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1. Introduction

The issue of the individual in medieval international law raises two preliminary questions. The first is whether or to what extent medieval (legal) anthropological attitudes recognised the individuality of human beings. The second question is how the modern concept of international law may be understood and transposed in the medieval context. This chapter considers the issues in the context of the Latin West, and mainly during the later centuries of the Middle Ages.

The 'invention of the individual'[1] in western culture is neither an innovation of the Renaissance or early modern times, nor of the Middle Ages.[2] Nor is the view contrasting a Germanic (northern European) legal tradition which would have considered mainly social groups and a Romanist (southern, mediterranean) tradition mainly oriented on the individual subject sufficiently supported. Perhaps there is a stronger argument to be made in favour of a contrast, especially from the eleventh century onwards, between a rural culture, which remained overwhelmingly chthonic, and the developing urban culture. Whereas in the former, survival depended overwhelmingly on the acceptance of natural constraints on

* This article is a common work. Sections 1 and 4 were jointly written, section 2 was written by Alain Wijffels, and section 3 by Dante Fedele.

[1] Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (London: Allen Lane/Penguin 2014/2015), who recognises the development of the notion of individuality in western culture mainly through Christian doctrines' emphasis on the need to secure the soul's salvation, as opposed to the ancient Roman conception of family. In Siedentop's view, the rise of the notion of individualism is also closely associated to that of equality.

[2] See the still relevant debate among medieval historians, one generation ago, on emerging forms of individuality in the context of changing (ecclesiastical) communities: Caroline Walker Bynum, 'Did the Twelfth Century Discover the Individual?' *Journal of Ecclesiastical History* 31 (1980), 1-17; and the critical discussion of the latter by Colin Morris, 'Individualism in Twelfth-Century Religion. Some Further Reflections' *Journal of Ecclesiastical History* 31 (1980), 195-206. Some authors have preferred to phrase the issue in terms of increased awareness of the self, entailing a deeper extent of self-examination: John F. Benton, 'Consciousness of Self and Perceptions of Individuality', in Robert L. Benson and Giles Constable (eds.), *Renaissance and Renewal in the Twelfth Century* (Oxford: Clarendon Press 1982), 263-95. A different, even more complex and controversial issue, is whether one may recognise a medieval humanism, and, if so, what concept of humanity it would have relied on. These latter questions are beyond the scope of the present chapter.

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agriculture and a world vision steeped in the existing hierarchy, the urban community appeared as a man-made world. This was not only expressed through the city's architectural appearance, but fundamentally because the foundational activities of artisans and merchants, industry and trade, necessitated more sophisticated planning which went beyond the natural cycle of the seasons and environmental constraints. The urban culture which assumed that humans had a greater degree of control over their destiny was also reflected in urban social and political institutions. Another contrast can be recognised throughout the Middle Ages in the distribution of learning. However, the learned class, mainly concentrated among the educated clergy, remained a small fraction of the population at large. Even so, centres of learning evolved in the course of the centuries. Whereas until the twelfth century, monastic centres in the countryside had been the main hubs of learning, universities, established in the cities, took over that role and initiated gradually a degree of secularisation of the learned class. All these differentiations reflected disparate anthropologies and affected legal developments. Ordeals, for example, which were first more strongly opposed by both the urban bourgeoisie and the educated clerics, seem to have been supported for much longer by rural populations. Individuality may have found it easier to develop in urban and clerical environments. Moreover, the educated clerical culture was more likely to recognise individuality, because of the Church's essential mission and justification to assist Christians in attaining eternal life. From the early Church days onwards, the emphasis on the salvation of the soul was a strong factor of individualisation, because each person's soul was unique and resisted collectivisation.[3] The individual soul was a factor which, in spiritual terms, was intended, in Christian eschatology, to transcend the apparently most deeply anchored discriminatory social anthropological discriminations.

Nevertheless, tradition and necessity also contributed to various forms of social integration which did not foster the development of individualism. The broad categorisation of the three orders of society, each characterised by their own social and legal normativity, promoted class consciousness. The device of privileges in a wide sense also created particular interest groups which became collectively social and political actors, but depended on the solidarity of its members for their success. Each corporate actor of the medieval multilayered society claimed to represent a common good which trumped particular interests. Medieval legal science largely developed as a science of the art of good governance, aiming at reconciling and ordering the various claims by social and political actors of promoting their commonwealth.

Medieval sources, including legal authorities, tend to privilege a greater degree of individuality as they deal with figures standing higher up in the social and

[3] The point is illustrated by the relevance of penitential manuals for topics of the law of nations: Andrea Padovani, 'Peccati del guerriero nelle *Summae confessorum* medievali e protomoderne', in Dante Fedele, Randall Lesaffer, and Pierre Savy (eds.), *Avant l'État. Droit international et pluralisme politico-juridique en Europe, XII^e^-XVII^e^ siècle* (forthcoming).

political hierarchy.[4] Rulers, at various levels of governance, have a more clear-cut individual profile than those over whom they ruled. Only gradually, especially as access to justice becomes better documented, individual destinies appear in sharper focus in their relationship to the legal systems.

Turning to the notion of international law, it should be remembered that the medieval political constellation was characterised by a plurality of power centres of varying status, in which authority was distributed at different levels. After the 'Gregorian Reform' and the Investiture Controversy, the papacy and the (western) empire claimed universal jurisdiction in their respective domains (the spiritual and the temporal). Territorial entities greatly varied in shape and power, ranging from strong kingdoms to local lords, and including feudal principalities, military orders, cities with varying degree of autonomy, and leagues of cities.[5] Within this political constellation there was no clear link between sovereignty and territory, instead we find a complex interweaving and overlapping of jurisdictions. Each actor in this multilayered system of governance created legal rules (either written or customary law), thus generating a pluralistic legal and political order. International relations were not the sole preserve of 'sovereign' authorities, but were established—both vertically and horizontally—by actors of different stature, including (groups of) individuals. In this context, therefore, 'international law' cannot be understood as it has been by mainstream historiography since the nineteenth century, that is, as inter-State law dominated by the sovereign national State; rather, it should be considered a multi-normative framework that governed inter-polity and cross-jurisdictional relations between a great variety of actors.

