

CATHARS AND THE CROWN

The Albigensian Crusade and the Roots of State Formation in France

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ABSTRACT

Although state formation is not generally considered to have taken place in Western Europe until the early modern period, there is evidence that the processes were already underway during the 13th century. In the case of France, the Albigensian Crusade of 1209-1229 played a significant role in its early state formation.

Previously, France had been a politically decentralized and fragmented region, controlled by various local lords. The king was but one of those lords, and a weak one at that, an ethnic leader whose rule only extended to a small portion of the French lands. The Albigensian Crusade—essentially a civil war waged by northern French powers against the people of southern France—enabled the monarchy to dramatically increase and consolidate its political authority.

The kingdom of France emerged from the Albigensian Crusade well on the path to statehood. As the thirteenth century progressed, its king would rule as the head of a stronger, more centralized government, recognized as the supreme political authority over a unified territory. Nascent government institutions would assert and enforce that authority throughout the land. And a new national identity would begin to form, the onetime king of the Franks increasingly regarded as the king of France.

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INTRODUCTION

Traditionally, French historians have pointed to the 1214 Battle of Bouvines as the “birth of France.”¹ There, a modest French army commanded by King Philip II won a decisive victory over a larger coalition of German, English, and Flemish forces led by the Holy Roman Emperor Otto IV. In the aftermath, Otto IV was overthrown and King John of England was so weakened that he submitted to the Magna Carta the following year. More immediately, Philip permanently annexed the massive territory of Normandy, thereby nearly quadrupling the land area of his royal domain.² Starting in the 19th century, when French historiography began to stress a French national identity, this annexation has been viewed ever since as the catalyst for centralized royal power and eventual statehood.³

But little—if any—mention has been made of the Albigensian Crusade of 1209-1229 as such a catalyst. Yet the Crusade resulted in the absorption of the even larger region of Languedoc into the realm. If gaining Normandy required new political

¹ See, e.g., Georges Duby, *The Legend of Bouvines: War, Religion, and Culture in the Middle Ages*, Berkeley: University of California Press, 1990. See also Uryumtsev Egor Romanovich, “Discussion about the National Aspect in the Battle of Bouvines (July 27, 1214),” *European Journal of Humanities and Social Sciences*, No. 6 (2022): 49-53 (“In modern French historiography, there is a fairly unified position regarding the first national triumph—the event when the French nation was born. Such a position is not a novelty; it is found in the works of French medievalists Henri François Delaborde, Georges Duby, Dominique Barthelemy”).

² C. Warren Hollister and John W. Baldwin, “The Rise of Administrative Kingship: Henry I and Philip Augustus,” *The American Historical Review*, Vol. 83, No. 4 (October 1978): 867-905, at 891.

³ John W. Baldwin and Walter Simons, “The Consequences of Bouvines,” *French Historical Studies*, Vol. 37, No. 2 (April 2014): 243-269.

organization, then surely adding the whole south of France would have required new political institutions to govern and administer those lands from Paris. Nevertheless, the specific effects of the Albigensian Crusade on state formation in France remain largely unexplored. This paper attempts to provide an initial survey of whether, and to what extent, the Crusade had any effect on the processes of state formation.

PART ONE:
THE ELEMENTS OF A STATE

Before looking for evidence of state formation in 13th-century France, we must first define what it is we are looking for. In other words, what is a “state”? In casual speech, one might refer to present-day France as a “country” or a “nation” and mean essentially the same thing. But what *is* that thing? Is France simply an area of land defined by its borders? Is it the people who reside on that particular territory? Is it the government that manages public affairs for those people? Is it all of the above, or none? Is France something that doesn’t even exist—a purely imaginary concept that people just happen to believe? One can say that people live in a state, that they are members of a state, and that they are governed by a state, but that doesn’t get any closer to defining what a state *is*.

So it is perhaps unsurprising that there is no single, universally agreed-upon definition of a state.⁴ Depending on one’s definition, it may even be absurd to even look for evidence of state formation in medieval Europe. Most political historians, for example, tend to assume that the state is a fairly recent innovation, a form of political organization that only came into being during Europe’s early modern era—and only

⁴ See Heather Rae, “Theories of State Formation,” in Martin Griffiths, ed., *International Relations Theory for the Twenty-First Century*, London: Routledge, 2007. See also Alison K. Eggers, “When Is a State a State: The Case for Recognition of Somaliland,” *Boston College International and Comparative Law Review*, Vol. 30, No. 1 (Winter 2007); Matthias Maass, “The Elusive Definition of the Small State,” *International Politics*, Vol. 46, No. 1 (2009): 65-83.

gradually, at that.⁵ Some even argue that true states did not begin to emerge from this process until the 19th century.⁶ In the field of political science, the very concept of the

⁵ See Quentin Skinner, “The State,” in Terence Ball, James Farr, and Russel L. Hanson, eds., *Political Innovation and Conceptual Change*, Cambridge: Cambridge University Press, 1989, at 119. Brent Shaw has observed that this is the “view ... that is shared by most historians.” Brent D. Shaw, “Was the Roman State a State?” in “Debate: Was There a Medieval ‘State’?” *Medieval Worlds*, Vol. 2023, No. 18 (2023): 3-36, at 5.

The 1648 Treaty of Westphalia is generally considered, in this context, as the watershed moment leading to the first states. See, e.g. John M. Hobson, “Provincializing Westphalia: The Eastern Origins of Sovereignty,” *International Politics*, Vol. 46 (2009): 671-690 (criticizing the “dominant ... ‘Westphalian narrative’ of the sovereign state”); Peter T. Manicas, “The Legitimation of the Modern State: A Historical and Structural Account,” in Ronald Cohen and Judith D. Toland, eds., *State Formation and Political Legitimacy*, New Brunswick: Transaction Books, 1988, at 173 (“the nation-state as we know it is a very late invention of the West”).

Similarly, in historical sociology and political science, one finds a “near consensus in the field” that Westphalia marks the beginning of the sovereign state. Barry Buzan and Richard Little, “Beyond Westphalia? Capitalism after the ‘Fall’,” *Review of International Studies*, Vol. 25, No. 5 (December 1999): 89-104 at 89. “It has been commonplace to date its beginnings to the Peace of Westphalia.” Michael Cox, Tim Dunne, and Ken Booth, “Introduction,” *Review of International Studies*, Vol. 27, No. 5 (December 2001): 1-15, at 4.

⁶ See, e.g., Mark Dincecco, “The Rise of Effective States in Europe,” *The Journal of Economic History*, Vol. 75, No. 3 (September 2015): 901-918; Karl Dusza, “Max Weber’s Conception of the State,” *International Journal of Politics, Culture, and Society*, Vol. 3, No. 1 (Autumn 1989): 71-105, at 77-79.

See also Philip Gorski and Vivek Swaroop Sharma, “Beyond the Tilly Thesis: ‘Family Values’ and State Formation in Latin Christendom,” in Lars Bo Kaspersen and Jeppe Strandsbjerg, eds., *Does War Make States? Investigations of Charles Tilly’s Historical Sociology*, Cambridge: Cambridge University Press, 2017, at 101-105 (before the 19th century, “unitary sovereignty existed only in the writings of a few heretical philosophers and the dreams of a few absolutizing kings;” and with respect to France in particular, its statehood “was the work, not of Louis XIV, but of Napoleon”); Greg Anderson, “Was There Any Such Thing as a Nonmodern State?” in John L. Brooke, Julia C. Strauss, and Greg Anderson, eds., *State Formations: Global Histories and Cultures of Statehood*, Cambridge: Cambridge University Press, 2018, at 58-70 (arguing that the state as an entity unto itself could not have existed until the rise of secular society, of a culture of individualism that separates the people of a society from its institutions—as opposed to social forms based on kinship and lineage, and where power is personal—and of a cultural understanding that the world is not controlled by supernatural forces).

state itself has at times been dismissed as an inaccurate or even “useless” way of framing political society.⁷

In international law, the standard definition of a state was established by the Montevideo Convention of 1933. There, a state is defined as “a person of international law” possessing “(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states.”⁸ This definition presupposes the state as an organization that operates as a fictional person, much like a corporation, with its own existence and agency separate and apart from the human beings whom it governs and who carry out its functions.⁹ As applied in international jurisprudence, the state is defined less by what it is—a “person” that takes political action—and more about what it does: it acts on its population; it acts from and within a defined territory; it acts

⁷ Starting in the 1950s and 1960s, for example, there was a tendency in Anglo-American political science departments to dismiss the concept of the state as an outdated, unscientific, or overly rigid relic of 19th-century legalism and formalism. One paper describing the phenomenon as it was happening is J. P. Nettl, “The State as a Conceptual Variable,” *World Politics*, Vol. 20, No. 4 (July 1968): 559-592 (observing that American scholars, steeped in pluralism and behavioralism, found the concept entirely useless). In the 1980s there was a short-lived backlash, attempting to “bring the state back in” to the discipline. See Theda Skocpol, “Bringing the State Back In: Strategies of Analysis in Current Research,” in Peter B. Evans, et al., eds., *Bringing the State Back In*, Cambridge: Cambridge University Press, 1985. But others rebuffed the attempt, pressing the argument that returning to the concept of the state was a step backward into conceptual confusion. See, e.g., David Easton, “The Political System Besieged by the State,” *Political Theory*, Vol. 9., No. 3 (August 1981): 303-325 (“The state, a concept that many of us thought had been polished off a quarter of a century ago, has now risen from the grave to haunt us once again”). The opposing approaches would continue to compete through the subsequent decades, as discussed in Tuong Vu, “Studying the State through State Formation,” *World Politics*, Vol. 62, No. 1 (January 2010): 148-175.

⁸ *Montevideo Convention on the Rights and Duties of States*, Dec. 26, 1933, Art. 1, 49 Stat. 3097, T.S. No. 881, 165 L.N.T.S. 19 (entered into force Dec. 26, 1934).

⁹ All definitions provided here are criminally simplified. A full discussion of how even a single academic discipline defines the state would fill an entire thesis of its own.

through institutions of government; and one way that it acts is to interact with other states in international relations. These four ways of acting are not separate, but are so intertwined as to define each other. For example, a polity that lacks a defined territory must therefore lack a permanent population.¹⁰ Similarly, the requirement of a government necessitates a population and territory over which that government can assert the state's authority, and the capacity to interact with other states requires a government that can do so on the state's behalf. As a result, it is "difficult, if not impossible, to satisfy one or two requirements while failing to satisfy the others."¹¹

This legal definition is not quite how the state is thought of in mainstream political science. Whereas in international law, the state is thought of as a legal "person" who acts, political science tends to think of the state as an organization that has authority.¹² As one survey text puts it, the state is best thought of as "a particular kind of political association, specifically one that establishes sovereign jurisdiction within

¹⁰ *Restatement (Third) of Foreign Relations Law* § 201, Philadelphia: The American Law Institute, 1987; *Klinghoffer v. SNC Achille Lauro*, 937 F.2d 44, 47-48 (2d Cir. 1991). Note, however, that a state's boundaries do not need to be completely defined. Border disputes, neutral zones, and foreign invasions do not nullify statehood. *See North Sea Continental Shelf Cases*, (F.R.G. v. Den.) (F.R.G. v. Neth.) 1969 I.C.J. Rep. 12, at 63-65.

¹¹ *Estates of Ungar v. Palestinian Authority*, 315 F. Supp. 2d 164, 177 (D. R.I. 2004) (observing that Palestine could be classified as a people, or as a territory, or as a limited interim authority, but was not a state in international law).

¹² To quote from Quentin Skinner:

As handbooks on political theory regularly point out, there has been a noticeable tendency in recent times to think of the state—usually with a nod in the direction of Max Weber—as nothing more than the name of an established apparatus of government.

Quentin Skinner, "A Genealogy of the Modern State," *Proceedings of the British Academy*, Vol. 162 (2009): 325-370, at 326.

defined territorial borders.”¹³ Central to this definition is the concept of sovereignty, political authority supreme to all other associations in the society.¹⁴ As in international law, this authority is geographically limited, generally extending only to the people and organizations within its borders. Within those borders, however, the state does not merely assert its authority; it *compels* compliance with its authority. As Max Weber succinctly put it, “it is thus a compulsory organization with a territorial basis.”¹⁵ That power to compel, Weber claimed, requires a state to claim a sole monopoly on the legitimate use of force—that any violence carried out by anyone within its jurisdiction is only legitimate to the extent that “it is either permitted by the state or prescribed by it”—and that this claimed monopoly “is as essential to” the definition of a state as are the elements of “compulsory jurisdiction and of continuous operation.”¹⁶

Whereas law and political science focus on the state as an actor, Anthropology and Archaeology view the state as one of several different ways that a society may organize itself in order to assure cohesion and cooperation. There is a continuum of sorts, from small self-regulating bands, to egalitarian tribes and clans unified by narratives of shared lineage, to chiefdoms leading multiple tribes and clans... finally to the state as the most complex, centralized, and hierarchical social organization.¹⁷

¹³ Andrew Heywood, *Political Theory: An Introduction*, Third Edition, New York: Palgrave Macmillan, 2004 at 76.

¹⁴ *Id.*

¹⁵ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, Guenther Roth and Claus Wittich, eds., Berkeley: University of California Press, 1968, at 56.

¹⁶ *Id.*

¹⁷ See Patricia Crone, “The Tribe and the State,” in J. A. Hall, ed., *States in History*, Oxford: Blackwell, 1986; Elman R. Service, *Primitive Social Organization: An Evolutionary Perspective*, New York: Random House, 1962; Morton H. Fried, *The Evolution of Political Society: An Essay in Political Anthropology*, New York: Random

However, it should be noted that modern scholarship tends to view these societal forms as alternatives, each better suited for different circumstances, rather than steps on an evolutionary ladder.¹⁸ In this view, the state is the societal form best suited for solving the problems of urbanization and the aggregations of populations too large to cooperate on the basis of kinship alone. The state is thus defined, not by specific necessary elements as in the legal and political science definitions, but by the kinds of solutions that can solve those problems, and social phenomena that arise from those solutions: social stratification, bureaucratic administration, institutional government, the capacity to extract and redistribute resources, and the ability to coordinate populations in large-scale public projects.¹⁹

An important aspect of the anthropological view of the state is a shared social identity. That is, much as a person may identify as belonging to their family, or to their lineage in a tribal society, in a state society the people identify as members of their state. (For example, citizens of France identifying as being French, or citizens of the United

House, 1967; Elman R. Service, *Origins of the State and Civilization: The Process of Cultural Evolution*, New York: W. W. Norton & Company, 1975.

There is disagreement over whether chiefdoms are predecessors or alternatives to states. See, e.g., Leonid Grinin, "Complex Chiefdom: Precursor of the State or Its Analogue?" *Social Evolution & History*, Vol. 10, No. 1 (March 2011): 234-275.

¹⁸ See, e.g., Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution*, New York: Farrar, Straus, and Giroux, 2011, *passim*. See also James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, New Haven: Yale University Press, 2009; Pierre Clastres, *Society Against the State: Essays in Political Anthropology*, Robert Hurley and Abe Stein, trans., Princeton: Princeton University Press, 1990.

¹⁹ A concise survey of early approaches and debates over these categories, evolutionary paths culminating in statehood, and the characteristics of such a state may be found in John Gledhill, "Introduction: The Comparative Analysis of Social and Political Transitions," in J. Gledhill, B. Bender, and M.T. Larsen, eds., *State and Society: The Emergence and Development of Social Hierarchy and Political Centralization*, London: Unwin Hyman, 1988, at 1-32.

States identifying as Americans.) It is this shared identity, not territorial borders or coercive government, that makes the state possible; it replaces or supplements kinship, functioning emotionally to enable strangers separated even by great distances to feel that they belong to the same social unit, members of the same team.²⁰

In our own discipline, historians of political thought commonly view the state as an invention of the early modern period, and as a concept whose definition has changed with the times ever since the sixteenth century.²¹ Unlike the legal, sociological, and anthropological ideas of the state, therefore, the historical view would preclude such entities as the city-states of ancient Mesopotamia, the dynastic kingdoms of Egypt, the *poleis* of classical Greece, and every empire before the Renaissance. Those entities would be something other than a state.

That said, the usual historical conception of the state is more similar to that of political science than the anthropological concept. Above all, the state is thought of as an impersonal institution, a corporate entity with its own identity and existence, separate from the people who govern and are governed, which endures after any particular ruler/governor is gone.²² Within the state are durable institutions of government—ministries, agencies, and offices—which are subordinate to the state rather than a loose

²⁰ See, e.g., Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised Ed., London: Verso, 2006; Norman Yoffee, *Myths of the Archaic State: Evolution of the Earliest Cities, States, and Civilizations*, Cambridge: Cambridge University Press, 2009; Clifford Geertz, “The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States,” in Clifford Geertz, ed., *Old Societies and New States: A Quest for Modernity in Asia and Africa*, New York: Free Press of Clencoe, 1963.

²¹ See generally, Quentin Skinner, “A Genealogy of the Modern State,” *Proceedings of the British Academy*, Vol. 162 (2009): 325-370.

²² See, e.g., Michael J. Braddick, *State Formation in Early Modern England, c. 1550-1700*, Cambridge: Cambridge University Press, 2000, at 20-21.

aggregation of semi-autonomous jurisdictions.²³ These institutions may be centralized at a particular location, or they may penetrate into the territory being governed, but the jurisdiction of these government institutions must be defined by the modern conception of a “territory,” so that the government asserts the state’s exclusive and supreme authority within a particularly delineated region of the Earth’s surface.²⁴ A state also requires the power to pay for its operations by extracting taxes and other payments. Adopting the Weberian element, the historical definition also requires that the government’s assertion of authority must be backed by the threat of organized physical force.²⁵ For a polity to be considered a state, public authority must also be distinguished from the power of private persons, organizations, and office-holders, so that “political power resides in offices, not persons” or property or relationships.²⁶

All of these definitions contain elements that are helpful in determining whether, and to what extent, France was on the path to statehood in the 13th century. But none of these definitions contain all of the useful criteria, and most also seem to require conditions whose necessity is perhaps debatable.

From the discipline of International Law, two elements are unnecessary. First is the requirement of a permanent population. This applies to every imaginable form of polity—one cannot have a community of any sort without people who belong to it. Second is the requirement of capacity to interact with other states. Presuming that there

²³ *Id.*

²⁴ See, e.g., Stuart Elden, “How Should We Do the History of Territory?” *Territory, Politics, Governance*, Vol. 1, No. 1 (2013): 5-20.

²⁵ See Skinner, “A Genealogy of the Modern State,” *supra*; Michael Duffy, ed., *The Military Revolution and the State 1500-1800*, Exeter: University of Exeter Press, 1980.

²⁶ See Braddick, *State Formation in Early Modern England*, *supra* at 17.

are other states with which to interact, it is hard to imagine a situation in which a state would lack the capacity to deal with them. The criterion becomes even more unnecessary if we incorporate a requirement that the state must have exclusive sovereign authority over its territory, people, and government. If the people serving in the government of the state wished to deal with a foreign state, they would do so as agents of the state acting with its authority. The capacity is inherent in the nature of the entity.

From the discipline of Political Science, two other elements can be set aside. First is the definition of a state as an organization. It is more precise to adopt the legal and historical conception of the state as a specific kind of organization, an institution that exists and acts as a distinct entity apart from its population and government. Second is the requirement that the state have a monopoly on the legitimate use of violence. This is posited as necessary for compelling compliance with the state's demands. But all that is required is the credible threat of force, backed by the capacity to use force if needed. That does not necessitate the preclusion of private violence that can be legitimate regardless of the state's say-so, such as self-help in weakly-governed parts of the territory, or self-defense anywhere.

From the disciplines of Anthropology and Archaeology, two further elements can be removed. Or perhaps one and a half. The first is the requirement of social stratification. It is true that state-level organization can arise from or create the existence of social elites, but it is not self-evident that they *must* exist for a polity to be considered a state. In the modern world, multiple states exist without caste, aristocracy, rigid social classes, or slavery. From the requirement that states must have the capacity

to extract and redistribute resources, one could eliminate the redistribution half by adopting instead the requirement that a state have the capacity to collect revenue to pay for its expenses. Although redistribution is commonplace, there have been purely extractive states, and one could imagine even a complex state that did not redistribute wealth beyond paying its government employees and paying for the goods and services it uses.

Stripped of the condition that states must be a modern invention, the essential elements from the perspective of History mostly comport with elements from the other disciplines, though they are missing some important elements found in other disciplines. The political science understanding of sovereign jurisdiction, supreme above all other authority, can be added. As can the anthropological requirements that the state have the capacity to coordinate the members of a large and heterogeneous population, and that the members of that population share a common social identity. In addition, the historical definition adds its own unique element, a clear separation between the public and the private.

Putting all that together, we can assemble a useful working definition of the state. For the purposes of this paper, we can say that a state:

1. Is an impersonal institution, with its own unique existence and agency, distinct from any individual rulers, officials, ministries, and offices;
2. Has a territorial jurisdiction, a specific region of the Earth's surface (though border disputes and other unclearly-defined zones need not necessarily invalidate statehood);

3. Has ultimate sovereign political authority over all persons and activities within that territorial jurisdiction, subordinate to no other;
4. Exercises its authority through subordinate institutions of government, such as administrative ministries, executive offices, legal systems, and armed forces;
5. Has the capacity to coordinate the persons and organizations within its jurisdiction in carrying out large civic projects;
6. Has the capacity to compel compliance with its authority throughout its jurisdiction;
7. Can pay for its operations through effective taxation and/or other means of raising revenue;
8. Clearly distinguishes the public authority of government from the private power of individuals and non-state organizations; and
9. Is a shared social identity of the people and peoples who are members of the state.

These are the elements to look for, as we assess the degree to which France may be said to have been on the path to statehood during the 13th century, in particular as a consequence of the Albigensian Crusade.

PART TWO: FRENCH GOVERNMENT BEFORE THE ALBIGENSIAN CRUSADE

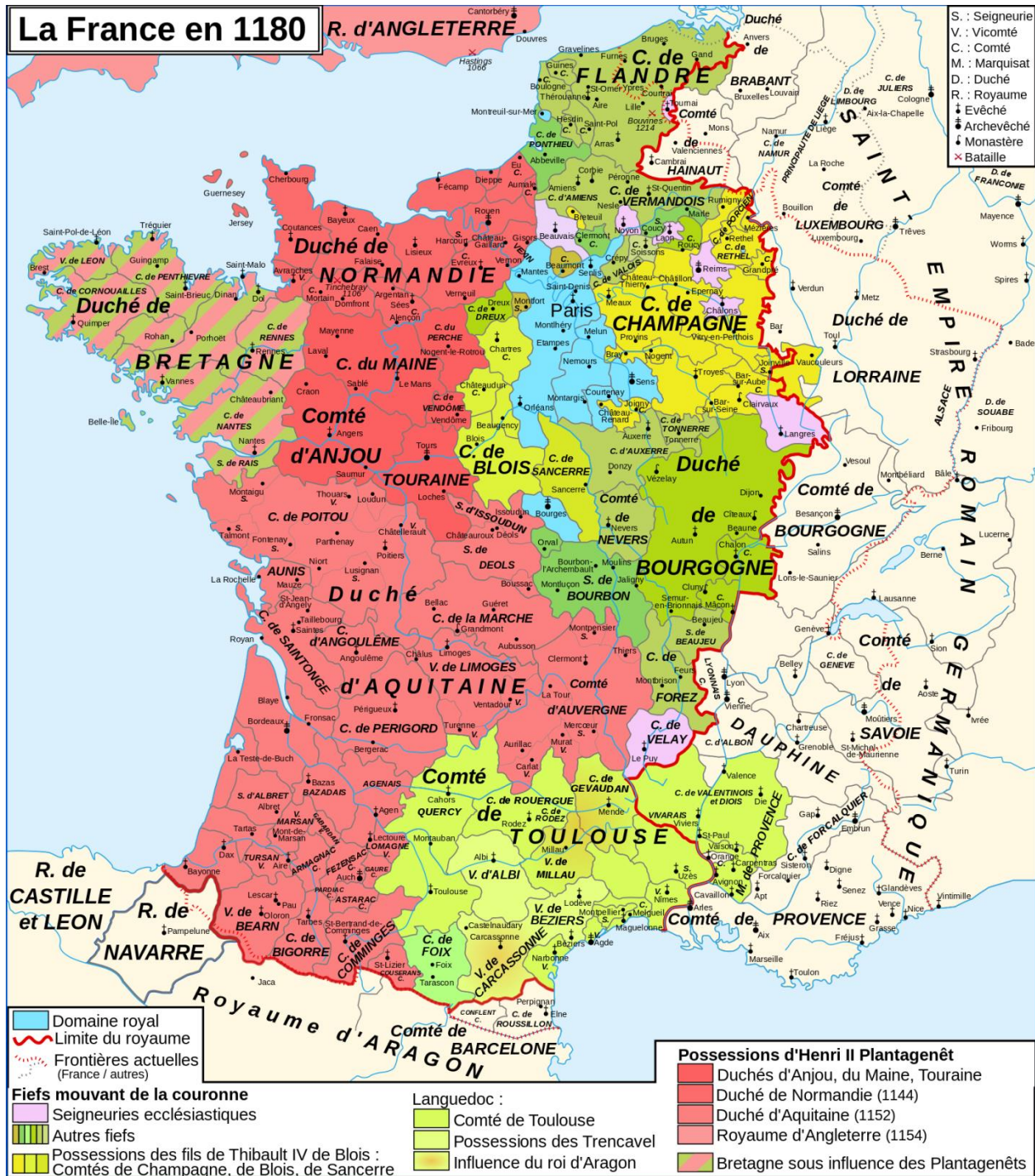


Fig. 1: French royal lands at the time of Philip II's succession. Zigeuner, *Carte de la France en 1180*, 3 December 2008.



Figure 2: Jean Fouquet, *Couronnement de Philippe Auguste*, illumination from *Grandes Chroniques de France*, c. 1455, Bibliothèque Nationale de France, Département des Manuscrits, Français 6465, folio 212v.

On the first of November, All Saints' Day, 1179, Philippe Dieudonné entered the ancient and storied cathedral of Reims.²⁷ He was fourteen years old. And he was about to be crowned King of the Franks.²⁸

²⁷ Reims Cathedral was first constructed in 420. There, Clovis, the first great king of the Franks, was baptized upon his conversion to Christianity in either 496 or 508. See

Clad in his robes of state, Philippe proceeded down the aisle past a packed congregation of Europe's nobility, lords of every rank who had come from near and far to witness the ceremony. History also looked on: the royal crown and sword to be bestowed on Philippe were the crown and sword of Charlemagne; the throne and scepter those of the great Merovingian king Dagobert I; the cathedral itself had witnessed Louis the Pious' coronation as emperor in 816, and every royal coronation since 1027.

Danuta Shanzer, "Dating the Baptism of Clovis: The Bishop of Vienne vs. the Bishop of Tours," *Early Medieval Europe*, Vol, 7, No. 1 (1998): 29-57.

²⁸ The ceremony was unusually well-documented for the 12th century. The following account is based largely on three of the available sources. The main source for the order of events is a contemporary *ordo* script of the coronation rites, contained in the Bibliothèque Nationale manuscript Lat. 14192, folios 73r-83r.

Historians have traditionally held that the full *ordo* is the one contained in Jean du Tillet's 1566 *Recueil des Roys de France*. Though as early as the 17th century certain details have been questioned as anachronistic, it appears that du Tillet did make use of 12th century source material for much of what he wrote, including the *ordo* cited above. Leaving aside the parts most likely to be anachronistic, his account offers more color and detail about who was present and what they did. See Elizabeth A. R. Brown, "Franks, Burgundians, and Aquitanians' and the Royal Coronation Ceremony in France," *Transactions of the American Philosophical Society*, Vol. 82, No. 7 (1992): i-xii, 1-189.

For the part played by Henry II, I referred to the eyewitness account of Ralph of Diceto (Ralph of Diss), the dean of St. Paul's Cathedral in London, which he wrote about a decade after the fact. *Ymagines Historiarum*, in William Stubbs, ed., *The Historical Works of Master Ralph de Diceto, Dean of London*, London: Longman & Co, 1876, Vol. I at 438-440. Ralph "has been characterized as a 'civil service' historian, interested in government and law," and so in him one finds perhaps a kindred spirit. (Quoting Michael Staunton, *The Historians of Angevin England*, Oxford: Oxford University Press, 2017 at 67.)

Although there is another contemporary script, the *Ordo of Saint-Bertin* from the second half of the 12th century, it is more than likely a German rite, and there is no evidence that it was ever used in France. See Richard A. Jackson, ed., *Ordines Coronationis Franciae: Texts and Ordines for the Coronation of Frankish and French Kings and Queens in the Middle Ages*, Philadelphia: University of Pennsylvania Press, 1995, Vol. I at 240.

Ahead of Philippe marched a grand procession. Flags and banners streamed aloft. Hundreds of clergy preceded the celebrant, the Archbishop of Reims, towards the chancel. Three other visiting archbishops strode with him. Carrying the sword, scepter, and other regalia marched a magnificent line of bishops. The oil for the anointing came with its own procession of monks, their abbot leading them barefoot with the ampulla on a heavy chain.

The crown itself was carried in the procession by no less than Henry II, king of England. When the procession ended and the coronation rites began, the king remained at the Archbishop's side.

After several prayers for God's blessing and a good reign, the Archbishop anointed Philippe with oil, in imitation of the biblical anointing of David as king and Aaron as priest. Then Philippe was presented with the signet ring, a ring of sacred and temporal power. The Archbishop girded him with Charlemagne's sword, entrusting the boy with the military defense of his kingdom. When it came time for the crown of Charlemagne, the English king Henry set it upon Philippe's head—supporting the crown lest the boy feel the weight of its burden, and thereby indicating that he would be there should such support be needed in the future. Finally the ancient scepter, the staff representing the legitimacy of rule, was placed in Philippe's hand. Each gift was surrounded by prayers and pronouncements, and many more followed.

