

Benjámín Borbás

**WAS THERE A CUSTOM OF DISTRIBUTING THE BOOTY IN
THE CRUSADES OF THE THIRTEENTH CENTURY?**

MA Thesis in Late Antique, Medieval and Early Modern Studies

Central European University
Budapest
May 2019

WAS THERE A CUSTOM OF DISTRIBUTING THE BOOTY IN THE CRUSADES OF THE THIRTEENTH CENTURY?

by

Benjámín Borbás

(Hungary)

Thesis submitted to the Department of Medieval Studies,
Central European University, Budapest, in partial fulfillment of the requirements
of the Master of Arts degree in Late Antique, Medieval and Early Modern Studies.

Accepted in conformance with the standards of the CEU.

Chair, Examination Committee

Thesis Supervisor

Examiner

Examiner

Budapest
May 2019

WAS THERE A CUSTOM OF DISTRIBUTING THE BOOTY IN THE CRUSADES OF THE THIRTEENTH CENTURY?

by

Benjámín Borbás

(Hungary)

Thesis submitted to the Department of Medieval Studies,
Central European University, Budapest, in partial fulfillment of the requirements
of the Master of Arts degree in Late Antique, Medieval and Early Modern Studies.

Accepted in conformance with the standards of the CEU.

External Reader

Budapest
May 2019

WAS THERE A CUSTOM OF DISTRIBUTING THE BOOTY IN THE CRUSADES OF THE THIRTEENTH CENTURY?

by

Benjámín Borbás

(Hungary)

Thesis submitted to the Department of Medieval Studies,
Central European University, Budapest, in partial fulfillment of the requirements
of the Master of Arts degree in Late Antique, Medieval and Early Modern Studies.

Accepted in conformance with the standards of the CEU.

External Supervisor

Budapest
May 2019

I, the undersigned, **Benjámín Borbás**, candidate for the MA degree in Late Antique, Medieval and Early Modern Studies, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Budapest, 08 May 2019

Signature

Abstract

This paper summarizes a completely new research on the custom of distributing spoils of war amongst participants during military undertakings in the Holy Land. The investigation is concentrating on the Fifth (1217–1221) and the Seventh crusades (1248–1254) of the thirteenth century. A written acknowledgment recording an agreement between John of Brienne, king of Jerusalem and the Teutonic Knights right after the capture of Damietta (1219) during the Fifth Crusade is the starting point. I will focus on answering whether this acknowledgement recorded an unordinary agreement between the king of Jerusalem and the Order (with the booty being divided fifty-fifty between the two parties) or it fits into the already established customs and statutes in use? The document is compared with contemporary sources reporting undertakings where the Knights were concerned. I will argue that the military strength of a military order and power relations between parties participating in military campaigns can be studied through their sharing in spoils of war.

Acknowledgements

I would first like to thank my thesis advisors, professor József Laszlovszky and associate professor Balázs Nagy of the Department of Medieval Studies at the Central European University.

I would like to thank Eszter Tímár and Zsuzsa Reed, academic writing instructors of the same university for their hard work and for being so helpful. The doors to their offices were always open whenever I ran into a trouble spot or had a question about structuring my thesis and improving its language.

I would also like to thank János B. Szabó (associate research fellow of the Research Centre for the Humanities, Hungarian Academy of Sciences) who was listening to one of my presentation and encouraged me to study this rather neglected field of military history.

I would like to express my special thanks of gratitude to Adrien Quéret-Podesta (PhD.) for translating certain passages of the *Le Livre Des Assises* written in Medieval French. Without him this research could not benefit from this valuable source.

Finally, I must express my very profound gratitude to my parents and family for providing me with unfailing support and continuous encouragement throughout my years of study and through the process of researching and writing this thesis. This accomplishment would not have been possible without them. Thank you.

Table of contents

Introduction.....	5
Chapter 1 - The importance and consequences of just distribution	10
1.1. The integrity of the army	10
1.1.1. Matthew Paris on a quarrel between Frenchmen and Englishmen about booty despoiled from a Saracen caravan (1250).....	12
1.1.2. Matthew Paris on the quarrel and the breach between the Sultan of Egypt and the Khwarazmians after their joint devastating campaign against Christians in the Holy Land. (1246).....	14
1.1.3. Suq Ān and Chekermīsh lead an expedition against the Franks (1104)	16
1.2. Financial consequences - An example on the importance of the booty for the Teutonic Knights.....	17
Chapter 2 - Regulations concerning dividing the booty and treasures	22
2.1. References to existing statutes and regulations in narrative sources	22
2.1.1. Matthew Paris on the capture of the besieged city of Damietta during the Fifth Crusade. (1219).....	23
2.1.2. Matthew Paris on a quarrel between Frenchmen and Englishmen about booty despoiled from a Saracen caravan (1250).....	24
2.1.3. Jean de Joinville on the custom of distributing the spoils of war regarding a dispute between Louis IX, king of France and other crusaders after the second successful siege of Damietta. (1249).....	25
2.2. Contemporary statutes and regulations in legal sources	29
2.2.1. Assizes of Jerusalem	29
2.2.2. Treasures found underground	33
2.3. Preliminary agreements on the booty	35
Chapter 3 – The process of booty distribution.....	42
3.1. Disobedience of soldiers in handing over the booty and their usual punishment.....	42
3.2. Securing and storing the booty: The role of clergy and ecclesiastic institutions.....	45
Conclusion	49
Bibliography	52

Primary sources.....	52
Secondary sources.....	53

Introduction

I, John, by the grace of God the tenth king of the Latins in Jerusalem, acknowledge [...] that when master brother Hermann, and brothers of the Order of the Hospital of the German House of Saint Mary in Jerusalem handed me over half of the gains that they had taken and possessed from the capture of the city of Damietta, I promised and allowed the aforementioned master and brothers that after their handover, it should not be possible to generate any prejudice either towards them, or towards me [...] ¹

The source that roused my interest and opened my eyes to an often-neglected historical phenomenon was this above cited acknowledgment issued by John of Brienne, king of Jerusalem (1210-1225). He issued this document to attest the agreement between him and the headmaster of the Teutonic Order on the occasion of distributing the spoils of war gained through the successful siege of Damietta in 1219. ²

Before moving forward, we should point out four elements which are of great importance in this document regarding our further investigation in the distribution of booty as a historical phenomenon: 1) participants' (despite not being the most powerful ones) share in profits gained in military actions; 2) the preeminent role of the supreme commander of the army who had the

¹ *Ego Iohannes, Dei gratia Latinorum Ierusalem rex decimus, notum facio [...] quod, cum frater Hermandus, magister, et fratres domus hospitalis Sancte Marie Teutonicorum Ierusalem, michi reddidissent medietatem ex lucro quod ex acquisitione civitatis Damiete receperant et habuerant, promisi et concessi predictis magistro et fratribus quod redditio illa nec ipsis nec michi aliquod preiudicium posset generare [...]* Ernest Leroux (ed.), *Archives de l'Orient Latin*, vol. 2. (Paris: Société de l'Orient latin 1884), Documents, 166. According to the dating, this acknowledgement was issued in March 1219, eight months before the final seizure of Damietta in November 1219. Probably, this document was meant to record an agreement over the booties gained in the suburbs or within the outer fortifications of the city. We know that the Teutonic Knights took part in raids against Muslim military camps around the city of Damietta. Milioli, Albert, *Alberti Milioli notarii Regini Liber de temporibus et aetatibus et Cronica Imperatorum*, ed. Holder-Egger, Oswaldus. In *Monumenta Germaniae Historica, Scriptores*. vol. 31. (Hannover: Hahn 1903), 490. An Arab source also confirms that the booty won by the crusaders from the Muslim camp was enormous. Francesco Gabrieli (ed and trans.), *Arab Historians of the Crusades*, trans. E. J. Costello (London: Routledge and Kegan Paul 2009), 153.

² Damietta was a flourishing trading center of the period. As a result of former agreements made with the Sultan, numerous Italian merchants resided in Egypt. The Venetians had a leading role which was strengthened by signing a trading contact with the vice-king in 1208, and even sending their own deputy to the Sultan of Egypt himself. Therefore, Italian city-states hesitated to take part in a military undertaking against North Egypt where their earlier investments promised fruitful results for the future. The significance of Damietta is also revealed by an offer of Sultan Al-Khamil (1218–1238) who would have been willing to hand over Jerusalem to the Crusaders in order to regain control over the rich and strategically more important trading port. With attacking this important city, the goal of the crusading army was to attack the Sultan from behind and to establish a crucial bridge-head on hostile territory for further military operations. Donald J. Kagay and L. J. Andrew Villalon (eds.), *Crusaders, Condottieri, and Cannon. Medieval Warfare in Societies Around the Mediterranean* (Boston-Leiden 2003), 114.

right to also win a share in spoils that had not been gained by him (that is by soldiers directly under his command); 3) the Teutonic Knights' obligation to hand over half of the gaining to the supreme leader of the army; and finally 4) the stressing that this "fifty-fifty" division of profits cannot establish a precedent in further cases, presumably because it went against the customs and the common law.

This thesis aims to summarize the results of a completely new research on an interesting part of the crusade, that is the custom of distributing spoils of war amongst participants during military undertakings in the Holy Land. The phenomenon itself as a consequence of successful medieval military undertakings in general is a rather unexplored part of military history, still waiting for thorough, comparative research.³ This lack of attention on the part of historians is understandable if we are taking into account the major difficulties of researching such a specific field of history. First difficulty, as soon as we start dealing with this topic we will notice, is the scarcity of contemporary sources referring directly or indirectly to this phenomenon. Written narrative sources,⁴ but occasionally statues⁵ and legal agreements⁶ as well, are our greatest help and best guide in this matter. However, their value of these may vary hugely depending on the details or references contemporary authors give us in a text written according to their own intention and not with the purpose of offering clear answers to our questions. And the second is that we must always reckon with the possibility that chroniclers and contemporary documents recorded specific, unordinary cases when the distribution of booty happened contrary to good customs. This means we must be cautious when using these materials as written evidence.

³ For one of the rare examples see an essay of Timothy Reuter who studied the importance of plunder in the Carolingian Empire. Timothy Reuter, "Plunder and Tribute in the Carolingian Empire." *Transactions of the Royal Historical Society* (Fifth Series) 35 (December 1985): 78-94.

⁴ First of all the works of Matthew Paris, James I, king of Aragon, Jean de Joinville and Geoffrey of Villehardouin.

⁵ *The Assizes of Jerusalem* and *The Assizes of the Lusignan Kingdom of Cyprus*.

⁶ Contracts between John of Brienne and the Teutonic Knights.

Due to the scarcity of the sources, historian interested in this topic has to extract telling information from each sources, compare them and make up the whole picture by putting elements of the story together piece by piece. The obvious limit and disadvantage of this method are that the researcher is compelled to ask different questions from different sources written sometimes at a distance of centuries from each other in order to find an explanation to the working mechanism of distributing the booty. The possibility that customs and practice may change over time makes things even more difficult. Thus, I have found it reasonable to start my investigation in the frame of a well-definable territory and period: that is the Fifth (1217–1221) and the Seventh Crusades (1248–1254) of the thirteenth century. Since my main field of interest lies in the military campaigns of the Teutonic Order, as a first step I have tried to collect all the references from sources reporting on these undertakings where the Knights were concerned. Because of the limited nature of sources, it is necessary to also include written sources not directly referring to the Teutonic Orders, but to campaigns these knights were involved in. In this way, I hope to find answers to two different questions at the same time: 1) mechanism of distributing the booty in the crusades and 2) the importance and the consequences of receiving shares from the spoils of war in regard to the development of the military strength of the Teutonic Knights.

In a previous paper, I have already emphasized how crucial the events of the Fifth Crusade proved to be to the development of the Teutonic Order.⁷ Their well-appreciated efforts in military actions as well as in organizing the whole campaign elevated them to the same rank as the Templars and the Hospitallers.⁸ Their participation in the crusader undertaking – requiring enormous sacrifices in terms of human and material resources – was rewarded by numerous

⁷ Benjámín Borbás, “A Német Lovagrend szerepe a 13. század első felének keresztes hadjárataiban” [The role of the Teutonic Order in the crusades of the first half of the thirteenth century], in *Micae Medievales IX.*, eds. Kis Iván, Kozák-Kígyóssy Szabolcs László, Veres Kristóf György, Veszprémy Márton (Budapest: ELTE BTK Történelemtudományi Doktori Iskola, 2019), 39–53.

⁸ Nicholas Edward Morton, *The Teutonic Knights in the Holy Land, 1190–1291* (Woodbridge: The Boydell Press 2009), 38.

papal privileges and strengthened by a multitude of remaining crusaders who joined the Teutonic Order after the Fifth Crusade (1217–1221). The fact that their valiant deeds generated a huge wave of donations made by individual crusaders and monarchs testifies the growing popularity of the Knights, especially amongst nobles of German-speaking territories.⁹

My hypothesis is that the development of the Teutonic Order – especially in terms of military power and their ability to enforce their own interest during campaigns and politics – can be studied through the distribution of booty in the military actions of the Holy Land. But to be able to evaluate the information on the Teutonic Knights gained from scarce sources in this respect, first we have to draw up a wider, general picture of managing spoils of war and their distribution amongst participating parties concerned in the Holy Land. Only thereafter is it possible to put individual cases (and sources referring to them) into a context.

The division of spoils of war gained through the crusades was of great significance because of the chance of laying hands on a huge amount of treasure, and thus of growing rich. If we keep in mind that spoils won by plundering a rich city or taken from the military camp of the defeated enemy hold out a promise of a huge profit even for wealthier rulers or the greater military orders, then we can imagine what a crucial task it was for a newly established military order and its knights to secure for themselves as great a percentage of the booty as possible.

In spite of the value of the quotation at the very beginning of this paper, we must go further to be able to answer the first question about the mechanism of distributing the booty during the crusades. Thus, in the following, it will be necessary to find proper answers to some sub-questions as well. How was the division working in practice and who controlled it? Who had the final word in this matter? How much did it depend on the ability to enforce personal interests? Was there any custom or guiding principle to be followed concerning this issue? By

⁹ Morton, *Teutonic Knights*, 37.

raising these questions we can get closer to the core of the problem: the requirements, importance, and consequences of winning a share in the booty, but also – in certain cases – reasons and consequences of not enjoying/obtaining these advantages.

