

# 815: A Constitutio of Louis the Pious on *Hispani* Settled in the Frankish Realm

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**Abstract:** The *Constitutio de Hispanis prima* is a legislative order issued by Louis the Pious that guaranteed imperial protection and freedom to refugees from Umayyad al-Andalus and regulated their property and legal situation. The article contextualizes the *Constitutio* within a series of similar documents relating to Spanish immigrants in the Frankish-Andalusian border region. The document can be regarded as an expression of an increasingly direct use of power by the Frankish ruler, who wanted to secure the border zone with Muslim al-Andalus by settling a group of migrants who were committed to him.

## Source

*Constitutio de Hispanis in Francorum regnum profugis prima* (1. Jan. 815), ed. Alfredus Boretius (MGH LL Capitularia regum Francorum 1), Hanover: Hahn, 1883, no. 132, pp. 261–263, trans. Daniel G. König.

*In nomine Domini Dei et Salvatoris nostri Iesu Christi. Hludowicus, divina ordinante providentia imperator augustus, omnibus fidelibus sanctae Dei ecclesiae ac nostris, praesentibus scilicet et futuris, partibus Aquitaniae, Septimaniae, Provinciae et Hispaniae consistentibus.*

*Sicut nullius vestrum notitiam effugisse putamus, qualiter aliqui homines propter iniquam oppressionem et crudelissimum iugum, quod eorum cervicibus inimicissima Christianitati gens Sarracenorum imposuit, relictis propriis habitationibus et facultatibus quae ad eos hereditario iure pertinebant de partibus Hispaniae ad nos confugerunt, et in Septimania atque in ea portione Hispaniae quae a nostris marchionibus in solitudinem redacta fuit sese ad habitandum contulerunt, et a Sarracenorum potestate se subtrahentes nostro dominio libera et prompta voluntate se subdiderunt, ita ad omnium vestrum notitiam pervenire volumus, quod eosdem*

In the name of the Lord God and our Saviour, Jesus Christ. Louis, by divine appointment August Emperor, to all present and future faithful of the holy Church of God and of ourselves, established in the regions of Aquitaine, Septimania, Provence and Hispania.

Since we believe that it cannot have escaped your attention in any way that some people, because of the unjust oppression and the brutal yoke imposed on them by the Saracens, the most hostile people to Christianity of all, having abandoned their dwellings and possessions to which they were entitled by hereditary right, fled to us and settled in Septimania or in that part of Hispania, which had been left desolate by our marquises, and, escaping from the power of the Saracens, freely and distinctly submitted themselves to our rule, we wish to send you all word that we determine to leave these people, whom we have taken under our protection and defence, at liberty.

*homines sub protectione et defensione nostra receptos in libertate conservare decrevimus.*

*1. Eo videlicet modo, ut sicut caeteri liberi homines cum comite suo in exercitum pergant, et in marcha nostra iuxta rationabilem eiusdem comitis ordinationem atque admonitionem explorationes et excubias, quod usitato vocabulo wactas dicunt, facere non negligant, et missis nostris aut filii nostri quos pro rerum opportunitate illas in partes miserimus aut legatis qui de partibus Hispaniae ad nos transmissi fuerint paratas faciant et ad subvectionem eorum veredos donent. Alius vero census ab eis neque a comite neque a iunioribus et ministerialibus eius exigatur.*

*2. Ipsi vero pro maioribus causis, sicut sunt homicidia, raptus, incendia, depredationes, membrorum amputationes, furta, latrocinia, alienarum rerum invasiones et undecunque a vicino suo aut criminaliter aut civiliter fuerit accusatus et ad placitum venire iussus, ad comitis sui mallum omnimodis venire non recusent. Ceteras vero minores causas more suo, sicut hactenus fecisse noscuntur, inter se mutuo definire non prohibeantur.*

*3. Et si quispiam eorum in partem quam ille ad habitandum sibi occupaverat alios homines undecunque venientes adtraxerit et secum in portione sua, quam adprisionem vocant, habitare fecerit, utatur illorum servitio absque alicuius contradictione vel impedimento, et liceat illi eos distringere ad iustitias faciendas quales ipsi inter se definire possunt. Cetera vero iudicia, id est criminales actiones, ad examen comitis reserventur.*

(1) In this way [we decree] that they, as well as the other freemen, shall go with their *comes* to the army, and shall not neglect in our March (*marcha*), in response to a proper order and summons from their count (*comes*), to perform reconnaissance services (*explorationes*) and guard services (*excubias*), commonly called *wactae*, moreover, to offer supplies to our or our son's messengers, whom we have sent to those regions at this occasion, and to provide them with horses for transport, finally also to offer provisions to the legates who have been sent to us from the territories of Hispania, and to provide them with horses for transport. But no other tax may be demanded of them, either on the part of the count (*a comite*), or on the part of his subordinates (*a iunioribus*) or servants (*a ministerialibus*).

