

Suum cuique tribuere

Fredric L. Cheyette

What is "Law"? The question has been given many answers.¹ If we are nominalist enough we can list the various ways the word is used, as did Marsiglio of Padua and William of Occam in the fourteenth century. If we are realist enough (in the medieval sense) we can try to construct a definition of the genus. We can define human law with Montesquieu as one variety of the "necessary relations arising from the nature of things." We can define it Positivistically with Austin as the command of the sovereign; or Realistically (in a peculiar modern sense of the word) as "what officials do about disputes," or "a prediction of what courts will do." We can equate law with morals or distinguish the two. We can make justice the defining quality of law or say a law is a law whether just or not.

Law, says the judge as he looks down his nose,
Speaking clearly and most severely,
Law is as I've told you before,
Law is as you know I suppose,
Law is but let me explain it once more,
Law is The Law.²

As historians we would probably be inclined to forget the whole matter. Yet I think that would be a mistake. To talk about law as a historical phenomenon without defining it can lead, and has led, only to confusion and occasionally remarkable anachronisms. I therefore want to suggest a couple of definitions that will be useful in exploring

Mr. Cheyette is associate professor of history at Amherst College.

1 This paper is drawn from a larger work in progress. Materials were collected under a Social Science Research Council fellowship with additional financial aid provided by the American Philosophical Society and Amherst College.

2 This and later lines of English poetry are from W. H. Auden's "Law Like Love," *The Collected Poetry of W. H. Auden* (New York, 1945), pp. 74-76 (copyright 1945 by W. H. Auden; reprinted by permission of the publishers, Random House, Inc.).

the topic at hand: definitions that, I hope, will allow us to use the term in a meaningful way, without getting us embroiled in the philosophical debates to which I have just alluded.

We can use "law," first of all, to denote the ways the members of a society or group in society habitually perform certain acts, whether or not they consciously put those ways into words.

Law is the clothes men wear
Anytime, anywhere,
Law is Good-morning and Good-night.

If the eldest son in a given society habitually takes over his father's property when the father dies, we can call this a "law" of that society whether or not the people involved consciously express the habit as a "norm."

This definition, to be sure, makes it impossible to distinguish custom from law, stated rule from observed practice; it also makes it impossible to distinguish law from morals or proper conduct. Were the definition to be used for other purposes these would be serious defects; they are not, however, for analyzing the law of eleventh- and twelfth-century France, when neither distinction was evident in day-to-day practice.

Alternatively, we can call "law" a conscious, verbalized system of norms that people in a society are supposed to observe and that is followed in authoritative settlement of conflicts. What I will be discussing is the shift from the first to the second kind of "law" in thirteenth-century France.

When the men of the thirteenth century make this shift, consciously or unconsciously, they make two choices rich in consequences for European society. Both choices must enter into our definition. First of all, they equate the norms used to make authoritative settlements with the norms that are supposed to govern men's behavior. They identify the law of the courts with the law that "commands what is good and prohibits what is harmful." Though to us this might seem an obvious equation, it is surely not a necessary one. There have been societies in which no courts existed for settling civil disputes: Imperial China, for one. There have also been societies in which courts had functions that did not include enforcing sets of rules, in which dispute settlement served values quite distinct from the network of do and don't, of shall and shall not. Such was the society of eleventh- and twelfth-century France. Secondly, when the men of the thirteenth century define their social norms they use particular sets of

concepts: they define their rules in terms of objective criteria of class and situation, in terms of "movables" and "immovables," "inheritance" and "gift," "tenant" and "lord," "nobleman" and "bourgeois," "married woman" and "widow," rather than in terms of the subjective feelings of the persons involved, their pride, honor, or shame.

