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**From God's Peace to the King's
Order: Late Medieval Limita-
tions on Non-Royal Warfare***Justine Firnhaber-Baker*
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One of the fundamental tasks of medieval kings was to be a peacemaker, that is, to settle disputes and to prevent new ones from arising. The later medieval kings of France, whose councilors probably thought more about kingship than anyone else would ever care to, took this task very seriously. Throughout the thirteenth and fourteenth centuries, the kings of France presented themselves to the world and to their subjects as arbiters of discord and guardians of peace. They did this through their personal work and that of their administrators and institutions in settling conflicts, but they also proceeded prescriptively by promulgating prohibitions or limitations of non-royal warfare. These ordinances outlawing the so-called “private” wars of nobles and other magnates have been considered, most notably by Aryeh Graboïs, as the culmination of a centuries-long development in the maintenance of order, one that began with the Peace of God Movement around the millennium and evolved into a royally directed program in the reigns of Louis VI and Louis VII.¹

But if development and change have been observed in the ideas and practices intended to maintain peace from the eleventh to thirteenth centuries, this group of ordinances has not received as nuanced a treatment. Traditionally, in an approach that dates from the seventeenth and eighteenth centuries, these texts were considered a single body of legislation representing a coherent and consistent ideological program directed by the crown.² Yet, these ordinances were issued over the course of more than a century, during which time eight kings held the scepter of France.³ Moreover, as Raymond Cazelles has argued, there is considerable evidence for disjuncture among these texts. Indeed, Cazelles went so far as to assert that the ordinances against non-royal warfare were not at all indicative of a consistent program but rather only ad hoc, unconnected measures meant to deal with temporary

situations.⁴ His take on the ordinances has been lauded as a refreshing counterpoint to the supposedly “statist” bias of much of French institutional historiography.⁵ Yet, although it is true that the scholarship to which Cazelles was reacting partook of an anachronistic understanding of law in the Middle Ages, a closer look at the texts suggests that he went too far to the other extreme.

The ordinances are a heterogeneous mix of documents. While some of them do seem to have been measures of momentary political expediency, others evince a conscious connection to previous legislation and to the policies of predecessor kings. Those that do exhibit interrelatedness, however, do not manifest a consistent ideological program. Rather from the mid-thirteenth to the mid-fourteenth century, the intellectual content of peace-keeping prohibitions underwent extensive modification. Although early efforts under Louis IX inherited much from the ideological and administrative aspects of the Peace and Truce of God, his successors, particularly Philip IV and John II, increasingly deemphasized the sacral aspects of peace even as they found new rationales for peacekeeping that inhered in new political realities and newly elaborated theories of kingship and governance.

The reign of Louis IX is considered a foundational period in the history of royal French peace-keeping. Louis was, of course, famous for his attention to the settlement of disputes and the maintenance of peace, at least within Christian lands.⁶ He also issued the first extant ordinance indefinitely prohibiting warfare in France, a text dating from January 1258 that outlawed *guerrae omnes* as well as arson, and disturbances to carts and to *agricolae* who work with carts or plows.⁷ Those who transgressed this prohibition were to be punished as peace-breakers (*fractores pacis*) by the king’s officer and the bishop-elect of le Puy-en-Velay.⁸ This is not a long document, but it is suggestive of a few of the intellectual and institutional features of this early moment in royal normative peace-keeping. In some ways, it represents a new step for the French crown, as Graboïs asserted: Whereas in the twelfth century, most notably at the Councils of Soissons and Reims in the 1150s, kings had limited violence in conjunction with ecclesiastical gatherings,⁹ Louis IX promulgated this text as a simple royal act on the basis of his authority as king. And while the long tradition of peace that ran from the Council of Charroux in 989 to the pronouncements of Louis’s twelfth-century predecessors focused on violence and peace as broad categories, the ordinance of 1258 specifically engages with violence’s most politically troubling form, that is, war (*guerra*).

