

Article

Liturgical Framing of Trials in 10th to 11th Century Catalonia

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Abstract: This paper focuses on the question of how place, time, ritual, and liturgy were interconnected before, during, and after trials in the tenth and eleventh centuries in what is today Catalonia. It does so by highlighting cases that show that Visigothic law heavily affected the way in which trials were organized, while simultaneously leaving enough space for the liturgy and the divine to impact legal customs. This article aims to showcase these dynamics, which combine space and time with liturgy in a well-articulated framework of legal procedure that formed part of how people experienced the law and its application.

Keywords: Catalonia; medieval law; liturgy

1. Introduction

The words ‘court’ and ‘trial’ automatically evoke a picture of a room in our modern minds: a raised tribunal, judges, an audience, benches and so on, guaranteeing a solemn environment that combines tradition, fixed procedures, and rituals. While this may be true for later centuries, in tenth and eleventh century Catalonia, we are better off banishing this well-embedded image from our heads. While we will certainly recognize many features of the modern legal apparatus, such as judges and a tribunal, the legal assemblies of this period differed in many aspects. The most striking in my opinion, and not surprising for the Middle Ages, is the relationship with the divine.

As part of a quality assessment of these dynamics—as Patrick J. Geary made in his pioneering article for France (Geary 1994)—the sheer quantity of charters preserved from Catalonia allows us to evaluate more general aspects of the region today. Although it is certainly difficult to reconstruct a universally valid legal procedure spanning two centuries, it is nonetheless fruitful to examine the various steps the legal apparatus followed before, during, and after a trial. This includes questions such as which places were the most common for trials and which days were considered appropriate, as well as considering the dynamics and rituals in play during the assemblies themselves. It is important to note that charters tend to highlight the extraordinary and take legal procedure for granted. To take certain features that are mentioned in one case and not in another and use them to determine a universal scheme of what probably happened, but is not explicitly described, is risky, but in many cases does allow for a better understanding of the different stages of a legal conflict. Certain features that are rarely mentioned in the charters must still have happened for a trial to proceed; for instance, the notification of everyone involved is a simple necessity for the event. Other occurrences, such as the inspection of written evidence, likely did not occur if not mentioned, but nevertheless could still have been enquired after by the judges. In the following sections I attempt to proceed through the different stages that trials went through, with the goal of emphasizing the relationship between legal procedure and what we today could label as liturgy or ritual.¹

2. Trials in 10th and 11th Century Catalonia

The justice system of this time period has been studied by various authors and its complexity has been emphasized many times. Over the last few decades, several publications have dealt with the matter and give a quick introduction (Bowman 2004; Fernández



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i Viladrich 2010; Jarrett 2010; Salrach Marés 2013); however, the study of the disparate source materials regarding the resolution of conflicts from Catalonia has only recently been possible to fully assess (Salrach and Montagut i Estragués 2018).²

People went to court seeking justice, and in complex cases this could even take several sessions. These sessions followed the procedure given by Visigoth law, *Leges Visigothorum* (LV), which, besides some regional customs, was the main legal code used in Catalonia during the tenth and eleventh century,³ and is frequently cited and referenced in the charters (Rius Serra 1940; Kienast 1968; Zimmermann 1973; Iglesia i Ferreirós 1977; Collins 1985, 1986; Zimmermann 2003, II, esp. pp. 648–68 and pp. 922–49).

We know of these cases through the different types of documents that were produced at different moments during the procedure; that is to say, before, during, and after a trial. Leaving extrajudicial solutions aside, such as agreements (*pactum, conventum, convenientia* et al.), most sources are clearly distinguishable as one of three charter types by the middle of the tenth century: First, the oath of the witnesses brought forward to testify in the cases (*condiciones sacramentorum*); second, the recognition and evacuation of rights, property, etc. by the defendant or the plaintiff (*recognitio, definitio, professio, evacuatio*); and lastly, the court proceedings or court records (*iudicatum, iudicium, noticia*). Only rarely are all three types of documents preserved side by side. One such occurrence is from a trial dated to the twenty-first of August 842 (Salrach and Montagut i Estragués 2018, doc. 6–8). This early date shows the long tradition these documents are embedded in, but it is also important to keep in mind that these are not necessarily strictly separated documents, as in later centuries most charters combine different elements of each type or have variations added to by the scribes. The reason for only having one type of document can be found, not only in the state of preservation, but also in how the law-code regulates the production of documents. The predominance of oaths, for example, can be explained in this way: Visigothic law urges the judges to give identical texts of the resolution to both parties in a dispute.⁴ However, if the *causa* regards goods of lesser importance, only the oath might be handed out, and, thus, court records would not explicitly be created in minor cases.⁵

The documentation is only concerned with the organization of trials on rare occasions, so from our modern perspective procedure happens only in the background; nevertheless, it is clear that for a trial to happen two things had to be defined or agreed upon. First of all, the location or place where the people would assemble; and second, when this event should happen. The right time and place were crucial in the administration of justice and should not be taken as trivial.

Time allowed the parties to organize evidence, be it written or in the form of testimony, and arrange for travel if need be. Choosing the right place was also important, as both disputes over land and a variety of other issues needed the judges and the *boni homines*, local men that were chosen for these occasions, to be present to have a better picture of what they were about to judge. In accordance, court sessions could be relocated if the judges found it necessary to do so. At the same time the local population was key, to guarantee that the decision was accepted and acknowledged by the community and that the resolution was imprinted into local memory.

