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Oaths as an Instrument of Power in Southern France, 11th-12th Centuries

Hélène Débax

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**OATHS IN
PREMODERN
JAPAN AND
PREMODERN
EUROPE**



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Volume 19

Oaths in Premodern Japan and Premodern Europe

Guest Editors:

Philippe Buc and Thomas D. Conlan

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Table of Contents

Editorial Ingrid Hartl and Walter Pohl	2
OATHS IN PREMODERN JAPAN AND PREMODERN EUROPE <i>GUEST EDITORS: PHILIPPE BUC AND THOMAS D. CONLAN</i>	
Oaths in Premodern Japan and Premodern Europe. An Introduction Philippe Buc	3
Before Written Oaths (<i>kishōmon</i>): Oaths (<i>sensei</i>) in Ancient Japan Yoshikawa Shinji	22
The Gods Are Watching: Talismans, Oaths, and Political Allegiance in Medieval Japan Thomas D. Conlan	40
Writing Oaths: Embodied Evidence in Fifteenth-Century Japan Megan Gilbert	65
Oaths and Divine Punishments in Warring States Japan from the Princeton University Collection Horikawa Yasufumi	86
Loyalty Oaths and the Transformation of Political Legitimacy in the Medieval West Stefan Esders	119
The Promise of History: Oaths in Frankish Historiography Helmut Reimitz	141
Oaths as an Instrument of Power in Southern France, 11th-12th Centuries Hélène Débax	163
Oaths and Socio-political Hierarchies in the Urban »Sworn Society«: South-west Germany in the Late Middle Ages Olivier Richard	195
INDIVIDUAL ARTICLE	
Nicholas in the North: A Fragment of <i>Nikolaus Saga Erkibyskups</i> in Oslo, Nra 69 – Text, Translation and Commentary Elliot Worrall, Rutger Kramer and Thomas Grant	216

Oaths as an Instrument of Power in Southern France, 11th-12th Centuries

Hélène Débax*

In the Languedoc of the eleventh and twelfth centuries, given the absence of a state or an uncontested sovereign authority in this southern part of the kingdom of France, oaths were instruments of power. They constituted the backbone of this society, with very specific modalities for taking them and for the contents of the commitments. In the last analysis, this sacramental act, very flexible in the formulation of its provisions, and based on faith, was far superior to homage in securing power relations. These southern oaths were widely practiced at all levels of aristocratic society, and even had an effect of standardization – creating a formal homology between great lords and petty castle lords (same words, same conditions). However, the oath was probably never free from the hint that it implied service. From the end of the twelfth century, some greater lords (e.g., the King of Aragon and the Count of Foix) asked one of their relatives to take the oath in their place, or promised to pledge their *causimentum* or their *credentia* in lieu of an oath. The texts preserved show the casuistry of situations when sworn commitments were not kept, but more often than not it was the actual balance of power that settled the conflicts.

Keywords: Oaths, aristocracy, Southern France, castles, feudalism, fiefs and vassals

Historical Context

The region under consideration, the Languedoc, is located in the south of the Kingdom of France, between the Garonne and the Rhône rivers, from Toulouse to Nîmes, and between the Pyrenees and the southern foothills of the Massif Central. Although it belonged to the Kingdom, this Languedoc was completely outside the effective influence of the king of France between the 940s and the second half of the twelfth century. The last traces of the presence of southerners at the French court or of a personal bond between the king and the local

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representatives of power date to the middle of the tenth century. The first tentative royal interventions occurred in the middle of the twelfth century, when the Capetian ruler Louis VI (r. 1108-1137) tried to seize Toulouse in the name of his wife Eleanor (in 1141) and his son Louis VII (r. 1137-1180) went on pilgrimage to Santiago de Compostela (in 1155). The period under consideration came well before the major intrusion of French northerners into the region at the beginning of the thirteenth century – the so-called Albigensian crusade (1209-1229), which ultimately led to the integration of these lands in the royal demesne.¹



Figure 1: Languedoc at the end of the 12th century

The eleventh and twelfth centuries are therefore a period of royal absence.² But what about local Occitan powers? At the higher level, it is difficult to understand the power and actions of the counts. The Counts of Toulouse had theoretical authority over Languedoc, thanks to their title »marquis of Gothia«: in addition to Toulouse, Albi, Cahors, and Rodez, they dominated the ancient Visigothic Septimania, i.e., the counties of Nîmes, Agde, Béziers, Lodève, and Narbonne. They had to reckon with two other comital dynasties: the Counts of Carcassonne, until 1067-1068, and the Counts of Melgueil, whose lineage died out in 1176.

1 For a general picture of these power relations, see in English: Bonnassie, *From the Rhône to Galicia*; Bisson, *La terre et les hommes*; idem, *Lordship and tenurial dependance*; and in French, Débax, *La féodalité languedocienne*. See also Graham-Leigh, *Southern French Nobility*, for the end of the period.

2 Given that the region is part of the Kingdom of France, we are talking here about the Capetian King. From the mid-12th century onwards, two other kings are protagonists in power relations: the Kings of Aragon and the Kings of England. However, they act here respectively as Counts of Barcelona and Dukes of Aquitaine not really as kings.

These comital lineages, all powerful in the tenth century, suffered a clear erosion of their capacity for action in the eleventh century, being threatened by the local reorganization of powers around the castles.³ Above all, the counts had everywhere to deal with viscounts, who gained autonomy between the tenth and eleventh centuries. In the tenth century, they had been delegates of the counts, appointed by the latter in each of their counties, and they had regularly appeared in the counts' entourage and subscribed to counts' charters. In the eleventh century, however, they were freed from the orbit of the counts, who can no longer be seen intervening in the areas controlled by the viscounts. Examples of such viscounts are the Trencavels, who settled first in Albi and Nîmes, then in Béziers, Agde, Carcassonne, and the Razès, or the viscounts of Narbonne, who held the coastal zone north of Roussillon.⁴ In southern Rouergue, we witness the rise of the viscounts of Millau, who became counts of Rodez at the very beginning of the twelfth century. Other dynasties, with or without title, imposed their power more locally, for example the viscounts of Minerve (in the Narbonnais) or Lautrec (in the Albigeois), the lords of Anduze (county of Nîmes), of Montpellier (county of Melgueil), or of Termes (in the Corbières).

Thus, in eleventh- and twelfth-century Languedoc, there was no king. Rather, there were relatively evanescent counts, more powerful viscounts and barons, and especially an exceptional flowering of castles (Latin: *castra*, *castella*) and castral lordships. From approximately 980, the castles multiply in the documentation. In Languedoc, one can truly speak of the »castellization« or »castralization« of the landscape,⁵ as the landscape lends itself to this: most of the area studied is characterized by medium-height mountains or by plateaus (tablelands) deeply scored by valleys, creating highly compartmentalized localities. The only lowland is a narrow plain on the Mediterranean coast, and the Lauragais corridor. Everywhere, on small elevations, edges of valleys, or rocky peaks, towers sprang up.⁶

3 One classic exposition of this model is Poly and Bournazel, *Feudal Transformation*. For the controversies about the so-called »feudal revolution,« see the state of the field in Buc, What is order?. On the political evolution in Occitania during the eleventh century, see Débax, *L'aristocratie méridionale*. On the role played by castles and on the novelty of their multiplication in the late 10th and 11th centuries: Koziol, *The Peace of God*, 27-31.

4 Débax, *Vicomtes et vicomtés*; Cheyette, *Ermengard of Narbonne*; Caille, *Medieval Narbonne*.

5 The classical distinction between *castrum* (the territory controlled by a castle, sometimes named *mandamentum*) and *castellum* (the castle itself) is not so obvious in the documentation. In the oaths, we meet both terms used alternatively for the same site without clear distinction. On these terms and about *incastellamento*: Toubert, *L'incastellamento aujourd'hui*; Debord, *Aristocratie et pouvoir*; Coulson, *Castles in Medieval Society*. For Languedoc, see: Bourin-Derruau, *Villages médiévaux*; *eadem*, Valeur stratégique.

6 See the comparative report of a Franco-Japanese conference on castles, Souyri, Chevaliers et samurai, underlining that, in Japan, permanent castles are late, and date from the fifteenth century. They are, then, a product of the intensified warfare of the Late Middle Ages. Earlier, there were fortified mansions and temporary mountain fortifications. This position is consistent with Souyri's time line, with a »second feudal age« beginning ca. 1350; see *idem*, *World Turned Upside Down*.

This phenomenon becomes very clear if one compares two maps: that of castles attested in the ninth to tenth centuries (see Figure 2) and that of castles attested in the eleventh to twelfth centuries (see Figure 3). In the Carolingian and post-Carolingian period, there are few attested castles, between approximately five and ten per county, despite the relative abundance of documents (we can count approximately 1,000 charters for the ninth and tenth centuries, with, among other things, a good ten wills of members of comital or vice-comital lineages in the second half of the tenth century). In contrast, the profusion of castles in the eleventh and twelfth centuries is such that it defies any mapping on the same scale. In some areas, it is impossible to fit all the attested fortified structures into a page: the map (Figure 3) should be understood as an evocation and not an accurate geography of castles, which would require a much larger-scale level of representation. Moreover, the terms for the ancient structures of population management, such as the *ministerium*, *vicaria*, or *pagus*, disappear from the sources and are replaced by the *terminium* (»boundary«) or the *mandamentum*, or *territorium castri* (»land controlled by a castle«), or by the *parrochia* (»parish«).⁷ At the head of all these small castles, one meets a multitude of lords about whom abundant documentation is preserved. It is this data that will interest us now.



Figure 2: Castles, ninth-tenth century

7 Viader, *Vigueries et autres circonscriptions*.



Figure 3: Castles, eleventh-twelfth century

Documentary Corpus

We shall therefore be dealing with a stateless society,⁸ where the powers at the higher level had undergone intense fragmentation and where oaths took a primary place in organizing relations of power. The exceptional character of the region's sources lies in that fact that they preserve not only the mention of oath taking, but also the texts of the oaths themselves.⁹ Compared to the rest of western Europe, the southern French documentation is very rich, consisting of an exceptional corpus of 585 oaths (at least) preserved *in extenso* for the eleventh and twelfth centuries. They can be divided into two categories: oaths for a castle (494) and »securities« (91).¹⁰

These oaths constitute a new type of legal instrument that emerged at the very end of the tenth and beginning of the eleventh century. Some of the formulas were borrowed from Carolingian oath forms, but the complete form for the oath for a castle did not exist before the end of the tenth century.

Both categories of oaths generally follow the same forms, but the oaths for a castle include in addition clauses that concern the status of the fortification that they mention.

8 The expression »stateless society« is to be understood in the sense given to it by Patrick Geary (*Vivre en conflit*), i.e., the absence of a judicial and military coercive force.

9 For Languedoc and Catalonia, see Bonnassie, *Feudal conventions*; Kosto, *Making Agreements*; Bisson, *Crisis of the Twelfth Century*, 104-11; for the feudal documentation elsewhere in Europe, see Nieus, *Le vassal, le fief et l'écrit*; Bagge, Gelting, and Lindkvist (eds.), *Feudalism*.