However, both in this ordinance and in the other evidence we have for peace-keeping in the reign of Louis IX, there is much more evidence for consistency with the past than for change. First of all, Louis’s ordinance echoes the characteristic concern for peasants (*agricolae*) and their instruments (*carrucae* and *aratra*) that was a defining aspect of the Peace of God and which also featured in the measures taken by his predecessors.¹⁰ In addition, although this text is a regalian ordinance, rather than a joint secular/ecclesiastical effort, we can tell from the mandate for its execution, in which the seneschal of Beaucaire was instructed to aid the bishop-

elect of le Puy-en-Velay in keeping peace in his lands, that ecclesiastical concerns and ecclesiastical efforts played their part in the formulation and enforcement of this measure.

Expanding our view beyond this ordinance to two other sources for the maintenance of order in Louis's reign—one an ordinance of Alphonse of Poitiers, Louis's brother in conjunction with whom Louis ruled Southern France, and the second a mandate from the reign of Philip III that recalls his father's definition of peace-breaking—there is further evidence that the intellectual and administrative character of peace-keeping in Louis's reign incorporated, rather than broke with, previous tradition. Alphonse's ordinance, which dates from a few months after Louis's death, but which can still be considered evidence for Capetian policy at this time, seeks to prevent cavalcades (*cavalcatae*, a frequently used synonym for *guerrae*) and other violence and orders that those who disobeyed be punished "according to the statutes of the Peace of Paris."¹¹ The Peace of Paris was the 1229 treaty that ended the Albigensian Crusade, but the statutes to which Alphonse's ordinance refers are probably those of a council at Toulouse that took place later that year. This council provided some of the guidelines for the future governance of Languedoc as it passed into Capetian hands. It was a joint church/crown effort, and it was heir to some of the more expansive ideas about the nature of peace that pervaded the peace efforts of earlier centuries. Some scholars, most notably H. E. J. Cowdrey and Roger Bonnaud-Delamare, have argued that peace in the Peace and Truce of God meant not just the absence of physical violence, but also freedom from the other afflictions of humanity, such as disease, famine, and heresy.¹² The council at Toulouse, according to which the new Capetian rulers ordered violence punished, was informed by this broader understanding of peace; it defined not only those who made war (*moverunt guerram*) as *fractores pacis*, but also those who espoused heresy.¹³

In addition to the evidence for continuity with prior tradition provided by Alphonse's ordinance, a mandate that Philip III sent to southern royal officers in 1274 shows that Louis had adopted older peace structures as well as concepts. The mandate, which relates guidelines on peace breaking practiced by "our greatly cherished lord and father, Louis, king of the French"¹⁴ orders that peace breakers to be handed over either to an ordinary judge or to an officer called a *paciarius*.¹⁵ The *paciarius*, as Thomas Bisson has shown, was an office that had developed out of baronial and clerical peace initiatives in the early thirteenth-century South just prior to the Albigensian Crusades.¹⁶ Apparently this pre-Capetian peace-keeping institution had survived the upheavals of the Crusade period to be made use of by the South's new masters. In so many ways, then, Louis IX's reign saw neither intellectual nor institutional innovations in peace-keeping, but rather incorporated ideas and practices for the maintenance of peace that had been developed at an earlier remove.

However, ordinances from the reign of Louis grandson, Philip IV, suggest significant changes in the way the crown thought about and went about the

suppression of violence. In the twenty-nine years of his reign, Philip IV, often known as Philip the Fair, issued six acts limiting or prohibiting non-royal warfare. The most important of these were his edicts of 1297 and 1314 in which he prohibited all non-royal wars for the duration of his own wars, and those of 1304 and 1311, which prohibited warfare altogether. Philip sought legitimacy from the past, particularly from his grandfather, Louis IX, whom he had had sainted,¹⁷ and his ordinances against non-royal warfare evidence this preoccupation. In his ordinance of 1304, Philip invoked the example of “Saint Louis, the distinguished late Confessor-King of the French” as precedent for his prohibition of warfare and associated violence. Philip’s link with his illustrious predecessor was more than nominal. Philip continued to conceive of war not as or not just as a category unto itself but as part of a constellation of acts that could all be considered peace-breaking.¹⁸ Like his father, Philip III, Philip IV also sought to follow Louis’s definition of peace-breaking in the South, using exactly the same description, almost *verbo ad verbum*, as had his father in a mandate to his southern officers.¹⁹ There is much, too, in Philip the Fair’s ordinances, particularly that of 1304, that draws from earlier peace-keeping traditions. Philip’s ordinances evince a concern for peasants consonant with that of Louis. Like Louis he forbade not just war, but also assaults against *agricolae* (farmers) and *aratores* (those who plow).²⁰ Indeed, in the known manuscript copy of the 1304, the text is rubricated “letters of safeguard for French farmers” (*litteres (sic) salvagardium agricolarum francarum*).²¹

