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# ***Laeti* and *liti*: Legal Status, Military Lands and the Changing Nature of Dependency from Late Antique Gaul to the Carolingian Empire**

In recent years the extent to which military organization and statehood in the early Middle Ages were indebted to late Roman models has become clearer.<sup>1</sup> Over the course of the fifth and sixth centuries, the so-called ‘barbarian kingdoms’ were established on the soil of former West Roman provinces by rulers who had been barbarian kings and Roman generals at the same time. As a result, these ‘barbarian kingdoms’ adapted Roman military institutions and office designations,<sup>2</sup> military lands,<sup>3</sup> but also Roman military laws<sup>4</sup> at various regional and institutional levels. Early medieval duchies,<sup>5</sup> counties,<sup>6</sup> and other institutions<sup>7</sup> also had Roman precursors, although this was probably not a case of continuity, but rather of adaptation and transformation of late Roman models by the newly established kingdoms upon the soil of former Roman provinces.<sup>8</sup>

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1 Luca Loschiavo, ed., *The Civilian Legacy of the Roman Army. Military Models in the Post-Roman World*, History of Warfare 144 (Leiden: Brill, 2024).

2 Alexander C. Murray, “The Position of the *Grafio* in the Constitutional History of Merovingian Gaul,” *Speculum* 61, no. 4 (1986): 787–805; Alexander C. Murray, “From Roman to Frankish Gaul: *Centenarii* and *centenae* in the Administration of the Merovingian Kingdom,” *Traditio* 44 (1988): 59–100.

3 Bernard S. Bachrach, “Military Lands in Historical Perspective,” *Haskins Society Journal* 9 (1997): 95–122.

4 Fabio Botta and Luca Loschiavo, eds., *Civitas, iura, arma. Organizzazioni militari, istituzioni giuridiche e strutture sociali alle origini dell’Europa (secoli III–VIII)* (Lecce: Edizioni Grifo, 2015); Stefan Esders, “Late Roman Military Law in the Bavarian Code,” *clio@themis. Revue électronique d’histoire du droit* 10 (2016), <https://journals.openedition.org/cliothemis/1168> [accessed 10.10.2023]; Stefan Esders, “Manlike Discipline and Loyalty against the ‘Enemies of God’. Some Observations on the Militarised Frontier Society of Eastern Francia around 600,” in *Early Medieval Militarization*, ed. Ellora Bennett et al. (Manchester: Manchester University Press, 2021): 181–95.

5 Stefan Esders, “Spätantike und frühmittelalterliche Dukate. Überlegungen zum Problem historischer Kontinuität und Diskontinuität,” in *Die Anfänge Bayerns. Von Raetien und Noricum zur frühmittelalterlichen Baiuvaria*, ed. Hubert Fehr and Irmtraut Heitmeier, vol. 1, 2nd ed. (St. Ottilien: Eos, 2014): 425–62.

6 Murray, “The Position of the *Grafio*” (n. 2).

7 Murray, “From Roman to Frankish Gaul” (n. 2); similarly Stefan Esders, “Persecuting *latrones*, Maintaining *disciplina*, Enforcing the *velox supplicium*: The Frankish *centena* According to Childebert II’s Decree,” in *The Civilian Legacy of the Roman Army* (n. 1): 195–222.

8 Stefan Esders, “Dukate als Strukturelemente spätantik-frühmittelalterlicher Raumordnung: Historische Zugänge und interdisziplinäre Forschungsperspektiven,” in *Die Dukate des Merowingerreichs*.

With this more institutional perspective in mind, the present contribution seeks to address a problem that has many implications for the field of social history and touches fundamentally upon the study of dependency in the late- and post-Roman period. Late Roman sources from the late fourth and fifth centuries, among them several that refer to Gaul, mention a group of barbarian soldiers of ‘inferior’ status called *laeti*. In early medieval texts, which date from the sixth well into the eleventh centuries and extend geographically into areas east and north of the Rhine, a social group called *liti* is frequently attested; these *liti* were also of ‘inferior’ status when compared to freeborn persons (*ingenui*), and their activities were similarly in some way related to the military, although their roles do not appear to have been solely military. The question of whether a case can be made for a connection between late Roman *laeti* and early medieval *liti* has only rarely been discussed so far<sup>9</sup> – quite understandably so, since tracing the development of a social group (or a group designation) on the basis of a fairly small number of sources over a period of no less than 600 years seems a risky and speculative undertaking. Since many early medieval *liti* are attested in regions of Frisia and Saxony that had never been part of the Roman Empire, a simple case for ‘continuities’ cannot be made, even though the terminology and roles of these groups suggest some sort of connection between the two. Tracing their historical links therefore requires a more complex model to understand the precise nature of their relationship. It thus seems worthwhile to inquire into the criteria by which these groups were defined, what their functions were and how we can describe the nature of their dependency. If we find parallels between *laeti* and *liti*, can we assume a historical evolution that led from the former to the latter? In what follows, I will attempt to outline the problem of analyzing possible links between the two groups on the basis of some of our extant sources, in order to refine the questions that we can ask. A definite solution to the questions raised does not seem feasible at the present stage, but I hope that some of my observations and reflections will help to tackle the problem in more precise ways than hitherto. My concluding hypothesis on how a spe-

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*Archäologie und Geschichte in vergleichender Perspektive*, ed. Sebastian Brather (Berlin: De Gruyter, 2023): 9–30.

<sup>9</sup> For instance, Dieter Hägermann and Andreas Hedwig, “Laeti (Laten, Lazen, Leten),” in *Lexikon des Mittelalters* 5 (1991): 2016–2017, discuss the economic importance and social status of early medieval *laeti* without any reference to late antique precursors, and, conversely, within in the same dictionary the late antique *laeti* are discussed without any reference to their potential early medieval ‘successors,’ see Gerhard Wirth, “Laeten,” in *Lexikon des Mittelalters* 5 (1991): 1612. See also John F. Drinkwater, “Laeti. I. Begriff und Ansiedlung,” in *Handwörterbuch der antiken Sklaverei*, vol. 2, ed. Heinz Heinen et al. (Stuttgart: Franz Steiner, 2017): 1715–16: “*Leti* appears as a term for dependent troops in the service of Merovingian kings, but whether this denotes continuity from the Roman period [ . . . ] or independent usage of an authentic Germanic term is impossible to say.” – The sole exception is to my mind a chapter by Franz Staab (see below, n. 79), which does contain some discussion of late antique and early medieval continuities.

cific designation of dependency may have been transformed during the transition from the ancient to the medieval period must thus remain tentative.

Naturally, the late antique and early medieval sources referring to *laeti* and *liti* are extremely diverse in character: They range from narrative texts to legal documents such as laws and charters and cover a number of different regions. It should be emphasized that these sources take a very selective view on the two groups, with some concentrating on the personal status of members of these groups, while others focus on the group collectively or on the lands held by the *laeti* or *liti*. The sources therefore have to be treated with caution.

A third cautionary note, also on the sources, seems appropriate: The reflections that follow are strictly based on texts and deliberately exclude archeological evidence. In the 20th century, archeologists made several attempts to link the *laeti* mentioned in late Roman texts to a specific type of grave that can be found in Northern Gaul, for instance.<sup>10</sup> This method has been questioned for good reasons.<sup>11</sup> At the current state of research it therefore seems advisable not to conflate information gained from texts *prima facie* with such provided by material evidence.

## 1 *Laeti* and *liti*: Two Franko-Latin Words and their Meanings

The terminology employed by our Latin sources to designate the two groups is an obvious starting point. Philologists have pointed out that the late Roman term *laeti* apparently does not derive from the Latin adjective for ‘happy,’<sup>12</sup> but is a Germanic noun.<sup>13</sup> A Frankish loanword based on Germanic *\*lēt*, it was Latinized as *laetus* and mentioned in a variety of different spellings by numerous late antique writers as early as in the fourth century. The early medieval Franco-Latin terms *liti* and *lati* and possibly even some vernacular equivalents such as *lazi* seem to derive from the word

<sup>10</sup> Horst-Wolfgang Böhme and Helmut Castritius, “Laeten und Latengräber,” in *Reallexikon der germanischen Altertumskunde*, vol. 17, 2nd ed. (2000): 580–88.

<sup>11</sup> Guy Halsall, “The Origins of the Reihengräberzivilisation: Forty Years on,” in *Fifth-Century Gaul: A Crisis of Identity?*, ed. John F. Drinkwater and Hugh Elton (Cambridge: Cambridge University Press, 1992): 196–207. For a more recent cautious treatment see Karl Heinz Lenz, “Germanische Siedlungen des 3. bis 5. Jahrhunderts n. Chr. in Gallien. Schriftliche Überlieferung und archäologische Befunde,” *Bericht der Römisch-Germanischen Kommission* 86 (2005): 349–444.

<sup>12</sup> See for example the discussion in John F. Drinkwater, “*Laeti*” (n. 9): 1715–16; Guy Halsall, *Barbarian Migrations and the Roman West, 376–568* (Cambridge: Cambridge University Press, 2007): 152, maintains the translation of *laeti* as “the joyous”.

<sup>13</sup> For a discussion of the early medieval evidence see Leonard Bloomfield, “*Salic litus*,” in *Studies in Honor of Hermann Collitz* (Baltimore: Johns Hopkins Press, 1930): 83–94.

*laeti*, or are at least connected to it.<sup>14</sup> Semantically, *laetus*, *letus*, *ledus*, Old English *laet*, Old Saxon *lêt*, Old Frisian *lâz* or *lât*, but also Old High German *lâz*, all seem to denote a person who had undergone some kind of status-changing procedure. This is indicated by the fact that most of these terms are also attested in nouns combined with vernacular words such as *fra*, *frêo*, *frî* or *fry*, which refer to freedpersons (in modern German ‘Freigelassene’);<sup>15</sup> moreover, in Latin legal texts we find the term *litus* occasionally replaced by the word *libertus*.<sup>16</sup> Apparently, these people were regarded as ‘free’ or, more precisely, as having become free at a certain point in time, which seems to be the first aspect they had in common.