10 Securities are oaths that do not mention a castle. Débax, *L'aristocratie languedocienne*.

Table 1: Number of oaths and securities in the sources

11th century							
	oaths	securities	infeudations	reprises en fief	recognitions	restitutions	lists, roles
Trencavel	96	5	3	7			
Montpellier	15	1	1				
Maguelone							
Agde		1					
Béziers			4			1	
Saint-Sernin			1				1
Aniane				1			
Gellone			3	5		7	
Lagrasse			2		1	1	
Douzens							
HGL <i>et alii</i>	9	7	2				
total XI	120	14	16	13	1	9	1

12th century							
	oaths	securities	infeudations	reprises en fief	recognitions	restitutions	lists, roles
Trencavel	201	41	63	20	8		
Montpellier	103	14	27	14	11		5
Maguelone	20	1	12	5	11	1	1
Agde		3	3		4	1	
Béziers	1				2	3	
Saint-Sernin			4	2	3		
Aniane	5		5	13		2	
Gellone		2	4	4	3	3	
Lagrasse	2	2	1	1		6	
Douzens					2	3	
HGL <i>et alii</i>	42	14	16	13	12		
total XII	374	77	135	72	56	19	6

TOTAL 494 91

Sources: Trencavel (viscounts of Carcassonne, Razès, Albi, Nîmes, Béziers, Agde): unpublished cartulary (Société archéologique de Montpellier, ms 10), Archives Nationales (Trésor des Chartes, J 300 to J 330) and HGL (C. Devic and J. Vaissète, *Histoire Générale de Languedoc* (Toulouse, ed. Privat, 16 vols, 1872-1904); Montpellier (lords of): Germain, Alexandre, *Cartulaire des Guilhem de Montpellier. Liber instrumentorum memorialium* (Montpellier, 1884-1886); Maguelone (bishops and counts): Rouquette, J., and A. Villemagne, *Cartulaire de Maguelone* (Montpellier, 1912); Agde (chapter): Terrin, Odile, *Cartulaire du Chapitre d'Agde* (Nîmes, 1969); Béziers (bishop and chapter): Rouquette, J.-B., *Cartulaire de Béziers*,

Livre Noir (Paris-Montpellier, 1918-1922); Saint-Sernin (canons): Gérard, Pierre, and Thérèse Gérard, *Cartulaire de Saint-Sernin de Toulouse* (Toulouse, 1999); Aniane (Benedictine monks): Cassan, L., and E. Meynial, *Cartulaire des abbayes d'Aniane et de Gellone, Cartulaire d'Aniane* (Montpellier, 1900); Gellone (Benedictine monks): Alaus, P., L. Cassan, and E. Meynial, *Cartulaire des abbayes d'Aniane et de Gellone, Cartulaire de Gellone* (Montpellier, 1897); Lagrasse (Benedictine monks): Magnou-Nortier, Elisabeth, and Anne-Marie Magnou, *Recueil des chartes de l'abbaye de Lagrasse*, Vol. 1 (Paris, 1996) and Pailhès, Claudine, *Recueil des chartes de l'abbaye de Lagrasse*, Vol. 2 (Paris, 2000); Douzens (Templars): Gérard, Pierre, and Elisabeth Magnou, *Cartulaire des Templiers de Douzens* (Paris, 1965); *HGL et alii* (counts of Toulouse, counts of Foix, viscounts of Narbonne, archbishops of Narbonne); Léonard, Emile G., *Catalogue des actes de Raimond V, comte de Toulouse* (Nîmes, 1932); Macé, Laurent, *Catalogues raimondins (1112-1229). Actes des comtes de Toulouse, ducs de Narbonne et marquis de Provence* (Toulouse, 2008); Belmon, J., Une seigneurie châtelaine en Gévaudan aux XIe-XIIe siècles. La terre et le lignage des sires de Peyre, in: R. Fossier (ed.), *Seigneurs et seigneuries au Moyen Âge* (Paris, 1993) 69-97.

Table 1 includes all types of feudal documents. »Enfeoffments« are donations in fief; »reprises en fief« are more complex operations, which include a donation in »allod« (full property) by the vassal to the lord, then a restitution in fief by the lord to the vassal, and finally an oath. It should be noted that lay sources (viscounts Trencavel, lords of Montpellier, counts of Melgueil) make up an overwhelming proportion of the corpus.¹¹ Ecclesiastical institutions were not unaware of the vectoring of power relations through oaths, but institutions that were collectives, such as chapters, were less likely to use oaths in their dealings with the laity than individual bishops or some abbots, who more readily personalized their power.

Oaths

The core matter in these oaths is that one person commits himself or herself to another about a castle. The oath-giver promises not to cheat the oath-taker, not to take the castle away from him or her, to return it to him or her, and to provide him or her with help. The terms of the promise are anchored in the material reality of the *castrum* (#1 to 8).¹²

Securities

In what this article dubs »securities«,¹³ there is no commitment for a castle (#9 to 12). The oath-giver simply promises not to attack the oath-takers' person or property: it is a personal safeguarding promise, an oath that falls into the categories of alliance and agreement. Unlike an oath for a castle, a security does not establish a hierarchy and is often reciprocal. It may also set a seal on offensive alliances (one promises to help the oath-taker against someone). In the context of the twelfth-century »great southern war,« all the counts, viscounts, and great lords of the Midi concluded securities within the alliances and leagues that were being formed – for or against Toulouse, for or against Barcelona.

11 Débax, *La voix des vassaux*.

12 For the 24 individual oaths, see the corpus of texts below. The form »he or she« (and its derivatives) is all the more justified as women were lords and vassals, one of the most famous being Ermengard viscountess of Narbonne, see Cheyette, *Ermengard of Narbonne*; Débax, *Le lien d'homme à homme*.

13 The French non-emic technical term is »sécurité,« as used in studies of neighboring Catalonia, e.g. Zimmerman, »Et je t'empouvoirrai«, 18-19; *idem*, *Ecrire et lire*, 38-58. Zimmerman notes that »sécurité« might translate the Latin word *securitas*, although it is absent in his Catalan sources. One should note, however, that *securitas* is attested elsewhere.

A confusion between the two types may arise due to the fact that securities sometimes came as the prelude to an oath for a castle. The oath-giver first promised not to attack the person of the oath taker, and then promised to return the castle upon demand (for example # 5).

Protagonists

These oaths all were given and taken within the aristocracy, i.e. the holders of the power of *bannum* (or *bannus*, »ability to constrain«). Thus they all were lords at some level.¹⁴ In the case of oaths for a castle, this is obvious: all oath-givers are castle holders. As for the securities, they all concern lords capable of concluding alliances or agreements with the upper level of the regional aristocracy. However, the oaths for castles are systematically sworn by a lower lord to a higher lord, because the main purpose is the recognition of a superior power over the castle. Oaths establish a hierarchy, anchored in fortifications whose control was central to Occitan politics. On the other hand, the securities may be reciprocal and do not have a ranking effect (#11, 12). They contain a promise of non-aggression, and are sometimes supplemented by a defensive or offensive alliance. Therefore, not everyone can swear such oaths: only aristocrats, from petty *castellani* (castle-lords) to counts and viscounts.

To whom does one swear such oaths? It all depends on the sources. Any member of the regional aristocracy could receive oaths (be an oath-taker), and their names are preserved in many archives, lay as well as ecclesiastical (see Table 1). How frequent were these oaths? On the one hand, oaths for castles had to be sworn in each generation, that is, after the death of the vassal or the lord. The feudo-vassalistic bond, which is »from man to man,« has to be renewed every time. Sometimes, a new oath was required after a treason (see below the discussion of oath-breaking). On the other hand, securities could be sworn more frequently; this depended on alliances and wars.

These oaths were very widely practiced at all levels of aristocratic society, and even had the effect of standardization – creating a formal homology between great lords and petty castle lords. However, the oath was probably never free of the hint that it implied service.¹⁵ From the second half of the twelfth century, some greater lords (e.g., the king of Aragon, or the count of Foix, etc.) asked one of their relatives to take the oath in their stead, or promised to pledge their *causimentum* (»self-obligation«) or their *credentia* (literally, their »credit«) in lieu of an oath (#13, 14). This procedure appears in securities as if greater lords wanted to mark their preeminence by using a type of oath that did not determine any *a priori* hierarchy.

14 For a recent English-language presentation of »banal rights« and the controversies surrounding continuities and discontinuities, see West, *Reframing the Feudal Revolution*, 177-181; Giordanengo, »Le vassal est celui qui a un fief.«

15 A similar point is made by Bonnassie, *Le servage*; see also *idem*, *Sur la genèse de la féodalité catalane*.

Making an oath is a commitment, and therefore, from the second half of the twelfth century onwards, the princes who claimed sovereignty attempted to get out of the obligation to swear. The troubadour Peire Cardenal (ca. 1180-ca. 1278) expressed in poetry the underlying logic: he placed the simple pledge of one's good faith above the oath. The latter retained an impression of servility, which the princes were trying to avoid (#15). It was at this same time that the kings of France were asserting that they could not render homage to anyone.¹⁶

Form of Oath-Taking

To use the terminology of »diplomatsics,«¹⁷ these written legal instruments were initially informal, with no protocol (opening clauses) or eschatocol (closing formulas). The »diplomata« were drafted as a series of clauses, initially in the third person (until the end of the eleventh century, #1, 2, 9), later in the first person (from the last third of the eleventh century on, and especially in the twelfth century, see #3 to 8, 10 to 12). The classic form of the diplomatic charters was only reintroduced and reused for this type of act from the middle of the twelfth century on (#7, 8). Before the middle of the twelfth century too, the majority of these legal instruments were not dated; dating only begins to appear in the 1130s, and was not systematic until the second third of the twelfth century.

Until the middle of the twelfth century, these acts were written in a language that was very much influenced by the Occitan vernacular. This suggests that they were fairly faithful renditions of what was actually said (#2, 4). Indeed, we have contemporary legal acts such as charters of donation, sales, or wills, which were written in Latin and which generally respected the classic forms. This means that the particular form of the oaths was deliberately chosen, since one cannot explain their informality by some southern ignorance of the classic forms and even less by a demise of Latin in the area. For these oaths, it was likely important to keep the language close to their oral delivery: these texts were written to preserve a transcription of at least some of the words that had actually been pronounced.¹⁸

Oaths

What is at stake in the oath of fidelity (or fealty) is the oath-giver's affirmation that the castle will be returned to the lord upon any summons from him. The fact that the lord can demand the restitution of the *potestas* (a word commonly used for a »lordship«) establishes a hierarchy of powers. And this restitution must be made without delay (*sine mora*), by day or by night (*die vel nocte*), in war or in peace (*iratus vel pacatus*, literally, whether there is anger or peacefully), that is to say unconditionally. The oaths also contain a commitment to provide help (*adjutorium*) to the lord. At first, the aid was connected to the control of the castle: the

16 Suger, abbot of Saint-Denis, regent of the kingdom for King Louis VII, theorized the superior power of the king, vassal to no one. Suger, *De Administratione* 1.4, ed. Gasparri, 66: »... si rex non esset hominum ... debere«; Bournazel, *Le gouvernement capétien*; Giordanengo, *État et droit féodal*.

17 German: *Urkundenlehre*; French: *diplomatie*, the science of the study of conveyance documents, *diplomata* or »charters.« Kosto and Winroth, *Charters, Cartularies, and Archives*.