If we look in the French archives for evidence of conflicts being settled by authoritative courts in accordance with these kinds of objective criteria, what do we find? A large number of such documents exists around 1300. But as we go back into the thirteenth century, we reach a point where the documentary evidence thins out considerably, then suddenly disappears. In the area around Narbonne and Carcassonne, where we have one of the richest thirteenth-century city archives and an important monastic archive, as well as substantial remains from other major collections, this cut-off point is around mid-century. To be precise, the earliest case remaining from the archives of Narbonne is 1252;³ from Béziers, 1254;⁴ from the monastery of La Grasse, 1273;⁵ from the archbishop's archives, 1268.⁶ This archival phenomenon is not unique to this area. By way of comparison, in the documents from Laon and Saint-Quentin at the Archives nationales, such documents appear only in the reign of Philip III.⁷ This is, to be sure, a superficial contrast of wealth and dearth, based largely on formal considerations. It nevertheless conforms to the well-known fact that the first continuous records of the Parlement of Paris begin in 1254. Before these dates conflicts are settled by arbitration or compromise when not by violence. This is true after mid-century as well, though, as we shall see, the spirit of the method changes.

Why did this change come about? The most common textbook explanation for the spread of ecclesiastical and royal justice in medieval Europe-I have been guilty of it myself-is based on what might be called the better mousetrap theory of human nature: the world will beat a path to the court that is more just, that is, to the court whose decisions are more "rational" and conform more closely to established objective norms of behavior.* Is this tenable? To my

³ Archives communales de Narbonne, AA 105 fo. 36v.

⁴ Archives communales de Béziers (unnumbered).

⁵ Archives départementales de l'Aude, H 166 (unnumbered).

⁶ Arch. dept. Aude, G 21 no. 2.

⁷ Archives nationales, L 731-735 (Laon), L 738 (Saint-Quentin).

⁸ Most flagrantly in my own "La Justice et le pouvoir royal," *Revue historique de droit français et étranger*, 4^{me} sér. XL (1962), pp. 373-94. But I had authoritative precedents: Ferdinand Lot and Robert Fawtier, *Histoire des institutions française au moyen âge*, II (Paris, 1958), pp. 298-99; George O. Sayles, *The Medieval Foundations of England* (Philadelphia, 1950), p. 342.

knowledge no such general law has ever been demonstrated by psychologists or anthropologists, and it seems dubious on its face. There is no reason to believe that individuals (any more than collectives called “nations”) prefer objective neutrality to partiality in their own favor. Indeed, moralists of every age have found ample cause to assert the contrary and denounce its consequences. Neutral, objective order is very much a learned value. An explanation for this thirteenth-century change still remains to be found.

At this point, a few distinctions may help clarify my story.

First of all, in the thirteenth century, as before and after, there are courts and courts, justice and justice. Before mid-century, when members of the “class of rulers” fight over property rights they do not appeal to courts who will judge by impersonal norms to settle their differences. But the members of this class do dominate a subject population. Their domination is expressed, in part, by something called “*justitia*”: for *justitia* in the eleventh and twelfth centuries in southern France is, among other things, the name of a customary payment that subject populations in the cities and countryside make to their overlords. It is hard to tell whether some twelfth-century documents employ this term for anything but a customary payment. But the very name of this tallage suggests that some kind of court activity lies, or once lay, behind it. And that activity finally appears clearly when charters distinguish justice-as-dues from justice criminal and civil. One of the earliest to do so in lower Languedoc is the act of 1187 by which Bernard-Ato, viscount of Agde, gave his viscounty to the bishop. His charter lists *justitiae* (plural) among the financial rights, and the *causas criminales et civiles et eorumdem executiones* in a separate clause.⁹ Romanized expressions such as this, and the appearance of the Roman phrase *merum et mixtum imperium* around the same time as an equivalent for what is called “high and low justice” elsewhere in France, indicate that the lords had not neglected criminal activities among their subjects and may have taken a hand in settling other kinds of disputes as well. But how far back does this go? And what kind of litigations, procedure, and law were actually involved? These questions the evidence, unfortunately, does not answer. The remainder of this discussion will therefore be devoted to the one group about whom we do have information: the rulers of society.