The renaissance of legal studies in the twelfth century led to the development of a legal system based on the scholarly interpretation of Roman, feudal and canon law, namely *ius commune*.[6] This supranational system—grounded in the study of a common set of legal texts, the use of a common language, and (for the period considered here) the adoption of a common methodology—provided the basic notions that enabled jurists to deal with each municipal legal system (the *iura*

[4] Exceptionally, a commoner could rise to notoriety and acquire a more individual profile. In the context of the Hundred Years War, the case of Joan of Arc is a striking example of such an exceptional notoriety. A comparison could be made with the representation of portraits in medieval art, which only gradually extended to other persons than rulers and celebrated religious figures towards the end of the Middle Ages. Even doodles can exceptionally illustrate the point: e.g. the small portrait of Joan of Arc sketched in the margin of an entry dated 10 May 1429 in the records of the Parliament of Paris; available via https://commons.wikimedia.org/wiki/File:Contemporaine_afb_jeanne_d_arc.png, accessed 3/12/23.

[5] Jean-Marie Moeglin and Stéphane Péquignot, *Diplomatie et 'relations internationales' au Moyen Âge (IX^e-XV^e siècle)* (Paris: Presses universitaires de France 2017), 15-96; David Napolitano and Kenneth J. Pennington (eds.), *A Cultural History of Democracy in the Medieval Age* (London: Bloomsbury Academic 2021); Susanne Lepsius, 'The Legal System among Italian City Republics', in Helmut Philipp Aust, Janne E. Nijman, and Miha Marcenko (eds.), *Research Handbook on International Law and Cities* (Cheltenham and Northampton, MA: Edward Elgar 2021), 41-51.

[6] Manlio Bellomo, *The Common Legal Past of Europe 1100-1800* (first published 1988, this edn Lydia G. Cochrane (tr.), Washington, DC: Catholic University of America Press 1995).

propria). Since *ius commune* functioned as an interface that allowed for communication between these systems, its study offers invaluable insights into how jurists managed to rationalise a multilayered legal order.[7] Admittedly, at the time 'international law' as such did not constitute an autonomous branch of legal scholarship: with very few exceptions, no specific section of the Roman, feudal and canon law texts specifically dealt with international law issues.[8] Moreover, in terms of conceptual history, no clear concept of 'international law' was developed in this period. Not even *ius gentium*—which in early modern times was to become *ius inter gentes* and to be translated in national languages as 'the law of nations', '*Völkerrecht*', or '*le droit des gens*'—can be considered an exact equivalent of international law. In fact, although some international law institutions like war, the occupation and fortification of territories, peace treaties and respect for ambassadors were traced back to *ius gentium*,[9] this concept had a much broader scope, which encompassed supranational private law and basic legal principles held to be grounded in human nature. This resulted in a fundamental ambiguity of *ius gentium*, and of its relations to *ius naturale* (natural law), which stimulated considerable debate in late medieval legal scholarship.[10] And yet, despite the lack of a unified concept of international law, *ius commune* jurists could not ignore the numerous issues involved in inter-polity and cross-jurisdictional relations, which they abundantly discussed both in their commentaries on the legal texts studied at university and in the numerous legal opinions (*consilia*) that they delivered on actual disputes.

Indeed, this literature includes substantial comments on the relations between (both universal and territorial) political authorities, conflicts of laws and jurisdiction, diplomacy, treaties, wars, and reprisals. Jurists considered any actor who enjoyed public status to be entitled to undertake such activities – if necessary, with the authorisation of their superior authority. Moreover, actors that did not enjoy public status were occasionally also taken into account. City parties could, under certain conditions, conduct diplomatic activity and conclude treaties. (Groups of) individuals held rights and duties that applied in various situations related to international law. This included the protections accorded to clerics, pilgrims, students, and merchants travelling abroad, the canonistic rules limiting violence in war (*Pax Dei* and *Treuga Dei*) or forbidding the use of certain weapons (arrows and

[7] Alain Wijffels, 'European Private Law: A New Software-Package for an Outdated Operating System?', in Mark Van Hoecke and François Ost (eds.), *The Harmonisation of European Private Law* (Oxford: Hart 2000), 101-16.

[8] Randall Lesaffer, 'Roman Law and the Intellectual History of International Law', in Anne Orford and Florian Hoffman (eds.), *The Oxford Handbook of the Theory of International Law* (Oxford: OUP 2016), 38-58, at 45. For medieval times, the *lex mercatoria* cannot qualify as an expression of international law: Albrecht Cordes, s.v. 'Lex Mercatoria', *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 3 (2nd edn, Berlin: Erich Schmidt Verlag 2016), col. 890-902.

[9] In particular D. 1.1.5 and Conc. disc. can. c. 9, d. 1.

[10] Dante Fedele, '*Ius gentium*. The Metamorphoses of a Legal Concept (Ancient Rome to Early Modern Europe)', in Edward Cavanagh (ed.), *Empire and Legal Thought. Ideas and Institutions from Antiquity to Modernity* (Leiden: Brill 2020), 213-51.

crossbows) against Christians, the widespread obligation not to engage in piracy, and the infidels' right to *dominium* and jurisdiction over their lands. A vassal's obligation to provide his lord with aid and counsel, including military assistance during a war, was scrutinised, as were citizens' and subjects' obligations to perform public services like those of ambassadors or soldiers. Private individuals were also affected by the distinction increasingly drawn in late medieval scholarship between a community and its members, which was often invoked in the discussion of issues such as a prince's or city's authority to waive the individual rights of their subjects or citizens during peace-making.[11]

The rest of this chapter focuses on two institutions of special interest for an analysis of the relationship between the individual and international law: it first explores the status of prisoners of war and the issues raised by their ransom (*Case Study I*); then it turns to reprisals, which enabled individuals to enforce their individual rights against aliens (*Case Study II*). Both issues appear prominently in legal practice and were discussed by legal scholars. They are of particular relevance for tracing the notion of 'individuality' in medieval (international) law, as they illustrate how the legal focus, both in jurisprudence and in practice, could vary depending on the interests at stake and how to implement them. In that variable legal spectrum, an individual's identity appears to a greater or lesser extent defined by the various social interest groups to which the person belongs.

2. Case Study I: POWs and Ransoms

The widespread practice of ransoming combatants made prisoners in the course of warfare may appear at first sight to offer some indication of individualisation in the context of the laws of war. Nonetheless, more detailed studies show that the individuality of the ransomed prisoner needs to be qualified in the light of their social status and associations.

