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THREE PEACES OF EMPÚRIES (1189-1220)¹

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The Peace and Truce of God offered highly militarized societies throughout the Latin Mediterranean a flexible but durable framework with which to shape viable regional communities in an attempt to limit violence. In late twelfth-century Catalonia the statutes of the peace bolstered the clerical-regalian programme of the counts of Barcelona, while peace assemblies provided settings for urban and aristocratic representation and resistance as well as occasions for establishing political habits that would lay the foundations for the mature *Corts* of the late thirteenth century². As the peace movement changed its character from a sanctified celebration of collaborative order into institutional mechanisms to limit violence and arbitrary exactions, it provided a means of establishing obligations in money

¹The archival research upon which this study is based was made possible by the generous support of a fellowship from the National Endowment for the Humanities. The article forms part of a larger project on the nobility of the county of Empúries.

²On the peace and truce in Catalonia, see Thomas N. BISSON, *The Organized Peace in Southern France and Catalonia (c. 1140-c. 1233)*, "American Historical Review", LXXXII (1977), pp. 215-35 [repr. in *Medieval France and Her Pyrenean Neighbours: Studies in Early Institutional History*, London and Ronceverte, 1989]; Gener GONZALVO I BOU, *Les assemblees de pau i treva i l'origen de la Cort General de Catalunya*, in *Les Corts de Catalunya* ("Actes del Congrés d'Història Institucional"), Barcelona, 1991, pp. 71-78; and *La pau i treva a Catalunya*, Barcelona, 1986. The thirty earliest records of Catalan peace assemblies identified to date have recently been assembled and carefully edited by Gener GONZALVO I BOU, *Les constitucions de pau i treva de Catalunya (segles XI-XIII)*, Barcelona, 1994.

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and military service that solidified the growing territorial claims of the count-kings. Justifiably historians have pointed to the peace of Fondarella in 1173 as a critical juncture in the expansion of the territorial power of the dynasty of Barcelona as King Alfons I imposed his peace "from Salses as far as Tortosa and Lleida with their borderlands"³. These initiatives also had an impact on the remaining independent counties of Catalonia. In 1187 Count Ermengol VIII of Urgell held a peace assembly at Agramunt to institute his own statutes, closely modelled on those of Fondarella⁴. In 1189 Count Ponç Hug II also summoned a peace council for the county of Empúries, but in contrast to the counts of Urgell, for whom only a single set of statutes survive, the counts of Empúries followed up this attempt at securing territorial integrity and independence by issuing new peace statutes in 1206 and 1220. The use of charters of pacification to expand the authority of the count-kings has received considerable attention, but the discovery of new documents now help clarify the way in which local lords employed the Peace to extend their justice and confront the privileges of their nobles.

The three sets of peace statutes for Empúries edited here for the first time provide new evidence for the evolution of the peace movement in smaller lordships of the South. Historians have passed over the existence of these charters, even though Francesc Montsalvatge i Fossas briefly noted them under the general rubric of *corts* in his early investigations in the archives of the counts of Empúries⁵. The relative obscurity of the documents within the massive comital archive of Empúries in itself suggests the difficulties encountered when local lords employed the Peace to strengthen their power. The earliest peace statutes of Empúries exist in a single copy, while transcriptions of the charters of 1206 and 1220 made after the annexation of the county into the Crown of Aragon are preserved⁶. None

³*Constitucions de pau i treva*, no. 15, p. 76.

⁴*Constitucions de pau i treva*, no. 16. Gener GONZALVO I BOU, *La pau i treva de l'any 1187 per al comtat d'Urgell i vescomtat d'Ager*, "Ilerda", IX (1990), pp. 157-73.

⁵Francisco MONTSALVATGE Y FOSSAS, *Noticias históricas*, XXVI; *Los condes de Ampurias vindicados*, Olot, 1917, p. 289, n. 2. See also the citations to the *bovatge* in the recent inventory and history of the archives of the counts of Empúries by Manuel SÁNCHEZ GONZÁLEZ, *El archivo condal de Ampurias: historia, organización y descripción de sus fondos*, Girona, 1993, p. 136.

⁶The archives of the counts of Empúries also contains a copy of the peace assembly convoked by Cardinal Hugh Candidus in 1068 at Girona, ADM Ampurias, Leg. 30, no. 4250-1; *Constitucions de Pau i Treva*, no. 7.

of the records of the peace and truce, however, were included in the *Llibre Vert*, the register of comital charters compiled in the early fourteenth century under Maugaulí, the last independent count of Empúries. For the expansive House of Barcelona, issuing provisions for the peace provided a potent means of territorial consolidation. When King Alfons I instituted the peace for Rosselló in 1173, it marked the full integration of the newly acquired county into his territory⁷.

Less powerful rulers, however, could not so readily translate the normative regulation of the peace into institutional innovation. The specific provisions of the statutes of Empúries are clearly modelled on those instituted by the counts of Barcelona and their promulgation reflects larger issues affecting the political culture of Catalonia.

The peace council convoked in 1189 by Count Ponç Hug II occurred only six months after the tumultuous assembly presided over by King Alfons I at neighboring Girona. After setting down provisions to limit exploitative lordship by protecting all peasants and their property as well as churches and ecclesiastical holdings, the count-king went further by instituting vicars as new agents of enforcement and providing for a diocesan militia. Many Catalan barons clearly felt their sovereign had infringed upon their traditional immunities and resisted. At Girona in 1188 they demanded assurances from the king that he would not abrogate customs regarding castle entry that the *Usatges of Barcelona* guaranteed nor would he raise the levy for "the peace of beasts" (*bovatge*) again. The tensions between the count-king and an increasingly politicised baronage led to stormy confrontations at later councils in Barcelona (1189-92) and Barbastro (1192)⁸. In seeking to establish the peace in his own county, Ponç Hug II clearly had to

⁷Thomas N. BISSON, *Une paix peu connue pour le Roussillon (A.D. 1173), Droit privé et institutions régionales*. ("Études historiques offertes à Jean Yver"), Paris, 1976, pp. 69-76 [repr. in *Medieval France*, pp. 179-86].

