

812: An Instruction from Charlemagne Concerning Immigrant Hispani

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Abstract: In April 812, Charlemagne admonished a group of Frankish counts to treat the Hispani living in their domain fairly and to restitute to them the land which they had acquired through independent land development (aprisio). On the basis of this document, the article investigates the reasons for Iberian migratory movements into the neighbouring Frankish realm and places them within the context of Carolingian politics in the north-east of the Iberian Peninsula.

Source

Praeceptum pro Hispanis (2. April 812), ed. Alfred Boretius (MGH Leges, Capitularia regum Francorum 1), Hanover: Hahn, 1883, no. 76, p. 169, trans. Daniel G. König.

In nomine Patris et Filii et Spiritus sancti. Karolus, serenissimus augustus, a Deo coronatus, magnus pacificus imperator, Romanorum gubernans imperium, qui et per misericordiam Dei rex Francorum et Langobardorum Berane, Gauscelino, Gisclafredo, Odilone, Ermengario, Ademaro, Laibulfo et Erlino comitibus.

Notum sit vobis, quia isti Ispani de vestra ministeria, Martinus presbiter, Iohannis, Quintila, Calapodius, Asinarius, Egila, Stephanus, Rebellis, Ofilo, Atila, Fredemirus, Amabilis, Christianus, Elpericus, Homodei, Jacentius, Esperandei, item Stephanus, Zoleiman, Marchatellus, Theodaldus, Paraparius, Gomis, Castellanus, Ardaricus, Wasco, Wisisus, Witericus, Ranoidus, Sunicfredus, Amancio, Cazerellus Longobardus, Zate, militeis, Odesindus, Walda, Roncariolus, Mauro, Pascales, Simplicio, Gabinus, Solomo presbyter, ad nos venientes suggesserint, quod multas obpressiones sustineant de parte vestra et iuniorum vestrorum. Et dixerunt, quod aliqui

In the name of the Father, the Son, and the Holy Spirit. Charles, illustrious Augustus crowned by God and great peace-bringing Emperor, ruling the Empire of the Romans, who by the grace of God is King of the Franks and Lombards, to the Counts Beranus, Gauscelinus, Gisclafredus, Odilo, Ermengarius, Ademarus, Laibulfus, and Erlinus.

Because these Spaniards (*Ispani*) are under your charge, you are informed of the following: The presbyters Martin, Iohannis, Quintila, Calapodius, Asinarius, Egila, Stephanus, Rebellis, Ofilo, Atila, Fredemirus, Amabilis, Christianus, Elpericus, Homodei, Jacentius, Esperandei, furthermore Stephanus, Zoleiman, Marchatellus, Theodaldus, Paraparius, Gomis, Castellanus, Ardaricus, Wasco, Wisisus, Witericus, Ranoidus, Sunicfredus, Amancio, the Longobard Cazerellus, Zate and his fighters [*militeis = milites eius?*], Odesindus, Walda, Roncariolus, Mauro, Pascales, Simplicio, Gabinus, the presbyter Solomo have intimated, coming to us (*ad nos venientes*), that they endure much oppression from your

pagenses fiscum nostrum sibi alter alterius testificant ad eorum proprietatem et eos exinde expellant contra iusticiam et tollant nostram vestituram, quam per triginta annos seu amplius vestiti fuimus, et ipsi per nostrum donitum de eremo per nostram datam licentiam retraxerunt. Dicunt etiam, quod aliquas villas, quas ipsi laboraverunt, laboratas illis eis abstractas habeatis et beboranias illis superponitis, et saiones qui per fortia super eos exactant.

Quamobrem iussimus Iohanne archiepiscopo misso nostro, ut ad dilectum filium nostrum Lodoicum regem veniret et hanc causam ei per ordinem recitaret. Et mandavimus illi, ut tempore oportuno illuc veniens et vos in eius presentiam venientes, hordinare faciat, quomodo aut qualiter ipsi Ispani vivere debeant.

Propterea has litteras fieri praecepimus atque demandamus, ut neque vos neque iuniores vestri memoratos Ispanos nostros, qui ad nostram fiduciam de Ispania venientes, per nostram datam licentiam erema loca sibi ad laborandum propriserant et laboratas habere videntur, nullum censum superponere praesumatis neque ad proprium facere permittatis; quoad usque illi fideles nobis aut filii nostris fuerunt, quod per triginta annos abuerint per aprisionem, quieti possideant et illi et posteritas eorum et vos conservare debeatis. Et quicquid contra iustitiam eis vos aut iuniores vestri factum habetis aut si aliquid eis iniuste abstulistis, omnia in loco restituere faciatis, sicuti gratiam Dei et nostram vultis habere propitiam.