The fact that a vernacular term entered the Latin language and was widely used in numerous texts is in itself revealing. It points to a high degree of linguistic ‘mobility’ typical for the late Roman army, which was composed of mixed groups of Romans and ‘barbarians.’ The Roman army created a social environment which encouraged a certain fluidity between Latin, Greek and vernacular words, with many terms becoming Latinized. This is also attested by terms such as *burgus* for a special type of fortification; or by the military manuals. Against this background it should be emphasized that many late Roman texts that mention *laeti* were written in ‘official’ language that had legal implications. Late Roman legal terminology incorporated the barbarian term *laeti* to denote the distinct legal status of this specific group. Another important lesson to be drawn from the terminology is the fact that neither *laeti* nor *liti* appear to have designated specific ethnic groups. There is thus no need to fall into the trap of ethnic identities<sup>17</sup> or the question of continuities between ethnically defined groups.<sup>18</sup> This is why our search for possible links between the two groups and their designations has to focus on their legal status and military function alone.

14 See Gabriele von Olberg, “Liten,” in *Reallexikon der germanischen Altertumskunde* 18 (2001): 516–19, who proposes a Frankish origin of the word which had already entered late Roman Latin and also came to influence Frisian and Old Saxon terminology in the early medieval period; see also von Olberg-Haverkate, “Liten,” in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 2, 2nd ed., ed. Albrecht Cordes et al. (Berlin: Erich Schmidt, 2016): 1013–15.

15 See Rosemarie Lühr, ed., *Etymologisches Wörterbuch des Althochdeutschen* 5 (2014): 1069–70; *Deutsches Rechtswörterbuch. Wörterbuch der älteren deutschen Rechtssprache* 8 (1991): 717–18 (s. v. “Lasse”). See also Gerhard Köbler, “Zur Lehre von den Ständen in fränkischer Zeit,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 89 (1972): 161–74.

16 Von Olberg-Haverkate, “Liten” (n. 14): 1013–14.

17 For an original argument and a balanced discussion see Avshalom Laniado, *Ethnos et droit dans le monde protobyzantin, V<sup>e</sup>–VI<sup>e</sup> siècle: Fédérés, paysans et provinciaux à la lumière d’une scholie juridique de l’époque de Justinien* (Geneva: Droz, 2014).

18 See the discussion in Hans-Werner Goetz and Helmut Reimitz, “Kontinuitätsprobleme,” in *Reallexikon der Germanischen Altertumskunde* 17 (2001): 210–19.

## 2 Late Roman *laeti*

In the late Roman period, *laeti* are attested in the Theodosian Code and its amendments, the *Notitia dignitatum*, in historiographical texts and in panegyrics delivered around 300.<sup>19</sup> Despite their being occasionally ‘gentilized’ as ‘non-Romans’ or ‘barbarians’ in late Roman historiographical sources, it has been pointed out that *laeti*, although they were often settled as communities of non-Romans, did clearly not belong to one specific ethnic group.<sup>20</sup> The term referred instead to the status of a specific legal category that had been created by Romans for non-Romans. *Laeti* were non-Romans settled on land which usually belonged to the fisc,<sup>21</sup> who served in military units under the command of a specific prefect (*praefectus laetorum*). Since their settlement on Roman soil seems to have been a defining element of *laeti*, these settlements have often been referred to as ‘colonies of *laeti*.’<sup>22</sup> It has therefore been suggested that, in contrast to *dediticii*, for instance, *laeti*, apparently of barbarian origin, voluntarily joined the Roman army and were given land in reward for their service.<sup>23</sup> Their prime motivation apparently was to settle within the Empire, as they could simply have joined the army directly.<sup>24</sup> The obligation to perform military service seems to have been the price they paid for being able to settle as a group within the Empire.

19 For a general overview see Moritz Schönfeld, “Laeti,” in *Pauly’s Realencyclopädie der classischen Altertumswissenschaft* 23 (1924): 446–48. Further studies include L. Brosch, “Laeti. Untersuchungen über eine Kategorie germanischer Siedler und Soldaten im römischen Gallien” (PhD diss., Universität Hamburg, 1954) (*non vidi*); Heli Roosens, “*Laeti, foederati* und andere spätrömische Bevölkerungsniegerschläge im belgischen Raum,” *Die Kunde N.F.* 17 (1966): 89–109; Rigobert Günther, “Einige neue Untersuchungen zu den Laeten und Gentilen in Gallien im 4. Jahrhundert und zu ihrer historischen Bedeutung,” *Klio* 59 (1977): 311–21; Christopher J. Simpson, “Julian and the *laeti*. A Note on Ammianus Marcellinus, XX, 8, 13,” *Latomus* 36 (1977): 519–21; Christopher J. Simpson, “*Laeti* in Northern Gaul: A Note on Pan. Lat. VIII, 21,” *Latomus* 36 (1977): 169–70; Domenico Lassandro, “I cultores barbari (*Laeti*) in Gallia da Massimo alla fine de 4. secolo d.C.,” in *Conoscenze etniche e rapporti di convivenza nell’antichità*, ed. Marta Sordi (Milan: Vita e Pensiero, 1979): 178–88.

20 Schönfeld, “Laeti” (n. 19): 447; Adolf Lippold, “Laeti,” in *Der Kleine Pauly. Lexikon der Antike* 3 (1969): 449–50; Peter Kehne, “Laeti,” in *Der Neue Pauly*, vol. 6, ed. Hubert Cancik and Helmuth Schneider (Stuttgart: J.B. Metzler, 1999): 1061.

21 Joachim Szidat, “*Terrae laeticae* (Cod. Theod. 13, 11, 10),” in *Historische Interpretationen. Gerold Walser zum 75. Geburtstag dargebracht von Freunden, Kollegen und Schülern*, ed. Marlis Weinmann-Walser (Stuttgart: Franz Steiner, 1995): 151–59.

22 Joachim Szidat, “Laetensiedlungen in Gallien im 4. und 5. Jahrhundert,” in *Actes du II<sup>e</sup> colloque roumano-suisse sur la politique éditiltaire dans les provinces de l’Empire romain* (Bern: Peter Lang, 1995): 283–93.

23 Lippold, “Laeti” (n. 20): 449; Szidat, “*Terrae laeticae*” (n. 21): 151–52; Drinkwater (n. 9): “Laeti”: 1715 and Andreas Roth, “Laeti. II. Rechtsstellung,” in *Handwörterbuch der antiken Sklaverei*, vol. 2, ed. Heinz Heinen et al. (Stuttgart: Franz Steiner, 2017): 1715.

24 Szidat, “*Terrae laeticae*” (n. 21): 152.

The lands of the *laeti*, clearly fiscal in nature, were classified as *praedia functioni obnoxia*.<sup>25</sup> This term designated land whose possessors were personally obliged to perform a specific type of public duty (*munus publicum*). In the case of the *laeti*, this was military service. A law from 399 is our most important source for these *terrae laeticae*:

Since persons of many nations seek the felicity of the Romans and have betaken themselves to Our Empire, and since laetic lands must be furnished to them, no person shall obtain any of these lands except in accordance with Our special annotation. Since some men have either seized more land than they obtained from Us, or by the collusion of the chief decurions or of the municipal defensors, or by rescripts surreptitiously obtained have acquired a measure of land greater than reason demanded, a suitable inspector shall be dispatched who shall recall whatever lands have been either delivered illegally or seized wrongfully by any persons.<sup>26</sup>

The law makes it clear, firstly, that *laeti* were recruited from among many different groups of non-Romans (*ex multis gentibus*); and, secondly, that many of them were motivated by the chance to improve their economic status by becoming possessors of their own piece of land (*terra laetica*). It appears that such attempts were supported by large landowners,<sup>27</sup> and also by municipal authorities, while additional land was seized by them by means of obtaining surreptitious rescripts from the emperor.<sup>28</sup> The emperors made it clear that such lands should only be held by imperial permission. They appointed inspectors and so sought to curb the practice of acquiring additional property.<sup>29</sup> This seems to indicate that military considerations mattered more to the government than potential economic effects. The emperors' argumentation can thus

25 Szidat, "Terrae laeticae" (n. 21): 157–58.

26 Cod. Theod. XIII, 11 (*De censoribus, peraequatoribus et inspectoribus*), 10: [*Impp. Theodosius, Arcadius et Honorius*] AAA.] *Messalae praefecto praetorio*. Quoniam ex multis gentibus sequentes Romanam felicitatem se ad nostrum imperium contulerunt, quibus terrae laeticae administrandae sunt, nullus ex his agris aliquid nisi ex nostra adnotatione mereatur. Et quoniam aliquanti aut amplius quam meruerant, occuparunt aut conludio principalium vel defensorum vel subreptitiis rescriptis maiorem, quam ratio poscebat, terrarum modum sunt consecuti, inspector idoneus dirigatur, qui ea revocet, quae aut male sunt tradita aut inprobe ab aliquibus occupata. Dat. Non. April. Med(iolano) Theodoro V. C. cons. Theodosiani libri XVI cum Constitutionibus Sirmondianis et Leges Novellae ad Theodosianum pertinentes, ed. Theodor Mommsen and Paul M. Meyer (Berlin: Weidmann, 1905): 1, 768; translation from Clyde Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions. A Translation with Commentary, Glossary, and Bibliography* (Princeton: Princeton University Press, 1952): 403.

27 See Geoffrey de Ste. Croix, *The Class Struggle in the Ancient Greek World. From the Archaic Age to the Arab Conquests* (London: Duckworth, 1981): 591.

