

Professor Pauline Stafford

Gender and historiography

Studies in the earlier middle ages in honour of Pauline Stafford

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Edited by
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and Susan M. Johns

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List of abbreviations

ASC	*Anglo-Saxon Chronicle,* trans. D. Whitelock and others (1961)
ASE	*Anglo-Saxon England*
BL	British Library
EETS	Early English Text Society
EHD	*English Historical Documents*
EHR	*English Historical Review*
EME	*Early Medieval Europe*
FSI	Fonti per la storia d'Italia
G&H	*Gender & History*
JWH	*Journal of Women's History*
MGH	Monumenta Germaniae Historica
MGH AA	Monumenta Germaniae Historica: Auctores Antiquissimi
MGH Capit.	Monumenta Germaniae Historica: *Capitularia*, ed. A. Boretius (2 vols., Hanover, 1883–97)
MGH Conc.	Monumenta Germaniae Historica: *Concilia* (1893–)
MGH Epp.	Monumenta Germaniae Historica: Epistolae
MGH Leges	Monumenta Germaniae Historica: Leges Nationum Germanicarum
MGH SRG	Monumenta Germaniae Historica: Scriptores Rerum Germanicarum
ODNB	*Oxford Dictionary of National Biography: from the Earliest Times to the Year 2000*, ed. H. C. G. Matthew and B. Harrison (60 vols., Oxford, 2004) or <http://www.oxforddnb.com/view>
P&P	*Past & Present*
PL	*Patrologia Latina*, ed. J. P. Migne and others (Paris, 1844–1903)
RS	Rolls Series

S + number	P. H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (1968) and the number given to the charter there or in <http://www.esawyer.org.uk>
Settimane	*Settimane di studio del Centro italiano di studi sull'alto medioevo* (Spoleto, 1954–)
TRHS	Transactions of the Royal Historical Society

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Introduction

Pauline Stafford was born and bred (as Pauline Johnson) in Leeds, Yorkshire, and it can truly be said that she embodies – metaphorically speaking – such quintessential Yorkshire virtues as playing a straight bat. She and Bill and their children are never happier than when walking in the Dales, and, happily too for their friends, sharing that enthusiasm with all who visit them. Pauline's schooling was in Yorkshire, and much of her career has been spent there. Her professional associations and influence, by contrast, have taken her far and wide, in the UK and internationally, in North America and in continental Europe; and her family formed strong and lasting affection for the French countryside where they spent summer holidays.

Pauline was a bright grammar-school girl whose parents not only gave her a moral compass but encouraged her in the direction of higher education. Though the school steered her towards sciences, Pauline chose humanities, and among them, history. She went up to Oxford with an Exhibition at Lady Margaret Hall in 1964. She started work on medieval history and took to it immediately, asking, after a term on book III of Bede's *Ecclesiastical History*, if she could learn Old English, which she did with Anne Hudson, then a fellow of the college. This went so well that the LMH tutors got the faculty to add Old English to the language options on the syllabus: Pauline's first contribution to the study of the early middle ages. Some of her medieval history she did with Susan Reynolds. Pauline recalls vividly two of the papers on which Susan tutored her: the compulsory political ideas, and Stubbs' *Charters*. Not only were these formative intellectual experiences: over the years, Pauline and Susan have become steadfast friends and Pauline has given her former tutor much good advice and information on some of Susan's ventures into Anglo-Saxon history. R. H. C. Davies taught Pauline on early medieval Europe and – no compromiser he – gave her Carolingian capitularies and Gregory the Great's letters to read in Latin originals. Her special subject was manorial economy and estate management, with Trevor Aston. In hindsight, it's clear that she learnt a whole range of ways of approaching medieval history, and that her writings are monument to far-sighted teachers as well as products of her own independent thought. At the end of her third year, Pauline married a fellow history student, William Stafford. Both of them had received first-class degrees and both went straight on to research. Bill has remained ever since both colleague and life-partner.

Pauline's doctoral thesis, on the reign of Æthelred the Unready, was supervised by Pierre Chaplais, a distinguished scholar of palaeography and diplomatic whose interests ranged from the medieval history of his native France to the documents of Anglo-Saxon England. Pauline's skilful decoding of charters is a tribute to that highly original scholar. Her doctoral thesis was examined by Henry Loyn and Karl Leyser, both eminently qualified to appreciate the author's freshness and breadth of thinking. Karl, in particular, was impressed by Pauline's writing on royal succession and women, and on parallels with Ottonian Germany. The thesis, though never published, has been the source of many developments in the historiography of the later Anglo-Saxon period, for it opened invigorating perspectives on the workings and economic underpinnings of royal power. Her two earliest papers were part of this re-envisioning, and 'Sons and mothers' was singled out in a review by none other than Georges Duby, who noted the originality and significance of Pauline's approach to earlier medieval politics through the activities of women within the royal family. This and other early papers repay, still, any amount of re-reading.

Over the intervening decades, Pauline has since produced a remarkably coherent body of work in two main research areas: Anglo-Saxon history, and the history of medieval women and gender – and, since overlaps are considerable, on both at once (see the list of her publications in the present volume). Her many books and papers on regional history, and on power and its legitimation and representation in later Anglo-Saxon England, have brought her wide recognition, in the UK, and beyond the UK wherever British history is cultivated. Already quite early in her career, her work on women's and gender history brought her wide international admiration. *Queens, Concubines and Dowagers* (1983) changed the face of this field. Since then, Pauline has published widely on medieval women, families, queens and queenship, women's religious patronage, and the political significance of convents and of abbesses. *Queen Emma and Queen Edith* (1997), a pathbreaking study of queenly action in the eleventh century, completed thanks to a British Academy research readership (1994–6), was hailed as a model of biographical writing, and, at the same time, a dissection of power. Always keen to make connections and comparisons with continental developments, Pauline wrote key papers on Anglo-Frankish dynastic contacts, produced seminal critiques of long-entrenched theories (largely derived from Duby's findings for the French Mâconnais) of familial mutation *c*.1000, and radically re-appraised the roles of queens and abbesses in tenth-century England and Germany. More recently, she led an AHRC-funded project on gender in twelfth-century Anglo-Norman historiography, and edited a major collaborative volume on Britain and

Ireland between *c*.500 and *c*.1100. A strong sub-theme throughout her career has been her interest in the provision of the tools of the historian's craft, what German scholars call, and praise emphatically as, *Hilfswissenschaften*: while completing her DPhil, she worked at the University of Leeds in the early days of the Leeds International Medieval Bibliography; later she contributed much to the annual bibliographies of British history produced, at first on paper, then online, by the Royal Historical Society. She herself has published prolifically: in addition to *Queens, Concubines and Dowagers: the King's Wife in the Early Middle Ages* (1983; repr. 2000), *The East Midlands in the Early Middle Ages* (1986), *Unification and Conquest: a Political and Social History of England in the Tenth and Eleventh Centuries* (1989) and *Queen Emma and Queen Edith: Queenship and Women's Power in Eleventh-Century England* (1997), Pauline's most important papers on Anglo-Saxon history were brought together in a Variorum edition in *Gender, Family and the Legitimation of Power: England from the Ninth to Early Twelfth Century* (2006). Among her many contributions to edited works and learned journals, two astonishingly prescient early papers, on coin-dies, and on the organization of royal estates to feed itinerant kings and their courts, stand out for having inspired a number of contributions in specialist journals on numismatics and economic history.

For a UK scholar of such professional distinction, Pauline has had a career atypical in being outside the Golden Triangle. She taught for twenty-seven years at what was at first Huddersfield Polytechnic and then, from 1992, the University of Huddersfield, one of the most successful of the new universities, not least in the discipline of history, where research and teaching should, and in Pauline's hands did, go together. One particularly inspirational course, on the history of western political ideas, was co-taught by Pauline and Bill, whose combined medieval and modern coverage of the subject enthused many student-generations of undergraduates as well as infusing the research of both teachers themselves. As she became a more senior member of the School of Music and Humanities, Pauline took on a heavy load of administration. She was a key figure in developing the school's research policy and profile not only in history but more generally in politics, English, music and media, and contributed greatly to Huddersfield's growing research reputation in these fields. She spotted and nurtured active researchers whatever their discipline or background, and offered inspirational support to students, whether straight from school or coming to higher education as 'mature students'.

During her time at Huddersfield, Pauline played an increasingly prominent role in the leadership of the profession at national level, which entailed more activity in the metropolis and elsewhere when she served as a

member of the Council of the Royal Historical Society (1995–8) and then as a vice-president (1999–2002), a post in which she helped to achieve a notable widening of the society's membership and mission. She was also appointed to serve on national research funding and assessment bodies (AHRB History Panel 1996–9, and member of the RAE History Panel 1998–2001). These responsibilities grew notably after Pauline moved to the University of Liverpool to take up the chair of medieval history in 1999 (her predecessors in that chair included Michael Wallace-Hadrill and Christopher Brooke). She served on the National History Subject Advisory Board, in the History, Classics and Archaeology Subject Centre (2000–5), and as chair of the RAE History Panel (2004–8). At Liverpool, Pauline assumed leadership and administrative office beyond the department, serving as dean of humanities until her retirement. At the same time, she undertook many academic tasks for other universities in the UK and abroad, on appointments panels and tenure cases, and in a variety of other advisory capacities. That is what happens when you acquire a reputation for sound judgement, selflessness and professional good citizenship as Pauline outstandingly did. In her life, as in the lives of some of the women whose careers she has illuminated, the personal and the political have been blended. Through all these years, her academic profile became more and more strong, as she was invited to participate in research networks in several European countries and in the USA, while her presence as a speaker at conferences was increasingly sought and her publications record remained notably high. Unlike the king to whom she had devoted her doctoral research, she has always been ready – and with good counsel: like the queens and abbesses in whose exercise of various forms of power she grew more and more interested, Pauline has combined strength and practical wisdom. These are qualities she dispenses with generosity and unquenchable cheerfulness, as so many colleagues, and students at every level, can attest. Energetic and well organized, Pauline will continue – as all who know and love her feel certain – to deploy those strengths and provide those intellectual benefits. We cannot ever imagine her content to rest among standers-by. Already she has embarked on a large and uniquely challenging project to untangle the multiple compilation known as the 'Anglo-Saxon Chronicle' and has produced notable preliminary studies on it. This will be a work, and a commitment, to watch eagerly in the unfolding.

In 2008, pursuing Sue Johns's earlier idea of organizing a Festschrift in Pauline's honour, we began to plan together a conference in London to mark (slightly belatedly) Pauline's retirement, in December 2007, from the Liverpool chair of medieval history, and her liberation, some months later, from the claims of the RAE History Panel. The conference plan evoked

many positive responses. Our shared aims were to celebrate all that Pauline has done, and to highlight the ways in which she has advanced research in the fields of Anglo-Saxon history and the history of medieval women and gender. The conference attracted a number of leading international as well as British scholars in those two fields: testimony to her wide impact in both. Nearly all the topics to which Pauline has given attention were reflected, directly or indirectly, in papers given at the conference. After it, the co-organizers returned to the idea of making a Festschrift.

Mysteries remain in Anglo-Saxon history, and in the earlier middle ages more broadly, and some are elucidated, if not solved, in the present volume. The varied aspects of her second major research field were represented in the conference programme, and the number of participants from abroad attested her tremendous reputation among continental and US historians, of different generations. In fact, Pauline has inspired many younger scholars, including her own research students, and these too are represented in the volume. Diverse as they are, the papers show the range of Pauline's influence. Not all those given at the conference are here: some have found homes elsewhere, while the authors of others felt they did not quite fit the frame devised by the editors.

The papers are ordered alphabetically by name of author, but we have decided to introduce them briefly in thematic groupings. Anglo-Saxon England is, unsurprisingly, the focus of a number of contributions. In that of Nicholas Brooks, the close connection of earlier medieval annals with royal courts supplies the context for a new interpretation of the 'Anglo-Saxon Chronicle'. Brooks's starting-point is the multiple and 'formidably complex' nature of the texts concerned. Highlighting the annals' language, vernacular Old English, Brooks argues that King Alfred's vision of a kings-centred core round which English identity was formed affected the entire textual tradition through to the later part of the Anglo-Saxon period, when, behind local annals-production, a common central impetus can still be discerned. Simon Keynes cuts through a tangle of historiography to address long-debated questions surrounding the early growth of the cult of King Edward the Martyr. More important here than popular protest, or local religious communities' self-promotion, were explanations, plausible to lay and religious alike, of Viking attacks in terms of divine punishment for king-slaying. For the advisers of Edward's successor, Æthelred the Unready, the finding of Edward's relics, and carefully sited elaborate rituals of translation and reburial, allowed deflection of suspicion from interested parties and extension of guilt-by-association to all the English in an inventive form of unifying ideology.

Charles Insley offers a different but complementary approach to late tenth-century English kingship by setting it in continental contexts.

Encoded in visual representations of Æthelred's predecessors were allusions to humility, echoing Carolingian models which presented the king as a vicegerent of Christ and imitator of monks. Insley finds in some of Æthelred's charters of the 990s, thanks to increasing German influences, royal humility and penance encoded, and he suggestively decodes the playing-out of these motifs in royal ritual and symbolism. A quite different view of later Anglo-Saxon England is that of Julie Mumby, who turns a critical eye on the legal arrangements that made it possible for people to receive property neither in full right, nor as formal lease, but temporarily, as with a life-interest. Such arrangements have been thought especially characteristic of tenure by women; but Mumby demonstrates that men too could be creators and/or beneficiaries of such bequests, that a large part in them was played by negotiation within families across time, and that local courts provided the setting in which they could be lawfully established and publicized.

From later Anglo-Saxon England, it is a short step to the Anglo-Norman realm. David Bates contributes to several currently lively scholarly fields in examining the proneness to anger attributed by contemporary writers to William the Conqueror. But Bates's biographical approach also signals limitations in recent historiography on ritualized behaviour and on the history of emotions: in the end, neither can be reduced to a set of socially constructed norms – quoting Pauline Stafford directly, Bates suggests that individual uniqueness and a degree of agency always have to be reckoned with. Kirsten Fenton's study of Queen Ælfthryth as depicted by William of Malmesbury also straddles the 1066 divide; but the gender stereotyping, and a shrill note of misogyny, belong to the world of hagiography rather than biography. Writing with more than a century's hindsight, and informed by extensive knowledge of earlier medieval continental historiography that scapegoated queens and dowagers, William offered readers a now-familiar sketch of a murderous stepmother, whose crime explained the divine punishment administered by the Vikings on the English. In Sue Johns's account of the story of the Welsh princess Nest, as shaped in later medieval and modern Welsh historiography from sketchy Anglo-Norman material, lies another case of framing, but here less to fit a moral agenda than a national one, and, translated from Latin into Welsh vernacular, adapted to the tastes of an audience fed on romance. Nest emerges as one of those 'women at the beginning' who lend themselves to symbolic conscription as well as inscription.

John Gillingham highlights a hitherto unexamined contrast between the central and earlier middle ages. While earlier medieval warriors targeted women and children for enslavement in 'transcultural warfare', during the central medieval period in most of what had been the Carolingian empire,

women and children were no longer targeted, and their enslavement only persisted on the perimeters, notably in northern Europe. Gillingham sketches the conditions for this change and its nature, suggesting a variety of chronologies. He correlates old-style warfare with the persistence of slavery, and 'a new morality of war' with slavery's ending. Kim LoPrete tackles other large questions regarding gendered power in the central medieval period, specifically in France. Negotiating the historiography is part of the problem, because key terms have been used anachronistically or imprecisely. LoPrete shows that lordship could be wielded very effectively by high-born women, that households were centres of political power within lordships, and that this power was public in a sense different from that envisaged by modern historians. Not only kingship but lordship too entailed publicly active power, as can be seen in the case of Adela, countess of Blois and daughter of William the Conqueror. Susan Reynolds subjects the medieval 'court' to close scrutiny: the word *curia*, in the heyday of 'assembly government', was used for a place or as a collective noun to mean those who surrounded a ruler, rather than what we would call a law court. Assemblies were the occasions and the settings for elite multi-tasking, when agendas included politics and war, legislation, worship, feasting and entertainment, and the dispensing of gifts. Those involved in assembly government were not legal specialists; and *curia* seems to have acquired the specific sense of law court only when professional lawyers began to dominate meetings about litigation.

Italy is an area of early medieval Europe important both for the comparisons it offers with Anglo-Saxon England, not least in the field of gender, and in itself. Cristina La Rocca's study of the title *consors regni* in the sixth-century Ostrogothic kingdom examines critically the asymmetrical character of royal *consortium* between a ruling woman and her male kinsman and associate. La Rocca shows not only why this was an experiment that failed, but why the revival of this title in the Carolingian period for the king's wife unambiguously specified the consort's inferiority. Ross Balzaretti criticizes universalist conceptions of fatherhood and shows how and why fathers need to be firmly contextualized historically. His gendered reading of eighth-century Lombard evidence in a variety of genres reveals an emphasis on fatherhood, and an editing-out of motherhood, as traits of a specific form of patriarchy in which challenges were dealt with by silencing them.

Early medieval Francia too offers rich comparative material, a large historiography on women, and, more recently, scholarly engagement with gender. Sylvie Joye traces the parallel strengthening in the Carolingian period of paternal power generally, of the power of the ruler in particular, and of the bonds of marriage. She points out, at the same time, the tensions within the

royal family generated by these trends: tensions which surfaced in debates about abduction and whether it could be lawful in some circumstances. In the reigns of Louis the Pious and his successors in the mid ninth century, father-son conflicts within royal families often arose over marriages made without paternal consent, and while royal women were nearly all consigned to convents, there were several scandalous abductions of royal daughters and other high-born women. Issues of gender affected Frankish political culture in ways that disturbed contemporaries. Jinty Nelson too looks at marital matters in ninth-century Francia, but bifocally, through the lens of a Frankish divorce case, and a twentieth-century English one. Comparison reveals some obvious differences, but similarities too, across the *longue durée*, in how scandals were played out before publics, in the workings of gendered power, and in the ways in which individual women, while systemically disadvantaged, could yet, in certain situations, claim agency of a kind.

All this amounts, we hope, to a collective offering that is an apt tribute to Pauline. Authors and editors alike are confident that the combined effect is to prove the project's timeliness, because it attests so clearly the currently thriving state of the fields Pauline saw as in need of intensive cultivation, has made her own, and has opened to so many others. Her intellectual influence and inspiration are written all over this book.

1. Fatherhood in late Lombard Italy*

Ross Balzaretti

Fathers inhabit a large number of early medieval texts, and the language of paternity can be found across most genres of early medieval writing. The ubiquity of fatherly language has, however, not given rise to much historical writing on the subject, despite the extremely convincing case put forward by Pauline Stafford in 2001 that fatherhood was a worthwhile subject for early medievalists.[1] Brief surveys do exist in the collaborative *Histoire des pères et de la paternité* (1990; re-issued 2000) and in Marco Cavina's *Il padre spodestato: l'autorità paterna dall'antichità a oggi* (2007), which suggests that in comparison with what preceded it the early medieval period was characterized by a decline of fatherly authority. This is doubtful.

Part of the problem posed by fatherhood for historians may be that pioneering work on early medieval conceptualizations of gender, such as Julia Smith's 1998 essay on 'Gender and ideology', quite properly devoted more attention to women than men (a stance somewhat modified by the gender chapter in her 2005 book *Europe after Rome*).[2] Another issue might be the reluctance of even feminist historians to engage with medieval patriarchy, a problem which Judith Bennett raised so lucidly in *Gender and History* in 1989 and again in her recent *History Matters*.[3] Therefore, in a volume which honours a truly pioneering historian, it seems to me useful

* I would like to thank audiences at Southampton; Queen Mary, University of London; Nottingham and at Pauline's colloquium for commenting so helpfully on earlier versions of this chapter.

[1] P. Stafford, 'Review article. Parents and children in the early middle ages', *EME*, x (2001), 257–71. For other key works, see P. Stafford, *Gender, Family and the Legitimation of Power: England from the 9th to Early 12th Century* (Aldershot, 2006). Pauline was crucial in opening up the journal *Gender & History* (of which I was editor, 2004–10) to medieval history in her time on our editorial collective (from 1995 to 2004). On behalf of the whole editorial group I would like to pass on our thanks here.

[2] J. M. H. Smith, 'Gender and ideology in the early middle ages', S*tudies in Church History*, xxxiv (1998), 51–73 and *Europe after Rome*: *a New Cultural History 500–1000* (Oxford, 2005), pp. 116–25.

[3] J. M. Bennett, 'Feminism and history', *G&H*, i (1989), 251–72; *History Matters: Patriarchy and the Challenge of Feminism* (Manchester, 2006), and the discussion in *JWH*, xx (2008), 130–54; 'Forgetting the past', *G&H*, xx (2008), 273–83.

to address a fundamental issue – the role of the father – in a specific society, in a way which, I hope, raises questions relevant to other societies.

Gender has been fairly slow to penetrate the consciousness of historians of Lombard society, with the obvious exceptions of Cristina La Rocca, Brigitte Pohl-Resl, Trish Skinner and myself. But none of us has really got to grips with fathers or fatherhood – and I might add that much of the existing work on early medieval masculinity is surprisingly deficient here too. In this chapter I am not especially interested in the performance of gender, in what fatherhood *meant* for men, or how they felt about it, how it contributed to their ideas of self and identity. These issues are certainly interesting but, arguably, not as fundamental in terms of social organization as is often suggested at the moment. Instead, I am more interested in what a consideration of fatherhood might reveal about the subordination of women within Lombard society, which was one of its defining characteristics and perhaps the most important.

