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## Castles of Southern France: jurable and rendable fiefs (11th-12th centuries)

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Irrespective of their actual builder, the castles of the Central Middle Ages were mostly held in fief by the vassal of a superior lord.<sup>1</sup> The princes wanted to control their territories either by building fortifications themselves and entrusting their vassals to guard them, or by taking castles over in fief from smaller lords who were builders, whom they thus brought under their sway. The bond between the lord and his vassal was sealed by an oath, sometimes accompanied by a homage. Although the homage is the most famous part of the ritual, it was in fact optional, at least in most of southern Europe. It undoubtedly strengthened the bond, but it was by no means compulsory.<sup>2</sup> The entry into vassalage was essentially concluded by an oath about a castle: it was this oath that marked the superior power of the lord over the vassal's castle.

However, when we analyse the many preserved oath texts from the 11th to the 13th centuries,<sup>3</sup> we notice that the vast majority systematically mention a duty imposed on the vassal: that of returning the castle to a lord upon any request made by the latter. The charters that bear these oaths provide numerous formulations that summarise this assimilation of the oath and the duty to return the castle: in 1153, at Verdalle (Tarn), 'you must swear and return this *castrum*'; in 1156, at Roquefort-sur-le-Sor (Tarn), 'let them return the *castrum*, that is to say, let them swear it'; in 1162, at Puéchabon (Hérault), 'because of this fief, you owe me homage, fidelity and an oath of the duty to return the *castellum* faithfully'; in 1175, at Lunas (Hérault), 'you must pay homage and make an oath of rendability'; in 1193, at Fabrezan (Aude), 'we must return the *castrum* to you, as is customary to return it to the lord'.<sup>4</sup>

There is no point in multiplying the quotes, when a lord feudalised a castle, he demanded that it be 'sworn and returned'; in fact the vassal had to 'swear to return'. The fundamental commitment at the heart of feudal oaths is indeed the rendability of the castle. This state of affairs has been formalised by feudalists and modern jurists in the expression 'castle *jurable and rendable*',<sup>5</sup> already attested to in medieval times.<sup>6</sup> On the basis of this general observation and the few studies devoted to the question,<sup>7</sup> the aim here is to explore the legal consequences of these commitments and the practical aspects of the implementation of the obligation to return the castle. First, we will detail the modalities of the restitution of castles, and we will then examine the significance of this operation successively for the lord and for the vassal.

### The modalities of the restitution

#### *Rendable and non-rendable castles*

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<sup>1</sup> In fact, most often there is not one, but several vassals. This aspect of the question will be left aside here (see Debax 2012).

<sup>2</sup> Débax 2008, p. 210-217.

<sup>3</sup> Débax 2011.

<sup>4</sup> Respectively: Verdalle, *ad submonitionem vero meam, vos et filii vestri mihi et meis successoribus hoc castrum jurare et reddere debetis* (Cartulaire des Trencavel, 118 ; Devic, Vaissete 1872-1904, V, 1140, XII); Roquefort, *Domnus autem R. Trencavelli querebatur de U. Escafredi et fratribus ejus eo quo reddebant ei castrum de Rocafort, scilicet quod ei juraverant* (Cartulaire des Trencavel, 341 unpublished); Puéchabon, *Propter quod feudum, facis hominum michi et fidelitatem et juramentum de castello reddendo fideliter sine fraude et dolo* (Cassan, Meynial 1900, n° 4, p. 138); Lunas, *hec omnia de Lunatio dono tibi ut habeas et possideas jure feudi et debes inde mihi facere hominum et de reditione sacramentum* (Cartulaire des Trencavel, 434 ; Devic, Vaissete 1872-1904, VIII, 309); Fabrezan, *sicut debemus tibi reddere predictum castrum de Faberzano, sicut domino reddi consuevit* (Caille 1995, 42).

<sup>5</sup> Cange 1824b; Salvaing 1731.

<sup>6</sup> For example, in a roll drawn up around 1260 of the vassals of the Count of Forez: *Jofrey d'Albaigneu fit homage lige della mayson de Turnant jurabla e rendabla e del borc de Montbrison e de Bella Garda* (Guichard 1933-1980, vol. 7, pièce 903).

<sup>7</sup> Coulson 1973.

The rendable clause for castles is present in many feudal oaths,<sup>8</sup> but a certain number of them do not include this formula. In the cartulary of the Trencavels, viscounts of Carcassonne, Albi and Béziers, 282 castle oaths are transcribed; of these, 24 do not include the rendable clause (approximately 8%). This figure has no overall value and it is difficult to draw conclusions from it: some of these oaths are indeed very short and terse. When the clause is not pronounced, how can we be sure that the castle was not rendable?

