

Amino dont le texte est annexé à ce rapport. En nous parlant de l'institution de l'asile dans son pays pendant les XV—XIX-ème siècles et les périodes Sengoku (1467—1568) et Edo (1600—1868), il nous permet de faire voir des analogies, en ce que l'essence sacrée de la religion japonaise peut donner des possibilités d'asile même sur des bases spirituelles profondément différentes de celles du christianisme, celui-ci naissant d'un concept de fraternité dans la paix, l'autre du concept shintoïste de la sacralité du réel.

Nous avons vu dans l'essentiel les transformations que les formes de paix ont connues au Moyen Age, de la *pax romana* universelle, dans la loi et dans le droit qui, de l'Etat, va jusqu'au plus humble citoyen, jusqu'aux paix complexes et articulées qui préludent à l'époque moderne et en déterminent les développements futurs.

**SOCIETIES IN SYMBIOSIS :  
THE MUDEJAR-CRUSADER EXPERIMENT  
IN THIRTEENTH-CENTURY MEDITERRANEAN SPAIN**

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I

War follows a few set patterns throughout history, but peace is kaleidoscopic in its structural permutations. Force, even as a work of intellect, has a limited vocabulary; an introverted paroxysm, it ruthlessly simplifies the society embracing it. Harmony and communal progress, though never free of evil or of defensive reaction, hold an infinity of disparate and even dissident elements into dynamic balance, a creative wholeness. The historian, unlike the anthropologist or philosopher, does not deal with these realities as abstractions. Travelling back through the ages, like an astronaut visiting far galaxies, he selects an exemplar society balanced in its special equilibrium and incorporating the circumstances of its unique time and place. To cope with its complexities, he focuses upon a single element or problem, or else confines himself to a manageable time-span.

A fascinating choice is the society of mixed Christian-Muslim communities which took shape in mid-thirteenth century as the Kingdom of Valencia, under the count-king of the confederated realms of Aragon. Insofar as the new kingdom resulted from crusader conquest (1232—1245), and rested upon immigration as a conscious continuation of that crusade, it was a colonialist society. Insofar as it left autonomous and intact, at all but the highest levels, the Almo had province in its institutional, juridical, cultural, and administrative forms, it comprised with the Christians a cooperative dual society. It reflected the immemorial *dhimmī* system for dual societies in Islam, as well as Spanish Reconquest and South Italian traditions of the Christian West. But the demographic weight of the Muslim majority, structural peculiarities of the invading society, and the pattern of inserting settlers on mini-farms made Valencia's experience qualitatively different. The *sharq al-Andalus* here had differed from the rest of al-Andalus even before the crusaders arrived; the crusaders themselves brought a marine-mercantile, count-cum-city sensibility not without analogies and echoes in Islamic Valencia. One may study the resultant kingdom as one model of the Mudejar system (the term designating semi-autonomous Islamic communities within Christian Spanish states), or as a stage of relative *convivencia* separating a bellicose earlier period of European history from the increasingly punitive and intolerant Renaissance era, or simply as a unique social experience.

Mudejar-Christian Valencia finds a mirror in ample documentary resources: chronicles (including the crusader king's autobiography), municipal privileges, settlement charters, a remarkable law code, records from cathedral and Vatican archives, special corporate archives from the array of military, mendicant, ransomer, and other Orders, a royal archives, and disparate parchments of every kind. Arabic sources are sparse to the point of nonexistence for this early period: some poetry, chronicle fragments, a rare document, and comments of later historians like Ibn Khaldūn or al-Maqqarī; but Christian records contain abundant references to Mudejar individuals, communities, and institutions. What makes Valencia unique even in its records is the series of registered charters on every subject, triggered by the acquisition of the Muslims' paper industry at Játiva; these comprise the first monumental use of paper as a bureaucratic tool of government in the Western world. For a decade now, I have been preparing a transcription (often a reconstruction) of Valencia's corpus of over two thousand registered documents under king Jaume, jumbled in notarial scribble and badly holed by the tooth of time.