The Archbishop and Philippe sealed the ceremony with a kiss, after which the cathedral boomed with three loud cheers of all the assembled nobility and clergy, "may the king live happily forever." An abbreviated mass followed, with the whole congregation sharing a communion of bread and wine.

No ceremony could have been more glorious and solemn, more potent and momentous. Then, when the lad finally emerged from the cathedral, the multitudes who had packed into Reims for the event deafened him with roars of *vive le roi*. He was no longer the boy Philippe Dieudonné. He stood before his people as Philip II, King of the Franks.²⁹

It didn't mean very much.

- - -

Today, the title “king” is generally understood to denote a supreme ruler, an autocrat with the sovereign power to command all within his domain.³⁰ Philip II was nothing of the sort.

Ask someone in the present day what a “kingdom” is, and they may envision some sort of unified, contiguous political unit, with a sovereign monarch who rules over all the lands and people within a defined national border.³¹ One would have a hard time finding any such thing on a map of France in Philip's day.

For one thing, there was no such country as “France.” In 1179, the land we know as France was a patchwork of dozens of self-governing territories. The king's domain consisted of some disconnected splotches of territory, mostly around Paris, and

²⁹ Rigord, *Gesta Phillipi Augusti*, in In M. Cecilia Gaposchkin and Sean L. Field, eds., Sean L. Field, transl., *The Deeds of Philip Augustus: An English Translation of Rigord's "Gesta Phillipi Augusti,"* Ithaca: Cornell University Press, 2022, at 49.

³⁰ See, e.g., *Oxford English Dictionary*, s.v. “King, n.,” September 2023, (“a male sovereign ruler of an independent state or people, esp. one who inherits the position by right of birth; a male monarch”); *Dictionary.com*, s.v. “King, noun,” November 2023, at <https://www.dictionary.com/browse/king> (“a male sovereign or monarch; a man who holds by life tenure, and usually by hereditary right, the chief authority over a country and people”).

³¹ Perhaps turreted castles and Disney princesses also come to mind.

“hemmed in by a host of other and often hostile” lands.”³² These lands were controlled by men of lesser rank—counts, dukes, and other lords—yet those lords were not subject to the king’s rule. The king did not govern their territories. The king did not tax their people. The king did not command their armies.

For another, Philip II had not been crowned “King of France.” He was King of the Franks—arguably more the ethnic leader of a people than the political ruler of a country.³³

The king was not even a “first among equals” in any practical sense. It was “openly acknowledged” that the king was significantly weaker than most of the other lords, who ruled larger territories, amassed greater wealth, and commanded stronger armies.³⁴

Merely to maintain royal control over the king’s small royal domain, within just a thirty mile radius of the Île-de-France, Philip’s grandfather Louis VI (“the Fat”) had been compelled to fight wars against the counts and castellans of Beaumont, Crécy, Corbeil, La Roche-Guyon, Le Puiset, Montmorency, Mouchy, Montlhéry, and Rochefort.³⁵

³² Charles T. Wood, “*Regnum Francie*: A Problem in Capetian Administrative Usage,” *Traditio*, Vol. 23 (1967): 117-147, at 117.

³³ See Margret Lügge, *‘Gallia’ und ‘Francia’ im Mittelalter*, Bonn: Röhrscheid, 1960, at 176-180; Wood, “*Regnum Francie*,” *supra* at 145.

³⁴ See James Naus, *Constructing Kingship: The Capetian Monarchs of France and the Early Crusades*, Manchester: Manchester University Press, 2016, at 18.

³⁵ Suger’s biography of the king, written shortly after Louis VI’s death in 1137, is a chronicle of non-stop treason, treachery, rebellion, murder, and revenge. Suger, Abbot of Saint Denis, *The Deeds of Louis the Fat*, transl. by Richard Cusimano and John Moorehead, Washington: Catholic University of America Press, 1992. An earlier version

The kings were so uncertain of their own power that they could not trust that their own sons would inherit the throne after they died. To ensure peaceful transition, the kings had taken to having the lords and bishops formally ratify their chosen successor.³⁶ Indeed, Philip II's coronation had taken place while his father still lived.³⁷

As for royal government, there was not much to speak of. France had no institutions of state, no structured and specialized bureaucracy carrying out the business

of the translation is available online at Fordham University's *Internet Medieval Source Book*, at <https://sourcebooks.fordham.edu/basis/suger-louisthefat.asp>.

³⁶ See Andrew W. Lewis, "Anticipatory Association of the Heir in Early Capetian France," *The American Historical Review*, Vol. 83, No. 4 (October 1978): 906-927, *passim*.

The nature of this formal designation varied from reign to reign. Some successors were formally named as the expected, though eventual heir, and did not assume the royal title until the reigning king had died. Others were fully crowned and consecrated while the reigning king still lived. *Id.*, at 908-910.

³⁷ As the chronicler Rigord (d. 1207) recorded:

In the year of our Lord's incarnation 1179, Louis, the most Christian king of the Franks, now almost sixty years old, mindful of the shortness of human life and feeling himself in ill health and suffering from partial paralysis, convened a general council of all the archbishops, bishops, abbots, as well as barons of the entire kingdom of the Franks, in Paris at the palace of our venerable father Maurice, the bishop of Paris.

When everyone had taken their places, King Louis entered the chapel alone, and after praying to the Lord, as was his custom in all matters, he summoned one by one the archbishops, bishops, abbots, and all the leading men of the kingdom, and informed them that he planned, with their advice and consent, to raise his most beloved son Philip "Given by God" to be king at the coming feast of the Assumption of the Blessed Virgin Mary.

The prelates and leading men of the kingdom, hearing the will of the king, being of one mind, exclaimed one and all, "So be it!" Thus ended the council.

Rigord, *Gesta Phillipi Augusti*, *supra* at 47-48 (footnotes and annotations omitted, paragraph breaks added for readability).

of public administration. Even if he wanted to assert sovereign authority over the land, the French king had no mechanisms that would make it possible. The small royal domain needed little more than the king and his household staff, a few clerks to handle the paperwork, and a local official or two in various towns.³⁸ This may have been sufficient for a small weak domain, but it was far too rudimentary to govern a nation.

And so the crown which Henry II had deemed too weighty for a fourteen-year-old head was, in truth, nearly insubstantial. A king Philip might have been, but sovereign ruler of a nation he most assuredly was not. France may have been many things, but a cohesive institutional political state it was not.

The government which Philip inherited instead consisted primarily of an itinerant court, consisting of himself, his household staff, and whatever bishops and lords happened to be accompanying him as he visited the various settlements of his tiny realm.³⁹ The king was assisted by a handful of local officials who mostly remained within their jurisdictions.⁴⁰

And so, until fairly recently, political historians have thought of the Capetian dynasty prior to the reign of Philip II as extremely weak. While such assertions are not entirely false, neither are they entirely accurate. When Philip II received his crown in 1179, the French kingship was certainly a weaker lordship than that of various French counts and dukes. Nevertheless, his kingship was already qualitatively different from

³⁸ See below for a more detailed discussion of royal government at the time of Philip II's accession.

³⁹ C. Warren Hollister and John W. Baldwin, "The Rise of Administrative Kingship: Henry I and Philip Augustus," *The American Historical Review*, Vol. 83, No. 4 (October, 1978): 867-905, at 868.

⁴⁰ *Id.*

any other lordship, in nature if not in authority, and it was this essential distinction that laid the foundation for royal supremacy, the centralization of power, and the assertion of that power across French territory.

Similarly, France was certainly a stateless society at the time of Philip's coronation.⁴¹ The view has generally been that impersonal Carolingian institutions of government administration and justice had dissolved, to be replaced by the entirely personal governance of lordships whose authority rested on reciprocal personal oaths and whatever military power such oaths could guarantee.⁴² But this is not to say that royal government did not exist at all. A nascent administrative bureaucracy, though tiny, had already begun to sprout, over which the king could at least theoretically assert some control. And the royal court contained still more seeds of what could grow into impersonal state institutions.

A. The King

When Philip II was crowned and anointed in 1179, he took his place in a dynasty not known for its strength or effectiveness. Political historians have even referred to the

⁴¹ See, e.g., Débax, "Oaths as an Instrument of Power," *supra* at 167; Patrick Geary, "Living with Conflicts in Stateless France: A Typology of Conflict Management Mechanisms, 1050-1200," in *Living with the Dead in the Middle Ages*, Ithaca, Cornell University Press, 1994, at 125-127.

⁴² See, generally, Georges Duby, *La Société aux XIe et XIIe Siècles dans la Région Mâconnaise*. Paris: Armand Colin, 1953; Jean-Pierre Poly and Eric Bournazel, *The Feudal Transformation, 900-1200*. Caroline Higgitt, transl. New York: Holmes and Meier, 1991. See also Georges Duby, "The Evolution of Judicial Institutions," in Cynthia Postan, transl., *The Chivalrous Society*, Berkeley: University of California Press, 1980, at 15-58.

Capetian dynasty up to this point as the “nadir of the French monarchy.”⁴³ The general consensus has been that, after Viking raids and aristocratic competition shattered the remnants of the Carolingian dynasty into a feudal patchwork, the monarchy was reduced to such a state that it could offer little protection, and real power shifted away from both the king and the Church to the local control of feudal lords.⁴⁴

But by Philip’s time, this was not quite the case. True, the kingship Philip II inherited was still a weaker lordship than that of other French counts and dukes, but as discussed below, the crown had already been gaining strength for several decades. Any “nadir” of royal authority was long past.

The political development of 13th-century France did not take place in a vacuum. Its governmental forms and structures had inherited political and cultural traditions from the Carolingian and Merovingian eras, from still more ancient Germanic societies, and even from the late Western Roman Empire. These forms and structures had been further shaped and defined by dramatic societal transformations, not only within France but throughout all of Europe. These transformations had already begun to accelerate during the preceding century at such a rate as to spark serious attempts to “stand

⁴³ This exact phrase appears in multiple sources. *See, e.g.*, Jean Dunbabin, “What’s In a Name? Philip, King of France,” *Speculum*, Vol. 68, No. 4 (October 1993): 949-968, at 963; Rodney Bruce Hall, “Moral Authority as a Power Resource,” *International Organization*, Vol. 51, No. 4 (Autumn 1979): 591-622, at 603; Marcus Bull, “Introduction,” in Marcus Bull, ed., *France in the Central Middle Ages 900-1200*, Oxford: Oxford University Press, 2002, at 11.

⁴⁴ *See, e.g.*, Hélène Débax, “Oaths as an Instrument of Power in Southern France, 11th-12th Centuries,” in Philippe Buc and Thomas D. Conlan, eds., *Oaths in Premodern Japan and Premodern Europe*, Vienna: Austrian Academy of Sciences Press, 2023, at 163-167; Declan Mills, “The Tenth-Century Collapse in West Francia and the Birth of Christian Holy War,” *Pons Aelius: Newcastle History, Classics and Archaeology*, No. 12 (2015): 24-33; Hall, “Moral Authority as a Power Resource,” *supra* at 602-603.

athwart History, yelling ‘Stop.’”⁴⁵ Among other things, this new world included an institutional Church that fiercely asserted itself as a transcontinental political authority, independent of and superior to the secular political authorities of Western Europe.

A proper discussion of factors that shaped France’s historical context could fill volumes. Myriad threads—from environmental change to urban guilds and free peasantry, from monetary innovations to theology to personal relationships—make up the fabric from which France would emerge. This section will pull only one of these threads to tell its story. It is the thread of a unique political institution that only recently had taken shape, the likes of which had never been seen before: the Christian King.

1. “The Most Christian King”: Sacral Kingship and the Problem of Royal Authority

Philip II ascended to a kingship with comparatively little earthly power. The territory under his direct royal dominion was only a small portion of France, and the rest consisted of self-governing territories controlled by local counts, viscounts, dukes, seigneurs, castellans, and ecclesiastical lords.⁴⁶ The king had no real capacity to command these nobles, govern their lands, or tax them, and many commanded

⁴⁵ See, e.g., Gerhoh of Reichersberg’s voluminous letter bemoaning “the novelties of the day” to Pope Adrian IV, *Liber de Novitatibus Huius Temporis*, 1156, collected in Oliver Joseph Thatcher, ed., *Studies Concerning Adrian IV*, Vol. 4, Chicago: University of Chicago Press, 1903, at 184-238.

The quotation is of course from William F. Buckley, Jr.’s famous mission statement at the launch of his conservative *National Review* in the middle of another century of rapid change: “It stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it.” William F. Buckley, Jr., “Publisher’s Statement,” *National Review*, Vol. 1, No. 1 (November 19, 1955): 5-6, at 5.

⁴⁶ Elizabeth M. Hallam and Judith Everard, *Capetian France 987-1328*, 2nd ed., New York: Routledge, 2001, at 161-162.

resources and military strength that dwarfed that of the king.⁴⁷ Yet none of them were a king. None came into their title through such a profound ceremony as a coronation. The Frankish king may not have had as much power as his fellow lords, but his lordship was something qualitatively different from any other.

As King of the Franks, Philip was more than a feudal lord, more than a patron of vassals. He was the *rex christianissimus, roi très chrétien*⁴⁸—the Most Christian King. His title carried a uniquely sacral identity, a particularly pronounced religious dimension that set his kingship apart in a truly meaningful way. Other feudal lords may have supported the Church, or even claimed to be vindicated by God’s will, but only the Frankish King was God’s own viceroy. Only the King was anointed as God’s representative on Earth. Philip’s coronation was not just a political ceremony; it was a religious liturgy, a public affirmation of the sacred aspect of kingship that set him apart from all other lords.⁴⁹

This sacred kingship was something relatively new. And yet it was at the same time something as ancient as kingship itself.

⁴⁷ *Id.*

⁴⁸ This epithet, “the most Christian king,” was first attributed to Louis VII by Pope Alexander III in 1164. It would be used by all French kings thenceforth until the revolution of 1789. Jerzy Pysiak, “Saint Louis as a New David and Paris as a New Jerusalem in Medieval French Hagiographic Literature,” in Marzena Zawadowska and Mateusz Wilk, eds., *The Character of David in Judaism, Christianity and Islam*, Leiden: Brill, 2021 at 160.

⁴⁹ This concept was eloquently stated by the Norman Anonymous in 1100: “Potestas enim regis potestas Dei est, Dei quidem est per naturam, regis per gratiam” — “The king’s power is the power of God, but it is God’s by nature, the king’s by grace.” Norman Anonymous, *De Consecratione Pontificum et Regum*, in Heinz Boehmer, ed., *Monumenta Germaniae Historica, Libelli de lite III*, Hanover: Hahn, 1897, 662-679, at 667. See also Ernst Hartwig Kantorowicz, *Laudes Regiae: A Study in Liturgical Acclamations and Mediaeval Ruler Worship*, Berkeley: University of California Press, 1946, at 104-111.

a. *Ancient Kingship: Kings as Priests*

From the time that the first city-states emerged in Mesopotamia, through the disintegration of the western Roman Empire more than four thousand years later, kingship was as much a religious role as it was a governmental office.⁵⁰ Throughout those millennia, the concept of a “secular government” separate from religious beliefs and practices was as impossible to imagine as a sentence without words.⁵¹ Civic institutions were temples, and the bureaucrats who administered communal projects

⁵⁰ See Paul Kriwaczek, “Kingship Descends from Heaven: The Urban Revolution Before 4000 BCE,” in *Babylon: Mesopotamia and the Birth of Civilization*, New York: St. Martin’s Press, 2012; Francis C. Oakley, *Kingship and the Gods: The Western Apostasy*, Houston: University of Saint Thomas, 1968.

⁵¹ Even in the modern world, “many languages have no word for ‘religion,’ and many that do have such a word have borrowed it from another language.” Bruce Ellis Benson, “Is There Such a Thing as ‘Religion’? In Search of the Roots of Spirituality,” *Open Theology*, Vol. 6, No. 1 (January 2020): 693-705, at 701. Sanskrit, for example, has no word corresponding to “religion.” See Bimal K. Matilal, “Towards Defining Religion in the Indian Context,” in Thomas A. Aykara, ed., *Meeting of Religions*, Bangalore: Dharmaram, 1978, at 31 and 37. Neither did the ancient Greeks, whose *eusebia* had more of a connotation of general piety and reverence for cultural values, and whose *thrēkeia* simply referred to the rituals performed by priests. See Benson, “Is There Such a Thing as ‘Religion?’” *supra* at 701; Mark L. McPherran, *The Religion of Socrates*, University Park: Pennsylvania State University Press, 1996. Similarly, the ancient Roman word *religio* referred to the virtues inherent in fulfilling social obligations to one’s community and ancestors. See Benson, “Is There Such a Thing as ‘Religion?’” *supra* at 693; Benson Saler, “*Religio* and the Definition of Religion,” *Cultural Anthropology*, Vol. 2, No. 3 (August 1987): 395-399. The concept of “religion” is equally absent from the languages of premodern China. Joseph A. Adler and Daniel L. Overmyer, “Chinese Religion: An Overview,” in *Encyclopedia of Religion*, 2nd Ed., Vol. 3, Detroit: Macmillan, 2005, at 1580. See also, generally, Brent Nongbri, *Before Religion: A History of a Modern Concept*, New Haven: Yale University Press, 2013.

To this day, much of the world still makes little distinction between what is secular and what is religious, continuing to perceive gods not as part of a “nonordinary” supernatural world, but as part of the everyday natural world. See Morton Klass, *Ordered Universes: Approaches to the Anthropology of Religion*, Boulder: Westview Press, 1995, at 22.

did so as part of their priestly function.⁵² A king—or pharaoh, or emperor—was the high priest of the civic cult, the chief interlocutor with the gods on behalf of the people and their land.⁵³ Maintaining the proper relationship with the gods was a paramount purpose of government. Whether king, pharaoh, or emperor, a ruler bore the ultimate responsibility for his state’s welfare—the fertility of its crops, the strength of its people, protection from its enemies, its dispensation of justice, the administration of its civic affairs—and all of this required the cooperation of its gods. The power wielded by rulers, their authority to command, and the legitimacy of their rule were all grounded in and inextricable from their responsibility for maintaining the state’s relationship with its civic gods.⁵⁴

⁵² See Justin Jennings, *Killing Civilization: A Reassessment of Early Urbanism and its Consequences*, Albuquerque: University of New Mexico Press, 2016; Marcella Frangipane, “Different Trajectories in State Formation in Greater Mesopotamia: A View from Arslantepe (Turkey),” *Journal of Archaeological Research*, Vol. 26 (2018): 3-63, at 14 (the “three key elements” of centralized institutional power in the first states were the priest-king, the civic temple, and the civic management of resources).

⁵³ See, e.g., David Frankfurter, “Traditional Cult,” in David S. Potter, ed., *A Companion to the Roman Empire*, Oxford: Blackwell, 2006, at 552-555. See also, generally, A. Afzar Moin and Alan Strathern, eds., *Sacred Kingship in World History: Between Immanence and Transcendence*, New York: Columbia University Press, 2022.

⁵⁴ See, e.g., Simo Parpola, “The King as Priest,” in Johannes Bach and Sebastian Fink, eds., *The King as a Nodal Point of Neo-Assyrian Identity*, Münster: Zaphon Verlag, 2022, at 195-224; Ellen F. Morris, “The Pharaoh and Pharaonic Office,” in Alan B. Lloyd, ed., *A Companion to Ancient Egypt*, Oxford: Wiley-Blackwell, 2010, at 201-217; Francis Oakley, *Kingship: The Politics of Enchantment*, Oxford: Blackwell Publishing, 2006 (chapters 1 and 2 discuss this in detail); and Gilbert Dagron, *Emperor and Priest: The Imperial Office in Byzantium*, Cambridge: Cambridge University Press, 2003.

b. Separation of Church and State

With the collapse of the western Roman Empire, however, a new form of kingship arose that was pointedly not a priesthood. The new Germanic leaders who assumed political power as Roman authority withered were not priests, had never been priests, and did not consider their job to be a religious function.⁵⁵ Theodoric the Great, for example, even though he was spoken of as a Roman emperor, *Princeps Romanus*,⁵⁶ nevertheless avoided assuming any religious role. He instead adopted “a policy of religious toleration and non-interference in religious matters.”⁵⁷

Meanwhile, an accident of history led the Church of Rome to survive as its own independent institution as Rome itself dissipated around it.⁵⁸ The result was an early separation of religious and political institutions, of ecclesiastical and secular authority, something utterly unprecedented in human history. Augustine had begun to articulate a distinction between spiritual and temporal authority in his *City of God*, arguing that they served different purposes, and should remain distinct, though interrelated.⁵⁹ Pope

⁵⁵ Michael Edward Moore, *A Sacred Kingdom: Bishops and the Rise of Frankish Kingship, 300-850*, Washington: Catholic University Press, 2011, at 118; James Westfall Thompson, “Church and State in Mediaeval Germany,” *The American Journal of Theology*, Vol. 22, No. 1 (January 1918): 72-100.

⁵⁶ Jonathan J. Arnold, *Theodoric and the Roman Imperial Restoration*, Cambridge: Cambridge University Press, 2014, 70.

⁵⁷ Richard I. Harper, “Theodoric and the Laurentian Schism: An Aspect of Fifth-Century Church and State,” *Southern Quarterly*, Vol. 4, No. 2 (Jan. 1966): 123-143, at 123.

⁵⁸ See, e.g., R. A. Markus, *Gregory the Great and His World*, Cambridge: Cambridge University Press, 1997, *passim*, especially the Introduction and chapters 6, 7, and 8; Peter Brown, *The Rise of Western Christendom: Triumph and Diversity, A.D. 200-1000*, Second Edition, Malden: Blackwell, 2003, at 190-216.

⁵⁹ Edmund Waldstein, “Spiritual Ends and Temporal Power: An Integralist Reading of *City of God*,” in B. Z. Kabala, et al., eds., *Augustine in a Time of Crisis*, London: Palgrave Macmillan, 2021.

Gelasius I further developed the idea of separation of *sacerdotium* and *regnum*, asserting that kings and priests had separate but complementary authority.⁶⁰ Then, after the Christianization of the empire, the emperors ceased to act as priests. In this new civic religion of faith rather than sacrifice, the emperors were no longer the chief intercessors with God on behalf of their people, nor were they the authority on religious doctrine. Those roles now belonged exclusively to the bishops of the Christian Church. In the religious sphere, emperors served only as protectors, administrators, and arbiters of ecclesiastical affairs.⁶¹ For the first time in history, religion and government had become distinct concepts, though religious institutions remained institutions of the state. Then, with the failure of civil authority in the west, the Church under Pope Gregory I emerged as a strong institution that was independent of any other political authority.⁶²

Religion and government were now two different things. Church and State were now separate, distinct institutional entities. Tensions between the two were inevitable, however, and would not reach an equilibrium for more than five hundred years.⁶³

⁶⁰ Robert L. Benson, "The Gelasian Doctrine: Uses and Transformations," *La Notion d'Autorité au Moyen Age: Islam, Byzance, Occident* (1982): 13-44.

⁶¹ Deno J. Geanakoplos, "Church and State in the Byzantine Empire: A Reconsideration of the Problem of Caesaropapism," *Church History*, Vol. 34, No. 4 (1965): 381-403.

⁶² See James Barmby, *Gregory the Great*, London: Society for Promoting Christian Knowledge, 1879, at 39-40; Jeffrey Richards, *Consul of God: The Life and Times of Gregory the Great*, London: Routledge, 1980.

⁶³ The Investiture Controversy, settled by the Concordat of Worms in 1122 and ratified by the First Council of the Lateran in 1123, would be the first step toward achieving such an equilibrium.

The Frankish kings, meanwhile, would re-evolve into important religious figures. Not priests, certainly not priest-kings, and yet performing much the same sacred function as the priest-kings of old.

c. The Merovingians: Christian Ideals vs. Germanic Reality

At the beginning of the 6th century, the Frankish king Clovis could have been described more as a warrior chieftain than as a political leader.⁶⁴ The spear, not the crown, was the emblem of his kingship. He had founded the Merovingian dynasty by conquering and uniting the various Germanic kingdoms that had taken shape in Gaul—kingdoms that had been politically organized around secular military power, whose leaders were ignorant of the Roman methods of administering these lands.⁶⁵ In the vacuum left by the collapse of imperial structures, bishops of the Roman Church increasingly performed the work of governance, first as leaders of local congregations and growing into essentially urban and regional governors who supervised civic

⁶⁴ Not as a cunning and cruel barbarian invader, however. For a long time, that was the mainstream narrative. But over the past half century, historians have pierced through the myths and propaganda of the past to reveal a cautious and realistic military leader whose expansion into the Seine valley was more welcomed than resisted. See William M. Daly, “Clovis: How Barbaric, How Pagan?” *Speculum*, Vol. 69, No. 3 (July 1994): 619-664.

⁶⁵ Katharine Scherman, *The Birth of France: Warriors, Bishops and Long-Haired Kings*, New York: Random House, 1987, at 6. Although his consolidation of power did involve a certain amount of brutality, including the assassination of some of his own family, the depiction of Clovis as a ruthless, savage barbarian is an exaggeration. That narrative stems from a later history by Gregory, bishop of Tours (573-594). Gregory of Tours, *The History of the Franks*, Lewis Thorpe, transl., London: Penguin Books, 1974. Gregory’s narrative was shaped less by a desire for factual accuracy than by an agenda to contrast pre-conversion Clovis with the laudable post-conversion unifier and protector of the Church. See Alexander C. Murray, ed., *A Companion to Gregory of Tours*, Boston: Brill, 2018.

administration while shepherding their flocks.⁶⁶ By the end of the 5th century the office of bishop was the new civil aristocracy in Gaul, as councils of bishops enacted laws, enforced traditions, and administered justice.⁶⁷ It was to the Christian bishops, rather than the Germanic warlords, to whom the Gallo-Roman peoples turned for governance, reliability, and continuity.⁶⁸

Clovis understood this reality, and knew that he needed the backing of the bishops, not mere conquest and assassination, if he was to secure his position.⁶⁹ Accordingly, at some point before 508 he agreed to baptism at the hands of the Bishop of Rheims—a step that, whatever his personal piety, publicly aligned his kingship with the Roman Church.⁷⁰ His founding of a hereditary Salic succession reassured the bishops that a dynasty favorable to the Church would endure, however secular its individual rulers might be.⁷¹

In the following decades, the legitimacy of Merovingian rule grew increasingly dependent on the extent to which the kings supported the Church.⁷² In 585, King

⁶⁶ David W. T. Brattston, *The Rise of Bishops: From Parish Leaders to Regional Governors*, Eugene: Wipf and Stock, 2021.

⁶⁷ Patrick J. Geary, *Before France and Germany: The Creation and Transformation of the Merovingian World*, Oxford: Oxford University Press, 1988, at 35; Moore, *A Sacred Kingdom*, *supra* at 7-16, 40-41.

⁶⁸ Peter Brown, *The Rise of Western Christendom: Triumph and Diversity AD 200-1000*, Malden: Blackwell, 2003, at 62.

⁶⁹ J. M. Wallace-Hadrill, *The Barbarian West, A.D. 400-1000: The Early Middle Ages*, New York: Harper & Row, 1962, at 7.

⁷⁰ William M. Daly, “Clovis: How Barbaric, How Pagan?” *Speculum*, Vol. 69, No. 3 (July 1994): 619-664.

⁷¹ Derek Whaley, “From a Salic Law to *the* Salic Law,” in Elena Woodacre, et al., eds., *The Routledge History of Monarchy*, London: Routledge, 2019.

⁷² Yitzhak Hen, “The Uses of the Bible and the Perception of Kingship in Merovingian Gaul,” *Early Medieval Europe*, Vol. 7, No. 3 (2003): 277-289, at 283.

Guthram issued an edict that for the first time described a Frankish king as a religious figure, personally sanctioned by God to act as an intermediary minister to the king's subjects.⁷³ Soon, Merovingian kingship was spoken of as analogous to King David and the other priest-kings in the Bible. By 626, King Chlothar II was not only equated with David, but was referred to as a *rex et sacerdos*—literally, “king and priest”—like a Biblical king.⁷⁴

That said, these ideals almost certainly outpaced the messy political realities of the dynasty. Merovingian kings ruled less by the grace of God, and more by the support of the powerful men in the realm. Kings could be seen as not much more than figureheads for coalitions of magnates, powerful counts and dukes who governed the localities of the kingdoms. Merovingian kings had no power to dictate the decisions of such coalitions, and if a king crossed them he was liable to be replaced by a more agreeable Merovingian heir. Even the bishops could effectively resist a king who opposed them, because when they joined ranks in a synod they, too, were more powerful than a king.⁷⁵ After the Edict of Paris in 614, political power would be greatly

⁷³ *Gunthramni Regis Edictum* (585 Nov. 10), in *Monumenta Germaniae Historica, Capitularia regis Francorum I*, Alfred Boretius, ed., Hanover: Hahn, 1883, no. 5, at 10-12.

⁷⁴ *Concilium Clippiacense* (626/7), in J. Gaudemet and B. Basdevant, eds., *Les Canons des Conciles Mérovingiens (VIe-VIIe siècles)*, SC 353-4, Paris: Sources Chrétiennes, 1989, at 528-529.

Similarly, in 639, when Clovis II took the throne of Neustria and Burgundy, a bishop wrote him a letter of guidance on how he was to conduct himself, following the examples of David and Solomon and his own pious forebears. In this letter, for the first time, the Frankish king was described as a devout Christian whose authority relied on his ecclesiastical character as protector of the churches. Hen, “The Uses of the Bible and the Perception of Kingship,” *Early Medieval Europe, supra*, at 285-286.

