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THE TACITUS' "TRIADE", ROYAL JURIRSDICTION AND THE ROYAL COURT'S PROCEEDINGS IN LATE MEROVINGIAN FRANCE

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ABSTRACT

Merovingian royal court's records of proceedings allow one to make a judgment on the ways in which dynasties sought to legitimize their rule. The investigation of the placita shows that the legal principles they sought to prove and defend were of fairly limited social significance since it could be expected that many of the widows would enter the protection of the church, and in particular, of the monastery of St-Denis. I argue that these court proceedings were the way for the literate people around the kings to tap a hidden source of authority, the power of a judge that had been known to Romans as part of the barbarians' polity since Tacitus, to let the dynasty carry on despite obvious signs to the contrary.

KEY WORDS

Merovingian dynasty; The Frankish kingdom; judicial privilege

The Problem: Merovingian Court Proceedings between Performance and Legitimation

Investigating the so-called placita, the records of court proceedings that were captured on papyrus and on parchment in the 7th and early 8th century, this paper seeks to elucidate the ways in which they help understand continuity of the Mediterranean's legal traditions in the early medieval Merovingian kingdom of the franks. They help further support and clarify the ideas that emphasize the importance of the Roman tradition, and in particular, its legal aspects, for the development of society and legal practices in the 7th century, the ideas that had been put forth by N. D. Fustel de Coulanges and were later developed in the context of better investigation of the hagiographical sources by F. Graus and W. M. Daly (Fustel de Coulanges 1875; Graus 1965; Daly 1994). The investigation of these sources also helps understanding of the ways in which Roman legal procedure of the Republican period investigated by such scholars as A. H. J. Greenidge, H. F. Jolowicz, B. Nicholas and F. Schulz became the foundation of any further development in the legal written culture (Greenidge 1901; Jolowicz and Nicholas 1932; Schulz 1953). And more specifically, an investigation of the thesis about the origin of the court proceedings' records from the imperial rescript that had been put forth by P. Classen and W. Bergmann is in order due to the emergence of new approaches to the development of Roman law in the Late Roman empire and after its collapse in the West (Classen 1977b; Classen 1977a; Bergmann 1976; Bergmann 1978). While A. Rio argued for the importance of written representation of law as a special social practice, A. Murray suggested that the records we possess are too random to speak about the developed and omnipresent written legal culture. Thus these records of court proceedings warrant a new study in light of the significant reevaluation of the applicability of the concept of "written legal culture" to the early medieval Frankish kingdom (Rio 2009; Murray 2013). One particular new

perspective that this article seeks to suggest is to consider these documents in the context of a discussion of representations of royal power that the Visigoths (the Tervings) had acquired in the 4th century and which the Merovingians were obviously vying for in an attempt to support their flaying image of military commander and hereditary kings.

For a long time the documents were addressed from the standpoint of studying conflicts and their settlement in the late Merovingian kingdom and they were used by scholars to help understand whether the problem of maintaining peace in the 7th century was indeed as pressing as it may have seemed. This approach stemmed from the belief that conflict resolution in the Middle Ages was not limited to legal institutions and practices and represented instead a complex interwoven web of mutual expectations, negotiations and strategies of resolution (Fouracre 1986; James 1983; Miller 1990; Barnwell 2011). At the same time, recent studies have argued that one may not seek 'peace in the feud' and thus should not evaluate wrongly the consensus potential of medieval practices of negotiation. The attempts to argue that feuds might have constituted the background to peaceful existence and that they were in fact nothing more than a way to confirm one's standing did not convince scholars of the Middle Ages. Conflicts and feuds were shown to be the phenomena that could not have existed as a normal social background for long-lasting relationships of peace and consensus (White 2005c; White 2005a; White 2005b; Miller 1990). These topics have been well investigated by scholars who proposed to look at the tensions and their resolution in medieval society as a peculiar sort of strategy that implied various levels of involvement and that, once set into motion, had to bring a significant and a long-lasting result or, otherwise, to make its initiator suffer from being questioned by society about his or her failure to reach one. A number of significant works have emphasized how these unwritten but important practices created long-standing ties in society which helped keep it together (Rosenwein 1989; White 1988; Jahn 1988). This paper seeks to examine how these deep nuances of understanding and perceiving conflicts help suggest the importance of the status of a judge that the Merovingians managed to acquire by 7th generation of their dynasty. This is especially important in light of recent work that emphasized that the Pippinids' coming to power did not immediately bring them any judicial authority that had been evident in the late Merovingian period and that in the 7th century both the kings and the aristocracy were bound by the same concerns of proving their legitimacy and maintaining their status (Reimitz 2014; Heidrich 1989, pp. 220–226; Joch 1994, p. 169; Wood 2004b, p. 15; Goosmann 2015, p. 56). Merovingian kings' judicial prerogative was one question that the study of these documents allowed historians of the Middle Ages to address (Fahlbeck 1883, pp. 52, 125; Glasson 1888, p. 248; Viollet 1890, p. 223; Brunner 1906, p. 149; Fustel de Coulanges 1905, pp. 304–305). In more recent studies scholars sought to investigate how the ideal representation of royal authority and its function of peacemaking reflected in the documents whose purpose was purely pragmatic and never carried any hints of representing the ideal image (Classen 1977b, p. 188; Bergmann 1976; Fouracre 1986, p. 43). This study seeks to re-examine these sources and to place them in the context of the prolonged struggle for prestige and status that beset not just the Merovingian kings, but also those who used their honors to boost their own status and prestige.

This article, however, proposes a different approach and suggests that in light of the new developments in the historiography of this period the concept of "legal culture" needs to be put aside. Thus an attempt will be made to suggest that the emergence of these court protocols or, perhaps, their fairly unusual later survival up to the present day was important not so much for the legal principles they advanced since they were deeply traditional in the terms of the Mediterranean legal culture. It seems now that these documents are more important in light of studying general paradigms of representing power that had developed in the Mediterranean in Late Antiquity and significantly influenced how the barbarian kings were portrayed up to the rule of Charlemagne. More recent studies have argued that Tacitus' model of two types of rulers, the aristocratic kings and the dukes, skilled in battle, retained its central role through the time of Einhard and even later (Carozzi 2005). But this recent article was built on a presupposition that Tacitus' scheme contained only two elements, the *rex* and the *dux*, which made the application of this scheme to the Merovingian and the Carolingian periods limited in its heuristic value. In this article I would like to reconsider this model in light of the fact that the scheme of power that the Roman historian of the 1st century CE actually included more than two constitutive elements. In particular, it is critical to emphasize that there was a third element in this mental construct of power, that which modern scholars would have called a 'judge' (Tacitus, Germania 11, 12). The importance of such status for barbarian society has been discussed by H. Wolfram, who specifically emphasized the role of the 'Tervingian judge' Athanarich (365-376/381) in the time immediately preceding the battle of Adrianople (Wolfram 1975; Wolfram 1979, pp. 103–104; Wolfram 1988, pp. 69, 94). In this article I seek to suggest that the Merovingian court proceedings were representative of their

special status as a dynasty whose members could aspire to carry the status of a judge. These documents were important less for the intrinsic value of the court's cases or legal principles they elucidated, but as the means to provide for the legitimization of the Merovingians as the rightful bearers of this special judicial privilege. It will also be suggested that since Einhard balked at the Merovingian kings' meetings that very much reminded of the rituals embodied in these the court proceedings, the Carolingians might not have been accorded this status at once because of their very recent origin. This is confirmed by the fact that in late 10th century Richer of Reims highlighted the inability of a new ruler, Odo of Paris, to become a full-scale judge in Francia and made of note of him being limited to Angoul^eme only as far as his prerogative in settling conflicts was concerned.