In most societies, once historians start looking for fathers and fatherhood they seem to pop up all over the place. Roman fathers have, of course, been much studied, but recently historians such as Suzanne Dixon, Mary Harlow and Marilyn Skinner have tended to downplay the all-powerful *paterfamilias* and *patria potestas*, in favour of a more varied understanding of Roman fatherly roles. Merry Wiesner-Hanks has made the more general point that men, especially ruling men, 'use paternal language in their attempts to build and maintain their own power' in all sorts of societies. She has also suggested that, 'In most conceptualizations of the stages of life for a man, fatherhood did not mark a clear break the way motherhood did for a woman'. Lastly, she states that fatherhood was a marker of both potency and a stake in the future.[4] Ruth Karras has made similar points, but added that medieval fathers wanted to produce sons in preference to daughters; that most men expected to become fathers; that fathering children did not require a man to be 'heterosexual'; that fathers named their children and gave them a social identity; that fathers did not participate continuously in the upbringing of their children; and that father-son bonding was not especially important to medieval men. Karras winds up by stressing that patrilineage is the most useful concept within which to situate late medieval fatherhood: it was mostly about concern for property and the way it might be kept within male hands and passed from one generation to the next.[5] There is little in Karras's book to suggest that medieval people thought very much or very hard about the state of being a father.

[4] M. E. Wiesner-Hanks, *Gender in History* (Oxford, 2001), pp. 99–102.

[5] R. Mazo Karras, *From Boys to Men: Formations of Masculinity in Late Medieval Europe* (Philadelphia, Pa., 2003), pp. 165–6.

This rapid comparative survey suggests that some societies display a great deal of interest in fatherhood and others appear to verge on indifference. Historians also give it greater or lesser prominence depending on which periods and places they are looking at: for example, early to mid Victorian England has seen much research on fatherhood, late Victorian England far less.[6] At the least we might all agree that fatherhood is of itself a gendered category of analysis and yet even this is not a given. Toby L. Ditz, in a major intervention into debates about how and why historians should research masculinity rather than men's studies, published in 2004, expressed concern that scholars of historical masculinity should at all costs avoid 'the occlusion of men's power over women'. She plausibly suggested that many studies of masculinity have neglected the relational aspect of the subject, in favour of the study of differentiation *among* men.[7] Ditz advocated 'revisiting the more general proposition that the gender order pivots on men's access to women, its differential distribution, and challenges to it, therefore this way of thinking has the advantage of linking, almost by definition, manliness and social relations among men tightly to their relations with women and to their gendered power'.[8] This is my own view too.

Ditz's perspective provides a context within which to explain how in Lombard society men may have used fatherhood as a way of gaining and maintaining power over women, and over other men and children too. If this view of fatherhood seems to ignore excellent work by Pauline Stafford and Jinty Nelson on the importance of thinking about family relationships as parenthood, this is not my intention. Instead it reflects what I think I have found in Lombard writings, namely a social order in which co-operation between men and women was not very evident. I want to stress that a lot of 'teasing out' has to be done to enable anything at all to be said about Lombard fatherhood, and that here I can deal with only some of the surviving sources. During my research I have analysed in detail five different genres of Lombard writing, taken in the chronological order of their composition, to try to observe how fathers were written about. I have not tried to construct a narrative about the social history of fatherhood across the period, as I do not think the material allows this to be done with much success. Needless to say, the conclusions reached from this very specific body of material may, or may not, have application to other early medieval societies, let alone in other times and places.

[6] J. Tosh, 'Authority and nurture in middle-class fatherhood: the case of early and mid-Victorian England', *G&H*, viii (1996), 48–64, and recently *Gender and Fatherhood in the 19th Century*, ed. T. L. Broughton and H. Rogers (Basingstoke, 2007).

[7] T. L. Ditz, 'The new men's history and the peculiar absence of gendered power: some remedies from early American gender history', *G&H*, xvi (2004), 1–35.

[8] Ditz, 'The new men's history', p. 11.

Even so, there is little doubt that universalist assumptions about the role of fathers and the nature of fatherhood were common to many early medieval texts, especially – and ironically – those authored by self-consciously celibate bishops, clerics and monks. A few examples from across the period demonstrate this, notably texts intended to clarify how Christians should behave, such as those analysed by Julia Smith in 'Gender and ideology'. In her reading of the *De Duodecim Abusivis Saeculi*, probably written in Ireland between 630 and 650 CE, Smith highlighted the *femina sine pudicitia* and the *rex iniquus* as particularly influential images, later picked up by Carolingians.[9] But also interesting is the *adolescens sine oboedientia*, the 'disobedient youth' whose prime duty was to follow God's law by honouring his father *and* mother. Although this suggests equality between father and mother the rest of the passage is almost entirely about fathers rather than mothers. One ninth-century reader at the monastery of St. Gallen – possibly Abbot Grimald himself – took this patriarchal sentiment particularly to heart, as his complete copy of the 'Twelve abuses' (in St. Gallen, Stiftsbibliothek, Cod. Sang. 277 fos. 243–4) was immediately followed by a short text called *De Honore Parentum*, which valued fathers above mothers in a short sequence of maxims or proverbs, such as 'whoever honours their father will live longer' ('qui honorat patrem suum vita vivit longiore') and 'glory not in the shame of your father for it is not glory for you but confusion' ('ne glorieris in contumelia patris tui non est enim tibi gloria sed confusio').[10] This sort of privileging of fathers by silencing mothers, even in texts which purport to be about father *and* mothers, seems typical of monastic texts.

The author of the Twelve Abuses may have been influenced by Isidore of Seville's early seventh-century *Etymologies* (though this is debated). Julia Smith argued that Isidore's definitions of man and woman in book XI (*De homine et portentis*) underpinned early medieval understandings of the 'gender order', particularly that 'the shift from male:female to masculine:feminine was instantaneous',[11] with masculinity being a more positive quality than femininity. Earlier in the work this is even more apparent. In book IX (*De linguis, gentibus, regnis, militia, civibus, affinitatibus*), in a lengthy section on 'Family relationships and their degrees' (IX. 5–7), Isidore defined father (*pater* in Latin) as 'the one from whom the beginning of the line springs, and thus, he is called the "paterfamilias".[12] Moreover, a father is so called because he engenders a son when "patratio" has been performed, for "patratio" is

[9] Pseudo-Cyprianus, *De Duodecim Abusivis Saeculi*, ed. S. Hellmann (Leipzig, 1909).
[10] <http://www.e-codices.unifr.ch/en/list/one/csg/0277> [accessed 15 Sept. 2009].
[11] Smith, 'Gender and ideology', p. 57.
[12] Isidore of Seville, *Etymologies*, ed. S. A. Barney and others (Cambridge, 2006).

the consummation of sexual intercourse' (IX. 5.3). He continued that 'a mother is so named because something is made from her, for the term "mother" ('mater') is as if the word were "matter" ('materia'), but the father is the cause' (IX. 5.6). This is biological reasoning. 'The "paterfamilias" is so called, because he takes care of the slaves placed in his household ('familia'), just as a father directs his children, with paternal affection' (IX. 5.7) and 'just as a slave is in the power of his master, so a child ('filius') is in the power of his father', which really brings home the extent of the child's expected obedience. This is social reasoning. Isidore ended the whole discussion with: 'Women stand under the power of their husbands because they are quite often deceived by the fickleness of their minds. Whence, it was right that they were repressed by the authority of men. Consequently, the ancients wanted their unwed women, even those of mature age, to live in guardianship, on account of their fickle minds' (IX. 7.30). This is biological *becoming* social reasoning. Other parts of Isidore's work show that women were regarded for this reason as children, and so, in a sense, their husbands took on the role of their fathers at marriage, with all the powers over them that that role entailed.

Although the book-knowledge represented by the *Etymologies* (and the Twelve Abuses) might seem idealistic and divorced from real life, for Isidore it clearly was not. His carefully worked out vocabulary of fatherhood leeched into his other writing, including the history of his own times, his *History of the Goths*, where he made many comments about fathers. For example, he characterized his king, Suinthila, as 'father of the poor' ('pater pauperum') and wrote that Suinthila's son Riccimir, being 'made a partner in his role, enjoys the throne equally with his father. In his childhood ('infantia') the splendour of his royal nature shines so that in him the image of paternal virtues may be seen both in his merits and his physical appearance' ('in consortium regni assumptus, pari cum patre solio conlaetatur, in cujus infantia ita sacrae indolis splendor emicat, ut in eo et meritis et vultu paternarum virtutum effigies praenotetur'). This turned out to be wishful thinking as Suinthila was deposed and Riccimir never became king, but the image of the fatherly child-king sticks in the mind (he even looked like a father!), especially as there was no place in this history for mothers or motherhood at all.

Dipping into these influential texts exposes some very old stereotypes of fatherhood still going strong, borrowed like so much else from the Bible and patristic authors, especially Augustine. Fathers physically created families; could expect to be obeyed by their children and by their children's mother; but also had to provide for their families, to nourish them, to discipline them, with paternal affection. Obviously, this *is* an idealized view

– neither Isidore nor the author of the Twelve Abuses, one may be sure, had children of their own (unlike Augustine) – but the idealized Christian father provides a context within which to explore other sorts of text, to determine how pervasive this episcopal/clerical/monastic model actually was. To what extent can an ideology of fatherhood be found in other genres? Was this ideology patriarchal and misogynistic? Was it universal? Did anyone question it?

Obviously, as a historian versed, to a degree, in contemporary gender theory (in particular that gender is *performed*) I want to avoid perpetuating universalist assumptions about fathers in the past. However, there is little doubt in my mind that many common assumptions about fathers and their roles in society were indeed to be found across *all* early medieval societies. In that sense, we can plausibly trace fatherhood, as well as motherhood, childhood and parenthood (and grandparenthood). At this point I want to turn to eighth-century Lombard Italy, rather than the Carolingian texts Julia Smith used, and to the moment when Lombard culture came into contact with the Carolingian variety.

In a longer version of this chapter I would give detailed readings of a range of eighth-century texts – a religious poem, a law code, a charter, a narrative history and a saint's life – which trace Lombard fathers across different genres of writing in a specific spatial, temporal and cultural context. Here there is only space to look briefly at Paul the Deacon's *Historia Langobardorum*, especially his coverage of 700–12;[13] at the *Carmen de Synodo Ticinensi* of 698 (or thereabouts);[14] and at the *Vita Walfredi*, dealing with the 750s.[15] The specific context of each text grounds the material in some sort of reality, which I feel should be important to the historian however hard it is to access it from surviving texts. Each of these texts, unlike the abstract *Etymologies* and Twelve Abuses, deals with real fathers who actually existed, but each, like the *Etymologies* and Twelve Abuses, does so in the paternalistic Latin discourse inherited from late antique Rome. It is not clear how far the *Etymologies* were known in Lombard Italy, or if the Twelve Abuses were known at all. Paul the Deacon did know Isidore at least, and Paul's is probably the most sophisticated appropriation of this language. Indeed his prose is saturated with paternal imagery, unsurprising given his background and interests. Elsewhere I have suggested that Paul was very

[13] Paul the Deacon, *Historia Langobardorum*, ed. L. Bethmann and G. Waitz, in *Scriptores Rerum Langobardicarum et Italicarum* (MGH, Hanover, 1878), pp. 45–187.

[14] 'Carmen de synodo Ticinensi', ed. L. Bethmann, in *Scriptores Rerum Langobardicarum*, pp. 189–90.

[15] *Vita Walfredi und Kloster Monteverdi: Toskanisches Mönchtum zwischen langobardischer und fränkischer Herrschaft*, ed. K. Schmid (Tübingen, 1991).

careful to delineate the family relationships between his many protagonists and that in so doing he revealed a lot about how the life-cycles of men, as well as women, mattered in the context of Lombard political life.[16] For example, although King Liutprand apparently failed in one of his duties as king and father – to produce a healthy, legitimate male heir – he nonetheless managed to have a very successful reign by explicitly cultivating 'fatherly' relationships with his various nephews, despite, as Paul put it, 'having generated merely a daughter'. This is even clearer in Paul's treatment of the years 700–12 (chapters 17–38 of book VI) in which he carefully explains how Liutprand came to the throne. There is little doubt that Paul intends us to understand that Lombard kings expected to be succeeded by their sons, something his reading of their law codes would have reinforced. Therefore, when Paul narrates that between 700 and 712 there were seven kings or putative kings of the Lombards – Cunipert and Liutpert (father and son), Raginpert and Aripert II (father and son), Rothari (rebel king), Ansprand and Liutprand (father and son) – it is unsurprising that his tone verges on one of crisis.

In terms of the performance of gender we might be tempted to see this period as one of hyper-masculine competition between adult members of the 'Bavarian dynasty' for rule over the Lombard *gens*. Yet in many ways these years of instability were actually caused by the simple fact that King Cunipert was succeeded in the year 700 by his underage son Liutpert (*HL* VI. 17). The prescient Cunipert had apparently arranged for Ansprand, 'a wise and distinguished man', to be his infant son's guardian (or 'tutor'), which placed Ansprand in a father-like role. Interestingly, such an arrangement seems to have been conventional, as Paul did not remark on its oddity, and yet the fact that underage sons needed to have adult male legal guardians to make sure of their succession demonstrates that it was possible to challenge a father's right to have his son or sons succeed him, as well as challenging the son's right to succeed his father. The ideology of fatherly power could not straightforwardly extend beyond death, even when the dead father was a king. It also seems very clear that in Paul's vision of early eighth-century Lombard society women did not normally operate in a father-like way in this type of situation. Paul did not mention Liutpert's mother Hermelinda, Cunipert's Anglo-Saxon wife, in his account of the succession, although he knew she had existed as he had recorded their marriage in book V. 37. On the one occasion that Paul records a woman as regent – when Queen

[16] R. Balzaretti, 'Masculine authority and state identity in Liutprandic Italy', in *Die Langobarden: Herrschaft und Identität*, ed. W. Pohl and P. Erhart (Vienna, 2005), pp. 363–84, and 'Sexuality in late Lombard Italy, *c.*700–*c.*800 AD', in *Medieval Sexuality: a Casebook*, ed. A. Harper and C. Proctor (New York, 2007), pp. 7–31.

Theodelinda acted for her young son Adaloald at the outset of the seventh century – the eventual consequence was extreme: Adaloald's madness and death.

There is not space for more Pauline examples here but the gist of my gendered reading should be clear, particularly the importance of fathers in Paul's world-view, which is not that different in other, less sophisticated Lombard histories such as the seventh-century *Origo*. But Paul's writing is not our only record of King Cunipert. Much less well known, and far less complex than Paul, is the so-called 'Song of the synod of Pavia' (*Carmen de Synodo Ticinensi*), a brief poem composed at the very end of the seventh century to commemorate the synod organized, probably in 698, by Cunipert to end the Three Chapters schism in Italy. Its nineteen short verses were most likely composed by Stephen, a monk at the monastery of Bobbio, and probably commissioned by Cunipert himself. It survives in two manuscripts of eighth-century date, written before Paul's *Historia Langobardorum* and apparently, since he did not know it, independent of him. It is well known to Lombard specialists because it is an important witness to Christian attacks on Jews in this period. But if we consider it with gender in mind it becomes obvious that another of its important characteristics is the pride with which it records the transmission of religious orthodoxy and extreme piety *from father to son*. In verse 1, the 'pius et catholicus' Aripert 'abolished the Arian heresy and made the Christian faith grow'. In verse 2, his son Perctarit followed this up by forcing Jews to convert to Christianity and putting to death those who refused, 'imitatus protinus exempla patris', mimicking his father's example. In verse 3, Perctarit appears as lover and protector ('tutor et rector') of churches, the builder of monastic communities, including a nunnery for his 'germana egregia', who ruled it with 'motherly love'. Verses 4 and 5 culminate with the devout Cunipert – both grandson and son – who endowed churches, defeated the rebellious Alahis and ended the Three Chapters schism. Thus in its first five verses this poem constructs a dynasty of Aripert (653–61), Perctarit (661–2 in Milan and again 672–80, 680–8 with Cunipert) and Cunipert (688–700). The innocent reader might assume – as seems to have been the intention of the poet – that the son succeeded the father without incident. However, the text ignores the ten-year period of the reigns of Godepert (661–2 in Pavia), Grimoald (662–71), who had become king partly by marrying a daughter of Aripert, and of their son Garibald (671–2). The *Carmen* thus represents both a spun family history of a fifty-year period and also a work imbued with a straightforward conceptualization of fatherhood, in this case one in which fathers instilled Christian piety and anti-semitism into their sons who dutifully followed their father's example. But these fathers are completely without the mothers

of their children in this text: the poet does not seem to think that the mothers of these kings had much bearing on what their sons did at all. Nor in fact did any other source, for we do not know who Perctarit's mother was and we know almost nothing about the mother of Cunipert apart from her name, Rodelinda. Once again, this writing out of mothers may reveal that the poet was a monk.

My final text, the *Vita Walfredi*, tells the story of such a monk and his family in the twilight of the Lombard kingdom. Walfred's *vita* is not, chronologically speaking, 'Lombard', as it was composed after the fall of the Lombard kingdom to the Carolingians in 774, sometime between 780 and 810 by Andreas, third abbot of the Tuscan monastery of San Pietro in Palazzuolo ('Monteverdi'). But culturally it is certainly Lombard, as its protagonist Walfred, who had founded the monastery in 752–4 and died *c.*765, identified himself as such. The *vita* is not a text apparently much influenced by Frankish expressions of monasticism but draws much more obviously on long-established Mediterranean ascetic traditions, notably the works of Pope Gregory the Great, as Marios Costambeys has shown.[17] The text has a prologue followed by fifteen chapters and a continuation, and deals most interestingly with gender issues, especially when Walfred's family is discussed; when Walfred succumbs to sexual temptation and is, during a dream, castrated by an angel who cures his desires; and when Gunfred, one of Walfred's sons, disobeys his father. Walfred, a layman who renounced his existing life of marriage to become a monk (perhaps mimicking the contemporary pattern of kings retiring to become monks at Montecassino), had five sons: in order of their birth, Ratcausus, Ratchis, Gunfred, Tasus and Benedict (*VW* 1). Gunfred, his third son and significantly 'the one of his sons most dear to his father', disobeyed Walfred and fled the monastery (*VW* 7). Gunfred had clearly been intended for the Church while a child, for his parents then called him Jerome. As Clare Pilsworth has pointed out, this relationship between Walfred and his son lies at the heart of the work.[18] As she shows, such was the importance attributed by the author of the *vita* to Gunfred's 'act of filial disobedience' that he was determined to show that Gunfred had been properly punished for it, by having a finger cut off after he fled the monastery. Even after the saint's death, when his son tried to write verses on his father's tomb, he was struck down with a fever, because he was disobeying his father's wish to escape the glory of the world (*VW* 12).

[17] M. Costambeys, 'The transmission of tradition: Gregorian influence and innovation in 8th-century Italian monasticism', in *The Uses of the Past in the Early Middle Ages*, ed. Y. Hen and M. Innes (Cambridge, 2000), pp. 78–101.

[18] C. Pilsworth, 'Sanctity, crime and punishment in the "Vita Walfredi"', *Hagiographica*, vii (2000), 201–68.

One message from this work is obviously that a father could expect complete obedience from a son, which is exactly what we should expect a monastic author brought up in the tradition of Benedict to advocate. As we have seen, the disobedient son was one of the worst abuses imaginable to a seventh-century Irishman. When Gunfred left because he found the going too tough, he took with him men, horses and the monastery's charters, which, as Pilsworth rightly says, was highly significant. Gunfred took the monastery's – and his real and spiritual father Walfred's – title to property. This must have been plausible to a contemporary audience, and indeed the possibility that a son might disinherit his own father had been raised in one of Liutprand's laws issued in March 720. Conventionally the hagiographer made very clear that Walfred's sanctity was such that he was able to punish his son's disobedience from beyond the grave. But more subversively perhaps, he suggested that a biological father could re-assert his control over his biological son by resisting sexual temptation through castration, so that he could no longer become a biological father. Only by controlling drastically the sexuality which had brought Gunfred into the world could Walfred be a true father to his monastic community, including his own sons. This battle between monastic chastity and lay existence was obviously nothing new, and certainly rather ambiguous. It even seems that chastity for kings was on the agenda for Paul the Deacon, who curiously described King Liutprand as 'castus' in the final pages of his account of the king.[19] But the 'battle for chastity' perhaps gains force in Walfred's case because there is no doubt that this hagiographical text deals with a real person and a real family, who are recorded in contemporary charters, above all an elaborate charter of endowment (*charta dotis*), apparently dating to July 754.[20] Most historians have suggested that the charter and the *vita* record significantly different versions of events, and Marios Costambeys has plausibly argued that this is because the record of the foundation and early endowment of the community was disputed between Walfred's family and that of Andreas, the author of the *vita*. A couple of points about gender can be added to this otherwise convincing assessment. First, none of Walfred's sons witnessed the charter of 754, which strongly suggests that they were not of the appropriate age to do so in 754, that age being eighteen according to Lombard law. This fact, if true, confirms the pretty radical social action which Walfred was taking in forcing his sons – all five of them – in addition to himself, into the monastic life. The charter is largely written in the

[19] Paul, 'Historia Langobardorum', p. 187 (VI. 58).