18 Exactly as in Catalonia: Zimmermann, *Langue et lexicographie*; *idem, Ecrire et lire*.

oath-giver promised to provide it if the castle escaped his or the lord's power, and until the castle was taken back. At the end of the eleventh century, aid no longer concerned the castle alone, and had to be rendered at any summons from the lord. The notion of counsel (*consilium*) is also omnipresent from the eleventh century onwards. It is sometimes expressed in the rather peculiar form of a promise of silence: the oath-taker undertakes not to divulge any words entrusted to him by the lord.

Some clauses, especially the initial clauses in the oath, are expressed in the negative. The oath-taker promises not to use deceit to rob his lord of the castle (*decebrare, decipere, bauzare*), not to take it from him by force (*tolre, auferre*), or not to forbid him or her entry into it (*devedare, vetare, prohibere*). The vassal undertakes not to act against his or her lord and not to harm the lord's property, but this is not mere passive loyalty, since he or she also agrees to provide *auxilium et consilium*.

Securities

Some securities come as an introduction to an oath for a castle, while others stand alone. Here, the main object of the commitment is the person of the oath-taker. Like oaths for a castle, the securities begin with *de ista hora in antea non decebra ...* (from this hour forward he will not betray ...), but following this, instead of stating the name of a fortification, the promise concerns the individual who receives the oath: *de sua vita et de sua membra que ad corpus suum se tenent* (about his life and about his limbs that are attached to his body). In Occitan, one swears *lor vida e lor membra* (life and limbs). This clause is found throughout the feudal west: it must have Carolingian antecedents.¹⁹ Sometimes the text is reduced to this single formulation (#10). It may also be spelled out in the commitment not to kill the oath-taker or take him prisoner. The security may also include a clause protecting the oath-taker's property, either in a concise and all-encompassing form (*tua honor*) or in more detailed form (with an enumeration of the oath recipient's possessions).

Oaths for a castle and securities are therefore both part of a loyalty *continuum*, but these two kinds of legal acts play a different structural role. The security seals an alliance, without prejudging the respective places of the parties, thus without establishing a hierarchy; the oath for a castle establishes a feudo-vassalistic relationship, based on the recognition of the superior power of the lord over the castle.

19 Magnou-Nortier, *Foi et fidélité*.

Ritual

The oaths of fidelity preserved in the southern archives are the written record of a more general ritual which, when all is said and done, will always remain enigmatic. In fact, the scribes only recorded on parchment the words pronounced, the »verbal act«; the actions or gestures are barely mentioned. It should also be noted that this ritual is not an homage. Homage is something else: it is a ritual in which the vassal, kneeling, places his hands between the hands of the lord, who stands.²⁰ This ritual is univocal and does not allow for any nuance – for example, on the content of the loyalty or on the conditions set for its respect. Testimonies to homage are preserved in the French south, and are actually among the earliest in the feudal west (from the mid-eleventh century onwards). This is an additional ceremony that sometimes accompanies the oath swearing.

The feudal oath ritual itself is different. We only have some hints in the sources, but we can reconstruct bits and pieces of the ceremony. It began with an interpellation: the oath-giver apostrophized the recipient to attract his or her attention, concretely of course, but above all symbolically. Instead of the usual impersonal narrative (*De ista hora in antea, non decebra ...*), some oaths open with a vivid call: *Aus! Audis!* (listen!), *Antenz!* (hear!), *Cai gara! Za gara! Say garda!* (beware!). The usual order in which the protagonists of the oath are named, is then reversed. In classic oaths, the vassal identifies himself or herself first and then the lord (according to the formula »*juro ego tibi*«...). Here, the apostrophe is immediately followed by the name of the oath-taker: »Listen, you so-and-so, I, so-and-so ...« This particularly vivid form reproduces Occitan orality, and seems to be a fairly faithful transcription of what might have been the beginning of the ceremony, a symbolic interpellation that set up the two protagonists and marked the opening of the ritual. It is preserved in about 40 texts (here in #16, 17).

The ritual's second phase is closely linked to the first: the apostrophe introduces the statement identifying the two protagonists in the oath. With very few exceptions, this designation of the actors is made by stating their name followed by their mother's name, in the form of »so-and-so son of so-and-so.« This form of identification is quite specific to oath texts, and can be found in all geographical areas where this type of document has been preserved, from Provence to Catalonia, from Toulousain to the Mediterranean.²¹

After the lord has been apostrophized, and after the identities have been declared, some of the oath texts reveal the third important phase of the ritual, the shaking of hands: *Antenz fils de Guillelma Ato cui eu per la man ten ...* (»Hear me, son of Guillelma, Ato, that I hold by the hand«), *Ausz Bernard fils de Ermengard cui eu per est manu ten ...* (»Listen to me Bernard, son of Ermengard, that I hold by this hand«), *Say garda P. abbas cui eu per esta ma tienh ...* (»Take care P. abbot that I hold by this hand«). The gestures of both parties are parallel. One hand of the oath-giver embraces one hand of the oath-taker; and they shake hands. In the sources, the hand is always in the singular. All this clearly differentiates this ritual from that of homage with its asymmetrical gesture, where the two hands of the vassal are clasped between those of the lord, and for which the sources always use the plural (for example: #3).

20 The classic discussion of the ritual of homage, informed by anthropology, is Le Goff, *Symbolic ritual of vassalage*.

21 For the mention of mothers, possibly a class marker, see also Cheyette, *Ermengard of Narbonne, 189-197*; Débax, *Le serrement des mains*.

The sources then transcribe the words pronounced by the vassal (*fidelis*, the »faithful«), by which he or she undertakes to help and advise the lord, to hold one or more castles, and to return them to him or her upon demand. Then comes the fourth phase of the ritual: the oath-giver commits his or her word to *res sacrae* (sacred objects). The texts explain that the vassal puts his or her faith on the line (*per fide, per ma fe*), and this faith is pledged on sacred things. The formula is very short and stereotyped: *per Deum et haec sancta, per aquetz sanz* (by God and these holy objects; by this saint: that means either altar or relics). From the second half of the twelfth century, we may find: *per haec sancta Evangelia* (by these Holy Gospels). Chronologically, the first sacred objects that the sources mention were therefore relics, then, a little later, the Gospels.

Whether involving holy bodies or holy books, the ritual's final part raises the problem of the gesture. The oath-giver takes the divinity as witness by extending a hand over the *res sacrae*, or by placing it on the Gospels (the texts sometime say *tactis sacrosanctis Evangeliiis*, having touched the sacrosanct Gospels). Given the symbolic lateralization in force in the whole of the medieval west, it is unthinkable that it was the left hand. One can only take an oath before God with the right hand. However, we have seen that, at the beginning of the ritual, one hand of the vassal embraces one hand of the lord: here too, it has to be the right hand – and that is sometimes specified. It must therefore be assumed that the two right handed gestures are performed one after the other.

The oath, with its well-individualized and formalized ritual, provided the general framework for entry into vassalage in the Languedoc from the eleventh to the twelfth century. Its importance cannot be doubted, as shown by the care that the princes took in transcribing these texts in their cartularies. Its flexibility, unlike a rigid and unique rite such as homage, must have contributed to its success and its general diffusion. Indeed, the clauses are infinitely modulable. Thus one may conclude that the oath, which manifested openly a person's entry into a fidelity, constituted the fundamental structure of Languedocian feudalism.

Sanctions in Case of Oath-Breaking

Oaths are taken with God as witness, with one's hand placed on relics or on the Gospels. However, no penalty for perjury is mentioned. And we have no mention of ecclesiastical repression of perjury, in particular before ecclesiastical tribunals. Breaking the oath is simply called-treason. The vocabulary expressing this betrayal or trickery is very rich, with the nouns *traditio* / *traicion*, *proditio*, *forfactum*, *engan*, *bauza*, denoting treason and felony, and the verbs *decipere* / *decebrare*, *enganare*, *malmenare*, *forfa*, denoting deceit, ruse, manipulation. When taking the oath, all these words are expressed in negative form: the vassal obviously undertakes not to perform such reprehensible acts [#18, 19].

The sanction for breaking an oath sworn for a castle is very clear: the item will be confiscated by the lord [#20, 21]. This demonstrates that the castle that is object of the oath is really a fief; the oath establishes vassalage and makes the castle a fief.

But confiscation was not always effective or did not last very long, because these cases are always primarily the consequence of power relations. For example, a young »castellan« (*castellanus*) from Cerdanya was accused by the count of having betrayed his oath. His transgression was to have asked for a delay before returning the castle when his lord had asked him to do so. The misdeed is expressed by the verb *male agere* (misbehave), but above all by

the beautiful neologism *ejurare* («unswear»). However the young man came from a great lineage whose support the count probably needed. There is therefore no mention of sanction – simply a sort of *mea culpa*. In the end, the oath was repeated, with the promise to henceforth return the castle upon summons and without delay (#22).

Oaths could also be broken in other circumstances: they might be invalidated »legally« by a peace treaty or a judicial agreement. Dissolutions of oaths are attested in the twelfth-century context of a quasi-permanent war. For instance, when in 1142 Alfonse Jourdain, Count of Toulouse, and Roger I, Viscount Trencavel, struck a peace-pact, it was decided that the count would cancel a number of oaths that had been unduly sworn to him during the hostilities by a number of castle lords. The count was first obliged to dissolve the oaths received for Narbonne from the men of Narbonne (*debet solvere ipsa sacramenta que homines Narbone et Narbonensis ei fecerint de Narbona*), and he had to return the parchments on which these oaths had been recorded (called the *sacramentalia*). He was then to dissolve the oaths received for Bruniac and to destroy the fortifications built in Candeil in Albigeois (*et debet solvere sacramentum de Bruniac et enderocare vallos de Candel*), and force one Isarn to swear an oath to Viscount Roger for Graulhet (*ipse comes faciat jurare Isarnum castellum de Gravoletto predicto Rogerio*), etc. (#23).

Another case concerns the lords of Puylaurens in the Tarn in 1149. It was again a controversy over an oath, but of a different nature. A lord named Pons de Dourgne lodged a complaint against one Gausbert de Puylaurens and Viscount Roger I. Pons accused Gausbert of having sworn directly to the viscount. The court of *probi homines* (men of good repute) of the *castrum* were asked to judge, and they decided that this oath was undue and had it cancelled. These arbiters (they are called *iudices*, judges) also demanded the return of the parchment on which the oath had been written (the *sacramentale*) and had it burned in public (#24). The local elite of the *castrum*, constituted in judicial court, knew therefore who had the right to swear to whom, and the judges ensured that hierarchies were respected: the petty castellan of Puylaurens is clearly only the rear vassal of the viscount and cannot in any case swear to him directly. These cases demonstrate that feudal lords therefore practiced not only oath-taking, but also oath cancelling. The precise ritual that accompanied such a cancellation is not known, but the solemn return of the parchments bearing the text of the oaths must have played an important part in it.

The sacramental process seems then to be entirely in the hands of the aristocracy, which decides on its performance and abrogation, which judges the appropriateness of compelling to swear, or which codifies the sanctions applied to traitors and perjurers, even if the oath-swearing ritual necessarily includes a divine guarantee.

Oaths and Fiefs

After this detailed analysis of the text of the oaths, it is necessary to insist on the crucial distinction between oaths and securities. For too long, the fact that they took similar forms has led to their conflation. However, the oath of fidelity is rooted in the reality of the *castra*: it constructs hierarchies of domination over the castles, and manifests the existence of a superior power over the castles and the submission of the vassals to that lordly power. A security refers rather to the dimensions of alliance and negotiated peace, and may also seal offensive coalitions against some other party. The two forms are situated within the same feudo-vassalistic framework and context, but their meaning for our understanding of power hierarchies is different.