In other collections, however, some texts are more explicit. The *castrum* of Orcall, in Pallars, is the subject of two *convenientiae* in 1072 and 1088 where it is said that ‘the aforementioned count granted to the aforementioned Tedbal that neither he, nor his wife, nor his son would claim the *potestas* on this *castrum* from Tedbal during his lifetime’.<sup>9</sup> Pierre Bonnassie, who noted this expression, attributes it to the collapse of the count’s authority in Pallars under Ramon IV, in contrast to what was happening at the same time in the county of Barcelona.<sup>10</sup> In the cartulary of Maguelone, in 1190, we find an oath from Guilhem VIII of Montpellier to Raimond VI, count of Toulouse, acting as count of Melgueil, for five *castra* (Castries, Castelnau, Centrairargues, Le Pouget and Pignan): Guilhem VIII recognises the holding of these *castra* in fief, but not the duty to return them. The same Guilhem VIII, in 1199, feudalises a *castrum* to one of his vassals to whom he grants the privilege of not having to return the said castle.<sup>11</sup>

These cases are few and all correspond to situations of weakness of the superior authority or, at the very least, to situations where the balance of power leaned in favour of the vassal. The most enlightening case in this respect is that of the viscountess Ermengarde of Narbonne at the very end of her life, in 1193. She was about to be ousted by her nephew, Pedro de Lara, and she sought support. She promised Ermengaud de Fabrezan:

‘I Ermengarde, viscountess of Narbonne, for myself and all my successors, in good faith and without fraud, with this charter, absolve, discharge and cede, after my death, to you Ermengaud de Fabrezan and your successors who will have the lordship of the *castrum* of Fabrezan, all the *sacramentale* which I possess and which I must have in the *castellum* of Fabrezan, so that, after my death, neither you Ermengaud nor your successors will be obliged to return the aforementioned *castellum* of Fabrezan, nor to make any oath for this *castellum* to any of my successors, nor to any person who will rule over the town of Narbonne.’<sup>12</sup>

Ermengarde is evidently in a precarious situation, and obtains the support of her vassal by giving up her superior lordship over the castle of Fabrezan. In concrete terms, as we can see, this means that she relinquishes the oath and the rendability of the *castrum* for herself and her successors.

#### *Restitution clauses*

In most oaths, however, the restitution of the *castrum* is required by the lords. The terms of this restitution, when the acts specified them, were highly codified; various conditions accompanied it.

An oath for Valmalle given to Guilhem VIII of Montpellier in 1197 accumulates virtually every possible formula in an exhaustive compilation worthy of a law textbook. ‘By stipulation, we firmly promise you and yours, lords of the city of Montpellier, without any delay or deferment, in anger or appeasement, in war or in peace, in winter or in summer, by night or by day, without any contradiction or complaint, fully according to your will and your people, for your service or without, faithfully, that we will restore to you this fortification and all the others that

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<sup>8</sup> In our corpus, we have not found any link between the surrender of the fief and the institution of the liegancy (‘ligesse’), as explained by Jean Richard (Richard 1968, p. 174-175).

<sup>9</sup> *Supradictus comes convenit ad jamdicto Tedballo ut neque ille, neque ejus conjux predicta nec filius non requirant potestatem de supradicto castro ad Tedballo in sua vita* (Miquel Rosell 1945, I, n° 67). Similarly in Arraona in 1063: *donant ei ipsas terras ad fevum, eo ut non querat et nonprehendat potestatem a predicto castro Arraone* (Miquel Rosell 1945, I, n° 469).

<sup>10</sup> Bonnassie 1975-1976, 2, p. 765-766.

<sup>11</sup> 1190: *Que omnia habeo et teneo de te ad feudum francum et honoratum ita quod nullum supradictorum castrorum vel villarum tibi vel tuis nec alicui comiti Melgoriensi reddere teneat* (Rouquette, Villemagne 1912, n° 202, p. 362-364). 1199: *teneatis et habeatis, tu et successores tui, castrum, cum omnibus suis forciis, ad feudum per hominiscum sine reddicione, que non debet fieri michi, vel futuro domino Montispessulani* (Miquel Rosell 1945, n° 533, p. 711-712).

<sup>12</sup> *Ego Ermengardis, vicecomitissa Narbone, per me et per omnes successores meos, bona fide et sine dolo, cum hac carta solvo, gurgipio omninoque defero, post mortem meam, tibi Ermengaudo de Faberzano et successoribus tuis qui habuerint dominium castri de Faberzano, totum scilicet sacramentale quod habeo et habere debeo in castello de Faberzano ut videlicet post mortem meam tu Ermengaudus vel tui non teneamini predictum castellum de Faberzano reddere nec teneamini propter ipsum castellum sacramentum aliquod facere ulli successori meo nec alicui alii persone urbi Narbone dominantis* (Caille, 1995, 42).

will be made in it, to you or to your faithful messenger, whenever you ask for it on your orders or your people's'.<sup>13</sup> Here the request is unconditional. Other formulations express ways of claiming for the Lord 'with great and small force'.<sup>14</sup> This expression seems to mean that restitution can be claimed for a small troop during a one-off horse ride, or for a real expedition of the lord's *ost*.