(2) The same shall not refuse in any way to come to the public hearing (*mallum*) of their count in major legal cases, such as homicide, robbery or kidnapping (*raptus*), arson, plunder, amputation of limbs, theft, highway robbery, appropriation of other people's property, and when one of them has been accused somewhere by his neighbor in a criminal or civil matter and has been ordered to appear in court. Let them not, however, be forbidden to settle the other minor legal cases in their own way and among themselves, as they are known to have done hitherto.

(3) If any of them has brought other people coming from anywhere to the territory which he has occupied for the purpose of settlement and has let them dwell with him on his share, which they call *adprisio*, then he may benefit from their service without any challenge or hindrance. He is also permitted to call them to those matters of jurisdiction which they may settle among themselves. All other legal cases, however,

4. *Et si aliquis ex his hominibus qui ab eorum aliquo adtractus est et in sua portione conlocatus locum reliquerit, locus tamen qui relictus est a dominio illius qui eum prius tenebat non recedat.*

5. *Quod si illi propter lenitatem et mansuetudinem comitis sui eidem comiti honoris et obsequii gratia quippiam de rebus suis exhibuerint, non hoc eis pro tributo vel censu aliquo computetur, aut comes ille vel successores eius hoc in consuetudinem praesumant, neque eos sibi vel hominibus suis aut mansionaticos parare aut veredos dare aut ullum censum vel tributum aut obsequium, praeter id quod iam superius comprehensum est, praestare cogant. Sed liceat tam istis Hispanis, qui praesenti tempore in praedictis locis resident, quam his qui adhuc ad nostram fidem de iniquorum potestate fugiendo confluerint et in desertis atque in incultis locis per nostram vel comitis nostri licentiam consedentes aedificia fecerint et agros incoluerint, iuxta supradictum modum sub nostra defensione atque protectione in libertate residere, et nobis ea quae superius diximus tam cum comite suo quam cum missis eius pro temporum opportunitate alacriter atque fideliter exhibere.*

6. *Noverint tamen iidem Hispani sibi licentiam a nobis esse concessam, ut se in vassaticum comitibus nostris more solito commendent; et si beneficium aliquod quisquam eorum ab eo cui se commendavit fuerit consecutus, sciat se de illo tale obsequium seniori suo exhibere debere, quale nostrates homines de simili beneficio senioribus suis exhibere solent.*

7. *Idcirco has nostrae auctoritatis litteras eis dare decrevimus, per quas decernimus atque iubemus ut haec nostrae liberalitatis et mansuetudinis constitutio erga illos*

i.e. criminal matters, are reserved for review by the count (*comes*).

(4) If one of these people, who has been taken somewhere by them, and, having been settled in his territory, leaves that place, the place that has been left will not be taken away from the possession (*dominio*) of the one who held it before.

(5) If, on account of the clemency and gentleness of their count, these [people] offer any of their things to that count, for reasons of honour or homage, this shall not be imputed to them as a form of tribute or tax, which that count or his successors shall deem a customary right (*consuetudinem*); nor shall they compel them to provide him or his people with lodgings (*mansionaticos*) or to give them horses, or to pay any tax, tribute, or tribute of homage (*obsequium*). However, these *Hispani*, both those who are presently living in the places mentioned and those who, fleeing from the power of the unjust, have so far flocked to our trust (*fidem*) and, with our permission or that of our count, have settled in the desolate and uncultivated places, erecting buildings and tilling fields there, are permitted to live in freedom in the manner mentioned above, under our defense and protection, and to give us what we have said above, both with their count and with his messenger, at the due time, resolutely and faithfully.

(6) These *Hispani* shall know that they have been permitted by us to surrender themselves in the usual manner into a vassalage relationship with our counts; and if any of them has then been shown any benefit (*beneficium*) by the one to whom he has surrendered, let him know that he is required to show such form of homage (*obsequium*) to his lord as our people are wont to show to their lords for a comparable benefit (*beneficio*).

