Vengeance, Exacted and Suppressed, as a Means To Establish *Universitas*: Toulouse, 1120-1230

Christopher Gardner
George Mason University

Medieval cities, especially those along the French Mediterranean littoral and in northern Italy, have long appeared as the launching pad for modernity. Such cities as Marseille, Montpellier, or Toulouse – the town upon which this paper shall focus – retained the last vestiges of Roman law and a monetary economy that were reinvigorated in the late eleventh and twelfth centuries. Within a generation of such reinvigoration, local urban councils began to separate themselves from their lords' courts, whether those lords were laymen or ecclesiastics. Historians rightly take the earliest references to such governance by any given council of laymen as a necessary turning point from a feudal order of landed rural aristocrats who might also have had extensive interests in the cities of their patrimonies to an oligarchic order of local potentates who rose to power because they tailored their interests with those of the swelling bourgeoisie or "middle classes."¹ In most of these

¹ The classic statements of this trajectory come from Max Weber's early work on the economies of medieval towns and the rise of secular western bureaucracy from urban governments, statements that have been nuanced and expanded ever since. An excellent survey of Weber's career can be found in R. C. van Caenegem, "Max Weber: Historian and Sociologist," in *Legal History: A European Perspective* (London: Hambledon Press, 1991), 201-21. For the spread of references to town
studies, the corollary to such economic vigor and administrative activity was the articulation of a communal, corporate identity.

In the last thirty years, anthropological studies of "pre-modern" or "customary" legal systems in the contemporary world have modified the sociological paradigm of medieval cities as harbingers of the modern, secular, public space. Recent work on medieval cities has largely concentrated on their legal and juridical systems, in particular the disputes that arose within them. The disputes most often discussed can be schematically classified as conflicts between lord and urban population, between urban population and rural inhabitants, or between socio-economic groups within cities. Any resultant feuds, often launched to satisfy disputes concerning reputations or property, were subsumed into burgeoning judicial systems in the thirteenth century. For these scholars, the intramural feud opens a window on the development of a competitive, urban, "post-medieval," market economy, and it foregrounds the tendency of conflict resolution to move from personal vengeance to a public institution open to those capable of profiting from its presence. City dwellers also experienced conflicts among groups deemed a threat to the unity of the

councils across Occitania, see André Gouron, "Diffusion des consulats méridionaux et expansion du droit romain aux XIe et XIIe siècles," Bibliothèque de l’École des Chartes 121 (1963): 26-76.


3 Thierry Dutour, La Ville médiévale. Origines et triomphe de l'Europe urbaine (Paris: Odile Jacob, 2003), 165-78.


Proceedings of the Western Society for French History
Latin Christian world: heretics, lepers, sodomites, or Jews. In these instances, willful mischaracterization of and violence toward these groups encouraged the Catholic majority to create a vital and positive ideal of their own community.

Studies of intramural conflict hardly undermine the notion of a definable, and self-defined, urban identity, although they do remind us that local governments struggled as much with internal divisions as they did with the presentation of a unified front to outsiders. Therefore, historians perceive cities of the late twelfth and thirteenth centuries, even in conflict, as passing some threshold that moved them toward a modernity defined by a self-appointed communal identity infused with Christian expectations, perhaps, but devoid of ecclesiastical influence. The clearest marker of such a threshold is the use by urban populations and governing councils of terms such as *communitas*, *res publica*, or *universitas*, the term which was given to and ultimately also used by the people of Toulouse to describe their association: the *universitas Tholosa*.

This *universitas Tholosa* was in process of definition in the twelfth and thirteenth centuries, but this urban self-definition had unexpected elements. In particular, urban governments exhibited an underappreciated passivity and sometimes reactionary flexibility when defining their enemies and working through the conflicts in which they found themselves and their constituents embroiled. Perhaps

---


6 *Communitas* was used in Agen and villages around Toulouse by the late twelfth century, while *res publica* can be found in Nîmes in the 1150s.
the least surprising quality, flexibility was part of a willful construction of urban identity by members of the population who saw profit in that construction. This flexibility, however, had to contend with issues that did not stop at the city's walls. Outlaw elements or members of alternative religions – in the case of Toulouse, Cathar dualist Christians – could severely fracture a community, and often leaders within a community such as Toulouse would simply accept intramural and private warfare as part of the cacophony of urban life.