28 A point made by Szidat, "Terrae laeticae" (n. 21): 156 and 159.

29 For the (mostly fiscal) duties of late Roman officials called *discussores* or *inspectores* see Otto Seeck, "Discussor," *Paulys Realencyclopädie der classischen Alterumswissenschaft*, vol. 5,1 (1903): 1183–87; Otto Seeck, "Inspector," *Paulys Realencyclopädie der classischen Alterumswissenschaft*, vol. 9,2 (1916): 1562. See also Stefan Esders, "Die römischen Wurzeln der karolingischen *inquisitio* in Fiskalsachen," in *L'enquête au moyen âge*, ed. Claude Gauvard (Rome: École française de Rome, 2008): 13–28 (at 19–22).

be compared to some extent to that in the case of *terrae limitanei* where we encounter the same problem.<sup>30</sup> But whereas the *terrae limitanei* seem to have been held by members of regular border troops (the *limitanei*), the lands in question appear not necessarily to have been located along the frontier, but also in the hinterland. It seems that the *laeti* were military, but not part of regular frontier troops.

The law of 399 also allows us to draw certain conclusions regarding the size of the *terrae laeticae*. Interestingly, from the Roman government's perspective a *laetus* in possession of a *terra* constituted some sort of 'military household' in the sense that the land assigned to him was to allow him to perform his task and feed his family. His *terra* therefore needed to be measured and sized in relation to his duty and was to be neither 'larger than [he] deserved' (*amplius quam meruerant*) nor 'greater than reason demands' (*maiorem, quam ratio poscebat, terrarum modum*). As I will show below, this is the starting point for a scholarly debate about possible links to the lands held by early medieval *liti*.

As for the personal status of late Roman *laeti*, a law issued by the emperor Severus in 465 provides some relevant information:

A complaint of all the provincials has come to Us through the Illustrious Ausonius, because [. . .] [t]he *laeti* [. . .] and other guilds assigned to public services have united themselves to the *coloni* and household slaves of certain persons without the knowledge of their masters, and now under the pretext of membership in a public guild they are attempting to absolve from the yoke of slavery the children that they have procreated. Therefore Your Sublime Magnificence shall know that by a divine imperial law which shall live forever, we have sanctioned that if any man or any woman from the public guilds anywhere at all, even from the guildsmen of the City of Rome, should suppose that he should be united with a slave or *colonus*, their children shall belong to those masters to whom it is proved that the *inquilinus* or *colonus* belonged. Those persons shall be excepted, who are known to have united themselves previously, when this law had not been issued to this effect.<sup>31</sup>

<sup>30</sup> On *terrae limitanei* see Detlef Liebs, "Le terre dei *limitanei*," in *Atti dell'Accademia Romanistica Costantiniana XXII: Questioni della terra. Società, economia, normazione, prassi in onore di Mariagrazia Bianchini*, ed. Carlo Lorenzi and Marialuisa Navarra (Napoli: Edizioni Scientifiche Italiane, 2017): 63–81.

<sup>31</sup> Novella Severi 2 [*De corporatis*]: *Impp. Leo et Severus AA. Basilio p(raefecto) p(raetorio) et patricio. Cum per virum inlustrem Ausonium cunctorum ad nos provincialium querella pervenit, eo quod [. . .] laeti et [. . .] aliaque corpora publicis obsequiis deputata quorundam se colonis vel famulis ignorantibus dominis sociassent, et nunc sub specie publicae corporationis procreatos liberos conantur iugo servitutis absolvere, idcirco agnoscat sublimis magnificentia tua divali nos in aeternum lege sanxisse, si qui vel si qua ex corporibus publicis ubi et ubi vel ex corporatis urbis Romae servis vel colonis se crediderint copulandos, agnationem eorum ad eos dominos pertinere, quorum inquilinus vel colonus fuisse constiterit: exceptis his, qui ante eam legem non taliter latam sese iunxisse noscuntur. Data VII Kal. Oct. Hermenrico et Basilico cons.* Taken from Theodor Mommsen and Paul Meyer, eds., *Theodosiani libri: 2*, 201–2 (Berlin: Weidmann, 1962); trans. Clyde Pharr, *The Theodosian Code* (Princeton: Princeton University Press, 1952): 568–69.

This law is important for several reasons: First, it counts the *laeti* among the *corpora publicis obsequiis deputata*, meaning that some *laeti* apparently had a sort of corporate identity as belonging to a *corpus* or *publica corporatio* which was defined by their obligation to yield ‘public obedience.’ Second, the law assumes that *laeti* could marry Roman women.<sup>32</sup> Third, and no less important, the law makes it clear that in case male or female *laeti* entered into relationships with *coloni* or slaves (*famuli*), the children born of such relationships were to be subject to servitude and belong to the master of the *colonus* or *inquilinus*. This clearly echoes a principle of Roman law according to which children born from a relationship between two partners of different legal statuses acquired the status of the lower-status parent.<sup>33</sup> This law therefore, clearly indicates that despite their barbarian origin, *laeti* were considered ‘free’ persons.<sup>34</sup> The status of a *laetus* also seems to have applied to his wife and children, as long as his wife was of equal legal status to himself. This seems to imply that, as a precondition for performing military service, either some sort of manumission or a formal recognition of a *laetus*’ status must have taken place before he could become a member of such a *corpus*. At any rate, in contrast to *dediticii*, who had a lower status, *laeti* enjoyed a recognized legal status as ‘free’ men and could have a career in the Roman military.<sup>35</sup> Being subject to Roman law,<sup>36</sup> in particular to military law and to *ius gentium*,<sup>37</sup> gave them a certain legal capacity. If this assumption is correct, more precision is needed in describing the exact nature of the *laeti*’s dependency and to what degree their legal status meant that they belonged to the ‘free.’ It seems to me that any limitations were related to the land they held, rather than to their personal legal status.<sup>38</sup> This overlap of personal status and land holding – so typical for the late Roman period – is reminiscent, of course, of the debate about the late Roman colonate,<sup>39</sup> but the notion that *laeti* were tied to the lands they cultivated should not be pushed too far. It is true that pieces of allocated fiscal land in a colony were their

32 Oliver Schipp, “Römer und Barbaren: Fremde in der Spätantike und im Frühmittelalter,” in *Fremd und rechtlos? Zugehörigkeitsrechte Fremder von der Antike bis zur Gegenwart. Ein Handbuch*, ed. Altay Coskun and Lutz Raphael (Cologne: Böhlau, 2014): 121–57, 140.

33 See Wulf Eckart Voss, “Der Grundsatz der ‘ärgeren Hand’ bei Sklaven, Kolonen und Hörigen,” in *Römisches Recht in der europäischen Tradition. Symposium aus Anlass des 75. Geburtstages von Franz Wieacker*, ed. Okko Behrends et. al. (Ebelsbach: Gremer, 1985): 117–84.

34 An important point made by Castritius, “Laeten und Latengräber” (n. 10): 581.

35 Schipp, “Römer und Barbaren” (n. 32): 141.

36 Castritius, “Laeten und Latengräber” (n. 10): 581; Drinkwater, “Laeti” (n. 9): 1715. Ralph W. Mathisen deduces from the *laeti*’s right of *postliminium* that they may have enjoyed Roman citizenship, see his “Becoming Roman, Becoming Barbarian: Roman Citizenship and the Assimilation of Barbarians into the Late Roman World,” in *Migration and Membership Regimes in Global and Historical Perspective. An Introduction*, ed. Ulbe Bosma, Gijss Kessler and Leo Lucassen (Leiden: Brill, 2013): 204–5 in 191–220.

37 Roth, “Laeti” (n.23): 1716–17.

38 Castritius, “Laeten und Latengräber” (n. 10): 582.

39 See, most recently, Adriaan J.B. Sirks, “The Colonate in the Later Roman Empire,” *Tijdschrift voor Rechtsgeschiedenis* 90 (2022): 129–47.

individual rewards for performing military service. But it seems obvious that *laeti* were very often deployed in regions that were very distant from their settlements.<sup>40</sup>

Our main source for the regions where *laeti* can be traced in the late Roman period is the *Notitia dignitatum* a document that details the Empire's administrative organization. The part of this document relating to the western half of the Empire is commonly assumed to have been composed around 425.<sup>41</sup> It gives us a list of twelve prefects commanding *laeti* in Gaul, for the most part in various provinces of northern and north-eastern Gaul.<sup>42</sup> These prefects were subordinate to the *magister militum praesentalis a parte peditum*,<sup>43</sup> which suggests that the *laeti* fought as infantry, and that they did not belong to the frontier troops (*limitanei*),<sup>44</sup> but were deployed where the *magister militum* would send them.

The fact that *laeti* are predominantly attested in Gaul<sup>45</sup> has led many scholars to assume that they were mostly of Germanic origin.<sup>46</sup> The *Notitia* does indeed list *laeti*

40 Castritius, "Laeten und Latengräber" (n. 10): 582.

41 For an overview of the scholarship regarding this source and its composition see Klaus-Peter Johné, "Notitia dignitatum," in *Der Neue Pauly*, vol. 8, ed. Hubert Cancik and Helmuth Schneider (Stuttgart: J.B. Metzler, 2000): 1011–13; Daniëlle Slootjes, "Notitia dignitatum," in *Reallexikon für Antike und Christentum*, vol. 25 (2013): 1133–45.