2.1 Ransoming POWs: The Diversity of Sources and Practices

There was no single body of 'laws of war' governing the ransoming of captured combatants.[12] In the course of the Middle Ages, changes in the composition of

[11] Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: CUP 1975); James Muldoon, *Popes, Lawyers, and Infidels* (Philadelphia, PA: University of Pennsylvania Press 1979); Peter Haggenmacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses universitaires de France 1983); Dante Fedele, *The Medieval Foundations of International Law. Baldus de Ubaldis (1327-1400), Doctrine and Practice of the Ius Gentium* (Leiden: Brill 2021).

[12] The observation also applies to the medieval laws of war in general: Stephen C. Neff, *War and the Law of Nations, A General History* (Cambridge: CUP 2005), 39-49 and 68-82. The practices of

armies and warfare techniques and strategies also influenced the practice of taking prisoners. Practices differed, depending on various factors such as whether warfare was between Christians of the Latin West, or between Christians and non-Christians, whether the soldiers were fighting as the subjects of their territorial prince, a city-state, as mercenaries, or crusaders. Many of the earlier practices may not have qualified as laws, but expressed different normative usages linked to specific regional, ethnic, social, or occupational cultures. The so-called chivalric code, often referred to as one of the main sources of the medieval law of war(fare), was but one of those normative bodies of rules, and its codification in medieval literature reflects mostly distinctive social-political approaches outside the province of jurisprudence.[13] The customary laws of arms governed a wider range of military forces than the chivalric laws of arms and could extend to both nobles and non-nobles. Military laws, whether issued for specific campaigns or incorporated as more general rules in a broader corpus of statute law (such as the *Siete Partidas*), reflected practices and policies of a particular country without necessarily being connected to a broader *lex* or *consuetudo militaris* in the Latin West. A potentially overarching body of laws was the jurisprudential scholarly literature based on civil and canon law, for which textual fragments of Roman law occasionally offered a more specific support (e.g. the texts compiled under the Digest title D. 49.15, *De captivis, et de postliminio, et redemptis ab hostibus*),[14] The practical literature produced by academic legal scholars (during the later Middle Ages: mainly *consilia*, i.e. legal opinions written on behalf of rulers and office-holders on policy issues, or on behalf of parties involved in litigation) sometimes refers more specifically to contemporary practices, mostly in the context of Italian warfare. However, because of the Italian academic jurists' lasting prestige, and because their reasoning was steeped in *ius commune* scholarship, their opinions would be noted by learned jurists throughout western Europe. *Consilia*, especially those produced in the course of litigation, would refer (explicitly or anonymously) to specific cases and therefore

ransoming non-combatants were often viewed as even more objectionable (in the case of Christian non-combatants ransomed by Christian men-of-arms: Nicholas A.R. Wright, 'Ransoms of Non-Combatants during the Hundred Years War' *Journal of Medieval History* 17 (1991), 323-32). For a general overview of ransoms of POWs in the period, see: Maurice Keen, *The Laws of War in the Late Middle Ages* (Abingdon: Routledge 2016), 156-85.

[13] For example, Anglo-Norman and French chronicles reporting on the Battle of Brémules (1119) differ with regard to the extent of violence. Orderic Vitalis' narrative may be seen as a characteristic, but biased, representation of a chivalrous engagement resulting in very few casualties (though ransoming may have been an incitement to take prisoners rather than slaughtering fellow knights). See the passage quoted in Benjo Maso, '"Zij dorstten niet naar het bloed van hun broeders". De onbloedige strijdwijze in de oorlogvoering in 11de-13de eeuw', in A. J. (Hanno) Brand (ed.), *Oorlog in de middeleeuwen* [Middeleeuwse Studies en Bronnen 8] (Hilversum: Verloren 1989), 89-109, at 91.

[14] Laurent Waelkens, 'La *redemptio ab hostibus* e la *redemptio a domino* nel diritto romano', in Tiziana Faitini and Michele Nicoletti (eds.), *Redimere e riscattare. La* redemptio *tra teologia e politica* [Politica e religione 2017] (Brescia: Morcelliana 2017), 75-90.

often highlight an individual's plea. Civil and canon law scholarship on POWs and ransoms was somewhat contaminated by the debates on the wider issues of just war and on the effects of universal imperial claims, but on the whole, legal scholars were keen to take into account the *Realpolitik* of belligerents and the practical predominance of military customs. Thus, even though authors who departed from the principle derived from ancient Roman legal authorities according to which only wars waged by the empire were proper wars with enemies in a legal sense and produced legal effects, and would therefore argue that autonomous belligerents could in theory enslave captured enemy prisoners, it appears that there was nonetheless a consensus for recognising that enslaving among Christians was not admissible. In contrast, Christians could legitimately enslave non-Christian prisoners captured in warfare.[15]

2.2 Circumstances beyond the Individual POW

Soldiers of all ranks were taken prisoner and ransomed. However, the prisoners' social and, occasionally, political status greatly influenced the handling of their case.[16] In his comparative study of prisoners of war during the Hundred Years War, Rémy Ambühl has emphasised the development of a two-tier system in ransoming practices.[17] In the upper ranks—and one might add: among the upper social classes—no standardisation of ransoming prices (which to some degree may also apply to ransoming practices) was established, in contrast to the standardisation which developed at the lower end of the military ranks. Accordingly, the sources show a greater degree of individualisation of a POW's case as one climbs the ladder

[15] Baldus de Ubaldis' treatment of the issue of POWs provides a good example of civil law scholarship's approach combining general, abstract principles and their application in specific cases. Specific cases, where individuals are inevitably 'fleshed out', appear in Baldus' legal consultations (*consilia*), but on the issue of POWs also in his commentaries: see the recurrent references to the case of count Bulgaruccio di Ugolino da Marsciano, a military commander in the service of Perugia who was taken captive and died before arrangements for his release following an agreement to exchange prisoners had materialised; one of the resulting issues was whether a will he had made while he was still in captivity was valid or not. Such case-sensitive discussions bring the individual's position more in focus. Baldus' opinions and commentaries on prisoners of war are extensively discussed by Fedele, *The Medieval Foundations* 2021 (n. 11), 512-25.