The passive quality of Toulousans' efforts to give a name to their community draws us back to the realization that the Church retained the best minds to articulate communities, be they friend or foe. As church-generated concepts influenced local urban concerns, the people of Toulouse often accepted what they received from their institutions of public governance, the Consulate (Consulat), as they continued their "traditional" forms of dispute resolution. Familial and communal violence thus remained part of the makeshift construction of urban identity, and Toulousans often turned to their Consuls (Consules) merely to legitimate their feuds, not to adjudicate or mitigate them. This situation invokes what David Nirenberg describes as a "local context of violence and cooperation" to show the fitful and usually reactionary steps the leading citizens of Toulouse took to establish some unity among their constituents. At issue is not the relative modernity of Toulouse but the social role of violence and the communal identity that was both strengthened and diluted by such violence.

---

In French studies, the city of Toulouse has been portrayed as the modern medieval city *par excellence*. Its tradition of local historical narrative goes back to the 1290s when an ostensibly anonymous academic at the fledgling University of Toulouse wrote an idiosyncratic gloss to the town's customary laws, which had been published under some duress only a decade earlier. The tradition continued through the Old Regime as Toulousan historians argued that their town's medieval Consulate formed a bridge between the glories of the ancient Roman Empire and those of the contemporary Bourbon kingdom. Into the twentieth century, Toulouse has been presented as an Italianate secular city and even as the fount of modern notions of civic participation and liberty. Such interpretations have arisen because Toulouse provides a depth and a breadth of material sufficient to allow generations of historians to study its urban economic, social, legal, and geographic

---

8 Henri Gilles, "Les coutumes de Toulouse (1286) et leur premier commentaire (1296)," *Recueil de l'Académie de Législation* 6th ser., 5 (1969): 23-39. Gilles concluded that the most likely author was the legal scholar, Eudes Arpadelle, who taught at the university through the decade.


identity. To make these claims, however, historians have been rather too quick to subsume conflicts intimated or expressed in documents drawn up at the Consuls' behest with moments of apparent unity that clearly coincided with the arrival of greater threats from outside the community.

The punishment of criminals that Consular documents describe offers insight into Toulousan identity even though there is little evidence of precisely what crime merited the penalties described. Criminals, especially those forced to leave Toulouse, were clearly viewed as threats to the stability of Toulousan society, but court cases of specific crimes are non-existent before the 1330s. In the statutes and decisions available from the era considered here, the Consulate clearly sought ways to extend the parameters of its jurisdiction in order to expand its authority both over urban space and over Toulousans who traveled outside that space. Consuls wanted to protect Toulousan interests within the city walls, of course, but they also sought to define jurisdiction over Toulousan citizens who traveled to markets well beyond the walls. Claims of jurisdiction over traveling Toulousans, rather than over the city space, complicated disputes because they almost invariably involved individuals from other communities whose town administrators wanted to control legal proceedings within their own jurisdictions. Toulousan-on-Toulousan crime certainly was punished as well, but whatever notions the people had about criminals as "out-laws" and thus outside the community, such ideas were not expressed in Consular records. Nevertheless, references to punishments meted

\[11\] AMT, Cartons FF59-61, almost all of which pertain to the death of a student at the local university during Easter celebrations in 1334.

\[12\] Nevertheless, criminality as it survives in medieval records was closely linked to itinerant or vagrant populations insufficiently tied to a community and its judicial proceedings; see Trevor Dean, *Crime in*
out to criminals, no matter what their origins or where their crimes were committed, were recorded with greater frequency than were the specific crimes.