(7) Wherefore we have determined to give them these evidences of our sovereign action (*auctoritatis*), by means of which we have decreed and commanded that this

*tenore perpetuo ab omnibus fidelibus sanctae Dei ecclesiae et nostris inviolabiliter conservetur. Cuius constitutionis in unaquaque civitate ubi praedicti Hispani habitare noscuntur, tres descriptiones esse volumus: unam quam episcopus ipsius civitatis habeat, et alteram quam comes, et tertiam ipsi Hispani qui in eodem loco conversantur. Exemplar vero earum in archivo palatii nostri censuimus reponendum, ut ex illius inspectione, si quando, ut fieri solet, aut ipsi se reclamaverint aut comes vel quislibet alter contra eos causam habuerit, definitio litis fieri possit.*

*Hanc quippe constitutionem, ut per diuturna tempora a fidelibus sanctae Dei ecclesiae et nostris et verius credatur et diligentius conservetur, manu propria subscripsimus et anuli nostri impressione signari iussimus. Signum Domni Hludowici serenissimi Imperatoris. Durandus diaconus ad vicem Helisachar recognovit. Datum Kalendas Ianuarias, anno Christo propitio primo imperii Domni Hludowici piissimi Augusti, Indictione VIII. Actum Aquisgrani palatio regio in Dei nomine feliciter. Amen.*

ordinance (*constitutio*) of our bounty and clemency towards them shall be preserved intact in perpetuity by all the faithful of the Holy Church of God and of ourselves. We desire to have three copies (*descriptiones*) of this ordinance in every city where the said *Hispani* are known to live: one to be held by the bishop of that city, another by the count, and a third by the *Hispani* who sojourn in that place. We further decree that one copy be deposited in the archives of our palace, so that by means of its investigative reading (*inspectione*) a legal dispute may be decided if, as is wont to happen, either they should complain or the count or anyone else should have a charge against them (*contra eos causam*).

In order that this *Constitutio* may be held true and carefully preserved at all times by the faithful of the Holy Church of God and by ourselves, we have signed it with our own hands and had it sealed by the imprint of our ring. Sign of the Lord Louis, the Illustrious Emperor. Deacon Durandus has countersigned in place of Helisachar. Given in the Kalends of January, in the first year, preferred by Christ, of the imperial reign of the Lord Louis, the most pious Augustus. eighth indiction. Issued in the royal palace of Aachen, felicitous in the name of God. Amen.

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## Authorship & Work

[§1] Louis the Pious is considered to be the author of the *Constitutio* quoted here. His father Charlemagne (r. 768–814 as King of the Franks, r. 774–814 as King of the Langobards, r. 800–814 as Emperor of the Romans) appointed him king of Aquitaine in 781 when Louis was still a minor. After he came of age in 791, Louis took care to shape the ecclesiastical organisation of the region and to secure and territorially expand the territories his father had acquired in the Spanish campaign of 778. In this context, he conquered Barcelona (801) and Tortosa (811), among other places.<sup>1</sup> At the death of his brothers, he was elevated to co-emperor in September 813 and then assumed full rule after the death of Charlemagne (814). By dismissing his father's advisers, Louis demonstrated from the beginning that he envisaged a new programme of government, which found expression in the formula *Renovatio imperii Francorum*. Against this backdrop it becomes clear he regulated his succession relatively quickly and comprehensively in the so-called *Ordinatio imperii* (817). This decree aimed at preserving the unity of the empire, whose continuity it was to guarantee through a hierarchised division of the empire

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<sup>1</sup> Boshof, *Ludwig der Fromme*, pp. 19–82.

among Louis's sons.<sup>2</sup> In this context, the unity of the empire (*unitas imperii*) was understood as a correlate to the unity of the Church (*unitas ecclesiae*). The strong Christian influence that characterises the reign of Louis the Pious is expressed, among other things, in the monastic reform he carried out in collaboration with Benedict of Aniane<sup>3</sup> as well as in his efforts to spread Christianity among the Danes.<sup>4</sup> When Louis decided in 829 to secure an inheritance for his son Charles ("the Bald"), born by a new wife, and consequently changed the provisions of the *Ordinatio imperii* issued in 817, the realm plunged into a massive conflict. It produced shifting alliances between the father and his sons, was also fought out by military means, and ultimately lasted until Louis's death in 840.<sup>5</sup>

[§2] The *Constitutio* cited here was issued by Louis one year after the beginning of his reign, at a time when he was still pursuing ambitious plans to secure and enlarge the empire. This is also reflected in this document. A second *Constitutio* followed in 816. Then, however, Louis turned his attention to other things. From the birth of his son, Charles "the Bald," in 823 onward, Louis was increasingly involved in the aforementioned conflict with his sons, to the effect that he became less and less able to attend to the concerns of the empire and its southwestern regions.