These same clauses can be formulated in Occitan, as in a recognition in fief by Guigue de la Roche to Aimar de Poitiers count of Valentinois for Baix (in Ardèche) in the same year 1197: 'Lord Gui de la Roche is Adémar de Poitiers' man, Count of Valentinois, for the fiefdom of Baix, [...] and he pays him homage and fidelity and swears to return them to him whenever he claims them by him or by his faithful messenger and, for the restitution he must make, he must not impede the fidelity, nor delay the restitution, nor make the messenger suffer any damage'.<sup>15</sup>

When a lord wants to recover a castle that is held in fief, he must send a summons to his vassal, *i.e.* send him a request that respects a certain number of formalities, in person or, if the lord is not present, by entrusting letters to a messenger (called *missus*, *nuncius* or *messatger* in Occitan). From this summons onwards, the vassal has a deadline for returning the castle: depending on the texts, this varies from eight to fifteen days. For example, in Ganges, in 1162, it was eight days; in Mauguio in 1172, fourteen days; in Forcalquier in 1103, fifteen days.<sup>16</sup>

In most oaths, this demand for restitution can be made at will by the lord, whenever he wants. This is expressed in various linguistic variations: in Latin *quociens*, *quocienscumque*, *per quantas vices*, *totas illas horas*, or in Occitan *per quantas vegadas*, *per totas aquelas sazoz*, etc. But sometimes, restitution cannot be claimed at the lord's discretion: this seems to be the case in Béarn,<sup>17</sup> or in Bigorre where several acts of the county cartulary limit the possibility of claiming restitution to three times a year.<sup>18</sup>

Generally this restitution can be claimed at any time, but it is the rule at the time of a succession or alienation. This is clearly expressed in an feudalisation of Frontignan in the Hérault in 1194: the restitution of the *castrum* will be required 'whenever there is a change of lord on either side'<sup>19</sup> (whether it is the succession of the superior lord or the vassal).<sup>20</sup>

### *Rendability rituals*

By cross-referencing the data from various texts, we can reconstruct a rendability ritual for *castra*. The first step is the symbolic surrender of the *castrum* by the vassal. Thus, in 1235, when the Count of Rodez recognised a fief of the Bishop of Mende, it was said that the Count should leave the castle with all his familia to show that the relinquishment was complete: 'When we are requested by you or by your envoy by your letters, without any

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<sup>13</sup> *Per stipulationem tibi firmiter expromittimus quod tibi, et tuis successoribus, dominis ville Montispessulani, sine ulla dilatione et mora, irati vel paccati, in guerra vel in pace, hyeme vel estate, nocte vel die, absque ulla contradictione et questione, plenissime ad tuam voluntatem et tuorum, ad tuum opus vel etiam sine opere, fideliter, hanc forciam et omnes forcias que ibi fient, vel facte invenientur, tibi vel fideli nuntio tuo, reddemus, quandocumque volueris, ad tuam vel tuorum commonitionem* (LIM, n°448, p. 628-629).

<sup>14</sup> Cange 1824b, 500-506.

<sup>15</sup> *Ens Guigo de la Rocha es om de n'Aemar de Peiteus conte de Valentinez per la senoria de Bais, [...] e fai l'en homenes et feeatat e juras li per redre a totas sazoz qu'el las li querra, per se o per so fiel mesatje, ni per redre que l'en fassa non deu desaeissir de la feeatat, e al redre non deu metre desla ni dan tenir al mesatje* (Brunel 1926, n° 313, p. 311).

<sup>16</sup> Ganges: *ipsum castrum et forcias infra octo dies a die commonitionis tue numerandos reddam* (Rouquette, Villemagne 1912, n°114, p. 224-227); Mauguio: *debetis michi vel heredibus meis dominis Barchinone reddere castrum Melgorii et forcias de comitatu que modo ibi sunt vel in antea fuerint quociens voluerimus infra XIII dies postquam a nobis vel a nuncio nostro ammoniti fueritis* (Rouquette, Villemagne 1912, n° 157, p. 288-290); Forcalquier: *redrai lo ti per celas vez que m'en comonras o connonre m'en faras per nomen de sagrament enfra XV dies* (Brunel 1926, n°8, p. 11-12).

<sup>17</sup> Fournier 1978, 142-143.

<sup>18</sup> Agreement between Viscount Raimond Garsie de Lavedan and Count Pierre de Marsan: *Raymundus Gassias fecit finem cum comite tali pacto ut omnia sua castra reddisset III vicibus in anno a luy e a son linadge ab feit e ab forafeit, ab ira et sine ira* (Ravier, Cursente 2005, act XXXV, p. 248; see also act XXXVII, p. 250).

<sup>19</sup> *Quocienscumque mutatio dominorum ab utralibet parte contigerit, castrum predictum restitui michi et successoribus meis bona fide debet* (Teulet, t. 1, n° 417, p. 177-178).