42 *Notitia dignitatum*, In partibus occidentis 42:

33: *Praefectus laetorum Teutonicanarum, Carnunta Senoniae Lugdunensis.*

34: *Praefectus laetorum Bataurorum et gentilium Sueuorum, Baiocas et Constantiae Lugdunensis secundae.*

35: *Praefectus laetorum gentilium Sueuorum, [. . .] et Cenomannos Lugdunensis tertiae*

36: *Praefectus laetorum Francorum, Redonas Lugdunensis tertiae.*

37: *Praefectus laetorum Lingonensium per diuersa dispersorum Belgicae primae.*

38: *Praefectus laetorum Actorum, Epuso, Belgicae primae.*

39: *Praefectus laetorum Neruiorum, Fanomantis Belgicae secundae.*

40: *Praefectus laetorum Bataurorum Nemetacensium, Atrabatis Belgicae secundae.*

41: *Praefectus laetorum Bataurorum Contraginensium, Nouiomago Belgicae secundae.*

42: *Praefectus laetorum gentilium, Remo et Siluanectas Belgicae secundae.*

43: *Praefectus laetorum Lagensium, prope Tungros Germaniae secundae.*

44: *Praefectus laetorum gentilium Sueuorum, Arumbernos, Aquitanicae primae.*

(ed. by Otto Seeck, *Notitia dignitatum accedunt Notitia urbis Constantinopolitanae et Latercula prouinciarum* [Berlin: Weidmann, 1876]: 216–17. See Christopher J. Simpson, "Laeti in the *Notitia dignitatum*: 'Regular' Soldiers vs. 'Farmer-Soldiers'," *Revue Belge de philologie et d'histoire* 66 [1988]: 80–85).

43 Not. Dig. Occ. 42, ed. Seeck (n. 42): 215.

44 See Castritius, "Laeten und Latengräber" (n. 10): 582.

45 A useful map illustrating *laeti* settlements can be found in Karl Heinz Lenz, "Germanische Siedlungendes 3. bis 5. Jahrhunderts n. Chr. in Gallien," *Bericht der Römisch-Germanischen Kommission* 86 (2005): 362; see also Reinhold Kaiser, *Die Franken: Roms Erben und Wegbereiter Europas?* (Idstein: Schulz-Kirchner, 1997): 178.

46 But it is also clear that this is not a compelling argument, as we know for instance that groups of Alans were also settled in Gaul, see Bernard S. Bachrach, "The Alans in Gaul," *Traditio* 23 (1967):

*Francorum* near Rennes (*Redon*),<sup>47</sup> but also various *laeti* more generally described as *gentiles*, for instance in Reims, Le Mans, Bayeux and Coutance.<sup>48</sup> It is also clear from one entry that their settlements could be scattered. A *Praefectus laetorum Lingonensium per diversa dispersorum Belgicae primae* is mentioned for the area of Langres in the province of *Belgica prima*, the capital of which was Trier.<sup>49</sup> It must be emphasized here that the *Notitia dignitatum* focuses exclusively on officeholders and troops. We cannot therefore argue from its silence that there cannot have been other colonies of *laeti* elsewhere.<sup>50</sup> Nevertheless, the entry makes it clear that, initially at least, the Roman government intended to recruit members of a colony of *laeti* from among a single tribe, and that over time, non-Romans from different tribal groups could be recruited as *laeti* and added to an already established settlement.<sup>51</sup>

The general picture that emerges from this brief discussion is that the term *laeti* was an administrative and functional label for groups of barbarians who were integrated into the late Roman military by being settled in colonies that lay in part on fiscal land. Their military function as infantry within the *comitatenses* (the regular late Roman army) attests to their importance, while the fact that they were settled in colonies and given fiscal lands does not allow us to describe their status as dependent in a way that is fully comparable to *coloni*. They certainly did not enjoy Roman citizenship, which means that their status as free inhabitants made them more likely to be subject to *ius gentium* and *ius militare* than to *ius civile*. If they were dependent, their dependency was rooted primarily in the land they held. The holding of fiscal land in reward for military service, which they could pass on to their sons if the latter assumed their fathers' military duties, may indeed have been an important factor in intergenerational continuity that could allow us to explain to some extent the importance of *liti* in post-Roman Gaul.

### 3 Early Medieval *liti*

An analysis of sources for the sixth and seventh centuries, when Gaul was under Frankish rule, results in the impression that *leti* or *liti* (as they were now mostly

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476–89; Bernard S. Bachrach, “Another Look at the Barbarian Settlement in Southern Gaul,” *Traditio* 25 (1969): 354–58.

47 Not. Dig. Occ. 42, 36, ed. Seeck (n. 42): 217.

48 Not. Dig. Occ. 42, 34, 35, 42, ed. Seeck (n. 42): 216–17.

49 Not. Dig. Occ. 42, 37, ed. Seeck (n. 42): 217.

50 Moreover, the 399 law referred to Italy, which is why scholars assume that *laeti* also existed in Italy (Szidat, “Terrae laeticae” [n. 21]: 152) despite the fact that the *Notitia* does not tell us anything about such groups in Italy. We therefore need to be careful not to rely exclusively on the *Notitia*, as it is incomplete.

51 Castritius, “Laeten und Latengräber” (n. 10): 582.

called) are attested in numerous regions not mentioned in the *Notitia dignitatum*. The evidence for early medieval *liti* is generally much richer in both geographical and quantitative terms. It comes largely from two groups of sources: First, references in the early medieval law codes which focus on the personal status of *liti*. Second, we have information on the pieces of land assigned to *liti*, the so-called *mansi lediles*, in polyptychs, charters and manorial records from the ninth century onward. This seems to imply that by the ninth century, large numbers of *liti* belonged, together with their pieces of land, to the manorial organization of churches and monasteries.

The law codes refer to the personal status of *liti*, but do not provide any evidence on their lands.<sup>52</sup> *Liti* are referenced in the Frankish *Lex Salica* and *Lex Ribuaria* of the sixth and seventh centuries, and also in the early ninth-century *Lex Francorum Chamavorum*; in addition, there are numerous references in the *Lex Frisionum* and *Lex Saxonum*, both of which were written under Charlemagne. Finally, there are brief mentions in the seventh-century *Pactus Alamannorum*. In geographical terms, this seems to confirm the impression that early medieval *liti* are predominantly attested in the former Gallic and Germanic provinces, with a significant early medieval expansion into Frisia and Saxony.<sup>53</sup>

Attempts to attribute this wide geographical spread of *liti* to a supposed 'Germanic' influence are both correct and misleading. It is correct to expect primarily members of non-Roman groups behind the label of *liti*, most of which spoke a Germanic language. This was, however, already true for the *laeti*. And, on a more general level, scholars have questioned, and for good reasons, the use of the linguistic label 'Germanic',<sup>54</sup> as it does not help to identify these people and their culture. It strikes me as much more helpful to understand these groups as part of the militarized society in the western provinces of the late Roman empire, a society composed of groups of both Romans and non-Romans.<sup>55</sup> What complicates a 'Germanic' interpretation of the *laeti* or *liti* is the fact that the importance of land ownership as a defining element of social, functional and legal status can certainly not be attributed to 'Germanic' influences. For this reason, it makes much more sense to adopt a late Roman perspective and explain the spread of late Roman *laeti* by tracing how individuals and groups be-

52 For detailed references see Heinrich Boos, *Die Liten und Aldionen nach den Volksrechten* (Göttingen: Robert Peppmüller, 1874); for the most detailed discussion see Joseph Balon, "Les lètes chez des Francs," *Tijdschrift voor Rechtsgeschiedenis*, 33 (1965): 430–46; see also Gerald Beyreuther, "Die frühmittelalterlichen Liten. Untersuchungen zu ihrem sozialökonomischen und ständisch-rechtlichen Status" (PhD diss., Humboldt-Universität zu Berlin, 1981): 23–45.

53 For *laeti* in Kent see Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 19, and Lisi Oliver, "Who was Æthelberht's Laet?", in *Confrontation in late Antiquity. Imperial Presentation and Regional Adaptation*, ed. Linda James Hall (Cambridge: Orchard Academic, 2003): 153–66.

54 See Jörg Jarnut, "Germanisch. Plädoyer für die Abschaffung eines obsoleten Zentralbegriffes der Frühmittelalterforschung," in *Die Sucht nach den Ursprüngen. Von der Bedeutung des frühen Mittelalters*, ed. Walter Pohl (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2004): 107–13.

55 See Laury Sarti, Ellora Bennett, Guido M. Berndt and Stefan Esders, "Introducing Early Medieval Militarisation, 400–900," in *Early Medieval Militarization* (n. 4): 1–28.

came integrated into the late Roman military, and by assuming that this model somehow continued to be practiced in the former provinces of Gaul and Germania under Frankish rule, i.e. by Frankish rulers who could dispose of fiscal possessions they had ‘inherited’ from Roman emperors and acquired by conquest. Naturally, much remains hypothetical here, but some conclusions may be inferred from analogy. It is well known that when they created the Frankish kingdom, the Merovingian kings, whose rule had already been formally recognized by the Roman Empire under the late fifth-century kings Childeric and Clovis, adopted a lot of the resources and infrastructure they found in Gaul, fiscal, military and other. These included military lands and even contingents of the late Roman army.<sup>56</sup> There is thus no reason to doubt that colonies of ‘barbarian’ *laeti* could have been integrated into the Frankish military, along with their lands, just as other categories of lands and troops were.<sup>57</sup>

While scholars disagree over the extent to which Roman military law formed the basis for much of the Lex Salica, it is clear that when Salic law was written down in Latin in the late fifth or early sixth century, it was strongly influenced by legal ideas ultimately deriving from the late Roman military.<sup>58</sup> It is also apparent that the wergild tariffs which dominate the legal world of the Lex Salica, and later *leges barbarorum*, were an attempt to integrate legal differences in status and function into a more or less coherent framework of monetary compensation.<sup>59</sup> Against this background it is striking that the Frankish law codes considered the *liti* principally as ‘free’ or at least ‘freed’ persons. In contrast to slaves, *liti* had full legal capacity<sup>60</sup> to act as witnesses, to

<sup>56</sup> Stefan Esders, “Nordwestgallien um 500. Von der militarisierten spätrömischen Provinzgesellschaft zur erweiterten Militäradministration des merowingischen Königtums,” in *Chlodwigs Welt. Organisation von Herrschaft um 500*, ed. Mischa Meier and Steffen Patzold (Stuttgart: Franz Steiner, 2014): 339–61.