In oaths, the main thing is that one person commits himself or herself to another in relation to a castle. This is how the most essential and crude vassalage was expressed at the beginning of the eleventh century. It cannot be said, as was long the case, that these texts only express negative loyalty or promise non-aggression.²² Everything that revolves around the castle is positive and truly commits the vassal, who must be ready to return the castle and provide aid. In fact, these texts express a fundamental fact: the oath-giver recognizes an authority over the castle that is greater than his or her own.

Oaths, infeodations, and »reprises en fief« thus made possible a hierarchy within the aristocracy. They also demonstrate the strength of the lordly lineages. The castellans were dependent on a superior lord, but at least the most powerful lineages were able to impose a number of constraints on him or her. In this frame, power is always the result of a negotiation. Vassalage is therefore the bond established at the time when the feudal relationship is concluded and put into words.²³ In eleventh- and twelfth-century Languedoc, vassalage was non-existent before the establishment of a fief. Thus, being a vassal was not an absolute reality, but was always related to a castle. All lords of castles of a certain importance had several castles and often several vassals for each castle, each of which had its own seigniorial situation. It seems to me that we should forget the metaphor of the feudal pyramid in Languedoc. There was instead a neat hierarchy of higher lords with vassals and these vassals' own vassals, thus juxtaposed hierarchical fragments. Thus we have here a feudal regime that was built in a pragmatic and progressive way from the eleventh century onwards in the form of a network.²⁴ The aristocracy progressively constructed itself as the complicated juxtaposition of a plurality of segmentary political fidelities certified by oath, and based on fiefs made of castle-lordships for which these oaths were sworn.

What radically changed around the eleventh century was the mode of circulation of power within this aristocracy. In this feudal context, power was no longer delegated – as it could be in the Carolingian and post-Carolingian context – but shared. »Everywhere in the medieval West men appointed to guard castles, collect customary revenues and keep local order behaved not as agents but as lords on the make... Nowhere in these lay societies was it possible to delegate power; one could only share it.«²⁵ Oaths were the main instruments of this sharing. They were the framework of feudal society, a stateless society structured by networks of loyalty, simple in principle but complex in its actual implementation, resulting – as we see in the sources – in entangled fidelities.

22 Magnou-Nortier, *Fidélité et féodalité méridionales*, 479: »Une fidélité sans support foncier, une «féodalité» sans support juré, une aristocratie sans vassaux.«

23 On the importance of the words spoken, see Leveux, *Le serment, une parole sacrée?*; *eadem*, *Prêter serment*. See also Morsel, *L'aristocratie médiévale*, 173, where he illustrates the power of the words with the parable of the marquis of Carabas in the tale of the »Puss in Boots«.

24 Débax, *La seigneurie collective*.

25 Bisson, *The »feudal revolution,«* 36-37.

CORPUS OF TEXTS*Oaths**1) 1000-1032: Oath for Auriac (Haute-Garonne) to Aton II (Trencavel)*

De ista hora in antea non decebran Odalricus neque Bernardus frater ejus filii Aladice Atonem filium Gauciane de illo castello de Auriago, neque de illa forteza que hodie ibi est et in antea facta erit, ni no lol tolran, ni no lol vedaran, ni illi ni homo ni femina ab illorum ingenio, ni ab illorum consilio suo sciente. Et si homo est aut femina qui hoc faciat, ipse Odalricus nec ipse Bernardus cum illo homine nec cum illa femina societatem non tenran a dampno de ipse Atone suo sciente. Intro ipse Ato recuperatum habeat ipsum castellum de Auriago, in adjutorium erit ad ipsum Atonem de ipso homine aut de ipsa femina de illo castello sine inganno et deceptione, intro recuperatum habeat ipsum castellum. Et si Odalricus ipse aut Bernardus recuperaverint ipsum castellum, in potestate de ipso Atone lo tornaran sine inganno et sine deceptione et sine lucro, si comprobatum non viderint ipse Odalricus et ipse Bernardus frater suus ipsum Atonem de ipso castello que tultum habeat aut vedatum, [...] comprobatum aut victum per batalia aut extractum quod audeat facere bataliam. Sicut superius scriptum est in isto pergameno et clericus legere potest, si o tenran et si o atendran ipse Odalricus et ipse Bernardus frater suus contra Atonem filium Gauciane, fors quantum ipse Ato lor en absolvra ad ipsum Odalricum et ad ipsum Bernardum suo gradient animo sine forcia.

Cartulaire des Trencavel [henceforth referred to as CT], n°34, fol. 9.

From this hour forward, Odalric and Bernard his brother, sons of Aladice, shall not deceive Aton, son of Gaucia, of the *castellum* of Auriac, nor of the fortification which is there today or will be henceforth constructed there, nor shall they seize it away from him, nor forbid [entry in] it, neither they nor man nor woman via their deceit nor by their known counsel. And if there is a man or woman who does it, neither Odalric nor Bernard will knowingly have any association with him or with her to the detriment of Aton. Until Aton has recovered that *castellum* of Auriac, he [Odalric or Bernard] will provide aid to Aton against that man and woman for that *castellum*, without deceit and without deception until he [Aton] has recovered that *castellum*. And if Odalric or Bernard should recover this *castellum*, they shall return it to the power of Aton without deceit and without deception and without gain, if it cannot be proved by Odalric or by his brother Bernard that Aton has taken or forbidden them the *castellum*, and this proof would be a defeat in a duel or a refusal to fight a duel. As it is written above on this parchment, and as a clerk may read it, Odalric and his brother Bernard will hold and maintain it towards Aton son of Gaucia, except when Aton shall absolve them, Odalric and Bernard, of this, by his gracious spirit, without violence.²⁶

26 That is (here and elsewhere below) without being constained by violence to relieve them of this aspect of the promise, but rather, willingly and graciously.

2) 1060-1074: *Oath for Roquefort (Tarn) to Frotaire and his nephew Raimond Bernard Trencavel*
De ista hora in antea Ugo filius Gilla de illo castello de Rocafort qui est super fluvium Sor nol li tolra a Froterio episcopo, ni a Raimundo filio Rangardis illo castello suprascripto nol lor tolra, ni nol lor desvedara, ni no len decebra de illa forcias que ara i sunt ni adenant factas i serant, ni hom ni femna per son gen ni per son consel. Et si hom era ni femina qui o fazes, Ugo filius Gilla len adjudera senes engan. Ab els ni ab elas qui o fazesson fin ni societat non auria, entro Froterio o Raimundo recobrat l'aguessunt senes engan.

CT, 212, fol. 66; Devic and Vaissète, *Histoire Générale de Languedoc* [henceforth referred to as HGL], vol. V, n° 264-II, col. 521 (incomplete).

From this hour forward, Ugo son of Gilla will not seize away from Froterius, bishop, nor from Raimond, son of Rangardis, the *castellum* of Roquefort, which is upon the Sor River, neither will he seize it, nor forbid [entry to] it, nor deceive them of the fortifications that are there today and that are to be built [there] henceforth, nor will man nor woman do it via his deceit or by his advice. And should there be a man or a woman who does it, Ugo son of Gilla will provide aid without deceit. Neither with them [masculine] nor with them [feminine] who do that, will he have agreement or association, until Froterius and Raimond recover it without deceit.

3) 1067-1100: *Oath for Routier (Aude) to Ermengard (viscountess of the Trencavel lineage)*
De ista hora in antea ego Bernardus filius Ermengardis fidelis ero tibi Ermengard filie Rangardis sicut debet esse homo suo seniori cui manibus si est comendatus per rectam fidem sine inganno. De ista hora in antea ego Bernardus suprascriptus non decipiam te Ermengard suprascriptam de ipso castro de Rivotorio, neque tibi illum tollam neque tibi illum vetabo ipsam turrem, neque ipsos muros neque ipsas forticias que ibi hodie sunt et in antea facte erunt, nec ego nec homo ni homines nec femine per meum consilium neque per meum ingenium. Et per quantas vices tu inde me comonueris per te ipsam aut per tuum missum aut per tuos missos, in potestate tua illum tornarei sine tua deceptione et sine lucro. Et si homo est aut homines, femina vel feminas qui tibi illum tollat aut tollant, vetet aut vetent, ab illo neque ab illis, ab illa neque ab illas finem nec societatem nec amicitiam neque tregam non prendrei ni non tenrei, excepto qualem tu habueris. Adjutor ten serei usque illum recuperatum habeas, abs te et sine te, per fidem sine inganno. Et si recuperare illum potuero, in tua potestate illum tornarei sine lucro de tuo avere et sine tua deceptione. Et in antea istum sacramentum tibi tenebo sicut superius scriptum est, si to tenrei et to atendrei ego Bernardus suprascriptus tibi Ermengardis suprascripta me sciente, exceptis quant tu mihi absolveris tuo graziente animo sine forcia te sciente.

CT, 205, fol 63v.

From this hour forward, I, Bernard, son of Ermengard, shall be faithful to you, Ermengard daughter of Rangard, as a man or woman must be to his [her] lord to whom he recommended himself by the hands, in good faith and without deceit. From this hour forward, I, the aforesaid Bernard, shall not deceive you, the aforesaid Ermengard, of that *castrum* of Routier, nor shall I seize it away from you, nor forbid [your entry in] that tower to you, nor these walls nor those fortifications that are there today and that are to be built [there] henceforth, nor shall I or any man or men or women by my advice or via my deceit. And as many times as you will summon me either by yourself or by your envoy or by your envoys, I shall return it to your power without deceiving you and without gain. And if there is a man or men, woman or women who takes it or take it from you, or forbids or forbid [your entry in] it, neither with him nor with them, neither with her nor with them, shall I take nor hold neither agreement nor association nor friendship nor truce, except these that you may have [with these persons]. I shall

be your helper until you recover it, with you or without you, faithfully and without deceit. And if I can recover it, I shall turn it over into your power without gain from your goods and without deceit. And from now on I shall keep this oath towards you as it is written above, and I, the aforesaid Bernard to you, the aforesaid Ermengard, will hold to it and maintain it, conscientiously, except when you will free me from it by your gracious spirit, without violence that you would be aware of.

4) 1068-1090: *Oath for Le Pouget (Hérault) to Guilhem V of Montpellier*

De ista hora in antea, ego Girundes filia Advenia non decebrai Vilelmum filium Ermenjardis de ipso castro quod vocatur Pojet, nun li tolrai ni len tolrai, ni li vedarai ni len vedarai, de illas fortizas que ara i son ni adenant i erun, ni hom ni femena per meun ingen ni per meu art ni per meu counsel. E si hom era u femena quel ti tulgues u ten tulgues, cum illis finem nec societatem non aurai al daun de Vilelmo suprascripto. Et adjudera i ad Vilelmum suprascriptum usquequo habuisset recuperatum et, cum illo et sine illo, adjudar len ai per fidem et sine inganno. Et rendrai lo i per achelas vez que men cumonra per se u per sun mes u per sus misos sine suo inganno et sine sua deceptione, e del comoniment num vederai.

Germain, *Liber Instrumentorum Memorialium*, n°484.