[20] *Codice Diplomatico Longobardo*, i, ed. L. Schiaparelli (FSI, lxii, 1929), no. 116. The text survives not as an original sheet but in two copies of 11th-century date.

first person. Walfred offered himself and his sons 'cum magna devotione et compunctione cordis', and did this 'pro remedio peccatorum meorum' (not 'nostrorum'). The endowment made was very substantial, probably the entirety of the family's land and workforce.

Walfred's story demonstrates to an extreme degree the possible extent of a father's power over his children in Lombard society: a father could disinherit his own sons and map their lives out for them in a way which prevented them from having biological families of their own. This recalls Isidore's 'child as the father's slave'. Further, their mother, Walfred's wife, is present in the *vita* but not the charter, and is unnamed in either text. The *vita* thus implies what the charter does not: that this woman was fully behind her husband's actions. According to the *vita* she went into a nunnery which Walfred set up alongside the male monastery at the same time, and there is no suggestion that she had any objections to what had happened to each one of her considerable number of sons. In this way, both texts – *vita* and charter – suppress motherhood from their narratives, and demonstrate how men's power over women was at the root of Lombard social organization, which it is fair to describe as patriarchal.

Most Lombard texts present worlds in which women are almost entirely without power: significantly the one discussed here that does not is a charter, a document more closely linked to 'reality'. Given that women were really there in society – a fact which these texts admit in brief occasional appearances – is it reasonable to conclude simply that early medieval texts authored by men *unthinkingly* reproduced the fiction that women did not matter in society, because, in the words of Isidore and the author of the Twelve Abuses, they were weak, helpless, flawed and so on? No. For one thing women were not actually as absent as these Lombard texts claim. Each text deals in some way with fathers and their children, which means also that mothers put in an appearance even when texts do not make this clear. All early medieval men, after all, had mothers. For us, if not for their authors, by focusing on fathers these texts record mothers too. If in the 'Song of the synod of Pavia' the mothers of Lombard kings are not mentioned, they certainly existed: a simple point perhaps but one which profoundly changes how we should read this text. The paternal language in which it is framed misogynistically writes women out of places in which they were to be found. This poem, like Walfred's *vita*, presents a world *deliberately* constructed using a language of the paternal rather than the maternal. Such choice of language – and it was a *choice* and was not unthinking – is not surprising on the part of male monastic authors who, in Italy more than in most places, were thoroughly imbued with the Benedictine language of fatherly authority and filial obedience. A discourse of paternity was also

important to Paul the Deacon, whether or not he was a professed monk at Montecassino when he was writing his Lombard history. Paul's interest in the minutiae of royal succession in the early eighth century did not, as we have seen, extend to any examination of how the mothers of royal sons and would-be royal sons might have been involved in power politics, let alone any royal daughters. He, after all, reminded his readers that the most successful of the Lombard kings, Liutprand, generated no sons but '*merely* ('solummodo') a daughter'. While the absence of women from a poem marking the end of an abstruse theological dispute and their continued absence from the genre of Benedictine hagiography may not, in the end, be surprising or particularly important, women's absence from the master-narrative of Lombard history has been significant, just as the choices made by Isidore and the anonymous author of the Twelve Abuses, also widely diffused texts, helped to perpetuate and to transmit ideas about the power of fathers from one reader to another, and from one generation to the next. The ubiquity of paternal language in Lombard sources represents both the continuation of a particular view of the gender order which was not able to cope with challenges to it and an important way in which men's power over women was legitimized in text.

2. Anger, emotion and a biography of William the Conqueror

David Bates

A central theme of Pauline Stafford's publications has been individual and collective biography. This has most obviously been of women and above all of queens, but with gender and the family also central to much that she has written.[1] Her long-standing engagement with the social sciences and her recent reflections on the changes in the writing of biography that have taken place during her distinguished career are, in consequence, a magnificent basis from which to tackle demonstrative, apparently emotional, behaviour as an aspect of the writing of a biography of William the Conqueror.[2] Like *Queen Emma and Queen Edith*, this chapter is based on the premise that the 'norms, practices and scripts' of apparently emotional behaviour in the eleventh century and the writing of biography need to be coupled together in order to achieve some understanding of both.[3] Only thus can we begin to comprehend what, to put it simply, is institutional, what is socially constructed, and what is specific to the particular individual and therefore an expression of personality.

From a biographical perspective, both D. C. Douglas's magisterial contribution to the English Monarchs series, which was more a study of the Norman conquest than of William the man, and the one serious attempt at a portrayal of personality, Frank Barlow's picture of William as distrustful, deceitful, under-educated and culturally limited, were both written a considerable number of years before what we call 'theory' became fashionable.[4] However, from a socio-cultural perspective, given his historical

[1] See, above all, P. Stafford, *Queens, Concubines and Dowagers: the King's Wife in the Early Middle Ages* (2nd edn., 1998); *Queen Emma and Queen Edith: Queenship and Women's Power in 11th-Century England* (Oxford, 1997), with references to many of her other publications.

[2] P. Stafford, 'Writing the biography of 11th-century queens', in *Writing Medieval Biography 750–1250: Essays in Honour of Professor Frank Barlow*, ed. D. Bates, J. Crick and S. Hamilton (Woodbridge, 2006), pp. 99–109, with some interesting autobiography at p. 102, n. 11.

[3] Stafford, *Queen Emma and Queen Edith*, pp. vii–viii. For 'norms, practices and scripts', see Stafford, 'Writing the biography', p. 107.

[4] D. C. Douglas, *William the Conqueror* (1964), with comments on William as a personality at pp. 368–76; F. Barlow, *William I and the Norman Conquest* (1965), pp. 11–12.

importance and the fact that his recorded acts contain many examples of the kinds of behaviour relevant to these ongoing debates, William is surprisingly absent from recent discussions of ritual and ritualized behaviour, a high proportion of which tend to focus on periods before the eleventh century and are often located within the historiographies of what can for convenience be called France and Germany.[5] In one area only, namely, the discussions initiated by John Gillingham's characterization of William as England's first chivalrous king, by which he meant the first king who deliberately set out to limit the brutality of his armies, has an attempt been made to assess William's conduct against perceived contemporary standards of behaviour.[6] Gillingham's article has provoked a perhaps predictable response to the effect that savagery, rather than chivalry, was the predominant characteristic of Norman behaviour in and after 1066.[7] On these matters, as with the important, but more limited, subject of anger, the way forward unquestionably lies in recognizing that norms were more complex than was suggested in Gillingham's article, that the conquest created circumstances that were highly unusual, and that, as literary theory has long emphasized, the consequences of war and violence distort language and norms and re-write scripts.[8]

Royal anger, about which much has been written recently, most notably in and since the publication of the volume of essays edited by Barbara Rosenwein in 1998, was unquestionably an identified norm of kingly

[5] For a recent survey of the issues posed by ritual, see C. Pössel, 'The magic of early medieval ritual', *EME*, xvii (2009), 111–25, in particular p. 117: 'If ritual doesn't do anything … the question arises why these actors made these choices'. For further references to the extensive literature, see below, n. 47.

[6] J. Gillingham, '1066 and the introduction of chivalry into England', in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, ed. G. Garnett and J. Hudson (Cambridge, 1994), pp. 31–55, with specific comments on William and chivalry at pp. 32–3, 37–8, 40–3, 54–5.

[7] P. R. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, NY, 2003), pp. 111–54, with specific commentary on the introduction of chivalry at pp. 112–13; D. Barthélemy, *La chevalerie: de la Germanie antique à la France du XII^e siècle* (Paris, 2007), pp. 186–96. For an earlier statement of similar views, see C. S. Jaeger, *The Origins of Courtliness: Civilising Trends and the Formation of Courtly Ideals, 939–1210* (Philadelphia, Pa., 1985), p. 200.

[8] On chivalry in general, see M. Strickland, 'Killing or Clemency? Changing attitudes to conduct in war in 11th- and 12th-century Britain and France', in *Krieg im Mittelalter*, ed. H.-H. Kortüm (Berlin, 2001), pp. 93–122; J. Gillingham, '"Holding to the rules of war (*bellica iura tenentes*)": right conduct before, during and after battle in north-western Europe in the 11th century', *Anglo-Norman Studies*, xxix (2007), 1–15. For literary theory and 12th-century historical writing, see C. A. M. Clarke, 'Writing civil war in Henry of Huntingdon's *Historia Anglorum*', *Anglo-Norman Studies*, xxxi (2009), 31–48, at pp. 31–2.

behaviour in the eleventh and twelfth centuries.[9] For Normandy and England, it also has a significant pre-1998 history in J. E. A. Jolliffe's famous book on Angevin kingship and in Lucien Musset's treatment of it as an aspect of the legal powers of the pre-1066 Norman dukes.[10] With all this in mind, three points strike me as being fundamental to the present study: first, that emotions are very complex phenomena and that to reduce them to a functionalist role is to simplify grossly, which was recognized in medieval times by the way in which anger was identified, according to circumstances, as a sin or as a legitimate way of expressing righteous indignation and will; second, that although in the eleventh century displays of kingly anger were undeniably a norm, to confine them within an institutional and legal framework is to remove all consideration of personality, power and process; and third, that while such displays can legitimately be seen as the signal for a restructuring of social and political relationships, the range of variables implicit within any incident is so broad, and its reception and the processes it initiated are so many and diverse, that a statement of that kind cannot have any meaning beyond the most general.[11] To put it succinctly, anger is a part of what Stephen White, borrowing from Foucault, has described as 'the technologies of power'.[12]

In his *Gesta Guillelmi*, as is to be expected, William of Poitiers portrays William's anger in favourable terms, mentioning it on three occasions. Two further descriptions that occur in the sections of Orderic Vitalis's *Historia Ecclesiastica* that depend heavily on the lost later sections of the *Gesta Guillelmi*, and where most of the language is almost certainly lifted directly from the *Gesta*, can also be brought into play as a part of this analysis. In every case, William's anger is associated with factors such as legitimate revenge (for behaviour tantamount to betrayal), the pursuit of justice, and leadership in a just cause, although in the second of the incidents for which we rely on Orderic, some of the emphases that derive from Orderic's opinions, and which were no doubt interpolated by him, introduce other considerations.

[9] *Anger's Past: the Social Uses of Emotion in the Middle Ages*, ed. B. H. Rosenwein (Ithaca, NY, 1998). On royal anger esp., see G. Althoff, '*Ira regis*: prolegomena to a history of royal anger' and P. R. Hyams, 'What did Henry III of England think in bed and in French about kingship and anger?', pp. 59–74, 92–124.

[10] J. E. A. Jolliffe, *Angevin Kingship* (2nd edn., 1963); L. Musset, 'Autour des modalités juridiques de l'expansion normande au xi^{e} siècle: le droit d'exil', in *Autour du pouvoir ducal normand X^{e}–XII^{e} siècles* (Cahiers des Annales de Normandie, xvii, Caen, 1985), pp. 45–59, at pp. 49–50, 53–5.

[11] This comment is written in reaction to R. E. Barton, '"Zealous anger" and the renegotiation of aristocratic relationships in 11th- and 12th-century France', in Rosenwein, *Anger's Past*, pp. 153–70, at p. 162.

[12] S. D. White, 'The politics of anger', in Rosenwein, *Anger's Past*, pp. 127–52, at p. 151.

In his first reference to William's anger, William of Poitiers records that, at the siege of Arques in 1053, William forced the rebel Count William of Arques's troops to retreat and 'as his infuriated and bold spirit impelled him' ('uti animus iratus fortisque tulit') sought to slaughter all of them, a fate they escaped by shutting themselves up in the castle. After they had reached safety, William settled down patiently to conduct the siege.[13] In the second, William is said to have been angry ('indignans') when the inhabitants of the county of Maine supported Count Walter of the Vexin against his own claims to the succession; his subsequent victory is described as initiating a process whereby they set out 'to placate the enraged man' ('placare infensum').[14] And third, at the Battle of Hastings, the *Gesta* refers to William's 'angry blade' ('irato mucro'), a clear reference to justified anger in pursuit of what William of Poitiers regarded as a just cause.[15] Then, fourth, at the siege of Exeter in 1068, in the first of the two instances known through Orderic's version, William is said to have been furious after the citizens had reneged on a peace agreement ('ira repletus est'), soon after ordering that a hostage be blinded in full view of the defenders, an act which presumably stated symbolically that they had been totally excluded from favour.[16] And, finally, it is again Orderic who reports a mixture of emotional behaviours on William's learning of the murder of Earl Edwin of Mercia by his own followers, writing first, that the king was moved to tears of sympathy ('pietate motus fleuit') by the news and that he then sent the killers, who had hoped for a reward from him, into exile with a display of severity ('seuerus in exilium expulit').[17]

Within the current canon, all of these incidents, with the partial exception of the fifth, look like representations of symbolic anger comprehensible within the understood norms, intended either to drive men forward into battle, or to impose power, or to push a dispute to a negotiated settlement or a verdict.[18] It is certain that William of Poitiers intended them so to be viewed because, as Richard Barton has shown, he deployed a different vocabulary to describe displays of anger by William's enemies, thereby

[13] William of Poitiers, *The Gesta Guillelmi*, ed. and trans. R. H. C. Davis and M. Chibnall, (Oxford Medieval Texts, Oxford, 1998) (hereafter *Gesta Guillelmi*), pp. 38–9.

[14] *Gesta Guillelmi*, pp. 60–3.

[15] *Gesta Guillelmi*, pp. 134–5.

[16] Orderic Vitalis, *The Ecclesiastical History*, ed. and trans. M. Chibnall (6 vols., Oxford, 1969–80) (hereafter Orderic), ii. 212–13. For blinding, see G. Bührer-Thierry, '"Just anger" or "vengeful anger"? The punishment of blinding in the early medieval west', in Rosenwein, *Anger's Past*, pp. 75–91.

[17] Orderic, ii. 258–9.

[18] See in general, White, 'Politics of anger', pp. 127–52, and Barton, '"Zealous anger"', pp. 153–70.

branding them as emotionally uncontrolled and perverse and as having behaved differently from the virtuous William.[19] Of the incidents described above, William's behaviour at Arques might nonetheless be deemed a display of excessive anger because of the threat of mass slaughter, especially as the *Gesta*'s narrative then proceeds very rapidly to say that William never took human life unless absolutely necessary; but equally it may be explained as a justified rage in the face of continuing defiance. It brings up for the first time a subject to which I will return, namely, that while a staged display of anger might be symbolically 'normal', its scale might well be personal to its perpetrator and equally might well raise questions for the non-partisan about whether the form it took was justified. The account of the incident at Arques also demonstrates that the interpretation of the legitimacy of anger was ultimately dependent on the perspective of the author and on whether it produced a 'good' result. Thus, to cite an example from another author, when William of Malmesbury wrote about William's anger in the ferocious attack on the town of Mantes-la-Jolie in 1087 that led to his fatal injury and subsequent death, he described the king's anger and ardour as excessive, saying that nothing could pacify his fury, and following this up with a story that the subsequent attack led to an anchoress being burnt to death in her cell and a church also being destroyed by fire ('nichil erat quod furentis animum mitigaret'). In contrast, the same author treated William's behaviour at the Battle of Hastings as a display of appropriate anger because it took place within what William of Malmesbury interpreted as a divinely favoured cause.[20]

The treatment of Earl Edwin's killers brings up a host of complex issues in relation to my theme. In the first place, there is the question of the story's credibility, since it must derive from William of Poitiers and might seem automatically suspect. However, the fact that William's tears are also mentioned by William of Malmesbury in relation to the same incident must provide a strong reason to accept the account.[21] William's tears must therefore be viewed as another well-established normal emotional display, communicating symbolically his opinion in circumstances where some of his Norman and French followers, perhaps many of them, may have

[19] R. E. Barton, 'Gendering anger: *ira*, *furor*, and discourses of power and masculinity in the 11th and 12th centuries', in *In the Garden of Evil: the Vices and Culture in the Middle Ages*, ed. R. Newhauser (Toronto, 2005), pp. 371–92, at pp. 384–5, 387–8.

[20] William of Malmesbury, *Gesta Regum Anglorum: the History of the English Kings*, ed. and trans. R. A. B. Mynors, R. M. Thomson and M. Winterbottom (2 vols., Oxford, 1998–9) (hereafter *Gesta Regum*), i. 510–11; K. A. Fenton, *Gender, Nation and Conquest in the Works of William of Malmesbury* (Woodbridge, 2008), pp. 35–43.

[21] *Gesta Regum*, i. 468–9.

been prepared to welcome news of the earl's death. In this situation, the subsequent display of anger against the murderers was a logical corollary of the tears.

It is, however, surely right to think that this rather one-dimensional display of closure at a crucial stage in the ruin of the most powerful English family to survive 1066 would undoubtedly have seemed less than straightforward at the time, not only to William's Norman subjects, but, in particular, to his English ones as well; especially as Orderic, here manifestly departing from William of Poitiers, repeatedly says that William treated Edwin and his brother Morcar badly, while adding that he did this either because he was given bad advice or to appease his acquisitive followers.[22] In other words, if the situation is viewed in the admittedly simplified terms of likely 'English' and 'Norman' sentiment, it is a reasonable deduction that no solution could be satisfactory to both. There surely being no map to follow after this display of anger, William's use of non-verbal communication must have been designed to provide him with an escape route from having to confront circumstances of impossible complexity and to avoid any reference to the deeper causes of conflict and anxiety that would have had to involve a demonstration of righteous ill-will against those who were fundamentally responsible. Orderic arguably grasped the impossibility of the straightforward application of norms, scripts and rules in circumstances such as these by identifying William's shambolic coronation as a consequence of the Devil's intervention and a portent of catastrophes to come, the start of irreconcilable distrust between the two peoples.[23] He shows understanding of the many moral layers that Edwin's death epitomizes. William of Malmesbury, in contrast, views everything in simpler terms and thinks that Edwin deserved his fate because he was persistently obstructive and disloyal.[24]

In near-total contrast to the material derived from William of Poitiers, Orderic, in the earlier book III of the *Historia Ecclesiastica*, written before 1125 while he was still concentrating on the history of his abbey of Saint-Evroult and the fortunes of the abbey's chief benefactors, and before he had truly embarked on writing the general history of the Normans for which he is renowned, often describes William's anger from the perspective of its victims. He comes close to seeing it as passionate and vindictive, rather than primarily theatrical and demonstrative. Thus, so he informs us, acting unjustly on the cunning advice of Roger de Montgomery and his wife

[22] Orderic, ii. 214–17, 258–61; S. Baxter, *The Earls of Mercia: Lordship and Power in Late Anglo-Saxon England* (Oxford, 2007), pp. 270–97.

[23] Orderic, ii. 184–5.

[24] *Gesta Regum*, i. 468–9.

Mabel, William singled out Arnold d'Echauffour, Hugh de Grandmesnil and Ralph de Tosny, deprived them of their lands and exiled them. Hugh's brother Robert, abbot of Saint-Evroult, was then summoned to the duke's court to answer trumped up charges, based on accusations by the prior of Saint-Evroult, that Abbot Robert had made derogatory jokes at William's expense. William's anger, so Orderic says, went beyond the norms of impartiality ('Animosus autem dux plus aequo irae frena relaxans'), to the extent that he was set on inflicting physical injury.[25] The associated business of Abbot Robert's removal from the abbacy of Saint-Evroult involved another display of anger, with William reacting to the news that Abbot Robert and two cardinals were coming to Normandy with the threat that Abbot Robert would be hung by his cowl from the top of an oak-tree in the nearby forest. In the face of such manifest displeasure, Abbot Robert took advice and decided not to proceed.[26]

Orderic's bias in favour of the Giroie and Grandmesnil families at first glance makes these narratives of anger look very different from William of Poitiers's. It makes William the Conqueror look partisan and discriminatory. Indeed, Orderic's specific reference to anger that went beyond the norms of impartiality explicitly makes it clear that he believed that emotion rather than socially controlled ritual was the determinant of William's behaviour, even if the use of the word 'ira' in the passage presumably indicates that he believed the display to be within the acceptable norms of rule, while at the same time being an unjust one. Yet the complexity of power relationships in that part of southern Normandy in the 1050s and 1060s means that a narrative could be written from the view-point of either Roger de Montgomery or William that would be different from Orderic's and would emphasize the necessity of change and the legitimacy of the anger.[27] Nonetheless, however we interpret them, these stories unquestionably expand our knowledge of William's anger, both in terms of our understanding of personality and the performance of ritualized behaviour. They show just how terrifying it could be; to what has been mentioned above can be added his declared intention to deny Arnold's uncle Robert a Christian burial, a course of action on which he subsequently relented.[28] They also demonstrate, as does the story of Edwin's killers, that a display of anger might follow consultation; in other words, the anger happened after William had taken advice and was

[25] Orderic, ii. 90–1.

[26] Orderic, ii. 94–5.

[27] For issues related to the feud and the frontier, see Hyams, *Rancor and Reconciliation*, p. 281; K. Thompson, 'The Norman aristocracy before 1066: the example of the Montgomerys', *Historical Research*, lx (1987), 251–63.