Secondly, in the Middle Ages, as in our own time, law does not

develop evenly on all fronts. Some matters are early made subject to authoritative, objective norms; others remain subject to different values, to different obligations. Property law, for a variety of reasons, is a late-bloomer. Yet property law deeply influences the structure of late medieval society and government. It is property law that I am concerned with here.

Finally, we may have authoritative norms without authoritative courts and courts without norms. We find both situations in the Middle Ages. When in any area of human activity courts and norms come together, we have created the potential for rapid and radical change. This is exactly what happens in the mid-thirteenth century.

Before the middle of the thirteenth century disputes over property were settled by arbitration and compromise, when not by war. What exactly were these arbitrations? Who performed them? How were they decided?

From the early thirteenth century in the Narbonnais, and by the end of the century everywhere in France, arbiters were given a title from Roman Law; but this should not confuse us. The institution is medieval, not Roman: the fact that their Roman title conflates three different Roman institutions is demonstration enough. They were called “*arbiter, arbitrator, seu amicabilem compositor*.”¹⁰ People functioning in this composite office were doing the same things their predecessors without the title did in the twelfth and eleventh centuries.

Who were these people, and what did they do? Let us take a brief look at three cases.

In 1071 two groups of people disputed the vicariate of certain lands belonging to the abbey of La Grasse. As arbiter they chose the abbot of La Grasse, referred to as “their lord.” He in turn asked the Count of Barcelona (who was in Carcassonne at the time) and the Viscount of Narbonne to join him in deciding the case. They divided the rights and revenues in dispute.¹¹

The second case takes us to Béziers, where, sometime before 1078,

¹⁰ A series of arbitral decisions of 1251-53 are the earliest in the archives of Narbonne to use this technical title: AA 99 fo. 12 (“*arbitratores seu amicabiles tractatores*”), AA 105 fo. 82v, AA 99 fo. 76, AA 105 fo. 36v, AA 109 fo. 22v; but a settlement of 1217, made by individuals entitled “*arbitratores*,” is called an “*amicabilis compositio*” (Bibl. nat., ms. Melanges Colbert 414, no. 71). For a general survey of the use of this title in medieval Europe see Karl S. Bader, “*Arbiter arbitrator seu amicabilem compositor*,” *Zeitschrift der Savigny-Stiftung, Kan. Abt.*, XLVI (1960). 239-76.

¹¹ Bibl. nat., ms. Doat 66 fos. 163ff.

the abbot of Conques had decided to put an end to the *malis usis* a certain Bermund of Agde was collecting on one of the abbey's "honors." The two parties had at first tried to reach an agreement but without success. They had then asked the bishop of Beziers, the abbot of Saint-Pons, and other "good men" to decide; but Bermund had refused to accept their decision. The abbot thereupon had complained to Raymond of Saint-Gilles and the Viscountess of Beziers, and Raymond had decided to burn down Bermund's house and to give what the recalcitrant nobleman possessed on the abbey's lands to the monastery. This had long since transpired when, in 1078, Bermund's son negotiated a compromise with the abbot, giving up half of what his father had claimed and receiving 50 *solidi* and the office of the abbot's *viguier* in return. Had the earlier decision of Raymond of Saint-Gilles the force of *res judicata*, had the decision of the two prelates the force of a rule emanating from an authoritative source, the entire story, but especially the ending, would be quite bizarre: for Bermund's son still had a claim that the abbot of Conques had to meet. In fact, the heir and the abbot took up the dispute where it had originally begun. It was as though the bishop of Beziers, the abbot of Saint-Pons, Raymond of Saint-Gilles, and all those good men had done nothing at all.¹²

