

Lamenting the loss of the *bonum pacis*, Florus blamed, not Lothar's brothers, but the nobility:

*nobilitas discors in mutua funera sevit*<sup>97)</sup>

and perhaps still had them in mind when he observed:

*Gaudetur fessi saeva inter vulnera regni  
Et pacem vocitant, nulla est ubi gratia pacis*<sup>98)</sup>.

For Florus, the division of the empire could not offer relief from war. If the poem can be dated to the latter part of 842, it was surely a restatement of Lothar's imperial claims during the negotiations that led to Verdun: topical, certainly, but hardly representative (though often cited as such) – except of the views of Lothar's supporters.

The nobility whom Florus criticised were those who followed Louis and Charles. They defended their own conduct as that of true seekers after peace: the peace that was inseparable from justice and thus entailed the division of the empire – the only kind of peace that would stick. Let one of these men speak for himself. He is an unnamed *fidelis*, writing to Lothar's wife, the Empress Ermengard, to rebut allegations she had made in a letter to him<sup>99)</sup>:

You said you had heard that I was trying to disturb the peace of the Church and to overthrow fraternal concord; and you treated this as the work of demons. ... Demons do indeed take pleasure in dissension and discord and the disturbing of good men. And it is also true that a man who disturbs the Church's peace and loves the destruction of fraternity becomes a collaborator of demons. But may God's mercy forever make *me* immune to such collaboration! A man who only seeks his own rights (*iustitia*) is not one who wants universal discord. Therefore I certainly do not do the work of demons, for I seek, not wrongdoing, but fairness and lawful rights (*iustitia*). ... The man who really can be called a co-worker with demons is the man ... who prefers discord to fairness ...: and that is a description of the man who incites your lord [Lothar] to take action against me.

The unnamed *fidelis* protests that he has always striven to secure peace and concord for Lothar, and did so in the reign of Louis the Pious too, even when that meant incurring the

97) Line 22, trans. GODMAN (cf. n. 84), p. 267: 'The nobility, at logger-heads, barbarously murder one another.'

98) Lines 111–112, trans. GODMAN (cf. n. 84), p. 271: 'There is rejoicing as cruel wounds are inflicted on an exhausted realm/and peace they call it, where there are none of the blessings of peace ...'

99) MGH Epp. Karol. V, Epp. Variorum no. 27, p. 343–345. I have also discussed this letter in my paper, Charles le Chauve et les utilisations du savoir, p. 44–45. It survives, uniquely, in Paris BN lat. 11379 (f. 17), of Laon provenance, which also contains the unique copy of Einhard's letters: see the comments of Karl HAMPE in: MGH Epp. Karol. V, p. 105. The manuscript would repay further study.



disapproval of nearly all the magnates. Since the old emperor's death, he says, he has often worked for Lothar's interests, trying always to make them (meaning the three brothers) come to an agreement.

My lord [Charles] and his *fideles* are still striving for [peace], and want to continue doing so, if only things are done correctly (*rite*) on his [Lothar's] side. But my reward for loving peace has been just the opposite: I who worked hard for others' rights (*justitia*) have lost my own (*justitia mea*) – and because I simply seek to attain them, I am called an imitator of demons! I'm only human, like everyone else: I love those who do right by me, and I withdraw from those who do everything they can to oppose me. My aim was to make peace between them grow stronger, not weaker. Whoever says that I sow discord between the sons of my lord [Louis the Pious] is a liar! I do not think it is making discord between lords if I seek my rights (*justitia*). I kept silent long enough about them before until with Christ's help I could attain them. ... Some people think I am unfaithful to your lord because I haven't abandoned my lord, nor subjected myself to him [Lothar]. ... But if I were to [abandon my lord] just for the sake of some fleeting material gain (*res transitorias*), I would never be acceptable after that either to him [Lothar] or to any right-thinking man. As for the conflict between those kings: much as I hate to say this, they will remain at odds with each other as long as they pay attention to infantile advice. Maybe (though I hope not) it will take the power and energy of those ›brave foreign advisers‹ [*exteriores sapientes et fortes*] – I mean those enemies that surround us on all sides – to bring them to belated peace.

And the letter ends with an assurance that Ermengard's withdrawal of her *familiaritas* is unwarranted. This *fidelis* has remained firm in faith while she was shaken by a sudden change: now (he signs off with a courtly flourish) if only she would open the calm harbour of her bosom, and call him back safe to shore! This letter as a whole also suggests, incidentally, the empress's central place in the web of influence around her husband, and her role as a mediator, and power-broker, between him and his *fideles*, not least in time of war<sup>100</sup>.

Dümmler thought that the letter's author might have been Adalard, former favourite of Louis the Pious and supporter of Charles at Fontenoy<sup>101</sup>. The identification is attractive: the letter was clearly written by someone with *justitia* at stake in territories controlled by both Lothar and Charles. Perhaps the letter was written in the winter of 840/41, when Lothar confiscated the *honores* of those who refused to abandon Charles<sup>102</sup>. It is clear that the writer's main concern is *justitia propria*. Nevertheless, it seems a little crude to gloss *justitia* here, as Dümmler did: *id est beneficium vel praedium* (that is, a benefice or a proprietary

100) Cf. Michael J. ENRIGHT, Lady with a mead-cup, in: FMASt 22 (1988) p. 170–203.