But in other ways, Philip’s prohibitions mark a radical departure from the work of his forbearers. In the first place, although Philip was still concerned with the maintenance of peace, in the intervening decades, the field of meaning indicated by the word *pax* had narrowed. When Philip’s ordinances speak of peace, they do not refer, as Louis’s may, to universal right relations among people, between God and humanity, and between humanity and nature. Rather they speak of *turbatores pacis* and of *pax et quies*²² as we might speak of disturbers of the peace and of peace and quiet, peace there meaning simply our normal tranquil state and the absence of violence. But as the concept of peace became narrower and in some sense less sacral, at the same time Philip’s ordinances articulated an innovative concern with the common good. The exposition of the 1297 ordinance forbidding non-royal wars during the king’s wars explains that this measure had been taken “for the common benefit and the necessity of the realm” (*pro communi utilitate & necessitate regni*), while the 1304 ordinance was formulated “for the prosperous state of our realm” (*ad statum prosperum regni nostri*).²³ By 1311, the *res publica* had even made an appearance. Philip’s ordinance forbidding warfare from that year warns that non-royal warfare was *in periculum Reipublice*.²⁴ The desacralization of peace also extended to the administration of peace-keeping. Whereas Philip the Fair’s father, and presumably his grandfather as well, instructed their officers to allow either an ordinary judge or a *paciarius* to handle cases of peace-breaking, Philip IV’s mandated his officers to hand the peace-breaker over either to “our

people" (*ad manum gentium nostrarum*) or to an ordinary judge.²⁵ Apparently by the beginning of the fourteenth century, the *paciarii*, whom the Capetians had inherited from the old peace associations of the South, had disappeared, fully replaced by the king's administrators.

Yet, if in some ways Philip's ordinances articulate a more secular vision of order than those of Louis IX, Philip IV and his councillors also strongly believed that the maintenance of the public good was a task entrusted to the king by God. The most important innovation made by Philip's ordinances was to present and to justify the prohibition of non-royal warfare as a divinely ordained regalian right and duty. Far more than his predecessors' strictures against violence, Philip the Fair's statutes draw an explicit connection between kingship and the elimination of large-scale, organized violence. The 1304 ordinance, which Philip's biographers have considered a turning point in his ideology of governance,²⁶ elucidates this connection most fully. The ordinance explains that prohibiting warfare and associated behaviors "befits the office of royal dignity," and that it is intended to dissuade people from taking vengeance into their own hands, when they ought to defer to kings and princes.²⁷ Philip's authority as king thus justifies him in abolishing custom contrary to his wishes; any such custom, the ordinance says, "ought rather be called corruption" (*consuetudine, quin potius corruptela*).²⁸

But Philip's authority as king, his authority over violence, did not just inhere in his secular office. As the ordinance outlines, this authority had been delegated to him by God: The ordinance was a way of "address[ing] the grave dangers to the people and things entrusted to us by God." And the kings and princes who are to arbitrate grievances have been "divinely deputed" (*divinitus deputati*) for this task. So while Louis IX had inherited ideas and structures from the Peace and Truce of God, Philip IV added to and modified this inheritance, bringing in new concepts of order and kingship, which served not just to explain the prohibition of warfare but also to justify the king's right to make such prohibitions.

After Philip the Fair's death in November 1314, there is a gap in the source record. It is certain that Philip's successors also promulgated ordinances against non-royal warfare. Evidence from the judicial registers of the Parlement de Paris demonstrates that both Philip V and Philip VI each issued at least two general ordinances prohibiting warfare, though if copies any of them survived the centuries, they have not yet been located.²⁹ However, for the reign of John II, which spanned the years 1350-1364, two general ordinances on warfare are still extant, in addition to several more specific measures tied to particular regions or circumstances. The first of these general statutes, promulgated in December 1352, prohibited non-royal war during the renewal of France's war with England, while the second, issued in October 1361, forbade non-royal warfare altogether.