⁷⁵ Gregory of Tours, *History of the Franks, supra* at 4.26, 4.50, 5.24, 6.31, 7.4, 7.9, 7.10, 7.27, 7.34, 7.43, 8.6, 8.27, 8.18, 8.27, 8.42, 9.9, 9.11, and 10.9.

decentralized, empowering both ecclesiastical and secular magnates at the expense of royal authority.⁷⁶ The Merovingians may have felt assured of their exclusive right to be kings, but the legitimacy of any one king's authority was subject to the will of powerful men, not whether he protected the Church against those powerful men.

d. The Carolingians: Religious Legitimacy of Secular Rule

Assuring legitimacy of rule through protection of the Church had largely eluded Merovingian kings and bishops, but with the Carolingians that aspiration came within reach.⁷⁷ The sequence of Pepin's coming to power in 750-751—his securing of papal approval to depose the childless Childeric III, his selection as king by the Frankish magnates, and his subsequent anointing by Archbishop Boniface in the first Frankish rite of royal unction—implied that papal assent and divine sanction were now elements of legitimate kingship.⁷⁸ The Donation of Pepin (753-756), in which Pepin defeated the Lombards and effectively transferred restored territories into papal hands while being styled *patricius Romanorum* and crowned again by the pope, further cemented the image of the Frankish king as Rome's military defender and partner. At the same time,

⁷⁶ The Edict of Paris, issued by Clothar II of Neustria, has been spoken of as a sort of Magna Carta for the Franks, with the king buying the support of the magnates in a civil war against Queen Brunhilde of Austrasia, by relinquishing royal jurisdiction and powers of appointment. It has been called a victory for those magnates who wanted to return to a political situation more like that of the Germanic tribes before Clovis. Alexander Callander Murray, "Immunity, Nobility, and the Edict of Paris," *Speculum*, Vol. 69, No. 1 (Jan. 1994): 18-39, at 25-26.

⁷⁷ See, e.g., Courtney E. Bowers, "Pepin, Power and the Papacy: The True First Holy Roman Emperor," *The Histories*, Vol. 4, No. 2 (2019): 13-20, at 15-16.

⁷⁸ Courtney E. Bowers, "Pepin, Power and the Papacy: The True First Holy Roman Emperor," *The Histories*, Vol. 4, No. 2 (2019): 13-20, at 15-17; Joseph Canning, *A History of Medieval Political Thought 300-1450*, London: Routledge, 1996, at 48.

the Frankish king still required the consent of the Frankish lords if he was to rule. This meant that the Carolingians, only one noble house among many, needed to maintain personal loyalties with his peers.⁷⁹ Furthermore, whatever power the king might have had, it was not inherent in the office of king but rather arose from his responsibilities: a king had legitimate authority only insofar as it was necessary to carry out his duties and obligations.⁸⁰ The political reality of Carolingian government was thus not one of institutional authority. It remained a web of personal ties and loyalties among the Frankish nobility, and between the king and Rome. Any new king would personally have to earn his own powers, relationships, and approval. None of these were granted by sacral ritual.

That said, under Pepin's son Charlemagne, the sacral language surrounding kingship became more explicit and more closely tied to the office itself. Shortly after assuming the throne, his royal title included the formula *rex dei gratia*: "king by the grace of God."⁸¹ In other words, the king's position and authority were sanctioned by God, a deity who could not be questioned or overruled by mere humans. By incorporating this formula into the title of the office, it became at least rhetorically part of the definition of Frankish kingship itself, rather than a personal attribute of this particular king. Soon, this formulation had the connotation that at least some of the

⁷⁹ Canning, *A History of Medieval Political Thought*, *supra* at 45.

⁸⁰ Spider-Man had it backwards. It is not that "with great power comes great responsibility," but that only because one has great responsibility can one have great power. (Correctly attributing the quote is something of a challenge. See Garson O'Toole, "Quote Origin: With Great Power Comes Great Responsibility," *Quote Investigator: Tracing Quotations* (July 23, 2015) at <https://quoteinvestigator.com/2015/07/23/great-power> (accessed January 15, 2025).

⁸¹ Canning, *A History of Medieval Political Thought*, at 17, 49. The full royal title was "[Name], by the grace of God King of the Franks, illustrious man."

king's power was God's authority, which through His approval God had delegated to the king. And so, by 775, Charlemagne would be referred to as *vicarius dei*, or the "vicar of God," vicariously exercising God's authority on His behalf.⁸² At the Diet of Frankfurt in 794, Charlemagne was referred to as *rex et sacerdos*, "priest and king."⁸³ This was only a symbolic suggestion, however, that he should conduct himself like David and Solomon, much as the epithet had been used for Chlothar II a century before. There was no suggestion that Charlemagne had any actual role as a priest in the Church. Charlemagne himself understood that his personal duty was to protect God's people under his care, and to defend God's church.⁸⁴

Pope Leo famously attempted to bind the Frankish king to the Church directly, by crowning Charlemagne as "Emperor of the Romans" during the Christmas mass of 800. Leo's personal situation was precarious, and he needed something more than a king with a personal role of protector—he needed a king with direct authority over Rome so as to restore Leo to power and defend his papacy.⁸⁵ There is little evidence that Charlemagne believed he had any such duty beyond that which he may have been personally willing to assume. But in the civil war and division that followed Charlemagne's death, the Church took steps to cement this authority as a duty inherent in the Carolingian crown. Pope Gregory IV mediated the dynastic disputes, thereby asserting real-life papal authority over secular rulers, and so he was confident in

⁸² Canning, *A History of Medieval Political Thought*, at 18-19, 49.

⁸³ Pablo Argárate, "Les Réformes Liturgiques Carolingienne et Grégorienne," *Questions Liturgiques*, Vol. 93 (2012): 157-170, at 161.

⁸⁴ Canning, *A History of Medieval Political Thought*, *supra* at 49.

⁸⁵ Henry Mayr-Harting, "Charlemagne, the Saxons, and the Imperial Coronation of 800," *The English Historical Review*, Vol. 111, No. 444 (Nov. 1996): 1113-1133, at 1123.

asserting in 833 that kings were subservient to religious authority, and that the very purpose of a king was to govern as a servant and defender of the Church.⁸⁶

By mid-century, Archbishop Hincmar of Rheims had transformed coronation in West Francia into a formal Church liturgy, always involving anointing. So doing institutionalized the sense that Frankish kingship was quasi-sacramental, analogous to holy orders, in a way that elevated kings above the other lay nobility. This reinforced the perception that royal authority derived from God's grace, conferred through the Church.⁸⁷

The increasingly fragmented dynasty diluted the personal loyalties of the Frankish magnates, to the extent that their consent could no longer meaningfully convey kingship. Instead, by 877, Archbishop Hincmar was able to orchestrate the coronation of

⁸⁶ See, e.g., Nicolaus I, *Epistolae et Decreta* XII, 862, at [https://la.wikisource.org/wiki/Epistolae_et_decreta_\(Nicolaus_I\)/2](https://la.wikisource.org/wiki/Epistolae_et_decreta_(Nicolaus_I)/2) (accessed February 17, 2025). See also Eleni Leontidou, "Episcopal Identity, Penance, and the Carolingian Crisis of 833," *Revue Bénédictine*, Vol. 129, No. 1 (2019): 143-167; Andreas Meyer, "Papal Monarchy," in Carol Lansing and Edward D. English, eds., *A Companion to the Medieval World*, Oxford: Blackwell, 2009, at 380.

⁸⁷ Jaume Aurell, "The Sacralization of Carolingian Accessions," in *Medieval Self-Coronations*, Cambridge: Cambridge University Press, 2020; Canning, *A History of Medieval Political Thought*, at 54-55, 63-65.

It would of course not be until the 12th century that the Church would formalize the seven sacraments recognized by today's Roman Catholic Church. Even so, the perception of royal anointing as a true sacrament remained powerful in this period among non-theologians, and for nearly a thousand years to come. The last French coronation consisting of both juridical crowning and sacramental unction would be that of Charles X in 1825. All but one of the benedictions crafted by Hincmar for Louis the Stammerer remained part of Charles X's rite. Richard Jackson, *Vive le Roi!: A History of the French Coronation from Charles V to Charles X*, Chapel Hill: University of North Carolina Press, 1984, at 204.

Louis the Stammerer without any need for such formalities as election.⁸⁸ Nor so much as an expression of noble approval by acclamation. At his coronation, the nobles had no choice but to swear their loyalty to Louis, for he was now King of West Francia whether they liked it or not.

By the end of the Carolingian dynasty, then, the very conception of kingship had transformed entirely. No longer a purely secular lordship, the role of king was now undeniably a religious office, the rites of coronation a Church sacrament, and the investment of kingship a Church affair. Neither priest nor secular ruler, the Frankish king nevertheless incorporated religious and secular roles in a single man.

e. The Capetians: Re-Sacralized Kingship

The anointing of Philip II in 1179 was, officially, no longer considered a sacrament. During the twelfth century, the Church had formalized the recognized sacraments to seven: baptism, confirmation, the Eucharist, penance, holy orders, matrimony, and anointing of the sick.⁸⁹ The royal unction now was technically classified as a “sacramental”—a rite to inspire devotion, rather than to directly confer God’s grace.⁹⁰ Nevertheless, to the non-theologians at Rheims that day, the coronation was just as powerful a sacrament as the anointing of any Carolingian king.

⁸⁸ See Margaret J. McCarthy, “Hincmar’s Influence During Louis the Stammerer’s Reign,” in Rachel Stone and Charles West, eds., *Hincmar of Rheims: Life and Work*, Manchester: Manchester University Press, 2015

⁸⁹ Michael Debus, *Sacramental Theology for a Modern and Future World: The Seven Sacraments in History and in the Christian Community*, Hudson: Lindisfarne Books, 2022, at §6.

⁹⁰ Canning, *A History of Medieval Political Thought*, *supra* at 56.

Sacred or not, Carolingian royal power waned dramatically after the death of Charles the Stammerer in 879. West Francia was divided between his sons, Louis III and Carloman II, but both were dead by 884, leaving rule in the hands of Charles the Fat, the Carolingian king of East Francia. Whatever legitimacy Charles may have had at the outset, he quickly lost all in the eyes of the Franks. Unlike Louis and Carloman, Charles the Fat failed to fight off Viking raids. Then in 885, tens of thousands of Vikings laid siege to Paris, and he refused the city's call for aid. For the next year, Odo, Count of Paris, held out against the besieging force, and finally broke through enemy lines to personally beseech Charles for help. Charles now arrived with a large army, but instead of fighting the invaders he offered them seven hundred pounds of silver to go ravage Burgundy instead. The lords of West Francia considered this reprehensible weakness and cowardice, and whatever the Church might have said about Charles' God-given authority, so far as the Franks were concerned, he had no legitimate authority whatsoever. His own nephew led a revolt, and Charles fled the country, leaving behind a Francia without any king.⁹¹

The anarchy turned chaotic. In the south, Saracen pirates established a fortified base in Provence, from which they harassed trade and terrorized the coastland. From the east, Magyar horsemen raided as far as Orléans, practically meeting up with the Vikings raiding from the west.⁹² Recognizing legitimacy in ability, the nobles in the vicinity of Paris elected Count Odo as their new king, but his realm consisted of only the northern territories of the former West Francia. Neither he nor his successor Charles the

⁹¹ Simon MacLean, *Kingship and Politics in the Late Ninth Century: Charles the Fat and the End of the Carolingian Empire*, Cambridge: Cambridge University Press, 2003, at 1-22 and *passim*.

⁹² Elizabeth M. Hallam, *Capetian France, 987-1328*, London: Longman, 1980, at 7.

Simple could stop the Viking raids, and finally Charles gave Normandy to the Viking chief Rollo in return for protection against other raiders as the king's vassal.⁹³

In 922, when Charles the Simple fled the kingdom to escape yet another revolt of the Frankish lords, the King of the Franks ruled a shrunken territory in the north of West Francia. What had been the administrative regions of the kingdom were essentially left to govern themselves, independent domains of the local dukes and princes. Over the course of the 10th century, larger duchies divided into smaller counties, counts consolidated counties into principalities, and by the end of the last Carolingian king's reign in 987 the very concept of public governmental authority had vanished from much of the land.⁹⁴

The most powerful lord in France was not the king, but the Duke of the Franks Hugh Capet. For ten years, Hugh had opposed the king, and allied himself with the important lords. After the king's death in May 987, the Carolingian blood heir Charles of Lorraine sought the crown, but Adalbero, the Archbishop of Rheims convened the most powerful lords and advised them to crown Hugh, arguing that the crown was not a hereditary right, but reserved for men who deserved it by their own virtues.⁹⁵ Adalbero anointed Hugh at his coronation as King of the Franks on the third of July.⁹⁶

⁹³ Eleanor Searle, *Frankish Rivalries and Norse Warriors*, Humanities Working Paper 118, Pasadena: California Institute of Technology, 1986.

⁹⁴ Jean Dunbabin, *France in the Making 843-1180*, 2nd ed., Oxford: Oxford University Press, 2000, at 27-100.

⁹⁵ Hallam, *Capetian France 987-1328*, *supra* at 28.

⁹⁶ Julien Havet, "Les Couronnements des Rois Hugues et Robert," *Revue Historique*, Vol. 45, No. 2 (1891): 290-297, at 296.

In the selection of Hugh Capet, the Church retreated from its assumed power as kingmaker, whose decisions were a *fait accompli* for the Frankish lords to accept whether they agreed or no. The realities of the situation were such that Archbishop Adalbero recognized that the choice had to be made by the laity, and that he would have to persuade them to elect his preferred candidate. And in persuading the lords, he made no argument that the legitimacy of a king's authority was vested in the sanctity of the Church. His argument was that legitimate authority was based on the personal merits of the man himself. Difficult times, it seems, required aspirational theory to be set aside for the time being to give way to practical necessity.

Hugh Capet did not ascend to a position of supremacy over his fellow lords. He was one of approximately a hundred and fifty dukes, counts, viscounts, and other titled magnates, each with his own territory, each enjoying within their domain the same rights and privileges as did the king in his royal domain. Regardless of what theoretical powers the king might have over France, his actual powers extended only as far as his own fiefs. The practical reality was that, beyond his domain, those hundred and fifty lords exercised their own power to administer justice, to make war, to regulate, and to enter into treaties with other duchies or counties.⁹⁷ King Hugh's domain was not a broad swatch of France. Upon his ascension, it consisted solely of five unconnected parcels of land, each entirely within and surrounded by the County of Vermandois in the northeastern quadrant of West Francia: a tiny patch of coastline just south of Flanders, a small dot of land to the east of Reims, two irregular patches to the northeast and west of Paris, and a larger blob centered on Orléans. As both wealth and manpower were

⁹⁷ Gustave Masson, *The Story of Mediaeval France: From the Reign of Hugues Capet to the Beginning of the Eighteenth Century*, New York: G. P. Putnam's Sons, 1888, at 5.

more or less proportional to the size of one's territory (the first being tied to the resources and crops of the land itself, the second to however many could live there), to suggest that the king was even the equal of his fellow lords in real power would be an exaggeration. The revenues Hugh could collect from his lands, and the military force he could call upon, was dwarfed by those of the surrounding county and its closest neighbors, Flanders, Champagne, and Normandy.⁹⁸ It would take three hundred years before his descendants could claim supremacy with a straight face.⁹⁹

When Philip II was anointed King of the Franks in 1179, his royal domain was even smaller, all within a day's journey from bases at Orléans, Compiègne, and Paris, mostly centered on the Île-de-France. For the most part, the king's resources were limited to what wealth and strength could be drawn from his tiny domain. But unlike Hugh, that was not the limit of his resources. For now the bond between King and Church was the strongest it had yet been. At his coronation, Philip had sworn powerful oaths binding him to the Church as its protector. Unlike the later Carolingian experience, however, the Church did not leverage these oaths into a position of supremacy over the king. Instead, the Church now reciprocated the king's loyalty, granting in return the right to appoint bishops and abbots in approximately 90 ecclesiastical jurisdictions around France—with the corresponding right to draw funds from their revenues. It was only fair: if he was to defend the Church, the Church ought

⁹⁸ John W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages*, Berkeley: University of California Press, 1986, at 7-13.

⁹⁹ Robert Fawtier, "The Capetian Patrimony," in Lionel Butler, transl., *The Capetian Kings of France: Monarchy and Nation, 987-1328*, London: Macmillan, 1960, at 96-109.

to help bear the cost. In theory, Philip could potentially draw on as much as a third of the resources of France.¹⁰⁰

This was the result of two centuries of struggle between the Frankish kings and the Church of Rome, as each fought for dominance. Hugh Capet had stepped into a kingship eviscerated by the Carolingian fall, and the early Capetian kings had their hands full just to keep what little land they had, while facing challenges to their authority and legitimacy from much stronger counts, dukes, and princes. Yet throughout, the early Capetian kings aimed to restore Frankish kingship to its former strength as the supreme, centralized power of the whole land.¹⁰¹

That dream remained a fantasy throughout the eleventh century. In 1108, when Louis VI ascended the throne, northern France was plagued by “robber barons,” feudal lords who exploited the lack of royal authority to loot the countryside, travelers, and even the churches and abbey—some even inflicted great cruelty and torture on their victims.¹⁰² A warrior knight himself before becoming king, Louis immediately went to war against the worst of these, his own half-brother among them. Successes renewed royal power within the royal domain, giving him a launching pad for military intervention in the neighboring counties and duchies.¹⁰³ For the rest of his reign, Louis marched his forces against the lawless lords and their castle strongholds, as well as

¹⁰⁰ Baldwin, *The Government of Philip Augustus*, *supra* at 13.

¹⁰¹ Kristin Wright, “Consolidating French Monarchical Power through Theocratic Kingship,” *The Wittenberg History Journal*, Vol. 16 (Spring 2012): 13-24, at 13.

¹⁰² Norman F. Cantor, *The Civilization of the Middle Ages*, New York: Harper Collins, 1993, at 410.

¹⁰³ See, e.g., Frederick Adams Woods, *The Influence of Monarchs: Steps in a New Science of History*, New York: Macmillan, 1913, at 40.

against Henry I of England who had seized Normandy and threatened Paris. His active energy and success restored prestige to the crown: the people of France saw his ability to project power in order to restore peace and justice as proof that his power was both real and right. New royal castles replaced lawlessness with order. Royal power projected not only militarily, but administratively, injecting officials known as *prévôts* into local feudal systems.¹⁰⁴

Louis VI and his chief advisor Abbot Suger soon realized that the royal relationship with the Church could be leveraged to strengthen the crown. He recognized that the Church's power was on the rise. If royal authority could be linked to that of the Church, then as Rome grew more powerful so too would the King of the Franks.¹⁰⁵

One strategy Louis VI adopted was to vigorously defend the Church, including ecclesiastical holdings and priests outside the royal domain. During the reigns of his predecessors, the Church had lost trust in the King's ability to protect its interest. Doing so now created the perception that he had the strength to protect even those beyond his own borders; and as tends to happen, the perception became self-fulfilling reality. His reputation for protecting churches and the helpless from local strongmen made Louis the protector of choice, not only for the Church, but for feudal lords north and south who had been forced to rely on their own self-help when the kingship had been ineffective.¹⁰⁶ And to ensure his continued protection, the Church granted the king the

¹⁰⁴ James Westfall Thompson, "The Development of the French Monarchy under Louis VI, le Gros, 1108-1137," Ph.D. diss, University of Chicago, 1895.

¹⁰⁵ Wright, "Consolidating French Monarchical Power," *supra* at 15.

¹⁰⁶ Jim Bradbury, *The Capetians: Kings of France, 987-1328*, New York: Bloomsbury, 2007, at 153 (quoting the lord of Bresse offering himself as a vassal: "Come into this region where your presence is necessary to the churches as well as to me").

“right of spoil,” a slush fund dedicated to the defense of the Church, consisting of all revenues from vacant bishoprics under his protection, including tax revenue as well as agricultural proceeds.¹⁰⁷

Another strategy was to claim southern churches as royal protectorates, ending his reign with twenty-one royal sees.¹⁰⁸ In addition to broadening the reach of his secular power, royal cathedrals at Chartres or Notre Dame and other monumental buildings dramatically elevated the king’s prestige.¹⁰⁹ He also founded new abbeys and churches, and frequently donated land and revenues to the Church.¹¹⁰ This patronage had a more tangible result, as well: the clergy were a vital component of governmental administration in France, and assuring their loyalty was crucial for the king’s authority to be carried out.¹¹¹ Though Louis could not directly appoint bishops or abbots, his consent was now mandatory for any such appointment. Founding new bishoprics and abbeys also increased the number of appointed clergy whose loyalty was practically part of their job description.¹¹² The “archbishops and bishops from northern and north-

¹⁰⁷ Achille Luchaire, *Histoire des Institutions Monarchiques de la France Sous les Premiers Capétiens (987-1180)*, Paris: Imprimerie Nationale, 1883, at 1:119-120, 2:58.

¹⁰⁸ *Id.* at 151.

¹⁰⁹ Otto von Simson, *The Gothic Cathedral*, Princeton: Princeton University Press, 1988, at 173-175.

¹¹⁰ *Chronicle of the Abbey of Morigny, France, c. 1100-1150*, Richard Cusiamo, transl., Lewiston: Edwin Mellen Press, 2003, at 75. *See also* Achille Luchaire, *Louis VI (le Gros): Annales de Sa Vie et de Son Regne (1081-1137)*, Paris: Auguste Picard, 1980, August 3, 1109, No. 86, at 46; May 20-August 3, 1113, No. 160, at 82; July 1137, No. 591, at 268-269; August 1, 1137, No. 594, at 269.

¹¹¹ Compare Hallam, *Capetian France*, with Dunbabin, *France in the Making*, *supra*.

¹¹² Hallam, *Capetian France*, *supra* at 191-192; Lindy Grant, *Abbot Suger of St.-Denis: Church and State in Early Twelfth-Century France*, New York: Longman, 1998, at 59.

eastern sees were among the Capetians' most important supporters,"¹¹³ throwing their weight into political disputes on behalf of the king, and even going so far as to anathemize or excommunicate lords who threatened royal interests.¹¹⁴

Under Louis VI, the relationship between the King of the Franks and the Roman Church grew into something unique in the political world, a symbiotic relationship whereby the king protected abbeys and bishoprics from other lords, and in return gained clerics for his fledgling bureaucracy, prestige, power to take up arms against external threats, authority to assert power in small ways beyond the borders of his own domain, reconsolidation of political power in the crown, and a growing perception that royal assertion of power was legitimate. Both Church and King benefited greatly from this relationship, but it was the kingship that was transforming once again into a special kind of lordship: the kingship may have been less potent than other lordships, but only the king's potency was underscored by this special, sacred identity as God's protector of His faith and His faithful.

This combination of fighting against local barons who threatened the crown, and firmly identifying the crown as both protector and benefactor of the Church, enabled Louis VI to transform the kingship from a figurehead back towards an actual authority figure with actual power in his own domain. These were small steps, to be sure, but the steps were being taken. His reign was an important foundation for later development of a state.

¹¹³ Marcus Bull, "The Church," in *France in the Central Middle Ages*, Oxford: Oxford University Press, 2002, at 144.

¹¹⁴ See, e.g., Hallam, *Capetian France*, *supra* at 193; Suger, Abbot of Saint-Denis, *The Deeds of Louis the Fat*, Richard Cusimano, transl., Washington: Catholic University of America Press, 1992, at 36, 107.

2. The Sacral Kingship of Philip II, King of the Franks

Philip's coronation in 1179 at Reims clearly demonstrated the sacral nature of his kingship. The ceremony took place, not in a palace, but in the great cathedral. There, Philip was crowned and consecrated, not by any secular authority, but by the Church in the person of Cardinal Guillaume aux Blanches Mains, the archbishop of Reims. Each aspect of the ceremony was both ritual and rite, each carrying profound meaning.¹¹⁵ The physical act of placing the crown on Philip's head, the coronation, was a visible and tangible assertion of his kingship. The consecration, the anointing with oil, was a transformative act that marked the king's body as sacred, set apart from all other humans by God. Philip's oath was his sworn commitment to God, to the Church, and to his people. By his oath, he assumed the duty to defend the Church, to maintain justice, and to protect the vulnerable. The coronation *ordo* used at Reims emphasized the king's role as a *divine* instrument of justice, beseeching God to grant him *rectum iudicium* ("right judgment"), and portraying his royal judicial actions to come as an aspect of divine justice itself.¹¹⁶ There is no legitimate authority without duty: the king's sacralized person and his sacred duties gave sacral legitimacy to his authority, a legitimacy that transcended merely secular power.

This fact would be very important as Philip began to extend the reach of royal power. When Philip II ascended the throne, royal power was still very personal. Within

¹¹⁵ Hallam and Everard, *Capetian France 987-1328*, *supra* at 131-132; Ernst Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology*, Princeton: Princeton University Press, 1957, at 47-52.

¹¹⁶ Kantorowicz, *The King's Two Bodies*, *supra* at 47-52; Ralph of Diceto, *Ymagines Historiarum*, in William Stubbs, ed., *The Historical Works of Master Ralph de Diceto, Dean of London*, London: Longman & Co., 1876, at 49-51. *See also* Björn Weiler, "Ralph of Diss, the Coronation of Philip Augustus (1179) and the English Claim to the French Throne," *Historical Research*, Vol. 97, No. 275 (February 2024): 1-21.

the tiny royal domain, it was the personal loyalty of landed vassals that ensured they would fight on his behalf. His revenues mostly came from limited sources connected to the king rather than the kingdom, such as corvée labor owed to him, income from his royal forests, judicial fines he imposed, and rents from his lands.¹¹⁷ As a practical matter, royal power did not extend much beyond the physical person of the king himself. The royal existence was therefore one of constant movement, physically traveling to cities, royal lands, and fiefdoms in order to assert administrative, judicial, and revenue-collecting authority. To assert the authority of a king, a king had to be there in person.

With Philip, however, the king's unique prestige as God's regent on Earth would transform the nature of royal authority. From a personal power of the man who happened to be wearing the crown, royal authority would transform into an institutional power of the Crown. The sacred legitimacy of royal power would be the legitimacy of the office of King, not the personal legitimacy of the man himself. This would become the foundation upon which all future Capetian expansion and institutional development would rest.

In the King of the Franks resided all secular governmental power. It was the king who legislated ordinances. It was the king who acted as chief executive officer of his small realm. It was the king who raised troops. It was the king who ensured justice as the highest courts. It was the king who collected the revenues to pay for it all. And it was the king's special legitimacy that made it all right and proper, so that his people accepted the authority of his commands and judgments and taxes.

¹¹⁷ Elizabeth M. Hallam and Judith Everard, *Capetian France 987-1328*, 2nd ed., New York: Routledge, 2001, at 105-109; Elizabeth M. Hallam and Charles West, *Capetian France 987-1328*, 3rd ed., New York: Routledge, 2020, at 100-105.

This sacralization of kingship could also give Philip a uniquely competitive advantage in the political arena. When delivering a judgment over feudal disputes, or intervening in Church affairs, he could characterize those acts as the fulfillment of his sacred duty, rather than as a naked assertion of power. As the objective, disinterested justice of God's regent, rather than as the will of a local lord with a personal stake in the outcome. As the lofty aims of service to the Church and his people, rather than selfish territorial ambition.

There was some delegation, however. Since the early Capetians, management of a royal estate in the king's absence had been delegated to a steward known by the Latin title *praepositus*, or "one placed in charge." (The word translates to "provost" in modern English, and *prévôt* in modern French. Though the modern French word was not used in the 12th and 13th centuries,¹¹⁸ *prévôts* is the term universally used by historians to refer to these officials, and this paper will follow suit.) By the time of Philip II, the ambit of these officials had grown from stewardship of estates to administration of political subdivisions of the royal domain, units now referred to as *prévotés*.¹¹⁹ Each of these officials was responsible for acting on behalf of the royal person in the collection of revenues and the administration of justice. As with the sources of revenue, the duties of the *prévôts* were performed for the king, not for the kingdom. In other words, when *prévôts* and other officials acted "in the king's name," they were essentially claiming to

¹¹⁸ The circumflex, after all, would not be introduced until the 16th century. Ordinances and charters from the 11th and 12th centuries generally only make mention of *praepositi*.

¹¹⁹ Talia Zajac, "The World of the Early Capetian Court 987-1180," in David Andress, ed., *The Routledge Handbook of French History*, London: Routledge, 2023, at 55.

represent the will and authority of the anointed king, acting as agents of the crown rather than as personal servants pursuing private ends.

The heart of the king's government, however, was the his own personal household, his *familiars*, who made up what we would consider his royal court. These were not officials with governmental ministries, however. Their duties were personal duties performed for the king, not for the kingdom.¹²⁰

B. The King's Court: *Curia Regis*, Council, and Household.

On his ascension to the crown, Philip inherited a government that was extremely personal and hands-on. Instead of impersonal institutions carrying out public functions, the king himself was constantly on the move, governing directly with the assistance of local officials. Such governance was only possible because the territory being governed was small.¹²¹

Accompanying him in his travels were an assortment of lords, clergy, and household staff. Known as the royal court—the *curia regis*—this entourage was a mobile, itinerant body that helped the king perform the tasks of governance, provided him with counsel, and helped bring the king into personal contact with his domain.¹²²

The court was not a permanent entity with an existence independent of its members. Nor was it a body with governing rules or fixed procedures. Most of king's

¹²⁰ Zajac, "The World of the Early Capetian Court," *supra* at 57-58.

