Peace Treaties (Europe, 1000–1500)

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Abstract

Peacemaking was at the heart of medieval politics because, in the absence of international law and organisations, arbitration and mediation were the only mechanisms to settle wars and conflicts between communities. Peace treaties were solemn occasions, and the product of gatherings in 'special places' of the leading lords, churchmen, kings, and even key commoners. Gestures, oaths, speeches, weddings, adoubements, religious paraphernalia, and a conspicuous display of force and wealth expressed the power, social status, and position of the participants. In post-Gregorian Europe, the notion of representation and a first body of principles related to the ius gentium developed to regulate the behaviour of rulers, in line with the divine will and the natural order. Treaties became not simply a personal pact between two rulers, but a formal agreement of commissions that represented two different courts. Systems of hostages, sureties, penalties, witnesses, written charters, and parliamentary ratifications turned treaties into complex instruments to distribute power. Several factors play a role in explaining the enormous changes from the twelfth century onward: the increase in written evidence, the progress of Roman and Canon Law, and the constitution of larger and more institutionalised territorial and political units. In the late Middle Ages, the feudal monarchies were the main beneficiaries of peace treaties oriented towards establishing frontiers, regulating the relationship between monarchs and the strongest territorial families, and forming long-lasting friendships and bonds, in what appears to be the first 'system of kingdoms'.

Keywords: Diplomacy; Peacemaking; Settlement of disputes; Truce; Feuding; Ransom; Hostages; Negotiation; Arbitration; Ambassadors; Envoys; Legacies; Documents; International relations; Sovereignty; Kingdoms

1 Peace treaties and historiography

Peacemaking can be studied from many different perspectives depending on the various disciplines and even on national historiographies: legal and procedural aspects, social and political dimensions, intellectual and religious debates, the relationship between peace and good government, justice, feuding or foreign relations. This contribution focuses on the changes that peace treaties underwent through the high and late Middle Ages.

The nineteenth-century defined 'diplomacy' as the art of conducting negotiations between different states through the intercession of professional diplomats. In the present world, international laws supposedly regulate relations in the international arena and a treaty is currently defined as a formally concluded and ratified agreement between states. The terms apply only partially to the practices and relations between political entities in the Middle Ages. This assertion does not mean that there were no mechanisms for the settlement of disputes and peace negotiations before the advent of the nation-state; nor does it imply that power relations were unformed or underdeveloped. Treaties and emissaries have always existed, from the Chinese to the Persian empires and from the Abbasid caliphate to the European kingdoms. The question is to define their nature, function, and implications at a specific time and society.

Liberal historiography and nineteenth-century legal historians considered medieval treaties to be simply the antecedent of nation-based modern diplomacy. Those early agreements responded to the practices of disorganised political formations that could not systematically sign and enforce pacts. Theorists, propagandists, theologians, and philosophers focused on Christian unity, and they appeared not to have any intellectual concern in regulating real conflicts between the disparate political units. In the 1980s, Social History, Sociology of Law, and Legal and Social Anthropology dug deeply into the meaning of medieval justice to establish the foundations of dispute settlements, alternative modes of conflict processing, informal practices of negotiation, and the emotional dimensions of conflict (Bartlett 1986; Miller 1990; Bossy 2003; White 2005). Specifically, interest developed in the context of the harsh debate of the so-called 'feudal revolution' and the 'feudal anarchy' of eleventh-century France. Arbitration, 'men of peace', violence, trials, ritual, feuding, and kingship, as well as the role of norms and written culture in litigation, became the centre of historiographical debate.

In the early decades of the twenty-first century cultural studies on ethnicity, gender, education, and literacy, as well as historical anthropology, and international relations are informing the analysis of diplomatic practices and renovating a traditional and conservative field (Watkins 2008: 1). Old issues that were considered not to need explanation – such as the development of political representation, creation of resident ambassadors, and the relationship between peace and war – are nowadays the object of thought-provoking research.

Within the field of medieval history, one hindrance in the advance of this subject is the poor dialogue between early and late medievalists. In general terms, the study of conflict resolution pertains to early social and cultural historians, whereas treaties, the development of *formulae* and writs, bureaucracy, officials and their duties, procedures and protocols are the subject of military and political experts of the last two centuries of the Middle Ages. Their objectives, questions, and analysis are very different.

