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The ‘Just Judgment’ in Western France (c.1000–c.1150): Judicial Practice and the Sacred

Abstract—This article examines the phrase ‘just judgment’ (*justum iudicium*, or *rectum iudicium*), sometimes found in western French ecclesiastical charters when describing legal proceedings over the period c.1000–c.1150. It explores the origins of the phrase and the routes by which it entered the language of eleventh- and twelfth-century legal practice. ‘Just judgment’, this article suggests, represented a conscious evocation on the part of court-holders—especially lay court-holders—of ideas of God’s Last Judgment, thereby serving to buttress the authority of legal decision-making. This article thus opens a window onto the political ideas of the much-maligned lay courts of so-called ‘feudal’ society during the central Middle Ages. Finally, this article suggests, more broadly, ways in which problematic ecclesiastical charters might be used to reconstruct the mental horizons of lay, aristocratic justice.

Accounts of legal proceedings from eleventh- and twelfth-century western France sometimes include the phrase ‘just judgment’ (*justum iudicium*) or the related ‘right judgment’ (*rectum iudicium*) when describing the act of decision-making.¹ Use of the phrase took one of several forms. (1) The judges of a court delivered a ‘just judgment’, or were ordered to make one by a figure of legal authority.² (2) A litigant was ‘defeated by a just judgment’, or was ‘unable to resist a just judgment’.³ (3) Judges either affirmed or offered to prove that a decision already made had been ‘just’.⁴ (4) An individual imposed a ‘just judgment’ as the hypothetical condition that had to be met for some other legal action to follow.⁵ And (5) a litigant obtained contested property ‘by a just judgment’.⁶ Different forms of the phrase ‘just judgment’ placed emphasis on the judges and figures of authority responsible for administering justice (nos. 1, 3, 4), on the losing party’s defeat (no. 2) or on the victorious party’s success (no. 5).⁷ These are differences only in the way that ‘just judgment’ related to the roles individuals played within any given trial: underneath the variety, ‘just judgment’ described legal decisions, contributing to the language of eleventh- and twelfth-century judicial practice.

Appearing in roughly fifty cases over the period c.1000 to c.1150, the language of ‘just judgment’ was a recurring—if not frequent—phrase whose usage in accounts of legal proceedings displays three notable features that provide the springboard for the present study.

First, the language itself appears to have entered representations of legal proceedings via the contexts of judicial ordeal. ‘Just judgment’ language, along with the constellation of ideas it evoked, can be located securely in the liturgical texts (*ordines*) for judicial ordeals. Second, very few cases in which courts made a ‘just judgment’ actually involved an ordeal. While the rarity of recorded ordeals in this period is unsurprising, that language derived from ordeal *ordines* appears in legal proceedings without ordeals merits an explanation.⁸ Third, the language of ‘just judgment’ survives chiefly in accounts of trials that gathered under lay presidency. While ecclesiastics sometimes convened ‘just judgment’ proceedings, the evidence for ‘just judgment’ largely concerns the judicial forums of lay justice.⁹ These three features—ordeals origins of language, absence of actual ordeals and the prevalence of lay justice—are interrelated, and this article explores in what ways, and how can we explain the phenomenon of ‘just judgment’ in eleventh- and twelfth-century western France.

This article suggests that, in some contexts, lay actors deliberately used the language of ‘just judgment’, repurposing it from its original setting of ordeal, in order to structure their own judicial behaviour in accordance with the ideas that the phrase evoked. ‘Just judgment’ evoked images and metaphors of the Last Judgment; through such language, therefore, lay actors, on occasion, sought to pattern the judicial activities of their courts in ways that were suggestive of the moral implications—and the moral authority—of God’s Last Judgment. Several factors, moreover, made metaphors of the Last Judgment, mediated through the language of ‘just judgment’, particularly appropriate in the context of eleventh- and twelfth-century lay justice. At its broadest level, this article thus explores one facet of the political ideas articulated in certain lay courts. While I will not suggest that the phrase ‘just judgment’ *always* bore connotations of God’s Last Judgment, the central claim of this article, nevertheless, is that, in some cases, the language of ‘just judgment’ could serve to present legal decision-making as a mimesis of the Last Judgment.¹⁰ As such, this article explores the

interpretative *potential* of a phrase appearing in some accounts of legal proceedings, the moral resonances that this phrase could evoke, and some reasons why lay legal actors might have actively appealed to it.

Since the present study examines the political ideas animating lay judicial practice, it contributes to wider discussions about the character of so-called ‘feudal justice’ in eleventh- and twelfth-century France.¹¹ Historians are now well-informed about the practices of disputing in this period—both in and out of court—but we as yet still know little about the political ideas that structure lay justice, nor the ways in which lay actors sought to legitimate their judicial activity and laid claim to the moral authority to pronounce definitive legal decisions.¹² The question is an important one in light of debates about the quality of justice and its relationship to aristocratic power in post-Carolingian western France. Few scholars today subscribe to the old-fashioned view that the ‘collapse’ of Carolingian ‘public’ institutions—whether occurring gradually over the tenth century, or around the year 1000—ushered in a period of unbridled violence and ‘anarchy’.¹³ But as the study of ‘dispute-processing’, a key line of attack against the idea of the ‘feudal anarchy’, now returns to subject of power, the question of the legitimation of judicial power has re-emerged with urgency.¹⁴ For some historians, this seigneurial power in post-Carolingian France can be characterised primarily as affective, involving force and lacking in normative and political self-reflection capable of constraining the pursuit of seigneurial interest.¹⁵

The difficulty in reconstructing the political ideas beneath the practices—affectionate and violent, or not—of lay justice is, in part, a problem of the sources. Unlike other periods, ‘feudal justice’ lacks a tradition of moralistic and legislative writing that communicates the wider principles that underpin it.¹⁶ Historians for the period *c.*1000–*c.*1150 rely almost entirely on ecclesiastical charters—‘acts of practice’—to reconstruct not only legal practice, but also the principles and conceptual categories that structure it. To say that ‘acts of practice’

are ill-suited to this task would be an understatement. Such documents suffer a litany of source critical problems: they are *ex parte*, often retrospective and written in the literate Latin of the clerical elite, in distinction to the vernacular of their lay subjects.¹⁷ While charters' capacity to cast light on the attitudes of the laity remains uncertain, by focusing on how lay actors articulated and legitimated their judicial power, it becomes possible to traverse the lay/ecclesiastical divide and to glimpse the world of shared political and moral values uniting lay and ecclesiastical actors. An underlying suggestion of this study is that ecclesiastical 'acts of practice' can be used to say something about the very ideation of lay justice.

The plan of this article is as follows. Part I focuses on the meaning of the phrase 'just judgment', and explores the relationship between it and ideas of the Last Judgment, a relationship sharpened in the legal contexts of ordeal. Part II examines two 'just judgment' cases involving lay courts in-depth, teasing out how we can see the parallels between 'just' and Last Judgment operate in specific contexts. Finally, Parts III and IV explore the wider themes raised by the two case studies, offering an explanation for why certain lay actors might have used the language of 'just judgment' in the ways this paper suggests. While much of the following argument will be speculative in places, this is all the more important if we are to get the most out of our surviving evidence.

I

'Just judgment' language finds its origins in Scripture, in the Old and New Testaments.¹⁸ 2 Macc 12:41, for instance, reads, 'Then they all blessed the just judgment of the Lord, who had discovered the things that were hidden'. Often, the 'just judgment' referred to God's judgment, who represented the archetypal 'just judge' (*Justus Judex*).¹⁹ 'Thou art just, O Lord: and thy judgment is right', as one Psalm put it.²⁰ But God's 'just judgment' also served as a model for human judges. Christ admonished his followers thus: 'Judge not according to

the appearance: but judge just judgment'.²¹ Scriptural norms provided important linguistic and conceptual models for the conduct of judges. Judges, ideally at least, ought to emulate the *Justus Judex* in pronouncing 'just judgment'. To judge, after all, was to share in the power of the divine. As Deut 16:18 explained, 'Thou shalt appoint judges and magistrates in all thy gates, which the Lord thy God shall give thee, in all thy tribes: that they may judge the people with just judgment'.²² The language of 'just judgment' thus evoked ideas of God's judgment, intimating that human judges had a moral responsibility to pattern their judicial behaviour after that of the *Justus Judex*.