The structure of the thesis will build up in the following way. In Chapter 1 I will discuss the importance of the booty focusing on the integrity of armies and financial consequences of distribution of spoils. This will be followed by an analysis of contemporary regulations (found in narrative and legal sources) on the division of the booty in Chapter 2. Finally, in Chapter 3, I will turn to the actual process of distribution, and will call attention to similarities as well as to major abuses in connection with handling the booty.

Chapter 1 - The importance and consequences of just distribution

Primary sources reporting on crusades, whether written by Christians or Muslims, often emphasize the importance of the fair distribution of booty in relation with victorious battles.¹⁰ Unfortunately, in most cases we must content ourselves with laconic remarks on this issue, with contemporaries saying little or almost nothing about the details. There are numerous examples for such brief references.¹¹ Although sometimes these sound like topoi, the abundance of these remarks is not by chance. They encapsulate important observations of the past and testify that this issue was regarded as a key question in every era because of the evident material benefits pertaining to it. However, while appreciating the value of these topoi, we should now turn our attention to more talkative sources, since our main interest lies in the details.

1.1. The integrity of the army

During a long military campaign—especially in case of an international undertaking in a foreign land—keeping the integrity of the army is of primary importance. In this respect, the role of army leaders was outstanding. However, one of the most characteristic features of crusading undertakings was of shared leadership, whereby each significant contingent was led

¹⁰ Due to the limits of this thesis, here I will not discuss in detail the issue of booty in Muslim context. For some examples on the importance of booty in Arabic chronicles see: Francesco Gabrieli, *Arab Historians of the Crusades*, 11–12, 23, 40, 115.

¹¹ Ara Edmond Dostourian (transl.), *Armenia and the Crusades. Tenth to Twelfth Centuries. The Chronicle of Matthew of Edessa*. (Lanham: University Press of America 1993), 21, 31, 38, 93, 95, 100. The same is true for Jacques de Vitry whose interest lies rather in ecclesiastical matters. *The history of Jerusalem: A.D. 1180*, by Jacques de Vitry, trans. Aubrey Stewart (London: Palestine Pilgrims' Text Society), 1896. 14, 99, 115, 119. These references are rather general and did not offer too much details on the issue. But the fact that they had become recurrent, sometimes indispensable elements of stories reporting on military events, means that they held great importance for contemporaries.

into battle by their own commander of high prestige.¹² They were expected to join their forces during the current campaign and to cooperate in military actions. Only in rare cases, do we have information about a supreme leader, whose authority was recognized by the sub-leaders of the army. This leadership position could usually be achieved by deploying a significant or, even better, the largest military force taking part in that campaign, but authority—already enjoyed and earned by former diplomatic or military merits—was certainly important.¹³ It seems, for example, that Louis IX of France was the supreme leader during the Seventh Crusade, not least thanks to his army of 15,000-17,000 Frenchmen.¹⁴

Keeping the integrity of the army, even for a recognized supreme commander, proved to be exceedingly difficult far from home, especially in harsh circumstances awaiting the crusaders in Palestine or Egypt.¹⁵ Besides, self-evident difficulties ensuing from climate, natural environment and logistical problems, one major concern of the leader(s) of the army was the balancing act between influential and powerful men in the army.¹⁶ As we will see in the sources, the biggest headache of a supreme commander was being compelled to decide between the interest of the whole army and that of individuals. Princes and nobles of high-rank, pursuing individual interest could certainly cause serious problems during these crusades, but—as we shall see in the case of Louis IX—there are examples when the avarice or selfish interest of the of supreme leader provoked general outcry in the army.¹⁷

¹² John France, *Western Warfare in the Age of the Crusades, 1000–1300* (Taylor & Francis e-Library, 2001), 208–211.

¹³ France, *Western Warfare*, 210; John Gillingham, *Richard the Lionheart* (London: Weidenfeld and Nicholson, 1989), 131.

¹⁴ Jean Richard, *Saint Louis: Crusader King of France*, trans. Jean Birrell (Cambridge: Cambridge University Press 1992), 108.

¹⁵ France, *Western Warfare*, 137, 224; John France, *Victory in the East: A Military History of the First Crusade* (New York: Cambridge University Press 1994), 137, 139.

¹⁶ For the logistics of the crusades till the end of the Fourth Crusade see Alan V. Murray, “The Middle Ground: The Passage of Crusade Armies to the Holy Land by Land and Sea, 1096-1204,” In *A Military History of the Mediterranean Sea: Aspects of War, Diplomacy and Military Elites*, eds. Theotokis Georgios and Yildiz Ayel (Leiden: Brill 2018), 185–201.

¹⁷ Joinville and Villehardouin: *Chronicles of the Crusades*, trans. M. R. B. Shaw (Baltimore: Penguin Books, 1963), 206-207; Malcolm Barber – Keith Bate, *Letters from the East: crusaders, pilgrims and settlers in the 12th-*

After this brief introduction, let us turn our attention to the role of booty in maintaining integrity within the army. In the following, I will use contemporary sources to illustrate the importance of a fair distribution of spoils of war from this point of view, for example, the English chronicler Matthew Paris's account of a quarrel between Englishmen and Frenchmen. Matthew Paris was an English chronicler and hagiographer (born after 1200–died 1259). He entered St. Albans Abbey in 1217. Matthew had close connections to King Henry III as well as to numerous secular and ecclesiastical persons of high rank. His most important work is the *Chronica Majora*, which is a continuation of the world chronicle of Roger Wendover for the years between 1234 and 1259 covering the whole of Europe and the Holy Land. The chronicle which is illustrated by the author's own hands has a narrative that often seems very one-sided and subjective.¹⁸

1.1.1. Matthew Paris on a quarrel between Frenchmen and Englishmen about booty despoiled from a Saracen caravan (1250)

The beginning of the story is highly important from other aspects as well, but the present focus is the question of integrity of the army. To summarize, the story relates how English soldiers under the command of William Longespée, Third Earl of Salisbury, captured a Saracen caravan during the Seventh Crusade and kept the whole treasure for themselves. This provoked a general outcry in the army, especially amongst the French who wanted to have a share in the gains. Finally, they deprived William of the booty thus forcing the latter to make a formal complaint for his losses to the leader of the army, Louis IX of France:

William, therefore, grieved in bitterness of spirit at suffering such an injury, made a heavy complaint to the king in the matter, adding that his brother, the count of Artois, was the head and chief of this violent transgression and robbery. The king, then, with a most pious spirit and look, replied in a low voice, "William, William, the Lord, who is ignorant of nothing, is aware of the injury and harm done to you, and I

13th centuries (London–New York: Routledge 2016), no. 70. (Peter of Coblentz, Marshal of the Teutonic Knights, to Alfonso X, King of Castile (May, 1254)

¹⁸Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 6, 399–400. ('Matthäus Paris')

greatly fear that our pride, together with our other sins, will confound us. **You are aware how serious a thing it would be for me in any way to offend and excite my nobles, in the perilous position in which I now am placed.**"¹⁹ Whilst he was thus speaking, the count of Artois arrived, excited and furious, like a madman, and, without saluting the king, or those sitting round, he raised his voice, and exclaimed in great anger: "What does this mean, my lord king? Do you presume to defend this Englishman, and to oppose your own Frenchmen? **This man, in contempt of you and the whole army, urged by his own impetuosity, has of his own accord clandestinely carried off booty by night, contrary to our decrees;** and owing to this, the fame of him alone, and not of the French king or his people, has spread through all the provinces of the East; he has obscured all our names and titles." On hearing these words, this most Christian king averted his face, and throwing a look on William, said in a mild tone: "**You may now hear, my friend. Thus easily can a quarrel be originated, which God forbid should occur in this army. It is necessary at such a critical time to endure such things with equanimity, and even worse things than these.**"²⁰ To this William replied: "**Therefore, you are not a king, as you cannot justify your people or punish offenders;** although I promise, that if I have offended, I will give every satisfaction for my fault;" and he added, being wounded to the heart by the injury done him: "**Henceforth I serve not such a king, to such a lord I will not adhere;**" and, to the great sorrow of the king, he went away in anger. He then went to Acre, and stayed there several days with his companions in arms, publishing to all who dwelt there the injury he had suffered; whereby he excited the compassion of all, especially the prelates, for himself, and provoked their anger against the French. **Those of experience and understanding, and who were well approved in warlike matters, unhesitatingly foretold that this was a sad presage of future events, and that the heavy anger of the Most High would be provoked by such offences.**²¹

The ever-present danger threatening the integrity of the army became reality with the English lord leaving for Acre, thus weakening the Christian forces just before the decisive battle of Al-Mansurah (February 8-11, 1250).²² Matthew Paris's intention is clear from the last sentence: to put the blame on the French and their king for weakening the (integrity of the) army which ended up in losing the battle at Al-Mansurah and in the failure of the whole crusade. But here the role of the booty is more important, because it sheds light on the fact that chroniclers

¹⁹ Note the concern of the king to balance between different influential powers in the crusading army.

²⁰ Again, Louis is described as a leader whose major concern lies in keeping the army together.

²¹ *Matthew Paris's English History: From the Year 1235 to 1273*, trans. J. A. Giles, vol. 2. (London: Henry G. Bohn, 1853), 354–356.

²² Later, Louis IX recognized the dangers of weakening the crusader army to such an extent, and sent for William who was staying in Acre. He asked him to return and promised him satisfaction for the injuries he had suffered. *Ibid.*, 362 – 363.

regarded booty as important, and that their readers were expected to find the story credible—regardless of the truth behind the event.²³

In this episode Louis is in a rather inconvenient position, expected to maintain order within the army and do justice to those who recognized his authority as the supreme leader during the campaign. On the other hand, he thought—as it is stated openly in the source—to keep the loyalty of his own French soldiers was crucial. Securing the just division of spoils among the troops and protecting the gaining of individuals proved to be incompatible in certain cases. But still, uneasy decisions had to be made from time to time since responsibility lay with the commander in chief. Whether the resolution, for example, removing trouble-makers from the army, served the benefit of the majority and the whole campaign, was often a question that could only be answered in view of the outcome of future events.

Additional sources are available to argue that this story does not represent an individual case: the same issue can be examined in the context of non-Christian armies. They, too, confirm the general importance of a fair division of booty and its role in negotiation between allies. Remaining in the same spatio-temporal frame, the same problem of dividing the booty crops up in a story about a dispute between the enemies of the crusaders.

1.1.2. Matthew Paris on the quarrel and the breach between the Sultan of Egypt and the Khwarazmians after their joint devastating campaign against Christians in the Holy Land. (1246)

At the same time, the detestable Khwarazmians, having completed their evil deeds in the Holy Land, demanded from the Sultan of Babylon urgently and impudently that he should pay them something without questioning and causing any difficulty which had been promised to them and agreed upon for their military labors. **When the said Sultan responded to them boldly and negatively, asserting they had already enriched themselves sufficiently from the spoils of the subdued, the Khwarazmians said that although they had carried away spoils of war, but of the captives they had handed**

²³ The (alleged) circumstances of the death of Richard I the Lionheart are similar. In later centuries it was a widely held opinion amongst English chroniclers that his murder was a direct consequence of a quarrel over the treasure. John Gillingham, "The Unromantic Death of Richard I," In *Speculum* 54, no. 1. (Jan., 1979), 18–41.

over to the sultan the persons of noble birth and those redeemable in exchange for great treasures. And when a quarrel broke out due to these words, all of them (Khwarazmians) receded from the Sultan wrathfully and threatening revenge. ... When the Christians learned about this, they conceived some hope and consolation from the discord of the Saracens and especially from the differences between their (the Christians) enemies.”²⁴

This story again, written by the same Matthew Paris, calls our attention to the importance of the fair distribution of spoils and the sensitive task of balancing between different interests. On the other hand, it is also a telling example for the terrible consequences stemming from an inadequate solution of the problem. Alliances could break up due to improper handling of spoils of war, because unsatisfied military allies could easily turn into enemies when they felt offended or deprived of their just share. There is a further aspect of this kind of dispute between the two parties. The background of the story and the earlier history of the Khwarazmians provide further insight into the complexity of the problem. Depriving them of their just share in the booty was not only a question of prestige for the Khwarazmians, but certainly one of sheer survival. After their state had collapsed in 1220 due to the invasion of the Mongols, many of the Khwarazmian soldiers escaped Mongolian rule and chose to live as mercenaries to sustain themselves. Soon, they were hired by the Sultan of Egypt and were deployed against the crusaders and the population of the Latin East.²⁵ To be able to carry on with their new mercenary lifestyle without any landed property, they had to rely entirely on the booty they

²⁴ *Eisdemque temporibus, detestabiles Chorosmini, completo eorum in Terra Sancta facinore, exigebant a Soldano Babiloniae instanter et proterve, ut quaedam sibi promissa et pacta pro labore suo bellico sibi sine percunctatione ac difficultate persolveret. Quibus cum Soldanus memoratus procaciter ac negative respondisset, asserens ipsos satis ditari ex spoliis devictorum, dixerunt Chorosmini, quod etsi spolia reportassent, tamen personas captivorum nobiles et magnis thesauris redimendos ipsi Soldano presentaverunt. Et cum ex talibus verbis orirentur jurgia, recesserunt omnes ab eodem Soldano in furore et iracundia comminando. ... Quod cum Christiani cognovissent ex Sarracenorum discordia et praecipue ex hostium discrimine qualemqualem spem et consolationem conceperunt.* Matthew, Paris. *Matthaei Parisiensis, monachi Sancti Albani, Chronica Majora. A.D. 1240 to A.D. 1247.* vol. 4, ed. Henry Richards Luard (London: H. G. Bohn, 1877), 537 –538. Author’s translation.