[28] Orderic, ii. 80–1.

therefore premeditated and, also, since Roger de Montgomery was a truly formidable man to have on one's side, after steps had been taken to ensure that allies were in place to give backing to the ritualized display.

As in the case of the treatment of Edwin's killers, there was no map to follow after this display of anger, especially after the uncanonical expulsion of an abbot from his monastery. The process of reconciliation that brought stability back to the internal life of the abbey of Saint-Evroult, as narrated by Orderic, owed a great deal to Lanfranc and to the forbearance of Pope Alexander II. William's anger had created a distressing situation for the inmates of the monastery; it was left to others to clear up the mess.[29] All that was certain was that William personally expected that a new stability would emerge; how this happened was, however, unpredictable and involved the goodwill and commitment of a large number of people. For the Giroie and Grandmesnil families, the exile that followed William's anger involved, over several years, visits to southern Italy, the harrying of the Norman frontier and fundraising in expectation of a return.[30]

If these episodes support the current orthodoxy in Anglo-Norman historiography that a way back into some sort of favour was usual, they also demonstrate that the processes involved in achieving it were so complicated as surely to have been unpredictable for the victims: the pacification of William's anger depended on factors of which only he was truly aware and which might well be the result of his reaction to the circumstances of the moment.[31] Indeed, Orderic's statement that certain Normans disinherited by William decided that it was safe to return to the duchy from Apulia and Calabria only after hearing of his death, as well as his apparent readiness to carry his anger against his brother Odo beyond the grave, may even be a counter-argument to this orthodox view; both certainly bring into the open the point that an uncertain future was every bit as much a likely consequence of William's anger as conflict resolution and the restoration of harmony.[32]

Orderic also recorded that William was angered ('iratus') when confronted in the late 1070s by his son Robert Curthose's demands to be given actual power in Normandy and Maine. Here, if anywhere, the personal intrudes

[29] Orderic, ii. 90–105; and, most recently, H. E. J. Cowdrey, *Lanfranc: Scholar, Monk, and Archbishop* (Oxford, 2003), pp. 16–19.

[30] E. Johnson, 'The process of Norman exile in southern Italy', in *Exile in the Middle Ages: Selected Proceedings of the International Medieval Congress, University of Leeds, 8–11 July 2002*, ed. L. Napran and E. van Houts (Turnhout, 2004), pp. 29–38, esp. pp. 31–2.

[31] E. Z. Tabuteau, 'Punishments in 11th-century Normandy', in *Conflict in Medieval Europe*, ed. W. C. Brown and P. Górecki (Aldershot, 2003), pp. 131–49, and esp. pp. 148–9.

[32] Orderic, iv. 98–101, 102–3.

into the political; the narrative of the quarrel does indeed show William to have been particularly unforgiving towards his son, as if filial disobedience was for him on a different level from any other. Also, and very interestingly, Orderic uses the same word ('iratus') in relation to Robert's departure from his father's presence ('Robertus his dictis iratus abscessit'), implying perhaps that there was right on both sides; the fact that he does then go on to criticize the moral qualities of Robert's companions may, however, either invalidate this suggestion or indicate that Orderic thought that Robert failed to measure up to the requirements that would have made his anger truly legitimate.[33] In addition, in his account of the events that followed, Orderic also described William's anger within the domestic, but of course very public, setting of his marriage. On learning that his wife Matilda was continuing to send money to Robert, he became angry, and accused her, according to Orderic's possibly invented rhetoric, of undermining the very foundations of his power by her disloyalty. The argument was then played out in classic gendered terms, with William citing *raison d'état* and Matilda a mother's love for her first-born son.[34] This at first sight looks very serious on both public and private levels, but, for all the ferocity of language, it appears as if the episode had no significant impact on their partnership in rule over the cross-Channel complex of Normandy and England: the narrative of the charter that will be analysed in the next paragraph shows them subsequently collaborating in the way that was established soon after the conquest of England; whatever emotional damage there was is wholly unknowable to us. Orderic's narrative does, however, reveal that, while William's anger did not touch his wife's political standing and may not have affected their personal relationship, it could be channelled most terribly towards the vulnerable in order to demonstrate symbolically the removal of favour, since 'his anger boiled over so much ('et in tantum ira eius efferbuit') that he is said to have ordered that one of her servants be blinded'. That this man's escape led to his becoming a monk at Orderic's monastery shows that this story came to him directly from the inner circles of power.[35]

A narrative in a charter records that in 1080 the abbey of Marmoutier sent a monk to England to complain to William about an encroachment on its Norman property. The king, angered, sent him back to Normandy ('qui iratus

[33] Orderic, iii. 100–3. On this episode, see W. M. Aird, *Robert Curthose, Duke of Normandy: c.1050–1134* (Woodbridge, 2008), pp. 78–83. For new arguments on its date, see K. Lack, 'Robert Curthose: ineffectual duke or victim of spin?', *Haskins Society Journal*, xx (2008), 110–40, at pp. 126–8.

[34] Orderic, iii. 102–5. On general issues of maternity, see Stafford, *Queen Emma and Queen Edith*, pp. 76–81.

[35] Orderic, iii. 104–5.

remisit') in the company of a royal chaplain so that Queen Matilda could do justice to the abbey's claim.[36] In comparison with many of the incidents of anger described so far, this one initiated no long-term process; it displayed wilfully that William wanted justice done, and so it was. This was anger as a feature of day-to-day rule. Anger more dramatically, but speedily, satisfied also appears in the famous incident of William's temporary anger against Lanfranc, then a monk at Le Bec, which was rapidly appeased by humour.[37] Equally revealing, but much more complex in terms of the political issues involved, is the display of anger reported in Hugh the Chanter's account of William's reaction to Archbishop Thomas of York's opposition to Lanfranc's proposals for Canterbury's primacy. This performance occurred only after earnest attempts at persuasion by Thomas had failed, and was accompanied by a threat of eternal hatred and banishment for Thomas and all his kin. Hugh illustrates the impact of William's fury with a quote from Proverbs about the equivalence of the fear inspired by a king and a roaring lion.[38]

In this case, it was in Hugh's interests to display Thomas as bullied into submission, so that he could continue to portray him as a defender of his see, but, once more, the sheer force of William's behaviour merits comment. The scale of advice that William had taken and the depth of his consideration before exploding with a decision is also important; indeed, it is a facet more evident in this case than in any of the others, since Lanfranc's account of earlier deliberations suggests that at that stage the king favoured Thomas and that his anger might at one time have been directed towards Lanfranc instead; it was only by an appearance at court and a careful explanation that Lanfranc set William's mind at rest.[39] We see again the consultative prelude to anger and the process that brought the influential on side which seems to have been a regular feature with William; in this situation, Lanfranc was every bit as formidable as would be Roger de Montgomery over the exile of the founders of the abbey of Saint-Evroult. However, with over half a century of hindsight on his side, and therefore with the ultimate

[36] *Regesta Regum Anglo-Normannorum: the Acta of William I (1066–1087)*, ed. D. Bates (Oxford, 1998), no. 200; D. Bates, 'The representation of queens and queenship in Anglo-Norman royal charters', in *Frankland: the Franks and the World of Early Medieval Europe. Essays in Honour of Dame Jinty Nelson*, ed. P. Fouracre and D. Ganz (Manchester, 2008), pp. 285–303, at p. 289.

[37] Cowdrey, *Lanfranc*, pp. 32–3.

[38] Hugh the Chanter, *The History of the Church of York 1066–1127*, ed. M. Brett and others (Oxford, 1990) (hereafter Hugh the Chanter), pp. 6–7 ('sicut rugitus leonis, sic terror regis': 'the fear of a king is as the roaring of a lion' (Proverbs XX:2)).

[39] *The Letters of Lanfranc, Archbishop of Canterbury*, ed. and trans. H. Clover and M. Gibson (Oxford, 1979), no. 3, pp. 40–1: 'Paucorum dierum spacio euoluto Lanfrancus ad curiam uenit, a rege audientiam postulauit, redditibus rationibus eius animum mitigauit'.

knowledge of York's victory in the so-called primacy dispute to reinforce his assessment, Hugh commented that he thought William credulous and venal. Or rather, as he chose to put it by quoting Sallust: 'The wills of kings are generally both passionate and changeable, and often contradictory' ('plerumque regie uoluntates et uehementes sic sunt mobiles, sepe ipse aduerse sibi'). This is so acute an insight into what one twelfth-century writer thought about so-called ritualized behaviour that it scarcely requires comment. It instantly brings so-called anger into the midst of the political process; what was decided and communicated by the display of anger was still there to be debated and contested. It is also both a sharp puncture for any notion that adherence to ritualized norms was invariably productive of social equilibrium and another demonstration of how William's rage opened new and unpredictable channels in the process of closing old ones.[40]

From a biographer's perspective, a way to conclude is to place centre-stage William of Malmesbury's evocative picture of William, an immensely strong man physically, terrifying all around him with oaths, a fine portrayal of power exercised theatrically and demonstratively; and at the same time to note his statement that William was also a devout Christian, as far as a layman could be, every day attending mass and hearing vespers and matins.[41] Here we have both the physicality of power and some indication of the moral framework within which it was exercised; or rather, when biography is brought into the analysis, a clear statement that every man's (or woman's) anger is different and needs to be related to what we can know about his (or her) attitudes and beliefs. An analysis of this kind also invites reflection on William's behaviour in relation to other norms; obvious grist to this particular mill is Guibert of Nogent's well-known opinion that William's treatment of prisoners taken in war went some way beyond the boundaries of conventionally expected conduct.[42] It is also worth observing that, in a passage he suppressed in the final version of the *Gesta Pontificum*, William of Malmesbury by implication suggests that William's reaction to situations where religious issues were involved was instinctive before he was brought normatively into line.[43]

[40] Hugh the Chanter, pp. 6–7.

[41] *Gesta Regum*, i. 492–3, 510–1.

[42] *Guibert de Nogent, Autobiographie*, ed. E.-R. Labande (Paris, 1981), p. 88; cf. *Gesta Guillelmi*, pp. 38–9. For England, see J. Barrow, 'Demonstrative behaviour and political communication in later Anglo-Saxon England', *ASE*, xxxvi (2007), 127–50.

[43] *William of Malmesbury, Gesta Pontificum Anglorum*, i: *Text and Translation*, ed. M. Winterbottom (Oxford, 2007), pp. 90–5; M. Winterbottom, 'A new passage of William of Malmesbury's *Gesta Pontificum*', *Journal of Medieval Latin*, xi (2001), 50–9, with the text at pp. 52–5.

Also from a biographer's perspective, it is noteworthy that while William on some occasions presented a potent line in theatrical violence to provide metaphorical reassurance and on others to demonstrate his will in order to bring routine business to a conclusion,[44] there was also a different William, the man whose response to nagging by the monks of the abbey of Saint-Florent, Saumur, about a grant was to remark: 'Although we are Normans, we know very well what should be done and, God willing, we will do it'.[45] There is undoubtedly humour here, an awareness of personal and collective identity with an undertone of self-mockery as well as irritation, an amused allusion to the Normans as a once barbaric people, the descendants of Vikings who had changed, and a put-down to a fussy set of monks.[46] All this unquestionably indicates that he possessed a diverse repertoire and, arguably, a considerable intelligence. It also shows that the so-called ritualized behaviour of a ruler is both a manifestation of personality and a product of norms and scripts; as such it is undeniably more complex than any analytical framework borrowed from anthropology can on its own provide. While it illuminates the performance of ritualized behaviour, it is also the raw material of biography.

This chapter also illustrates a conclusion that seems to be emerging from the debates around the significance of ritual and ritualized behaviour, namely, that what can at times be too loosely termed ritual was an important part of medieval life, but ultimately only one element in the often bottomless whirlpool of politics and power.[47] William's anger is unquestionably a ritualized performance, but in the end only as metaphorical and symbolic theatre of the moment. It was sometimes indissolubly linked to revenge and the removing of a slight to honour. It did sometimes produce instantaneous conflict resolution. It represented the decisive imposition of will. It was often premeditated. But it also embodied unpredictability.[48] It clarified a situation at the moment of anger, but frequently left much up for grabs. It

[44] E.g., *Recueil des actes des ducs de Normandie de 911 à 1066*, ed. M. Fauroux (Caen, 1961), no. 151; Bates, *Regesta*, no. 232.

[45] Fauroux, *Recueil*, no. 199 ('Licet Normanni simus, bene tamen nouimus quia sic oportet fieri, et ita, si Deo placuerit, faciemus').

[46] On this incident, see J. Yver, 'Une boutade de Guillaume le Conquérant: note sur la genèse de la tenure en aumône', in *Etudes d'histoire et de droit canonique dédiées à Gabriel Le Bras* (2 vols., Paris, 1965), i. 783–96, at pp. 783–4.

[47] P. Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, NJ, 2001); G. Koziol, 'Review article. The dangers of polemic: is ritual still an interesting topic of historical study?', *EME*, xi (2002), 367–88; P. Buc, 'The monster and the critics: a ritual reply', *EME*, xv (2007), 441–52; Pössel, 'Magic of early medieval ritual'.

[48] H. J. Orning, *Unpredictability and Presence: Norwegian Kingship in the High Middle Ages* (Turnhout, 2008), pp. 184–7, 192–4, 314–19. I am grateful to Lars Kjaer for this reference.

was in short a central part of the apparatus of discriminatory favour by which a king was generous to those he wished to reward and harsh to those who had displeased him, but, because of its open-endedness and revocability, it left those who benefited under obligation and to an extent uncertain. It was a tool of the trade in the complex tool-box of early medieval rule, but its efficacy and expression were profoundly dependent on the personal qualities of the individual ruler: it is, in other words, the very point where biography and normative analysis meet.

A final conclusion is that this exploration of William the Conqueror's anger has only been possible by the construction of narratives around recorded theatrical displays and in the context of what we can know of an individual life. This in turn leads me back to the centrality of biography as a historical genre. As Pauline Stafford magnificently put it:

> Structures and roles do not in that sense determine and write the individual, they become effective through the individual, and through the uniqueness of each life. And it is in that uniqueness that their possibilities, ambiguities and contradictions become apparent. Biography may not only be desirable, the human face of the past, but one of the most important historical genres, making clear the room for choice, however limited, that is also a motor of historical change. Medieval biography, of women and men, is difficult, but both possible and important.[49]

Eleventh-century norms, scripts and rules were frequently expressed and negotiated through ritual, ceremonial and demonstrative acts, but they did not operate in social and political isolation from those who performed them and participated in them.[50]

[49] Stafford, 'Writing the biography', p. 109.
[50] Stafford, 'Writing the biography', 106–9.

3. 'Anglo-Saxon Chronicle(s)' or 'Old English Royal Annals'?*

Nicholas Brooks

The so-called *Anglo-Saxon Chronicle* is a formidably complex set of annals, preserved unevenly in seven manuscripts, which are known to scholars by the sigla A, B, C, D, E, F and G, and one fragment (H).[1] The name of this composite aggregation of annals, which together provide much of our information for English history between the fifth and the mid twelfth century, is a term of convenience devised by modern scholars and lacking any medieval – let alone early medieval or authorial – justification. The name has now been in general use for more than a century and has therefore a very considerable weight of traditional usage behind it, even though the difficulties of finding an adequate title for such a complex (and still incompletely understood) work have long been recognized. The adjective 'Anglo-Saxon' has, however, given cause for unease periodically in the last century and a half, as scholarly nomenclature and understanding of this key source have developed and the singular noun 'Chronicle' creates some unfortunate ambiguities. There may therefore be reason to consider whether a more suitable name is now available.

* This chapter and a companion piece entitled 'Why is the *Anglo-Saxon Chronicle* about kings?', *ASE*, xxxix (2011), 45–70, have benefited from the reactions of audiences to a preliminary version delivered to the symposium in honour of Professor Pauline Stafford in May 2009 and the conference of the International Society of Anglo-Saxonists at Memorial University, St. Johns, Newfoundland in August 2009. It owes much to the stimulus of Pauline's recent work and to her and Stephen Baxter's helpful criticism at that time, though neither is responsible for the arguments here adduced; and all errors are mine.

[1] The modern editions of individual manuscripts in *The Anglo-Saxon Chronicle: a Collaborative Edition* (Cambridge, 1983–), ed. D. Dumville and S. Keynes are: iii, *Anglo-Saxon Chronicle MS. A*, ed. J. Bately (1986); iv, *Anglo-Saxon Chronicle MS. B*, ed. S. Taylor (1983); v, *Anglo-Saxon Chronicle MS. C*, ed. K. O'Brien O'Keeffe (2001); vi, *Anglo-Saxon Chronicle MS. D*, ed. G. Cubbin (1996); vii, *Anglo-Saxon Chronicle MS. E*, ed. S. Irvine (2004); viii, *Anglo-Saxon Chronicle MS. F*, ed. P. S. Baker (2000). For G, see *Die Version G der angelsächsischen Chronik: Rekonstruktion und Edition*, ed. A. Lutz (Munich, 1981). Much of value, however, remains in the introduction and annotation of *Two of the Saxon Chronicles Parallel*, ed. C. Plummer (2 vols., Oxford 1892–9), who prints H in I, p. 243. The best translation remains *The Anglo-Saxon Chronicle: a Revised Translation*, ed. D. Whitelock and others (1961).

While for historians 'Anglo-Saxon' is still their preferred term for the period of English history between the Germanic invasions of the fifth century and the Norman conquest of 1066, for philologists this adjective has long ceased to be used for the vernacular English language during that period. In its place 'Old English' has been generally adopted, utilizing the classification of the major European languages developed by nineteenth-century German and Scandinavian philologists as either 'Old' (early medieval), 'Middle' (chiefly later medieval) or 'Modern' (post-Reformation and post-printing).[2] The nineteenth century had indeed seen much confusion about the name of the language of the earliest extant English texts. In England from the Reformation until the eighteenth century the word 'Saxon' had been most commonly employed for these vernacular texts, but was already distinctly archaic when used by John Earle and retained a generation later by his pupil and co-editor Charles Plummer in the title of their *Two of the Saxon Chronicles Parallel* (1892–9).[3] In fact already at the end of the eighteenth and in the early nineteenth century 'Saxon' had been giving way to 'Anglo-Saxon', in order both to avoid confusion with the language of continental Saxons and to have a term that evidently included the 'Anglian' areas of eastern and northern England. Thus Benjamin Thorpe had consistently preferred 'Anglo-Saxon' in the title of his basic editions and handbooks, culminating in 1861 in his pioneering edition of each of the seven manuscripts of the 'Chronicle' in parallel columns, in a volume entitled *The Anglo-Saxon Chronicle*.[4] In his introduction to this work, however, Thorpe actually used 'Saxon' and 'Anglo-Saxon' as interchangeable synonyms. That variation may have been primarily stylistic, but it also reflected a compromise between earlier insular practice and his own preference. But such terminology was challenged from the late 1860s by a young and scholarly editor, the philologist and palaeographer Henry Sweet (1845–1912), who urged the

[2] The first volume of J. Grimm's *Deutsche Grammatik* (Göttingen, 1819) introduced 'Old', 'Middle' and 'Modern' as fundamental categories for all the main West Germanic languages, but inconsistently followed English practice in using *angelsächsisch* for the earliest English, reserving the term *altenglisch* for writings of the period between the conquest and the late 13th century.

[3] Earle's original edition with the same title had been published in Oxford in 1865.

[4] *The Anglo-Saxon Chronicle*, ed. B. Thorpe (2 vols., RS, xxiii, 1861). Thorpe had previously translated (from Danish) Rasmus Rusk's *Angelsaksisk sproglære tilligemed en kort læsebok* (Stockholm, 1817), which itself reflected German philological training – under the title *A Grammar of the Anglo-Saxon Tongue with a Praxis* (Copenhagen, 1830) – and had produced a basic reader as *Analecta Anglo-Saxonica* (1834). All 11 of Thorpe's editions of Old English texts (published 1834–65) use 'Anglo-Saxon' for the language in their titles; they are listed in *Medieval Scholarship: Biographical Studies on the Formation of a Discipline*, ii: *Literature and Philology*, ed. H. Damico (New York, 1998), pp. 89–91.

adoption of German philological rigour in language teaching in British universities and advocated the term 'Old English' as alone suitable for the earliest English language. Sweet championed the use of 'Old English' from the foundation of the Early English Text Society in 1863–4, as in his edition of *King Alfred's West-Saxon Version of Gregory's Pastoral Care*;[5] and again in his 'Seventh annual address' to the Philological Society.[6] Lacking any established university post, however, he did not carry weight with Oxford University Press, so his *Anglo-Saxon Reader* (Oxford, 1876) bore that title from its first edition, and through all subsequent editions and reissues to the 1970s, even though in its preface (p. xi) he vehemently deplored the currency of 'Anglo-Saxon' for the language.[7]

It was indeed unfortunate that the term 'Anglo-Saxon' had already been established and institutionalized in the nomenclature of the first chairs in the earliest English language both in Oxford and Cambridge by the 1870s, and also at much the same time in North America. Thus in Oxford the Rawlinson chair of 'Anglo-Saxon' dates from 1795, and Joseph Bosworth published his first *Dictionary of the Anglo-Saxon Language* in 1838 and his fuller work, completed by T. N. Toller, continued to be published as *An Anglo-Saxon Dictionary* (Oxford, 1882–98, with supplements, 1921 and 1972). In Cambridge the Elrington and Bosworth chair of 'Anglo-Saxon' had been funded in 1867 and retained that title even though it was not to be filled until 1878; A. J. Wyatt's *Anglo-Saxon Reader* (Cambridge, 1919) provided Cambridge students with an identically named alternative to Sweet's *Reader* and likewise went through many impressions with its title unchanged. Such conservatism in naming the language may have reflected a wish that textbook titles should conform to chair titles and perhaps also for a term that could be applied both to literary and to material culture. Though Sweet's arguments that 'Old English' was the best name for the early medieval English language have subsequently carried the day on both sides of the Atlantic, 'Anglo-Saxon' has nonetheless continued to have a prolonged life in the titles of these standard dictionaries and readers.[8] That may help to explain the title of the 'Department of *Anglo-Saxon*, Norse and Celtic' at Cambridge and also of N. R. Ker's *Catalogue of Manuscripts*

[5] EETS, orig. ser., xlv (1871), p. v, n. 1.