Certain places, such as the Count's palace in Barcelona, worked as centers of justice, connecting center and periphery when judges travelled to conduct legal business in situ. The organizational skills required and the common knowledge of where one had to go to attend to legal matters were both interconnected with the divine. To get to grips with these interrelationships, we begin by looking at how court dates were selected, and then proceed to examining the places of justice where assemblies would occur.

3. Scheduling Trials

The motivations to assemble could be manifold (Kosto 2003), so here we will focus on trials. For the timespan this paper is concerned with, these judicial meetings were called *iudicium* or *placitum* in the sources, and could range from small gatherings to massive assemblies, depending on the legal issue at hand and the importance of the parties in-

volved.⁶ Theoretically it was the judges that chose the dates, but the relationship of power between themselves and the litigants, as well as the ability of litigants to exert influence, must have played a role in the background. Organizing these events and coordinating the different parties must have required constant communication and was also beholden to extenuating circumstances, such as weather conditions.⁷ However, when hierarchies, as well as jurisdiction went unhindered, time could be a tool in the hands of the powerful, used to emphasize their position in society, by forcing dates that suited their calendar or leaving enough time for themselves to organize their juridical defense or attack.

Ad hoc courts were rarely held, as court dates were fixed by the judges and a concrete day had to be arranged for every session. Accounts of court cases find the judges decreeing days for judicial assemblies to happen (*ad placitum constitutum; ad diem constitutum*, [Salrach and Montagut i Estragués 2018](#), docs. 318, 505). The word *placitum* could mean court sessions as well as deadlines (*ad placitum constitutum*, *Ibid*, doc. 107, 108, 110, 134, 160, 181, 189, 194, et al.), which meant a time period leading up to a day, as well as a concrete day itself, so that people waited for debts to be paid after a certain date (*ultra placitum*, *Ibid*, doc 109), while assemblies, for example, met and constituted another court session between two litigants (*actum est placitum inter*, *Ibid*, doc. 309). When someone sold, donated, or gave away property that they had received in court, it could be clarified that it *advenit nobis per placitum* (*Ibid*, doc. 219) and people appealed to the court (*placitare*, *Ibid*, doc. 296) for what they considered rightfully theirs.

Just as everyday life was governed by the season and the liturgical year, legal business was no exception. The Visigothic law, rather than stating when judicial assemblies should happen, instead forbids them to be celebrated at certain dates, as the chapter ‘Concerning feast days and festivals, during which no legal business shall be carried out’ regulates.⁸ Charters are not always dated on the exact date of an assembly, especially for cases with several sessions, but looking at the documentation as a whole reveals several things with regards to the aforementioned law.

First of all, it becomes clear that no legal business was carried out during the most important dates of the solemnities, meaning Easter⁹, Christmas, or Pentecost; demonstrating that the holiness of these days was highly respected. If we look at the other religious days listed in the *Lex*, only three documents were issued on any central Christian holy day, concerning the legal resolution of conflicts.¹⁰ However, strictly speaking, none of these examples are trials. These dates were, rather, used to finalize longer-lasting disputes; this included giving certain securities or, for example, the reintegration of the excommunicated back into the Christian community.¹¹

Legislation regulated that, theoretically, no legal business should be carried out during the period of Easter. However, this was clearly not the case, as charter dates range from Palm Sunday to Easter Sunday¹², as well as Holy Wednesday ([Salrach and Montagut i Estragués 2018](#), doc. 359, 376), Maundy Thursday¹³, Good Friday (*Ibid.*, doc. 115), Holy Saturday (*Ibid.*, doc. 535), and the Octave of Easter, meaning the whole week after Resurrection Sunday¹⁴.

As such, we see that legal activity did not cease around Easter and the same goes for other holy days, as charters were issued and conflicts resolved one or two days before or after central dates such as Pentecost¹⁵, the Feast of the Ascension of Christ¹⁶, Christmas¹⁷, and Epiphany.¹⁸

As a general rule, one can say that only on rare occasions were trials conducted on these feast days in Catalonia, but legal business continued on the surrounding days. However, before looking at some examples, it is worth noting that this does not imply that the liturgical calendar was not important for court dates. This is especially true if we look at deadlines issued by the court or given by contracts. Dates for repayment of debts were usually selected holy days during the year. Any failure to meet agreed payments was, therefore, brought to light after these dates, and, thus, legal activity spiked directly

after these dates or directly before, as people looked to find an agreement and, thus, avoid having to go to court.

This article focuses on the solemnities, but local feast days, such as the day of Saint Eulalia or Saint Cucuphas, were important in their own regard. Other cornerstones of the liturgical calendar were especially central to deadlines, such as the Feast of the Chair of Peter (the twenty-second of February), Nativity of Saint John the Baptist (the twenty-fourth of June), Feast of Saints Peter and Paul (the twenty-ninth of June), the Assumption of Mary (the fifteenth of August), All Saints' Day (the first of November), and the Feast of Saint Andrews (the thirtieth of November). All were prominent and allowed the judges to set deadlines throughout the entire year. The sources also give the impression that Catalan society was concerned with establishing a certain legal peace for the festivities, so legal business was conducted directly beforehand as well.