⁸The importance of these events for the formation of the *Corts* and the creation of a politicised culture in Catalonia have recently been brought out by Thomas N. BISSON, *The Origins of the Corts of Catalonia*, in *Parliaments, Estates and Representation*, London, 1996, pp. 37-40 and *The Politicising of West European Societies (c. 1175-c. 1225)*, in *Georges Duby: l'écriture de l'histoire*, ed. C. DUHAUD-AMADO and G. FABRICHON, Brussels, 1996, pp. 251-53. For the long-term implications of these constitutional developments, Thomas N. BISSON, "Statebuilding' in the Medieval Crown of Aragón", *XV Congreso de Historia de la Corona de Aragón*. Actas, I. "El poder real en la Corona de Aragón (siglos XIV-XVI)", Zaragoza, 1996, pp. 151-56.

take note of the concern of his own nobles since all parties involved were stirred to action by the tumultuous events in the count-king's lands.

The statutes issued by the count of Empúries were closely dependent on those instituted by Alfons I at Girona six months earlier, but a number of significant differences do emerge. The introduction avoided the regalian and Romanist language that bolstered the ambitious designs of the countkings. Instead an associative, celebratory language was employed. In a significant scribal correction, the name and title of Count Ponç Hug II at the opening of the document had to be added above the line. The formal character of the document emphasized the importance of the "meeting and deliberation of the venerable Ramon by the grace of God bishop of Girona and Gaufred of Rocabertí and all the magnates and barons of our land". The presence of the bishop of Girona and the viscount of Rocabertí, the two most influential lords in Empúries after the count himself, indicates that the peace and truce was a collaborative effort of regional lords. Ponç Hug II had recently come to a far-reaching agreement with Gaufred of Rocabertí concerning the castle of Quermanço and the fief of Peralada, and during the 1180s a relative calm settled over the often stormy relations between the counts of Empúries and the bishops of Girona⁹. Well aware of baronial opposition to the peace sworn at Girona, Count Ponç Hug II did not press his claims to the instituted peace against the leading nobles of his lands but sought their cooperation. Significantly, the first peace of Empúries lacks the articles that most clearly indicate baronial opposition to the count-king at Girona¹⁰. Its thrust was collaborative rather than regalian. Without the support of his two chief competitors, the bishop of Girona and the viscount of Rocabertí, the count of Empúries could not hope to claim rights of justice throughout their territory and backed away from the more radical measures that had provoked such displeasure among the nobles attending the peace

⁹The accord was concluded in 1187, ADM Ampurias, Leg. 54, no. 7568; Leg. 110, no. 10616, fol. 25 r; cf. *Els castells catalans*, ed. R. DALMAU, Barcelona, 1967-1980, II, p. 550; Santiago SOBREQÜES I VIDAL, *Els barons de Catalunya*, Barcelona, 1957, p. 20, characterizes Ponç Hug II as "peaceful and pious", despite being excommunicated by the bishop.

¹⁰Although the peace for Empúries was closely modelled on statutes of Girona in 1188, the following articles are notably absent in the version issued by Ponç Hug II: *Constitucions de pau i treva*, no. 17, cc. 12-16, 19-23. Among other issues, these articles deal with the count-king's prerogatives for mechanisms to enforce the peace. Baronial opposition can be detected by the sovereign's pledge to refrain from appointing foreign vicars, levying the *bovatge* again, and taking possession of castles against customary usage as stated in the *Usatges of Barcelona*. Cf. BISSON, *Origins of the Corts*, p. 38, n. 36.

assembly at Girona. From its inception, the peace instituted by the ruler of a small county to secure his independence from the growing power of the count-king required collaboration with his magnates. Quite unlike the instituted peace in the rest of Catalonia, the statutes encouraged lords to scramble for control over the mechanisms of enforcement and the revenues it brought.

The extant parchments from the archive of the counts of Empúries offer little evidence about the way in which the newly instituted peace in Empúries affected local power. By early 1206, however, Count Hug IV promulgated further provisions for the peace at an assembly convoked at Sant Pau de la Calçada. The individual articles once again are largely derivative. At the peace assembly of Girona in 1200, King Pere I promulgated a lengthy and ambitious set of statutes reminiscent of those issued at Fondarella in 1173, but a generation of baronial resistance also left its mark on the council of 1200 as well as in the curt record of later assemblies at Cervera in 1202 and Puigcerdà in 1207¹¹. In order to secure support for the peace and allay baronial fears concerning limitations on their prerogatives, during the opening decade of the thirteenth century the count-king offered assurances that nobles would have the right to mistreat (*maletractavit*) their peasants freely, that unfaithful vassals would be excluded from the peace, and that lords could continue their private wars unhindered. The statutes of the count-king now contained numerous compromises to royalist ambitions that became customary privileges for the Catalan nobility¹².

The peace instituted for Empúries in 1206 reveals similar tensions. The count confirmed that nobles possessed the right to distrain their own men and women and judge them according to the customs of the castle or village. Only in cases of disputes between lords would the count or his bailiff have the right to intervene. Those who betrayed their lord were also excluded from the peace¹³. If these guarantees of seigneurial control appear more muted in tone than those promised by King Pere I to his barons, the nobles of Empúries had considerably less to fear from their ruler. Some lords may well have welcomed the peace because it held out the promise of a new source of revenue. For the count-kings, the instituted peace formed

¹¹*Constitucions de pau i treva*, nos. 19, 20, 21.

¹²GONZALVO, *Pau i treva*, pp. 65-68; BISSON, "Statebuilding", pp. 151-55.

¹³Appendix 2, art. 8, 11.

a cornerstone of local justice administered by vicars, but the counts of Empúries did not define their power effectively through administrative office. Even though the peace proclaimed by Count Ponç Hug II in 1189 does mention a comital bailiff, whose role in enforcement also appears in the two subsequent declarations of the peace, administrative office had not reached the same level of effectiveness and accountability as in the extensive territories subject to the counts of Barcelona. In Empúries, powerful nobles hoped to appropriate the *bovatge* levied to enforce the peace as well as fines from peace-breakers. It is unclear whether the counts of Empúries tried to employ the peace from its inception as grounds for demanding the *bovatge* on the accession of a new count, but the tax was clearly a point of contention between magnates and the count by the beginning of the thirteenth century¹⁴. After a lengthy dispute with Count Hug IV, Ponç Guillem de Torroella received the right in 1210 to collect the *bovatge* in parishes at the heart of his own lordship and to receive two-thirds of the revenues in fief on his property elsewhere in the county¹⁵. Another powerful baron, Viscount Gaufred de Rocabertí, also found himself in conflict with the count concerning the attempt to levy the *bovatge*; significantly he and his relatives

¹⁴The earliest evidence of the *bovatge* for Empúries of which I am aware derives from the document in the following note. Count Hug IV may have taken the initiative because King Pere I had demanded the *bovatge* (a term used interchangeably in contemporary documents with *monedatge*) from Cerdanya, Conflent, and Rosselló in 1209. The levy corresponded to a series of fiscal initiatives in 1205. Thomas N. BISSON, *Conservation of Coinage*, Oxford, 1979, pp. 94-96; *Sur les origines du "monedatge": quelques textes inédits*, "Annales du Midi", LXXXV (1973), ap. 3, pp. 101-2 [repr. in *Medieval France*, pp. 335-36].

