

Charlemagne and the *oppressio pauperum*

On Christmas Day in the year 800 in Rome, Charlemagne, king of the Franks and the Lombards, was declared emperor by the Romans and crowned by the Pope.¹ For contemporary annalists from the immediate vicinity of Charlemagne it was very important that he had adopted the *nomen* (name, title) of the emperor.² For them and probably for Charlemagne himself the new dignity posed new challenges. From their point of view a ruler had to fulfil the duties associated with his title, if he wished to hold this title (the *nomen*) properly. Otherwise he could be justifiably replaced by a new king or emperor. Modern scholars refer to this notion as nominalism or name-theory.³ In this context the annals stressed the fact that Charlemagne ruled large sections of the erstwhile Roman Empire and therefore was the true successor of the ancient Caesars.⁴ So, it was not enough to attain an office: It had to be filled with substance. Charlemagne had not merely to hold the title of emperor, he also had to rule like an emperor. In contemporary thinking, the emperor surpassed all Christian kings in prestige. As successor to the ancient Roman *imperatores*, he could even claim a position of ultimate

1 For Charlemagne in general see Rosamond McKitterick, *Charlemagne: The Formation of a European Identity* (Cambridge: Cambridge University Press, 2008); Johannes Fried, *Karl der Große: Gewalt und Glaube* (Munich: C.H. Beck, 2013); Stefan Weinfurter, *Karl der Große: Der heilige Barbar* (Munich: Piper, 2013); Matthias Becher, *Karl der Große*, 6th ed. (Munich: C.H. Beck, 2021), english translation: *Charlemagne* (New Haven: Yale University Press, 2003); Janet L. Nelson, *King and Emperor: A New Life of Charlemagne* (London: Allen Lane, 2019).

2 Georg-Heinrich Pertz and Friedrich Kurze, eds., *Annales regni Francorum et Annales qui dicuntur Einhardi*, in *MGH SS rer. Germ.* 6 (Hannover: Hahn, 1895): s.a. 801, 112: *ablato patricii nomine imperator et augustus est appellatus*; Georg-Heinrich Pertz, ed., *Annales Laureshamenses*, in *MGH SS 1* (Hannover: Hahn, 1826): s.a. 800, 38: *ideo iustum eis esse videbatur, ut ipse [Carolus rex] cum Dei adiutorio et universo christiano populo petente ipsum nomen [imperatoris] aberet*.

3 Cf. Heinrich Fichtenau, "Karl der Große und das Kaisertum," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 61 (1953): 259–61; Helmut Beumann, "Nomen imperatoris: Studien zur Kaiseridee Karls des Großen," in *Ideengeschichtliche Studien zu Einhard und anderen Geschichtsschreibern des früheren Mittelalters*, ed. Helmut Beumann (Darmstadt: Wissenschaftliche Buchgesellschaft, 1962): 80–114; Arno Borst, "Kaisertum und Nomentheorie im Jahre 800," in *Zum Kaisertum Karls des Großen*, ed. Gunther Wolf, *Wege der Forschung* 38 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1972): 216–40; Thomas Ertl, "Byzantinischer Bilderstreit und fränkische Nomentheorie: Imperiales Handeln und dialektisches Denken im Vorfeld der Kaiserkrönung Karls des Großen," *Frühmittelalterliche Studien* 40 (2006): 13–42; Stefan Esders, "Übereinstimmung von Name und Sache: Der Kaisertitel Karls des Großen, die Lorsch Annalen und die römischen Grundlagen der fränkischen 'Nomen-Theorie'," in *Der Erste. Augustus und der Beginn einer neuen Epoche*, ed. Ernst Baltrusch and Christian Wendt (Darmstadt: Verlag Philipp von Zabern, 2016): 122–29.

4 Especially the *Annales Laureshamenses* (n. 2): s.a. 800: [. . .] *qui ipsam Romam tenebat, ubi semper Caesares sedere soliti erant, seu reliquas sedes quas ipse per Italiam seu Galliam nec non et Germaniam tenebat*.

supremacy. He was regarded as the legislator par excellence; the emperors had also played a crucial role, especially within the church, from late antiquity onwards.⁵ Since the time of Constantine the Great, ecumenical councils had taken place in the presence and with the decisive participation of the emperors, who saw themselves as rulers of the Christian world.

However, the conditions in Charlemagne's empire were very different from those faced by the ancient or even the Byzantine emperors. They had ruled their empires with the help of a comparatively intact and efficient administration; there had been trade and an advanced monetary system, and urban centres had been very important for the economy. The Frankish empire was quite different: north-western Europe had experienced an economic decline after the end of the Western Roman Empire. The ancient infrastructure had gradually disintegrated, the importance of urban centres declined, and the economy was dominated by agriculture and livestock farming.⁶ The social structure reflected this.⁷ However, the details are debated.

In the nineteenth century, scholars assumed that the majority of the population in the early Middle Ages was made up of free peasants, *liberi homines*.⁸ They were regarded as the backbone of the Germanic peoples and thought to have played a central political role in the context of general assemblies. According to this view, the *liberi homines* were obliged to pay certain taxes and render certain services to the ruler alone – not to anyone else. Only over time, it was thought, did a dominant noble class emerge which gradually appropriated the land and the rights of free peasants and turned them into serfs. However, more recently researchers have suggested that early medieval societies were already dominated by noble landholders, while the free peasants only played a marginal role.⁹ Now it is certainly correct to assume that the free

5 Cf. Hartmut Leppin et al., eds., *Kaisertum im ersten Jahrtausend: Wissenschaftlicher Begleitband zur Landesausstellung "Otto der Große und das Römische Reich: Kaisertum von der Antike zum Mittelalter"* (Regensburg: Schnell & Steiner, 2012).

6 Cf. Chris Wickham, "Rural Society in Carolingian Europe," in *The New Cambridge Medieval History: c. 700–c. 900*, vol. 2, ed. Rosamond McKitterick (Cambridge: Cambridge University Press, 1995): 510–37.

7 Cf. Régine Le Jan, *Famille et pouvoir dans le monde franc (VIIe–Xe siècle): Essai d'anthropologie sociale*, Histoire ancienne et médiévale 33 (Paris: Publications de la Sorbonne, 1995); Dominique Iogna-Prat et al., eds., *Hiérarchie et stratification sociale dans l'Occident médiéval 400–1100*, Collection Haut Moyen Âge 6 (Turnhout: Brepols, 2008).

8 This view was best summarized by Heinrich Brunner, *Deutsche Rechtsgeschichte*, vol. 2, 2nd ed., ed. Claudius von Schwerin (Berlin: Duncker & Humblot, 1928): 269–328. For a fundamental critique of Brunner see Ernst-Wolfgang Böckenförde, *Die deutsche verfassungsgeschichtliche Forschung im 19. Jahrhundert: Zeitgebundene Fragestellungen und Leitbilder*, Schriften zur Verfassungsgeschichte 1 (Berlin: Duncker & Humblot, 1961): 198–202.