¹²¹ C. Warren Hollister and John W. Baldwin, "The Rise of Administrative Kingship: Henry I and Philip Augustus," *The American Historical Review*, Vol. 83, No. 4 (October 1978): 867-905, at 868.

¹²² Baldwin, *The Government of Philip Augustus*, *supra* at 31.

court consisted of an *ad hoc*, organic assembly of whoever happened to be present: lords, bishops, and high officers who were traveling with him, or who happened to be present when a matter arose requiring decision. These assorted magnates offered counsel, but they were not official counselors, nor did they constitute a formal council.¹²³

The core of the king's court was a permanent set of household officials. This household staff consisted of the five offices common to most European courts since the early Carolingian days: the butler, the seneschal, the chamberlain, the constable, and the chancellor.¹²⁴ Originally, these offices had been purely domestic—the butler (*boutellier*) in charge of the wine, the seneschal in charge of the food, the chamberlain in charge of the bedchamber (where the valuables were kept), the constable in charge of the horses, and the chancellor in charge of the chapel.¹²⁵ But by this time, the household staff had become a sort of unofficial cabinet, each office a sort of proto-ministry carrying out a particular governmental function. It is not clear what roles were played by the butler and chamberlain, exactly, but the seneschal had evolved into a general steward, overseeing the court's functions; the constable had taken oversight of military matters; and the chancellor and his clerics—or clerks—drafted the royal charters and took care of all the paperwork.¹²⁶

¹²³ *Id.*

¹²⁴ For the information in this paragraph, see C. Warren Hollister and John W. Baldwin, "The Rise of Administrative Kingship," *The American Historical Review*, Vol. 83, No. 4 (October 1978): 867-905, at 892-893; and Baldwin, *The Government of Philip Augustus*, *supra* at 28-35.

¹²⁵ Baldwin, *The Government of Philip Augustus*, *supra* at 32.

¹²⁶ See, generally, Williston Walker, "On the Increase of Royal Power in France under Philip Augustus, 1179-1223," Ph.D. diss, *University of Leipzig*, 1888, at 38-60.

By the time of the *Ancien Régime*, these would be known as the five “Great Officers of the Crown,” but it would be a mistake to think of them in 1179 as true government institutions. They were still very much the king’s personal household retainers, rather than officials of the state. The posts could be inherited—Philip’s butler Guy de Senlis, for example, was more formally Guy III le Bouteiller de Senlis, *chevalier et seigneur de Chantilly*, and could trace his ancestry back through a long line of butlers from the house of Senlis, as would his son Guy IV who would succeed him in 1186.¹²⁷ The posts could also go vacant when kings wanted to disrupt such entrenched patrimony. After chancellor Hugues du Puiset died in 1185, for example, Philip II never again appointed another to replace him, leaving the work to the clerks of the chancery.¹²⁸

Political affairs were more usually the affair of the visiting entourage of lords and clergy, an assemblage that varied from day to day. In Philip’s early court, perhaps the most influential of these men were four powerful lords: Count Philippe of Flanders, and from the Champagne dynasty Count Etienne of Sancerre, Archbishop Guillaume of Reims, and the archbishop’s brother Count Thibaut of Blois (also known as Theobald V). These men served as counselors, advising and guiding and influencing the young king’s executive decisions.¹²⁹ Thibaut was an exception to the rule, serving not only as an *ad hoc* counselor, but also as the seneschal of Philip II’s household staff. In this role,

¹²⁷ “Guy III LE BOUTEILLER de SENLIS,” Sosa/Ahnentafel # 102,837,872 *Geneanet*, accessed November 28, 2022, at <https://gw.geneanet.org/lard?lang=en&n=le+bouteiller+de+senlis&oc=0&p=guy+iii>.

¹²⁸ Baldwin, *The Government of Philip Augustus*, *supra* at 33.

¹²⁹ Robert Fawtier, “The Kings and their Counsellors,” in *The Capetian Kings of France: Monarchy and Nation, 987-1328*, London: Macmillan, 1960.

Thibaut was able to leverage his prominent social position to conduct important negotiations on behalf of the king, and to arbitrate disputes within the larger kingdom.¹³⁰

1. Riding Circuit: The Itinerant Court

Neither the king nor his court remained fixed in one capital such as Paris or Orléans. The king's authority was his own personal authority, and so it had to be exercised and seen to be exercised in person. By necessity, therefore, the royal court had to travel from locality to locality throughout the royal domain. This "royal tour" is a practice "almost universally" adopted throughout world history as a phenomenon of embryonic state formation.¹³¹ And for good reason: an itinerant court directly centralizes royal power, and legitimizes the assertion of that power throughout a large territory.¹³² It does so in three important ways:

First is the delivery of justice. People have nearly always perceived authority to be legitimate when that authority is perceived to render justice that is impartial and fair.

¹³⁰ Walker, "On the Increase of Royal Power in France under Philip Augustus," *supra* at 41-42.

¹³¹ See Yurii M. Kobishchanow, "The Phenomenon of *Gafol* and Its Transformation," in Henri J. M. Claessen and Pieter van de Velde, eds., *Early State Dynamics*, Leiden: Brill, 1987, at 108-128.

¹³² See Pavol Hudáček, "The King in the Saddle: The Árpád Dynasty and Itinerant Kingship in the Eleventh and Twelfth Centuries," *Hungarian Historical Review*, Vol. 11, No. 3 (2022):505-544; Rosamond McKitterick, "A King on the Move: The Place of an Itinerant Court in Charlemagne's Government," in Jeroen Duindam, Tülay Artan, and Metin Kunt, eds., *Royal Courts in Dynastic States and Empires: A Global Perspective*, Leiden: Brill, 2011.

The fact that a king is not a local lord, and thus does not have a stake in local disputes, renders his justice—and thus his legitimacy—superior to that of local authority.¹³³

Second is the projection of power into the countryside. The physical presence of the king's court enables kings to directly assert their authority in every part of the realm they claim to rule. At each stop on the circuit, the king and his court are seen to administer justice, enforce judicial decisions, and enforce royal commands.

Additionally, the court can immediately collect, right on the spot, the various fees, fines, taxes, and other revenues necessary for the running of a centralizing government. Such collection is also a highly visible exercise of power, not in a theoretical sense, but as a *fait accompli*. The king's authority across the lands of his realm is seen to be a very real thing, personally experienced by the subjects.¹³⁴

Third, an itinerant court enables the king and his administration to see and hear for themselves the local conditions, keep in touch with the man on the street (or in the lane, or in the field), and check up on any local officials acting on royal authority. In so

¹³³ This will be developed more fully below. It deserves emphasis, because the transition to centralized royal power in western Europe was heavily predicated on the ideological and practical appeal of the king's law. As local lords often had direct economic, territorial, or political stakes in the outcomes of disputes within their jurisdictions, seigneurial and manorial courts were frequently susceptible to bias. By contrast, historians note that royal courts were actively promoted—and increasingly perceived by the populace—as offering a more objective, uniform, and impartial forum. See Anthony Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt*, Manchester: Manchester University Press, 2001, at 114-115; John Hudson, *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta*, London: Longman, 1996, at 118-119; Richard W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages*, Oxford: Clarendon Press, 1988, at 134-135.

¹³⁴ See, generally, J. Bernhardt, *Itinerant Kingship and Royal Monasteries in Early Medieval Germany, c. 936-1075*, Cambridge: Cambridge University Press, 1993. Bernhardt takes this further than I would, asserting that “the royal progress itself became the major institution of government.” *Id.* at 46.

doing, the king helps to ensure his capacity to rule well, and thus continue to rule. Instead of remaining in a distant capital, where information is filtered and spun through layers of officials, a ruler who moves among his people can hear their petitions and concerns directly, can personally assess the truth of reported information, and can feel the pulse of the populace. Additionally, a ruler who regularly visits each part of his domain can see early warning signs of crises, such as famine, unrest, social tensions, banditry, or external threats, long before they might appear in formal reports. The king's physical presence ensures stronger control and capacity, so that his government can actually function. Direct oversight of local accounts ensures accountability among officials. Problems can be solved on the spot. The king builds a network of personal relationships with local notables, which can help ensure mobilization when the need arises, as for war, crisis response, or tax collection. Simply showing the flag, being seen with the court entourage and their armed escorts, demonstrates to distant subjects that the king is a real and present power. And by personally coming to their locality, hearing their grievances, and dispensing justice, the king forms bonds of shared identity with his subjects. The subjects he desires to rule more readily see him as "their" ruler.¹³⁵

"In its fully developed form," the itinerant court "is one of the focal points of embryonic state functioning, while the economic, social, legal, political,

¹³⁵ See, e.g., Carl Müller-Crepon, Clara Neupert-Wentz, Andrej Kokkonen, and Jørgen Møller, "Rulers on the Road: Itinerant Rule in the Holy Roman Empire, AD 919-1519," *American Journal of Political Science*, in press as of November 2025, available at https://www.carlmueller-crepon.org/publication/itinerant_rule/MNKM_itin_rulers_20250429.pdf. See also Pavol Hudáček, "The King in the Saddle: The Árpád Dynasty and Itinerant Kingship in the Eleventh and Twelfth Centuries," *Hungarian Historical Review*, Vol. 11, No. 3 (2022): 505-544; Jacob R. Hall, "Itinerant Kings," *University of Pennsylvania*, April 8, 2025, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4689473.

communicational, asymbolic, and religious functions of sacred kingship are concentrated and combined in it.”¹³⁶ The concept of the medieval royal court can thus be a metonym for pre-state or proto-state government, where ruling power was entirely personal yet publicly asserted.¹³⁷

2. Court as Council

It was normal for kings to seek the counsel of the secular and ecclesiastical lords present at the royal court, and Philip II was no exception. Nor was this seen as a weakness. Rigord, who always tried to make Philip seem a strong king, nevertheless had no problem asserting that he routinely sought the court’s advice on important matters. On the marriage of Philip’s daughter, for example, Rigord reports that he gathered an assembly of the present “archbishops, bishops, and the greater men of the realm, whose counsel and wisdom he often employed in transacting affairs.”¹³⁸

These counseling magnates did not form an official council body, however. There was no official list of members, no council chamber, no special office. Those from whom the king would seek advice were merely those who were nearby, wherever the king happened to be on his itinerant circuit. It is more accurate to think of them as members of the king’s entourage, one whose makeup was constantly changing.

¹³⁶ Kobishchanow, “The Phenomenon of *Gafol* and Its Transformation,” *supra* at 108.

¹³⁷ Hans Conrad Peyer, “Das Reisekönigtum des Mittelalters,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, Vol. 51, No. 1 (1964): 1-21.

¹³⁸ Rigord, *Gesta Philippi Augusti*, in M. Cecilia Gaposchkin and Sean L. Field, eds., Sean L. Field, transl., *The Deeds of Philip Augustus: An English Translation of Rigord’s “Gesta Philippi Augusti,”* Ithaca: Cornell University Press, 2022, at 91.

The advice of this entourage was of use in all aspects of the king's royal duties. Even in his adjudication of legal disputes, the accompanying charters record several examples of Philip first taking the counsel of his bishops and barons before rendering judgment. For example, in his April 1188 arbitration of a long-running conflict between the clerical and lay brothers of Grandmont (Act 212, Delisle no. 199), Philip's charter states that the settlement terms were reached "*Hec autem acta sunt in presentia nostra et de nostro et baronum nostrorum consilio.*"¹³⁹ An example of a contentious legal dispute might be the 1193 trial in the commune of Laon, whose treasurer and *burgenses* each claimed the sole authority to appoint the local lay church official (Act 447, Delisle no. 397). Philip rendered his decision with the words "*Nos vero pro bono pacis, consilio quorundam sapientium nobis assistentium, constituimos quod...*"¹⁴⁰ In an early form of judicial inquest, the *curia regis* would even order that the facts of a disputed matter be investigated on the ground by respected men of the locality, often including ecclesiastics and vassals of both parties, whose findings could then be ratified by the court. Records show at least a hundred such inquests by the king's court during Philip II's reign.¹⁴¹ Thus, the king's court, and not just the king himself, could be considered

¹³⁹ Or, in my own rough translation, "these terms were reached in our presence with my advisement, and with the counsel of the barons." M. H-François Delaborde, ed. *Recueil des Actes de Philippe Auguste, Roi de France*, Vol. 1, Paris: Imprimerie Nationale, 1916, at 258.

The Latin text here and in the other examples employs the "royal we" or *pluralis majestatis*, a late 12th century innovation in western Europe that signified the unity of the monarch's dual nature as secular ruler and sacral representative of God. See, e.g., Olga A. Boginskaya, "A Diachronic Analysis of Authorial Presence Markers in Legal Discourse," *Cherepovets State University Bulletin*, No. 6 (2022): 110-120, at 114-115.

¹⁴⁰ "However, for the sake of peace, and by the advice of those wise men assisting me, I have decided that..." Delaborde, ed., *Recueil des Actes de Phillippe Auguste, supra* at 544.

¹⁴¹ Marie Dejoux, "Accountability or Culpability? Territorial Officers Facing the French Monarchy, Thirteenth and Fourteenth Centuries," in Ionut Epurescu-Pascovici, ed.,

the principal royal court of general jurisdiction within the king's own domain, a court of special jurisdiction when invited to resolve disputes beyond the king's domain, as well as the supreme court of appeal for judgments rendered by other lords.¹⁴²

3. The Royal Household

The royal household of the King of the Franks consisted of five traditional officials, going back to the time of Charlemagne. These were the *bouteiller* (butler), seneschal, chamberlain, constable, and chancellor.¹⁴³ Long before Philip II was born, these offices had transformed from purely domestic servants into positions with government roles, only to then become merely honorific as the actual tasks of governance were increasingly performed by subordinate clerks.¹⁴⁴

Philip II's reign marked a decisive turning point in the administration of the French royal household. When he first ascended to the throne, the five traditional offices represented hereditary bases of power for great territorial magnates. Their

Accountability in Late Medieval Europe: Households, Communities, and Institutions, Turnhout: Brepols Publishers, 2025, at 19-35; C. Warren Hollister and John W. Baldwin, "The Rise of Administrative Kingship: Henry I and Philip Augustus," *The American Historical Review*, Vol. 83, No. 4 (October 1978): 867-905, at

¹⁴² Some care is required when reading older texts on Philip II's *curia regis* in its judicial role, as this informal, *ad hoc*, itinerant court is sometimes described as if it were the same as a convened assembly of nobles, or as if it were a distinct judicial body that "was invoked to decide between the claimants." See, e.g., Williston Walker, *On the Increase of Royal Power in France under Philip Augustus*, *supra* at 61-66 (quoting from 66).

¹⁴³ No surviving documents from Philip II's reign contain a straightforward list of his household offices or the people who served in those roles, but such a list has been reconstructed from the royal charters they attested to as witnesses. Léopold Delisle, *Catalogue des Actes de Philippe Auguste*, Paris: Auguste Durand, 1856, at lxxviii-lxxxviii.

¹⁴⁴ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 892-893.

proximity to the throne, and their control of important aspects of royal government, made them more a check on royal power than an extension of it. This state of affairs rendered the monarchy something like a suzerainty, with the king's subordinates acting with a degree of independence. In order to assert royal authority directly, and to centralize French political power in the crown, Philip would need to strip the household offices of their independent authorities. Indeed, within the first years of his reign, opportunities arose enabling Philip to do just that. By the early 1190s, the king had deliberately transformed each office into a subordinate agent of royal power, filling the roles with lesser but loyal nobility and clerics.

a. The Bouteiller

The *bouteiller* (or “Butler”) was responsible for provisioning the court with wine, and pouring out the wine to be drunk. But the *bouteiller* was more than a mere cupbearer or domestic servant. He was also in charge of collecting the taxes and other rights due to the crown from abbeys and vineyards throughout the country.¹⁴⁵ This made the office much more potent than the label might suggest. Butlers could check royal power by withholding funds, or otherwise obstructing the flow of money to royal projects and campaigns. The position was thus an obstacle to centralized rule, and a highly valuable asset for those who held the title.

The *bouteillers* were all men of the Senlis family, castellans of Chantilly, Ermenonville, and Bray in the Île-de-France. Originally a fief, lasting only as long as the

¹⁴⁵ Robert Fawtier, *The Capetian Kings of France: Monarchy and Nation, 987-1328*, Lionel Butler and R. J. Adam, transl., London: Macmillan, 1960, at 177.

oaths of loyalty between the king and his vassal, the *bouteiller* had evolved into a hereditary position. The current butler, Guy IV of Senlis, now held the role not by royal appointment, but by hereditary right, and the Senlis considered the position and its perquisites family property. Removing Guy would have been the equivalent of confiscating his castle, which by this point could not be done absent treason or refusal of homage.¹⁴⁶ Because the office was essentially permanent family property, there was little incentive to maximize the crown's revenue. On the contrary, Guy often siphoned off revenue for his own purse.

Another obstacle to reform was the fact that the Senlis were powerful magnates in the king's own back yard. As seigneur of Chantilly, Ermenonville, and Bray, Guy IV controlled a network of castles and estates just north of Paris, bestriding critical supply routes. The king could ill afford to alienate such a power.

Fortunately, Guy IV was wholly loyal to Philip and the crown. In 1214, he would fight for Philip at the Battle of Bouvines, and he would accompany him on the Third Crusade. Nevertheless, the hereditary nature of the office, and its opportunities for private corruption, made it a threat to consolidation of royal power. Philip had to remove the threat, but without offending the butler himself.

Philip's solution was not to remove the office, but to redefine its function. Guy IV retained the prestigious title of "Butler of France," and now assumed the privileged role of witness to the royal charters. A constant presence in the chancery, Guy had the prestige of validating royal acts. This glory more than made up for what the position lost: the work of managing the vineyards, the collection of revenues, and control of

¹⁴⁶ Unless a king wished to spark a rebellion, that is.

treasure all shifted to the *prévot* of Paris, transferring financial power back to the government and its nascent administrative class.

b. The Seneschal

Where the butler was originally the domestic servant in charge of drink, the seneschal was originally in charge of food and other provisions.¹⁴⁷ By Philip II's time, however, the seneschal had become the chief officer of the government in all but name, exercising paramount administrative, judicial, and military authority on behalf of the crown.¹⁴⁸ Both Philip II's father and his grandfather had found the seneschals too powerful, too much of an obstacle to the king's own will, and so had resorted to leaving the office vacant for a time after the incumbents died, to allow them space to fill the role with someone less inclined to be corrupted by power.¹⁴⁹

At Philip's accession, he inherited his father's seneschal, Count Thibaut (Theobald), of Blois. Thibaut was one of the Blois-Champagne aristocracy—brother of the king's mother Adèle, and of Guillaume, the archbishop of Reims—a family with great influence over the young king's early rule. And as Count of Blois, Thibaut was himself already lord of a sizeable domain, with wealth and power of his own rivaling or even exceeding that of the king.¹⁵⁰

¹⁴⁷ Baldwin, *The Government of Philip Augustus*, *supra* at 32.

¹⁴⁸ Fawtier, *The Capetian Kings of France*, *supra*.

¹⁴⁹ Éric Bournazel, *Le Gouvernement Capétien au XIIe Siècle*, Limoges: Presses Universitaires de France, 1975, at 15, 31.

¹⁵⁰ The counties of Blois and Champagne flanked the royal domain to the west and east, respectively, and were thus well-placed to assert pressure on the kings whose smaller territory lay between.

As described below, Thibaut would later die at the Siege of Acre, and Philip would take advantage of the opportunity to leave the position permanently vacant thereafter.

c. The Chamberlain

Originally, the chamberlain of the royal household was the servant responsible for aiding the king in his bedchamber. The role soon took on the important function of protecting and securing the treasure and important documents kept therein, not to mention the person of the king himself. As was usual for other kings in premodern times, the Frankish kings kept their valuable treasure and important documents at hand, and so the servant responsible for that room and entrusted with its keys had to be a man whom the king could trust without hesitation.¹⁵¹ The chamberlains soon became “responsible for the storage of money, clothing, jewels, and other precious items in the king’s sleeping tents” and in transit as the court journeyed throughout the kingdom.¹⁵²

By Philip’s time, however, the office had become essentially an honorific position rather than one with any important government duties. Instead, a staff of lesser officials (also referred to as chamberlains) managed the royal finances.¹⁵³ This crew, never more than half a dozen people at any one time, didn’t have any formally-defined functions or chain of command. Instead, it was an informal collection of hangers-on from the court

¹⁵¹ The Bourbon kings would depend on princes of royal blood—brothers and cousins of the king—to take on this responsibility, relying on their shared dynastic loyalty. Richard A. Jackson, “Peers of France and Princes of the Blood,” *French Historical Studies*, Vol. 7, No. 1 (1971): 26-46; Katia Béguin, “Louis XIV et l’Aristocratie: Coup de Majesté ou Retour à la Tradition?” *Histoire, Économie et Société*, Vol. 19, No. 4 (2000): 497-512.

¹⁵² Baldwin, *The Government of Philip Augustus*, *supra* at 55.

¹⁵³ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 893.

who sought to curry royal favor through these services.¹⁵⁴ The chamberlain himself no longer played any active role in royal affairs.¹⁵⁵

In managing the royal finances, these lesser chamberlains by necessity kept a variety of records in document form, which they maintained along with other important documents such as the royal charters. These records included such things as “fiscal accounts, . . . inventories of payments (*tribute*), rents (*census*), tolls (*vectigala*), and other domanical records.”¹⁵⁶ (Unfortunately for historians, the wholesale destruction of manuscripts during the French Revolution meant that most of the records from this period were burned, including not only royal records but also those maintained by aristocratic manors, churches, monasteries, towns, and more.¹⁵⁷)

How thorough this recordkeeping had been we may never know—not only because of the flames of the Revolution, but also because there was as yet no official archive that systematically maintained such records.¹⁵⁸

¹⁵⁴ *Id.*

¹⁵⁵ Baldwin, *The Government of Philip Augustus*, *supra* at 104.

¹⁵⁶ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 894, citing Delaborde, et al., eds., *Recueil des Actes de Philippe Auguste*, *supra* at Vol. 1, vi-vii, and Vol. 2, vi-xix; and William the Breton, *Philippidos Libri XII*, in Delaborde, *Ouvres de Rigord et de Guillaume le Breton*, Vol. 2, at 118-21.

¹⁵⁷ Judith M. Panitch, “Liberty, Equality, Posterity?: Some Archival Lessons from the Case of the French Revolution,” *American Archivist*, Vol. 59 (Winter 1996): 30-47; Carl Lokke, “Archives and the French Revolution,” *The American Archivist*, Vol. 31, No. 1 (January 1968): 23-31.

¹⁵⁸ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 895.

d. The Constable

Originally, the constable was the lord overseeing the royal stables (the *comes stabuli*), charged with buying the horses, obtaining their fodder, directing the grooms, and managing the equipment and activities of the stables.¹⁵⁹ In a world where riding horseback was practically a defining attribute of knights and nobility, this Count of the Stable was already an important position from the beginning, first appointed by the Carolingians.¹⁶⁰

By Philip's time, the constable had evolved first to the chief of the royal cavalry, and then to commander of the king's armies, second in authority to the seneschal.¹⁶¹ Subordinate to the constable were the marshals, or *marescalci*: "masters of the horse."¹⁶²

During the first decade of Philip's rule, the constable was Raoul, count of Clermont-en-Beuvais. In addition to his martial role, Raoul often acted as the king's second, his go-between in such matters as negotiating with the count of Flanders with

¹⁵⁹ Robert Fawtier, *The Capetian Kings of France: Monarchy & Nation (987-1328)*, Lionel Butler and R. J. Adam, transl., London: MacMillan & Co, 1962, at 174-176; Frantz Funck-Brentano, *The National History of France: The Middle Ages*, Elizabeth O'Neill, transl., New York: G. P. Putnam's Sons, 1926, at 41.

¹⁶⁰ O.F.G. Hogg, "Forerunners of the Army Council," *Journal of the Society for Army Historical Research*, Vol. 11, No. 42 (April 1932): 101-128, at 104.

¹⁶¹ Funck-Brentano, *The National History of France*, *supra* at 41; Ferdinand Lot and Robert Fawtier, *Le Premier Budget de la Monarchie Française: Le Compte Général de 1202-1203*, Paris: Librairie Ancienne Honoré Champion, 1932, at 52-55.

¹⁶² Hogg, "Forerunners of the Army Council," *supra* at 104; Ben W. Palmer, "Vestigial Remnants in the Law: The Decline in Glory of Ancient Officers," *American Bar Association Journal*, Vol. 35, No. 12 (December 1949): 981-983, 1006, at 983. The medieval Latin word "*marescalci*" comes from the Old Germanic *marah* (horse) and *scalc* (servant)]. Hogg, "Forerunners of the Army Council," *supra* at 107.

respect to Philip's marriage.¹⁶³ He would continue to be active into the following decade, as well, taking part in such negotiations as the truce with Richard I in 1194, supervising fortifications in 1196, and acting for Philip as the royal judge of a lawsuit between the Church and the lord of Corbeil in 1198.¹⁶⁴

e. The Chancellor

Originally, the chancellor was the royal household chaplain.¹⁶⁵ By Philip II's time, the role had expanded into that of a chief administrative officer, presiding over the production of royal documents and weighing decisively on political decisions.¹⁶⁶ Hugues of Puiset, the chancellor appointed by Philip's father, had control of the written documents of government. Every royal charter, mandate, letter, and grant of privilege was drafted by clerks and notaries under the chancellor's direct command. As keeper of the royal seal, it was the chancellor who gave such documents their legal validity, and who therefore controlled the flow of royal favors. In other words, if a lord or castellan desired royal recognition of a title or claim, he had to go through the chancellor. As gatekeeper, the chancellor could grant favor to his allies, and delay or deny it to rivals. The chancellor could even paralyze the king's own will, by refusing to attach the seal over some legal or religious objection.¹⁶⁷

¹⁶³ Baldwin, *The Government of Philip Augustus*, *supra* at 33.

¹⁶⁴ *Id.* at 104-105.

¹⁶⁵ *Id.*, at 32.

¹⁶⁶ See Robert-Henri Bautier, "Typologie Diplomatique des Actes Royaux Français (XIIIe-XVe Siècles)," in José Marques, ed., *Diplomatique Royale du Moyen Âge XIIIe-XIVe Siècles*, Porto: Faculdade de Letras, 1996, at 25-31.

¹⁶⁷ See Delaborde, *Recueil des Actes de Philippe Auguste*, Vol. I, *supra* at XXVII-XXVIII.

It had become a lucrative position, as well. Those seeking a royal charter had to pay a sealing fee, and as the volume of royal administration grew during the 12th century, these fees also grew substantially. The chancellor received a large portion of these fees, supplying him with the wealth to build his own networks of patronage beyond any loyalty to the crown. Meanwhile, the clerks and notaries owed their positions to the chancellor, not to the king, further entrenching chancery power as personal rather than public.

Chancellor Hugues was closely aligned with the House of Blois-Champagne, the powerful aristocratic faction that included Philip II's mother and uncles, including Guillaume, the archbishop of Reims.¹⁶⁸ Through the chancellorship, the Champagne faction was able to exert influence over the young king in the first years of his reign.

In 1185, Hugues du Puiset died, and Philip II took advantage of the opportunity to leave the office of chancellor vacant.¹⁶⁹ In so doing, he ensured that the crown did not have to share authority with other members of the nobility, instead leaving the production of royal charters and other documents in the hands of the lower-born clerks of the chancery.¹⁷⁰

¹⁶⁸ See Ruth Harwood Cline, "Abbot Hugh: An Overlooked Brother of Henry I, Count of Champagne," *The Catholic Historical Review*, Vol. 93, No. 3 (July 2007): 501-516, at 501-502.

¹⁶⁹ Georges Tessier, *Diplomatique Royale Française*, Paris: Picard, 1962, at 123.

¹⁷⁰ *Id.*, at 33.

C. The *Prévôts*

At the time of Philip II's coronation, the only government office outside the itinerant court was the office of *prévôt*, or provost. The *prévôt* was a Capetian innovation, the king's local agent, who exercised royal authority in the king's absence. These officials, generally recruited from the castellans within the Île-de-France, were charged with carrying out the public responsibilities of government: carrying out and enforcing the king's decrees, ensuring that the royal castles were properly garrisoned, and above all acting as the local tax collectors and as the local judges dispensing justice in the king's name.¹⁷¹ Taxation and justice were strongly intertwined, both as means of raising revenue (court cases generated fines and confiscations paid to the crown), and as means of demonstrating and legitimizing centralized royal authority throughout the domain beyond the presence of the king himself. As Philip the Fair would remark in 1302, "We cannot be everywhere! That is why we send men into the provinces."¹⁷²

During the reign of Philip I, 1060 to 1108, the system of *prévôts* had become fairly formal and bureaucratic. About forty localities were designated as *prévôtés*. These jurisdictions did not have formal boundaries, nor were they considered political subdivisions of the realm. Instead, the *prévôtés* were more like bases of official authority, centered on various cities, towns, and villages in a wide band from the north to the south of the royal domain. Each *prévôt* was given responsibility over a *prévôté*, or over more than one if they were close enough together. These officials were generally recruited from castellans within the Île-de-France, and they were charged with carrying

¹⁷¹ *Id.*, at 35-36.

¹⁷² James W. Fesler, "French Field Administration: The Beginnings," *Comparative Studies in Society and History*, Vol. 5, No. 1 (October 1962): 76-111, at 76.

out the king's decrees, enforcing the king's rules, delivering the king's justice, and collecting the king's revenue.