From this hour forward, I, Girundes, daughter of Advenia, shall not deceive Guilhem, son of Ermengard, for the *castrum* called Le Pouget, I shall not seize it nor seize a part of it, I shall not forbid [entry in] it nor [in] a part of it, as to the fortifications that are there today and that will be henceforth – neither I, nor any man nor woman via my deceit or by my artifice or by my advice. And if there is a man or woman who seizes it from you or seizes from you a part of it, with them I shall not have agreement nor association to the detriment of the aforesaid Guilhem. And I shall provide aid to Guilhem until he has recovered it, and with him and without him, I will be a helper faithfully and without deceit. And I shall return it to him as often as he summons me, by himself or via his envoy or envoys, without deceit and without deception, and I shall not shirk from the summon.

5) *Circa 1074-1130: Oath for Saissac (Aude)*

De ista hora in antea ego Isarnus Jordani filius Malnoireda non decebrei te Bernardum At filium Ermengard neque te Ceciliam uxorem ejus neque filios vestros, de vestras vitas, neque de vestros honores, neque de membris vestris, neque de ipso castello Sexaco, neque de ipsas fortizas que ibi hodie sunt et in antea ibi erunt facte, nol vos tolrei ni vos entolrei, nol vos vedarei ni vos envedarei. Et si est homo vel femina, homines vel femine qui vobis illum tollat aut entollant, vetet aut vetent, adjutor vos en serei ab vos et sine vos, et in medio finem aut societatem cum illis non aurei ad ullum vestrum dampnum. Et si illum recuperare potuero, in vestra potestate lo tornarei sine lucro de avere et de honore. Et per quantas vices vos men comonrez per vos ipsos aut per vestrum nuncium aut per nuncios vestros, in vestra potestate lo tornarei sine lucro per fidem sine inganno. Sicut superius scriptum est, sic vobis hoc tenrei et o atendrei per Deum et hec sancta.

CT, 295, fol. 96.

From this hour forward, I, Isarn Jourdain, son of Malnoireda, shall not deceive you Bernard Aton, son of Ermengard, nor you Cecilia, his wife, nor your sons as to your lives, nor as to your honors, nor as to your limbs, nor as to the *castellum* of Saissac, nor as to the fortifications that are there today and that are to be built there henceforth. I shall not seize it from you, nor shall I seize a part of it, nor shall I forbid [your entry in] it nor [in] a part of it. And if there is a man or a woman, men or women, who seize it from you or seize a part of it, forbid it to you or a part of it, I shall be a helper, with you or without you, and publicly I shall not have an agreement or an association with them

to your detriment. And if I can recover it, I shall turn it over into your power without gain from your goods and from your honor. And as many times as you will summon me either by yourself or by your envoy or by your envoys, I shall turn it over into your power without gain, faithfully, without deceit. As it is written above, I shall keep it, by God and these saintly relics.

6) 1132, 13th of April: Oath for Le Vintrou (Tarn)

De ista hora in antea ego Ermengaudus qui fui filius Rixendis femine non decipiam te Rogerium filium Cecilie vicecomitisse de ipso castello quod vocatur Vintro, de ipsis fortibus que hodie ibi sunt vel in antea facte fuerint, nol te tolrei ni ten tolrei, nol te vedarei ni ten vedarei, nec ego nec homo nec femina vel homines aut femine per meum ingenium aut per meum consilium. Et si erit homo aut femina vel homines aut femine chil te tolan ni ten tolan, chil te vedon aut ten vedon, ab achel ni ab achela, ab achels ni ab achelas finem vel societatem non habuero ad tuum dampnum. Et si recuperare illud potuero, in tua potestate lo tornarei sine lucro tui muneris atque honoris. Et per quantas vices lom demendaraz per te aut per tuum missum aut per tuos missos, in tua potestate lo tornarei et redrei sine tuo inganno. Et si de te Rogerio desierit sine infante, totum per eandem convenientiam fratribus tuis Raimundo Trencavello atque Bernardo atendrei sine illorum inganno. Sicut superius scriptum est, tibi et illis totum sine inganno omni vita mea o tenrei et o atendrei per Deum et hec sancta. Factum est hoc apud Carcassonam idibus aprilis anno M°CXXXII incarnationis Dominice, regnante Lodovico rege. Factum est sacramentum hoc in presentia Fredolonis de Monte Rotundo et Petri de Peirola et Willelmus Petri de Castras.

CT, 21, fol. 6.

From this hour forward, I, Ermengaud, son of the late woman Rixendis, shall not deceive you, Roger, son of Viscountess Cecilia, for the *castellum* called Le Vintrou, for those fortifications that are there today and that are to be built [there] henceforth. I shall not seize it from you, nor shall I seize a part of it, nor shall I forbid [your entry in] it nor [in] a part of it, neither I nor a man nor a woman via my deceit or by my advice. And should there be a man or a woman who seizes it from you, or a part of it, who forbids it or a part of it to you, I shall not have an agreement or an association to your detriment with him or with her or with them. And if I can recover it, I shall turn it over into your power without gain from your goods and from your honor, and without deceit. And as many times as you will ask me either by yourself or by your envoy or by your envoys, I shall turn it over into your power and give it back to you, faithfully, without deceit. And should you, Roger, disappear without children, I shall keep it all according to the same pact towards your brothers Raimond Trencavel and Bernard Aton without deceiving them. As it is written above, I shall keep it towards you and them, without deceit, all my life long, by God and these saints. This was made in Carcassone, on the Ides of April [13th of April], in the year 1132 of the Lord's Incarnation, Louis being king. This oath was made in the presence of Fredolon of Montredon, Peire de Peyrolles, and Guilhem Peire of Castres.

7) 1152, 16th of July: Oath for Molandier (Aude)

Anno M°C^oLII^o incarnati verbi divini, IIII^a feria, XVII^o kalendas augusti, Lodovico rege regnante in Francia. Aus tu Raimuns Trencavel vescoms de Beders filz de Cezilia vescomtesse et tu Roger filz de R. Trencavel et de Saura contessa, eu Sicarz de Laurac filz de Ava d'aquesta hora enant lo castel de Mont Lander et las forcas que ara i sun ni adenant i seran non tolrei ni vos entolrei, no las vos vedarei ni vos envedarei. Et per quantas vegadas per vosmet ipsos vel per vestre message o per vostres messages las me demandarez, eu las vos reddrei et redre las vos farei senes lo vostre engan. Et si hom era ni femna qui las vos tolgues ni vos en tolgues,

ni homes ni femnas qui las vos tolguessun ni vos en tolguessun, ab aquels ni ab aquelas fin ni amor ni societat non aurei, tro eu las vos redde et el vostre poder senes engan et senes logre de vestre honor et de vestre aver los tornes. Aisi co desobre es escript, o tenrei et o atendre senes engan per hec sancta evangelia. Omnium rerum predictarum est testis [15 names] quorum omnium jussu et Sicardi prescripti filii Ave Arnaldus de Clairano hoc scripsit, sub die et anno prenotato.

CT 306, fol. 100; *HGL*, vol. V, n° 585, IV, col. 1129-1130 (incomplete).

In the year 1152 of the Incarnation of God's Word, Wednesday, on the 17th of the calends of August [16th of July], King Louis reigning in France. Hear you, Raimond Trencavel, Viscount of Béziers, son of Viscountess Cecilia, and you Roger, son of Raimond Trencavel and of Countess Saura, I, Sicard of Laurac, son of Ava, from this hour forward, shall not seize from you the *castel* of Molandier and the fortifications that are there today and that are to be built henceforth, nor will I seize a part of it; I shall not forbid [entry in] it to you nor [in] a part of it. And as many times as you will summon me either by yourself or by your envoy or by your envoys, I shall return it over into your power, or make it be returned, without you being deceived And if there is a man or a woman who seizes it or seizes a part of it from you, or men or women who seize it or seize a part of it from you, I shall not have an agreement, nor love, nor association with them (masculine) or with them (feminine), until I have returned it to you and returned it back in your power, without deceit and without gain from your honor and from your goods. As it is written above, I shall hold and maintain it without deceit, by these holy Gospels. For these things are witness [15 individuals are enumerated], at whose order and at the order of the aforesaid Sicard son of Ava, on the day and the year noted above, Arnaud of Clairan wrote this.

8) 1183, February: Oath for Peyrefitte (Aude)

Anno Christi nativitatis M°C^oLXXXIII^o, Philippo rege Francorum regnante. Notum sit omnibus hoc audientibus quod ego Petrus Rogerii de Mirapeix juro tibi domno Rogerio vicecomiti filio Saure scilicet illam forciam de Peira Fita cum omnibus illis forciis que ibi modo sunt et in antea fuerint. Et quocienscumque illam per te vel per tuum nuncium vel per tuos nuncios recipere et tenere, nocte vel die, iratus vel paccatus, volueris, statim sine omni mora in tua potestate juxta voluntatem tuam illam mitemus. Et si fuerit homo vel femina, homines vel femine qui tibi illam auferant, cum illo vel cum illa aut cum illis amorem vel societatem non habebō, nisi propter recuperandam forciam. Et quando illam recuperare possem, in tua potestate sine mora mitterem sine omni dolo et lucro tui averis et honoris quod a te non peterem. Sic tenebo et observabo, per hec sancta IIII^{or} evangelia. Hujus rei sunt testes [7 names], Bernardus notarius domni R., mandato Petri Rogerii omniumque testium predictorum scripsit hanc cartam in mense februarii, feria III^a et anno quo supra. CT, 529, fol. 207

In the year of the Nativity of Christ 1183, Philip [II, 1180-1223] reigning as king of the Franks. Let it be known to all men who hear it that I, Peire Roger of Mirepoix, swear to you Lord Viscount Roger, son of Saura, this fortification of Peyrefitte, with all bulwarks that are there today and that are to be built [there] henceforth. And as many times as you want to take it back and hold it, either by yourself or by your envoy or by your envoys, by day or by night, in war or in peace, we shall turn it over into your power immediately, without delay, according to your will. And should there be a man or a woman, [or] men or women, who takes it or take it from you, with him or with her or with them, unless in order to recover the fortress. And when I can recover it, I shall release it without delay in your power, without any trick or gain from your goods and from your honor – that I shall not request from you. I shall keep and observe it

thusly, by these four holy gospels. For these things are witnesses: [7 names are enumerated], Bernard notary of Lord R., at the order of Peire Roger and of all witnesses above mentioned, wrote this charter, in the month of February, a Tuesday, in the year [mentioned] above.

Securities

9) 1060-1074: From Raimond Bérenger to Viscount Raimond Bernard Trencavel

Hic est brevis sacramentalis quod fecit Raimundus Berengarius filius Garsendis ad Raimundo vicecomite filio Rangardis. De ista hora in antea ego Raimundus filius Garsendis non decebrai Raimundum vicecomitem filium Rengardis de sua vita nec de sua membra que ad corpus suum tenent, no la vetrai, ni no la prendrai, nec homo nec femina per meum consilium nec per meum ingenium. Et tuas civitates nec tuos castellos neque tuos honores que hodie habes et in antea cum meo consilio acquirere potueris, non las te tolrai ni ten tolrai, nec homo nec femina per meum consilium nec per meum ingenium nec per meum consentimentum. Et si homo vel femina hoc fecerit, ego Raimundus filius Garsendis adjutor tuus ero per fidem sine inganno per illas horas que tu me comonueris per te aut per tuos missos aut per tuum missum ad te Raimundum filium Rengardis, exceptis Raimundum comitem de Ructenis, et fratrem suum Gillelmum de Tolose, et Guifredo archiepiscopo, et comite Barchilone, et comite Carcassone, et Froterio episcopo, et Petro de Menerba, exceptos meos homines de quibus tibi directum facere non potuero si tu Raimundus filius Rengardis apprehendere volueris. Sicut in isto pergameno scriptum est et clericus legere potest, si o tenrai et o atendrai ego Raimundus filius Garsendis a ti Raimundo filio Rengardis.

