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**Conference or Workshop Item:**

Jarrett, JA The Carolingian Succession to the Visigothic Fisc on the Spanish March. In: 46th International Congress on Medieval Studies, 13-16 May 2010, West Michigan University. (Unpublished)

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# The Carolingian Succession to the Visigothic Fisc in the Spanish March

In the year 918 a disposition of property was made to the Catalan monastery of Sant Joan de les Abadesses by a woman called Grima. She had obtained the property, her charter explains, by the clearance of the land in question by her and her late husband, and the scribe describes the couple with an intriguing phrase, "*primi homines in terra regia sub ditione francorum*".<sup>1</sup> It was obviously important in explaining one's ownership of such territories to emphasise one's own prior claim, but the phrase with which this was done, which is rare but not unparalleled in the area, seems to appeal to a whole complex of ideas which we can barely grasp. In what way was this land royal, if so easily taken over? Come to that, which kings? Had it been royal before the *ditio francorum*, which was nearly a century old here, albeit interrupted? And how could anyone know that? These are the questions that this paper aims to open up, although I make no guarantee of having the answers.

## Visigothic legacies

The Carolingian acquisition of its territorial interests in Septimania and the Spanish March relied in part on the recognition of prior jurisdictions. Both at Narbonne in 759 under Pepin III and at Barcelona in 801 under Louis the Pious, the surrender of a crucial city garrison was determined by promises to a group, identified both times in the Frankish chronicles as Goths, that they would be allowed to retain their own law, and Frankish legislation for the Barcelona area makes frequent mention of Goths alongside the rather less specific *Hispani*.<sup>2</sup> Who exactly such Goths were has been a subject of debate, and the debate has been strongly coloured by nationalism and the scholarship which it encouraged.<sup>3</sup> The size of the original Gothic immigration into Spain in the fifth century has been diminished in more recent work, and how Gothic such a population could have been after three centuries of mixing with supposed Romans and one of government by supposed Berbers and Arabs can be questioned. It is clear all the same that even if such

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<sup>1</sup> F. Udina Martorell (ed.), *El Archivo Condal de Barcelona en los Siglos IX-X: estudio crítico de sus fondos*, Textos 18/Publicaciones de la Sección de Barcelona 15 (Madrid 1951), doc. no. [hereafter Condal] 116. On the usage *primi homines* see J. M. Salrach, "Défrichement et croissance agricole dans la Septimanie et le Nord-Est de la péninsule ibérique" in *La Croissance Agricole du Haut Moyen Âge: chronologie, modalités, géographie. Dixième Journées Internationales d'Histoire*, 9, 10, 11, Septembre 1988, *Flaran* 10 (Auch 1990), pp. 133-151 at pp. 138-141.

<sup>2</sup> On the details of the conquest see J. M. Salrach i Marés, *El Procés de Formació Nacional de Catalunya (segles VIII-IX)*, Llibres de l'Abast 136 & 137 (Barcelona 1978), 2 vols, I pp. 5-7 & 14-26. In English there is some account in J. M. H. Smith, "*Fines Imperii: the Marches*" in R. McKitterick (ed.), *The New Cambridge Medieval History Vol. II: c. 700-c. 900* (Cambridge 1995), pp. 169-189.

<sup>3</sup> See e. g. F. Udina i Martorell, "El llegat i la consciència romano-gòtica. El nom d'Hispania" in *idem*, (ed.), *Symposium Internacional sobre els Orígens de Catalunya (segles VIII-XI)* (Barcelona 1991-1992); also published as *Memorias de la Real Academia de Buenas Letras de Barcelona* Vols. 23 & 24 (Barcelona 1991 & 1992), II pp. 171-200, though cf. the interesting idea of J. Lalinde Abadía, "Godos, hispanos y hostolenses en la órbita del rey de los Francos", *ibid.* II pp. 35-74, that '*Gothus*' was essentially an occupational term indicating that one's living came from the land anciently allotted to a city's garrison.

terms as Goth were anachronistic, for our sources they were contemporary.<sup>4</sup>