[16] Bert S. Hall, *Weapons and Warfare in Renaissance Europe: Gunpowder, Technology, and Tactics* (Baltimore, MD: The John Hopkins University Press 1997), 39-40, cites the case of Sir John Fastolf in order to argue that, despite new forms of warfare which advantaged to some extent the battle-power of soldiers from lower social classes, the practice of ransoms still maintained the upper classes of warriors in a privileged position (on that case, see Kenneth Bruce McFarlane, 'The Investment of Sir John Fastolf's Profits of War' *Transactions of the Royal Historical Society* 5th series 7 (1957), 91-116).

[17] Rémy Ambühl, *Prisoners of War in the Hundred Years War: Ransom Culture in the later Middle Ages* (Cambridge: CUP 2013); Gerald I. A. D. Draper, 'The Law of Ransom during the Hundred Years War' *The Military Law and Law of War Review* 7 (1968), 263-77.

of military ranks and social status,[18] but such individual differentiation tends to vanish as one considers the lower ranks. A degree of tariffing may nonetheless also have applied to more wealthy POWs who belonged to the landed gentry, as in cases where the ransom price was calculated so as to match the prisoner's annual income (mostly from estates). The practical difficulties of such assessments (in enemy territory) made it difficult to implement such a tariffication and it was not formally codified.

Collective ransoming, as well as agreements about exchanges of groups of prisoners, often took place as the result of negotiations which did not necessarily focus on individual prisoners. In addition to such occasional agreements, a more continual practice of collective deliverance of prisoners through payment was established by religious orders specialising in the redemption of prisoners.

Military discipline was also a concern which could curb individual initiatives and captures. Booty taking in general—not least because of the need to secure the haul, whether chattels or enemy combatants—could seriously disrupt the military efforts while the fighting was still going on. Attempts were therefore made to secure a system of sharing the spoils, which might optimistically also strengthen solidarity between the soldiers of the same company. Such systems, however, could weaken the personal and individual bond created between a master and their prisoner on the battlefield.[19]

Paradoxically, the extreme individualisation in the case of the capture of a prisoner who held an eminent political position would also entail that the interests at stake in handling the captivity and ransoming of such an individual would prevail over the prisoner's capacity to act and take initiatives individually. The ransoming of King John II of France, perhaps one of the most spectacular late medieval examples, became a State matter in the relations between England and France.[20] Somewhat more frequently, the capture of a member of the upper nobility who was also a high-ranking political figure would more easily trigger an intervention of the king and the case would be treated as a political issue which went beyond the individual person of the prisoner.[21]

[18] The ability to pay a ransom could at times be recognised on the battlefield by the soldier's equipment: for a visual illustration, see John Gillingham, 'An Age of Expansion, c. 1020-1204', in Maurice Keen (ed.), *Medieval Warfare, A History* (Oxford: OUP 1999), 59-88, at 67.

[19] On the importance of military company solidarity in the practice of POWs and their release, see Rémy Ambühl, 'The English Reversal of Fortunes in the 1370s and the Experience of Prisoners of War', in Adrian R. Bell and Anne Curry (eds.), *The Soldier Experience in the Fourteenth Century* (Martlesham: Boydell Press 2011), 191-208.

[20] Jules-Marie Richard, 'Instructions données aux commissaires chargés de lever la rançon du roi Jean' *Bibliothèque de l'École des Chartes* 36 (1875), 81-90.

[21] With regard to fourteenth-century warfare from the English perspective, Françoise Bériac-Lainé and Chris Given-Wilson, 'Edward III's Prisoners of War: The Battle of Poitiers and Its Context' *English Historical Review* 116 (2001), 802-14, have emphasised that, from the vantage-point of the English

Ransoming practices would vary, depending on structural factors, some of which could lessen concerns about specific individuals. This may often have been the case in the policies of ransoming or not ransoming between Christians and non-Christians. Long-term armed conflicts (as for example the *Reconquista*, or the Hundred Years War) could contribute to institutionalise some features of ransoming practice. Yvonne Friedman has argued that the differences between the development of war-related captivity and ransom practices in the Latin Kingdom of Jerusalem and on the western side of the mediterranean, during the multi-secular process of the *Reconquista*, were mainly due to the different structural dynamics and the different developments in the balance of power between the chronically warrying sides. In the eastern kingdom, strategic considerations of the Frankish kingdom on the defensive hindered the more elaborate development of ransoming practices and institutions, in contrast to the situation in Spain, where the Christian rulers succeeded in maintaining the expansionist momentum of their fight against the Muslims.[22]

2.3 Factors Fostering the Individual POW's Standing

In general, the lack of any detailed regulations with regard to ransoming and the authorities' general policy of refraining from intervening in the ransoming process gave the two main parties involved, the master and the prisoner, much leeway in negotiating private arrangements between them.

These arrangements started with the way a combatant was captured and gave their faith to their captor. By the acceptance of the capture, a bond was created between master and prisoner. The legal vacuum of the prisoner's status would largely be filled by the contractual freedom of the two parties: negotiations[23] would focus on the ransom price, the modalities of payment, but also on additional issues, such as the conditions in which the prisoner's captivity would be organised and the costs involved (at the prisoner's expense). Not surprisingly, civil law scholarship took advantage of the possibility to address issues insufficiently or uncertainly dealt with by military usages or statutes, and provided principles and solutions on various questions, fleshing out the contractual relationship between master and prisoner,

Crown, political and diplomatic advantage could outweigh the prospects of financial gains derived from ransoms.

[22] Yvonne Friedman, *Encounter Between Enemies: Captivity and Ransom in the Latin Kingdom of Jerusalem* (Leiden: Brill 2002).

[23] Even though ransoms are more part of the *ius in bello* than of the *ius post bellum*, it may be argued that fostering a trading relationship was one way to encourage pacification beyond the battlefield, mirroring the revival of trade in peace-time: Nicolas Offenstadt, *Faire la paix au Moyen Âge. Discours et gestes de paix pendant la guerre de Cent Ans* (Paris: Odile Jacob 2007), 63-74.

but also the claims of third parties. Inevitably, on some issues, the opinion of a particular author could prove difficult to reconcile with prevailing practices. For example, Baldus's qualification of surrender as a form of desertion or treason appears at odds (at least if considered as a blanket rule) with the well-documented usages on the way a combatant acknowledged in battle that they became their captor's prisoner. In any event, by further detailing the conventional relationship between master and prisoner, the civil law contributed to reinforce the individual's role in shaping that relationship.