## Content & Context

[§3] The *Constitutio de Hispanis prima*<sup>6</sup>, issued by Louis the Pious on 1 January 815, is addressed to all the faithful (*fideles*) of the Church and the king in the regions of Aquitaine, Septimania, Provence, and Hispania. The *narratio* reports on people from Spain who had escaped the oppression of the Saracens hostile to Christianity (*iniquam oppressionem et crudelissimum iugum, quod eorum cervicibus inimicissima Christianitati gens Sarracenorum imposuit*) and had settled in Septimania and in those parts of Spain left desolate (*in solitudinem*) by the king's marquises (*a nostribus marchionibus*).

[§4] (§1) These people, who submitted to the Emperor of their own free will, are guaranteed imperial protection (*protectio, defensio*) and freedom (*libertas*). In return, they are also subjected to services due to the emperor. They are to serve as spies and guards under their own count (*comes*) and to provide the imperial messengers (*missi*) with food and horses. Apart from these duties to the emperor, neither the local count nor his subordinates (*iuniores, ministeriales*) may make any further demands on them. (§2) The document also serves to regulate jurisdiction in this region. In cases of criminal jurisdiction, all are required to appear before the *comes* responsible for the jurisdiction. Minor problems, however, the *Hispani* may settle among themselves (*inter se mutuo definire non prohibeantur*). (§3) Further details are clarified. If, for example, a land taker should bring additional people from somewhere (*undecunqve venientes*) and settle them on the appropriated land, he has jurisdiction over them in minor matters. (§4) He shall also retain the land later if the people he has employed should leave again. (§5) The settlers who have fled from unjust rule (*de iniquorum potestate fugiendo*) are allowed to make gifts to the responsible count. However, these gifts may not degenerate into a tax, since the settlers are only obliged to perform the services described at the beginning. (§6) They can enter into a vassal relationship with the *comes* in the usual manner (*in vassaticum [...] commendent*). In this way they receive a *beneficium*, which they are obliged to reciprocate. (§7) In order to make the listed rights and duties known to all *Hispani*, Louis the Pious orders three copies of the *Constitutio* to be deposited in the cities known to be inhabited by *Hispani* (*in unaquaque*

<sup>2</sup> Boshof, *Ludwig der Fromme*, pp. 129–135.

<sup>3</sup> Boshof, *Ludwig der Fromme*, pp. 39–49.

<sup>4</sup> Leppin, *Geschichte*, pp. 168–170.

<sup>5</sup> Boshof, *Ludwig der Fromme*, pp. 178–254; Fleckenstein, *Ludwig*, cols 2171–2172.

<sup>6</sup> *Constitutio de Hispanis prima* (1 Jan. 815), ed. Boretius (MGH Leges, Capitularia regum Francorum 1), no. 132, pp. 261–263.

*civitate ubi praedicti Hispani habitare noscuntur*). One copy was to go to the bishop of the city, one to the responsible *comes*, one to the *Hispani* themselves. Finally, one copy was to be kept in the royal archives (*in archivo palatii nostri*).

[§5] It is clear from the individual provisions that the *Constitutio* intended to regulate the proprietary and legal rights of the settlers. The document aims to protect the rights of the *Hispani* against possible attacks, among other things by explicitly forbidding anyone to force them into a relationship of dependency vis-à-vis the local ruling elites. The measure of depositing three copies of the *Constitutio* in each central location, as well as with the respective actors concerned, was intended to allow all parties to consult the imperial legal provisions independently. In return for the imperial protection granted in this document, the *Hispani* are obliged to perform several services, which they are only required to render to the emperor and his representatives. As regards their military dimension, these services aim at securing the border zone with Muslim Spain.

[§6] The *Constitutio prima* issued in 815 must be regarded as the successor to Charlemagne's *Praeceptum pro Hispanis*, dated 2 April 812. It is not the last Carolingian document dealing with immigrants from Spain. Charlemagne's *Praeceptum* of 812 responded to a complaint from such immigrants who had settled in the southwest of the Frankish realm in the 780s, shortly after Charlemagne's Spanish campaign of 778. The *Praeceptum* aimed to secure the rights of these immigrants, which had been questioned by the local elites. At that time, they had been allowed to take possession of fallow land within the framework of a so-called *aprisio*, to cultivate this land and to transfer it into their own hereditary possession after continuous cultivation for thirty years.<sup>7</sup> The scope of Louis's *Constitutio de Hispanis prima* of 1 January 815 is much wider. It was not issued in reaction to a complaint to the emperor, but built on Charlemagne's previous settlement with the aim of regulating affairs in the border zone with Muslim al-Andalus and its Frankish-dominated hinterland in a conclusive and sustainable manner.