²⁵ Shlomo, “The Battle of La Forbie,” 56–57.

gained during campaigns, occasionally supplemented by ransoms in exchange for prestigious captives.²⁶

1.1.3. Suq Ān and Chekermīsh lead an expedition against the Franks (1104)

The same concern for avoiding the disastrous consequences emerging from disputes over spoils of war occurs in Arabic sources. They too, emphasize the importance of keeping the integrity of their forces by wisely rising above these quarrels. This sheds light on the importance of the issue, and implies that the unfair distribution of the booty caused several problems in past. Ibn al-Athir, describing the encounter between Franks and Muslims at the Battle of Harrān, and its aftermath, mentions that Baldwin II, count of Edessa, was taken prisoner by the soldiers of an emir called Suqmān and was guarded by the latter's tent. Although being his ally, the other emir, Chekermīsh was infuriated because he felt deprived of the possibility of a huge ransom.

The Muslims pretended to retreat, and were followed for about two farsakh²⁷ by the Franks. Then they turned on their pursuers and massacred them. **The Turcoman troops loaded themselves with booty; the loot was immense and very valuable because they were close to the regions under Frankish cultivation.** [...] Bohemond and Tancred, with six knights, escaped to safety. Baldwin of Edessa fled with a group of his counts. They made for the Balīkh, but their horses stuck fast in the mud and they were captured by a band of Suqmān's Turcomans. **Baldwin was taken to their master's tent, but Suqmān had gone off with his company in pursuit of Bohemond. Chekermīsh's troops realized that Suqmān's army had seized the booty from the Frankish camp, while they returned empty-handed, so they said to Chekermīsh; 'What shall we say to our people, or to the Turcomans, if Suqmān's men take all the spoils and we have nothing?'** They persuaded him to seize the Count from Suqmān's tent. When Suqmān returned he was exceedingly angry, and his followers leapt into the saddle and were on the point of setting out in pursuit, but he called them back and said: **'The Muslims will be as dismayed at our quarrel as they were delighted at our reconciliation. I should not want to give the enemy the satisfaction of seeing me give vent to my anger at Islām's expense.'**²⁸

²⁶ Booty included prisoners who could have been ransomed for large amount of money. Indeed, ransom was one of the most important profits of war. Military orders often helped to mediate between Christians and Muslims in order to lay down the conditions of ransoming prisoners. France, *Western Warfare*, 229, 233.

²⁷ Old Arabic measure of length; it is equal to about 5 to 5.5 kilometers.

²⁸ Francesco Gabrieli, *Arab Historians of the Crusades*, 11–12.

In spite of the first reaction of his soldiers, Suqmān managed to stay cool and handle the situation quite well. It seems, that thanks to wise leadership, they succeeded in avoiding the serious consequences seen in connection with the dispute between the Khwarazmians and the Sultan of Egypt.

1.2. Financial consequences - An example on the importance of the booty for the Teutonic Knights

One of the most telling example of the importance of spoil is found in a letter of Peter of Koblenz, marshal of the Teutonic Order. Peter was very active in correspondence with western princes and later also became the castellan of Montfort (headquarter of the Order in the Holy Land) and deputy master.²⁹

Letter of Peter of Koblenz, marshal of the Teutonic Order to the king of Castile and Leon³⁰ regarding the unjust behavior of Louis IX towards the Order. (May 1254)

“[...] May your serene highness know that after the illustrious king of France first landed on Cyprus on his journey to bring aid to the Holy Land, he summoned us into his presence to ask our opinion and support.³¹ Therefore we were right to expect a fitting recompense not only from the enemy but also from him.³² We put all our forces at his disposal and, lest some scandalmongers say we would serve him better if we spoke his language or held possessions or convents under his authority, have spent such a quantity of our resources that not enough remains to give fitting service to God and to him.[...]”³³

Right at the beginning of the letter, Marshal Peter of Koblenz consciously emphasizes the importance of the Teutonic Knights during the campaign. He underlines that they were treated as an important factor from the start, which is best seen in their participation—probably next

²⁹ Morton, *Teutonic Knights*, 106.

³⁰ Alfonso X, king of Castile and Leon (1252–1284), and the king of the Romans (1257–1273) Barber, *Letters from the East*, no. 70.

³¹ Note the involvement of the Teutonic Order in the decision making.

³² Note the expectation of being recompensed by the chief commander of the army with money or booty taken by the enemy.

³³ Barber, *Letters from the East*, no. 70.

to the Templars and the Hospitallers—in the war council under the leadership of Louis IX. It is clear from the argumentation of Peter of Koblenz that he wants to present the order as one of the main losers of the campaign, since it had made huge sacrifices in terms of manpower and finances for the success of the undertaking. The marshal of the Teutonic Knights cannot hide his disappointment in Louis, whom he expected to recompense the order for its losses.³⁴ What is important for the present inquiry is the understanding inherent in this letter that participating parties expected to cover their expenditures from spoils of war. These could either be won by themselves or gained through a re-distribution of the booty under the supervision of the supreme commander.

In the followings, Peter of Koblenz complains in length on the negative consequences of the campaign effecting the Order itself.³⁵

(After the capture of rich Egyptian city of Damietta) [...] The lord king refused to give anything to us or any others of the Christians, despite the fact that we were the previous owner when the city was in Christian hands.³⁶ He claimed everything for himself, saying that it was all his because he was the leader of the army. Many think

³⁴ The same issue often arose after the sieges of rich cities captured during earlier crusades, like in the case of Nicea in 1097. Here the crusaders complained that Byzantine Emperor Alexios (1081–1118) broke the agreement he made with the leaders of the army. “The envoys (of Alexios) were directed to seize as the property of the emperor all the substance of the captives in gold and silver and in furnishings of every kind. To the commanders the monarch sent immense gifts in the hope of gaining their good will ... **But the people and the men of second rank were greatly incensed. They too had worked valiantly in the siege of the city and had expected to repair the loss of their own property by the spoils taken from the prisoners and the rich store of goods found in the city itself. They now saw that their labors were not to receive a satisfactory reward.**” *A history of deeds done beyond the sea*, by William, archbishop of Tyre. Translated and Annotated by Emily Atwater Babcock and A. C. Krey, vol. 1. (New York: Columbia University Press), 1943, 167. Further on it is put clearly, that there was a preliminary agreement between the emperor and the leaders of the crusaders which guaranteed the latter to cover their expenses from the booty. “The leaders likewise consistently maintained that the emperor had acted treacherously in respect to the provisions of the treaty. **For in the clauses of the agreement between them**, this stipulation was said to have been included: namely, that “if, during their entire march to Syria, under the *guidance of God*, they should chance to take any one of the cities which had formerly belonged to his empire, that city with its adjacent dependencies should be restored to the emperor; **but the booty, the spoils, and everything else should be handed over intact to the armies without question, in remuneration for their labor and in payment of expenses.**” William of Tyre, *A history of deeds*, vol. 1, 167.

³⁵ The Teutonic Knights also participated in the lost battle of La Forbie (1244) during the Seventh Crusade. For the consequences of the battle see: Shlomo Lotan, “The Battle of La Forbie (1244) and its Aftermath - Re-examination of the Military Orders Involvement in the Latin Kingdom of Jerusalem in the mid-Thirteenth Century,” *Ordines Militares. Yearbook for the Study of the Military Orders* 17 (2012): 53-67.

³⁶ Unclear reference. It is possible that Peter refers to the custom of donating certain districts of (occupied) cities to military orders for defensive reasons. Adrien J. Boas, *Archaeology of the Military Orders: A Survey of the Urban Centres, Rural Settlements and Castles of the Military Orders in the Latin East (c.1120–1291)* (London–New York: Routledge 2006), 89.

and openly say that the city was subsequently lost by God's correct judgement, just as they had predicted. [...] ³⁷

[...] In this affair we spent for our honour more than we possessed, so as not to appear to lose face, for we had to re-equip at great expense with horses, arms, and other necessities for combat, hoping meanwhile that the business would quickly be finished. [...]

[...] As a result we have incurred such serious debt through the greed of the moneylenders that unless you and other Christian faithful help us, we will have to sell and abandon so much of our patrimony [...] And it is not only we who have fallen into such straits; the Templars and the Hospitallers, both rich and powerful, cannot furnish a third or even a quarter of the service they did previously, and if they did not have large incomes in various parts of the world they would hardly be able to get out of the pit of their debts. We, on the other hand, have nothing in other parts of the world to provide aid for us in the Holy Land, **and since the beginning of the discord between the Church and the Empire we have received nothing from the Teutonic lands.** Indeed, if our brothers in Teutonia could somehow be supported during the wars there, at the most we would have Prussia and Livonia who can scarcely manage to bear the burden. ³⁸ [...] ³⁹

It is worth noting how strikingly the Teutonic Knights' struggle for maintaining their positions in both Prussia and the Holy Land appears already in a source just a few decades after their settlement in the Baltic in the 1230s. This letter reveals that dividing resources, both military and financial ones, proved to be almost impossible in times of crisis when both territories had to face exceptional difficulties. Leaders of the Teutonic Knights soon had to decide whether their businesses in Prussia or in the Holy Land should enjoy priority. Because the Teutonic Order—unlike the Templars or the Hospitallers—could only rely on their limited resources located primarily in Germanic lands, they became very much dependent on the benevolence of secular rulers reigning or campaigning in the Holy Land.⁴⁰ Since supplies sent to Palestine from Teutonic houses located in Germany or Sicily were often ran into logistical or diplomatic difficulties,⁴¹ any kind of income gained directly on the spot, that is on the Holy Land, was essential. In view of these problems we can have a better understanding of the importance of booty for a young, newly established military order, like the Teutonic Knights. Spoils of war,

³⁷ Note the heavenly justification for the unjust behavior of Louis who went against the good customs of distributing the booty.

³⁸ Reference to the consequences of the First Prussian Uprisings (1242–1249).

³⁹ Barber, *Letters from the East*, no. 70.

⁴⁰ Nicholas Morton, *The Medieval Military Orders. 1120–1314*. (Routledge 2013), 80–88.

⁴¹ Morton, *Teutonic Knights*, 103–104, 181–183.

whether money or arms, were indeed a serious question and a necessity for waging war successfully in the future. Taking into account Peter of Koblenz's concerns about losing their horses, arms and armors we can imagine what a painful blow it could have been for them to be deprived of the treasures they had hoped for and found within the walls of Damietta. This could have (at least partially) covered their expenses⁴² and enabled them to rebuild their shattered army. But, as Peter states, the unjust behavior of the supreme commander, Louis IX, and the unfair distribution of the booty not to mention the terrible consequences of the failed crusade, pushed them to the edge of bankruptcy. Thus, they were forced to take out loans and to accumulate massive amounts of debts.

By the letter of Marshal Peter of Koblenz we got an insight into the importance of the booty and the financial consequences of an unjust distribution of it. It is obvious that parties participating in military campaigns expected to receive a certain share from spoils of war and thus – at least – to be recompensed for their expenses and sacrifices. Booty could have been particularly important for military orders in the Holy Land, since many of the most important crusader castles were entrusted to them thanks to their relatively stable financial background. However, the upkeep of these strongholds together with a standing army consumed enormous amount of money. Even the well-organized military orders could not cover their expenses solely from their properties located in the Holy Land, and therefore to a large extent were dependent on supplies sent from Europe. Thus, every kind of income was important, especially

⁴² Less-wealthier lords often counted only upon plundering to sustain their army. Gerold of Luasanne, Patriarch of Jerusalem complained in his letter about the unpreparedness of Frederick II, Holy Roman Emperor (1220–1245). “Since he arrived as an excommunicated, bringing with him barely forty (soldiers), and without money, he was hoping that he would cover his needs from the spoils of the inhabitants of Syria.” Paris, Matthew, *Matthaei Parisiensis, monachi Sancti Albani, Chronica Majora. A.D. 1216 to A.D. 1239.* vol. 3, ed. Henry Richards Luard (London: H. G. Bohn 1876), 179. Author's translation.

spoils of war which promised quick financial aid in such a money-consuming undertaking like the defense of the Holy Land.⁴³

To summarize this chapter, we can conclude the followings. It is visible that fair or unfair distribution of spoils of war was a significant issue, making its appearance in narrative sources and correspondences. What makes this issue even more interesting is that chroniclers also considered it as an important issue worthy for recording for posterity hoping that future generation might learn from the faults of their forefathers.⁴⁴ On the other hand, it is also clear that the question of booty was a question of finances and an act of balancing between individual and general interest. A just and proper way of handling spoils of war was essential since it could have an effect on the integrity of the army. The role of the supreme leader of the army was crucial in this respect, since imprudent decisions easily led to tensions, thus threatening the success of the whole campaign.

⁴³ Judith Bronstein, *The Hospitallers and the Holy Land. Financing the Latin East, 1187–1274* (Woodbridge: The Boydell Press), 2005, 1, 7, 46.

⁴⁴ For the intention of chroniclers to pass on to future generations the experiences of their forefathers see Björn Weiler, “Monastic Historical Culture and the Utility of a Remote Past: The Case of Matthew Paris,” in *How the Past was Used: Historical Cultures, c. 750–2000*, eds. Lambert, Peter and Björn Weiler (Oxford: Oxford University Press, 2017), 116.

Chapter 2 - Regulations concerning dividing the booty and treasures

My primary goal here is to find an answer to whether the acknowledgment of King John I of Brienne on handing over the booty gained by the Knights in Damietta records an unordinary agreement between him and the Order (divided fifty-fifty between the two parties) or it fits into the already established customs and statutes in use. But did such regulations existed at all?

We do have regulations on this specific issue, but, quite surprisingly, historians have not yet explored the possibilities laying in studying these sources. Their pure existence confirms the importance of this question for parties involved in military undertakings. Since, unfortunately, references on spoils of war in statutes are rare, it might be easier to start the investigation with narrative sources. At first, I will present contemporary chronicles containing references to older or still existing statutes. This first section is followed by some of the actual written statutes and laws which came down to us and offer the possibility to receive first-hand information from them. Thus, it also offers the possibility to compare a tradition and perception of law to the actual legal regulations.