The Merovingians and The Judicial Prerogative

Over the last two centuries scholars alternated between seeing the last Merovingians as weak kings and viewing them as those rulers who stayed in the center of politics until the end of the dynasty. The later part of the Merovingian reign had long created among scholars a sense of continuous decay and anticipation of the coming of the new strongmen from among the mayors of the palace and their kin before new approaches to this period came in (Lot, Pfister, and Ganshof 1928, pp. 280–296; Schneider 1995, pp. 19–20). This postulate had not been questioned since Einhard's famous passage that claimed them to be ineffectual and losing importance and before scholars started paying attention to the internal stability of the late Merovingian kingdom.

The King, contented with the mere royal title, with long hair and flowing beard, used to sit upon the throne and act the part of a ruler, listening to ambassadors, whencesoever they came, and giving them at their departure, as though of his own power, answers which he had been instructed or commanded to give. But this was the only function that he performed, for besides the empty royal title and the precarious life income which the Præfect of the Court allowed him at his pleasure he had nothing of his own except one estate with a very small revenue, on which he had his house, and from which he drew the few servants who performed such services as were necessary and made him a show of deference».

In Latin: «Neque regi aliud relinquebatur, quam ut regio tantum nomine contentus crine profuso, barba summissa, solio resideret ac speciem dominantis effingeret, legatos undecumque venientes audiret eisque abeuntibus responsa, quae erat edoctus vel etiam iussus, ex sua velut potestate redderet; cum praeter inutile regis nomen et precarium vitae stipendium, quod ei praefectus aulae prout videbatur exhibebat, nihil aliud proprii possideret quam unam et eam praeparvi reditus villam, in qua domum et ex qua famulos sibi necessaria ministrantes atque obsequium exhibentes paucae numerositatis habebat».(Einhard 1911, I)

In the late 20th century scholars came to emphasize the stability of the Merovingian power until its last days. Thus a number of studies suggested that at least in the representations of authority, if not in real practicing of it, the late Merovingian kings were seen as the rulers who were the only ones in Gaul to hold the legal claim to authority (Gerberding 1992, p. 91; Fouracre and Gerberding 1996, p. 56). Thus despite several attempts at usurpation Merovingian family was seen as the only force in the Frankish kingdom that possessed symbolic capital to represent authority (Wood 2004a, pp. 15–16, 31). At the same time, on the other side of historiographical divide created by Einhard, in the early Carolingian period, there have been made other observations of the new dynasty's inefficacious status that made their rule seem as problematic as that of the Merovingians.

The Merovingian rulers, however, were not regarded by scholars as those who pretended to be peacemakers or judges after they had laid claim to ruling the whole of Gaul. The power of the king carried with it the connotations of his right to be the source of law, but not the one who may have interpreted law (Esders 1997, p. 360). I would emphasize, however, that much as a 'judge' in Tacitus' Germania 11, Clovis could judge a disobedient soldier in the famous episode with the "Soisson vase" (Greg. Tour. Hist., 2, 27). It was, however, a very limited prerogative. Decrees like Praeceptio Chlotarii posed a paradox because they limited the right of the king to the principles pronounced in the law he had issued (Esders 1997, p. 416). The only claim to showing the kings as peacemakers was laid by Gregory of Tours. But while he praised only the founder of the dynasty Clovis, he decried how his contemporaries, sons and grandsons of Clovis, gave themselves in to internecine struggle (Greg. Tour. Hist., 5, Praefatio). The key of this understanding originated in the description of Einhard who saw the Merovingian kings as ineffectual in one of their main functions,

those of mediators in conflicts.

The Merovingian Court Records as a Phenomenon of Administrative Literacy

The importance of the court proceedings as a phenomenon of Merovingian power balance and of their records as part of the written culture needs to be understood in the context of their peculiarities as written documents that carry certain weight and social meaning. Despite all interest to these documents their value was indirectly questioned as it has been suggested that resolution of conflicts did not always take place in court as there were many means to settle them outside of the formally prescribed structures (Geary 1994). These documents have long occupied an important and somewhat controversial place among early medieval sources because they differ from traditional medieval charters, formularies that contain either blueprints or stripped down text of original notarial documents or royal edicts modeled on the imperial counterparts. Thus records of conflict resolution attempts within the court of the Merovingian kings represent another possibility to investigate the networks of authority in the kingdom. The significance of these documents for the study of early medieval written legal culture and practices cannot be underestimated. The *placita* describe conflict settlements in the presence of the Merovingian king of the Franks and royal officials in the late seventh and early eighth centuries (Bergmann 1976). The geography of their coverage falls well within the pattern noticed by scholars, that is, they originate within the same milieu of written administrative culture as other Merovingian documents. They only come from the lands North of the Loire because, much as other royal documents, they may not have been needed in the South of Gaul where municipal traditions held strong (Kölzer 1998, pp. 21–23). They stand among other documents which show how administrative writing changed in the sixth to eight century like testaments and others (Nonn 1972; Classen 1977a). Twenty-four documents dating from 653 to 715 have survived and the predominant number of them has been kept in St-Denis. These Merovingian documents, written in coarse provincial and legal Latin, present a curious witness to how early medieval society was born out of the Roman province. Scholars usually examined them as an adaptation of Roman imperial rescript to the written legal practices of an early medieval kingdom (Classen 1977b, pp. 184–187; Ganz and Goffart 1990, pp. 909–910; Innes 2013, pp. 152–153; Murray 2015, pp. 225–226).

