

Small Worlds Beyond Empire

The Contrast Between Eastern Brittany and Northern Iberia

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This paper is about rural society in two areas – eastern Brittany and northern Iberia – that are in some sense beyond the Carolingian Empire. I think they offer a potentially useful set of contrasts and I have worked in detail on both. By »rural society« I mean, in this instance, village-level society; I have in mind people who lived within a zone of 8–10 kilometres diameter and who did things together, whether or not there was any nucleated village at any notional centre. The scale is important: the scales at which people associated in the early middle ages, as at other periods, would be different for different purposes – one might find one kind of association within 5 kilometres, another within 15 kilometres, another within 50 kilometres, and so on. In what follows I will take eastern Brittany and northern Iberia separately and successively but in each case I will comment on overall political structure, sources, local structures, practice, the settlement of disputes in judicial courts (as the most obvious fora in which regulation was displayed), normative guidelines, and centre/locality interaction.

I. EASTERN BRITTANY

I.1. Political structure

Readers will be aware of Carolingian campaigning in Brittany in the second half of the eighth century and in the early ninth century; and of the fact that by the later eighth

Abbreviations: C = Colección documental del monasterio de San Pedro de Cardeña, ed. Gonzalo MARTÍNEZ DÍEZ, Burgos 1998. – Cel = O Tombo de Celanova. Estudio introductorio, edición e índices (ss. IX–XII), ed. José Miguel ANDRADE CERNADAS/Marta DÍAZ TIE/Francisco Javier PÉREZ RODRÍGUEZ, 2 vols., Santiago de Compostela 1995. – CR = Cartulaire de l'Abbaye de Redon en Bretagne, ed. Aurélien DE COURSON, Paris 1863. – E = Colección documental del monasterio de San Pedro de Eslonza (912–1300) 1, ed. José Manuel RUIZ ASENCIO/Irene RUIZ ALBI, León 2007. – Li, Lii, Liii = Colección documental del archivo de la catedral de León (775–1230), vol. 1: 775–952, ed. Emilio SÁEZ, León 1987; vol. 2: 953–985, ed.

century Neustrian aristocrats (of Austrasian origin) were controlling the east Breton counties of Nantes, Rennes and Vannes; these three counties constituted the Breton March, initially of the Carolingian kingdom and then of the Empire¹). The county of Vannes, in which lie most of the local areas that are well documented, was sometimes detachable from this March given its location west of the river Vilaine, which constituted a major boundary in the early middle ages and was a cultural separator between Breton lands to the west and Frankish lands to the east²). Breton leaders are intermittently identifiable in the early years of Empire but the campaigns of Louis the Pious led to the appointment of a Breton, Nominoë, as *missus imperatoris in Britannia* from at least 831 until 843³). In 843 Nominoë rebelled, raided Anjou and Maine, and subsequently defeated Charles the Bald at Ballon⁴). Thereafter Breton rulers, known as dukes, sometimes had a relationship (dependent or otherwise) with Frankish (and later French) kings, and sometimes did not; however, they clearly saw themselves as independent rulers until the late twelfth century (and in some senses until the French Revolution for the Bretons maintained a separate *État* and repeatedly insisted on the sovereign status of the Breton polity – *le duc roi en son duché*)⁵). Nominoë died in 851 and was succeeded by his son Erispoë, who was killed by his cousin and successor Salomon in 857. Thereafter the dynasty changed and other families provided dukes but the polity which had begun to take shape

Id./Carlos SÁEZ, León 1990; vol. 3: 986–1031, ed. José Manuel RUIZ ASENCIO, León 1987. – S = Colección diplomática del monasterio de Sahagún (857–1230) (siglos IX y X), ed. José María MÍNGUEZ FERNÁNDEZ, León 1976. – Sob = Tumbos del monasterio de Sobrado de los Monjes, ed. Pilar LOSCERTALES DE GARCÍA DE VALDEAVELLANO, 2 vols., Madrid 1976.

1) See especially *Annales regni Francorum*, ed. Friedrich KURZE (MGH SS rer. Germ. 6), Hanover 1895, and *Annales de Saint-Bertin*, ed. Félix GRAT/Jeanne VIELLIARD/Suzanne CLEMENCET, Paris 1964, but Arthur LE MOYNE DE LA BORDERIE, *Histoire de Bretagne*, 6 vols., Rennes/Paris 1896–1914, cites virtually every relevant source in vol. 2. See André CHÉDEVILLE/Hubert GUILLOTTEL, *La Bretagne des saints et des rois. V^e–X^e siècle*, Rennes 1984; Jean-Pierre BRUNTERC'H, *Le duché du Maine et la marche de Bretagne*, in: *La Neustrie. Les pays au nord de la Loire de 650 à 850. Colloque historique international*, ed. Hartmut ATSMAN, 2 vols., Sigmaringen 1989, vol. 1, pp. 29–127; Julia M. H. SMITH, *Province and Empire. Brittany and the Carolingians*, Cambridge 1992.

2) Bernard MERDRIGNAC, *La Bretagne et les carolingiens*, in: Id./Pierre-Roland GIOT/Philippe GUIGON *Les premiers bretons d'Armorique*, Rennes 2003, pp. 121–154.

3) CHÉDEVILLE/GUILLOTTEL, *Bretagne* (as n. 1), pp. 225–246; *Cartulaire de l'Abbaye de Redon en Bretagne*, ed. Aurélien DE COURSON, Paris 1863 (hereafter CR): CR 2 (834), CR 177 (837), CR 179 (837).

4) *Annales de Saint-Bertin* (as n. 1), a. 843, 845.

5) Jean KERHERVÉ, *Aux origines d'un sentiment national. Les chroniqueurs bretons de la fin du moyen âge*, in: *Bulletin de la société archéologique du Finistère* 108 (1980), pp. 165–206; *Chroniqueurs et historiens de la Bretagne du moyen âge au milieu du XX^e siècle*, ed. Noël-Yves TONNERRE, Rennes 2001; Wendy DAVIES, *Franks and Bretons. The Impact of Political Climate and Historiographical Tradition on Writing their Ninth-Century History*, in: Frankland. *The Franks and the World of the Early Middle Ages. Essays in Honour of Dame Jinty Nelson*, ed. Paul FOURACRE/David GANZ, Manchester/New York 2008, pp. 304–321.

in the mid-ninth century was sustained. Breton historiographical tradition certainly sees Nominoë as its founder.

I.2. Sources

Provision of written source material for Breton history before 800 is exceptionally thin – there is hardly anything of seventh- or eighth-century date. There are the Frankish Annals (and other Frankish sources) which detail Carolingian expeditions and there is an important corpus of ninth-century Breton *Vitae*, but the material which allows us to see something of rural society at village level is the corpus of charters collected at the monastery of Redon, which was founded in 832⁶⁾. Most of these charters are preserved in the principal cartulary of Redon, a late eleventh-century manuscript containing 391 (largely ninth-century) charters, but with at least 46 folios missing⁷⁾; a further 63 ninth-century charters are known from early modern transcripts, presumably copied from the missing folios⁸⁾.

Although there are some outliers (a few are up to 100 kilometres away), most of these charters relate to places within a circle of about 40 kilometres diameter, a circle which includes Redon itself but largely lies to the north of it⁹⁾. 70 per cent of these charters were recorded after 843, the date of Nominoë's revolt, but more significant is the fact that two-thirds of them (302) fall within the two generations 830–880, with 24 from before 830. There is therefore very dense coverage of a relatively small area for a short period in the mid- and later ninth century. Most of the charters are »private«, detailing very small-scale transactions, although some of them feature rulers and aristocrats; they include many records of transactions between lay parties, charters which were acquired by the mon-

6) CR (as n. 3).

7) Archbishopric of Rennes MS (no number). Facsimile edition: Cartulaire de l'abbaye Saint-Sauveur de Redon, Rennes 1998, with very important comments by Hubert GUILLOTEL, *Le manuscrit*, *ibid.*, pp. 9–25, and *Id.*, *Répertoire chronologique*, pp. 71–78. See also Wendy DAVIES, *The Composition of the Redon Cartulary*, in: *Francia* 17/1 (1990), pp. 69–90, although I now follow Guillotel's dates, where they differ from my earlier thoughts; and Gesine JORDAN, *Kein »Urkundenterritorium«*. *Zur Diplomatik der bretonischen Privaturkunden im 9. und 10. Jahrhundert*, in: *Die Privaturkunden der Karolingerzeit*, ed. Peter ERHART/Karl HEIDECKER/Bernhard ZELLER, Zürich 2009, pp. 213–227.

8) All but seven of the additional charters are printed by De Courson in his Appendix to CR; the others may be found in Hyacinthe MORICE, *Mémoires pour servir de preuves à l'histoire ecclésiastique et civile de Bretagne*, 3 vols., Paris 1742–1746, vol. 1, cols. 265, 271, 272, 295, 297, 308; and (partly only) L'Abbé TRAVERS, *Histoire civile, politique et religieuse de la ville et du comté de Nantes*, 3 vols., Nantes 1836–1841, vol. 1, p. 125, which comes explicitly from one of the missing folios, fol. 39.