Historians have long been aware of the trajectory from general, perhaps spiritual, retribution for peace breakers toward specific, corporal punishments scaled towards specific crimes. Toulouse's records simply collapse the historical trajectory into a couple of decades, which might be one of the reasons that historians of the town have been quick to emphasize the precocity of Toulouse's town council and its judicial system. The earliest surviving statutes in Toulouse, records that predate an identifiable Consulate, emphasize that townsfolk would band together to wreak vengeance. In the thirty years after c. 1120, anyone who might attempt to reverse or even ignore the purchases of tax exemptions or market spaces made by the "good men of Toulouse and its bourg" would meet a hellish fate:

And if any man or woman would want to violate this gift and this liberty, he shall endure malediction and excommunication, and the wrath of God will come upon him and the land shall swallow him, just as it swallowed Datan and Abiron [rebels who would not follow Moses; see Numbers 16: 12-35] and then the penalty of fire shall follow . . .

Medieval Europe, 1200-1550 (New York: Longman, 2001), 48-52, although it should be noted that Dean is discussing cities in the century after c. 1230. Within Toulouse's corpus of legal documents, in a celebrated case of divorce brought by Forto de Molliverneta to the capitulum (one of the terms, along with Consulatus, Consules, and Capitularia to describe the town's council in the last quarter of the twelfth century), the Consuls voted in his favor to end the marriage and have any documents referring to said marriage destroyed. This was all done without the presence of Forto's wife, Babilonia, who had run off with "a foreign soldier [a mercenary?] of the Brabant.": AMT, AA1: 33 (Mar. 1176).
If God's vengeance proved insufficient, the people were prepared to finish the job: "What is more, the people of Toulouse and the bourg, indeed the whole Toulousan population will rush over him with swords and sticks and stones, and all the men will destroy him shamefully."\(^{13}\)

These early records do not specify who might announce the need for such reprisals. In fact, they are striking in that, for all their Biblical language, they make no reference to the bishop of Toulouse or any other ecclesiastic except as a witness to the original "gift and liberty."\(^{14}\) One can assume that the bishop would have been involved in any such reprisals because only an ecclesiastic could impose excommunication upon a Christian. An ecclesiastic's presence was not, however, expressly required to bring down the wrath of malediction on a criminal, nor was ecclesiastical consent needed for physical punishment of an outlaw. The "people" had enough authority to do so, although they were not formed into any namable association, nor did they suggest any institutional support for their violence. If their weapons were meant to convey their status, this "people" was made up of the urban knights who brandished swords, the well-to-do who had the tools capable of turning sticks into pointed weapons, and the poor for whom any old stone would do. The earliest records of communal violence thus appear to suggest the economic stratification of Toulousan society even as they stress popular participation across the economic spectrum. Even so, the statutes did not presume Toulousans would be effective, for they first called upon the God of Moses, the receiver of the laws that gave communal identity to the Jewish people, to soften their enemies or, better still, to

---

\(^{13}\) AMT, AA1: 14.

\(^{14}\) AMT, AA1: 14, 1, 2.
scare anyone contemplating an infraction of the statutes into compliance.

Within a generation Toulousans sought to establish more clearly structured and expressed associations. For our purposes, the association of note was the effort of the good men (probi homines) and often the women (femines) as well, to distinguish their own council of notables from a group or an individual hitherto connected to the count of Toulouse. By the mid-1150s the Toulousans had done so, a process occurring throughout Occitania and an ambition that the Toulousans achieved in an entirely normal, average way.15 Once that "common council" emerged, any need to call upon divine sanction for criminals or peace breakers fell to the wayside to be replaced by punishments meted out by the common council or, in certain instances, the count and his judicial officer within Toulouse, his vicar.16

The prime concern of the council's earliest documents was ostensibly jurisdiction: which crimes the council could judge, what punishments it could impose, which crimes went directly to the count of Toulouse for judgment, and when appeals might be made from one to the other. Determining who was subject to the town's council of probi homines was crucial. Although the records are not explicit, just being an inhabitant seemed to suffice in the early years of the council. The council-cum-court held on to a traditional, even "pre-urban," view of habitation and justice: as inhabitants within the walls of Toulouse, a city possessed by the count of Toulouse, citizens should expect justice first from their lord. Visitors would be treated