101) ERNST DÜMMLER, Geschichte des ostfränkischen Reiches, 2nd edn, Leipzig 1887, i, p. 181, 184 n. 2. DÜMMLER also raised the alternative possibility of Conrad, brother-in-law of Louis the Pious. The remaining contents of the manuscript do not help resolve this question, so far as I can see.

102) Nithard (cf. n. 29), II, 3, p. 44.

grant of land). *Iustitia* is a term which certainly includes rights to property but it retains an abstract sense of right order as well. For this *fidelis*, *iustitia* is not only something you can lose, and seek to recover: it is also something you ought to do (the devil's ally is the man who *iustitiam non facit*). The writer denies that his pursuit of his own *iustitia* entails stirring up discords. In other words, he denies the allegation that he benefitted from, and so deliberately fomented, dynastic disputes. (It is an allegation that has been made against medieval aristocrats in other periods too, by nineteenth-century historians who criticised ›feudal anarchists‹ as enemies of the state<sup>103</sup>). This *fidelis*, on the contrary, thinks there will be no *iustitia* for him unless ›they‹ – the Carolingians – are at peace with each other (*inter se concordēs*). The enjoyment of *iustitia*, whether in its narrowest, most material sense, or in its broadest, most abstract sense, requires security, hence presupposes peace. The letter might alternatively (and I think preferably) be dated to 842/43, when those ›brave foreign advisers‹, the Northmen, were particularly energetic (and so, when the letter-writer's bitter irony would have its full impact), and when a ›return to shore‹ for the author, and everyone else, was under intensive discussion. If the slightly later date is right, then the writer's silence on Fontenoy surely reflects more than a tactful wish to let bygones be bygones. Fontenoy was an excessively painful subject. It was also the case that, so far, in terms of peace-making, Fontenoy had been of only limited usefulness.

To set Fontenoy in the contexts of the search for peace, we come, at last, to Nithard's ›History‹. I have cited it relatively seldom up to this point: deliberately so, to show the quantity of other contemporary evidence. But Nithard's is the key testimony on the events of 840–842. And for him, peace is about personal and particular relationships of *unanimitas* and *concordia*, especially in reference to the attitudes of members of the royal family to one another. The opposite is discord, which stems from Lothar's enmity against his brothers. Nithard's hostility to Lothar is consistent in Book I: a point slightly blunted by Hans Patze (in what remains one of the most searching analyses of Nithard's work) when he quotes from what is actually the propaganda of Lothar's supporters (*ad iustum regimen sollicitant*) omitting Nithard's crucial word *quasi*<sup>104</sup>. Augustine in his Commentary on Psalm 48,5, had explored the gap between *quasi* and *verum*, appearance and reality<sup>105</sup>. It was a passage which fascinated Dhuoda<sup>106</sup>, and perhaps Nithard too. Augustine's comments on human inscrutability, and the illusory nature of earthly goods, could well lie behind Nithard's ironic references in Book II to character and motive: Lothar's manliness (*virtus*) and energy (*industria*) deployed in persecuting his brothers;

103) See John Horace ROUND, *Geoffrey de Mandeville*, London 1892. But for more recent reassessments of Geoffrey, see C. Warren HOLLISTER, *The misfortunes of the Mandevilles*, in: *History* 58 (1973) p. 18–28, and Edmund KING, *King Stephen and the Anglo-Norman magnates*, in: *History* 59 (1974) p. 180–194, at 191–192.

104) Hans PATZE, *Iustitia bei Nithard*, in: *Fschr. f. Hermann Heimpel*, Göttingen 1972, iii, p. 147–165, at 151, quoting Nithard (cf. n. 29), I, 4, p. 14. Vf. another *quasi* in reference to Lothar's assurances, II, 4, p. 48.

105) *Enarr. in Ps. 48:2,5* (CC. 38) p. 569.

106) *Manuel* (cf. n. 43), V, 1, pp. 262–267.

Lothar's negotiating *callide*: cleverly – or craftily. Nor does ambiguity affect only Nithard's presentation of Lothar: Charles's men have hope – *spes indolis eius*: hope of Charles's talents – or in his wiles (*in dolis*)? Charles's men themselves swear a truce with Lothar on terms they know Lothar will break – Lothar, having promised to be a faithful friend to Charles, began to try to persuade Charles's envoys to defect when they were scarcely out of the negotiating-room – *qua quidem arte ... se mox a sacramento absolvunt*<sup>107</sup>. This is not art but artfulness. On the other hand, Nithard depicts men acting *viriliter* or *nobiliter* – alluding to old-fashioned virtues that he straightforwardly and wholeheartedly admires<sup>108</sup>.

Just once, in II,4, Nithard links the two words *justitia* and *pax*: *Karolus sola justitia pacem petebat*. Patze maximised the sense of *iustitia* here, taking it to include both a broad notion of legality (›Rechtssubstanz‹) and divinely-authorized righteousness. Patze linked *iustitia* with *iudicium dei*, thence with *pax iusta* auf Erden, and thence, ›Nithard und sein König fassen also die *iustitia* im Sinne Augustins auf<sup>109</sup>. But in what sense was that? Nithard's Augustinism, in my view, was the pure variety: he hoped for no more than the *nonnulla pax*, the shadow of peace, which in Book XIX of the ›City of God‹ is all that's to be had *in saeculo*<sup>110</sup>. I do not suggest that we should translate *justitia pacem petebat*, as ›[Charles] was seeking a truce in order to secure his own territorial claims‹. But I think Nithard's *iustitia* includes those claims. Like OHG *rehtu*, Romance *dreit*, or for that matter Vulgar Latin *dricitum*<sup>111</sup>, Nithard's *iustitia* is a word that embraces a whole range of concerns. When Charles' men said they wanted *omnem iustitiam ab eo libenter consequi*, they meant that they wanted his good lordship with all that that entailed of fair treatment. *Beneficia vel praedia* were included, naturally; but they were only part of a wider scenario of mutual benefits and obligations, overlapping in the case of friendship, fidelity, fraternity<sup>112</sup>. Without a general sense of just deserts, of a distribution of benefits that was fair to both Lothar's brothers and their *fideles*, peace, in Nithard's view, was not to be had. Distributive justice meant a division of Francia, that is, of the Carolingian heartlands, between all three sons of Louis the Pious.