The Scriptural language of 'just judgment' constituted one element in the programme of Carolingian judicial reform, one which left its mark on eleventh- and twelfth-century legal practice and language. The *Admonitio generalis* of 789, for instance, instructed judges as follows: 'let all those to whom power of judging is given, judge justly', and went on to quote Scriptural injunctions to this effect from Zach 8:16 and Deut 16:19.²³ The wider *Programmatic Capitulary* of 802 likewise admonished that judges should 'always exercise just judgment in all things'.²⁴ As Paul Fouracre has explained, the Carolingian programme of reform represented 'the effort to make justice conform to scriptural norms', and the idea of the 'just judgment' served to anchor judicial responsibility within such a framework.²⁵ To judge justly was to make decisions in accordance with divine law. And such ideas continued in the political theology of the post-Carolingian period. Abbo of Fleury, for instance, in his *Liber apologeticus* (c.995) stated that kings ought to 'make just judgment in all things'; he further reminded his addressees, Kings Hugh and Robert, that a king's judgment is not his own, but God's, 'to whom he will render account' at the Day of Judgment.²⁶

Another feature of Carolingian judicial reform was the promotion of the unilateral ordeal, which formed one of the likely pathways through which ideas of 'just judgment' entered the language of eleventh- and twelfth-century legal practice. The various *ordines* for ordeal,

which were produced from the ninth century onwards, frequently refer to ‘just judgment’.²⁷ Recorded prayers in the *ordines* adjured God the ‘Just Judge’, praising his ‘right’ judgment.²⁸ Some prayers stated, ‘You judge what is just’ (*tu iudicas quod iustum est*), while others beseeched, ‘You deem worthy to reveal your just judgment’ (*ut iustum iudicium discernere digneris te rogamus*).²⁹ One tenth-century *ordo* is particularly revealing. It began, ‘Just Judge, all your judgments are true and just’ (*iustus iudex omnia iudicia vera et iusta sunt*), before supplying one of the prayers said during the ordeal: ‘we submit this hand to this burning iron to be tested by your just judgment’ (*ad hoc candens ferrum tuo iusto iudicio examinandum mittimus*). The text concludes with an exhortation: ‘May no trick, Lord, prevail against your omnipotence and your just judgment’ (*Nullum Domine contra tuam omnipotentiam iustumque iudicium prevaleat prestigium*).³⁰

Although the relationship between ritual *ordines* and actual practice was not straightforward, there are nevertheless several indications that ordeal *ordines* influenced western French practice.³¹ In a 1066 case, for instance, Alcherius undertook an ordeal by hot water for the monks of Saint-Florent in their dispute with Count Geoffrey III of Anjou (1060–68).³² Within the basilica of Saint-Maurice, in Angers, Alcherius performed the ordeal ‘in accordance with the rites’ (*rite*), a statement strongly suggestive that the ordeal followed a set of prescriptions likely deriving from an *ordo*. This same text also noted that the clergy of Saint-Maurice said masses (*missarum*) whilst the water was heating—again hinting that the ordeal *ordines* supplied the texts for these masses. In another Angevin ordeal, Renaud the Grammarian (of Saint-Maurice) supplied the proband with the words to swear during his ordeal: the charter uses *litterae* when describing these ‘words’, implying that Renaud lifted them from a physical text—all the more plausible given Renaud’s learned reputation.³³ In a third case, from 1090 x 1110 and involving the nuns of Le Ronceray, the charter included an adjuration to ‘God Almighty, the Just and Right Judge’ (*Deus omnipotens, iudex justus et*

rectus).³⁴ Such language resonates loudly with that of the *ordines*.³⁵ And given that this Le Ronceray charter also mentions that mass was celebrated, that the proband took communion, and that the proband swore an oath upon the relics, we appear to be observing a situation where practice and matched in part the *ordines* for ordeal.

That the language of ‘just judgment’ was associated with ordeals seems to be confirmed by the fact that a handful of ‘just judgment’ cases involved an ordeal, including the earliest example of the phrase in a description of legal practice that I have found, dating from c.988 x 94.³⁶ During a dispute with the monks of Saint-Maur de Glanfeuil over tithes from the *villa* of Meigné, the monks of Saint-Florent de Saumur put a witness to the test who, following an ordeal, ‘appeared safe’ (*salvus apparuit*).³⁷ The monks of Saint-Maur contested this, however, and held onto the tithes ‘by force’ (*per vim*), alleging that the decision had been unjust. Both parties gathered before Bishop Renaud of Angers, who ordered one of the men present to swear an oath that the previous decision (made by Renaud’s predecessor) ‘was a fair and just judgment’ (*equum justumque iudicium*).³⁸ A second case from 1056 x 68 saw one Pertusus offer to undergo an ordeal in his case against the monks of Saint-Vincent of Le Mans, but by the appointed day he had fled, thereby defaulting his case: the judges therefore judged ‘by a right judgment’ that the contested tithe belonged to Saint-Vincent.³⁹ And finally, in 1102, the court of Robert de Rochecorbon adjudged an ordeal by hot iron (*ignito ferri*) to Guy son of Sulio in his ongoing dispute over judicial rights with the monks of Marmoutier.⁴⁰ Guy objected, alleging that the judges had made an ‘unjust judgment’; two of the judges then stated that ‘they would prove in any court that they had made a just judgment’.⁴¹ At this, Guy and his supporters ‘were defeated by a just judgment’ (*justo convicti iudicio*), and recognized their wrong (*injuriam*). Despite the interpretative difficulties of the preceding cases, they illustrate the basic point that ordeal supplied an obvious legal context for the language of ‘just judgment’ to surface.

It is possible that lay participation in ordeals and their accompanying rites and prayers, provided a conduit through which the language of ‘just judgment’ diffused into the language of legal practice. Take the following example. The language of ‘just judgment’ appeared twice in cases connected with the lords of Chemillé; once in *c.*1093 when Geoffrey, son of Hersende, was ‘compelled by a right judgment’ in Pierre II de Chemillé’s court; and again in *c.*1120 when Sigebrand, son of Thibaud, saw his challenge ‘brought to nothing by a just judgment’ in the same Pierre’s court.⁴² It is intriguing, therefore, that in 1060, Pierre’s father, Sigebrand, submitted a man to undergo an ordeal by hot iron at Chalennes, but Sigebrand abandoned his claim whilst the iron was heating—and no doubt when various prayers and rites were being performed.⁴³ Or again, in *c.*1100, the court of Pierre II de Chemillé ordered Raoul, a craftsman of the monks of Marmoutier, to undergo an ordeal by hot iron: in the monks’ charter, Pierre was expressly identified as being present while the proof was performed, thereby witnessing its accompanying rites and prayers.⁴⁴ The Chemillé cases thus suggest that participation in ordeals might have exposed lay actors to the rites and language of ordeal rituals that could then be re-purposed in cases *lacking* an ordeal, presided over by those same lay actors.

Underlying God’s ‘just judgment’, as revealed through an ordeal, were ideas of the Last Judgment. In Don Denny’s memorable phrase, the ordeal was ‘a foretaste of the Last Judgment’.⁴⁵ The prayers said before an ordeal was performed, for instance, sometimes beseeched Christ, ‘who will come to judge the living, the dead, and the world through fire’ (*venturus est iudicare vivos et mortuos et seculum per ignem*).⁴⁶ Others adjured God to ‘free us in the day of Judgment’ (*in die iudicii libera nos*), while some oaths sworn by probands saw the oath sworn, among other things, upon ‘the day of Judgment’ (*et per diem tremendi iudicii*).⁴⁷ Such phrases explicitly connected the ordeal to the Last Judgment.⁴⁸ Moreover, some ordeals may have been performed before sculptures of the Last Judgment. This may

have been the case at Autun in eastern France, where the c.1130 tympanum depicting the Last Judgment also included a phrase that, as Don Denny has argued, derived from ordeal *ordines*.⁴⁹

The significance of such language lies in part, then, in its evocation of the moral ideas of the Last Judgment; ordeals provided one of the more obvious occasions where the relationship between language and its cosmological implications was dramatized for litigants. Ordeals were not, however, the exclusive route whereby ‘just judgment’ became attached to ideas of Last Judgment. As a defining moment in Christian belief, ideas surrounding the Last Judgment were reinforced across several contexts. Gift-giving to ecclesiastical institutions provided one of these. Charters recording gifts sometimes stated that a gift was made for fear of the Last Judgment. In 1086 Raoul de Montrevault remitted rights of the *commendise*—a sort of protection money—to the monks of Saint-Florent because: ‘I am very terrified by the enormity of my sins, by which I shall earn wrath on the day of wrath and the revelation of the just judgment of God, who renders to each according to his deeds’.⁵⁰ Likewise, in 1105 Berlai de Montreuil issued a charter to the monks of Saint-Nicolas of Angers establishing a priory in his castle because, ‘I fear that I shall be damned in the Last Judgment by the Just Judge’.⁵¹ References to the *tribunal Christi* (cf. Rom 7:10, 2 Cor 5:10), the *dies iudicii*—and even the *justus iudex*—are not uncommon in motivation clauses, nor, unsurprisingly, in sanction clauses promising divine punishment upon would-be transgressors of property transactions.⁵² Such language in charters recording pious gift-giving signals that the links between ‘just judgment’ and Last Judgment, keenly made in contexts of ordeal, formed part of a larger symbolic repertoire that structured much religious and legal life.⁵³

The phrase ‘just judgment’ thus referred to God’s judgment, a judgment that blurred the boundaries between a specific judgment, like that purportedly revealed through ordeal, and the larger moral evaluation of the Last Judgment. That images of the Last Judgment served to

structure judicial activity in the Middle Ages has been noted by a number of scholars.⁵⁴ Models of God as the ‘Just Judge’, seated on a throne delivering judgment on the Day of Judgment provided images and language that were reflected in terrestrial justice. The language of ‘just judgment’ engaged this sacral, cosmological framework along with the constellation of ideas leading to God’s Last Judgment. Ordeals furnished one direct and spectacular occasion during which ideas, language and action could come together; the relationship between ‘just judgment’ language and ordeal *ordines* therefore offers us an important clue to see how particular ideas might have spread in specific contexts. But ordeals were not the only such occasions, and eleventh- and twelfth-century individuals could connect the language of ‘just judgment’ to ideas of the Last Judgment through gift-giving, the reading out of sanction clauses, or even encounters with sculpted and painted depictions of the Last Judgment. All played a part in sharpening such ideas.⁵⁵

II

The preceding discussion provides an interpretative framework for what the phrase ‘just judgment’ could have meant in the context of eleventh- and twelfth-century justice. Now we shall explore a couple of cases in detail in order to see how and why the use of such language could constitute a legal ritual, at least in some courts. While conclusions drawn from case studies will remain tentative, the final sections of this paper will situate these examples in the wider corpus of ‘just judgment’ cases.