If this were in any doubt, however, it would be easy enough to bolster it from the charter evidence from the area, which provides plentiful evidence that the Law of the Goths was indeed maintained in the area, and cited whenever convenient. Tenth- and eleventh-century copies of the code exist from the Catalan counties that testify to the existence then of exemplars that were presumably older.<sup>5</sup> When we add to this the extensive rôle played by judges, *iudices*, in such courts, as distinct to the various grades of Frankish lawmen seen further north, and that the sentences these courts imposed were carried out by *saiones*, it is clear that in the judicial sphere at least the mark of the princes who had given the laws in question was still perceived, even if the verdicts given seldom had that much to do with the actual letter of the law.<sup>6</sup> (Testamentary practice is a notable exception to this generalisation, however.<sup>7</sup>) The Hispanic liturgy was probably phased out in the time of Charles the Bald, though how effective such prohibitions may have been cannot be known; coinage was altered to a Carolingian type, although this soon became localised and bastardised compared to more authentically-Frankish areas further north; and documents dated exclusively by Carolingian rulers, to the extent that when non-Carolingians ruled they were often qualified with some special epithet or even ignored in favour of mourning the previous monarch.<sup>8</sup> All the same, a local self-identity which described itself in Visigothic terms continued to exist for a long time, and has been blamed for a number of rebellions and resistances which even Frankish sources appear to consider the result of failed conciliation of local élites whom they call Goths.<sup>9</sup>

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<sup>4</sup> For migration numbers see the suggestions of R. Collins, Visigothic Spain 409-711, History of Spain 3 (Oxford 2004), pp. 25-26.

<sup>5</sup> See now J. Bowman, Shifting Landmarks: property, proof, and dispute in Catalonia around the year 1000, Conjunctions of Religion and Power in the Medieval Past (Ithaca 2004), pp. 33-55.

<sup>6</sup> *Ibid.*; cf. the Visigothic institutional background given by P. D. King, Law and Society in Visigothic Spain, Cambridge Studies in Medieval Life and Thought 3rd Series 5 (Cambridge 1972), pp. 77-84. Synthesis on a wider basis in R. Collins, “*Sicut lex Gothorum continet*: law and charters in 9th- and 10th-century León and Catalonia” in English Historical Review Vol. 100 (London 1985), pp. 489-512, repr. in *idem*, Law, Culture and Regionalism in Early Medieval Spain (Aldershot 1992), V. Frankish and other disputing perspectives are given in W. Davies & P. Fouracre (edd.), The Settlement of Disputes in Early Medieval Europe (Cambridge 1986), esp. P. Fouracre, “‘Placita’ and the Settlement of Disputes in Later Merovingian France”, pp. 23-43, J. L. Nelson, “Dispute Settlement in Carolingian West Francia”, pp. 45-63, repr. in *eadem*, The Frankish World 750-900 (London 1996), pp. 51-74, & C. Wickham, ‘Land Disputes and their Social Framework in Lombard-Carolingian Italy, 700-900’, pp. 105-124, rev. in *idem*, Land and Power: studies in Italian and European social history, 400-1200 (London 1994), pp. 229-256.

<sup>7</sup> On which see in English N. L. Taylor, “Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure in Carolingian Septimania” in K. Pennington, S. Chodorow & K. H. Kendall (edd.), Proceedings of the Tenth International Conference on Medieval Canon Law (Vatican City 2001), pp. 767-780, online at [http://www.nltaylor.net/pdfs/a\\_Testamentary\\_Pub.pdf](http://www.nltaylor.net/pdfs/a_Testamentary_Pub.pdf), last modified 9<sup>th</sup> December 2006 as of 24<sup>th</sup> June 2007; more detail in A. Udina i Abelló, La successió testada a la Catalunya altomedieval (Barcelona 1984).

<sup>8</sup> Liturgy and coinage: see M. Crusafont i Sabater, “La moneda barcelonina del segle X. Altres novetats comtals” in Acta Numismàtica Vol. 38 (Barcelona 2008), pp. 91-121 at pp. 94-96 and refs there. Documentary usage: J. Dufour, “Obédience respective des Carolingiens et des Capétiens (fin X<sup>e</sup> siècle—début XI<sup>e</sup> siècle)” in X. Barral i Altet, D. Iogna-Prat, A. M. Mundó, J. M. Salrach & M. Zimmermann (edd.), Catalunya i França Meridional a l’entorn de l’an mil: la Catalogne et la France méridionale autour de l’an mil. Colloque International du D. N. R. S./Generalitat de Catalunya «Hugues Capet 987-1987: la France de l’an mil», Barcelona 2-5 juliol 1987, Col·lecció Actes de Congressos 2 (Barcelona 1991), pp. 21-44, although a greater sense of variation of practise is gained from deeper exposure to the material than that article gives.