CT, 413, fol. 155; *HGL*, vol. V, n° 288, I, col. 565-566.

This is the brief of the oath done by Raimond Bérenger, son of Garsendis, to Viscount Raimond, son of Rangardis. From this hour forward, I, Raimond, son of Garsendis, shall not deceive Viscount Raimond, son of Rangardis for his life nor for his limbs that are attached to his body, I shall not take it, nor seize it back, neither a man nor a woman will do it with my advice or via my deceit. And your cities, your castles, your honors that you have today and that you will be able to acquire henceforth with my advice, I shall not take them nor a part of them, neither a man nor a woman will do it through my advice or via my deceit or with my consent. And if a man or a woman does it, I, Raimond, son of Garsendis, shall be your helper, faithfully, without deceit, as many times as you summon me either by yourself or by your envoys or by your envoy – for you Raimond son of Rengardis, except [vis-à-vis] Raimond count of Rouergue, and his brother Guilhem of Toulouse, and Archbishop Guifred, and the Count of Barcelona, and the Count of Carcassonne, and Bishop Froterius, and Pierre of Minerve, and except for my men against whom I will not be able to make justice if you Raimond son of Rengardis want to seize it. As it is written on this parchment, and a clerk can read it, I, Raimond son of Garsendis, shall hold and maintain it for you Raimond son of Rengardis.

10) 12th century

De ista hora in antea fidelis ero Gillelmus filius Guille a ti Bernardum filium Ermengard de tua vita et de tuis membris et de honore tuo per Deum et istos sanctos. CT, 414, fol. 155v

[this security may be the prelude to an oath either for Taillebois (CT, 242), or for Routier (CT, 207), or for Rennes (CT, 209)]

From this hour forward, I, Gillelmus son of Gila, shall be faithful to you, Bernard son of Ermengard, as to your life and as to your limbs and as to your honor, by God and by these saints.

11) *Around 1124: From Ermengaud de Fabrezan to Bernard Aton IV, Cecilia and sons*

Ego Ermengaudus de Faberzano et ego Guilelmus frater ejus qui fuimus filii Ricsovendis femine juramus vobis Bernardo Atonis vicecomiti et uxori vestre Cecilie et filiis ejus Rogerio et Raimundo Trencavel, atque Bernardo quod ab hac hora in antea recti adjutores erimus vobis omnibus diebus vite nostre cum nostris castellis et cum nostro honore et cum hominibus nostris qui nos adjuvare voluerint, scilicet de Aimerico Narbone et de infantibus suis et de omnibus senioribus Narbone qui ab hac die in antea ibi erunt, excepto archiepiscopo, et de omnibus adjutoribus eorum quamdiu adjutores eorum erunt de ista guerra quam hodie habetis cum eis vel in antea habueritis et de totis aliis guerris quas cum ipsis habueritis in vita nostra. Sicut superius scriptum est, sic pluvimus et juramus vobis ut omnibus diebus vite nostre totum vobis teneamus et adtendamus recta fide et sine inganno per Deum et hec sancta.

CT, 372, fol 134v; *HGL*, vol. V, n° 483-II, col. 909.

I, Ermengaudus of Fabrezan and I, Guilhem his brother, who were sons of the woman Ricsovendis, swear to you Viscount Bernard Aton and to your wife Cecilia and to your sons Roger, Raimond Trencavel and Bernard, that from this hour forward we shall be lawful helpers to you all the days of our life, with our castles and with our honor and with our men who will want to help us, vis-à-vis Aimeric of Narbona and his children and all the lords of Narbonne who from now forward will be there, except the archbishop, and vis-à-vis all their helpers as long as they are their helpers in this war that you make on them now or that you will henceforth make, and in all the wars that you will have during our life. As it is written above, we promise and swear to you all this, so that in all the days of our life we shall hold and maintain it by lawful faith and without deceit, by God and these saintly relics.

12) *Around 1124: From Bernard Aton IV, Cecilia and sons to Ermengaud de Fabrezan*

De ista hora in antea ego Bernardus vicecomes et uxor mea Cecilia vicecomitissa et filii nostri Rogerius et R. Trencavelli recti et fideles adjutores erimus vobis Ermengaudo de Faberzano de Aimerico Narbone et de infantibus suis de totas ipsas guerras et remogudas que tibi fecerit quamdiu te eis ad rectum potuerimus habere, et recti et fideles adjutores erimus tibi de Petro Raimundi et de fratribus ejus et de infantibus illorum si voluerunt tollere tibi ipsam tuam partem quam habes et habere debes in Vintrone castro vel ipsos honores quos habes et habere debes per Vintronem ultra montem quam diu te eis ad rectum potueris habere, et haec suprascripta adjutoria fecerimus tibi per quantas vegadas tu nos commonueris per te vel per tuum missum vel per tuos missos et de ipso commonimento non nos vetabimus ullo modo. Sicut superius scriptum est, sic ego Petrus de Monte Irato juro tibi Ermengaudo predicto quod isti suprascripti seniores mei totum adtenderint et tenerint sine inganno per Deum et hec sancta. Hoc sacramentum fecit Petrus de Monte Irato jussione vicecomitis predicti.

CT, 501, fol. 198; *HGL*, vol. V, n° 483-III, col. 909-910.

(American translation at epistolae.ctl.columbia.edu/letter/25463.html)

From this hour forward, I, Viscount Bernard and my wife Viscountess Cecilia and our sons Roger and Raimond Trencavel, shall be lawful and faithful helpers to you Ermengaud of Fabrezan, vis-à-vis Aimeric of Narbonne and his children concerning all those wars and troubles that they will make against you, until we can get them to make reparation to you. And we shall be lawful and faithful helpers to you vis-à-vis Peter Raymond and his brothers and their children, should they want to seize from you that part that you have and ought to have in the *castrum* of Le Vintrou, or those honors that you have and ought to have owing to Le Vintrou on the other side of the mountain, until you can get them to make reparation to you. And we shall give you the said help

as often as you summon us, by yourself or via your envoy or envoys, and we shall not bar ourselves against that summons in any way. In the terms written above, I, Peter of Monte Irato, swear to you, the aforesaid Ermengaud, that my lords (whose names are written above) will attend to and hold all of this without deceit, by God and by these holy things. Peter of Monte Irato swore this oath at the command of the said viscount.

»*In loco sacramenti*«

13) *Around 1130: Security from Roger III Count of Foix to Roger I^{er} and Raimond Trencavel*
De sacramentalibus. [rubric]

Ego Rogerius Fuxensis comes filius Stephanie accipio te Rogeri de Biterris et fratrem tuum Trencavellum filios Cecilie in fide mea et in causimento in tota vita mea, in tali conventionem ut de omnibus hominibus vobis rectus adjutor sim et meos homines ad rectum vobis habeam. Et si eos ad rectum habere non potuero, de ipsis etiam vobis rectus adjutor ero. Sicut in ista carta scriptum est sine inganno et ego vobis dico, sic vobis tenebo in tota vita mea. Per fidem meam sine inganno, juro vobis Deum et istos sanctos.

CT, 412, fol. 155; *HGL*, vol. V, n° 507-II, col. 963.

Concerning oaths' charters. [rubric]

I, Roger, Count of Foix, son of Stephania, receive you Roger of Béziers and your brother Trencavel, sons of Cecilia, in my fidelity and in my *causimentum* [protection] during my whole life, covenanting as follows, that I shall be a lawful helper for you vis-à-vis all men, and I shall make justice to you concerning my men. And if I cannot make justice concerning them, I shall be your lawful helper vis-à-vis them. As it is written in this charter without deceit, and as I say it to you, so I shall keep it towards you during my whole life. By my faith, without deceit, I swear to you [by] God and these saints.

14) *1158: Ramon Berenguer IV, Count of Barcelona, to Raimond Trencavel*

De fidelitate. [rubric]

Notum sit omnibus hominibus quod ego Raimundus comes Barchinonensis et princeps Aragonensis, bono animo et spontanea voluntate, convenio tibi Trencavello fideli meo quod ab hac hora in antea cum omni terra mea et hominibus meis de ista guerra, quam modo cum Raimundo comite Tolosano et Sancti Egidii habebis et de omni guerra quam cum ipso R. comite Tolosano et Sancti Egidii jamdicto vel cum omni posteritate ejus de cetero vel per te vel alium aliquo modo habueris, per bonam fidem et sine omni inganno tibi et tuis adjutor ero in perpetuum. Convenio insuper Trencavello fideli meo jamdicto quod ab hac hora in antea per bonam fidem et sine omni inganno cum predicto R. comite Tolosano et Sancti Egidii vel cum posteritate ejus ullam faciam ego nec mea posteritas conventionem nec treugam nec finem nec concordiam nec pacem sine tua tuorumque voluntate. Et sicut superius scriptum est, tibi et tuis adtendam et adimplebo per bonam fidem et credenciam meam in loco sacramenti sine omni inganno. Et ut ita tibi et tuis firmissime adtendatur, dono tibi Trencavello fideli meo jamdicto juratores, videlicet Petrum de Bello loco, Guillelmum Porcelleti, Dalmadium de Petrataiada majorem, Rembaldum de Besech, Arnaldum de Lercio, Raimund de Villa Mulorum, Gofridum de Roca Bertino, Artaldum de Castro Novo. Nos quoque omnes predicti juratores juramus et convenimus vobis Trencavello jamdicto quod sicut superius scriptum sic vobis et vestris adimpleretur et adtendatur per bonam fidem et sine omni inganno per Deum et haec sancta IIII^{or} evangelia.

CT, 483, fol. 189v; *HGL*, vol. V, n° 626, col. 1221-1222

About fidelity [rubric]

Let it be known to all men who hear it that I, Raimond, Count of Barcelona and Prince of Aragon, by gracious spirit and by my own free will, make with you Trencavel, my faithful, the agreement that from this hour forward with all my land and my men I shall be your helper and the helper of your men in good faith and without deceit, perpetually, for this war that you will now wage against Raimond, Count of Toulouse and Saint-Gilles, and for all the wars that you will lead against that aforesaid R., Count of Toulouse and Saint-Gilles or against all his posterity in the future, or for any war that you will wage either by yourself or in any way through. Moreover I agree with you Trencavel, my aforesaid faithful, that from this hour forward, in good faith and without deceit, I and my posterity shall not make with the aforesaid R., Count of Toulouse and Saint-Gilles, or with his posterity, any pact, nor truce, nor agreement, nor covenant, nor peace, if you and yours are unwilling. And as it is written above, I shall keep and hold it with good faith and credit, in place of an oath, without any deceit. And so that it is held most firmly vis-à-vis you and yours, I give you, Trencavel, my aforesaid faithful, some oath-takers, that is to say: [8 names are enumerated]. We also, all the above-mentioned oath-takers, swear to you and agree with you, aforesaid Trencavel, that, as it is written above, it will be held and kept with good faith and without any deceit, vis-à-vis you and yours, by God and these four holy gospels.