[6] *Transactions of the Philological Society* (1877–9), pp. 376–9.

[7] See likewise his *Anglo-Saxon Primer* (Oxford, 1882), p. 1. For the background, see D. J. Palmer, *The Rise of English Studies* (Oxford, 1965), pp. 66–117.

[8] For North American use and retention of 'Anglo-Saxon', see R. Horsmann, *Race and Manifest Destiny: the Origins of American Racial Anglo-Saxonism* (Cambridge, Mass., 1981) and J. R. Hall, 'Mid-19th-century Anglo-Saxonism', in *Anglo-Saxonism and the Construction of Social Identity*, ed. A. J. Frantzen and J. D. Niles (Gainesville, Fl., 1997), pp. 133–56.

Containing Anglo-Saxon (Oxford, 1957), which however after the first page of its introduction thereafter uses only the abbreviation 'OE' for the language.

The name 'Anglo-Saxon Chronicle' is therefore today accepted as an indication of the period to which the bulk of its annals relate, but seems archaic and distinctly inadequate as a means of alerting the reader to the surprising fact that these annals are throughout written in the vernacular language. If the annals from the birth of Christ to the early twelfth century were instead now to be styled the 'Old English Chronicle', that name would focus attention much more clearly upon their distinctive feature: namely, that they were written throughout in English, not in Latin.[9] In continental western Europe by contrast – in both Germanic- and in Romance-speaking areas – early medieval annals and chronicles were all written in Latin, none in the vernacular.[10] In Ireland too the annals, which have recently been styled the 'Chronicle of Ireland' and which seem to have been disseminated to a number of major churches in (or soon after) 911, were also predominantly in Latin.[11] It was only in the regional continuations after 911, such as in the 'Annals of Ulster', that vernacular (that is, Old Irish) entries became common, especially for secular events. Neither in early tenth-century Ireland nor in the ninth- and tenth-century Frankish realms can a concern to reach a wider readership (whether clerical or secular) by providing annals in the vernacular language be detected. There would therefore be a real advantage if the title of this unique English chronicle were to specify that it was in Old English.

[9] Except, of course, for the abbreviation 'An~' (for *Anno*), consistently used in manuscripts A, B, C, D, E and F, along with the successive year-numbers in Roman numerals. The first compilers of the 'Chronicle' to 892 apparently had not felt it desirable or necessary to translate such a routine feature of Latin annals (see T. Bredehoft, *Textual Histories: Readings in the Anglo-Saxon Chronicle* (Toronto, 2001), pp. 119–36). Only after the Norman conquest, i.e., from the late 11th and early 12th centuries, did significant Latin additions begin to be made to the text of some manuscripts of the 'Chronicle'.

[10] For a convenient listing of continental chronicle and annalistic writing, see R. C. Van Caenegem, *Kürze Quellenkunde des Westeuropäischen Mittelalters* (Göttingen, 1962), pp. 14–20, 24–8. For recent studies of their form, see R. McKitterick, *History and Memory in the Carolingian World* (Cambridge, 2004), pp. 101–19 and S. Foot, 'Finding the meaning of form: narrative in annals and chronicles', in *Writing Medieval History*, ed. N. Partner (2005), pp. 88–108.

[11] Convenient translation and introduction in *The Chronicle of Ireland*, ed. T. Charles-Edwards (2 vols., Liverpool, 2006). For the relationship of Latin and Old Irish in later annals, see D. N. Dumville, 'Latin and Irish in the annals of Ulster, A.D. 431–1050', in *Ireland in Early Medieval Europe: Studies in Memory of Kathleen Hughes*, ed. D. Whitelock, R. McKitterick and D. N. Dumville (Cambridge, 1982), pp. 320–41. I am grateful to Professor Charles-Edwards for guidance on the Old Irish entries. A radically different interpretation of the genesis of the Irish annals in D. P. McCarthy, *The Irish Annals: their Genesis, Evolution and History* (Dublin, 2008) does not greatly affect understanding of the function of the annals or the role of the vernacular within them.

If the title 'Anglo-Saxon Chronicle' continues in use, other unfortunate implications arise. A priori the noun 'chronicle' in the singular suggests that the work is a single and coherent entity – a view which modern editorial and analytical work has increasingly challenged. The traditional title also reflects a long-established categorization in English historiography, which distinguishes 'chronicles' – which organize their historical accounts as chronological narratives of events under successive years – from 'histories' – which inherit from the classical world a more ambitious intention to explain the past in a more evidently thematic and literary form.[12] The two major early medieval English historical narratives, Bede's 'Ecclesiastical *History* of the English People' and the so-called 'Anglo-Saxon *Chronicle*' have seemed excellent examples of these contrasting genres. In English usage the term 'annals' has simply served as a useful supplementary synonym for 'chronicle' – one which particularly emphasizes the structure of separate entries for each year. On the continent, however, somewhat different meanings for these terms have developed. Both in the nomenclature of texts edited in the Monumenta Germaniae Historica and in successive editions of Wattenbach's guide to German medieval historical sources,[13] a distinction has been drawn between 'annals' – normally anonymous works which make relatively few explicit value judgements – and 'chronicles', which tend to be longer and more judgemental, and are often the work of named authors writing in known churches. Had that been the terminology followed in England and had the modern name for the language also been chosen, the anonymous 'Anglo-Saxon Chronicle', despite its length, would instead have been termed the 'Old English Annals'.

Such a title would also have had the distinct advantage that the plural noun 'annals' is applicable both to a single chronicle and to a collection of distinct chronicles. Some inherent tension between rival interpretations of single or multiple composition was indeed already apparent in Charles Plummer's retention in 1892–9 of the plural in John Earle's original title: *Two of the Saxon Chronicles Parallel*. In fact, throughout his introduction published in volume two of that edition, Plummer used the plural 'chronicles' only to

[12] For the influential views of Plummer (the editor both of Bede and of the 'Chronicle'), see *Two Saxon Chronicles*, ii, pp. xvii–xxii; also R. L. Poole, *Chronicles and Annals: a Brief Outline of their Origin and Growth* (Oxford, 1926), pp. 7–15; D. Hay, *Annalists and Historians: Western Historiography from the 8th to the 18th Centuries* (1977), pp. 4–45; A. Gransden, *Historical Writing in England, c.550–c.1307* (1974), pp. 129–30; D. N. Dumville, 'What is a chronicle?', in *The Medieval Chronicle*, ii: *Proceedings of the Second International Conference on the Medieval Chronicle, Dreibergen/Utrecht*, ed. E. Kooper (Amsterdam, 2002), pp. 1–27.

[13] *Deutschlands Geschichtsquellen im Mittelalter: Vorzeit und Karolinger*, ed. W. Wattenbach, W. Levison and H. Löwe (Weimar, 1952–90).

mean the different extant manuscripts, whose provenance and relationship he discussed at length; so that did not prevent him from conceiving of the 'Anglo-Saxon Chronicle' or 'the Chronicle' as a single entity.[14] After Plummer's subtle and complex foundation, which has been greatly reinforced by the recent editions of individual 'Chronicle' manuscripts, scholars have increasingly chosen to concentrate their attention upon the features that distinguish one manuscript from another and have attempted to identify the different agendas of those composing different annals (or groups of annals) within particular manuscripts.[15] There has therefore been a growing reluctance to accept the concept of a single 'Anglo-Saxon Chronicle' with minor variant readings in different manuscripts; instead scholars have begun to write of several distinct 'Anglo-Saxon Chronicles'.[16] Where these separate chronicles do have text in common, however, an explanation has therefore to be sought in terms of the movement of manuscripts and/or copyists between the houses where the manuscripts were at different times preserved.[17]

I must confess to fundamental and long-held doubts about this prevailing trend in interpretation of these 'Old English Annals'. As a pupil of Dorothy Whitelock,[18] I am of course aware just how radically her superb translation

[14] *Two Saxon Chronicles*, ii, pp. xxiii–cxxvii.

[15] Thus S. Baxter, 'MS. C of the *Anglo-Saxon Chronicle* and the politics of mid-11th-century England', *EHR*, cxxii (2007), 1189–1227, seeks to identify the bias in favour of Earl Leofric of the C manuscript and therefore to assign its composition to the west Midlands, perhaps to Evesham or even to an author in Leofric's household. See also recent work on the alliterative poems incorporated into manuscripts of the 'Chronicle' (J. Thormann, 'The *Anglo-Saxon Chronicle* and the making of the English nation', in Frantzen and Niles, *Anglo-Saxonism*, pp. 60–85; Bredehoft, *Textual Histories*, pp. 99–118; and many of the essays in *Reading the Anglo-Saxon Chronicle: Literature, History and Language*, ed. A. Jorgensen (Turnhout, 2011), pp. 31–90, 113–38).

[16] Dumville and Keynes wrote in Boydell and Brewer's 1982 prospectus for the collaborative edition (see above, n. 1) of the 'Chronicle' as a 'series of related but separate chronicles, kept at different centres, each of which may be seen as an historical record in its own right'. The view achieved explicit scholarly recognition in the adoption of the plural in *The Anglo-Saxon Chronicles*, ed. and trans. M. Swanton (2nd edn., 2000), where the first edition of 1996 had used the singular, and in Pauline Stafford's fine study: 'The Anglo-Saxon Chronicles: identity and the making of England', *Haskins Society Journal*, xix (2007), 28–50.

[17] For the stemma of incredible complexity that is essential to the traditional understanding of the production of the Chronicle, see S. D. Keynes, 'Manuscripts of the *Anglo-Saxon Chronicle*', in *Cambridge History of the Book in Britain*, i, ed. R. Gameson (Cambridge, 2012), pp. 537–52.

[18] In a happy, but even then unusual, arrangement Dorothy Whitelock supervised from Cambridge my Oxford doctoral studies on 'The pre-conquest charters of Christ Church, Canterbury'.

transformed study of the 'Chronicle' by adopting a layout which enabled readers – even those with no command of Old English – to see on every page what was common and what was individual in the subject matter and wording of the extant manuscripts, without requiring them to consult several adjacent pages.[19] Her accompanying notes at the foot of each page also contained important guidance on how the chronological discordances between the different versions might be explained. The inspiration of Whitelock's breakthrough in layout convinced many that the scholarly priority for our generation was to subject each manuscript separately to detailed textual, linguistic, palaeographical and interpretative analysis of its distinctive features, with the aim of refining our understanding of the houses or households where each may have been written or preserved. But that approach assumed too easily that the diversity of places where the manuscripts happened to be preserved coincided with the places where the 'Annals' were being composed in the tenth and eleventh centuries. While it is possible that the dissemination of the 'Old English Annals' in or after *c.*892 mirrored the dissemination of the Alfredian translations, and especially the sending of Alfred's Old English version of the *Cura pastoralis* of Pope Gregory the Great to every bishopric in his kingdom,[20] it by no means follows that the different manuscripts of the 'Annals' were thereafter composed locally, in those centres to which copies had originally been distributed.

Reluctant to make that assumption, I have preferred to concentrate upon the substantial passages that manuscripts of the 'Annals' shared in common in the hope of identifying the dominant concerns of the common material and determining how and why that sharing may have been achieved. That seemed to me a much more important enterprise than defining ever more precisely the differences between the manuscripts. Here it is important to note, first of all, that the opening annals which commence the 'common stock' of these 'Old English Annals' comprise a preliminary digest of Apostolic, early Christian and Roman imperial history, especially as it affected Britain. This summary of events from the birth of Christ (indeed from Julius Caesar's invasion of 60 BCE) down to the mid fifth century,

[19] The translation was first published in *English Historical Documents*, i: *500–1042*, ed. D. Whitelock (1955), pp. 135–258; and (for the 'Chronicle', pp. 1043–154) in *English Historical Documents*, ii: *1043–1215*, ed. D. C. Douglas (1953), pp. 98–203; it was revised, in single-volume format, as Whitelock and others, *The Anglo-Saxon Chronicle*. Whitelock's tendency to provide ethnic labels, absent from the OE, in order to distinguish rival armies is criticized by J. L. Nelson in her 'Presidential address. England and the continent in the 9th century: the Vikings and others', *TRHS*, 6th ser., xiii (2003), 1–28, at pp. 5–6; for the most part, however, Whitelock's translation remains more useful and reliable than any other.

[20] *King Alfred's West Saxon Version of Gregory's Pastoral Care*, ed. H. Sweet (EETS, xlv, 1871), p. 6.

which for too long was seldom read,[21] serves to provide a series of models for, and a legitimizing Roman Christian background to, the account of subsequent English rulers; it also provided examples of wrongful and unlawful rule to be shunned.

In the companion study to this chapter I have drawn attention to the extraordinary fact that after the annal for 449 each of the manuscripts of the 'Old English Annals' concentrates its interest upon the succession, lineage and campaigning activities of kings.[22] After the arrival in Kent of the supposed Anglo-Saxon founder figures, Hengist and Horsa, the focus of these 'Annals' is indeed dramatically clear. Attention is directed almost exclusively to the accessions, genealogical descents, battles, political actions and deaths of Anglo-Saxon kings. Moreover, after the end of the 'common stock' in *c.*892, that continues to be true of the identifiable continuations of the 'Annals' for subsequent periods: namely the annals for the years 893–6, the accounts of the reign and wars of Edward the Elder, the so-called 'Annals of Æthelflæd' and the annals for 934–46, including the long poem on the Battle of *Brunanburh*. Concentration upon the king is indeed rather less characteristic of the common account in C, D and E of the warfare with Scandinavian armies from 983 down to the year 1022, whose author preferred to hint by pregnant silences at Æthelred the Unready's incompetence.[23] But the focus upon royal activity is once more characteristic of the complex related accounts of political and dynastic struggles in the years from 1035 to 1066. Despite some reports of ecclesiastical events or successions, and a rather greater number of entries concerned with particular nobles, the chief focus of successive annals here remains very much upon successive kings from Cnut to Edward the Confessor.[24] Even after 1080, when E is the sole continuing manuscript of the 'Annals', it is remarkable that its dominant subject matter down to the year 1131 remains the activities of the king and the movements in each successive year of the royal court.[25]

Whether or not modern readers of these 'Old English Annals' from the 890s to 1131 accept my argument that the annals are therefore likely to have continued to be composed by men in the service of the king (whatever other allegiances they may have had),[26] there can be no disputing that the

[21] J. Bately, 'World history in the *Anglo-Saxon Chronicle*: its sources and separateness from the Old English Orosius', *ASE*, viii (1979), 177–94, provides an invaluable analysis of its sources and relationship to other 'Alfredian' translations.

[22] Brooks, 'Why is the *Anglo-Saxon Chronicle* about kings?'.

[23] Brooks, 'Why is the *Anglo-Saxon Chronicle* about kings?', pp. 49–52.

[24] Brooks, 'Why is the *Anglo-Saxon Chronicle* about kings?', pp. 52–5.

[25] Brooks, 'Why is the *Anglo-Saxon Chronicle* about kings?', pp. 56–60.

[26] Brooks, 'Why is the *Anglo-Saxon Chronicle* about kings?', pp. 51–60.

chief interest of the authors of the 'Annals' was indeed the activities of English kings. Some crude statistics for the annals for the different reigns, starting with those of Edward the Elder (900–24), may suffice to reinforce this point. [27]

Between 900 and 924 there are forty-one sentences where the king is the subject and a further nine which concern a member of the royal dynasty. These can be compared with twenty-eight which have Viking armies or commanders as their subject, just five which concern English nobles and another six which report the movements of English armies. By contrast there are only four sentences with a church or churchman as their subject. The preponderant interest in the king is even greater than these figures might suggest, for no fewer than six of the statements about the actions of Viking armies are reports of their submission to the king.

A rather different pattern seems to emerge from the annals for Æthelred the Unready's reign, for example from a sample for the decade from 997 to 1006: only fourteen sentences report actions of the king (and one of his queen); just twelve describe the military efforts of English armies, but thirteen concern English nobles or commanders; the greatest number of sentences (no fewer than thirty-seven) report movements or actions by invading Danish armies and a further five by the commanders of such forces; a mere six sentences concern English ecclesiastics. These annals have a closely similar secular and military focus to those of 900–24, but they devote very much less space to reporting the activities of the king and they attribute instead a proportionately greater role to English nobles. That would seem to represent an implicit criticism of a king who failed to lead his people's armies against the invaders. Æthelred is instead described, with heavy irony, as deciding that English forces ought to be raised (999), as ravaging the lands of the Britons of Cumberland (1000), as making unsuccessful gifts to a Scandinavian mercenary (1001), then as sending an envoy to seek terms with the Viking army, later as banishing that envoy and then ordering the massacres of St. Brice's Day (1002), and finally as receiving his food-rents at Christmas and counselling payment of Danegeld to buy a truce (1006). This annalist, it would seem, did not find much good that he could say about that king's deeds.

In the second quarter of the eleventh century there is more variation than hitherto between those extant manuscripts of the 'Annals' that continued

[27] Given the different punctuation of different manuscripts of the 'Annals' and different editorial practices, there are inevitable uncertainties in any such calculations. I have counted each statement reporting a significant political or military action as a separate sentence, even when linked to another by the Tironian note for 'and'.

to receive entries (C, D and E), but if we examine each manuscript for a sample decade (1035–44), we find them once more concentrating upon the actions of the kings (and of claimants to the throne), as well as on the activities of queens or royal widows – in C, twenty-four statements have the king or a claimant to the crown as their subject, nine have a queen, five have noble and sixteen ecclesiastical subjects; in D, twenty-one have the king, nine a queen, six nobles and ten have ecclesiastics; in E, twenty-three have the king, four a queen, three have nobles and eighteen ecclesiastical subjects. Surprisingly little information is provided about leading nobles, but statements about leading ecclesiastics are rather more frequent here than hitherto, in particular because of their role in legitimizing the rituals of king-making in a period when the succession to the throne was in dispute. What is abundantly clear, however, is that throughout these years the attention of the annalists was focused upon the succession to the throne and upon the action of kings. This concentration excludes almost every other issue, bar the levying of heavy taxes, the deaths of some notable ecclesiastics and occasional unusual climatic events, which are regarded as omens.[28]

Moreover, the actions of English kings continue to be the primary concern of the 'Old English Annals' after 1080, when only the E manuscript remains to preserve a record of the passing years. Although its record tends to get ever longer, and although individual annals include what seem to be late insertions of local events of concern at Peterborough, a comparable analysis of the five years from 1121 to 1125 still reveals very clearly the annalist's predominant focus upon the actions of King Henry I and upon the movements of his household around his dominions. In E's annals for 1121–5 there are: thirty-six sentences which describe actions by the king, eight by his household, council or forces, and two by his wife; twenty-nine sentences have ecclesiastics as their subject, four have nobles and fourteen foreign rulers; there are sixteen references to unusual climatic and accidental events seen as omens. E also shows some concern with the succession to the archbishopric at Canterbury in 1123 and with the activities of the papal legate, John of Crema in 1125.

If we may then accept that the distinctive and remarkable concern of these 'Old English Annals' throughout the period from 892 to 1131 is with English kings, it would surely be highly desirable that the name by which scholars know these annals should henceforth reflect that focus. It may therefore be suggested that to adopt the title 'The Old English Royal Annals', which I propose here, would draw appropriate attention to the characteristic content and form, as well as to the distinctive language of the

[28] E.g., the storm damage to crops and the cattle disease in 1040E (for 1041).

annals. It would do this very much more effectively and more accurately than does the traditional name of 'The Anglo-Saxon Chronicle'. This new name would also emphasize the fact that the closest parallel of the 'Annals' among early narrative medieval sources is to be found in the early ninth-century *Annales Regni Francorum* and in their West and East Frankish continuations.[29] It might indeed be suggested that the tenth- and eleventh-century continuations of the 'Old English Royal Annals' are therefore yet another aspect in which late Anglo-Saxon England appears to have adopted the intellectual and administrative tools of Carolingian rulership. This new name for the 'Annals' would also encourage scholars to be more careful in the future to distinguish the composition of the annals from the writing of the extant manuscripts; perhaps also to think afresh about the content of annals that are common to several manuscripts and to seek to identify the assumptions of those who composed them. In such ways a new title could help to open up a new era in the scholarly study of these 'Annals' – an era which would build upon the editorial achievements of the last generation, but without being constrained by its assumptions.