<sup>9</sup> For example, F. Kurze (ed.), Annales regni Francorum inde ab a. 741 usque ad a. 829, qui dicuntur Annales Laurissenses maiores et Einhardi, Monumenta Germaniae Historica (Scriptores Rerum Germanicum in usum

## Carolingian deformations

That said, the same court records that show us Visigothic-style judges in operation also, at least early on and especially around Girona, the first Frankish capital, show us Frankish capitularies being drafted to regulate the situation on the March, new Frankish law being applied over the top of the old, therefore, Frankish immigrants claiming a rival personality of law, and Carolingian *missi dominici* hearing cases and enforcing verdicts, as well as renegotiating political settlements.<sup>10</sup> It was not just the dating formulation of the local charters that was affected by the Carolingians either; the local diplomatic, although its sources are as yet obscure, was remarkably consistent over a wide part of the area and had clearly responded to Frankish formulations, something that is clear by comparison to evidence from the non-Carolingian areas west of the Pyrenees. The Carolingians also brought the privilege of immunity to the area, which allowed locals to step clean outside whatever force the Gothic law and its ministers might have retained.<sup>11</sup> So the Carolingian impact on the area's political and judicial culture, to speak only of what we can easily observe, was considerable and often walked straight over older customs and supposedly Gothic rights. Did this, we can therefore ask, include the resources of government, the fisc? Did the Carolingians come as conquerors or as successors? and what kind of credit did such presentation get?

The trouble with answering such enquiries is that we do not have much sign that such questions were being asked while the Carolingians actually retained any direct control in the area. We see Frankish government and what has been identified as 'Gothic' resistance in the time of Louis the Pious, and we have Charles the Simple claiming the kingship of a '*regnum Gothicum*', but by Charles's time the hereditary succession of counts whom the king had not nominated was in its second generation at Barcelona and its first elsewhere; the half-legendary Guifré the Hairy had been appointed, fought and died without Frankish assistance and the one of his sons who had come north to meet Charles was replaced in 911.<sup>12</sup> Charles did appoint a bishop to Girona in 908 when appeal was made to him to settle a disputed election, but otherwise his claim appears to have been basically empty.<sup>13</sup>

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*scholarum separatim editi*) VI (Hannover 1895; 1950), s.aa. 827: "*Cumque ad sedandos ac mitigandos Gothorum atque Hispanorum in illis finibus habitantium animos Helisachar abbas cum aliis imperatore missus multa et propria industria et sociorum consilio prudenter administrasset...*".

<sup>10</sup> All royal documents issued to the March, including capitularies, are edited in R. d'Abadal i de Vinyals (ed.), Catalunya Carolíngia II: els diplomes carolíngis a Catalunya, Memòries de la Secció Històrico-Arqueològica II & III (Barcelona 1926-1952), 2 vols, where e. g. ap. VI modifies the practice of the Visigothic law, although it does not say so; the material from Girona is collected in S. Sobrequés i Vidal, S. Riera i Viader & M. Rovira i Solà (edd.), Catalunya Carolíngia V: els comtats de Girona, Besalú, Empúries i Peralada, ed. R. Ordeig i Mata, Memòries de la Secció Històrico-Arqueològica LXI (Barcelona 2003), 2 vols, where doc nos [hereafter Cat. Car. V] [?] feature *missi dominici*; see also n. [9] above.

<sup>11</sup> Abadal, Catalunya Carolíngia II, pp. v-ix, and more generally B. Rosenwein, Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe (Ithaca 1999).

<sup>12</sup> Gothic kingdom e. g. Abadal, Catalunya Carolíngia II [hereafter Cat. Car. II], Elna IV; on the comital successions see Salrach, Procés de formació, II, and in English R. Collins, Early Medieval Spain: unity in diversity, 400-1000, 2nd edn. (Basingstoke 1995), pp. 250-263. Guifré II Borrell of Barcelona (898-911) obtained Cat. Car. II. Particulars XXXIV from King Charles the Simple, though the actual document does not survive.

<sup>13</sup> The episode made clear in Cat. Car. V 127.