The final case takes us to La Vaur, a town about halfway between Toulouse and Albi, soon to be famed for its heretics. There in 1139 three brothers were fighting their uncles for possession of part of the town's fortifications and some houses, lands, and a mill. They asked the Viscount of Beziers, one of the Trencavel, to whom they had sworn an oath of security for the fortifications, to settle the dispute. He came to La Vaur with eight men called "judges," whom we can identify as men who were frequently in the Trencavel entourage. The "judges" divided the property between the brothers and their uncles, and the two parties swore to accept the division.¹³

These examples could be multiplied many times over. They indicate, I think, that the arbiters were not definable "institutionally." They were not courts with established jurisdictions. They did not normally decide on the basis of a set of impersonal rules rationally applied. They were individuals or groups capable of pressuring the disputants to accept their judgment, come to an agreement, or recognize that their claims were unjust. They were able to do this either

¹² *Cartulaire de l'abbaye de Conques en Rouergue*, ed. Gustave Desjardins (Paris, 1879), pp. 25-27.

¹³ Société archéologique de Montpellier, ms. 11 (*Cartulaire dit "de Foix"*), fo. 19.

because of their great status or because they were friends, perhaps relatives; in any case, frequent associates.

How did they decide the disputes presented them? On very rare occasions there may have been a charter that they considered decisive; enough to show that this function for the written document had not been totally forgotten. On other rare occasions they might ask the local notables to decide. Most frequently, as in the cases I have just described, they tried to divide the object in litigation, occasionally asking one party to divide the property and giving the other the first choice, thus demonstrating true paternal wisdom. Even when a charter gave the prize to one side the other was almost always paid off. No one left empty-handed. The practice of giving everyone something was indeed so prevalent that it is impossible to reconstruct any objective rules of decision on the basis of arbitral judgments in lower Languedoc, at least before the mid-thirteenth century. It was not the function of these courts to apply objective rules, to "do justice" in that sense. The norm they applied was that both parties should be satisfied. The very categories that the Roman legal tradition had used as the foundation for objective rules, still alive in Septimania in the tenth century, had become cloudy. Their boundaries had disappeared. Sale, gift, and quit-claim became synonymous; for the rules that differentiated one from the other no longer had any consequence in court: in case of dispute, the result did not depend on the technical "nature" of the original transfer. When there were conflicting claims to property, nothing would be settled until everyone was satisfied.

The documents that makers of inventories normally classify as "compromise agreements" were only variants on this main type. Here the arbiters were less in evidence, and are reduced in the documents to the category of "friends and good men" who "counsel" the agreement between the parties. The form of the documents differed but the action they cloaked was the same, at least before the Romanization of the thirteenth century.'

What made the system work? We might well ask first what makes our own system work when conflicts are submitted to litigation. Ours works, at least in part, because members of society believe abstract norms should be followed: "there oughta be a law." And the courts ought legitimately to decide in accordance with those norms; even decide what those norms are. We know from recent experience how fragile these beliefs may be. In any event, these were not the assumptions legitimizing the pre-thirteenth-century system. To find out precisely what did legitimize that system I would like to turn briefly

to the *chansons de geste*, using the general elements of arbitration as our template.

In the *chansons de geste*, when a character had been wronged, what sentiment did the poet put on his lips? *Honte*, shame. When Raoul de Cambrai discovered that the Emperor Louis had disinherited him, he exclaimed:

Des iceste eure, par le cors s. Amant,
Me blasmeroient li petit et li grant,
Se je plus vois ma honte conquerant,
Qe de ma terre voie autre home tenant.¹⁴

In the *Charroi de Nîmes*, when Guillaume discovers that King Louis had left him out of the general distribution of lands, he complained:

Deus . . . corn ge sui mal bailliz
Quant de demande somes ici conquis.
Se vos serf mes, dont soie je honiz.¹⁵

This is but the other side of the shame of which Roland spoke when Olivier asked him to sound the Oliphant, and when he urged his men on to battle. The knight who did not act like one was shamed; so was the knight who was not treated like one. What was this shame? To be a knight and not be considered one:

Tu es or riche [says Guillaume to Louis] et ge sui po proisie
Tant corn servi vos ai tenu le chief,
Ni ai conquis vaillissant un denier
Dont nus en cort mapelast chevalier.¹⁶

A recent commentator has argued that all these heroes are “other directed.”¹⁷ I would certainly not go that far: they followed a known internalized code. Nor would I want to get into a metaphysical debate about “shame cultures” and “guilt cultures.” But the epic heroes, when they violated their code, or when they were violated, felt opprobrium not guilt. They lost their standing in the sight of others.