16 AMT, AA1: 4 (1152).
similarly, for they would be sent to their suzerains, who were expected to give justice in the first instance.\textsuperscript{17}

In the first thirty or so years of the town council's existence, the key concern of its members was to steer clear of the customary powers of the count of Toulouse by clearly defining its own powers as those not held by the count.\textsuperscript{18} Despite these precautions, count and council clashed over an undisclosed set of issues in the 1180s, and as the dust settled on the conflict, the council won the right to dictate the peace both to the count and to his followers. A series of oaths meant to bring peace back "to the whole population of the city of Toulouse and its suburb" were exchanged in January 1189. John Mundy correctly saw in this reconciliation the victory of a Consulatus that henceforth would be largely free of the count's influence.\textsuperscript{19}

The Consuls were also cognizant of the need to reconstitute their constituency, and to this end they attempted to return any associations to their status prior to the conflict: all groups formed to support either the count or the town council in the conflict were to be dissolved, and all documents or oaths pertinent to those groups were to be destroyed. In this effort, the bishop of Toulouse makes a rare appearance in Consular documents; he was charged with excommunicating anyone who presumed to hold onto such divisive documents.\textsuperscript{20}

\begin{footnotesize}
\begin{enumerate}
\item AMT – AA1: 5 (1152).
\item In the case for divorce forwarded by Forto de Molliverneta to the capitulum in March 1176 (note 12), the council decided the case in his favor, granted him custody of her property, and allowed the destruction of the documents of their dissolved marriage. Nevertheless, the Consuls expressly avoided claiming any right to punish Babilonia for her adultery, a crime over which the count claimed jurisdiction.
\item Mundy, \textit{Liberty and Political Power}, 59-66.
\item AMT – AA1: 9 (6 Jan. 1189).
\end{enumerate}
\end{footnotesize}

\textit{Proceedings of the Western Society for French History}
The Consuls' ability in 1189 to give the appearance of a community devoid of internecine coalitions proved successful enough that fourteen years later another session of the Consulate could presume to restate the rights of reprisals that distinguished inhabitants of Toulouse from "any man out of the bishopric of the Toulousain or from outside the county." As their predecessors had done in the early 1150s, the Consuls of 1203 were willing to return any "malefactor" to the lord of his castle or village for justice. If such justice were not forthcoming, the victim and his "cavalry" or "posse" (chevauchée) were entitled to take their revenge against the outsider. Any loss of life, human or horse, would become part of the indemnity owed not only by the criminal but also by the men and women of the castrum or village who dared shelter him. The Toulousan was immune from paying restitution for any damage or death he caused by his posse.21 Despite such decisions that so clearly established an urban identity based on the right to wreak vengeance on outsiders, the fact remains that no precise term was used for Toulousans, who still existed as merely a collection of men and women.22 The town's governors reacted to circumstances; they were not forging a communal identity or even forwarding a plan to punish law-breakers. Vengeance thus remained an entirely "private" concern, as it had been before the Consulate was formed. Members of the Consulate sanctioned what had occurred and what continued in terms of private justice, despite the Consuls' struggle to establish a distinct jurisdictional niche.

22 The statute of 12 Feb. (ibid.) states that it will be followed and observed "firmly and in perpetuity by all men and women of the city and suburb of Toulouse."
To a certain degree, such cases argue for a Toulousan identity based on threats from the outside, be they outright criminal or within the context of a customary feud. Yet this argument is just what I hope to problematize. The notion of threats from outside was problematic for the Toulousans once Pope Innocent III launched the Albigensian Crusade in 1209. Believed to be a protector of heretics though not one himself, the count of Toulouse, Raymond VI, was the ostensible target, yet the urban populations of his territories received the severest blows. The *Chanson de la croisade albigeois* admits that there was division in Toulouse at the beginning of the struggle, but it quickly moves to provide a stirring vision of Occitan and Toulousan solidarity in the face of crusaders considered almost foreign because most came from France north of the Loire River.\(^{23}\) Consular communiqués and directives portrayed a notably different perspective, one in which factionalism remained an endemic concern.