What did it mean, in these circumstances, to claim to have been first on the royal land? Who ran this land, what made it royal and how long had it been that way? It is certain, at least, that the kings did claim lands in the area, in as much as they granted them to others. While actual land ceases to appear as new grants for area recipients in the time of Odo, royal rights such as *rafica* and *teloneum* were still being confirmed, and in increased or decreased quantities, to Girona at least in the time of Charles the Simple.<sup>14</sup> These were of course classically Carolingian renders, and they can only have been worth as much as the local counts would allow at this late stage—this had indeed been a problem even in the time of Charlemagne—but the fact that the amount claimed did change suggests that they were worth something, or else the empty claim would not have been worth refining.<sup>15</sup> It is just that whatever it was worth was apparently worked out locally and then submitted to the king for confirmation, rather than the initiative being royal. Similar cases may indeed be made for Carolingian grants much closer to home, and the issues are still more obvious with papal documents, where they have been much more fully addressed.<sup>16</sup> Nonetheless, the need for a royal charter, and the feasibility of obtaining one, continued to imply an idea of royal rights, as distinct to comital ones, in the area, that same ‘royal land’. So Grima and her husband may have been on firm legal ground, even in 918.

### **Thought experiments about fiscal succession**

Any attempt to answer such questions empirically, however, by comparing supposedly royal territory under notionally-Carolingian rule to that under the Visigoths, is more or less impossible. The most obvious problem is that we simply don’t have decent evidence of what royal property in the area under the Visigoths was.<sup>17</sup> (The document called *De fisco Barcinonensi*, which recent work has cut down in importance considerably anyway, seems only to cover cash renders, not landed property.<sup>18</sup>) The Visigothic era as it survives for us is one of largely normative and hagiographical sources, and the Carolingian one here is one of land charters and occasional liturgical or Biblical manuscripts. Furthermore, in either case we tend only to see royal property at the point when its royal ownership ceased, just as with any property in charter evidence, leaving us little clue as to what remained with the fisc unless it too was later alienated.<sup>19</sup> The method

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<sup>14</sup> Cat. Car. II Girona VIII & IX modify the provisions of Cat. Car. II Girona VI, for example. Cat. Car. II Particulars XXX appears to be the last land grant, but the land it concerns had previously been granted to Girona by Louis the Pious (Cat. Car. II Girona III-VI) and was now being given to a client of the bishop at his intercession. The last unambiguous grant of new lands, and that only because the king had bought them, is Cat. Car. II Particulars XXIX.

<sup>15</sup> On the revenues of Carolingian government, see immediately J. L. Nelson, *Charles the Bald* (London 1992), pp. 21-40.

<sup>16</sup> Cf. respectively M. Mersiowsky, “Towards a Reappraisal of Carolingian Sovereign Charters” in K. Heidecker (ed.), *Charters and the Use of the Written Word in Medieval Society*, Utrecht Studies in Medieval Literacy 5 (Turnhout 2000), pp. 15-25 and H.-H. Kortüm, *Zur Papstliche Urkundensprache im frühen Mittelalter: die päpstlichen Privilegien 896-1046*, Beiträge zur Geschichte und Quellenkunde des Mittelalters 17 (Sigmaringen 1995).

<sup>17</sup> For the most recent thinking about what function it performed, however, see S. Castellanos, “The Political Nature of Taxation in Visigothic Spain” in *Early Medieval Europe* Vol. 12 (Oxford 2004), pp. 201-228.

<sup>18</sup> See D. Fernández, “What is the *De fisco Barcinonensi* about?” in *Antiquité Tardive* Vol. 14 (Turnhout 2006), pp. 217-224.

<sup>19</sup> A point made in the course of a wider and very important reflection on early medieval property by G. Feliu, “La

is therefore not just comparing apples to oranges, but doing so by the peel alone. To say anything useful we are therefore confined to the realm of ideas evoked in legal formulae like that with which I began.<sup>20</sup>