Et ut certius credatis, de anulo nostro subter sigillari iussimus. Guidbertus

side as well as from your subordinates (*iuniores*). They say that some villagers—one for each other—testify that our fiscal land is part of their possession, unlawfully driving them [the *Ispani*] from it and thus nullifying our right of granting land (*vestituram*), which we have exercised for thirty years or more, while they [the *Ispani*] wrest [land] from the wasteland with our explicit permission. They also claim that you have taken from them some landed estates which they have worked on themselves, and have imposed levies (*beboranias*)¹ upon them, and have placed functionaries (*saiones*)² over them who exact levies from them with all their might.

For this reason, we have commanded our envoy, Archbishop John, to visit our beloved son, King Louis, and by this order to describe this case to him. And we have ordered him to come thither at a suitable time, and you to come into his presence, that he may set forth clearly in what manner and how these Spaniards shall live.

Therefore we have ordered these letters to be issued, and expect that neither you nor your subjects will dare to impose any tax on our aforesaid Spaniards, who have come from Spain under our care (*ad nostram fiduciam*), and seem to have appropriated and worked desolate lands with our given permission, nor permit their possessions to be seized. For since they have hitherto proved loyal to us and to our sons, they and their posterity shall possess in tranquillity what they have appropriated for thirty years under an *aprisio*, which you are to preserve. Whatever you or your subjects have done to them against the law, or if you have taken anything from them unlawfully, you shall restore it all to its place, if you wish to enjoy the grace of God and our goodwill.

And that you may acknowledge this as certain, we have given the command to

¹ Dahn, *Könige der Germanen*, p. 44, translates *beboranias* as “Finanz- und Naturalleistungen,” i.e. payments of money or in kind. Depreux, *Préceptes*, p. 31, translates both terms (*beboranias et saiones*) as “agents.” For the term, see <http://ducange.enc.sorbonne.fr/BEBORANIA>.

² Here, we are dealing with functionaries of subordinate rank whose task included tax collection. For further literature on the term, see Depreux, *Préceptes*, p. 31 n. 103. For the term, see <http://ducange.enc.sorbonne.fr/SAIONES>.

diaconus ad vicem Ercambaldi recognovit. Data IV. Nonas Aprili anno Christo propicio imperii nostri XII, regni vero in Francia XLIV. atque XXXVIII in Italia, indictione quinta. Actum Aquisgrani palacio regio in Dei nomine feliciter. Amen.

imprint our seal below with our ring. The deacon Guidbertus has countersigned in place of Ercambaldus. Given on the 4th nones of April in the 12th year of our reign as emperor, favoured by Christ, the 54th year of our reign in the Frankish kingdom, and our 38th in Italy, in the 5th indiction. Issued in the royal palace at Aachen, happily in the name of God. Amen.

Authorship & Work

[§1] The document cited is a decree (*praeceptum*)³ issued on 2 April 812 by Charlemagne—king since 769 and sole king of the Franks (*rex Francorum*) since 771, king of the Lombards (*rex Langobardorum*) since 774, and emperor of the Romans (*imperator Romanorum*) since 800. The instruction is addressed to a group of counts (*comites*) in the southwest of the Frankish realm. The *Praeceptum* does not define exactly in which regions these counts exercised rule. However, prosopographical studies by Philippe Depreux allow us to locate them roughly in the vicinity of the cities of Barcelona, Girona, Ampurias, Carcassonne, Narbonne, and Arles, i.e. in regions also known as the “Spanish March,” Septimania, and Provence.⁴ It is obvious that these *comites* had aroused the king’s anger.

Content & Context

[§2] The document was written in reaction to the complaint of a group of forty-two *Hispani* who had appealed to the emperor because of unjust treatment by the named counts (*comites*), their subordinates (*iuniores*), and local villagers (*pagenses*). The *Praeceptum* shows that these *Hispani* had left their Iberian places of origin about thirty years ago, i.e. in the early 780s, and settled in the Frankish realm. Xavier Gillard and Philippe Sénac assume the existence of a group of immigrants that, in addition to the forty-two petitioners, also included their families and subordinates, i.e. around one or two hundred people in total.⁵ Neither do we know their concrete areas of origin, nor where they settled in the Frankish realm. In 795, Charlemagne had assigned possessions in Narbonne to a certain John from the *pagus* of Barcelona, still under Muslim control at that time, as a reward for his fight against “the heretical or infidel Saracens” (*ereticos sive Saracenos infideles*). Consequently, it seems possible that the aforementioned *Hispani* were assigned settlement areas both in the recently conquered Frankish territories on the Iberian Peninsula as well as in Septimania and the western Provence.⁶

³ On the form of the document, see Depreux, *Préceptes*, pp. 21–22.

⁴ Depreux, *Prosopographie*, § 17, pp. 87–88 (Ademarus), § 44, pp. 129–130 (Beranus), § 89, p. 188 (Ermengarius), § 119, pp. 216–217 (Gisclafredus), § 187, p. 292 (Laibolfus), § 207, p. 338 (Odilo). There is no information about Gauscelinus and Erlinus. Beranus, however, was first *comes* of an unknown place and took part in several expeditions against Tortosa from 804 onwards. He was appointed *comes* of Barcelona by Charlemagne at an unknown time, where he is documented around 820. A localization of Gisclafredus around Carcassonne remains uncertain. Odilo has been identified rather speculatively as count of Girona. Ermengarius can be securely identified as *comes* of Ampurias. Although well documented in the context of his participation in the campaigns against Tortosa, Ademarus can only be speculatively assigned to the city of Narbonne. Laibolfus can be traced in the context of the battle for Barcelona and later for Arles, but cannot be assigned to a specific county.