A good example of how these deadlines worked is given by a charter dated on the twenty-second of July in the year 1032. It states that the sons of Enric, two brothers with the names of Bonfill and Guifard, in the presence of noble men and in front of the judges Vives and Bonfill, filed a complaint against Gombau of Besora, who, according to them, unjustly and unlawfully withheld some property, an allod, stemming from their paternal inheritance.¹⁹

In answer to the accusation, Gombau stated that he did not know how it came into his possession.²⁰ To support his argument that he had a better claim on the property than the brothers, the judges sentenced that Gombau should provide written evidence through legal scriptures or oral evidence through apt testimonies before the 1st of August, the feast day of Saint Felix.²¹ The judges' decision further clarified that if he should not be able to bring forward said testimony, he would have to relinquish possession of the property. Furthermore, the judges included a guarantee in accordance with Visigothic law code, decreeing that a payment of a hundred solidi would be due if one side failed to appear in court.²² Ten days before the deadline expired (*ante placitum terminatum*), however, the defendant delivered the property into the possession of Bonfill and Guifard. He did so while also delivering a request for more time, specifically until the day of Saint Michaels (twenty-ninth of September); however, in the meantime the judge Vives guaranteed the brothers their rights over the property, according to Visigothic law (*sicut constitutum est in lege gotica*).²³

As mentioned, the charter is dated on the twenty-second of July, so it either gives the retrospective date of transaction or, more likely, was drafted immediately after the possession was handed over. It is exceptional in its design, fulfilling a double purpose, as it not only works as a reminder for the expiring deadline but also guarantees the possession of the allod to the brothers. Most probably, we are only informed about the chronology of events because the charter served as a perfectly legal document of possession in its own right. Gombau must have felt that his claim was too weak and did not present the testimony on Saint Michaels and, thus, no other charter was needed, while his own admission of not being able to present testimony would be strong enough in the face of any future claims.

Another good example stems from the year 996, when Ramon Borell I, the Count of Barcelona, Girona and Osona, in the company of his brother, Count Ermengol I of Urgell, and the Bishop Aeci of Barcelona, and their respective followers, came to the monastery of Sant Cugat del Vallès on what would have been Saturday the twenty-fifth of July, the feast day of the local martyr Saint Cucuphas.²⁴ Although this occasion did not include a trial, it was nevertheless the perfect environment for a hearing, as a big audience was guaranteed. The 'venerable woman' Sesnanda, recently widowed, made use of the occasion and during the celebration, or possibly shortly after, appeared complaining that the tithes of the properties she had inherited from her late husband Unifred, Son of Salla of Sant Benet, had been usurped by the magnate Bonfill Sendred.²⁵ Three days later, on Tuesday the twenty-eighth of July, four judges inspected the documentation she brought with her, and the charter is thus dated accordingly, as they confirmed her rights.²⁶

For the administration of justice, the organizing of time was a relevant factor for success, and the liturgical year was the ideal frame for helping to schedule trials and dates. People were highly aware of these dates and acted accordingly. Only in exceptional cases did people assemble on feast days to do legal business, but these important dates in people's everyday lives primarily functioned as corner stones of organization, rather than as days of justice. Having a trial on a feast day was, thus, a notably rare event, and was used as a last resort, when parties were at an impasse and divine help was thought to be needed.

4. Places of Justice

The law does not specify where judicial assemblies had to be held, but on the rare occasions when the text mentions someone deciding, such as in the question of scheduling trials, it is once again the judges that are seen to be in charge of selecting the place, something that corresponds with the way events are narrated in the charters.²⁷

This article focuses on the periphery, and not the pre-established places of justice, such as the palaces and cathedrals of counts or bishops. In this scope, it is the *villas*, which is the most frequently used term in the sources for smaller settlements, that were the primary administrative centers of the tenth century (Salrach Marés 2021, p. 32), and as such their churches played a crucial role in social life.²⁸ Besides the point that many of those local churches simply were not big enough for larger crowds, the documentation clearly indicates that the square in front of the church door, inside of what would later be called *sagrera*, was the epicentre of public meetings. This is especially true in cases of judicial assemblies and trials.

The space in front of the church had already been a traditional place of justice before the arrival of the time period we are concerned with. Visigothic law already considered spaces around churches sacred and protected.²⁹ Gathering for trials in front of the churches was also already a tradition in the tenth century and may have heavily influenced the notion of the *sagreses*, as this custom clearly predates the creation of these spaces.³⁰ On many occasions, general place names are given in the charters, without specifying the exact spot. However, these mentions give the impression that, if a contemporary individual had read or heard the charter, they would most certainly know exactly where the assembly would have met. We must assume that local places of justice were common knowledge, and as such, needed no further specifications. However, the exact position of these meetings, when given, can be pinpointed even further, as judicial assemblies happened in front of the church portal.