However, this evokes a number of questions regarding their importance in light of the recent studies on imperial rescript. Scholars have recently questioned the meaning of these documents in the Late Empire, seeing them as a result of the complex negotiations between the imperial court, its local representatives, local magnates and the provincials, rather than omnipotent pronouncements of the imperial court meant to to be imposed on local society (Corcoran 1996, pp. 42–73; Honoré 1994, p. 33; Coriat 1985; Wilcken 1920; Harper 2011; Rees 2007, pp. 106–107). Thus new examination of the *placita* is in order because new publications have questioned the basic postulate which had so far helped investigate these documents, particularly that of their peculiar substandard status which may have made scholars put them aside as documents of lesser value or as those which can only supplement existing charters. Their examination is important because it has also been argued that the representations of social practices in Merovingian Gaul were relatively homogeneous and one cannot find alternative visions of power and society's fabric in documents regardless of their royal or local origin (Innes 2013, pp. 152–153). This may need clarification since studies of these documents proposed different vision of their role and proposed that they may not represent historical reality since were in fact records of "fictive", that is, staged processes with a predetermined result (Bergmann 1976, pp. 93–102). It had been noted and then later questioned that these court records allow us to see emergence of the new written practices in the administration of the Frankish justice (Fouracre 1986; Murray 2013). In fact, scholars argued and later questioned that the Frankish justice made considerably more use of writing than is shown to us in the transmission of ecclesiastical archives through cartularies and originals (Classen 1977a, p. 33; Ganz and Goffart 1990, 910, n. 17; Wood 1983, p. 13). In light of the recent developments the placita need to be reexamined with the purpose of investigating with more precision their place and meaning in the administrative culture. But unfortunately, they do not allow to do so easily because their peculiarities as sources are now well offset by their integration by modern scholars into the general story of the development of administrative culture rather than into peculiar picture of power balance they may help elucidate.

The placita and the Law: The Problem of Widows

The court records in question fall in two distinct parts, as it has been suggested, and the earlier one roughly corresponds to the period of the reshaping of the Frankish authority in the second half of the seventh century

in light of the pressures from various magnate groupings, and the second which falls onto the period of the maximum struggles between the Neustrian kings and Austrasian mayors of the palace. Those records which are deemed to be "real", that is, not "fictive", are an interesting object of investigation because they allow to set straight the major framework of approaching them. It is interesting, however, how these sources show an irresoluble difference between their own picture and that portrayed by traditional narrative sources. An example is the record of a meeting in 659/660, at which king Chlotar III heard about a dispute between the agents of St-Denis and a certain woman named Ingoberga, the widow of Ermelen (K̈olzer et al. 2001, No. 93). Except for court documents, these landowners' names never appear elsewhere. This dispute concerned the village of Thorign´e, near Le Mans, and it had originated earlier, in the time of Clovis II (between the years of 654-657). The situation involved complex agreements between Ermelen and his relatives Chaglibert and Goddo, on the one hand, and a person named Beroald regarding the division of rights over the formers' property (Bergmann 1976, No. 3, 154–155, 180–183). This kind of agreement between the landowners and those managing their property was a typical example of the division of rights common to the Mediterranean Roman world and the borderline civilizations dependent on it. Thus, for example, locatio-conductio, typical for the Roman law, was widespread in Italy, as the Ravenna papyri show (Tjader 1954). When Ermelen died, Ingoberga tried to vindicate her husband's property, claiming ownership on the basis of the document she and her husband had signed, the *carta composcionalis*, from Latin compos, «co-owner». The widow had asked the bishop of Le Mans Berachar for protection. But the agents of St-Denis, that is, those representing the monastic community in its dealings with the surrounding worl, requested the widow and the bishop to surrender the ownership of these villages although they let the former to hold land in tenure from the monastery. Thus one may surmise that Beroald was one of those "agents", that is people who approached local magnates and landowners promising support from St-Denis. They eventually won when they showed a document of conditional tenure (precarium) signed by Ermelen. One may suggest that one simple interpretation, the author of which believed Ermelen to have made a donation to his relative Chaglibert, and Ingoberga trying to counter it with her charter of precarium, does not entirely describe the situation (Wood 1995, p. 46). The problem lay much deeper, and one may point out to the practice of "joint custody" of lands in provinces taken by barbarians as a possible answer to the reasons for such complex land arrangements (Goffart 1972; Goffart 1982; Liebeschuetz 1997).

In 679 royal officials and potentates gathered at the court of Theoderic III when it addressed the case of Amalgar, who held the lands his father had rented from Bertha, the landowner, and her daughter Achildis (Kölzer et al. 2001, No. 126). In many aspects, the dispute was identical to the one that arose between St-Denis and Ermelen's family. In both situations property had been held as part of the complex arrangement between the landowner and churchmen, and the owner (like Bertha) or his heirs (like Ingoberga and her son) claimed the land back. The story of Ingoberga and Amalgar may let one think about gender as a very important criterion that the potentates and the royal entourage employed when they sought to resolve complex issues. Unlike in the first case, a man was the recipient of the tenure, and the women, Bertha and Achildis, were the landowners. In this case, interestingly, the verdict of the court was different from the first one: it maintained the right of the tenure-holder to own the land upon a condition that Amalgar would be able to prove that he had held this land for at least thirty years. One may wonder whether Bertha herself had been an heir (perhaps, a daughter) of an important landowner if people who discussed the situation thought about the period of such length. Thus it is interesting that while in the case of Ermelen the court issued a verdict in favor of the landowner, in the case of Amalgar the decision favored the tenure-holder. The key difference In both disputes, however, women who claimed their rights as widows, heirs, or landowners (the details of Bertha's situation are unfortunately impossible to reconstruct) lost against men regardless of whether the latter owned or held land in tenure.

One can sense in these disputes a long-term strategy behind the interest to properties of widows, the strategy that allowed those interested in advancing their status to reach their goals. Thus when Theoderich III was in power in 679, Chaino, the deacon of St-Denis, received properties of Detta, a widow of the former count of the palace Chrodobert (Kölzer et al. 2001, No. 121). In this situation he managed to obtain a royal diploma that was one of the first of those that showed the increased role of the major of the palace in composing the text of this charter. The mayor's role may have contributed to the wide use of Tironian notes in this document (Bureaucratic shorthand, p. 63). In 691 Chaino, who had become the abbot, reclaimed properties held by Angantruda, a daughter of Ebrulf and the widow of Ingobert (Kölzer et al. 2001, No. 136; Ewig 1976b, 127, and N. 167.). Perhaps, Ingobert was a relative of Ingoberga? Her late husband had been related to Warin, the count of Paris and the brother of Leodegar, the bishop of Autun. The latter group of

potentates whom some scholars call "Burgundian" had been an important factor in Neustrian politics because this prelate exercised tremendous influence over the Merovingian kings (Ewig 1976b, pp. 126–130). He insisted on the close connection between Balthild and Leodegarius, thus emphasizing the Neustrian connection of the bishop (Ewig 1976b, 122, N. 152). The opposite view was held by McKitterick, who insisted that he was the leader of the Burgundian-Austrasian group of notables (McKitterick 1983, p. 89). This was the first instance when the people whose relatives' names one can find in the narrative sources appeared in the surviving court protocols. This means that the tensions between different magnate groups, Neustrian, and others, loosely defined as Burgindian–Southern, resounded in all networks of friendship and communication and made interested parties deploy all possible means of social interaction, rooted in the Late Antique provincial traditions of Gaul, to defend their status. Chaino therefore claimed rights to the village of Noisy-sur-Oise, which the widow had retained and sought to maintain in her control, and argued that her husband had earlier concluded and agreement of tenure with the monastery. Scholars argued that this process could be called 'fictive' because the proceedings were used to sanction the complex arrangement of owning and holding land between the monastery and a widow landowner (Kölzer et al. 2001, 1, p. 344.). But it is important that much as in the earlier hearings, the uncertainty of widow's rights created a difficult situation that needed royal sanction if it were to be resolved once and for all. By 691 Chaino became the abbot of St-Denis and managed to maintain his position through 709. Thus seeking widows' properties and adding them to the monastery was a long-term strategy that helped those pursuing it occupy an important place in the Merovingian hierarchy (Semmler 1989, pp. 89–90). The property of widows in the Merovingian Neustria was a coveted prize, or, perhaps, the weak link that allowed new players in the Frankish politics to gain new ground.