⁵ Gillard and Sénac, *Hispani*, p. 167.

⁶ *Urkunden der Karolinger*, ed. Mühlbacher (MGH DD, *Diplomata Karolorum* 1), vol. 1, diploma 179, pp. 241–242. Cf. Gillard and Sénac, *Hispani*, pp. 165–166, 167. Lewis, *Development*, p. 70, assumes a gradual geographical

[§3] In the 780s, Charlemagne had permitted the *Hispani* to settle on uncultivated wasteland in the southwest of the Frankish realm and to appropriate it as their hereditary possession through cultivation over the course of thirty years. This process of occupying, cultivating, and formally appropriating tracts of land is referred to in the *Praeceptum* as *aprisio*.⁷ From Charlemagne's perspective, the immigrants had proved to be quiet and loyal subjects over the last thirty years. Not long ago, however, they had come under pressure from the counts, their subordinates, and the rural population (*pagenses*). The *Praeceptum* exhorts the counts (*comites*) to keep the landed property of the Hispanic immigrants intact and prohibits them from levying their own taxes on it. It also calls on them to reverse any dispossessions or even expulsions that have already been carried out.

[§4] Their good relationship with the ruler may have made it easier for the *Hispani* to inform the king of the injustice they had suffered. The place of issue of the *Praeceptum* in Aachen and the wording *ad nos venientes* do not automatically imply that a meeting of the forty-two named *Hispani* with the emperor took place in Aachen.⁸ The decree may have been issued only after a meeting with the emperor that took place outside Aachen. However, two years before his death (814), Charlemagne no longer travelled around as much as in earlier years. For this reason, it seems conceivable that the group of petitioners presented themselves in Aachen and had the *praeceptum* issued there.⁹ One should also consider whether the wording *ad nos venientes* merely implies that the Emperor was addressed by a representative of the group of petitioners or even in writing. The implementation of the imperial provisions, in turn, was to be guaranteed by the intervention of a royal messenger (*missus*), Archbishop John of Arles (sed. c. 811–819), then of Charlemagne's son Louis, at this time still subking of Aquitaine.

Contextualization, Analysis & Interpretation

[§5] The *Praeceptum* of 2 April 812 can only be understood against the backdrop of various developments in and around the Frankish–Umayyad border zone during the preceding one hundred years. Muslim raids into Frankish territory had culminated in the well-known battle of Tours and Poitiers and led to around four decades of Muslim rule in Narbonne (c. 719–759), only terminated by Charlemagne's father Pippin (r. 751/752–768) in 759.¹⁰ Carolingian expansion into the Iberian Peninsula had already begun under Pippin who, according to Frankish sources, was offered the cities of Barcelona and Girona by their Muslim governor in 752.¹¹ Starting with Charlemagne's intervention on the Iberian Peninsula in 778, Carolingian forces began seizing territories in the northeast of the Iberian Peninsula, thus creating a

shift of land grants in the form of *aprisiones* from Frankish Septimania to Frankish Catalonia, correlating with the Carolingian expansion of rule.

⁷ On this term, or form of land seizure, see Jarrett, *Settling the King's Lands*, pp. 320–342; Lewis, *Development*, pp. 70–72. For its placement in the discussion of feudalism and fiefdom, see Reynolds, *Fiefs and Vassals*, pp. 109–111. Lewis, *Development*, pp. 17–19, argues that these were not war-ravaged areas because military action in this region was always short-term and generally limited to particular areas of the southwest at a time. Thus, military campaigns would not have caused widespread devastation. He thus explains the abundance of wasteland as a result less intensive land use. Based on the research of Higounet, *L'Occupation*, pp. 301–330, on the use of agricultural land by the monastery of Moissac, he claims that the cultivation of land by *aprisio* only concerned land that had already been cultivated but had been abandoned again.

⁸ Depreux, *Prosopographie*, however, assumes this in connection with the entries for the *comites* mentioned above.

⁹ Gauert, *Itinerar*, p. 17: "Nach 806 hat er es [Aachen] nur noch aus aktuellem Anlaß und zur gewohnten Jagd in den Ardennen verlassen."

¹⁰ Kalkbrenner, 719–759: *Das Chronicon Anianense*.

¹¹ *Annales Mettenses priores*, ed. von Simson (MGH SS rer. Germ. 10), a. 752, p. 43.

