

## PEASANT SERVITUDE IN THE THIRTEENTH CENTURY

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The early medieval peasantry that brought under cultivation in the ninth and tenth centuries the area that later would be known as Old Catalonia was not subject to any form of servile obligation<sup>1</sup>. Peasants might pay a small portion of their crop to their lord, especially to large monasteries or cathedral chapters. Their obligations, however, were not burdensome and they were attracted to the newly conquered lands by their favorable tenurial conditions. For a long time they would remain free to move and change farms. Their obligation typically would be payment of the *tasca* (a one-eleventh portion of their harvest). Peasant tenures in frontier Catalonia were protected by the survival of public courts and an unusually effective comital government that administered them.

Professor Bonnassie has memorably described the social consequences of economic growth in the eleventh century and the dislocation of comital government<sup>2</sup>. These economic and political factors created an opportunity for the aristocracy to begin an organized oppression of the peasantry. Pierre Vilar has noted the tenurial consequences of Catalonia's particular historical geography, punctuated as it is by intermittent rather than steady expansion<sup>3</sup>. In particular the long stagnation of the effort against Islam in the eleventh century permitted an aggravation of peasant conditions as the frontier failed to expand with the population.

Nobles imposed heavy burdens in new tenurial arrangements, often forcing peasants under the sway of their castles into giving up one-fourth or even one-half of their harvest instead of the relatively mild *tasca*, and subjecting them to the arbitrary and complex exactions characteristic of the *seigneurie banale*. The process that Professor Riu has called «la feudalizació del camp català» began in the eleventh century and would continue as the peasantry became increasingly subjugated until the violent uprising of the Remença in the fifteenth century<sup>4</sup>.

The process of «durcissement féodale» was not completely accomplished during the aristocratic hegemony of the eleventh century. During the late eleventh and twelfth centuries certain areas, especially the Alt Urgell, would

<sup>1</sup> Pierre Bonnassie, *La Catalogne du milieu du X<sup>e</sup> à la fin du XI<sup>e</sup> siècle, croissance et mutations d'une société* 1 (Toulouse, 1975); Pierre Vilar, *La Catalogne dans l'Espagne moderne* 1 (Paris, 1962), 378-380; Josep Maria Sàlach, *El procés de formació nacional de Catalunya (segles VIII-IX)* 2 (Barcelona, 1978), 136-139.

<sup>2</sup> Bonnassie, *La Catalogne* 2 (Toulouse, 1976), especially pp. 809-829.

<sup>3</sup> Vilar, *La Catalogne dans l'Espagne* 1:379-388.

<sup>4</sup> Manuel Riu, «La feudalització del camp català,» *Cuadernos de historia económica de Cataluña* 19 (1978), 29-46.

see the growth of an oppressive tenurial regime<sup>5</sup>. For most of Old Catalonia, however, the older, freer system endured. The *tasca* remained the common obligation, peasants bought and sold land actively and independently, and there is little evidence of bondage to the soil or liability to servile obligations such as the later infamous «*mals usos*»<sup>6</sup>. This is not to say that aristocratic power in the countryside was not widespread. Characteristic of the twelfth century in *comarcas* such as Osona was the practice of «protection» of peasants by seigneurial powers in return for payment and recognition of some rather vague jurisdictional authority<sup>7</sup>. This practice was found in other northern Iberian regions remote from the frontier, such as Asturias and León<sup>8</sup>. The protection (*baiulia*) of a lord in the twelfth-century Plain of Vic extended over land that he did not own, but that paid him some acknowledgment of his influence<sup>9</sup>. Military orders, the Templars and Hospitallers, in this same district offered protection in the last decades of the twelfth century, a protection that would increasingly become linked to the peasant's pledge to become the Order's man (*homo proprius* or *homo solidus*) and not to leave the land<sup>10</sup>.