Historians removed from the medieval Mediterranean, or less aware of the interaction between Islamic and Christian communities there, will be surprised at the scholarship now available both on Valencia and Mudejarism. The appended bibliography suggests something of its extent and flavor. Recent international congresses, respectively on the realms of Aragon under Jaume the Conqueror (Zaragoza), on the kingdom of Valencia (Valencia), and on Mudejar studies (Teruel) have celebrated and focused the scholarly energies now converging in the field. For so rich a topic, in a paper so brief, I shall first present a set of conclusions, and then concentrate for illustrative effect upon particulars visible from the first five hundred registered charters, covering some six years just after mid-century.

## II

Though the conquest was a catastrophe for Spanish Islam, not all consequences were bad. The conquerors made little effort to displace Muslims, despite a contrary rhetoric and despite a measure of exiling and of drift toward North Africa; the Christians mounted a sustained program of importing Muslims, in fact, so as to maximize profits. Crown and church rebuked this, but soon became participants. Muslims still figured prominently in most cities, their *morerías* rarely being wholly exclusive enclaves, and as yet not extramural. Economic exploitation and erosion of legal privileges, increasingly marked during the next century, are not visible yet; comparison of rents and tax schedules shows Muslims and Christians roughly equivalent. The Muslim castellan class served as buffer and bridge with the Christians during these decades; Valencian Mudejar armies helped repel a French invasion; and the Banū 'Īsā continued as a rallying center at Játiva and then at Montesa. The ex-sultan or *wālī* Abū Zayd, who made timely conversion as the baron Vincent and married his children into knightly families, even retained his traditional Islamic titles, costume, and beha-

vioural patterns. Multiple regional treaties guaranteed internal autonomy of each community. Public support of religion continued through the *waqf* foundations; the muezzin cried out from his minaret; the mosque schools, pilgrimage, and *ramadān* remained as before. The *qādī* the *muhtasib*, the aljama council of sheikhs, control of internal taxation, a full network of courts, and Islamic law all stayed in place. Even the landscape kept regional and village boundaries extant at the time of conquest; courts often validated these, and solved jurisdictional problems between Christian overlords by citing as witnesses "the most elderly Moors, of seventy and eighty and ninety years." Daily life went on at baths, *fonduk*, *suq*, craft shop, and fields. There was little effort to convert Muslims, despite Mendicant enthusiasm, since this spelled economic loss for landlords.

On the negative side, the Christian settlers displayed ample hostility toward the Mudejars. This erupted at the end of the Conqueror's reign in great riots or pogroms down the length of the new kingdom. Converts were not well received, and unfriendliness or harassment can be observed. Language divided the two cultures, a fact becoming clearer to scholars despite renewed polemic in favor of a common Romance tongue. Each culture, by its very parallelism, remained monolithic, strong in its native religion, learning, art, behavioral patterns, institutions, jurisprudence, diet, and sensibilities. Shared institutions or points of contact projected out from the protective shell of each interlocked synthesis. Brutal assimilation of one by the other might have been preferable, so that the conquered as a group could have evoked pity or sympathy, rather than hostility as something both alien and strong. Despite their majority numbers, armed strength, and connections with North African allies, the Mudejars could see their strength ebbing in significant ways. The conquerors unconsciously dealt in European terms; they treated the aljama as a "universitas" with its sheikhs as jurate-capitols, for example, and unwittingly elevated its tax-collecting *amin* to executive status. By this address, and by altering the external context of life (governmental, commercial, judicial for appeals, urban appearance, new elites, even the bells in parish churches), the conquerors from the start eroded the cultural boundaries of this Islamic society, deforming it into a Mudejar society. Another curse of autonomy was hope: revolt might restore the past, or North Africa might mount a counter-crusade.

Every peace is a balance; peace in a society of mutually antagonistic cultures is a precarious balance. This peace lasted a lifetime or two, nevertheless, before it manifested serious symptoms of disintegration. Even then, a *modus vivendi* ensued. As a phase or form of general Mudejarism, the early Valencian experience fits into a continuum stretching over several centuries and several countries of the Iberian peninsula. The Valencian model might have lasted longer still, had not the winds of change unsettled the balance. No form of peace is permanent; evolution of each separate element in the synthesis ineluctably alters its dynamics and requires readjustment. The very context of Valencian Mudejarism suffered many such changes: steady increase of royal power; concomitant diminution of the seigneurial, demographic shift as Christian settlement increased, loss of Muslim prominence in the urban centers, a nascent Islam recovering from thirteenth-century disasters

which had toppled its caliphates both in east and west, the post-Black Death social and economic crises, and the growth of inquisitorial force against conscience. Mudejarism of the fourteenth and fifteenth centuries, even allowing for its many regional variations, had become markedly different from that of thirteenth-century Valencia.