Case 1: Bouchard, son of Guérin

Sometime after 1082, but no later than 1095, Bouchard son of Guérin, with the help of Eudes de Sermaise, went to collect wood from the woodland of Rougé, which belonged to the monks of Saint-Aubin of Angers.⁵⁶ The monks had received this woodland in 1060 x 67 by

gift from Thibaud de Jarzé and his family. Bouchard's father Guérin, however, possessed a third of the judicial rights in Rougé from Thibaud, so was bought out for 10s., some grain, and the monks' prayers when Thibaud made his gift.⁵⁷ From this, we can infer that Bouchard's claim to the woodland was connected to his father's once-held rights, making this, broadly, an inheritance claim—though the specifics remain difficult to reconstruct. Before Bouchard and Eudes had gathered wood, however, Adenor de Jarzé, Thibaud's widow, was apprised of the situation by some local men, and apparently said to her adversaries: 'Do not violate the alms given by Thibaud, my husband, and by myself and my son. I shall have Lord Roger—your lord too—hold a just judgment between you and the monks of Saint-Aubin as soon as he gets here. Indeed, it falls to him to correct that which requires correction'.⁵⁸ Adenor's offer failed to convince Bouchard and Eudes, and in the ensuing fracas, some of Adenor's men were left wounded, and others slain, allowing Bouchard and Eudes to take away two trees. Roger de Montrevault, 'greatly angered', then summoned the two men 'to right' (*ad jus*), presumably in his court: there, after Roger delivered a 'right judgment' (*juditium rectum*), Bouchard (but not Eudes) recognized his wrong (*culpa*), and was fined 30s., payable to Saint-Aubin's abbot. Bouchard then begged that the fine be pardoned by Abbot Gérard. After following the Gérard to Angers, Bouchard received mercy, abandoned all his challenges against the monks, was pardoned 28s. of his fine and then admitted into the prayers of the abbey—like his father some twenty years prior.

The charter recording Bouchard's case weaves the language of 'just judgment' into a reflection on the Last Judgment, one in which the lord, Roger de Montrevault, played the role of the 'Just Judge', delivering a *juditium rectum*. The charter opens by alluding to the Olivet Discourse—the eschatological prophecies leading the Last Judgment found in Matt 24–25, Mark 13 and Luke 21—when it decries the abundance of iniquity that increases day by day (Matt 24:12). The charter's two uses of the phrase 'just judgment'—in Adenor's offer and

Roger's decision—thus occur within an interpretative framework where, for the monastic author at least, 'just judgment' and the Last Judgment were conceptual bedfellows. Just such a conceptual relationship further informs the fact that the disputed property had explicitly been given in alms. When lay actors gave property to churches 'in alms', they hoped to accrue the benefits of ecclesiastical prayers for their souls and, ideally, the intercession of a powerful saint at the Last Judgment when standing before the tribunal of Christ.⁵⁹ Since eleemosynary gifts to saints constituted an exchange between heaven and earth, they represented a process whose efficacy rested on the inviolability of the specific property at the core of the exchange.⁶⁰ Threats to eleemosynary property thus endangered the soul(s) of the original donor(s), vitiating the potential that the gift achieve its hoped-for effects at the Last Judgment.⁶¹ Bouchard's entry into the woodland given to Saint-Aubin by Thibaud de Jarzé physically violated the purity of this particular eleemosynary property, imperilling the souls of Thibaud and his kin.

Textually, the Saint-Aubin charter therefore illustrates how the language of 'just judgment' was integrated into a conceptual framework that reinforced lessons about the sacrosanctity of gifts in alms, the physical and spatial inviolability of said alms, and the parallels between terrestrial authorities protecting a monastic interpretation of property and metaphors of the Last Judgment. How far this framework remains a textual artefact, or if the individuals involved in the case—especially Adenor and Roger—deliberately constructed meaning around it is another question altogether—one that in this case is difficult to answer. The rhetorical coherence of the Saint-Aubin charter may suggest that we are observing simply a polished monastic text. But there is another point to stress. Adenor herself is credited with using 'just judgment' language in the speech attributed to her by the charter scribe. It would be naïve to accept this speech as a verbatim account of Adenor's words; nevertheless, as Richard Barton has recently stressed, stylized accounts of speech in charters

represent the sorts of things that individuals *might* have said.⁶² The content of such speeches, even as recorded in ecclesiastical charters, may just open a window onto the values of the people making them. It matters, therefore, that Adenor's speech forged a relationship linking property given in alms, the 'just judgment', and the legal-moral authority of Roger de Montrevault. If her precise words are debatable, it seems questionable to conclude that Adenor herself was unable to give voice to the ideas that the language of 'just judgment' communicated.

Case 2: Païen, son of Norman

In c.1127, the canons of Saint-Laon de Thouars complained to Aimeri, the vicomte of Thouars, about the 'evils' (*mala*) that Païen, son of Norman had inflicted upon them.⁶³ Païen alleged that the canons built a mill to the detriment of his own mill, and thus he pursued them with a sword, crippling one of their pack animals and seizing another. Aimeri compelled Païen to his court, and ordered his nobles (*proceres*) to make a judgment 'according to the accounts' (*ex verbis*) each party. The nobles retreated 'into another area' to deliberate, then (presumably having returned) they 'made a just judgment', stating that Païen's challenge was unjust and that canons' mill was causing no harm to his own. Then the canons repeated their complaint about the pack animals. The nobles judged again, stating that Païen ought to compensate everything; recognising, however, that this was too heavy a burden for him, they persuaded Païen to beg for pardon from the canons and make ritual satisfaction 'by the throat' (*per gulam*). Païen therefore entered the canons' chapter-house and 'on bent knees, gave himself in satisfaction by the throat' (*flexis genibus in satisfactionem se ipsum per gulam tradidit*), then kissed each of the canons before promising to bring no further challenge against the canons.

Unlike Bouchard's case, Païen's survives in a less rhetorically embellished charter. The language of 'just judgment' appears in a matter-of-fact way—the judges pronounced a *justum iudicium*. While this does not mean the Saint-Laon charter can be read as an unproblematic account, its absence of Scriptural allusion or exegetical craftsmanship distinguishes it, at least in part, from the Saint-Aubin charter discussed above. For the present argument, two points emerge from Païen's case. First, it situates the language of 'just judgment' within a precise moment of the trial, allowing a glimpse of the *mise-en-scène* of Aimeri's court. The nobles responsible for making judgment physically retreated elsewhere before announcing their decision (*in alteram partem secesserunt*). Only upon their return did they then pronounce the *just* judgment. Physical movement and the separation of space, while in part practical because it allowed judges to deliberate free (in theory) from the influence of the court, also demarcated the act of judgment from the rest of the trial, thereby heightening the drama of the moment of decision-making. That, in Païen's case at least, the language of 'just judgment' was explicitly associated with gestures that helped dramatize judgment is a salient indication of the potentially charged quality to the ideas underlying 'just judgment'.

Second, the 'just judgment' in Païen's case was flanked by two additional gestures that further structured the dispute. First was the *clamor*, that the canons made to Aimeri. While the *clamor* retained a marked juridical function, it could also express moral ideas whereby litigants highlighted the symmetry between legal wrongdoing and sin, and where the authorities to whom *clamores* were made viewed their legal authority in moral terms.⁶⁴ Second was the ritual satisfaction 'by the throat' that Païen made on the spot to the canons in their chapter-house, on bent knees, and which was followed by a pledging of faith (*fides*) and osculatory exchanges. The phrase *per gulam* presents interpretative difficulties, exacerbated by the fact that this charter is the only attestation of the practice I have found from western France in this period.⁶⁵ The text literally states that Païen knelt down, with his throat exposed.

This would be a vulnerable position, and, if this interpretation is correct, Païen's eyes would be forced to look upwards, toward the heavens.⁶⁶ It is tempting to connect the *clamor*, the language of 'just judgment', and a gesture of satisfaction that required the penitent to direct his gaze upwards, to the celestial realm. The judges' pronouncement of a 'just judgment' may represented the ambition to place the entire dispute into a coherent moral meaning; it dramatized the implications of using force against ecclesiastics, which then fed seamlessly into the satisfaction Païen performed as a penitent. The cosmological significance of the phrase 'just judgment' formed the lynchpin: by drawing parallels between earthly justice and the Last Judgment, Païen—theoretically—could recognize the gravity of his wrong. In contrast to *the* Last Judgment, however, this mimetic Last Judgment allowed for reconciliation and the hope of redemption.

III

The above cases touch on two wider themes: lay agency in expressing ideas of 'just judgment'; and the relationship between judicial process and the sacred. In considering each of these themes we can reach a clearer understanding of how the language of 'just judgment' might have worked as a mimesis of the Last Judgment. It must however be re-emphasised that what follows constitutes a set of factors that *could* contribute to the meanings that legal actors might have taken from the language of 'just judgment'. The following should not be taken as an argument for what the phrase 'just judgment' always meant when it appeared in accounts of legal proceedings.