2.1. References to existing statutes and regulations in narrative sources

Before looking at the content of the written legal regulations, we should turn our attention to the narrative sources reporting the events of the crusades of the thirteenth century. Unfortunately, we can observe differences between chronicle writers regarding their interest in discussing in detail the fate and importance of booty. For example, Matthew of Edessa mentions the fact of winning booty several times in his work in connection with military

campaigns, but he hardly shows any particular interest in its distribution.⁴⁵ We can only guess whether silence of certain chroniclers on this issue is stemming from their limited information or from their disinterest. Nonetheless, we do have contemporaries who – intendedly or unintendedly – reveal precious details when discussing the aftermath of battles and sieges. Matthew Paris is an English chronicler and hagiographer (after 1200–1259) and one of the most important writers of the period who offers us an insight into the mechanism of spoil division and ideas behind it. Here, I will only cite passages, when Matthew Paris refers to existing statues or customs regulating the further fate of spoils of war.

2.1.1. Matthew Paris on the capture of the besieged city of Damietta during the Fifth Crusade. (1219)

In the city, the Christians found an immense quantity of gold and silver, garments, silks, precious clothes with worldly ornaments, and various goods in great abundance. **It was the general opinion that the spoils taken from the city should be handed over, then divided equally between the victors; this had even been ordered by the legate under penalty of anathema, but the lust of the eyes turned many of them into thieves.** However, they had reserved for the use of the community a large part of the wealth of Egypt: gold and silver, pearls, oranges, golden wires, amulets and precious clothes which were distributed among God's army together with the grain they had found in the city.⁴⁶

This story bears importance for us for different reasons. First of all, this is the closest example to the above cited agreement between John of Brienne and the Teutonic Knights since it refers to the same siege of Damietta. Secondly, it clearly states that in the army there was a widely

⁴⁵ Dostourian, *The Chronicle of Matthew of Edessa*, 21, 31, 38, 93, 95, 100. The same is true for Jacques de Vitry whose interest lies rather in ecclesiastical matters. Jacques de Vitry, *The history of Jerusalem*, 14, 99, 115, 119. Notice only one remark of de Vitry when he use the division of spoils as a metaphor: "Seeing, then, that the clouds dropped fatness at the Lord's bidding, and the Holy Land yielded her fruit, men ran together thither with joy, according to the joy in harvest, and as men rejoice when they divide the spoil." Ibid., 58.

⁴⁶ *Invenerunt autem in civitate fideles auram et argentum multum nimis, pannos, sericos, vestes pretiosas, cum ornatu saeculari, et varia supellectili in abundantia magna valde. In commune juraverunt omnes, quod asportata de civitate spolia Damietta redderentur, inter victores aequaliter dividenda; hoc etiam sub anathemate praeceptum fuit a legato; sed concupiscentia oculorum multos fures fecit. Perceperunt autem ad utilitatem reipublicae magnam partem divitiarum Egypti in auro et argento, perlis, pomis ambrae, filis aureis, philateriis, et pannis pretiosis, quae distributa sunt per exercitum Domini cum annona in civitate reperta.* Matthew Paris, *Chronica Majora*, vol. 3, 55. Author's translation.

acknowledged view on the practice of handling the booty. Moreover, we can read of a regulation declared by the legate throughout the army. In this case, it is difficult to decide whether this order was meant to follow earlier customs or statutes or only meant to confirm the practice and the general opinion. In any case, the leadership of the army – under the direction of cardinal-legate Pelagius⁴⁷ – probably was well aware of the danger of not imparting common soldiers in the treasures of Damietta. Thus, presumably prior to the final assault, they considered it crucial to lay down a policy to be followed when plundering the captured city. They wanted to have control over handling the booty. Nevertheless, the last sentence of the quotation suggests that eventually the majority of the army received their share from the spoils.

2.1.2. Matthew Paris on a quarrel between Frenchmen and Englishmen about booty despoiled from a Saracen caravan (1250)

This story relates how English soldiers under the command of William Longespée, Third Earl of Salisbury, captured a Saracen caravan during the Seventh Crusade and kept the whole treasure for themselves. This provoked a general outcry in the army, especially amongst the French who wanted to have a share in the gaining.

The French, who had remained inactive, and were in great want, stimulated by feelings of envy and avarice, met him (William Longespée), on his arrival, in a hostile way, and, like daring robbers, forcibly took from him all that he had gained, imputing it to him as a sufficient fault, that, in his rash presumption, **contrary to the king's order, and the ordinances of the chiefs of the army, and also to military discipline, he had proudly and foolishly separated from the whole body of the army.** When William heard this, he promised to give them satisfaction in every way, by allowing all the food that he had obtained to be distributed amongst the needy army; but the French cried out against this, claimed it all for themselves, and seized on all of it immediately; thus adding insult to injury.⁴⁸

⁴⁷ Due to the lack of powerful lords whose military skills and authority would have been unquestionable, the legate soon acquired power in the army's leadership. However, his poor decisions contributed to failure of the campaign. France, *Western Warfare*, 208.

⁴⁸ *Matthew Paris's English History*, vol. 2, 354–355.

Here the argumentation of Matthew Paris is worthy of note since he refers to two different kinds of regulations valid for handling spoils of war: military disciplines and direct commandments. By “*disciplina militaria*”, Matthew probably meant well-established customs regulating waging war, and especially applying to those who were expected to keep themselves to chivalric virtues. On the other hand, he also specifically mentions the “*king’s order and the ordinances of the chiefs of the army*”. These references demonstrate that preliminary provisions were made by the leaders before campaigns in order to prevent undesirable consequences stemming from possible quarrels over booty.⁴⁹ The text adds that not following customs and transgressing chivalric virtues could result in serious outcomes disintegrating the army and alienating oneself from one’s fellow-crusaders.

Unfortunately, Matthew does not go into detail, but the following sources reveal more on the possible content and aims of these orders.

2.1.3. Jean de Joinville on the custom of distributing the spoils of war regarding a dispute between Louis IX, king of France and other crusaders after the second successful siege of Damietta. (1249)

Jean de Joinville was French nobleman and author, the seneschal of Champagne (1224[?]-1317) wrote the biography of Louis IX, king of France, one of the most important medieval written evidences of an eyewitness. The book constitutes of two parts, the first of which includes the wise sayings of the king, while the second part deals with the actual reign of the king with a particular emphasis on his crusade to the Holy Land. In spite of their close relationship and the apparent reverence towards Louis, Joinville does not fail to emphasize the negative qualities of the king.⁵⁰ Let Joinville speak:

⁴⁹ See subchapter 2.3.

⁵⁰ Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 5, 620-621. (‘Jean de Joinville’)

But first of all I will tell you how King Louis **summoned his barons and asked them to help him decide how the booty taken in the city should be divided.** The Patriarch⁵¹ was the first to speak.⁵² ‘Your Majesty,’ he said, **‘I think it would be well for you to keep control of the wheat, the barley, and the rice, and whatever is needed to sustain life, so that you may keep the city supplied with food.’**⁵³ I think too that you should have it proclaimed throughout the army that all other goods are to be brought to the legate’s quarters, under pain of excommunication.’ This proposal received general assent. It so happened, however, that the total value of the goods brought to the legate’s quarters amounted to no more than six thousand livres.⁵⁴

After everything had been collected, the king and the barons sent for Jean de Valery,⁵⁵ who was known as a wise and worthy man. ‘My lord of Valery,’ said the king, ‘we are all agreed that the legate should hand over these six thousand livres to you for you to apportion them as you think best.’

Your Majesty does me great honour,’ replied the good man, ‘and I thank you heartily. But, please God, I cannot accept that honour, nor can I carry out your wishes. **For if I did, I should be acting contrary to the good custom of the Holy Land, by which, whenever a city belonging to the enemy is captured the king takes a third of all the goods found in it, and the other Crusaders two thirds. This custom was duly respected by King Jean when he took Damietta,⁵⁶ and also, as old chroniclers tell us, by all the kings of Jerusalem before his day. If then it pleases you to hand over to me the two-thirds of the wheat, the barley, the rice, and the other provisions, I shall gladly undertake to share them out among the Crusaders.’** The king, however, did not decide to do this, and so matters remained where they were; **but many people were displeased that his Majesty had chosen to ignore such a good old custom.**⁵⁷

It seems that Joinville, writing more than thirty years after the agreement concluded between king of Jerusalem and the Teutonic Knights, must have been well-informed about earlier methods of division of spoils at the time of and even before the campaign led by John of Brienne. However, interestingly, the only surviving reference I know of and which reports the same siege of Damietta discussing the issue of booty in detail is the often-mentioned acknowledgement testifying that the Teutonic Knights had handed over to the king half of their

⁵¹ Robert de Nantes, Latin patriarch of Jerusalem (May 15, 1240– June 8 1254). Csernus Sándor, *Jean de Joinville: Szent Lajos élete és bölcs mondásai* [Jean de Joinville: The life and wise saying of Saint Louis] (Budapest: Balassi Kiadó: 2015), 84.

⁵² Note the involvement of barons and the patriarch in the decision making.

⁵³ Note the key concern in securing an adequate food-supply of the city and of the army from the booty.

⁵⁴ In medieval France the *livre* was only used to designate unit of accounts. *Livre* as minted coin did not exist in this period.

⁵⁵ Jean de Valéry, one of the influential Valéry brothers. We can find him taking part in decision making on military and strategic issues. *Joinville and Villehardouin*, 222. He was a member of the temporary Regency Council functioning after the death of Louis IX in Tunis. Csernus, *Jean de Joinville*, 84.

⁵⁶ Reference to John of Brienne, king of Jerusalem, who took part in the previous siege of Damietta (1218–1219).

⁵⁷ *Joinville and Villehardouin*, 206–207.

gaining. Still, it is more reasonable to assume that the two parties were interested in recording an unusual way of handling the booty, which assumption is also strengthened by the last sentence forbidding both parties to “generate any prejudice” in the future from this act. This would not rule out the possibility that contemporaries were quite aware of conventional customs and that Joinville did record the idea of the good custom of dividing the booty. On the contrary, the credibility of Joinville’s remark is supported by scattered references in the works of other authors discussing military events in the Holy Land.⁵⁸

What is more important, however, is that Joinville mentions in his chronicle that the one-third (to the king) – two-third (to the crusaders) rate was already regarded as a good custom during the Fifth Crusade: in the answer given by John of Valery to Louis, Joinville refers to King John of Brienne, who shared with campaign participants the booty gained in Damietta according to this rate.⁵⁹ Moreover, he seems to use the authority of the chronical tradition to support his argumentation. Joinville calls attention to the fact that chroniclers writing earlier than him also recorded this custom and considered it as an important issue crucial to be settled peacefully.⁶⁰ They were well-aware of dangers which would arise from inadequate solutions

⁵⁸ Even an Arab chronicler recorded this proportion discussing the fate of the booty won upon the fall of Tripoli (1109): “The Franks and Genoese agreed each to take a third of the land and booty and to leave a third for Bertrand. As for Baldwin, they put aside from the total a share that would satisfy him.” Francesco Gabrieli, *Arab Historians of the Crusades*, 16.

⁵⁹ Probably John of Brienne received one third of the booty and the rest two thirds were distributed amongst the crusaders. However, it seems that in certain cases participant parties, like the Teutonic Knights, made separate agreements with the king on the booty gained by themselves. The reason behind these contracts might have been that they hoped to receive a larger share from the booty in his way than through the redistribution of spoils handed over by the whole army. For an example see: Ernest Strehlke (ed.), *Tabulae Ordinis Theutonici*. (Berlin: Weidmann 1869), 45.

⁶⁰ Albert of Aachen, chronicler of the First Crusade and of the history of the Latin Kingdom of Jerusalem also recorded that, supposedly, according to the customary division of spoils, one third went to the monarch, while the rest remained in the hands of the army. This booty was collected in a campaign led by King Baldwin I (1100–1118) around 1108. *Rex igitur, his prospere gestis, cum omni manu sua et praeda quam acceperat, regressus est usque ad torrentem Jordanis, Syros confratres et conchristianos e cunctis locis regionis congregans, et ad sexaginta secum adducens propter metum Arabitarum: ubi praeda inter Regem et milites divisa est. Deinde biduo transacto, Rex cum praeda sua, quae illi in tertiam partem juxta divisionem contigerat, Iherusalem ascendit, cui in laetitia et jocunditate universi Christianorum cives et Peregrini occurrerunt.* Aachen, Albert of, *Alberti Aquensis Historia Hierosolymitana*. in *Recueil des Historiens des Croisades: Historiens Occidentaux*. vol. 4. (Paris, 1879), 645. (Capitulum XXXI.) quoted in Alan V. Murray, “The Origin of Money-Fiefs in the Latin Kingdom of Jerusalem”, in *Mercenaries and Paid Men: The Mercenary Identity in the Middle Ages*, ed. John France (Leiden: Brill, 2008), 275–86.

or selfish interest. These chroniclers were writing from experience and noticed that a fair division of booty was partially responsible for securing the army's integrity and, on the whole, the success of military undertakings. These touch on two interesting aspects regarding the transmission of information. Firstly, Joinville read about this custom in earlier works discussing events taking place in the Holy Land. Secondly, by recording these fights on spoils of war and referring to good customs, chroniclers were intent in influencing their future readers, partially in order to avoid the dangerous consequences of disharmony.

All in all, Joinville deploys three different authorities: 1) oral tradition/collective memory (example of King John of Brienne), 2) chronicler tradition (*as old chroniclers tell us*) and 3) the opinion of the army (*many people were displeased*) in defense of the custom that Louis did not respect. Joinville consciously uses the case of John of Brienne in order to give a positive example to IX Louis who did not respect these customs: Louis – despite being counselled not to do so – went against them and retained the whole booty for himself. Louis seems to ignore customs valid for the Holy Land since at least three different sources (Matthew Paris, Peter of Koblenz, Joinville) mention him having serious debates with other participants on the booty. All three authors considered these affairs a very important issue with far-reaching consequences regarding outcome of the campaign.