The main characteristic of the international arena in the Middle Ages is that 'interfeudal' relations were established among political units with highly varying social status and constitutions. These units were not consistent territorial structures, and other powers,

predominantly the Church, were able to operate within their boundaries. This dense panorama of actors that sustained multi-directional relations among themselves, evolved into the formation of larger political entities, which are known as the 'feudal monarchies'. This process was not the unintended outcome of war between kings and their lords, but of bargaining among a number of kings and various princes in an 'interfeudal' backdrop (Pascua Echegaray 2008). As a consequence, pacts and treaties, norms and practices, rites and ceremonies should always be explained within their historical, social, and cultural context.

2 Peacemaking and social bonds in the early Middle Ages

Despite the stereotype of the Middle Ages as a time of war, the notion of peace was ubiquitous: the peace of the cloister, town, house, market, kingdom … . It is found everywhere from the charters proclaiming the Peace of God, to the office of Justice of the Peace created by King John 'Lackland', to the Notarial peace contracts of fourteenth-century Florence. Peace was a divine commandment for the time: Christ came to the world to preach peace between Christians and it had to be established; through war if necessary (Kumhera 2017: 23).

The existence of an infinitude of powers in eleventh-century Europe meant that each unit had to weave complex networks of allies. The final aim of that constant activity was to maintain one's personal status among peers, rather than to subordinate and humiliate other lords, because, as is well known, very few of them had the military technology, income, and human resources to unequivocally defeat the others. There were no clear differences between royal treaties and personal pacts, between royal justice and aristocratic feud at that time. Counts, dukes, and kings should be careful not to abuse their power or they might be accused of impiety by their ecclesiastics and outrage their nobility and knights. They needed the recognition of the strongest families that controlled local territories, which is the reason why so frequently enemies were old allies.

Up to the twelfth century, most treaties were oral, as chroniclers' accounts confirm. What the very few that have been preserved indicate is that public gatherings, religious rituals, and speeches were used to structure and define relationships among adversaries, to channel tensions among the elites, and proclaim and have the participants' status accepted. Ceremonials worked as quasi law-enforced pacts as long as they were backed by the appropriate community of high-ranking people and could give rise to a consensus in order to discriminate what was or was not legitimate to do. The signing of peace treaties was the perfect moment to hold conspicuous events and highly ritualised ceremonies. Even today, 'official gestures' in the modern world accompany written agreements. Peace treaties are concluded by public stagings involving two dignitaries, the shaking of hands, the signing of books or documents to validate a pact in front of other leaders, and the involvement of mass media (Vollrath 2004: 181).

In the past, the exchange of gifts, gestures of submission and recognition, as well as solemn rites (*forma solemnis*) brought security: oaths were taken, hostages exchanged, sureties promised, and *osculum pacis* (kiss of peace) was shared between the rulers. When King Henry II of England held Thomas Beckett's stirrup to help him to mount his horse in the peace treaty at Fréteval in July 1170, he was demonstrating his goodwill towards the rebel and exiled archbishop of Canterbury. Symbolic acts were not mere rhetoric or the

irrational practices of backward societies, but meaningful signs that implied power relations (Benham 2011: 100–14).

Attending an assembly to sign a truce or a pact entailed claiming and vindicating one's position, and therefore it was critical to display strength of resources, followers, armies, wealth, supplies, attitudes, and voice tones in front of those who mattered (Benham 2011: 21–50). In an oral culture that lacked other forms of authentication and recording, contenders made their complaints and counter-complaints in public for all to see. Indeed, places mattered. Authorities carefully chose the locations to meet. Trees, riversides, islands, and boats might be appropriate sites where kings could gather, closely watched by laymen, ecclesiastics, and their armies. The location had not only to honour the pact and demonstrate mutual respect between the parties, but also to display that both parties had influence in the area and similar status, and that none could be threatened during the gathering. Kisses also mattered. Monarchs would kiss on the mouth as a sign of peace, understanding and acknowledgement (Vollrath 2004). In pacts, between kings and nobles, the latter usually approached the former but he would always be assured in advance that he would be respected for his status and his decision to be submissive, and never be humiliated in front of his peers. A lord could kiss a king on the hands as a display of tribute, but seldom on the feet, which was typical of a peasant.