The tie to the land would be less an invention of the eleventh or twelfth century and associated more with the expansionist economy of the thirteenth. It would typify, therefore, not a time of disorder but an era of relatively centralized and effective government. For the era of the counts of Barcelona and the first count-kings, most peasants remained free as regards their mobility and legal status and although recognizing a certain seigneurial authority, they were not degraded by it. This state of affairs is reflected in the *Usatges* of Barcelona that while referring to those «who have no other dignity than that they are Christian,» have no provisions for ties to the land, servile status, or unique liability to the *mals usos*<sup>11</sup>.

In considering the thirteenth century we are describing an increasing severity of rural conditions and establishment of important aspects of servile status in both legal and practical terms. There are some peculiarities in the historical

<sup>5</sup> See Bonnassie, *La Catalogne* 2:810-822 and the documents cited in his tables and notes. The Alt Urgell saw a growth in the practice of transferring peasants along with their lands and services. These documents give at least a strong impression of men being bought and sold, e.g. ACSU, Liber Dotaliorum I f. 183<sup>v</sup>. (1041-1071); Liber Dotaliorum I, f. 28<sup>v</sup>. (1090), ed. Sangés, *Urgellia* 3 (1980), no. 62; ACSU unnumbered parchment, Nov. 2, 1187; unnumbered parchment, March 21, 1189.

<sup>6</sup> Vilar, *La Catalogne dans l'Espagne* 1:385-388; Paul Freedman, «The Enserfment Process in Medieval Catalonia: Evidence from Ecclesiastical Sources», *Viator* 13 (1982), 230-235; Jean-Pierre Cuvillier, «Les communautés rurales de la Plaine de Vich (Catalogne) aux XIII<sup>e</sup> et XIV<sup>e</sup> siècles», *Mélanges de la Casa de Velázquez* 4 (1968), 75-94; John C. Shideler, *A Medieval Catalan Noble Family: The Montcadas, 1000-1230* (Berkeley, 1983), pp. 159-192.

<sup>7</sup> P. Freedman, «Church and Society in the Diocese of Vich in the Twelfth Century» (Doctoral Thesis, Berkeley, 1978), pp. 133-138.

<sup>8</sup> Vilar, *La Catalogne dans l'Espagne* 1:380. Generally on the similarities of social organization among northern Iberian realms, P. Bonnassie, «Du Rhône à la Galice: Genèse et modalités du régime féodal,» in *Structures féodales et féodalisme dans l'Occident méditerranéen (X<sup>e</sup>-XIII<sup>e</sup> siècles)*, pp. 17-44.

<sup>9</sup> ACV calaix 6, 2213 (1100); 2291 (1136); 2424 (1173).

<sup>10</sup> Examples of simple protection: ACV c. 6, 36 (1178); 2047 (1181); ACA perg. Alfons I, 505 (1189); 660 (1193). Protection joined to servile commendation: ACV c. 6, 63 (1208); 78 (1220); 87 (1234); 81 (1237).

<sup>11</sup> The *Usatges* refer to peasants simply as *rustici* with no indication of free or servile status. A rustic is defined as one lacking other dignity besides being a Christian, Ramon d'Abadal i de Vinyals and Ferràn Valls i Taberner, *Usatges de Barcelona* (Barcelona, 1913), p. 7 (Usatge «Rusticus interfectus»).

geography of this period. The thirteenth century was a time of economic and territorial expansion, yet also of increasing demands by lords, apparent especially in the development of seigneurial rights of mistreatment and the practice of requiring redemption payments by peasants wishing to change lords or leave the land. How to account for this seeming paradox must be part of any explanation for the progressive decline of rural conditions in the prosperous years 1000 to 1350.