To be sure, the Toulousans were quick to see the dangers crusade posed to their community, whether viewed as an idea or as a physical space in which to live and work.

---

After a token siege by the crusaders in 1211, the Consuls sent an appeal to King Peter II of Aragon to assist them and their beleaguered count.\textsuperscript{24} The letter stands as one of the earliest "narratives" of the conflict, and the Consuls used it to argue that the greatest conflict did not arise between heretics and the orthodox or between Innocent and Raymond. Rather, the Consuls maintained that the conflict was essentially between the universitas Tholose and the Cistercian abbot and papal legate, Arnald Amalric, a native of the region, who threatened to excommunicate the Consuls and impose an interdict on the town if the locals did not cooperate with his plans to round up Cathars. The fact that the Consuls' missive enumerated their own troubles and denied charges of heresy should be no surprise. The letter even recounted oaths taken by all parties to pursue heretics, the cooperation established between the count and the universitas of Toulouse, and the success with which heretics were prosecuted. The Consuls added with some pride that they had burned many heretics and had not stopped pursuing their policy despite the arrival of the crusade.\textsuperscript{25} No evidence survives to corroborate these claims. Indeed, given the conflicts in the 1180s, it is unlikely that any such arrangements were ever made or that oaths or alliances ever existed. In those documents that do survive, nowhere is the noun universitas used to describe the kind of association that ostensibly joined the Toulousans in a legally binding community.

The pope accepted the claims of the Catholic Toulousans, but his absolution came at a cost of 1,000 pounds Toulousan. Raising the payment rekindled antagonisms and the legate again excommunicated the


\textsuperscript{25} Ibid., 613.
Consuls. By the summer of 1210, "discords and dissensions" fragmented what the Consuls represented as a hitherto unified population of men and women. Nevertheless, the Consuls insisted that intramural negotiation and divine aid brought unity back to Toulouse just before the crusaders arrived to kill "men, women, and the poor laborers of the land."26 The end of the letter reports the crusaders were successfully repulsed from the city on 29 June 1211.

The Consuls had a vested interest in portraying themselves as the guardians of a unified urban population because they wanted to retain their own authority as governors as well as protect their fellow citizens (concives) from further attacks. The Consuls' admission of earlier conflict among the Toulousans, though surely honest, also served as a useful rhetorical device to portray the Consuls as the driving force behind reunification. Thus the Consuls accentuated their successes and glossed over their defeats in order to gain Peter of Aragon's support. To bolster their claim further, the Consuls defended their orthodoxy by quoting Innocent's letter of absolution (dated 19 June 1211) in their missive to Peter. Innocent, a canon lawyer, spoke of his audience with "the representatives of the Consulate, [their] councilors, and the universitas Tholosa."27 Here is the first surviving reference to the townsfolk of the city as a universitas – a people united, presumably by oath, into a juridically identifiable corporation – rather than a collection of "men, women, and the poor laborers of the land."28

---

26 Ibid., 615.
27 Ibid., 614.

*Proceedings of the Western Society for French History*
Consular documents had not hitherto used *universitas* but referred to some variant of "all the men and women [or sometimes "citizens" (*concives*)] of the city and bourg." Once Innocent's letter introduced the term, the Consuls quickly co-opted it for their letter to Peter of Aragon, and it appeared often during the various negotiations of 1211-1212. As pope and canon lawyer, and initially skeptical of citizens' claims of orthodoxy, Innocent probably simply assumed that the Toulousans constituted such an association, especially if he accepted their claims that they had united with Raymond VI to pursue and to burn heretics. Having been described as members of a *universitas*, the Consuls quickly saw the value of the term to convey a notion of stalwart unity that bypassed distinctions of religious affiliation, economic stratification, or sex.

