

THE SCRIPTING OF DOMINATION
IN MEDIEVAL CATALONIA

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An Anthropological View

Eugene L. Mendonsa

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This book is affectionately
dedicated to my son,
Matthew Eugene Mendonsa,
who has read and understood
more history than most.

And thanks to Ann Templeton for her
careful reading of early versions.

Also thanks to Lynn Rohm for
her fine work on the maps.

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About the Author

Dr. Eugene L. Mendonsa is an author, painter, filmmaker & a retired anthropologist. He is a graduate of Cambridge University in England. At present he writes and paints in New Mexico. He has just completed a “how to paint” book with Ann Templeton, called *Color and Beyond* and is finishing up two academic books entitled: *The Fabrication of Domination* and *Literacy and the Culture of Domination in Medieval Catalonia*.

He has published numerous professional, business and fiction pieces, some of which have won awards. He also wrote and directed the documentary shown on PBS entitled: *Sisala Divination: The Mystic Tradition*. His books include: *The Politics of Divination; Continuity and Change in a West African Society: Globalization’s Impact on the Sisala of Ghana; West Africa: An introduction to its history, civilization and contemporary situation*; and a murder mystery called: *Fishing for Clues*. His latest book is *Portrait of a Dog as a Young Artist and Other Short Stories*.

List of Abbreviations

- b. born
- C. the Catalan language
- ca. *circa* (about)
- d. died
- H. Hebrew
- L. the Latin language
- pl. plural
- r. ruled
- s. singular
- Sp. the Spanish language

List of Terms

- acaptas* – fee placed on serf if someone in his family marries.
- adobar* – dubbing ceremony to create a feudal relationship.
- advocatus* – lawyer.
- affocati* – term added to written document “tied to the hearth” that indicated the person was a bondsman or serf.
- al-Andalus – Muslim Iberia (Spain & Portugal).
- ancien régime* – ancient ways, especially political governance.
- aprisio* – land conferred on freeholder by public authority.
- aprisione[s]* – freeholder[s].
- aratores* – serf plowmen.
- arsina* – fine for the accidental or deliberate burning of one’s own or another peasant’s house.
- audiencia* – the supreme ruling council of the state government.
- auxilium* – aid or advice.
- baiulus* – bailiff or count’s official.
- ban* or *bannum* – the legal framework of rules that a polity or lordship used to rule.
- banalités* – abuses by lords.
- Book of Feats of Arms (Llibre dels Feyts)* – concerns the reign of Jaume I (1213–1276) and stresses Catalan nationalism and the importance of conquest in the national character. This chronicle contains a first person account of the Catalonian *Reconquista*.
- braçatge* – one-sixteenth of the crop paid as partial rent.
- call* – Jewish quarter.

Carta Pobra de Tortosa – document outlining ancient privileges of Tortosa.

castellania – the lands and rights of a castle.

castlà – head knight who guarded the *castrum*.

castlan[s] – castle-lord[s]. Sometimes written, castellans.

castra or castellanies – castles or sometimes the legal realm of the castle-lord.

castrum – castle and its land. Sometimes used to mean the political legal entity of a castle, somewhat synonymous with *bannum*.

Cataluyna – Catalonia.

causas lexivas or *lexivos* – were created from 1053. Laws giving lords rights to extract dues and renders from serfs.

cavacequia – water-bailiff.

cavalarias – armed horsemen.

cavalarii – armed horsemen.

cellaria – storage spaces or cellars.

census – quit-rent, paid in kind.

chattel slave – bondsman that can be sold like any other piece of property.

chestes – *L. tallia* or *C. questia*. Payment by serf for protection by lord. Tallage payment.

ciutadans honrats – honored citizens.

comital law – the legal framework of the Count of Barcelona.

comte – count.

Comte de Barcelona – Count of Barcelona.

comte rei – count-king.

comtor/comtors – member/members of the *mennada* or inner circle of the Count of Barcelona.

commune – townspeople.

confratriae or *conjuraciones* – oath-bound associations.

conjuraciones or *confratriae* – oath-bound associations.

consilium – counsel or advice.

constitutio – written laws.

Constitcions de Cataluyna – *Constitution of Catalonia* (14th century).

convenientiae – written documents.

conventus juridicus – from Roman law – a district having considerable autonomy and civic privileges with regard to justice, trade and taxation.

converses/conversi – Muslim “converts” who stayed under Christian rule and worked as serfs.