9 See for example the arguments exchanged between Heike Grahn-Hoek, *Die fränkische Oberschicht im 6. Jahrhundert: Studien zu ihrer rechtlichen und politischen Stellung*, Vorträge und Forschungen Sonderband 21 (Sigmaringen: Thorbecke, 1976) and Franz Irsigler, *Untersuchungen zur Geschichte des frühfränkischen Adels*, Rheinisches Archiv 70 (Bonn: Röhrscheid, 1969); see also Thomas Zotz, "Adel, Oberschicht, Freie: Zur Terminologie der frühmittelalterlichen Sozialgeschichte," *Zeitschrift für die Ge-*

peasants did not play as important a role politically as scholars used to think. But they were quite numerous and should therefore not be neglected. Charles West, for example, uses the term *liberi homines* and points out that this expression was a collective term for all those who were neither *servi* (roughly ‘slaves’) nor *coloni* (roughly ‘serfs’) nor *villani* (roughly ‘villeins’), and whom the king regarded as direct subjects of his rule. He required them to pay taxes and render services, even when they had no special personal ties to him.¹⁰ In any case, free peasants are mentioned again and again up to the Carolingian era and, significantly, at times when their freedom was in jeopardy and they were at risk of becoming dependent on a landholder.¹¹

This was also due to the natural conditions with which agriculture had to cope at the time. The size of the harvest, and therefore the economic situation of each individual, depended heavily on the weather. Severe heat in summer, extreme cold in winter, storms or flooding could all lead to crop failure and famine.¹² During the reign of Charlemagne (768–814), rarely a year went by without a catastrophe of such magnitude that it was mentioned in the historiography of the time.¹³ Their better overall situation meant that nobles were generally better able to cope with these crises. In addition, their estates were often spread throughout the empire,¹⁴ so that they were less badly affected, as they seem to have been able to compensate for local crop failures with good harvests in other regions. They then sold the surplus to those in need at maximum prices. The *liberi homines*, by contrast, had to pay their regular dues to

schichte des Oberrheins 125 (1977): 3–20; Matthias Becher, “‘Herrschaft’ im Übergang von der Spätantike zum Frühmittelalter: Von Rom zu den Franken,” in *Von der Spätantike zum frühen Mittelalter: Kontinuitäten und Brüche, Konzeptionen und Befunde*, Vorträge und Forschungen 70, ed. Theo Kölzer and Rudolf Schieffer (Ostfildern: Thorbecke, 2009): 175–87.

¹⁰ Charles West, “Lordship in Ninth-Century Francia: The Case of Bishop Hincmar of Laon and His Followers,” *Past and Present* 226 (2015): 24–26.

¹¹ Cf. Eckhard Müller-Mertens, *Karl der Große, Ludwig der Fromme und die Freien: Wer waren die liberi homines der karolingischen Kapitularien (742/43–832)? Ein Beitrag zur Sozialgeschichte der Karolinger und Sozialpolitik des Frankenreiches*, Forschungen zur mittelalterlichen Geschichte 10 (Berlin: Akademie-Verlag, 1963); Johannes Schmitt, *Untersuchungen zu den Liberi Homines der Karolingerzeit*, Europäische Hochschulschriften 3, 83 (Frankfurt am Main: Peter Lang, 1977).

¹² Fritz Curschmann, *Hungersnöte im Mittelalter: Ein Beitrag zur deutschen Wirtschaftsgeschichte des 8. bis 13. Jahrhunderts*, Leipziger Studien aus dem Gebiet der Geschichte 6, 1 (Leipzig: B.G. Teubner, 1900); Gerhard Schmitz, “Hunger und Wucher: Zur konziliaren Wahrnehmung gesellschaftlicher Wirklichkeit im 9. Jahrhundert,” *Deutsches Archiv für Erforschung des Mittelalters* 70, no. 1 (2014): 121–42; Thomas Wozniak, *Naturereignisse im frühen Mittelalter. Das Zeugnis der Geschichtsschreibung vom 6. bis 11. Jahrhundert*, Europa im Mittelalter. Abhandlungen und Beiträge zur historischen Komparatistik 31 (Berlin: De Gruyter, 2020).

¹³ For an overview see Curschmann, *Hungersnöte* (n. 12): 89–93.

¹⁴ This is true for many monasteries and lay nobles. A well-known example was Eberhard of Friuli, the son-in-law of Louis the Pious, cf. Luigi Provero and Cristina La Rocca, “The Dead and Their Gifts: The Will of Eberhard, Count of Friuli, and His Wife Gisela, Daughter of Louis the Pious (863–864),” in *Rituals of Power: From Late Antiquity to the Early Middle Ages*, ed. Frans Theuvs and Janet L. Nelson, Transformation of the Roman World 8 (Leiden: Brill, 2000): 225–80.

the king and other lords even in the event of bad harvests, and their livelihoods were then threatened. The greatest danger was the loss of their property to a creditor to whom they were indebted due to a bad harvest. In 792/93, i.e. even before Charlemagne's coronation as emperor, he banned this practice during a great famine which killed many and allegedly even led to cannibalism,¹⁵ by setting maximum prices for grain.¹⁶ To give another example: In 802, he offered his help to all those who sought his protection because of a famine.¹⁷

This provision was often repeated in the period that followed, and this has something to do with the new emperor's self-conception, which led to what François Louis Ganshof called the 'imperial government programme'.¹⁸ Its successful implementation was only possible with the support of the economic, political and social elite of the empire. We must therefore also examine their position. To conclude, this paper will ask how the members of the elite exploited their position, for example in the context of compulsory military service.

1 The New Emperor's Self-Conception

Of course, Charlemagne's coronation as emperor had no direct impact on these problems. But the title of emperor, with all its echoes of the old Roman Empire and its Christian connotations, changed the way he governed his empire. Charlemagne had to and wanted to live up to this ideal if his imperial dignity office was not to be merely an empty title. To put it very simply, until then his rule over Franks and Lombards had been based on personal ties. Now he had to adapt his concept of rule to his newly acquired emperorship.

This new conception was difficult to create. *Charlemagne* remained in Rome another four months after his coronation, without any activities that we know of. He probably wanted to find a solution to this problem. It is striking that almost no diplomas have survived from this period or the months that followed, which can only be interpreted as an indication of the emperor's uncertainty about his new role.¹⁹ After his departure from Rome he travelled to Ravenna, another ancient capital of the

15 Annales Laureshamenses (n. 2): s.a. 793, 35; Annales Mosellani, ed. Johann M. Lappenberg, in *MGH SS* 16 (Hannover: Hahn, 1859): s.a. 793, 498.

16 Concilia aevi Karolini I, ed. Albert Werminghoff, in *MGH Conc.* 2, 1 (Hannover: Hahn, 1906): no. 19, c. 4, 166.

17 Capitularia regum Francorum I, ed. Alfred Boretius, in *MGH Capit.* 1 (Hannover: Hahn, 1883): no. 33, c. 30, 96–97.

18 See below n. 37.

19 Peter Classen, *Karl der Große, das Papsttum und Byzanz: Die Begründung des karolingischen Kaisertums*, Beiträge zur Geschichte und Quellenkunde des Mittelalters 9 (Sigmaringen: Thorbecke, 1985): 71–74.