<sup>57</sup> Thomas Anderson, “Roman Military Colonies in Gaul, Salian Ethnogenesis and the Forgotten Meaning of *Pactus Legis Salicae* 59.5,” *Early Medieval Europe* 4 (1995): 129–44.

<sup>58</sup> Jean-Pierre Poly, “La corde au cou. Les Francs, la France et la loi Salique,” in *Genèse de l’état moderne en méditerranée. Approches historique et anthropologique des pratiques et des représentations*, ed. École française de Rome (Rome: École française de Rome, 1993): 287–320; Elisabeth Magnou-Nortier, “Remarques sur la genèse du *Pactus Legis Salicae* et sur le privilège d’immunité (IV<sup>e</sup>–VII<sup>e</sup> siècles),” in *Clovis – histoire et mémoire, 1: Clovis et son temps, l’événement*, ed. Michel Rouche (Paris: Presses de l’Université de la Sorbonne, 1997): 495–538; Soazick Kerneis, “Le pacte et la loi. Droit militaire et conscience Franque à la fin de l’Empire romain,” in *Auctoritas. Mélanges offerts à Olivier Guillot*, ed. Giles Constable and Michel Rouche (Paris: Presses de l’Université Paris-Sorbonne, 2006): 129–41; Étienne Rénard, “Le *Pactus legis Salicae*, règlement militaire romain ou code de lois compilé sous Clovis?” *Bibliothèque de l’École des chartes* 167 (2009): 321–52; Karl Uhl, “Im Bann der Traditionen. Zur Charakteristik der *Lex Salica*,” in *Chlodwigs Welt* (n. 56): 423–45; Karl Uhl, *Sinnstiftungen eines Rechtsbuchs. Die Lex Salica im Frankenreich* (Ostfildern: Thorbecke, 2016): 53–66.

<sup>59</sup> Stefan Esders, “Wergild and the Monetary Logic of Early Medieval Conflict Resolution,” in *Wergild, Compensation and Penance. The Monetary Logic of Early Medieval Conflict Resolution*, ed. Lukas Bothe et al. (Leiden: Brill, 2021): 1–37.

<sup>60</sup> See Boos, *Die Liten und Aldionen nach den Volksrechten* (n. 52): 14.

recruit oath-helpers at court, and to pledge a *fides facta*.<sup>61</sup> They were able to enter into lawful marriages in which the husband bestowed a *morgangaba* on his wife. Moreover, as can be seen from another paragraph of the Lex Salica, there was a regular wergild for *liti*.<sup>62</sup> However, the picture emerging from the law codes is fairly differentiated: According to the Lex Salica, the wergild of a *litus* was 100 *solidi*; i.e. half that of a free person, but three times as much as that of a slave,<sup>63</sup> while a Roman *tributarius* had a wergild of 62 ½ *solidi*.<sup>64</sup> This seems to suggest that the status of a *litus* was comparable to that of a freedman, in the sense that both enjoyed a kind of 'limited freedom'.<sup>65</sup> Indeed, the seventh-century Lex Ripuaria refers to a procedure by which a *servus* was manumitted into the status of a *litus*, although he was only assigned a wergild of 36 *solidi*.<sup>66</sup>

Interestingly, several provisions of the Lex Salica deal with a *litus alienus* or a *lita aliena*.<sup>67</sup> The status of being *alieni s iuris* as opposed to being *sui iuris* was clearly a category of Roman law<sup>68</sup> which, as provincial law of Gaul, seems to have influenced to some degree the definition of the legal status of *liti*. Another provision indicates that *liti* were expected to have a *dominus* to whom they owed some sort of loyalty and with whom they possibly went to war.<sup>69</sup> This latter clause is particularly interesting

61 Lex Sal. 50 (*De fide factas*), 1: *Si quis ingenuus aut letus alteri fidem fecerit, tunc ille, cui fides facta est, in XL noctes aut quomodo placitum fecerit, quando fidem fecit, ad dominium illius, qui fide fecit, cum testibus vel cum illis, qui praetium adpretiare debent, venire debet. Et si noluerit fide facta solvere, mallobergo thalasciasco hoc est, DC denarios qui faciunt solidos XV culpabilis iudicetur super debitum <vero>, quod fidem fecerit. (Pactus legis Salicae, Karl August Eckhardt, ed. (Hannover: Hahn, 1962): 189–90.*

62 Lex Sal. 42 (*De homicidiis a contubernio factis*), 4: *De Romanis vero occisis vel letis <et pueris> haec lex <superius conpraehensa ex> medietate solvatur. (Pactus legis Salicae: 164).*

63 Lex Sal. 26.1 and 42.3 (*Pactus legis Salicae*: 96–97 and 163–64).

64 Lex Sal. 42.4 and 41.10 (*Pactus legis Salicae*: 164 and 157).

65 See Gabriele von Olberg, "Halbfreie," in *Reallexikon der germanischen Altertumskunde* 13, ed. Heinrich Beck et al. (Berlin: De Gruyter, 1999): 401–5. This article also discusses the problematic category of 'semi-free' or 'half-free', which had often been used in older German scholarship.

66 Lex Rib. 65 (62) [*De homine qui servum tributarium facit*] 2: *Si quis servum suum tributarium aut litum fecerit, si quis eum interfecerit, 36 solidos culpabilis iudicetur. (Franz Beyerle and Rudolf Buchner, eds., Lex Ribuarua [Hannover: Hahn, 1954]: 117).*

67 Lex Sal. 13 (*De raptum ingenuorum vel mulierum*) 5: *Raptor vero MMD denarios qui faciunt solidos LXII semis culpabilis iudicetur. [ . . . ] 7: Si vero [quis] puer regis <fuerit> vel letus <qui> ingenuam feminam traxerit, de vita componat. [ . . . ] 10: Si quis litam alienam ad coniugium sociaverit, mallobergo am (b)a(h)tonia, MCC denarius qui faciunt solidos XXX culpabilis iudicetur. (Pactus legis Salicae: 60–62).*

68 See Helge Dedek and Martin Schermaier, "Sui iuris," in *Encyclopedia of Ancient History*, ed. Roger Bagnall et al. (Oxford: Wiley-Blackwell, 2013): 11, 6440–6441.

69 Lex Sal. 26 (*De libertis <extra consilium domini sui> dimissis*) 1: *Si quis <homo ingenuus> alienum letum, qui apud domino suo in hoste fuerit, extra consilium domini sui ante rege per denarium ingenuum dimiserit et ei fuerit adprobatum, mallobergo maltho thi atomeo leto hoc est, IV M denarius qui faciunt solidos C (100) culpabilis iudicetur. Res vero leti ipsius legitime <domino> reformatur. 2. Si quis vero servum alienum per denarium ante regem ingenuum dimiserit et ei fuerit adprobatum, mallober-*

as it points to the possibility that a *litus* could be manumitted by the procedure of penny-throw in the presence of the king.<sup>70</sup> Such an act conferred the highest type of freedom available in Frankish society<sup>71</sup> on a *litus*, which gave him a wergild of 200 *solidi*; however, it required the consent of the *litus*'s lord. The provision in the Lex Ripuaria quoted above suggests that some sort of manumission was necessary if a person had not been born into the status of *litus*.<sup>72</sup> That the *liti* were expected to perform military service is also shown by a chapter of the Lex Salica that deals with homicide committed by an armed band, a *contubernium*.<sup>73</sup>

Regulations dealing with marriages suggest that the status of *litus* according to the Lex Salica was inferior to the *laeti* in late Roman law, and that the lawmakers sought to prevent a *litus* from entering into marriage with a higher-status partner: For instance, a free woman who married a *litus* was to lose her free status; a *litus* was to suffer the death penalty for touching a free woman.<sup>74</sup> The regulations concerning *liti alieni* also indicate that their legal capacity seems to have been limited by some sort of guardianship or tutelage. It is obvious that the compilers of the code were keen to keep this group separate and prevent it from mixing with higher-status groups.

The overall image we gain, especially from the Lex Salica, is one in which the *liti* appear as legally free, but significantly worse off than the free Franks, while their dependency becomes visible in their treatment as *alieni s iuris*. If we try to find a historical explanation for this, we may suspect that when the Franks integrated the various groups in Northern Gaul into wergild classifications, they respected the legal status of *liti* to some extent, since the latter had some military importance, but clearly sought to put them at some distance to the freeborn Franks who were considered the most important subjects of Salic law. This appears remarkable, since we may suspect that many *liti* had indeed been Franks, ethnically speaking. But their ethnic and functional status was overshadowed by their dependency on nobles. An explanation for this could be that after the establishment of Frankish rule over Northern Gaul, kings and nobles took possession of fiscal lands with military settlements, and thus became lords of the *liti*. But this has to remain rather speculative, as the Lex Salica is silent on

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*gho maltho this atomeo theo hoc est, MCCCC denarios qui faciunt solidos XXXV culpabilis iudicetur et <insuper> praetium servi domino suo reddat. Res vero ipsius servi proprius dominus recipiat.* (Pactus legis Salicae: 96–97). See on this Balon, “Les lètes chez des Franks” (n. 52): 438: “Nous pensons que si le législateur a créé une présomption de responsabilité dans le chef du *dominus*, c’est parce que le son lète était à son service et professionnellement habile à manier les armes et expert dans l’art de tuer.”

<sup>70</sup> See Balon, “Les lètes chez des Franks” (n. 52): 435–37.

<sup>71</sup> On this procedure, its effects and its use see Ute Maass, “Die Freilassung durch Schatzwurf in den Urkunden der karolingischen, sächsischen und salischen Kaiser und Könige. Studien zur Freilassungspraxis frühmittelalterlicher Herrscher” (PhD diss., Ruhr-Universität Bochum, 2007).

<sup>72</sup> See above, n. 66. See also Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 32.

<sup>73</sup> Lex Sal. 42 (*De homicidiis a contubernio factis*) 4: see above, n. 62.