These were the circumstances in which friends and good men gave wise counsel and arbiters decided the issue. Friends and arbiters were not there to judge according to rules; they were there to get the parties off the hook. They represented *sagesse*, the alternative virtue to

overly combative *proecce*, like Olivier in that moment before the great battle began. They must come up with the argument or solution that will remove the threat of violence—as Turpin did when the battle was almost over and Roland and Olivier once again debated whether Roland should sound the horn; as Guillaume’s nephew Bertran did when he suggested that Guillaume ask Louis for Spain, Nîmes, and Orange to conquer; as Raoul’s vassals did when they tried to patch things up between Raoul and Bernier. They must assuage anger, soothe wounded pride, find the solution that will bring peace. In the *chansons de geste*, people never just changed their minds when in conflict with someone else. Our charters of compromise regularly mention the “good counsel” that brought the result about. For once a position was taken it would be cowardly to retreat unless convinced by the wisdom of others. This was the ritual that must be followed. In real life the status of the arbiters, as great lords, colleagues, friends, and relatives, allowed them to perform this task, assured the parties not only of their wisdom but that public opprobrium would not follow upon their recognition of wrongful claim: for the arbiters were sometimes themselves that very public. The habitual pay-off to the losing side, whether large or symbolic, likewise met the demands of that other virtue much touted by the chivalric poets—*mesure*, moderation.

The arbiters and counsellors had to perform another function, of course, one equally vital: to persuade or to pressure the parties, or one of them, into a peaceful settlement. This may not always have been easy. The charter formula “cum multa discordia fuit” might have often been a euphemism for war as well as for verbal abuse. Occasionally, as in the case involving Conques, the difficulties were glaringly apparent.

What made both functions possible, however, was a social group whose members rubbed each other often enough for their pressure to be effective and the ritual to perform its appointed task. The shame of which the poets sang worked only when people were face to face, when the fighting man really knew that no one called him “knight.”

In the thirteenth century the ritual of arbitration and compromise was replaced by the new forms of normative justice; the change, however, was neither smooth nor rapid. Some of our earliest examples in France come from the Paris area, where the *prévot* was already exercising this kind of justice in the second decade of the thirteenth century. In 1218, one Guido of Auxerre, a citizen of Paris, condemned by papal judges delegate to pay a rent of 13 d. to Saint-

¹⁴ *Raoul de Cambrai*, ed. Paul Meyer and Auguste Longon (Paris, 1882), lines 702-5.

¹⁵ *Le Charroi de Nîmes*, ed. Joseph L. Perrier (Paris, 1931), lines 112-14.

¹⁶ *Ibid.*, lines 252-55.

¹⁷ George Fenwick Jones, *The Ethos of the Song of Roland* (Baltimore, 1963), p. 97.

Denis, refused to accept the sentence, was excommunicated, and only agreed when a nearly identical decision was made by arbiters.¹⁸ In Normandy, where such justice likewise sprouted precociously, the doctrine that a thing judged was a thing judged was not easily accepted by those whom the Exchequer condemned.¹⁹ But despite this resistance one form did eventually give way to the other.