9) For distribution map, see Wendy DAVIES, *Small Worlds. The Village Community in Early Medieval Brittany*, London 1988, p. 227.

astery, as former title deeds, when the property recorded was ultimately transferred to Redon.

Since I worked on this material 35 years ago, and published much comment about it then, what follows draws from those publications¹⁰.

1.3. STRUCTURES

The key local rural structure in this area was the *plebs*, a word frequently cited in Latin and borrowed into Breton as *plou*, as reflected in surviving place-names; hence *plebs Catoc* > *Ploicaduc* > modern Pleucadeuc. This was the primary unit of social organization in this region (see Example A1)¹¹. People were identified with reference to this or that *plebs*; transactions concerning a *plebs* would be reported to its members, the *plebenses*, if performed elsewhere; members of the *plebs* met together to deal with regular transactions and to settle disputes in public meetings; land lay in this or that *plebs* and was often identified like that, as in *Trebwiniau in plebe Hoiernin*¹². A total of 59 different *plebes* is named in the charters. The area of the *plebs* was usually of the order of 40–50 square kilometres (6–7 kilometres across) but could occasionally be much smaller or much larger¹³.

A1. Redemption of pledge from a local priest by a lay woman, in the *plebs* of Carentoir, 1 April 827¹⁴

Noticia in quorum presentia redemit Argantlon uel sui filii Randeummou de Drihiuneto presbytero ubi pignorasset Riuuallon super solidos et denarios V; et si tunc non redemissent, cedisset Argantlon et sui filii soror Riuuallon ipsos decem solidos et denarios V in manu Driiuneti presbyteri; et recepit ipsam terram in alode et in comparato et in dicombito [that is, without encumbrance], sine opere et si [sic] ulla renda ulli homini nisi ad Argantlon et filiis eius, presentibus his testibus Portitoe, Uuolectec, Iunethuuant, Edelfrit, Loieshic, Maenuuoret filii Euhoiarno, Bentoe filius Uuoretan, Loiesuuocon, Buduuoret, Uuicant, Nodent, Drihicam, Ninan, Riuuorgou, Iarnhaethou, Ratuueten, Haelmoeni, Riuuoret, Uuallon, Sulual presbyter, Taetal presbyter. Factum est hoc sub die kalend aprilis, II feria,

10) See reprints of papers, with additions and corrections, in Wendy DAVIES, *Brittany in the Early Middle Ages. Texts and Societies*, Farnham 2009. See now also Gesine JORDAN, »Nichts als Nahrung und Kleidung«. Laien und Kleriker als Wohngäste bei den Mönchen von St. Gallen und Redon (8. und 9. Jahrhundert), Berlin 2007.

11) For ninth-century society see also the late nineteenth-century work of Marcel PLANIOL, *Histoire des institutions de la Bretagne*, 5 vols., Mayenne 1981–1984, vol. 2; and more recently Noël-Yves TONNERRE, *Naissance de la Bretagne. Géographie historique et structures sociales de la Bretagne méridionale (Nantais et Vannetais) de la fin du VIII^e à la fin du XII^e siècle*, Angers 1994, pp. 107–283.

12) CR 93 (866).

13) See DAVIES, *Small Worlds* (as n. 9), pp. 63–67.

14) CR 131.

regnante domno et gloriosissimo imperatore Lodouuico, Uuidone comite in Uenedia, Raginario episcopo, Portitoe et Uurbili II machtierni in plebe Carantoerense; ego Haeldetuuido scripsi et subscripsi.

The primary reference of the word *plebs* in these texts was not to the ecclesiastical community, as elsewhere in early medieval Europe, but to the lay community and to the civil association between its members. *Plebes* had their priests, however – not parish priests but usually a small group of three or four clerics serving each *plebs*, either all priests or priests with some minor clergy¹⁵. A *plebs* also had its machtiern (see Examples A1, A3); hence, *macthierni in plebe Carantoerense* or *macthiern plebis Size*¹⁶; the word was occasionally Latinized as *tyrannus*, as in *Iarnhitinum machtiernum [...] venit ad supradictum tyrannum Iarnhitinum ad Lisbedu*¹⁷. Machtierns frequently presided at meetings of the *plebs* at which transactions were conducted – this is their most consistently observable function; and they could also preside when the *plebs* meeting was formally constituted as a judicial court. They were a kind of local chair person. They are sometimes described, literally, as sitting on a special seat, like the machtiern's *trifocalium* in front of a church (in Cléguerec), glossed *istomid* (that is, *iscomid* in Breton); it means »something hewn«, a large block of wood, and so a bench¹⁸. They were also quite often associated with a special residence, the *lis*, as in *Lisbedu* just cited (sometimes Latinized as *aula*), which could function as a kind of registry. Occasionally we can see a machtiern following up if the terms of a transaction were not met. What we do not find, however, are machtierns taking military action; if they had military capacity, it was not utilized on a systematic basis¹⁹.

Now, machtierns were petty aristocrats. While every *plebs* had its machtiern, one individual might hold the machtiernship of several *plebes* and it is quite clear that machtiernships were hereditarily transmitted and under family control. Where there are many charters one can trace family control across much of the ninth century; it looks as if the role had already been long established by the beginning of the century. Given the strong hereditary interests, there is nothing to suggest that these people were appointed to office: they did not appear at meetings of the Breton ruler's court nor did they accompany him on military expeditions.

15) See Wendy DAVIES, Priests and Rural Communities in East Brittany in the Ninth Century, in: *Études Celtiques* 20 (1983), pp. 177–197.

16) CR 131 (827), CR Appendix 17 (842).

17) CR 267 (pre-821).

18) CR Appendix 4 (833). I owe the explanation of this word and its gloss to Paul Russell, who supplied an illuminating footnote to Wendy DAVIES, *Holding Court. Judicial Presidency in Brittany, Wales and Northern Iberia in the Early Middle Ages*, in: *Tome. Studies in Medieval Celtic History and Law in Honour of Thomas Charles-Edwards*, ed. Fiona EDMONDS/Paul RUSSELL, Woodbridge 2011, pp. 145–154, at n. 14.

19) DAVIES, *Small Worlds* (as n. 9), pp. 138–142, 172–183.

There are occasional references to other officers of the *plebs*, sometimes described as elders, *senices*, and it is possible that some of them collected dues, perhaps for the ruler; however, references are too rare to support any confident interpretation²⁰.

I.4. Practice

It is perfectly clear that members of the *plebs* met frequently for the performance of transactions of gift, sale and pledge, although gifts were by far the most common type recorded (pledge transactions were those in which a cash loan was provided to an individual on security of his or her landed property; see Example A1). Such meetings could take place in many different kinds of location: inside churches, in front of churches, at a *lis*, at other houses, on land which was the subject of the transaction. We know about the transactions because their occurrence was itself the reason for making the record; doubtless other community business was also discussed at such meetings, but we have no indication of its nature nor of the frequency of discussion. But the fact that there were meetings, at the level of the primary unit of social organization, is important.

As for those who attended these meetings: since there are so many records from some *plebes*, across a short period, we can see the same people appearing again and again as witnesses; we can investigate their property transactions and their appearances at meetings; and we can notice whether they appeared at meetings in neighbouring *plebes*²¹. In short, we can investigate »public business« range. So, for example, the many charters from Ruffiac indicate that 58 per cent of witnesses who appeared at Ruffiac meetings only ever appeared in Ruffiac; 8 per cent appeared in Ruffiac and neighbouring Carentoir; 5 per cent appeared in Ruffiac and neighbouring Pleucadeuc; 4 per cent in Ruffiac and neighbouring Augan; and even smaller proportions of Ruffiac witnesses circulated within groups of two or three adjacent *plebes*. Overall, with respect to those *plebes* which have many recorded meetings, just over half of the people named only ever appear in their home *plebs*, travelling at most 8–10 kilometres, but more likely 3–4 kilometres (an hour's walk); a fifth to a quarter – the proportions vary, depending on the particular *plebs* – can be found in both the home *plebs* and one neighbouring *plebs*, travelling up to 15 kilometres (three hour's walk); up to a fifth, but usually much less, can be found in three adjacent *plebes*; and up to a tenth might go farther, presumably travelling on horseback or in a cart; nearly all of the latter were *machtierns*, aristocrats or representatives of the mon-

20) But see, however, discussion at DAVIES, *Small Worlds* (as n. 9), pp. 142–146, 205–207.

21) There are inevitably cases where identity is uncertain or insecure but, where the same name appears at or near the same place, in the same decade, with some of the same associates, it seems reasonable to suppose that it refers to a single individual. Of course, there are also some cases in which family relationships or office are indicated.

astery of Redon²²). Most of the *plebenses*, then, did not travel beyond the *plebs*. Accordingly, if a transaction concerning property in one *plebs* was conducted somewhere else (for example if an absentee aristocrat sold a plot there), representatives of the absentee would visit the *plebs* to inform members of the transaction at a public meeting²³).