The Toulousans' adoption of the term *universitas* in 1211 surely marks a conceptual turn from a group of men and women who inhabited the town to a corporate body of citizens who identified themselves by their legal

---

29 The letter opens with the greeting "To his most excellent lord Peter, King of Aragon and Count of Barcelona by the grace of God, the Consuls and their council and the Toulousan *universitas* of the city and suburb greet you." The term was used soon after when the Consuls of 1212-13 swore allegiance "with the consent of the community of the *universitatis* of Toulouse" to Peter in an agreement between the king and the excommunicate Raymond that put Toulouse temporarily under Peter's lordship. The exchange was an effort to keep Toulouse out of the hands of Simon de Montfort while Raymond sought reconciliation with the pope, a reconciliation the *universitas Tholosa* also vowed to seek. The oaths may be found in J.-P. Migne, ed., *Patrologiae Latina*, 221 vols. (Paris: J.-P. Migne, 1844-64), 216: 845-9.
Christopher Gardner

Proceedings of the Western Society for French History

association as much as by their location – at least to judge by the historiographical tradition that accrued around this most modern of medieval cities. But again the Toulousans themselves belie this interpretation, and the crusade carved the types of demarcations the Consuls of 1211 hoped to efface. This is not the venue to outline the history of the crusade generally or the events that befell Toulouse specifically, but of notable importance for our purposes was the fact that the count of Toulouse relinquished his earlier regional alliances to join the crusaders in the summer of 1209. While he did not follow this tactic consistently, it ensured that townsfolk throughout his territories were put in the awkward position of supporting their suzerain by supporting a crusade that threatened to destroy their towns. When Raymond then turned against the crusade, his subjects had to defend their lord while trying to proclaim their own orthodox Catholicism to the crusaders and clerics besieging them. Such maneuvering meant that urban populations suffered terrible but probably temporary blows from the crusaders. The people of Toulouse found their community, which they had worked so hard to reconcile after 1189, again torn over whether and how to support their "rightful lord by God," an invocation of the count often found in the Chanson de la croisade albigeois. The negotiations of 1211-1212 and the use of the term universitas show the difficulties they faced in defending their excommunicated count and ensuring their own survival.

The Toulousans were credited with, or blamed for, killing the head of the crusade, Simon de Montfort, in the summer of 1217 as he tried to fight his way back into the city. Despite the fact that Simon had ordered the walls razed two years earlier, a task undertaken but not completed, and that crusaders fought with Toulousans for
almost a year before Simon's death, physical recovery after 1217 seems to have been fairly swift. Communal solidarity remained elusive, however, and the Consulate again was called to define and to control vengeance. Simon's death obviously did not end the crusade, whose banner was carried by his son, Amaury. Amaury's crusade still had some supporters within the fractured walls of Toulouse. Nevertheless, he soon abandoned the siege that claimed his father. The success of the resistance of Count Raymond's supporters in Toulouse was such that he conferred on the Consulate and "all the men and women of Toulouse" the right to hunt down and exact justice from "any men of our idiom, that is, of our language [i.e. Occitan]" who helped Amaury. The violence Toulousan inflicted upon Toulousan during those bleak years of 1215-1218 included capturing, ransoming, and even hanging, not to mention the robberies and destruction of property to be expected in a civil war. The concession granted after the crusade's retreat in the spring of 1220 allowed reprisals to be carried out whether the accused were warriors/knights (milites) or not, whether they could be captured within Toulouse or not, or whether retribution were carried out against the traitor him- or herself or against his or her descendants (heredes). Toulousans' vitriol toward these enemies within was so potent that retribution could be exacted even if the count or the Consulate subsequently negotiated a peace that ended the divisions. Toulousans no longer called down divine retribution upon enemies of the imagined community, as had been the case in the 1140s.