The two major informal institutions of the Middle Ages, marriage and vassalage, played an important role in peace treaties throughout the whole period. Both were considered to be 'safe bonds' among families, noble lineages, and crowns. A wedding had the power to halt hostilities, and to redefine rights of inheritance and the heirs to a kingdom. There are countless examples. On 31 August 1158, for instance, King Henry II of England gave his blessing to the marriage of his first son to Margaret, daughter of King Louis VII of France, in order to settle the frontier of the Norman Vexin. In 1229, the regent of France, Blanche of Castile, ended the bloody war against the ruling groups of southern France with the Treaty of Paris. According to this agreement Joan, the daughter of Count Raymond VII of Toulouse, would marry Alphonse, the brother of the future King of France, Louis IX. On 11 November 1137, the monk Ramiro II, King of Aragon, informed his subjects that his kingdom was being given by the hand of his daughter, Princess Petronila, only one year old, to the 23-year-old Count of Barcelona, Ramon Berenguer IV, to whom she was betrothed.

Vassalage was the bond selected in treaties between equal partners such as kings or nobles, and in those between unequal partners such as kings with princes. One of the best known is the vassalage that King William I of Scots had to accept in the adverse Treaty of Falaise (1174) in Normandy, when he was a captive of the King of England. William I had to observe the overlordship of King Henry II, English contingents occupied the main fortresses of Scotland and their upkeep had to be paid for by the Scots, who were also required to recognise York as their metropolitan see. In the Iberian peninsula the predominance of King Alphonse VII (1126–1157) of Castile over other kings and counts was based on the homage paid by the Count of Barcelona, Ramón Berenguer IV, King García Ramírez of Pamplona, Count Alphonse Jordan of Toulouse, and the counts of Cominges, Foix, Montpellier and Urgell at his coronation as emperor in the town of León in 1135, according to the *Chronica Adefonsi Imperatoris*.

Early medieval documentation specifically mentions *nuncii, procurators, legati*, ambassadorial envoys, and mediators. These men were usually the most trusted servants of a king or prince; usually churchmen of his curia, or relatives of the ruler. The precedent for those figures were the legates of the Roman papal chancery and consulate officers such as the

Venetian *bailio*, an official that represented the Republic in its commercial interest in other towns. These early emissaries could be simple couriers who might only carry and translate information among princes; they could not take decisions by themselves, despite were invested with *plena potestas*.

Much of the extant evidence relates to the diplomacy of two political entities with a more developed bureaucracy than Latin Europe: the Byzantine Empire and al-Andalus. Their rulers usually dispatched high-ranking representatives of the bureaucracy to western courts. In exchange, western kingdoms sent to these empires: churchmen, members of the king's own family, and lay lords (who were frequently members of the same family who had the confidence of the ruler and traditionally travelled to a specific destination). This was the case of Liutprand of Cremona whose grandfather and father visited Constantinople in 927 and 942. He was sent there by the King of the Lombards, Berengar II, in 949 and by Otto I of Eastern *Francia* in 968, and to Pope John XII in 963. The monk John of Gorze was sent by the last king to the court of the caliph Abd-ar-Rhaman III of Córdoba in 953 with the purpose of stopping the attacks of Muslim foragers from the port of Fraxinet in Southern France.

3 New forms of diplomacy, ca. 1100 to ca. 1300

The twelfth century brought new forms of political relationships, diplomacy, and more extensively articulated pacts that were drawn up by jurists and legislators (*instrumentum pacis et concordiae*). Legally trained experts transformed substantially traditional practices and rituals into procedures based predominantly on written documents and witnesses, along with a list of specifications and requirements.

The last quarter of the twelfth century represented a turning point in terms of documentation, which was from that time on better preserved, classified, and kept (Stock 1987: 30–55). Formality in acts and the layout of documents both improved. The oral tradition continued to be strong as shown in the preference for swearing oaths in a loud voice, verbal proclamations, and public dissemination. However, peace treaties became solemn documents full of religious references with an infinitude of clauses to regulate every aspect and a specific structure: decorative letters, *chrismon*, long *intitulatio* including the list of territories, civic and religious preambles, authority granted *gratia dei*, seals, high rank witnesses, and invocation of the divine and judicial punishment.