5. Doors and Portals

Catalonia is not the only place in Europe where people congregated in front of church doors to hold legal assemblies (Ackermann 1993), as Barbara Deimling notably showed for Germany (Deimling 1998, 2016) and as also holds true for Italy (Chavarría Arnau 2016). In Italy, in particular, the tradition of holding assemblies can be traced back to 643 for the election of bishops, as these places are confirmed by chroniclers as places for communal meetings in the eleventh century (Coleman 2003). Documentation from Catalonia allows us to date this custom back to the year 879, where witnesses testified that they saw and heard previous documents being read *ante domum* or, as another document related to the same reconstruction of documentation states, *ante ecclesiam Sancti Andree*.³¹

Assemblies were, thus, held *preforibus ecclesie*, as is the case of the church Sant Marcel de Saderra.³² People came and gathered *ante foras Sancti Petri*,³³ or simply *ante ostium*³⁴ or *ante limina* of the churches.³⁵ The word *porticus* referred to the porch of the churches; therefore, assemblies were held *in porticu* or, combining elements of both, to be more specific, such meetings could be held *ante hostia e[cclesie] Sancti Iusti, sub isto porticu*.³⁶ Isidor of Seville puts it in the following way: a *porticus* is 'a passageway rather than a place where one remains standing'.³⁷ A *porticus*, as well as doors and especially thresholds, was

considered a place of transition. A threshold, like no other part of a building, represented the border between one space and the other.

Therefore, entering or leaving church happened more frequently than one may think, as it indirectly formed part of legal procedure, and, thus, the church portal became a gateway that would surely have impressed upon participants that judgment day would eventually come, and that as good Christians they had better speak the truth to enter through the gates of heaven.

6. Oath Taking and the Altars

Winning a trial meant, in most cases, that one side admitted the others' rights over the discussed matter. Thus, another way to determine where legal proceedings happened is through the preserved charters, where either the witnesses or the losing party are described as having to swear an oath on the altar. That does not mean, however, that the rest of the legal proceedings took place within the church, but rather that only the event of the oath happened inside. For the sake of space, one example must be sufficient, especially as these interconnections of oath and altar have been examined extensively by Adam C. Matthews (Matthews 2020, 2021).

The case in question is detailed in a charter dated in the year 1001, when contentions had risen between a certain Pere and Enric on one side and the inhabitants of Cornellà de Llobregat on the other.³⁸ The subject of the dispute was some rights regarding the *vias publicas* frequented by the citizens.³⁹ The judge in charge, the well-documented and prestigious judge Oruç (Font Rius 2003, pp. 78–82), decided that the villagers should select three witnesses out of eleven possible candidates, from which ten were laymen and one a priest. The elected representative had to swear that they had been using the roads for more than thirty years.⁴⁰ They did so in front of the altar of the church of Cornellà, and so Pere and Enric retracted their claims without further opposition. It becomes clear that it was by the order of the judge that the three selected witnesses entered the church (*per ordinatione iudicis [. . .] intraverunt in ecclesia*), and it was at this point that Pere and Enric received, or as we might say, accepted, the testimony given *sub altario*.⁴¹ Therefore, the court session took place outside, it was there that the witnesses were selected, and it was only a reduced number of people who went into the church to witness the oath taking.

In regard to our specified time period, these kinds of dynamics and customs caused churches to become one of the central places of justice, as the necessity of having an altar and relics close by was crucial for judicial procedure.

7. The *Liber Iudicum Popularis* of Bonsom

One manuscript represents the intersection of the notions brought forward so far like no other. The *Liber Iudicum popularis*, compiled by one of the most distinguished judges of his time, a man named Bonsom (Mundó 2003a), features certain elements that showcase how a book of judges was trimmed for practicality. It is also one of the few manuscripts that, as part of the highly legalized documentation regarding trials, allows some insight into the mentality of the judges.

Judges needed tools to help them set up dates for trials, and they needed to have a good grasp of times and dates, in order to schedule meetings reasonably. They were aware of when harvest was collected, or when it was the time for harvesting wine so that debts could be paid off afterwards, for example. Therefore, to find a calendar or *Martirorium* amidst the pages of the *Liber* should be of no surprise. (Mundó 2003b). By its introduction, the whole book of judges can easily be dated to the year 1011, which makes the calendar the oldest to be preserved from Catalonia.

Besides some genealogical tables (Mundó and López 2003), which were useful for the judges, as many laws related to kinship, there is another particularly interesting addition. The manuscript holds within its pages the oldest instructions, as far as I am aware, for rituals regarding ordeals from Catalonia (García López 2003b). It is important to keep in mind that in other places in Europe these instructions were not usually found in leg-

islative literature. In the eleventh century the performance of ordeals was a widespread phenomenon throughout Europe.⁴² However, elsewhere, liturgical instructions for ordeals are found in pontificals, missals, and sacraments. Usually these rituals were supervised and performed by the bishops.⁴³ In Catalonia the involvement of the judges in ordering the ordeal under special circumstances, and, thus, their addition to the *Liber*, makes sense as they directed the trials, bringing them from one phase to another.⁴⁴ None of the instructions specify where an ordeal had to take place, but the one example where we are actually informed where the boiling cauldron was put up was on the twenty-seventh of April 1100, in front of the door of the church of Santa Eugènia de Berga ([Salrach and Montagut i Estragués 2018](#), doc. 545).

8. Conclusions

The Catalan archives and their rich charter documentation allow for a deeper understanding of legal procedure and the use of the law, particularly because of the region's numerous well-preserved court cases. Sources show that trials were dynamic events that could span several sessions and showcase the organizational skills of both the legal professionals and the authorities. Organized as communal events, taking place at traditional places of justice, they display a society deeply rooted in a culture that connects the written and spoken word in public.