The immediate question raised by the preceding two cases concerns whether the lay parties credited with offering or making a 'just judgment' actually used this language. The question is a thorny one, and touches on the key interpretative difficulty in using texts produced by the clerical elite to reconstruct the attitudes of the lay actors that those same

texts describe.⁶⁷ Is the language of ‘just judgment’ simply a conceit of ecclesiastical scribes, or can we view the phrase as a language of judicial authority, emanating from lay court-holders themselves? As we have seen in the two case-studies, the language of ‘just judgment’ could appear in more or less rhetorically developed texts. While the charter can certainly be thought of as *text*, it was text composed from a bricolage that combined oral and written elements, which could be assembled in different ways. One level of analysis therefore will always remain the construction of *text*; but here I want to suggest that the language of ‘just judgment’—even when integrated into the charter as text—can also, at times, be located in the oral pronouncements of lay actors themselves.

There are three arguments that cumulatively suggest that lay actors were sometimes responsible for the language of ‘just judgment’. First, the phrase appears associated with certain specific jurisdictions. I have already mentioned the lordship of Chemillé, in whose court litigants on two separate occasions were overcome by a ‘right’ or ‘just’ judgment.⁶⁸ The court of Aimeri de Thouars, moreover, pronounced a ‘just judgment’ on three separate occasions from *c.*1127 to *c.*1138.⁶⁹ Since all the Thouars cases come from the archives of the canons of Saint-Laon de Thouars, however, it is difficult to know to what extent ‘just judgment’ might have been a house style of the canons, or a product of Aimeri’s court itself.

More interesting in this regard is the relative frequency with which the phrase ‘just judgment’ was attached to the court of the counts of Anjou. Between 1080 and 1105, Count Fulk IV (1067/8–1109) ‘pronounced an authentic and just judgment’ in favour of the monks of Marmoutier against Renaud de Craon.⁷⁰ Fulk’s judgment is one of ten cases ranging from *c.*1040 to *c.*1150 heard under Angevin comital presidency that use such language.⁷¹ The Angevin comital cases merit emphasis for several reasons. First, seven different religious houses preserve Angevin ‘just judgment’ cases, making it difficult to explain such language as the product of any given house’s particular ‘style’.⁷² Moreover, from the reign of Fulk IV

we start to have evidence for a comital writing office, whose importance increased during the reigns of Fulk V (1109–29) and Geoffrey IV (1129–51)—perhaps the comital administration, maybe even under the influence of the individual counts, shaped the language describing their courts’ judicial activities.⁷³ Further, it is possible to locate where some of these comital cases took place. Thus, a *generale placitum* held in Angers in 1040 x 60 resulted in a ‘legal and right judgment’ (*legali ac recto iudicio*); Fulk IV’s ‘authentic and just judgment’ mentioned above occurred at Durtal; Fulk V fixed a day for a case to be terminated ‘by a just judgment’ at Beaufort; and several cases were heard at Baugé, for which attestations of ‘just judgment’ cases survive from three separate institutions spread across western France—Marmoutier near Tours, Saint-Aubin d’Angers and La Trinité in Vendôme.⁷⁴ Because ‘just judgment’ language appears in Angevin comital cases that took place in several different places and survive in disparate ecclesiastical archives, it is probable that these charters reflect, at least in part, some of the linguistic phrases used in these courts.

A second argument suggesting that lay actors might have consciously used ‘just judgment’ language is simply that the principles such language espoused also appeared in the moral instruction of the laity, thereby providing a ready set of ideas to frame judicial power. Thus in 1109, Robert d’Arbrissel wrote a letter to Countess Ermengarde of Brittany, counselling her to ‘Judge not according to the appearance: but judge just judgment’, directly quoting John 7:24, in encouraging Ermengarde to remain steadfast in her execution of justice.⁷⁵ Likewise, in c.1131 Hildebert de Lavardin wrote to Geoffrey IV Anjou, urging him not to undertake a pilgrimage; Hildebert reminded of Geoffrey of his duty to protect the poor, especially from the predations of his own ministers, and if Geoffrey failed in his duties as a ruler, he would merit anger ‘on the day of wrath and the revelation of the just judgment of God, who renders to each according to his deeds’.⁷⁶ When a charter, therefore, from c.1126 describes the count of Anjou—this time Fulk V, Geoffrey’s father—and his wife, Arembourg,

as ‘very great lovers of justice’, whose court then pronounced a decision against Robert *Papa Bovem* who ‘was unable to resist this just judgment’, we can well imagine how some lay actors could connect the dots to construct a language of judicial authority like that of ‘just judgment’.⁷⁷

Third, there is a linguistic argument to make that in at least one ‘just judgment’ case, the charter scribe transliterates the judges’ actual vernacular words into Latin. The Le Lude judgment, delivered by Hubert, vicomte du Maine, and Robert the Burgundian in a complex case involving the monks of Saint-Aubin in 1067 x 90, reads as follows: ‘We have heard, *domina*, the account of your husband, along with your response, and those of your son and son-in-law; we judge for you all, by a just judgment, that according to his statement, and your response, none of you have any right in those vineyards’.⁷⁸ The judges continued to explain their decision, before concluding: ‘And therefore, judging justly between you, we state to you that none of you, according to what you have said and what they [the monks] replied, can claim anything in those vineyards’.⁷⁹ Like Bouchard’s case, the Le Lude judgment records a stylized speech in which the judges stressed their ‘just judgment’ and that they were ‘judging justly’. Here, however, the charter appears to bring us very close to the actual spoken word. This charter includes the following statement near its beginning: ‘And so that the judgment (*judicamentum*) may be understood more openly, let the words (*verba*) of the trial be recorded’. In a charter that outlines, in detail, the arguments made by each disputing party, leading to a judgment formed explicitly on the basis of those arguments, such a statement signals that the case was perceived as noteworthy by its monastic participants for the words exchanged. Crucial here is the word used for judgment itself: *judicamentum*. The Le Lude judgment is one of only two examples I have found where the phrase ‘just judgment’ uses *judicamentum*, rather than the expected *judicium*.⁸⁰ The word *judicamentum* was a neologism, a Latinisation of the vernacular *jugement*, and its appearance in this case provides an

important clue, therefore, that behind the charter text of the Le Lude judgment was almost certainly the vernacular *juste jugement*.⁸¹

While none of the preceding considerations on its own constitutes a smoking-gun, cumulatively they give reason to think that the language of ‘just judgment’ could at times reflect the actual language used in lay courts. Concepts of ‘just judgment’ were one element that charter draftsmen may have listened to and incorporated into charter narratives that were, after-all, highly reflexive accounts.⁸² As in Bouchard’s case, such language could receive an exegetical gloss by a monastic author; but vitally, that same language could plausibly have been used by lay actors themselves.

IV

The question of why lay actors might have used the language of ‘just judgment’ is more difficult to answer. To suggest that presenting the decision-making in terms evocative of the Last Judgment was a strategy of judicial legitimation merely rephrases the question as a statement. It is necessary to explain why *this* strategy in particular, and what about images of the Last Judgment that made them appropriate when attempting to structure legal authority? Part of the answer must come down to the relationship between judgment and coercion, on the one hand, and the available means of mediating this relationship on the other.

Underneath the judgments considered in this paper was the coercive power of lay court-holders. This is evident in both Bouchard’s and Païen’s case. In the former, it was Roger de Montrevault’s ‘very great anger’ that compelled Bouchard and Eudes to come to justice ‘immediately’ (*statim*).⁸³ With the latter, Aimeri de Thouars explicitly ‘compelled’ (*coegit*) Païen to court. An element of compulsion was no doubt present in many of the other cases involving ‘just judgment’ language. In *c.1126*, for example, another Païen, this one a prévôt, was ‘constrained by the just judgment’ of the nobles and burgesses of Bellême; or in *c.1093*,

Geoffrey son of Hersende was ‘compelled by a right judgment’ (*recto iudicio coactus*).⁸⁴ More implicitly, in many of the cases considered in this paper, there was often a social gap between the lay disputant and the political figure under whose aegis a court gathered, with the former occupying a position of seigneurial agent.⁸⁵ As several scholars have pointed out, an asymmetric power relationship between litigant and court-holder was more likely than not to result in judgment, in no small part due to the fact that the court-holder possessed the coercive power necessary for enforcement.⁸⁶ Moreover, compromises over the substantive proprietary matters at the heart of the ‘just judgment’ cases were exceptionally rare: the cases considered in this paper instead tended to end in definitive judgments.⁸⁷ Even the ‘agreements’ forged between ecclesiastics and men like Bouchard or Païen end up being illusory. Although Bouchard was forgiven 28*s.* of his fine, his substantive claim to collect wood from Rougé was defeated; and Païen’s grievance concerning the canons’ mill made little progress in Aimeri’s court. And as Hubert and Robert put it in the Le Lude judgment, ‘none of you have any right’: this was a categorical and authoritative statement, and was meant to be so.

It seems unlikely that those with judicial responsibility did not seek to legitimate the coercive power on which the decisions of their courts ultimately rested. In a basic sense, the language of ‘just judgment’ was a form of judicial legitimation, reinforcing a court-holder’s authority by drawing parallels between terrestrial judgment and that of the *Justus Iudex*. While one could argue that ‘just judgment’ simply meant that a decision had been reached following due process—and was thereby divorced from any wider moral framework—such a conclusion would risk minimising the specific roots of ‘just judgment’ language, and cannot easily explain why *this* language should have been chosen when describing a lawful decision. More importantly, separating ‘just judgment’ from its moral dimensions risks implying that law can be considered independently from morality—a difficult proposition to maintain for

today, let alone for the Middle Ages. At any rate, models of divine justice must have been particularly appropriate in disputes involving churchmen. Indeed, whatever interpretation we give to the language of ‘just judgment’ must take into account the structural fact that our evidence centres on disputes involving ecclesiastics.