A second problem lies in the geographical distribution of the servile peasantry. The lawyer Pere Albert in about 1250 first noted the difference between Old Catalonia, whose peasants had to redeem themselves, and New Catalonia where this characteristic servile obligation was unknown<sup>12</sup>. Modern studies have shown that this contrast must not be drawn absolutely. The *mals usos* and other seigneurial exactions were common in La Conca de Barberà and several other *comarcas* of New Catalonia<sup>13</sup>. The redemption payments were by no means unknown in New Catalonia, especially in the Segarra and Penedès<sup>14</sup>. In turn not all of Old Catalonia was equally affected by servile institutions, nor at the same time. Conditions in the Guillerics were especially severe during the late Middle Ages, and the Empordà would have the highest concentration of peasant syndicates of the Remença in the late fifteenth century<sup>15</sup>. Osona, on the other hand, would continue to harbor large numbers of independent peasant proprietors until the late fourteenth century, while even in certain areas of widespread servitude wealthy peasants would emerge in the fourteenth century and obtain favorable arrangements from their lords<sup>16</sup>. Generally the mountainous regions of Catalonia experienced a more severe subjugation of the peasantry than did the plains<sup>17</sup>. This is a reversal of what normally happened in the rest of Europe whose mountain populations were less oppressed than their lowland brethren<sup>18</sup>.

If the seigneurial regime imposed in the eleventh century led ultimately to the peasantry of the Remença in the fifteenth century, the evolution in this di-

<sup>12</sup> Pere Albert, *Commemoracions*, Latin text in Joan de Socarrats, *In tractatum Petri Alberti...* (Barcelona and Lyons, 1551), p. 338.

<sup>13</sup> Examples: AHN, Clero, Santas Creus, carp. 2771, no. 2 (1205); carp. 2775, no. 17 (1212); carp. 2780, no. 8 (1225); carp. 2806, nos. 14 & 15 (1260). See Agustí Altisent, «Per a la història de Senan (1159-1264),» *Aplec de treballs del Centre d'Estudis de la Conca de Barberà* 3 (1981), 155-195; P. Freedman, «La condition des paysans dans un village catalan du XIII<sup>e</sup> siècle.» *Annales du Midi* 94 (1982), 231-244; Lydia Miiskaya, *Operkya iz istorii derebni b Katalonii X-XI bb.* (Moscow, 1962).

<sup>14</sup> Jaume Vicens Vives, *Historia de los remensas en el siglo xv* (Barcelona, 1945. Reprinted, Barcelona, 1978), p. 20 (of reprint); A. Altisent, «Un poble de la Catalunya Nova els segles xi i xii: L'Espuga de Francolí de 1079 a 1200», *Anuario de estudios medievales* 3 (1966), 204-205; Jaume Sobrequés i Callicó, «La crisi social agrària de la baixa edat mitjana: Els Remences», *Cuadernos de la historia económica de Cataluña* 19 (1978), 47.

<sup>15</sup> J. Vicens Vives, *El gran sindicato de la remensa* (Madrid, 1954), tables on pp. 87-104 and accompanying map of «focs».

<sup>16</sup> On Osona, Cuvillier, «Les communautés rurales.» On wealthy peasants in Osona, Empordà, Maresme and the Vallès, Sobrequés i Callicó, «La crisi», pp. 51-52.

<sup>17</sup> Vilar, *La Catalogne dans l'Espagne*: 392-393.

<sup>18</sup> On the mountain peoples of Europe generally and their freedom see Fernand Braudel, *La Méditerranée et le monde méditerranéen à l'époque de Philippe II*, 2nd ed. 1 (Paris, 1966), 34-36. Histories of Switzerland are particularly fond of the notion of mountain liberties, e.g. Wilhelm Oechslí, *History of Switzerland* (Cambridge, 1922), pp. 1-14; E. Bonjour et al., *A Short History of Switzerland* (Oxford, 1952), pp. 69-86. The contrast between highland and lowland agriculture and tenurial regimes is of central importance to the history of the southern United States: Frank L. Owsley, *Plain Folks of the Old South* (Baton Rouge, 1949); Steve Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry* (New York, 1983).

rection was neither smooth nor inevitable. The thirteenth century would prove crucial for: 1) the definition of an unfree peasantry; 2) the solidification of the tenuous distinction between Old and New Catalonia; and 3) the appearance of agreements between peasants and lords relating to servile commendation, recognition of lordship, and redemption. I would like to consider both the legal conditions and the social relations as reflected in archival documents for this crucial era.