A more detailed view on space and time, with an emphasis on the latter, shows that the liturgical calendar and churches played a crucial role in organizing and administering the law. Judges searched and found truth and established new realities through rituals that always involved aspects of liturgy. This helped to embed the sentences, and, thus, new narratives, into the collective consciousness of the faithful who attended these trials. Solemn acts, such as oaths, ordeals, or even simply admitting someone else's rights, were linked to the physical structures such as the churches' altars and, through the application of the calendar and the chosen dates, with the saints themselves. This starts with the space around the church itself as a place of peace and truce. Meetings took place in front of the church door, which represented the entrance to salvation: open to the faithful, closed to the excommunicated. The saints' relics residing inside also meant that the church belonged to the saint himself. His presence served as a connection to salvation, protected the community and helped to establish truth and justice. Approaching the church in several stages, first perhaps hearing the church bells, then seeing its tower, and finally stepping on holy ground to attend assembly, produced a smooth transition, with its climax being the taking of the oath and the reestablishment of peace and concord. However, this was also practical, as it permitted a larger public audience, as well as the involvement of the people attending. Rarely mentioned in detail, this background environment allowed the judges to feel the reactions of the crowd and stage solemn acts such as ordeals that without these surroundings would have been impossible, or at least far less impactful. The presence of eyewitnesses was also necessary for possible future or successive trials.

The sources, therefore, clearly question the distinctions between secular and sacred, or public and private, commonly found in modern law. Thus, the relationship with the divine in the documentation is omnipresent, not only in the mentality of the tribunal, the judges, or the judged, but also through communal acts and the organization of the event.

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Notes

- 1 In this article I opt for an expanded concept of liturgy (Gerhards and Kranemann 2013, pp. 13–23). Liturgy is thus understood in a broader definition as a communication situation between God and human beings and thus includes a wide-ranging amplitude of worship celebrations, like for example the consecration of churches et al. In my understanding, judicial meetings must also be considered under this conception as justice and its right administration as well as the maintenance of peace became a more crucial part of the churches' responsibilities during the 10th and 11th century. A clear distinction between ritual and liturgy is hard to make for the time period this article is concerned with. When used, the word ritual here only refers to the public sphere and not the private one.
- 2 The volume is the fruit of a long term project gathering the edited source material from up to the 11th century regarding all types of sources that refer to some kind of conflict resolution (Salrach and Montagut i Estragués 2018), that finally covers a gap, or as Josep Maria Salrach put it 30 years ago (Salrach Marés 1992, p. 11): L'estudi de la justícia i el recull de les actes de judicis de la Catalunya carolíngia i dels primers comtes és una feina a fer. This article relies heavily on this project in which the author himself is involved for the second volume which is scheduled to be released in 2022 and will cover the sources of the 12th century. For a review of the first volume, see the article by Maxim Turull (Turull Rubinat 2020).
- 3 If not otherwise indicated, citations and references are given directly from the edition of the manuscript known as the *Liber iudicum popularis*, of the judge named Bonsom and not from the older edition of Karl Zeumer (García López 2003a). The original manuscript with the signature Z-II-2 is in the Real Biblioteca del Monasterio de San Lorenzo de El Escorial. For the edition of the *Liber iudicum popularis*, see: (Alturo et al. 2003).
- 4 LV II.1.25: *Iudex qualiter faciat iudicatum. Si de facultatibus vel rebus maximis aut etiam dignis negotium agitur, iudex, presentibus utrisque partibus, duo iudicia de re discussa conscribat quae simili textu et subscriptione roborata ligantium partes accipiant.*
- 5 LV II.1.25: *Certe si de rebus modicis mota fuerit actio, sole condiciones, ad quas iuratur, apud eum, qui victor extiterit, pro hordine iudicii habeantur. De quibus tamen conditionibus et ille, qui victus est, ab eisdem testibus roboratum exemplar habebit.*
- 6 On one hand, the term *iudicium* could describe both the judgment in itself as well as the trial. On the other hand, the word *placitum* was not only used in the sense of a public judicial assembly or plea but also or smaller private meetings; basically any date on which a judge convoked people together to conduct legal business. *Curia* and *cors* only found extended use in the 1140s onward, while the sources prefer the wording in *audientia* and similar expressions if a higher authority was present or generally in front of the judges as a court hearing.
- 7 The creators of the Visigothic law were well aware of the difficulties people could have in traveling to court and how these could be used as an excuse for parties to avoid going to court. The law establishes a solid middle ground between acceptance of the human condition and the need to present reasonable excuses or evidence to justify absence. Especially: LV II,1,33; II,2,4.
- 8 The days mentioned in the *Liber* include Christmas, the Feast of the Circumcision, the Feast of the Ascension of Christ, Epiphany, Pentecost and the period of Easter—fifteen days in total, seven before and seven after *Pascha* as well as the harvest season. The latter seems to be ignored completely by the judges. LV II.1.12: *Die dominice neminem liceat executione constringi, quia omnes causas religio debet excludere; in quo nullus ad causam dicendam nec propter aliquod debitum fortasse solvendum quemquam inquietare presumat. Diebus etiam Paschalibus nulla patimur quemlibet executione teneri, id est per quindecim dies, septem, qui Pascalem sollemnitatem praecedunt, et septem alios, qui secuntur. Nativitatis quoque Domini, Circumcisionis, Epyphanie, Ascensionis et Pentecostes singuli dies simili reverentia venerentur. Necnon et pro messivis feriis a quintodecimo kalendas iulii usque in quintodecimo kalendas augusti. In Cartaginensi vero provincia propter locuistarum vastationem aasiduam a quintodecimo kalendas iulii usque in kalendas augusti messivas ferias praecipimus observandas et propter vindemias colligendas a XV. kalendas octobris usque ad XV kalendas novembris.*
- 9 An exception is a *convenientia* between the castle-holder of Gurb, Bernat Sendred and the bishop Oliba of Vic in which the Easter date served as a tool to end a long-lasting dispute (Salrach and Montagut i Estragués 2018, doc. 239).
- 10 One charter dates on Epiphany of the year 1112 (Baiges et al. 1999, doc. 417), one on the 29th of May 1063 which coincides with the feast of the Ascension of Christ (Salrach and Montagut i Estragués 2018, doc. 353) and another on the day of Circumcision of Christ of the year 992 (Ibid., doc.119).
- 11 The document dated on Epiphany is a security charter by the Count of Barcelona, Ramon Berenguer III (Baiges et al. 1999, doc. 417). Regarding the two charters dating on the feast day of the Ascension of Christ, the first one is also security charter, by the Bishop and one of his miles (Salrach and Montagut i Estragués 2018, doc. 353). The last example dating n the 6th of January is a *reparatio* of property and it was probably the best occasion to have as many people as possible present (Ibid, doc. 119).
- 12 The charter dates two days after Palm Sunday on the 31st of March 1013. (Salrach and Montagut i Estragués 2018, doc. 161).
- 13 Ibid., doc. 449: *Acta sunt haec V kalendas aprilis, scilicet die cene Domini, [. . .].*
- 14 Legal activities did not seize during the whole Octave of Easter being it two (Salrach and Montagut i Estragués 2018, doc. 417, 500), three (Ibid., doc. 79bis, 258), five days (Ibid., 2018, doc. 234, 383) or seven days after that crucial date (Ibid., 2018, doc. 234).
- 15 Legal activity one day before Pentecost (Ibid., doc. 345), one day after (Ibid., doc. 311, 405, 459) or even two days after (Ibid., doc. 411).
- 16 Lot of legal activity happened directly after the holy day of the Ascension of Crist that can be dated one (Ibid., doc. 138, 322) or two days after (Ibid., doc. 142, 155, 344, 365).