These were communities whose residents had small-scale properties and limited horizons. Many were free peasant proprietors; some were free tenants; and a few were dependent workers who had little freedom and who tended to be socially excluded. It is quite clear that peasant proprietors, as well as aristocrats, had dependent workers.

I.5. Dispute settlement

49 charters deal with disputes, most of which were handled in public meetings in the *plebes*, often formally constituted as judicial courts²⁴). Many *plebes* had their own courts but occasionally it looks as if two *plebes* combined for these purposes²⁵). Most of the witnesses were local to the *plebs*, so it is clear that these were village-level judicial assemblies. The courts followed standard procedures: someone presided, either a single person or a small group; litigants spoke for themselves; both written and oral evidence was offered (see Examples A2, A3); oath-helping was sometimes required; there was no use of the ordeal nor of duel; a panel of judges (which might have from 3 to 14 members) gave directions on numbers of oaths or witnesses needed, and made a final judgment if there was no confession or withdrawal. Outcomes were secured by the *machtiern* and by the appointment of sureties. There are no records of fines being taken, although a few sanctions attached to records of transactions cite secular penalties, which may imply that fines were sometimes levied²⁶). The few records of »criminal« cases of assault, depredation and homicide for the most part indicate payment of compensation to the victim, in the form of landed property, sometimes with a dependent worker attached; this appears to have been arranged by negotiation, not judgment²⁷). However, the unusually detailed record of a cleric who assaulted a priest, with the intention of killing him, does note a judgment; the

22) See DAVIES, *Small Worlds* (as n. 9), pp. 109–126.

23) For example, CR 257 (872).

24) See below for exceptions to this pattern.

25) CR 267 (pre-821) is a case of mediation about property in Pleucadeuc which appears to have been handled in neighbouring Ruffiac; it was not a formal court, however.

26) Sale, CR 164 (819); sale, CR 171 (840); pledge, CR 265 (844–849), in which it is implied that a fine went to the *machtiern*. However, the first two of these charters reflect the diplomatic of Frankish formularies and it could well be that the sanctions reflect a standard formula rather than local practice; see below n. 36 for formularies. CR 265 is incomplete and ambiguous.

27) Homicide, CR 163 (860). Aristocratic cases of homicide, CR 107 (844), CR 184 (s.d.); of assault or depredation, CR 32 (862), CR 105 (857–858), CR 247 (871), CR 274 (913).

judgment had been that he should lose his right hand, in lieu of which he made a gift of property; and sureties undertook to pursue him to death, if he should repeat the attempt, and to give his worth to the abbot²⁸).

Because of the density of charter coverage, it is possible to investigate where many of the judges, sureties and providers of evidence at court cases came from. Members of judging panels were free peasant proprietors; they were propertied, the donors, vendors and purchasers in local transactions, but they had small parcels of land not great estates. They might serve as judge in the *plebs* beside the *plebs* in which their own property lay; and they themselves might witness ordinary transactions in two or three *plebes*. In other words, the judges were drawn from that small proportion of the *plebenses* who circulated within two or three *plebes*²⁹). There is only one possible case of a priest acting on a judging panel³⁰); machtierns never did so.

The witnesses who provided evidence of fact in court cases were people of narrower range; normally they only ever acted in the *plebs* where they had personal property. Sureties were similarly local, although there are occasions when they acted in a neighbouring *plebs*; some individuals acted as surety several times. Priests commonly acted both as witnesses to fact and as sureties.

These courts that operated at village level were extremely local affairs. Participants were for the most part members of a single village community. Cases concerning aristocrats, on the other hand, were handled in a strikingly different way for they were heard by the *princeps*, the Breton ruler, in his own court, usually attended by other aristocrats drawn from some distance. While the ruler might call for evidence, written or oral, and might institute a local inquest, there were no panels of judges in his court. Instead he himself presided and made the final judgment. The ruler appears to have exercised personal jurisdiction over at least the lesser aristocracy, who were therefore outside customary judicial procedures³¹).

I.6. Normative guidelines

I am not aware of any explicit reference to Carolingian prescriptive guidelines in this material but there are implicit references to arrangements which had originally been made

28) CR 202 (858).

29) For detail, see Wendy DAVIES, *People and Places in Dispute in Ninth-Century Brittany*, in: *The Settlement of Disputes in Early Medieval Europe*, ed. EAD./Paul FOURACRE, Cambridge 1986, pp. 65–84.

30) The judge Uurhoiarn of CR 192 (834–837), Example A2, may just possibly have been the priest of the same name who witnessed the compensatory gift of CR 108 (843–851).

31) For detailed consideration, see Wendy DAVIES, *Disputes, their Conduct and their Settlement in the Village Communities of Eastern Brittany in the Ninth Century*, in: *History and Anthropology*, 1/2 (1985), pp. 289–312.

to tighten judicial procedure in the late eighth-century Frankish kingdom; these references lie in the use of the language of *mallus* and *scabini* in some charters (see Example A2)³². This occurs haphazardly in judicial court records principally of the time of Nominöe (that is, pre-851), and there is one reference to *scabini* before that and one very late reference to a *malum*. I am not aware of references to other subjects of Carolingian concern nor to pursuit of the Christian agenda or correct behaviour.

A2. Carolingian terminology at Langon: a family property dispute heard in court, pre-837 and 19 December 834–837³³

Noticia sub quorum presentia qualiter uenientes Aelifrid et frater suus Godun interpellantes atque accusantes fratrem suum Agonem presbyterum de hereditate quae fuerat genitoris ipsorum nomine Anau, in loco nuncupante Landegon, quod post se male ordine retinere uel eis contradiceret iniuste. Postea ueniens Agun presbyter in mallo publico, in loco nuncupante Brufia, dans responsionem fratribus supradictis, ait Multos donauit ob defendendam istam hereditatem quam queritis et illam quam tenetis; sed precor uos ut reddatis mihi supradictos solidos et postea diuidatur aequaliter nostra hereditatis inter nos. Deinde iudicauerunt illi scauini Maenuuallon, Uurhoiarn, Branoc quod oportebat; sed iam dictus Acun secundum iudicium scabinorum talia testimonia presentabat qui hoc testificando testimoniauerunt quod uidissent et audissent quando supradictus Acun donauit C solidos inter Uuidonem et Adalun et Ratuili et alios; et conclusi sunt XXX solidi inter Etefrid et fratrem suum Godun, et habuerunt penitentiam eo quod accusassent fratrem suum et propter uinum quod promisissent ad Nominöe. Deinde per ammonitiones illorum qui ibi aderant, reconciliati sunt, dimittentes supradictam hereditatem Landegon, accipientes unam carralem de uino dandam ad Nominöe; et promiserunt sine inquisitione supradicte terrae quousque soluerent XXX solidos et unam carralem fratri suo Acuno. Factum est hoc XIII kal ianuarii, coram misso Nominöe Haldric et Tribodu preposito, presentibus scabinis qui iudicauerunt et testificauerunt, hi sunt Houuen, Maenuuallon, Branoc, Iarnuual, Burg, Riduuant presbyter, Catlouuen, Uuohoiarn, Notolic, Uuatin, Antrauual, Uuorhocar, Arthbiu, Tanetuuoiön.

Neither are there references to any guidelines emanating from Breton rulers. There are only two explicit references to any other kind of legal principle (in comments that nobles were free to alienate their property), even though there is a significant corpus of records of judicial proceedings³⁴. The *plebenses* must nevertheless have lived and worked in the knowledge of some shared principles, since courts in different *plebes* did things in the same way and there are many common features of practice. In the past I reconstructed some of these implicit rules, such as the facts that both sons and daughters could inherit land from their fathers and both sons and daughters could alienate inherited land³⁵. However, the rules are not expressed in writing in the texts that survive.

32) *Mallus*: CR 47 (893), CR 61 (842), CR Appendix 20 (832–868); *scabini*: CR 147 (821–826), CR 180 (843–849), CR 191 (801–812), CR Appendix 3 (833–867); both: CR 124 (843–844), CR 192 (834–837).

33) CR 192. Uuido here was presumably Count Guy and Ratuili was a machtiern.

34) CR 109 (869), CR 244 (871).

35) See DAVIES, *Small Worlds* (as n. 9), pp. 70–73.

In addition to this, to the extent that model documents constitute a kind of legal principle, it is observable that some charters used formulas that occur in the Tours and Angers formularies of the seventh and eighth centuries³⁶. This is characteristic both of recording practice at Redon itself until the 850 s, when practice changed, and also of local practice, in recording sales especially, mostly before 850³⁷. This must reflect diplomatic practice that was in use locally in rural communities before the foundation of Redon.

I.7. Interaction between centre and locality

While the *plebenses* interacted with aristocrats or their agents in their capacity as land-owners, that interaction was limited because there was a high degree of free peasant proprietorship in this region. In any case, aristocrats were not necessarily representative of nor in regular contact with rulers at any real or notional »centre«. It is useful to recall that *machtierns*, who had a focal role in the public business of the rural community, were not appointed by rulers and are not noted as participants in rulers' public occasions³⁸.