### *Law and Peasant Servitude in the Thirteenth Century*

Historians of Catalonia have had to emancipate themselves from the belief that medieval servitude grew out of late Roman and Visigothic law and institutions. This view, associated with the legal scholar Hinojosa, has been eclipsed by an improved understanding of Catalonia's formative years. While elements of Visigothic law would persist and provide a precedent for such aspects of later servitude as the *mals usos*, the personal condition of peasants in the ninth through twelfth centuries owed more to the circumstances of resettlement than to a supposed continuity of legal status<sup>19</sup>.

Piskorski and Vicens Vives recognized the signal importance of the thirteenth century in creating the legal foundations for late medieval serfdom<sup>20</sup>. The Corts of Barcelona in 1283 prohibited or severely limited rights of refuge for Remença peasants on royal land<sup>21</sup>. This law would be interpreted as the legal basis for tying certain categories of peasants to the land<sup>22</sup>. The legislation of 1283 was confirmed and extended by the Corts of Montsó in 1289<sup>23</sup>. Even before 1283, however, jurists already recognized the existence of peasant serfdom. Pere Albert, in the passage from his *Commemoracions* referred to earlier, stated that it was customary for peasants of Old Catalonia to redeem themselves if they should wish to leave the land<sup>24</sup>.

It was also Pere Albert who first attempted to reconcile the Roman legal outlook to Catalan practice. Roman law made it difficult to commend oneself into servitude because of the inherited nature of the fundamental distinction between slave and free<sup>25</sup>. Pere Albert admitted this problem but believed it was possible to at least somewhat lower personal status by means of written documents of commendation<sup>26</sup>. Although even this adaptation of Roman law could

<sup>19</sup> A classic statement of the theory of continuity between Roman and medieval servile institutions is in Eduardo de Hinojosa, «Origen y vicisitudes de la pagesía de remensa en Cataluña», *Discursos leídos en la Real Academia de Buenas Letras de Barcelona* (Barcelona, 1902), pp. 7-23. On resettlement, see above, notes 1 and 4.

<sup>20</sup> Wladimir Piskorski, *El problema de la significación y del origen de los seis «malos usos» en Cataluña* (Originally published Kiev, 1899. Spanish trans., Barcelona, 1929). Vicens Vives, *Historia*, pp. 30-34.

<sup>21</sup> Ed. *Cortes de los antiguos reinos de Aragón y de Valencia y Principado de Cataluña*, vol. 1, pt. 1 (Madrid, 1896), 147.

<sup>22</sup> As in Tomás Mieres, *Apparatus super Constitutionibus Curiarum Generalium Cathaloniae* I (Barcelona, 1621), 28-30; the anonymous author of a commentary preserved in ACSU, MS 2045, f. 110<sup>v</sup>; Narcís de Sant Dionís, *Compendium Constitutionum Cathaloniae*, ed. F. Valls Taberner, *Revista jurídica de Catalunya* 33 (1927), 443; *Consuetudines Diocesis Gerundensis*, ed. Josep Rovira i Ermengol, *Anuario de historia del derecho español* 5 (1928), c. 116; Socarrats, *In tractatum*, p. 340.

<sup>23</sup> Ed. *Constitutions y altres drets de Catalunya...* I (Barcelona, 1704; repr. Barcelona, 1909), 347.

<sup>24</sup> As above, Note 12.

<sup>25</sup> André Gouron, «Liberté, servage et glossateurs», *Recueil de mémoires et travaux publiés par la Société d'histoire du droit et des institutions des anciens pays de droit écrit* 11 (1980), 41-51.