- 17 Legal activity directly after Christmas. For example, one day after (Ibid., doc. 430), two days after (Ibid., doc. 286), three days after, (Ibid., doc. 266), four days after, (Ibid., doc. 362, 424), as well as four days before (Ibid., doc. 292). Those occasions were, however, the perfect platform for issues to be addressed but those were settled later on. (Ibid. doc. 226: *Omnibus non habetur incognitum sed quibusnam patefactum, qualiter venit Ermengaudus Urgellensis comes et marchio, vir clarissimus, XVIII anno Nativitatis sue in sede Sancte Marie Vico ad diem Nativitatis Domini Nostri Ihesu Christi cum obtimatibus suis, [. . .]*).
- 18 Dating one day after Epiphany (Ibid., doc. 444).
- 19 [Salrach and Montagut i Estragués \(2018, doc. 243\)](#): *Pateant cuncti, tam presentibus scilicet quam et futuri, qualiter mota fuit haccio infra domno Gondeballo Bisauensis et Bonefilii et frater eius Guifardum, filiis qui fuerunt Henrici condam. Adsistentibus iudicibus, id sunt, Bonifilii iudici et Vivanum iudici, et in conspectum nobiliorum virorum ibidem adsistencium, id sunt, Mironum Geribertum, Alamanum Hugonem, Bernardum Borellum, Reimundum de Madrona filioque suo Heneas, Unifredi Riculfi, Mir Ollomar fratrique suo Adalbertus, Adalbertum iuvinem filioque suo Reimundo et al.ii quam plurimi viri, quia longum est nomina eorum intexerere, in eorum audientia isti suprascripti viri magna refferunt querimonia iam prelibati fratres, id sunt, Bonefilii et Guifardum, de successione paterna, quod iniuste et absque lege retinebat domno Gondeballo.*
- 20 Ibid.: *Domno Gondebalus afatus est dicens: «Nescio pro quare eam teneo aut per comparatione aut per voce parentorum meorum aut per qualicumque voce».*
- 21 Ibid.: *Et quidquit inter eos se nausiasent aut se altercasent in subrevitate, iam suprascripti iudices dedimus in unum sententiam, ut si prefato Gondeballo potuisset comprobare aut pro idoneos testes aut pro veras scripturas legaliter usque ad festivitatem Sancte Felicis, ista proxima veniente, quia melior erat suum directum quam de prefati petitores, voces eorum exinanita et insapita permansisset.*
- 22 Ibid.: *Et si comprobare non potuisset, ut iam suprascripti fratres per duobus testibus comprobarent quia quando Henrici, pater eorum, migravit de hoc seculo ille tenebat et posidebat sui alodium proprium sine ulla inquietudine, et iam meminero domno Gondeballo ut duplaset eis ipsum alodium. Et si non, apprehendisset ipsos testes ut evacualet se de ipsum alodium. Et fuit haccio inter ambobus partibus ut quitquit se abstraxisset de isto iudicio C solidos composuisset. Et hec omnia suprascripta adimpleta fuisset.*
- 23 Ibid.: *Set postea decem dies ante placitum terminatum tradidit Gondeballo iam dictum alodium in potestate predicto Guifardo et Bonefilio, ut si usque ad Sancti Michahelis festivitas ista proxima veniente ullam indicionem legaliter potuisset abere, ut fuisset sicut iam iudicatum est desuper. Et ille fideiussores non fuissent soluti set stetissent sicut de primi. Et predicti Gondeballus fecisset ad ipsa kanonika sicut constitutum est in lege gotica. Et ego iam dictum Vivanum, sacerdotum et iudicem, consigno atque contrado vobis iam suprataxatum alodium, terram et vineam, ad vos prefati fratris Bonefilii et Guifardi sicut lex iubet. Et qui hoc vobis disrumpere temptaverit, componat vobis ea omnia in duplo. Et ano ista consignatione firma et stabilis permaneat modo vel ultra.*
