

The relationship of French towns with Philip Augustus

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Introduction

Before the reign of Philip Augustus(1180-1223) the Capetian Kings were the lords of a relatively small domain in the Ile-de-France. But Philip, conqueror and financial innovator, greatly enlarged his realm through the acquisition of large territories and began a new period of expansion for French monarchy. This is the traditional view set forth in classic form by A. Luchaire(1), and the importance of the reign of Philip has been universally recognized by historians. Viewed in the overall perspective of medieval France, Philip's achievements have been acknowledged as a turning point.(2)

Meanwhile, the reign of Philip witnessed an accelerating development of towns in France.(3) Growth in population, commercial activity and agricultural production contributed to the establishment and expansion of towns. Though the great majority of the population still lived in rural areas and "the town was impregnated with the countryside", (4) towns and their residents began to take on an importance. Moreover, the medieval town fulfilled the functions of a central place(marketing, power, administration, etc.).(5) Therefore, Philip probably recognized the importance of the growing urban communities to his aims and tried to use them to his own advantage. His achievements were attributed partly to his policy towards towns: Prominent among Philip's activities were his acquisition of urban support and his utilization of urban resources and

wealth.

In this paper I should like to examine the relationship of French towns with Philip Augustus through some aspects of his treatment of town. I hope this study will help to define the position of town in France during his reign.

I. Privileges of townsmen in contents of the charters

The 12th century was a period when seigneurial extortion was systematic. To the customary rent, seigneurs from the twelfth century on began to add new charges based largely on their lordly jurisdiction (the *ban* or *districtus*) and their seigneurial monopolies (the *banalités*). As town grew, the inhabitants increasing resented the arbitrary charges, and wanted to have a charter of which the main purpose was to record and define the customs (*consuetudines*). In some cases the town asked the lord the charter. Sometimes a seigneur, by his own volition, granted it to a town, recognizing that it was to his advantage to do so. In whatever ways charters were acquired, and whether they reflected the seignorial initiative or not, (6) their numbers were increasing in France in the twelfth and thirteenth centuries. During Philip's reign he not only confirmed most of the existing town charters, but granted new ones. Here we will examine the privileges (or 'personal liberties') in contents of the some charters.

When we read the charters of commune and of franchises, we receive an impression that the claim of the townsmen was especially the desire not to be charged by arbitrary taxes, requirement and *corvées*. In fact charters made these restraints less arbitrary. This was one of the major advantages to townsmen in having a charter, for no longer could they be

exploited at will by their lords.

So, the residents of most franchised towns were freed from some tolls and taxes. The clearest example is found in the famous *Carta Franchisie* of Lorris which began by setting fixed quitrents for the holdings of the inhabitants and exempted the people living under its charters from tolls and tallages and corvées.(7) Likewise the charters to Bourges and Dun-le-Roi, two towns that never attained the commune, contain the similar provision.(8)

Many of the communal charters which Philip granted or confirmed include the provisions that the arbitrary taille was ended in those towns, being either wholly abolished or commuted into a fixed contribution. The charter of Laon, which is famous as having provided the model for a series of charters, contains a provision that the taille is limited to a poll tax of four deniers on four occasions.(9) In Saint-Omer and Mantes, the charter mentions the abolition of taille.(10) In Ham, the charter indicates that the townsmen payed the aids on three occasions, limited to 20 livres(11). And we can guess that similar exemption must have been granted in many cases when clear mention of the fact is not made by the charters.