It is worth, therefore, starting by trying to derive a model, which can then perhaps be tested. Firstly, what is actually involved if we envisage that the Carolingians did take over a Visigothic fiscal allotment? How probable is it? This first entails being able to define the Visigothic fisc, which recent work has inevitably made harder; welcome to post-revisionism...<sup>21</sup> However, we do know that there was a Visigothic fisc and that it was not simply the same as royal property, because King Chindasuinth, once safely dead, was criticised by the Eighth Council of Toledo for conflating the two and adding land confiscated from traitors to his family patrimony.<sup>22</sup> We also therefore know that the fisc could be expanded by confiscation, and that it was also handed out in more or less permanent grants to royal supporters, which may have made such acquisitions by forfeit dangerously necessary, indeed. We also know that its territories contributed various revenues to a public purse, and we can say quite a lot about what those revenues were called: various sorts of *tributum*, *functio* and *exactiones* appear in the sources to remind us that the Visigothic kingdom retained considerably more of a basis in public taxation than some other successor kingdoms in the old Western Empire, even if Santiago Castellanos has also reminded us that these revenues could be held privately and often could not be collected without some such concession being made (albeit that his contention is largely based on the *De fisco Barcinonensi*, which Damián Fernández has recently argued covers rather less of the royal revenues than used to be thought).<sup>23</sup>

This however is a long way from being the end of the question, or even the middle, because the Carolingians did not, of course, whatever they may have guaranteed, take over the rule of the area from the Visigoths, but from the Umayyad Muslims and their representatives. The question therefore arises, do we know anything about what the Muslims did with these territories? Once-accepted answers based on the remarkable testimony of the Cordoban martyr literature, which records palace representatives in charge of levying good Latin-sounding taxes like *tributum* and *vectigalia*, now meets two problems, firstly the recognised archaicising tendency of this literature in which the importance of the 'Chaldæans' is thickly painted over with a Christian continuity that the martyr movement itself clearly demonstrates was under threat, and secondly the fact that what went for the absolute heart of Umayyad power at Córdoba almost certainly did not go for the frontier territories, whose government was not only different in structure and ideology, but was apparently largely beholden to locally-based nobilities who would

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pagesia catalana abans de la feudalització" in *Anuario de Estudios Medievales* Vol. 26 no. 1 (Barcelona 1996), pp. 19-41, with English summary p. 41.

<sup>20</sup> The case for formulae as a source for social history has recently been convincingly made by W. Brown, "When Documents are Destroyed or Lost: lay people and archives in the early middle ages" in *Early Medieval Europe* Vol. 11 (Oxford 2002), pp. 337-366 and A. Rio, "Charters, law codes and formulae: the Franks between theory and practice" in P. Fouracre & D. Ganz (edd.), *Frankland: The Franks and the World of Early Medieval Europe. Essays in honour of Dame Jinty Nelson* (Manchester 2008), pp. 7-27.

<sup>21</sup> Castellanos, "Political Nature of Taxation"; Fernández, "What is the *de fisco Barcinonensi*".

<sup>22</sup> Santiago, "Political Nature of Taxation", pp. 211-212 citing J. Vives (ed.), *Concilios visigóticos e hispano-romanos* (Barcelona 1963), pp. 209-213.

<sup>23</sup> See n. [21] above.

appeal to Charlemagne for help, or defy his son, on the sort of whim that could lead coincidentally to Roncesvalles and the palace coup of 830 respectively.<sup>24</sup> What Abbot Samuel of Córdoba has to tell us about the taxation of Christians in Córdoba in the 860s, in other words, probably has little to tell us about how Christians were taxed in Girona a century before, though it might really help to explain why the Gironeses would hand themselves over to the Franks a few years later if it did.<sup>25</sup>

The scholarship, also, differs very considerably on the extent of the Muslim investment in these areas. For some, local Hispanists as well as distant Arabists, this area was never thickly settled and its occupation by Muslims was largely confined to city garrisons.<sup>26</sup> It is true that Arabic place-names in the true Carolingian heartland are very rare, and that the Frankish sources appear to show a Muslim political structure, and indeed a Gothic one, that was fundamentally urban in its articulation; political control is manifest in access to cities, city populations receive grants as corporations from the Carolingians and rebellions started in cities.<sup>27</sup> In this picture, most notably developed by Eduardo Manzano Moreno but consistent with more local views of long ethnic and territorial continuity, local nobilities retained their position at the head of local power structures by obtaining endorsement of their positions from Córdoba.<sup>28</sup> What this endorsement meant in terms of revenue and property, however, is much harder to say.