<sup>20</sup> These procedures during any fief transfer are like the *fief of danger* in Lorraine, a region also marked by the power of the local aristocracy (Coudert 1968-1969). Many thanks to Gérard Giuliano for the reference.

contradiction or delay, without any exaction, after having removed all our entourage and that of our own, we will surrender [the *forcias*, *municiones* and *castra*].<sup>21</sup> An identical ritual is attested in the Limousin region.<sup>22</sup>

The same obligation is found in the feudal customs compiled by the Catalan jurist, Pere Albert, a canon of Barcelona Cathedral, who produced a treatise on feudal law called the *Commemoracions* (around 1250): 'If the lord asks his vassal for power over the castle, it must be given to him in this way: first the vassal will evacuate all his goods from the castle and all the territory of the castle and, without contradiction or delay, he will hand over the castle to the lord'.<sup>23</sup> C. Du Cange indicates that this ritual distinguishes the rendable fief, which implies an evacuation by the vassal, from the withdrawal fief or receivable fief for which the vassal must accommodate his lord while remaining present.<sup>24</sup>

An interesting clarification is provided by an oath taken by three brothers, lords of Aragon, to the abbot of Montolieu for this locality: they would return the *castellum* at any summons, but they could keep their dwellings on condition that they were not fortified and did not constitute a threat to the castle tower; if they were fortified, they would be included in the goods covered by the oath and therefore would have to be returned.<sup>25</sup> The evacuation of the *castrum* could therefore be only partial, provided that the vassal did not retain any fortified places.

Once the castle had been returned, the lord could take possession of the castle. This possession was symbolised by the raising of the banner (*banneria*, *vexillum*, *signum*, or *seneira* in Occitan). Thus for the castle of Don in Ardèche, in 1197, where it is specified that the banner (the *seneira*) must be solemnly raised and then lowered,<sup>26</sup> or for Vaqueyras given in fief by Raimond VI to Guillem des Baux in 1210: he would mark his superior lordship by raising his *vexillum*.<sup>27</sup> This raising of the banner was commonly accompanied by a third part of the ritual: shouting the lord's motto. In the Catalan treatise on feudal law cited above, it is said that one must climb the highest tower to shout as loudly as possible and call out the name of the lord.<sup>28</sup> This same ritual is found in many acts describing this custom. Thus in Alès in 1217, the *vexillum* must be raised in the tower and the *signum* or *edictum*, i.e. the lord's motto, shouted. In 1245, the Count of Toulouse had to hoist his *vexillum* or *banneria* on the tower of the castelnau of Simorre, and on the towers and gates, and shout his *signum* three times aloud, specifying that it was 'Tolosa, Tolosa, Tolosa'; this proclamation had to be made by a herald, a *precon* (which is suggested by the use of the verb *preconizari*). Similarly at Apcher in Lozère in 1257, but there for the Count of Rodez, they shouted 'Rodez, Rodez', only twice. In Mende, the bishop invokes 'Saint Privat' three times, and in Narbonne, we find a variant: the archbishop has the trumpet or the whelk played, as is customary (*more consueto*).<sup>29</sup>

The obligation to return the *castrum* is therefore present in a number of texts, in which more or less precise terms are given on the deadlines for rendability, the places to be rendered and the rituals of rendability, but what did

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<sup>21</sup> *Cum a vobis vel nuncio vestro cum litteris vestris fuerimus requisiti, absque omni contradictione et dilatione et sine aliqua exactione, exclusa et ejecta omni nostra et nostrorum familia, reddemus [...]* (Porée, n° VII, p. 491-493).

<sup>22</sup> Rémy 2006, 49.

<sup>23</sup> *Si demanada serà per lo senyor postat al vasal de son castel, si dada en aquesta manera : lo vasal, tretas del castel e de son terme totes ses coses, sens tota retencion e sens contradiccion, deliurarà el castel a son senyor* (Rovira i Ermengol 1933, p. 142).

<sup>24</sup> Cange 1824b, 495-497.

<sup>25</sup> *Et per quantas vices [...] illud nobis demandaveritis vel requisieritis ad recuperandum, ipsum in tuam potestatem lo tornarem e-l reddrem sine vestro inganno [...], exceptis domibus in quibus habitamus ; si in ipsis domibus forteza facta fuerit que ad turrem possit dampnum inferre, sit in hoc sacramento* (CT, 342).

<sup>26</sup> *Don te de lui d'aital maniera que, quan l'en fai primeiramen homenes, lo li deu rendre e deu lai levar sa seneira e pois deu l'en davalar, et el reman en seus ab ajuda que l'en deu far ab fe e ses enjan de tots home* (Brunel 1926, n° 313, p. 311).

<sup>27</sup> *In predictis hedificiis potest comes et sui vexillum suum levare et ei comes predictus debet de jure semper salvare et defendere omnis supradicta* (Teulet, n° 931, p. 353-354).

<sup>28</sup> *e entran lo senyor o altre per el en la força del dit castel, farà puyar al cap de la torre II o III hòmens seus, ho quals que-s vuyla, qui a grans veus cridaren e nomenaranle nom del senyor* (Rovira i Ermengol, 1933, p. 142).