Although prisoners depended on their own family, social and professional networks for assisting them in raising the funds in order to pay their ransom, many initiatives, and decisions on the assets to make free for financing the operation were their own responsibility. Intermediaries such as messengers or heralds had to be briefed in order to give instructions to the home front. Moreover, during the Late Middle Ages, merchants often acted as brokers at essential stages of the process: money-lending (which in turn required negotiations about the sureties given), money-changing, the handling of licences, and safe-conducts. Even though such arrangements followed certain conventional patterns, the specifics of each agreement necessitated the individual input of the prisoner.

Interventions by the authorities or the prince could sometimes enhance individual circumstances. This was the case when a prisoner would petition the prince for assistance and contribution to the payment of the ransom. Such a petition would include special personal circumstances to back up the prisoner's request. Conversely, when the prince granted a petition, individual qualities or achievements of the petitioner (possibly already mentioned in the original petition) would be included in order to justify the grant.

Access to the courts, in general, may also have contributed to develop the (self-) perception of the individual, not only because of the *locus standi* as such, but also because legal proceedings comprised elaborate fact-finding stages which brought to light individual features of the litigants. For the later centuries of the Middle Ages, court records are an important source of information on ransom practices. Access to justice (whether by the master, their prisoner, or other interested parties) was therefore a factor which reflected individual interests and strategies by various actors in the ransoming process.

2.4 The Economics of the Law of Ransoming: A Double-Edged Sword

It is difficult to assess the impact of ransoming practices on warfare and the laws of war. There is no general agreement on the question whether ransoming practices had the overall effect of attenuating the brutality of warfare and the plight of

vanquished or captured enemy soldiers.[24] The spoils of war, including the right of combatants to ransom prisoners they captured in battle, was a strong incentive for many soldiers to join an army or a military expedition,[25] but it could also adversely affect military discipline and strategic considerations.

To some extent, the economics of ransoming—where and when ransoming became a more common practice—appear to have instilled a degree of rationality in dealing with POWs.[26] Some of these rational calculations encouraged group formation and the pooling of interests, such as the *compagnies à butin*. Systems of dividing the spoils were intended to improve discipline and the *esprit de corps*. On the other hand, it may be argued that when, for knights, ransoming replaced the *restauro equorum*, the change caused knights to become more self-sufficient and to resort to self-financing of their warrying careers.[27] In different warzones and in different periods, ransoming led to a more elaborate, sometimes specialised, business of ransoming involving various interest groups and thus contributing to resort to established practices in a wide range of accessory services, each at a cost (custody, messengers, safe-conducts, monetary transactions and the provision of sureties, trade operations as part of the fundraising). All such practices required a degree of personal investment in the actions taken, not least from the POWs themselves.

Capitalist entrepreneurial and mercantile considerations in the management of ransoming POWs were therefore a double-edged sword. On the one hand, especially when the implementation of ransoming depended on interest groups which intervened as third parties, master and prisoner had less leeway in forming and executing the contractual relationship. On the other hand, the flexibility such considerations offered allowed master and prisoner to shape their contractual relationship along more individual lines of initiative and action.

[24] It was at any rate an argument sometimes expressed in medieval times: see, e.g., the (socially biased) plea by Christine de Pisan quoted in Christopher Allmand (ed.), *Society at War, The Experience of England and France during the Hundred Years War* (Woodbridge: The Boydell Press 1998), 83-85. More than ransoming practices, the rulers' or commanders' ordinances on the conduct of armed forces may have been, in the long run, a more important factor in curbing excessive violence in warfare: Neff, *War* 2005 (n. 12), 73-75; Philippe Contamine, *La guerre au Moyen Âge* (Paris: Presses universitaires de France 2017), 458-77. The account by Alexander Gillespie, *A History of the Laws of War*, vol. 2, *The Customs and Laws of War with Regards to Combatants and Captives* (Oxford: Hart 2011), 119-34, is overall pessimistic, emphasising the cases of mass killings, torture, mutilations, and desecration.

[25] Ransoms can be seen as part of the distribution of booties, which were an essential part of the warfare economics. See David Nicolle, *Medieval Warfare Source Book*, vol. 1, *Warfare in Western Christendom* (London: Arms and Armour Press 1995), 246.

[26] For an overall positive assessment of the effects of ransoming and a relatively lenient treatment of POWs in the border regions between England and Scotland, see Andy King, 'According to the Custom Used in French and Scottish Wars, Prisoners and Casualties on the Scottish Marches in the Fourteenth Century' *Journal of Medieval History* 28 (2002), 263-90.

[27] Andrew Ayton, *Knights and Warhorses, Military Service and the English Aristocracy under Edward III* (Woodbridge: The Boydell Press 1999), esp. 84-137.

3. Case Study II: Reprisals

In their oldest form, which can be traced back to the early Middle Ages, reprisals were a self-help measure rooted in custom and intended for the reparation of a wrong suffered at the hands of an alien. Since they were executed either by seizing goods that belonged to members of the wrongdoer's community or by capturing their persons, reprisals have often been understood as a measure rooted in communal solidarity and based on the principle of collective liability. Although this interpretation is not wrong, a closer look at the legal practice and doctrine of reprisals reveals that the legal position of the individuals involved was a matter of concern.

3.1 From *Pignorationes* to Reprisals

Roman law prohibited the seizure of someone's property as compensation for the debts of a third person, considering it contrary not only to 'laws', but also to 'natural fairness, that people be troubled for the debts of others'.[28] A *novella* by Justinian of 537 refers to such seizures as *pignorationes*, and denounces them as an 'abuse' that 'many laws' had already tried to suppress, but which the governors of the provinces were apparently not able to prevent. Anyone who presumed to take property from another in order to indemnify themselves for what was owed to them by a third party was compelled to return to the victim quadruple the amount taken, and was deprived of the right of action against the original debtor.[29]

By Justinian's time, however, the practice had been censured not only by Roman law, but also by the laws of the Barbarian kingdoms established in southern Europe. A letter to the consul of Campania by Theodoric the Great (king of the Ostrogoths from 471 on, and ruler of the Ostrogothic Kingdom of Italy between 493 and 526) condemns creditors who carry out a *pignoratio* against a third party to return twice the amount to the victim.[30] In the subsequent centuries, Barbarian legislations intervened repeatedly against *pignorationes*, but the fact that they attempted to limit—rather than ban—the practice shows that they were unable to wipe it out entirely.[31] The *lex Visigothorum* (mid seventh century) is especially

[28] Cod. 12.60.4 (Honorius and Theodosius II, year 422) and Cod. 11.57.1 (Zeno, years 474-91, whence the quotation is taken), translation: Bruce W. Frier (ed.), *The Codex of Justinian. A New Annotated Translation, with Parallel Latin and Greek Text, Based on a Translation by Justice Fred H. Blume* (Cambridge: CUP 2016), vol. III, 2757.