However, we should not assume that later Louis did not distribute the booty in the army at all. He probably did according to his own please and to the merits of individuals. The problem lay in the way *how* he handled the question: he used his own military superiority over other significant participants and violated good customs in order to achieve certain financial advantages. Thanks to his formidable French army being present in the Holy Land, he could

make bold to surpass well-established practices to the prejudice of such powerful participants like the Teutonic Order.⁶¹

2.2. Contemporary statutes and regulations in legal sources

2.2.1. Assizes of Jerusalem

Regulating the practice of distribution appears in the work of John of Ibelin, commonly known as *The Assizes of Jerusalem*, bearing testimony to the importance of this issue amongst the elite and the ordinary soldiers as well.⁶²

The Assizes of Jerusalem is the usual name for the collection of laws regulating the government and the legal process of the courts of the Kingdom of Jerusalem and the Kingdom of Cyprus. Regarding their topics, *The Assizes of Jerusalem* can be divided into two main parts. The first group discusses matters of Feudal Law which pertained to the Upper Court of Barons (*Haut Cour*). The second group deals with questions of the Common Law and trade which were applied to the Court of Burgesses (*Cour des Bourgeois*). *The Assizes of Jerusalem* were compiled individually by several jurists in the thirteenth century, all of whom wrote their own work in French. Two of the many jurists are well-known: John of Ibelin, count of Jaffa and Ascalon (1215–1266)⁶³ and Philippe de Navarre (around 1200–around 1270)⁶⁴ a Cypriot knight and chronicler. John of Ibelin – whose work I will use in my investigation on the distribution of booty – finished his work (*Livre des Assises de la Cour des Barons*) in the 1260's. It was meant to record the administration of justice and the high-justice over the vassal

⁶¹ Barber, *Letters from the East*, no. 70.

⁶² Hereby, I would like to thank Szabolcs László Kozák-Kígyóssy (PhD. of the Eötvös Loránd University, Budapest) for calling my attention to this source.

⁶³ Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 5, 511. ('Johann von Ibelin')

⁶⁴ Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 6, 2079. ('Philippe von Novara')

in the Kingdom of Jerusalem.⁶⁵ John participated in the Seventh Crusade and also took part in the capture of Damietta in 1249.⁶⁶

John of Ibelin's work deals with the question of booty in three different articles, which follow each other. Discussing issues regarding the ceremonies and obligations of individuals at the time of and following the coronation of the king. These articles prescribe the role and the duties of the seneschal, the marshal and the constable in connection with distributing and handling spoils of war in general as well as in case of interregnum.

[221] On the office of seneschal and the (kind of) things he must do on the king's coronation day and after.

[...] The seneschal must have the part of the booty that will be made in war or in a raid, and which belongs to the king, retained and kept. [...]⁶⁷

[222] On the office of constable and the (kind of) things he must do on the king's coronation day and after.

[...] He must ask the marshal to share the booty when the king or the one that acts as the king will command him to do so, and he can assist in the sharing if it pleases him. [...]⁶⁸

[223] On the office of marshal and the (kind of) things he must do on the king's coronation day and after.

[...] The marshal must share the booty that will be made in war or in a raid at the command of the king, and he must give the part of the king to the seneschal. And the marshal must have all the bicolor big beasts from the booty, and he must have all the horses which will be given back for the disposal of the king for the *restor* (compensation), except those of his retinue. [...]⁶⁹

Before analyzing the content of this articles, it is useful to give short overview on the role of these officials. In general, the two most important military offices (resulting from the scope of

⁶⁵ Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 1, 1124–1125. ('Assisen von Jerusalem')

⁶⁶ Peter W. Edbury, *John of Ibelin and the Kingdom of Jerusalem* (Woodbridge: The Boydell Press 1997), 84–85.

⁶⁷ The following original French texts were translated into English by Adrien Quéret-Podesta (PhD.) **[221] *Ce est assavoir l'office dou seneschal et la devise des choses qu'il est tenus de faire le jor do coronement le roi et après.*** [...] *Dou guaaing que l'on fera en ost ou en cheuauchee, toute la part dou roy le seneschal la doit faire retenir et garder.* [...] Peter W. Edbury (ed.), *John of Ibelin: Le Livre Des Assises* (Leiden–Boston: Brill 2003), 580.

⁶⁸ **[222] *C'est assavoir l'office dou conestable et la devise des choses qu'il est tenus de faire le jor dou coronement le roi et après.*** [...] *Il doit comander au mareschal de partir le guaaing, et quant le roy ou celui qui tenra son leuc le li comandera, et peut estre au partir, se il li plaist.* [...] Ibid., 583.

⁶⁹ **[223] *Ce est assavoir l'office dou mareschal et la devise des choses que il est tenus de faire par son office le jor dou coronement le roy et après.*** [...] *Le guaaing que l'on fera en ost ou en chevauchee le mareschal les doit partir quant il avra le comandement dou roy, et doit faire bailer la partie dou roi au seneschal. Et doit avoir le mareschal toutes les bestes groces qui sont vaires dou guaaing, et doit avoir tos les chevaus rendus qui seront au restor dou roy, sauf ceaus de son ostel.* [...] Ibid., 587.

their duties) were those of the constable and the marshal, while the seneschal was rather entrusted with administering royal revenues and overseeing coronation ceremonies. The constable was the commander-in-chief of the army, and was responsible for recruiting and paying mercenaries as well as performing the role of military judge in martial cases.⁷⁰ Meanwhile, the marshal was subordinated to the constable and was the commander of the mercenaries. He was responsible for the horses and dividing the booty after the battle according to certain rules.⁷¹

After this general overview, let us turn back to the sources. At first glance, we can see that these three officers were the ones who had a decisive role in distributing the booty. Interestingly, the work does not directly mention the role of the king, rather he is present behind commands given by him to the officials and their duties. The tasks of each of the officials are different, however, we can observe an intention for some kind of mutual supervision.⁷² The seneschal is responsible for storing that part of the booty which was set apart for the use of the king.⁷³ The constable seems to be a mediator between the king and the marshal delivering commands of the first to the latter. Being the superior of the marshal, the constable was also free to be present during the distribution if necessary, perhaps to stand for the interest of the king and to oversee the process.

The marshal, on the other hand, seems to be the one who had a decisive role in the actual distribution. Although, he must obey the commands of the king in separating a certain share

⁷⁰ The constable also had the privilege to pick the best fighting men for his retinue after the king chose his own ones. Ian Heath, *Armies and Enemies of the Crusades, 1096–1291* (Wargames Research Group: 1978), 6.

⁷¹ Csernus, *Jean de Joinville*, 366; Heath, *Armies and Enemies of the Crusades*, 5–6.

⁷² This intention could partially be a result of negative experiences on furnishing military officers with too much power. In the Kingdom of France, huge power concentrated in the hands of the *grand-sénéchal* which led to tensions. Therefore, the king decided not to appoint new *grand-sénéchal* after 1191, and the *connétable* became the commander-in-chief of the royal army. The title of the *grand-sénéchal* was in use in the Kingdom of Jerusalem, but we can see that the division of duties contributed to mutual supervision. Ibid., 369.

⁷³ We can find Raoul of Tiberias, seneschal of the Kingdom of Jerusalem amongst the witnesses of the acknowledgment of John of Brienne quoted at the beginning of this paper. Probably, he was also performing the same role during the handing over of the spoils and concluding the contract. Leroux, *Archives de l'Orient Latin*, vol. 2, Documents, 166.

for the use of the ruler, he seems to be responsible for dividing the rest of the spoil amongst the army. Due to the lack of sources on this very issue, we can only guess how this actually happened and how soldiers received the share. Presumably, the marshal assigned a certain portion to the leaders of each contingent according to one's merits and contribution to success, who then distributed it amongst their own followers.⁷⁴ The second part of the passage referring to the duties of the marshal carries interesting addition. He was obliged to hand over fine, one-colour horses, which were allocated to the *restor*. These horses were to be used as compensation for certain soldiers who had lost their steed during the battle fighting for the cause of the king.⁷⁵ It seems that the king decided who deserved to be compensated from these war-horses of the finest quality. The marshal could also keep some of these for the use of his own retinue, while the multicolor horses (those of less value)⁷⁶ were to be distributed amongst the rest of the army. Certainly, we can observe here a conscious distinction between animals of different colors, with multicolor horses being less valuable than plain ones. The idea behind this differentiation was that plain horses were thought to be the best breed ones, while polychrome or spotted horses had lower prestige.⁷⁷

⁷⁴ The similar method can be observed during the campaign of James I of Aragon against the Moors in Mallorca. After conquering the city, the barons and the bishops suggested that there should be a sale auction where the booty and the Moors taken would be sold. However, due the shortage of time King James disagreed and offered another option: "They asked me how I intended to divide the booty? "By gangs or troops, (said I); the Saracens and all their property will be so divided that the army will be content." Translation in *The Chronicle of James I. King Of Aragon, Surnamed The Conqueror*, trans. John Forster, vol. 1 (London: Chapman and Hall, 1883), 176.

⁷⁵ Heath, *Armies and Enemies of the Crusades*, 108–109. The first mention of this *restor* as a practice appears in the work of Usamah, a Muslim noble and poet, citing Tancred speaking to his Frankish knights. "On that same day a large number of footmen had gone out of Shayzar. The Franks made an onslaught on them but did not succeed in dislodging them from their position. This made Tancred angry at them and say, "Ye are my knights, and every one of you receives a stipend equal to the stipends of a hundred Moslems. Those men ye met were sergeants (by which he meant footmen) and ye cannot dislodge them from their position!" They replied, "**Our fear was only for our horses. Otherwise we would have trampled them under our feet and used our lances fully on them.**" Tancred replied, "**The horses are my property. Whosoever of you loses his horse shall have his horse replaced.**" Thereupon they made several charges on our men, in the course of which seventy of their horses were killed, without being able to drive our men out of their position." Philip K. Hitti, *An Arab-Syrian Gentleman And Warrior in The Period of The Crusades: Memoirs of Usama Ibn-Munqidh* (New York: Columbia University Press 1929), 96.

⁷⁶ Spotted horses are usually less valued. This differentiation is still alive in nowadays-Mongolia. Christel Braae, *Among herders of Inner Mongolia: The Haslund-Christensen Collection at the National Museum of Denmark* (Aarhus: Aarhus University Press 2017), 362.

⁷⁷ Michel Pastoureau, *Black: The history of a color* (Princeton: Princeton University Press 2008), 110.

2.2.2. Treasures found underground

At first, it might be weird to discuss the issue of hidden treasures in connection of distributing spoils of war, but it seems that contemporaries did find the question of their fate similar to that of objects won in battle. Such hoards were buried very often during sieges by the defenders,⁷⁸ and finding them meant that it was basically booty, but was kept hidden from the victorious army. Even if these treasures were hidden at much earlier wars, there was a logic that it should belong to the conqueror. This idea is reflected also in terms of numbers: in statutes regulating the fate of treasures buried then found in the ground we encounter the similar proportion of one third-two third to what we have already observed during the handling of booties.⁷⁹

In *The Assizes of Lusignan Kingdom of Cyprus*⁸⁰ two very similar articles touch upon the issue of buried treasures,⁸¹ of which I will use the more detailed one:

Regarding those who discover treasure below the ground, which has been hidden by someone who has died, and to whom this find should belong by law

[...] For everything that is underneath the ground and without a living owner should belong to the ruler of the country by law, because you should know well that everything hidden in the ground is in the ruler's cellar, because it should all belong to the ruler. [...]

Instead, if anyone knows that there is treasure in some place, then let him come before the king, or before his lieutenant on that day, to make it known to him that he wishes to dig at the place where he knows that the treasure exists. The ruler of the country is obliged to grant him permission to dig and to post a guard all around. **Should he, moreover, find that treasure the law decrees that one half of the treasure should go to the ruler of the country, that is to the king, while two equal shares should be made from the**

⁷⁸ Conquerors were aware that besieged population were very likely to have hidden their treasures hoping that at a later date they would have the chance to dig them out again. Thus, victors often forced people to reveal their hiding places as we learn from an account on the fall of Tripoli (1109) captured by the crusaders: "The lives of the governor and his soldiers were spared. ... but the rest of the population was subjected to terrible ordeals ordeals and cruel tortures, its possessions confiscated and its hidden treasures dragged to light." Francesco Gabrieli, *Arab Historians of the Crusades*, 16.

⁷⁹ Joinville and Villehardouin, 206–207; Francesco Gabrieli, *Arab Historians of the Crusades*, 16.

⁸⁰ *The Assizes of Lusignan Kingdom of Cyprus* were originally compiled in Latin Syria during the 1250s. Although their original language was French, later these assizes were translated into Greek and also to Italian to help the work of judges in Cypriot law courts. The collection was meant to collect issues that were to be judged before the Court of Burgesses, and it remained in use for three centuries. Nicholas Coureas (transl.), *The Assizes of the Lusignan Kingdom of Cyprus* (Nicosia: Cyprus Research Centre 2002), 9, 13.

⁸¹ Coureas, *The Assizes of the Lusignan Kingdom of Cyprus*, 207–208, 374–375.

The two articles are very similar by content. Here I would like to use the one which has a title and bring a bit more details on the question.

other half. One share should be given to the owner of the place where the treasure was found, and the other share should be received by the person finding the treasure. If, however, the land belongs to the person unearthing the treasure, then the law judges that two thirds of the treasure should belong to the king, and the remaining third of the treasure should belong to the person finding it on condition that all the expenses undertaken by him in digging and extracting the treasure should be paid for by the king who has received two thirds of the treasure as his share. [...]⁸²

Obviously, the law makes a difference between cases depending on the circumstances of the discovery of the treasure.⁸³ If the treasure was found by a person while he was digging the ground *at home* and he honestly notified the king, the finder should receive one third (33%) of the valuables, with two third (66%) going to the ruler. However, if the treasure was found *out of home*, in a certain place, then 1/2 (50%) should belong to the king with the remaining 1/2 being divided between the finder (25%) and the owner of the land (25%). The argumentation of the law here is also worthy of note: everything hidden in the ground and without a living owner is the property of the king, since the ground is the ruler's cellar. However, larger profit entails greater responsibility: the costs of the excavation works should be covered in the larger part by the ruler proportionally to his share, since he also makes greater use of the treasure found.