<sup>29</sup> In Alès in 1217: *Ad mutationem domini debetis vos et heredes vestri levare vexillum vestrum in turri mea de Alesto et signum seu edictum vestrum facere ibi clamare* (Cange 1824a, p. 257); in Simorre in 1245: *Ibi super turrim castris novi et super turre et portalia aliorum suprascriptorum locorum ratione et jure majoris domini, fecit ascendere vexillum seu banneriam dicti comitis Tolosani, et ex parte ipsius ter preconizari et clamare alta voce signum dicti comitis scilicet Tolosam* (Cange 1824b, p. 509); in Apcher in 1257: *In recognitione feudi seu feudorum ponetur seu levabitur vexillum domini comitis in forciis et clamabitur signum domini comitis Rodes, Rodes, et hoc quocienscumque mutatio persone contigerit* (Porée 1908, n° X, p. 496-497); in Mende (Porée 1908, p. 460-461); in Narbonne in 1215: *Recepit palacium, posito signo ecclesie in turri pro dominio et ducatu [...] et elevato in turris summitate ejusdem episcopi vexillo, buccinaverunt more consueto* (Cange 1824b, p. 510).

these rituals really mean? What was their purpose? We will see that this is not purely symbolic, but that these surrenders had very important practical consequences.

## The meaning of rendability

### *The conditions for the lord*

What does the lord do with the returned castle? First, he can keep it to live in it and occupy it as its master. In an oath to Beatrix, Countess of Melgueil, in 1162, a certain Raimond Pierre de Ganges declared: 'I swear that I will return the castrum of Ganges to you, Beatrix, and all the fortifications that will be built in the castrum or the villa, so that you will be able to have power in this castrum as a lord and to remain there, each time that you will send me a summons by you or by your messenger.'<sup>30</sup> However, a number of acts mention a time limit beyond which the lord must return the castrum to his vassal: for example at Usson in Ariège or Fenouillet in Aude, in the last third of the 11th century, this time limit is four months.<sup>31</sup> The text authorises the lord to make a four-month *statio*. But at Vergy, in an agreement between the Duke of Burgundy and the local lord, it is said that the lord cannot keep the castle for more than fourteen days.<sup>32</sup> then he must return it. In fact, these deadlines depended greatly on the local situation and the balance of power.

Sometimes it is not a deadline but a situation that is described to circumscribe the right of the lord to keep the castle. For example, in Caralp in 1163, Roger Bernard de Foix could keep the castle if there was a war, but once the war was over, he had to return it to the lords of Rabat. This war to keep the castle is called *guerra adurada*, a 'real war', not just skirmishes or *cavalcades*.<sup>33</sup>

This is indeed the main purpose of the restitution to the lord: he wants to be able to wage war from a castle. Thus in Frontignan, in 1194, the vassal is required to return the *castrum* upon the change of lord only if there is no conflict, but at will, and at any time, if war occurs.<sup>34</sup> In other cases, the vassal is given a choice: he must contribute to his lord's war, but he can do so either by giving up the *castrum* or by providing military support. This is the situation described in an oath taken to the Count of Foix for Saint-Félix in 1176.<sup>35</sup> The same thing happened at Baix, in the Ardèche, in 1197: if the vassal did not want to help, he had to return the castle; but if he did help, the lord could not claim it back.<sup>36</sup> It seems that the lord's military participation in the war exempts him in certain cases from the duty to return the *castrum*. The texts thus offer us a whole casuistry on the rendering of a *castrum*.

In the oath to the Count of Foix for Saint-Félix, it is clearly stated that the Count must keep the castle at his own expense: this seems to be a great concern for the vassals, to which several acts allude. The lords seem to have tended to despoil the castles before returning them. Some texts therefore include a clause forbidding the lord to

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<sup>30</sup> *Hoc juro ego Raimundus supradictus me redditurum tibi Beatrici suprascripte ipsum castrum de Agangio et omnes forciis que in castro sive in villa constructe sunt [...]; ita quod tu valeas potestative tamquam domina in ipso castro sive villa disponere et morari, quandocumque me per te vel nuncium tuum sive nuncios commonueris* (Rouquette, Villemagne 1912, n°114, p. 224-227).

<sup>31</sup> *Iurerando ergo annuo tibi in prephato castro de Sono stacionem de quatuor mensibus per singulos annos si tibi placet quia ita fuit mos in diebus nostrorum antiquorum propinquorum* (Miquel Rosell 1945, t. 2, n°637, p. 144).

<sup>32</sup> Salvaing 1731, 82.

<sup>33</sup> *Et ego Ramundus Amelii qualicunque hora demandabis mihi predictum castellum sine mora cum turre et omnibus forciis reddam tibi et tu comes reddas mihi sine mora si guerram non habueris aduradam de illo castello; sed si guerram talem habueris, teneas castellum cum omnibus forciis donec habeas finitam, exceptis hominibus meis de quibus tibi possim facere rectum, et guerra finita statim reddas mihi* (Teulet 1863, t. 5, n° 62, p. 20-21. The Dictionary of Medieval Occitan defines *adurar*: either to endure, to bear, or to make harder, to harden; and for the past participle *adurat*: seasoned, brave, or violent, terrible (<dom-en-ligne.de>).

<sup>34</sup> *Preterea michi semel etiam sine guerra ad recognitionem domini predictum castrum reddere teneamini, similiter successoribus meis tu et successores tui idem facere tenemini sine guerra semel et per guerram quocienscumque voluerimus ego et successores mei* (Teulet 1863, t. 1, n° 417, p. 177-178).