[§7] In the *Constitutio de Hispanis secunda*, issued about a year later on 16 February 816, Louis the Pious responded to a complaint (*querimonium*), as Charlemagne had done in 812. The focus is again on *Hispani* who had withdrawn from the power of the Saracens (*de potestate Sarracenorum se subtraxerunt*) and had submitted to Frankish rule in both Louis's and his father's times (*ad nostram seu genitoris nostri fidem se contulerunt*). In this new document, Louis recalls the rules he had laid down in 815 concerning the conduct of the *Hispani* themselves and the behaviour towards them, and mentions that there had been a complaint from the *Hispani* on two points. The first issue concerned powerful immigrants (*maiores et potentiores*) who had obtained a *praeceptum* from Charlemagne or Louis to work the land, but who now either drove their assistants—i.e. other, weaker immigrants (*minores et infirmiores*)—off the land after they had successfully tilled it (*ab eisdem locis depellere*), or forced them into a form of servitude (*sibi ad servitium subiicere*). The other issue concerned immigrants who had entered a relation of dependency to the local lords (*ad comites sive vassos nostros; vassos comitum*) on their own accord and who were now driven off the fallow land they had successfully cultivated (*eos inde expellere*). In both cases, the favourable settlement conditions confirmed and granted by Louis in 815 were no longer fulfilled. Louis took the following measures to restabilise the situation. He confirmed the decrees already given. To all those who had occupied and cultivated fallow land (*loca deserta*), he guaranteed the respective land as heritable personal property (*quicquid de inculto excoluerunt, absque ullius inquietudine possideant, tam ipsi quam illorum posteritas*). To those who had entered the service of a local lord to work the land under certain conditions, he confirmed that they and their descendants would be allowed to remain on that land under the agreed conditions (*se commendaverunt et*

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<sup>7</sup> König, 812: Instruction.

*ab eis terras ad habitandum acceperunt, sub quali convenientia atque conditione acceperunt, tali eas in futurum et ipsi possideant et suae posteritati derelinquant*). Finally, Louis ordered multiple copies of the document to be deposited in Narbonne, Carcassonne, Roussillon, Barcelona, Girona, Béziers, as well as in the royal palace archives.<sup>8</sup>

[§8] A *Praeceptum*, which differs only in a few additional concessions from the comprehensive regulation of the *Constitutio* of 815, was then issued again in 844 by Louis's son Charles the Bald.<sup>9</sup> As a regulation intended to serve stability and prosperity (*ad diuturnam prosperamque regni [...] stabilitatem*), it is again addressed to the faithful (*fideles*) of the Church and the king in Aquitaine, Septimania, and *Hispania*. Yet its focus is more local. It specifically deals with settlers defined as Goths and *Hispani* who inhabited the city of Barcelona, the fortress of Tarrasa, and the county of Barcelona and “whose ancestors have evaded the cruel yoke of the Saracens most hostile to the Christian name” (*quorum progenitores crudelissimum iugum inimicissimae christiani nominis gentis Sarracenorum evitantes; ab eorumdem Sarracenorum potestate se subtrahentes*). From the Saracens, described here as great enemies of the Christian name, they had sought refuge with Charlemagne and Louis the Pious (*ad eos fecere confugium*), who had allowed them to settle in these places and had given them support to meet their needs. The document is concerned with securing their immunity from the local authorities on the one hand, and with enlisting them in the regional military service on the other.

[§9] (§1) First of all, the *Praeceptum* repeats the order already given by Louis the Pious as to what military duties and royal services these people have to fulfil, adding that the horses they provided for royal messengers (*missi*) should be replaced according to Frankish law if they had been badly handled. (§2) It explicitly guarantees that these people do not have to render any additional services or duties, neither to the church, nor to the *comes* and his assistants (*iuniores, ministeriales*). (§3) More clearly than before, it grants them legal autonomy from the *comes* and his legal assistants (*nec ipsi nec eorum homines a quolibet comite aut ministro iudicariae potestatis ullo modo iudicentur aut distringantur*) and the right to be judged according to their own law (*secundum eorum legem*), except in the three main cases of criminal jurisdiction, namely murder, robbery or abduction (*raptio*), and arson. (§§4-6) This is followed by the confirmations already given by Louis to people who have devoted themselves to cultivation work as recruiters or recruits. Those who have submitted themselves to others are given the freedom to leave when they want. Those who have recruited these people for cultivation are given a guarantee on the property left behind. The *Praeceptum* confirms once again that those who have turned desolate land into cultivated land on their own initiative have a claim to ownership. This right, however, is linked to the usual royal services within the respective county. (§7) It regulates more clearly than before that the owners of these lands may sell them, exchange them, and, in the absence of offspring, also give them to other relatives according to the rules of their inheritance law (*iuxta legem eorum*). In no case, however, will the obligation to royal service that goes with these lands, end. (§8) The *Praeceptum* also contains some new and detailed provisions concerning the protection of these lands' boundaries, the free decision to use them as forest, arable or pasture land, and the right to change watercourses. (§9-10) It reiterates that gifts to the *comes* must not degenerate into a regular tax, and that entering into a relationship of vassalage is open to everyone in principle.