There is a relationship between the expansion of written culture, the increase in the authority of monarchs, and the recovery of the Canon and Roman law. The long-term struggle between the papacy and the Empire during the eleventh and twelfth centuries favoured the emergence of feudal monarchies and autonomous communes in Italy, in parallel with a tremendous development of political thought. The process of internal state building was the outcome of interaction and coalescence between different powers, as peace negotiations played a major part in the passage from medieval parcelised 'suzerainty' to the constitution of territorial monarchies. Kings with the support of their local churches sought to entangle nobility in their pacts, to design borders, to divide up castles and their tenants, designate hostages, and sureties, and eventually define those who were followers and enemies (*adhaerentes et sequaces*).

Clauses detailed punitive actions for the transgressors of pacts, with severe spiritual sanctions including anathema or excommunication, heavy fines, and serious accusations of treachery, malice, or perjury. Safeguard documents (*passagium* or *licentiam transeundi*), for

example, reinforced the entitlement of the king to his kingdom. The right to cross land safely (*salvus et securum conductum in veniendo ad nos… et redeundo*), perhaps with an escort, as well as management of board and lodging (sometimes arranged by the host kingdom), gave kings a lot of crucial information over the mobility of magnates, clerics, and legates.

Each of these developments had consequences for the autonomy of the regional nobility who was obliged to take sides, to respect the royal agreements, and/or to engage in hostilities and controversies. Hence, the lords' opportunities to define their networks of retainers and to operate across kingdoms, was progressively curtailed (Pascua Echegaray 1996). Concurrently, during the harsh confrontation between the temporal and the spiritual power, papal sanctions could undermine kings' bargaining power in the international arena as they could disrupt their bonds with their nobility and launch other kings' armies against dissenting rulers. That was the situation in the case of the Holy Roman emperors, from Henry IV to Frederick II, King John I of England, King Alphonse IX of Castile, and Count Raymond VII of Toulouse, among others.

Experts in Canon and Roman law during this time produced principles that could be applied to the regulation between the various kingdoms and other territorial units. Natural Law, read with Christian moral and ecclesiological precepts, acquired a metaphysical dimension. It appeared as a *facultas*, a moral capacity that should inform the behaviour of the new monarchs as a kind of 'law of nations'. Peace *sociat voluntates* affirmed the lawmaker pope Alexander III in his letter to the English and French kings in 1162. The papal principle *pacta sunt servanda* became a cornerstone of the Roman canonical tradition of the Middle Ages in an attempt to end the internal conflict of Christendom (Bauer 2004: 198–201). This change was more widespread in the Italian communes and the papal chancery, but it was imitated by the main courts.

The legal and theological principles were combined with ideas that stemmed from kinship and feudal notions of fraternity, friendship, trustworthiness, reliance, and fidelity. The representation of the king as a judge (*arbiter, auctor pacis, compositor*) rather than as a warrior reflected the widening of a culture of arbitration. From the work of Gratian to the Decretals of Gregory IX an implicit hierarchy in mediation was created: the pope as a mediator to help resolve conflicts between kings; the royal court to arbitrate between the princes; and, finally, the lords to mediate between their vassals and knights.

A good example of the enlargement of the areas of influence of Christian kings and their political expectations are the treaties in which kings distributed vast tracts of land among themselves. One strong instance is the Capetian-Angevine organisation of the continental frontier of their kingdoms from Normandy to Toulouse from the mid-twelfth century to the end of the so called Hundred Years War. Another case is the division of Navarre (treaties of Carrión, 1140; Tudillén, 1151; and Lérida 1157) and the future conquered land of al-Andalus (treaties of Tudillén, 1151; Cazola, 1179; Almizra, 1244; and Torrellas, 1304) between the kings of Castile and Aragon (Pascua Echegaray 2002–2003).

The remarkable economic growth in these key centuries of the Middle Ages led to a multiplication of all kind of treaties. Commercial and political expansion increased the number of emissaries with procuratorial powers. The Italian maritime republics, Catalonian and Provençal towns, the Hanseatic League, and English and Flemish commercial port cities provide the best examples of dealing with war, peace, and commercial relations all at once. The Treaty of Montreuil finished the trade war initiated in 1270 between England and Flanders that interrupted the supply of English wool to the strong cloth industry of the

latter. It allowed merchants to move freely in both territories and abolished taxes charged on English merchants in Flanders.