<sup>26</sup> In Socarrats, *In tractatum*, pp. 324-325.

not cover the practice of servile homage, Pere Albert's emphasis on written commendation showed the way for later lawyers. They used the late Roman *adscripticius* as the legal basis for the Catalan *homo proprius* and were encouraged in this by the erroneous etymology of *adscripticius* as someone who, by written agreement, has diminished his personal freedom<sup>27</sup>. The lawyers' interpretation of *adscripticius* would result in production of written charters of recognition and commendation throughout the thirteenth century, providing historians an opportunity to view the spread of servile institutions.

Lawyers of the thirteenth century additionally stated that lords possessed a right to mistreat peasants subject to them; to seize their persons and goods and to hold them imprisoned or for ransom without having to answer to any public judicial authority<sup>28</sup>. This abusive *ius maltractandi* appears to go beyond even the *toltas*, *questias* and *forcias* of the eleventh century. The latter were arbitrary levies while the former was a legally sanctioned abuse not only of goods but of personal liberty. Jurists traced the origin of the *ius maltractandi* to an enactment of the Corts of Cervera in 1202<sup>29</sup>. There is considerable question as to what really was enacted at Cervera. By the time of the standard gloss to the *Usatges* (about 1270), the provisions of Cervera were cited as legitimizing mistreatment, although they went against the *Usatges*, Gothic law and Roman law<sup>30</sup>.

A final category of legal servitude were the *mals usos*. *Cugucia*, *exorquia* and *intestia*, the most important of the «bad customs» had existed in the late eleventh and early twelfth centuries. In the *Usatges* they appear associated with more classes than just the peasantry<sup>31</sup>. Similarly, earlier documents mention miscellaneous «*usatici*», «*malis usibus*», «*malas consuetudines*», etc.<sup>32</sup>. They appear to be exactions in general. It is in the late twelfth century and increasingly in the thirteenth that a particular group of *mals usos* would be identified with degraded personal status. This is first apparent in privileges made to urban communities in which freedom from *mals usos* seems a form of enfranchisement<sup>33</sup>.

It was considerably later, however, that legal writing typified the *mals usos* as an index of servile status. In the fourteenth century the *mals usos* and the redemption requirement merged and for the jurists Bertran de Ceva in the fourteenth century and Joan de Socarrats in the fifteenth, these evil exactions

<sup>27</sup> See the use of *adscripticius* in Jaume de Montjuïc, *Antiquiores Barchinonensium Leges...* (Barcelona, 1544), f. 37v; Jaume Callis, *Antiquiores*, f. 47; Socarrats, *In tractatum*, pp. 326, 331. On the term and its Roman meaning, A. H. M. Jones, «The Roman Colonate», *Past & Present* 13 (1958), 8. Compare the English use of the term, Paul Hyams, *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980), pp. 269-272.

<sup>28</sup> I have written on this subject in an article entitled «The Catalan *Ius Maltractandi*» to appear in *Recueils... de droit écrit*.

<sup>29</sup> Corts of Cervera, ed. *Cortes* 1,1:86.

<sup>30</sup> Gloss to the *Usatges*, in *Antiquiores*, f. 109v.

<sup>31</sup> *Usatges* «Homicidium» (dealing also with *cugucia*); «Item statuerunt» (on the *exorquia* of nobles); «De rebus» (*exorquia* of peasants); «De intestatis.»

<sup>32</sup> E.g. Pierre de Marca, *Marca hispanica...* (Paris, 1688), ap. 289 (1078); ACG, Llibre Vert, ff. 183<sup>v</sup>-184 (1091); ACV c. 6, 2659B (1151); *Cartulario de «Sant Cugat» del Vallès*, ed. José Rius Serra 3 (Barcelona, 1947), no. 1,162 (1186).