<sup>8</sup> *Constitutio Hludowici de Hispanis secunda* (10 Feb. 816), ed. Boretius (MGH Leges, Capitularia regum Francorum 1), no. 133, pp. 263–264.

<sup>9</sup> *Praeceptum pro Hispanis* (11 June 844), ed. Boretius (MGH Leges, Capitularia regum Francorum 2), no. 256, pp. 258–260.

## Contextualization, Analysis & Interpretation

[§10] The series of documents dealt with here forms part of a longer history of relations between the Carolingian dynasty and the territories on both sides of the Pyrenees in the southwest of the Frankish realm. At the end of the seventh century, when the rise of the Carolingian dynasty was not yet foreseeable, Septimania and the Iberian Peninsula were still under Visigothic rule. The dukes of Aquitaine increasingly emerged as independent rulers, their domain extending to Poitiers, Bourges, and Clermont before the 720s. The recognition of their independence was reflected in 718 in the fact that Duke Eudo (r. ca. 700–735) was recognised as *princeps* by the Frankish Merovingian king Chilperich II (r. 716–721) and his mayor of the palace, Raganfred (r. 714–720/731). The inhabitants of the region were referred to as *Romani* in Frankish sources until 768.<sup>10</sup> The political situation changed fundamentally when the region began to be affected by Muslim raids. Eudo succeeded in repelling a Muslim raid on Toulouse in 721, but was pressed so hard that he eventually enlisted the help of Charles Martell (r. 717–741), the increasingly independent Carolingian mayor of the palace.<sup>11</sup> The aftermath of the so-called Battle of Tours and Poitiers witnessed Carolingian attempts to subjugate Aquitaine to the Frankish realm. In this context, the reconquest of Narbonne under Pippin III (r. 751/752–768) played a significant role.<sup>12</sup> Aquitaine was systematically devastated by the Franks under their dukes Hunald (r. 735–745) and Waifar (r. 745–768) and finally incorporated into the Frankish realm in 768. To secure Frankish rule, the Carolingians first settled Frankish bishops, then abbots, counts, and other supporters in Aquitaine, and then saw to the establishment of the archbishoprics of Bourges and Bordeaux. In 781 Charlemagne set up a sub-kingdom, the *regnum Aquitaniae*, whose first king was his son, Louis the Pious. Charlemagne’s campaign to Spain in 778 had the effect of not only uniting Septimania with Aquitaine, but also the territories around Barcelona, Tortosa etc., which had been acquired during and after his Spanish campaign. When Louis assumed the imperial office, these territories were ruled by his son Pippin I of Aquitaine (r. 814–838). As soon as the western Frankish realm had come under the rule of Louis’s son, Charles the Bald, in the Treaty of Verdun in 843, the region became a bone of contention between the latter and his nephew, the sub-king Pippin II of Aquitaine (r. 838–852/864). The region initially descended into chaos and then increasingly eluded the authority of the West Frankish king.<sup>13</sup>

[§11] Against this backdrop, the efforts of Charlemagne, Louis the Pious, and Charles the Bald in favour of the *Hispani* have to be interpreted as part of a larger Carolingian campaign to exercise direct rule over a territory that was not yet under firm royal or imperial control and that, moreover, had been expanding since Charlemagne’s Spanish campaign of 778. This explains why the legal immunity of the Spanish settlers and the grant of direct royal protection plays such a central role in all Carolingian documents discussed here. Advocating the rights of these settlers allowed the Carolingians to repeatedly demonstrate their royal power in favour of a group that—unlike the local nobility—owed direct loyalty to the king or emperor.