Carolingian-dominated buffer zone around the city of Barcelona, conquered by Frankish forces in 801. This laid the foundation for what would later become Catalonia.¹²

[§6] In 777, two Muslim dissidents—Ibn al-A‘rābī and Ibn Yūsuf—had visited Charlemagne in Paderborn. According to Frankish and Arabic sources, they encouraged the Frankish king to intervene in the region beyond the Pyrenees,¹³ which, at this time, suffered from unstable conditions. Among other things, this instability resulted from the fact that Umayyad Córdoba temporarily lost its grasp on the northern periphery upon the accession of Hišām I (r. 172–180/788–796) who had to assert himself against his brothers Sulaymān and ‘Abd Allāh.¹⁴ When Charlemagne crossed the Pyrenees in 778 with troops from various parts of his realm, he received hostages from the Muslim rulers of Zaragoza. After having been drawn into battles with the non-Muslim Basques and Navarrese, the campaign ultimately resulted in Charlemagne’s destruction of Pamplona. On his return, his army was routed by Basque groups.¹⁵

[§7] However, this did not end Carolingian interest in this region, especially since Charlemagne’s advance into the north-east of the Iberian Peninsula did not put an end to Muslim raids: in 793, another Muslim intrusion into Septimania took place from al-Andalus. Again, Carolingian connections to dissidents from the border zone came into play: allegedly, the Muslim ruler of Barcelona offered to submit to Charlemagne in 797. In the same year, Charlemagne received a certain ‘Abdallāh, brother of the recently deceased Emir Hišām and uncle of the ruling emir al-Ḥakam I. (r. 180–206/796–822) in Aachen. Under Charlemagne’s son Louis, subking of Aquitaine since 781 and of age since 791, several campaigns advanced the Carolingian push to the southwest. Huesca and Zaragoza repeatedly promised their subordination, for example in 799 and 809. However, they managed to preserve a certain degree of independence from the Carolingian *comes* Aureolus and his successors under the leadership of ‘Amrūs b. Yūsuf or Amoroz, a Muslim with Christian roots (*muwallad*),¹⁶ who had been appointed governor in the border zone by the emir of Córdoba. Barcelona and Tortosa, in turn, were brought under Carolingian rule in 801 and 811 respectively.¹⁷ In the same period, naval battles were fought over the islands of Corsica and Sardinia in the western Mediterranean. In 799, 807, and 813 Carolingian naval units clashed with fleets defined as “Moorish,” whose exact affiliation to the Muslim centres of rule in North Africa or on the Iberian Peninsula remains unclear.¹⁸ The peace treaty that Charlemagne concluded in 812 with the Umayyad emir of Córdoba, al-Ḥakam I, probably reacted to these disputes on land and sea. It may have served

¹² On this topic, see Sénac, *Carolingiens et al-Andalus*, pp. 13–85, with a chronological table on pp. 145–146. On the detachment of Catalonia from the Carolingian orbit, see Zimmermann, *Datation*, pp. 345–375; Zimmermann, *Origine*, pp. 237–255.

¹³ *Annales Regni Francorum / Annales qui dicuntur Einhardi*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 777–778, pp. 48–51; *Aḥbār maġmū‘a*, ed./transl. Lafuente y Alcántara, pp. 112–113 (AR), p. 103 (ES).

¹⁴ Dunlop, Hishām I.

¹⁵ On the events of 777–778, see *Annales Regni Francorum / Annales qui dicuntur Einhardi*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), pp. 48–51; *Annales Mettenses priores*, ed. by Simson (MGH SS rer. Germ. 10), ad 778, pp. 66–67. On the perspective of Arabic-Islamic sources, see König, *Arabic-Islamic Views*, pp. 192–194; Schilling, *Charlemagne*, pp. 201–221. On the events, see Sénac, *Carolingiens et al-Andalus*, pp. 51–70; Collins, *Arab Conquest*, pp. 210–217. On Pamplona, see Leroy, *Pamplona*, col. 1649; Lévi-Provençal and Huici Miranda, *Banbalūna*, pp. 1011–1012. The city was briefly brought under Muslim control in 121/739 under governor ‘Uqba b. al-Ḥaġġādī, who, however, was driven out by a Basque rebellion before the Franks destroyed the city.

¹⁶ On ‘Amrūs b. Yūsuf, see Collins, *Caliphs and Kings*, pp. 32–34, 217–218.

¹⁷ *Annales Regni Francorum / Annales qui dicuntur Einhardi*, ed. Kurze (MGH SS rer. Germ. in us. schol. 6), pp. 94–135.

¹⁸ *Annales Regni Francorum / Annales qui dicuntur Einhardi*, ed. Kurze (MGH SS rer. Germ. in us. schol. 6), pp. 94–139; Guichard, *Débuts*, pp. 55–76.

to secure territorial gains in the so-called Spanish March and to withdraw official legitimacy from the maritime disputes on the part of Córdoba.¹⁹

[§8] The immigration of Hispanic refugees into Frankish-controlled territory in the 780s, which became the occasion for issuing the *Praeceptum* in 812 some thirty years later, must be interpreted against the backdrop of these turbulences in the Umayyad–Frankish border zone.