Like Philip IV before him, John II, often known as John the Good, considered his normative measures against non-royal warfare to be a continuation of the peace-making work of his predecessors. His peace promulgations explicitly referred to

the prohibitions of his own father, Philip VI (these are among the ordinances that seem to be no longer extant), and, like Philip the Fair, John at one point invoked the example of his more illustrious ancestor, Saint Louis.³⁰ However, in truth John II's ordinances were very different from those of Louis and Philip the Fair, though some of the trends incipient in Philip's ordinance seem here to have come to fruition.

To begin with, in John's ordinances, certain ideas about kingship and governance that had influenced Philip IV's statutes underwent significant development and elaboration. John has generally been considered a much weaker king than Philip IV and no doubt in practical terms this judgment is fair enough. However, as regards the ideological underpinnings of kingship with relation to the suppression of violence, John's ordinances against warfare not only affirmed the concepts expressed in Philip's ordinances, but also developed them far more fully. Like Philip, John claimed the right to annul contrary custom, prohibiting warfare in 1352 "notwithstanding any whatsoever privileges, customs, and uses or local observances"³¹ and making a very similar statement in the ordinance of 1361.³² But whereas Philip found it necessary, particularly in the 1304 ordinance, to give a long, complicated exposition of the basis for his power, in John's day, his statutes could simply sketch the position. When John prohibited non-royal warfare for the first time in 1352, he seems not to have needed to explain, as Philip had that "Kings and Princes are divinely deputized for the execution of justice on earth," or that he wanted "justice . . . to be expeditiously administered to everyone so that no one might dare to claim law or vengeance unto himself." Instead, the statute's exposition merely relates that the king has decided on this measure "with all right and reason" (*omni jure . . . ac ratione*).

In John's ordinances one also sees concepts that while certainly not unfamiliar in Philip the Fair's reign, were nonetheless not articulated in his ordinances as being germane to the suppression of warfare. In John's ordinances, it is clear that kingship has begun to be thought about as an abstraction that existed apart from the king himself. For the first time, the ordinances speak not just of the king, but also of the crown, a corporate, institutional body that includes the king but is not identical with him.³³ And John's 1361 ordinance argues that the pursuit of war by the king's subjects not only caused physical damage to the aggressor's opponents and to innocent bystanders, but that it also damaged the king himself in some abstract way. Non-royal warfare and the violence associated with it were said to be *en lesion de Nous & de notre Seignourie & Souverainete*.³⁴ That is, "prejudicial to us, to our lordship, and our sovereignty." Philip the Fair and his councilors had no doubt considered his right to suppress warfare to be that of a sovereign, but that this sovereignty could be harmed by violence never made an appearance in Philip's normative pronouncements on warfare. One could certainly read this idea between the lines, but it is never articulated in so many words.

Yet, if ideas about kingship in relation to violence had gained in abstraction and sophistication as compared to those of Philip, they had also lost much of

the sacral character that the authors of Philip's statutes believed to have imbued kingship. In the 1361 ordinance, John did at one point invoke God's aid in suppressing violence, saying that he wished to govern the realm in peace *a l'aide de notre Seigneur*, but this is more of a pious aside than an ideological formulation. Neither the ordinance of 1361, nor any of his other ordinances suggest that the suppression of warfare was in any way his divinely appointed task. It seems to have been assumed that John's right to quell disorder simply inhered in his rights as king, and his ordinances are silent as to the ultimate source of these rights and of that office.