[29] Auth. 5.5 = Nov. 52.1 (*Ut non fiant pignorationes pro aliis personis*). An excerpt from this novella was later included in the section *Ne uxor pro marito vel maritus pro uxore vel mater pro filio conveniatur* of the *Codex*: Auth. 'Sed omnino' post Cod. 4.12.4.

[30] Cassiodorus, *Variarum libri*, IV.10 in Jacques-Paul Migne (ed.), *Patrologia Latina*, vol. 69 (Paris: J.-P. Migne 1865), col. 618.

[31] References in Alberto Del Vecchio and Eugenio Casanova, *Le rappresaglie nei comuni medievali e specialmente in Firenze. Saggio storico* (Bologna: Zanichelli 1894), 61.

noteworthy, since it explicitly refers to *pignorationes* between people belonging to different jurisdictions. This law limited seizures to cases of denial of justice by a judge of the wrongdoer's community, and stated that any seizure could be carried out either by the judge of the claimant or by the claimant themselves under the former's authorisation. Spelling out in detail the procedure to be followed when one person had a cause of action against another, who resided in the jurisdiction of a different judge, the text says that the judge of the district to which the claimant belonged should send a letter to the wrongdoer's judge, and direct them to hear the cause of the complaint without delay. If the wrongdoer's judge denied justice, the claimant's judge could seize their counterpart's goods for an amount equal to the sum for which the claimant had brought the suit. If the wrongdoer's judge possessed no goods in the neighbourhood, the claimant's judge could seize the goods of anybody living in the former's territory, or deliver the claimant an authorisation to take the goods themselves, up to the said amount.[32]

In the ninth century we find evidence that international treaties, too, regulated the procedures whereby the subject of one party who had suffered a wrong done by the subject of another could obtain redress in the latter's courts: again, *pignoratio* was only allowed in cases of denial of justice. In the so-called *Pactio Sicardi*, concluded in 836 between Sicard, the Prince of Benevento, and the Neapolitans, the parties agreed to request twice, by means of letters carried by the claimant themselves, the compensation of a wrong, before allowing the claimant to seize the goods of the wrongdoer's fellow citizens—initially within the claimant's city, then, if this proved ineffective, also outside it. Specific clauses, moreover, afforded protection to merchants, who could not be subject to either detention or *pignoratio*.[33] This is consistent with the special protection that Germanic and Carolingian legislations provided to merchants and pilgrims.[34] Another treaty, concluded in 840 between Emperor Lothar I (in his role as King of Italy) and the Venetian doge, included—among other provisions on the issue—a clause according to which a *pignoratio* could be made against the judge of one territory who had denied justice to the subject of the other.[35] This document is of particular significance, since it

[32] *Lex Visigothorum* II.2.7 in Karolus Zeumer (ed.), *Leges Visigothorum* [MGH Leges, Leges nationum Germanicarum, t. I] (Hannoverae et Lipsiae: Impensis Bibliopolii Hahniani 1902), 83-84; Hans W. Spiegel, 'Origin and Development of Denial of Justice' *American Journal of International Law* 32 (1938), 63-81, at 65.

[33] *Pactio Sicardi*, cap. 5, 8, and 17, in Fridericus Bluhme (ed.), *Leges Langobardorum* [MGH Leges, t. IV] (Hannoverae: Impensis Bibliopolii Aulici Hahniani 1868), 219 and 221. See Spiegel, 'Origin' 1938 (n. 32), 64.

[34] Claudia Storti, 'Stranieri ed "estranei" nelle legislazioni germaniche', in *Le relazioni internazionali nell'Alto Medioevo* (Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo 2011), 383-436, at 408-10, and Atria A. Larson, 'From Protections for *miserabiles personae* to Legal Privileges for International Travellers: The Historical Development of the Medieval Canon Law regarding Pilgrims' *Glossae* 16 (2019), 166-86.

[35] *Pactum Hlotarii I*, cap. 19 in Alfredus Boretius et Voctor Krause (eds.), *Capitularia regum Francorum* [MGH Leges, Capitularia regum Francorum], t. II (Hannoverae: Impensis Bibliopolii Hahniani 1897), 133. See also *ibid*, cap. 12, 21, and 22, at 132-34.

was the basis of a series of other treaties concluded between Venice and the empire until the reign of Emperor Frederick II.[36] By that time, however, in order to restrict recourse to *pignorationes*, treaties often included a framework intended to allow wrongs to be redressed and legal protection to be ensured for aliens. In fact, in the thirteenth-century mediterranean region 'there were hardly any treaties of friendship which did not contain a restriction of reprisal'.[37]

Similar attempts were also made in legislation, both local and supranational. In his law *Habita* of 1155, Frederick Barbarossa famously forbade the 'perverted custom (*perversa consuetudo*)' of holding students who travelled to or from their place of study accountable for the wrongs of their fellow countrymen. His grandson, Frederick II, completely banned the practice of '*presali*[*e*] *seu represali*[*e*]' in the Kingdom of Sicily. And the Second Council of Lyons (1274)—explicitly referring to the Roman *pignorationes* as an equivalent of '*represali*[*e*]'—forbade their authorisation or execution against clerics and their goods. Although this legislation did not stop the execution of reprisals against aliens in actual practice, the limitations it imposed contributed to their increasing control. The appearance of an official document for their authorisation, in mid thirteenth-century Italy, marked a significant step in the formalisation of the procedures governing their execution, and was quickly followed by the adoption of similar documents across Europe.[38]

3.2 The Scholarly Debate on the Legitimacy of Reprisals

Legal scholars also set out to discuss the legitimacy and requirements of reprisals, generating a doctrinal debate in which Bartolus de Sassoferrato's *Tractatus represaliarum* (1354) is widely recognised as the most significant work.[39] By the end of the fifteenth century, further treatises on the topic were Johannes de Legnano's *De bello, de represaliis et de duello* (1360), Martinus Garatus Laudensis' *De represaliis* (1452-53) and Johannes Jacobus a Canibus' *De represaleis* (1479). This debate clearly shows that, in this period, the meaning of 'reprisals' was much

[36] Roberto Cessi, *Le origini del ducato veneziano* (Naples: Morano 1951), 198-99 (Cessi also provides another edition of the 840 *Pactum* at 237-43), and Gerhard Rösch, *Venedig und das Reich: Handels- und verkehrspolitische Beziehungen in der deutschen Kaiserzeit* (Tübingen: Niemeyer 1982), 7-26.