¹⁵ADM, Ampurias, Leg. 1, no. 24; Leg. 35, no. 4845: "Composicio uero talis est quod dominus comes faciat leuare boaticum suo nuncio uel nunciis simul cum baiulo uel baiulis Poncii Guillelmi de Turicella per totum honorem Poncii Guillelmi quem habet in suo comitatu et de ipsa peccunia donet dominus comes Poncio Guillelmo duas partes et terciam partem retineat in dominicaturam leuato uero hoc primo boatico dominus comes donet in feudum Poncio Guillelmo et suis in proprium cum instrumento inde facto boaticum totius parrochie Sancti Genesii de Turicella et Sancti Martini de Fontanullis et ipsius honoris quem Poncius Guillelmi habet in parrochia Sancti Felicis de Garriga et in aliis locis in suo comitatu tali modo quod quando comes uel sui fecerint boaticum in suo comitatu nichil accipiant in predictis locis set Poncius Guillelmi et sui accipiant inde boaticum et habeant in feudum in perpetuum per dominum comitem et nullus uicarius comitis possit exigere firmancias de fracta pace et treuga in honore Poncii Guillelmi et suorum set si querimonia orta fuerit de pace et treuga in honore Poncii Guillelmi baiulus uel baiuli Poncii Guillelmi accipiant firmancias et habeant iusticiam et faciant redirigere malefacta secundum consuetudinem pacis et treuge". Cf. ADM, Ampurias, Leg. 35, no. 4844.

appear prominently as collaborators in the three peaces¹⁶. Although the counts of Empúries felt deeply attracted by the regalian programme instituted by their powerful neighbor, the rudimentary nature of local comital administration demanded the collaboration of nobles to administer the peace and collect the *bovatge*, which the count in some instances ceded in fief to powerful nobles such as the Orriols family¹⁷. Fief-holding, the exploitation of castles, and traditional privileges compromised the public nature of the statutes. It must surely have been difficult for powerful lords such as the Rocabertí, Torroella, or Orriols to distinguish between public administration and seigneurial rights when they demanded the *bovatge* from their dependents. The peace movement encountered grave difficulties in creating a stable foundation for administrative innovation in Empúries.

The last set of statutes edited here, issued in 1220, consolidated and stabilized the instituted peace in Empúries. The text contains fewer provisions than the two earlier sets of statutes, its language is terser and exhibits greater independence from earlier models, and it devotes more space to procedure and the assessment of penalties. Unlike the pacification charters of the count-kings, the statutes do not expand their scope to include specific social or economic groups, such as burghers, merchants, Jews, or Saracens. Conservative in tone, the charter nevertheless was the first peace in Empúries to conclude with oaths sworn by leading lords, including the count himself, to uphold its provisions¹⁸. Sworn solidarity ritually reinforced adhesion to a collaborative territorial order. The support of magnates to the comital peace may have been relatively easy to secure at this point, for the potential constraints on seigneurial lordship had been significantly compromi-

¹⁶ADM, Ampurias, Leg. 10, no. 1183; Leg. 54, nos. 7455, 7550; Leg. 110, no. 10616, fols. 31v-32r. The viscounts secured the right to collect the *bovatge* throughout their viscounty, Arxiu Diocesà de Girona (ADG hereafter), Cartoral de "Rubricis Coloratis," fol. 106 v-107 r.

¹⁷In 1305 Bernat d'Orriols held the *bovatge* in the *vila* of Alborns in fief from the count, "as his ancestors had done". ADM Ampurias, Leg. 10, nos. 1258, 1354. The *bovatge* also came to be connected to the retention of castles, as expressed in an exchange of jurisdictional rights between Count Ponç Hug III and Pere de Castellnou, bishop of Girona [23 v 1269]: ADG Mitra Carp. 18, nos. 14, 57, 61, 74 [noted in Josep M. MARQUÈS I PLANAGUMÀ, *Pergamins de la Mitra* (891-1687), *Arxiu Diocesà de Girona*, Girona, 1984, no. 281]: "Si tamen domini castrorum comitatus Impuritanensis recipiunt aliquam partem in bouatico racione castrorum nos et successores nostri domini de Rupiano recipiamus eamdem partem simili racione castri de Rupiano in bouatico predicti castri et terminorum eiusdem". Cf. ADM Leg. 38, no. 5313; Leg. 47, no. 2135.

¹⁸On the connection between oath-taking and the charters of pacification, see BISSON, *Origins of the Corts*, p. 37.

sed in Empúries. An ominous new statute in 1220 exemplifies the difficulty of holding the growing pressure of exploitative lordship in check during the late twelfth and thirteenth century, for Hug IV found it necessary to insist that threats and intimidation should not prevent anyone from bringing suit before him¹⁹. The great lords of the region could live with the count's peace in relative ease.

The counts of Empúries turned to long-standing traditions of the Peace at a crucial moment in the structuring of public order throughout the eastern Pyrenean region. They clearly emulated the ambitious count-kings, who during the late twelfth century found in the peace statutes a utilitarian tool to implement a clerical-royalist programme, but the limited administrative and fiscal resources available to the ruler of a small coastal county required significant compromise with seigneurial prerogatives and the customs of fiefs. As lords sought to tighten their grip over the peasantry during the twelfth and early thirteenth century, the administrative initiatives of the King Alfons I and King Pere I could offer money and obligations to back up the statutory protection offered in peace councils, even if the results were not always assured²⁰. Without comparable resources, Count Ponç Hug II and Count Hug IV could not turn the clerical-regalian programme embedded in the pacification charters into an effective anti-seigneurial tool²¹. Yet the institutionalized peace and the levy of the *bovatge* it justified did retain its significance as a marker of territorial identity. The notion of a *Landfriede* represented in the statutes came to the fore during the late

¹⁹Appendix 3, art. 10.