[§9] An onomastic analysis of the *Praeceptum* provides insight into the composition of the migration group. The forty-two petitioners mentioned by name in the *Praeceptum* include a presbyter at the beginning and at the end of the list. Some names seem to refer to particular functions or character traits, e.g. Castellanus [“castellan”] and Rebellis [“rebellious”]. Others have particular linguistic, ethnic, and religious connotations: some names are clearly Latin, e.g. Amabilis and Simplicius, and appear alongside the names of Christian saints well known in the Frankish realm, such as Martinus, Stephanus, and Iohannis—the latter possibly the recipient of the document issued by Charlemagne in 795 for an eponymous man from Barcelona.²⁰ The accumulation of theophoric names—these include Homodei [“Man of God”], Esperandei [“Hoping for God” (?)] and Christianus [“Christian”]—is striking. It seems worth considering whether they were possibly borne by converts to Christianity. In some names, one can recognize early forms of names characteristic of the later Ibero-Romance sphere, such as Gomis [“Gómez” < *comes*?]. Others can be clearly classified as Visigothic because they were borne, among others, by earlier Visigothic kings, e.g. Egila, Witericus, possibly also Quintila [cf. Chintila]. Some names seem to be of Frankish origin, such as Elpericus [cf. Chilperic]. Wasco, in turn, points to the Basques, to whom a certain Asinarius may also belong, if one wants to identify him as the Basque *comes* Aznár Galindez of Aragon.²¹ A certain Cazerellus is called a Longobard (*Longobardus*). The name Ati[l]la is usually associated with the Huns.

[§10] Most interesting, however, are names that could identify the bearer as a person of (former?) Islamic religious affiliation, as Xavier Gillard and Philippe Sénac have already noted. These include the names Maurus, Zoleiman, and Zate. Maurus is also used in early medieval Latin sources for non-Romanized North African Berbers. Zoleiman refers to Sulaymān, the Arabic variant of the Jewish royal name Solomon. In the list, the name Solomon is also borne in its usual Latin version (*Solomo*) by another person and can thus be clearly contrasted with the Arabic variant of the name (*Zoleiman*). Zate, in turn, is interpreted by Xavier Gillard and Philippe Sénac as referring to the Arabic name Sa‘dūn and equated with the Latin variants Zadun, Zaton, etc. in other sources.²² In this region, persons names Sa‘dūn appear several times in the late eighth and early ninth centuries: as regards Arabic sources, the historical work of Ibn Ḥayyān (d. 469/1076) mentions a certain Sa‘dūn al-Ru‘aynī as the emir (*amīr*) of Barcelona in the period of its conquest by the Franks, but provides no details on how this Sa‘dūn’s interacted with the Carolingians.²³ The *Annales Regni Francorum* report that a certain Zaton, “prefect” of the city of Barcelona, came to Charlemagne’s palace and handed the city over to him in the

¹⁹ *Annales Regni Francorum*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 812, p. 137: “Pax cum Abulaz rege Sarracenorum facta.” In Arabic sources, the peace treaty is mentioned by Ibn Ḥayyān (d. 469/1076), who, however, dates it shortly before the death of Charlemagne, which he erroneously assigns to the year 191/806. According to Ibn Ḥayyān, the peace treaty aimed at securing the western Mediterranean from the rising Idrisids in North Africa. See König, *Arabic-Islamic Views*, p. 193; Guichard, *Débuts*, pp. 65–66; Sénac, *Carolingiens et al-Andalus*, p. 76.

²⁰ Without providing evidence, Barbero, *Integración*, p. 71, identifies this John with the John from the pagus of Barcelona mentioned in the diploma of 795. See above footnote 6.

²¹ Barbero, *Integración*, pp. 71–72; Gillard and Sénac, *Hispani*, p. 168; cf. Depreux, *Prosopographie*, p. 416.

²² Gillard and Sénac, *Hispani*, p. 168.

²³ Ibn Ḥayyān, *Al-Sifr al-tānī min kitāb al-muqtabis [al-Muqtabis II–I]*, ed. Makkī, fol. 95b, AH 185 / AD 801, p. 117.