Roman emperors. There he found documents he could use as models.²⁰ A diploma issued in Bologna at the end of May 801 is the first to show the new ruler's title: *Karolus serenissimus augustus a Deo coronatus magnus, pacificus imperator, Romanum gubernans Imperium, qui et per misericordiam Dei rex Francorum atque Langobardorum* ('Charles, most serene Augustus crowned by God, the great, peaceful emperor ruling the Roman empire').²¹ Charlemagne had found a title that showed respect to the most important peoples of his empire without neglecting the Roman and thus universal character of his new office. Significantly, Charlemagne had imperial coins minted from the year 801 onwards.²² Probably starting from October 803, his diplomas were issued bearing the ancient imperial signature *legimus*, and sealed with gold bulls after the Byzantine model.²³ Unfortunately, there is only one extant specimen made of lead, the reverse of which shows a city gate of Rome with the significant inscription *Renovatio Rom(ani) Imperii*.²⁴

Einhard, the emperor's biographer and confidant in his last years, therefore begins his remarks on *Charlemagne's* internal politics with the words: *post susceptum imperiale nomen* ('after he had taken the imperial title').²⁵ This referred to Charlemagne's legislative activity, which he intensified considerably after his coronation as emperor, without disregarding his decrees from before 800. But now a new, imperial, self-conception appeared in the justification of the legislation. It had probably been Alcuin, the Anglo-Saxon scholar at the emperor's court, who introduced these ideas. In a letter of dedication of 802 he claims, 'His imperial dignity, ordained by God, can be seen to have been exalted for nothing else but to direct and benefit the people; therefore power and wisdom are given to those chosen by God: Power to subdue the proud and protect the humble from the wicked; wisdom to teach and govern his subjects in pious devotion.'²⁶

²⁰ Cf. Classen, *Karl* (n. 19): 73.

²¹ Die Urkunden Pippins, Karlmanns und Karls des Großen, ed. Engelbert Mühlbacher, in *MGH DD Karol.* 1 (Hannover: Hahn, 1906): no. 197 (29. Mai 801), 265–66.

²² Cf. Bernd Kluge, "Nomen imperatoris und Christiana Religio: Das Kaisertum Karls des Großen und Ludwigs des Frommen im Licht der numismatischen Quellen," in *799 – Kunst und Kultur der Karolingerzeit: Karl der Große und Papst Leo III. in Paderborn*, vol. 3, *Beiträge zum Katalog der Ausstellung Paderborn 1999*, ed. Christoph Stiegemann and Matthias Wemhoff (Mainz: Philipp von Zabern, 1999): 82–90.

²³ Cf. Classen, *Karl* (n. 19): 81.

²⁴ Percy E. Schramm, *Die deutschen Kaiser und Könige in Bildern ihrer Zeit 751–1152*, ed. Florentine Mutherich (Munich: Prestel, 1983): 38–39.

²⁵ Einhard, *Vita Karoli Magni*, ed. Oswald Holder-Egger, in *MGH SS rer. Germ.* 25 (Hannover: Hahn, 1911): c. 29, 33; for Einhard see Steffen Patzold, *Ich und Karl der Große: Das Leben des Höflings Einhard* (Munich: Klett-Cotta, 2013).

²⁶ Alcuin, *Epistolae*, ed. Ernst Dümmler, in *MGH Epp. sel.* 4 (Berlin: Weidmann, 1895): no. 257, 414: *Dum dignitas imperialis a Deo ordinata, ad nil aliud exaltata esse videtur, nisi populo praesse et prodesse: proinde datur a Deo electis potestas et sapientia: potestas, ut superbos opprimat, et defendat ab improbis humiles; sapientia, ut regat et doceat pia sollicitudine subiectos*; cf. Monika Suchan, *Mahnen*

Charlemagne issued the so-called *Capitulare Italicum* ('Italian Decree') already in May 801, on his way back from Rome, in the old Lombard capital of Pavia. Two provisions in particular are noteworthy: First, he threatened all those who refused to perform military service with the full *heribannus*, i.e. a fine of sixty shillings (*solidi*), while all those who 'break the peace of the churches of God, of widows and orphans, and of the less powerful' had to pay the fine of the royal ban, also sixty shillings.²⁷ The emperor performed a balancing act here: on the one hand, his decree also penalized poorer people who presumably refused military service due to economic hardship, while on the other he created a provision to protect *pauperes* (the poor) and prosecute those who harassed them. By protecting churches and the poor, he sought to promote Christian moral concepts which had already been formulated in the Christian Late Roman Empire. But military order was just as important to Charlemagne: he subsequently threatened deserters with the death penalty, because he regarded the offence as *lèse-majesté*, again following the Late Roman conception of law.²⁸ Both provisions thus referred back to the Roman model, but at the same time also addressed the structural problems of the Carolingian Empire: the refusal of large sections of the population to perform military service, and efforts by the secular nobility in particular to increase their possessions at the expense of others. Both problems were interrelated, as will be discussed in what follows.

Next to historiography, such imperial decrees – or 'capitularies' – are probably our most important sources for the social history of the Carolingian period.²⁹ Large numbers have been transmitted from the Carolingian era. These decrees gained new

und Regionen: *Die Metapher des Hirten im früheren Mittelalter*, Millennium-Studien 56 (Berlin: De Gruyter, 2015): 187–88.

27 *Capitularia regum Francorum* I (n. 17): no 98, c. 2, 205: *De haribanno. Si quis liber, contemta iussione nostra, caeteris in exercitum pergentibus, domi residere praesumpserit, plenum haribannum secundum legem Francorum, id est solidos sexaginta, sciat se debere componere. Similiter et pro contemtu singulorum capitulorum quae per nostrae regiae auctoritatis bannum promulgavimus, id est qui pacem ecclesiarum Dei, viduarum, orfanorum et pupillorum ac minus potentium inruperit, sexaginta solidorum multam exsolvat*; for the origins of the *haribanus* cf. Matthew Innes, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400–1000* (Cambridge: Cambridge University Press, 2000): 155–56.

28 *Capitularia regum Francorum* I (n. 17): no 98, c. 3, 205: *De desertoribus. Si quis adeo contumax aut superbus extiterit, ut, dimisso exercitu absque iussione vel licentia regis domum revertatur, et quod nos teudisca lingua dicimus herisliz fecerit, ipse ut reus maiestatis vitae periculum incurrat et res eius in fisco nostro societur.*

29 Cf. François L. Ganshof, *Was waren die Kapitularien?* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1961); Arnold Bühler, "'Capitularia Relecta': Studien zur Überlieferung der Kapitularien Karls des Großen und Ludwigs des Frommen," *Archiv für Diplomatik* 32, no. 1 (1986): 305–501; Hubert Mordek, *Studien zur fränkischen Herrschergesetzgebung: Aufsätze über Kapitularien und Kapitulariensammlungen ausgewählt zum 60. Geburtstag* (Frankfurt am Main: Peter Lang, 2000); Steffen Patzold, *Wie regierte Karl der Große? Listen und Politik in der frühen Karolingerzeit* (Cologne: Greven, 2020).

attention only recently, and a new edition is currently in preparation.³⁰ For a long time researchers focused mainly on narrative sources to gain a better understanding of the importance of political rituals in the Middle Ages.³¹ Meanwhile research into what we would now call ‘governance’ was neglected.³² The capitularies, however, provide insights into the plans and intentions of rulers at that time. But they should not be taken literally. We do not know to what extent they were actually put into practice. We must also bear in mind that the decrees of the Carolingians can only be fully understood in the context of the Christian values that were expected of a good ruler. These were recorded in contemporary mirrors of princes.³³