107) Nithard (cf. n. 29), II, 4, p. 48: ›by this clever device they soon absolved themselves from their oath‹. Charles's men had sworn with the proviso that if Lothar reneged on his promise, they would regard themselves as absolved from theirs.

108) Cf. n. 29, II, 1, p. 40; II, 4, p. 46 (cf. II, 10, p. 70); IV, 4, p. 142.

109) *Iustitia* bei Nithard (cf. n. 29) p. 151.

110) For illuminating comment on Augustine's fundamental concept, see Robert MARKUS, *Saeculum*, Cambridge 1970.

111) Cf. NELSON, Dispute settlement in Carolingian West Francia, in: Wendy DAVIES/Paul FOURACRE (Ed.), *The Settlement of Disputes in Early Medieval Europe*, Cambridge 1986, p. 50; and Jan F. NIERMEYER, *Mediae Latinitatis Lexicon Minus*, Leiden 1976, s. v.

112) Cf. n. 29, IV, 5, p. 52. Cf. ›Herkunft, Freunde, Herrschaft, Besitz, Bindungen, Weltbild, Pflichten, Leben, Heil, gegenwärtiges und künftiges Dasein‹ as the range of concerns invoked by *rehtu*: so Johannes FRIED, *Vorbemerkungen*, in: *Akten des 26. deutschen Rechtshistorikertages*, Frankfurt 1987, p. 395–402, at 401–402, on the Strasbourg Oaths as described by Nithard; see above n. 70.

How was peace to be sought? Nithard describes three peace-processes, which are interrelated. First, Charles had to shape a microcosm of political concord: a solid constituency among his own followers. Here numbers mattered less than *unanimitas*: the united few could overpower the divided and disorganised many<sup>113</sup>). Charles represented the group to itself as a band of faithful companions, blessed by God, sharing common values and a common goal. Nithard's Book II is indeed part of this representation: apologetic designed to reassure Charles's men that he was justified in defying his eldest brother<sup>114</sup>); at the same time a manifesto intended to motivate its audience to act as men who preferred to die nobly rather than betray and abandon their king<sup>115</sup>). Charles' exploited other media. In 841, the arrival at his camp of envoys from Aquitaine bearing regalia and liturgical equipment just in time for Easter was presented by Charles as a kind of miracle<sup>116</sup>). The symbolism of purification, renewal, and political resurrection (Nithard's word *salus* has spiritual as well as secular meaning) addressed Charles's followers collectively, binding their future as his *commilitones* to that of Charles himself. Charles defined his group of *fideles* by contrasting their faithless opponents. When Charles crossed the Seine, a turning-point in his political fortunes, to confront his former supporters who had defected and now held the eastern river-bank for Lothar, he fixed to the prow of his boat the cross on which the defectors had once sworn loyalty to him. 'When they recognised that cross, and Charles, they fled'<sup>117</sup>). Recall the invocation Dhuoda recommended to her son: 'Cross that is life to me, but to you, Devil, eternal death!<sup>118</sup>). Recall the anxiety of the anonymous *fidelis* to dissociate himself from 'the work of demons'<sup>119</sup>) and Hrabanus' concern to combat the claims of those who in 841 used 'demonic spells' to encompass men's downfall<sup>120</sup>). Charles meant his men to be confident that they were on the side of Good against Evil. Later, in Book III, Nithard showed the importance of ritual in forging solidarity between Charles and Louis the German: 'they ate in the same house and slept under the same roof'<sup>121</sup>). The mock battle involving Charles and

113) Note Nithard's object lesson in: Nithard (cf. n. 29), I, 5, p. 20: ... *hos quidem paucitas ac per hoc summa necessitas unanimes effecit; Widonem autem et suos maxima multitudo securos, discordes et inordinatos reddidit.*

114) Cf. n. 29, II, 2, p. 40: *haberet sua sibi et ... illum [Karolum] habere [Lodharius] permittat, promittens, si hoc faceret, fidelem se illi et subjectum fore velle, ita ut primogenito fratri esse oporteret.*

115) Cf. n. 29, II, 4, p. 46.

116) Cf. n. 29, II, 8, p. 60–62. See NELSON, Ninth-century knighthood? The evidence of Nithard, in Christopher HARPER-BILL, Christopher HOLDSWORTH and Janet L. NELSON (Ed.), *Studies in Medieval History presented to R. Allen BROWN*, Woodbridge 1989, p. 255–266.

117) Cf. n. 29, II, 6, p. 56.

118) Cf. p. 99.

119) Cf. p. 102.

120) MGH Epp. Karol. V, nos. 31, 32. Cf. p. 100.

121) Cf. n. 29, III, 6, p. 110. For 'Mähler und Feste' in general, see Gerd ALTHOFF, *Verwandte* (cf. n. 16), p. 203–211.