There is also evidence of treaties being negotiated secretly. This is the case with the treaty of Speyer (1209), for example, in which Pope Innocent III – in order to obtain the help of the German ruler Otto IV to launch a crusade against the Christian Cathars – consented to the Roman Emperor claiming rights over the Kingdom of Sicily. These secret arrangements were usually disguised by convening courtly feasts or tournaments that justified the invitation of nobles or representatives from other kingdoms. An example of this is the secret negotiations relating to the Treaty of Dovydiškės between the Grand Duke of Lithuania and the Teutonic Knights in 1380, when the latter organised a five-day hunt.

Peace treaties between feudal monarchs to bind or maintain friendship in the twelfth century were often in the form of two identical copies. In the Treaty of Edinburgh (1328), for example, the English recognised the independence of Scotland. They made two copies on a single sheet of the original treaty, written in French. The sheet was cut in half with a wavy line, so that the two copies could be matched together if it was needed to compare the content of the pact in the future.

In the twelfth century, it seems that there existed a diplomacy of 'open meetings' ('vistas reales' as they were called in Castile), according to the chroniclers who described kings and their entourage gathering in special places to negotiate pacts. In June 1183, there was a colloquium between the kings of Leon and Castile in the plain of Paradinas and they established that every year they would meet at a certain place (*certo loco*) to resolve their differences (González 1944, vol.II: Doc.407, 701). Peacemaking between France and England used to take place near the castle of Gisors (Normandy). The chronicler Roger of Hoveden details a significant episode when in 1188 Philip II of France could not reach agreement with Henry II, and so he cut down (*succidit ulmum*) the centenary elm under which they signed their pact, meaning that there could not be any future negotiation (Stubbs, *Chronica*, vol.II: 345).

By the end of the century, the expressions *iurare in anima sua* or *per potestatem* showed innovation in diplomatic practice, based on commissions. These were characteristic of northern Italy, where communes used them as a mechanism to avoid imperial justice: groups of experts and designated men negotiated the details of the pact and committed to solve future problems after having conducted an inquiry (*inquisita veritate*). In fact, delegated power created problems at a time in which social status and political office went hand-in-hand. Most emissaries were interested parties in the matter that they were sent to negotiate and usually they had good relations with the person they transacted with. Moreover, there were complications due to communication difficulties and, as such, it was not easy for the envoys to have fresh briefings with their kings to receive instructions.

The peace treaties of this period, made with the due pomp that the documents required, usually have a preamble that describes friendship, love, and the bonds of kinship that joined the two kings. The documents qualified the agreement with a range of terms such as *amicitia, conventio, placitum, confederatio, convenientia*, or *treuga* (derived from Old German: *treu* > loyal). The word *amicitia* applied primarily to parties with similar sociopolitical status; the rest indicate a pact with explicitly specified rights and commitments.

These treaties have a general purpose: 'to preserve the life, and limbs, and earthly honour of the other against all men to the utmost of his power' (*suo corpore et sua terra*); that is, to give protection to the other party and its allies. Documents were accompanied by mutual oaths in the name of 'God almighty', taken over the Holy Scriptures, and both participants

pledged to curse themselves if they violated the treaty as perjurers. Commissions of bishops, grand masters of military orders, and barons took the oath that the two kings must 'firmly abide by what they shall say'. Witnesses and confirmers gave conferred significance to the pact, and a system of hostages, ransom, and securities guaranteed compliance.

Twelfth century documents made references to *obsides* (more characteristic of northern European treaties), *ostaticus* (more frequent in southern European treaties), or *prisones*. Hostages and sureties were tools to put pressure on the other side to prevent them from breaking the treaty, under the threat of losing 'important men' and possessions. These men usually were kept in the enemies' court or castles until the clauses of the treaty were fulfilled. The possibility of retaining in one's own court the heir (son or nephew) of another king or hosting important lords originating from another kingdom meant endangering the succession of the enemy kingdom and having extra allies and economic resources. It is known that the number of hostages involved in a treaty could be substantial, as in the pact between the Duke of Austria and the Holy Roman Emperor, Henry VI, who promised two hundred hostages in exchange for the life of King Richard the Lionheart of England.