15) Peire Cardenal (~1180~1278)

*A greu sera est segl'en l'estamen
Que a estat, segon que auzem dir,
Que hom era crezutz ses sagramen
Ab sa sol fe, si la volgues plevir,
E veritatz era ses escondire,
Per qu'ieu apel aquest segle traïre*

This world will struggle to return to the state
where it once was, as one hears it said,
when a man was believed without an oath,
only on his faith, if he wanted to pledge it.
And this was then undisputed truth.
That is why I call this world treacherous.

Peire Cardenal, sirventès *Tot enaissi con fortuna de ven*,
edition and French translation in Lavaud, *Poésies complètes*, 512, piece LXXVII, vv. 9-14.

Some Traces of the Ritual

16) 1074-1105: Oath to Viscountess Ermengard for the castellum of Caissargues (Gard)

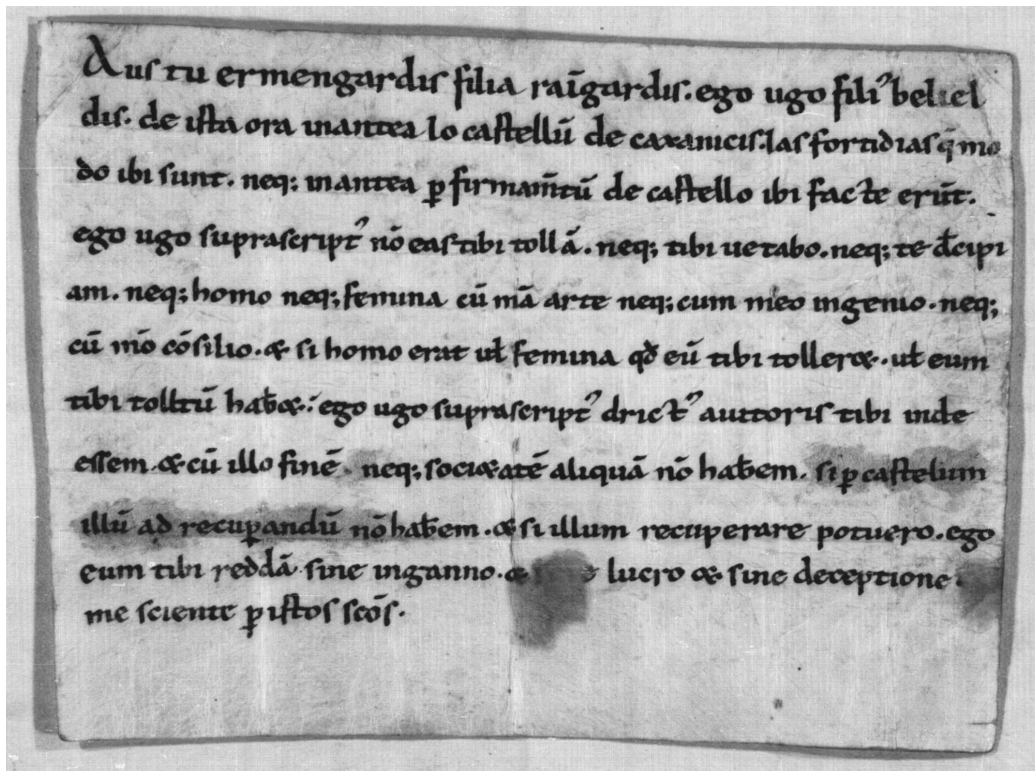


Figure 4: Oath to Viscountess Ermengard

Aus tu Ermengardis filia Raingardis, ego Ugo filius Belieldis de ista ora in antea lo castellum de Caxanicis, las fortidias que modo ibi sunt, neque in antea per firmamentum de castello ibi facte erunt, ego Ugo suprascriptus non eas tibi tollam, neque tibi vetabo, neque te decipiam, neque homo neque femina cum mea arte neque cum meo ingenio neque cum meo consilio. Et si homo erat vel femina quod eum tibi tolleret vel eum tibi tolltum haberet, ego Ugo suprascriptus drictus ajutoris tibi inde essem, et cum illo finem neque societatem aliquam non haberem, si per castelum illum ad recuperandum non haberem, et si illum recuperare potuero, ego eum tibi reddam sine inganno et sine lucro et sine deceptione me sciente, per istos sanctos.

Original : Paris, Archives Nationales, J 304, 98

Listen, you, Ermengard, daughter of Raingard, I Ugo, son of Belieldis, from this hour forward, will not seize the *castellum* of Caissargues, nor the bulwarks that are there today and that are to be built there henceforth to reinforce the *castellum*, nor will I forbid [entry in] it, nor deceive you, neither I nor man nor woman at my instigation, via my deceit nor by my counsel, me knowing. And if there were a man or woman who would seize it from you or would have seized it from you, I, the aforesaid Ugo, shall be a righteous helper, and with this one [who seized the *castellum*] I will not have an agreement or an association. I will not have any [agreement or an association] unless in order to recover the *castellum*, and if I can recover it, I will return it over into your power, without deceit, without gain and without conscious deception, by these saints.

17) 1129: *Oath for Vieussan to Pere Ato sworn by Adalrigs (Hérault)*

Cai gara Pere filz de Gillelma qui vocaris Ato, eu Adalrigs filz de Fideta lo castel de Vinzan, ni las forzas que i sunt ni adenant i seran, no't tolrei ni t'en tolrei, ni hom ni femna ab mon conseil ni ab ma voluntat. Et si hom ni femna lor tolia ni t'en tolia, ab achel ni ab achela fin ni societat non aurai, fors per el castel a recobrar. Et quant cobrat l'auria, a ti el reddria senes logre de ton aver et ses deception. Hoc fuit factum quod superius scriptum est in presentia Raimundi Unauldi, Raimundi de Briva et Willelmi de Auriac, Calveti de Mala Falgaria et Ricardi et Olumbelli et Augerii abbatis de Loddeva, cujus consilio factum fuit sacramentum, anno M° C° XXIX° incarnationis dominice, Petrus scriba scripsit.

CT 420, fol. 158v; *HGL*, vol. V, n° 496-III, col. 947 (incomplete).

Beware Pere, son of Gillelma, called Ato, I, Adalrigs, son of Fideta, shall not seize from you the *castel* of Vieussan, nor the fortifications that are there today and that are to be built [there] henceforth, nor shall I seize a part of it, neither will a man, nor a woman with my advice or with my will [do so]. And if a man or a woman seizes it to them or seizes a part of it, I shall not have an agreement or an association with him nor with her, except for the purpose of recovering the *castel*. And when I have recovered it, I shall turn it back to you without gain from your goods and without deceit. What is written above was made in the presence of [7 names follow], with whose advice the oath was made, on the year 1129 of the Lord's Incarnation. The scribe Pierre wrote [this].

*Oath-Breaking*18) 1061/1062: *Security from Roger to Rangarda, Countess of Carcassonne and to her son*

De ista hora in antea Rogerius, filius qui fui Trudgarda, non decebrei Rangarda filia Amelia neque filium suum Rogarium comitem de ipso castro quem vocant Proliano, neque de castello quem vocant Mirapixo, no.ls ne decebrai ego Rogarius suprascriptus qui fui filius Trudgarda, ne.ls li tolrai, ne.ls l'en malmenarei, ne.ls enganarei, ne-l l'en asolerai, ne.ls lor devedarei, nec ego nec homo nec homines, femina aut feminas per meum consilium vel per meum ingenium. Et si est homo aut femina, homines vel feminas qui tibi Rogario comiti suprascripto vel matri tue Rangarda tulissent illud castrum Proliano neque ipsum quem vocant Mirapixo, ego Rogarius suprascriptus ab illo nec ab illos, ab illa nec ab illas, finem nec societatem neque amicitiam non tenrei ni non aurei. Et adjutor t'en serei a te Rengardis suprascripta et filio tuo Rogerio senes engan et sine ulla deceptione, usque recuperatum habeas ipsum castrum et recuperatos habeatis ipsos castellos. Et si recuperare potuero, per nullum ingenium reddam ipsos castellos vel sine redemptione et sine lucro, et in anta istum sacramentum vos tenrai. Sicut hic scriptus est, sic o tenrai et o atendrai ego Rogarius suprascriptus a te Rengardis comitissa suprascripta m'en solveris [sic] et tu Rogarius comes suprascriptus ad me Rogario suprascripto vestro graziente animo et vestro sciente sine forcia.

CT 343, fol. 115; *HGL*, vol. V, n°261, col. 517 (incomplete).

From this hour forward, Roger who was son of Trudgarda, shall not deceive Rangarda, daughter of Amelia, nor her son Count Roger, of the *castrum* called Prouille, nor of the *castellum* named Mirepoix. I, Roger, whose name is written above, who was son of Trudgarda, shall not deceive her for it, nor shall I seize it from her, nor abuse her for it, nor cheat, nor remove, nor mislead her from it – neither I nor a man nor a woman, nor men nor women through my advice or via my deceit. And if there is a man or a woman, men or women who seizes or seize from you, Count Roger, whose name is written above or from your mother Rangarda this *castrum* called Prouille or the one called Mirepoix, I, Roger, whose name is written above, shall not take or hold agreement nor association nor friendship with this man or woman, these men or women. And I shall be a helper for you Rangarda aforesaid and for your son Roger without

deceit and without deception, until you recover this *castrum* and these *castellos*. And if I can recover it, without any deceit I shall turn over these *castellos* without redemption and without gain, and from now on I shall keep this oath towards you. As it is written here, I will hold to it and take care of it, I, Roger aforesaid towards you, the aforesaid Countess Rangarda, [until] you and your son Count Roger aforesaid absolve me, Roger aforesaid by your gracious spirit, without any violence that you may know of.

19) 1141: *Oath for Berniquaut (Tarn)*

De ista hora in antea ego Jordanus de Rocafort et ego Bertranus frater ejus qui fuimus filii Feraine que Loba vocabatur non decipiemus te Rogerium de Biterris seniore nostrum filium Cecilie de ipso castello quod vocatur Bruniquel neque de ipsis forteciis que ibi hodie sunt vel de hac die in antea ibi erunt facte, no'l te tolrem ni t'en tolrem, no'l te vedarem ni t'en vedarem, no'l te bauzarem ni t'en bauzarem, ni nos ni om ni femna per nostrum ingenium nec per nostrum consilium. Et per quantas vices lo nos demanderas per te vel per tuum message vel per tuos messages, in tua potestate lo tornarem e.l redrem sine inganno tuo. Et si fuerit homo vel femina qui'l te tollant o t'en tollant, qui'l te vetent o t'en vetent, qui'l te bauzen o t'en bauzen, ab aquels finem nec societatem non aurem ad tuum dampnum usque habeamus illud recuperatum. Et si recuperare illum potuerimus, in tua potestate lo tornarem sine lucro.

CT 128, fol. 41v.