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<sup>24</sup> An example of the problems with the martyr literature is given by the scathing indictment of the Cordoban episcopal church in Samson of Córdoba's *Sermone contra perfidos*, ed. as *Samsonis apologeticum contra perfidos*, ed. Joan Gil in I. Gil (ed.), *Corpus Scriptorum Myzarabicorum* Vol. II, *Manuales y Anejos de «Emerita» XXVIII* (Madrid 1973), pp. 505-658, in the prologue to his second book, which accuses various church dignitaries of conniving in the subjection of the Christian Church to taxes that he names as *tributum* and *vectigalia* as above, but also of embezzling money counted in *solidi*, a unit that had become obsolete with the Muslim take-over (II *Præf. capp.* 2 & 8). Many of his titles for officials also appear to be Christianized or archaicised, e. g. *saio Muzlemitus* for a person who was probably a *qadī* (II *Præf.* 8), and the currency (in both senses) of his allusions can in no case be taken for granted. An evaluation of such sources, with due care, in A. Barbero & M. Vigil, *La Formación del Feudalismo en la Península Ibérica*, 2nd edn. (Barcelona 1979), pp. 207-213. On the differing view from the frontiers, however, see E. Manzano Moreno, *La Frontera de al-Andalus en Época de los Omeyas*, Biblioteca de Historia 9 (Madrid 1991), esp. pp. 11-21 on the methodological problems presented by the overridingly Cordoban source base for work on al-Andalus & pp. 304-310 on the dues paid by the city of Toledo after nearly a century of recurrent rebellion.

<sup>25</sup> Some thoughts on the Girona submission in Salrach, *Procés de Formació*, I pp. 9-13. For Abbot Samson see n. [24] above.

<sup>26</sup> E. g. Manzano, "The Creation of a Medieval Frontier: Islam and Christianity in the Iberian Peninsula, eighth to twelfth centuries" in D. Power & N. Standen (edd.), *Frontiers in Question: Eurasian borderlands, 700-1700* (London 1999), pp. 32-52, or P. Sénac, "Musulmans i cristians" in B. de Riquer i Permanyer (ed.), *Història Política, Societat i Cultura dels Països Catalans volum 2: la formació de la societat feudal, segles VI-XII*, ed. J. M. Salrach i Marés (Barcelona 1998; repr. 2001), pp. 384-387, 389-391 & 393-397.

<sup>27</sup> J. Bolòs, "Paisatge, poblament i societat a Catalunya entorn de l'any 1000" in I. Ollich i Castanyer (ed.), *Actes del Congrés Internacional Gerbert d'Orlhac i el seu Temps: Catalunya i Europa a la fi del 1r mil·lenni. Vic-Ripoll, 10-13 de novembre de 1999* (Vic 1999), pp. 254-283, with English abstract pp. 285-286; M. de Epalza, "Descabdelament polític i militar dels musulmans a terres catalanes (segles VIII-XI)" in Udina, *Symposium Internacional I*, pp. 49-79. The urban emphasis of the politics in the period of Carolingian conquest is clear from the *Annales regni francorum*, n. [9] above. See also Sénac, "La Catalunya musulmana" in Riquer, *Història política, societat i cultura 2*, pp. 310-313, 315-319 & 321-325. On the operation of the city populations as corporations see Lalinde, "Godos, hispanos y hostolenses"; G. Feliu, "Els preceptes per als barcelonins" in Riquer, *Història Política, Societat i Cultura 2*, pp. 142-143.

<sup>28</sup> Manzano, "Creation of a Medieval Frontier"; *idem*, "Christian-Muslim Frontier in al-Andalus: idea and reality" in D. Agius & R. Hitchcock (edd.), *Arab Influence upon Medieval Europe* (Reading 1994), pp. 83-96; cf. M. Riu, "Hipòtesi entorn dels orígens del feudalisme a Catalunya" in *Quaderns d'Estudis Medievals* Vol. 2 no. 4 (Barcelona 1981), pp. 195-208.

Mūsā ibn Mūsā may have called himself the third king of Spain but we know nothing about his treasury, and for less exalted potentates the existence of parallel hierarchies of officials like the *qadī* and tax-collectors in the cities they briefly acquired meant that the emirs, and eventually caliphs, retained a toehold in these areas that could sometimes be exerted to pull the regions back into the centre when the potentates' personal stars were in eclipse.<sup>29</sup>

On the other hand, Ramon Martí has drawn attention to the considerable number of place-names which, though not themselves Arabic, record the presence of Muslims or African immigrants, not least a range of sites with names like *Palatiolo de Mauros*.<sup>30</sup> He sees in these names centres of fiscal estates and local garrisons, and his picture of the Muslim occupation is thus far denser and more localised than that of most other scholars.<sup>31</sup> Whether his extension of this derivation to all sites named *Palaciolo* or cognates and the consequent proliferation of presumably fiscal Muslim holdings that this would entail need be accepted is uncertain at best, given the lack of supporting evidence, but the place-names remain, often in the most frontier areas at the very opening of documentary record, and other Muslim-founded fortifications and settlements are known from the frontier areas, so that even if it does mean what Martí wants it to mean, this evidence does have something to tell us about government and fiscal property, even if it is not clear what.