In this light, it is striking that both Bouchard’s case and Païen’s involved clear acts of violence committed by laymen against church property. Violence, indeed, is a recurring theme in these cases.⁸⁸ Sanction clauses in charters, saintly miracle stories and the liturgies of malediction that survive from the period all make clear that the use of force against ecclesiastics and their property incurred the wrath of God, and was a sin requiring satisfaction. Bouchard, for instance, was made to acknowledge publicly his *culpa*—a word implying legal wrong and moral sin in equal measure—before travelling to a monastic chapterhouse to make amends. The language of ‘just judgment’ helped participants enter this register by drawing attention to the moral implications of being judged. By evoking ideas and images of the Last Judgment, the language of ‘just judgment’ equated the offending party receiving judgment with a sinner before Christ on his throne at the Last Judgment. In theory, at least, curial pronouncements of ‘just judgment’ formed an element of moral instruction, warning—and judging—against the dangers of assaults upon ecclesiastical property. Of course, not all ‘just judgment’ cases involved acts of force; but the moral lessons could easily extend to the very act of claiming property from churchmen—ever keen on presenting any challenge against them as inherently unjust.⁸⁹ The point to draw from this is that using language so evocative of the images of the Last Judgment dramatized the moral dimensions of disputes involving churchmen. The drama cast roles for the judge(s), who became comparable to God in his tribunal at the Last Judgment, and for the offender(s), who (ideally) recognized in the present decision a foretaste of the Last Judgment. And it structured the very moral interpretation of conflict: violence against church property—or even the act of

disputing with churchmen—constituted a sin for which the malefactor would be damned come the Day of Judgment.

The language of ‘just judgment’ also performed a more basic task, however, and that was to incorporate the act of judgment within a sacral framework. To appreciate what I mean by this, it is worth unpacking the relationship between judicial process and the sacred in greater detail. In eleventh- and twelfth-century court cases, two elements ensured the presence of the sacred: proofs and the locations of justice. Ordeals calling for the *judicium Dei* were only the most spectacular procedural device in which a trial could engage the sacred. Judicial oaths, often sworn on relics or the gospels likewise brought the divine into the court; and even the reading of charters during trials, along with the visual impact of the presentation of a charter with its stylized crosses invoking the divine, could integrate justice into a sacral, cosmological framework.⁹⁰ The places where courts gathered equally underscored the sacral dimensions of justice.⁹¹ Courts often gathered at the atria or porches of churches, or sometimes in cloisters; and many of the rituals whereby litigants abandoned their claims and/or confessed their wrongs took place either in a chapterhouse or before an altar.⁹² In both its *mise-en-scène* and its procedural elements, the ideal-typical eleventh- and twelfth-century court tightly integrated terrestrial justice with the sacred, whereby the divine was both a participant and guarantor in judicial process.

In this light, as I have already noted, it is striking how few of the ‘just judgment’ cases involved the proposal or performance of an ordeal, despite the fact that such language can be easily found in the *ordines* for ordeal.⁹³ The point can be extended to other forms of proof as well: neither oath-taking nor the presentation of documents appears to have been a feature of the ‘just judgment’ cases, at least as they have been recorded. Instead, like in Païen’s case, or in the Le Lude judgment, the ‘just judgment’ cases appear to have been organized primarily around debate and discussion, with judicial decisions following after an evaluation of each

party's arguments.⁹⁴ Similarly, these cases were sometimes explicitly anchored in secular sites of power, lacking the immediate impact of a church's sacred space. Hubert and Robert pronounced their decision 'in the stone chamber' (*in camera petrina*) of the vicomte at Le Lude. Further, three of the Angevin comital 'just judgment' cases took place at Baugé.⁹⁵ Although none of these cases specifies where, precisely, the court gathered, we know from other charters that the counts of Anjou had a hall (*aula*) at Baugé, and that court cases were tried in it.⁹⁶ These cases, at least, appear to have gathered specifically at castral sites, set against a backdrop of the symbols of lay power. In terms both of procedure and location, the 'just judgment' cases heard in lay courts tended to lack the obvious external signs of the sacred.

A number of the 'just judgment' cases thus displayed an absence of the symbols of the sacred that contributed to were, in part, constitutive of the legitimacy of judicial process. How far this court-holders, judges, or litigants perceived this as a problem is unknowable; but choices taken to present decision-making in the language of 'just judgment' at least hints that the matter was serious enough so as to warrant alternative means to construct sacral legitimacy. Lacking the expected procedural and/or spatial cues that integrated law into the sacred realm, the decisions pronounced by people like Roger de Montrevault, or Aimeri de Thouars' judges, exposed lay, coercive judicial power for all to see. Judges were required to take moral responsibility for the decisions they made, without the guarantees of legitimacy that were, theoretically at least, provided by God. Such decisions were especially vulnerable to charges that they were 'false' or 'unjust'—serious charges when resistance to an allegedly 'false' decision could quickly escalate to war (*guerra*).⁹⁷ Pronouncements of 'just judgment' thus attempted to forestall such criticism by drawing parallels between terrestrial decisions and divine justice. When Hubert the vicomte and Robert the Burgundian announced that they judged 'by a just judgment' and that they were 'judging justly', they were framing their

decision in the language of sacral justice. ‘Just judgment’ was therefore about more than the legitimation of judicial power: it was about the very legitimacy of the legal sphere, where what mattered was the presence of the sacred. The language of ‘just judgment’ belies the belief that *some* relationship between justice and the sacred was regarded as essential to the legitimacy of judicial process itself.

V

This brings us back to the central claim of this paper: that the language of ‘just judgment’ represented an attempt to structure the act of decision-making as a mimesis of the Last Judgment. ‘Just judgment’ evoked ideas of God’s Last Judgment, and thus placed conflict within a moral framework that combined legal practice with religious belief. By using this language, lay actors integrated the trial into a totalizing vision of a divinely ordained and sanctioned society whereby the outcome—the judgment—was absolute. By presenting the authority of the judge and the decision in a way evocative of the Last Judgment, lay actors collapsed the distance between the here and now, and the end of time, thus locating their decision—its content and the authority behind it—in the final temporal moment of the cosmos, from which there could be no appeal. This was a language that, theoretically, left nothing to chance. Through ‘just judgment’ language, judges thus laid claim to their moral authority to judge, even if the moral stakes of disputes involving churchmen—especially those whose property fell prey to violence—played a large role in creating the contexts for the specific type of authority that judges sought to claim. The language of ‘just judgment’ mediated between the human activity of judgment and the sacred realm of divine justice thought to operate at the end of time.

The argument of this paper rests on assumptions about the power of language to evoke: to evoke both the memories of the ordeal *ordines* and its rites from which the language of ‘just

judgment' took form, as well as metaphors of the Last Judgment that underlied this language. This argument presupposes that the 'just judgment' was, first and foremost, an emotive experience. On the other hand, these observations also point to the limitations of this paper's arguments: ultimately, we cannot recapture how medieval actors experienced the emotional contours of 'just judgment', if they did at all. It is tempting to suggest that there was a relationship between 'just judgment' language, metaphors of the Last Judgment, the subjective experience of justice, and the construction of the legal sphere itself. Perhaps in the words 'just judgment', participants formed in their mind's eye an image of the celestial tribunal, reinforced by art, architecture, and preaching—an image not only in which God sat in terrible judgment upon the damned, but in which the majesty of the court itself was constituted. But such reflections can never aspire to be more than speculation. Despite the case presented above, there always remains the possibility that 'just judgment' was little more than an empty scribal formula.

Such a conclusion seems excessively cautious, however. What this paper has attempted to do is to establish some of the interpretative potential the phrase 'just judgment', and to offer some reasons for how, and why, some legal actors might both have recognized that potential, and actively used it. For the ecclesiastical actors on whose records we rely, that 'just judgment' dramatized the moral dimensions of conflict by drawing parallels with the Last Judgment looks to be a fairly secure conclusion for at least some cases. For the lay actors credited with pronouncing 'just judgment', however, this paper has adduced evidence strongly suggestive that in some contexts, these same lay actors might have used this language themselves with a full understanding of its moral implications. Invoking 'just judgment' language represented, at a basic level, efforts towards the legitimation of decision-making through the appeal to ideas that bestowed moral authority upon the act of judgment. This concern was not unique to 'feudal justice', nor was the language of 'just judgment' the

only way to accomplish this. But ‘just judgment’ language was *one* means of laying claim to the moral authority of decision-making, and one with which eleventh- and twelfth-century lay actors were more than likely familiar. The ideas underlying ‘just judgment’ were not difficult, nor would it have required significant efforts of imagination to model terrestrial, lay justice on that of divine justice at the Last Judgment—all the more so since the Last Judgment was so foundational to Christian belief. In much the same way the language of ‘just judgment’ sought to build a bridge between the here and now and the ever-after, so too might it have built a bridge between the thoughts and aspirations of our ecclesiastical authors and the lay actors whom they described. The judicial language of ‘just judgment’ may be one particular context in which distinctions between ecclesiastical and lay, religious and secular, make little sense, especially when the interests of lay judges and ecclesiastical litigants in many of the cases considered here overlapped so completely as to be nearly indistinguishable. Perhaps the most significant suggestion that this paper can make, therefore, is that the language of ‘just judgment’ opens a tantalising window onto the processes whereby the lay actors of ‘feudal justice’ laid claim to the moral authority of their judicial power. In ongoing debates about the nature of aristocratic power in eleventh- and twelfth-century France and its relationship to justice, the language of ‘just judgment’ may let us hear the faintest echo of what lay actors said about that relationship. If nothing else, the preceding pages should make clear that what they said is worth listening to.