The change-over, as we might expect, was not sudden. The adoption of Romanized formulae in arbitration agreements early in the century provided one opening. At the beginning, undoubtedly, this new form served mainly to let notaries show off their knowledge of Roman procedure. But the common formula usually said something to the effect that the arbiters were "to inquire about the truth" of the claims, sometimes specifying that this be done "by witnesses and instruments." Most often this possibility was not followed; but sometimes it was, leaving the door ajar for normative judgments to slip in. A second sign of change was the appearance of legal professionals, of men called "jurisperiti" by our southern documents, first in the inner circles of the great lords, then as advisers to the arbiters. It seems likely that their influence was likewise toward objective normative judgment.

Finally, toward mid-century, authoritative courts making normative judgments appeared, and their use expanded rapidly. Arbitration remained, but its meaning changed. More and more the arbiters acted like judges, made inquests, checked charters. Professional lawyers and court officials appeared as arbiters. By the early fourteenth century arbitration had found its place within a hierarchical structure of courts, as decisions from which appeals to higher courts might be made. It was reduced to a technique for avoiding what had become the "ordinary" court.²⁰

We must now ask why this happened. The question is not easy to answer. One possibility, at least, may be eliminated. There was no new idea suddenly bursting on mid-century France that might have brought this about. Indeed, the idea that a system of norms should govern the settlement of disputes had never completely disappeared

¹⁸ Archives nationales, LL 1157 (*Cartulaire Blanc of Saint-Denis*), p. 302, no. 8; p. 303, no. 10. Closer attention to this phenomenon by French legal historians may eventually reveal considerable chronological variance between regions. Professor Henri Gilles of Toulouse informs me that the consuls of Toulouse were already making such authoritative decisions at the end of the twelfth century.

¹⁹ Joseph R. Strayer, *The Administration of Normandy under St. Louis* (Cambridge, Mass., 1932), p. 30.

²⁰ Bernard Guenée, *Tribunaux et gens de justice dans le bailliage de Senlis* (Paris, 1963), pp. 117-20.

from Europe. The clergy, at least, kept it very much alive. Even in the Narbonnais a Gregorian legate, made archbishop, attempted to inject the idea into his relations with lay society at the beginning of the twelfth century.²¹ And within the ranks of the clergy, especially where hierarchical relations were concerned, normative decisions by popes, judges delegate, and bishops were common after the mid-twelfth century. Even among the clergy, however, property disputes were often a category apart, to be settled by arbitration.

The introduction of Roman Law was one cause. Its influence in southern France began with the appearance in a document of 1127 of one Adalbertus "legisperitus."²² After that it was revealed in the changing formulae of charters, in the procedure of ecclesiastical courts, in the appearance of notaries: a long and continuing influence, accepted here, resisted there. But it was too vast, too generalized, infusing its spirit into practice over too long a period, to be the sole explanation for the sudden change that occurred in the decades around 1250.

Our search must go in another direction, beginning with the social structures that gave force to arbitration and the attitudes they incorporated. The attitudes were the common property of much of Europe; the structures, however, varied widely in their concrete detail from region to region. It is only on the regional level, therefore, that we can for the moment trace their transformations. My own examples will once again be drawn from the Narbonnais and Carcasses.

In the thirteenth century the old social groupings within the Languedocian seignorial class broke up. At the same time, an alien power spread its shadow across the land. The fellowship of the seignorial court had given force to the old values; but after mid-century, in southern France, the monarchy and its agents began to impose their interests and demands on its members. Lands were confiscated from heretics; more were confiscated after the Trencavel revolt. Permanent seneschals appeared with their bailiffs and *viguiers*, intent on pursuing every scrap of royal right. These agents, as "foreigners," with no ties to the local landed class and with the monarchy to back them up, were not amenable to the pressures and arguments of old-style arbitration. If they were to be fought it could only be on

²¹ Such, at least, is suggested by the talk of the "evil customs of the land" and other precocious uses of *consuetudo* to mean "rule" or "norm." *Histoire générale de Languedoc*, V (Toulouse, 1875), col. 801; Bibl. nat., ms. Baluze 8.2 fos. 55ff.