To inaugurate such a brave new world of scholarly enquiry it might be worth briefly considering here why the 'Old English Royal Annals' should have been first composed, and then have continued for more than two centuries to be composed in the vernacular language. Of course the production of the common stock of the 'Annals' in *c.*892 has frequently been associated with the programme that King Alfred outlined (at very much the same time) in his preface to the translation of Gregory's *Pastoral Care*. There he declared his intention to revive learning and literacy by providing 'in the language that we can all understand' books 'which may be most necessary for men to know'.[30] There is surely little difficulty in supposing that – at the court of a ruler who is known to have thought so deeply about the responsibilities of Christian kingship – a set of 'Annals' which presented the English king's warfare against the heathens, and his descent from a line of West Saxon warrior-kings in an ordered succession of rulers since the birth of Christ, should indeed be considered just such a book of essential knowledge.

[29] As presciently noted by J. M. Wallace-Hadrill, 'The Franks and the English in the 9th century: some common historiographical interests', *History*, xxxv (1950), 202–18, repr. in his *Early Medieval History* (Oxford, 1978), pp. 201–16. For modern understanding of the provenance of the Frankish Royal Annals and their continuations, see *The Annals of St Bertin*, ed. and trans. J. L. Nelson (Manchester, 1991), pp. 1–15; and *The Annals of Fulda*, ed. and trans. T. Reuter (Manchester, 1992), pp. 1–11.

[30] Sweet, *King Alfred's Pastoral Care*, p. 6: 'suma bec ða þe nidbeðyrfesta sien eallum monnum to witanne, þæt we þa on ðæt geðeode wenden þe we ealle gecnawan mægen'.

We know that Alfred's intention was that even those destined for ecclesiastical careers should first have to learn to read in English, and that they should be joined in such elementary lessons by 'all the free-born men in England, who have the means to apply themselves to it'.[31] That presumably meant, in the first instance, the children of the nobility. Here we need to recall that Old English is the language of *all* the extant Anglo-Saxon law codes – from that of Æthelberht of Kent onwards; it is also the language that is used in the earliest extant wills, leases and legal agreements, which date from the early ninth century.[32] These vernacular documents seem to have been intended to be both kept and read by English noblemen and women.[33] It is therefore clear that English law had, at least from the early seventh century, been conducted in Old English. That is likely to have been an essential element of the social control exercised by the Anglo-Saxon nobility in England from such early times. But that control depended upon the nobility's continued ability to read the language that 'we all know'.

It is as well to admit our ignorance about what English books young Anglo-Saxon nobles and noblewomen could have first used in order to learn to read in the vernacular. According to Asser's *Life* the literary interests of the young Alfred – the fifth and youngest son of King Æthelwulf and perhaps therefore initially destined for an ecclesiastical career – were first nurtured when he succeeded in learning by heart the book of 'Saxon poems' which his mother Osburh had been accustomed to read to her sons.[34] Those of us who ourselves once learnt to read English at our mother's knee by similar techniques, or who have seen our children or grandchildren so learning, will find nothing improbable in this story. But the extant corpus of Old English poetry, with its rich and allusive vocabulary, would scarcely make an easy initial reading book for any child – even if the alliteration and rhythms would assist memorization. Here it is not difficult to suppose that the 'Old English Royal Annals' could have proved very much more suitable and attractive reading matter for young nobles learning to read in a court-school, or within a bishop's or a monastic household. One of the most

[31] Sweet, *King Alfred's Pastoral Care*, p. 6: 'ðætte eal sio gioguð þe nu is on Angel kynne friora monna, þara þe þa speda hæbben þæt hie ðæm befeolan mægen, sien to leornunga oðfæste'.

[32] *Select English Historical Documents of the 9th and 10th Centuries*, ed. F. E. Harmer (Cambridge, 1914), nos. 1–10.

[33] For the association of the laity with use of the written vernacular in Anglo-Saxon England, see S. E. Kelly, 'Anglo-Saxon society and the written word', in *The Uses of Literacy in Early Medieval Europe*, ed. R. McKitterick (Cambridge, 1990), pp. 36–62, at pp. 46–9, 54–5, 57–62.

[34] Asser, *Life of King Alfred*, ed. W. H. Stevenson, rev. D. Whitelock (Oxford, 1959), p. 20 (c. 23).

obvious features of the common stock of the 'Annals' is indeed the extreme repetitiveness (or formulaic quality) of very many of the entries:[35]

> 'Her Cuþwulf feaht wiþ Bretwalas æt Bedcanford'[36] (571A; *cf.* 455, 457, 465, 473, 485, 527, 552, 556, 568 etc.)
>
> 'Her Beorhtric cyning … forþferde. 7 Ecgbryht feng to Westseaxna rice'[37] (800A; *cf.* 616, 657, 670, 673, 741, 812, 819, 860)
>
> 'Her for se here on Norþhymbre 7 he nam wintersetl on Lindesse on Turecesiege'[38] (873A, *cf.* 866, 867, 868, 869, 870, 871, 872, 874, 875 etc.)

Such repeated formulas, often with only the personal- or place-names changed in successive annals, are of course a huge boon for anyone learning to read, who will soon learn to recognize the shape of repeated words, and may then develop the confidence to attempt the letters of words that are different. Moreover the 'Annals' not only provided a rich and repetitive word-store, but also a set of consecutive numbers for each year since the birth of Christ. These numerals could indeed have been used by anyone teaching a pupil to count, and both to read and to understand Roman numerals. Those skills would have been essential for noble law-givers who needed to understand the prescriptions of the law in relation to fines, wergilds and compensation payments.

It is, of course, very unlikely that it will ever be possible to prove that any of the extant manuscripts of the 'Old English Royal Annals' were either intended (or were actually ever used) to teach young clerics (or young nobles) how to read, or how to count. All that can perhaps legitimately be suggested is that in the hands of a skilled teacher, who knew the content of the 'Royal Annals' well, they would have proved very much more useful for this purpose than any other Old English text known to us.[39] The teacher could very easily turn to a passage in the 'Annals' of the difficulty or novelty that he judged his pupils to require. Moreover, as priests and teachers have long known, material imbibed in such initial learning processes often proves to be formative, and to stick in the child's mind through adulthood.

[35] For a related but more purely literary discussion of the formulaic quality of such annals, see J. Stodnick, 'Sentence to story: reading the *Anglo-Saxon Chronicle* as formulary', in Jorgensen, *Reading the Anglo-Saxon Chronicle*, pp. 91–111.

[36] 'Here Cuthwulf fought with the Britons at *Bedcanford*'.

[37] 'Here King Beorhtric … passed away; and Egbert succeeded to the kingdom of the West Saxons'.

[38] 'Here the host went into [the land of] the Northumbrians, and took winter quarters in Lindsey at Torksey'.

[39] The utility of passages from the 'Annals' for teaching people to read Old English is evident from their substantial use by Sweet, *Anglo-Saxon Reader*, Wyatt, *Anglo-Saxon Reader* and R. Marsden, *Cambridge Old English Reader* (Cambridge, 2004).

It is surely by no means unlikely that the learned educators whom Alfred gathered around him in his household should have persuaded him that teaching young West Saxon and English nobles to read about the courageous battles of their king against the heathen Danes, and about the heroic deeds and lineage of his royal warrior predecessors, would be both enjoyable and educative for the young. It may also have helped to inculcate an instinctive loyalty to Alfred's dynasty and to the English Christian identity that he was hoping to nourish among the heirs of his nobles. If Alfred was indeed responsible for the dissemination of the 'Old English Royal Annals' to the great churches of his kingdom, and if his successors were likewise responsible for continuing these 'Annals', were they all perhaps aware of the advantages for their dynasty of having their deeds, and those of their ancestors, recorded in a basic educational tool?

4. The tale of Queen Ælfthryth in William of Malmesbury's *Gesta Regum Anglorum*

Kirsten A. Fenton

William of Malmesbury's *Gesta Regum Anglorum* presents a particularly rich and diverse account of the history of the English from the perspective of an early twelfth-century Benedictine monk.[1] Among the most vivid and memorable narratives in a text stretching from the arrival of the Romans to some years into the reign of Henry I is William's portrayal of Queen Ælfthryth (d. 999 × 1001).[2] Ælfthryth is here depicted as deliberately setting out to seduce King Edgar (957–75) at the expense of her first husband, Ealdorman Æthelwold. She was infamous for being involved in the murder of her stepson, Edward, because she wished to promote her own son, Æthelred, to the English throne. Yet she was a cruel mother who beat Æthelred with candles because he was not grateful for her help in making him a king. William says that these events, which he presents as originating with Ælfthryth, led to the suffering of England at the hands of Viking invaders. This portrayal of Ælfthryth as a femme fatale is not the whole story, however. Other sources demonstrate that she was involved with her husband, Edgar, in the Church reform movement of the tenth century and that she founded and patronized religious houses, especially Wherwell in Hampshire.[3] Her influence at court is also perceptible but difficult to interpret clearly.[4] After the death of Edgar she had a prominent position

[1] William of Malmesbury, *Gesta Regum Anglorum*, ed. and trans. R. A. B. Mynors and others (2 vols., Oxford, 1998–9) (hereafter *Gesta Regum*); K. A. Fenton, *Gender, Nation and Conquest in the Works of William of Malmesbury* (Woodbridge, 2008); R. M. Thomson, *William of Malmesbury* (Woodbridge, 1987).

[2] P. Stafford, 'Ælfthryth (d. 999 × 1001)', in *ODNB*. Pauline Stafford's commitment to uncovering the stories of medieval queens is second to none and the resulting scholarship a must for anyone working on the subject. I was lucky enough to have her as my PhD supervisor and to experience her enthusiasm and dedication at first hand.

[3] For Ælfthryth as protector of nunneries, see *Regularis Concordia*, ed. and trans. T. Symons (1953), p. 2; D. J. V. Fisher, 'The anti-monastic reaction in the reign of Edward the Martyr', *Cambridge Historical Journal*, x (1952), 254–70, but see below and Simon Keynes in this volume.

[4] S. Keynes, *The Diplomas of King Æthelred 'the Unready' (978–1016): a Study in their Use as Historical Evidence* (Cambridge, 1980), p. 172.

at court while her young son Æthelred reigned.[5] Around 984 this influence seems to have faded as she disappears from the witness lists of extant diplomas. She returns, however, in the 990s alongside her grandsons, over whose upbringing she seems to have had some control. The contradictory views on Ælfthryth thus reveal her as something of a paradox. On the one hand, there is an evil queen and cruel mother, on the other, a good queen involved in Church reform, a patron of religious communities, presiding over a pious court. Such diverse images suggest that further investigation into the Ælfthryth narrative could prove fruitful. In particular, comparisons with William's known sources will allow us to ascertain how representative his views are. Are his ideas peculiar to him? If not, are they part of a long-established and common rhetoric of paradoxical femininity? Or are they relatively new for the time in which he was writing?

For information on pre-conquest history William can be shown to have used the annals now known as the *Anglo-Saxon Chronicle*.[6] Its only mention of Ælfthryth comes under the year 965. Here the marriage of Ælfthryth to Edgar is recorded, as well as the fact that she was the daughter of Ealdorman Ordgar.[7] William is also thought to have drawn directly or indirectly on the chronicle written by John of Worcester.[8] In it, Ælfthryth's father is identified as Ordgar, ealdorman of Devon, and the marriage of Ælfthryth to Edgar is noted as occurring after the death of her first husband, Æthelwold, ealdorman of the East Angles.[9] These two sources give no details about the circumstances which led to the marriage. William's version is very different. The story of the marriage comes within a biographical account of Edgar's life.[10] It appears within the second book of the *Gesta Regum Anglorum*, in which William aims to tell the history from the union of the four kingdoms in Britain until the Norman conquest.[11] Ælfthryth's story is part of the narrative of pre-conquest England and William attached some importance to it.[12]

[5] The power of a queen acting on behalf of her young son was unusual but not unheard of (see L. L. Huneycutt, 'Images of queenship in the high middle ages', *Haskins Society Journal*, i (1989), 61–71; and Cristina La Rocca in this volume).

[6] *Gesta Regum*, i. 14–15 (I. prologue).

[7] *The Anglo-Saxon Chronicle: a Revised Translation*, ed. D. Whitelock and others (1961), p. 76 (D, F).

[8] R. R. Darlington and P. McGurk, 'The "Chronicon ex Chronicis" of "Florence" of Worcester and its use of sources for English history before 1066', *Anglo-Norman Studies*, v (1982), 185–96; Thomson, *William of Malmesbury*, p. 75.

[9] *The Chronicle of John of Worcester*, ii: *the Annals from 450 to 1066*, ed. R. R. Darlington and P. McGurk, trans. J. Bray and P. McGurk (Oxford, 1995), pp. 416–17 (s.a. 964). For Ordgar, also pp. 414–15, 420–1 (s.a. 961, 971).

[10] *Gesta Regum*, i. 238–61 (II. 148–60).

[11] *Gesta Regum,* i. 150–1 (II. prologue).

[12] John of Worcester briefly mentions her four times: ii. 414–17, 428–9, 538–9 (961, 964, 978, 1043) and the *Anglo-Saxon Chronicle* once (s.a. 965), while she appears five times in *Gesta Regum,* i. 256–69 (II. 157, 159, 161, 162, 164).

Towards the end of his account of Edgar's reign William writes: 'Some people try to identify blemishes in his immensely distinguished record, saying that in his early years he was cruel to his subjects and lecherous with young women'. As an example of Edgar's cruelty, William cites the tale of Æthelwold.[13] As a leading noble trusted by the king, Æthelwold was given the task of inspecting Ælfthryth, whose beauty had been brought to Edgar's attention, with a view to arranging their marriage. Taking from John of Worcester the information that Ælfthryth was the daughter of Ordgar, ealdorman of Devon,[14] William develops the story further. He says that Æthelwold was so struck by Ælfthryth's beauty that he decided to marry her himself. Some time later, Edgar heard of this deception and decided to visit the happy couple. In panic Æthelwold was forced to admit to his wife for the first time what he had done and he begged her to make herself look as ugly as possible for the king's visit.[15] Ælfthryth, however, 'with a woman's ambition', dressed herself up, 'leaving nothing undone that might excite the lust ('lumbus') of a young man and a man of power'.[16] Her seduction of Edgar worked: he fell in love with her immediately, killing Æthelwold so he could marry her. Ælfthryth for her part built a nunnery at Wherwell to expiate her crime.[17] Behind the terse comments in both the *Anglo-Saxon Chronicle* and John of Worcester's Chronicle lies a story of deception, seduction and murder. According to William, Ælfthryth was a scheming deceiver. She 'painted her face' (like Jezebel in 2 Kings (Vulgate 4 Kings), IX:30) and succeeded in seducing Edgar. Not only had she broken the vows of her first marriage[18] but she had also used her feminine sexuality to seduce a king. William's Ælfthryth is a second Jezebel.[19]

[13] *Gesta Regum*, i. 256–9 (II. 157, 159).

[14] John of Worcester, ii. 414–17 (s.a. 961, 964).

[15] William's contemporary, Geoffrey Gaimar, writing in the late 1130s, relates that Ælfthryth was aware of the deception not long after her marriage (*Estoire des Engleis*, ed. and trans. I. Short (Oxford, 2009), ll. 3729–32; A. Bell, 'Gaimar and the Edgar-Ælfthryth story', *Modern Language Review*, xxi (1926), 278–87, at p. 281). Gaimar probably knew William's work and was arguing against his monastic sermonizing (A. R. Press, 'The precocious courtesy of Geoffrey Gaimar', in *Court and Poet*, ed. G. S. Burgess (Liverpool, 1981), pp. 267–79, at pp. 270–4; J. B. Gillingham, *The English in the 12th Century: Imperialism, National Identity and Political Values* (Woodbridge, 2000), pp. 114, 118, 247, 251–2; Short, *Estoire*, introduction, pp. xiii–xv).

[16] Fenton, *Gender*, p. 67.

[17] *Gesta Regum,* i. 258–9 (II. 157); similarly John of Worcester, p. 538–9 (s.a. 1043).

[18] From William's 12th-century perspective this may have been particularly significant, given the reforming aims and principles of this period, which saw the Christianization of the secular institution of marriage, with its emphasis on monogamy and indissolubility (C. N. L. Brooke, *The Medieval Idea of Marriage* (Oxford, 1989); J. A. Brundage, *Sex, Law and Marriage in the Middle Ages* (Aldershot, 1993); G. Duby, *Love and Marriage in the Middle Ages*, trans. J. Dunnett (Chicago, Ill., 1994)).

[19] Cf. J. L. Nelson, 'Queen as Jezebels: the careers of Brunhild and Balthild in Merovingian history', in *Medieval Women*, ed. D. Baker (Oxford, 1978), pp. 31–77.

How and why did William wish to present Ælfthryth in such terms? He provides no direct reference to any written source, save the Old Testament, simply stating that 'Sunt … dicentes'. In other words, he relied on oral evidence.[20] It is possible that he also knew the *Vita Oswaldi Archiepiscopi Eboracensis*, one of the earliest extant sources for the reigns of Edgar and Æthelred. Written by Byrhtferth, a scholar and monk of Ramsey, it can be dated on internal evidence to between 997 and 1002.[21] Yet nothing is said in this source of the deception of Æthelwold, the seduction tactics of Ælfthryth or the fact that Edgar killed Æthelwold. Byrhtferth simply notes that after the death of Æthelwold, Ælfthryth married Edgar and had two children, Edward and Æthelred.[22] It is, of course, plausible that William was reliant on oral traditions or drawing on a now lost source,[23] but he clearly manipulated his text so as to introduce Ælfthryth in an unfavourable light. One immediate argument against such a suggestion is that by doing so he would, by implication, tarnish the reputation of Edgar. However, he goes to some length to portray Edgar favourably and in his concluding remarks is especially careful to explain that Edgar's few mistakes were later extinguished by his virtuous behaviour.[24] It is noticeable too that William does not go out of his way to berate Æthelwold for his deception, instead blaming Ælfthryth for her 'woman's ambition' and sexual power.[25] The first image that we have of Ælfthryth, as presented by William, is therefore a disapproving one.

The next sequence of events which William presents as involving Ælfthryth is the succession of Edward to the English throne after the death of Edgar in 975.[26] The *Anglo-Saxon Chronicle* notes Edward's succession to the throne and 'in that same year in harvest time there appeared the star "comet" and in the next year there came a very great famine and very manifold disturbances

[20] *Gesta Regum*, i. 256–7 (II. 157).

[21] Byrhtferth of Ramsey, *The Lives of St Oswald and St Ecgwine*, ed. M. Lapidge (Oxford, 2009) (hereafter Byrhtferth), pp. lxvii–lxviii; cf. Keynes, *Diplomas*, p. 165; and Keynes's chapter in this volume.

[22] Byrhtferth, pp. 84–5 (III. 14). This genealogy is wrong. Edgar's first wife, Æthelflaed, was Edward's mother, while Ælfthryth bore Edgar two sons, Edmund (who predeceased his father) and Æthelred (*Gesta Regum*, i. 260–1 (II. 159); John of Worcester, ii. 417 (964); 'Passio Sancti Eadwardi Regis', in *Edward, King and Martyr*, ed. C. E. Fell (Menston, 1971), pp. 8–9).

[23] For possible different versions of this narrative used by Gaimar and William, see Bell, 'Gaimar', pp. 278–87; Gillingham, *The English*, pp. 251–2.

[24] *Gesta Regum*, i. 262–3 (II. 160).

[25] Gaimar, pp. 204–5 (ll. 3721–33), portrays Ælfthryth as innocent and says she never loved her first husband. Lines 3789–834 describe the passion and desire that Edgar felt for Ælfthryth and how he seduced her.

[26] *Gesta Regum*, i. 262–3 (II. 161).

throughout England'.[27] The juxtaposition of these two statements in the *Chronicle* implies that there is some connection between the two. John of Worcester provides a few more details. He writes of a succession dispute over the election of a king after the death of Edgar, noting that some wished to elect Edward and others Æthelred. Archbishops Dunstan and Oswald assembled many of the leading men of the realm and elected Edward. As in the *Anglo-Saxon Chronicle*'s account, these events are followed in John's by the appearance of a comet and a famine.[28] It is however the *Vita Oswaldi* which indicates, to some extent, why there was a disputed succession. It suggests that Æthelred gained support because he was of a gentler disposition than Edward, who 'struck not only fear but even terror into everyone'.[29] None of these three sources mentions Ælfthryth acting in any capacity in 975. There is, however, one further eleventh-century source which is worth comparing. The *Passio Sancti Eadwardi Regis et Martyris*, possibly written by the Anglo-Norman hagiographer Goscelin in the 1070s, is likely to have been based on an earlier account of Edward's life written at Shaftesbury in the early eleventh century.[30] Regarding the disputed succession claim, the *Passio* sheds light on Ælfthryth's role in events. It states that she was envious of Edward's success as a ruler and wished to see her own son, Æthelred, as king. Such was the extent of her envy that she plotted the murder of Edward. Comparison with William's account reveals similarities between it and the *Passio*.[31] William mentions two factions after the death of Edgar in 975: the first consisted of Dunstan and his bishops, who supported Edward, while the second consisted of other nobles and Ælfthryth, who supported Æthelred.[32] William says that Ælfthryth tried to promote Æthelred 'in order that she might reign herself in his name'.[33] However, William does not directly cite the *Passio* and simply states that he drew his facts from hearsay. While his account reveals similarities to that of the *Passio*, it is clear that he also picked up details from other sources. As in both the *Anglo-Saxon Chronicle* and John of Worcester, the succession struggle is followed by the appearance of a comet and the onset of a famine. William is aware of two factions who contested the succession, as are John of Worcester and Byrhtferth, but he follows the *Passio* in connecting Ælfthryth with Æthelred's supporters. He agrees with these three sources in presenting

[27] *Anglo-Saxon Chronicle*, pp. 77–8 (D, E).
[28] John of Worcester, ii. 426–9 (975).
[29] Byrhtferth, pp. 136–9 (IV. 18).
[30] Fell, *Edward*, pp. xvii–xx; Keynes in this volume.
[31] Fell, *Edward*, pp. 3–4; *Gesta Regum,* i. 262–5 (II. 161).
[32] P. Stafford, 'Sons and mothers: family politics in the early middle ages', in *Medieval Women*, ed. D. Baker (Oxford, 1978), pp. 79–100 (esp. pp. 79–81, 91–3).
[33] *Gesta Regum,* i. 262–3 (II. 161).