Was this form of peace mere parallelism, then, with colonial enclaves tolerated but excluded? Even in Valencia the two societies together comprised a third, a mixed society transcending its component autonomous halves. The two worked together not only symbiotically but by various inner harmonies. This is a form of function different from the bridging already mentioned; that involved the touching peripheries of either carapace, and yielded only an adventitious unity. On what sort of foundations could inner harmonies develop? First, each society had law as its primary intellectual enthusiasm, theological expression, and civil organizing force, with intriguing cross-over influences; Maliki and Roman Law Christian (the *Furs* were the earliest generally-applied Romanized code in Europe) were obviously different, but the analogous similarity is real. Moreover King Jaume, like the Cid, had consciously stepped into the roles of chief *qāḍī* and sultan in judicial appeals. Secondly, western Mediterranean society was relentlessly commercial: kings and sultans, castle barons and *qā'ids*, city notables and religious figures from bishop to *faqīh* enthusiastically engaged in commerce. This orientation and context ran through every class, joining the Maghrib and Western Mediterranean Europe into a trading community; this mutuality increased greatly after the Christian conquest. It constituted a shared atmosphere or sensibility. Thirdly, the affluent or aristocratic classes of either society, whether in the military-commercial castes or the urban patriciate-notable castes, enjoyed life styles which had more in common with each other than with their respective peasantries. The manneristic feudalism of the Christian merchant-knight and the *fāris* chivalry of the affluent Muslim made common ground. It was not unusual for a Catalan knight to seek the hospitality of Muslim hosts in Islamic territories; opposing armies commonly put forth single-combat champions, and conceded to their upper class counterparts a warrior respect. Fourthly, each society was highly technological, the Christian West somewhat more so at the moment; and Valencia was a kind of hydraulic machine, with watermill power requiring sophisticated administration, whoever might hold civil rule.

In cultural matters each society here had more in common than the modern eye readily notes. The intelligentsia in each were so passionately committed to a shared post-Aristotelian metaphysics that the Dominicans now opened their remarkable shools of Arabic for meta-physical-theological dialogue with Muslim intellectuals of Valencia, Murcia, and Tunis; the great Ramon Penyafort, summoning Ramon Martí and Thomas Aquinas to this priority, abandoned Rome for a Barcelona headquarters. To such general areas of fundamental if analogous attunement, multiple zones of contact and concordance can be added: the two peoples met at markets, joined in commercial partnerships, owned neighbouring farms, mingled in ship's crews, lived intermixed in smaller towns and never wholly separated in larger ones, suffered much the same tax schedule, enjoyed much the same enter-

tainments and vices, knew each other well in a Muslim servant and servitor context, shared the same medical profession, tilled their farms and irrigated by much the same techniques, and socially fell in with each other sufficiently to worry ecclesiastical law-makers. For all its faults, and for all its schizoid exclusivism, their mixed society was reasonably successful.

### III

King Jaume can be observed constructing his new society in the details of his largely unpublished registers. Taking his first five hundred charters, we have space only to touch selectively, lightly, and by generality on their riches. The first theme apparent is planning. Here is no wild frontier, but a systematically measured, chartered, bounded, distributed, balanced progression. City planning, tariff and tax planning, industry and public works planning, and all the minutiae of government mechanics attest to this passion for the rational. Peace is seldom a random surprise; its systemic wholeness supposes a measure of foresight and structuring. Midwives to this creation were the bureaucrats; letters of appointment go out to surveyors, land distributors, tax farmers, engineers, minor Muslim officials, and village notaries as well as to royal and civic officials; sometimes a single document reveals or illustrates a category of such functionaries. The soul informing this planning is law, and the products of Bologna are in evidence. A whole class of entries presents the summaries of tangled cases reaching the king on appeal. We also see itinerant justices, a stream of writs and distraints, passport-safeguards, ready access to the royal court by every class, a king under or responsive to the law, suppression of baronial excess, and efforts to control both violent and commercial crime.