²² *Hist. gén. Languedoc*, V, col. 905.

their own ground: in the local royal courts. The old family of Carcassonne disappeared, replaced by the agents of an absentee northern landlord; the viscounts of Narbonne were drawn into the circle of the royal court, as were some of their followers; the archbishop of Narbonne, the abbots of La Grasse and Fontfroide were drawn away toward Paris or Rome. Finally, the monarchy began to demand troops and money. The groups that had gathered around the local greats were broken up; relations among their members were redefined in terms of impersonal norms amenable to judicial decision. Soon after 1300 the major vassals of the viscount of Narbonne were suing their lord in the king's court to block his claim to their military service.²³ Nothing could more aptly demonstrate how deeply seignorial society had been reshaped.

The process, once started, fed on its own momentum. Village inhabitants, city consuls, lords both minor and great, all discovered that the court machinery provided by the monarchy, once they learned to use it, allowed them to fight those who would impose or continue to impose some kind of dominion over them. With it the consuls of Narbonne could beat the viscount, the viscount the archbishop, the archbishop the consuls; and all of them could use it to beat the king and his agents. The court machinery, in turn, with its special intellectual techniques, led to a further legalization of social relationships. All acts of lordship by one individual over another could then become a legal precedent, fitting into a normative system enforceable by courts, sergeants, fines, and dungeons.

The old ways, the old values, pride in honor and dishonor of shame, could still rouse the hearts of the nobility, but the absolute sway those values had so long maintained when men leveled claims against each other, had weakened. Alternatives long present in the culture of medieval Europe, values promoted in the schools and expressed in the institutions of the Church and the monarchy, took their place. As the groups broke up that had given force to honor and fear to shame, men began to view their "rights" in different terms. Bernier, in the twelfth-century *Raoul de Cambrai*, wronged by his lord, refused to leave him:

tant que tuit dient: "Bernier, droit en as."²⁴

By 1300 men thought first of their rights as objectively defined and

²³ *Bibl. nat., ms. Doat 49 fos. 296, 309.*

²⁴ *Raoul de Cambrai, line 1385.*

then strove to have them sanctioned by a court, the king's court if possible.

At the same time, the peasants and urban dwellers, whole classes of men who had had no recourse beyond their lords, were given the means and the reasons to justify a continued petty opposition. People of the seignorial class quickly imitated the monarchy, hired "jurisperiti" to play their judges, established their monopolies of "ordinary" jurisdiction-fighting each other and the monarchy in the process. Within a matter of decades the whole system was worked out.

This was what happened in the low hills and coastal plain between the Massif Central and the Mediterranean during the century when Capetian administration began to impose its unity across the profound diversities of the countryside. But the thirteenth century was also the century of the Albigensian Crusade, when Languedoc became a colony of the North, hounded by the Inquisition, tempted by foreign poles of power, mined by the new style intellectuals established at Montpellier, Toulouse, and momentarily at Narbonne. The Languedocian experience was thus exemplary. It does not allow us to generalize, however, until we know what variations Poitou and Berry, Burgundy and Picardy, and the other pays of France worked upon the common theme. For their starting points were not identical, nor were the habits and traditions that shaped their acceptance of the new ways. In the realm of law and as a school for bureaucrats Languedoc by the end of the thirteenth century led the rest of the Capetian kingdom. But imitation and imposition from above explain only a small part of the triumphant legalization of society accomplished by 1300. Only a survey region by region will finally tell the full story.

By the end of the century, nevertheless, men of Languedoil as well as men of Languedoc were well on their way to accepting the new ways, to accepting the unity of learned procedures and the necessity of objective norms. It is not surprising that strains should quickly arise, that grumblings against the "encroachments" of royal courts should become loud and clear, that but thirty years after his death Louis IX should symbolize a simpler "golden age." It had been a simpler age. By 1300 its simplicities had disappeared beyond recall. It was now an age of law: of Law

Like love we often weep,

Like love we seldom keep.