[37] Spiegel, 'Origin' 1938 (n. 32), 69. For some examples, see Del Vecchio and Casanova, *Le rappresaglie* 1894 (n. 31), 69-71, and Louis Sicking, 'The Pirate and the Admiral: Europeanisation and Globalisation of Maritime Conflict Management' *Journal of the History of International Law* 20 (2018), 429-70, at 440-54.

[38] Philippine C. Van den Brande, '"Remedium repraesaliarum": The Medieval and Early Modern Practice and Theory of Reprisal within the Just War Doctrine' *Grotiana* 41 (2020), 305-29, and Fedele, *The Medieval Foundations* 2021 (n. 11), 564-89. Further references on the late medieval practice of reprisal are found in Frederic L. Cheyette, 'The Sovereign and the Pirates, 1332' *Speculum* 45 (1970), 40-68 and in the literature cited above, note 32 and below, notes 47 and 48.

[39] Extensive analysis of the late medieval and early modern doctrinal debate is found in Ruy de Albuquerque, *As represálias. Estudo de história do direito português (sécs. XV e XVI)* (Lisbon: [n.p.] 1972).

narrower than it is today. They were, in fact, considered the vernacular equivalent of the '*pignorationes*' carried out against a fellow countryman of the original wrongdoer and, as such, they raised issues regarding both the individual rights of the person who resorted to the measure, the individual rights of those against whom it was executed, and the relations between these people's communities. This is why public authorities intervened in the authorisation and execution of reprisals, thus leading modern historiography to consider the latter the 'forerunner of diplomatic protection'.[40]

Since any petitioner who obtained permission from their own polity was entitled to enforce their right against any of their wrongdoer's fellow countrymen who happened to find themselves in the territory controlled by the petitioner's polity, reprisals inevitably affected innocent people. This aspect of reprisals was a source of deep concern for jurists, who shared a widespread distaste for the practice. Bartolus deemed it to be an 'extraordinary' remedy, grounded in *ius divinum* or *ius gentium* rather than *ius civile*, and Albericus de Rosciate (*c.* 1290-1360) stated that it was granted de facto, despite being prohibited de iure.[41] Nevertheless, jurists also felt that—like war, to which they were compared—reprisals were often the only possible way in which someone who had suffered a wrong at the hands of a foreigner, and sought justice in vain before the latter's courts, could get redress: a remedy that, as Baldus de Ubaldis (1327-1400) wrote, had to be authorised 'lest justice perish'.[42] Since they thought that individual people could not be held responsible for a wrong committed by their fellow countrymen, legal scholars insisted that the legitimation of reprisals be contingent upon two requirements: not only the existence of a wrong (and a sufficiently serious one to justify this extraordinary remedy), but also the subsequent denial of justice by the courts of the wrongdoer's community. Bartolus stressed that all legitimate forms of redress had to have been exhausted in the *forum rei* before the petitioner could turn to their own courts and ask for authorisation to carry out reprisals. This requirement was of paramount importance, since it transformed an originally private wrong into a public one, and made the whole community of the wrongdoer responsible before the foreigner private petitioner and their community. In the absence of a superior authority to whom anyone could resort in case of a wrong followed by a denial of justice by a foreign judge, reprisals appeared to be the only available means of

[40] Peter Haggenmacher, 'L'ancêtre de la protection diplomatique: les représailles de l'ancien droit (XII^{e}-XVIII^{e} siècles)' *Relations internationales* 143 (2010), 7-12, and Dante Fedele, 'Indemnities in Diplomacy', in Gordon Martel (ed.), *The Encyclopedia of Diplomacy*, vol. II (Hoboken: Wiley-Blackwell 2018), 889-902.

[41] Bartolus de Sassoferrato, *Tractatus represaliarum*, in *id.*, *Consilia, quaestiones, et tractatus* (Venetiis: apud Iuntas 1596), quaestio 1, f. 120ra, nr 5 Albericus de Rosciate, *In Primam Codicis Partem Commentarij* (Venetiis: [Societas aquilae se renovantis] 1586 [reprint Bologna: Forni 1979]), ad Auth. 'Sed omnino' post Cod. 4.12.4, f. 189vb, nr 3.

[42] Baldus de Ubaldis, *In Quartum & Quintum Codicis Libros Commentaria* (Venetiis: [Societas aquilae se renovantis] 1599 [reprint Goldbach: Keip Verlag 2004], ad Auth. 'Sed omnino' post Cod. 4.12.4, f. 23vb, nr 8.

redress. Bartolus explicitly evoked this situation in the proem of his treatise, and linked the recourse to reprisals to the downfall of the Roman Empire and the emergence of cities that recognised no superior.[43]

3.3 The Granting and Execution of Reprisals

Considering reprisals to be a 'hateful remedy (*remedium odiosum*)', which affected innocent people, legal scholars tried to limit both the number of individuals who could ask for it and that of those against whom it could be used. The—often minute—discussion involved issues related to both citizenship and the conflicts of laws and jurisdiction. For instance, Bartolus believed that, as a rule, only citizens who performed public services (*munera*) were entitled to obtain authorisation to carry out reprisals. In his view, if the acquisition of citizenship predated a wrong, a naturalised citizen could even entreat for reprisals to be executed against their city of origin.[44] Baldus on some occasions argued that only native citizens could be subject to reprisal, although on others he agreed with Bartolus that reprisals could also be executed against naturalised citizens. Rebels and outlaws, since they were no longer part of the body politic, could neither ask for nor suffer reprisals. If a treaty had been signed according to which two parties committed to treat each other's citizens as their own, the citizens of one party could not be subject to any reprisal granted by the other. Finally, several groups of individuals—including clerics, ambassadors, merchants attending fairs, students, and pilgrims—were expressly exempted from reprisals.[45]