Man lives by bread, so the forms of peace in a complex society must rest upon sound money, reasonable taxation, flexible credit operations, wide participation in public finance, and properly controlled banking institutions. These comprise indeed one prescription for the layered peace which alone deserves that name. Registered items show King Jaume reforming his monetary system, licencing a mint to strike his special Valencian reals, supervising banking operations, and defining tax obligations. Especially they show a constant flow of proto-bonds, issued almost like checks to meet current expenses of government or to lure capital deposits into official coffers; their issuance, recall, consolidation, voiding, and assigning (for repayment plus interest) are a major theme of the registers. The system in effect equalized the flow of resources to the king, made capital steadily available against future revenues, and drew consortia of nobles and burghers, of Christians with Muslims or Jews, and even of whole communities (Christian or Muslim) into participatory financing of governmental activity, promoting reciprocal interdependence. A lesser system of local obligations supplemented this for each community, not, excluding labor service on city sewers and citizen response to the church bell for police and fire necessities.

Peace requires responsive administration of common resources. Register items show the crown initiating new stone bridges, extending and improving irrigation networks, rerouting public roads, opening central streets through the Islamic town maze, regulating town butcheries and baths and public ovens, rebuilding a town after an earthquake, franchising hospitals, and arranging the *almodí* or local grain reserve, mills, oil-presses, weight-and-measure stations, and salt distribution. These services were not impersonal, but authorized by an itinerant king constantly on the move over his dominions (with his elaborate court) as visible presence and symbol, a decentralized central government. Assisting him in place was a complex of viceregent, lieutenants above and below the Júcar River, bailiats for taxes, regional "capitals" like Valencia city, Alcira, and Játiva, castellans for each castle-town complex, occasional fiefs, some two dozen communes whose privileges accumulated in their mandated strongboxes, and the local crown-appointed *amin* or *qādī*, multiplied by the dozen.

An extension of this concern for public utilities, public needs, control, and the distribution of power was the intrusion of crown regulation into commerce. Export and internal movement of grain, the lumber industry down the Júcar, and the functioning of fonduks and luxury-goods warehouses all appear in these earliest records. Commerce as a source of crown revenue is even more visible: textile, dye, and paper industries, barbers, bakers, and shoemakers, and the disposition and functioning of workshops.

Medieval religion was even more a concern of government. Tithes, parishes, cemeteries, a confraternity, heresy, apostasy to Islam, conversion to Christianity, Military Orders, Mendicant Orders, Ransomer Orders, and tax exemption put in respective appearances. No single institution so framed the immigrants' lives and ethical concerns as did the church, so this governmental diligence related in an essential way to the construction of a society at peace. Nor did this concern extend to Christian institutions alone. In a more oblique way (since Islamic autonomy had to be respected, and the Christian was an intrusive outsider) the crown protected and kept in being the Muslims' religious institutions, from the *waqf* foundations down to such prosaic details as courtroom oaths taken on the Koran. This aspect of crown activity is documented elsewhere than in our register-bloc; not to expose it here, however, would distort the context of Jaume as responsible for both religions.

Around the whole society a documentation of defence proliferated: castles assigned and garrisoned, castles torn down or replaced or built as new, village defences prepared, measures taken against revolt, feudataries drafted, knight-service or war taxes established, and even war dogs supplied. In an oblique way, many aspects of the total society crop up, from the slave trade to rabbit runs, transhumant flocks, agricultural practice, shipwreck plunder, royal residences, sexual peccadillos, varieties of landscape, varieties of settlers, and royal servants such as physician, falconer, cook, bread-supplier, messenger, and trumpeter.

As with the Jews, the relative autonomy of Valencia's Muslims kept them from appearing too frequently in the registers of charters issued from 1257. At least a tenth of the items nevertheless deal with this inescapable majority. The location, functioning, officials and af-

fluence of their communities are laid out there. Every class from castellan through merchant and craftsman, to intellectual, peasant, and prostitute appears. Their rents, castles, military contingents, water disputes, emigration and immigration, and in great number their names, pass in review. Since this was the period of al-Azraq's revolt, that Mudejar patriot is in evidence. As with Christian society the parallel Mudejar form is clearly visible at many levels, and clearly interacting with the host community.