The early Middle Ages were marked by the importance of women in maintaining the cultural veneer of continuity (Innes 2000, p. 68; Hartmann 2004, p. 217). Widows-regents like Brunhild, Nanthild, or Balthild played an important role in politics (Nelson 1978, p. 77; Le Jan 1995, p. 374; Ganshof 1962, pp. 55–56). Moreover, it were often women rather than men who were responsible for maintaining the family and defining its scope (Wood 2003, pp. 159–160; Kölzer 2004, pp. 39–40). And in Austrasia the throne may have passed into the hands of Balthild's son Childerich II (662-675) because he had enjoyed support from the Queen Chimnechild, the widow of the late king Sigibert III, whose daughter Bilichild he married (Krusch 1888b, Cap. 5; Wood 1994, p. 223). The latter may have acted as a regent because she signed documents with her son (Wood 1994, 223, N. 8. Kölzer et al. 2001, No. 102). But on the other hand, queens and other powerful women were routinely excluded from politics if they had no male children. Examples of this come from the ninth century, but one may sense the same suspicion of women regents in the events that surrounded Balthild's quick "retirement" to Chelles in 656. In the ninth century queen Richilde, the widow of Charles the Bald, and queen Emma of king Raoul lost everything they had after their husbands' deaths (Le Jan 1995, p. 374; Ganshof 1962, pp. 55–56). The formulary of Marculf, which may have been roughly contemporary with the court records, suggested that a widow had the right of usufruct to the lands she acquired on bereavement (Zeumer 1886b, Lib. 2, cap. 15). A later edict of Chilperic may have improved the position of widows, allowing them to inherit property in the absence of male heirs, but its significance remains unclear. However, it is unclear whether it meant familial land or new acquisitions (Drew 1991, p. 45). A Merovingian formulary from Angers (Formulae andecavenses) suggests that the management of dowry was to be done by both husband and wife (Zeumer 1886a, No. 54). But modern scholars questioned whether it was done and proposed that husbands managed the property alone (Le Jan 1993, p. 116). In the mid-ninth century count Conrad apparently chose to act alone when he exchanged with the monks of St-Germain of Auxerre his wife's dos for another villa (Tessier 1967, V. 2, no. 261. Nelson 1995, p. 86). Another solution was found in the seventh-century *Lex Ribuaria*: a Frankish widow should receive a third share (tertia) of those properties she and her late husband had acquired together after the marriage (Lex Ribuaria 1954, 41 (37), p. 95). If the property a woman had owned with her husband was not expressly recorded as dowry, complications occurred when she lost her husband, and we can see this in the records in question. This is why in Lombard Italy most of the surviving private charters are dowries (Ganz and Goffart 1990, 912, n. 24). But they also show that a widow could hold her late husband's possessions in tenure (usufruct).

The special place of widows in Late Antiquity has been recognized by scholars. Study of demography showed that men often married late and many women became widows at a relatively early age. By the end of Late Antiquity the strict norms of patriarchal society loosened and widows became so free that legislators felt the need to reduce their rights (Kuefler 2015, pp. 35–39; Mayer 2009, p. 90; Elm 1994). The records of court hearings thus support the view that in the Frankish period widows were vulnerable and because of this many

women who lost their husbands placed their trust in the saints, their power, and the church in general (Nelson 1995, pp. 110–111). In this situation a widow had a number of strategies available: she could choose trustees, secure the right to use the properties to the end of her life in a document, and explicitly transfer land under the patronage of the saints (Nelson 1995, p. 102). But they also allow one to reconsider an interesting thesis whose author argued that since Late Antiquity the church significantly contributed to development of the female ownership of land (as opposed to other arrangements) because the clergy were interested in widows' gifts (Goody 1983, p. 95). Scholars argued that one should not see women as objects that the church sought to manipulate and that many of those donations and requests of tutelage were conscious strategies that women, single, married or widowed, employed to protect their status (Nelson 1995, p. 83). These disputes in the Merovingian Gaul arose at a time when the early medieval church was a more amorphous organization in contrast to the rigidly and hierarchically organized institution one can see in it when looking at the examples from the High and Late Middle Ages. In the Late Roman world women who had lost their husbands enjoyed the protection of the church, and the bishops continued this practice in Merovingian Gaul (Krause 1996, pp. 115–126). But the development of monasticism raised the status of monasteries and its community within both the ecclesiastical and lay hierarchy since at least the last quarter of the seventh century (Fouracre and Gerberding 1996, p. 110; Felten 1980, pp. 129–135). The court hearings help highlight one important aspect of this vulnerability because they show that in the shifting balance of power in the seventh-century Gaul the abbots of St-Denis and St-Germain-des-Pr´es, who had connections at the royal court, sought to undermine the bishops' right to exercise tutelage over widows. The records from St-Denis show that the abbot of this monastery did not allow widows.

"Fictive" Processes and their Place in the Legitimation of Royal Authority

One of the "fictive" court proceedings also suggests a gender factor in reshaping of structures of landownership and elites. In 692/693 a placitum which many consider a formality established by way of royal hearing the transfer of land from Angantrudis to Chaino, the abbot of St-Denis, into a formal holding (precarium) (Kölzer et al. 2001, No. 136.). This record has long been considered a representation of a royal recognition of the otherwise simple procedure of St-Denis's acquisition of property. The last request of the document, that the "defendant" protect the plaintiff's right to be his auctor (in fact, a legal representative and protector in terms of Roman law), was interpreted as a reason to call it "fictive" and valid only as a statement of a previously existing legal right (Kano 2007, pp. 338–339). But if one considers the setting and particularly those present at the hearing, one may see that behind a seemingly innocuous statement of rights may have lain a serious tension between an aristocratic woman and a masculine society of Merovingians' men of repute. Her father, Ebrulf, was a count under Clovis II (Kölzer et al. 2001, No. 72; Ebling 1974, p. 134). Her other relative Ingobercthus may have been a count of Paris, whose property later also became a matter of contention (Kölzer et al. 2001, Nos. 118, 149; Ebling 1974, p. 175). Thus we deal with a heiress of an important Frankish family. Despite her seemingly high status, she turned to monastic vocation and donated her lands to St-Denis and was required by the royal order to acknowledge her choice of a legal patron, the monastery. Thus a significant showing on the part of Frankish magnates, viribus inlustribus Ragnoald, Nordebert, Ermenfrid, counts Madelulf, Erconald, and senechals Benedic and Chardoin may have meant a difficulty of transferring land from within the closely-knit group of Frankish magnates to a monastery, done by a daughter of one of their own status. A number of bishops were present to show the ecclesiastical vision of this transfre, namely Sygofrid, Constantine, Gribo and Ursinian. Thus placitum, far away from being a simple statement of legal right, was meant to find acceptable terms of consensus for the Frankish elite and one of their own status, a female, who opted to move into an another hierarchical system of relationships, that of the church order. Thus a status of a Frankish female who sought to make herself part of the church was a matter that deserved an intervention of a king and a royal pronouncement. Considering that the Frankish kings had acquired the role of intermediaries between the Gallo-Roman and Frankish elites since Clovis, one may notice that in this *placitum* the king's role was reinforced and the need for consensus between the lay Frankish and ecclesiastical elites encouraged. A similar "fictive" case took place in 710, when *vir inluster* Ragnesind confirmed that he had bought properties from Sicland and his wife Dinane, especially those which constituted the latter's family property, and secured that she agreed to this transfer when he husband died and she became a widow (Ḱolzer et al. 2001, No. 158). Although less of a problem, in this case a legally binding sale was confirmed because of a widow whose family lands were a problems as her own status had changed to the more unstable one.