For written laws are rare concerning the handling of booties in this period, we can use the case of hidden treasures partially as a kind of analogy for our study on the division of spoils of war. Since usually in both cases both parties are involved (king and subdued) and objects in question (often weapons, jewels, or expensive goods) were the same, we can deduct important consequences by looking into contemporary thinking on the division of disputed, valuable articles.⁸⁴ Spoils of war in certain cases could have been perceived as a sort of hidden treasure:

⁸² Coureas, *The Assizes of the Lusignan Kingdom of Cyprus*, 207–208.

⁸³ Interestingly, the law also discuss the case of treasures whose secret location was revealed to someone in a dream. Coureas, *The Assizes of the Lusignan Kingdom of Cyprus*, 208.

⁸⁴ A further possible solution of handling disputed articles appears in an Arab chronicle. Here we find a reference to an agreement concluded between Christians and Muslims on purchasing spoils robbed by pirates (1283). Although the situation is different, since this agreement rather aimed at eliminating black market, the role of the booty still holds importance for us. Worthy of note that, contrary to goods won in a besieged city, in this case the

lying on or beneath the ground without an owner and thus being disputed between parties taking part in a military action. However, of course, an important difference could not be ignored and disregarded: spoils of war were gained by fight, by force, often through the financial and human sacrifice of parties involved. Thus, the military contribution (valiant deeds or military force deployed on the battlefield) of individuals could not be left out of consideration when deciding on the division of booty. This warns us to use this analogy carefully, but we can observe interesting similarities between contemporary ideas on handling the question of booty and hidden treasures, especially in terms of proportions.

2.3. Preliminary agreements on the booty

In this section, I will argue that preliminary contracts were in use in order to regulate the fate of the expected booty. As sources mentioned previously testify, a just division of the booty often proved to be problematic and abuses were frequent. Therefore, participants occasionally tried to enter into separate contracts with the leader(s) of the crusading army in order to secure themselves a share in the spoils corresponding to their military contribution. There are sporadic hints at these agreements in chronicles, such as the works of Joinville, Villehardouin, James I, King of Aragon and William of Tyre.

One of these references to preliminary contracts occurs in the chronicle of Geoffroy de Villehardouin (born c. 1150 – died c. 1213–1218) who gives a very vivid and detailed account on the capture of Constantinople in the Fourth Crusade (1202–1204).⁸⁵ Geoffroy was the eldest

origin and the identity of the rightful owner did matter. Despite the hostilities between Christians and Muslims, both party were interested in cleaning the sea from pirates. “The bailli of the Commune of Acre and the Grand Masters shall instruct all the other coastal territories under treaty not to permit pirates to take on food or water in their ports, to hold them if they capture them, and in the case of a pirate ship coming to sell its booty they shall detain the brigands until the rightful owner shall come to take back his property. The same conditions shall apply to the Sultan.” Francesco Gabrieli, *Arab Historians of the Crusades*, 197.

⁸⁵ The original intention of the Fourth Crusade was to regain Jerusalem from the Muslims which goal was hoped to be achieved by a preceding successful assault against the Ayyubid Sultanate in Egypt. However, the crusading army faced logistical difficulties when crossing the Adriatic Sea, thus it was forced to ask for the help of the Venetian fleet and to fulfill the demands of the Republic for covering the costs of transportation. Therefore, in

son of a nobleman of Champagne. He had already gained military and arbitrary experience after he became the Marshal of Champagne in 1185. Since he participated in the Fourth Crusade, his work *De la Conquête de Constantinople* (On the Conquest of Constantinople completed around 1207/1208) gives us a first-hand account on the events between 1198 and 1207. After the crusade, Geoffroy remained in the Latin Empire and was appointed as Marshal of 'Romania'. Thanks to his position he had also access to original documents. His work is one of the most important sources on the campaign, with a very accurate and precise chronology. From our point of view it is an especially valuable account, since it was written by a military man who was also interested in issues such as the question of leadership and the division of booty.⁸⁶

As we learn from Villehardouin, the same idea of securing a just share in the booty corresponding to the military contribution of participants lay behind the division of spoils accumulated after the fall of the Constantinople. The dominant role of the French and the Venetians is noted several times in the sources, thus their share in the booty was determined accordingly. To secure their share in the treasures they hoped to win in the city, the leaders of the army made a compromise and laid down the conditions in writing. Before the final capture of Constantinople, the leaders of the army held a council where they agreed on how to conduct the election of the would-be emperor and the division of the spoils after plundering the city:

Whoever was thus elected Emperor would have as his share one quarter of all the booty, whether within the city or without, and would also be given possession of the palaces of Bucoleon and Blachernae. The remaining three-quarters of the booty would be divided into two equal parts, one to be allotted to the Venetians and the other to the French. [...]

This compact was confirmed by oath on the part of French and Venetians alike [...] To complete the compact a final clause was added to the effect that anyone failing to observe its terms would do so on pain of excommunication.⁸⁷

1202, the crusaders first besieged Zara, a commercial rival of Venice and an important city of the Kingdom of Hungary in Dalmatia. This action was followed by the siege and conquer of Constantinople in April 1204 which meant the end of Fourth Crusade.

⁸⁶ Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 8, 1687–1688. ('Gottfried von Villehardouin')

⁸⁷ Joinville and Villehardouin, 88.

In this case, the parties seem to have adhered to the contract since, as the subsequent narrative recounts, after the siege “everything brought to the churches was put together, and divided in equal parts between the French and the Venetians, according to the sworn agreement.”⁸⁸ Naturally, there were thieves in the army who showed no respect for this pact,⁸⁹ but this does not negate the fact that major actors considered it important to secure their share in the spoils by keeping themselves to the agreement. Villehardouin also states that only separate contracts could grant a larger share of the spoils, otherwise the booty was divided equally among the rest of the army.⁹⁰

Making preliminary contracts before launching military expeditions was not a new invention. The phenomenon appears already in the events of the First Crusade (1095–1096), as is revealed by William of Tyre reporting on the dispute between Alexios, Byzantine emperor and the leaders of the crusading army after the siege of Nicea in 1097:

The leaders likewise consistently maintained that the emperor had acted treacherously in respect to the provisions of the treaty. **For in the clauses of the agreement between them**, this stipulation was said to have been included: namely, that “if, during their entire march to Syria, under the guidance of God, they should chance to take any one of the cities which had formerly belonged to his empire, that city with its adjacent dependencies should be restored to the emperor; **but the booty, the spoils, and everything else should be handed over intact to the armies without question, in remuneration for their labor and in payment of expenses.**”⁹¹

Concluding preliminary contracts constituted a part of the negotiations between the king and his powerful vassals. In *The Chronicle of James I King of Aragon* written by the king himself,⁹²

⁸⁸ Ibid., 94.

⁸⁹ Ibid., 94. For a similar abuses see Matthew Paris, *Chronica Majora*, vol. 3, 55.

⁹⁰ Joinville and Villehardouin, 94.

⁹¹ William of Tyre, *A history of deeds*, vol. 1, 167. William often emphasizes and points out instances when the preliminary contract concluded between the leaders of the crusader army and emperor Alexios was violated by the latter. Ibid., footnote 10.

⁹² James I, king of Aragon (born 1208–died 1276), Count of Barcelona, Lord of Montpellier, and king of Mallorca and Valencia. His successful expedition against the Moors in Mallorca (1229/30) meant an important phase of the *Reconquista*. In the following years, James managed to expand his authority over additional territories that previously belong to the Moors by launching further expeditions: Menorca (1232), Ibiza (1235), Valencia (1232–1238). His chronicle, the *Llibre dels fets* (Book of Deeds, completed in 1276) was written by himself and gave a very important, but often subjective account also on the conquest of Mallorca. It is wise to be careful when reading episodes discussing power relations and the question of leadership. The account is especially subjective in terms of James’ relationship with his most powerful vassals. This was partially the result of difficulties stemming from

for example, recounts this type of negotiation going on in the general *Cortes*.⁹³ The barons, the clergy, and the deputies of the cities all participated in the council and were busy making arrangements for the campaign. They had promised to serve the king loyally and each offered a certain number of knights or soldiers to place at the disposal of the king:

After these addresses they asked me to prepare a writing, setting forth the division to be made of the lands I might conquer with their help, as well as of the movables; **and the purport of the writing was, that according to the knights and the armed men, and ships and galleys and vessels, and the equipments in them, I, when the Lord had given us victory, would give to them a share, and to those who went with me, horse and foot, according to the munitions they brought. And that division of the booty would be made as to everything captured in the expedition after the army started;** and so I promised them, on God's faith, that I would keep it without fail; they on the other hand promised that they would serve me well and loyally, and would not put down more men than actually went [to the expedition]. That was the beginning that I made of the crossing to Mallorca.⁹⁴

It is understandable that participants had a vested interest in laying down the conditions before setting out for a costly and dangerous expedition.⁹⁵ In this case, the concept was to give each vassal a certain share of the lands conquered and the spoils gained according to their military strength. Although the principle of proportionality seems to be a fair approach in dealing with the problem of division of spoils, other solutions also existed.⁹⁶

In most of the cases, there are (indirect) references to preliminary contracts, where the author of the chronicle finds it important to discuss the details either because he was interested in the

his long minority, since James was only five years old when his father was killed in the Battle of Muret in 1213, with James being captured. Differences between him and his barons were frequent during his early years and these left their marks on his narrative as well. Robert Aury (ed.), *Lexikon des Mittelalters*, vol. 5, 281–282. ('Jakob I der Eroberer'); France, *Western Warfare*, 143.

⁹³ In the states of medieval Spain, as well as in Portugal and in Sardinia, the assembly of the representatives of the estates was called *Cortes*.

⁹⁴ *The Chronicle of James I. King of Aragon*, 111–112.

⁹⁵ In Italy, the professionalization of war possibly reached the highest degree by the thirteenth century: the large number of mercenaries hired by Italian cities states required elaborating very detailed military contracts (*condotte*). These also regulated the compensation for lost horses (*mendum*), the division of booty, and the treatment and ransom of captives. France, *Western Warfare*, 134; Michael Edward Mallett, *Mercenaries and their masters: warfare in renaissance Italy* (Barnsley: Pen & Sword Military 2009), 20–21.; Waley Daniel, *Condottieri and Condottieri in the thirteenth century*, *Proceedings of the British Academy* 61 (1975): 337–71.

⁹⁶ According to Matthew Paris, crusaders hoped to gain an equal share in the treasure found in Damietta in 1219. "It was the general opinion that the spoils taken from the city should be handed over, then divided equally between the victors." Matthew Paris, *Chronica Majora*, vol. 3, 55.

question of booty, or the episode held importance for future events.⁹⁷ Fortunately, some of these contracts did survive, for example, one which was concluded between the same parties quoted at the beginning of this thesis. Similar to the acknowledgment of John of Brienne, king of Jerusalem on behalf of the Teutonic Knights, this preliminary contract, written only two years later in 1221, was also meant to regulate the division of spoils between the same parties, therefore, it offers an excellent case for comparison.

Be it known to everyone, present or future, that I, John, by the grace of God the tenth king of the Latins in Jerusalem, with the praise and permission of my daughter Isabella,⁹⁸ give, grant, and release in perpetuity as alms for brother Hermann, master of the Order of the Hospital of the German House of Saint Mary in Jerusalem, and his brothers, present and future, for the piety and good fame of them the part, which I would possess from the treasure that the said brothers would win in arms when my men are with them under the royal sign,⁹⁹ in my absence. But I retain for me and for my successors in the Kingdom of Jerusalem the part that I would possess from the treasure, namely the half of all their treasures, which the said brothers would win in arms, in my presence, in villages, in castles, in battlefields, in expeditions or in any other places.¹⁰⁰

Again, the same John of Brienne granted the Teutonic Knights a permission to keep for themselves *all the booty* they would win in expeditions *in the king's absence*. However, they would have to hand over half of the spoils if the king himself was actually present in the expedition.¹⁰¹ It seems that both the acknowledgment issued in 1219 and the privilege given in

⁹⁷ There was a tension between German and Flemish crusaders over the booty in spite of the arrangements they had made previously. Ricardus Osbernus, *De expugnatione Lyxbonensi*, ed. William Stubbs, *Chronicles and Memorials of the Reign of Richard*, vol. 1. (London: Longmans 1864), clxxix–clxxx.

⁹⁸ Isabella II, Queen of Jerusalem (1212–1228), daughter of John of Brienne and Maria of Montferrat. John of Brienne was ruling as a regent, because he had no direct claim to the throne.

⁹⁹ Probably royal standards or coat of arms.

¹⁰⁰ *Notum sit omnibus tam presentibus quam futuris, quod ego Johannes dei gracia Latinorum Ierusalem rex decimus, laude et concessu Ysabellis fille mee, dono et concedo et in perpetuum quitto in helemosinam fratri Hermann magistro domus hospitalis sancte Marie Theutonicorum Ierusalem et fratribus eiusdem domus presentibus et futuris propter religionem et bonam famam eorum partem, quam habeo in lucro, quod faciunt in armis predicti fratres, cum homines mei cum signo regali cum eis sunt me absente; mihi vero et successoribus meis in regno Ierosolimitano retineo partem, quam habeo in lucro, quod faciunt predicti fratres in armis me presente, videlicet medietatem totius lucris sui in villis sive in castris sive in campis sive in expeditionibus sive in quibuscunque aliis locis.* Strehlke, *Tabulae Ordinis Theutonicorum*, 45. Author's translation.

¹⁰¹ It is possible, that the presence or the absence of the monarch during the campaign was a decisive factor in the division of booty. When the king was present, some contemporaries might have also expected the customs and the laws of the Kingdom of Jerusalem to be applied, even if the campaign happened to take place outside the borders of the kingdom and the Holy Land (for example, in the case of Damietta). This could lead to tensions when other powerful lords joined the campaign who were interested in another way of division. The problem could lie there that there was not a clear answer to the question whether the customs and the laws are 'present' through the presence of the king himself (even abroad), or the two should be separated?