From these examples we can say that charters helped to lighten oppressive obligation, or made those exactions less arbitrary. But, as already pointed out by C. Stephenson,(12) townsmen nontheless remained liable; Great lords remained in position to ask irresistibly for so-called voluntary contributions, and therefore they actually obtained needed money from their towns. Although a primary motive of the townsmen in trying to get a charter was their desire to escape arbitrary exactions, they eventually saved little more than their dignity; for such privileges as they obtained were of no avail against the demands of a powerful lord. There were some case in which Philip introduced into

charters a few of provisions that had the intention of lightening restraints upon the inhabitants. In these cases he generally received a financial return in exchange for those concessions.(13)

Moreover, from the economic point of view, the 'enfranchisement' movement chiefly resulted in transferring to lords the large sum of cash which prosperous townsmen had succeed in saving up. For the charters were almost always sold to town dearly. And the charters did not so much reduce the fiscal power of the baron as regularize them, introduce them into custom, and thereby legitimize them, and even entrench them more firmly. So, the enfranchised towns did not finally find themselves in a particularly privileged economic position compared to the towns which had not received charters.(14)

II. Municipal Government and Justice

One of the signs and results of the urban growth is the way in which the town gained a measure of self-government. The degree of independence which towns won varied greatly, though medieval towns have sometimes been described almost entirely in terms of self-government and some historians have argued that Philip favored urban liberties and autonomy.

In fact, there were some towns,—especially the towns of communes—, which enjoyed independence and possessed municipal governments having some autonomy with regard to the royal or seigneurial government. Why did Philip concede such a privilege? Certainly it was not usually in the king's interests to increase the autonomy of town, unless this would have weaken local seigneurial power. Therefore we can guess that in some cases the self-government was granted by the king for his political aim of weaking his rival seigneurs. Moreover, sometime he was obliged to have

dealing with townsmen as he needed financial aids and political support from them. These examples indicate that Philip did not want to broaden the scope of municipal authority.

According to Girya, in some towns there appear to have been two mayors. One was the supreme official of the town and was chosen by the townsmen; the other held an old feudal office as the judicial representative of the king or seigneurs(15). And the charter that Philip gave to Baron stated that the four *scabini jurati* were to represent the king and the bishop of Senlis; they usually served as representatives of royal power rather than as independent representatives of the townsmen.(16) Philip may also have required the officials of towns to swear fidelity.(17) During the reign of Philip he steadily extended its authority over towns all through the kingdom. That does not mean that urban governments were crushed definitely any more than it means that royal government particularly favoured them. Town government was allowed if it maintained order, customs, and law. Therefore, in general the independence which was the ideal of so many citizens rarely went beyond varying degree of limited administrative autonomy.

"In the occidental political tradition, the exercise of justice, with the maintenance of peace, has been the most important government function".(18) Because of the importance of judicial matters it was the sources of conflict and competition. The situation was complicated in towns, owing to the variety of individuals and institutions that were involved; jurisdiction was divided mainly among the king, the town and the church. So some charters reveal attempts to clarify and define the fragmented rights of justice.

The possession of justice varied region to region, town to town. In several towns where Philip confirmed or granted charters, the town governments received their judicial powers in their charters except the

most serious cases(rape, murder, treason, etc.). In some cases the municipal governments possessed even the rights of high justice(*justitia alta*). The officials of Aire and perhaps of Montreuil and Abbeville had jurisdiction over all crime(19). The same was true in Arras and in Lens. In Péronne and Tournai the municipal officers had all the criminal jurisdiction except the "royal right in rape".

Meanwhile, in Laon the cases that the charter specially stated to belong to the communes were violations of the peace, royal complaints against some of the commune members and crimes of theft when the lord who had jurisdiction over them defaulted.(20) One of the major purposes of the judicial regulations in this charter was the prevention of private vengeance and the maintenance of peace within the town. This was clear in the provisions of the charter and was emphasized in the commune by the use of the term *institutio pacis* to refer to the communal association. In Normandy, before Philip took over it, the Angevins must already have exercised high justice in the Norman communes. This was the case in Rouen; the Etablissementsof Rouen indicates that the king had jurisdiction over murder and other serious crimes.(21) Philip also reserved the high justice for themselves in the most important towns in formerly Angevin lands: in the 1207 charter to Rouen he claimed the "pleas of the sword"(22), and in the 1222 charter to Poitiers he reserved the judgement of murder, homicide, rape, theft and bloodshed for themselves. He claimed jurisdiction over the most serious crimes in northern towns previously held by the count of Flanders and others. He also did so in Mantes and in three of the communes of the Soissons group— Sens, Senlis and Villeneuve-en-Beauvaisis.