²⁰On the intensification of seigneurial pressure, see Paul FREEDMAN, *The Origins of Peasant Servitude in Medieval Catalonia*, Cambridge, 1991, pp. 89-118; Lluís TO FIGUERES, *Le mas catalan du XII^e siècle: genèse et évolution d'une structure d'encadrement et d'asservissement de la paysannerie (X^e-XII^e siècle)*, "Cahiers de Civilisation Médiévale", XXXI (1993), pp. 151-77; Thomas N. BISSON, *The Crisis of the Catalan Franchises (1150-1200)*, in *La formació i expansió del feudalisme català*, ed. J. PORTELLA I COMAS [= "Estudi General. Revista del Col·legi Universitari de Girona", V-VI (Girona, 1985-1986)], pp. 153-72. For an example of nobles blatantly disregarding the provisions of the peace, see Thomas N. BISSON, *The War of the Two Arnauts: A Memorial of the Broken Peace in Cerdanya (1188)*, in "Miscel·lània en Homenatge al P. Agustí Altisent" Tarragona, 1991, pp. 93-107.

²¹Some recent interpretations of the early peace movement have argued that the provisions against predatory violence were not intended to limit seigneurial lordship in general. See Hans-Werner GOETZ, *Protection of the Church, Defense of the Law, and Reform: On the Purposes and Character of the Peace of God, 989-1038*, in *The Peace of God: Social Violence and Religious Reponse in France around the Year 1000*, ed. T. HEAD AND R. LANDES, Ithaca, N.Y., 1992, pp. 267-69; and Timothy REUTER, *Debate: The 'Feudal Revolution', "Past and Present"*, CLV (1997), pp. 184-85.

thirteenth and early fourteenth century in jurisdictional disputes as the king of Aragon, the king of Mallorca, and the bishop of Girona placed increasing pressure on the last independent Catalan county²². Ironically the right to collect the levy for the "peace of beasts" could in itself become an occasion for violence²³. Even though the peace of Empúries did not provide a new administrative basis in this tiny Mediterranean county, it did promote adherence to a shared utilitarian order among local lords. The king's peace would eventually prove stronger when the royal dynasty of Aragon annexed the county, but the three charters of pacification from Empúries demonstrate the ability of the Peace to adapt to local circumstances and provide a sense of territorial identity.

²²The territorial nature of the peace in Catalonia is strongly emphasized by Eugen WOHLHAUPTER, *Studien zur Rechtsgeschichte der Gottes und Landfrieden in Spanien*, Heidelberg, 1933, pp. 44-48, 119-26; and Odilo ENGELS, *Schutzgedanke und Landesherrschaft im östlichen Pyrenäenraum (9.-13. Jahrhundert)*, "Spanische Forschungen der Görresgesellschaft", Zweite Reihe, XIV, Münster, 1970, pp. 264-69. For examples of jurisdictional disputes centered on the *bovatge*, see ADM Leg. 10, nos. 1258, 1354; Leg. 45, 6045; ADG Mitra Carp. 20, no. 21; Carp. 24, no. 30; Cartoral de "Rubricis Coloratis" fols. 7 v-11 v, and following note.

²³In 1313 the royal bailiff of Gualta raised a bitter complaint against the violence used by the count of Empúries in collecting the *bovatge* against custom in a struggle of contested rights between the count and the king, ADM Ampurias, Leg. 41, no. 5613.

APPENDICES

1

1189, May 7.

Count Ponç Hug II institutes a peace and truce in his county with the consent of Ramon Orusall, bishop of Girona, and the magnates and barons of his land.

A. Parchment. ADM Ampurias, Leg. 46, no. 6145. 402x297 mm.¹

Ego Poncius Vgonis comitis impuritaniensis et petralatesis^a ea propter anno ab incarnatione domini.M^o. C^o.LXXX.V.III. nonas maii abito super hoc tractu et deliberatione cum uenerabili R. dei gratia gerundensi episcopo et G. de Rocabertino omnibusque terre nostre magnatibus siue baronibus quibus equanimiter iustum et equum uisum est et comuni utilitate expedire ut in omni terra comitatu impuriatensi uel petralatesi pax et tregua^b instituatur et nefanda raptorum uel predonum exterminatur audacia predictorum omni assensu et uoluntate omnibus tam clericis quam^c laicis qui in iamdicta terra mea degere noscuntur treguam et pacem secundum formam istam positam et prescriptam tenendam iniungo meque et ad^d obseruandum et in eos^e qui eam uiolauerint iudicandum alligo et astringo.

[1] In primis igitur parentum nostrorum exempla sequentes predictorum uirorum^f consilio et uoluntate ecclesias omnes et earum cimiteria que speciali censura in bonis dei intelliguntur sub perpetua pace et securitate et statuimus ita

¹Instrumentum translatum antiquissimum factum per dominum Poncium Hugonis comitem super pace et treuge tenenda et seruanda per totam terram suam, *verso, fourteenth-century hand*.

^aEgo Poncius Vgonis comitis impuritaniensis et petralatesis, *above line*.

^bet tregua, *above line*.

^cclericis quam, *above line*.

^dad, *above line*.

^equi eas, *crossed out*.

^fuirorum, *above line*.

quod nullus cuiuslibet prophesionis eas uel earum cimiteria uel cuiuscumque ecclesia in circuitu constituta inuadere aut infringere presumat nichilque inde abstrahere atemptet. Quicumque uero contra huius nostre institutionis formam^e uenerit passis iniuriam duplum restituat et de inuasionem sicut ratio dictauit episcopo satisfaciatur.

[2] Ecclesias quoque incastellatas sub eadem pacis et tregue securitate constituimus ita tamen ne aliquis^h in eisdem ecclesiis predam uel alia malefacta congreget uel guerram inde faciat. Quod si contrafactum fuerit querimonia ad episcopum et nos uel baiulum nostrum deferatur et tunc auctoritate nostra et episcopi uel quod commissum fuerit emendetur uel a pace predicta ecclesia sequestretur.