¹ ‘Just judgment’ should be understood to include both *justum* and *rectum iudicium* throughout this article.

² *Chartes originales [antérieures à conservées en France]*, ed. C. Giraud, J.-B. Renault, and B.-M. Tock (Nancy and Orléans, 2010), online at <www.cn-telma.fr/originaux>, no. 1319; *[Cartulaire de l’abbaye de] Saint-Laon [de Thouars]*, ed. H. Imbert (Niort, 1876), nos 34 and 48; *[Cartulaire de] M[armoutier pour le] D[unois]*, ed. É. Mabille (Châteaudun, 1874), no.

145; [*Cartulaire de l'abbaye de*] *Saint-Aubin [d'Angers]*, ed. B. de Broussillon, 3 vols (Angers, 1896–1903), nos 270, 364 and 932; [*Cartulaire du chapitre*] *Saint-Laud [d'Angers]*, ed. A. Planchenault (Angers, 1903), no. 38; [*Cartulaire de l'abbaye de*] *Saint-Vincent [du Mans, ordre de Saint Benoît (Premier Cartulaire, 572–1188)]*, ed. R. Charles and M. d'Elbenne (Le Mans, 1886–1913), nos 619 and 769; [*Cartulaire de l'abbaye cardinale de la Trinité de*] *Vendôme*, ed. C. Métais, 5 vols (Paris, 1893–1904), no. 345.

³ *Chartes originales*, nos 4714 and 4854; *MD*, no. 13; [*Cartulaire de*] *M[armoutier pour le] P[erche]*, ed. l'abbé Barret (Mortagne, 1896), no. 22; [*Cartulaire de*] *M[armoutier pour le] V[endômois]*, ed. C.A. de Trémault (Paris, 1893), no. 172; *Saint-Aubin*, no. 90; *Saint-Vincent*, nos 65 and 695; *Vendôme*, no. 91; '[Cartae de rebus abbatiae] m[ajoris] m[onasterii in] A[ndegavia]', ed. P. Marchegay, in *Archives d'Anjou*, vol. 2 (Angers, 1850), 45–7; *Saint-Aubin*, no. 949.

⁴ [*Cartulaire de*] *Cormery, [précédé de l'histoire de l'abbaye et de la ville de Cormery d'après les chartes]*, ed. J.-J. Bourassé (Tours and Paris, 1861), no. 46; B[ibliothèque] n[ationale de] F[rance], MS N[ouv.] A[cq.] L[at.] 1930, fos 24v–25r; [*Cartulaire de l'abbaye de*] *Saint-Père [de Chartres]*, ed. B. Guérard, vol. 2 (Paris, 1840), 417–21; *Vendôme*, no. 514.

⁵ [*Cartulaire*] *n[oir de la cathédrale d'Angers]*, ed. C. Urseau (Paris, 1908), no. 123; *Saint-Vincent*, no. 199; *Vendôme*, no. 353.

⁶ *Chartes originales*, no. 3218; *Saint-Laon*, no. 31; [*Cartulaire de l'abbaye de*] *Noyers*, ed. C. Chevalier (Tours, 1872), no. 523; 'C[artularium monasterii] B[eatae] M[ariae] A[ndegavensis]', ed. P. Marchegay, in *Archives d'Anjou*, vol. 3 (Angers, 1854), no. 52; *Saint-Père*, vol. 2, 304–6; [*Premier et Second Livres des cartulaires de l'abbaye*] *Saint-Serge [et Saint-Bach d'Angers (XI^e et XII^e siècles)]*, ed. Y. Chauvin, 2 vols (Angers, 1997), II, no. [2] 82; *Saint-Vincent*, no. 230.

⁷ Some accounts combined multiple formulas: *Saint-Aubin*, no. 270 and C. Lamy, ‘Un Aspect de la seigneurie châtelaine. Le Droit de vicaria de la seigneurie de Rochecorbon en Touraine au XI^e siècle’, in D. Barthélemy and O. Bruand (eds.), *Les Pouvoirs locaux dans la France du centre et de l’ouest (VIII^e–XI^e siècles). Implantation et moyens d’action* (Rennes, 2004), 193–214, p[ièce] j[ustificative], no. 3.

⁸ For ordeals in western France during this period, see B. Lemesle, *Conflits et justice au Moyen Âge. Normes, loi et résolution des conflits en Anjou aux XI^e et XII^e siècles* (Paris, 2008), 157–81. More broadly, see R. J. Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford, 1986); R. Jacob, *La Grâce des juges. L’Institution judiciaire et le sacré en Occident* (Paris, 2015), esp. 1–244; and J. Q. Whitman, *The Origins of Reasonable Doubt: Theological Roots of the Criminal Trial* (New Haven and London, 2008), esp. 51–90.

⁹ For counts: *Chartes originales*, no. 1319; *MMA*, 45–7; *MD*, no. 145; *MP*, no. 22; *Saint-Vincent*, nos 230, 619 and 769. For lords (*domini*): *Chartes originales*, nos 4714 and 4854; *Cormery*, no. 46; *Saint-Laon*, nos 31 and 34; *MV*, no. 172; Lamy, ‘Un aspect’, p. j. no. 3; *Noyers*, no. 523; *Saint-Aubin*, nos 270 and 364; *Saint-Serge*, I, no. 260 and *Saint-Serge*, II, no. [2] 82; *Saint-Vincent*, no. 65. For ecclesiastical presidents: A[rchives] D[épartementales] de la Mayenne H 154, fo. 12v; *CBMA*, no. 52; *Saint-Vincent*, no. 22; [*Cartulaire de l’abbaye de la Saint-Trinité de] Tiron*, ed. L. Merlet, 2 vols (Chartres, 1883), no. 322; *Vendôme*, no. 353.

¹⁰ The phrase comes from M. Flynn, ‘Mimesis of the Last Judgment: the Spanish Auto de fe’, *The Sixteenth-Century Journal* 22 (1991), 281–97.

¹¹ Recent works on justice in France include Lemesle, *Conflits et justice*; H. Couderc-Barraud, *La Violence, l’ordre et la paix. Résoudre les conflits en Gascogne du XI^e au début du XIII^e siècle* (Toulouse, 2008); J. Maquet, ‘Faire justice’ dans le diocèse de Liège au Moyen Âge (VIII^e–XII^e siècles). *Essai de droit judiciaire reconstitué* (Geneva, 2008). S. D.

White, *Feuding and Peace-Making in Eleventh-Century France* (Aldershot, 2005) remains foundational; note also W. Davies and P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986); and W. C. Brown and P. Górecki (eds.), *Conflict in Medieval Europe: Changing Perspectives on Medieval Society* (Aldershot, 2003).

¹² See C. Wickham, 'Public court practice: the eighth and twelfth centuries compared', in S. Esders (ed.), *Rechtsverständnis und Konfliktbewältigung: Gerichtliche und außergerichtliche Strategien im Mittelalter* (Cologne, 2007), 17–30.

¹³ For introductions to the debate on the *mutation féodale* see F. Mazel, *Féodalités, 888–1180* (Paris, 2010), 637–48 and C. West, *Reframing the Feudal Revolution: Political and Social Transformation between Marne and Moselle, c.800–c.1100* (Cambridge, 2013), 1–9. J.-P. Poly and E. Bournazel, *La Mutation féodale. X^e-XII^e siècle* (Paris, 2004) and D. Barthélemy, *La Mutation féodale de l'an mil a-t-elle eu lieu? Servage et chevalerie dans la France des X^e et XI^e siècles* (Paris, 1997) represent the contrasting sides of the debate.

¹⁴ See S. D. White, 'From peace to power: the study of disputes in medieval France', in E. Cohen and M. B. de Jong (eds.), *Medieval Transformations: Texts, Power, and Gifts in Context* (Brill, 2001), 203–18; F. Mazel, 'Justice, société et pouvoir à l'époque féodale: nouvelles perspectives. À propos de deux ouvrages récents', *Revue Historique* 662 (2012), 477–91.

¹⁵ E.g., T. N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009).

¹⁶ For the Carolingians, see P. Fouracre, 'Carolingian justice: the rhetoric of improvement and the contexts of abuse', in *La giustizia nell'alto medioevo*, *Settimane di Studio del Centro Italiano di studio sull'alto medioevo* 42 (1995), 771–803. For the later Middle Ages, see e.g. C. Gauvard and R. Jacob (eds.), *Les Rites de la justice. Gestes et rituels judiciaires au Moyen*

Âge (Paris, 2000) and R. Jacob, *Images de la Justice. Essai sur l'iconographie judiciaire du Moyen Âge à l'âge classique* (Paris, 1994).