This was not an impersonal institutional bureaucracy, however. The authority being exercised was the personal authority of the king himself, delegated to be exercised solely on the king's behalf. Each *prévôt* would be assisted by their own informal staff of agents, sergeants, and chaplains, and these too were only exercising the king's personal authority as his deputized agents. Furthermore, as castellans and similar high-ranking men with their own small domains, and thus their own personal political power, the *prévôts* were not wholly reliant on the king for their offices and status. As a consequence, there was always a risk that these officers might not be completely loyal to the king or to the public interest, and had the means and opportunity to use the office in service of their own private interests.¹⁷³ By the time of Louis VI in the early 12th century, local *prévôts* had become notorious for their abuse of power, compelling Louis to appoint trustworthy men as a special kind of *prévôt* with the power to act as the representative of the royal person in judicial proceedings.¹⁷⁴

¹⁷³ See André Vitória, "Late Medieval Politics and the Problem of Corruption: France, England, and Portugal, 1250-1500," in André Vitória, Guy Geltner, and Ronald Kroeze, eds., *Anticorruption in History: From Antiquity to the Modern Era*, Oxford: Oxford University Press, 2018.

¹⁷⁴ Roger Price, *A Concise History of France*, 3rd ed., Cambridge: Cambridge University Press, 2014, at 39; James Westfall Thompson, *The Development of the French Monarchy under Louis VI le Gros 1108-1137*, Chicago: University of Chicago Press, 1895, at 35-37.

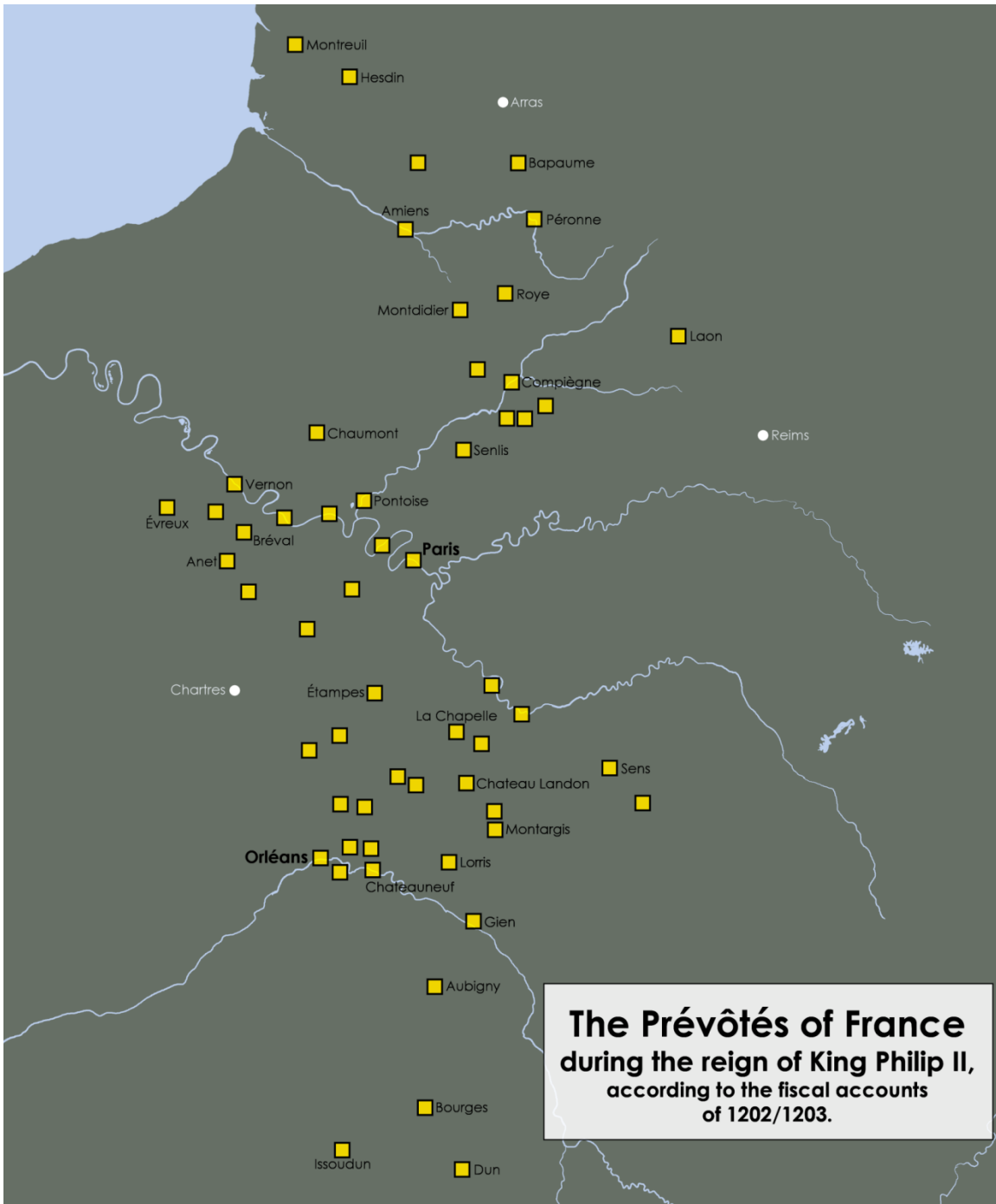


Fig. 3: The *Prévôtés* of France During the Reign of King Philip II, according to the fiscal accounts of 1202/1203. Original.

D. The Delivery of Justice

When thinking of a governmental system of justice today, one might think of permanent courts, where professionally trained lawyers trained argue cases and debate the fine points of an established body of laws before equally professional judges, all in accordance with precise rules of procedure. A court is an organization with both the authority to decide cases, and the actual power to enforce its decisions and compel the parties to comply with its judgments and incur the penalties it imposed. But in the time of Philip II, none of these things had yet been invented. Europe had no courthouses, no lawyers, no professional judges, no formal rules of procedure, no governing body of laws, and even the enforceability of decisions was not always assured.

Historically, the Germanic peoples of Western Europe had decided cases and controversies at local assemblies, applying traditional principles and customary practices. But such assemblies could only prescribe an outcome; they lacked any power to enforce their decisions and compel the parties to act accordingly.¹⁷⁵ In lands organized under feudal vassalage, the local lord might exercise his authority by convening a seigneurial court, with varying degrees of formality, to resolve controversies among his people or impose penalties for prohibited behavior.¹⁷⁶ In the urban towns of

¹⁷⁵ See, e.g., Janet L. Nelson, "Dispute Settlement in Carolingian West Francia," in Wendy Davies and Paul Fouracre, eds., *The Settlement of Disputes in Early Medieval Europe*, Cambridge: Cambridge University Press, 1986.

¹⁷⁶ Richard W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages*, Oxford: Clarendon Press, 1988, at 143-152 (contrasting French independent seigneurial justice with royal jurisdiction) and Part II generally.

the High Middle Ages, cases and controversies might be decided within one's guild, or by the assembly-equivalent of the town commune.¹⁷⁷

In such a system—or rather, lack of a system—justice could be fickle and unfair. Local matters were decided by local people, who themselves may have had a stake in the outcome. It could be difficult to obtain justice in a controversy over land when one's lord has a vested interest in that land, or in a mercantile dispute against opponents with greater influence. Where local authority was unable or unwilling to enforce justice, one had to resort to self-help, relying on one's own strength and that of one's friends and family to compel an opponent to pay compensation or cease offending conduct. In such a world, it could matter less who was right, and more who possessed the greater might.

This context provided kings with an opportunity to both claim authority over the lands of their feudal lords, and demonstrate that this authority was legitimate. In a world where local justice could be corrupted by local interest, there was great value in being able to render justice as a disinterested third party, recognized by all concerned as possessing legitimate authority to decide cases. Although other lords may have more wealth and power on the ground, kings benefit from the unique prestige that comes with religious consecration. And kings are not only more elevated, but generally more distant, and are far less likely to have a stake in the outcome of any particular case.

And so, since history's first territorial states, kings have founded their royal powers on their ability to render impersonal justice that all perceive as legitimate. In the time of Philip II, western European kings constantly "rode the circuit" around their

¹⁷⁷ Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd ed., Oxford: Clarendon Press, 1997, at 67-73 and 170-181.

lands, offering justice superior to that which could be obtained locally. By doing so, they established and reinforced a cultural perception that their royal authority was not only legitimate, but superior.¹⁷⁸ The practice also raised important revenue, as kings generally collected a fee for this service. And by enforcing their decisions on the spot, kings further reinforced a cultural understanding that their rulings had force, that their rule was law. “All medieval kings considered it their foremost duty to offer justice through their personal court, the *curia regis*.”¹⁷⁹ Itinerant royal justice was an important step towards centralizing political authority and projecting power throughout a territory, crucial components of state formation.¹⁸⁰

The kingship which Philip II inherited was no different. He, too, considered it his “foremost duty” to ensure justice throughout the land—not by hauling people into court, but by bringing his court to the people. His royal court’s itinerary took it to all of the *prévôtés* of the royal domain, though in no particular order and at no predictable intervals. There he would issue rulings in matters ranging from local controversies, to ecclesiastical concerns, to disputes of noble succession, and even complaints between towns and lords and abbots.¹⁸¹

It is important to note that the king’s court meted out the *king’s* justice. This was not an impersonal institutional judiciary, but remained very personal. The king’s legitimacy was his own personal legitimacy, his prestige founded on his own personal

¹⁷⁸ *Id.*

¹⁷⁹ Baldwin, *The Government of Philip Augustus*, *supra* at 37.

¹⁸⁰ Alan Harding, *Medieval Law and the Foundations of the State*, Oxford: Oxford University Press, 2002, esp. Ch. 5.

¹⁸¹ See Baldwin, *The Government of Philip Augustus*, *supra* at 37-44.

consecration and his own personal accomplishments. And it was very rare for the court to even convene without the king himself present.

The king rendered three main kinds of judicial services: hearing disputes and rendering judgment, handing matters to an arbitrator to render judgment on his behalf, and adopting settlement agreements which the parties to a dispute had already reached out of court. This is no different from what modern courts do today in the United States. What is different is that, lacking formal laws and procedures, the king based his judgments on custom, social mores, and what seemed to him the correct outcome on a case-by-case basis. Juries had not been invented yet, either. And another important difference is that the royal court made no official record of the cases it heard or their outcomes. If a party wanted a written record, it was up to that party to write it down.

This makes it challenging to know how many cases the king's court handled, or to assess the proportions that were judgments, arbitrations, or settlements. As Church clerics constituted most of the literate population, the overwhelming majority of cases for which written records have been collected are not surprisingly, those involving an ecclesiastical party. But such matters only reflected 13.6% to 18.8% of the court's annual caseload.¹⁸² And of all the recorded outcomes, only 261 survive from the whole of Philip II's reign from 1179 through 1223, but of these 72 were royal judgments, 32 were decided by an arbitrator, and 111 were royal endorsements of settlement agreements.¹⁸³

¹⁸² Baldwin, *The Government of Philip Augustus*, *supra*, at postscript pp. 402-405, detailing the original sources that recorded the king's various *actes* throughout his reign. Baldwin deserves a great deal of credit for doing all of the heavy lifting in analyzing all the primary sources here.

¹⁸³ *Id.*, Table 2, pg. 41.

It is impossible to estimate how many royal judicial acts were either not recorded, or had records that have been lost.

Whatever the numbers, the king could not have heard every case and controversy in even his own small territory. The justice system inherited by Philip II relied heavily on the local authority of the *prévôts* to resolve matters and enforce the judgments within their own jurisdictions. The smallness of the territory did make it easy for the royal court to keep tabs on the *prévôts* in this as in their other functions.

Whether administered by the king in person or by a *prévôt* by proxy, justice was rendered locally and personally, with royal involvement and oversight limited to whenever the royal court happened to stop by. There were no institutional means of obtaining royal justice without the king's personal involvement, and no procedural method for appealing local decisions to a central authority in his absence. The system as inherited by Philip II was certainly an important step towards the centralization and projection of power necessary for state formation, but it did not yet satisfy the elements of statehood.

E. Revenue: Paying for Government

Even with such a comparatively small domain and basic government, running a kingdom is expensive. Collecting revenue was thus a primary function of Philip II's government, and mechanisms needed to be in place to appropriate assets from the population, and deliver those assets to the monarch.

These mechanisms were as rudimentary as any other. Each of the *prévôts* was tasked with collecting (or supervising the collection of) a long list of taxes and fees,

including everything from land rents, to portions of agricultural produce, to customary dues, to tolls.¹⁸⁴ Most taxes and fees were modest in themselves. The most profitable of the fees were those involving money: fees for minting it, for exchanging it, and lending it. Once the coins, wine, wood, lace, lettuce, lambs, etc. had been collected, it was the *prévôt's* job to get them to the king. This was done in a very informal way: the royal court might pick it all up as it swung through on its itinerary, or the *prévôt* might have it carted off to the royal headquarters in Paris, or the parties might take advantage of any other convenient method that came to hand.

The mechanism by which *prévôts* delivered tax revenue was that of tax farming: each *prévôt* was assigned a fixed amount of revenue to pay, and any extra amounts they raised could be kept as profit, or saved to offset lower collections in bad years.¹⁸⁵

The royal court collected its own direct revenue, as well, from its judicial services: collecting fees for the service on the spot, as well as any fines levied on offenders.

There is little evidence of formal recordkeeping with respect to the royal revenues. The king's itinerant court simply audited what local accounts might have been kept by the burghers of towns or by the staff of manorial lords.¹⁸⁶

¹⁸⁴ Baldwin, *The Government of Philip Augustus*, *supra*, at 46.

¹⁸⁵ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 893.

¹⁸⁶ Baldwin, *The Government of Philip Augustus*, *supra* at 144-145.

F. Philip II's Administrative Innovations

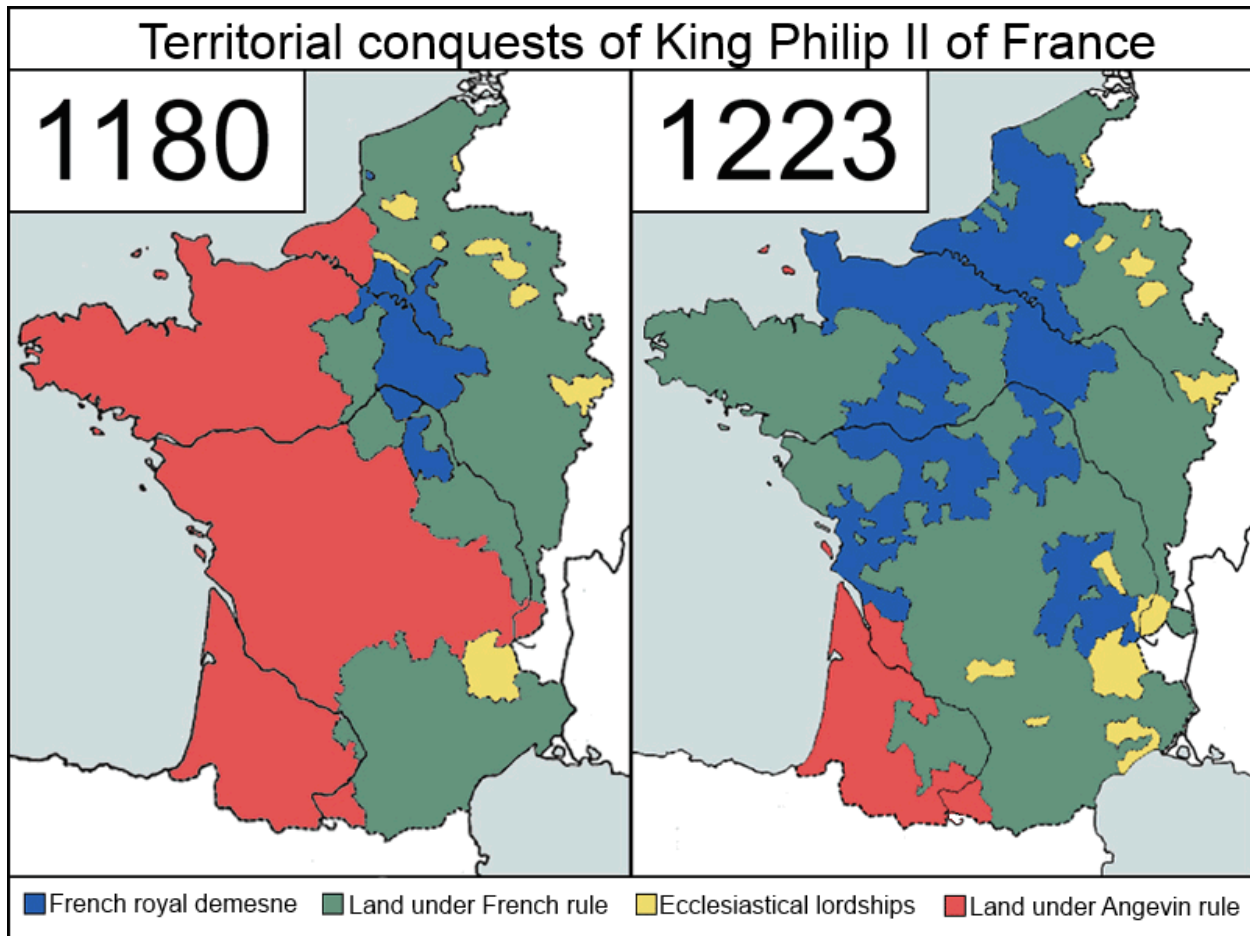


Fig. 4: Territorial conquests of Philip II of France. Vol de Nuit, *Conquetes Philippe Auguste*, 14 April 2006.

In 1190, Philip II took up the cross, mustered an army and joined the Third Crusade to the Holy Land. As he made his preparations for a tour that could last for years, he faced a significant problem: how could the kingdom be governed when its king was not there to govern it?

Philip solved the problem by drawing up a lengthy and detailed instruction manual, specifying exactly how his royal authority was to be carried out in his absence. Now known as the Ordinance of 1190, this manual described how existing government

practices were to continue, prescribed additional practices, and introduced new administrative offices that would act in his name.¹⁸⁷ In July 1190, the barons formally agreed to the terms, thereby giving the ordinance both legitimacy and the force of law.

These innovations allowed the king to assert royal authority without being physically present, and to effectively project that power out into the lands beyond the Île-de-France.¹⁸⁸ They also created a precedent for future reforms that would consolidate and project royal power.

Notably, the Ordinance did not leave administration in the hands of the king's feudal vassals. Instead, royal government was to be carried out by centralized government agents acting with royal authority, not only in the Île-de-France but throughout the northern lands. In a way, it formed a new constitution of royal government. No longer was the king a superior religious office only. As constituted, royal power was now sovereign, with practical, day-to-day *political* power superior to that of the feudal lords.

Additionally, by explicitly defining the mechanisms of royal government, the Ordinance of 1190 implicitly redefined the nature and extent of that government's authority. Sovereign power was still the king's personal power, but at the same time it

¹⁸⁷ Rigord, *Histoire de Philippe Auguste*, *supra* at 277-285.

An English translation of the Ordinance can be found in M. Cecilia Gaposchkin and Sean L. Field, eds., *The Deeds of Philip Augustus: An English Translation of Rigord's Gesta Philippi Augusti*, Larry F. Field, transl., Ithaca: Cornell University Press, 2022, at 113-118.

¹⁸⁸ Darren Henry-Noel, "The Third Time Was the Charm? Philip of France and the Third Crusade," *Past Imperfect*, Vol. 26 (2024/2025): 3-38, at 18.

existed at some level of abstraction, a higher authority from which a nascent bureaucratic government could claim the right to rule.

Technically, these reforms were only meant to have effect while the king was away fighting the Third Crusade, and he was back in Paris at the end of 1191. But on his return, Philip II made most of the reforms permanent—in particular the office of *bailli* and the nascent bureaucracy it represented.

After his return, the remaining great lords of his court and household offices began retiring, as they were all men of the king's father's generation. Philip II began assembling a new retinue, this time consisting of younger men, of lower rank—in other words, men who were not independently powerful, and needed to stay in the king's good graces. In doing so, he set the stage for greater concentration of power in the monarch, and in the monarch's official agents.

Philip returned “early” from the Crusades after achieving victory at Acre, in order to defend his interests in France.¹⁸⁹ During the siege of Acre, Count Philip of Flanders had been killed, and the Flemish succession posed a danger to Philip II's territorial claims. Months had already passed during which Philip II's rivals could have moved to weaken his position. Fortunately, he returned in time to not only protect his interests, but to gain even more lands for France.¹⁹⁰ The annexation of Normandy after Bouvines in 1214 created new challenges, or rather new opportunities for centralization and hierarchical bureaucratic administration.

¹⁸⁹ Philip also considered this victory to have fulfilled his Crusader vow, and he appears to have been absolved of his vow by Pope Celestine III in Rome on his way back to Paris. The Church needed a strong defender at home.

¹⁹⁰ Naus, *Constructing Kingship*, *supra* at 125-126.

Additionally, as mentioned above, Count Thibaut of Blois, Philip II's seneschal, was killed during the siege of Acre. His death eliminated the man who exercised the greatest concentration of political power in the royal government, with his own independent wealth and policies as lord of the large county just west of the royal domain, and with his own loyalties and goals as a member of the House of Champagne, whose large county pressed against the domain's eastern flank. Freed from this competing power within his own household, Philip would leave the position vacant thenceforth, enabling him to personally assert control over the various organs of his government.¹⁹¹

The four primary innovations of the Ordinance of 1190 and Philip's later reign might be described as the appointment of regents and viceregents, the institution of the office of *bailli*, improved accounting procedures for the royal revenue, and improved governmental recordkeeping.

1. Regents and Familiars

Under the terms of the ordinance of 1190, the king's mother and her brother, the archbishop of Reims, would act as regents, but with express limits on their authority. "[W]e wish and direct that our most beloved mother, Queen [Adèle], establish, together with our most beloved uncle the faithful [Guillaume], archbishop of Reims, one day every four months at Paris, when they may hear the claims of the people of our kingdom...."¹⁹² In addition, at those triannual hearings, the regents would receive the

¹⁹¹ Baldwin, *The Government of Philip Augustus*, *supra* at 33-34, 104.

¹⁹² Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 114.

reports of the judicial officials who had heard cases throughout the realm, and hear complaints about those officials. The regents would then report on all of this to the king.¹⁹³

Philip's choice of regents was astute. Both were members of the Champagne nobility, after all, and Philip did not need a coup in his absence. He entrusted them with carrying out all of the functions of government that were not already filled by men Philip himself had appointed. In other words, they assumed the powers and responsibilities of all vacant household offices, "abbacies, deanships, and other such worthy positions" until the king returned from the Third Crusade.¹⁹⁴ Should they feel themselves unable to fulfill such duties, they were to consult with Brother Bernard to find suitable men to appoint.¹⁹⁵

The regents would have no power of the purse, however. Expenditures were entrusted to six prominent burghers of Paris, plus the royal Marshal, each of whom had strong personal ties to Philip's chamberlain Gautier. And as described below, the actual collection of and accounting for revenue was assigned its own separate administrative pathway.

When Philip II returned from the Crusade, he no longer needed the regents. However, after the acquisition of Normandy, the administration of government became more that of a hierarchy of bureaucratic officials than the personal exercise of royal

¹⁹³ *Id.* at 114-115.

¹⁹⁴ *Id.* at 117.

¹⁹⁵ *Id.* "Brother Bernard" likely refers to the former prior of Grandmont, who now lived as a hermit in the woods near Vincennes. Philip had previously sought his advice in 1180 with respect to his expulsion of the Jews from his domain. *See Id.*, at 55 n. 101, 57-58.

authority (as described in the following subsections). Philip II needed people who could manage and supervise all these officials in much the same way that the regents had done in his absence.

In earlier days, he might have turned to his seneschal. But as we have seen he had already suppressed that office for being too much of a threat to his own authority. Instead, he began relying on a handful of extremely loyal men in his entourage, especially Henry Clement, Walter the Younger, Bartholomew de Roye, and the Hospitaller knight Brother Guérin.¹⁹⁶ This inner council was purely informal, and its members had no official title denoting their special relationship as the king's direct agents. Instead, contemporaries referred to them as the king's familiars, the *familiares regis*.

Henry Clement was the *maréchal*, or Marshal, of France. Historically, the role had been that of a subordinate stable-master, but in the absence of a seneschal Philip II elevated the role to that of chief military commander of royal armies. Walter the Younger was Philip's valued lesser chamberlain, in whom he could entrust the keeping of the royal treasury. Walter also exercised some military commands alongside Henry Clement, the two advisors working closely together without stepping on each other's toes.¹⁹⁷

Bartholomew de Roye had served as the king's grand chamberlain for decades, and was one of Philip's most trusted confidants. While Walter the Younger managed the

¹⁹⁶ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 899-900.

¹⁹⁷ Bradbury, *Philip Augustus: King of France*, *supra* at 252-254.

day-to-day treasury operations, Bartholomew acted as the king's representative in high-level affairs and diplomacy, and negotiating on the king's behalf with restive barons.¹⁹⁸

Of the four, Brother Guérin was perhaps closest to being a viceregent. His actual title was Keeper of the Seal, but in action he functioned as Philip's chief executive officer. The royal seal had previously been held by the chancellor, but since 1185 Philip had left that position vacant to prevent any one clergyman from gaining too much power. Instead, he simply handed the physical seal to Guérin. By doing so, the king entrusted the knight with control of all outgoing royal orders, with drafting of royal decrees, and with management of the newly-centralized archives (see below). So important was his role that modern historians often refer to Guérin as the king's "first minister," though Guérin himself carefully avoided any such title.¹⁹⁹

It was Guérin who also served as the king's chief financial officer, both receiving the revenues raised by government officials throughout the domain, and directing their expenditure. And he served as the king's chief justice, presiding in the king's stead over court cases and inquests, and presided over the Norman exchequer's judicial proceedings.²⁰⁰ In the last decade of Philip's reign, he more or less acted as the king's viceroy; in 1213 the royal chronicles began referring to him as *secundus a rege*, "second to the king."²⁰¹

¹⁹⁸ Baldwin, *The Government of Philip Augustus*, *supra* at 111-113.

¹⁹⁹ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 900.

²⁰⁰ *Id.* The "exchequer" was an English office, so named because of the checkered table top on which the various financial accounts were physically arranged and assessed. It had become a Norman office while the duchy was under Angevin control.

²⁰¹ *Id.* at 901.

2. *Baillis*

During the 1180s, Philip II had begun to experiment with a new form of government official, the *bailli*, a judicial counterpart to the *prévôts*. Where a *prévôt* was primarily responsible for collecting taxes, a *bailli* (our “bailiff”) was originally responsible for assessing judicial fees and fines. There is little documentary evidence of the origin of the royal office, but dukes and counts had appointed *baillis* to preside over seigniorial assizes when the lords themselves were absent, and it has been speculated that the first royal *baillis* were those of “certain great fiefs that had been reunited to the crown, their functions still continuing after the annexation.”²⁰² The first mention of the office in any Capetian royal charter was in 1184, when Philip ordered his *prévôts* and *baillis* not to interfere with lepers collecting dead wood from a royal forest, and from that point forward royal commands increasingly addressed *prévôts* and *baillis* in the same breath.²⁰³

Philip’s 1190 Ordinance was foremost directed at the *baillis*. The instructions defined this office as in essence the king’s personal stand-in for nearly all direct rule throughout the royal domain. The job was first and foremost that of a judicial officer, much as it had been in the seigniorial courts, with each of the *baillis* directed to hold monthly assizes where they would render royal justice in the king’s name. They performed royal inquests, taking the sworn testimony of locals to broaden official understanding of the kingdom beyond Paris (a function that would be of especial value

²⁰² Jean Paul H. E. A. Esmein, “Bailli,” in *Encyclopædia Britannica*, 11th ed., Vol. 3, New York: The Encyclopædia Britannica Company, 1910, at 218-219.

²⁰³ Baldwin, *The Government of Philip Augustus*, *supra* at 126-127.

after the absorption of Normandy and Languedoc).²⁰⁴ They fulfilled royal duties to the church and to the people, while at the same time protecting the king's rights. As the king's direct agents, exercising and protecting royal authority at a remove and at a distance, this newly-enhanced office marked the beginnings of a shift from personal power to delegated bureaucracy.

The first instruction of the Ordinance explicitly set the *baillis* above the *prévôts*. “[W]e first instruct that our *baillis* install for each *prévôt* within our jurisdiction four prudent men, who are lawful and of sound reputation; and that no business of the place be carried out without their advice....”²⁰⁵ No longer judicial counterparts of the older tax-collecting office, the *baillis* were now its superiors with supervisory authority over it. After the king's return in 1191, his “royal instructions were increasingly dispatched to the *baillis* alone” or with the *prévôts* mentioned strictly as their subordinates.²⁰⁶

Perhaps most significantly, the *baillis* were to serve as judges in the king's absence—the beginnings of an independent judiciary. In his 1190 ordinance, Philip II

²⁰⁴ Baldwin, *The Government of Philip Augustus*, *supra* at 141.

The inquest long pre-dated the Capetians, going back to early Frankish kings. What made inquests different from other judicial functions was that the witnesses were not called to support one side or another in an adversarial proceeding, but simply give the court truthful, reliable data. This early Frankish inquest, via the Norman Conquest, is often credited as the origin of the English jury. See Charles Sumner Lobingier, “Historical Background of Administrative Law: The Inquest Procedure,” *Notre Dame Law Review*, Vol. 16, No. 1 (November 1940): 29-46 at 32-36.

Despite its ancient lineage, however, the inquest as a formal institution would not be adopted as a permanent feature of French legal procedure until the Ordinance of 1190. Baldwin, *The Government of Philip Augustus*, *supra* at 142.

²⁰⁵ Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 113.