2 The So-Called ‘Imperial Government Programme’

After his return to the Frankish Kingdom, Charlemagne followed up on the provisions of Pavia. In 802, he attempted to translate his newfound imperial status into practical ‘politics’. The Annals of Lorsch describe his activities as follows:

In this year the lord Caesar Charles stayed quietly at the palace of Aachen with the Franks; there was no campaign. But mindful in his mercy of the poor people who lived in his realm and who could not enjoy their rights to the full he was unwilling to send out his poorer vassals from within the palace to do justice, on account of bribery, and rather chose from within his realm archbishops and other bishops and abbots, together with dukes and counts, who no longer had need to receive gifts to the prejudice of the innocent. These he sent throughout his whole realm, that they might do justice to the churches, the widows and orphans, the poor and the whole people.³⁴

³⁰ Cf. Gerhard Schmitz, “Kapitularien,” in *Handbuch zur deutschen Rechtsgeschichte*, vol. 2, 2nd ed. (Berlin: Erich Schmidt Verlag, 2011): col. 1604–12; Michael Glatthaar, “Subjektiver und indirekter Stil in den Kapitularien Karls des Großen: Ein Beitrag zur Frage ihrer Entstehung,” *Deutsches Archiv für Erforschung des Mittelalters* 70, no. 1 (2014): 1–42; for the new edition in general see <https://capitularia.uni-koeln.de> [accessed 15.03.2022].

³¹ See for example Gerd Althoff, *Inszenierte Herrschaft: Geschichtsschreibung und politisches Handeln im Mittelalter* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2003); Gerd Althoff, *Die Macht der Rituale: Symbolik und Herrschaft im Mittelalter*, 2nd ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 2013).

³² But see now Stefan Esders and Gunnar Folke Schuppert, *Mittelalterliches Regieren in der Moderne oder Modernes Regieren im Mittelalter?*, Schriften zur Governance-Forschung 27 (Baden-Baden: Nomos, 2015).

³³ Cf. Britta Mischke, “Kapitularienrecht und Urkundenpraxis unter Kaiser Ludwig dem Frommen (814–840)” (PhD diss., University of Bonn, 2012, <https://bonndoc.ulb.uni-bonn.de/xmlui/bitstream/handle/20.500.11811/5579/3157.pdf?sequence=1> [accessed 19.12.2023]: 181–83.

³⁴ Annales Laureshamenses (n. 2): s.a. 802, 38–39: *Eo anno demoravit domnus Caesar Carolus apud Aquis palatium quietus cum Francis sine hoste; sed recordatus misericordiae suae de pauperibus, qui in regno suo erant et iustitias suas pleniter abere non poterant, noluit de infra palatio pauperiores vassos suos transmittere ad iustitias faciendum propter munera, sed elegit in regno suo archiepiscopos et reli-*

These royal envoys – called *missi dominici* – usually appeared in pairs of a cleric and a layman, and travelled once a year through a district made up of several counties and bishoprics, ‘in order to act everywhere in a controlling and arbitrating manner in favour of the king’.³⁵ But their authority depended heavily on their rank and prestige, and so even before 802 they, just like the counts they were to control, belonged to the highest nobility. They could therefore not be bribed because of material need. But friendships and kinship naturally led to conflicts of interest between the official mandate of a king’s messenger and his very personal objectives. Moreover, even close confidants of Charlemagne, such as Bishop Theodulf of Orléans, frequently found themselves confronted with gifts in this function, and by no means all *missi dominici* declined them.³⁶

Charlemagne turned his attention resolutely to the internal conditions of his empire. At that time, he developed a kind of ‘programme of imperial government’, according to the eminent Belgian historian François Louis Ganshof.³⁷ One should perhaps be careful in using such anachronistic expressions, which is why Rosamond McKitterick called it more modestly an ‘administrative capitulary for 802’.³⁸ Moreover, the emperor’s plans and intentions can only be deduced from the capitularies he is-

quos episcopus et abbates cum ducibus et comitibus, qui iam opus non abebant super innocentes munera accipere, et ipsos misit per universum regnum suum, ut ecclesiis, viduis et orfanis et pauperibus et cuncto populo iustitiam facerent; translation: Nelson, *King and Emperor* (n. 1): 397.

35 Rudolf Schieffer, *Die Karolinger*, 5th ed., Urban-Taschenbücher 411 (Stuttgart: Kohlhammer, 2014): 95: ‘um überall kontrollierend und schlichtend zugunsten des Königs zu wirken’; for the *missi* in general cf. Victor Krause, “Geschichte des Instituts der *missi dominici*,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 11, no. 1 (1890): 193–300; Karl F. Werner, “Missus – Marchio – Comes: Entre l’administration centrale et l’administration locale de l’Empire carolingien,” in *Histoire comparée de l’administration (IV^e–XVIII^e siècles)*, ed. Werner Paravicini and Karl F. Werner, Beihefte der Francia 9 (Zürich: Artemis, 1980): 191–239; Jürgen Hannig, “Pauperiores vassi de infra palatio? Zur Entstehung der karolingischen Königsbotenorganisation,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 91 (1983): 309–74; Shigeto Kikuchi, *Herrschaft, Delegation und Kommunikation in der Karolingerzeit: Untersuchungen zu den Missi dominici (751–888)*, in *MGH Hilfsmittel* 31, 1–2 (Wiesbaden: Harrassowitz, 2021).

36 Cf. Małgorzata Chudzikowska-Woloszyn, “The Anti-Corruption Manifesto of Theodulf of Orleans: A Contribution to a Discussion about Literature of the Carolingian Era,” *Echa Przeszłości* 12, no. 1 (2011): 15–31; Enimie Rouquette, “‘Ius’ et ‘Iustitia’: fondements et pratiques de la justice dans les poèmes de Théodulf d’Orléans,” in *L’amour de la justice: de la Septante à Thomas d’Aquin*, ed. Anne-Isabelle Bouton-Touboulis, *Scripta antiqua* 103 (Pessac: Ausonius, 2017): 261–76.

37 François L. Ganshof, “Le programme de gouvernement impérial de Charlemagne,” in “*Renovatio imperii*”: *Atti della giornata internazionale di studi per il millenario, Ravenna 4–5 novembre 1961*, ed. Società di studi romagnoli (Faenza: Fratelli Lega, 1963): 63–96 (repr. François L. Ganshof, *The Carolingians and the Frankish Monarchy: Studies in Carolingian History*, trans. Janet Sondheimer [Ithaca: Cornell University Press, 1971]: 55–85); Thomas M. Buck, “‘Capitularia imperatoria’: Zur Kaisergesetzgebung Karls des Großen von 802,” *Historisches Jahrbuch* 122, no. 1 (2002): 3–26.