From this hour forward, I, Jourdain of Roquefort and I, Bertrand his brother, who were sons of Feraina called Loba, we shall not deceive you, Roger of Béziers, our lord, son of Cecilia, for the *castellum* called Berniquaut, nor for the fortifications that are there today or from this hour forward are to be built, we shall not take it to you nor a part of it, we shall not forbid [your entry in] it to you nor [in] a part of it, we shall not mislead you with it or with a part of it, neither we nor a man nor a woman, via our deceit, with our advice. And as many times as you will summon us either by yourself or by your envoy or by your envoys, we shall return it to your power and give it you back without deceiving you. And if there is a man or woman who takes it from you, or takes a part of it, or forbids or forbid [your entry in] it, or misleads or mislead you, we shall take neither agreement nor association with them for your detriment until we have recovered it. And if we can recover it, we shall turn it over into your power without gain.

20) Around 1109: *Will of Aldebert, bishop of Mende*

Ego Aldebertus dig e man a Bertran, lo fil Bernard Bozuga, que jur lo castel de Peira, la sua maison e forza, e'l castel de Genebrer a.llas filias Girbert et alz efanz qued aun e que auraun de mariz e alz mariz. E se aizo Bertranz no fazia et ab ellz et ab ellas no s'en tenia, que son feu l'en poguesson metre en forfax et en toz logs et en totas cortz l'en apelleson e.ll'en avogassun de tracion.

Brunel, *Les plus anciennes chartes*, 18, n°13.

I, Aldebert, say and command to Bertran, son of Bernard Bozuga, that he will swear the *castel* of Peyre, his house and fortification, and the *castel* of Genebrier, to the daughters of Gilbert [the nieces and heirs of Aldebert] and to the children whom they have or will have with their husbands, and to their husbands. And if Bertran does not do it and does not keep his oath with them, his fief could be put in *forfax* [will be forfeited] and he could be put on trial in all places and in all courts, and they will charge him with treason.

21) 1125: *Re-enfeoffment of the honor of a traitor*

In nomine Domini. Ego Bernardus Ato vicecomes et uxor mea Cecilia vicecomitissa et filii nostri Rogerius et Raimundus Trencavel atque Bernardus donamus tibi Willelmo Calveti et uxori tue ad fevum et propter castlaniam in civitate Carcassona ipsam turrem quam vocamus Monetariam cum ipso manso et cum ipsa estaga et cum exitibus et redditibus suis, et donamus tibi totum ipsum honorem qui fuit Arnaldi de Palajano [...]. Sic donamus vobis ad fevum et propter castlaniam in tali conveniencia ut per quemque annum faciatis staionem in Carcassona per dimidium annum cum vestris hominibus et cum vestra familia et ipsam turrem bene gaitare faciatis et ipsam civitatem bene custodire adjuvetis. Vel predictum honorem, vel aliquid de ipso honore non possitis dare aut vendere vel inpingorare nisi nostro consilio. Istum prenomi-natum honorem qui nobis advenit et accessit de traditoribus nostris propter illam traditionem quam fecerunt scilicet propter Carcassonam quam in traditionem nobis abstulerunt, donamus tibi predicto Willelmo Calveti et infantibus tuis et posteritati illorum propter ipsam fidelitatem quam tu Gillelmus portasti nobis et tu et posteritas tua portare debetis nobis omni tempore.

CT 387, fol, 141; *HGL*, V, n° 489-VIII, col. 923 (incomplete).

In the name of the Lord. I, Viscount Bernard Aton, and my wife, Viscountess Cecilia, and our sons Roger, Raimond Trencavel and Bernard, give in fief to you, Guilhem Calvet and to your wife, and because of the castellany in the city of Carcassonne the tower that we call Monetaria [»Monetary«] with its *mansum* [hide] and with its *estaga* [dwelling ?], with its entries and exits, and we give you all the honor that belonged to Arnaud of Palaja. We give it to you in fief and because of the castellany according to such a pact that every year you will perform a guard service in Carcassonne for half a year with your men and with your entourage, and you will ensure this tower gets good guard-duty and you will help to protect this city. You cannot give this honor or some part of it, nor sell, nor pawn it unless by our counsel. We give to you this honor mentioned above that returned to us and fell to us from our traitors because of the treason they had committed, that is to say, of Carcassonne which they treacherously took from us, we give it to you Guilhem Calvet and to your children and to their posterity, because of the fidelity that you, Guilhem, bore towards us and that you and your posterity must bear towards us for all time.

22) 1068-1095: *New oath after treason in Cerdanya, castellum de Usson*

Ego Raimundus Arnalli qui sum filius Clemencie femine tibi Guillelmo comiti seniori meo qui fuisti filius Adale comitisse omnibus modis annuo et te juro illud sacramentum et fidancias et fides et omnia que in sacramentale scripta sunt et tibi juravi in puerilibus annis quibus a te castellum de Sono adquisivi, et quale mei anteriores propinqui tibi et tuis juraverunt et consuetudo et jus est jurandi principum Cerdanie. Pro quo dixerunt mihi hactenus quia puer tunc eram et nesciens quod feci, scio me et regnosco 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 offendissem me graviter recognosco. [...] Ut fidelis miles tuus et vir bonus et perfectus, plenus fidei et bone memorie, sicut predictum est, jurejurando super altare sancti Raphaelis quod situm est et consecratum in ecclesia Sancte Marie Corneliani, tactis lignis Dominice crucis et reliquiis innumeris ejusdem loci et omnibus meritis sanctorum, juro deinceps sine engan me esse fidelem tuum, sicut fidelis homo debet esse Deo et seniori quem diligit. Et per quantes vegades aut quacumque die vel nocte, momentis aut horis, mihi quesieris per te ipsum vel per tuos missos vel missum potestatem de prenomi-nato castello de Sono et illius fortitudinibus, absque mora et ulla dilacione, eum et eas deliberabo tibi et tuis quibus jusseris vel volueris.

Barcelona, Arxiu de la Corona d'Aragó, Liber Feudorum Cerritanie, n°107, fol. 27v

I, Raimond Arnaud, son of the woman Clemencia, declare in every way and swear to you, Count Guilhem, my lord, who was son of Countess Adala, this oath and sureties and faith and all that is written in this *sacramentalis* [written oath] and all that I swore in my young days when I acquired from you the *castellum* of Usson, and in the manner that my ancestors swore to you and to yours, and the custom and law of oath-swearing among the princes of Cerdania. Given that they said to me that I was a child then and I did not know what I did, I recognize and knowingly acknowledge that I did wrong and that I seriously »unswore« [i.e., went against my oath, perjured myself], because I asked you for a delay of 30 days to give you back the power over this *castellum* and its fortifications. And I acknowledge that I offended you seriously concerning many other things. [...] As your faithful *miles* and as a good and perfect man, full of faith and good reputation, as it is said above, swearing on the altar of Saint Raphael which is located and consecrated in the church of Saint Mary of Corneilla, having touched the wood of the Lord's Cross and the innumerable relics of this same church, and all the merits of the saints [likely also relics], I swear that I shall be henceforth your faithful without deceit, as a faithful man has to be towards God and towards the lord that he loves. And as many times, and whatever day or night, moment or hour, you will request from me either by yourself, or by your envoys or by your envoy, the power over the said *castellum* of Usson and its fortifications, without delay and without deferral, I shall deliver it and them [the fortifications] to you and those of your people that you will order or want [to receive it].

23) 1142: *Treaty between Alfonse Jourdain Count of Toulouse and Roger, Viscount of Carcassonne*

De composicione. [rubric]

Hec sunt capitula de ipsis placitis et assecuramentis que debent fieri inter comitem Ildefonsum et Rogerium de Biterris. In primis ipse comes debet reddere Narbonam domine Ermengarde et debet solvere ipsa sacramenta que homines Narbone et Narbonensis ei fecerint de Narbona et de ipsis honoribus qui ad Narbonam pertinent vel pertinere debent, et debet reddere sacramentalia que de eis habet. [...] Ipse comes faciat jurare Isarnum castellum de Gravoletto predicto Rogerio et faciat ei solvere ac diffinire ipsas fidancias et sacramenta quod ipse Isarnus habet accepta de senioribus et militibus castri quod vocatur Penna [...]

CT 380, fol. 138; *HGL*, V, n° 556, I, col. 1069-1071.

About an agreement. [rubric]

Here are the stipulations of the conventions and securities that must be made between Count Alfonse and Roger of Béziers. First, the count must return Narbonne to Lady Ermengard and must dissolve those oaths that the men of Narbonne and the Narbonnaise made to him concerning Narbonne and those honors that are attached to Narbonne or should be attached to it. And he must return the written oaths that he has concerning them. [...] The count must make Isarn swear the *castellum* of Graulhet to the aforesaid Roger and make him [Isarn] dissolve and put an end to those warranties and oaths that he, Isarn, received from the lords and the knights of the *castrum* called Penne.

24) 1149 [1150 n.st.], 8th of January: *Judgment of the probi homines of a castrum against an oath taken to the viscount*

Notum sit omnibus hominibus quod Gautbertus de Podio Laurentii juravit castrum de Podio Laurentii Roggerio de Beders nesciente Poncio de Doria. Quod ut audivit Poncius, conquestus est de Gauberto et de Roggerio et propter predictum juramentum vocavit Gautbertum in causa et guerivit Poncius ante predictum Gautbertum justo iudicio proborum hominum

predicti castri, videlicet [11 names]. Justo iudicio istorum, ut predicimus, guerivit Poncius quatinus Gautbertus hoc sacramentum, quod injuste fecerat, absolvere sibi fecisset et sacramentale reddere. Sicque factum est quod Roggerius absolvit sacramentum predicti castri Gautberto jamdicto et reddidit illi sacramentale et Gautbertus iudicio justo predictorum iudicum reddidit hoc sacramentale Poncio de Doria et Isarno filio suo eorumque participibus. Quod sacramentale, istis iudicibus videntibus, igni combustum fuit VI idus januarii in domo Isarni de Foissag. Hujus rei sunt testes qui et iudices. Hoc memoriale fuit scriptum a Guillelmo anno ab incarnatione Domini M^oC^oXL^oVIII^o, VI idus januarii, luna VI, Lodoico regnante.

Paris, Archives Nationales, J 321, 2.

Let it be known to all men that Gauzbert of Puylaurens swore the *castrum* of Puylaurens to Roger of Béziers without the knowledge of Pons of Dourgne. When Pons heard this, he complained of Gauzbert and Roger, and called Gauzbert to judgement owing to the aforesaid oath, and Pons ensured before the aforesaid Gauzbert by the just judgement of honest men from the said *castrum*, that is [11 names listed]. By the just judgement of these men, as we said, Pons demanded that Gauzbert would be freed from the oath that he had made against right, and get the written oath returned. Thus it happened that Roger dissolved for the said Gauzbert the oath for the aforesaid *castrum* and returned to him the written oath, and Gauzbert by the just judgment of the aforesaid judges returned this written oath to Pons of Dourgne and his son Isarn and their associates in lordship. On the sixth of the Ides of January [8th of January] in the house of Isarn de Foissag, this written oath was reduced to ashes by fire in the sight of those judges. Witnesses to this fact are the same judges. This memento was written by Guilhem in the year 1149 of the Lord's Incarnation, on the sixth of the Ides of January [8th of January], 6th moon, under the reign of Louis [VII of France].

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Abbreviations

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List of Figures and Tables

Figure 1: Languedoc at the end of the 12th century

Figure 2: Castles, ninth-tenth century

Figure 3: Castles, eleventh-twelfth century

Figure 4: Oath to Viscountess Ermengard

Table 1: Number of oaths and »securities« in the feudal documentation