²⁰⁶ Baldwin, *The Government of Philip Augustus*, *supra* at 127.

created a new court: the assizes, which each *bailli* was to convene every month.²⁰⁷ At the assizes, the *baillis* were to “receive appeals, do justice without delay, defend royal rights, and record in writing fines due to the king.”²⁰⁸ This new proceeding of the assizes would continue as an institutional business of royal government thenceforth, evolving and surviving in different forms through the Revolution to the present day.²⁰⁹

The *baillis* themselves had no fixed base of operations and no formally bounded jurisdictions, and traveled throughout the regions they oversaw, often overlapping or even working together.²¹⁰ The king no longer needed to travel his realm in person: he had transformed his itinerant court into a collection of local courts exercising royal authority.

Every four months, the *baillis* convened in Paris to review and record the kingdom’s finances. At these times (during the king’s absence), the regents Adèle and Guillaume served as a kind of appellate court, hearing appeals from cases decided below, hearing reports from *baillis* about the doings of their *prévôts*, and hearing complaints about the *baillis*’ own conduct. The regents then reported to the king after each of these sessions.²¹¹ Thus the Ordinance established a formal, hierarchical

²⁰⁷ Baldwin observes that there is no evidence of assizes in France prior to 1190, supporting the conclusion that Philip II created this institution along with his introduction of the office of *bailli*. *Id.*, at 137.

²⁰⁸ Baldwin, *The Government of Philip Augustus*, *supra* at 137. See Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 114.

²⁰⁹ See Ambrose Buchère, “Etude Historique sur les Origines du Jury,” *Revue Historique de Droit Français et Étranger* (1855-1869), Vol. 8 (1862): 145-202; Damon C. Woods, “The French Court of Assizes,” *Journal of Criminal Law and Criminology*, Vol. 22, No. 3 (September 1931): 325-334.

²¹⁰ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 898.

²¹¹ Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 114-115.

delegation of royal authority—from the king down to his regents, from his regents down to a supervisory level of officials, from there down to a subordinate level of *prévôts* and the people themselves. At the same time, it established a system of accountability, each level answerable to that above it, ultimately answerable to the sovereign himself.

The annexation of Normandy after the Battle of Bouvines presented an opportunity to enhance and solidify this constitutional arrangement. The duchy already had its own office of *baillis* (as did Flanders), which served a different function. Normandy had a separate set of officials who served as itinerant judges, riding circuit on behalf of their duke, akin to Philip’s *baillis*.²¹² The Norman *bailli* also presided over judicial hearings, but had a fixed defined jurisdiction—his bailiwick, or *baillage*.²¹³

This system of fixed, defined jurisdictions was superior to the loose, ambulatory authority of Capetian *baillis*. For one thing, the realm was not just too large to be governed by officials who had to physically visit each community and region. Moreover, an itinerant court’s power is inherently episodic, while a fixed jurisdiction has permanence, ensuring a continuous projection of royal authority. Instead of royal justice that might arrive once a year with the *curia regis*, or monthly with the assize of a traveling *bailli*, the permanent *baillage* makes royal authority a daily reality. Additionally, the constant assertion of power over a defined territory permanently suppresses rival centers of power—such as the lords who in 1179 had wielded much greater effective strength than the crown. The king’s executive authority was always “in

²¹² Baldwin, *The Government of Philip Augustus*, *supra* at 220-221. Perhaps this is where Philip got the idea in the first place. Normandy also employed officials known as *vicomtes*, who were the local equivalent of the Capetian *prévôts*. *Id.*

²¹³ *Id.*

residence” to enforce the law, maintain the peace, and exclude other would-be overlords.²¹⁴

So it is perhaps no surprise that, over the following decade, Philip II gradually replaced his “collegiate and travelling” *baillis* with a system of fixed *baillages* throughout his royal domain.²¹⁵ The 1190 Ordinance continued to act as a proto-constitution, and pursuant to it dictates the *baillis* from every part of this patchwork of territorial jurisdictions convened at Paris every four months, reporting on their assizes and bringing the all-important information gleaned from their local inquests. By the end of Philip's reign in 1223, this system was a highly formalized bureaucratic hierarchy, with officials whose authority was not their own but that of their sovereign, and with accountability and processes that flowed up from the people through the hierarchy to the crown.²¹⁶

Further separating government's public nature from the private power of its officers, Philip II carefully appointed men without elite status to serve as *baillis*. He avoided the traditional practice of staffing government offices with castellans, clergy, and nobility. Instead, he appointed men of common, even obscure heritage, who had no chance of attaining baronial rank, and who therefore owed all status and authority to the fact that the king had appointed them. They were usually appointed at a young age as well, often before the age of 20, ensuring their exclusive loyalty to the king they served, and who entrusted them with his confidence. Their young starting age also ensured long

²¹⁴ See Strayer, *On the Medieval Origins of the Modern State*, *supra* at 27-31.

²¹⁵ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 899.

²¹⁶ *Id.*

continuity of loyal service, with careers of thirty years not unusual.²¹⁷ By such means, Philip filled his government with officials whose power was strictly that of their office—government authority came with the post they occupied, separate and distinct from the individual who might occupy it.

3. Improved Accounting Procedures

Maintaining some control over local officials, especially their extraction and disbursement of revenues, has been a central problem of government since the world's first kingdoms.²¹⁸ As mentioned above, the Capetians had experienced difficulties with their *prévôts*. But in his Ordinance of 1190, Philip II took advantage of the opportunity to impose some new order on the system.

Instead of the officials remaining in place, waiting for the *curia regis* to arrive, and whichever members of the entourage who were presently acting as lesser chamberlains to receive the *prévôt's* farmed revenues and accounts, now these officials had to come to Paris. Up until now, the treasury had accompanied the itinerant court by pack horse, but in the mid-1140s Louis VII temporarily relocated it while on crusade, entrusting it with the Temple of the Knights Templar north of the Seine in Paris. In his 1190 ordinance, Philip II again ordered that the royal treasury be kept in the Temple. On the three days each year when the *prévôts* were to bring their revenues to Paris, it was to the Temple that they were to go. There, the monies were handed over to a committee consisting of the king's marshal and six prominent citizens of Paris, each with keys to

²¹⁷ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 903-904.

²¹⁸ Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 882; Fukuyama, *The Origins of Political Order*, *supra* at 404, 469, and *passim*.

the Temple and the treasure chests therein.²¹⁹ This was now a permanent change; the treasury would be contained in this same fixed location for over a hundred years.²²⁰

All of these accounts were destroyed by a fire in the 18th century, but fortunately one set from 1202-1203 had been copied out as an appendix to a historical monograph, providing at least a glimpse of how the Ordinance's rule was being carried out. And they show that the *prévôts* were indeed coming to Paris every four months, where they rendered their farmed revenues and submitted their accounts, and scribes wrote it all down in standardized government records.²²¹

This innovation represents two major shifts in the nature of Capetian government. The exercise of power was no longer directly personal, as the *prévôts* no longer dealt directly with the king and his household chamberlains, but instead settled their accounts with other government officials whose authority was less personal, and more nearly that of their office. And the direction of government had reversed: instead of the king traveling into the country to personally collect the farmed revenues, the *prévôts* brought them to the capital. Government was centralizing, at the same time as it was abstracting so that it could function without the sovereign's personal involvement.

²¹⁹ Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 116; Baldwin, *the Government of Philip Augustus*, *supra* at 144-145.

²²⁰ Baldwin, *The Government of Philip Augustus*, *supra* at 57.

²²¹ Ferdinand Lot and Robert Fawtier, *Le Premier Budget de la Monarchie Française: Le Compte Général de 1202-1203*, Paris: Librairie Ancienne Honoré Champion, 1932.

Philip named his cleric Adam, in the 1190 ordinance, as the clerk responsible for recording the receipts of property delivered to the treasury. Gaposchkin and Field, eds., *The Deeds of Philip Augustus*, *supra* at 116.

4. Improved Recordkeeping

As discussed above, the lesser chamberlains of the king's household maintained a variety of financial records and other government documents, but there was no official archive that systematically maintained them.²²² Instead, whichever documents were considered important enough to save traveled with the itinerant court in the king's baggage.

Keeping the king's important documents close to hand was only a sound strategy, however, if the king could *keep* them. Events would prove that Philip could not. In 1193, while Richard I was famously imprisoned by Leopold of Austria, his brother John granted Philip a significant portion of Richard's estates in Aquitaine. But after being ransomed in January 1194, Richard returned, assembled an army, and began a ferocious five-year campaign to force Philip out and keep him bottled up in Paris. On the third of July, 1194, Richard's army took Philip's by surprise near the village of Fréteval, about 36 miles west of Orléans.²²³ Philip fled, abandoning his baggage train in the woods. This was not the first time that Philip had left it behind in retreat, but this time Richard was able to take possession of the loot. In a single stroke, Philip lost his archives.²²⁴ Gone were his personal royal seal, all of his important financial records, revenue receipts,

²²² Hollister and Baldwin, "The Rise of Administrative Kingship," *supra* at 895.

²²³ J. F. Verbruggen, *The Art of Warfare in Western Europe During the Middle Ages: From the Eighth Century to 1340*, 2nd ed., Sumner Willard, transl., Woodbridge: Boydell Press, 1997, at 99.

²²⁴ Alistair Horne, *Friend or Foe: An Anglo-Saxon History of France*, London, Weidendfeld & Nicolson, 2004, at 23.

agreements, and charters, not to mention all the royal treasure, the value of which contemporaries described as “immense.”²²⁵

At once, Philip II changed his practices. It was clear that the documents by which government administration took place could no longer be entrusted to the royal court’s mobile baggage train. He now directed that all incoming charters be systematically collected, and that they be stored not in his peripatetic household effects, but in the fixed location of the royal palace at Paris.²²⁶

The quantity of records sent to this archive grew rapidly year over year, and between 1204 and 1220 chancery scribes copied out the most significant of these into a series of rolls and then bound volumes called “registers.” These registers contained not only records received from the *prévôts* and feudal lords, but also copies of charters which the king issued out to the kingdom.²²⁷

The number and variety of the surviving records demonstrate that, especially after the annexation of Normandy in 1214, royal administration was adapting to a territory that was too large to govern with only an itinerant court and some local agents. A new bureaucracy was forming, along with the systematic processes necessary for effective governance.²²⁸

Starting in 1201, the chancery was the purview of Brother Guérin, who as mentioned above was entrusted more and more as the king’s viceregent in matters financial and clerical. The office of chancellor had been vacant since 1185, and royal

²²⁵ Baldwin, *The Government of Philip Augustus*, *supra* at 408-409.

²²⁶ Hollister and Baldwin, “The Rise of Administrative Kingship,” *supra* at 895.

²²⁷ *Id.* at 896.

²²⁸ *Id.*

charters since then had stated this explicitly, ending with the rote phrase “the chancery being vacant.” But from this point forward, royal charters would be issued “by the hand of Brother Guérin.”²²⁹

PART THREE: THE ALBIGENSIAN CRUSADE

A. Crusade and Consolidation: The Albigensian Crusade and the Strengthening of the French Monarchy

Ordinarily, when speaking of a crusade in the context of medieval Europe, the connotation is that of a military expedition to the Levant to reclaim the Holy Land from Muslim rule.²³⁰ But the Albigensian Crusade was a different category of event entirely. Although it was launched at the instigation of a pope, the Albigensian Crusade might better be thought of as an early French civil war, with the North and the South vying for control of the South of France.

It would also not be accurate to think of the Albigensian Crusade as a single military expedition. It might be better to see it as a series of three different conflicts: a bloody invasion of the south by northern nobility, reassertion of southern independence, and a final royal conquest.

As with the annexation of Normandy fifteen years before, this conquest would compel the French royal government to adapt if it was to effectively administer this much greater territory.

²²⁹ Baldwin, *The Government of Philip Augustus*, *supra* at 115.

²³⁰ William D. Paden, “Perspectives on the Albigensian Crusade,” *Tenno*, Vol. 10, No. 2 (Spring 1995): 90-98, at 90.

1. The Call to Crusade

The south of France was different from the north in both geography and culture. Unlike the flat plains and rolling hills of the north and west, the lands of the south are mountainous, impeding mobility, centralization, and projection of political power.



Fig. 5: Topographical Map of France. NASA/JPL/NIMA Shuttle Radar Topography Mission (July 25, 2003) at <https://photojournal.jpl.nasa.gov/catalog/PIAO3393>.

Southern France also enjoys a Mediterranean climate, which is warmer, and drier year-round than the northern climate which is more like that of England. Culturally, too, the peoples of southern France differed significantly from those to the north and west,

having been to a much greater extent a continuation of the culture of Imperial Rome, with greater access to trade, and thus greater urbanization, mercantilism, education, and lay literacy.²³¹ The southern peoples even spoke a different language, much more closely related to Catalan than to the varieties of Old French spoken to the north.

Contemporaries distinguished the southern speech as the *langue d'oc* (as their word for “yes” was “oc”) as opposed to the northern *langue d'oïl* (“oïl” being the precursor to the modern “oui”).²³² Later governmental administrations would refer to the southern cultural region, therefore, as “Languedoc.”²³³

Moreover, feudalism had developed differently and less fully in the south than it had in the north. Local lords retained considerable autonomy, and the political geography was shaped more by autonomous fortified towns and castles than by a feudal

²³¹ See Francis Manzano, “Situation and Use of Occitan in Languedoc,” *International Journal of the Sociology of Language*, Vol. 169 (2004): 63-89, English manuscript online at https://www.researchgate.net/profile/Francis-Manzano/publication/249929964_Situation_and_use_of_Occitan_in_Languedoc/link/s/603fd7d9299bf1e078542d6e/Situation-and-use-of-Occitan-in-Languedoc.pdf?_tp=eyJjb250ZXhoIjp7ImZpcnNoUGFnZSI6InB1YmxpY2FoaW9uIiwicGFnZSI6InB1YmxpY2FoaW9uIn19.

²³² See Rebecca Posner, *The Romance Languages*, Cambridge: Cambridge University Press, 1996, at 190; Simon Belasco, “France’s Rich Relation: The Oc Connection,” *The French Review*, Vol. 63, No. 6 (May 1990): 996-1013, at 997.

Dante famously made the distinction in his linguistic treatise *De Vulgari Eloquentia*, written around 1303-1305: “...for some now say *oc*, some *oïl*, and some *sì*, when they answer in the affirmative; and these are the Hispanic, the French, and the Italians.” *De Vulgari Eloquentia* 1.8.5, Steven Botterill, transl.

²³³ This is getting ahead of the narrative, as it was only after the Albigensian Crusade and its aftermath that this term would come into use. It would not be until 1279 that royal government documents would refer to the newly-annexed southern provinces as *partes linguae occitanae*, which would over subsequent decades evolve into the geographic name “Languedoc.” However, for the sake of clarity, this paper will refer to the region as Languedoc despite the anachronism.

order bound by persistent ties of loyalty.²³⁴ Loyalty was so unreliable and opportunistic that “the ‘feudal system’ in Languedoc was not much more than an association” of lords, towns, and clerics pursuing their own independent interests.²³⁵ So it may not be surprising that the peoples of Languedoc did not consider themselves culturally or politically members of any larger polity, much less that of the royal domain.²³⁶

The most influential of the southern lords were the Counts of Toulouse, whose nominal jurisdiction encompassed most of the region of Languedoc, as much as that of the king.²³⁷ It would not be fair, however, to claim that the count had any sort of command over the polities within his jurisdiction.

Languedoc’s unique situation made it an attractive home for alternative belief systems, ideas not restrained by the orthodoxy dictated from Rome. Without a strong, centralized secular authority, lords and town councils who did not wish to alienate their citizens could simply refuse to enforce Church demands for religious uniformity. As a cosmopolitan crossroads, the region had a culture more tolerant of different faiths and philosophies.²³⁸

One such belief system has come to be known as the Cathar heresy.²³⁹ Rooted in growing dissatisfaction with the Church and its failure to live up to its own principles,

²³⁴ See Walter L. Wakefield, *Heresy, Crusade and Inquisition in Southern France, 1100-1250*, Berkeley: University of California Press, 1974, at 50-54.

²³⁵ *Id.*, at 52.

²³⁶ See Michael Costen, *The Cathars and the Albigensian Crusade*, Manchester: Manchester University Press, 1997, at 25-51.

²³⁷ Wakefield, *Heresy, Crusade and Inquisition*, *supra* at 51.

²³⁸ Wakefield, *Heresy, Crusade and Inquisition*, *supra* at 56-59.

²³⁹ There is significant debate as to whether Catharism as a distinct religious body was more an invention of the Inquisition than a historical reality. See, e.g., Antonio Sennis,

Catharism was one of several movements aimed at holding the Christian faith to higher standards.

This was a dualist form of Christianity, belonging to a family of beliefs drawing on older Gnostic and Manichaean traditions in which the universe belonged to two opposing principles, one wholly good and spiritual, the other evil and material. Catharism distinguished between the Christian God, the purely divine and immaterial personification of good, and the creator god of the Old Testament, a fallen and evil being responsible for the material world.²⁴⁰ The entirety of the physical universe was thus worse than a mere mortal state of existence, but a diabolical prison in which souls were trapped. Christ could not logically have assumed human flesh, because that would imply

ed., *Cathars in Question*, Woodbridge: York Medieval Press, 2016; R. I. Moore, *The War on Heresy: Faith and Power in Medieval Europe*, London: Belknap Press, 2012.

The adherents of this heresy certainly did not refer to themselves as Cathars, referring to themselves instead as “believers,” “Friends of God,” “Good Christians” and other similar collective nouns. Opponents called them such things as “Piphles,” “Texerands,” “Patarenes,” “Manichaeans,” “Bulgars,” “Bogomils,” “Bougres,” “Kudgers,” and more. Jennifer Kolpacoff Deane, *A History of Medieval Heresy and Inquisition*, 2nd Ed., London: Rowman & Littlefield, 2022, at 6; James McDonald, “Cathar Terminology and a Cathar Glossary,” *Cathars and Cathar Beliefs in the Languedoc* (February 8, 2017) at https://www.cathar.info/cathar_terminology.htm.

Most of our understanding of Cathar beliefs is a reconstruction based on hostile Catholic polemicists, inquisitorial dossiers, and a very small number of manuscripts describing Cathar rituals. See Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245-1246*, Princeton: Princeton University Press, 2001, at 52-57; Zoé Oldenbourg, *Massacre at Montségur: A History of the Albigensian Crusade*, transl. Peter Green, London: Weidenfeld and Nicolson, 1961, at 42-44, 368-376.

Nevertheless, we do possess a sufficiently consistent body of evidence to describe, in broad terms, what contemporaries meant by “the heresy of the good men” in Languedoc. See Oldenbourg, *Massacre at Montségur*, *supra* at 34-42; Jacques Maudaule, *The Albigensian Crusade: An Historical Essay*, Barbara Wall, transl., New York: Fordham University Press, 1967, at 32-33, 37-45.

²⁴⁰ Malcolm Barber, *The Cathars: Dualist Heretics in Languedoc in the High Middle Ages*, Harlow: Longman, 2000, at 33-39.

that the good God had somehow united Himself with evil matter, and Cathar dualism regarded that as impossible.²⁴¹ The Roman Church was a false faith, an institution that had usurped Christ's name while serving the evil of this world.²⁴²

Cathar sacramental practice was thus radically simplified. The central rite was the *consolamentum*, a laying-on of hands in which were combined the functions of baptism, confirmation, ordination, penance, and extreme unction.²⁴³ The ceremony formally recognized one as a *perfect*, a person judged to be worthy of being re-clothed in the Holy Spirit, vowing to entirely abstain from sexual intercourse, to entirely abstain from animal products, to entirely abstain from violence, and to speak only the truth. From that moment forward, any sin could entirely sever the *perfect* from God.²⁴⁴ *Perfects* practiced apostolic poverty, owning nothing individually, living in small communal houses within towns or castles, traveling without money or weapons, and subsisting on hospitality and alms while ministering to the sick and preaching.²⁴⁵ Simpler rituals involved asking *perfects* to pray for one, and public confessions and reconciliation rites similar to Catholic penance.²⁴⁶

²⁴¹ Malcolm Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 3rd ed., Oxford: Blackwell, 2002, at 99-101.

²⁴² *Id.* at 101-104.

²⁴³ Bernard Hamilton, "The Cathars and Christian Perfection," in Peter Biller and Barrie Dobson, eds., *The Medieval Church: Universities, Heresy, and Religious Life*, Woodbridge: Boydell, 1999, at 23-27; Barber, *The Cathars*, *supra* at 45-50.

²⁴⁴ Hamilton, "The Cathars and Christian Perfection," *supra*.

²⁴⁵ Barber, *The Cathars*, *supra* at 49-51.

²⁴⁶ Jennifer Kolpacoff Deane, *A History of Medieval Heresy and Inquisition*, Lanham: Rowman and Littlefield, 2011, at 59-60.

Such heresy was considered a significant threat to the Church of Rome.²⁴⁷ When Innocent III assumed the papacy in 1198, he took charge of a Church that was beginning to claim universal authority—not only religious authority over the doctrines of the Church itself, but also politically dogmatic authority over the secular rulers of Christendom.²⁴⁸ Such claims were toothless in Languedoc, however, where as early as 1145 Bernard of Clairvaux had famously reported that “the churches are without flocks, the flocks without priests, the priests without honor. All that remains are Christians without Christ.”²⁴⁹ After the disastrous Fourth Crusade, during which the papacy had lost control of the crusaders who sacked Zara and Constantinople, Innocent III desperately needed to assert Rome’s authority, and the south of France provided an excellent opportunity to do so.²⁵⁰

Once elected as Pope, Innocent III immediately set about confronting the Cathars—also called the Albigensians after the strongly Cathar town of Albi. He sent two legates to travel throughout Languedoc, preaching against heresy, excommunicating heretics, and seizing their property. He commanded the local bishops to help, and to gain the assistance of local secular rulers. Over the next several years, Innocent sent additional papal legates to investigate how deeply entrenched the heresy was and how

²⁴⁷ Rebecca Rist, “The Medieval Papacy, Crusading, and Heresy, 1095-1291,” in Keith Sisson and Atria A. Larson, eds., *A Companion to the Medieval Papacy*, Leiden: Brill, 2016, at 316.

²⁴⁸ See, generally, James M. Powell, ed., *Innocent III: Vicar of Christ or Lord of the World?*, 2nd ed., Washington: Catholic University Press, 1994.

In his inaugural sermon, for example, Innocent III preached on Jeremiah 1:10, “See, I have this day set thee over the nations and over the kingdoms, to root out and to pull down, and to destroy and to throw down, to build and to plant.”

²⁴⁹ Bernard of Clairvaux, *Epistula 241*.

²⁵⁰ Rist, “The Medieval Papacy,” *supra* at 319.

the local bishops were dealing with it. The reports of these legates led Innocent III to conclude that the bishops were ineffective, calling them “those dumb dogs which aren’t strong enough to bark... those shepherds who only care about themselves, who cannot chase away with their voices or their sticks the wolves which ravage the Lord’s sheepfold.”²⁵¹

Meanwhile, the Pope sought for several years to persuade Philip II, as King of France and protector of the faith, to lead a military invasion of Languedoc to fight against the heresy.²⁵² Philip had neither the inclination nor the means to do so, however, all of his attention being focused on his conflicts with the Angevins over Aquitaine and Normandy. Innocent cut away what he saw as weaknesses within the episcopacy itself, deposing bishops in southern France who he deemed too negligent or laissez-faire with respect to heresy. But he quickly concluded that the greatest secular obstacle to the restoration of orthodoxy was not the towns where the Cathars—a mostly urban sect—resided, but their suzerain Raymond VI, Count of Toulouse.

Raymond VI had inherited in 1194 a relatively enormous principality that stretched from the Rhône to the Garonne, and from Quercy to the Mediterranean. Although himself formally a Catholic, Raymond tolerated Cathar preachers at his court, visited the houses of the *perfects*, and consistently refused to employ his own secular forces to suppress the heresy in any way.²⁵³

²⁵¹ *Patrologiae Latinae Cursus Completus*, Jacques-Paul Migne, ed., Paris, 1844-1864, at Vol. 215, Col. 355.

²⁵² See, e.g., Innocent III, *Inveterata Pravitatis Haereticae*, 17 Nov. 1207.

²⁵³ Maudaule, *Albigensian Crusade*, *supra* at 51-55.

In 1198, Innocent sent legates to the south of France to preach against heresy, but they were ineffective. In 1204 he tried again, this time with the Cistercians Arnold Amaury, Ralph of Fontfroide, and Peter of Castelnau. Again, the effort was fruitless, with the local population publicly ridiculing them.²⁵⁴ Peter pushed on, however, suspending the bishops of Béziers and Viviers, instituting proceedings against the openly defiant Archbishop Berenger of Narbonne, and in late 1207 succeeding in forming a posse of local barons pledged to hunt down whatever heretics might be in their own lands.²⁵⁵ Raymond VI refused to join this league, however.

Peter reacted to Raymond's refusal by turning against him personally, excommunicating the count in the Church's name. In so doing, he placed all of Raymond's domains under interdict, and pronounced the severe anathema that "he who dispossesses you will be accounted virtuous; he who strikes you dead will earn a blessing."²⁵⁶ Raymond relented, though more in words than in actions, and continued to do nothing to suppress the Cathar heresy in his lands. He resented what he saw as illegitimate papal interference in his own sovereign authority.²⁵⁷

This failure of diplomacy culminated in the murder of Peter of Castelnau. On January 14, 1208, after a heated encounter with Raymond, Peter was stabbed to death by a knight in the count's service while preparing to cross the Rhône. Raymond himself

²⁵⁴ William of Tudela, *Song of the Cathar Wars: A History of the Albigensian Crusade*, Janet Shirley, transl, London: Routledge, 2016, at Laisse 4.

²⁵⁵ Oldenbourg, *Massacre at Montségur*, *supra* at 88-89; Hallam and Everard, *Capetian France*, *supra* at 230-231.

²⁵⁶ Oldenbourg, *Massacre at Montségur*, *supra* at 5-6.

²⁵⁷ Maudaule, *Albigensian Crusade*, *supra* at 51-55; Hallam and Everard, *Capetian France*, *supra* at 230-231.

may have had no direct complicity in the killing, but in the eyes of Innocent III his *moral* responsibility was beyond question. To Pope Innocent III, “the murder was a reminder of the fate of Thomas Becket and a deadly insult to his own person and authority.”²⁵⁸ And it provided the Pope with precisely the catalyst he required to abandon episcopal discipline and preaching, and launch a full crusade against the heretics—and their protectors.²⁵⁹

Philip II again declined to lead any such force, citing his conflicts with John and Otto IV.²⁶⁰ The following year, the Pope again called on Philip II directly to take up arms, this time against Count Raymond VI of Toulouse, and remove the count from his lordship.²⁶¹ The Pope tried to sweeten the deal with a promise to grant Philip the right, should he take up arms, to confiscate the lands of Languedoc. But Philip declared that “the cart could not go before the oxen”²⁶²—the Church didn’t possess those lands, so it could not grant them to Philip or anybody else. And as the Church had not condemned Raymond as a heretic, Philip had no legal right to oust him. This was therefore purely a secular matter between king and vassal, and the Church had no right to interfere.

Philip II responded instead by convening a *parlement*—a large assembly of the prelates and nobles of the kingdom—at Villeneuve-sur-Yonne in May 1209. The *parlement* was another innovation that had evolved out of more ancient customs. By 1200, the king was routinely taking the precaution of assembling “the consent of the

²⁵⁸ Id. at 116.

²⁵⁹ Rist, “Medieval Papacy, Crusading, and Heresy,” *supra* at 317-320.

²⁶⁰ Baldwin, *Government of Philip Augustus*, *supra* at 336-339.

²⁶¹ *Patrologiae Latinae Cursus Completus*, *supra* at Vol. 215, Col. 1358.

²⁶² Jim Bradbury, *Philip Augustus: King of France 1180-1223*, London: Longman, 1998, at 209.

prelates, counts, barons, and other prudent men” to get their advice and consent whenever resolving a complexity of rules or instituting a new law—and their consent was crucial, “mere consultation was insufficient.”²⁶³ The sensibility that such an assembly was necessary to confer legitimacy on novel legislation was so influential that in 1215 the institution was imposed upon King John of England by Chapter 14 of Magna Carta—the origin of the English Parliament.²⁶⁴

Philip called the *parlement* at Villeneuve-sur-Yonne to consider the pope’s call to crusade, because he could not risk a unilateral decision that was not supported by the leaders of France’s fragmented society. Legitimacy still required the assent of nobles and prelates, especially when the king’s feudal and ecclesiastical rights and obligations might be unclear. At this *parlement*, legates again brought a letter from the Pope, this time urging the king to march to the ecclesiastical province of Narbonne, or at the very least to send his twenty-one-year-old son Louis to lead the forces. Philip replied that he was “beset on his flanks by two great and dangerous lions,” John and Otto, and so neither he

²⁶³ Gavin I. Langmuir, “Community and Legal Change in Capetian France,” *French Historical Studies*, Vol. 6, No. 3 (Spring 1970): 275-286, at 279-281.