[3] Dominaturas quoque episcoporum canonicorum et monasteriorum et omnium clericorum siue resⁱ eorum sub eadem pacis securitate constituimus pena duple restitutionis imminente eis quidem inuadunt eas et dampnunt dare presumpserint.

[4] Set et clericos monachos et sanctimoniales uiduas eorumque res omnes sub eadem pacis defensione constituimus. Ita quod nemo eos apprehendat nichilque eis iniurie inferat nisi maleficiis inuenti fuerint. Siquis uero uiolentas manus in aliquem istorum iniecerit uel eis alia abstulerit ablata in duplum restituat et de iniuria nichilominus iudicio episcopi illis satisfaciatur et insuper penam sacrilegii episcopo dependat.

[5] Emunitates quoque Templi et Hospitalis Ierosamilitani et Dominici Sepulcri necnon et aliorum locorum uenerabilium set eorundem locorum uenerabiles fratres cum omnibus rebus suis sub eadem pacis defensione et pene terminatione pariter cum clericis et eorum rebus et ecclesiis constituimus.

[6] Villanos et uillanos et omnes res eorum tam mobiles quam se mouentes uidelicet boues et asinos asinas equos equas oues et porcos ceteraque animalia siue sint sapta ad arandum siue sub pacis et tregue securitate constituimus. Ita ut nullus cuilibet professionis eos capiat uel alias in corpore proprio uel in rebus mobilibus dampnum eis inferat nisi in maleficiis inuenti fuerint uel in caualcadis cum dominis suis uel aliis ierint uel cum armis contra aliquem exierint. Set et tunc cum reuersi fuerint de ipsis caualcadis securitatem prestamus. Verumtamen si eos pacem et treguam uiolasse constiterit et moniti a nobis et episcopo dapnum noluerint restituere

^euiolau, *crossed out*.

^hne aliquis, *above line*.

ⁱres, *crossed out*.

uiolate pacis et tregue illi preminente de eiusdem tregue et pacis munimine excludimus.

[7] Item constituimus ne aliquis mansiones uillanorum diruat uel incendat uel aliter ad nocendum ignem subponat neque oliueta succidat. Vomeres et alia instrumenta aratoria sint in eadem pace ut ille uel illa qui cum predictis animalibus arauerit uel ea gubernauerit cum omnibus que secum portauerit uel habuerit ea pace muniatur. Et nullus homo ea animalia aratoria pro pluio uel alio contractu capere uel rapere presummat seruata tamen exceptione rusticorum qui debitores uel fideiussores sunt pro aliis non dominis tamen ut inferius declaratur. Siquis contra huiusmodi constitutionem uenerit liceat ei infra .xv. dies ex quo a nobis et episcopo uel baiulo nostro fuerit comonitus simpliciter maleficium restituere. Verum si hunc in hoc maleficio pace et treguam fregisse appareat temerare pacis incurrat periculum. Quod siⁱ comonitus^k facere neutrum a predicta tregua malefactor et eius coadiutores separati intelligantur ita quod si aliquod malum propter hoc eis illatum fuerit non requiratur pro pace et tregua fracta seruata tamen pace animalium aratoriorum et instrumentorum suorum et incendii. Set si malefactor et eius adiutores iamdicto querelanti ullum malum fecerint emendetur pro pace fracta.

[8] Preterea constituimus ut si forte duo uel tres aut plures homines alicuius militis^l uel cuiusque domini alicubi locorum sibi inuicem rixati fuerint quodcumque dampnum sibi inferant vel ex quacumque alia causa controuersiam habeant lis apud dominos eorum exagitetur et terminetur. Si uero diuersos habuerint dominos statuimus ut iusticie inter eos plenitudinem ad inuicem exhibeant et iudicio dominorum cuasa dicta debito fine terminetur. Verumtamen si domini eorum infra .xx. dies inter eos plenitudinem^m iusticie exhiberi noluerint liceat post eosdem .xx. dies transactos predictis hominibus querimoniam suam apud episcopum uel baiulum nostrum deponere et per eos ut supra statutum est quidem temerare pacis ratio dictet sumatur.

[9] Item terras in contentione positas nullus uillanus labore ex quo consiterit apud iudicem ordinarium possederem nolle stare iusticie. Si uero bis uel ter comonitus eas laborauerit et propterea dampnum suscepit non requiratur pro pace fracta preter mortem et debilitationem salua pace bestiarum in usu aborationis deditarum et incendii. Nolumus et enim quod per contumaciam rusticorum aratoria

ⁱsi, *repeated*.

^kcomonitus, *above line*.

^lmilitis, *above line*.

^minter eos plenitudinem, *above line*.

animalia depredentur inuadantur uel disperdantur. Siquis autem debitor uel fideiussor extiterint et creditori satisfacere non curauerit de suo proprio pignoretur nec pro fracta pace habeatur salua tamen pace bestiarum in usu laborationis deditarum et incendii.

[10] Item decernimus ne quis licentiam habeat pignorandi aliquem rusticorum uel baiulorum ex contractu domini sui prout proxime supradictum est pena fracte pacis imminente illi qui contra fecerit nisi debitor aufideiussor extiterit salua pace bestiarum in usu laborationis deditarum et incendio.

[11] Item cum sit de proposito nostro ius suum cuique seruare et qui de dampnis datis et possessionibus ab ipsis detentis a quibuslibetⁿ conuenti et legitime citati in iure respondere negligunt exclusis primo ipsis contumacibus et separatis a tregua et securitate supradicta et excommunicatione episcopi subsecuta in his duobus casibus damus licentiam pignorandi ipsis actoribus et res eorum accipiendi saluis tamen animalibus aratoriis et incendio.

[12] Saluitates quoque tocus terre nostre tam nouas quam antiquitas constitutas sub predicta pace et securitate constituimus fures et latrones et eorum receptatores si malum quod fecerint restituere noluerint et directum facere contempserint a predicta pace et securitate^o secludimus^p.

[13] Item uias publicas siue caminos uel stratas in tali securitate ponimus ut nullus inde iter agentes sub pace comprehensos inuadat uel in corpore proprio siue in rebus suis aliquid iniurie uel molestie inferat. Quod siquis contrafecerit et in duplum restituat et penam fracte pacis exsoluat.