Corpus Juris Civilis – Justinian Code. A Roman law book.

cortes – legislative assembly in Aragón similar to the English House of Lords.

corts – legislative assembly in Catalonia similar to the English House of Lords.

Consell de Cent – Council of the Hundred or the Barcelona council of élites who advised the Count of Barcelona.

coqs du ville – city fathers.

costume[s] – custom[s]. A.k.a., *leges*.

Corpus Iuris – Roman law code.

Cross – Holy Roman Church.

Crown – House of Barcelona.

cugucia – fine for a wife’s adulterous behavior.

cultura – breeding or cultivated manners.

curia – feudal assembly where oaths were sworn.

custumals – written customs, *leges* or *costumes*.

Decretum – Gratian’s ecclesiastical law code (1140).

depositorium – documents storeroom.

deputat[s] – deputy/deputies.

diffinitio – a document in which a peasant renounced his freehold rights.

dinar/dinars – Catalonian money.

diputació – executive committee of the *corts*, which was an emergency body of lords formed in the civil war era, but which became the

bureaucratic arm of government when the *corts* were not in session. A.k.a *generalitat*.

domina – lady lord.

dominium – lordship. The customs of lordship that were exercised by the lord over his people.

dominius – jurisdiction.

domus – Latin for house.

donatio inter vivos – passing property to an heir while the owner was still alive. A.k.a. *hereditatis inter vivos*.

dubbing – placing sword on the shoulders of a person to make them a sworn man or a knight.

enfiteutico peasantry – post 1486, after the *Remença* Wars and the *Sentencia Arbitral de Guadalupe*, reforms created a peasant who enjoyed the right to work the land, but who still needed to pay dues to his lord, who kept direct dominion over the land.

equites – those who rode horses or the élites.

exorquia and *intestia* were similar having to do with the rights of the lord over the inheritance of his tenants who died either without heirs or intestate.

féodalité et seigneurie – feudal right of the lords.

ferma de spoli – the fee charged to give the lord's consent to the marriage of a female subject.

fevum – fief or parcel of land.

fidele[s] – one receiving a fief and being in a feudal relation to the giver.

fidelitas – milder form of fealty pledge as opposed to the stronger form, *hominaticum*.

forcias or *toltas* – harsh rules of domination and extraction as opposed to customary payments (a.k.a *mali usatici* or *malae consuetudines*). The cutting edge of Sword Power.

Forum Judicum – Visigoth law book.

franchearii – franchised community or a community of persons free of impositions and restrictions of *bannum*.

fueros – laws (Spanish)

furs – laws (Catalan).

generalitat – executive committee of the *corts*, which was an emergency body of lords formed in the civil war era, but which became the bureaucratic arm of government when the *corts* were not in session. A.k.a. *diputació*.

grandees – magnates, nobles.

habitus – anthropological term for a cultural milieu.

heriot – payment required of serf when a family member died.

hereditatis inter vivos – passing property to an heir while the owner was still alive. A.k.a. *donatio inter vivos*.

hereu – heir.

homicidia – fine for murder by tenant or a relative.

hominaticum – stronger form of fealty pledge as opposed to the milder form, *fidelitas*.

homines solidus – solid men or those close to the Count of Barcelona.

homines proprii et solidi – bondsmen or serfs.

honorarium/honoraria – land fief with attached rights *in rem*.

hostes et cavalcatas – mounted raids. Short version is *hostes*.

hypergamy – marrying up in social class.

immunists – those protected by a strong authority, usually the Count of Barcelona or the church.

inferiores – inferiors, a term applied to the peasants.

infeud – to place someone in bondage.

ingenio – special intelligence of the nobility.

intestia and *exorquia* were similar, having to do with the rights of the lord over the inheritance of his tenants who died either without heirs or intestate.

iova – plowing service owed by the serf to the lord.

ius maletractandi – manufactured by the Catalan *corts* in 1212, but which *de facto* began in the 11th century, was the right of lords to mistreat their serfs. Formalized *mals usos* or bad customs.

ius primae noctis – the right of the lord to sleep with a newly married wife of his serf on her wedding night.