- 24 [Salrach and Montagut i Estragués \(2018, doc. 129\)](#): *Ego quidem Raimundus gratia Dei comes sistente in comitatu Barchinonense ad ecclesiam Sancti Cucufati martiris cenobii Octovianensis, anno videlicet Incarnationis Dominice DCCCCmo XCmo VIto, inditione VIIIoa, anno Xmo Ugone rege regnante. Convenimus pariter ad festivitatem supramemorati martiris cum innumera cateroa fidelium utriusque sexus scilicet et ex palatinis copia multitudo, id est, Eicius, gratia Dei episcopus, et Ermengaus comes, frater meus, Gauthfredus Gerundensis, Domnuici Ausonensis, Amatus, Lobetus, Gondeballus, Gilelmus frater eius, item Gauthfredus Veltragenensis, Ugo, Miro, Brocardus, item Miro Bardine prolis, Ermengaus clericus, Ato, Guilelmus Amati Sobolis, Gifredus Balzariensis, Riculfus, Sunifredus frater eius, Seguinus, Ennego, Riculfus Ridagillensis, Guifredus Eroigi filius, et al.iorum multorum bonorum hominum ibidem consistentium.*
- 25 Ibid.: *Sub quorum presentia venit quidam venerabilis femina nomine Sisenanda defferens mihi querelam qualiter domnus Bonifilius Sinderedi condam prolis sustollebat ei vel querebat illi auferru vi ipsas decimas de alaude qui est in terminio de castrum Odena, in locum vocitatum Speuto vel in castrum Odena vel in Serrayma, quem condam Unifredus vir suus dimisit ei per suum testamentum alligatum per seriem conditionum et per alias scripturas.*
- 26 Ibid.: *Idcirco sub ordinatione iudicum, id est, Gimara, Marco, Gifredo, Bonushomo, volo atque concedo simulque firmo illi in omnibus locis alaudes illos quod condam vir suus Unifredus ei concessit et illa hodie retinet per instrumenta cartarum suarum ut habeat, teneat et possidet cum decimis et primitiis illorum in Dei nomine fatiendi quod voluerit libero potiatu arbitrio.*
- 27 In the rare occasions in which the law code refers to the designation of places it is clearly the judges who should be in charge of selection, e.g.: “He shall appear without delay at “the place chosen by the judge” in order to conclude the case with the plaintiff.” LV II.1.12: [. . .] *si certe talis sit, de cuius fide dubitetur, pro se fideiussorem adibeat quatenus peractis temporibus supradictis ad finiendam cum petitore causam, ubi iudex elegerit, remota dilatione occurrat.*
- 28 Smaller towns or villages could as well be described as *vicus* or *pagus*. The most common wording used for small towns within the documentation, however, is *villa*. Bigger settlements like Girona would be described as *urbs* in the documentation.
- 29 LV IX,3: *De his qui ad ecclesiam confugium faciunt.*
- 30 It is worth mentioning the pioneering study by Sister Karen Kennelly ([Kennelly 1968](#)). For more literature see the work of Ramon Martí ([Martí i Castelló 1988, 2007](#)) and Víctor Farías ([Farías i Zurita 1989, 1993, Farías i Zurita 1993–1994; Farías i Zurita et al. 2007](#)).
- 31 [Salrach and Montagut i Estragués \(2018, doc. 25\)](#): [. . .] *quia nos iamdicti testes scimus et bene in veritate sapemus, oculis nostris vidimus, et aures audivimus, et presentes eramus in dicte valle Confluentana, in locum Exalata, ante domum Sancti Andree, apostoli Christi, et in placito laicales; Ibid. doc. 28: Et vidimus alias scripturas et audivimus ante ecclesiam Sancti Andree locum Exalata presentes multos hominibus, ubi legebant Protasius vel ceteri monachi Et vidimus alias scripturas et audivimus ante ecclesiam Sancti Andree locum Exalata presentes multos hominibus, ubi legebant Protasius vel ceteri monachi [. . .]*.