The desacralization or non-sacralization of kingship apparent in John's ordinances is paralleled by the conception of order evinced in these texts as little more than the absence of illicit violence. Like Philip the Fair, John's main interest in establishing or re-establishing order was for the common good. When John's ordinances speak of peace, it is peace of a very mundane sort: "peace and tranquility" and "peace in our realm" are the two formulations found in the 1361 ordinance. And like those promulgated under Philip, John's ordinances also use the term *res publica* to describe the political community harmed by uncontrolled warfare. His ordinance of 1352 says that such violence was "an injury, scandal, and a danger for us, for the whole realm and republic and for all the subjects and inhabitants of our kingdom."³⁵ Another statute issued a year later explained that the king considered the measure to have been taken "for the good of the republic, the protection of the country and of the inhabitants of our realm."³⁶ But whereas Philip maintained a link with the sacral heritage of peacemaking, singling out noncombatant peasants for special protection, in John's ordinances, even these trappings of earlier peace traditions have disappeared. Although their protection had been important to his predecessors' peace prescriptions, John's ordinances never speak of *agricolae*, of plowmen, or of agricultural instruments.

Revealingly, the people with whom John's ordinances are most concerned are armed men. The ordinance of 1361 complains of "those who are absent from home in order to do these evils, cavalcades and assemblies & to accomplish their bad designs."³⁷ It enjoins the royal officers to order these people to return to their homes within a month, to dispossess those who disobey, and even to attack fortresses, if such people are occupying them and refuse to render them.³⁸ Other, more specific ordinances issued by John around this time also speak of foreign soldiers who pillage and rob and of enemies and evildoers in the country.³⁹ As this suggests, under John the Good France experienced a period of intense almost uncontrolled violence, largely from freebooting bands of pillagers who roamed the years after France and England made a temporary truce in 1360, but also from nobles who took this opportunity to pursue their own violent impulses.⁴⁰ The most important factor motivating the crown's efforts to limit or prohibit warfare under John the Good was the need to pacify the countryside in the face of this rampant disorder. Even more so than innovative ideas about kingship and the political community,

the driving impetus for peace was the maintenance of order.

In many ways, then, the concepts of peace and of the king's rights and powers in relation to violence changed greatly between the reigns of Louis IX and John II. Certainly, the ordinances bore a relation to one another, both through conscious imitation and through participation in common ideas. However, while Louis's ordinances can be connected to the peacemaking efforts of his twelfth-century forbearers and through them to the Peace of God, both Philip IV and John II moved beyond this inheritance. Under Philip, and even more so under John, the suppression of violence became an ideological imperative of kingship. Moreover, "peace," which seems to have been a somewhat broader concept in Louis's time, increasingly became synonymous with order and the maintenance of the common good. This latter trend reached its culmination under John II, whose kingdom had disintegrated to such a point that his primary concern became the restoration of order.

Notes

- 1 Aryeh Graboïs, "De la trêve de Dieu à la paix du roi: Étude sur les transformations du mouvement de la paix au XIIe siècle" in *Mélanges offerts à René Crozet*, 2 vols. (Poitiers, 1966), 1: 585-96.
- 2 The seminal discussions are an essay by Charles du Fresne du Cange ("Des guerres privées et du droit de guerre par coutume," in *Glossarium mediae et infimae latinitatis*, 10 vols. in 5 [Graz, 1954 (1678)], 10: 100-8, esp. 106-8), and the introductions to the first volumes of the edition of the ordinances published in the eighteenth century (Prefaces to *Ordonnances des rois de la troisième race*, ed. Eusèbe-Jacob de Laurière, François-Denis Secousse, et al., 22 vols. and supplements (Paris, 1723-1849), 1: xxv-xxxiii, 2: v-viii, 3: xvi-xvii).
- 3 The first known ordinance was promulgated in 1258 and the last extant one was issued in 1361.
- 4 Raymond Cazelles, "La réglementation royale de la guerre privée de Saint Louis à Charles V et la précarité des ordonnances," *Revue historique de droit français et étranger*, 4th ser., 38 (1960), 530-48.
- 5 Most recently, see Howard Kaminsky, "The Noble Feud in the Later Middle Ages," *Past and Present* 177 (2002), 65-74.
- 6 William Chester Jordan, *Louis IX and the Challenge of the Crusade: A Study in Rulership* (Princeton, 1979), pp. 195-205; Richard W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (Oxford, 1988), pp. 231-35.
- 7 "guerras omnes inhibuisse in regno, & incendia, & carrucarum perturbationem. Unde vobis districtè praecipiendo mandamus, ne contra dictam inhibitionem nostram guerras, aliquas, vel incendia faciatis, vel agricolas qui serviunt carrucis, seu aratris, disturbetis" (*Ordonnances des rois*, 1: 84).