<sup>35</sup> *Juram tota la forsa de Sant Feliz [...] e quantas vez achelas fortesas demandaras, ni om ne femna per tu, que eu las te redam iraz e pagaz, ab forfait e senes forfaid, senes nula ocase que nos no i metam. E que tu poscas d'aquelas fortesas garregar totz omes et totas femnas, de nos eforas e dels nostres omes. E quan garrejar voldras d'aquelas fortesas, si nos ajudar no t'en voliam, que las tengas entro ta gerra sia fenida et ab ta messio [...]; e si nos ajudar te voliam de la gerra per be e per fe, que nos tengam nostras fortesas* (Brunel 1926, n°152, p. 142-143).

<sup>36</sup> *Si no l'en volia ajudar, deu lo il rendre per at de sa guerra e l'autre non l'en deu malmenar. Mas, per so qu'a bona fe l'en ajut, non lo il deu querre, si non o fai per mudamen de seinor o d'ome, ni l'altre non l'es tengut de redre* (Brunel 1926, n° 313, p. 311).

plunder the castle of his vassal. Thus, in Saint-Pons in 1144, in an agreement between Guilhem d'Aumelas and Pierre de Cournonsec, a promise is included not to *destruere* nor *diruere* the *castrum*.<sup>37</sup> In 1247, in a deed of restitution by Raimond Arnaud, viscount of Tartas, to the king of Navarre Thibaut I for the castle of Villeneuve, with all the land of Mixe and Ostabat, it is clearly stipulated that, if the viscount is obliged to return the castle within fifteen days after a summons has been issued, the king for his part must return it with as many weapons and defences as he received it, no later than forty days after the end of the war.<sup>38</sup>

### *The burden of restitution on the vassal*

The advantage for the lord is clear, it lies in the fact that he always has at his disposal a certain number of well-maintained castles. This is what the Count of Toulouse claimed from the Count of Foix for Saverdun, around 1202, when a dispute arose between them. Raimond VI claimed that Raimond Roger de Foix 'was obliged to return the fortifications to him each time he asked for them by himself or by his messenger(s). [...] And as these fortifications were destroyed, Raimond V wanted Raimond Roger to rebuild them and give him back the possession of this *castellum* with the rebuilt fortifications'.<sup>39</sup> The Count of Foix, for his part, recognised the obligation to return the castle but contested having to rebuild the walls: he was willing to return the castle, but only as it was, because it was the local *milites* who had destroyed everything and it was not his fault.<sup>40</sup> Raimond Roger de Foix was nevertheless condemned by the Toulouse court to rebuild the fortifications.

In addition to the damage that was sometimes committed by the lords, the burden of maintaining the fortifications also led to a general reluctance on the part of the vassal. As a rule, vassals seem unwilling to 'render'; they must be forced to do so. This is expressed in various clauses which all point in the same direction: vassals do not happily give up their castle. Some acts attest that the weight of restitution sometimes leads the vassal to try to hide or flee in order not to surrender the *castrum*. This can be seen in an oath to the Count of Roussillon, Guilbert, around 1065-1102: Viscount Ugo de Tatzo promises him not to hide or to refuse to see the Count who would carry the summons.<sup>41</sup> Even worse, at Châteauneuf de Randon in 1126, the vassal promised not to flee or threaten the messenger who came to demand surrender.<sup>42</sup> This fear of a violent reaction from the vassals is quite widespread: it also appears in Ganges in 1162 and in Frontignan in 1194.

The ill will shown by the vassals is obviously caused by the gravity of this obligation to return the *castra*, a burden that is not only symbolic. It may seem strange, but the requirement of restitution may have been considered a rather solid pledge to secure loans. On several occasions, insolvent lords pledged to their vassals precisely this duty to return the *castrum*. Thus in 1146, Bernard Aton V, viscount of Nîmes, pledged to Raimond de Posquières the right to claim the oaths and to return three *castra* in the present-day Gard department: Marguerittes, Beauvoisin and Calvisson. This implies that, for the duration of the engagement, these three castles are considered as the vassal's allod and are released from their feudal obligations, in particular the duty to surrender the *castrum*.<sup>43</sup> A

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<sup>37</sup> *Ego Guillelmus de Omellacio convenio, ac per fidem meam plivisco tibi Petro de Cornone, quod, cum reddideris michi, vel mandatario meo, castellum de Sancto Poncio, quod habes et tenes de me, ego non destruam, nec diruam, nec fieri faciam illud aliud castrum quod est ibi, quod tu tenes et habes* (LIM, n° 532, p. 711).

<sup>38</sup> (Leroy 1972, n° 4, 109-110)

<sup>39</sup> *Raimundus Rogerius tenebat de eo castellum de Saverduno et tenebatur ei reddere cum fortaliciis per quantascumque vices ipsum commoneret per se vel per suum nuncium vel per suos nuncios [...]. Quia fortalicia erant diruta, volebat ut ipse reedificaret et restitueret illa et ei possessionem illius castelli cum fortaliciis restituitis redderet* (Devic, Vaissete 1872-1904, VIII, 267- 271).