1221 ensured a better position for the Teutonic Knights in terms of their share of the spoils of war. While the rest of the army received its share according to the customs, the Knights enjoyed the advantages of their separate contracts.

The importance of these privileges, is clearly reflected in some of the statements put forward earlier. As Joinville records, the customary rate of division, as early as at the time of King John, was one third to the king and to two thirds to the crusaders.¹⁰² But it is important to note that the latter two-thirds of the spoils won in Damietta were probably redistributed among the *whole army*,¹⁰³ meaning that the Teutonic Knights received more from the booty thanks to their separate fifty-fifty agreement with the king in 1219. In the second case, in 1221, the idea of an equal division reappears, compelling the Knights to hand over half of their treasures if the king participates in the campaign. The presence of the king seems to have been decisive in specifying the proportions, since the same rate was mentioned in the 1219 acknowledgment when John of Brienne participated in the siege of Damietta. To summarize, in both cases the Knights enjoyed a better position in terms of their share of the booty. It is interesting that, in spite of John of Brienne's explicit intention stated in the acknowledgment given to the Knights in 1219, the fifty-fifty division of spoils of Damietta did "generate a prejudice" in the future.

We have seen that regulation did exist concerning the division of the booty. Although, most of these are mentioned only in narrative sources, compilers of contemporary legal collection also considered it important to include these topics in their works. These together testify that in the thirteenth century the idea of good custom regarding the division of booty did exist, however, it was not self-evident that soldiers and military leaders respected this tradition. Furthermore, preliminary agreements and privileges offered legal and accepted ways to ignore

¹⁰² Joinville and Villehardouin, 206–207.

¹⁰³ A similar method of distribution was applied for the treasure found in Constantinople in 1204: "The money was allotted in this way: one mounted sergeant received as much as two sergeants on foot, one knight as much as two mounted sergeants. No man, whatever his rank or his personal merits, received a larger amount, except by special arrangement – or unless he happened to steal it." Ibid., 94.

customarily established proportions, thus allowing participants to acquire larger share from the spoils. When we would like to determine what was recognized as a '*good custom*', we have to bear in mind that medieval chroniclers were interested in recording unusual events or episodes they considered important to pass on to future generations.¹⁰⁴ Thus, we are often compelled to reconstruct the idea of '*good custom*' from episodes when established and commonly accepted traditions were challenged or even violated. In spite of these difficulties, we can conclude that contemporaries in the Holy Land were aware of a custom of dividing the booty in the thirteenth-century crusades. As we learn from Joinville, it meant a one third – two thirds proportion, with the first part belonging to the king, and the latter being distributed amongst the rest of the army.

¹⁰⁴ Weiler, "Monastic Historical Culture and the Utility of a Remote Past," 116.

Chapter 3 – The process of booty distribution

In this chapter I will present the whole process of distribution of booty, starting from the accumulation of valuable goods collected from the army, through the piling up and storing of these treasures, until the actual redistribution of the spoils in the army. To achieve this goal, I will summarize and use the results of the previous chapters, but I will also involve additional sources when they are available. Despite the scarcity of sources in this respect, it is still possible to draw up the outlines of the process and to gain an insight into the contemporary ideas of a fair distribution. Since chroniclers were usually interested in recording remarkable and unordinary events, most of the details are revealed in a context of conflicts. Thus, I will present the process of distribution and problems attached to it at the same time.

3.1. Disobedience of soldiers in handing over the booty and their usual punishment

As a first step, the booty had to be collected from the soldiers. As a number of sources testify, it was not an easy task. Several cases demonstrate that soldiers resisted and often hid expensive articles they had acquired for themselves. Matthew Paris's report on the capture of Damietta in 1219 was already cited in Chapter 2: he relates that many crusaders, despising the ordinances and starving for more treasure, did not hand over the booty: "It was the general opinion that the spoils taken from the city should be handed over, then divided equally between the victors; this had even been ordered by the legate under penalty of anathema, **but the lust of the eyes turned many of them into thieves.**"¹⁰⁵

¹⁰⁵ Matthew Paris, *Chronica Majora*, vol. 3, 55.

The disobedience of crusaders during the Fifth Crusade was nothing new. We can read a telling account on the concealment of booty gained in the famous capture of Constantinople by the crusaders in 1204. According to Villehardouin, the enormous amount of spoil drove soldiers out of their senses and made them disobey the strict commands of their leaders. It is worth quoting Villehardouin in length:

The Marquis de Montferrat,¹⁰⁶ commander-in-chief of the army, now issued, on behalf of the barons and the Doge of Venice,¹⁰⁷ a general order to the troops to collect and hand over all the booty, as had been agreed on oath and under pain of excommunication. [...] Each man began to bring in such booty as he had taken. **Some performed this duty conscientiously, others, prompted by covetousness, that never-failing source of all evil, proved less honest. From the very first, those who were prone to this vice began to keep some things back,** and became, in consequence, less pleasing to our Lord.[...]

In this case, when the army's gains in money and kind had been collected **it turned out that the whole amount had not been handed in. There were many, in fact, who had kept things back, undeterred by fear of excommunication by the Pope.**

In cases of theft stern justice was meted out to those proved guilty; **many of these were hanged. The Comte de Saint-Pol hanged one of his own knights, with his shield at his neck, for keeping back certain booty.** There were however many men, of all ranks, who kept things back without ever being found out.¹⁰⁸

The cruel punishment inflicted upon disobedient soldiers, even knights, testifies the importance of the question. First of all, a responsible leader was not supposed to let his soldiers do as they pleased, and certainly could not allow them to disregard his orders.¹⁰⁹ Secondly, for ordinary crusaders the immense treasure found in a large city, especially in a huge metropolis like Constantinople, meant wealth, redress for the pains and loss suffered,

¹⁰⁶ Boniface I, Marquess of Montferrat (1192–1207) was the leader of the Fourth Crusade and later became the king of Thessalonica.

¹⁰⁷ Enrico Dandolo, Doge of Venice (1192–1205).

¹⁰⁸ Joinville and Villehardouin, 94.

¹⁰⁹ The situation was very tense on the occasion of the siege of Tyre, when common soldiers were interested in plundering and tried to contravene the will of military leaders had agreed with the enemy on the conditions of capitulation. "But the common people and those of the second rank among the Christians, on learning the character of the negotiations which the barons were considering, became very angry that the city should be surrendered on such terms, for, **in that case, they would be deprived of the plunder and spoils which would fall to their lot were the place taken by force. Accordingly, utterly disagreeing with the wishes of their superiors, they unanimously determined to seize upon the results of their labors under the necessity of war.** The saner will of the more prominent men finally prevailed, however; the city was taken over and an opportunity of leaving without hindrance was given to the townspeople, as provided in the pact." William of Tyre, *A history of deeds*, vol. 2, 19.

and hope for a better life. A leader who could not secure material compensation for his warriors would soon find it impossible to motivate them.¹¹⁰ In the worst case he could also lose control over his own army as seen in the case of Louis IX who was abandoned by the English Lord William Longespée after the latter had been deprived of the booty he managed to collect.¹¹¹ For this, a wise commander had to ensure that each soldier partook of the treasures they had won together, and to punish those who threatened the integrity of the army by transgressing orders.

It seems that the usual punishment of soldiers who had stolen from the booty was hanging as can be seen in *The Chronicle of James I of King of Aragon*. The king threatened disobedient warriors and the people of the town with the same fate: “I would have you know that henceforth it will not be born; I will first hang so many of you in the streets that the town will stink of them.”¹¹²

Along with the aforementioned similarities between handling hidden treasures and of booty, the punishment imposed on those who dared to contravene the will of the ruler was also alike: both were considered as a commit of theft. In *The Assizes of Lusignan Kingdom of Cyprus* it is stated clearly that

[...] Should it happen by some chance that a person discovers treasure below the ground [...] which he then takes away and hides without making the fact known to his lord, that is to say to the king, or to the ruler of the country, the law decrees that the person or persons who wish to do this **have committed theft within the treasury of the king**, [...]

¹¹⁰ Note the key concern of James I of Aragon in pacifying their soldiers by securing them their just share in the booty gained in the city of Palma, capital of Mallorca. After threatening the disobedient soldiers and townspeople with hanging, he managed to stop the uncontrolled plundering in the city: “When they heard those good words I uttered, they came to their senses, and stopped the mischief they had begun; but I did not give courage to the Bishops and to the Provost so that they dared leave the Almudaina in all that day, till the people were pacified; and I told them that I would make a reckoning, and give them their share. At night, when the people were quiet, they went away, each one to his house.” *The Chronicle of James I*, 179–180.

¹¹¹ *Matthew Paris's English History*, vol. 2, 354–356.

¹¹² *The Chronicle of James I. King of Aragon*, 179.

Everything in his possession, moreover, should belong to the king for evermore, and **he himself should be hanged.**¹¹³

Hiding expensive goods found underground was considered as theft within the royal treasury. Stealing from the booty and withholding articles instead of handing them over were both deemed as a similar crime and were punished accordingly.

3.2. Securing and storing the booty: The role of clergy and ecclesiastic institutions

Since the problem of theft was a serious issue to be solved, military leaders often had to resort to ecclesiastical authority in order to prevent criminal acts. Probably they hoped that the power of the Church or the fear of God would deter greedy soldiers from stealing. This idea is strengthened by the fact that the role of clerics and churches recurs repeatedly in connection with the division of the spoils of war. Joinville, records Patriarch Robert de Nantes performing this role:

The Patriarch was the first to speak. ‘Your Majesty,’ he said, ‘I think it would be well for you to keep control of the wheat, the barley, and the rice, and whatever is needed to sustain life, so that you may keep the city supplied with food. I think too that **you should have it proclaimed throughout the army that all other goods are to be brought to the legate’s quarters, under pain of excommunication.**’ This proposal received general assent. It so happened, however, that the total value of the **goods brought to the legate’s quarters** amounted to no more than six thousand livres.¹¹⁴

Here we find the patriarch in a position of counseling Louis IX in a clearly strategic and military question. His key concern was to collect all the food in order to secure the supply of the army, which was approved by the king. He also suggested to enlist the authority of the Church to hold off soldiers from stealing. Actually, this kind of prevention looked back on a tradition by the

¹¹³ Coureas, *The Assizes of the Lusignan Kingdom of Cyprus*, 207–208.

¹¹⁴ Joinville and Villehardouin, 206–207.

time of King Louis. Indeed, the punishment proposed by the patriarch, namely the pain of excommunication, had often been proclaimed in previous times to deter soldiers from transgressing ordinances of military leaders. During the Fifth Crusade, after the capture of Damietta in 1219, the army expected the booty to be divided equally, and “this had even been ordered by the legate under penalty of anathema”, as Matthew Paris recalls.¹¹⁵ But even before, the immense treasure found in Constantinople compelled military leaders to invoke the assistance of clerics who threatened crusaders with the same punishment: “The Marquis de Montferrat, commander-in-chief of the army, now issued, on behalf of the barons and the Doge of Venice, a general order to the troops to collect and hand over all the booty, as had been agreed on oath and under pain of excommunication.”¹¹⁶ On another occasion, during the expedition of King James I of Aragon, against the Moors in Mallorca, the authority of the clergy was supported by armed soldiers. Fearing that his warriors would hurt Abu Yahya, ruler of Mallorca before negotiations would ended, James ordered two Dominican friars, escorted by ten knights “to protect the king's house and treasury, as well as guard the Almudaina,¹¹⁷ and those who were inside.”¹¹⁸

However, sometimes threats were not enough to stop people committing crimes. The greed for wealth proved to be stronger: “There were many, in fact, who had kept things back, undeterred by fear of excommunication by the Pope.”¹¹⁹ There were also thieves amongst the crusaders in Damietta who despised these threats.¹²⁰

¹¹⁵ Matthew Paris, *Chronica Majora*, vol. 3, 55.

¹¹⁶ Joinville and Villehardouin, 94. The leaders of the crusading army also used the threat of excommunication to ensure that participants comply with the agreement about the election of the emperor and the division of the booty before they launched their final assault against the walls of Constantinople.

¹¹⁷ The citadel of Palma, capital city of Mallorca.

¹¹⁸ *The Chronicle of James I. King of Aragon*, 175.

¹¹⁹ Joinville and Villehardouin, 94.

¹²⁰ Matthew Paris, *Chronica Majora*, vol. 3, 55.

The role of the clergy was not limited to the prevention of misdemeanors. They were also often entrusted with providing a secure place for the amassed spoils. During the crusades of the thirteenth century quarters of the legate were appointed as a storing place of the booty within the military camp.¹²¹ In the second siege of Damietta (1249), the same quarters were used as a storage space, and the authority of the legate was certainly a decisive factor in their selection.¹²²

In other instances instead of the residence of the legates, churches were assigned for storing the spoils. We can encounter a similar situation in the case of the booty won in Constantinople in 1204: “Three churches were set aside for the reception of the spoil, and certain of the most notably trustworthy men among the French and the Venetians were posted in each to act as guards.”¹²³

There were two reasons behind choosing these churches. Firstly, assigning churches as depositories was wise for pragmatic considerations: since these buildings were large and spacious, they were ideal for storage. Moreover, they were erected in well-frequented sites, thus it was relatively easy to keep an eye on the precious valuables stored there.¹²⁴ Secondly, the house of God was a sacred place, and stealing from it was considered as one of the greatest sins. Thus, the location itself has a certain restraining power and military leaders justifiably assumed that it would deter soldiers from stealing. A similar idea lay behind piling up spoils plundered in the quarters of the legate participating in the crusade. However, as the presence of guards indicates, the Marquis de Montferrat, commander-in-chief of the army, and Enrico

¹²¹ Joinville and Villehardouin, 206–207.

¹²² Ibid.

¹²³ Ibid., 94.