<sup>33</sup> José Maria Font Rius, *Cartas de población y franquicia de Cataluña* 1,1 (Madrid and Barcelona, 1969), privileges to Barcelona (no. 119), Constantí (no. 125), Solsona (no. 203), Lledó (232). These are dated 1163, 1164, 1195 and 1210 respectively.

would be of central importance, as indeed they would be for the rebellious peasantry that demanded their abolition in the late fifteenth century<sup>34</sup>.

### *Conditions of Peasant Life in the Thirteenth Century*

To what extent do the opinions of jurists or legislation reflect or influence the reality of peasant conditions? Lawyers were inclined to exaggerate the extent of servitude and to depict hierarchical systems whose abstract symmetry did not reflect the variation and ambiguity of real life. In addition, the very question of personal status may be of merely theoretical importance, not an accurate measure of socio-economic condition<sup>35</sup>.

This is to set up a misleading dichotomy between the fancies of jurists and the supposed hard facts of the archival sources. The evidence from charters *capbreus*, notarial registers, sales, and other transactions involving peasants is not without its own ambiguities and interpretive problems. If one looks at the question of to what degree did peasants act for themselves in the buying and selling of land, their independence and economic power seems undiminished until at least the Black Death<sup>36</sup>. On the other hand, if one considers the growth of seigniorial exactions, there is reason to believe that servitude was already established by the late eleventh century<sup>37</sup>.

The significance of the thirteenth century lies in the growth of a structure of peasant servitude, visible in legislation and reflected in archival sources. Bondage to the land was established along with redemption payments as obligations of many (but not all) peasants in much (but not all) of Old Catalonia. The commitment to remaining on the land was not new<sup>38</sup>. Novel was the language by which peasants recognized themselves as property of their lord and renounced rights of prescription or asylum to evade servitude. Also new were payments by peasants to redeem themselves from the lords' control, allowing them to leave the land. Finally there is an increase in the appearance of *exorquia*, *intestia* and *cugucia* in lists of seigniorial rights transferred or claimed.

To treat the last set of servile obligations first, it is not that *exorquia* and so forth first show up in written records in 1200. As separate exactions individual *mals usos* appear occasionally as early as the eleventh century for *cugucia* and the twelfth century for others<sup>39</sup>. They begin to be enumerated in land transfers near 1200 in both Old and New Catalonia. *Exorquia*, *intestia* and *cugucia* are found in sales and renunciations made by laymen to monasteries in the diocese

<sup>34</sup> Bertran de Ceva «Consuetudines Cataloniae», Real Biblioteca del Escorial, MS lat. d. II. 18, f. 118; Socarrats, *In tractatum*, p. 501.

<sup>35</sup> Thus Guy Fourquin, *Le paysan d'Occident au Moyen Age* (Paris, 1972), p. 128: «On s'est trop fondé pendant longtemps sur la seule condition juridique des rustres pour tenter d'apprécier leur niveau de vie».

<sup>36</sup> Cuvillier, «Les communautés»; Joan Vilà Valentí, *El món rural a Catalunya* (Barcelona, 1973), pp. 68-70.

<sup>37</sup> Bonnassie, *La Catalogne* 2:820-829.

<sup>38</sup> Peasants in the eleventh and twelfth centuries might be required to inhabit their tenement (often expressed as «facere staticam»). They might be required to remain there during their lives (e.g. «ibi semper stetis dum vixeritis»). ACV c. 6, Episcopologi II, 67 (1075); ADG, Cartulari de Carlesmany I, ff. 212-213 (1111); ACV c. 6, 1821 (1129); ACSU, unnumbered parchment, March 12, 1162 involve such requirements. They do not, however, bind the descendants or require renunciation of a right to leave. It is likely that the penalty for leaving would be losing the property. These documents serve more to guarantee to the lord the active cultivation of the land than to prohibit peasants from leaving.