However, presidency of local judicial courts does reveal some interaction with political centres. One case of the early ninth century has two *missi comitis* presiding at a court heard in Langon, on the river Vilaine³⁹. I take this to be evidence of »Frankish« practice and perhaps a reflection of the implementation of Carolingian guidelines. It is certainly evidence that a responsible official, a count, was sending representatives to preside over a local court, although since Langon appears to have been some kind of regional administrative centre this may well have been at a higher level than that of the usual village court⁴⁰.

Much more usually, either *machtierns* presided over court proceedings, or representatives of the Breton ruler, or some combination of both – although we should note that we often do not know who presided. However, on four occasions representatives of the *princeps* presided (*missi principis*, see Example A2); all of these cases relate to the

36) *Formulae Andecavenses et Formulae Turonenses*, ed. Karl ZEUMER (MGH *Formulae Merovingici et Karolini aevi*), Hanover 1882–1886, pp. 1–25 and pp. 128–165; see Alice RIO, *Legal Practice and the Written Word in the Early Middle Ages. Frankish Formulae*, c. 500–1000, Cambridge 2009, pp. 67–80, 112–117. Cf. Warren BROWN's article in this volume, pp. 101–121.

37) DAVIES, *Small Worlds* (as n. 9), pp. 136–137 and EAD., *Composition* (as n. 7), pp. 71–74, 77, 82.

38) However, the Breton ruler Salomon did once use a female *machtiern*, the *tirannissa* Aourken, to communicate to the people of Pleucadeuc news of his gift of property in Pleucadeuc to Redon, CR 257 (872).

39) CR 191 (801–812); cf. the reference to Guy count of Vannes in the dating clause of CR 131 (827), Example A1.

40) Langon has a very clear Roman background, with a Roman building still standing; it was a possession of Louis the Pious before he gave it to the abbot of Redon, CR Appendix 6 (834); *missi* presided at or in relation to Langon on two other occasions, CR 124 (843–844), CR 192 (834–837), Example A2.

principate of Nominoë⁴¹). On two occasions machtierns presided, without others⁴². And on two occasions a representative of the *princeps* and machtierns presided together (one *missus* of Nominoë, one of Salomon, the latter as in Example A3)⁴³. There was also one occasion, in 893, when the *princeps* himself presided over a local boundary dispute, although it is notable that here it was the boundary between Langon and Pipriac that was in question⁴⁴. Representatives of the *princeps* seem to feature either when the *princeps* had personal property interests in the *plebs* or alternatively when the monastery of Redon appealed to the *princeps* for resolution of a dispute. That being the case, it means that on some occasions the ruler interacted (through a representative) with the local, village-level, court and its members. In all recorded cases, this was the Breton ruler, never the Carolingian.

A3. Property dispute between two laymen, heard before machtierns and *missus principis* in Ruffiac church, 17 June 860⁴⁵

Noticia in quorum presentia qualiter interpellauit quidam homo nomine Uuobrian alterum hominnum nomine Uuetenoc propter alodum quem supradictus Uuobrian illi, multo ante tempore, uendiderat; dicebat enim Uuobrian non se uendidisse ei tantum de terra quantum ille tenebat. Tunc supradictus Uuetenoc placitum inde leuauit, adunatis suis quorum ista sunt nomina Fomus, Iacu, Rethualart, Drehuuobri; et lecta sua carta, et adtestantibus suis testibus et dilisidis [that is, guarantors], reuelauit quod totum quod tenebat comparauerat a supradicto Uuobrian. Tunc Uuobrian, uictus tam ad carta quam a testibus et dilisidis, confessus est. Factum est hoc in aecclesia Rufiac, XV kalendas iulii feria II, coram Iarnhitin machtiern et Hinuualart et Litoc hoc misso Salomonis principis, et coram multis nobilibusque [that is, of good character] uiris quorum haec sunt nomina: Uuorcomet testis, Nominoe testis, Miot testis, Omnis testis, Tudual testis, Hoiarn testis, Sulmin abbas testis, Iuna abbas, Comaltcar presbyter testis, Adaluuin testis, Eusorchit clericus testis qui tunc cartam publice legit quod totum ei uendiderat sicut sua carta dicebat supradictus Uuetenoc.

Since one of the clear occasions at which machtierns presided, without others, is dated between 821 and 826, in other words a record early in the series, and since it concerned a dispute between a brother and a sister over purchase of a parcel of land in Ruffiac, I suspect that machtiern presidency was the norm for judicial courts handling property disputes within the *plebs*; one might otherwise have expected *missi* to be handling such cases at such a date. And I suspect that this was probably an old, pre-Carolingian, system.

41) CR 106 (843–851), CR 124, CR 192, and by implication CR 61 (842).

42) CR 96 (867), in which *commes* appears to mean machtiern, since Riuelen is *commes* of the *plebs* of Peillac; CR 147 (821–826).

43) CR 139 (860), CR 180 (843–849).

44) CR 47.

45) CR 139; English translation in DAVIES, *People* (as n. 29), p. 75.

II. NORTHERN IBERIA

II.1. Political structure

By »northern Iberia« I mean northern Spain and northern Portugal, excluding Catalonia. I exclude Catalonia because that region did indeed have clear and sustained interaction with the Frankish world, and looked northwards and eastwards until the later tenth century. The rest of northern Iberia did not look north- or eastwards in the period for which we have localizable evidence. At this time over half of the Iberian peninsula was controlled at first by the Muslim Emirate which had been established in the mid-eighth century, after Muslim conquest of the Visigothic kingdom earlier in the century, and then by a Muslim Caliphate from 929⁴⁶). Apart from Catalonia, northern Iberia fell into two kingdoms, a small Pamplona/Navarre (including Aragón), about which we know rather little, and a larger Asturias/León, about which we know considerably more⁴⁷). Kings of Asturias were based in Oviedo (north of the Cantabrian Mountains) in the late eighth and ninth centuries but moved their base to León on the central plateau, the *meseta*, in the early tenth century. León can reasonably be described as a city from this time onwards. Otherwise, both kingdoms were overwhelmingly rural and there is little that could be classified as governmental activity.

II.2. Sources

There is an acute hiatus in the availability of written text of any kind for much of the eighth and the first half of the ninth centuries. One therefore has no option but to focus on the tenth century. For rural society we are almost entirely dependent on the surviving corpus of charters; there are some brief chronicles and two tiny *Vitae*, but they do not deal with local matters⁴⁸). There is nothing remotely like the range and quantity of written

46) See Hugh KENNEDY, *Muslim Spain and Portugal. A political History of al-Andalus*, London 1996; Eduardo MANZANO MORENO, *Conquistadores, emires y califas. Los Omeyas y la formación de al-Andalus*, Barcelona 2006.

47) For broad general surveys, see for example Roger COLLINS, *The Spanish Kingdoms*, in: *The New Cambridge Medieval History*, vol. 3: c.900–c.1024, ed. Timothy REUTER, Cambridge 1999, pp. 670–691; Amancio ISLA FREZ, *La alta edad media. Siglos VIII–XI*, Madrid 2002.

48) *The Life of Abbot Salvo of Albelda*, of round about 976, is published by Charles J. BISHKO, *Salvus of Albelda and Frontier Monasticism in Tenth-Century Navarre*, in: *Speculum* 23 (1948), pp. 559–590, at pp. 575–576; *Vita Froilanis*: José Carlos MARTÍN, *La Vita Froilanis episcopi Legionensis* (BHL 3180) (s. x). *Introducción, edición crítica y particularidades lingüísticas*, in: *Parva pro magnis munera. Études de littérature tardo-antique et médiévale offertes à François Dolbeau par ses élèves*, ed. Monique GOULLET, Turnhout 2009, pp. 561–584. Two late ninth-century chronicles are published in *Crónicas Asturianas*, ed. and transl. Juan GIL FERNÁNDEZ/José L. MORALEJO/Juan Ignacio RUIZ DE LA PEÑA, Oviedo 1985; Sam-

material deriving from the Carolingian world. There are approximately 2,700 charters of pre-1000 – about 20 from the eighth century, about 200 from the ninth, and the rest from the tenth century⁴⁹). They occur in cartulary copies and on single sheets, about a third being on single sheets, and they come from many different sources. Most of them ended up in ecclesiastical collections, but there were lay archives in the tenth century, and ecclesiastical archives have in any case preserved many charters of purely lay reference. Although there are some zones with relatively dense charter coverage (for example, south of the city of León or the Cea valley), on the whole the distribution of the lands that are the subject of the charters is scattered; given that the area is very much larger, there is nothing like the Breton density of coverage, although there are clearly many more charters and many more »originals«.