¹²⁴ Alternatively, other fortified places could also serve as deposits, as it happened during the expedition of James I, king of Aragon, against the Moors of Mallorca. The king and his barons intended to move the valuables found in the royal palace to the *Temple* and guard it by armed men. *The Chronicle of James I. King of Aragon*, 179. (The *Temple* was initially known as the Tower of Gumara, a former Muslim fortress. Later it became the property of the Templars who built a chapel within the building, thus it came to be called El Temple. Francesca Torres Orell, “Les torres del Temple” [The Tower of the Temple], *Bolletí de la Societat Arqueològica Lul·liana: Revista d'estudis històrics* no. 66 (2010): 299–300.

Dandolo, doge of Venice clearly did not trust the piety of their soldiers. They posted guards to oversee the process and to keep the treasures safe in case the holiness of these sacred places failed to prevent thieves from stealing.

It has to be mentioned that other fortified places could also serve as alternative deposits, as it happened during the expedition of James I, king of Aragon against the Moors of Mallorca. After the siege of Palma de Mallorca, the king and his barons intended move the valuables found in the royal palace to the *Temple*¹²⁵ and keep them under guard by armed men.¹²⁶

After the accumulation of spoils, the actual redistribution seems to happened in the following way: after the share belonging to the ruler was handed over (one third, according to the custom), the rest of the booty (two thirds) was divided amongst the soldiers. However, preliminary contracts with the king, or separate agreements between the leaders of the largest contingents could change the rules of the game and the rate of proportions. Nonetheless, the redistribution happened in the same way in each case. At least two different sources record that the marshal look after the process, and the booty was divided by contingents or gangs.¹²⁷ Thereafter, in principle each soldier received its share according to his own merits, even though exceptions existed. It seems that after the conquest of Constantinople personal merits did not influence one's sharing in the spoils.¹²⁸

In this chapter we have seen that in many cases financial interest made the accumulation, storage and redistribution of the booty difficult and problematic. In the case of extremely great amount of spoils, like that won both in the city of Constantinople and Damietta, greed of

¹²⁵ Initially the Tower of Gumara, a former Muslim fortress. Later it became the property of the Templars who built a chapel within the building, thus it came to be called *El Temple*. Francesca Torres Orell, "Les torres del Temple" [The Tower of the Temple], *Bolletí de la Societat Arqueològica Lul·liana: Revista d'estudis històrics* 66 (2010): 299–300.

¹²⁶ *The Chronicle of James I. King of Aragon*, 179.

¹²⁷ Edbury, *John of Ibelin: Le Livre Des Assises*, 587; *The Chronicle of James I. King of Aragon*, 176.

¹²⁸ Joinville and Villehardouin, 94. It is not by chance that Villehardouin considered it important to emphasize the equal division of booty amongst ordinary crusaders. Probably, it was not a usual way of dividing the spoils.

soldiers often compelled military leaders to turn to the authority of the Church in order to prevent stealing and hiding valuable goods. The accumulation of spoils and storing them in one place under guard were essential prerequisites of a just and controlled redistribution. Interesting analogy can be observed with the case of hidden treasure (*The Assizes of the Lusignan Kingdom of Cyprus*) in terms of punishment, since both imposed the same death penalty (hanging) on thieves.¹²⁹ This resulted from the idea that the valuables of subdued, either plundered in the city or previously hidden underground and found later on, were considered as the properties of the ruler. With the capture of a hostile city, the king became the rightful owner of these objects, since the land hiding these goods also came into his possession. Thus, stealing from the booty or hiding back expansive articles were equal with committing theft within the royal treasure.

Conclusion

To summarize the results of this thesis, let us return to our primary questions formulated in connection with the acknowledgement given by King John of Brienne to the Teutonic Knights and cited right at the beginning of this paper: did it mean to record an unusual agreement between him and the Order (with the booty being divided fifty-fifty between the two parties) or it fits into the already established customs and statutes in use? Did such regulations existed at all? As far as our sources let us to see look into the details, we can answer that regulations on division of booties did exist in the Holy Land. We can find numerous direct and indirect references to them in narrative sources.¹³⁰ But probably the strongest argument for proving the importance of booty is that the compilers of *The Assizes of Jerusalem*, a collection of legal

¹²⁹ Coureas, *The Assizes of the Lusignan Kingdom of Cyprus*, 207–208.

¹³⁰ See Chapter 2.

regulations also considered it important to include the question of spoil in at least three different articles.¹³¹

Comparing it to contemporary regulations, it seems that the acknowledgement between John of Brienne and the Teutonic Knights (quoted at the very beginning of this thesis) recorded an unordinary agreement: Teutonic Knights had to hand over half of the spoil won by them during the siege of Damietta, in spite of the fact that the customary rate of division was one third (to the king) - two third (to the Crusaders) already at the time of King John, as we learn from the work of Joinville.¹³² But, it is important to note that the remaining two third of the spoil were probably redistributed in the *whole army* meaning that the Teutonic Knights could benefit more from the booty thanks to the separate agreement with the king (fifty-fifty). Although, we must bear in mind that this acknowledgment was made during the siege of Damietta and it did not discuss the fate of spoil that would be gained upon then final capture of the city. Interestingly, the idea of a fifty-fifty division of spoils reappears in a document dating from 1221.¹³³ In both cases, the Knights got into a better position in terms of participation in the booty. It is interesting that, in spite of the explicit intention of John of Brienne stated in the acknowledgment given to the Knights in 1219, the fifty-fifty division of spoils of Damietta did “generate a prejudice” in the future.

We can see that quite soon after their establishment the Teutonic Knights could enjoy the advantages of a very beneficial agreement with the king of Jerusalem regarding their participation in spoils of war. This can be explained by their growing importance especially in terms of organization and diplomacy, but also militarily, following the Fifth Crusade.¹³⁴

¹³¹ Edbury, *John of Ibelin: Le Livre Des Assises*, 580, 583, 587.

¹³² Leroux, *Archives de l'Orient Latin*, vol. 2, Documents, 166; Joinville and Villehardouin, 206–207.

¹³³ Strehlke, *Tabulae Ordinis Theutonici*, 45.

¹³⁴ Morton, *Teutonic Knights*, 32, 35.

The results of this thesis clearly demonstrate that studying the distribution of booty as a phenomenon hides great potentials. It offers historians a new insight into power relations, means and capabilities of forcing interests, and also into the process of decision-making. Last, but not least, fierce disputes over spoils of war reveals us the financial importance of booty. Spoils as a kind of income could offer material compensation for the immense amount of money consumed by costly warfare. This can be especially interesting when the financial means of military orders and crusader kings to cover their expenses come to the question. The role of the booty in sustaining huge armies far from Europe and rebuilding them in a short time, in financing the upkeep of costly strongholds under constant military threat, together with its function to motivate and compensate crusaders, offers a possibility for a new, interesting and diverse way of studying crusades.

To conclude, discovering the role of plunder and spoils in medieval warfare should not end at this point. As a next step, I am planning to study the practice of distributing the booty in earlier crusades as well in the preceding centuries of Europe. Therefore, the next question of the research would be to what extent did the practice in the Holy Land differ from that of medieval Europe? Hopefully, following this way, we can get closer to the origins of regulating this complex aspect of warfare.

Bibliography

Primary sources

- Aachen, Albert of. *Alberti Aquensis Historia Hierosolymitana*. In *Recueil des Historiens des Croisades: Historiens Occidentaux*. vol. 4. Paris, 1879, 265–713.
- Coureas, Nicholas (transl.). *The Assizes of the Lusignan Kingdom of Cyprus*. Nicosia: Cyprus Research Centre, 2002.
- Dostourian, Ara Edmond (transl.). *Armenia and the Crusades. Tenth to Twelfth Centuries. The Chronicle of Matthew of Edessa*. Lanham: University Press of America, 1993.
- Edbury, Peter W. (ed.). *John of Ibelin: Le Livre Des Assises*. Leiden–Boston: Brill, 2003.
- Gabrieli, Francesco (ed. and trans.). *Arab Historians of the Crusades*. Translated by E. J. Costello. London: Routledge and Kegan Paul, 2009.
- James I of Aragon. *The Chronicle of James I. King Of Aragon, Surnamed The Conqueror*. Translated by John Forster. vol 1. London: Chapman and Hall, 1883.
- Joinville, Jean de, and Geoffroy de Villehardouin. *Joinville and Villehardouin: Chronicles of the Crusades*. Translated by M. R. B. Shaw. Baltimore: Penguin Books, 1963.
- Leroux, Ernest (ed.). *Archives de l'Orient Latin*. vol. 2. Paris: Société de l'Orient latin, 1884.
- Milioli, Albert. *Alberti Milioli notarii Regini Liber de temporibus et aetatibus et Cronica Imperatorum*. edited by Holder-Egger, Oswaldus. In *Monumenta Germaniae Historica, Scriptores*. vol. 31. Hannover: Hahn, 1903.
- Osbernus, Ricardus. *De expugnatione Lyxbonensi*, edited by William Stubbs. *Chronicles and Memorials of the Reign of Richard*. vol. 1. London: Longmans, 1864.
- Paris, Matthew. *Matthaei Parisiensis, monachi Sancti Albani, Chronica Majora. A.D. 1216 to A.D. 1239*. vol. 3, edited by Henry Richards Luard. London: H. G. Bohn, 1876.
- Paris, Matthew. *Matthaei Parisiensis, monachi Sancti Albani, Chronica Majora. A.D. 1240 to A.D. 1247*. vol. 4, edited by Henry Richards Luard. London: H. G. Bohn, 1877.
- Paris, Matthew. *Matthew Paris's English History: From the Year 1235 to 1273*. Translated by J. A. Giles. 3 vols. London: Henry G. Bohn, 1853.
- Strehlke, Ernest (ed.). *Tabulae Ordinis Theutonici*. Berlin: Weidmann, 1869.
- Vitry, Jacques de. *The history of Jerusalem: A.D. 1180*. Translated by Aubrey Stewart. London: Palestine Pilgrims' Text Society, 1896.

Secondary sources

- Auty, Robert. *Lexikon des Mittelalters*. vols. 9. Stuttgart–Weimar: Metzler, 1999.
- Barber, Malcolm–Bate, Keith. *Letters from the East: crusaders, pilgrims and settlers in the 12th-13th centuries*. London–New York: Routledge, 2016.
- Benjámín Borbás. “A Német Lovagrend szerepe a 13. század első felének keresztes hadjárataiban” [The role of the Teutonic Order in the crusades of the first half of the thirteenth century]. In *Micae Medievals IX.*, edited by Kis, Iván, Kozák-Kígyóssy, Szabolcs László, Veres, Kristóf György, Veszprémy, Márton, 39–53. Budapest: ELTE BTK Történelemtudományi Doktori Iskola, 2019.
- Braae, Christel. *Among herders of Inner Mongolia: The Haslund-Christensen Collection at the National Museum of Denmark*. Aarhus: Aarhus University Press, 2017.
- Bronstein, Judith. *The Hospitallers and the Holy Land. Financing the Latin East, 1187–1274*. Woodbridge: The Boydell Press, 2005.
- Csernus, Sándor. *Jean de Joinville: Szent Lajos élete és bölcs mondásai* [Jean de Joinville: The life and wise saying of Saint Louis]. Budapest: Balassi Kiadó, 2015.
- Edbury, Peter W. *John of Ibelin and the Kingdom of Jerusalem*. Woodbridge: The Boydell Press, 1997.
- France, John. *Victory in the East: A Military History of the First Crusade*. New York: Cambridge University Press, 1994.
- Gillingham, John. *Richard the Lionheart*. London: Weidenfeld and Nicholson, 1989.
- Hitti, Philip K. *An Arab-Syrian Gentleman And Warrior in The Period of The Crusades: Memoirs of Usama Ibn-Munqidh*. New York: Columbia University Press, 1929.
- Kagay, Donald J., and Villalon, Andrew L. J. (eds.). *Crusaders, Condottieri, and Cannon. Medieval Warfare in Societies Around the Mediterranean*. Leiden–Boston: Brill, 2003.
- Lotan, Shlomo. “The Battle of La Forbie (1244) and its Aftermath - Re-examination of the Military Orders Involvement in the Latin Kingdom of Jerusalem in the mid-Thirteenth Century.” *Ordines Militares. Yearbook for the Study of the Military Orders* 17 (2012): 53-67.
- Mallett, Michael Edward. *Mercenaries and their masters: warfare in renaissance Italy*. Barnsley: Pen & Sword Military, 2009.
- Morton, Nicholas Edward. *The Medieval Military Orders. 1120–1314*. Routledge, 2013.
- . *The Teutonic Knights in the Holy Land, 1190–1291*. Woodbridge: The Boydell Press, 2009.
- Murray, Alan V. “The Middle Ground: The Passage of Crusade Armies to the Holy Land by Land and Sea, 1096-1204,” In *A Military History of the Mediterranean Sea: Aspects of*

War, Diplomacy and Military Elites, edited by Theotokis Georgios and Yildiz Ayel, 185–201. Leiden: Brill, 2018.

———. “The Origin of Money-Fiefs in the Latin Kingdom of Jerusalem”, in *Mercenaries and Paid Men: The Mercenary Identity in the Middle Ages*, edited by John France. 275–286. Leiden: Brill, 2008.

Orell, Francesca Torres. “Les torres del Temple” [The Tower of the Temple]. *Bolletí de la Societat Arqueològica Lul·liana: Revista d'estudis històrics* 66 (2010): 299–317.

Pastoureau, Michel. *Black: The history of a color*. Princeton: Princeton University Press, 2008.

Reuter, Timothy. “Plunder and Tribute in the Carolingian Empire.” *Transactions of the Royal Historical Society (Fifth Series)*. vol. 35 (December 1985): 78-94.

Richard, Jean. *Saint Louis: Crusader King of France*. Translated by Jean Birrell. Cambridge: Cambridge University Press, 1992.

Waley, Daniel. *Condottieri and Condottieri in the thirteenth century*. Proceedings of the British Academy 61 (1975): 337–71.

Weiler, Björn “Monastic Historical Culture and the Utility of a Remote Past: The Case of Matthew Paris.” In *How the Past was Used: Historical Cultures, c. 750–2000*, edited by Lambert, Peter and Björn Weiler, 95–120. Oxford: Oxford University Press, 2017.