Scholars with less structured social paradigms than Martí's have nevertheless used evidence of place-names more generally, and more especially the analysis of territory boundaries detailed in transaction charters, to argue for a very long continuity in some of these areas of distinct and distinguishable estates, and I myself have used archaeological work at sites like Santa Margarida de Martorell and Sant Pere de Casserres to make it clear that some locations, which we have to accept as sites of power even if we are not sure what that power was, appear to have functioned not just through the Muslim occupation, but even through the Visigothic one back to the late Roman period, though continuous continuity of function, rather than location, is of course impossible to demonstrate from such evidence.<sup>32</sup> These indications, however, should stop us from too readily dismissing the length of local memory on such issues as what was or was not royal land...

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<sup>29</sup> Manzano, *Frontera*, pp. 110-124 & 329-333 on Mūsā and *passim* for the political process here described. Mūsā's title is reported in the Chronicle of Alfonso III, ed. & transl. Y. Bonnaz as *Chroniques Asturiennes (fin IX<sup>e</sup>-XI<sup>e</sup> siècle). Avec Édition Critique, Traduction et Commentaire* (Paris 1987), pp. 31-60, at *cap.* 16.2.

<sup>30</sup> R. Martí, "Palas o almúnieis fiscals a Catalunya i al-Andalus" in H. Débax (ed.), *Les sociétés méridionales à l'âge féodal (l'Espagne, Italie et sud de France X<sup>e</sup>-XIII<sup>e</sup> s.)*. *Hommage à Pierre Bonnassie*, Méridiennes 8 (Toulouse 1999), pp. 63-69.

<sup>31</sup> *Idem*, "Del fundus a la parrochia. Transformaciones del poblamiento rural en Cataluña durante la transición medieval" in P. Sénac (ed.), *De la Tarraconaise à la Marche Supérieure d'al-Andalus : les habitats ruraux (IV<sup>e</sup>-XI<sup>e</sup> siècle)*. *Desde la Tarraconense a la Marca Superior de al-Andalus: los asentamientos rurales (siglos IV-XI)*, Méridiennes : Études Médiévales Ibériques 2 (Toulouse 2006), pp. 145-166; *idem*, "Conquistas y capitulaciones campesinas" in J. Camps (ed.), *Cataluña en la Época Carolingia: arte y cultura antes del románico (siglos IX y X)* (Barcelona 1999), pp. 59-63, transl. as "Peasant victories and defeats", *ibid.* pp. 448-451.

<sup>32</sup> Bolòs, "Paisatge, poblament i societat"; J. Jarrett, "Centurions, Alcalas and *Christiani perversi*: Organisation of Society in the pre-Catalan 'Terra de Ningú' in †A. Deyermond & M. Ryan (edd.), *Early Medieval Spain: a symposium*, Papers of the Medieval Hispanic Research Seminar 63 (London forthcoming), pp. 83-109 at pp. 85-87.