[§12] No less important is the fact that the Carolingian efforts discussed here contributed significantly to the emergence of a Frankish–Andalusī border zone, whose beginnings, development, and functioning Philippe Sénac has already studied in detail.<sup>14</sup> Charlemagne’s *Praeceptum* of 812 was perhaps not only about taking action against the exploitation, oppression, and even expulsion of settled immigrants, but also about protecting and preserving a structural measure that he had initiated to establish a secure border zone after his Spanish

<sup>10</sup> Claude, *Aquitaniens*, cols 829–830.

<sup>11</sup> König, 731: *Chronica muzarabica*.

<sup>12</sup> Kalkbrenner, 720–759: *Chronicon Anianense*.

<sup>13</sup> Claude, *Aquitaniens*, cols 829–830.

<sup>14</sup> Sénac, *Les Carolingiens et al-Andalus*.



campaign in 778. This would also be supported by the fact that he established his own sub-kingdom in Aquitaine in 781.<sup>15</sup> The following two *Constitutiones* issued by Louis the Pious in 815 and 816 clearly contain an overall programme to further structure this Frankish-Andalusī border zone. As sub-king of Aquitaine, Louis had been a prime actor in the region for several years. By comprehensively regulating the legal status of Spanish immigrants, Louis again set clear incentives to settle the Carolingian border area, which had grown further after the conquest of Barcelona in 801.

[§13] In Louis's *Constitutiones*, the settled immigrants are turned into settlers with an explicit set of duties vis-à-vis the king, including military service and espionage. Apparently, they were to be employed as a bulwark against Umayyad al-Andalus, with whom relations had deteriorated. Unlike under Charlemagne, the Frankish realm no longer welcomed dissidents from al-Andalus. Furthermore, Louis the Pious had broken the peace treaty which Charlemagne had concluded with al-Ḥakam I. (r. 180-206/796-822) in 815. According to the *Annales Regni Francorum*, it was considered "disadvantageous" (*inutilis*) to the Franks.<sup>16</sup> Even an Umayyad envoy sent to Louis's court in 816 could not change this.<sup>17</sup> Consequently, Louis the Pious received bad press as a peacebreaker and aggressor in Arabic-Islamic sources, including in the most important chronicle on the Umayyad period by Ibn Ḥayyān (d. 469/1076).<sup>18</sup> Louis's letter to the Christians of Mérida, dated 830, could be seen in this context as testimony to this emperor's continuing desire to subjugate further territories on the Iberian Peninsula. It contains an offer to support the Christians of Mérida against the Umayyad *amīr* 'Abd al-Raḥmān II, and invites them to settle in the Spanish March, i.e. the area also dealt with in the *Constitutiones*, under very good conditions and with the greatest possible freedom from tribute.<sup>19</sup> What is interesting about this letter is that Louis did not describe Christian living conditions under the emirs al-Ḥakam I. and 'Abd al-Raḥmān as entirely negative, but only emphasises that the latter, by raising taxes, had turned the Christian inhabitants of Mérida "from friends to adversaries, from compliant to opponents and rebels."<sup>20</sup> One can therefore ask whether a Christian-Muslim religious antagonism was not also deliberately built up at the court of an emperor who carried the "the Pious." This seems to be confirmed by other sources from Louis's surroundings. His court poet, Ermoldus Nigellus (d. after 828), for example, had already denounced the Saracens'

<sup>15</sup> König, 812: Instruction.

<sup>16</sup> *Annales Regni Francorum / Annales qui dicuntur Einhardi*, ed. Pertz and Kurze (MGH SS rer. Germ. in us. schol. 6), a. 815, p. 143: "Pax, quae cum Abulaz rege Sarracenorum facta et per triennium servata erat, velut inutilis rupta et contra eum iterum bellum susceptum est."

<sup>17</sup> *Annales Regni Francorum*, ed. Pertz und Kurze (MGH SS rer. Germ. in us. schol. 6), a. 816, p. 144: "Ibi commoratus legatos Abodritorum et de Hispania legatos Abdirahman filii Abulaz regis ad se missos suscepit."; *ibid.*, a. 817, p. 145: "Legati Abdirahman, filii Abulaz regis Sarracenorum, de Caesaraugusta missi pacis petendae gratia venerunt, et Compendio ab imperatore auditi Aquasgrani eum praecedere iussi sunt. (...) Legati etiam Abdirahman, cum tribus mensibus detenti essent et iam de reditu desperare coepissent, remissi sunt."