Having exhausted local remedies in a foreign city, a wronged person had to start proceedings at home in order to obtain proper authorisation for reprisals. Usually, letters or embassies were dispatched to the foreign polity with requests for justice. This stage was sometimes prolonged, especially when the overhasty granting of reprisals risked damaging the commercial interests of the petitioning city. Such interests could eventually also lead to a limited grant, or an outright denial, of the remedy. If diplomacy did not work, and public authorities were determined to resort to reprisal, the ways in which each polity then deliberated on how to proceed depended on their own particular institutional structure. In some cities, like late twelfth- and early thirteenth-century Florence, for instance, legal proceedings were initiated against the wrongdoer's city with a formal summons and the request of legal opinions (*consilia*) from jurists.[46] If granted, reprisals could be carried out either by the public authority or by the petitioner themselves under (some degree

[43] Diego Quaglioni, 'Il proemio del bartoliano "Tractatus represaliarum" ' *Pluteus* 2 (1984), 85-92.
[44] Bartolus, *Tractatus represaliarum* 1979 (n. 41), quaestio 5, f. 122ra-122rb, nr 1-3 and 7-11.
[45] Fedele, *The Medieval Foundations* 2021 (n. 11), 576-81.
[46] Lorenzo Tanzini, 'Pratiche e culture del conflitto negli scambi commerciali. I giuristi e la rappresaglia a Firenze alla fine del Duecento' *Nuova rivista storica* 104 (2020), 239-63.

of) public control.[47] Legal scholars usually agreed that a petitioner was entitled to carry out reprisals personally, although they believed that any seized person (and, in the opinion of some, any seized good) had to be handed over to the local magistrate. In accordance with the remedial nature of reprisals, the seized goods were assessed in order that compensation be proportional: the sum recovered could not exceed the amount of the original debt, or the damage caused by the original wrong, plus interest and further expenses. The collective dimension of the liability, however, was greatly reduced by the fact that the (innocent) victim of a reprisal was widely held to be entitled to obtain compensation from the original wrongdoer.[48]

We see therefore that, in the medieval period, the individual's position and rights were matters of concern in both legal practice and doctrine of reprisals. The situation changed in early modern times, when reprisals saw the individual increasingly relegated to a passive role. Over time, the action was monopolised by States, and the remedy—instead of being intended to provide satisfaction for denying justice to a foreigner—became a means by which one State could react against all kinds of (alleged) breaches of international law by another. In this context, reprisals increasingly became a practice tantamount to war.[49]

4. Conclusion

Medieval legal science developed primarily as a science of good, that is, legitimate, governance. Legitimate rulership was required to act, both in domestic matters and in foreign affairs, according to the standards of good governance. Legal scholarship worked out such standards to a large extent by requiring that the ordinary exercise of political power ought to remain within the boundaries of the law. In that sense, good governance required—barring extraordinary circumstances—to follow the rule of law. Although medieval legal scholarship did not follow any systematisation of the law by branches, and therefore ignored a distinct category of (public) 'international law', it dealt with a wide variety of issues of international governance and relations. Several of those issues would qualify today as issues of international law. Legal science did not encompass all the forms of normativity which applied to such issues, not even when such a normativity would have been recognised as a legal normativity.

[47] For examples of the former procedure, see Marie-Claire Chavarot, 'La pratique des lettres de marque d'après les arrêts du Parlement (XIII^{e}-début XV^{e} siècle)' *Bibliothèque de l'École des Chartes* 149 (1991), 5189, at 63, 84 and 87; for examples of the latter one, see Jurriaan Wink and Louis Sicking, 'Reprisal and diplomacy: conflict resolution within the context of Anglo-Dutch commercial relations c1300-c1415' *Comparative Legal History* 5 (2017), 53-71, at 60-61.

[48] Ruy de Albuquerque, *O Direito de Regresso em Matéria de Represálias (Estudo de História do Direito. Sécs. XV-XVI)* (Coimbra: [n.p.] 1975).

[49] Neff, *War* 2005 (n. 12), 216 and 225-39.

Medieval law and governance dealt with multilayered polities and societies. Group identity of citizens and subjects largely prevailed over their individual identity. However, the standard of the rule of law as a requirement of legitimate rulership entailed the possibility for individuals to seek a remedy at law, before the ruler or their courts, in the event they had suffered an unlawful prejudice. Not surprisingly, individuals claiming justice from the authorities or the courts often provide our main source of information on individuals in disputes involving different polities, whether at war or in peace-time. Even then, however, it is clear that the spectrum of individuation varies, as the individual appears invariably more or less defined by their belonging to a social group. Only at the upper levels of the social and political hierarchy is individualisation more visible, but there again, because of the individual's social position.

A famous controversy among historians relates to the words attributed to Amaury Amalric, abbot of Cîteaux, who lead the armed forces entrusted with the 'Albigensian Crusade' at the siege of Béziers (1209). Some twenty years after the event, Caesarius of Heisterbach reported that while the town was being plundered and the population massacred, Amalric was asked how to differentiate the true believers from the heretics. According to Heisterbach, the abbot is reported to have answered: '*Kill them all for the Lord knows them that are His*'.[50] That order would explain the large numbers of casualties among the population in the aftermath of the taking of the city, even though the numbers mentioned at the time were obviously much exaggerated. Historians disagree whether or not the order was actually given as reported by Heisterbach.[51] Either way, the story is relevant for assessing the lack of focus on the individual. If true, the order would illustrate a 'no quarters' policy which prevailed in many medieval battles, though here extended to a besieged town's civilian population. It would confirm that, when considering military-strategic and political goals, a commander (even when he was a papal legate) could dismiss any concerns based on the individual's soul in this world. If the story does not report Amalric's true words, that may imply a criticism of the undifferentiated slaughter of faithful Christians, and perhaps of an excessive and politically imprudent decision. Either way, and this is all the more noteworthy because the religious beliefs of the city's residents were at stake, neither the men of arms in the theatre of war nor the chronicler would appear to have given overmuch attention to the faith of the individual victims. The fate of the individual soul remained ultimately an issue of the individual's afterlife.

[50] 'Caedite eos. Novit enim Dominus qui sunt eius.' The quotation is understood to refer to *2 Timothy* 2:19.

[51] Jacques Berlioz, *'Tuez-les tous, Dieu reconnaîtra les siens': le massacre de Béziers (22 juillet 1209) et la Croisade contre les Albigeois, vus par Césaire de Heisterbach* (Portet-sur-Garonne: Loubatières 1994).