[14] Preterea constituimus sub eadem pace et tregua dies dominicas esse festiuitates omnium apostolorum aduentum domini usque ad octabas circumcisionis et quadragesimam usque ad octabas paschem diem quoque dominice ascensionis necnon et sanctum pentecostem cum octabis suis et .III. festiuitates Sancte Marie et festiuitatem Sancti Iohannis Baptiste et Sancti Micheyliis t omnium sanctorum et Sancti Felicis Gerunde. Et preterea sciendum est quod predicta pena uiolate pacis diuidatur pariter inter nos et episcopum cum medietate dupli. Alia medietas dupli aplicetur illi qui dampnum passus est.

ⁿde te, *crossed out*.

^osecuritate, *repeated*.

^pItem constituimus quod si malefactor amonitus a nobis uel episcopo et subiacens excommunicationis uinculo predicto modo satisfacere noluerit episcopus, *crossed out*.

1206, January.

Count Hug IV of Empúries institutes a peace in his county with the counsel of Arnau de Creixell, bishop of Girona, and the magnates of his land.

A. Parchment. ADM, sec. Ampurias, Leg. 1, no. 28-1. 369x222 mm.¹. Damaged on left edge and perforated.

B. Contained as extract in parchment dated May 26, 1368. ADM, Ampurias, Leg. 1, no. 28-2, from A.

Anno ab incarnatione domini .M.C.C.V. mense ianuarii. Ego Vgo dei gracia Impuriarum comes et petralatensis comitatu meo consulere et prouidere satagens intuitu diuini numinis tam ecclesias quam religiosas personas cum omnibus rebus suis mee protectionis presidio vallare ac perpetuo munire cupiens habito consilio apud Sanctum Paulum de Calssada super hoc tractu et deliberatione cum uenerabili A. dei gratia gerundensis episcopo et G. de Rocabertino^a et A. de Rechesen et A. de Fuxano et A. de Lercio et A de Salis et G. de Crexello et D. de Crexello et R. Iudice et B. de Castilione et P. de Mata et aliorum multorum quibus equanimitur iustum et equum uisum est ut in omni comitatu ympuritanensis et petralatensis pax et tregua instituat.

[1] In primis igitur consilio predictorum uirorum et uoluntate ecclesias omnes et earum cimiteria que speciali censura in bonis dei intelliguntur sub perpetua pace et securitate constituimus.

[2] Ecclesias quoque incastellatas sub eadem pacis et tregue securitate constituimus. Ita tamen ne aliquis in eisdem ecclesiis predicta uel alia malefacta congreget uel guerram inde faciat. Quod si contrafactum fuerit querimonia ad episcopum et nos uel baiulum nostrum deferatur et tunc quod comissum fuerit emendetur. Quod si facere noluerit infra .XXX. dies a pace predicta ea et uilla in qua sita fuerit sequestretur.

[3] Dominicaturas quoque episcoporum et canonicorum monasteriorum et omnium clericorum siue res eorum sub eadem pacis securitate constituimus.

¹Conditiones pacis et treuge comitatus, verso, 14th cent. hand.

^aRocabertino, B.

[4] Clericos monacos sanctimoniales omnesque res eorum et uiduas sub eiusdem pacis securitate constituimus. Ita quod nemo eos aprehendat nichilque eis nec in rebus eorum iniuries inferat nisi in maleficiis inuenti fuerint. Siquis uero uiolentas manus in aliquo istorum ingesserit uel eis aliquid abstulerit ablata in duplum resituat et de iniuria nichilominus iudicio episcopi illis satisfaciat et insuper penam sacrilegii episcopo deprehendat.

[5] Emunitates quoque templi et ospitalis iherosolimitani et domini sepulcri necnon et aliorum locorum uenerabilium et eorumdem locorum uenerabiles fratres cum omnibus rebus suis sub eiusdem pacis securitate constituimus. Ita tamen supradicta omnia sub hac pace et tregua constituimus ut ego nec milites terre nec alii homines totius mei^b comitatus de ipsis usaticis seruitiis ad empramentis et iure patronatus que ego et alii predicti habemus uel aliquo modo accipimus in predictis omnibus per predictam pacem et treguam neque per sacramentum quod ego uel alii milites terre facimus non magis teneamur episcopo uel alicui quam cum modo ante sacramentum et predictam pacem tenemur.

[6] Villanos et villanas baiulos et omnes res eorum tam mobiles quam se mouentes et immobiles arbores cuiuscumque generis sint boues uaccas asinos asinas equos equas oues porcos columbarios ceteraque animalia siue sint apta ad arandum siue non sub pacis et tregue securitate ita constituimus ut nullus eos capiat uel alias in corpore proprio uel in rebus eorum dampnum eis inferat nisi in maleficiis inuenti fuerint uel in caualcadis cum dominis suis uel aliis ierent^c uel cum armis contra aliquem exierint. Set et tunc conuersi fuerint de ipsis caualcadis securitatem eis damus. Verumtamen si eos pacem et treguam uiolasse constiterit in ipsis caualcadis et moneti a nobis et episcopo dampnum noluerit restituere uiolate pacis et tregue de eiusdem^d pacis et tregue munimine excludimus.

[7] Item constituimus et ne aliquis massiones uillanorum et baiulorum diruat uel incen[deat]^e vel aliter ad nocendum ignem subponat. Vomeres et alia instrumenta aratoria sint in eadem pace ut ille uel illa qui [cum predict]is animalibus arauerit uel ad ea confugerit uel gubernauerit cum omnibus que secum portauerit uel habuerit ea pace muniatur et nullus homo ea animalia aratoria pro pliuio uel alio contracti capere uel rapere presumat. Siquis autem fideiussor extiterit si fidem non portauerit de s[uo]

^bnostris, *B.*

^cirerint, *B.*

^deidem, *B.*

^eblank space in *B.*

proprio] pignoretur seruata tamen pace bestiarum in usum laboracionis deditare^f nec pro pace fracta habeatur. Preterea sub pene interminatione pro[ibeo] ut nullus in predicta terra mea predam facere presumat de animalibus cuiuscumque generis uidelicet de equabus mulis mulabus bobus uaccis asinis asanibus arietibus ouibus ircis capris porcis siue eorum fetibus. Quod qui fecerit penam dupli restituat.