²⁶⁴ Also in 1209, King Philip II convened a separate *parlement* to discuss the adoption of a major alteration to French royal power. Ever since the first of the Capetians, the dynasty had avoided the civil wars and instability that characterized Merovingian and Carolingian succession, through the practice of anticipatory succession, whereby the reigning king, while still alive, exercised his influence to have his chosen heir elected as the next king. This was a necessary practice for kings so lacking in power and prestige that their monarchy was not even hereditary, in order for them to be confident that their sons would be elected to succeed them. Philip II, however, had by this point earned great prestige and authority through his demonstrated leadership, his willingness to fight to defend the Church, and his rule-of-law insistence on adhering to the superior authority of his society’s rules and customs. He had so greatly increased his royal authority that he felt it was safe to do away with the practice of anticipatory succession. And so he convened a *parlement* of nobles and magnates, who now “unanimously agreed on, and confirmed by public assent, the institution of primogeniture for feudal succession.” Langmuir, “Community and Legal Change in Capetian France,” *supra* at 284.

nor his son could be spared. But he gave permission to his nobles to take part if they so desired.²⁶⁵

Innocent's Cistercian legates therefore preached and organized the crusade among the lords and castellans of northern France, promising the usual Holy Land indulgences for all who served the standard forty-day period. The response was dramatic: contingents assembled from Normandy, Champagne, Flanders, Anjou, and more, comprising lords, knights, mercenaries, and even townsfolk and peasants eager to join the crusade.²⁶⁶

In the summer of 1209, the crusading host assembled at Lyon. They marched south, to a war that would last another twenty years.

2. The Early Crusade: Cruel Conquest

From the outset, the Albigensian Crusade was marked by atrocities. A spectacular series of terror-conquests would achieve the crusading objective in a fairly short time, after which the war would transform into one of occupation, with the leader of the northern lords seeking personal dominion over the southern lands.

Almost the entirety of the war, from beginning to end, would involve sieges of the towns and fortresses of Languedoc.²⁶⁷ The first was the siege and massacre at Béziers.

²⁶⁵ Laurence W. Marvin, *The Occitan War: A Military and Political History of the Albigensian Crusade, 1209-1218*, Cambridge: Cambridge University Press, 2008, at 28-29.

²⁶⁶ Oldenbourg, *Massacre at Montségur*, *supra* at 6-7.

²⁶⁷ Only two formal pitched battles of note would take place: the Battle of Muret in 1213, and the Battle of Baziège in 1219.

The large crusading army encamped outside the city on July 21, 1209, with its thousands of camp followers and common soldiers parked closest to the high city walls. Early the next morning, some impatient young men of the town dashed out and attacked the motley encampment. Mercenaries fought back, forced their way into the town, and then rampaged through the streets without any meaningful opposition. Citizens of the town sought refuge in churches, only to be burned alive inside as the rest of the town was sacked and put to the sword. Reacting too late, the crusader knights entered the city but were unable to stop the massacre. Before the morning was over, one of the south's Cathar centers had fallen, its buildings burned, its churches destroyed, and thousands of its people slaughtered.²⁶⁸

The massacre of Béziers had not been planned, and certainly had not been committed with any intent to terrorize the countryside into submission. But that is the effect it had. As the crusaders journeyed west to Carcassonne, the most important of the Cathar towns, the city of Narbonne preemptively surrendered and offered to help the crusaders, and the crusaders were able to resupply without opposition from over a hundred fortifications that had been abandoned upon hearing what had happened at Béziers.²⁶⁹

Carcassonne was larger and better fortified than the other towns, forcing the crusaders to besiege the town with catapults and offensive works to weaken its walls. Both sides were fighting against time: the defenders were running out of water in the

²⁶⁸ Laurence W. Marvin, "War in the South: A First Look at Siege Warfare in the Albigensian Crusade, 1209-1218," *War in History*, Vol. 8, No. 4 (2001): 373-395, at 381.

²⁶⁹ *Patrologia Latina*, vol. 216, col. 139; William of Puylaurens, *The Chronicle of William of Puylaurens: The Crusade and its Aftermath*, W. A. Sibly and M. D. Sibly, transl., Woodbridge: Boydell Press, 2003, at Appendix A, 128.

heat of August, while the crusaders' 40-day term of service was rapidly coming to an end. After two weeks of stalemate, the city gave in and surrendered. This time, the crusader knights took charge of the city before it could be looted by mercenaries.²⁷⁰ Raymond-Roger, the viscount of Carcassonne, Béziers, Albi, and Razès, was taken prisoner and imprisoned in a dungeon in Carcassonne while the crusaders decided what to do with his lands.

At first, none of the lords in the crusading army wanted the lands, but eventually Simon IV de Montfort allowed himself to be persuaded to accept them. Simon was a combat veteran of the Fourth Crusade, and Count of an estate within the Île-de-France. Concerned that being left in charge of the Carcassonne region would mean being surrounded by enemies after the crusaders had returned back home, Simon conditioned his acceptance on the assurance that the other lords would send whatever aid he required.²⁷¹

Meanwhile, the forty-day term of service for most of the crusading army came to an end. Apart from a small core of men who decided to remain, most returned home. Most who answered papal calls to fight during the Albigensian Crusade were not motivated to “eradicat[e] heresy from Languedoc or deliver[] Christianity from the hands of heretics, but rather to gain an indulgence by surviving forty days of

²⁷⁰ *Id.* at 384-385.

²⁷¹ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, W. A. Sibley and M. D. Sibley, transl., Woodbridge: Boydell Press, 1998, at 101; William of Tudela, *Song of the Cathar Wars*, *supra* at 26-27.

campaigning.”²⁷² This limited term of service, or *quarantaine*, would hamper the crusade throughout its duration.

Simon was now elected commander of what remained of the crusading army, roughly thirty knights and perhaps a few hundred mounted sergeants and as many as a thousand men on foot.²⁷³ These were not enough to take on the fortified towns if they decided to resist, but over the next several weeks Simon swept through his territory as town after town opened their gates to him. This compelled him to thin out his ranks by leaving behind a garrison in each place.²⁷⁴ When he traveled to Montpellier to negotiate his vassalage with the overlord of his new lands, King Peter of Aragon, many of the settlements that had surrendered to Simon began to consider rebellion. The southerners soon realized their strength, and by the end of 1209 Simon had lost control of more than 40 of the settlements within his territory.²⁷⁵

The following spring, Simon’s wife Alice rode south, bringing a large crusading army for another campaign. On the way to meet this force, Simon began reclaiming the settlements he had lost, committing the kinds of atrocities that would come to typify the Albigensian Crusade. At Bram, for example, the siege lasted only three days, but Montfort had all but one of the captured defenders blinded, and their noses cut off,

²⁷² Laurence M. Marvin, “Thirty-Nine Days and a Wake-up: The Impact of the Indulgence and Forty Days Service on the Albigensian Crusade 1209-1218,” *The Historian*, Vol. 65, No. 1 (Fall 2002): 75-94, at 77.

²⁷³ Mark Gregory Pegg, *A Most Holy War: The Albigensian Crusade and the Battle for Christendom*, Oxford: Oxford University Press, 2008, at 98.

²⁷⁴ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 109.

²⁷⁵ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 136.

leaving the sole unmutilated survivor to lead the rest to Cabaret.²⁷⁶ In June, after a significantly more difficult siege, the crusaders took Minerve and burned alive 140 of its Cathar residents, when they refused to recant. The lord of Minerve, however, was awarded a fief near Béziers in return for his surrender.²⁷⁷ Lords of other towns took the hint and offered to surrender in return for fiefs of their own.²⁷⁸

By the end of its second year, the Albigensian Crusade had gone from initial victory to setbacks to re-conquest of most of the lands originally held by the Viscounts of Carcassonne, Béziers, and Albi. This pattern would repeat over its third and fourth years.

In early 1211, Raymond VI, the Count of Toulouse, was charged with failing to combat the heresy in Languedoc, and excommunicated—thus freeing Simon de Montfort to invade Raymond’s lands. Before his spring reinforcements arrived, Montfort moved on Toulouse, besieging Lavaur for a month, then massacring its lord, lady, and their knights.²⁷⁹ The townsfolk of Toulouse might have made peace with the crusaders, but Montfort besieged the town and unified its inhabitants against him.²⁸⁰ The siege failed, and Raymond now had a base from which to raise a large army of his own from his domains throughout the south.²⁸¹ He led a short-lived uprising against the crusaders in the late summer. A false rumor that Simon of Montfort had been defeated

²⁷⁶ Marvin, *The Occitan War*, *supra* at 72.

²⁷⁷ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 156-157.

²⁷⁸ Marvin, *The Occitan War*, *supra* at 80; Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 214.

²⁷⁹ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 227; Puylarens, *The Chronicle of William of Puylaurens*, *supra* at 40.

²⁸⁰ Puylarens, *The Chronicle of William of Puylaurens*, *supra* at 41.

²⁸¹ William of Tudela, *The Song of the Cathar Wars*, *supra* at 49.

persuaded several settlements to switch sides and join Raymond.²⁸² When a fresh crusader army arrived again in the spring, however, almost all were retaken without putting up any resistance. The pattern continued, with the effect that Simon spent most of 1211 and 1212 traveling back and forth throughout the region to take, lose, and re-take the various towns and fortifications of Languedoc.

By then, it seems clear that Simon de Montfort was no longer leading a crusade against heresy, but was instead fighting a war of conquest, attempting to assert his own dominion over the southern lands. In December of 1212, Montfort tried to assert his own laws: the Statutes of Pamiers, promulgated by a *parlement* he had convened for the purpose, consisting of bishops, knights, and townsmen.²⁸³ These 46 edicts dealt with such matters as taxes, feudal obligations, market days, bakers, prostitutes, individual rights against imprisonment, the treatment of women, and other day-to-day necessities of public order. It imposed on the south French customary law of inheritance, dowries, and other forms of succession.²⁸⁴ Interestingly, no fees were to be assessed for court cases: “let justice be exercised without charge to all, and if a poor man has no advocate, let one be provided for him by the court.”²⁸⁵ It also detailed the various forms and terms of service owed by lords and knights, prohibited construction or rebuilding of forts, provided penalties for failure to capture heretics and enemies, banished the wives of

²⁸² *Id.* at 55.

²⁸³ The full text in English is in Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at Appendix H, 312-329.

²⁸⁴ *Id.* at 328-329.

²⁸⁵ *Id.* at 323.

rebellious lords, and constrained unmarried women of high rank to only marry “Frenchmen”—men from the north.²⁸⁶

Montfort’s raids at one point crossed into lands under the control of King Peter II of Aragon, who formally complained to the Pope. Innocent had not been calling for the continuation of the crusade against the Cathars, and was now preparing a Fifth Crusade to the Holy Land, and so he took this opportunity to declare a formal moratorium on the Albigensian Crusade. This would have severely limited Montfort’s strength, had news of the moratorium actually reached France. Instead, unaware of the papal order, the bishops of Auxerre and Orléans marched south in the spring of 1213, each leading a fresh army of crusaders hopeful for indulgences.²⁸⁷ Peter II marched his own army into Languedoc to confront Montfort, arriving in September and soon joined by the knights of the counts of Toulouse, Foix, and Comminges. The opposing forces met in one of the only pitched battles of the Crusade, the battle of Muret, on September 12. In the battle, King Peter was killed, and Montfort’s men thoroughly routed the southern armies.²⁸⁸

Montfort’s control over the territory remained weak and uncertain, however, as towns rebelled at every opportunity, Provençals and Aragonese conducted guerrilla raids against French forces, and despite a steady influx of new crusaders from the north he never had the strength to surround and take the city of Toulouse itself.²⁸⁹ Although

²⁸⁶ *Id.* at 323-329.

²⁸⁷ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 194.

²⁸⁸ The battle is described in Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 457-466, 468-483. *See also* Sidney Dean, “The Battle of Muret,” *Medieval Warfare*, Vol. 3, No. 4 (2013): 20-25, at 25.

²⁸⁹ *See, generally*, Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 484-533.

Montfort easily retook most towns with little effort once he arrived, the fact remained that when his main army was gone the people of Languedoc would revert to their independence given the slightest incentive.

In April 1215, Pope Innocent III tried to stabilize the region by formally granting Simon de Montfort custody and administrative control over Languedoc. Innocent purposely withheld the permanent legal title of Count, however, because under church law only a general church council could formally disinherit Raymond VI.²⁹⁰ The matter would be taken up that November at the Fourth Lateran Council. In the meantime, the region remained fairly stable. Prince Louis, the son of King Philip II, was granted permission to join the Crusade, and spent his forty days helping to oversee the dismantling of the walls of Narbonne and Toulouse.²⁹¹

3. Middle Years: The South Rises

In November 1215, more than a thousand Church leaders attended the Lateran Council in Rome, as did Count Raymond VI, his eighteen-year-old son Raymond VII, Count Raymond-Roger of Foix, Simon of Montfort's brother Guy, and several French bishops supporting Montfort's claims.

The claims were complicated by the fact that, at the outset of the Albigensian Crusade, Innocent III had required the crusaders to respect the rights of the counts with

²⁹⁰ Pegg, *A Most Holy War*, *supra* at 143; Marvin, *The Occitan War*, *supra* at 246; Strayer, *The Albigensian Crusades*, *supra* at 104.

²⁹¹ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 550-566.

dominion over the heretics' lands.²⁹² Simon had formally become Viscount of Carcassonne in 1211 when he made his homage to King Peter II of Aragon, but most of the county of Toulouse was the suzerainty of King Philip II of France. Philip had stayed out of the conflict, but was firm that whether Raymond VI could be removed from the fiefdom was solely his own royal authority, and that the pope had no say in the matter.²⁹³ The counties of Foix and Comminges, on the other hand, remained within the suzerainty of Aragon, but the king had been killed in battle and his son was too young to rule, leaving none with authority to give or withhold title to those lands.

The council heard arguments from all sides, and on November 14 it even witnessed violence break out between the factions. The pope himself appeared torn on the correct solution. But in the end, the council decided to strip Raymond VI of his titles, awarding all of Raymond VI's lands to Montfort, with the exception of the marquisate of Provence, which the Church would hold in trust until Raymond's son was of age to claim lordship. Foix would be held in trust by the Church, and returned to Raymond-Roger after a probationary period. Innocent III also decided to fully reinstate the Albigensian Crusade.²⁹⁴ In the following spring of 1216, Philip II made Montfort's lordship official, receiving his homage and granting him the lands he had conquered as fiefs within the royal domain.²⁹⁵

²⁹² *Id.* at 62.

²⁹³ C. L. Devic and J. Vaissete, *Histoire Générale du Languedoc*, Toulouse: Edouard Privat, 1879, Volume 8 at 558.

²⁹⁴ Anonymous, in *The Song of the Cathar Wars*, *supra* at 77 (by this point in the volume, Tudele's account has ended and a new anonymous author has continued the narrative); Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at 54.

²⁹⁵ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 573.

For King Philip II, the result was Capetian political authority over the south of France and its numerous vassal lords. In theory, at least. For Montfort, on the other hand, the result was anything but the intended pacification of the region and solidification of his control over it. For Montfort, the Fourth Lateran Council was the spark that would ignite fresh rebellion against the French.

Count Raymond VI and his son Raymond VII sped to the Marquisate de Provence, raising support for war against the crusaders. Marseille, Avignon, and Orange quickly promised their support, both financially and militarily. The count then left to raise more support from Aragon, while Raymond VII remained to inflame the Provençals against Montfort.²⁹⁶

Both sides saw the fortified city of Beaucaire as the ideal place to settle the issue. It was Raymond VII's hometown, and its citizens were loyal to him and his cause. Montfort claimed it as his own fief, granted to him in 1215.²⁹⁷ It held a strategic location on the Rhône, and was well-fortified.²⁹⁸ The younger Raymond hit first, invading the city (or rather, welcomed in by the townsfolk) and locking up its French garrison within the keep. Montfort's forces were unable to gain an advantage by besieging the town, while Raymond received supplies and reinforcements from surrounding towns. After

²⁹⁶ Anonymous, in *The Song of the Cathar Wars*, *supra* at 83-86.

²⁹⁷ The fighting by this point clearly had nothing to do with the Cathar heresy any longer, as Beaucaire was far from their cities in Languedoc. The war was now a battle for political control of the south, albeit a personal battle between Montfort and the two Raymonds rather than a fight for French or other sovereignty.

²⁹⁸ Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 258; Marvin, *The Occitan War*, *supra* at 243.

three months of brutal fighting, siege works, and starvation, Montfort was finally compelled to lift the siege.²⁹⁹

Montfort by now had received several warnings that, back in his own domains, the great city of Toulouse was now emboldened to rebel and give their loyalty once again to Raymond VI. He reacted irrationally, blaming his failed siege of Beaucaire somehow on the townsfolk of Toulouse, and ordered that “we shall destroy Toulouse and leave nothing good or beautiful inside it. They have robbed me of Provence and they shall pay for its recovery.”³⁰⁰ He then sent his men into the city to strip its citizens of their wealth, both to finance further sieges in Provence and to punish the townsfolk for what he perceived as disloyalty. He thereby converted his paranoid misperception into reality, turning even his loyal Toulousains against him, and within the town walls the citizens fiercely resisted his soldiers. Ultimately, Montfort resorted to burning much of his own capital, and determined to tear down its walls and fortifications, to prevent it from becoming a bastion of southern rebellion.³⁰¹

A long and bitter siege ensued, during which Montfort’s own advisers counseled giving up, and Raymond VII arrived with more southerners to aid the town in its defense.³⁰² During one assault, Montfort’s brother Guy was wounded by two crossbow bolts, and when he came to his brother’s aid a mangonel stone struck Simon de Montfort in the head, spraying his brains on the grass. The fragility of Montfort’s

²⁹⁹ Anonymous, in *The Song of the Cathar Wars*, *supra* at 97-107.

³⁰⁰ *Id.* at 107.

³⁰¹ Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at 58..

³⁰² The anonymous writer of the second portion of *The Song of the Cathar Wars* devotes nearly a third of the volume to this second siege of Toulouse.

domain, the purely personal nature of his power and authority, was swiftly demonstrated as the French army immediately lost heart and abandoned the siege, along with their weapons, tents, and baggage.³⁰³

The French warlords appointed Simon's son Amaury de Montfort as the new leader of the Albigensian Crusade. Amaury was certainly competent, equaling "Simon's courage and resourcefulness," but lacked those qualities that had made Simon such a compelling general and conqueror, having "none of his personal charisma and, more significantly perhaps, none of his fanatical self-righteousness."³⁰⁴ After ten months of siege—the longest of any in the Albigensian Crusade—the defenders repelled a last-ditch assault by Amaury's men, and the siege was lifted on July 25, 1218.

It must have seemed that the South had risen again.

4. The End? Royal Power, Royal Victory

It is one of the ironies of history that the southern victory over Languedoc spelled its own doom. It was true that Simon de Montfort's death erased the single filament connecting the dominion of the south to the lords of the north, as all of his conquests and power were his own and nothing more. There was no institutional power that remained in his absence. But it was this very power vacuum that offered a new opportunity to the distant French crown.

³⁰³ Anonymous, in *The Song of the Cathar Wars*, *supra* at 172; Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at 61; Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 612.

³⁰⁴ Jonathan Sumption, *The Albigensian Crusade*, London: Faber and Faber, 1978, at 199.

Five days after the siege of Toulouse was lifted, July 30, 1218, the newly-enthroned Pope Honorius III formally reinstated the Albigensian Crusade once again, offering crusader indulgences to all who would join the fight against Languedoc, and urged Prince Louis VIII to take up the cross one more time and return to the fray.³⁰⁵

Amaury's men besieged Marmande in the spring of 1219, and when Prince Louis arrived at the head of the new crusading army the city sued for peace. During the negotiations, however, Amaury's men grew frustrated and assaulted the city on their own volition, slaughtering every man woman and child much as the mercenaries had done in Béziers at the outset of the crusade.³⁰⁶ The crusading army then marched on Toulouse, which was still barely recovering from the siege of 1218. This time, the crusading force was strong enough to encircle the city, which it did. But the siege accomplished little else, and at the end of Prince Louis' forty days he and his crusaders returned to the north, and the siege evaporated.³⁰⁷

The Albigensian Crusade now died down for a few years. During this time, to be sure, there was the occasional rebellion and retaking, siege and slaughter. An entire generation had spent itself on the walls of the cities of Languedoc, and after ten years of bloodshed both the north and the south seemed to be catching their breath.

Closure approached. Pope Innocent III had died not long after the Fourth Lateran Council. Simon de Montfort had been killed in 1218. Now, in August 1222, Count Raymond VI died. Then, in March 1223, Count Raymond-Roger of Foix died

³⁰⁵ Marvin, *The Occitan War*, *supra* at 297; Peter of Vaux-de-Cernay, *The History of the Albigensian Crusade*, *supra* at 619.

³⁰⁶ Anonymous, in *Song of the Cathar Wars*, *supra* at 181-188.

³⁰⁷ Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at 64-65.

while conducting a siege against the town of Mirepoix. And finally, on July 14, 1223, the great King Philip II Augustus died of fever while on the road to Paris. The crusading generation itself had passed from the Earth. It must have seemed that the conflict would pass with them.

Technically, Languedoc remained within the suzerainty of the King of France. Philip II's authority had grown so strong during his reign that, for the first time in the Capetian dynasty, he could rest assured that the other lords of France would accede to his wishes even in death and crown his son as successor; he had no need of ensuring the succession by having his son Louis crowned as co-ruler while he still lived.³⁰⁸

Realistically, control of Languedoc depended on the strength and authority of those who claimed it. By January of 1224, Amaury de Montfort had failed on all counts. As southern rebellions grew in number, he fled back to the Île-de-France, legally ceding all claims to the "conquered" southern lands to his new king, Louis VIII.³⁰⁹ In so doing, Amaury provided the Capetian crown with a legal pretext for direct royal annexation. Events would quickly give the king precisely the opportunity he needed to take advantage of that pretext.

In November 1225, Pope Honorius III convened a great Church council at Bourges. In January 1226, the council excommunicated Raymond VII, granted King Louis VIII suzerainty over Languedoc, and called one more crusade against the South. This was to be a Royal Crusade, led by King Louis VIII himself, at the head of a massive

³⁰⁸ Sumption, *The Albigensian Crusade*, *supra* at 211.

³⁰⁹ Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at ch. 33.

army. To ensure that his army was indeed massive, the pope granted the king one tenth of the Church's revenues to pay for it.³¹⁰

On the 17th of May, 1226, an army of at least 20,000 men assembled at Bourges under the command of King Louis VIII. Before the army had begun to march, word came from several southern lords pledging their allegiance without a fight. By the 28th of May, the fortified towns of Béziers, Puylaurens, Carcassonne, Beaucaire, Albi, and others had sent word to the king that they surrendered to him. The royal army had barely even reached Lyon by this point.³¹¹

The first resistance came at Avignon, a town loyal to Raymond VII, where an initial treachery by the town led to a long, painful slog of siege. In early August, King Louis received word that King Henry III of England had landed at and seized La Rochelle, giving him much consternation and incentive to call off the seige. Meanwhile, Raymond VII's men made the Royal army's life miserable by ravaging the surrounding countryside and cutting off the royal supply lines. By September, both the attackers and defenders were starving and exhausted. King Louis had the better of the peace negotiations, with Avignon giving up its weapons, destroying its fortifications, paying great indemnities to both the Crown and the Church, and giving up hundreds of hostages.³¹²

The fall of Avignon was all that the rest of Languedoc needed to hear, and in short order most of the region formally surrendered to the Capetian king. Instead of awarding

³¹⁰ *Id.*, ch. 34.

³¹¹ Sumption, *The Albigensian Crusade*, *supra* at 219-220; Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at ch. 34.

³¹² Sumption, *The Albigensian Crusade*, *supra* at 221-224.

these recaptured lands to any counts or other lords, as had been done in the past, Louis VIII officially annexed them all to the royal domain. Perhaps he had seen first-hand the weakness of personal, feudal dominion by lesser lords.³¹³

To administer these new French lands, Louis adapted the office of *bailli*, giving it the same name as the old Norman office of *seneschal*. He established the first royal *sénéchaussées* at Carcassonne and at Baucaire-Nîmes.³¹⁴

Louis then set off to Paris, with the intent of returning in the spring to settle all of the formalities of administration. Unfortunately, he had contracted dysentery during the siege of Avignon, and he died on the road on November 8, 1226. His twelve-year-old son became King Louis IX, with the young king's mother Blanche of Castile as regent.³¹⁵

Raymond VII saw his chance, and in the cold first months of 1227 he reconquered some of the territory south of Toulouse, and began fortifying the town of La Bécede in hopes of forestalling any royal re-invasion come the spring.

Unfortunately for Raymond, this only angered the queen, who embarked on a scorched-earth campaign to break southern resistance, and that of Raymond VII, once and for all. She entrusted command of the royal armies to Humbert de Beaujeu. The fortifications at La Bécede he took with relative ease, after which he had every man in the town massacred, and all Cathars burned to death.³¹⁶ For the remainder of 1227 and on into 1228, Humbert systematically destroyed all resistance wherever it appeared. After a final last stand at Castelsarrasin, Raymond did succeed in humiliating Humbert.

³¹³ Strayer, *The Albigensian Crusades*, *supra* at 122.

³¹⁴ *Id.*, at 123.

³¹⁵ Sumption, *The Albigensian Crusade*, *supra* at 225; Puylaurens ch. 35.

³¹⁶ Barber, *The Cathars*, *supra* at 138.

But Humbert simply spent the next three months destroying the farmland and vineyards that fed Toulouse, starving the people and crippling what remained of their economy.³¹⁷

Finally, Raymond had to admit defeat. The death of Louis VIII had not had the same effect as the death of Simon de Montfort: it did not leave a power vacuum, but continuity of rule; and it did not inspire anywhere near the same amount of uprisings and resistance. By September 1228, Humbert had boots on the ground throughout the lands of Toulouse and Foix, and there were no crops for Raymond's people to harvest. In January 1229, Raymond began peace talks with Queen Blanche, and on April 12, 1229 the Albigensian War officially came to an end with the Treaty of Paris.³¹⁸

The Treaty of Paris formally instituted Capetian authority over the south of France. It officially recognized the royal *sénéchaussées* at Beaucaire and Carcassonne. Raymond was permitted to retain a small portion of the county of Toulouse, but only on the condition that he marry his only daughter, Jeanne, to Louis IX's brother Alphonse—ensuring the eventual absorption of the entirety of Toulouse into the royal domain.³¹⁹

The royal *seneschals* were now tasked with dismantling the southern castles and enforcing the king's peace. The peace may have been declared, but the fighting would continue for another ten years.

³¹⁷ Strayer, *The Albigensian Crusades*, *supra* at 125; Puylaurens ch. 36.

³¹⁸ Sumption, *The Albigensian Crusade*, *supra* at 227-228; Strayer, *The Albigensian Crusades*, *supra* at 135-136; Puylaurens at 75-81.

³¹⁹ Puylaurens, ch. 37; Strayer, *The Albigensian Crusades*, *supra* at 125-126.

B. Building on the Foundation: Political Order in France After the Crusade

As a civil war, the Crusade had generated an “us against them” sensibility among the lords and knights of northern France. Increasingly, they identified less as men with personal feudal relationships as Franks or Normans or Bourbons, and more as subjects of the King of France. Especially in the final decade of the Crusade, the King of France emerged as more than suzerain of the southern counties and marches: as their direct sovereign.

Whether the king could actually rule was still an open question, however. The people of the south had enjoyed their own relative independence for too long, and were culturally still too distinct, to begin to identify as subjects of the Capetian king far away in Paris.

1. The Final Rebellion: 1229 to 1243

In 1233, Pope Gregory IX instituted the first Inquisition, largely staffed by Dominicans, with the purpose of finally rooting out the Cathar heresy from Languedoc. The royal *seneschals* became the vital secular arm of the Inquisition, tasked with carrying out the arrests, confiscations, and executions.³²⁰

Even at the late date of 1239—thirty years after the start of the Albigensian Crusade, and ten years after its supposed end—the legitimacy of French authority over the south remained tentative. In September of 1240, the heir of the viscounts of Carcassonne, Raymond Trencavel, led a massive southern rebellion to reclaim his lands.

³²⁰ Barber, *The Cathars*, *supra* at 141-143.

By October, the city of Carcassonne was under siege, this time surrounded not by northern conquerors but southern rebels. The royal *seneschal* of Carcassonne, Guillaume des Ormes, led a desperate defense of the city, and managed to hold out until the royal army could come to the rescue. His defense of Carcassonne demonstrated, to an extent, the potential military durability of the *seneschal* system.³²¹

But the siege also demonstrated the uncertain footing of this supposed French dominion. Resentment festered under what was felt as the foreign rule of the *seneschals*, and a large coalition of anti-Capetian sentiment began growing to the north and west. When in 1242 Hugh X of Lusignan rebelled against their overlordship in Poitou, the English King Henry III raised an army in support (hoping to reclaim lost Angevin territories). Raymond VII took advantage of the circumstances to launch the final rebellion against the northern hegemony. Now, twenty years after his father's death, Raymond VII secretly formed alliances with the kings of England, Aragon, and Navarre, as well as the dispossessed southern lords. The plan was to launch a simultaneous, multi-front war to unseat the royal *seneschals* and expel them from the land—and with them, royal administrative authority.³²²

The final uprising was sparked, perhaps prematurely, on the night of May 28, 1242. A group of Cathar sympathizers and knights rode out from the fortress of Montségur to the town of Avignonet, where they slaughtered the chief inquisitors of

³²¹ Guillaume described the siege in a letter to the queen. Guillaume des Ormes, "Letter to Blanche of Castile, Queen of France," 1240 (English translation in *Epistolae: Medieval Women's Letters* at <https://academiccommons.columbia.edu/doi/10.7916/5k03-xg57>).

³²² Strayer, *The Albigensian Crusades*, *supra* at 132; Sumption, *The Albigensian Crusade*, *supra* at 246-247.