- joya/joyas* – private holding[s].
- jural* – having to do with laws. Legal.
- jurality* – having to do with laws. Legal.
- jus feudale* or *ius feudale* – feudal law.
- latifundium/latifundia* – large farm[s].
- lege[s]* – customary privilege[s]. A.k.a., *costume[s]*.
- legítima* – a fifth of an owner’s property if he left children behind, of which he could freely dispose.
- Llibre dels Feyts (Book of Feats of Arms)* – concerns the reign of Jaume I (1213–1276) and stresses Catalan nationalism and the importance of conquest in the national character. This chronicle contains a first person account of the Catalonian *Reconquista*.
- lex scripta* – royal writs.
- lexivas* or *causas lexivos* – were created from 1053. Laws giving lords rights to extract dues and renders from serfs.
- Libre del Consolat de Mar* – (ca. 1260–1270) maritime law code.
- lingua franca* – language most commonly used in cross-cultural communication or diplomacy.
- locus sanctus* – a safe location, usually a church.
- luz* – light or enlightenment.
- mala consuetude (malae consuetudines)* – harsh rule(s) of domination and extraction as opposed to customary payments (a.k.a *toltas* or *forcias* or *mali usatici*). The cutting edge of Sword Power.
- mali usatici* – harsh rules of domination and extraction as opposed to customary payments (a.k.a *toltas* or *forcias* or *malae consuetudines*). The cutting edge of Sword Power.
- mals usos* – bad customs.
- mansi* – farm (Carolingian term).
- mansio* – farm (Latin term).
- mancipia* – freed from bondage.
- Marca Hispanica* – Spanish March or the sparsely settled area that became Old Catalonia.

marchio – marquis

mas – farmhouse.

masia – farmhouse + land.

mayores – top nobles.

medianos – middle nobles.

mennada – inner circle of the Count of Barcelona. Made up of the count's *comtors*.

menores – peasants and workers.

mensa episcopal – estate of a religious order.

mercenarios – taskmasters of the *conversi* laborers.

milites – armed horsemen or knights.

milites castri – armed horsemen or knights who guarded castles.

millora – an “improvement” that an owner could add to the inheritance of a chosen heir.

minifundium/minifundia – small farm[s].

Moors – Saracens, Muslims. Islamic peoples from Africa.

Muslims – Saracens, Moors. Islamic peoples from Africa.

necator pauperum – idea that to destroy or steal church property was tantamount to killing the poor.

noblese oblige – idea that nobles had an obligation to care for the poor.

nobiles – nobles or aristocrats.

nobilitas – theory of being “nobly born.”

notarius – scribe.

novos usaticos – laws established after the time of troubles that allowed the House of Barcelona to extract renders from all levels of society.

nouveau riche – new rich.

paciarii – local men given the duty to enforce the rulings of the count's vicar.

pactiones – those in a contractual relationship.

patria potestas – patriarchal authority vested in male head of household.

- patricii* – urban patriciate, town fathers.
- pax et justica* – peace and justice in the domain of the Count of Barcelona.
- Pax et Treuga* – Peace and Truce of God. Idea that the church offered sanctuary (*locus sanctus* or *sagrera*) to peasants.
- peciola* – a small amount of marginal land.
- pedites* – those who had to walk through life. Peasants.
- Pen – scribes and the men who hired them.
- personas juridicas* – economic corporations (Sp.).
- placitum/placita* – trial or meeting where important issues were worked out.
- plena postestas* – total authority.
- Plow – peasants.
- points d'appui* – military strategic holdings.
- poleconomy – my term for political + economy, which in the literature is normally written as political economy. Variations included poleconomic, poleconomics and poleconomically.
- primers personatges* – top citizens.
- primum mobile* – best loot to carry off.
- primus inter pares* – first (highest ranked) among equals.
- procuratores* – syndics or those appointed by an authority to look after a corporation's affairs.
- pro militibus* – summons of knights by the Count of Barcelona.
- pro nobilibus* – summons of magnates by the Count of Barcelona.
- Purse – urban bourgeoisie, moneylenders.
- qahal* – Hebrew for *call* or the Jewish quarter.
- quarta* – $\frac{1}{4}$ of crop paid as rent. Sometimes as high as a third, though both were rare.
- questia* – *L. tallia* or *C. chestes*. Payment by serf for protection by lord. Tallage payment.
- quid pro quo* – trading one good for another.