38 McKitterick, *Charlemagne* (n. 1): 258.

sued at that time.³⁹ But one thing is certainly true: the newly acquired title was not just a mere formality in his eyes: it also changed the quality of his position in the empire. This is best illustrated by the fact that in 802, Charlemagne decreed that the entire population of the empire was to swear a general oath of fidelity. Until then, and presumably since 789, the people had sworn an oath of allegiance to the king.⁴⁰ Now every man, *omnis homo*, was to swear by the *nomen Cesaris*, by the title of emperor.⁴¹

To this end, Charlemagne completely redefined the meaning of loyalty to the emperor by extending it to almost all areas of everyday life.⁴² This included ideas which, to our understanding, are not necessarily associated with it, but which were central to Charlemagne's reform efforts. For him, obeying God's commandments as well as protecting churches, widows, orphans and pilgrims was also part of loyalty, because the emperor, after God and his saints, was to be the protector and defender of the vulnerable.⁴³ This was a reference to the idea, developed in late antiquity, that a ruler was responsible for protecting the weak.⁴⁴ The oath of allegiance also for the first time made concrete demands on people: Respect for imperial property,⁴⁵ the duty to perform military service,⁴⁶ the proper administration of justice,⁴⁷ or simply compli-

39 Especially from the so-called "Capitulare missorum generale," in *Capitularia regum Francorum I* (n. 17): no. 33, 91–99; for the manuscripts cf. Steffen Patzold, "Normen im Buch: Überlegungen zu Geltungsansprüchen so genannter 'Kapitularien'," *Frühmittelalterliche Studien* 41, no. 1 (2007): 331–50.

40 Cf. André Holenstein, *Die Huldigung der Untertanen. Rechtskultur und Herrschaftsordnung (800–1800)*, Quellen und Forschungen zur Agrargeschichte 36 (Stuttgart: Fischer, 1991): 110–12; Matthias Becher, *Eid und Herrschaft: Untersuchungen zum Herrscherethos Karls des Großen*, Vorträge und Forschungen Sonderband 39 (Sigmaringen: Thorbecke, 1993): 79–85; and see more generally: Matthias Becher, "Omnes iurent! Karl der Große und der allgemeine Treueid," in *Charlemagne: Les temps, les espaces, les hommes: Construction et déconstruction d'un règne*, ed. Rolf Grosse and Michel Sot, Collection Haut Moyen Âge 34 (Turnhout: Brepols, 2018): 183–92; Stefan Esders, "Rechtliche Grundlagen frühmittelalterlicher Staatlichkeit: Der allgemeine Treueid," in *Der frühmittelalterliche Staat – Europäische Perspektiven*, Forschungen zur Geschichte des Mittelalters 16, ed. Walter Pohl and Veronika Wieser (Vienna: Österreichische Akademie der Wissenschaften, 2009): 423–32.

41 "Capitulare generale," in *Capitularia regum Francorum I* (n. 17): no. 33, c. 2, 92: *De fidelitate promittenda domno imperatori. Precepitque, ut omni homo in toto regno suo, sive ecclesiasticus sive laicus, unusquisque secundum votum et propositum suum, qui antea fidelitate sibi regis nomine promississent, nunc ipsum promissum nominis cesaris faciat; et hii qui adhuc ipsum promissum non perficerunt omnes usque ad duodecimo aetatis annum similiter facerent.*

42 Cf. especially Becher, *Eid* (n. 40): 201–12; Fried, *Karl der Große* (n. 1): 522–23.

43 *Capitularia regum Francorum I* (n. 17): no. 33, c. 3 and 5, 92–93.

44 See in general Hans H. Anton, *Fürstenspiegel und Herrscherethos in der Karolingerzeit*, Bonner Historische Forschungen 32 (Bonn: Röhrscheid, 1968); Karl Ubl, "Carolingian Mirrors for Princes: Texts, Contents, Impact," in *A Critical Companion to the "Mirrors of Princes" Literature*, ed. Noëlle-Laetitia Perret and Stéphane Péquignot, Reading Medieval Sources 7 (Leiden: Brill, 2022): 74–107.

45 *Capitularia regum Francorum I* (n. 17): no. 33, c. 4, 92.

46 *Capitularia regum Francorum I* (n. 17): no. 33, c. 7, 93.

47 *Capitularia regum Francorum I* (n. 17): no. 33, c. 9, 93.

ance with imperial orders or payment of dues owed.⁴⁸ Some of these demands were related to Charlemagne's self-conception as a Christian ruler; others show how weak his authority was in enforcing his will in everyday life against persistent, foot-dragging resistance from his own officials. The latter belonged to the group of large landholders against whom Charlemagne's appeals and measures were directed. They were usually addressed as *potentes* (roughly 'the powerful').

3 The Role of the *potentes*

In their capacity as royal officials, these *potentes* were entitled to demand taxes and services from the *liberi homines* on behalf of the ruler.⁴⁹ Abuse of these powers was apparently very common. The emperor therefore demanded that his counts and their *centenarii* (subordinate officials with quasi-police and judicial powers) should see to it that their subjects respected justice and the law and under no circumstances oppressed the poor – *pauperes nequaquam oppriment*.⁵⁰ From then on, this phrase, or its variant *ut liberi homines pauperes a nullo iniuste opprimantur*, occurred again and again in the capitularies of Charlemagne and his successors.⁵¹ As the emperor evidently regarded the *oppressio pauperum* as a fundamental problem of his empire, we must ask from whom the oppression specifically originated, and what forms it took.

The room for manoeuvre just mentioned was apparently of central importance here, as a provision from 802 clearly demonstrates: It states that everyone must obey the army's summons and that no count may dare to exempt those liable for service from joining the army due to kinship or flattering gifts.⁵² Anyone with the power to exempt certain persons from compulsory service and thereby gain advantages for himself also had the power to force others *into* military service in order to achieve certain goals. This is evidenced above all by the responses to a survey conducted by the emperor in 811 after participation in military service had declined: Poor people reported that they had been evicted from their properties by bishops, abbots and

48 Capitularia regum Francorum I (n. 17): no. 33, c. 8, 93.

49 Cf. Hans K. Schulze, *Die Grafchaftsverfassung der Karolingerzeit in den Gebieten östlich des Rheins*, Schriften zur Verfassungsgeschichte 19 (Berlin: Duncker & Humblot, 1973); Michael Borgolte, *Geschichte der Grafchaften Alemanniens in fränkischer Zeit*, Vorträge und Forschungen Sonderband 31 (Sigmaringen: Thorbecke, 1984); Stuart R. Airlie, "The Aristocracy in the Service of the State in the Carolingian Period," in *Staat im Frühen Mittelalter*, ed. Walter Pohl et. al., Forschungen zur Geschichte des Mittelalters 11 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2006): 93–111.

50 Capitularia regum Francorum I (n. 17): no. 33, c. 25, 96.

51 Capitularia regum Francorum I (n. 17): no. 34, c. 12, 100; no. 35, c. 51, 104; no. 59, c. 9, 146; cf. Müller-Mertens, *Karl* (n. 11): 88.

52 Capitularia regum Francorum I (n. 17): no. 33, c. 7, 93: *Ut ostile bannum domni imperatori nemo pretermittere presumat, nullusque comis tam presumtiosum sit, ut nullum de his qui hostem facere debiti sunt exinde vel aliqua propinquitatis defensionem vel cuius muneris adolationem dimittere audeant.*

their *advocati* (roughly ‘bailiffs’), and by counts and their *centenarii*.⁵³ Threats of repression were also reported if someone refused to give their property to a bishop, an abbot, an earl or a judge. These *potentes* would then look for opportunities to sentence such a recalcitrant person and repeatedly conscript him for military service until he was impoverished and had no choice but to hand over or sell his property. Others, who had already given up their properties, remained at home without suffering oppression by the powerful.⁵⁴ On the other hand, counts, but also bishops, abbots and abbesses, would make their *liberi homines* indispensable by giving them duties such as falconer or hunter, so that they had to stay at home.⁵⁵ According to other information, counts would take poorer men to war but send home those who had something to give.⁵⁶ So the emperor clearly saw the responsibility for the failure of military recruitment with his powerful officials: They used both their economic strength and their official power to appropriate the property of others and make them more dependent.