<sup>40</sup><sup>40</sup> *Concessit etiam Raimundus Rogerius commonitionem quam fecerat sibi per litteras suas dominus predictus comes ante destructionem fortaliorum predicti castelli, set dixit quod propter guerram quam militibus illius castelli eo tempore habebat, reddere illum castellum ei non potuit. Concessit siquidem Raimundus Rogerius quod paratus erat reddere domino comiti Tolose predicto predictum castellum, tale quale erat, set non tenebatur restituere fortalicia diruta quia sine consilio et voluntate et culpa ipsius diruta erant* (Devic, Vaissete 1872-1904, VIII, 267- 271).

<sup>41</sup> *Non abscondam neque negabo me videre te sive tuum nuncium quocienscumque tu interrogabis me per te vel per tuum nuncium poder de predicto castro* (Miquel Rosell 1945, t. 2, n° 742, p. 248).

<sup>42</sup> *Hec autem omnia sub sacramento firmabitis nobis et nostris et potestatem dabitis vos et vestri nobis et nostris quantas vices infra X dies que fuerimus per nos et per nostros nuncios et non habeant nuncii nostri qui potestatem quesierint ullum timorem de vobis et de vestris, et non vetetis vestram presentiam pro potestate dare nobis et nostris, nec fugiatis commonitionem nostram et nunciorum nostrorum* (Devic, Vaissete 1872-1904, V, 886).

<sup>43</sup> *Mitto in pignore jus querendi sacramenta de tribus castellis et reddendi ipsa que pater meus dedit in dotem cum filia sua Ermesens patri tuo R., scilicet Margaritas, Bellum Vicinum et Calvuconem tali scilicet pacto ut cum hoc pignus liberatum fuerit, sic possim exigere ipsa sacramenta sicut modo possum* (Teulet 1863, t. 1, n° 96).

similar operation took place in 1201 with regard to the *castrum* of Lunas: for the loan of the sizeable sum of 6,000 sous, Viscount Raimond Roger gave Salomon material security for ‘all the rendability that he was required to do for the *castrum* of Lunas’.<sup>44</sup> The restitution of the *castrum* was therefore valuable, and even quite expensive.

Moreover, several condemnations are attested, in which a lord put his vassal on trial for failure to return the castle: refusing to return the castle was an offence punishable by the feudal courts. This was the case in the last third of the 11th century, regarding the castle of Usson in the region of Ariège. The text that has been preserved is a sort of *mea culpa* by the local vassal, Raimond Arnaud de Son, who acknowledges having acted wrongly and having seriously ‘dejured’ (*ejurasse*, i.e. broken his oath) by asking for a thirty-day delay before returning the castle to his lord, the Count of Cerdanya. He was obliged to reiterate his oath in a form in which he made it clear that, from then on, he would return the castle under any circumstances, without any delay.<sup>45</sup>

In the *Usatges*-the codification of Catalan feudal law written around the middle of the 12th century-this case is precisely envisaged: it is forbidden for a man to refuse to return the *castrum* to his lord, on pain of being considered a *bauzator*, i.e. a traitor, *bauza* being the highest form of treason. Such an offender would be indicted, required to repay the expenses incurred by the lord in taking back the *castrum* and sworn never to prevent the restitution.<sup>46</sup>

It was undoubtedly within the context of such a procedure that, at the request of the Count of Roussillon, an offence was recorded against his vassal who held the *castrum* of Salses. It is a short and very unusual text: on 13 September 1165, on a Monday at around noon, Count Girard de Roussillon presented himself to claim the *castrum* of Salses from Guillem de Pia. The latter had in fact sworn to return it to him whenever he asked for it, but he did not want to return it to him. The text then names a list of ten knights who were present to witness the breach of terms. A brief sentence concludes the text to inform us that Guillem de Pia finally gave up and returned the castle eleven days later, on 23 September, a Thursday, at around the ninth hour.<sup>47</sup> This act is curious and difficult to interpret, but it is certainly part of a procedure that may have been initiated against this Guillem de Pia. In any case, it demonstrates that the refusal to return the goods constituted an offence that warranted an official report, a sort of official report of the offence.

The proceedings are better known in another case concerning the *castrum* of Usson. In 1209, it was the object of a feudal confiscation by the king of Aragon who seized it from Bernard d’Alion to give it in fief to the count of Foix: ‘we give and concede to you and yours all that Bernard d’Alion had or should have had in our lordship [...] because Bernard d’Alion, who was our man and held for us the *castrum* of Usson, and which he was bound to give back to us, in anger or in peace, often summoned and required on many occasions by us and by our messenger, did not want to give back the *castrum*, nor to answer before us in law, although he was often called before our court for treason. We decided to confiscate the goods he owned in our jurisdiction’.<sup>48</sup> The conviction is therefore final. The refusal to return the property led to the committal of the fief and its refeudalisation to a new liegeman.