- quod omnes tangit ab omnibus approbetur* – what touches us all is to be approved by all.
- raison d'être* – reason for existing.
- recollida* – ordering dependents to come to the castle for a meeting.
- Reconquista* – the retaking of land from the Muslims.
- redimentia* – redemption.
- redemptio* – ransom.
- reglementation* – the process of creating law.
- regula* – church rule over bishops.
- remença* – serf who had to pay to move from one *bannum* to another.
- rentier* – one who lives off the rents collected from subalterns.
- rentier class* – social class of aristocrats that lives off the rents collected from subalterns.
- res publica* – public law of the House of Barcelona.
- rics-hòmens* – rich men.
- rights in rem* – property could be sold.
- rights in usufruct* – use rights. Property could not be sold.
- rusticos* – peasants.
- sagrera* – sacred place of sanctuary.
- Saracens* – Moors, Muslims. Islamic peoples from Africa.
- scribaniam* – office where scribes worked and documents were kept.
- scriptor[s]* – scribe[writer[s]]. One who fabricates.
- segels* – sealed letters of direction.
- seigneurie banale* – 1020–1060 or the “time of troubles” when the lords ran wild imposing oppressive conditions on the peasantry and the Count of Barcelona lost his *bannum* over the lords.
- seigneurs* – élites.
- seigneurie* – the landed élite.
- seneschal* – count’s chief steward.
- Sentencia de Guadalupe* (1486) – royal decree that partly satisfied the *remença* demands. Proclaimed by King Fernando II (1479–1516). A.k.a. *Sentencia Arbitral de Guadalupe*.

Septimania – southern France.

soldi – ancient monetary unit.

sensu stricto – in a strict sense.

subinfeud – to place someone in bondage to a person in bondage.

Sword – paladin lords.

summae – canonistic glosses.

tallage – *L. tallia* or *C. chestes* or *questia*. Payment by serf for protection by lord.

tallia – *C. chestes* or *questia*. Payment by serf for protection by lord.

tasca – one-eleventh of serf's crop (grain or a combination of grain and wine) paid as partial rent to the landlord.

terra de feo – public land.

The Fabrication of Domination – a book I am about to publish that expands my views on domination to the entire span of human history from the Paleolithic to the present.

toltas or *forcias* – harsh rules of domination and extraction as opposed to customary payments (a.k.a *mali usatici* or *malae consuetudines*). The cutting edge of Sword Power.

tragina – transport service owed by the serf to the lord.

tutela – guardianship.

Usatges de Barcelona – Catalonia law book.

usaticos – customs.

usos – customs.

usufruct – use.

vasvessores – count's custodians or administrators of castles.

Venjança Catalana – Catalan Vengeance.

vicar/vicars – count's men who ran affairs in the provinces e.g., collecting taxes.

vicecome[s] – viscount[s].

vignogolia – tax on the wine harvest.

virtus – virtue.

viscount – high ranking noble.

zonas fronterizas – frontier zones.

Preface

This book is the result of years of reading, study and visits to Catalonia. I did this research as part of a larger project, which is about to be completed: a book entitled *The Fabrication of Domination*. It will contain some of this case study and some from the Highlands of Scotland, the ancient Americas and Africa. *The Fabrication of Domination* also contains a more theoretical approach to how men fabricated domination since the emergence of a storable, stealable surplus in history. This roughly corresponded to the development of domesticated plants and animals, with a few isolated incidences of hierarchy emerging in late Paleolithic peoples who foraged in lush areas that supplied them with a storable, stealable surplus.

This book on Catalonia presents data that indicate that Catalan aggrandizers made repeated attempts to dominate any surplus value produced by peasants. They also were willing to risk life and limb raiding Muslim communities to the south and weaker peoples in the Mediterranean and North Africa. I expand this viewpoint in *The Fabrication of Domination* to include other societies and a longer view of how domination evolved over time.

The Catalonian literature attracted me because early aggrandizers in preliterate societies certainly fabricated myths, legends and other kinds of oral literature to dominate others and establish and maintain control over surplus wealth and labor; but in Catalonia we also have documents that clearly show how élites repeatedly did this at different times and places, as private individuals and through the Catalonian State. Catalonia presents us with a wealth of documentation on the many ways in which aristocrats there defined the peasantry in a manner that gave élites license to exploit them mercilessly. It is a graphic and illustrative example of aggrandizement, oppression and

imperialism based on aristocratic fabrications, of premeditated mis-constructions by the powerful in society.