year 797.²⁴ Louis's biographer, the so-called Astronomus, claims that a certain Zaddo *dux* received Louis near Barcelona around 800, but did not hand the city over to him.²⁵ According to the Astronomus, Zaddo was persuaded to set out for Narbonne, where he was captured and led first before Louis, then before Charlemagne.²⁶ In his panegyric on Louis the Pious, Ermoldus Nigellus refers to a certain Zadun as the "Moorish" ruler of Barcelona, when it was conquered by the Franks in 801.²⁷ According to Ermoldus, however, Zadun was captured during the conquest²⁸ and then brought before the emperor.²⁹ The *Annales Regni Francorum* claim additionally that Zatum was sent into exile by the emperor in 801.³⁰ Against this backdrop and apart from the contradictions in these sources,³¹ it seems questionable whether the ousted governor of Barcelona formed part of the immigrant group mentioned in the *Praeceptum* of 812. To Xavier Gillard and Philippe Sénac, however, it seems entirely possible that a group of Muslims, including Sa' dūn, opted to defect to the Frankish side after the fall of Barcelona. They justify their identification of Sa' dūn with the man named "Zate" in the *Praeceptum* because the latter is mentioned in connection with *militeis* [*sic*]—to be read as *milites* or *milites eius*, i.e. a military entourage—which would suggest that Zate held some kind of military-administrative authority.³² Given that Charlemagne repeatedly received Muslim dissidents from the border zone in Paderborn and even a dissident member of the Umayyad court in Aachen between the late 770s and the end of the eighth century, a defection on the part of Zate/Sa' dūn does not seem completely implausible.³³

[§11] Despite all doubts about the possibility of identifying Zate with the former Muslim governor of Barcelona, it is important to note that the *Hispani* mentioned in the *Praeceptum* did not represent a homogeneous group, but consisted of people of different ethnic and probably also of different religious origin. Theodulf of Orléans (d. 821), Charlemagne's close advisor, the bishop Agobard of Lyon (d. 840), and the historiographer Prudentius of Troyes (d. 861), among others, are also counted among such immigrants, even though we have no concrete evidence when and from where they immigrated to territories under Frankish rule.³⁴

[§12] All this prompts the question what motivated these immigrants to turn to the Frankish realm. Previous research has generally assumed that the immigrants were driven by the desire to escape from Muslim rule, which it defined as hostile to Christians.³⁵ This motive, however,

²⁴ *Annales Regni Francorum*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 797, p. 100: "Barcinona civitas Hispaniae, quae iam pridem a nobis desciverat, per Zatum praefectum ipsius nobis est reddita. Nam ipse ad palatium veniens domno regi semetipsum cum civitate commendavit."

²⁵ Astronomus, *Vita Hludowici imperatoris*, ed./trans. Ernst Tremp (MGH SS rer. Germ. in us. schol. 64), Hanover: Hahn, 1995, cap. 10, p. 310: "Cui Barcinnone adpropianti Zaddo dux eiusdem civitatis iamque subiectus occurrit, nec tamen civitatem dedit."

²⁶ Astronomus, *Vita Hludowici imperatoris*, ed./trans. Tremp (MGH SS rer. Germ. in us. schol. 64), cap. 13, pp. 312–314.

²⁷ Ermoldus Nigellus, *Carmen in honorem Ludovici Pii*, ed. Dümmmler (MGH Poetae latini carolini aevi 2), v. 315, p. 15: "princeps urbis erat Maurus, cognomine Zadun;" *ibid.*, v. 377, p. 17.

²⁸ Ermoldus, *Carmen*, ed. Dümmmler (MGH Poetae latini carolini aevi 2), v. 471 and 495, p. 20.

²⁹ Ermoldus, *Carmen*, ed. Dümmmler (MGH Poetae latini carolini aevi 2), v. 554, p. 22.

³⁰ *Annales Regni Francorum*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 801, p. 116: "Zatum et Roselmus una die ad praesentiam imperatoris deducti et exilio dampnati sunt."

³¹ Mohr, *Wissen über die Anderen*, p. 168.

³² Gillard and Sénac, *Hispani*, p. 168: "Rien ne permet de savoir s'il [i.e. Zaddo] passa dans les rangs des chrétiens après la chute de la ville mais le mot milites auquel son nom est accolé conduit à supposer que d'autres musulmans se rangèrent du côté des chrétiens. Le fait ne doit pas surprendre dans la mesure où, selon les *Annales Regni Francorum*, ce Zatum avait déjà tenté en 797 un rapprochement avec le roi Charles."

³³ Sénac, *Carolingiens*, pp. 52–53, 66; König, *Arabic-Islamic Views*, p. 193.

³⁴ Brunhölzl, *Geschichte der lateinischen Literatur*, vol. 1, p. 288 (Theodulf), p. 415 (Agobard); Girgensohn, *Prudentius und die Bertinianischen Annalen*, p. 1.

³⁵ Lewis, *Development*, p. 70, speaks of territories "liberated from the Muslim yoke;" Gillard and Sénac, *Hispani*, p. 166, emphasize "que c'est le contexte politique et militaire qui détermina le rythme de la migration," but assume without evidence that the immigrants consisted of groups that refused to live under Muslim rule ("refusant la