Louis and all their youthful men (*omnis iuventus*) was also a training in discipline. Nithard deftly showed how shared exercises, at once practical and symbolic, forged solidarity between followers as well as between followers and their lords<sup>122</sup>.

The second phase of the quest for peace was to seek a Judgement of God through trial by battle<sup>123</sup>. That test was believed to produce a decisive result, and so it could in a dynastic dispute if it eliminated a rival claimant (or claimants). Killing was the only sure means of achieving that outcome: in 833/34, the attempt of Lothar's publicists do depict the abandonment of Louis the Pious by his supporters as a Judgement of God failed when the supporters changed their minds and Louis himself could simply be reinstated. In 841, Louis the German and Charles the Bald did not intend to repeat that tactical error. Canonists might debate whether or not killing done in battle in self-defence, or at one's lord's behest, required penance<sup>124</sup>. A king who intended a battle to the death against his elder brother in a civil war had to persuade his followers to fight their own brothers, had to convince his men that right was on their side, that there was no alternative. Louis the German and Charles the Bald planned the battle of Fontenoy with extreme care. The peace they aimed at had always meant a division of the Frankish heartlands: they had tried very hard to persuade Lothar to agree to that, in the end by offering substantial further concessions of territory and resources, including their treasure, *ut concedat pacem fratribus suis*. They had taken great pains to carry all their men with them, laying their case before a council (*concilium*) and gaining the approval (*universi unanimiter parique consensu*) of bishops and laity alike for the action they proposed<sup>125</sup>. Convinced that Lothar had denied them peace without battle, they drew up their timetable for a battle without fraud, and conveyed this timetable to Lothar. A truce (*pax*) would extend until Saturday 25 June at 8 a. m. During it, there would be prayers and fasts – and final offers<sup>126</sup>. Lothar, as his brothers no doubt expected, temporised, then refused all concessions. On 24 June, Louis and Charles and their men celebrated St John's Day. The twin themes of that feast's liturgy were release (the opening of the barren womb, and of the dumb mouth) and renewal (through baptism, and the Coming of Christ). Fontenoy was designed as a watershed, a rebirth: washing away the detritus of the past, opening up a clear future, a new age<sup>127</sup>. Nithard's picture, anyway, shows how Charles and Louis wished to have Fontenoy represented immediately after the event.

122) Cf. n. 29, p. 112.

123) See Kurt Georg CRAM, *Indicium belli: zum Rechtscharakter des Krieges im deutschen Mittelalter*, Münster–Cologne 1955, p. 20–47.

124) See n. 86.

125) Nithard (cf. n. 29), II, 9, p. 68. Cf. Gerd ALTHOFF, *Colloquium familiare – colloquium secretum – colloquium publicum*, in: FMASt 24 (1990) p. 145–167.

126) Nithard (cf. n. 29), II, 10, p. 70–72: ... *concederet illis regna a patre suo consensu concessa, haberet sua sibi ... sola misericordia a patre illi relicta*. It is actually not clear that Louis the Pious had ever planned for Louis the German to have everything east of the Rhine; but confusion easily arose, given the repeated changes of plan in the 830s. For prayers and fasts, cf. Michael McCORMICK, *Eternal Victory*, Cambridge 1986, p. 352–355.

127) See NELSON, Charles the Bald (cf. n. 79), p. 117.

The aftermath of the battle showed that peace was not so easily won. On the next day, a Sunday, there were elaborate rituals of reconciliation and legitimation: the burial of the dead of both sides; and an assembly (*conventus publicus*) at which all the bishops declared ... that the battle had been for justice alone ...; that this had been made manifest in a Judgement of God; and that all participants, active or passive, were without guilt, so long as their motives had been pure.<sup>128</sup> As a final acknowledgement of the Judgement of God, and at the same time for the remission of the sins of their dead brothers, (but not as penance), the bishops prescribed a three-day fast, which was solemnly observed.<sup>129</sup> All this was the behaviour of men who needed episcopal reassurance to assuage pangs of remorse; and needed to perform religious acts which they believed would benefit their dead brothers. It was not that the bishops imposed these acts on laymen: rather the laymen themselves invoked the bishops' authority, displacing an intolerable burden of responsibility into their consecrated hands. It might be argued that laymen were just cynically exploiting episcopal services. (Did not Lothar act cynically, argued Louis Halphen, in staging the odious comedy<sup>130</sup> of his father's episcopally-imposed penance in 833?) But the solemn observation of a three-day fast after a victory is hardly the act of cynics<sup>131</sup>. A civil war that was also a family-conflict subjected winners as well as losers not just to a conflict of loyalties, but a conflict of value-systems: one which Halitgar's definition of rightful killing hardly seemed to cover. The argument that homicide was excusable when carried out involuntarily, *non sponte, iussu principum*, was one that cut no ice with Lothar's sympathisers. A deeply-divided elite makes an unhappy constituency. Behind Nithard's account of the aftermath of Fontenoy is more than one family tragedy.

The Judgement of God, intended to be decisive, was in fact equivocal, for the simple reason that Lothar survived. A new quest for peace began. Nithard called it a second contest (*certamen*)<sup>132</sup>. But it was a contest waged with words rather than weapons. Its Instrumentarian were the well-tryed ones (mostly still in use in the late-twentieth century), of oaths, envoys, parleys, drafts of treaties intended strictly as the basis for negotiations: the whole intricate toolkit of diplomacy. Its Träger were not only, as before, Louis and Charles and their leading counsellors, the *participes secretorum*, but their followers too: those whom the author of the Annals of St-Bertin called the *fideles populi*, and Nithard the *populus*, or (more helpfully) the *circumfusa plebs*<sup>133</sup>. Precisely because all these men, lesser as well as greater

128) Nithard (cf. n. 29), III, 1, p. 82.