I think in terms of poleconomy. Let me tell you why, because poleconomics is at the core of this book. Poleconomic[s] is my term. I combine “political” and “economy” into “poleconomy” because political power and wealth are two prime, conjoined motivators of historical actors and they almost always operate together. An aggrandizer desiring wealth and power is acting poleconomically. Wealth begets power and power begets wealth. I tell my students to remember the “three Ps:” power, property (or profit)¹ and prestige. These are what aggrandizers want and in so doing they seek to fabricate domination through rule creation, manipulation of legal rules and structures and by circumventing or discarding those norms that do not suit their purposes. I feel that aggrandizers act poleconomically, always mindful that wealth and power go together, their attainment producing prestige. Office-holders have a certain amount of latitude in playing their roles. Some go-getters use that wiggle-room to debase their official roles in illegal pursuit of private goals. The case of how the Count of Barcelona did this after the breakdown of the state, the *seigneurie banale* (1020–1060) or the “time of troubles” is a classic case.

Office-holders are in the best position in society to affect the course of change or to block changes they deem not in their interests. Office can be put to work for or against the interests of society. Of course, power can be situated in office, or it can be manufactured through charismatic activity, but liberation may reproduce domination in the very act of overthrowing it. In other words, charismatic leaders often form new systems of domination and become office-holders. They form a new order of things. *Ad hoc* activity becomes scripted.

I have called this book *Scripting Domination* because élites in Catalonia used writing as a tool of oppression. Written documents became transformed into mental constructs. As a source of script production, poleconomic structure can create subalterns or followers

1. Especially after the rise of mercantilism and then capitalism, profit becomes desired by aggrandizers and wealth is displayed in ways other than simple ownership of land.

who come to depend on mental constructs. These scripts are often fashioned partly out of past cultural formations or fabricated anew. Such “regimes of truth” can be large, as in the Iraqi State under Saddam Hussein or small as in the doomsday cult of Jim Jones. Both men schemed to create true believers.

Altruistic power vested in legitimized office can become poleconomically repressive. Why? Because men with varying moral qualities enter office and exercise the power inhering there. Furthermore, they can transform the official nature of office, changing the rules and procedures of office, leaving it less altruistic than when they entered. We can better understand this by using the metaphor of “office as a car battery.” Power has a latent capacity—it can inhere in structure (the battery), but it has a strategic component (the electrical charge) in that it has to be put to use by a goal-seeking agent, sponsoring action that tends to recharge the office as a powerful position in society (provides legitimacy). There is a little more to this metaphor. I also use the “battery analogy” because a battery can be used to illuminate the darkness; or it can be the source of electrical current in torture. Who controls the battery (or poleconomic structure) has the capacity to apply the “current” to either altruistic or horrific ends, with many banal possibilities in between.

Power comes and goes as office-holders come and go. To some extent power is carried in the head, both in the sense of holding cultural capital (skills & knowledge of the system) and in the belief that goals can be accomplished in spite of obstacles. Not all office-holders will have the same power capacities. As others replace incumbents, the nature of the office will change. The same could be said for organizations, which may have a strong capacity for power in one era, but lose it over time e.g., American labor unions. However, the point is that the oppressiveness of power—its dominating character—does not necessarily inhere in the office itself but rather lies in the goals aspired to by office-holders. The “power to” can be harmless until an aggrandizer puts it into play as the “power over others.” In other words, bad men can convert legitimate power allocated to the commonweal into domination. Power can warp authority.

I started writing parts of this in 1980 but life interceded and I am just now finishing it up in 2007. It has been difficult for me not to

put into this work what has been going on in America and Iraq while I have been completing this manuscript. I couldn't resist in a couple of asides on events like 9/11 because, as Mark Twain cogently commented: "History does not repeat itself, but it rhymes." The way in which Catalan aristocrats looked upon peasants and Muslims in Iberia has many parallels in American leaders' judgments about other peoples in our modern world.

Furthermore, one can easily see in the Crusades the ethnocentrism so apparent in American foreign policy and in the concept of preventative war. It was a telling slip of the tongue when President George W. Bush, in a speech right after 9/11, used the word "crusade" in his condemnation of *Al Qaeda* aggression and in proclaiming that "this crusade, this war on terrorism, is going to take awhile."

I have tried not to make too many comparisons with the Catalan past and the American present in the body of this work, but to me, they are replete and apparent. See what you think.

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