Archbishop Dunstan as Edward's chief supporter, who played a major part in getting him elected king.[34] John of Worcester's is the only account to state specifically that Edward's succession was according to the wishes of his dead father, and he mentions this twice.[35]

William portrays Ælfthryth in an active political role within this succession dispute. As mother of a potential heir to the throne, she was in a strong position to influence the outcome. The potency of maternal power was magnified by Ælfthryth's social position, which allowed women to work politically for their children's best interests. In such instances potential heirs born of other royal women could complicate circumstances and such claims to legitimate rights were often pressed at times of insecurity. A disputed succession provided an ideal opportunity for Ælfthryth. Edward, as a stepson, was a threat to her legitimacy as queen and as mother to Æthelred. Edward's accession was very likely to reduce Ælfthryth's power at court and beyond. Thus the promotion of her own son, Æthelred, was her way of securing not only what could be presented as her son's rightful inheritance but also her own position as queen-mother. Her case was not unique. The family politics and succession disputes surrounding other medieval queens like Emma and Matilda, wife of William I, show them dealing with similar issues and problems. William was clearly aware of these patterns of political motherhood and how powerful women could exploit them.[36] He was able to project these images of powerful mothers further back into pre-conquest history and connect them with the situation that faced Ælfthryth.

One of the most damning scenes in William's account of Ælfthryth is that of her involvement in the murder of her step-son, Edward, in 978.[37] The *Anglo-Saxon Chronicle* records the murder, and its place (Corfe), date (18 March) and time (evening).[38] It states that Edward was murdered by 'men' but provides no further details; it says that Edward was buried without royal ceremony at Wareham and that his kinsmen made no effort to avenge his death. On the other hand, Byrhtferth says that thegns who were ardent supporters of Æthelred killed Edward,[39] and that the deed

[34] John of Worcester, ii. 426–9 (975); Byrhtferth, pp. 136–7 (IV. 18); Fell, *Edward*, p. 2.

[35] John of Worcester, ii. 424–5, 426–7 (975).

[36] *Gesta Regum*, i. 334–9 (II. 188), on Emma; P. Stafford, *Queen Emma and Queen Edith: Queenship and Women's Power in 11th-Century England* (Oxford, 1997), esp. pp. 220–40, 236–53; *Gesta Regum*, i. 500–3 (III. 273), on Matilda, wife of William I. William may have been sensitized to the roles which powerful women could play because he was aware of the power of his own patron, Matilda, wife of Henry I (*Gesta Regum*, i. 754–9 (V. 418)).

[37] *Gesta Regum*, i. 264–7 (II. 162).

[38] *Anglo-Saxon Chronicle*, p. 79 (D, E).

[39] Byrhtferth, pp. 138–41 (IV. 18).

occurred 'when Edward had gone to visit his stepmother and much loved half-brother', noting that it was the outcome of a conspiracy, though he does not provide details. Like the *Anglo-Saxon Chronicle*, Byrhtferth places the time of the murder in the evening and adds that the body was carried to the house of certain men where it was denied proper burial rites. In comparison, the *Passio* is the earliest source to state that Ælfthryth was directly responsible for the murder of Edward.[40] It records that Edward was hunting near a place called Wareham and that he went to see Æthelred at his stepmother's house, which was in a place called Corfe. The narrative portrays Ælfthryth as a plotting and wicked stepmother who planned Edward's murder so that her own son, Æthelred, could be king.[41] Edward was offered a drink when he visited Ælfthryth and Æthelred and it was while he was drinking that he was stabbed with a small knife. Although he managed to climb on to his horse Edward died as a result of his injuries. Miracles soon occurred at his tomb although it was not until a year later that Ealdorman Ælfhere translated his relics from Wareham to Shaftesbury and gave them a more fitting ceremony.[42] The *Anglo-Saxon Chronicle* agrees with the translation of Edward's relics and states that Ealdorman Ælfhere moved the body from Wareham to Shaftesbury with great honour.[43] The *Vita Oswaldi* mentions the movement of the relics but does not give place-names.[44]

Comparisons with the twelfth-century sources reveal differing accounts of the murder. John of Worcester agrees with both the *Anglo-Saxon Chronicle* and the *Passio* that Edward was murdered at Corfe and buried at Wareham. Unlike these sources, however, John records Ælfthryth planning the murder but states that Edward was killed by his own men. He too explains that Edward's first burial was without any honours and that Ælfhere removed Edward's body from Wareham to Shaftesbury.[45] Henry of Huntingdon gives yet another version of events. He agrees with some of the earlier sources regarding the murder's time and place, and the fact that the first burial was without any honours.[46] However, he implies that Ælfthryth was the main

[40] Fell, *Edward*, pp. 3–5.

[41] For another account which blames Ælfthryth's plotting and indeed black magic for her part in the murder of Edward, see *Liber Eliensis*, ed. E. O. Blake (Camden 3rd ser., xcii, 1962), pp. 127–8; comment and analysis in C. E. Wright, *The Cultivation of Saga in Anglo-Saxon England* (Edinburgh, 1939), pp. 158–61.

[42] Fell, *Edward*, p. 9.

[43] *Anglo-Saxon Chronicle*, p. 80 (D, E).

[44] Byrhtferth, pp. 140–3 (IV. 19).

[45] John of Worcester, ii. 428–31 (978).

[46] Henry, archdeacon of Huntingdon, *Historia Anglorum*, ed. D. Greenway (Oxford, 1996), pp. 324–5 (V. 27).

perpetrator of the crime.[47] It is not implausible to suggest that Henry was including in his account one of many traditions circulating at the time. In comparison, William's account implicates Ælfthryth in the murder but does not say that she struck the blow herself: 'the woman ... with a stepmother's hatred and a viper's guile, in her anxiety that her son should enjoy the title of king, laid plots against her stepson's life, which she carried out'. William's reasoning as to Ælfthryth's actions is very similar to that found in the *Passio*.[48] The implication in these accounts is that Ælfthryth and Æthelred were involved in the murder because they had the most to gain from it. The *Anglo-Saxon Chronicle* seems to endorse this view, since it specifically states that no revenge was taken on those responsible for the killing.[49] Technically this would have been the responsibility of Æthelred and thus could be interpreted as proof that he was guilty of being involved in Edward's murder. But caution is advisable here. It could be argued that Æthelred was too young at this point to have had the necessary authority to seek revenge (he was only seven) or that he did not in fact know who committed the murder.[50] The stock character of the wicked stepmother is one which allows Ælfthryth's actions to be viewed through a stereotypical lens.[51] As a narrative device, therefore, perhaps expectation was intended by the authors concerned to colour readers' opinions of Ælfthryth.

Like the author of the *Passio*, William has Edward hunting before stopping in a neighbouring village to meet Ælfthryth. She, 'with a woman's wiles, distracted his attention, and with a kiss of welcome offered him a drink'.[52] While he was drinking she had him stabbed with a dagger by one of her attendants. Although wounded, Edward got back upon his horse, but slipped and was thus dragged off to his death, leaving behind him a trail of blood. William agrees that Edward was first buried without any honour at Wareham before Ælfhere moved his body to Shaftesbury. He narrates how Ælfthryth, after hearing of Edward's many miracles, planned to visit his grave, but her horse refused to carry her. Eventually she interpreted this as a message of God's wrath and began to repent. William ends: 'It is believed, and a widely popular view, that it was through her cruelty to Edward that

[47] Henry introduces this by noting, 'It is said' ('dicitur'). Like the *Passio* and the *Vita Oswaldi*, he mentions that Edward was drinking when he was murdered. This section of the story was added in the third version of the *Historia*, written *c.*1133–*c.*1140.

[48] Fell, *Edward*, p. 4.

[49] *Anglo-Saxon Chronicle*, p. 79 (D, E).

[50] Keynes, *Diplomas*, pp. 168–9.

[51] Ælfthryth's image may have been stereotypical but it was also grounded in real familial female roles (see P. Stafford, 'The portrayal of royal women in England, mid-10th to mid-12th centuries', in *Medieval Queenship*, ed. J. C. Parsons (New York, 1993), pp. 143–67, at p. 151).

[52] *Gesta Regum*, i. 264–7 (II. 162); Fell, *Edward*, p. 4.

the whole country for a long time after groaned under the barbarian yoke'.[53] The similarities between his account and that of the *Passio* suggest that he must have been either directly or indirectly influenced by it. The *Passio* presents a very negative picture of the queen and yet it originated in the royal nunnery of Shaftesbury.[54] It needs to be understood within the context of the tenth- and eleventh-century reform movement and contemporary dynastic politics.[55] Shaftesbury was a wealthy and well-established royal foundation whose inmates had a strong sense of connection with the royal family. It had an important role in representing the recent past as it housed the relics of Edward. Relations between Ælfthryth and Shaftesbury thus had reason to be hostile in the face of recent events. This relationship was illuminated in both the cult of Edward and the *Passio* which together produced a negative picture of Ælfthryth as a guilty and cruel queen. Yet it is William who combines these details into a picture of Ælfthryth which is especially negative and which contains details brought together in no other source.

William's interpretation of Ælfthryth's role in these events can be viewed as an example of misogynistic monastic writing. Certainly the episode shows that he was only too aware of the power and authority which women could wield and the use of their sex as a source for this authority.[56] This perception of an occasional reality was not a sign of a lack of misogyny, but rather, as so often, a primary cause of misogyny since it denoted and provoked fear of women and their power.[57] This is a commonplace. From the outset the reader is made aware of Ælfthryth's sexual power through her attempt to seduce Edgar. Her power as a mother and queen was highlighted in a succession dispute. It is all underlined by the language which William uses in describing Ælfthryth. He seldom presents her as a queen or a wife but he does attack her as a woman. William uses Ælfthryth's story as a warning to symbolize how dangerous feminine power could be in pre-conquest English history. For William, the murder of Edward showed what happens when female power spirals out of control. Furthermore, the consequences of this were far-reaching. William states that it was commonly believed that it was because of Ælfthryth's crimes that England as a whole had to suffer at the

[53] *Gesta Regum,* i. 264–7 (II. 162); Fell, *Edward*, pp. 4, 10.

[54] Fell, *Edward*, pp. xvii–xx.

[55] P. Stafford, 'Queens, nunneries and reforming churchmen: gender, religious status and reform in 10th- and 11th-century England', *P&P*, clxiii (1999), 3–35, esp. pp. 28–30, repr. in P. Stafford, *Gender, Family and the Legitimation of Power* (Aldershot, 2006).

[56] Cf. P. Buc, 'Italian hussies and German matrons: Liutprand of Cremona on dynastic legitimacy', *Frühmittelalterliche Studien*, xxix (1995), 207–25.

[57] Cf. C. Larner, *Witchcraft and Religion: the Politics of Popular Belief* (Oxford, 1984), pp. 84–8.

hands of the Viking invaders.[58] William had the advantage of hindsight: he knew that Æthelred's reign had been disastrous and had ended in the conquest of England by Swein and Cnut in 1016.[59] According to William, Ælfthryth had been the originator of a series of events that resulted in conquest. He shaped his narrative to show how dangerous feminine power could be in both the short and long term.

The final episode which William describes as involving Ælfthryth centres on Æthelred's succession to the throne in 979.[60] The *Anglo-Saxon Chronicle* records the succession, and states that Æthelred was consecrated with 'much rejoicing by the councillors of the English people'. Just two years later, however, in 981, the *Chronicle* notes the arrival of the first seven Viking ships, and this may imply some connection between the two events.[61] The *Vita Oswaldi* also notes Æthelred's consecration by Archbishops Dunstan and Oswald, amid 'great rejoicing'. It describes Æthelred as 'young in respect of years, elegant in his manners, with an attractive face and handsome appearance'. It then comments on the Viking raids and battles which took place during Æthelred's reign.[62] Likewise, John of Worcester noted how Æthelred, 'the illustrious atheling, elegant in his manners, handsome in visage, glorious in appearance', was consecrated by Dunstan and Oswald. John also juxtaposes Æthelred's coronation with a symbolic sign, the arrival of a fiery cloud.[63]

By comparison, William starts his account of Æthelred's reign by portraying him in a very negative light. He says that Æthelred 'occupied' rather than 'ruled' the throne, that his life was cruel at the beginning and then disgraceful at its end. 'He showed cruelty in the murder of his kinsman, in which he was an accomplice; his running away and his effeminacy ('mollitia') disgraced him; and he was miserable in death'.[64] Unlike the other sources, William directly blames Æthelred from the outset as an accomplice in the murder of Edward. He also criticizes Æthelred's masculinity, sharply contrasting his weakness as a male with the power that Ælfthryth could wield. Indeed by drawing attention to this, William is in fact emphasizing how powerful Ælfthryth actually was. Perhaps William here turned the

[58] *Gesta Regum*, i. 266–7, 268–9 (II. 162, 164).

[59] Comments in P. Stafford, *Unification and Conquest: a Political and Social History of England in the 10th and 11th Centuries* (1989); A. Williams, *Kingship and Government in Pre-Conquest England, c.500–1066* (1999).

[60] *Gesta Regum*, i. 268–9 (II. 164); Fenton, *Gender*, pp. 106–7.

[61] *Anglo-Saxon Chronicle*, p. 80 (D, E).

[62] Byrhtferth, pp. 154–5 (v. 4).

[63] John of Worcester, ii. 430–1 (978). Similarly *Anglo-Saxon Chronicle*, p. 80 (C).

[64] *Gesta Regum*, pp. 268–9 (II. 164).

world upside down in a gendered way, treating a weak male and a powerful female as symbolic of disorder, and deserving of punishment. It is in this context that William chose to introduce another example of Ælfthryth's behaviour and he did so by illustrating her cruelty as a mother. In this instance William gives his account the authority of the written word by noting his dependence on a written source.[65] Ælfthryth is described beating Æthelred with candles because he cried at the murder of his brother and was not grateful for his mother's role in making him king. This story derives from the *Passio*, which is the earliest and possibly only other extant source to contain this detail.[66] William goes on to quote one of Archbishop Dunstan's alleged prophecies, in this case using Osbern of Canterbury's *Vita Sancti Dunstani*.[67] This prophecy blames Ælfthryth and those who shared her plot for the evils which would befall England. William follows this prophecy with the arrival of the Viking ships at Southampton, just as the *Anglo-Saxon Chronicle* does.[68] He views the conquest as punishment for Ælfthryth's crimes and Æthelred's weakness and he makes this implicit within his narrative.[69]

In comparison with other accounts, William's distinctiveness lies in his casting of Ælfthryth as a powerful and cruel woman whose actions resulted in disaster for England. He emphasizes her power as a woman, a mother and a queen and contrasts this sharply with the actions of her younger son, Æthelred. William appears to have used, indirectly or directly, the *Passio*, which had its own reasons for portraying such a negative picture of Ælfthryth.[70] He stresses how dangerous and far-reaching in its consequences feminine power could be. With the benefit of hindsight he was able to view well-known facts like the outcome of Æthelred's reign through the medium of a gendered lens. He could see how the actions of Ælfthryth could be interpreted as being responsible for conquest: for example, how punishment for the murder of Edward came in the form of Viking invasion and conquest. William appears to have been more sensitive than many early medieval writers to the roles which women could play within dynastic royal politics. Very few afford Ælfthryth such a dynamic place within their

[65] *Gesta Regum*, pp. 268–9 (II. 164): 'vidi scriptum'.

[66] Fell, *Edward*, p. 7; Fenton, *Gender*, p. 33.

[67] *Memorials of Saint Dunstan Archbishop of Canterbury*, ed. W. Stubbs (RS, lxiii, 1874), pp. 114–15, and Eadmer's comments on p. 215.

[68] *Anglo-Saxon Chronicle*, p. 80 (C, D, E).

[69] For similar views, see E. van Houts, *Memory and Gender in Medieval Europe 900–1200* (1999), esp. ch. 6. For specific reference to William's use of this same formula throughout his narrative, see Fenton, *Gender*, pp. 100–28.

[70] Stafford, 'Queens, nunneries', pp. 3–35.

accounts of this period. William's gendered explanation of the origins of conquest reveal him to have been very aware of the important roles that powerful women could play within the narratives of pre-conquest English history; yet this awareness, as the tale of Ælfthryth illustrates, also allowed him to manipulate their stories accordingly.

5. Women, children and the profits of war*

John Gillingham

Throughout the middle ages when men went to war, they expected to make a profit, to take plunder and capture prisoners. In the earlier centuries, just as in the ancient world, and for as long as slavery was a widespread institution, the enslavement of the defeated, both combatants and non-combatants, both male and female, made up an important part of the profits of war. This was true not only of wars between people of different faiths but also of wars between co-religionists.[1] Hence, the discontinuance in wars between Christians of the ancient practice of enslaving prisoners has been described as 'the most striking innovation'.[2] Yet it has been very little studied.[3] In this short chapter my argument is that two fundamentally different phases of warfare can be distinguished. In phase one, which, so far as we can see, prevailed everywhere throughout Europe during the earliest medieval centuries and remained the norm for very much longer in some regions, women and children were not the unlucky victims of the 'collateral damage' of war: rather they were among its intended victims. In the second, more chivalrous phase, women and children continued to suffer, but they were no longer targeted. For the first time in history, non-combatant immunity – the notion widely thought of as 'the key norm' in *ius in bello* – existed in the sense that although enemy soldiers might intend to ruin civilians economically by destroying or taking their wealth, they no longer went out of their way to kill or enslave them.[4]

* I am grateful to the staff and students of Georgian Court University, in particular to Robin and Joe Gower, for a first opportunity to develop these ideas.

[1] Gregory of Tours, *Historiarum Libri Decem*, ed. and trans. R. Buchner (2 vols., Berlin, 1955), p. 158 (III. 11), trans. L. Thorpe as *The History of the Franks* (Harmondsworth, 1974), p. 171; *Conquerors and Chroniclers of Early Medieval Spain*, trans. K. B. Wolf (Liverpool, 1990), pp. 104, 106–7 (Isidore, 'History of the Goths', cc. 54, 61); Bede, *Ecclesiastical History*, ed. and trans. B. Colgrave and R. Mynors (Oxford, 1969), pp. 400–5 (IV. 22).

[2] S. C. Neff, *War and the Law of Nations* (Cambridge, 2005), p. 73.

[3] J. Gillingham, 'The treatment of the defeated, *c.*950–1350: historiography and the state of research', in *The Historiography of War in the Middle Ages*, ed. M. Rojas Gabriel (forthcoming).

[4] Only very rarely, as in the case of William the Bastard's 'harrying of the north', was the ravaging of a region taken to the point of starving non-combatants to death.

Despite the wealth of studies of early medieval women since the 1970s – to which Pauline Stafford has so notably contributed – there have been very few which have focused on women and their children as the intended victims of war.[5] On the contrary, as Jinty Nelson observed as long ago as 1990, many such studies were intended to empower or emancipate women by showing that they were active in fields conventionally regarded as male: religion, learning, politics, even war.[6] Obviously in the 'total war' characteristic of early medieval Europe, women were very far from being the only victims.[7] Men were more likely to be killed. Indeed they were often killed precisely so that the invaders could capture the women and children who, along with other animals, were prized items of plunder.[8] In consequence the majority of prisoners taken in phase one warfare were female.[9] In phase two many men remained in mortal danger – above all ordinary soldiers unlikely to be able

[5] And most of these deal with rape not enslavement (e.g., C. Saunders, 'Women and warfare in medieval English writing', in *Writing War: Medieval Literary Responses to Warfare*, ed. C. Saunders and others (Woodbridge, 2004), pp. 187–212; and C. Saunders, 'Sexual violence in wars: the middle ages', in *Transcultural Wars from the Middle Ages to the 21st Century*, ed. H.-H. Kortüm (Berlin, 2006), pp. 151–64). By jumping straight from the rape of the Sabine women to Richard II's articles of war in 1385, Susan Brownmiller's pioneering historical survey in chapter three of *Against Our Will: Men, Women and Rape* (1st edn., 1975) omitted the crucial centuries.

[6] J. L. Nelson, 'Women and the word in the earlier middle ages', repr. in *The Frankish World 750–900* (1996), pp. 199–221, esp. pp. 200–2.

[7] For total war in the early centuries, see A. Levy, *Beiträge zum Kriegsrecht im Mittelalter* (Breslau, 1889), p. 50.