Languedoc and their retinue while they slept. News of the dead inquisitors triggered spontaneous uprisings across Languedoc.³²³

Emboldened, Raymond VII formally renounced the Treaty of Paris and marched into the royal *sénéchaussées*. At first, his rebellion met with surprising success, as royal garrisons were expelled and Raymond's men occupied Narbonne, Albi, and much of the Minervois region. He even succeeded in confining the royal *seneschals* to the cities of Carcassonne and Béziers. For a few months, it seemed as though Raymond VII had successfully liberated Languedoc, winning its independence once more from the French throne.³²⁴

The reason for Raymond's rapid success would also, however, be the cause of his downfall. The rebellion hinged entirely on King Louis IX being distracted, and hopefully defeated, by the combined armies of King Henry III and Hugh of Lusignan. But on July 21-22, 1242, Louis decisively crushed the coalition at the Battle of Taillebourg and its follow-up engagement at Saintes. Henry III fled south to Gascony, and Hugh surrendered to the French king. The effect on Raymond's rebellion was just as remarkable as his success had been: in a matter of mere days, the northern half of his secret alliance completely evaporated.³²⁵

The southern half of the alliance vanished as well, as soon as it was known that Louis IX was now free to turn the full might of the royal army toward Languedoc. Roger

³²³ Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at ch. 42. See also Barber, *The Cathars*, *supra* at 152-154.

³²⁴ Sumption, *The Albigensian Crusade*, *supra* at 248-249.

³²⁵ Jean de Joinville, *The Life of Saint Louis*, René Hague, transl., New York: Sheed and Ward, 1955, at Part II, §§85-88 (Joinville, a close companion to Louis IX, provides a firsthand account of the Capetian victory).

IV, Count of Foix, abandoned Raymond at once to make a separate peace with the Crown, giving homage now as the king's direct vassal. The King of Aragon had second thoughts and declined to send any troops. Fearing confiscation of their lands the remaining southern lords began one by one to submit—not to the king, but to his administrative representatives, the *seneschals*.³²⁶

Royal power was too strong, too permanent, and too much to resist. The king had sufficient military might to compel the obedience of all the lords and cities of the south, and could penetrate the entire region with royal authority. Completely isolated, out of funds, and facing the royal army, Raymond VII had no choice but to sue for peace. In January 1243, he journeyed north the Lorris to personally submit to King Louis IX. The resulting treaty was deeply humiliating: Raymond was compelled to reaffirm every punitive clause in the 1229 Treaty of Paris; he was forced to surrender several additional castles to the Crown, and he was strictly ordered to assist the royal *seneschals* in actively hunting down the remaining Cathar heretics. The Treaty of Lorris in 1243 thus marked the absolute end of southern aristocratic resistance to French royal authority.³²⁷

2. Further Developments: Innovations of Louis IX

Under Louis IX, the Capetian monarchy would develop a set of administrative and judicial tools that would, for the first time, make it possible to govern Languedoc as a relatively stable part of the royal domain, rather than as a conquered war zone.

³²⁶ Puylaurens, *The Chronicle of William of Puylaurens*, *supra* at ch. 42; Sumption, *The Albigensian Crusade*, *supra* at 250-251.

³²⁷ Puylaurens, *The Chronicle of William of Puylaurens*, at ch. 43; Strayer, *The Albigensian Crusades*, *supra* at 133-134.

These tools, above all the southern *seneschals*, the royal *enquêteurs*, new fiscal practices, and the extension of royal justice, would not arise in a vacuum. These would be conscious adaptations of Philip II's earlier innovations, retooled to fit the very different political and legal environment in the south. ³²⁸

The resistance to French authority in the 1230s was an initial challenge to overcome, brought on in part by that very same authority. Violent urban uprisings fought back against the first generation of Dominican inquisitors.³²⁹ The royal officers of the new seneshalries of Beaucaire and Carcassonne earned a reputation for venality and brutality, "mulcting churchmen and laity alike," which undermined Capetian legitimacy and helped fuel the subsequent rebellions.³³⁰ Although those rebellions were crushed in the end, they demonstrated that permanent military occupation could not, by itself, secure the south.³³¹ What would be needed were administrative and judicial reform, which would bring the reality of royal authority directly to the people.

a. Seneschals

As mentioned, the *seneschals* were the southern equivalent of the *baillis* in the north: a salaried, non-hereditary post charged with fiscal, judicial, and military responsibilities over defined territorial jurisdictions. By the time the region settled down

³²⁸ Baldwin, *The Government of Philip Augustus*, *supra* at 249-253.

³²⁹ Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245-1246*, Princeton: Princeton University Press, 2001, at 30-36.

³³⁰ William Chester Jordan, *Louis IX and the Challenge of the Crusade*, Princeton: Princeton University Press, 1973, at 101-104.

³³¹ *Id.*, at 104-108.

in 1243, the *seneschal de Beaucaire* or *de Carcassonne* had grown into, in effect, a regional governor acting as the king's plenipotentiary. These officials commanded the garrisons, oversaw the local royal agents such as *bayles* and *viguiers*, and represented the Crown in its dealings with neighboring princes such as the King of Aragon.³³²

In the 1250s, the southern *seneschals* began to hold regional assemblies, convening prelates, nobles, and representatives of key towns. Like royal *parlements*, these assemblies were called to advise the governors on matters of common concern, especially the regulation of grain exports and prices.³³³ These were typically not called at the *seneschals'* initiative, but rather on the king's instructions. The Crown thus treated regional assemblies as consulting adjuncts to the *seneschals'* administrative role.³³⁴

These early years thus saw the office of *seneschal* evolve from that of a military proconsul into a more institutional node in an administrative structure. And by incorporating local elites into the deliberations of royal government, the assemblies imbued royal policy with a sense of legitimacy and acceptability.³³⁵

b. Enquêteurs

If the *seneschals* represented the Crown's arm in the south, the royal *enquêteurs* would represent its conscience. Beginning in early 1247, Louis IX commissioned teams

³³² Bisson, *Assemblies and Representation*, *supra* at 137-140; Jordan, *Louis IX and the Challenge of the Crusade*, *supra* at 100-104.

³³³ Bisson, *Assemblies and Representation*, *supra* at 186-188.

³³⁴ *Id.* at 186-187 (quoting *Histoire Générale de Languedoc*, *supra* at 1411-1412).

³³⁵ *Id.* at 186-188. See also Joseph R. Strayer, "The Statute of York and the Community of the Realm," *American Historical Review*, Vol. 47 (1941): 1-24, at 5-8.

of investigators—mostly Franciscan and Dominican friars—to tour the whole of the kingdom, including Languedoc. Their command was to hear and record complaints against royal officials, and to order restitution wherever abuses had been proven.³³⁶

These *enquêteurs* would operate in every major region of France, including the seneschalries of Beaucaire and Carcassonne. In the south, they heard a particularly large number of cases involving accusations of extortion, unjust confiscation, and procedural abuses by the *seneschals* and their subordinates.³³⁷ In so doing, they asserted royal institutional authority to suppress the personal power of officeholders. They were able to do so in large part because, as mendicant friars, the inspectors themselves were fairly immune to local pressures and temptations of personal or family gain.

These inspectors served a double function in Languedoc. First, they provided the Crown with the information and moral authority necessary to govern its own governors, and reshape the nature of government administration in the south. Second, in so doing, they did much to repair the damage earlier rapacious officials had done to the legitimacy of government—ordering restitution to widows, towns, and religious houses.³³⁸

It was not the south alone that complained of abuses. In just three years, from 1247 to 1249, the King swept twenty northern *baillis* out of office—in only eighteen jurisdictions.³³⁹ Louis IX was putting into effect a royal policy of purging, or at least

³³⁶ Jordan, *Louis IX and the Challenge of the Crusade*, *supra* at 49-50, 57-60; *Layettes du Trésor des Chartes*, Vol. 5, Alexandre Teulet, ed., Paris: Imprimerie Nationale, 1909, at No. 490.

³³⁷ Jordan, *Louis IX and the Challenge of the Crusade*, *supra* at 50-53.

³³⁸ *Id.*, at 50-53, 57-60.

³³⁹ *Id.*, at 59.

sidelining, those officials whom the *enquêteurs* identified as compromised or untrustworthy.

This was especially important to Louis, as he prepared to embark on the Fifth Crusade. Just as his grandfather Philip II had done in his Ordinance of 1190, Louis IX now determined to ensure that the royal government would run effectively in his absence. This required a government of institutional power, not personal powers, wielded by trustworthy men serving France's interests, not their own.

Although the great *enquêtes* that began in 1247 were initially meant to be a temporary tool, on Louis' return from the east in 1254 he made the offices of the *enquêteurs* a permanent institution. Among the many provisions of his *Grande Ordonnance* issued that year, he ensured that these inspectors would continue to monitor royal officials, and thereby give permanent institutional form to oversight over public officials.³⁴⁰

The practice was so valuable that others began to imitate it. Alphonse of Poitiers, for example, commissioned his own *enquêteurs* from 1251 onwards, and issuing his own ordinance on the conduct of public officials. He thereby reinforced a growing national culture of public accountability even in the southern lands not governed by royal *seneschals*.³⁴¹

³⁴⁰ Eusèbe de Laurière, ed., *Ordonnances des Rois de France de la Troisième Race*, Vol. 1, Paris: Imprimerie Royale, 1723, at 112-115.

³⁴¹ Bisson, *Assemblies and Representation*, *supra* at 137-140; Jordan, *Louis IX and the Challenge of the Crusade*, *supra* at 109-112.

c. Fiscal and Judicial Integration of the South

Royal government of Languedoc required stable revenue, not merely windfalls from confiscations and fines. Drawing on an older Norman practice, Louis IX instituted a hearth tax, the *fouage*—a lump sum to be paid by each town based on the number of fireplaces within its municipality. The *seneschals* were to assess this tax, and were responsible for accounting to the Treasury in Paris, while their subordinate *viguiers* and *bayles* (counterparts of the northern *prévôts*) were tasked with the collection.³⁴²

In addition to taxes, perhaps the most visible evidence of Capetian royal authority in the south was the increasing availability of royal justice. This took two forms: the local *seneschal's* court, and appeals to the *Parlement* of Paris.

Originally an ad hoc assembly, Louis IX regularized the *Parlement* during the 1250s and 1260s into a supreme court of appeals. By 1263, it was hearing appeals from cases that had originated as far afield as Toulouse.³⁴³ This was immediate and living evidence of the superiority of royal justice over that of local lords as well as subordinate royal courts.

In Languedoc, this meant that disputes over confiscated lands, jurisdictional conflicts between lords and governors, and even complaints about inquisitorial excesses could ultimately be brought before a royal tribunal, simultaneously empowering and legitimizing royal authority over all that occurred within the dominion of France. It was

³⁴² Bisson, *Assemblies and Representation*, *supra* at 186-188.

³⁴³ Guillaume de Nangis, *Chronique Latine*, Hercule Géraud, ed., Paris: Renouard, 1843, at Vol. 1, 178-80.

soon well-known that King Louis IX himself would hear cases brought by any person, rich or poor, sitting under an oak tree in a park of his chateau at Vincennes.

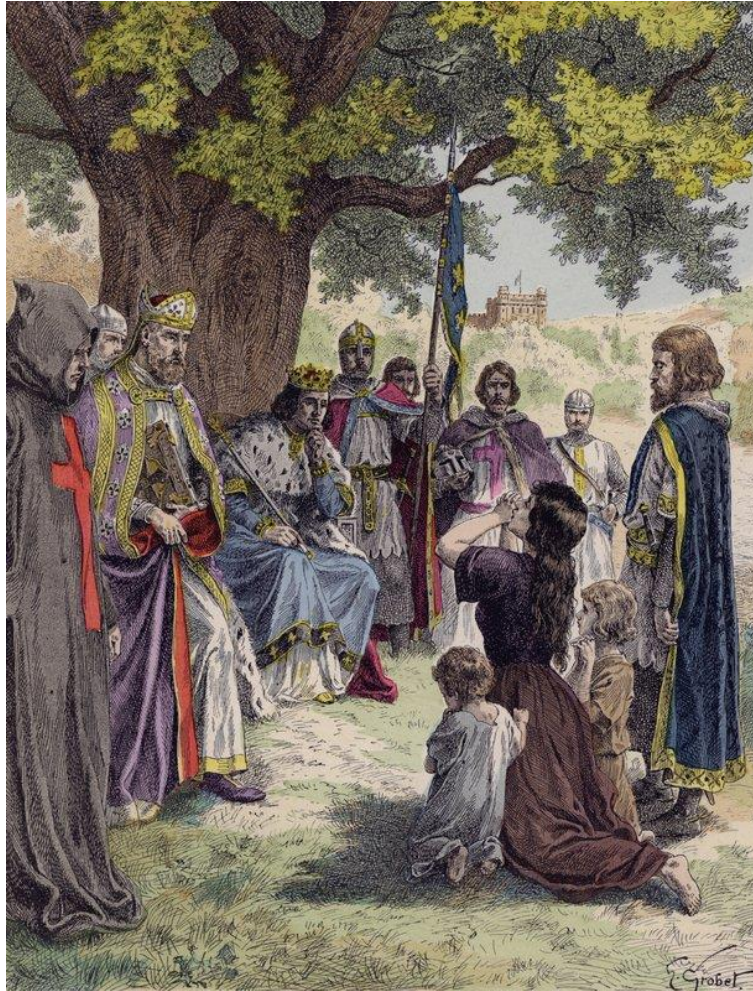


Figure 6: H. Grobet, *Saint Louis Rendent la Justice à Vincennes*, Lithograph, 1902.

By the 1260s, the *fouage*, court fees, and the usual domain revenues all combined to provide a regular income stream, one that was entirely sufficient to maintain the garrisons, pay the salaries of government officials, and support the machinery or royal justice.³⁴⁴ Additionally, Louis' reorganization of the *Chambre des Comptes* in his 1254 Ordinance made it possible to audit and integrate these southern revenues into the

³⁴⁴ Jordan, *Louis IX and the Challenge of the Crusade*, *supra* at 109-112.

kingdom-wide finances, ensuring that the administration of Languedoc was not its own separate concern, but part of a single budget of the kingdom of France.³⁴⁵

After his return from the Crusade, then, if not before, it seems clear that Louis IX conceived his kingship in the south of France as an extension of the same responsibilities, and their concomitant authority, he was bound to carry out as the “most Christian king.”

³⁴⁵ *Ordonnances des Rois de France*, Vol. 1, at 112-115.

PART FOUR: CONCLUSIONS

A. Was France on the Path to Statehood?

At the outset of this paper, we identified a number of elements one might look for when assessing the extent to which a polity has begun to take on the characteristics of a state. France did not satisfy these elements completely in the 13th century. But the question this paper asks is whether France was on the path to statehood, and in particular whether the Albigensian Crusade had played a significant role in setting France on that path.

The answer to that question appears to be “yes.”

The crusade did not create the French monarchy, nor did it create the administrative innovations upon which later Capetian government would build. Nor did it suddenly transform a feudal patchwork into a modern territorial state. But what it did do was enlarge the scale on which the monarchy had to operate. It provided both the opportunity and the justification for extending royal authority into a vast new region. And it created the political conditions under which earlier administrative tendencies could mature into something more durable, more territorial, and more institutional.

France did not emerge from the Albigensian Crusade as a true state. But it did emerge as a polity that was much farther along the road to statehood.

1. Identifiable Elements of a State

a. The State as an Impersonal Institution

The first element we are looking for is whether France could be considered an impersonal institution, with its own unique existence and agency, distinct from any individual rulers, officials, ministries, and offices.

In formal terms, the monarchy was still thought of in the language of personal lordship and dynastic property. It was the king, rather than an abstract Crown, who remained the legal subject of most acts. The lands acquired in Normandy and Languedoc were still described as parts of the royal domain, rather than as parts of a distinct public body.³⁴⁶

Yet there are some clear signs that contemporaries were beginning, at least, to think and act as though there existed a unitary realm, a *regnum Franciae* that would outlive its rulers. Royal and papal acts increasingly spoke of this *regnum Franciae*; Philip II's historians had already begun to distinguish between the king's *dominium* and the wider *regnum*; and by the end of his reign the succession had become an automatic transmission of office rather than a fresh grant of personal powers.³⁴⁷

In this sense, the decades of the Albigensian Crusade might be said to mark the beginnings of a transition from purely personal kingship to something more institutional. The monarchy's new rights in the south, in particular, are framed in this way. The dominion over confiscated lands, the jurisdictions of the *seneschals*, the future

³⁴⁶ See Hallam, *Capetian France*, *supra* at 258-260; Baldwin, *Government of Philip Augustus*, *supra* at 360-362.

³⁴⁷ See Hallam, *Capetian France*, *supra* at 255-259; Baldwin, *Government of Philip Augustus*, *supra* at 355-362.

succession of Toulouse, and other aspects of the new French rule were not so much the private conquests of Philip II or Louis VIII, and more the rights and responsibilities of the Crown—binding their successors as much as the individual kings themselves.³⁴⁸

France was by no means an impersonal “state” in the aftermath of the Albigensian Crusade, but one can already see hints of a political entity beginning to detach itself from the physical bodies of the reigning kings.

b. Territorial Jurisdiction

The second element we are looking for is whether France had a territorial jurisdiction—whether it occupied a specific region of the Earth’s surface (even if the borders were not precisely defined), within which France asserted exclusive political authority.

Here, the change between Philip’s coronation in 1179 and the reign of Louis IX is particularly stark. The royal domain that had started out as a small, discontinuous blotch around Paris and Orléans had expanded first with the annexation of Angevin lands in the north and west, and then even more dramatically with the progressive incorporation of Languedoc following the crusade and the Treaty of Paris.

Of course, this “France” remained riddled with enclaves. Gascony was English. Brittany remained a quasi-independent duchy. Powerful principalities like Flanders and Burgundy still preserved their own autonomy. And most borders were perhaps more aspirational than surveyed.

³⁴⁸ See Oldenbourg, *Albigensian Crusade*, *supra* at 90-96; Busse, *Massacre at Montségur*, *supra* at 239-244.

Even so, after 1229—and even more so after 1254—kings, lords, bishops, and popes could meaningfully speak of a unified kingdom within a bounded space. It would be easy to think of France as encompassing the territory from Flanders to the Pyrenees, from the Atlantic to the Mediterranean, and bounded to the east by the Empire. And it would be just as easy to think of this as a land over which the king of France claimed a distinctive, unchallenged, territorially-defined jurisdiction.³⁴⁹

So although the element of territoriality certainly fell short of the cartographic precision of the early modern state, France's territorial jurisdiction was well on the way to being fully realized.

c. Sovereign Political Authority

The third element we are looking for is whether France had ultimate sovereign political authority over all persons and activities within its territorial jurisdiction, subordinate to no other.

Technically, the answer remained “no.” Feudal relationships and all their overlapping superiorities still governed much of political reality. Emperors, bishops, kings, and princes could all make jurisdictional claims within the territory of France. And the papacy certainly conceived of a universal jurisdiction over Christendom, encompassing the Capetian monarchy.³⁵⁰

³⁴⁹ See Oldenbourg, *Albigensian Crusade*, *supra* at 95-96; Busse, *Massacre and Montségur*, *supra* at 239-244.

³⁵⁰ See Skinner, *Foundations of Modern Political Thought*, *supra* Vol. 1, at 124-131.

In practice, however, the period from the end of the Albigensian Crusade through the end of the thirteenth century saw the Capetians assert sole political sovereignty within their realm. The king's judgments of disputes in far-away Toulous, Foix, Trencavel lands, and *seneschal* jurisdictions were accepted as legitimate and final. Even papal efforts to dictate the political settlement of Languedoc in the years after 1229 relied in fact on the king's coercive capacity to give them any actual effect.³⁵¹

This practical sovereignty was beginning to be secured even as the southern war was still rearranging the political map. The Trencavel viscounts were deposed and replaced with Simon de Montfort, the *seneschals* took charge of Carcassonne and Beaucaire, and Raymond VII was progressively weakened and finally capitulated, all because there was a presumption that the king's judgment was final and decisive, and that none could appeal over the king's head to any superior authority.

This practical sovereignty would be a core reality, a simple presumptive fact of life, in flashpoints to come. Philip IV's confrontation with Boniface VIII, for example, his taxation of the clergy, and Clement V's *Rex gloriae* would simply affirm that the French king "recognizes no superior in temporal affairs." Such flashpoints would not challenge the Crown's sovereign political authority, so much as put in writing what the crusade and its aftermath had already established.³⁵²

It is perhaps not too much of a stretch, then, to conclude that sovereign political authority had in fact largely been achieved in the aftermath of the Albigensian Crusade.

³⁵¹ See Oldenbourg, *Albigensian Crusade*, *supra* at 90-96; Busse, *Massacre at Montségur*, *supra* at 239-253.

³⁵² See Hallam, *Capetian France*, *supra* at 255-257; Walter Ullman, *The Growth of Papal Government in the Middle Ages: A Study in the Ideological Relation of Clerical to Lay Power*, London: Routledge, 2010, at 385-390.

d. Government Institutions

The fourth element we are looking for is whether France exercised its authority through subordinate institutions of government, such as administrative ministries, executive offices, legal systems, and armed forces.

Well before the Albigensian Crusade, the Capetian kings had possessed the seeds of such institutions in the *curia regis*, in the royal household offices, and in the *prévôts* of the Île-de-France. Philip II's pre-crusade reforms, especially those of the Ordinance of 1190 establishing *baillis* and regular financial inquests, planted those seeds.

When the Crown took control of the south of France at the end of the crusade and in the decades that followed, its need for reliable administration made the *seneschals*, a permanent office with its own permanent auditors. The *enquêteurs* in particular ensured that the administrative offices remained agencies of public and not private power.

Assize sessions, inquests, and account audits were held by the offices, rather than by the officials. Appeals flowed from around the country to a court at Paris that was already beginning to differentiate into *parlement*, *chamber de comptes*, and *conseil du roi* under Louis IX. These were still rudimentary organs by modern standards, to be sure, but it is safe to say that, by mid-century, the government of France exercised its authority through an impersonal, institutional apparatus, and no longer solely through the king's personal acts.

e. Capacity to Coordinate Large Civic Projects

The fifth element we are looking for is the capacity to coordinate the people and organizations within its jurisdiction to carry out large civic projects. In the context of thirteenth-century France, this capacity manifested less in infrastructural development than in the organization of military, judicial, and administrative enterprises that extended across regional boundaries.

At first the Albigensian Crusade was not a national project. The king resolutely stayed out of it, and the armies that campaigned were mobilized by the Church and lesser lords. It is difficult to imagine how the king could have accomplished such a national mobilization in 1209. But at the end, twenty years later, the crusade was nothing short of a massive, kingdom-wide mobilization of tens of thousands of men, all of whom the kingdom supplied, fed, and organized. The kingdom's capacity to carry out this project was funded by a tithe of Church income, sanctioned by Rome.

The post-war settlement required coordinated action of a different sort. The embedding of inquisitorial, *enquêteurial*, administrative, and judicial machinery throughout the country required a government capable of planning and executing large-scale, ongoing initiatives.

When compared to the largely local and immediate capacity of Philip II's itinerant court in the 1180s, France had come a long way in this respect. It now at least possessed and used tools for kingdom-wide coordination of political will, and it certainly had the capacity to organize people, resources, and information across substantial distances.

f. Capacity to Compel Compliance

The sixth element we are looking for is whether France could compel compliance with its authority throughout its jurisdiction. In other words, could the French government effectively assert its will across the full reach and breadth of its territory, its commands enforced either voluntarily—through a cultural belief that the state’s authority was legitimate—or by coercion if opposed.

Here, the Capetian monarchy made substantial progress, during and after the Albigensian Crusade.

Before the crusade, the monarchy’s coercive power was extremely limited, and often dependent on personal leadership and feudal alliances. During the crusade, however, the Crown demonstrated an increasing ability to enforce its will in distant regions, and maintain authority after initial victories had been achieved. Especially once Louis VIII and then the regent Blanche of Castile committed royal armies to the crusade, both the north and the south of France would experience a new reality in which sustained resistance to the Crown was now virtually impossible. The Treaty of Paris in 1229 is a catalogue of compelled compliance, and even more so the Treaty of Lorris in 1243.

Importantly, this coercive power was becoming less episodic, and more continuous. Royal authority no longer depended solely on the king’s presence or immediate intervention. Distant towns could now be compelled to pay taxes to Paris on the demand of local officials, who despite their low social rank and limited personal power spoke with the full authority and backing of France. Judicial decisions could be

enforced with full legitimacy regardless of distance from the king. The king's ordinances were law, complied-with without question, throughout the domain.

This capacity remained imperfect, of course. Yet the monarchy had advanced a great ways beyond the limitations of a purely feudal lordship. In just a few decades, from the final years of the Albigensian Crusade through the middle of the thirteenth century, France had already begun to approximate the sustained coercive power that is characteristic of a state.

g. Effective Taxation

The seventh element we are looking for is whether France was able to extract revenue to pay for its operations, through effective taxation and other forms of financial levy.

Fiscal capacity is often one of the last elements of statehood to develop fully, and thirteenth-century France was no exception. Louis IX lacked a uniform or comprehensive system of taxation. Revenue was derived from a combination of domain incomes, feudal obligations, judicial fines, hearth taxes, and extraordinary levies. Its collection was in the hands of local officials—*prévôts*, *viguiers* and *bayles*—but this remained to some extent uneven, as different regions were responsible for different forms of revenue.

Administrative reforms had improved the accounting of revenue and its recordkeeping, however. And territorial expansion had increased the government's revenue base. In Languedoc, the integration of local revenues into the larger financial system of the kingdom marked a significant step towards fiscal consolidation. The

reorganization of financial institutions under Louis IX further strengthened the Crown's ability to manage and deploy its resources effectively.

Although far from complete, these developments reveal the foundations for a more regular and reliable system of revenue extraction, one capable of supporting the expanding functions of this larger national government.

h. Public Authority Separate from Private Power

The eighth element we are looking for is whether French public authority was clearly distinct from the private strength of its rulers and officers. In other words, when the government commanded compliance, was its command backed by the power of France, or by the clout of the person who wore the crown?

The separation between public authority and private power was probably one of the least-developed aspects of Capetian rule. Even well into Louis IX's reign, feudal relationships continued to structure political life, and the boundaries between the king's personal influence and his royal authority were remained blurred.

Yet the increasing reliance on appointed officials without their own personal base of power—and layers of such officials at that, supervising and holding each other accountable—marked an important shift. *Baillis, seneschals, enquêteurs, prévôts, viguiers* and *bayles* derived their authority from their government office, rather from independent lordship. Their roles were the roles of their office, no longer the ad hoc assistance provided by members of the royal entourage.

As these officials assumed greater responsibility for governance, it became possible—if only in specific contexts—to distinguish between the public authority exercised on behalf of the French government and the private power exercised by local elites.

To be sure, this distinction was still new. As a cultural novelty, it remained fragile and incomplete. Patronage, kinship, and local influence still mattered a great deal, and remained pervasive here as in the rest of Europe. But the emergence of these offices as loci of political authority represents a critical step towards the full separation of public and private power one looks for in a fully-developed state.

i. Shared Social Identity

The final element we are looking for is the extent to which the people of France identified as French. In other words, was belonging to this polity a shared social identity that unified the population, like a kind of political kinship?

Perhaps more than any other criterion, the development of a shared social identity lagged behind the other elements of state formation. Thirteenth-century France remained a culturally and linguistically diverse society, with regional identities far stronger than any broader sense of being “French.”³⁵³

³⁵³ Indeed, these identities would remain preeminent up through the early twentieth century. In 1863, more than a fifth of the country’s communes spoke no French, and the most widely-spoken languages were regional languages such as Provençal, Breton, and Flemish. Unifying this culturally and linguistically fragmented population would be a major objective of the Third Republic after 1870. See E. J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, Cambridge: Cambridge University Press, 1990, at 60; Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*, Stanford: Stanford University Press, 1976, at 67-71; Brian

The Albigensian Crusade did contribute in some small way to an early formation of a wider political identity, especially among the northern aristocracy. The twenty years of conflict, first for the Church, then for Simon de Montfort, then for king and country, fostered a sense of collective purpose and distinction. The northern lords began to conceive of themselves as part of a larger community under these different encompassing leaders.

This shift is also reflected in the gradual transition of Philip II's title "King of the Franks" to "King of France." This reveals an emerging identification with a territorial and political entity, rather than the ethnic and feudal identities.

Again, this identity was less developed in the south than in the north, and even there it was fairly weak. Nevertheless, we can certainly see in the Albigensian Crusade and its aftermath the beginnings at least of a shared social identity, a common sense of being "French."

2. Final Assessment

Taken together, these elements demonstrate that France in the decades after the Albigensian Crusade was not close to being a state—not in the full sense as defined in the first part of this paper. Many of the essential characteristics of statehood remained embryonic, uneven, or incomplete.

Vick, "Language and Nation: National Identity and Civic-Ethnic Typology," in Timothy Baycroft and Mark Hewitson, eds., *What Is a Nation? Europe 1789-1914*, Oxford: Oxford University Press, 2006, at 158.

The direction of change, however, is unmistakable. From a weak lordship over a small feudal territory, the Capetian monarchy had made great strides in extending its authority across and throughout the lands of France; in developing government institutions capable of exercising that authority; in compelling obedience at great distances from, and even in the absence of, the monarch himself; and in coordinating increasingly complex forms of political and administrative governance.

As to whether the Albigensian Crusade played a role in this process, the answer is an unqualified “yes.” As to the extent to which it played that role, the answer is “great.” The accumulated events of the crusade and its aftermath were perhaps the most pivotal events that pushed France along the road to state formation. Far more important, arguably, than even the Battle of Bouvines. It was the crucible of Languedoc, not Normandy, that vastly expanded the scope of royal power, while intensifying the demands placed upon it, and providing the conditions under which governmental innovations could be consolidated and then extended throughout the realm. The realm was not yet a state, and would not be for a considerable time to come. But as a result of the Albigensian Crusade, France was unmistakably well on the way to becoming one.

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