Among the "fictive" cases there are some that can be used in the discussion of the legal peculiarities of the matter and not just of the political context. In another case the "fictive" case dealt with a certain Ibbo

who failed to participate in the war against Austrasia and thus was required to pay the fine. He had to give his property away as a gage for the fine which had been paid by abbot Chaino in 694 (Kölzer et al. 2001, No. 143). Other cases were simpler, as when Leodefrid in 709 sold his property to cleric Audoin. This required royal statement (Kölzer et al. 2001, No. 155). Although not dealing with widows, these two cases also implied a situation when the legality of transaction was questionable because its parties belonged to different social networks and because the transfers themselves, at least in the first case, were a result of misdoing.

The clear division between landownership and landholding may have started to become more important since the middle of the seventh century, and the court records are witness to this process (Innes 2000, pp. 73–76). In the court records we can see how the complex arrangements of landholding which had obviously originated in the Roman and post-Roman province's traditions and whose traces one can see in these hearings began to give way to other definions of ownership, possession and holding, more suited for the the more clear definitions of property rights. Scholars suggested to tone down the distinction between the "public" and the "private" in regards to this period, by which they meant distancing oneself away from the idea of the publicly weak Merovingian authority (Fouracre and Gerberding 1996, p. 56). But in fact, one may speak less about weakening "public" image of authority, but rather about the disappearance of the "public", or, to be more precise, Roman provincial mechanisms and practices of supporting landownership. In many situations this led to serious conflicts and to disintegration of the formerly closely-knit communities. But the question in the case of records of the Merovingian court proceedings is not the one of Roman or medieval patterns of landownership or in the dichotomy of possession vs. landholding alone. The problem obviously lay in the changes which the elites were undergoing in this period and they had to do with the decay or urban arrangements that had been common in the Late Roman provinces, which were due to the gradual slip in the power of the cities. Archeological studies that were made in the wake of the impact that Pirenne's thesis made on the perception of the Middle Ages showed that since the seventh century the cities which had been able to maintain their status as trade centers in the fifth and sixth centuries began to fade away as viable trade stations along the river trade routes in Gaul (Pirenne 1937, pp. 67–74; Hodges and Whitehouse 1983, pp. 77–101). Thus the authority started to move away from urban communities to new centers of power, centered on the networks which bound together monastic communities, aristocrats and the kings who were quick to pick up on this new movement and make use of it (Prinz 1965; Semmler 1989, p. 88). Widows and orphans were the first to sense the impact of this reshaping of power structures as the least protected group in society. Thus in the third quarter of the seventh century hearings were a way to find a solution to those situations in which the old arrangements did not work, and they were not settlements of conflicts in the true sense of the term. Much like documents from Lombard Italy, they suggest that all kinds of actions with land that made it leave family hands created exclusion and resulted in prolonged conflicts (La Rocca 1999, p. 950). These were not feuds and vendettas which otherwise ripped the fabric of Merovingian Gaul's society (Le Jan 2009). One may wonder whether these hearings were radically different from those scholars call 'fictive', and the next section will seek to compare these earlier hearings to the ones scholars have though to be such. Scholars see these trials and the records as significantly different from the later 'fictive' ones (Bergmann 1976, pp. 155–156). In his reasoning they were 'fictive' because the outcome of each of these cases was predictable in terms of the Merovingian politics. But it has been recently suggested that this distinction may not be important since many of the 'fictive' hearings were a way to sanction the rights (Murray 2005, pp. 276–278). In a way, therefore, this was similar to public validation of documents that was common in urban centers of Gaul (Brown 2013, pp. 95–98). But on the other hand, each case involves more than a typical situation that may be found in Formulae. A significant number of the earlier disputes we have just considered had the three things in common: inheritance, women's (or widow's) right to own land, and conditional landholding. These are the cases which Bergmann described as "real." Women lost in all earlier Merovingian placita regardless of their status and regardless of whether they had a son who could inherit his late father's land. These temporary conclusions describe the Merovingian kings' authority in a way that is largely irrelevant to their concerns about the magnates from Austrasia.

These preliminary results allow one to re-visit the long-standing problems of examining the records of court proceedings. Doubts about *placita* as reliable pieces of historical evidence started with the discussion of the so-called "fictive" character of some of the legal records that were described as being in direct opposition in their meaning to the earlier ones I have just discussed. Arguments were put forth suggesting that those *placit*a that appeared in the time of conflict between Pippin II, his sons the the Neustrian kings did not display conflicts as real and profound in nature as those which addressed the reshaping of landownership patterns (Bergmann 1976, pp. 1–186). But despite the emphasis on the "political" character of some of the proceedings

in the times of Pippin II and his son Drogo, scholars nevertheless ended up with a consensus on the meaningful role of the Merovingian kings' right of justice, which they considered as that which the king the right to mediate in conflicts despite their obvious weak status (Fouracre 1986, p. 43). But even those who supported the idea of "fictive processes" used these documents to claim that early medieval Merovingian kings could avoid anarchy by relying on established legal practice supported by written documentation (Bergmann 1976, pp. 148–151). Thus Merovingian kingdoms did not collapse into chaos in the second half of the seventh century: the orderly solution of conflicts exemplified the ability of the late Merovingians to maintain stability and to remain in the center of politics (Fouracre 1986, p. 43).