- 8 "damus Senescallo nostro [Bellicadri] in mandatis, ut fidelem & dilectum nostrum G. Aniciensem Electum juvet fideliter & attente, ad pacem in terra sua tenendam, & fractores pacis, prout culpa cujuscumque exigit, puniendos" (ibid. The edition given in the *Ordonnances des rois* lacks "Bellicadri," which is found in the only manuscript source that I know of, Bibliothèque nationale de France MS Latin 4651, fol. 74v). For the probability that "G. Aniciensem Electum" referred to Guy Foucois, bishop-elect of le Puy and former councilor to the king see Ferdinand Lot and Robert Fawtier, *Histoire des institutions françaises au moyen âge*, 3 vols. (Paris, 1957-62), 2: 245-46.
- 9 Graboïs, "paix du roi," pp. 592-95. The council of Soissons in 1155 enjoined both temporal and spiritual authorities to enforce its canons: "si qui essent violatores ordinatae pacis, de eis ad posse nostrum justitiam faceremus. In pacem istam juraverunt, Dux Burgundiae, Comes Flandriae, Comes Henricus, Comes Nivernensis, et Comes Suessionensis, et reliqua baronia quae aderat. Et clerus similiter, archiepiscopi, et episcopi, et abbates, ante sacras reliquias et in visu totius concilii, hanc ex parte sua pacem totis viribus se tenere promiserunt" (*Recueil des historiens des Gaules et de la France*, 24 vols. [Paris, 1737-1904], 14: 387-88. Hereafter this edition is cited as HF). That of Reims in 1157 was convened primarily to deal with Church business (J.D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 31 vols. [Graz, 1960-62 (1759-98)], 21: 843-46).
- 10 Jean Richard, *Saint Louis: roi d'une France féodale, soutien de la Terre sainte* (Paris, 1983), pp. 326-27. The second canon of the first Peace Statutes, constituted at the Council of Charroux is entitled "Anathema res pauperum diripientibus" (Mansi, XIX: 90). Royal involvement in peace statutes in the twelfth century maintained the agrarian character of peace-keeping. The Council of Soissons guaranteed a peace of ten years to "omnes agricolae, armenta similiter et greges" (HF, 14: 387-88).
- 11 "Super eo quod in terra domini comitis in Tolosano & Albigesio cavalcate, arma portata, gentes occise & multa dampna data sunt & fiunt de die in diem, senescallus requirat barones . . . ne ipsos malefactores recipiant vel sustineant. . . . Si barones vel alii jurisdictionem habentes in hoc deliquerint, secundum statuta pacis Parisiensis a senescallo puniantur." (Claude Devic and Jean-Joseph Vaissète, eds., *Histoire générale du Languedoc*, rev. ed. by Auguste Molinier, et al., 16 vols. (Toulouse and Paris, 1868-1905), 8: 1715-23).
- 12 Roger Bonnaud-Delamare, "Fondement des institutions de paix au XI siècle," in *Mélanges d'histoire du moyen âge dédiés à la mémoire de Louis Halphen* (Paris, 1951), pp. 19-26, and H.E.J. Cowdrey, "The Peace and Truce of God in the Eleventh Century," *Past and Present* 46 (1970), 42-67. See also the discussion in Frederick S. Paxton, "History, Historians, and the Peace of God" in *The Peace of God: Social Violence and Religious Response in France around the Year 1000*, ed. Thomas Head and Richard Landes (Ithaca, NY, 1992), pp.