The tenants who guarded the castles given as sureties (*in fidelitate*) had a crucial role (*qui treguas et pacem servarent*). Sometimes they had to work to fulfil the treaty and at other times they had to pay a fine to compensate their counterpart or even surrender their person and fortress to the other king and fight against their own liege lord without suffering prosecution for their decision (*et hoc minus non valeat*). In the year 1101, the Count of Flanders and King Henry I of England concluded a treaty where each part offered six hostages. If the count had breached the agreement, his men would have had to pass to the service of the King of England with a specific number of *milites*, work for the reconciliation of both princes, and pay 1,000 marks of silver as compensation. Had they not paid, they would have had to surrender at the Tower of London. In the treaty of Goulet in 1200, nine prominent English and French barons swore to pass their properties to the king if their lord did not respect the treaty. In the negotiations of 1193, the emissaries committed to surrender themselves to the King of France if the English King, their lord, did not ratify the pact.

The terms of those treaties bound the ruling class of a kingdom with a peculiar ambiguity. On the one hand, lords kept the sureties' castles in the name of their lord or they were given as hostages; clerics usually chaired commissions, witnessed these pledges of friendship, or decided on the penalties; in sum, they were more tightly committed to the royal decisions. On the other hand, the prime position of those groups in the fulfilment of the treaty gave them the chance to work at the service of two kings. Likewise, long stays in other kingdoms could establish bonds, alliances, and friendship between the noble and his captor. This ambiguity partly explains why in the late Middle Ages both kings and nobles increased their power in equal measure.

The period experienced a radical change in the profile of peace treaties and the relationship between powers. The new diplomatic practices, not only established flows of semi-continuous relations between western European kings and courts, but also were spread to other territories that entered into contact with them.

4 Diversification of treaties, ca.1300 to ca.1500

In the late Middle Ages, alliances and conflicts involved groups of realms united by interests, sympathies, or rivalry. For example, in the fourteenth century, France usually backed Scotland against England (*Auld Alliance*, active from 1295 to 1560); France and Castile

worked as allies against Aragon until the wedding of Isabella of Castile and Ferdinand of Aragon in 1469; and an entente between Portugal and England was signed in 1373. The repetitious rhetoric that we can find in the latter treaty is expressive of the character of those general pacts. Kings offered each other and their subjects, perpetual friendship (*amicitias*), alliance (*alligantias*), unions (*adunationes*), good pacts (*confoederationes bonas*), and true love (*et puri amoris foedera*) 'against everybody' (*contra omnes homines*). Both parts proclaimed (*contrahimus, ordinamus, facimus et stabilimus*) to be friends of their friends and enemies of their enemies. The bonds of marriage between most of the royal families of the Western kingdoms turned the 'interfeudal' world into a quasi single family with rather problematic functioning in terms of inheritance rights to the various crowns.

The consolidation of late medieval monarchies and their interaction were accompanied by the growth of royal bureaucracy, and the institutional frameworks and the definition of the territories that they administered. The documentation of pacts was increasingly diversified and grew in number, and lower ranking officials were more frequently trained in Roman and Canon law. It was in the fourteenth century that the term *ambaxador* appeared in Italy (as opposed to 'procurators of private partners'), and by the mid-fifteenth century Italian resident ambassadors were common figures in major European courts. Trade continued to be a central element of the relationships between kingdoms. As a consequence, there were frequent bilateral treaties to safeguard peaceful circulation, to reduce duty fees, and control piracy. The western Mediterranean led to dense documentary exchange between the Italian republics of Genoa and Pisa, the Granada sultanate, and the Kingdom of Aragon on topics that ran from commercial treaties to geopolitical pacts and ransom charts.

Treaties between noblemen also developed as part of a counterattack by the territorial nobility against the power that kings had built up in the twelfth and thirteenth centuries and resulting from the consolidation of lineages on virtually independent territories. Powerful fifteenth-century families were able to attack the throne, reducing the figure of the king to a mere ally of the great noble families in France, England, Aragon, and Castile. These strong families included: in France, the Armagnac, Burgundians and Brittons; in England, the Lancasters and the Yorks; in Castile, the Zúñiga, Alba, Haro, Mendoza, Guzmán, and others. Many of these territorial families, mostly connected with the royal lineage, like for example the Burgundian Valois or the Infantes de Aragón, signed peace treaties on their own behalf. These treaties led kings to declare, from the thirteenth century onwards, that anyone who violated their covenants would be considered a rebel and disobedient and accused of *lèse-majesté*. In this line, there were treaties between kings, lords, and cities who felt damaged by the strategies of their own 'natural lord' or their liege lord. This is the case, for example, of King John of England who, having lost the Angevine territories, signed the treaty of Lambeth (1212) with the counts Renaud I of Dammartin and Boulogne and Ferdinand of Flanders to attack his lord the King of France, Philip II Augustus. They all promised that they would never make a separate peace with the French King. In 1339, in the context of the beginning of what would become the Hundred Years War, Duke John III of Brabant, vassal to the Emperor, and Count Louis of Flanders, vassal to the King of France, Philip VI, sealed a treaty of mutual friendship, good neighbourship, peace, and collaboration; multiple copies of the solemn charter were sealed by both princes and by forty noblemen and the seven major cities of each territory.