Though the registers do not speak in isolation, and indeed form only the centerpiece of the documentation exposing and explaining this double society, they do unroll its development in marvellous concatenated detail. No other mediaeval society boasts so abundant a record. Its protagonists, Muslim and Christian, did not consciously elaborate their society as a work of art. Profit, traditions, opportunity, inertia, chance circumstance, legal concepts old and very new, and pragmatic compromise all helped dictate the direction and the range of options. The result turned out to be a society of peace (whatever its attendant strife and shortcomings) unique both in Mudejar history and in the history of Europe.

The distant perspective from which we view the thirteenth century tends to throw its wars and brutalities into relief, a disservice which history eventually does to most centuries. But King Jaume's experiment had real if limited postwar success, which spelled peace for a whole generation of Muslims and Christians. It allowed the conquered to enjoy a measure of dignity and autonomy. And it flowered into a small cosmos of trade and human relations between North Africa and Catalonia (alternating inevitably with wars) whose implications are only now beginning to be studied seriously. As with ourselves that generation made peace a byword and preoccupation; this was the Franciscan century, the moment of Lull's anti-crusade and overtures to Islam, the century of the peace marches in Italy. Such overt peacefulness seems not to have issued in any lasting or structured result. The Valencian experiment suggests that mutual advantage, prosperity, a tradition formed on long experience, and common-sense acceptance of irreconcilable differences are better handmaidens of general peace than religion, political philosophy, or good will.

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## NOTES SUR LA PAIX EN FRANCE PENDANT LA GUERRE DE CENT ANS

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### 1. LE PROBLÈME DE LA PAIX DÉPASSE LA SPHERE DE LA DIPLOMATIE

Indissolublement liée à la guerre, la paix demeura à l'ordre du jour pendant toute l'époque. Il ne s'agissait pas simplement d'un problème ressortissant à la diplomatie, même prise au sens le plus large ; en effet, conclure un traité de paix, signer une trêve ne suffisait pas, il fallait encore en prévoir l'application grâce à un certain nombre de mesures d'ordre militaire. De plus, pour faire cesser l'action illégale des Compagnies menant la guerre sans titre et dépourvues de « chef de guerre », le retour à la paix ne passait pas nécessairement par des négociations mais par l'emploi de la force.

### 2. TEMPS DE PAIX, TEMPS DE GUERRE

L'idéal eût été la distinction tranchée, obvie, rigoureuse, entre un temps de guerre et un temps de paix. Il y a « II manières de tans : li uns de pès et li autres de guerre », écrit Philippe de Beaumanoir à la fin du XIII<sup>e</sup> siècle, dans ses *Coutumes de Beauvaisis*<sup>1</sup>. La même opposition entre temps de paix et temps de guerre se retrouve, à la même époque, dans l'organisation du Parlement<sup>2</sup>. A Bourg-en-Bresse, au XV<sup>e</sup> siècle, lorsque la guerre (ou sa menace) survenait, on abandonnait le registre ordinaire des délibérations municipales et on inscrivait les ordonnances et les décisions militaires sur un registre spécial dénommé *livre de guerre* (*papyrus guerre*)<sup>3</sup>. Mais la réalité coïncidait rarement avec cette distinction théorique. Sans même compter les guerres privées ou les conflits subalternes, il serait plus exact de distinguer quatre temps : le temps de paix, le temps des trêves, le temps des guerres couvertes, le temps des guerres ouvertes. Robert Blondel, par exemple, dans sa

<sup>1</sup> Cité par Ph. Contamine, *Guerre, État et société à la fin du Moyen Age. Etudes sur les armées des rois de France 1337-1494*, Paris et La Haye, 1972, p. 5.

<sup>2</sup> « Il est ordonné que en tens de guerre le roi fera un Parlement en l'an. (...) Il tendra deux Parlements en l'an (...) en tens de paix » (1302 : Ordonnances des rois de France, t. XII, Paris, 1777, p. 353-354).

<sup>3</sup> O. Morel, *L'état de siège à Bourg lors de l'invasion de la Bresse en 1468*, Bourg, 1936, p. 4.