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<sup>44</sup> *Obligo et more pignoris trado tibi jamdicto Salomoni et heredibus ac successoribus vestris totam reddicionem quam mihi tenebamini facere videlicet de castro de Lunacio quod fuit Rogerii de Lunacio et Raimundi et de alio similiter castello de Lunacio quod fuit Austori de Lunacio, ut videlicet de cetero non teneamini mihi vel meis reddere predicta castella de Lunacio vel aliquod de ipsis castellis vel eciam municiones aut forciam seu forcias que ibi nunc sunt vel in antea fuerint, donec ego vel mei reddiderimus vobis predictos vestros VI milia solidos melgorienses bonos et percurribiles* (Devic, Vaissete 1872-1904, VIII, p. 468, II).

<sup>45</sup> *Quia puer tunc eram et nesciens quod feci, scio et recognosco male egisse et graviter ejurasse quia inducias tibi quesivi XXX dierum ad potestatem dandi de predicto castello et illius fortitudinibus et de aliis multis rebus, quibus contra te offendisse me graviter recognosco [...]. Ut fidelis miles tuus et vir bonus et perfectus... juro deinceps sine engan me esse fidelem tuum sicut fidelis homo debet esse Deo et seniore quem diligit, et per quantes vegades aut quacumque die vel nocte momentis atque horis mihi quesieris per te ipsum vel per tuos missos vel missum potestatem de prenominato castello de Sono et illius fortitudinibus absque mora et ulla dilacione tibi eum et eas deliberabo tibi et tuis quibus jusseris* (unpublished; Arxiu of the Corona d’Arago, Liber feudorum Cerritanie, act n°107, fol. 26c).

<sup>46</sup> *Potestatem de suo castro et firmamentum de directo nullo modo contradicat homo seniori suo, sicut ei dare debet potestatem et facere directum, quia quamdiu contradixerit bauzator suus erit* (Bastardas 1991, 39/42, p. 82-83).

<sup>47</sup> *Anno Christi M°CLXV, idus septembri, feria II, circa meridiem, ipse Girardus comes quesivit castrum de Salsis Guilelmo de Apiano, qui juraverat ei se redditurum quotiens illud teneret, dum ipse vel aliquis per eum teneret ; et noluit illud ei reddere. Et hoc fuit in presentia G. de Castro Rossil[ione], et Segarii de Paracols, et B. de Cocoliberi, et Bernardi de Tacione, et Ademari de Mosset, et Arnaldi de Canaveles, et G. de Monterug, et R. de Judaicis, et B. de Lupiano, et Petri Arbet. Postea reddidit illud ei XI die, VIII kalendas Octobris, feria quinta, circa horam nonam* (Miquel Rosell 1945, t. II, n° 762). Many thanks to Rodrigue Tréton for the reference.

<sup>48</sup> *Donamus et concedimus vobis et vestris quidquid Bernardus de Alion habebat vel habere debebat in dominio nostro [...] quia Bernardus de Alion, qui homo noster erat et castrum de Sono per nos tenebat et nobis iratus et*



The oaths thus allow us to grasp the essence of the feudal relationships forged between princes and lords in southern France. As we have seen, their formulae always specify that restitution must be made without delay (*sine mora*), night and day (*nocte vel die*), in war and in peace (*iratus et pacatus*). These are not stylistic clauses. A request for delay or a fortiori a refusal to return can lead to an appearance before the lord's court. And this refusal is called *ejurare*, i.e. breaking one's oath.

However, the restitution of the castle is not a fiction or a vague promise, it had a very real, even material substance, since it could become the pledge for a debt. Rendability could be used as security for significant sums of money. It is therefore clear that it implied expenses for the vassal that could be quite heavy: he had to leave his lord the entire disposal of the *castrum*, often at the risk of being stripped of it.

The possibility of demanding the restitution of the castle thus sums up the dominant position of the lord over the person who swears to him; it is the very content of feudal relationships. The lord holds the *dominium*, the high seigniorage; in certain circumstances, this allows him to demand from the vassal the restitution of the *potestas*, the concrete power that the latter normally exercises over the castle.<sup>49</sup> To have a castle in fief is therefore to owe an oath to it; and to owe the oath is to commit oneself to returning the castle at any time: it is indeed the rendability that establishes the fief, that expresses the fief. The castles that could be rendered were thus able to form the framework of the southern principalities: lords, titled or not, counts, viscounts or simple barons, were thus able to organise a network of fortresses that served as a base for military operations without having to maintain them. Loyalty consisted of the vassal not dispossessing the lord of his superior power over the *castrum*, of his ability to demand its restitution, but, in return, the latter could not take the *castrum* to the detriment of his liegeman: the feudal oaths clearly express this, he could demand its restitution (*reddere*), not take it (*tollere, devedare*), and a lord could not dispossess the vassal of his fief.

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*paccatus reddere tenebatur, saepe amonitus et per nos et per nostros nuncios multipliciter requisitus, nec dictum castrum reddere nec de jure nobis voluit respondere, etiam saepe interpellatus in nostra curia nomine proditoris. [...] Bona ipsius que in nostra jurisdictione possidebat etiam decrevimus confiscari* (BnF, Collection Doat, vol 192, fol 195v).

<sup>49</sup> Zimmermann 1986, 25-29.

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