I will preface my comments with a quick word on Beatus of the Liébana, since what I have said so far may be puzzling. There was clearly a developed ecclesiastical culture in Iberia at the time of Charlemagne. The chief Spanish protagonists of the Adoptionist controversy, in which the Carolingian court became involved, largely came from outside the area considered in this paper: Bishop Felix of Urgell from Catalonia and Archbishop Elipando of Toledo from Muslim al-Andalus. However, Beatus wrote from northern Iberia, north of the Cantabrian Mountains; he was evidently highly aware of Adoptionist ideas, including Elipando in his list of heretics in a long work of 785 refuting those ideas, the ›*Apologeticum*‹ (also known as the Letter from Etherius [later bishop of Osma] and Saint Beatus to Elipando); he also engaged in correspondence with Alcuin⁵⁰). To that extent Beatus was clearly part of a Carolingian world. It is also notable that, from his Commentary on the Apocalypse, which has a close relationship to earlier Commentaries, he clearly had access to a substantial library⁵¹). However, we do not know to which monastic establishment he was attached; moreover, all the known monasteries of the Liébana in the eighth and ninth centuries were extremely small; we cannot provide any proper

piro's early eleventh-century chronicle: Justo PÉREZ DE URBEL, *Sampiro. Su crónica y la monarquía leonesa en el siglo x*, Madrid 1952, at pp. 273–346; Castilian annals: José Carlos MARTÍN, *Los Annales Castellani Antiquiores y Annales Castellani Recentiores*. Edición y traducción anotada, in: *Territorio, Sociedad y Poder* 4 (2009), pp. 203–226.

49) For a full description, see Wendy DAVIES, *Windows on Justice in Northern Iberia, 800–1000*, Abingdon 2016, cap. 1.

50) ›*Apologeticum*‹ is published in *Obras completas de Beato de Liébana*, ed. Joaquín GONZÁLEZ ECHEGARAY/Alberto DEL CAMPO HERNÁNDEZ/Leslie G. FREEMAN, Madrid 1995, pp. 698–953, with Spanish translation; Elipando's two letters denouncing Beatus are published in *Corpus Scriptorum Muzarabicorum*, ed. Juan GIL, 2 vols., Madrid 1973, vol. 1, pp. 80–93; Alcuin's letter to Beatus is published by Wilhelm LEVISON, *England and the Continent in the Eighth Century. The Ford Lectures delivered in the University of Oxford in the Hilary Term 1943*, Oxford 1946, pp. 318–323.

51) Beatus Liebanensis, *Tractatus de Apocalipsin*, ed. Roger GRYSO/Marie-Claire DE BIÈVRE (CC 107B and 107C), Turnhout 2012; for his sources, *ibid.*, 107B, pp. cxxxiv–cxli, and 107C, pp. 948–982.

context⁵²). The most we can say is that the best explanation might be that Beatus was a member of the royal court of Asturias in Oviedo until the death of King Silo in 783, whereupon he retreated to the Liébana monastery⁵³; as also that the work associated with him shows an active theological culture, in touch with a wider world, which we are frustratingly unable to contextualize.

II.3. Structures and Practice

Although many charters provide insights into people and their activities at settlement level, I cannot see any structures of local organization beyond the fact that there were local priests (working in small groups, with strongly hereditary interests in their churches, as in Brittany)⁵⁴. These priests were not firmly grounded in any regular system of ecclesiastical administration at this date; there were no diocesan structures and few bishops (although successive bishops of León were prominent in politics)⁵⁵. There do not appear to have been any secular structures, although there are three records which refer to rural communities as *plebes*⁵⁶; this appears to be a way of referring to the local population rather than to any well-defined organization. There is nothing that looks like a regular village-level meeting and no one who looks like a regular local chair person or other officer, although occasionally representatives of groups of local residents negotiated over rents and dues or pursued a court case on behalf of the group; and in a handful of cases it looks as if by the late tenth century a very few settlements had a legal officer⁵⁷.

However, clearly public meetings took place in local society because transactions of gift, sale and occasionally exchange were performed at them – apparently irregularly, as

52) The reference to Vincent's visit to Saint Martin of Tours (*patris nostri et protectoris vestri*) in Alcuin's letter to Beatus has suggested to many scholars that his home monastery was San Martín de Turieno.

53) See Roger COLLINS, *Early Medieval Spain. Unity in Diversity, 400–1000*, London 1983, p. 246. Beatus was working on the Commentary from at least 776; see James T. PALMER, *The Apocalypse in the Early Middle Ages*, Cambridge 2014, p. 153.

54) For some classic and influential approaches to northern Iberian rural society, see José Ángel GARCÍA DE CORTÁZAR Y RUIZ DE AGUIRRE, *El dominio del monasterio de San Millán de la Cogolla (siglos x a XIII)*. Introducción a la historia rural de Castilla altomedieval, Salamanca 1969; and José María MÍNGUEZ FERNÁNDEZ, *El dominio del monasterio de Sahagún en el siglo x*, Salamanca 1980.

55) For full discussion, see Wendy DAVIES, *Local Priests in Northern Iberia*, in: *Men in the Middle. Local Priests in Early Medieval Europe*, ed. Steffen PATZOLD/Carine VAN RHIJN, Berlin 2016, pp. 125–144.

56) *Colección documental del archivo de la catedral de León (775–1230)*, vol. 1: 775–952, ed. Emilio SÁEZ, León 1987; vol. 2: 953–985, ed. ID./Carlos SÁEZ, León 1990; vol. 3: 986–1031, ed. José Manuel RUIZ ASENCIO, León 1987 (hereafter Li, Lii, Liii): Li184 (944); *El Tumbo de San Julián de Samos (siglos VIII – XII)*, ed. Manuel LUCAS ÁLVAREZ, Santiago de Compostela 1986, no. 128 (849); *Tumbos del monasterio de Sobrado de los Monjes*, ed. Pilar LOSCERTALES DE GARCÍA DE VALDEAVELLANO, 2 vols., Madrid 1976, vol. 1, no. 109 (early 990 s) (hereafter Sob).

57) See DAVIES, *Windows* (as n. 49), cap. 8. For legal officers, *saiones*, see below.

circumstances dictated, though more frequently in winter. I cannot detect any framework for these meetings, nor can I deduce if residents of a larger settlement were more likely to have meetings than those of a small settlement. We usually do not know where meetings took place, although some were inside or in front of churches and some were on the land which was the subject of the transaction.

This rather negative picture began to change, in two quite different ways, in the later tenth century. Firstly, kings did begin to delegate regional authority to some clerics and aristocrats, as *mandationes*, that is as districts for them to administer. These were irregular – there was certainly no comprehensive framework of administrative districts – and the districts were much larger than that of a village-level unit. This process appears to have begun, with occasional grants to clerics, in the mid-tenth century, but becomes very clear, with explicit delegation to aristocrats, in the early eleventh century (although what was involved in administration, beyond holding a court, is uncertain)⁵⁸. Secondly, in a few limited areas in the second half of the tenth century (principally the hinterlands of León and of Burgos), local meetings of lay people at some of the larger rural settlements began to be referred to as *concilia*, councils – in essence the meeting of those who took decisions for a local community (see Example B1). What these councils did, in effect, was endorse transactions performed in their presence; and sometimes (rarely) they took action as a group, making a common gift or negotiating (as in Example B1) or pursuing a court case⁵⁹. These were still *ad hoc* occasions, not regular meetings, but they indicate the beginning of community structure and the institutionalization of that structure; the very fact that the meeting was occasionally given a territorial dimension emphasizes the point⁶⁰. So change is clear, at both regional and village level, in the late tenth century⁶¹.

58) Lii300 (951–956), Liii560 (before 994); Colección documental del monasterio de Santa María de Otero de las Dueñas 1, ed. José Antonio FERNÁNDEZ FLÓREZ/Marta HERRERO DE LA FUENTE, León 1999, nos. 56 (1001), 70 (1006), 99 (1014), 116 (1019), the latter very explicit. The best treatment of *mandationes* remains Carlos ESTEPA DÍEZ, Poder y propiedad feudales en el período astur. Las mandaciones de los Flaínez en la montaña leonesa, in: Miscel·lania en homenatge al P. Agustí Altisent, Tarragona 1991, pp. 285–327.

59) For example, C70 (950), C89 (956), C192 (984): Colección documental del monasterio de San Pedro de Cardena, ed. Gonzalo MARTÍNEZ DÍEZ, Burgos 1998 (hereafter C); S268 (973), S298 (979): Colección diplomática del monasterio de Sahagún (857–1230) (siglos IX y X), ed. José María MÍNGUEZ FERNÁNDEZ, León 1976 (hereafter S); Lii391 (965), Lii466 (979), Liii572 (996). See Pascual MARTÍNEZ SOPENA, La Tierra de Campos Occidental. Poblamiento, poder y comunidad del siglo X al XIII, Valladolid 1985, pp. 506–510; Wendy DAVIES, Acts of Giving. Individual, Community, and Church in Tenth-Century Christian Spain, Oxford 2007, pp. 201–207.

60) The word *collacio* occurs as a synonym for *concilium*, for example S300 (979) and S301 (979). In Lii391 (965), Lii468 (979), Liii546 (991), Liii547 (991) property is located *in collatione N*, in four different areas; all except Liii546 are single sheets.