¹⁷ C. Senséby (ed.), *L'Écrit monastique dans l'espace ligérien (X^e–XIII^e siècle). Singularités, interférences et transferts documentaires* (Rennes, 2018) showcases the latest research on western French charters; see also N. Ruffini-Ronzani and J.-F. Nieuw, 'Société seigneuriale, réformes ecclésiastiques: les enjeux documentaires d'une révision historiographique', in S. Vanderputten and B. Meijns (eds.), *Ecclesia in medio nationis: Reflections on the Study on Monasticism in the Central Middle Ages/Réflexions sur l'étude du monachisme au Moyen Âge central* (Leuven, 2011), 77–100 for a wider introduction to charter studies. D. Barthélemy, *La Société dans le comté de Vendôme de l'an mil au XIV^e siècle* (Paris, 1993), esp. 19–83, and O. Guyotjeannin, L. Morelle, and M. Parisse (eds.), 'Pratiques de l'écrit documentaire au XI^e siècle', *Bibliothèque de l'École des Chartes* 155 (1997) remain foundational.

¹⁸ All Scriptural quotations follow the King James Version.

¹⁹ For God's 'just judgment': Sir 32:20; 2 Macc 9:18. For God as the *Justus Judex*, see: 2 Macc 12:5; Ps 7:12; 2 Tim 4:8.

²⁰ Ps 118:137.

²¹ John 7:24.

²² Deut 16:19 goes on to state that judges will accept neither persons nor gifts, 'for gifts blind the eyes of the wise, and change the words of the just'.

²³ In *Capitularia regum Francorum*, vol. 1, ed. A. Boretius, MGH Legum Sectio II (Hanover, 1883), 58 (§63).

²⁴ In *Capitularia regum Francorum*, 93–4 (§13 and 14).

²⁵ Fouracre, 'Carolingian Justice', 779.

²⁶ *P[atrologiae cursus completus, series] L[atina]*, ed. J.-P. Migne, 221 vols. (Paris, 1844–65), vol. 139, col. 468. See too M. Mostert, *The Political Theology of Abbo of Fleury: A*

Study of the Ideas about Society and Law of the Tenth-century Monastic Reform Movement (Hilversum, 1987), esp. 48–51.

²⁷ The *ordines* are collected in *Formulae [Merowingici et Karolini aevi]*, ed. K. Zeumer, MGH Legum Sectio V: Formulae (Hanover, 1886), 601–722; see too Bartlett, *Trial by Fire*, 9–12 and Jacob, *La Grâce des juges*, 177–82.

²⁸ For *iudex iustus*, see *Formulae*, A 1–3, A 5–8, A 10–12, A 21–4; B II, 2; B IV, 1, 4; B VI, 3; B VII, 2; B IX, 1–2. For *rectum iudicium*, see *Formulae*, A 1; A 5–6; A 22; A 24; B I, 5; B IV, 2; B XI, 2; B XII, 1; B XII, 4; B XIII, 1.

²⁹ For the former, *Formulae*, A 6–7; A 32; B II, 2; for the latter, *Formulae*, B X, 1.

³⁰ *Formulae*, B II, 1.

³¹ J. L. Nelson, ‘Ritual and reality in the early medieval *ordines*’, in eadem, *Politics and Ritual in Early Medieval Europe* (London, 1986), 329–39; P. Hyams, ‘Trial by ordeal: the key to proof in the early Common Law’, in M. S. Arnold *et al.* (eds.), *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne* (Chapel Hill, 1981), 109.

³² *Chartes originales*, no. 3367, and the copy in BnF MS NAL 1930, fos 99r–100v; the text is included in *Archives d’Anjou*, ed. P. Marchegay, vol. 1 (Angers, 1843), 472–4.

³³ *Archives d’Anjou*, vol. 1, 474–5; the text describes Renaud as a *vir satis eruditus*. On Renaud and similar men in Anjou, see C. Senséby, ‘Des Hommes, des écrit et des conflits aux XI^e et XII^e siècles dans l’espace ligérien’, in *L’Autorité de l’écrit au Moyen Âge (Orient-Occident)* (Paris, 2009), 175–87.

³⁴ *Archives d’Anjou*, I, 476–7 = *CBMA*, no. 313.

³⁵ See e.g., *Formulae*, A 32: *Deus omnipotens qui iudicas quod iustum est iudica et manifesta causam istam*.

³⁶ AD de Maine-et-Loire H 2191 (= *Chartes originales*, no. 3369), and the faithful copy in the BnF MS NAL 1930, fos 24v–25r. O. Guillot, *Le Comte d'Anjou et son entourage au XI^e siècle*, 2 vols. (Paris, 1972), I, 211, n. 66 suggests a date of around 988.

³⁷ This was a common way of describing the (positive) outcomes of an ordeal: see AD de Maine-et-Loire H 3713, fo. 41v.

³⁸ The phrase *aequum iudicium* also appears in some of the ordeal *ordines*: see *Formulae*, A 1; B XIII, 2.

³⁹ *Saint-Vincent*, no. 769: *judicant ibi recto iudicio*.

⁴⁰ For the text of this charter, and commentary, see Lamy, 'Un Aspect', p. j., no. 3.

⁴¹ *Ibid.*: *offerentes in omnibus curiis probaturos se, justum iudicium fecisse*.

⁴² *Chartes originales*, nos 4714 and 4854 respectively.

⁴³ *Chartes originales*, no. 3526.

⁴⁴ *Chartes originales*, no. 4706.

⁴⁵ D. Denny, 'The Last Judgment tympanum at Autun: its sources and meaning', *Speculum* 57 (1982), 543.

⁴⁶ *Formulae*, A 1, 3, 6–8.

⁴⁷ For the former, *Formulae*, B IV, 1, and B IV, 2 for the later; see too B V, 1 for another oath sworn *per tremendum diem iudicii*.

⁴⁸ See also Hincmar of Rheims, *De divortio Lotharii regis et Theutbergae reginae*, ed. L. Bohringer, MGH Conc. IV, supplementum 1 (Hanover, 1992), 150–1, where Hincmar refers explicitly to the Last Judgment in his justification of ordeal. I am grateful to the reviewer of *French History* for drawing to my attention Hincmar's connection of ordeal to the Last Judgment.

⁴⁹ Denny, 'The Last Judgment tympanum'.

⁵⁰ AD de Maine-et-Loire H 3713, fos 1–2r: *quidem enormitate scelerum meorum quibus iram michi thesaurizo in die ire et revelationis iusti iudicii dei qui reddet unicuique secundum opera sua valde perterritus.*

⁵¹ L. le Peletier, *De rerum scitu dignissimarum a prima fundatione monasterii S. Nicolai Andegavensis ad hunc usque diem epitome, nec non et ejusdem monasterii abbatum series* (Angers, 1635), 40–2.

⁵² For the *tribunal Christi*, see: CN, nos 29 and 65; for *dies iudicii*: CN, no. 65, *Grand Cartulaire de Fontevraud*, ed. J.-M. Bienvenu, R. Favreau and G. Pons, 2 vols (Poitiers, 2000, 2005), nos 234, 791 and 863; *CBMA*, nos 5 and 424; *Vendôme*, no. 35; for *justus iudex*: *Chartes originales*, no. 1416; *Cormery*, no. 59. Note also *Noyers*, no. 103 for *timens commune iudicium mortis extremae*.

⁵³ See similar comments regarding rituals of supplication by G. Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca and London, 1992), 298–9.

⁵⁴ See e.g., Couderc-Barraud, *La Violence*, 243; Koziol, *Begging Pardon*, 85–6, 216; R. F. Berkhofer III, *Day of Reckoning: Power and Accountability in Medieval France* (Philadelphia, 2004), 162–3, 167–8. Note too A. Musson, ‘Controlling human behaviour? The Last Judgment in late medieval art and architecture’, in A. D. Boboc (ed.), *Theorizing Legal Personhood in Late Medieval England*, (Brill, 2015), 166–91, for the later medieval English example.

⁵⁵ There was a sculpture of the Last Judgment at Fontevraud, e.g., by 1200 at the latest: see L. Pressouyre and D. Prigent, ‘Le Jugement dernier de Fontevraud’, *Comptes rendus des séances de l’Académie des Inscriptions et Belles-Lettres* 133 (1989), 804–9.

⁵⁶ *Saint-Aubin*, no. 270.

⁵⁷ *Saint-Aubin*, no. 269.

⁵⁸ *Saint-Aubin*, no. 270. Roger de Montrevault acquired the lordship of Jarzé through marriage to Adenor's daughter, Agnes: see T. Véron, *L'Intégration des Mauges à l'Anjou au XI^e siècle* (Limoges, 2007), 106–8.

⁵⁹ See the examples cited above, nn. 51–3.

⁶⁰ S. D. White, *Custom, Kinship, and Gifts to Saints: The Laudatio parentum in Western France, 1050-1150* (Chapel Hill, 1988) and B. Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property, 909-1049* (Ithaca, 1989).

⁶¹ White, *Custom*, esp. 76, 153–8.

⁶² R. E. Barton, 'Giving and receiving counsel: forging political culture in western French and Anglo-Norman assemblies', *History* 102 (2017), esp. 806–7; and Koziol, *Begging Pardon*, 249–50 for similar comments.

⁶³ *Saint-Laon*, no. 48.

⁶⁴ Koziol, *Begging Pardon*, esp. 220–9; for the *clamores* ecclesiastics directed towards God and the saints, see L. K. Little, *Benedictine Maledictions: Liturgical Cursing in Romanesque France* (Ithaca, 1993); cf. R. E. Barton, 'Making a clamor to the lord: noise, justice and power in eleventh- and twelfth-century France', in B. S. Tuten and T. L. Billado (eds.), *Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White* (Farnham, 2010), 213–35, focusing on the juridical *clamor*.