- 27-34. For heresy as part as peace-breaking (so defined in the Third Lateran Council in 1179), see Thomas N. Bisson, "The Organized Peace in Southern France and Catalonia (c. 1140-1223)" in *Medieval France and her Pyrenean Neighbors: Studies in Early Institutional History* (London, 1989), p. 223.
- 13 "Item statuimus ut aliquis amicitiam, familiaritatem, vel treugas non habeat cum fayditis [heretics], vel aliis qui guerram moverunt" and "quod quando aliquis guerram moverit, fiat contra eum sacramentum de novo: quod qui procurare noluerit, fractor pacis reputetur: modo etiam expresse fiat sacramentum contra inimicos fidei atque pacis" (Mansi, 23: 202, 203).
- 14 "precarissimi domini & genitoris nostri Ludovici, Francorum regis" (*Histoire générale*, 10: 131-32).
- 15 "sive ad manus paciarii sive ad sui ordinarii manus devenerint" (ibid.).
- 16 Bisson, "Organized Peace," pp. 229, 231-33.
- 17 For Philip's near obsession with Louis IX, see Elizabeth A. R. Brown, "Philippe le Bel and the Remains of Saint Louis" *Gazette des beaux-arts*, 6th ser., 95 (1980), 175-82. But on the contest over his memory, see Colette Beaune, *The Birth of an Ideology: Myths and Symbols of Nation in Late-Medieval France*, trans. Susan Ross Huston, ed. Fredric L. Cheyette (Berkeley, 1991), pp. 104-117, and M. Cecilia Gaposchkin, "Boniface VIII, Philip the Fair, and the sanctity of Louis IX," *Journal of Medieval History*, 29 (2003), 1-26.
- 18 "fractores pacis" (*Ordonnances des rois*, 1: 344-45), "turbatores pacis" (*Ordonnances des rois*, I: 390), "pax ... turbetur" (*Ordonnances des rois*, 1: 492-93).
- 19 *Ordonnances des rois*, 1: 344-45.
- 20 "inhibemus ... aggressiones vel invasiones agricolarum vel aratorum fieri" (*Ordonnances des rois*, 1: 390).
- 21 Archives municipales de Toulouse AA 4, fol. 37.
- 22 "Pax et quies ... turbetur" (*Ordonnances des rois*, I: 492-93), "turbatores pacis" (*Ordonnances des rois*, 1: 390).
- 23 *Les Olim ou Registres des arrêts rendu par la cour du roi*, ed. Arthur Beugnot, 3 vols. (Paris, 1839-48), 2: 405, and *Ordonnances des rois*, 1: 390, respectively.
- 24 *Ordonnances des rois*, 1: 492-93.
- 25 *Ordonnances des rois*, 1: 344-45.
- 26 Karl Wenck, *Philipp der Schöne von Frankreich, seine Persönlichkeit und das Urteil der Zeitgenossen* (Marburg, 1905), p. 50; Elizabeth A. R. Brown, "Persona et Gesta: The Image and Deeds of the Thirteenth-Century Capetians, The Case of Philip the Fair," *Viator* 19 (1988), 230.
- 27 "sicut Regiae dignitatis decet officium . . . attendentes, quod ad hoc sunt iura in

medio constituta, & ad eorum defensionem & executionem justitiae Reges & Principes orbis terrae divinitus deputati, ut nemo sibi jus dicere, aut vindictam assumere audeat, sed unicuique sufficiat vigor justitiae, quam regimus, nostris temporibus expeditam singulis volumus ministrari” (*Ordonnances des rois*, 1: 390).