<sup>39</sup> Bonnassie, *La Catalogne* 2:826-829.

of Girona<sup>40</sup>, and are also often found in donations of land by laymen of New Catalonia to Santes Creus, beginning near 1200<sup>41</sup>. The exactions appear together in enfranchisement charters of the late twelfth and early thirteenth centuries under the heading of *mals usos*<sup>42</sup>. The symbolic importance of the *mals usos* is especially clear in comparing the three privileges for Ager described by Professors Font Rius and Bonnassie<sup>43</sup>. As noted by Professor Bonnassie, the original enfranchisement of 1048 had been violated by imposition of exactions (*questias, toltas, preguerias, servicia*). The abolition of these exactions in a second charter of 1094 shows the significance attached to such incidents of the *seigneurie banale*. By the time of the third charter, 1228, the *mals usos* rather than the earlier exactions were the index of servile status and exemption from them demonstrated the continued liberty of the people of Ager<sup>44</sup>.

More visibly than with the *mals usos*, servile recognitions and commendations begin with the twelfth century. These documents concern acknowledgment of dependence and renunciation of rights by peasants. The frequency of such documents after 1200 may be related to the recovery of Roman law that encouraged a closer attention to defining personal status, as opposed to the ad hoc variety of tenurial relations sanctioned by customary practice. In addition, as already noted, interpretation of the word *adscripticius* may have made the written charter of recognition or commendation appear vital.

Whatever their legal context, these documents quite frankly acknowledge the servile condition of peasants. Their bodies and property belong to their lord, they may not claim rights of refuge elsewhere, and their descendants will be bound to the land as they themselves are. Charters of this type are associated with Old Catalonia, including Roussillon<sup>45</sup>.

It is also in the early thirteenth century that redemption payments were first common. Redemption requirements were sometimes included in lists of exactions accompanying transfers of land<sup>46</sup>. More significant are records in which peasants actually pay a fine to receive their liberty, or when they change lords and either pay for the right or are redeemed by their new master. A few redemption charters survive from the twelfth century, especially in the region of Girona<sup>47</sup>. Later, in the thirteenth century, they appear frequently in other parts of Old Catalonia<sup>48</sup>.

<sup>40</sup> ACA, Monacals perg. Amer, 25 (1187); Amer, 31 (1208); Amer, 33 (1210); Monacals perg. Ridaaura, 17 (1202).

<sup>41</sup> AHN, Clero, Santes Creus, carp. 2765, nos. 4 and 5 (ed. Federico Udina Martorell, *El «Llibre Blanc» de Santes Creus* [Barcelona, 1947], no. 364); carp. 2775, nos. 6 (1211) and 7 (1212).

<sup>42</sup> See above, note 33.

<sup>43</sup> J. M. Font Rius, «Notas sobre la evolución jurídico-pública de una comunidad local en el Pirineo catalán: Ager», *Actas del Primero Congreso Internacional de Estudios Pirenaicos* (Saragossa, 1952), pp. 67-85; Bonnassie, *La Catalogne*, 2:811-812.

<sup>44</sup> Font Rius, «Notas» p. 77; Bonnassie, *La Catalogne*, 2:812.

<sup>45</sup> ASJA, unnumbered parchment, Dec. 11, 1206; ACV, Liber Dotationum Antiquarum, ff. 146-149 (eighteen documents, 1200-1217); APO, Cartulaire de Mas Deu, ff. 192-192<sup>v</sup> (1195); ACA, Canc. perg. Jaume I, 234 (1224); Jaume I, 319 (1227); Jaume I, 358 (1228).

<sup>46</sup> ACV, Liber Dot., ff. 125<sup>v</sup>-126<sup>v</sup> (1198); ACA Monacals, perg. Camprodon, 43 (1208); Monacals, perg. Cervià, 782 (1211).

<sup>47</sup> ADG, Cartulari de Carlesmany, ff. 178-179 (1151); f. 208 (1170); f. 210 (1171), ff. 210-211 (1194).