<sup>18</sup> Ibn Ḥayyān, *al-Muqtabis* [II-1], ed. Makkī, fol. 100a, p. 130: "fa-lam yaṭul amr ḥādā as-salm baynahumā ḥatta halaka aṭ-ṭāgiya Qārluh sanna iḥdā wa-tisa' in wa-mi'a āḥiruhā, wa-waliya makānahu ibnuhu Luḍwīq b. Qārluh, fa-intaqaḍa as-salm al-maḍkūr, wa-waqadat ḥarb al-Firaṅḡa." ["However, this peace between the two did not last long, namely only until the tyrant Qārluh died at the end of the year 191/806 [*sic*]. His place in power was taken by his son Luḍwīq b. Qārluh. The latter terminated the aforementioned treaty, so war broke out again with the Frankish realm." Translation by Daniel G. König]. See König, *Arabic-Islamic Views*, p. 193.

<sup>19</sup> Ludovicus I imperator Emeritanos, in: Einhartus, *Epistola 12*, ed. Hampe (MGH Epp. 5: Epistolae Karolini aevi 3), p. 116: "Nam certos vos facimus, quod, si ab illo vos avertere et ad nos convertere volueritis, antiqua libertate vestra plenissime et sine ulla diminutione vobis uti [concedimus] et absque censu vel tributo immunes vos esse permittimus et non aliam legem, nisi qua ipsi vivere volueritis, vos tenere iubemus, nec aliter erga vos agere volumus, nisi ut vos amicos et socios in defensione regni nostri honorifice habeamus."

<sup>20</sup> Ludovicus I imperator Emeritanos, in: Einhartus, *Epistola 12*, ed. Hampe (MGH Epp. 5: Epistolae Karolini aevi 3), p. 115: "Sicut et patrem eius Abolaz fecisse conperimus, qui iniustis superpositionibus censum, cuius debitores non eratis, sibi vos solvere cogebat et propter hoc de amicis inimicos et de obedientibus sibi contrarios atque inobedientes effecerat." König, Charlemagne's "Jihād" Revisited, pp. 24–25.

remoteness from God and Christ, presenting this as a legitimisation for military action against them.<sup>21</sup>

[§14] On can thus show that the reign of the three Carolingian rulers mentioned above witnessed an increasingly clear border between Umayyad al-Andalus and the (western) Frankish realm. The chaotic conditions that had marked this region during Charlemagne's reign had encouraged people to move from the contested border zone to safer areas. In the times of Louis the Pious, these areas were to serve as a bulwark against, perhaps even as a stepping stone to, Umayyad al-Andalus. With the help of tax incentives, they were more densely populated with people obliged to render military service and thus also secured. These measures were accompanied by a stronger ideological demarcation, which is reflected in several sources, including Louis's *Constitutiones* of 815 and 816. Here, as elsewhere, freedom under Frankish Christian rule is contrasted with oppression under the yoke of Saracen rule. Despite multiple exchanges of envoys with the Umayyads,<sup>22</sup> Charles the Bald unhesitatingly adopted this rhetoric of demarcation in his *Praeceptum* of 844. Although he does not seem to have had much to do with immigration at all, he reused many phrases from Louis's *Constitutio prima* to assure himself of the loyalty of a population that lived in and around Barcelona on the border of the Umayyad realm. This population enjoyed a relatively high degree of legal and economic autonomy and was to become the nucleus of the future Catalonia.<sup>23</sup>

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<sup>21</sup> Ermoldus Nigellus, *Carmen in honorem Ludovici Pii*, ed. Dümmler (MGH Poetae latini carolini aevi 2), v. 281, p. 13: “Si gens ita deum coleret, Christoque placeret, / Baptismique foret unguine tincta sacri, / Pax firmanda esset nobis, pax atque tenenda, / Coniugi ut possit religione deo. / Nunc vero execranda manet, nostramque salutem / Respuit, et sequitur daemonis imperia / Idcirco hanc nobis pietas miserata tonantis / Servitii famulam reddere namque valet;” see Kedar, *Crusade and Mission*, p. 7. Cf. Bade, *Vorstellungen*, pp. 89–119, esp. 100–103.

<sup>22</sup> Sénac, *Les Carolingiens et al-Andalus*, pp. 107–109. However, under Charles the Bald, a final Muslim raid crossing the Pyrenees into the vicinity of Narbonne also took place again in 841, see *ibid*, pp. 101–105. On the Arabic-Islamic documentation of Charles the Bald, see König, *Arabic-Islamic Views*, pp. 193–194, 196–197, 241, 254.

<sup>23</sup> On the overall development of diplomatic relations between Umayyad al-Andalus and the Frankish realm(s), see Sénac, *Les Carolingiens et al-Andalus*. On the origins of Catalonia, see Zimmermann, *Datation*; Zimmermann, *Origines*.

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