- 28 This formulation, otherwise very unusual for the early fourteenth-century crown, also appears in two forms in the 1311 ordinance prohibiting warfare: “consuetudine quam allegant, que dicenda est potius corruptela ... consuetudo seu corruptela” (*Ordonnances des rois*, 1: 492-93).
- 29 1) A prohibition against local warfare for the duration of his own war made by Philip V, suggested by the re-issuance in 1318 of instructions for problems encountered because wars and judicial duels had been prohibited (Archives nationales de France X2a 2, fol. 7v. Hereafter all references to this archive are abbreviated AN).
2) A prohibition against armed congregations and wars made by Philip V probably in 1320, mentioned in a judgment from May 1321 (AN X1a 5, fol. 97v-98r).
3) A prohibition against local warfare made by Philip VI, mentioned in four of Parlement's mandates: AN X2a 3, fol. 9r-v (9 April 1335), AN X2a 3, fol. 71r-v (29 April 1336), AN X2a 3, fol. 79v-80r (4 July 1336), AN X2a 2bis, fol. 2r-v (5 December 1338), and a Parlement judgment: AN X1a 8, fol. 143r-v (12 January 1341).
4) A prohibition against local warfare during royal wars made by Philip VI, mentioned by an arrêt of Parlement on 8 April 1343 (AN X1 9, fol. 492v-94r), a mandate in April 1350 (AN X2a 5, fol. 186r-v), and by an ordinance of John II in 1352 (*Ordonnances des rois*, 2: 511-12).
- 30 John's 1352 ordinance recalls that “defunctus inclitae recordationis carissimus Dominus Genitor noster, dum vivebat . . . inhibuisset expresse . . . ne quis . . . suis & dicti regni guerris durantibus, diffidationes quascumque, aut guerram facere praesumeret” (ibid.). In John's affirmation of the Quarantaine du roi requiring a 40-day delay before the on-set of a war, which John—probably wrongly—attributed to Louis IX, “Beatus Ludovicus” is invoked once in the exposition, once in the deposition, and once in the final clauses (*Ordonnances des rois*, 2: 552-53).
- 31 “privilegiis, consuetudinibus & usibus, aut observantiis locorum, vel patriarum nonobstantibus quibuscumque” (*Ordonnances des rois*, 2: 511-12).
- 32 “disanz estre privilegiez ou acoustumez de user de defiances & de guerres” (*Ordonnances des rois*, 3: 525-27).
- 33 The 1361 ordinance declared that transgressors were to be considered “rebelles contre Nous & la Couronne” (*Ordonnances des rois*, 3: 525-27).

34 *ibid.*

35 “periculum nostri ac totius regni, & Reipublicae, omniumque subditorum & incolarum Regni nostri” (*Ordonnances des rois*, 2: 511-12).

36 “pro bono rei publicae, tuitioneque patriae, ac habitantium in dicto Regno nostro” (*Ordonnances des rois*, 2: 552-53).

37 “aucuns qui se absentent de leurs domiciles, pour lesdiz maulx, chevauchees & assemblees faire, & leurs mauvaises volentes accomplir” (*Ordonnances des rois*, 3: 525-27).

38 “que toutes manieres de Gens Nobles & non Nobles, Privilegiez & non Privilegiez ... se sont absentez ou esloignez de leurs vrais domiciles & principaux habitacions qu’il avoient & ont en notre Royaume, retournent & reviegnent en yceulz domiciles & habitacions, dedenz un mois apres ce que ces presentes seront publiees. . . . Et se aucuns se absentent ou ne reviennent a leurdiz domicilles & habitacions, selon ce que ordene avons, touz leurs biens prenez en notre main. . . . Et se aucuns desdiz malfatteurs & rebelles sont en Forteresse ou aillieurs en vostre Prevoste ou ou ressort, dont prestement vous ne puissies avoir l’obeissance, faites commandement de par Nous a ceulz de la Forteresse & qui lesdiz malfatteurs soustendront & compaigneront, que il les vous bail- lent & rendent sanz delay. . . . Et ou cas que obeir ne voudront, si faites tant par Gens d’armes & assemblees de Nobles & autres, s’il est mestier, comme par Siege mettant devant les lieux, & par toutes autres voies contraintes que vous verres convenables, que la force en soit votre & que l’obeissance vous en soit rendue pour Nous, comme estre doit” (*ibid.*).

39 For example: “pour ce que pour fournir nostre Guerre, il Nous convient avoir des Soudoiers dehors nostre Royaume, tant de Genz de cheval comme de pie, lesquelz aucunes foiz pillent & robbent sur les Villes & sur les Eglises, & autres subgiez de nostre Royaume, & font moult de dommages & extorcions” (*Ordonnances des rois*, 3: 36); “noz ennemis & mal-veillans soient en notre Royaume” (*Ordonnances des rois*, 3: 648).

40 Analyses of this disorder tend to focus on the problems caused by the mercenary bands. See for example, Kenneth Fowler, *The Great Companies*, vol. 1 of *Medieval Mercenaries* (Oxford, 2001), and Jonathan Sumption, *Trial by Fire*, vol. 2 of *The Hundred Years War* (Philadelphia, 1999). There is also substantial evidence in the judicial records indicating that local magnates participated in the pillage and used the disorder for their own gain.