31 AMT, AA1: 94 (1 Sept. 1220).
In the aftermath of a long and terrible siege, however, one can easily imagine the possibility that "the whole Toulousan population [would] rush over [a supporter of the crusade] with swords and sticks and stones, and all the men will destroy him shamefully." This situation, in which the Consulate gave men and women sanction to carry out their own sentences of retribution in their own time, was potentially explosive. It had not changed significantly six years later when "a great multitude of the good men of the city and suburb of Toulouse came before the Consulate" to demand action against "knights and other men banished from Toulouse" who continued to receive support, lodging, or even sanctuary from their families and friends within Toulouse. The good men demanded that those who offered such support should be punished as well, and the Consulate readily agreed.32 In neither of these cases was religious loyalty a necessary ingredient to define inclusion in this ostensible universitas. Instead, a person simply had to appeal to or accept the response from the Consuls in order to pursue feuds against neighbors, a painfully shattered vision of unity.

In the era in which Toulouse was supposed to have become a united community with a "constitutional government," we find more than a few traces of striking divisions, retributions, and appeals made to Consuls who seemed unaware of the violence within the walls. The divisions do not fall into neat categories of "Toulousans," "knights," "bourgeoisie" (traditionally, those who lived in the medieval burgus), citizens (those who lived in the ancient civitas), criminals, and the like. Even language or religious beliefs were not enough to ensure a united response against the Albigensian crusaders, surely the most

"foreign" threat the townsfolk had ever faced. The violence and the immediate aftermath of the crusade, in other words, were less watersheds in the development of an urban identity than they were particularly violent factors that stirred and bedeviled already murky ideas of community solidarity. Perhaps in acceptance of such ongoing feuds, criminality, and private vengeance, the Consuls only rarely evoked the term *universitas* in the 1220s and 1230s, and it never appears in documents pertaining to an oath either among the Toulousans or between the Toulousans and their count, even though corporate association by oath was the foundation of the term.  

The next time the population was described as a legal whole rather than a collection of "good men (and women)" came on 25 January 1248, when Count Raymond VII stated that the Consulate held possession of the town and the community without limitation, a statement he made as he departed on a crusade that would hasten his death and end the line of "Raymondine" counts who had ruled the county of Toulouse since the late tenth century. There is no doubt that the Consuls dictated the terms of his concession, but even here they did not proclaim the association themselves: they let their doomed suzerain speak of a *universitas Tholosa*. For reasons far beyond the scope of this paper, Consuls began to speak of a *universitas*
Tholosa with greater frequency only in the 1250s and 1260s – a century later than many towns in the region – as they tangled with Raymond's Capetian son-in-law and successor, Prince Alfonse of Poitiers.

The building of a self-conscious urban community could be a slower, more endemically violent, and more flexibly targeted endeavor than historians of medieval cities maintain. Certainly the study of Toulouse has been skewed toward a progressing "modernity," but such a conclusion does not stand up to the documents that its inhabitants wrote. Their documents refer to a collection of good people, even after they were handed a legal term that would have united them or at least advertised the perception of unity. Instead, Toulousans fought over how best to respond to the Albigensian Crusade. They encouraged their town councilors to allow private retribution and noble posses well into the 1220s. They also argued over how much interaction those driven from the town in punishment for crimes could have with their families within the remnants of their walls. What could potentially draw the Toulousans into a juridically definable group was not their ability to present themselves as such but their tendency to appeal to their Consulate to justify, and perhaps to limit, their familial, extra-judicial, "pre-modern" activities. The Consuls, the scions of Toulouse, were no more modern than their fellow inhabitants: the punishment meted out to Toulousans who defied their order of 1226 to stop harboring criminals was a fine of up to 2,000 tiles to be given to the community.35 If a universitas remained elusive, the Consuls had the foresight to try to rebuild the walls ordered razed by Simon de Montfort that might demarcate a Toulousan space from incursions by their adversaries.

35 AMT, AA1: 97.

Proceedings of the Western Society for French History