<sup>74</sup> Lex Sal. 13 (*De raptum ingenuorum vel mulierum*) 5, 7 and 10: see above, n. 67.

any connection between the *liti* and fiscal lands.<sup>75</sup> Nevertheless, we need to ask how the status of *litus* was defined, and how it was passed down to future generations. While the Lex Salica seems to imply that the status was acquired by birth, it makes more sense in my opinion to assume that the possession of land was the most effective way to make the military profession inheritable, if the son of a *litus* acquired his father's land in compensation for taking over the latter's military duties.<sup>76</sup> This was, after all, a well-established method in the later Roman Empire,<sup>77</sup> and there is no reason to think that the Frankish rulers departed from this tradition when they assumed power in the former Roman provinces of Gallia and Germania.

The careful calibration of wergild tariffs, so typical for the barbarian law codes, shows that the legal world as a whole underwent a fundamental process of transformation at this time. It led to an evaluation of individuals and groups according to their legal status and function, with free Franks being assigned the highest 'value'. In this profoundly changed legal world, which had abandoned many of the Roman binary distinctions, 'barbarian' was not simply 'barbarian' anymore. But it seems that for the *liti*, this process did not result in a significant improvement of their legal condition.

The law codes were interested only in the personal status of a *litus*, not in their possessions and lands. For information on what might have happened to the late antique *terrae laeticae* in the early medieval period, we need to turn to the eighth and ninth centuries. Sources that refer to the manorial economy of Carolingian monasteries such as Saint-Germain-des-Prés in Paris, or at Lorsch, Prüm and Fulda, provide more precise information in geographical terms and allow us to say something about the *liti*'s holdings and functions around this time. What is most striking here is that *liti* held special pieces of land that constituted a household (*mansa ledilia* or *hube lido-rum*). This was a category clearly different from *mansi ingenuiles* and *mansi serviles*, that is 'free households' and 'unfree households.' There has been some debate about the precise function and on the origins of those land units, *mansus* or *huba*, that were so characteristic for early medieval manorial organization.<sup>78</sup> Before we can go on to define in more detail the nature of a *mansus ledilis*, it should first be emphasized that most, if not all, *liti* under ecclesiastical lordship had got there by way of royal donations.<sup>79</sup> This is illustrated by a royal charter issued by Charlemagne in 779. The Frank-

75 This was also emphasized by Balon, "Les lètes chez des Francs" (n. 52): 445.

76 See on this in particular Anderson, "Roman Military Colonies in Gaul" (n. 57).

77 Cf. Bachrach, "Military Lands in Historical Perspective" (n. 3) and Liebs, "Le terre dei *limitanei*" (n. 30).

78 Walter Schlesinger, "Die Hufe im Frankenreich" (1979), in Walter Schlesinger, *Ausgewählte Aufsätze 1965–1979* (Sigmaringen: Thorbecke, 1987): 587–614; Dieter Hägermann and Ulrich Weidinger, "Hufe," in *Reallexikon der germanischen Altertumskunde* 15 (2000): 186–92.

79 Franz Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit* (Wiesbaden: Franz Steiner, 1975): 47–49 and 64.

ish king donated to the monastery of Fulda twenty-five *mansi* that had formerly been held by his *fidelis* Otkarius as a royal benefice.<sup>80</sup> These *mansi* were royal property, as is stated,<sup>81</sup> and were located in the city of Mainz, the former capital of the Roman province of *Germania superior*. It seems that here as in other regions along the Rhine the Frankish kings took over the Roman fisc and assumed control of numerous fiscal possessions,<sup>82</sup> often along with institutions such as mints, *gynaecea* and *fabricae*. However, the bestowal of such possessions on monasteries marks only a second step. The first step would have been the donation of a *mansus* as benefice to a royal *fidelis* such as Otkarius, who could recruit some sort of retinue out of it. Indeed, he may have been a lord of several *liti*, which would make him a *dominus* such as those mentioned in the Lex Salica.<sup>83</sup> In the case of Otkarius's benefice, twenty-five *mansi* basically equaled twenty-five households with their accompanying pieces of land, sixty-six slaves, vineyards etc. On those pieces of land we find seventeen *liti*, whose *mansi* therefore can most likely be classified as *mansi lediles* and who were clearly different from the sixty-six *mancipia*, the slaves. This seems to suggest that the position of *liti* was far better than that of the more numerous *mancipia*. The second step documented in the charter was the transferal of their land and functions to a monastery. This meant that the *liti*, since their status was intimately linked to the land held they held, now had an ecclesiastical lord, the monastery of Fulda. They would have been keen to ensure that in this transition from a royal to an ecclesiastical lord, their special status continued to be recognized and did not deteriorate.<sup>84</sup>

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<sup>80</sup> Carolus [gratia Dei] rex Francorum et Langobardorum ac patricius Romanorum. Quicquid enim loca venerabilia sanctorum propter nomen domini concedimus vel concedendo firmamus. Hoc nobis ad salute et profectum animae atque stabilitatem regni nostri pertinere confidimus. Igitur notum sit omnium fidelium nostrorum magnitudini, qualiter nos propter nomen domini et animae nostrae salute donamus atque contradimus ad Fuldense monasterium, ubi praeciosissimus Christi martyr Bonifacius corporaliter requiescat et vir venerabilis Sturmio abba turmae monachorum praeesse videtur, donatumque in perpetuum esse volumus quasdam res proprietatis nostrae, hoc est in pago Wormacense, quicquid fidelis noster Otkarius per nostrum beneficium visus est habuisse, hoc est in Mogontia civitate mansos XXV et mancipia LXVI et XVI lidos et vineas ad ipsa beneficia pertinentes. [ . . . ] *Die Urkunden Pippins, Karlmanns und Karls des Großen*, 2nd ed., ed. Engelbert Mühlbacher (Berlin: Weidmann, 1956): nos. 127, 177.

<sup>81</sup> Cf. Staab, *Untersuchungen zur Gesellschaft am Mittelrhein* (n. 79): 47–48, and Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 53–54.

<sup>82</sup> On problems related to 'fiscal succession' see Stefan Esders, "'Öffentliche' Abgaben und Leistungen im Übergang von der Spätantike zum Frühmittelalter: Konzeptionen und Befunde," in *Von der Spätantike zum frühen Mittelalter: Kontinuitäten und Brüche, Konzeptionen und Befunde*, ed. Theo Kölzer and Rudolf Schieffer (Ostfildern: Thorbecke, 2009): 234–42 in 189–244.

<sup>83</sup> See above, n. 69.

<sup>84</sup> On the *liti* of Fulda see also Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 52, 63 and 66.

Mainz lay at a distance of about one hundred miles from Fulda. But the status of this monastery, which had been founded by Boniface, was enormously elevated by Charlemagne through donations like the one discussed here.<sup>85</sup> In the ninth century, Fulda had between six and seven thousand *mansī*,<sup>86</sup> which means that it must have had more than 25,000 dependents scattered over several regions. It also maintained a militia of considerable size.<sup>87</sup> Charlemagne's charter thus seems to document an early stage of Fulda's rise to becoming an ecclesiastical principality. The monastery also played an important part in the Middle Rhine Valley.<sup>88</sup> However, the charter does not divulge whether the 17 *liti* at Mainz were military staff or whether they performed other tasks at the time when they were given to Fulda.

That their military function had not completely disappeared once the *liti* entered the large group of ecclesiastical dependents is clearly documented by the polyptych of the abbey of Prüm in the Moselle region, which was compiled in the late ninth century.<sup>89</sup> In two places called Gemmerich and Nastätten on the eastern bank of the Rhine, the monastery owned twenty-three and twenty-eight *mansa ledilia* respectively. The Gemmerich entry shows what a holder of a *mansus ledilis* was liable to pay per year: a pig with a worth of five *solidi*, two chickens, twenty eggs, flax, several types of wood, torches, etc. This category of dependent persons was also required to perform a number of services and tasks: certain types of corvée labor depending on the seasons, for instance during the harvest period; baking and brewing, but also transport services to the monastery of Prüm and to Sankt Goar, called *angaria*; horse transport called *parafredus*. There were also military duties, but these could be substituted by the payment of an ox for which the holders of four *mansa ledilia* could club together.<sup>90</sup> Obligations

85 Franz Staab, "Der Grundbesitz der Abtei Fulda bis zur Mitte des 9. Jahrhunderts und seine Stifter," in *Hrabanus Maurus und seine Schule. Festschrift der Rabanus Maurus-Schule 1980*, ed. Winfried Böhme (Fulda: Rabanus-Maurus-Schule, 1980): 48–63.

86 Ulrich Weidinger, *Untersuchungen zur Wirtschaftsstruktur des Klosters Fulda in der Karolingerzeit* (Stuttgart: Anton Hiersemann, 1991): 116–28.

87 Konrad Lübeck, "Vom Reichskriegsdienste des Klosters Fulda," *Fuldaer Geschichtsblätter* 28 (1936): 1–13, and 29 (1937): 55–64.

88 Staab, "Der Grundbesitz der Abtei Fulda" (n. 85).

89 Ingo Schwab, ed., *Das Prümer Urbar* (Düsseldorf: Droste, 1983). The fundamental study is Ludolf Kuchenbuch, *Bäuerliche Gesellschaft und Klosterherrschaft im 9. Jahrhundert. Studien zur Sozialstruktur der Familia der Abtei Prüm* (Wiesbaden: Franz Steiner, 1978).