61) For different approaches to change, see Julio ESCALONA MONGE, De «señores y campesinos» a «poderes feudales y comunidades». Elementos para definir la articulación entre territorio y clases sociales en la alta edad media castellana, in: Comunidades locales y poderes feudales en la edad media, ed. Ignacio AL-

Before that, we do not have to suppose that there were no local bodies, associating for shared interests, but we cannot see them.

B1. Agreement about water rights between the abbot of San Martín and the local *concilium* of Villabáscones, 23 August 956⁶²

In Dei nomine. Ego Enneco abba et Mantius presbiter uel aliorum sociorum nostrorum, nobiscum adherentium in atrio Sancti Martyni episcopi, facimus hec series testamenti inter nos et inter uiros nominatos Galuarra, Galindo Soliz, Gazo, Laztago, Fortuni, Ferro Sangiz, Galindo, Garcia, Fortuni, Garcia, Uelazo, Manto, Gallo Penzar, Belasco, Ahardia, Scemeno fratre, Ferro Azenariz uel omni concilio de Uilla Uascones, ut de illa aqua que ego Enneco abba una cum fratribus meis comparauit ut donem uobis ex ea aqua per ad uestros ortos et per ad uestras necessarias, admetita quantum exierit per forato de mola molinaria, id est, manu serrata; sic et uos dates mici testamentum de lauore per foro, que mundetis calicem calicem [sic] totum de illa presa maior unde prendemus illa aqua, usque mittatis illa in sua canales de iuso.

Si autem uos uiros nominatos cum omni concilio de Uilla Uascones si nolueritis illo calice mundare, qualiter ego Enneco abba non donem uobis illa aqua per ad uestra necessaria adimplire; et si illa aqua ego Enneco abba nolero uobis donare, qualiter mundetis illo calice et accipiatis super meam uoluntatem; et si illa aqua uoluerit quispiam demandare per foro et non mundauerit calicem totum, qualiter ypsa aqua reddat in dupplo et ad regiam partem exsolbat III libras aureas in cauto.

Si quis ex undique ambobus partibus noluerit stare in ystis testamentibus uel frangere uoluerit nostris factibus, et super hoc fuerit iudicium compulsantibus, inferat omnia que supra nominauimus, et insuper sit damnatus et confusus, et terra non cooperiat eius corpus; anime uero eius in inferno penas sit possidendus. Amen.

Facta carta testamenti notum die X kalendas septembres, era DCCCCLXIII, rex Ordonio in Legionem et comite Fredinando Gundisalbiz in Castella.

Nobis quoque iam supra dictos omni concilio de Uilla Uascones, qui testamentum istum fecimus in faciem plurimis uiris, rouorauimus et in faciem tibi Enneco abba ypsa mola forauimus, atque ypsa calicem totum mundauius. Omni concilio de Uilla Uascones roborauimus.

Nevertheless, there were the transaction meetings. There is no way of assessing how far people normally travelled to attend them, since these charters do not often record where the meetings took place and since witnesses do not recur frequently enough to permit systematic analysis. The implications are that practice varied: while there are charters which suggest that just a few near neighbours came together (because the properties are very small and because very few witness names are noted), there are some others which suggest that some people travelled some distance to take part. The latter localize witnesses by settlement, up to a maximum of eight settlements being represented at one meeting.

VAREZ BORGE, Logroño 2001, pp. 115–155; Juan José LARREA, *La Navarre du IV^e au XII^e siècle*, Paris/Brussels 1998.

62) C89 (an eleventh-century cartulary).

Here groups may have travelled 15–25 kilometres to attend what on the surface appears to have been an »ordinary« meeting⁶³). There are also occasional cases, from Aragón to Galicia, in which people from several settlements came together to take joint action – from three to eight settlements at most. For example, the people of five settlements along the river Arlanzón in Castile, near Burgos, came together to protect their access to water against monastic encroachment, because they were taken to court by the abbot of San Torcuato⁶⁴); these settlements stretch across 12 or so kilometres. It is, of course, extremely interesting that the residents of different settlements could come together as witnesses or in order to take joint action. We should bear in mind, however, that these groupings could be stimulated or orchestrated by proactive monasteries and that such occasions were rare; it was more usual for one or two settlements to be named in witness lists, and much more usual even than that for none to be named at all, the implication of the latter being that all witnesses came from a settlement close to the property transacted.

There does not appear to have been any standard unit of civil association, such as that of the Breton *plebs*, in northern Iberia in the ninth and tenth centuries. To the extent that people came together for common purposes, they appear to have organized themselves by settlement; sometimes that meant coming together at very small scale; sometimes much larger, particularly when several settlements came together. In fact, some of these groupings of settlements did not cover an area that was significantly larger than that of the typical Breton *plebs*⁶⁵), although others clearly were larger, while meetings of a single group of residents must often have related to a significantly smaller area. Overall they did not fit into any common, standard framework; and their meetings must have been much less frequent.

II.4. Dispute settlement

There are 257 records of disputes which were settled by judicial process in northern Iberia before the year 1000, most of them occurring from the 930s onwards (there were 13 of the ninth century, 21 of the period 900–930, and then roughly 30 per decade, with more in the 990s). This number includes both aristocratic and peasant cases, from disputes between aristocrats over substantial estates to the theft of sheep or cheese by dependent peasants.

63) S164 (959); Colección documental del monasterio de San Pedro de Eslonza (912–1300) 1, ed. José Manuel RUIZ ASENCIO/Irene RUIZ ALBI, León 2007, no. 21 (946) (hereafter E); Cartulario de San Juan de la Peña, ed. Antonio UBIETO ARTETA, 2 vols., València 1962–1963, vol. 1 no. 32 (s.d., but tenth century); these have six, eight and seven settlements named respectively. Those listed in S164, however, met at the monastery of Sahagún, and those listed in E21 witnessed a very large sale to the abbot of Eslonza, so these were hardly typical local meetings.

64) C22 (932).

65) A typical Breton *plebs* had a principal settlement and often many subsidiary settlements.

These recorded disputes were handled in public meetings that were formally constituted as courts. I can see no evidence of village-level courts anywhere (even in areas where there are many charters recording small-scale interests). Judicial assemblies were held in a range of different locations – the towns of León, Burgos and Santiago, churches and monasteries, centres associated with aristocratic landowners, royal courts, on disputed land – but I cannot see any pattern in this provision of courts; I suspect that they arose – some recently, some in the distant past – from a combination of different, particular circumstances across a very long period.

Courts followed standard procedures (which in fact were very similar to procedures in Breton village courts)⁶⁶. Someone presided (usually one or two, but not a group); many litigants spoke for themselves, but monasteries and some aristocrats had spokespersons; oral and written evidence was offered; oath-helping was extremely rare but occasional; use of the hot water ordeal was also rare but sometimes happened (there are twelve references, of which five make clear that no ordeal took place)⁶⁷; use of duel is never mentioned. There were panels of judges, which could include experts, who knew the law; they gave instructions on how to proceed and sometimes (rarely) made a final judgment; membership of panels usually numbered between two and twelve but there are cases of single judges (in which case they were usually expert). A single judge might handle, for example, a case of petty theft. There was also a dedicated legal officer, the *saiio*, who organized the business of the court: he took people to court, made arrangements for oath-taking and the ordeal, and the recording of both, and formally dealt with the transfer of property if that was the outcome. Most *saiones* appear to have been appointed by the appropriate court holder, but there were a few local *saiones* by the late tenth century; the latter occur in the same area as the *concilia* and in some cases are associated with the settlements that sent representatives to a larger meeting; a good case can be made that the communities that were beginning to have more structured meetings by the year 1000 were also beginning to select their own *saiones* – perhaps another indicator of developing social cohesion. Outcomes of court cases were partly secured by the appointment of sureties, but also by the *saiio* and by the court holder. The usual outcome in a property case was the assignment of the property to the successful party; no penalties appear to have been levied, although sanctions in the case of contravention are often noted and were due to the injured party or the court holder or (exceptionally) the king (see Examples B1, B3). In cases that a later age would call criminal, compensation could be paid to victims and fines

66) Procedures are well established: see Gonzalo MARTÍNEZ DÍEZ, Terminología jurídica en la documentación del reino de León. Siglos IX–XI, in: Orígenes de las lenguas romances en el reino de León. Siglos IX–XII, 2 vols., León 2004, vol. 1, pp. 229–272, and Pascual MARTÍNEZ SOPENA, La justicia en la época asturleonese. Entre el *Liber* y los mediadores sociales, in: El lugar del campesino. En torno a la obra de Reyna Pastor, ed. Ana RODRÍGUEZ, València 2007, pp. 239–260.

67) See DAVIES, Windows (as n. 49), pp. 136–139, 243–245; the possible cases are Sob109 and Colección de documentos de la catedral de Oviedo, ed. S. García Larragueta, Oviedo 1962, no 26 (954).

were paid to court holders (there are many examples of criminal cases and fines are particularly well recorded, as in Example B2)⁶⁸).