[7] Terras in contencione positas nullus uillanus labore postquam comonitus fuerit ab eo in quo iusticia placiti non remanserit. Si uero comonitus bis uel ter laborauerit et propterea dampnum suceperit non requiratur pro pace fracta salva tamen pace bestiarum aratoriarum et ea gubernacium et que eorum secum portauerint. Que eterina animalia neque pro pluio neque pro delicto domini neque pro aliquo proprio debito capere uel rapere quis presumat.

[8] Proditores [uero] dominorum suorum si se purgare noluerint eos et eorum deffensores ab hac pace submouemus.

[9] Saluitates quoque terre nostre tam [no]uiter quam antiquitus constitutas uel consilio nostri et episcopi constituendas sub predicta pace ponimus.

[10] Item siquis alicui malefecerit et in[fra] .XXX. dies iniuriam resituerit et dampnum non cadet in penam stature pacis neque querela de eo prolata recipiatur .XXX. uero diebus transactis si iudex noster cognouerit treguam et pacem esse fractam emendetur in duplum et detur simplum cum medietate compositionis iniuriam passo residuum detur nobis et episcopo cum .LX. s. pro pena et hanc penam .LX. s. prestant milites et filii eorum et nobiles baiuli et homines uillare. Rustici uero et alii homines penam .X. s. prestant.

[11] Item omnes homines qui in comitatu meo sunt habeant licenciam distringendi homines suos et habitantes et uenientes in castris et uillis suis uel in aliis locis in quibus iusticiam habent et habere debent dampnum et iniuriam ab illis illatam redirigere et placitare et determinare secundum consuetudinem tamen unius cuiusque castri et uillare. Si uero diuerssi homines et diuerssorum dominorum^g inter se contentionem habuerint liceat eis transigere inter se infra .XXX. dies uel firmare directum sub comuni homine nisi unum [...] ^h et causa uenerit apud audientiam baiuli nostri uel episcopi ipsi distringant malefactorem ut firment in manu comuni et iudicio nostri iudicis in comuni loco discuciatur. Set eiusdem domini homines si

^fdeditare, *B*.

^gdiuerssorum dominorum, *B*.

^hblank space in *B*.

inter se contenderint remittantur ad proprium dominum et si non possit distringi ab ipso domino uel ipse noluerit distringantur a nostro baiulo. Set si homines militum habuerint communia animalia cum his qui sunt pacis et tregue pars eorum qui sunt sub pace et tregua illesa seruetur quia redemptionem inde habuimus.

[12] Dominicaturas nostras et ecclesiarum uel locorum religiosorum uel hominum in uillas habitantium quod procuraciones ex actiones accaptes albergas in uictis habitatoribus nullus exigere presumat quia ea omnia sub pace et tregua ponimus.

[13] Violatores pacis et tregue teneantur satis dare et pignora mittere in propriis personis nec dominus uel ille qui eos duxerit pignora mittere uel satis dare uoluerit. Item hii qui obnoxii alicui fuerint aliquo modo et legitime citari respondere noluerint excumunicati prius ab episcopo tamquam contumaces cui fautoribus suis a tregua et pace separentur et licenciam pignorandi eos uel res eorum damus saluis aratoribus animalibus et incendio de quo tamen non teneantur guerram facientes si in castris aposuerint.

[14] Fures et latrones et eorum receptatores et uillas et castra et eorum receptacula a pace et tregua remouemus.

[15] Vias uero publicas et stratas siue caminos in tali securitate ponimus ut nullus iter agentes inde sub pace comprehensos inuadat uel dampnum uel iniuriam illi siue rebus suis inferat quod qui fecerit in duplum restituat et penam fractam pacis exsoluat nec animo iniuriandi ierint¹.

[16] Item eiquius milites et armigeros et archers et omnes res eorum a pace et tregua preter animalia aratoria et rusticos et ea que ad eos pertinent que constituimus sub pace et tregua.

3

1220, November 9

Count Hug IV institutes a peace in his county with the consent of Alemany de Aiguaviva, bishop of Girona, and the abbots and nobles of his land.

¹uerint, B.

A. Parchment. ADM, Ampurias, Leg. 43, no. 5836. 692x170 mm.¹

B. Parchment copy dated August 19, 1334. ADM, Ampurias, Leg. 46, no. 6146.

C. Parchment copy dated December 31, 1368, from B. ADM, Ampurias, Leg. 46, no. 6147.

Ad honorem dei gloriose uirginis Marie et omnium sanctorum. Ego Vgo^a gratia dei comes impuritanensis auctoritate et consensu domini Alamandi dei gratia gerundensis episcopi necnon et abbatum terre mee et aliorum nobilium uirorum consilio pacem cupiens in terra mea stabilire et stabilitatem firmiter conservare [et] publice utilitatis tocius terre mee treguam et pacem secundam formam interpositam firmiter tenendam et inuiolabiliter obseruandam iniungo [meos] ad obseruandum et eos qui eam uiolauerint distringendum alligo et astringo.

[1] In primis ecclesias omnes et earum cimiteria que sunt in terra mea quia speciali hominum censura in bonis dei intelliguntur sub perpetua pace et securitate constituo. Ita quod nullus eas uel earum cimiteria uel sacraria cuiuscumque ecclesie in circuitu constituta inuadere aut infringere presumat nichilque inde abstrahere atemptat puniendis temeratoribus pena sacrilegii episcopo inferenda et satisfactione dupli dampni quod fecerint ei qui passus est prestanda.

[2] Ecclesias quoque incastellatas sub eadem pacis et tregue deffensione constituo ita tamen quod si rapiores uel fures in eisdem ecclesiis predictam uel alia maleficia congregauerint querimonia ad episcopum defferatur et eius iudicio quod comissum fuerit emendetur uel a pace predicta ecclesia sequestretur.

[3] Set et clericos monachos uiduas orphanos et pupillos et sanctimoniales et uenerabiles fratres Templi et Ospitalis et aliorum locorum uenerabilium cum omnibus rebus eorum mobilibus et immobilibus sub eadem pacis deffensione et pene interminatione constituo. Si uero aliquis in aliquem istorum uiolentas manus iniecit uel eis aliquid abstulerit et ablata in duplum restituat et de iniuria nichilominus iudicio episcopi satisfaciat et sacrilegii penam episcopo dependat.