But the other side also had its say in this investigation. At the very beginning of the document, mention is made of people who disagreed with the assessment just outlined and who argued that the officials had no authority over their clerics or their *pagenses* (roughly ‘dwellers in the countryside’), and that they were therefore not responsible for the abuses.⁵⁷ They put forward various arguments to this effect: Some seemed to think that not counts but only the *missi dominici* had the authority to demand troop recruitment. They also argued that there was a general lack of willingness to comply with the *bannus*.⁵⁸ Others claimed that they were in the service of Charle-

53 Capitularia regum Francorum I (n. 17): no. 73, c. 2, 165: *Quod pauperes se reclamant expoliatos esse de eorum proprietate; et hoc aequaliter clamant super episcopos et abbates et eorum advocatos et super comites et eorum centenarios.*

54 Capitularia regum Francorum I (n. 17): no. 73, c. 3, 165: *Dicunt etiam, quod quicumque proprium suum episcopo, abbati vel comiti aut iudici vel centenario dare noluerit, occasiones quaerunt super illum pauperem, quomodo eum condemnare possint et illum semper in hostem faciant ire, usque dum pauper factus volens nolens suum proprium tradat aut vendat; alii vero qui traditum habent absque ullius inquietudine domi resideant.*

55 Capitularia regum Francorum I (n. 17): no. 73, c. 4, 165: *Quod episcopi et abbates sive comites dimitunt eorum liberos homines ad casam in nomine ministerialium, similiter et abbatissae: hi sunt falconarii, venatores, telonearii, praepositi, decani et alii qui missos recipiunt et eorum sequentes; cf. Stefan Esders, “Die Capitula de expeditione Corsicana Lothars I. vom Februar 825: Überlieferung, historischer Kontext, Textrekonstruktion und Rechtsinhalt,” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 98 (2018): 130.*

56 Capitularia regum Francorum I (n. 17): no. 73, c. 5, 165: *Dicunt etiam alii, quod illos pauperiores constringant et in hostem ire faciant, et illos qui habent quod dare possint ad propria dimitunt.*

57 Capitularia regum Francorum I (n. 17): no. 73, c. 1, 164: *In primis discordantes sunt et dicunt, quod episcopi, abbates, et eorum advocati potestatem non habeant de eorum tonsis clericis et reliquis hominibus; similiter et comites de eorum pagensis non habeant potestatem.*

58 Capitularia regum Francorum I (n. 17): no. 73, c. 6, 165: *Dicunt ipsi comites, quod alii eorum pagenses non illis oboediant nec bannum domni imperatoris adimplere volunt, dicentes quod contra mis-*

magne's younger sons or other lords, and that they would go to war with them but not with the emperor's military contingent.⁵⁹ Or they claimed that they were under the command of another lord, one who they knew had stayed at home.⁶⁰

These responses demonstrate above all the many overlaps of authority in the Carolingian realm, which the *liberi homines* could use to evade their obligations to a certain degree. Their scope for action, however, lay precisely in the fact that they were spared military service thanks to closer ties to a lord. In other words, both the *oppressio pauperum* and the ways in which the *pauperes liberi homines* evaded this *oppressio* resulted in an increasing dependency on a *senior*. At the same time, the emperor could no longer claim the privileges to which he was entitled, or simply no longer received them.

4 The Case of Compulsory Military Service

In this context, it is not surprising that in the capitularies he issued after 802, Charlemagne addressed himself in great detail to the problem of compulsory military service. In 807, he failed to raise an army in the area between the Seine and the Loire due to famine.⁶¹ He therefore issued the so-called *Memoratorium de exercitu in Gallia occidentale praeparando* ('Memorandum on preparing an army in Western Gaul').⁶² For the freemen, he stipulated that those who owned three to five *mansi* (a unit of land measurement) were to go to war like all *beneficiarii* (holders of a *beneficium*, land or favour conferred as remuneration). Owners of two *mansi* were to form pairs, with the more capable partner to join the army while the other was to equip him to do so. A similar rule applied to freemen who owned two and one *mansi* respectively. Owners of only one *mansus* were allowed to form groups of three, of whom the most dispensable man was to be equipped by the other two and join the army. Five owners

sos domni imperatoris pro heribanno debeant rationem reddere nam non contra comitem; etiam etsi comes suam domum illi in bannum miserit, nullam exinde habeat reverentiam, nisi intret in domum suam et faciat quaecumque ei libitum fuerit.

⁵⁹ Capitularia regum Francorum I (n. 17): no. 73, c. 7, 165: *Sunt etiam alii qui dicunt se esse homines Pippini et Chluduici et tunc profitentur se ire ad servitium dominorum suorum, quando alii pagenses in exercitum pergere debent.*

⁶⁰ Capitularia regum Francorum I (n. 17): no. 73, c. 8, 165: *Sunt iterum et alii qui remanent et dicunt, quod seniores eorum domi resideant et debeant cum eorum senioribus pergere, ubicumque iussio domni imperatoris fuerit. Alii vero sunt qui ideo se commendant ad aliquos seniores, quos sciunt in hostem non profecturos.*

⁶¹ Cf. Fried, *Karl der Große* (n. 1): 553–55.

⁶² Capitularia regum Francorum I (n. 17): no. 48, Praef., 134: *Memoratorium qualiter ordinavimus propter famis inopiam, ut de ultra Sequane omnes exercitare debeant*; Adriaan Verhulst, 'Karolingische Agrarpolitik: Das Capitulare de villis und die Hungersnöte von 792/93 und 805/06,' *Zeitschrift für Agrargeschichte und Agrarsoziologie* 13 (1965): 182–183, dates it to 805.

of half a *mansus* were instructed to fit out the sixth to take part in a campaign. Finally, the same was decreed for freemen who owned neither slaves nor land but had a certain amount of money.⁶³ According to Ganshof the provisions on military service were based on an existing practice.⁶⁴ However, this does not reflect the spirit and, above all, the comprehensiveness of these regulations. In addition, these rules reveal the emperor's self-conception: He decided to conscript freemen, since he alone determined their obligation to serve.