It is impossible to do the detailed analysis of mobility patterns that could be done for Brittany (because locations of courts are often unknown, and because too few names recur), but certain things are clear about the composition of the judging panels: panels often included one or more expert judges; most of them included several priests and abbots; they often included one or two high aristocrats from far away and some regional aristocrats from not so far; and – among those who are unidentifiable – they probably included some local small-scale landowners. In fact each panel was usually a mix of different kinds of person, some experts, some clerics, some lay, some outsiders, some locals. What they definitely were not were panels of local people; serving on a panel of judges might therefore involve considerable travel, even for a relatively petty case.

As for the litigants: since there were no village-level courts, most of them (including peasants) will have had to travel some distance to attend court – 20 kilometres or more. The court which heard the disputed rents case recorded in Sobrado charter 109 met in several sessions at different locations late in the tenth century: the location of the second hearing was 15 kilometres distant from that of the first and 20 kilometres from the subject of the dispute; then further hearings were held at other locations (not all identifiable) and evidence was taken from the residents of a series of settlements within that zone⁶⁹).

Cases involving high aristocrats were often heard in the king's court, with the king presiding, far away from the supra-village court. However, essentially the same procedures were used, with the full apparatus of proof and judging panels, except in cases of rebellion or homicide, in which the ruler would confiscate property and sometimes expel the perpetrator, without reference to normal judicial procedures⁷⁰).

II.5. Normative guidelines

There are no references to Carolingian prescriptions in this material – but one would not expect to find them. Nor are there references to prescriptions of ninth- and tenth-century Spanish kings and their assemblies, whether at the level of the ruler's court or in the localities, which is more surprising. State-level rule-making did not filter down to the localities because there does not appear to have been much state-level rule-making at this period.

68) See DAVIES, *Windows* (as n. 49), *passim*, for detail and cap. 9 for comparison with courts elsewhere in western Europe.

69) See above, n. 56 for Sobrado 109.

70) See DAVIES, *Windows* (as n. 49), pp. 183–188, for royal confiscations and some aristocratic court cases heard by kings.

However, there were certainly normative guidelines available in the large corpus of Visigothic law, formulated in the sixth and seventh centuries and still regarded as authoritative in the ninth and tenth centuries⁷¹). Visigothic law – *lex gotica* – is cited relatively frequently in charters, both in a general way («as *lex gotica* [or the *Liber*] provides») and more specifically by book, title and chapter (see Examples B2, B3)⁷²). For example, the record of the property dispute between the aristocrat Velasco Hálliz and the monastery of Abellar, of 952, cites book IV, title ii, chapter 19 on freedom of alienation of property for those without children or nephews/nieces; and also book V, title ii, chapter 6 on *post-mortem* donation; and Samos charter 132, of 978, does so in respect of provision for gifts from husband to wife⁷³). For a more general reference to the law, there is the case concerning a woman's adultery with her godfather, in 994, in which it was judged that according to the *Liber* she should be handed over into servitude; in fact she avoided this by making a payment to the court holder, as detailed in Example B2⁷⁴). Reference to this corpus of law is also implicit in the wording of many charters⁷⁵). These references, explicit and implicit, occur both in charters recording regular conveyances and in charters recording court cases. They occur in many areas – Galicia, the *meseta*, Castile, and also Catalonia – in the context of large and small transactions, and of aristocratic and peasant cases. Visigothic law was not promulgated by ninth- and tenth-century kings until perhaps the very late tenth century, when it is recorded by the royal notary Sampiro that King Vermudo II confirmed the laws of Wamba (probably an error for Egica)⁷⁶). Rather, the idea of ancient written law and of its applicability and authority permeated written culture; it was an aspect of the way literate people thought; and it was not restricted to ruling circles.

71) *Leges Visigothorum*, ed. Karl ZEUMER (MGH LL nat. Germ. 1), Hanover 1902, pp. 33–456; for the ecclesiastical corpus, *Concilios visigóticos e hispano-romanos*, ed. José VIVES/Tomás MARÍN MARTÍNEZ/Gonzalo MARTÍNEZ DÍEZ, Barcelona 1963.

72) For example, Cel368 (c. 1000): O Tombo de Celanova. Estudio introductorio, edición e índices (ss. IX–XII), ed. José Miguel ANDRADE CERNADAS/Marta DÍAZ TIE/Francisco Javier PÉREZ RODRÍGUEZ, 2 vols., Santiago de Compostela 1995 (hereafter Cel): *et habui ipso modio de triugo ad pariare per sententia secundum mihi lex gotica ordinat*.

73) Li256; c. 20 (not 19) of Zeumer's edition; see above n. 56 for the Samos collection.

74) Liii561; or perhaps the godfather of her child, as Modern Spanish, rather than her own godfather.

75) The frequency of these references is now wonderfully illuminated by Graham BARRETT, *The Written and the World in Early Medieval Iberia*, D. Phil. Thesis University of Oxford 2015, cap. 5, which will in due course be published in book form.

76) PÉREZ DE URBEL, Sampiro (as n. 48), p. 344. See Roger COLLINS, »Sicut lex Gothorum continet«. Law and Charters in Ninth- and Tenth-Century León and Catalonia, in: *English Historical Review* 100 (1985), pp. 489–512, at p. 509.

B2. Recourse to Visigothic law in a local court case about a woman's adultery, court of Munio Fernández, León territory, 13 February 994⁷⁷⁾

In Dei nomine. Ego Cida Aion uobis Monnio Fernandiz et uxori tue Geloira. Ideo accessit uoluntas ut faceremus uobis karta de omnia mea hereditate que uisa sum habere in Ualle de Uimen, iusta flumen Estola, in territorio Legione. Dabo uobis corte cum kasas et cum cubas et cum lagare [that is, wine-press], terras, uineas, montes, fontes, cessum et regressum, aquis aquarum molinarias discurrentibus, prados, integrum dabo uobis – foris illo que fui de meo marito Hauiue que est de meos filios – illo ad integro dabo uobis atque concedo, et pro que fui mesta in adulterio cum Petro que est meo cumpatre et marido alieno, et fuimus ad Librum et iudicauit ut tradissent me seruire sicut alia ancilla origenale, et roborauí inde placitum manifestum. Et pro eciam tali causa facio uobis kartula de ipso qui desuper resona ut demus illo firmiter. Aut de hodie die uel tempore de iuri nostro abraza et in uestro concessa. Quod si aliquis uobis ad inrumpendum uenerit uel uenero, tunc abeatis hereditatem de me adprehendere ipsa corte et ipsa hereditate duplata et uos perpetim abitura.

Facta kartula idus februarii era millesima XXXII. Regnante Ueremudus rex. Cida Aione in hanc kartula roborauí.

Qui presentes fuerunt Abenazari ts, Ademeke ts, Flaino ts, Marelle ts, Vimara ts.

Sandinus notuit.

II.6. Interaction between centre and locality

As was the case in Brittany, peasant communities would have interacted with aristocratic landowners and their agents in respect of land and labour, although those aristocrats did not necessarily interact with rulers and although there was a significant element of free peasant proprietorship, especially on the *meseta*. Passing through a judicial court would also have brought peasants in touch with aristocrats, although most court holders – counts and landowners, ecclesiastical and secular, sometimes referred to as *potestates terrae* – did not hold court at this period through any act of state organization or royal delegation (see Example B2). This means that passing through a judicial court did not in most cases exemplify centre/locality interaction, although of course there was interaction between village-level locality and regional power. However, aristocrats were certainly members of many judging panels and on some occasions some of these might come from the king's court to a rural location; royal companions and royal judges were involved in some local court cases, sometimes travelling very considerable distances to do so; for example, someone like Pelayo González travelled the 200 kilometres between León and Galicia⁷⁸⁾. To that extent there was an element of centre/locality interaction in judicial

77) Liii561 (cartulary copy).

78) For example, in León and north-west Galicia respectively, the court cases Li192 (946) and La Coruña. Fondo Antiguo (788–1065), ed. Carlos SÁEZ/María DEL VAL GONZÁLEZ DE LA PEÑA, 2 vols., Alcalá

court cases; indeed, when aristocrats joined judging panels to walk disputed boundaries, they literally came down to ground level.

Court holding can also demonstrate interaction between centre and locality, although a different kind of interaction from the Breton practice. Kings held courts and could personally preside over judicial cases (see Example B3). Every single one of such cases arose because of a complaint made by a prominent monastery, mostly against aristocrats but occasionally against peasants (see Example B3); the complaints overwhelmingly concern the ownership and control of property but some involved assault. Kings, and queens too, might receive complaints and accordingly send representatives to a locality to investigate. For another example, León charter 128 records that in and before 938 the monastery of Valdevimbre complained that the residents of San Juan en Vega were drawing so much water from the river that the monastery could not run its mills⁷⁹); the king twice sent judges (expert judges) to measure the rise and fall of the water levels and the judges twice found in favour of the local residents. Here there was direct interaction between the highest, ruler, level of society and peasants on the river bank, although it has to be said that this was very rare; and it is notable that the places involved are very close to León and to the king's regular physical presence. This could happen, although it was not normal for peasants themselves to appeal to kings.