90 [104] *De Gembrigke. Sunt in Gembriche mansa ledilia .XXIII. Solvit unusquisque ualem valente solidos .V.; de lino libram .I., pullos .II., ova .XX.; axiles .C., ligna carrda(as) .V., faculas .V., palos .III. Inter quatuor lediles bovem hostilicium .I., parafredum, ubicumque precipitur illi; angarium ad monasterium, id est modios VIII. Ad Sanctum Goarem .II., corvadas .III.; unum diem ad fimum ducendum; ad fenum et ad messem in ebdomada dies .II., cum duobus mancipiis; glaves .III. circa dominicatum curtem, alias .III. circa broil .V. perticas habens longitudinis et ipsa pertica debet .XV. pedes habere in longitudinis; brazare et quoquere debent; tres .XV. noctes in anno; scindalas .L., substratoria ligna carrad(am) .I. ad dominicatum scuram; iugera .II., iornales precatorios duos. Qui dimidium servitium faciunt, sunt .VI. Solvit unusquisque de lino libram semis, aut camsilem semis facit; puillum .I., ova .X., axiles .L., scibda-*

to perform *angaria*<sup>91</sup> and *paraveredus* (with, again, four *mansi* jointly providing one horse),<sup>92</sup> to provide wood and to bake, lead us straight back to the catalogue of *munera publica* (public duties) given in late fourth-century imperial laws.<sup>93</sup> The ninth-century version had no individual duties, so to speak, but rather *munera* that were attached to individual pieces of property.<sup>94</sup> This, of course, had also applied to the *terrae laeticae*.<sup>95</sup> As Franz Staab convincingly argued, many of the so-called Lazenhufen or *mansi lediles* were located along old Roman roads.<sup>96</sup> These *mansi* were apparently created out of former imperial and fiscal properties, which the Frankish kings continued to use in this function by assigning them to *liti*; moreover, as Staab also showed, the Frankish rulers also introduced these *mansi* into regions which had never belonged to the Roman Empire.<sup>97</sup>

The entry in the polyptych also shows that the holders of *mansi serviles* were far worse off than holders of a *mansus ledilis*: Those in possession of a *mansus servilis* did not have to perform military service or make a substitute payment, because they were not considered free; for the same reason, they had to work three days a week on their ecclesiastical lord's manor.<sup>98</sup> The *liti*, by contrast, had better conditions that seem to reflect their 'free' or 'freedmen' status. Although a labor service of two days a week was sometimes imposed on their *mansi*,<sup>99</sup> their obligations and services were fixed in considerable detail, since the *mansa ledilia* had become part of the complex ecclesiastical organization, which was centered on the manor and the *mansi*. For this reason the holders of *mansi lediles* also had to contribute to the functioning of the

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*las .XXV., palos .IIII., glaves .III., corvadas .III., angariam ad monasterium modios .IIII., ad Sanctum Goarem .II., parafredum dant. Inter illos .VIII. bovem hostilicium .I.; iugera .II., iornales precatorios .II.; ad messem et ad fenum duos dies in ebdomada cum duobus mancipiis; brazant et coquunt; ligna stratoria carrad(as) .II. ad dominicatum scuram. [ . . . ] Sunt ibi mansa servilia .II. Faciunt omni ebdomada dies .III.; pullum .I., ova .X., iugera .II., iornalem .I., angariam ad Sanctum Goarem modios .II., ad monasterium modios .IIII.; ad messem et ad fenum .III. dies cum uxore sua et ad linum colligendum et parandum.* (in Schwab, ed., *Das Prümer Urbar* [n. 89]: 245–46).

91 See Michael Windhausen, "Angaria und scara im Prümer Urbar. Transport- und Botendienste in einer frühmittelalterlichen Grundherrschaft im Kontext römischer Verkehrswege," *Beiträge zur Geschichte des Bitburger Landes* 16 (2006): 4–30.

92 On *paraveredus* see Esders, "'Öffentliche' Abgaben und Leistungen" (n. 82): 191–205. On Lorsch see Staab, *Untersuchungen zur Gesellschaft am Mittelrhein* (n. 79): 43–45.

93 Esders, "'Öffentliche' Abgaben und Leistungen" (n. 82): 192–93 (with references).

94 Hermann Horstkotte, "Systematische Aspekte der *munera publica* in der römischen Kaiserzeit," *Zeitschrift für Papyrologie und Epigraphik* 111 (1996): 233–55.

95 Szidat, "*Terrae laeticae*" (n. 21).

96 Staab, *Untersuchungen zur Gesellschaft am Mittelrhein* (n. 79): 32–88.

97 Staab, *Untersuchungen zur Gesellschaft am Mittelrhein* (n. 79): 87. On 'public' functions performed by *liti* that were related to itinerant kingship see Staab, *ibid.*: 44–47.

98 Staab, *Untersuchungen zur Gesellschaft am Mittelrhein* (n. 79): 55.

99 Cf. Volker Henn, "Zur Bedeutung von 'Mansus' im Prümer Urbar," in *Verführung zur Geschichte. Festschrift zum 500. Jahrestag der Eröffnung der Universität Trier, 1473–1973*, ed. Georg Dröge et al. (Trier: NCO-Verlag, 1973): 42–43 in 35–45.

manor by providing labor services to a certain extent. Although they were needed to supply the monastery with its necessities and also to do some work on the estate, the revenue of the *mansa ledilia* continued to serve political functions, such as providing military service, ‘public’ transportation, or accommodation expenses for the king when he was traveling.<sup>100</sup>

## 4 Conclusion: The Legal Status of *laeti* and *liti* and its Transformation

To trace the fate of a social group over such a large temporal and geographical distance is a methodological challenge. The prime aim of this contribution therefore was to address some problems that appear inevitable when one is tracking a historical phenomenon over a period that saw many changes and thus shows a striking imbalance in the extant sources. Some preliminary generalizations along with a few final conclusions may help us to refine the questions set out at the beginning.

The legal status of *laeti* and *liti* is, of course, of crucial importance. To what extent was *laetus* (in late antiquity) and *litus* (in the early Middle Ages) a personal status? What were the implications of *laeti* and *liti* possessing fiscal lands? With regard to their personal status, it seems clear that both *laeti* and *liti* enjoyed a status that can be characterized as ‘free,’ so that in their legal capacity they were far better off than slaves and most likely also than *coloni*, perhaps more similar to freedmen. It is therefore not helpful to describe their status as ‘half-free.’<sup>101</sup> *Laeti* and *liti* were always considered to be ‘free’ in the sense that they could and were expected to perform military service. Since regulations on marriage figure prominently in some of the legal sources discussed, we can also assume that the status of being a *laetus* or *litus* was passed down the generations by birth, in particular if both parents belonged to this social group. The wergild tariffs also suggest that we should regard *litus* as a personal legal status that depended on membership in a specific group.

A second defining element was possession of a piece of property that ultimately derived from the fisc and was given to a *laetus* / *litus* to oblige him to perform military service. This land could be handed down from a *laetus* to his son if the latter was able and willing to assume his father’s duties. It seems that this piece of fiscal property was precisely sized so as to allow the *laetus* both to perform public service and feed his family. Despite many differences, it is clear from both late antique and early medieval sources that rulers and lords used fiscal property to create a kind of a ‘military

<sup>100</sup> On the transformation of such services into cash payments see Rudolf Kötzschke, “Zur Geschichte der Heeressteuern in karolingischer Zeit,” *Historische Vierteljahrschrift* 2 (1899): 231–43.

<sup>101</sup> See the critique by Von Olberg, “Halbfreie” (n. 65).

household' for a *laetus* or *litus* and his family. This brings us to the larger, much debated, question of what the late Roman precursors of the early medieval *colonica*, *mansus* or 'Hufe' may have been. Was there anything like this in the late Roman period? Could it be, for instance, that the late Roman *iugum* is in any way linked with this development?<sup>102</sup> Might the *fundus cum instrumento* have served as a model?<sup>103</sup> Or was the *villa* the most relevant entity in this context?<sup>104</sup> It seems reasonable to assume that such functional units based on fiscal property could have marked the beginning of a phenomenon that emerges in more detail in the early medieval sources. But this remains a hypothesis. Moreover, the facts that *mansi lediles* are also attested in Saxony,<sup>105</sup> and that the Saxon laws refer to *liti* as a third category of people (in addition to free and unfree),<sup>106</sup> seem to suggest instead that the Franks newly introduced it into the law after their conquest of Saxony – and not that they encountered it there as an old Saxon institution.<sup>107</sup> At any rate, the large number of *liti* in the early medieval sources suggests that the Frankish rulers created many new households from the eighth century onward by parcelling fiscal property into *mansi lediles*. Moreover, it seems that many additional *mansi* were created after the transfer of fiscal possessions to churches and monasteries,<sup>108</sup> and that large numbers of new *liti* may have come about through manumission.<sup>109</sup> Several early medieval sources refer to a payment called *litimonium* or *lidimonium*. It is not quite clear whether the *litimonium* had to be

102 Esders, "Öffentliche' Abgaben und Leistungen" (n. 82): 206–34.

103 On this question see Hans Oppikofer, *Das Unternehmensrecht in geschichtlicher, vergleichender und rechtspolitischer Betrachtung* (Tübingen: Mohr Siebeck, 1927): 32–44 and 62, with the critique by Artur Steinwenter, *Fundus cum instrumento, Eine agrar- und rechtsgeschichtliche Studie* (Vienna: Holder/Pichler/Tempisky, 1942): 39, 54, 65–66, 86 and 102.

104 Élisabeth Magnou-Nortier, ed., *Aux sources de la gestion publique, t. 1: Enquête lexicographique sur fundus, villa, domus, mansus* (Lille: Presses universitaires de Lille, 1993); for the role of the fisc in the Carolingian period see Niall Ó Súilleabháin, "Landholding in the Loire Valley and the Late Carolingian Economy (c.840–c.1000)," *Early Medieval Europe* 31 (2023): 274–96.

105 Kötzschke, "Zur Geschichte der Heeressteuern" (n. 100).

106 Götz Landwehr, "Die Liten in den altsächsischen Rechtsquellen. Ein Diskussionsbeitrag zur Textgeschichte der *Lex Saxonum*," in *Studien zu den germanischen Volksrechten. Gedächtnisschrift für Wilhelm Ebel*, ed. Götz Landwehr (Frankfurt am Main: Peter Lang, 1982): 117–42.