But it seems that these regulations did not serve their primary purpose, because he returned to them in the following year, 808. Apparently, many of those obliged to serve had simply stayed at home or failed to provide for the 'partner' who had gone to war. He decreed that those people were to be sought out by the *missi* and sentenced to pay the *heribannus*.⁶⁵ But the emperor also apparently learnt a lesson from this failure and responded to the hardships and concerns of those affected. In any case he further reduced the burden on the individuals by increasing the minimum amount of land that required owners to serve in the army from three to four *mans*: Anyone whose property (whether owned outright or held as a *beneficium* comprised at least four *mans* had to enlist in the army and pay for his equipment. Owners of three *mans* were to be supplied by those with only one; while men with two *mans* had to pair together and owners of a single *mansus* were to form groups of four, to enable

63 Capitularia regum Francorum I (n. 17): no. 48, c. 1, 134: *In primis quicumque beneficia habere videntur, omnes in hostem veniant. c. 2, 134–35: Quicumque liber mansos quinque de proprietate habere videtur, similiter in hostem veniat; et qui quattuor mansos habet, similiter faciat; qui tres habere videtur, similiter agat. Ubi quicumque autem inventi fuerint duo, quorum unusquisque duos mansos habere videtur, unus alium praeparare faciat; et qui melius ex ipsis potuerit, in hostem veniat. Et ubi inventi fuerint duo, quorum unus habeat duos mansos, et alter habeat unum mansum, similiter se sociare faciant et unus alterum praeparet; et qui melius potuerit, in hostem veniat. Ubi quicumque autem tres fuerint inventi, quorum unusquisque mansum unum habeat, duo tercium praeparare faciant; ex quibus qui melius potest, in hostem veniat. Illi vero qui dimidium mansum habent, quinque sextum praeparare faciant. Et qui sic pauper inventus fuerit qui nec mancipia nec propriam possessionem terrarum habeat, tamen in praecio valente [. . .] solidos, quinque sextum praeparent; [et ubi duo, tercium de illis qui parvulas possessiones de terra habere videntur]. Et unicuique ex ipsis qui in hoste pergunt fiant coniectati solidi quinque a suprascriptis pauperioribus qui nullam possessionem habere videntur in terra. Et pro hac consideratione nullus suum seniore dimittat.*

64 François L. Ganshof, *The Frankish Institutions under Charlemagne*, trans. Bryce and Mary Lyon (Providence: Brown University Press, 1968): 61.

65 Capitularia regum Francorum I (n. 17): no. 50, c. 2, 137: *Volumus atque iubemus, ut idem missi nostri diligenter inquirant, qui anno praeterito de hoste bannito remansissent super illam ordinationem: quam modo superius comprehenso de liberis et pauperioribus hominibus fieri iussimus; et quicumque fuerit inventus, qui nec parem suum ad hostem suum faciendum secundum nostrum iussionem adiuvit neque perrexerit, haribannum nostrum pleniter rewadiet et de solvendo illo secundum legem fidem faciat.* In objecting to the connection of this decree with the *Memoratorium de exercitu in Gallia occidentale praeparando*, Christoph Haack, "Mobilisierung als Bedrohungskommunikation: Das 'Capitulare missorum de exercitu promovendo' (MGH Capit. no. 50) und die Funktion karolingischer Aufgebotslisten," *Frühmittelalterliche Studien* 54 (2020): 155–59, overlooks the second part of this provision.

one of them to go on campaign.⁶⁶ The reason for increasing the minimum amount of land was probably that three *mansi* had not been sufficient to support military service. Even so the *missi* were instructed to identify those who had refused to go to war in the previous year.⁶⁷

Looking at the provisions that seem to reduce the service obligation of free men, Eckhard Müller-Mertens identified an increasing threat to the freedom and social status of the *liberi homines*.⁶⁸ For Timothy Reuter, on the other hand, these provisions indicate an intensification of the obligation to serve that was necessary to ensure *defensio patriae* (the defence of the homeland) – an intensification that became urgent at the beginning of the ninth century. While the nobility and their warrior followers had enthusiastically participated in the wars of conquest, that same nobility had no interest in defending the empire, as this offered little prospect of glory, honour and, above all, booty.⁶⁹ This was why the emperor now resorted to the *liberi homines*.⁷⁰ In this context, it is also interesting to ask whether the standard size of at least three to four *mansi* referred to simple warriors fighting on foot⁷¹ or to light-armed horsemen.⁷² There is no indication in either the *Memoratorium* of 805 or the *Capitulare de*

66 Capitularia regum Francorum I (n. 17): no. 50, c. 1, 137: *Ut omnis liber homo, qui quatuor mansos vestitos de proprio suo sive de alicuius beneficio habet, ipse se praeparet et per se in hostem pergat, sive cum seniore suo si senior eius perrexerit sive cum comito suo. Qui vero tres mansos de proprio habuerit, huic adiungatur qui unum mansum habeat et det illi adiutorium, ut ille pro ambobus possit. Qui autem duos habet de proprio tantum, iungatur illi alter qui similiter duos mansos habeat, et unus ex eis, altero illum adiuvante, pergat in hostem. Qui etiam tantum unum mansum de proprio habet, adiungantur ei tres qui similiter habeant et dent ei adiutorium, et ille pergat tantum; tres vero qui illi adiutorium dederunt domi remaneant.*

67 Capitularia regum Francorum I (n. 17): no. 50, c. 2, 137: *Volumus atque iubemus, ut idem missi nostri diligenter inquirant, qui anno praeterito de hoste bannito remansissent super illam ordinationem quam modo superius comprehenso de liberis et pauperioribus hominibus fieri iussimus.* The mentioning of the previous year could be a reference to the *Memoratorium*, which is why its dating to 805 by Verhulst, “Agrarpolitik” (n. 62): 182–83, is not correct.

68 Müller-Mertens, *Karl* (n. 11): 122–33.

69 Timothy Reuter, “Plunder and Tribute in the Carolingian Empire,” *Transactions of the Royal Historical Society* 35 (1985): 75–94; for a different view on the *defensio patriae* cf. Walter Goffart, “‘Defensio patriae’ as a Carolingian Military Obligation,” *Francia* 43 (2016): 21–40.

70 Cf. John France, “The Composition and Raising of the Armies of Charlemagne,” *Journal of Medieval Military History* 1 (2002): 61–82; Innes, *State*: 143–56; Étienne Renard, “Une elite paysanne en crise? Le poids des charges militaires pour les petits alleutiers entre Loire et Rhin au IXe siècle,” in *Les élites au haut Moyen Age: Crises et renouvellements*, ed. François Bougard, Laurent Feller and Régine Le Jan, Collection Haut Moyen Age 1 (Turnhout: Brepols, 2006): 315–36; Étienne Renard, “La politique militaire de Charlemagne et la paysannerie franque,” *Francia* 36 (2009): 1–34.

71 Schmitt, *Untersuchungen* (n. 11): 187, uses this argument to dispute the relevance of the *liberi* for the Carolingians in comparison to the cavalry that was made up of royal vassals.

72 Josef Fleckenstein, “Adel und Kriegertum und ihre Wandlung im Karolingerreich,” in *Nascita dell'Europa ed Europa carolingia: Un'equazione da verificare*, vol. 1, SSCI 27 (Spoleto: Presso la sede del Centro, 1981): 85–86.

exercitu promovendo. Johannes Schmitt pointed to the low relevance of infantry fighters in comparison to the heavy cavalry made up of royal vassals, and interpreted the Emperor's interest in the *liberi homines* as a consequence of Charlemagne's new, Christian-influenced self-conception as a ruler.⁷³ This certainly played a central role in his decisions, but Schmitt's explanation with regard to warfare is probably not correct, as recent scholarship takes a much more nuanced view.⁷⁴ For example, the importance of vassalage and thus of the vassals fighting on horseback was probably not as great as had once been assumed.