<sup>48</sup> ASJA, unnumbered parchment, Dec. 18, 1206; August 30, 1219; ACA, Canc. perg. Jaume I, 665 (1236); Jaume I, 871 (1242); ACA, Monacals, Cervià 748 (1206); ADV, Cartulari de la Sagristia de l'Estany, f. 7<sup>v</sup> (1202).

The three types of servile charters—commendations, recognitions and redemptions—are among the most common documents of the late Middle Ages preserved in Catalan archives. How routine such transactions must have been, even in the thirteenth century, may be seen by looking at the relatively detailed and complete notarial registers in the *Arxiu de la Curia Fumada* of Vic. For the first year of the register, 1231, there are 13 recognitions, 8 commendations, and 12 charters of redemption<sup>49</sup>. This frequency is maintained in succeeding volumes of the archive for the entire thirteenth century.

The large number of servile transactions seems to indicate an important change from the often oppressive but essentially disorganized seigneurial practices of the eleventh and twelfth centuries. The very routine nature of the later records shows the effective introduction of a system of servitude, not only in legal theory or legislation, but in practice as well. What we have not defined, and indeed can not with ease or certainty define, is how oppressive servitude was for peasants. We know that by the end of the Middle Ages it was sufficiently irksome to provoke violent and successful revolts. It is also apparent that establishments of peasants on land already contained provisions for large seigneurial shares of produce and further exactions in the eleventh century, and that these did not change dramatically<sup>50</sup>. The *tasca* tended to become less the common obligation and was replaced by more varied and onerous rent, but peasants continued to buy, sell and invest in numbers sufficient to disprove assertions of the universality of crushing oppression.

During the thirteenth century many peasants became serfs; their personal status was degraded. How effective in economic terms this servitude was may be debated. That so many redemption charters were purchased by peasants in Osona may indicate widespread servitude, but it can also be interpreted as evidence that servitude did not permanently bind peasants to a particular lord, nor did it prevent them from amassing the necessary sums (often substantial) to purchase their redemption.

Writing of the era after the Black Death, Vicens Vives said that the peasants could at first ignore the legal theories that debased their status, but later, in a time of seigneurial reaction, they would find themselves not only deprived of liberty but economically helpless as well<sup>51</sup>. Law does influence society, and the law of servitude in Catalonia affected thirteenth-century tenurial relations. The tendency of thirteenth-century lords to demand and receive servile incidents of tenure affected not only the legal condition of peasants but their overall well-being. Thirteenth-century lords did not invent oppression, nor did they subjugate the entire free peasantry of Old Catalonia. They did assist in a centuries-long process by which a substantial portion of the Catalan peasantry saw its freedom and economic independence decline radically.

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<sup>49</sup> ACF, Anònims, Book 1, ff. 2-77.

<sup>50</sup> This is at least implicit in the various general and local studies by Bonnassie, Vicens Vives, Cuvillier, and Vilar, as cited above. It would require a large, concerted effort to compare establishment conditions for peasant tenants during the period 1050 to 1350 but this would be extremely valuable.

<sup>51</sup> J. Vicens Vives, *Els Trastàmares* (Barcelona, 1956), p. 27.



**Abbreviations Used in Notes**

|      |  |
|------|--|
| ACA  | Arxiu de la Corona d'Aragó (Barcelona)         |
| ACF  | Arxiu de la Curia Fumada (Vic)                 |
| ACG  | Arxiu Capitular de Girona                      |
| ACSU | Arxiu Capitular de la Seu d'Urgell             |
| ACV  | Arxiu Capitular de Vic                         |
| ADG  | Arxiu Diocesà de Girona                        |
| ADV  | Arxiu Diocesà de Vic                           |
| AHN  | Archivo Histórico Nacional (Madrid)            |
| ASJA | Arxiu Parroquial de Sant Joan de les Abadesses |
| APO  | Archives des Pyrénées-Orientales (Perpignan)   |