107 Martin Lintzel takes the latter view (*liti* as an old Saxon institution), but he also assumes a Frankish intervention in the definition of a *litus*'s wergild see Martin Lintzel, "Zur altsächsischen Rechtsgeschichte," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 52 (1932): 294–321.

108 As has also been observed for the *mansi serviles* see Adriaan Verhulst, *The Carolingian Economy* (Cambridge: Cambridge University Press, 2002): 46.

109 See Kuchenbuch, *Bäuerliche Gesellschaft* (n. 89): 264: "So hat man Grund, auch die weite Verbreitung des *mansus ledilis* in der Früher Grundherrschaft und im Rheinland derartigen Wirkungen und Folgen der Freilassung zuzuschreiben, obwohl direkte Nachrichten vielfach, für Prüm aber völlig fehlen. Zugleich darf man aber daneben andere Phänomene wie die spätrömische Ansiedlung germanischer Liten und das Konnubium zwischen Freien und Unfreien nicht vergessen." See also *ibid.*: 381–82 with some critical remarks on the hypothesis put forward by Staab.

paid for a land holding or for the status of a *litus* under the protection of a monastery, but the latter seems far more likely.<sup>110</sup>

The availability of large portions of fiscal property allowed late antique and early medieval rulers to have new groups perform public duties. However, the effect of these possessions on the status of *laeti* is difficult to trace. Even if we accept the use of fiscal property as a continuous element in the method by which late antique and early medieval rulers integrated groups of ‘others’ into society by requiring them to perform specific public duties, it seems evident that the status of *laeti* or *liti* changed over the course of time. We can observe the *liti* becoming ‘mediatized’ as early as around 500, when the *Lex Salica* mentions *liti* who had *domini*<sup>111</sup> (or later *seniores*<sup>112</sup>), and we can also trace the category of *alieni liti*, i.e. *liti* who were apparently not regarded as *sui iuris*. Their *domini* or *seniores* may have been royal *fideles* who had been given the *terrae laeticae* as a benefice, and later also ecclesiastical lords who acquired *mansi lediles* by royal donation. They may sometimes have been held liable for misdeeds committed by their *liti*. But the process by which the status of dependency changed remains difficult to trace. Apparently *laeti* – like *coloni* – could be considered to some extent as belonging to the land they possessed, despite their legally ‘free’ status, but we cannot easily discern the precise nature of their intermediate status.

In my view it would go too far to infer from the polyptychs that the designation of *mansus ledilis* for a piece of land no longer meant a *mansus* possessed by a *litus*, but had become merely an abstract category for a certain type of land and the obligations associated with it.<sup>113</sup> It is true that there was social mobility among the holders

**110** Boos, *Die Liten und Aldionen nach den Volksrechten* (n. 52): 11, regarded the *litimonium* as a payment for property. However, the polyptych of the monastery of Saint-Germain-des-Prés (ca. 827), which mentions *liti*, *lidae* and *mansi lediles* on various occasions, lists seven female *lide* for a place called *Nuviliacus* (possibly Neuilly-sur-Eure) who were obliged to pay an annual amount of four *denarii* as *litimonium*: *Iste sunt iede. Berthildis. Leutberga. Gotberga. Celsa. Faregildis. Sigalsis. Bertenildis. Iste solvunt denarios .IIII<sup>or</sup>. de litimonio* (Dieter Hägermann, ed., *Das Polyptychon von Saint-Germain-des-Prés. Studienausgabe* [Cologne: Böhlau, 1993]: 97). The *Formulae Avernae* 3 (Karl Zeumer, ed., *Formulae Merovingici et Karolini aevi* [Hannover: Hahn, 1886]: 30) list the *lidimonium* among payments and obligations of freedmen. The topic requires further investigation (cf. Beyreuther, *Die frühmittelalterlichen Liten* [n. 52]: 44). This and the amount of four *solidi* [comparable to that of *liberti* and *censuales*]) suggest that the payment was an indicator of personal legal status rather than for property.

**111** See above, n. 69.

**112** *Lex Francorum Chamavorum* 44: *Si quis de lido suo pro aliqua causa in ratione fuerit inventus, super noctes 14 ipsum lidum ad placitum adducat, si senior suus in ipso comitatu est. Si in alio comitatu est, ipse lidus suum seniore ad placitum adducat super 25 noctes. Si in tertio comitatu est, super 42 noctes. Si in alio ducatu est, super noctes 84 cum suo seniore veniat ad ipsum placitum* (Rudolph Sohm, ed., *Lex Ribuarie et Lex Francorum Chamavorum* [Hannover: Hahn, 1883]: 122).

**113** Konrad Elmshäuser and Andreas Hedwig, *Studien zum Polyptychon von St. Germain-des-Prés* (Cologne: Böhlau, 1993): 478–80 argued more generally that the legal status of the holder of a *mansus* lost its relevance, while only the quantity of obligations attributed to a *mansus* mattered. While there is

of *mansi*, and that not every *mansus ingenuilis* was held by a free person, nor every *mansus servilis* by a slave. Nevertheless, the overall impression is that many, if not most, holders of *mansi lediles* were indeed considered *liti* and had to meet the obligations imposed on this group. The strict category of *liti* as a group distinct from both free and unfree people which we encounter in Frankish and Saxon laws also supports this assumption.

This calls, finally and once more, for a nuanced treatment of the question of continuities. It is likely that numerous possessions located along Roman roads, which had formerly been in the hands of late antique *laeti*, continued to be used,<sup>114</sup> many probably by early medieval *liti*. Even so, we need to be cautious and not to generalize from this. As we saw, *liti* and *mansa ledilia* are attested in many regions that had never belonged to the Roman Empire, where they were apparently newly introduced by post-Roman rulers. It therefore seems more relevant here to state that both late Roman emperors and Frankish kings used fiscal property to integrate various groups of persons into society by requiring them to perform specific public duties. We can also assume that many slaves were manumitted into the status of *liti* and subsequently given land to meet the obligations typically required of this group. The origin of this practice seems to have been military service in the Roman era, whereas in the early medieval period the holders of *mansi lediles* appear to have had a number of different, precisely defined functions and obligations. Nevertheless, in early medieval sources, including those from Frisia and Saxony, *liti* were, in principle, treated as being obliged to perform military service. In addition, we can see how the *liti*'s obligations became more precisely defined and adjusted to the demand of ecclesiastical landowners. There is even documentary evidence for donors who gave to monasteries their *liti* (*liti mei*) together with the land the latter held in possession.<sup>115</sup>

The legal status of early medieval *liti* needs also to be seen against the background of an increasing differentiation of legally defined groups in the post-Roman societies of the former Roman provinces of Gaul and Germania. This led to the emergence of a great variety of social groups, which is reflected in the law codes, polyptychs and charters, and is especially visible in the basic threefold distinction of free (*liberi, ingenui*), *liti* and unfree (*servi, mancipia*) that pervades so many normative texts from the early medieval period onward. This says much about social dynamics in the Frankish kingdoms, about the 're-ordering' of its increasingly heterogeneous society and, of course, about the growing relevance of the *liti* as a social group. It seems that the special legal category of *liti*, defined initially in the late Roman period

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no reason to reject this tendency in individual cases, it would go too far to see this as general development that impacted all *mansi* and rendered the legal status of their holders irrelevant.

<sup>114</sup> See also Stefan Esders, "The 'Staffelsee Inventory'. Carolingian Manorial Economy, Mobility of Peasants, and 'Pockets of Functional Continuity' in the Transition from Antiquity to the Middle Ages," *Journal of European Economic History* 49 (2020): 206–50.

<sup>115</sup> Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 48–49.

through their manumitted status and their possession of specific lands, was introduced into Frankish and Saxon law in the post-Roman period. However, it was in this period of profound change for military and social organization that many groups of *liti* were mediatized by lay and ecclesiastical lords, who continued to rely on the *liti*'s military obligations when necessary.

A final glimpse into the mid-eleventh century might confirm what has been said above, but can also point to future developments. It is provided by a charter from Osnabrück cathedral in Westphalia, in which a freedman called Werinbreht donated himself and his property to the bishop of Osnabrück to become his *litus*. Werinbreht swore fidelity to the bishop 'as a proper *litus* is deservedly obliged to do' (*sicut proprius liddo merito debuit*).<sup>116</sup> Now that he had become a *litus*, the precise nature of his obligations needed to be clarified. In the Carolingian period and after, *liti* were in principle required to perform military service,<sup>117</sup> so Werinbreht's charter explicitly stated that he, despite now having become a *litus*, was to be free from all military obligations now and in future. We might say that his fidelity had thus become 'demilitarized' in a way.

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<sup>116</sup> *Deinceps vero post breve tempus propter amorem ac dilectionem eiusdem episcopi se ipsum cum omni bono suo, quod tunc habuit et post haec adepturus erat, ad eandem tradidit ecclesiam, et cum sacramento, sicut proprius liddo merito debuit, eidem ecclesiae et episcopo fidelitatem fecit* (Friedrich Philippi, ed., *Osnabrücker Urkundenbuch 1 [772–1200]* [Osnabrück: Selbstverlag des Vereins für Geschichte und Landeskunde von Osnabrück, 1892]: no. 139, 120 [1037–1052]; see also *ibid.*: no. 138).

<sup>117</sup> See Kötzschke, "Zur Geschichte der Heeressteuern" (n. 100): 241–43; Beyreuther, *Die frühmittelalterlichen Liten* (n. 52): 28 – Saxon sources contain a reference to a *iuramentum in manu liti sui* see *Lex Saxonum* 8 (Claudius von Schwerin, ed., *Leges Saxonum und Lex Thuringorum* [Hannover: Hahn, 1918]: 19) which may have had military implications, too; see Landwehr, "Die Liten in den altsächsischen Rechtsquellen" (n. 106): 120.