⁶⁵ K. Petkov, *The Kiss of Peace: Ritual, Self, and Society in the High and Late Medieval West* (Leiden and Boston, 2003), 49–50 mentions this case, but without comment on the phrase *per gulam*. Du Cange et al., *Glossarium mediae et infimae latinitatis* (Niort, 1883–87), s. v. *gula*, sense 3, cites a charter from 1241 in which the phrase *dare per gulam* means to hang someone, but this is of little help in Païen's case.

⁶⁶ The nearest parallel are rituals where an individual exposed his neck (rather than throat) and a sword was lain upon it to symbolise execution, for which see Jean-Marie Moeglin,

‘Harmiscara/Harmschar/Hachée. Le Dossier des rituels d’humiliation et de soumission au Moyen Âge’, *Archivum latinitatis medii Aevi, Bulletin du Cange* 54 (1996), 11–65.

⁶⁷ See here P. Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton and Oxford, 2001), along with G. Koziol, ‘Review article: the dangers of polemic: is ritual still an interesting topic of historical study’, *Early Medieval Europe*, 11 (2002), 367–88 and P. Buc, ‘The monster and the critics: a ritual reply’, *Early Medieval Europe*, 15 (2007), 441–52.

⁶⁸ *Chartes originales*, nos 4714 and 4854.

⁶⁹ *Saint-Laon*, nos 31, 34 and 48.

⁷⁰ *Chartes originales*, no. 1319; for the date, see Guillot, *Le Comte d’Anjou*, II, no. 428.

⁷¹ In addition to the example cited in the previous note, see: *MMA*, 45–7; *Saint-Aubin*, nos 5, 932 and 949; ‘Cartulaire de Saint-Jouin-les-Marnes’, ed. C. de Grandmaison, in *Mémoires de la société statistique du département des Deux-Sèvres*, vol. 17 (Niort, 1854), 27–30; *Saint-Laud*, no. 38; *Saint-Serge*, I, 403; *Vendôme*, no. 514; and K. A. Dutton, ‘Geoffrey, Count of Anjou and Duke of Normandy, 1129–51’, (PhD, University of Glasgow, 2011), Appendix I, no. 38. These observations are not based on a systematic examination of the *acta* of the counts of Anjou, so there may be further examples of ‘just judgment’ language in the comital charters.

⁷² These are: Cormery, La Trinité de Vendôme, Marmoutier, Saint-Aubin d’Angers, Saint-Jouin de Marnes, Saint-Laud d’Angers, and Saint-Serge d’Angers.

⁷³ Guillot, *Le Comte d’Anjou*, I, 422 and Dutton, ‘Geoffrey, Count of Anjou’, 171–6; note also *ibid.*, 92–3 for Dutton’s observation that Geoffrey IV often took a personal interest in the exercise of justice, of relevance for the significance of ‘just judgment’ language.

⁷⁴ For Angers: *Saint-Aubin*, no. 5; for Durtal: *Chartes originales*, no. 1319; for Beaufort: *Saint-Aubin*, no. 932; for Baugé: *MMA*, 45–7, *Saint-Aubin*, no. 949 and *Vendôme*, no. 514.

⁷⁵ For the text: J. de Pétigny, ‘Lettre inédit de Robert d’Arbrissel à la comtesse Ermengarde’, *Bibliothèque de l’École des Chartes* 15 (1854), 225–35; for the translation: B. L. Venarde, *Robert of Arbrissel: A Medieval Religious Life* (Washington, 2003), 73–9.

⁷⁶ *PL*, vol. 171, cols. 181–3.

⁷⁷ *MMA*, 45–7.

⁷⁸ *Saint-Aubin*, no. 364. S. D. White, ‘Inheritances and legal arguments in western France, 1050–1150’, *Traditio* 43 (1987), esp. 71–3 and *passim* provides a detailed analysis of this case.

⁷⁹ *Saint-Aubin*, no. 364.

⁸⁰ See *Saint-Aubin*, no. 203, for an episcopal *rectum iudicamentum*, also reported in ‘direct speech’ like the Le Lude judgment.

⁸¹ For discussion on *iudicamentum/jugement*, see Jacob, *La Grâce des juges*, 201–47.

⁸² Documentary reflexivity forms an underlying theme of Lemesle, *Conflits et justice*; see too Senséby, ‘Des Hommes, des écrits’, esp. 179 and eadem, ‘Pratiques judiciaires et rhétorique monastique à la lumière de notices ligériennes (fin XI^e siècle)’, *Revue Historique* 306 (2004), 3–47.

⁸³ On aristocratic anger: R. Barton, “‘Zealous anger’ and the renegotiation of aristocratic relationships in eleventh- and twelfth-century France”, in B. Rosenwein (ed.), *Anger’s Past: The Social Uses of an Emotion in the Middle Ages* (Ithaca, 1998), 153–70, along with the other essays in this collection.

⁸⁴ *MP*, no. 22; *Chartes originales*, no. 4714.

⁸⁵ *Chartes originales*, nos 3218 and 4854; Lamy, ‘Un Aspect’, p. j. no. 3; *MD*, no. 145; *Saint-Aubin*, nos 90 and 932; *Saint-Serge*, I, 403; *Saint-Vincent*, nos 230, 619 and 769. And Bouchard, recall, was the son of a *vicarius*. For ‘just judgment’ cases in which the defeated

party was identified as a powerful knight or lord, however, see: *Chartes originales*, no. 1319; *MD*, no. 13; *MMA*, 45–7; *Saint-Aubin*, no. 949.

⁸⁶ R. E. Barton, *Lordship in the County of Maine, c.890–1160* (Woodbridge, 2004), 187–91; G. Koziol, ‘Baldwin VII of Flanders and the toll of Saint-Vaast (1111): judgment as ritual’, in Brown and Górecki (eds.), *Conflict in Medieval Europe*, 151–61; H. Débax, ‘Médiations et arbitrages dans l’aristocratie languedocienne aux XI^e et XII^e siècles’, in *Le Règlement des conflits au moyen âge* (Paris, 2001), 135–47; and Barton, ‘Giving and Receiving Counsel’, 791.

⁸⁷ Note *Saint-Père*, 304–6, where following judgment, the defeated party received the contested properties back as a life-estate.

⁸⁸ For additional ‘just judgment’ cases touching on the issue of violence, see: *Chartes originales*, no. 3218; *Saint-Laon*, no. 31; *MD*, no. 145; *MMA*, 45–7; *MP*, no. 22; *CBMA*, no. 52; *Saint-Aubin*, nos 90 and 949; *Saint-Vincent*, nos 65, 619 and 695. On the legal dimensions of accusations of violence, see M. W. McHaffie, ‘Law and violence in eleventh-century France’, *Past and Present* 238 (2018), 3–41.

⁸⁹ See here the arguments in J. Y. Malegam, *The Sleep of Behemoth: Disputing Peace and Violence in Medieval Europe, 1000–1200* (Ithaca, 2013).

⁹⁰ L. Morelle, ‘Les Chartes dans la gestion des conflits (France du Nord, XI^e–début XII^e siècle’, *Bibliothèque de l’École des Chartes* 155 (1997), 267–98; and G. Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)* (Turnhout, 2012), for an earlier period.

⁹¹ For overviews on this point, see B. Deimling, ‘The courtroom: from church portal to town hall’, in W. Hartmann and K. Pennington (eds.), *The History of Courts and Procedure in Medieval Canon Law* (Washington, 2016), 30–50 and R. Jacob and N. Marchal-Jacob, ‘Jalons pour une histoire de l’architecture judiciaire’, in *La Justice en ses temples. Regards*

sur l'architecture judiciaire en France (Paris, 1992), 23–68, both focusing mainly on the twelfth century and onwards.

⁹² For porches or *atria*, see: *CN*, no. 111 for *in atrio*; *Noyers*, no. 151 for *coram porta*; *CBMA*, nos 311 for *ante portam* and 367 for *in virgultum*; *Saint-Vincent*, no. 282 for *in galilea*. For case heard *in claustro*, see: *CBMA*, no. 247, *Saint-Vincent*, nos 74 and 613. For cases heard in a chapterhouse, see: *CN*, no. 64, *Saint-Aubin*, nos 7 and 329; *Saint-Serge*, II, no. [59] 103, and *Saint-Vincent*, no. 103. See also L. Jegou, 'L'Évêque juge dans sa cité. Les Lieux d'exercice de la justice épiscopale au haut Moyen Âge', *Dimensões* 26 (2011), 3–25.

⁹³ The three 'just judgment' cases explicitly mentioning an ordeal are: BnF MS NAL, fols 24v–25r; Lamy, 'Un Aspect', p. j. no. 3; and *Saint-Vincent*, no. 769.

⁹⁴ For further examples where legal argument alone emerges as the distinctive feature of the 'just judgment' cases, see: *Saint-Laon*, no. 34; and *MD*, no. 145. On legal argument in this period, see in particular White, 'Inheritances and Legal Arguments', *passim*; and S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300* (Oxford, 1997), 25.

⁹⁵ Above, n. 74.

⁹⁶ For a court case heard in the *aula* at Baugé, see *Saint-Aubin*, no. 254.

⁹⁷ Lemesle, *Conflits et justice*, esp. 291–2, 294; on *guerra* in this period, see S. D. White, 'Feuding and peace-making in the Touraine around the year 1100', *Traditio* 42 (1986), 195–263.