Despite these differences in opinion and the fact that some of the placita recorded the court proceedings which were seen as "fictive" it is possible to view as one of the tools in the strategy to maintain the dynasty in power. One needs to keep in mind that although the documents we possess begin with 653, the practice of hearing and recording disputes may not have been a seventh-century Frankish innovation (Ganz and Goffart 1990, p. 920). Moreover, this practice was not limited to the period of Merovingian rule, because one can find the same legal language and formulaic protocol in the records of hearings that took place in the presence of Pippin III and Charlemagne, that is, after the Merovingians were replaced in 751 (Mühlbacher et al. 1906, Nos. 1, 63. Glöckner 1929, Chronicle, c. 3, 1:273.). Thus we are dealing with a long-standing practice that was important for the whole of the Merovigian period. Despite the fact that they have been viewed as substandard in their validity and missing out in solemnity to charters (Bergmann 1976, pp. 185–186), they have recently acquired importance again as part of the overall administrative culture whereby kings and their magnates sought to convey their vision of social fabric onto the local societies (Innes 2013, pp. 152–153; Murray 2015, pp. 225–226). They are especially important in light of the recent work that suggested confirmation of documents in local urban centers, as exemplified by Formulae and other documents (Brown 2013). This paper seeks to show, however, that despite their long-standing use, placita need to be re-examined in light of the practices of literacy in the period when the Merovingian dynasty was reinvented after Clovis II and Balthild and when their progeny had to struggle for authority with magnates and rising strongman, the mayors of the palace from Austrasia.

In light of the recent studies, the "real" *placita* show how in the context of vague power structures build on personal connections, the ability to maintain friendship and resolve long-standing enmities was critical for the functioning of society. The conflicts originated in the process of changes that befell hitherto developed networks of landowning and hence of family and friendship when Roman ways of life began to disappear. Writing may have been one of the social media that helped solidify emerging consensus. It had been shown that personal rivalry that turned into hate and even vendetta defined many of the events of Merovingian history, and the ability to contain them was one of the main concerns of rulers and those interested in peace and order (Le Jan 2009, p. 222). In this context Merovingian *placita* perfectly exhibit, much more than charters, formulae and letters, these personal relationships and show the ways in which longstanding dislike and conflict had been turned into peace and even consensus, achieved and negotiated by means of court hearings. Thus placita describe and illustrate one of the practices which underlie the basic rules of the functioning of the Frankish society under the Merovingians.

The Historical Context: The Disputes and the Narrative Sources in 656-680

Merovingian court records cover the period between 653 and 715, which is the period that has long attracted significant research attention from scholars. But the ones which were deemed free from power tensions at the court only cover the period until 690s. None of the characters that chronicles and saints' lives mention appear in the court records from the period between 653 and 691, the period when all documents are deemed non-"fictive" by scholars. This is the period which received divergent assessment from scholars and largely remained in the shadow of a much better studied and discussed one, that of the waning of the Merovingian authority in the late seventh and the first half of the eighth century. In his will of 634/635 Dagobert I, who had united the Frankish kingdom under his rule in the early seventh century, assigned the kingdom of Austrasia to his elder son Sigibert III, while Clovis II received Neustria and Burgundy (Fred. 1888, 4:85, Vol. 2, p. 164). His successors' reigns, however, received divergent assessments, and scholars who studied them disagreed whether the dynasty had been gradually losing control or whether it remained in charge throughout the seventh and the early eighth century. There are few events we know of in the 640s and the early 650s because sources are mute (Ewig 1976b, 206–207, 1:85-144). Sigibert III died in 656, Clovis II in 657, and the need to establish the new balance of power arose (Ewig 1976b, p. 207). But the dramatic and

radical character of this change has been questioned. On the one hand, this period witnessed what scholars believed to be the first attempt at the usurpation of power by the mayor Grimoald (616-657). His coup had been believed to mark the decline of the Merovingian authority due to the rise of "usurpers" like Pippin II of Herstal's (635-614) son Drogo (670-708) and Pippin III (Heidrich 1989, pp. 220–226). However, recent studies have suggested that his attempt at installing his son as a king adopted by a Merovingian was in line with traditional Frankish practices and that it did not undermine the power balance in the Frankish kingdom. Despite the personal dislike of Sigibert III's queen Chimnechild towards the mayor and her attempt to establish a sort of damnatio memoriae against him he was never seen as a threat to the Merovingian dynasty and his desire to make his son an adopted Merovingian was never meant to replace the dynasty (Becher 1994, pp. 147–148; Hofmann 2004, pp. 382–393; Wood 2004a, p. 15; Wood 2003, pp. 159–160).

Recent studies have opened deeper perspectives on the stability of the Frankish kingdom during the later Merovingians' reign and suggested that personal links that held it together need to be reexamined (Le Jan 2009, p. 222). It has been emphasized that eight of the twelve kings after Clovis II came to power as minors and that the significant number of rulers died at the age just above twenty years (K̈olzer 2004, pp. 39–40). The Merovingian family in this period was shown to be a loose grouping of relatives, whose struggle for power had constantly redefined the power balance and even significantly influenced the core of the family itself (Wood 2003, p. 222). The events of the second half of the seventh century also cannot be reconstructed satisfactorily because the sources contradict each other and the because there are too few of them (Wood 2003, p. 222). The Merovingian royal family was reinvented as a viable dynasty when Clovis II married Balthild, a former Saxon slave of mayor Ebroin (Wood 2003, p. 164; Nelson 1978). Her sons, Chlotar III, Childeric II, and Theoderic III, and her grandsons Chilperic II, Clovis III, Childebert III, Dagobert III, and Theoderic IV were attempted to be transformed into the dynasty of their own despite their obscure family histories (Wood 2003, p. 165). They ruled until Pippin III, the mayor, was made a king in 751 (Levillain 1926, p. 65). The Merovingian family being a loose construct, other means of achieving dominance and maintaining authority had to be developed. Hence came the significant turn of the lay rulers to the church (Prinz 1965, pp. 124–151; Fox 2014, pp. 34–49). The ecclesiastical policies of Clovis II and Balthild reveal the ability of the monarchy to extend its authority in new ways (Nelson 1978, p. 47; Wood 2003, p. 221; Fouracre and Gerberding 1996, pp. 109–112; Fox 2014, pp. 37–40). Balthild and the mayor of the palace Ebroin sought to establish personal control over key regions of Gaul by favoring major churches of the kingdom (seniores basilicae) and by endowing monasteries (Gerberding 1992, pp. 68–69, 96; Ewig 1976a, p. 61; Semmler 1989, p. 85; Fox 2014, pp. 39–41). This was an important turn that allowed those within and around the Merovingian family to tighten their grip on power. In this context the placita, which all originate from the monastery of St-Denis, illustrate the growing interest of the dynasty to an important and strategically located ecclesiastical establishment and they suggest how important it had become for the kings to control the monasteries.