Thus, in a significant number of towns Philip reserved the rights of high justice for himself and took care to expand his authority over justice, although a few towns possessed these rights. He saw that control

over justice not only made him have a potent influence in the towns, but that it provided him with large revenues as well. Philip's strengthening of royal judicial authority contributed to what Fawtier called one of the major achievements of the Capetians in the thirteenth century: their gradual emergence as the source of all justice. Fawtier stated furthermore that "in the development of royal power, royal justice played a part which it is difficult to exaggerate".(23)

III. Military obligation of town

In its most usual form medieval warfare was made up of a succession of sieges accompanied by skirmishes and devastation, to which were added a few major battle or serious clashes.(24) In this siege warfare towns provided important military vantage points because of their fortified walls and their resources of men, money and arms. So the ruler's first idea was to rely on their resources and to exploit as fully as possible the complex series of military obligations owed to him.

Philip's predecessors in Normandy and Flanders had probably required military services from some of their towns; Henry II of England and his successor granted the Etablissements de Rouen and other charters in strategic areas of Normandy and Poitou.(25) As Ch. Petit-Dutaillis pointed out already, Philip, following the example of Henry II, conceded communes in regions where England and France were in conflict or in regions that he wanted to strengthen against Flanders or Germany; he was the first of the Capetians to use communes extensively for defensive purposes.(26) It is surely no accident that many of these were in border areas or were towns that Philip had recently acquired in the north or in former Angevin lands.

In many of the town charters that Philip granted or confirmed, he required the burgenses to give him *ost* and *chevauchée*. The explicit expression of their obligation of military service served to emphasize it and establish it as a regular duty of townsmen.(27) Thus Philip realized that he could exploit towns in order to get soldiers and supplies that he needed. He did all that he could in order to exploit the military resources of his towns. This is demonstrated by the evidences both in the *prisia servientum* and the account of 1202-03.

Being a list of *service roturier* in general, the *prisia servientum* of Philip which as has been showed by E. Audouin(28)), was drawn up in 1194 and somewhat brought up to date down to 1204, shows the number of sergeants and carts which were owed by various abbeys and towns(*ville* and *communie*), some of which did not have to send men but money. It adds up to a total of 7,695 sergeants, 138 carts and 11,693 *livres parisis*. The period of service was three months. The surviving royal account of 1202-03 revealed that in that year Philip required towns to pay a sum of money usually equal to the price of service of their contingent(troops plus wagans) for three months.(29)

Townsmen also had to perform guard duties and to maintain the fortifications of their towns. Throughout the reign, royal charters frequently specified these obligation of towns. The residents of Tournai, for example, had an extra obligation: in 1212 Philip noted that they had chosen 300 burgenses to keep the peace there and guard the king's rights.(30) In Arras, all townsmen had to do work on the *fossata* and in Péronne they had to fortify their town with the cens that they collected. It was up to the burgenses of Hénin-Liétard to repair any damage that was done to the fortifications by a burgensis.

Conclusion

Philip's major goals that he shared with all the Capetian kings were to increase royal rights, domain and income. He used the towns as instruments to attain this broad goals. If he needed to bolster his defenses along a particular border, he may have fortified some towns there, and may have given the inhabitants privileges to ensure their loyalty. And he granted charters in order to obtain urban support and increase his power within towns. By according and confirming the charters, he was able not only to intensify his presence in his domain, but also to extend his influence into the towns such as Tournai and Dijon within the fiefs of his barons.(31) Another advantage that Philip derived from towns was financial. Those towns that belonged to the royal domain were naturally responsible for contributing to the king's domanical income, and royal grant or confirmation of a town charters brought money.(32)

Philip heightened the importance of towns to the French monarchy. But, except a few cases, French towns never had the independence and autonomy of towns in Italy or Germany; In the charters, making the fullest use of his existing rights, he generally took care to articulate and expand his authority over towns. Thus, Royal power over towns increased during his reign, and the towns usually worked with monarchy, instead of against or apart from it.(33)