129) Cf. n. 128. For prayers for the sins of dead warriors, cf. Hincmar, *De regis persona et regio ministerio* c. 15, MPL 125, col. 844: ... *pro his qui in bello fideliter bellantes ceciderunt, oblationes eleemosynarum, orationum, et sacrae hostiae fiducialiter offerri debeant, Scriptura demonstrat* ... (with citation from II Maccabees 12:43).

130) Louis HALPHEN, *Charlemagne et l'empire carolingien*, Paris 1947, p. 291.

131) For fasting as supplication before battle, see Michael McCORMICK, *The liturgy of war in the early Middle Ages*, in: *Viator* 15 (1984) p. 1-23.

132) Cf. n. 29), III, 7, p. 114.

133) Cf. n. 29), III, 5, p. 102, 106. Cf. AB 842, p. 40.

nobles, knights, so to speak, as well as magnates, were potential *werrientes*, practitioners of war, they had to be involved, personally, in the making of peace. The Strasbourg Oaths can be seen as an extraordinary exercise in direct democracy (with all due allowance made for the limits of participation in the ninth century)<sup>134</sup>. Why did Louis and Charles swear, each in the vernacular of the other's men, to maintain a united front against Lothar? ›because we think you [the *plebs*] doubt that we'll do so [otherwise]‹. And why did the *plebs* themselves swear, in their own vernaculars, to withdraw their loyalty should their royal lord violate his oath to his brother? Because that withdrawal constituted a real sanction – the only real sanction – against a king's misconduct. No external force, in the end, can impose responsibility on a political leader: in practice only his own people can do that, the more quickly and effectively if they and the army are one and the same. Civil war is peculiarly painful for its participants, yet it may be easier to bring to an end if all those participants, whatever their conflicting political interests, share a respect for the same legitimising authority, and use a shared language of symbols. This was true, not only of the participants in the Strasbourg Oaths (so often cited as evidence for the disunity of evolving ›national‹ difference), but of the *christianus populus* as a whole. Lothar's men, as well as the *fideles* of Louis and Charles, used a common code.

In the fourth and last book of the ›History‹, Nithard covers in astonishing detail the early stages of the negotiations that led to Verdun. Persistent mutual mistrust created a very practical obstacle. Even as late as October 842, when the detailed work of drawing boundaries was about to begin at Metz, once Lothar took up residence at Thionville, only 30 km away, the commissioners of Louis and Charles refused to remain on the job unless Lothar gave hostages ›to guarantee the safety of so many nobles‹. 40 envoys were acting on behalf of each king, and ›their deaths‹, so Charles is reported as saying, in a horribly ironic understatement, ›might cause a very great loss to him and his brother‹<sup>135</sup>. In the end, it was agreed that all 120 commissioners, Lothar's included, should meet at Koblenz. Even then, there were worries that a violent quarrel (*quoddam scandalum*) might break out between the commissioners' men ›for some reason or other‹. Sessions were therefore held in the church of St-Castor (a good site for a relatively *secretum colloquium*), on the south bank of the Moselle just at its confluence with the Rhine, while Lothar camped on the opposite bank of the Moselle, and on the left bank of the Rhine, Charles and Louis on the right bank<sup>136</sup>. Access to the meeting-spot, therefore, was by boat for everyone, and the river, presumably, could provide a quick getaway. But the violence of noble followings, already jumpy, quick to take offence, was a response to their lords' very genuine anxieties.

Six months before, at Aachen, the anxieties had been exacerbated by a moral dilemma: could Louis and Charles divide the *regnum* excluding their elder brother altogether? Bishops

134) Nithard (cf. n. 29), III, 5, p. 100–108. See now Gerd ALTHOFF, *Verwandte* (cf. n. 16), p. 97–98. Cf. F. BAILEY, *Stratagems and Spoils. A social anthropology of politics*, London 1969.

135) Cf. n. 29, IV, 4, p. 134.

136) Cf. n. 29, IV, 5, p. 134–136. Cf. the comments of REUTER, trans. AF (cf. n. 52) p. 45, n. 3, on a later meeting (in 859) between Carolingians at a ›neutral‹ site.

had been requested to give an authoritative view: and only when they had solemnly declared Lothar deposed (rather as Lothar's bishops had declared Louis the Pious deposed in 833) did Louis and Charles proceed<sup>137</sup>. In October, after Lothar had declared his desire for peace, and his willingness to share the *regnum Franciae*, the three brothers were supposedly acting in concert, but Lothar's brothers were still afraid of him. There was considerable uncertainty as to exactly what royal resources in Francia were worth: apparently no full documentation existed, and Louis and Charles wanted time in which an inventory could be made. A fair division, they argued, was impossible otherwise. Why should the commissioners, who had just sworn to act fairly, be forced to perjure themselves? The matter was put to the assembled bishops for judgement. Such a request, as at the time of Fontenoy, as at Aachen, revealed laymen seriously involved in the quest for peace, aware of a moral impasse, and genuinely anxious about the dilemmas that quest imposed. Predictably, ecclesiastical authority was not unanimous (any more than it had been after Fontenoy), with Lothar's bishops arguing that if sin were committed, it could be expiated, while the bishops of Louis and Charles countered that it was better not to sin in the first place. Louis and Charles won their point: and a truce (*pax*) was agreed, and soon extended, to allow time for the surveying of royal lands, until 14 July 843<sup>138</sup>. Nithard's account of all these events is skewed by a particularly strong personal concern – his desire to recover lost *honores* in Francia, lost as a consequence of the ›Brüderkrieg‹<sup>139</sup>). Let this be a paradigm for the thousand and one other such interests, hidden from us now, which in 842/43 converged on the peace-process, tearing at it, pulling it this way and that. Individuals wanted peace of their own; to have their *justitia*; to enjoy security after years of *perturbationes*; to be able to plan for the future (Dhuoda explained to her son what to do ›when you grow up and have your own household‹<sup>140</sup>). The Treaty of Verdun was the outcome of many intersecting searches for peace.