But in addition to turning to church in search for means to advance their authority, the Merovingians had carefully to develop a consensus with aristocracy. Liber historiae francorum, a later historical account, sees cooperation, and not conflict, as the engine of Frankish politics in this period. Ebroin (662-680) seemed to replace Balthild by mid-660s, but this may have led to tensions among aristocratic groupings (Heidrich 1989, pp. 218–222; Ewig 1976b, pp. 210–211; Ebling 1974, pp. 131–133; Fouracre 1984, pp. 1–14). He ensured the right to appoint counts of the palace (comes palatii) in Burgundy (Krusch 1910b, "ut de Burgundiae partibus nullus praesumeret adire palatium, nisi qui eius (Ebroini – D. S.) accepisset mandatum." Passio Leodegarii I, 4. 5:287.). After the death of Chlotar III, king of Neustria, in 673, Ebroin helped another son of Chlotar II, Theoderic III, rise to the throne, but in the same year the aristocrats replaced him with his brother and the king of Austrasia Childeric II, and exiled the mayor to Luxeuil (Gerberding 1992, pp. 68–72; Ewig 1976b, p. 214). But they soon became dissatisfied with the new king because he did not seek consensus and shunned their advice (Gerberding 1992, p. 75). For the author of Passio Leudegarii , Childeric II was later murdered exactly because the communication between the potentates in a form of concilium went awry (Krusch 1910b, 1:12). Thus consensus seems to be the central idea that drove Merovingian politics in this period. By 679 Ebroin was back in power, amnestying all those who took part in a coup against the king, and Theoderic III again became the king and defeated Pippin I in the battle of Lucofao (680) (Ewig 1976b, pp. 215–216). At this time Ebroin died or was murdered, and the Neustrian aristocracy appointed Waratto, who ruled until 686 (Wood 1994, p. 255; Heidrich 1989, p. 223). Although some scholars viewed the battle of Tertry as a turning point which marked the ascendancy of the mayors, other studies have downplayed this event and showed that the Merovingians were instead able to maintain some sort of authority until the very

end of their rule (Gerberding 1992, pp. 68–72; Fouracre and Gerberding 1996). The abovementioned "fictive" placita are critical for understanding of this period, because it is on them that we depend in our assessment of the politics of Childebert III (683-711) (Bergmann 1976; Kano 2007; Fouracre and Gerberding 1996, pp. 43–44). Unlike his brother and predecessor Clovis IV (682-695), this ruler was dubbed a famous man and a just king (Krusch 1888a, pp. 323–324). It is then interesting to note that most of the so-called "fictive" proceedings fall upon his reign.

Two powerful groupings that struggled for influence at the court of the Merovingian king of Neustria are attested in this period. The mayor of the palace Ebroin and Audoen of Roen were obviously close in their interests, belonging to the family group of former mayor Echinolad, while the other group of magnates chose Leudegar of Autun as their intermediary with the king (Heidrich 1989, pp. 221–223). Some saw this period as the time when the cooperation of these two groups defined a relatively peaceful coexistence (Rosenwein 1999, pp. 84–85). When Ebroin may have used his influence at the court to begin a process against Leudegar of Autun, it never developed into a hearing because king Chlotar II died (Krusch 1910b, p. 5; Ewig 1976b, p. 127; Fouracre and Gerberding 1996, 222, n. 105.). We do not know what would have happened otherwise. But it is remarkable that the process was not renewed when the new king came into power. In a sense, therefore, the legal proceedings of the kind recorded in *placita* were not a usual means of power struggle.

The struggle between magnates took various forms and in few cases ended up in violence. One may notice that one reason for conflict were tensions between the king of Neustria and magnates of both Neustria and Austrasia, on the one hand, and other powerful people from the South of France, the region which had long retained its Roman culture and the place of urban elites in society. These conflicts later reverberated in the networks of landed authority. Thus in 675 Theoderic III inherited his father Clovis II's kingdom of Neustria despite his being the younger brother to Childeric II. Nestrian magnates, and Ebroin in particular, must have been behind this seizure of power. Another grouping of magnates, with bishop Leodegar of Autun and the Austrasian mayor of the palace saw this as iniquity and sought to establish Childeric II in power not only in Austrasia, but also in Neustria. (Geary 1988, pp. 189–190). Much as it was a clash of powerful groupings, it must have been a clash of two principles of dynastic succession which were imagined and recognized by the dynasty and its faithful. Was the Merovingian kingdom to be reunited like it was in the reign of Dagobert, or it was to be split between the two branches of the family, two young kings who had already become entangled in the aristocratic networks and who had become symbols of self-representation for these Neustria-bound aristocrats? In 675, after the murder of the king of Neustria and Austrasia Childeric, Ebroin charged Leudegar of Autun with treason. This may have happened because the bishop was one of the powerful advisers of Childeric and widowed Queen Chimnechild, his mother-in-law (Krusch 1910a, pp. 23, 24; Krusch 1910b, 1:33-36; 2:18). Chrodobert was the count of the palace who executed Leudegar on the orders from Ebroin. But when the magnates which had formerly belonged to the group of Leudegar of Autun sprang back, the fortune changed. The count was executed, and in 679 Theoderic III the Neustrian king donated lands which had reverted to his widow, to Chrotchar, the deacon of St-Denis (Ḱolzer et al. 2001, 121). This event was an echo of the dramatic power struggle surrounding the deposition of Theoderic III in 673 and his exile to Luxeuil in company with his mayor Ebroin and the punishment to the count's family. In fact, although Theuderic III formally took the side of Leudegar of Autun, his donation benefited his own stance and surrounding groups. This donation Chrotchar was a direct result of the open power struggle and it showed how a significant reshaping of the power balance at the royal court made lands change hands by royal order. Some scholars call this a confiscation (Weidemann 1998, p. 190). Scholars also called this donation the only case in which the king gave the properties that had belonged to its former owner privately and not as royal gift and that had no connection to the royal fisc (Dorn 1991, pp. 73, 76, 81, 84). But this formal legal distinction may be questioned since Chrodebert was the count of the palace and thus may have held his properties in tenure. In this case the possessions of St-Denis, as we may notice, were accumulated by means of direct royal action against those who were branded as unloyal to the dynasty. When the king and his entourage saw it fit to end power struggle or to redefine the power landscape by transferring lands into the better hands they needed no hearings because the king mandated the transfer.

The Passio Praiecti, a life of bishop of Lyon, also has a few bits of information about the ways in which the legal proceeding accompanied serious changes in the structures of power. The Passion describes how during the brief period between 673-675 when king Childerich II ruled both Neustia and Austrasia, a prefect of Lyon, Hector, brought a case against the bishop of that city. This may be related to the attempts of lay rulers, of which Hector was a part, to reduce the importance of bishops who had obviously maintained