- 32 Salrach and Montagut i Estragués (2018, doc. 299): *Manifestum sit cunctis militantibus christianis tam presentibus quam futuris quomodo vel qualiter motum fuit placitum altercacionis inter duos nempe sacerdotes, id est Ato et Adalbertus, in comitatu Ausonense, locum scilicet Sederrensi, preforibus ecclesie Sancti Marcelli que est sita in eodem loco. Ibid. doc. 328: Manifestum sit cunctis militantibus christianis tam presentibus quam futuris quomodo motum fuit placitum altercacionis inter sacerdotes Sancti Marcelli et parochianis coram Durandus vel filiis suis, id est laucifredus et Datoni et Galindus et Leopardus et Richel, filie eius, in comitatu Aussonense, locum scilicet Sederrensi, pre foribus ecclesie Sancti Marcelli que est sita in eodem locho.*
- 33 Salrach and Montagut i Estragués (2018, doc. 150): *Certum quidem et manifestum est enim qualiter venimus ante foras Sancti Petri, situm in villa Rexago, in comitatu Barchinonense, supra alveum Bisaucio, in presentia [. . .]. Ibid. doc. 497: Determinato igitur placiti die idibus augusti, ante fores prelibate ecclesie Sancte Crucis convenit. Ibid. doc. 251: [. . .] Hactum est hoc ante fores Sancte Crucis predicte III idus iunii, anno III regni Enrici regis.*
- 34 Salrach and Montagut i Estragués (2018, doc. 158): *Idcirco dum resideret venerabilis Ugo gratia Dei comes in pago Petralatense in castro que nocupant Tolone ante hostium Beati Martini, una cum iudice qui iussit et iudicare causas dirimere et legaliter definire, id est, [. . .]. Ibid. doc. 545: Notum sit omnibus hominibus tam presentibus quam futuris quod ego Raimundo Bermundi cum meos castellanos Bernardo Berengarii et Bernardo Guilelmi venimus ad placitum cum Arberto Salamone et suos heredes ante ostium ecclesie Sancte Eugenie cum multitudine clericorum, militum et rusticorum, [. . .].*
- 35 Salrach and Montagut i Estragués (2018, doc. 136): *Anni millesimi Domini adfuit ratio ante limina Beatisimus Felix martir egregius, situm namque comitatum Barchinonense, in parrochia Loparias, in locum Ficulis.*
- 36 Salrach and Montagut i Estragués (2018, doc. 223): *Acta est hec audientia in presentia domni Gondeballi et Guilelmi et Raimundi archileoite, utrorumque fratrum, et Raimundi, viri supra dicte Belliardis, et Bernardi Ovasii et Lupi Sancii et Seniuldi et Bernardi et Geriberti aliorumque multorum in porticu Sancti Saturnini aeccliesiae, site in Palacio de Almanla vel in eius confinio. Ibid. doc. 240: Manifestum est enim quia retivi te in audientia domni Alamagni et matris suae Illiardis, presente iudice Bonofilio Marci necnon et al.iis viris, Sendredo, Adalberto, Olibano Gocelmo, Unifredo, Remundo, Aenea, Gilelmo, Galindone, Gitard aliisque multus aggregatis, in ipso porticu aeccliesiae Sancti Vincentii, sitae infra terminos castru Cervilionis, [. . .]. Ibid. doc. 263: Manifestum est et multis cognitum quia petisti [nobis in] portico Sancte Cecilie, infra terminos de Veltragano, pro alaude quod nobis relquierebas per vocem condam Gonmari et Gersindis femina et filio suo condam Guadallo episcopo suisque nepotibus, [. . .]. Ibid. doc. 268: Ad noticiam tam presentium quam futurorum. Ego Guifredus, nutu Dei Barchinonensium iudex, deducere volo qualiter aput civitatem Barchinona, ante hostia [ecclesie] Sancti Iusti, sub isto porticu, instantibus [. . .].*
- 37 Barney et al. (2006, p. 311): XV.7.3: A portico (*porticus*), because it is a passageway rather than a place where one remains standing, as if it were a gateway (*porta*). Also *porticus* because it is uncovered (*apertus*).
- 38 Salrach and Montagut i Estragués (2018, doc. 141): *Notum sit omnibus presentibus et futuris qualiter fuit orta contentio inter homines abitatores de villula de Corneliano de Lupricato, et homines, id est, Petrus et Aenricus.*
- 39 Ibid.: *Vetabant prefatus Petrus et Aenricus exios comunes et vias publicas, que ab antiquis possederant et frequentaverant prefati abitatores de Corneliano cum bubis, ovibus, porcis et asinis, cavallis, honeratis et vacuis, vel cum cetera alia animalia, minima et maxima, sine aliquo interdictu, ad illarum comuni proprio.*
- 40 All according to the law. Both the election of representative (LV II, 2, 3) as well as proofing rights through continuous use over thirty years (LV X, 2, 6), were quite common.
- 41 Ibid.: *De hos exios testimonia larga dederunt X laicos et unum presbiterum et protulerunt eos ante Auritio iudice et Aerutio, palacii custus, et al.ii plurimi viri; Et elegerunt ex ipsis XI testes tres, id est, Ferreolus, Vital et Solarius, qui per ordinatione iudicis prefato intraverunt in ecclesia Sancta Maria [. . .] Et nos prefati viri, id est, Petrus et Aenricus, recepimus ipsum sacramentum sub altario prenotato*
- 42 Liturgical involvement by clerics regarding ordeals was forbidden by the Fourth Lateran Council (1215) and had never been approved for trials by duel, which rarely happened and were reserved for certain accusations like treason. For judicial combat (*batalla*) in medieval Catalonia, see: Rodenbusch (2020).
- 43 It is not possible to go into detail here but the digital database for the study of Latin liturgical history by of the Center for the Study of Religion at Eötvös Loránd University's Faculty of Humanities gives access to many digitized sources and allows for this conclusion. See: <https://usuarium.elte.hu/> (accessed on 1 January 2022). Richard Kays Repertory of Latin Manuscript Pontificals and Benedictionals (Kay 2009) is also accessible online.
- 44 Regulated in the second book of the LV.

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