In the first stage of negotiations, before Lothar was involved, Nithard himself had been on the panel of commissioners responsible for making the two-way division of March 842, between Louis and Charles. The criteria, he says, were the ›family connexions‹ (*affinitas*) and ›the interests and commitments‹ (*congruentia*) of ›everyone‹<sup>141</sup>). This division was never worked out in detail<sup>142</sup>: for Lothar, vanquished in war, and in the diplomatic struggle that followed, was determined not to lose the peace. He had had to yield on the key issue of the

137) Cf. n. 29, IV, 1, p. 116–118.

138) Cf. n. 29, IV, 5, p. 136.

139) NELSON, *Politics and Ritual* (cf. n. 32), p. 222–223.

140) Cf. n. 43, X, 3, p. 346–348.

141) See NELSON, *Politics and Ritual* (cf. n. 32), p. 219, where my interpretation draws on Peter CLASSEN, *Die Verträge von Verdun und von Coulaines als politische Grundlage des westfränkischen Reiches*, in: *HZ* 196 (1963) p. 1–35, at 10–12. Cf. also Régine HENNEBICQUE, *Structures familiales et politiques au IX<sup>e</sup> siècle*, in: *RH* 265 (1981), p. 289–333.

142) This may be linked with the fact that there are two gaps, each of several lines, in the sole manuscript: cf. n. 29, IV, 1, p. 120. Cf. Ferdinand LOT/Louis HALPHEN, *Le règne de Charles le Chauve*, Paris 1909, p. 53 n. 5, attributing these gaps to blanks in Nithard's own text.



sharing of Francia: still, he would make sure that his was the lion's share. In 841, after Fontenoy, Charles had staked a strong claim to the lands between Meuse and Seine: ›so many nobles from there had chosen to follow him‹, he said, ›and it would be quite wrong for them to be deceived in their loyalty‹<sup>143</sup>). Part of this very same area, namely the lands between Meuse and Scheldt, Lothar declared in June 842 must go to him, ›since he would otherwise lack the wherewithal to make good to his supporters what they had lost‹<sup>144</sup>). It was Lothar's diplomatic success over this point which made Nithard the angry and disillusioned man, ›deceived in his loyalty‹, who speaks in the final chapters of Book IV. There would be winners, of course, as well as losers. Each king justified his stance in terms of meeting the justified claims of his *fideles*. They in turn had claims to satisfy: no patron could afford to disappoint too many clients at once. Hence also the ongoing role of lesser folk. Nithard says that the reason there was peace in the end was that ›the *primores populi*, having once had a taste of peril, did not want a second battle‹; and that the *primates populi* insisted on a formal truce during which peace-talks could start in earnest during the winter of 842/43<sup>145</sup>). Nithard, in Book IV, is obsessed by resentment against one magnate in particular: his own patron Adalard, who had failed him. But even in castigating Adalard, Nithard acknowledges the importance of his constituency, those to whom he had distributed privileges and lands: *maxima pars plebis*<sup>146</sup>). If *primores* did not want another battle, then neither did the lesser men, their followers and dependents. Hincmar, admittedly writing in old age forty years later (though he had witnessed the ›Brüderkrieg‹ at first hand) implicitly confirms the importance of the lesser folk. ›It was not the slaughter made at Fontenoy that brought peace into the *regnum*‹, he said: ›rather, misery went on for so long between the Christian people and between kin, until, whether they would or not, the kings and the magnates divided the *regnum* into three‹<sup>147</sup>). The pressure was being exerted from below, by the *populus* on kings and magnates. The hundreds, perhaps thousands, who participated made Verdun a genuinely collective exercise in peace-making. We happen to know the names of a hundred Bavarians who were present; similarly substantial contingents can be assumed from several other *regna*<sup>148</sup>).

Franks had fought themselves to a standstill before: in the early seventh century, and again in the early eighth. The result of the first series of conflicts was the succession of Clothar II to a reunified *regnum*; the result of the second (and Hincmar himself made the comparison) was

143) Nithard (cf. n. 29), III, 3, p. 94–96.

144) See n. 72.

145) Cf. n. 29, IV, 6, p. 140.

146) Cf. n. 29, IV, 6, p. 142.

147) Ad Ludovicum Balbum regem, c. 4, MPL 125, col. 986. This sounds like a distant echo of Charlemagne's *distingantur ad pacem etiamsi noluerint*: cf. p. 88.