A last kind of treaty aimed mainly at establishing the borders either of the western kingdoms or of those of new creation in the east, e.g., the Treaty of Nöteborg (1323), ratified three years later in the Treaty of Novgorod, between Sweden and the Novgorod

Republic, or the Treaty of Melno (1422) that allocated towns and territories between the Teutonic order, the King of Poland, and the Grand Duke of Lithuania. Borders were defined very roughly as areas of influence around castles or regions upon which kings had joint rights, except where geography such as isthmus or rivers defined clear lines.

Apart from those treaties of permanent friendship mentioned above, general declarations of peace became scarcer, whereas treaties abounded that dealt with a specific period of armistice or truce. Royal chroniclers, such as Philippe de Commines for France, Gauberto Fabricio de Vagad for Aragon, or Pedro López de Ayala for Castile, frequently described the complexities of diplomatic contacts. When the ambassadors of two countries had reached satisfactory agreements for both parts, treaties were signed and ratified by kings. Afterwards, they were proclaimed throughout the kingdom, with the news sent to regional and local authorities to make it public. For this reason, the preambles of the treaties of this period explain where the treaty was negotiated, where it was signed, and where and when it was ratified, because all of that could happen in different localities (Meron 1995). Treaties definitively took the form of two separate documents with the articles drawn up in duplicate and each monarch signing his copy, which was delivered to the other king.

Lawyers in the latter centuries of the Middle Ages did not compile any comprehensive survey of civil and Canon law on diplomatic practices. *Tractatus, summae, consilia* (legal opinions), *opera* on the *ius gentium* are among the scattered literature in which can be found commentaries on law of peace resolutions. Baldus' (1327–1400) commentary *De Pace Constantiae* is the first text on the subject; Martinus Garatus wrote a second important treatise with his *De confoederatione, pace et conventionibus principum*. Their main concerns (and both were acquainted with Italian litigation), were to elucidate the rules, norms, and principles that the major powers of Christendom should follow to conclude their arrangements and other topics; such as limits of sovereingty, ambassadors, the application of Roman private Law to public or private agreements, and the features of valid and invalid treaties (Wijffels 2004).

Contemporary jurists and canonists gave preferential treatment to the topics of the crown as the guardian of the territory of the kingdom, the notion of feudal dependence or allodial status of royal power, and the prohibition of transacting titles, land, and honours belonging to the nobility. When pacts involved the 'alienation' of any part of the domain, the assent of Parliament in England, the Estates in France, or *Cortes* in the Iberian Peninsula was required.

The Treaty of London–Paris (1258–59) to resolve the territorial disputes between the Plantagenets and the Capetians, originated in 1202, took two years of negotiations. Five English and two French magnates, accompanied by two archbishops, met in Paris. Oaths were taken by proxy on each king's soul. Louis IX gave a generous settlement to Henry III: the latter renounced all claims on the duchy of Normandy and counties of Anjou, Maine, Touraine, and Poitou, and English continental possessions south of the River Charente were granted to Henry III in exchange of liege homage to the French king for Bordeaux, Bayonne, and Gascony as duke of Aquitaine and peer of France. Louis also recognised Henry's suzerainty over Limousin, Périgord, Guyenne, and over the dioceses of Quercy, Agenais, and Saintonge. The difficulties in defining Plantagenet rights in several regions are evident'. Louis IX also claimed that the king should respect the lords' estates granted with privilege of non-alienation from Philipe II Auguste and the estates of the French king's brother. The distance that separates these settlements from the notion of territorial sovereignty is evident. Henry's brothers and sister renounced of all claims to lands in France, except Eleonor countess of Leicester and wife of Simon of Monfort who resisted and forced the clause to

be withdrawn. The treaty was ratified on 4 December 1259 in Paris in public reading in the presence of the two kings. The English baronial council drew a third version of the text to limit Henry III's actions. This treaty was the result of the position of the English baronage who no longer wished to participate in the continental wars. However, the treaty, in a way, anticipated the Hundred Years War as it re-established a feudal relationship between both kings and opened the door to the participation of the English kings in the French political institutions (Jones 2008).