[4] Villanos et uillanas et omnes res eorum tam mobiles quam se mouentes uidelicet boues oues ceteraque animalia siue sint abra ad arandum siue non sub pacis et tregue securitate constituo ut nullus eos uel alias in corpore proprio uel rebus mobilibus eis dampnum inferat nisi in maleficiis inuenti fuerint uel in caualcatis cum dominis suis aut cum aliis ierint. Set cum ad propria fuerint reuersi securi permaneant. Ita tamen quod si quis de eis conqueratur uiri stare cogantur.

¹Ordinacions de pau e treua, *verso fifteenth-century hand*.

^aHugo, B, C.

[5] Preterea columbaria molendina apium aluearia neque palearia aliquis non diruat uel incendat uel ali[am] ignem ad noscendum subponat neque olivera succindat.

[6] An[i]malia aratoria uomeres etiam et alia instrumenta aratoria sint in eadem pace ut ille uel illa qui cum predictis animalibus arauerit uel ea gubernauerit cum omnibus que secum portauerit uel habuerit eadem pace muniatur.

[7] Siquis contra huiusmodi constitutionem comiserit dampnum componat illi cui malum fecerit infra .XV. dies post amonitionem factam domino illius loci de cuius iurisdictione est ille qui dampnum fecit simplum sine pena post .XV. dies duplum prestandis sexsaginta solidis episcopo et michi ad quos queremoniam fracte pacis et tregue dinoscitur pertinere si milites fuerint uel eorum filii uel nobiles baiuli. Rustici uero et omnes alii homines penam prestant decem solidorum si uero infraxi dies primos temerator^b constitute pacis et tregue simplum non emendauerint postea ut dictum est duplum prestat ita quod medietatem ipsius dupli abeat querelator et alteram medietatem episcopus et ego qui ad hanc iusticiam faciendam predicto episcopo extitero adiutor. Et insuper si infra predictos .XV. dies per me uel per episcopum uel per nuncios nostros idem temerator comonitus dampnum non emendauerit.

[8] Exinde malefactor et complices sui coadiutores et consiliarii eius a predicta pace et tregua separati intelligantur. Ita quod malum quod propter hoc ei fuerit illatum non requiratur pro pace et tregua fracta seruata tamen pace bestiarum aratoriarum. Set si malefactor et adiutores eius iamdicto querelanti ullum malum fecerit emendetur pro pace fracta. Illud autem generaliter omnibus interdiciamus quatinus animalia aratoria nulla ratione nec etiam pro delicto domini siue pro debito domini siue pro debito proprio capere quis uel pignorare presumat.

[9] Preterea sancimus ut nullus in mansis ecclesiarum uel locorum religiosorum inuitis habitatoribus procura[tion]es albergas acaptes siue exactiones aliquas facere presumat. Quod qui fecerit si querimonia ad me et episcopum peruenerit et adamonitionem nostram emendare noluerit deinde pro pace fracta habeatur.

[10] Hoc addico quod nullus inferat minas uel timorem propter quod non audeat quis querimoniam facere nobis.

^btemerator, *above line*.

[11] Alioquin periuriis et inuasor pacis et tregue habeatur uilatores autem pacis teneatur satisfacere et pignora mittere pro se pro militibus suis qui de domo sua fuerint et pro hominibus qui de familia sua fuerint. Si uero homines monasteriorum uel ecclesiarum uel aliorum locorum religiosorum inter se dampnum dederint in corpore siue in rebus et querimonia ista ad baiulum comitis peruenerit remittat eos ad dominos suos et si ipsi infra .xv. dies dampnum in posse dominorum suorum resarcire noluerint. Deinde baiulus comitis accipiat pignora et causa illa fine debito secundum formam pacis terminetur.

[12] [Et] ut omnia suprascripta maiorem obtineant firmitatem iuramus nos Vgo^o dei gratia inpuritanensis comes et Poncius G. de Turrucella et R. de Palatio et R. de Oliuis et Bernardus de Palatiolo et B. de Castilione et D. de Midiniano et Bernardus de Olleastret baiulus et G. Poncius Bernardus baiulus de Castilione per deum super sacrosancta quatuor dei euangelia nostris propriis manibus tacta sicut superius scriptum est tenere et inuiolabiliter obseruare. Actum est hoc .v. idus nouembris anno domini .M. CC. XX.

Similiter hec suprascripta iurauit Sebentus attendere complere et obseruare et idem R. de Pauo et idem A. de Castilione.

Alamandus gratia dei gerundensis dominus episcopus. B. de Monte Palatio impuritanensis archileuita. Ego Marchesius gerundensis canonicus subscribo.

Ramundus de Costa qui hoc scripsit literis suprascriptis in quarta et in tricesima secunde linee die et anno quo suprascripto.

RÉSUMÉ

Les études antérieures consacrées à la Paix et Trêve de Dieu en Catalogne ont souligné comment les comtes-rois l'ont utilisée pour avancer leur programme clercal-royal. Grâce à la publication de trois paix inconnues de la comté d'Ampurias (1189, 1206, 1220) découvertes dans les archives duciales de Medinaceli, il est possible d'étudier avec plus de précision comment un seigneur régional effectua la Paix aussi bien que ses conséquences sur l'exercice de pouvoir local. Les barons catalans réagirent fortement contre les provisions qui empiétèrent sur leurs immunités traditionnelles et leurs droits de seigneurie. Les comtes d'Empúries ne purent pas confronter les nobles les plus puissants et leurs privilèges avec la même force qu'employèrent les comtes-rois. Les coutumes de fiefs et la détention des châteaux compromirent la Paix, qui devint un effort de collaboration entre le comte et les nobles principaux du comté. Même si les statuts de la Paix ne provoquaient pas d'initiative administrative importante, ils aidèrent à la formation d'une identité régionale.

¹Hugo, B, C.

SUMMARY

Previous studies on the Peace and Truce of God have emphasized how the count-kings employed its statutory provisions to strengthen their clerical-royalist programme. With the publication of three previously unknown peaces for the county of Empúries (1189, 1206, 1220) discovered in the Archivo Ducal de Medinaceli, it is now possible to consider with greater precision how a regional lord implemented the peace and its effect on local power. The instituted peace provoked strong reactions from the Catalan barons because it infringed on their traditional immunities and lordship. The counts of Empúries could not confront their leading nobles and their traditional immunities as aggressively as the count-kings.

Compromised by the custom of fiefs and castle rights, the peace became a collaborative effort between the count and powerful nobles. Although the peace statutes did not produce significant administrative innovation in Empúries they did promote territorial identity.