148) See the list of attestors of a Freising document, issued at Verdun and dated 10 August 843, ed. Theodor BITTERAU, Die Traditionen des Hochstifts Freising, Munich 1905, no. 661, p. 556–558. For the presence of bishops at Verdun, all no doubt with retinues, see the Libellus contra Wenilonem, MGH Conc. III, no. 478, p. 464.

the battle of Vinchy and the emergence of Charles Martel<sup>149</sup>). Losers in civil wars are usually stigmatised as rebels or brigands. At Verdun, it was not a matter of winners and losers. The division that Hincmar had hoped would be stable was inevitably modified, but it proved to have longer-term consequences than anyone could have foreseen. For three generations before 840, an idea of unity, if not of impartibility, had coexisted with a persisting idea of division between heirs, as Carolingian sons and brothers, and their followers, sought to maintain their purchase on the wealth of Francia. After 843, in the course of the ninth century, plural Frankish *regna* began to crystalise where once there had been but one *regnum*<sup>150</sup>). Given that Carolingian brotherly love, despite churchmen's appeals, remained more honoured in the breach than in the observance<sup>151</sup>), what is really remarkable is that the splitting of the Empire did not involve another ›Brüderkrieg‹; that with the single exception of Andernach in 876, war between Franks remained potential rather than actual; that in 858 and 859, as in 833, armies drawn up for battle were stood down, or melted away, while in 870, 875, 879–80, and 887, apparently inevitable conflicts were averted by diplomacy<sup>152</sup>). Tension, edginess, remained constants of political life, and *werrae* could flare at any time<sup>153</sup>). Nevertheless, all-out war and bloodshed were avoided. From the tenth century, new processes of political formation were at work<sup>154</sup>) as the defusing of conflict through negotiation and ritual became an increasingly well-practised feature of political relations within, as well as between, states<sup>155</sup>), and a wider range of interested lay parties, *fideles* at large, *plebs* as well as *primores* worked together with churchmen to maintain peace of a kind. The time of troubles may have played a part in that

149) Ad Ludovicum Balbum, c. 4, MPL 125, col. 986.

150) Bernd SCHNEIDMÜLLER, *Karolingische Tradition und frühes französisches Königtum*, Wiesbaden 1979; Helmut BEUMANN, *Unitas ecclesiae – unitas imperii – unitas regni*. Von der imperialen Reichseinheitsidee zur Einheit der *regna*, in: *Nascità dell'Europa ed Europa Carolingia* (Sett. cent. it. 27), Spoleto 1981, ii, p. 531–571; Karl Ferdinand WERNER, *Vom Frankenreich zur Entfaltung Deutschlands und Frankreichs*, Sigmaringen 1984.

151) Cf. Reinhard SCHNEIDER, *Brüdergemeine und Schwurfreundschaft*. Der Auflösungsprozeß des Karlingerreiches im Spiegel der *caritas*-Terminologie in den Verträgen der karolingischen Teilkönige des 9. Jahrhunderts, Lübeck–Hamburg 1964.

152) On 17 February 876, Pope John VIII wrote to certain (unnamed) counts who had defected from Charles the Bald and gone to Louis the German's kingdom, warning them: *nolite socialia bella committere, nolite parricidales gladios in perniciem vestri sustollere, nolite Fontaneticum detestabile praelium revocare, quia sicut qui pro ecclesiae Dei defensione moritur, suo sanguine coronatur, ita qui contra Dei ecclesiam pugnans ut refuga christianitatis perimitur, procul dubio condemnatur*, ed. Erich CASPAR, MGH Epp. Karol. VII, Berlin 1928, no. 8, p. 325. Cf. Pope John's letter, Ep. 7, p. 321, written on the same date to the East Frankish bishops, denouncing their failure to restrain Louis the German, ›who had shed blood in his youth at Fontenoy‹, from doing so again ›in decrepit old age‹.

153) As noted by Charles the Bald in the Capitulary of Quierzy, June 877: MGH Capit. II, no. 281, c. 19, p. 360, but, significantly, in the context of arrangements for their suppression.

154) See Bernd SCHNEIDMÜLLER, *Nomen Patriae* (Nationes. 7), Sigmaringen 1987.

155) Gerd ALTHOFF, *Konfliktbewältigung im 10. und 11. Jahrhundert*, in: FMAS 23 (1989) p. 265–290; Geoffrey KOZIOL, *Begging Pardon and Favour. Ritual and Political Order in Early Medieval France*, Ithaca 1992.

formation, at any rate in West Francia<sup>156</sup>). Several ninth-century writers had linked the carnage at Fontenoy with a serious depletion of military manpower, which exposed the West Frankish kingdom to Viking ravages. Ermentar of St-Philibert, for instance, succinctly stated that the Carolingian ›brothers' discord added strength to the foreigners<sup>157</sup>. This theme reappears in the eleventh and twelfth centuries. The *Gesta Normannorum Ducum*, addressed to Duke William the Bastard in the 1050s, opens with an exposition of the decline of the *regnum Francorum* through the dissension of the sons of Louis the Pious, again specifically attributing the realm's vulnerability to ›the most bloody slaughter at Fontenoy‹: thus, ›making the *patria* quite destitute of any defence of *milites*, they left it weak and exposed to barbarian invasion<sup>158</sup>. Half a century later, in his ›History of the Modern Kings of the Franks‹ addressed to the Empress Matilda, Hugh of Fleury reaffirmed this connexion between Francia's loss of its strength at Fontenoy and its inability to defend itself<sup>159</sup>. Wace's first sketch of *Le Roman de Rou*, written c. 1160<sup>160</sup>, suggests that Fontenoy, through oral as well as written, courtly as well as learned, tradition, had entered the social memory of northern Europeans<sup>161</sup>. Telling of the ravages of the Viking Hastainz (Hasting) in northern France<sup>162</sup>, Wace suddenly (and without any indication of chronological shift) breaks the narrative to explain why there was no resistance:

156) Cf. n. 77, above. Interestingly, in East Francia, as early as the 860s, neither Fontenoy nor the *Brüderkrieg* figures in the interpretation of the baleful prophecy discussed by GEARY, *Germanic Tradition* (cf. n. 24), p. 294. Indeed the text neglects to mention Charles the Bald among the sons of Louis the Pious! 157) Ermentarius, *De translationibus et miraculis Sancti Philiberti Libri II*, ed. René POUPARDIN, *Monuments de l'histoire des abbayes de Saint-Philibert* (coll. de textes. 38), Paris 1905: *cedit victoria lugubris atque miserabilis iunioribus fratribus, illorum discordia addit vires extraneis ... deseritur custodia litorum maris oceanis*. Cf. Regino of Prüm, *Chron.*, p. 75.: ... *in qua pugna ita Francorum vires adtenuatae sunt ... ut non modo ad amplificandos regni terminos, verum etiam nec ad proprios tuendos in posterum sufficerent*. Adrevald of Fleury, *Miracula Sancti Benedicti*, c. xxxiii, MPL 124, col. 936–937, implies a similar connection, without mentioning Fontenoy by name.

158) The *Gesta Normannorum Ducum* of William of Jumièges, Orderic Vitalis, and Robert of Torigni, ed. and trans. Elizabeth VAN HOUTS, Oxford 1992, p. 10–11. William of Jumièges knew Adrevald of Fleury's work, but also drew on oral traditions: VAN HOUTS, p. xxxvii.

159) Hugh of Fleury, *Liber modernorum regum Francorum*, MGH SS IX, p. 378: *Erat quippe Francia militum praesidio nuda, quia eius robur in bello Fontenido nuper deperierat*. Cf. *Historia Francorum Senonensis*, MGH SS IX, p. 365, again stressing the bloodshed at Fontenoy, but this time noting as outcome the emergence of Charles the Bald as ruler of the *regnum Francorum et imperium Romanum*(!).

160) Wace, *Le Roman de Rou*, ed. A. J. HOLDEN, Paris 1971–1973, vol. 2, p. 317–318, lines 283–318; and for the dating, vol. 3, p. 10–11.

161) For collective recollections of the past, see James FENTRESS/Chris WICKHAM, *Social Memory*, Oxford 1992. Wace's account, *Rou*, p. 319, 11. 325–328, of the sack of the convent of Fécamp is regarded by Annie RENOUX, *Fécamp. Du palais ducal au palais de Dieu*, Paris 1991, p. 114, as the residue of oral tradition preserving the memory of historical fact. See also n. 84 above for evidence of the oral transmission of Angelbert's poem on Fontenoy.

162) For ninth-century evidence of the activities of Hasting (Asting, Alstingus, Haesten), see AB (cf. n. 53) 869, trans. p. 163, n. 26; and 882, trans. p. 223, n. 5, 224 and n. 11.

*Quatre fiz au roiz Loejjs  
avoient gaste le pays*<sup>163</sup>).

Wace describes the division of the *terre*, and Lohier (Lothar)'s refusal of *paiz* to his brothers by denying them their allocated shares:

*ainsi crut entreuls tel mellee  
dont toute France fu gastee ...  
de toutes pars firent venir  
quanqu'il porent par tout ravir.  
Entre Vergelai et Auceurre  
erent li unz alez en feurre,  
quant li autres i sont venu;  
et vous l'estor mal esmeü.  
Jouste Fontenai, une ville,  
en out ocis plus de cent mille;  
la peri de France la flor  
et des barons tuit li plusor.  
Ainsi troverent paainz terre  
uide de gent, bonne a conquerre*<sup>164</sup>).

Wace wrote to teach as well as to entertain, specifically to teach the Angevin court of the dangers of discord. Wace having mentioned ›Charles‹ reminds his hearers:

*Cist Charles fu Charles le Chaux,  
qui assez out travaux et maux.*

These evidently well-known troubles ensued, Wace says, from Fontenoy. Who knows how the Angevins reacted to all this? Could he have known how posterity would recall him, though, Charles the Bald would surely have approved, wholeheartedly, of laying the blame for Fontenoy on Lothar's denial of *paiz* to his brothers – and perhaps, too, revelled in the thought of his own name's being used to point the moral of a long-suffering king<sup>165</sup>).

163) ›King Louis's four sons/had wasted the country‹. Wace confuses Pippin I, son of Louis the Pious, with Pippin II, Lothar's ally and Charles the Bald's rival for Aquitaine. For Pippin II's historical importance, and role at Fontenoy, see NELSON, Charles the Bald (cf. n. 79), p. 99–104, 117–120.

164) ›Thus such a conflict grew between them / that all France was laid waste by it. / They made them come from every part / so that they could ravage everywhere. / Between Vézelay and Auxerre / one side were already there fully armed / when the other side arrived. / Just at Fontenoy, a town, a hundred thousand of them were slain; / there the flower of France perished / and most of the young nobles were killed. / That was why the pagans found the land / empty of people, good to conquer.‹

165) I should like to thank Johannes Fried for his kind invitation to the Reichenau meeting, and Gerd Althoff and Rudolf Schieffer for their constructive criticism there. Tim Reuter's detailed comments have been invaluable, and I am especially grateful to him for help of many kinds.