Notes

- (1)A. Luchaire in Lavissee(24), pp.46-47 and 280-284.
- (2) Bautier(5)
- (3) P. Wolff(36). For the local study, see P. Desportes(12), pp. 56-73.
- (4).Le Goff(25), p.71.
- (5)For example, see Duby(13), p.13.
- (6)Saito(34), pp.132-3.
- (7)H.F.Delaborde(10),t.I, no.202: Nillus, nec nos nec alius, hominibus de Lorriaco talliam nec ablationem nec rogam faciat. M. Prou(33), pp.445-457.
- (8)H.F. Delaborde(8), t.I, no.40 : Ab omni tolta et tallia et botagio et culcitrarum exactione omnino quieti et liberti erunt.
- (9)H.F. Delaborde, no.279:"Consuetudinarias autem tallias ita reparavimus ut unusquisque hominum ipsas tallias debentium singulis terminis quibus tallias debet quatuor denarios solvat".
- (10)Saint-Omer, art.13 ; "Et sicut meliores et liberiores burgenses Flandrie ab omni consuetudine liberos deinceps esse volo. Mantes, art. 1. : nullum scoth, nullam taliam, nullam pecunie sue petitionem ab eis requiro".
- (11)Ham, art. 24 : "Si dominus captus fuerit, vel filium suum militem fecerit, aut filiam suam maritaverit, burgenses debent ei XX libras".
- (12)C. Stephenson(36). See also Baldwin(2), pp.158-9.
- (13) In the communes of Soissons, Vailly, Crépy-en-Valois and Bray-sur-Somme he exempted the burgenses from the payment of mortmain, in Villeneuve-en-Beauvaisis from the payment of toll and in Montdidier and Rouen from *taille*.
- (14)Duby(14),pp.243-4;Barthélemy(4), pp.122-4; Schneider(35); Perrin(30).
- (15) This was the case in St. Quentin and Athies; Giry(19),

pp.XXXVIII-XXXIX.

(16)Delaborde(10), t.III, no.1386.

(17)Carolus-Barré(7), pp.677-8. Philip particularly emphasized this in Poitiers' charter of 1222(H.F. Delaborde(10), t.IV, no.1803: "quod fideliter custodient nos et vitam nostram et honorem nostrum et membra nostra et jura nostra". The oaths made by the officials of Beauvais and Laon are in Giry(18), pp.65-66; that made by the officials of Montreuil-sur-Mer is in Lhomel(26), p.15, no.XIII.

(18) P.J. Geary(17), p.1107.

(19)Espinas(15),I, no.23; Guibert(20), pp.95

(20)J. Foviaux, "L'organization d'un oppidum devenu civitas: L'institutio pacis, origine de la commune" in (23), pp.131-2.

(21)articles 11, 34, 42, and 48 of the Etablissements.

(22) Yver(37), pp.141-2; E. Perrot(31), pp.301ff.

(23)R. Fawtier(16), pp.188, 190.

(24)Contamine(8), p.101.

(25) Lot et Fawtier(28),I, pp.416-18.

(26)Petit-Dutaills(32),pp.105-09, 116-23. See also Saito(34).

(27)Tournai's charter(1188) was the only one to mention the number of troops that the town was to send to the kings. An article there obliged the town to send Philip 300 well armed foot-soldiers. It also specified there that if the royal army marched towards Arrouaise, then whole commune of Tournai should join it at that spot or within an equivalent distance:Delaborde(10), t.I, no.224). This indicates that Philip had determined the precise military obligation(of at least one town) several years before the first redaction of the *prisia servientum* (about 1194).

(28)Audouin(1), p.17

(29)F. Lot et R. Fawtier(27), pp.15-20; E. Audouin(1), p.32.

(30)Delaborde(10), no.1229.

(31) Baldwin(2), p.64

(32) According to Kupper, about a fifth of royal treasury came from towns:

Kupper(22), p.355.

(33) Duby(14), p.303

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