is only formulated from 815 onwards in the decrees of Louis the Pious (815, 816) and, above all, Charles the Bald (844),³⁶ as Philippe Depreux has already pointed out.³⁷ The *Praeceptum* of 812 neither mentions Muslim oppression and resulting pressure to emigrate, nor any other explicit motive. Charlemagne merely speaks of “our Hispani who have come from Spain into our trust (*fiduciam*).”³⁸ He refrains from presenting them as former subjects to Muslim rule and from describing their former living conditions. By assuming that the motivation mentioned from 815 onwards is responsible for migratory waves from the Iberian Peninsula to the Frankish realm throughout the period from the 780s to the 840s, previous research has conjured up the image of a Christian mass exodus from a region marked by religious oppression. Nuances are only formulated by Xavier Gillard and Philippe Sénac: they point to the fact that the migration referred to in the *Praeceptum* took place long after the Arab-Berber invasion of the Iberian Peninsula (711) and the Muslim conquest of the northeastern cities of Zaragoza (714) and Barcelona (715). Moreover, they argue that the buffer zone created by the Carolingians only became attractive as a settlement area when fighting on the Iberian Peninsula shifted to the south after the Frankish takeover of Barcelona (801).³⁹

[§13] In view of the political constellation characteristic of the Frankish–Umayyad border zone, it seems difficult to classify the immigrants who had settled in the Frankish realm in the 780s as refugees from religious persecution. It also seems doubtful whether Christian–Muslim religious antagonism became an increasingly dominant migration incentive from the reign of Charlemagne onwards. The border zone between the Carolingian Frankish realm and Umayyad al-Andalus had been contested for decades. The activities of Umayyad dissidents both forced the Umayyad authorities in Córdoba to pay more attention to regional developments and lured Charlemagne into the area. Rather than restoring peaceful conditions, his campaign led to the destruction of Pamplona. One must therefore ask whether it was not so much Christian–Muslim religious antagonism than the chaotic situation in the Frankish–Umayyad border zone that encouraged various people to leave this area for the Frankish realm.⁴⁰ Representing an expanding imperial sphere, the latter may have become increasingly attractive to groups seeking stable living conditions: this would be supported by Gillard’s and Sénac’s observation that, unlike in the early eighth century, we possess no records of migration movements to other areas such as the Christian north-east and north or the Andalusian south of the Iberian Peninsula for the period after Charlemagne’s intervention on the Iberian Peninsula.⁴¹ We should also ask

domination musulmane”). Similarly, Depreux, *Préceptes*, p. 23, asserts, “Ces Hispani avaient fui la domination de l’émirat d’al-Andalus pour se réfugier sous la tutelle franque, c’est-à-dire sous une tutelle chrétienne.” Without focusing on the Hispanic immigrants, Hen, *Charlemagne’s Jihad*, pp. 33–52, assumes the same motive. Chandler, *Counts*, p. 25, even cites Charlemagne’s alleged document of origin that permitted *Hispani* to acquire land in Septimania around 780. This document speaks of *Hispani* who “e Sarracenorum potestate se subtrahentes nostro dominio libera et prompta voluntate se subdiderunt.” Depreux, *Préceptes*, pp. 23–24, not cited by Chandler, identifies this document as a reconstruction by the editor Ramón d’Abadal i de Vinyals, *Catalunya carolíngia*, p. 412, and refuses to acknowledge the authenticity of the document. D’Abadal writes, p. 408, that he reconstructed this document on the basis of the *Constitutio* issued by Louis the Pious in 815 and the *Praeceptum* issued by Charles the Bald in 844: “Podem concloure, per tant, que hi hagué un capitular originari de Carlemany per als hispans refugiats; que fou promulgat probablement pels volts del 780; que en tenim bona part del text, conservat dintre els capitulars de Lluís el Piadós, de 815, i de Carles el Calb, de 844, que l’aprofitaren copiant-lo; que els capítols 6, 7, 8, 9, i 10 d’aquest darrer formen una unitat procedent d’ell amb gran fidelitat de còpia.”

³⁶ *Constitutio de Hispanis in Francorum regnum profugus prima* (1 Jan. 815), ed. Boretius (MGH Leges, Capitularia regum Francorum 1), no. 132, p. 261; *Constitutio Hludowici de Hispanis secunda* (10 Feb. 816), ed. Boretius (MGH Leges, Capitularia regum Francorum 1), no. 133, p. 263; *Praeceptum pro Hispanis* (11 June 844), ed. Boretius (MGH Leges, Capitularia regum Francorum 2), no. 256, pp. 258–260.

³⁷ Depreux, *Préceptes*, p. 23.

³⁸ *Praeceptum pro Hispanis* (2 April 812), ed. Boretius, n. 76, p. 169: “Ispanos nostros, qui ad nostram fiduciam de Hispania venientes.”

³⁹ Gillard and Sénac, *Hispani*, p. 166; Gibert Rebull, *Quelques notes*, pp. 170–175.

⁴⁰ König, *Charlemagne’s “Jihād,”* p. 23.

⁴¹ Cf. Gillard and Sénac, *Hispani*, pp. 166–167.

ourselves whether the settlement conditions of the *aprisio* promised by Charlemagne in the 780s created additional incentives to immigrate: according to the *Praeceptum*, the Hispanic settlers had received the assurance that the land they had taken possession of would be transferred to hereditary ownership after thirty years. All that was demanded of them in return was that they transform the allotted wasteland into cultivated land and remain loyal to the king and his successors.