The interpretations of Müller-Mertens and Schmitt have their merits. However, both overestimate the 'charitable aspect' of Charlemagne's provisions. In 805, during an assembly at Thionville, he set the *heribannus* fine at half of a miscreant's property.⁷⁵ Müller-Mertens interpreted this as a reduction that had become necessary after an unsuccessful campaign against Bohemia.⁷⁶ But even the lower penalty threatened the livelihood of poorer freemen. The emperor's main concern was therefore not to reduce the burden on these classes, but to enforce his own claim to obedience. In 811, he added to this provision that anyone who failed to pay the fine was to lose his freedom.⁷⁷ Such drastic threats suggest royal measures against individual or collective disobedience, rather than the waiving of benefits to which he was entitled, regardless of whether one regards them as politically or ethically motivated. The provisions on the formation of military groups discussed above should also be interpreted in this sense. It is likely that Charlemagne did in fact provide relief for less wealthy free Franks, but he did so only to make it easier for them to meet his demands.

Nor did Müller-Mertens take into account the complicated situation of most *liberi homines*, who were tied not only to the king, but often to other lords as well. As men-

⁷³ Schmitt, *Untersuchungen* (n. 11): 187–88.

⁷⁴ Christoph Haack, *Die Krieger der Karolinger: Kriegsdienste als Prozesse gemeinschaftlicher Organisation um 800*, Ergänzungsbände zum Reallexikon der Germanischen Altertumskunde 115 (Berlin: De Gruyter, 2020).

⁷⁵ *Capitularia regum Francorum* I (n. 17): no. 44, c. 19, 125: *De heribanno volumus, ut missi nostri hoc anno fideliter exactare debeant absque ullius personae gratia, blanditia seu terrore secundum iussio-num nostram; id est ut de homine habente libras sex in auro, in argento, bruneis, aeramento, pannis integris, caballis, boves, vaccis vel alio peculio, et uxores vel infantes non fiant dispoliati pro hac re de eorum vestimentis, accipiant legitimum heribannum, id est libras tres. Qui vero non habuerint amplius in suprascripto praecio valente nisi libras tres, solidi triginta ab eo exigantur; qui autem non habuerit amplius nisi duas libras, solidi decem; si vero una habuerit, solidi quinque, ita ut iterum se valeat praeparare ad Dei servitium et nostram utilitatem*; for the Thionville capitularies cf. Michael Glatthaar, "Die drei Fassungen des Doppelkapitulars von Diedenhofen/Thionville (805/806): Entwurf – Erlass – Revision," *Deutsches Archiv für Erforschung des Mittelalters* 69 (2013): 443–78.

⁷⁶ Müller-Mertens, *Karl* (n. 11): 126; cf. *Annales regni Francorum*: s.a. 805, 120.

⁷⁷ *Capitularia regum Francorum* I (n. 17): no. 74, c. 1, p. 166: *Quicumque liber homo in hostem bannitus fuerit et venire contempserit, plenum heribannum, id est solidos sexaginta, persolvat, aut si non habuerit unde illam summam persolvat semetipsum pro wadio in servitium principis tradat, donec per tempora ipse bannus ab eo fiat persolutus; et tunc iterum ad statum libertatis suae revertatur*.

tioned above, these multiple obligations gave them certain chances to avoid military service, which was generally not in their interest anyway because of the economic burdens involved. But in most cases, the following mechanism may have been at work. Military service, like natural disasters, was a heavy economic burden on the individual *liber homo*, who usually had to bear most of the costs himself. This problem was exacerbated if a man was recruited by his count more often than was actually permissible. So, in the long run it may have been easier for the *liberi homines* to bow to pressure and join the count or another powerful person. In doing so, they also accepted the risk of becoming increasingly legally dependent, i.e. of sinking into bondage. The powerful, in turn, strove to consolidate their possessions, for these were not contiguous, but rather a patchwork of properties, rights and claims scattered across the realm. In order to close these gaps, it must have been very tempting to bring many *liberi homines* and their property into dependency by using varying degrees of pressure, open violence, and both legal or illegal means, but also by promising them greater economic security.

5 Conclusion

In view of this, it should come as no surprise that Charlemagne's reforms were not immediately implemented and had little success. The most important reason for this was certainly the fact that the emperor was dependent on the powerful, the *potentes*. Like all early medieval rulers, he had to buy their loyalty – with donations and other favours, and above all by assigning important tasks to them. With the general oath of allegiance, Charlemagne sought to transform this loyalty into a morally imperative, objective duty, but the nobility probably resisted by delaying actions. His ability to assert himself against his elites therefore stood on shaky ground. Thus, as early as 802, Alcuin judged his master's reform efforts as follows: 'I am certain of the good will of our lord and emperor, that in the kingdom entrusted to him by God he seeks to order all things according to the norm of rightness, but that he has more such collaborators as undermine justice than support it, more *praedatores* (robbers) of justice than *praedicatores* (preachers), more such who seek their own benefit than God's'.⁷⁸ Even after Charlemagne had been crowned emperor the internal order of the Frankish Empire remained largely characterized by a considerable discrepancy between aspiration and reality.

⁷⁸ Alcuin, *Epistolae* (n. 26): no. 254, p. 411: *De bona siquidem voluntate domni imperatoris valde certus sum, quod omnia ad rectitudinis normam in regno sibi a Deo dato disponi desiderat, sed tantos non habet iustitiae adiutores, quantos etiam subversores, nec tantos praedicatores, quantos praedatores. Quia puriores sunt qui sua desiderant quam Dei.*

Even Einhard was very reserved about the emperor's endeavours for law and justice, which he discusses only very briefly.⁷⁹ To his credit, Charlemagne was not satisfied with the traditional state of his realm. According to his self-conception, he wanted to be a ruler like the emperors of antiquity or the Byzantine emperors of his time. Their word was law, at least in theory, and they did not have to put up with unruly magnates. It is therefore testimony to Charlemagne's great perseverance that he doggedly pursued this goal despite considerable difficulty and opposition.⁸⁰ In the years after 802, he repeatedly put forward his ideas in the form of capitularies. The constant repetitions do not so much prove his failure, as especially Ganshof has suggested.⁸¹ Instead, they demonstrate above all the resilience of social circumstances to the emperor's interventions. In other words, an early medieval ruler could issue orders, but whether his elites actually followed them was purely a matter of negotiation.

⁷⁹ Einhard, *Vita Karoli* (n. 25): c. 29, p. 33.

⁸⁰ Cf. Detlev Zimpel, "Unliebsame Herrscher-Erlasse im Frankenreich," in *Scientia veritatis: Festschrift für Hubert Mordek zum 65. Geburtstag*, ed. Oliver Münch (Ostfildern: Thorbecke, 2004): 127–36.

⁸¹ François L. Ganshof, "La fin du règne de Charlemagne: Une décomposition," *Zeitschrift für Schweizerische Geschichte* 28 (1948): 433–52; for a different opinion see for example Johannes Fried, "Elite und Ideologie oder die Nachfolgeordnung Karls des Großen vom Jahre 813," in *La Royauté et les Élités dans l'Europe Carolingienne (du début du IX^e aux environs de 920)*, ed. Régine Le Jan, Collection Histoire et littérature regionales 17 (Centre d'Histoire de l'Europe du Nord-Ouest: Université Charles-de-Gaulle, 1998): 75–77; Janet L. Nelson, "The Voice of Charlemagne," in *Belief and Culture in the Middle Ages: Studies Presented to Henry Mayr-Harting*, ed. Richard Gameson and Henrietta Leyser (Oxford: Oxford University Press, 2001): 76–88.