their collegiate status and held together. For example, it seems to have been the policy of Balthild, who is known to have hidden a grudge against southern bishops (Fox 2014, pp. 39–42). In this case the actual reason may not have been gross, because the bishop had recently become a protector of an aristocratic widow who pledged him her rights to some property. Hector appealed to bishop Leudegar of Autun, who at this time was a high-placed advisor of Childeric II, and the court send its bailiffs (fideiussores) to bring Praiectus to a trial. Interestingly, the bishop Leudegar of Autun in this case took the side of lay magnates, to which both the king and Hector belonged, although Praeiectus might have been closer to him as a member of the clergy. Could the divide between high-standing bishops from aristocratic backgrounds and members of aristocratic networks and devoted churchmen who shared the simple ideals of St-Martin and other ascetics be the reason? Interestingly, however, the case collapsed because of the intervention of Chimnechild, the queen of deceased Sigibert III, the king of Austrasia (Krusch 1910a, pp. 23, 24; Krusch 1910b, p. 9). This may have happened because she was a natural enemy of Leodegar because he had tried to separate Childerich from his wife, Bilichild (Fouracre and Gerberding 1996, 229, n. 112). But this may have also happened because this powerful widow of king Sigibert III of Austrasia played a role similar to that of a regent to her young son (Wood 1994, 223, n. 8). Scholars make the conclusion that she might have acted as a regent because by using the document, the predominant part of which is a forgery produced in the High Middle Ages, but which may have preserved the memory of the queen signing the Merovingian charter (Ḱolzer et al. 2001, No. 102). Thus questioning the right of a widow to inherit from her husband may have created inopportune allusions to the status of Chimnechild herself. The theme of the widows and their rights will reappear in many other hearings, and it will be examined in more detail later. Hector fled, but the royal agents caught and killed him. Thus hearings that may have had serious implications for power struggle quickly collapsed when the situation changed. It seems, therefore, that one may not imply a purely "political" context in the complex litigation of the *placita*. All conflicts and tensions that had arisen because conflicting factions sought to overpower each other often disappeared or were solved in other ways than court proceedings.

Narrative sources suggest that many disputes may have never reached the king's presence. The source describing the passions of Praiectus of Lyon hints that hearing of disputes usually took place in a building separate from the royal palace where no king was present (Krusch 1910a, p. 23). And the verdict in the dispute between St-Denis and the landowner from the diocese of Le Mans mentioned only the count of the palace as the official of importance, suggesting that he may have resolved the case before the decision received the king's approval (Kölzer et al. 2001, No. 93). The fact that the count of the palace testified to the king about the course of the settlement suggests that people who recorded these hearings thought that the details of the dispute could reach the ruler's ear only through his courtiers (Ganz and Goffart 1990, p. 919). The kings did not sign the records we possess, and this may be interpreted as another indication that the educated people who wrote this documents had an implicit hierarchy of disputes, only some of which were worthy of the king's attention.

The records that have survived captured those hearings that did not fall apart due to the rapidly shifting political landscape, like those which we have discussed earlier. This makes us pay more attention to those later *placita* of Childebert III in the last decades of the seventh and first decade of the eighth century because they obviously stand out as a somewhat new phenomenon. These cases, although scholars have consistently called them "political", did take place, lasted and left a written record, which means that a radical solution was not acceptable for the elites that surrounded the royal court. This may have meant a change in the practices of authority in the later Merovingian period. Perhaps, this means that despite the general spirit of instability and feud, a new rules of the game began to appear in the Merovingian politics. Thus in the following sections I will first examine the ways in which court hearings first became a normal practice of establishing consensus within lesser aristocracy, and then transformed into a practice acceptable for dominant aristocratic groups whose representatives constituted the core support of the dynasty. I would argue that in these years legal proceedings in the presence of the king, like those in 709 and in 710, were to add to royal prestige by reminding the magnates that king was a ultimate judge (Ḱolzer et al. 2001, Nos. 155, 156, 157.). Merovingian kings, potentates, and educated clergy were able to appreciate the difficulties of these disputes, but the rulers' purpose was to emphasize their own authority rather than settle an imagined or conflict.

This observation makes it all the more interesting to look at locations of those villae which the abbot of St-Denis and other clerics associated with him sought to claim by using the hearings in the presence of the king. Study of the geographical distribution of the places that appear in these documents allows one to establish the more specific context in which this construction of monastic networks was taking place. A

sequence of disputes that took place in the reign of Chlotar III (657-673) concerned Thorign´e, near Le Mans (Kölzer et al. 2001, 88, 93, 94, 95). At the same time St-Denis sought to gain influence in the area of Rouen, dividing the properties with St.Audoen, the bishop of this city (Ḱolzer et al. 2001, 88). The geography suggests that this may have been an attempt to take control over strategic locations that had been held by former mayors like Erchinoald (Heidrich 1989, pp. 222–223; Mériaux 2006, pp. 67–75). The judgment issued by Theoderic III in 679 was about the village of Bailleval, in the Oise valley (Ḱolzer et al. 2001, 126). Around 690 Chrotchar unsuccessfully sought to gain control over two villages, one of which can be identified with Bézu-St-Eloi that was located just one kilometer from Bézu-la-Forêt, in the Oise valley. The other village can be identified either with Neaufles-Saint-Martin, in the vicinity of Eure (the southern tributary of Seine), or with Machy (or Machiel), near Somme (Kölzer et al. 2001, 135; Stoclet 1989, p. 146). Locations in the Oise valley again became contested in 716 when the hearing discussed the question of rights over Bézu-la-Forêt (Kölzer et al. 2001, 167). Two court hearings, in 691/692 and in 697, sought to adjudicate disputes that arose around the villa of Noisy-sur-Oise (Kölzer et al. 2001, 136, 149). In 694 Chrotchar sought to establish patronage over an orphan who had rights to Bayencourt, on the tributary of Oise, Matz, near Compiegne (Kölzer et al. 2001, 141). In 694 the dispute between St-Denis and a local landowner concerned the village of Hosdinio near Beauvais, also on or near Oise (Kölzer et al. 2001, 143). In 709 a court hearing discussed the village in the district of Tallou (pagus Tellao), which was located between the Paris basin and the North Sea (Kölzer et al. 2001, 155). In 726 St-Denis claimed its right to the village of Boran-sur-Oise, also in the Oise valley (Kölzer et al. 2001, 187). Thus these disputes originated in the attempts to control the *villae*_and settlements that were located north and northwest of Paris, in the Oise valley and the adjacent districts between Paris and the North Sea. This shows remarkable continuity with the trends one may see in the early seventh century, when aristocrats from the Paris area became abbots or bishops and sought to establish monasteries in other regions of Neustria or Gaul (Prinz 1965, pp. 124–41). But in contrast to the earlier period, they had fewer options of establishing new monasteries, having to compete instead for those resources that had already become important sources of revenue for lay and ecclesiastical networks of power.

Conclusion

Merovingian royal court's records of proceedings allow one to make a judgment on the ways in which dynasties sought to legitimize their rule. The investigation of the placita shows that the legal principles they sought to prove and defend were of fairly limited social significance since it could be expected that many of the widows would enter the protection of the church, and in particular, of the monastery of St-Denis. I argue that these court proceedings were the way for the literate people around the kings to tap a hidden source of authority, the power of a judge that had been known to Romans as part of the barbarians' polity since Tacitus, to let the dynasty carry on despite obvious signs to the contrary. This image of the later Merovingian kings, developed within the culture of administrative literacy, were meant to supplement the image created in histories and chronicles. Administrative writing helped maintain the Frankish aristocrats, bishops of various origin and perhaps remaining Gallo-Roman elites as a community whose locus of authority was the court of the Merovingian kings.

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