[§14] We cannot be sure that Charlemagne's granting of such privileges was motivated by the desire to offer Christian religious refugees from al-Andalus a safe haven in the Frankish realm—especially if we consider that some of the settlers may not have been Christians at all. To understand Charlemagne's motives, we should turn our attention to the rural population (*pagenses*) mentioned in the *Praeceptum*, who claimed ownership of the land cultivated by the *Hispani*. The *Praeceptum* underscores that the land appropriated by the *Hispani* represented royal fiscal land. The king seems to have regarded all uncultivated land in the southwest of the Frankish realm as his own and to have rejected all claims by local inhabitants (*pagenses*) and elites (*comites, iuniores*) to this land. Rather than pursuing a humanitarian agenda of taking in refugees, Charlemagne may have intended to strengthen royal power in the region by populating it with settlers who would prove loyal to the king because of the privileges he had granted to them. Considering the history of Carolingian engagement in the Frankish southwest, this seems rather plausible: Charlemagne's grandfather Charles Martel had begun incorporating this region into the Frankish realm. Charlemagne then attempted to attach it more closely to the royal centre from 781 onwards by establishing the subkingdom of Aquitaine and by appointing his son Louis as subking after his effort to conquer the northwest of the Iberian Peninsula. Against this backdrop, it seems perfectly plausible that the king was interested in demographically reinforcing the population loyal to the king.⁴²

[§15] When Charlemagne issued the *Praeceptum* on 2 April 812, he had either just concluded a peace treaty with the Umayyad emir al-Ḥakam I, also known as Abū l-'Aṣī (*Abulaz*), or was in the process of doing so. Thus, at this time, he was pursuing a policy of détente with Umayyad al-Andalus.⁴³ This may also explain why the topic of Christian–Muslim religious antagonism played no role in the *Praeceptum* yet, but only began to be mentioned and emphasized from the reign of Louis the Pious (r. 814-840) onwards, when the political constellation had changed. Only one year after his accession to power, Louis the Pious abrogated the peace treaty concluded by his father with al-Ḥakam I, possibly because he pursued the plan of securing and expanding the so-called Spanish March, thus transforming it into a bulwark against, perhaps even into a stepping stone to Umayyad al-Andalus.⁴⁴

[§16] It seems imprecise to believe that Charlemagne's intervention on the Iberian Peninsula in 778 generated a wave of Christian immigration from Umayyad al-Andalus into Carolingian territory that was motivated by Christian–Muslim religious antagonism. The desire to live under Christian rather than Muslim rule may have motivated the one or the other migration. It should have become clear, however, that the Frankish–Muslim border zone witnessed chaotic conditions from the 720s onwards,⁴⁵ which were enhanced by the increasingly dominant Carolingian intervention in the region. After several decades of Muslim raiding in Aquitaine and Septimania, the Carolingians began penetrating Muslim-ruled territory beyond the Pyrenees. Initially relying on cooperation with Muslim dissidents, they sought to consolidate the territory, which they had conquered over several decades, as a kind of buffer zone. The

⁴² Chandler, *Court*, p. 27: “the maintenance of royal and imperial power, was at the heart of the *aprisio* grant.”

⁴³ *Annales Regni Francorum*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 812, p. 137: “Pax cum Abulaz rege Sarracenorum facta.”

⁴⁴ See König, 815: *Eine Constitutio*. On Umayyad–Carolingian relations and the image of Islam in the reign of Louis the Pious, see Sénac, *Carolingiens et al-Andalus*, pp. 87–98; Kedar, *Crusade and Mission*, pp. 7–8, 39.

⁴⁵ See König: 731: *Die Chronica muzarabica*.

migration of *Hispani* discussed above has to be placed in this context. The *Hispani* seem to have been attracted by Charlemagne's offer, formulated in the 780s, to occupy royally protected wasteland in the border zone and to make it their property after thirty years. Since we can only reconstruct this offer from a *praeceptum* issued thirty years later,⁴⁶ we can only speculate about what motivated Charlemagne and the *Hispani* in the 780s. We cannot rule out that the desire to live under Christian rather than Muslim rule may have encouraged immigration. It is also clear, however, that the king promised special conditions to those willing to settle in the border zone, probably with the aim of recruiting settlers loyal to the king and thus of strengthening his grasp on a peripheral but strategically relevant region. In any case, the turbulences of the last decades had rendered living conditions in the north-east of the Iberian Peninsula rather insecure. To the *Hispani*, migration to quieter areas and the possibility of receiving a royal *aprisio* grant promised greater physical security and the prospect of securing their material future.

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⁴⁶ Cf. Depreux, *Préceptes*, pp. 23–24, for speculations about the content of this offering and its possible documentation. Chandler, *Counts*, p. 25, assumes the existence of an *aprisio* document from 780 on the basis of a text not recognized as a reconstruction. See footnote 35.

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