Parliaments and courts became progressively more important; representatives who were empowered to conduct negotiations, more frequent. In this delicate process, the negotiators themselves frequently took an oath that their rulers would themselves take an oath to ratify the treaty. In 1416, King Henry V of England had the treaty with King Sigismund read before the Commons and the Lords to ratify it. The Treaty of Troyes (1420) sought to make the King of England, Henry V, the heir of France by marriage with the daughter of Charles VI, Catherine of Valois. They expected resistance of his subjects, and as a consequence they made the treaty to be ratified by English and French estates and proclaimed in both countries.

Among the innumerable pacts that were closed in the late Middle Ages, we will focus on the treaty of Brétigny (1360), which can illustrate most of the points that need to be made. The Hundred Years War stimulated innovations in the profile of treaties. In fact the pacts signed by England and France resembled more the treaties of the early Modern states than those concluded by the Holy Roman empire, the Pontificate, or the Italian communes in the high Middle Ages. The Peace of Brétigny was the outcome of the repudiation of the French Estates General of the treaty of London of 1359. In this accord, the King of France, John II (1350–66), had to hand over much of western France to King Edward III of England (1327–77), from Aquitaine to Normandy. This meant virtually restoring the frontiers to the time of King Henry II of England; and on this occasion the territories were moved outside a feudal dependence. Such a detrimental treaty for France was the result of the disaster of the battle of Poitiers (1356) where the French King Jean le Bon, his son Philip, and many nobles were captured by the Black Prince. However, King Edward III's army unexpectedly failed in the sieges of Reims and Paris, and the English King was forced to reopen negotiations.

The Peace of Brétigny was agreed upon and sworn by Edward Prince of Wales (1330–76) and by the dauphin and French regent, Charles (later King Charles V, 1364–80). Article 38 of the treaty provided that the agreement should be approved, sworn upon, and confirmed by the kings personally; who one month later were also to exchange letters of confirmation. Efforts to achieve a clarification of territorial boundaries and a simplification of political dependencies are interesting: the English King would have full power over several specific territories such as Guyenne, Gascony, Poitou, Saintonge, and others, and in exchange he would renounce rights over the Crown of France. The social status of hostages was boosted, as peace pacts and truces were signed between larger powers. In Brétigny, the King of France gave as hostages two of his own sons, Louis I Duke of Anjou and John, Duke of Berry, as well as other nobles, two citizens of Paris, and two important inhabitants from the nineteen towns of the kingdom.

During the Hundred Years War, frequent truces occurred because of the failure of the parties to raise funds and supply troops. Economic insolvency was at the root of the Truce of Espléchin. In 1340, the English held siege at Tournai with good prospects, but the decision of England's Parliament to withhold the funds forced the king to sign a truce with King Philip VI of France for five years.

Neither public acts witnessed by the people, nor the signing of treaties by themselves guaranteed peace. The decision to breach a treaty depended, then and now, on the military, political, and discursive capacity of enforcement of the parties involved. The steady increase in the number of clauses, commissions, people involved in the pact, and the reciprocal mechanisms to arbitrate rarely prevented the disruption of the covenants. Returning to the Peace of Brétigny, as King Edward repeatedly breached the agreement between 1364 and 1369, the French King resorted to the arbitration of the Pope, the Holy Roman Emperor, and of specific commissions. He consulted jurists at the university of Bologna, Montpellier, Toulouse, and Orleans without finding any way to force the English to comply with the pact. Yet, this shows that legal counsel would in the future become more important in the drafting and interpretation of peace treaties. At the turn of the fourteenth century, the scale of diplomacy had expanded and the clauses and exceptions in treaties had become very sophisticated, but peacekeeping was as fragile as ever, as the need to produce a set of norms for managing the affairs of modern states in the arena of international politics will prove in the centuries to come.

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