B3. Monastic appeal to King Alfonso IV about the incursions of local residents of Manzaneda (on the *meseta*), heard in the royal court, 29 January 931⁸⁰)

In era DCCCCLXVIII^a orta fuit contentio inter parte de fratres de monasterio Sancti Iuliani, qui est fundatum super ripa de ribulo Torio, in suburbio ciuitatis Legionense, et pariter sub una uoce cum eis Garsea, genero de Rumfurco, contra omnes abitantes in uilla Manzaneta et uillare quem uocitant Garrafi, quam fratres de supradicto monasterio per testamentos obtinebunt de concessione regum domissimi Adefonsi principis et domne Scemene regine, seu et postea de regem domno Garsea et post eos simili testamento et confirmationis domni Ordonii principis et domne Giluire regine, quam pridem fecerant in sepedicto loco genitores et antecessores illorum, domnus Adefonsus et domne Scemena. Pro quibus dicebant omnes qui infra ipsas uillas et terminos, quod in testamento resonat, ruptelas exquerant quod de illorum erat termino et de sua presura illut obtinebunt. Dumque aberent pro hanc contentio et disceptatione, uenerunt pariter in presentia principis domni Adefonsi, prolis domni Ordonii, et ad illorum sugessionem perrexit ill[e] ad ipsas uillas et plures magnati cum eo, subter annotati, pro [a]b[er]e testimonii, et posuerunt terminos de uilla Manzaneta per ubi eam Rumfurcus obtinuerant, id est: de ribu quod dicunt Auoceto, discurrante aqua per lumbano, de parte occidentis, usque in illa fracta super uillare Garrafi; et de parte orientys, per media fonte de tacos usque in Torio; et de parte superiore, discurrante aqua, per uia qui uadit per illa lumba usque in ualla Cabo et inde in termino de

2003–2004, no. 59 (956); other appearances: Cel256 (936), Cel4 (938), S129 (950), S132 (951), Cel54 (955), Lii295 (956), for example.

79) See above, n. 56 for León collections.

80) Li89; single sheet, Archivo de la catedral de León pergamino no. 1333; the witness list has been truncated.

Aduocato. Hec omnia sepe memoratum, secundum in testamentos resonat et nos fideliter preuidimus et uetustiores narrauerunt, sic homnia cum summa integritate decernimus, absque huius inquietudinem, perenniter permanere, ut nihil exinde in parte extranea liceat uindicare, quod qui deinceps aliquid infra ipsos terminos sine consensum fratrum in ipso loco degentium, aliquid adpreendere uel uindicare temptauerit, pariet ipsas uillas in uoce monasterii duplatas uel triplatas, secundum lex continet godorum, omnia perenniter abiturum.

Notum die IIII^o kalendas februarias, era quo supra.

Adefonsus princeps quod ueritatem cognouimus manu propria confirmamus.

Sub Christi nomine, Cissila episcopus confirmans. In Christi nomine, Ouecco episcopus confirmans.

III. CONCLUSIONS

The obvious points of comparison are that the corpus of Breton charters, though small, is of such density that it permits examination of activity at the most local of levels, whereas the Iberian corpus, although much larger, never achieves the same density of coverage within a narrow period; this inevitably means that our view of the local is more fragmented. It is also true to say, in both cases, that the hiatus in the availability of written evidence before the well documented periods prevents proper assessment of what was new and what was continuing.

Nevertheless, despite differences in physical environment and apparently in the level of social cohesion, it is striking that there are several similarities in local arrangements. In both areas, local people met for the performance of small-scale transactions, largely recorded by local priests; local priests are evident everywhere, often living and working in small groups of three or four clerics, with strong hereditary interests in their localities. Moreover, both sets of judicial procedures – that is, the things that actually happened in the course of a court case – were extremely similar (although there are differences in detail). In both cases there was an element of implementation of normative guidelines at local level, although it worked in different ways: in Brittany we can see the influence of Carolingian prescriptions about judicial practice in the early ninth century, although not after 850 (that is, not after the death of Nominoë⁸¹); in Iberia many of the principles of much earlier Visigothic legislation appear to have been widely known and cited.

However, given those similarities, there are significant differences too. In neither case can I see the appointment of local officers by rulers or their agents, although kings were beginning to appoint regional officers (the holders of *mandationes*) in Iberia in the late tenth century. In Brittany there was an extremely clear, very well evidenced, structure of local organization and local leadership; in northern Iberia there is no hint of any com-

81) Accordingly, Carolingian rulers could also be noted in dating clauses across the same period; cf. Example A1.

parable structure (even though some sets of charters, like the León single sheets recording transactions between lay parties, are similar in character to the Breton charters), until local structures began to develop in a very few areas in the late tenth century. In Brittany there were village-level judicial courts, with panels of judges drawn from the neighbourhood; there do not appear to have been any courts at this level in northern Iberia and panels of judges for supra-local courts were drawn from far afield. In the former case, most travel was very local, with small distances covered, 5–8 kilometres for most participants, perhaps 20 kilometres for judges; in the latter, going to court could involve a lot of travelling, both for judges and for litigants, over 20 kilometres for most participants, up to 220 kilometres for judges.

In a rather bizarre contrast, in Brittany we hardly ever find explicit reference to legal prescription of any kind, nor evidence of the taking of fines, although the occasional sanction suggests that fining may have been possible⁸²; whereas in northern Iberia there is plentiful evidence of both, though the legal prescription is of ancient origin. And also in contrast: in Brittany the ruler (that is, the Breton ruler) did sometimes send representatives to preside over village-level courts; in northern Iberia royal delegates can only very occasionally be seen to have presided and when they did so they presided over high-level courts dealing with aristocratic business, as happened when the bishop of León stood in for the king to hear the property case between Velasco Hánniz and the monastery of Abellar⁸³. It is the early eleventh century before lower-level presiding gets noted, with the establishment of *mandationes*, and the excellent example of the court holding of the Flaínez family⁸⁴. The much stronger tradition of landowner court holding in Iberia (*potestates terrae*) was probably in many cases inherited from a distant past.

We can therefore glimpse some impact of an emerging or changing state in both regions. In Brittany there was some clear impact of Carolingian principles of judicial organization but only for a limited period; and the Breton ruler could impact at a local scale, on an *ad hoc* basis, through personal contacts, and intermittently did so – possible because the scale of interaction was relatively small. In Iberia governmental capacity was yet to develop, but kings or their agents could interact with rural localities if the king was physically close or if a monastery proactively sought royal intervention. Indeed, in both areas it is striking that when monasteries appealed to rulers for resolution and intervention, rulers thereby became more involved in local practice and activity. And, whatever the level and nature of ruler impact on locality, in both areas there were different, continuing, established practices which – despite the hiatus of evidence – appear to have been of much earlier origin.

82) See above, n. 26.

83) Li256; see above, n. 73. *Et si moram fecisset rex, presentassent se ante pontificem domno Gundisaluo, Legionense sedis episcopum.*

84) See above, n. 58.

SUMMARY

Material about rural society in eastern Brittany comes from charters collected at the monastery of Redon, especially the 302 charters from the period 830–880. Breton rulers had a fluctuating relationship with Frankish rulers; the Breton polity seems to have taken shape during this period. Material about rural society in northern Iberia (from northern Iberia excluding Catalonia) comes from approximately 2,700 charters collected at many different places, but overwhelmingly of the tenth century. There were two kingdoms, of Pamplona/Navarre and Asturias/León, polities with little governmental apparatus in the ninth and tenth centuries but which were to undergo considerable physical, dynastic and organizational change in the eleventh century.

In both areas local people frequently gathered together for the performance of small-scale transactions, in the Breton case within a clear structure of local organization and local leadership. In the latter there were also village-level judicial courts, with panels of judges drawn from the neighbourhood of the village. In northern Iberia there is no clear structure of local organization; judicial courts were common but were not held at village level and panels of judges were drawn from far afield. In Brittany the Breton ruler might in some circumstances send a representative to preside at a village-level court; in Iberia royal delegates might occasionally preside at a high-level court dealing with aristocratic business but never at anything more local, where matters were usually handled in a landowner's court. There is no evidence of the appointment of local officers by rulers in either case but there is an element of the implementation of normative guidelines in both: in Brittany Carolingian judicial arrangements are reflected in the early ninth century; in northern Iberia principles of Visigothic legislation of the sixth and seventh centuries are cited or reflected in the records (although they were often changed in practical application).

In each case some impact of an emerging or changing state structure can be glimpsed at local level. There was some direct interaction between the Breton ruler and local society; in northern Iberia kings or their agents could interact with local society where the king was present or where a monastery proactively sought royal authority. In both cases, there were established local practices, apparently of much earlier origin, which continued regardless of ruler action and interaction.