## Tracking change from the tenth century

With all these difficulties and possibilities, the best method may therefore to embed ourselves into the documentation of the tenth century, really the first era in which it assumes any bulk even in this charter-rich area, and try and work out what of what we can find of fiscality might be ancient. In other words, I suggest interrogating the documents for their own account of the fisc, albeit with a suitable weather eye to the likely state of their knowledge. Here, of course, we reach a far wider enquiry than can be covered in the space of a short study like this. A closing example may however demonstrate the possibilities. There is in the material from early tenth-century Osona a judge by the name of Centuri, Centurion in other words, whose father is said to have also been called Centuri. To specify ancestry at all in these documents is rare, and it is even more striking that the family name is a title. I have tried to say more about the family's origins elsewhere,<sup>33</sup> but for our present enquiry the important fact is that in all of Centuri's three appearances large amounts of land which had been comital or public property were being written into ecclesiastical ownership. One of these was the valley of what is now Sant Joan de les Abadesses, where half a thousand signatures were recorded on a single huge parchment to testify that Abbess Emma of Sant Joan rightfully held the rights to 'military service and lesser royal service' in the valley, which her comital brother now claimed. The whole thing was almost certainly a frame, but Centuri oversaw the trial. Twenty-five years later he did the same thing to the inhabitants of the Vall d'Artès, who were now passed into the lordship of the Bishop of Osona. And in between times, he had witnessed the sale of a huge comital estate – around a place called Palau, as Ramon Martí would doubtless point out – to his nephew Oliba.<sup>34</sup> Other comital family members held land nearby, and Palau itself was retained, to be given to the monastery of Santa Maria de Ripoll later on, but nonetheless Oliba paid a thousand *solidi*, an incredible amount for the era, and this was apparently enough to require Centuri's oversight.<sup>35</sup> This testifies not only to various official sorts of property that counts properly held; it also emphasises that the counts themselves were not quite free to alienate it. Whatever Centuri's ambiguous status was, it allowed him to represent the 'public' interest in such cases. We are

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<sup>33</sup> This example summarised from *ibid.*, pp. 90-93.

<sup>34</sup> R. Ordeig i Mata (ed.), *Catalunya Carolíngia IV: els comtats de Osona i Manresa*, Memòries de la Secció Històrico-Arqueològica LIII (Barcelona 1999), 3 vols, docs 119 & 120, 443 & 420 respectively. On the significance of the name see Martí, "Palaus o almúnies fiscals", and A. Pladevall i Font, J. Sarri i Vilageliu, A. Benet i Clarà & D. Arumí i Gómez, "Santa Maria de Palau" in Vigué, *Catalunya Romànica II*, pp. 230-235.

<sup>35</sup> The later donation Ordeig, *Catalunya Carolíngia IV*, doc. 535. Oliba was son of Bishop Radulf of Urgell (on whom see M. Rovira, "Un bisbe d'Urgell del segle X: Radulf" in *Urgellia: anuari d'estudis històrics dels antics comtats de Cerdanya, Urgell i Pallars, d'Andorra i la Vall d'Aran* Vol. 3 (Montserrat 1980), pp. 167-184, and the fact that this sale apparently constituted alienation presumably either shows a similar awareness maintained at this late date of the difference between *congressio regalis* and *congressio parentalis* observed with royal property at the Eight Council of Toledo (see above) or else an acknowledgement that, as son of a churchman who had never held clerical office, Oliba was not going to succeed as count. This sale may have been the pay-off he received for such a pledge, but if this scenario is to be reckoned correct, it must deal with the fact that his widow would subsequently use the title *comitissa* (Udina, *Archivo Condal*, doc. 132) and that Sunyer's nephew and Oliba's cousin, Miró III Bonfill, found no insuperable difficulty in being both Count of Besalú and Bishop of Girona. On him see J. M. Salrach, "El Bisbe-Comte Miró Bonfill i la seva obra de fundació i dotació de monestirs" in E. Fort i Cogul (ed.), *II Col·loqui d'Història del Monaquisme Català, Sant Joan de les Abadesses 1970 II*, *Scriptorium Populeti* 9 (Poblet 1974), pp. 57-81, with English summary pp. 422-423.

frequently told that the early medieval state recognised no difference between public and private, but here at least a judge was needed when the categories threatened to blur. Now, were the counts or the judge the more proper heritors of the ancient rights they apparently worked with here, and how ancient were those anyway?

So, can we in fact even start to say whether there was a Carolingian succession to the Visigothic fisc? What I hope this paper has shown is that, whether or not we think this is possible—and views certainly vary in the field—the people in the documents did appeal to such ancient statuses, sometimes more ancient ones, and though we might suspect that they could not have known, archæology sometimes offers them unexpected corroboration. Ancient social structures did exist, albeit probably heavily customised. The regular structures of authority, essentially Carolingian outside assemblies but quite distinctively Gothic within them, did not necessarily have a more direct route to what had gone before than the obscure characters on the borders. ‘Royal’ land or ‘public’ rights were ideas that maintained a grip in the legal imagination of these people. The real question, however, remains whether we will eventually be able to say whether that grip had any basis in fact in any identifiable cases...