[8] Although in the 1990s (40 years after Iris Origo's pioneering 'The domestic enemy: the eastern slaves in Tuscany in the 14th and 15th centuries', *Speculum*, xxx (1955), 321–66) women historians began to focus attention on female slaves, they, like their male counterparts, remained chiefly interested in the role and status of slaves, how they fared after they had been sold, not in the moment of their capture (e.g., S. M. Stuard, 'Ancillary evidence for the decline of medieval slavery', *P&P*, cxlix (1995), 3–28; and M. Obermeier, *Ancilla: Beiträge zur Geschichte der unfreien Frauen im Frühmittelalte* (Pfaffenweiler, 1996)). For some perceptive remarks, see R. M. Karras, 'Desire, descendants and dominance: slavery, the exchange of women, and masculine power', in *The Work of Work: Servitude, Slavery and Labour in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 16–29, at pp. 17–18. Gender has been given its due in D. Wyatt, *Slaves and Warriors in Medieval Britain and Ireland, 800–1200* (Leiden, 2009), but despite his choice of 1200 as a terminal date, he does not discuss the discontinuance of enslavement.

[9] Cf. the argument that although the typical Roman, ancient Briton or Anglo-Saxon was portrayed in the literature as a free man, 'the typical adult in all these societies was almost certainly a female slave' (A. Woolf, 'At home in the long iron age: a dialogue between households and individuals in cultural reproduction', in *Invisible People and Processes: Writing Gender and Childhood into European Archaeology,* ed. J. Moore and E. Scott (Leicester, 1997), pp. 68–74).

to afford a ransom.[10] It follows, therefore, that women and children were the main beneficiaries of a change which amounted to a new morality of war.[11] My assumption here is that, although in phase one a few women and children had been able to take advantage of the opportunity of enslavement to make a fresh start in a new environment, for the overwhelming majority the experience of being violently separated from family and neighbours was shattering, a fate even worse than rape.[12] No doubt the shift from phase one to phase two is associated with the demise of slavery. Hence phase one warfare remained characteristic of British and Scandinavian Europe for much longer than in the old Frankish regions. Yet, unlike the long debate concerning the demise of slavery, to which this chapter is emphatically not a contribution, the phasing out of enslavement in intra-cultural European warfare has attracted remarkably little attention.

Historians of slavery, despite their emphasis on war as an important source of supply of slaves, have not been very interested in warfare. Historians of early medieval war have not given much thought to enslavement.[13] The former have little time for narrative sources. The latter have had to make do

[10] I distinguish ransom and redemption, although the Latin word (*redemptio*) is the same in both cases, and the two are often conflated (e.g., M. McCormick, *Origins of the European Economy: Communications and Commerce, AD 300–900* (Cambridge, 2001), p. 248). In cases of ransom, it was the captive himself or his family or lord who was responsible for raising the money, and the freed man returned home to his family and friends; in cases of redemption, the freed captives became the slaves of their liberators, at any rate until they were able to buy their freedom or were given it as an act of charity. According to the *constitutio* of Honorius in 409 it was also possible for redeemed prisoners to obtain their freedom by working for their new master for five years (Y. Rotman, *Les esclaves et l'esclavage. De la Méditerranée antique à la Méditerranée medieval, vi^e–xi^e siècles* (Paris, 2004), p. 61). Although the 7th-century Northumbrian thegn Imma was allowed to ransom himself ('sese redimendi') after he had been sold to a slave dealer (Bede, *Ecclesiastical History*, pp. 400–5 (IV. 22)), I have not yet found any references to the ransom of prisoners taken in wars between Franks earlier than the 11th century (J. Gillingham, 'Fontenoy and after: pursuing enemies to death in France between the 9th and 11th centuries', in *Frankland: the Franks and the World of the Early Middle Ages*, ed. P. Fouracre and D. Ganz (Manchester, 2008), pp. 242–65, at pp. 256–61).

[11] M. Strickland, 'Killing or clemency? Ransom, chivalry and changing attitudes to defeated opponents in Britain and northern France, 7th–12th centuries', in *Krieg im Mittelalter*, ed. H.-H. Kortüm (Berlin, 2001), pp. 93–122; M. Strickland, 'Rules of war or war without rules?', in Kortüm, *Transcultural Wars*, pp. 107–40; J. Gillingham 'Surrender in medieval Europe: an indirect approach', in *How Fighting Ends: a History of Surrender*, ed. H. Strachan and H. Afflerbach (Oxford, 2012), pp. 55–72.

[12] For the famous case of Balthild, see J. L. Nelson, 'Queens as Jezebels: Brunhild and Balthild in Merovingian history', in *Medieval Women*, ed. D. Baker (Oxford, 1978), pp. 31–77.

[13] B. S. Bachrach, *Early Carolingian Warfare* (Philadelphia, Pa., 2000), pp. 139, 338–9; G. Halsall, *Warfare and Society in the Barbarian West, 450–900* (2003), pp. 135, 226.

with meagre narratives which say little about events as climactic as battles, and are naturally even more unforthcoming on the subject of routine military operations. The lack of detail in contemporary sources has made it easy and apparently prudent not to ask questions about the conduct of early medieval slave raids.[14] My risky strategy is to turn to the evidence of much later sources in the hope of teasing out the largely unspoken assumptions of the narrators of early medieval war.

I begin with a few sentences from Richard of Hexham's account of King David I of Scotland's invasion of the north of England in 1138:

> By the sword's edge or the spear's point, they slaughtered the sick on their beds, women who were pregnant or in labour, babies in their cradles or at their mothers' breasts, and sometimes they killed the mothers too. They slaughtered worn-out old men, feeble old women, anyone who was disabled … They killed husbands in front of their wives. Then they carried off their plunder and the women, both widows and maidens, stripped, bound and roped together they drove them off, goading them with spears on the way. *Hoc idem in aliis bellis, sed in hoc copiosius fecerunt*. Their fate was either to be kept as slaves ('ancillas') or sold on to other barbarians in exchange for cattle.[15]

What Richard's narrative reveals, for the first time in European medieval history, is something of the reality of the slave raid, in this case against fellow-Christians. 'In order to capture potential slaves and drag them off into slavery, it was in practice necessary to kill not only everyone who put up a fight but also anyone who got in the way, elderly parents and young children for example – those categories of persons whom it was uneconomic to put to work but whose lamenting, clinging presence impeded the operation.'[16] These and other English 'atrocity stories' were composed by authors who lived in a society which had recently discontinued the practice of slavery

[14] It may also be that traditional military historians of 'western' warfare, with their focus on 'properly' military matters such as strategy and tactics, organization and logistics, arms and armour, preferred to avert their eyes from a nasty subject, perhaps comforted by the assumption that enslavement, especially the enslavement of fellow Christians, gradually died out as Europe became increasingly Christianized. Hence enslavement in war has rarely been written about, except as the kind of thing that Muslims and heathen Vikings did.

[15] Richard of Hexham, *De Gestis Regis Stephani*, in *Chronicles of the Reigns of Stephen, Henry II and Richard I*, ed. R. Howlett (4 vols., RS, lxxxii, 1884–9), iii. 152, 156–7. For discussion of this and similar passages from Symeon of Durham and John of Worcester, see M. Strickland, *War and Chivalry: the Conduct and Perception of War in England and Normandy, 1066-1217* (Cambridge, 1996), pp. 291–329.

[16] J. Gillingham, 'The beginnings of English imperialism', *Journal of Historical Sociology*, v (1992), 392–407, and 'Conquering the barbarians: war and chivalry in 12th-century Britain and Ireland', *Haskins Society Journal*, iv (1992/93), 67–84, both repr. in J. Gillingham, *The English in the 12th Century* (Woodbridge, 2000), pp. 3–18, at p. 14, pp. 41–58, at pp. 45–6.

and who no longer regarded the slave raid as unremarkable. Hence among modern scholars it is primarily historians of twelfth-century England who have observed what Matthew Strickland calls 'a fundamental shift in the nature of behaviour in war'.[17]

It remains true, of course, that Richard's was a hostile account of what 'they' are doing to 'us'. No such reservations apply to the narrative, composed in the 1220s by a German priest known as Henry of Livonia, of the many raids on their neighbours launched by armies of the recently founded Latin Church of Riga. Of one raid against heathen Estonians in 1216, for example, he wrote: 'When we arrived there we burned and devastated everything, killed all the males, captured the women and children, and drove off their horses, cattle and sheep'.[18] Henry, himself an eyewitness of some of these attacks, described or referred to no fewer than twenty-six Christian raids between 1208 and 1221 which operated this sex discrimination. His comment on a raid in 1208 launched by his own newly converted parishioners – 'exhausted by so much killing … they returned home, bringing back with them herds of animals and a great many girls whom alone the armies of this region customarily spare' – implies that this was standard practice in early thirteenth-century warfare in the Baltic region.[19] In one raid men were captured and tortured until they revealed the places in the forest in which the women and children had hidden.[20] Henry made explicit the strategic purpose of this style of warfare: 'to fight until either the survivors came to them for peace and baptism or they had entirely extirpated them from the land'.[21] We might consider the possibility

[17] Strickland, 'Killing or clemency', p. 95. Approaches which see reports such as Richard's as essentially nothing more than atrocity stories justifying war miss this major shift (e.g., G. Signori, 'Frauen, Kinder, Greise und Tyrannen. Geschlecht und Krieg in der Bilderwelt des späten Mittelalters', in *Bilder, Texte, Ritual Wirklichkeitsbezug und Wirklichkeitskonstruktion politisch-rechtlicher Kommunikationsmedien in Stadt- und Adelsgesellschaften des späten Mittelalters*, ed. K. Schreiner and G. Signori (Berlin, 2000), pp. 139–64, at pp. 145ff.; S. M. Karzel, *'Nihil crudelius a barbaris perpeti potuissent', Die Darstellung von Krieg und Gewalt in den historiographischen Quellen zur Zeit Heinrichs IV* (Marburg, 2008), pp. 109–10, 145). See below, n. 60.

[18] *Heinrichs Livländische Chronik*, ed. L. Arbusow and A. Bauer (MGH SRG, xxxi, Hanover, 1955), p. 135 (c. 20.2). Like Richard of Hexham, Henry makes clear that some women and children were killed as well.

[19] *Heinrichs Livländische Chronik*, p. 135 (c. 12.6): 'spolia multa colligentes iumenta et pecora multa et puellas quam plurimas, quibus solis parcere solent exercitus in terris istis, secum abduxerunt'.

[20] *Heinrichs Livländische Chronik*, p. 126 (c. 19.3).

[21] *Heinrichs Livländische Chronik*, p. 126 (c. 19.3): 'donec aut pro pace et baptismo venirent, qui residui erant, aut omnino eos exstirpare de terra'. For this kind of conversion through terror, see *Vitae Sancti Bonifatii archiepiscopi Moguntini*, ed. W. Levison (MGH SRG, lvii, Hanover, 1905), p. 52.

that when an author such as Bede wrote about wars in which the defeated were to be 'exterminated', he envisaged – but saw no need to mention – the survival and enslavement of their women and children.[22]

What happened to the women and children whom the Rigans captured, Henry did not say. He mentioned the captives' fate only when it was heathens who did the taking: 'they violated them or took them as wives, each of them having two or three wives or more, or sold them on to other heathens such as the Kurs'.[23] It seems likely that Christians in the Baltic region behaved much like their fellow Christians in late medieval Spain and Italy in that they owned domestic slaves of both sexes, but chiefly female: they were there to do the housework, look after children – and to provide sex.[24] According to Pope Gregory IX's instructions to his legate in Livonia, heathen slaves baptized by their captors were to be rewarded by being granted 'the freedom of confessing their sins, of going to church and of hearing the divine office'.[25] Women and children were still being targeted, taken prisoner and sometimes sold on by the Teutonic Knights and their allies in the early fifteenth century.[26]

Most, but not all, of the victims of the Rigan raids were heathens. Henry's narrative of campaigns against the Rus in the Dvina valley in 1208 and 1209 shows that he knew that Christians ought to be treated differently: 'Out of respect for the Christian name they killed only a few'.[27] Yet by 1217 attitudes had hardened: 'The bishop's men and the Sword Brothers advanced towards Novgorod at Epiphany when the Rus are accustomed to feast and drink. They killed many people, and took captive a great many women, driving them off with many horses and flocks'.[28] The not quite shared religion

[22] Bede, *Ecclesiastical History*, pp. 202–5, 382–3 (II. 20, IV. 16). For discussion of Bede's use of the verb *exterminare*, see J. E. Fraser, 'Early medieval Europe: the case of Britain and Ireland', in *The Oxford Handbook of Genocide Studies*, ed. D. Bloxham and A. D. Moses (Oxford, 2010), pp. 259–79.

[23] *Heinrichs Livländische Chronik*, p. 216 (c. 30.1). This looks like the system of simultaneous polygyny entered into by the capture and enslavement of women characteristic of much of early medieval Europe.

[24] On the acquisition of women and children in the Black Sea region and their shipment to Italy, see Origo, 'The domestic enemy', pp. 321–33.

[25] 'Si quos de servili condictione seu alios alterius ditione subiectos ad baptismi gratiam … de onere servitutis facias aliquid relaxari, et dari eis liberam facultatem confitendi peccata, adeundi ecclesiam et divina officia audiendi' (*Liv-, Esth- und Curländisches Urkundenbuch*, ed. F. G. von Bunge and others, i (Reval, 1853), no. 158).

[26] S. Ekdahl, 'The treatment of prisoners of war during the fighting between the Teutonic Order and Lithuania', in *The Military Orders*, ed. M. Barber (Aldershot, 1994), pp. 265–7; W. Paravicini, *Die Preussenreisen des europäischen Adels* (2 vols., Sigmaringen, 1989–95), ii. 100–10.

[27] *Heinrichs Livländische Chronik*, pp. 56 (c. 11.8), 70 (c. 13.4).

[28] *Heinrichs Livländische Chronik*, pp. 138 (c. 20.5), 158–9 (c. 23.5).

counted for something, but other things – notably the desire for revenge, especially powerful in warfare in which male prisoners were routinely killed or tortured – mattered more. Whatever their initial reservations might have been, the German invaders adopted the custom of the country.[29]

Often enough early medieval narratives make it plain that wars were slave hunts, but without stating or implying anything about the sex of the majority of the victims – as in, for example, Gregory of Tours's description of Clovis's son, Theuderic, persuading his people to attack Clermont-Ferrand in 532 CE, giving them permission 'to bring home with them not only everything they could seize, but also the entire population' ('cuncta regionis praedam cum hominibus in suis regionibus transferre').[30] Some historians of the early middle ages accept that the enslavement of women and children was a major aspect of the warfare of their period.[31] This, after all, was no more than to conform to the pattern of the 'just wars' of the Old Testament: 'And they warred against the Midianites as the Lord commanded Moses, and they slew all the males … And the children of Israel took all the women of Midian captives, and their little ones, and they took spoil of all their cattle, and all their flocks and all their goods'.[32]

Yet most of those who specialize in medieval slavery and the slave trade have given the impression that female slaves were less numerous than males.[33] Indeed according to McCormick's explicit statement, 'European female slaves were less numerous and more valuable than males'. This assessment

[29] Cf. the English in Ireland as described in Giraldus Cambrensis, *Expugnatio Hibernica*, ed. and trans. A. B. Scott and F. X. Martin (Dublin, 1978), pp. 58–65.

[30] 'You will be able to take as many cattle and slaves ('mancipia') and seize as much clothing as you like' (Gregory, *Historiarum Libri*, p. 158 (III. 11), trans. Thorpe, p. 171).

[31] J.-P. Devroey, 'Men and women in early medieval serfdom: the 9th-century north Frankish evidence', *P&P*, clxvi (2000), 1–30, at p. 16; J. Campbell, 'Aspects of nobility and mobility in Anglo-Saxon society', in *Soldiers, Nobles and Gentlemen*, ed. P. Coss and C. Tyerman (Woodbridge, 2009), pp. 17–31, at p. 21.

[32] Numbers XXXI:7–9. Cf. 'The heroes as a rule killed the males and carried off the females, regardless of rank' (M. I. Finley, *The World of Odysseus* (Harmondsworth, 1967), p. 61). Tenth-century Arab travellers said much the same about the Rus: 'In battle the Rus do not leave the field until they have exterminated their enemies; they then capture and enslave the women' (Ahmad ibn 'Umar ibn Rusta, *Les atours precieux*, trans. G. Wiet (Cairo, 1955), pp. 163–5). Hence I am less inclined than Peter Heather to doubt Ibn Fadlan's description of Rus slave traders in the 10th century, in which we hear only about females and children among the slaves being sold down the Volga (P. Heather, *Empires and Barbarians* (2009), p. 566). For a global overview of enslavement in war among traditional societies, see O. Patterson, *Slavery and Social Death* (Cambridge, Mass., 1982), pp. 113–14, 120–2.

[33] D. Pelteret, *Slavery in Early Medieval England* (Woodbridge, 1995) contains a good deal of information about female slaves and some discussion of the Domesday *ancilla* (pp. 202–3), but no index entry for *ancilla*, and only one for 'slave, female'. On Anglo-Saxon slavery, I have had the benefit of reading an unpublished paper by Alan Thacker.

of relative value is based on the list of tolls due at Raffelstetten on the Danube.[34] The assessment of number is partly based on the assumption, shared by Verlinden, that the higher toll payable on female slaves means that they were rarer than male, and partly on the overwhelmingly masculine character of the sample of individual slaves whom McCormick was able to identify by name.[35] But the infinitely more abundant evidence from later medieval Spain and Italy shows that female slaves could be simultaneously both more expensive and more numerous than male.[36] Capture in war was certainly not the only route into slavery, but the narratives of Richard of Hexham and Henry of Livonia suggest that historians of the early medieval economy may have underestimated the number of female slaves.

The conventional emphasis on male rather than female slaves probably reflects the fact that historians of slavery – most of them men – have been primarily interested in slavery as a mode of production, and have therefore tended to focus on servile tenements, for which record evidence survives, downplaying the significance of ill-recorded domestic slavery, which was almost certainly the fate of most captured women and children.[37] It also reflects the fact that historians of war have tended to think of prisoners of war as men. Some certainly were, but even when a source explicitly refers to males among the captives, it usually states that there were women and children too.[38] The tendency to underestimate the number of females among the captives is partly a consequence of casual translation. The Old English word 'manna' is very often translated as 'men', though in many contexts

[34] According to the list, a female slave was worth as much as a stallion and four times as much as a male slave or mare (*Inquisitio de theloneis Raffelstettensis*, *MGH Capit.*, ii, no. 253). Cf. *Lex Baiwariorum*, ed. E. de Schwind (MGH Leges, Hanover, 1926), p. 412 (XIII. 9), where female slaves are worth twice as much as male.

[35] McCormick, *Origins of the European Economy*, p. 248. Yet, by acknowledging in a footnote 'the gender bias that typifies most European narrative sources', he undermined the clear statement in the body of his text (cf. C. Verlinden, 'Slavery, slave trade', in *Dictionary of the Middle Ages*, ed. J. Strayer (13 vols., New York, 1982–9), xi. 334–40, at p. 336).

[36] For a recent study with references to earlier literature, see J. Fynn-Paul, 'Tartars in Spain: renaissance slavery in the Catalan city of Manresa, *c.*1408', *Journal of Medieval History*, xxxiv (2008), 348–59, at p. 354, which notes that his sample 'provides further evidence for the theory that female slaves outnumbered males in late medieval homes by a ratio of about 2:1'.

[37] Note, however, Chris Wickham's explicit usage, avoiding the word 'slave' when dealing with unfree peasants and using it only for unfree domestic servants fed and maintained by their masters (C. Wickham, *The Inheritance of Rome: a History of Europe from 400 to 1000* (2009), p. 36).

[38] E.g., the Lorsch annalist's account of Charlemagne's campaigns against the Avars and Saxons in 791 and 796 (P. D. King, *Charlemagne: Translated Sources* (Kendal, 1987), pp. 139, 142).

it is not gender-specific. Hence, although Whitelock translated 'fela hund manna hi namon' (in the *Anglo-Saxon Chronicle*'s entry for 1065) as 'they captured many hundreds of people', she preferred the form 'many hundreds of men' in similar entries for 909, 1052 and 1081. In Wulfstan's famous *Sermo ad Anglos*, his droves of 'cristenra manna' driven to the sea by Vikings tends to be rendered as 'Christian men' rather than Christian people.[39] In most contexts the Latin words *homo/homines* refer to male persons and so translators commonly render *homo* and *homines* as 'man' and 'men'. For example, *homines* in a reference in the *Vita* of St. Bonitus of Clermont to the slave trade of Marseilles has been taken to refer to a trade in men.[40] A decree of the Westminster Council of 1102 prohibiting 'that shameful trade in which people used to be sold like brute beasts' ('illud nefarium negotium quo hactenus homines in Anglia solebant velut bruta animalia venundari') has been rendered in the published translation as the trade in which 'men' were sold like animals.[41] Hardly surprising then that Bonnassie, in an influential article, wrote of war in the fifth to eighth centuries as 'manhunt' (or 'la chasse à l'homme').[42] But although in both English and French such words can be understood as including both sexes, they can easily mislead; in these contexts 'person' and 'people' are better translations.[43] In Latin, as in other languages, apparently masculine plurals such as *captivi*, *pueri* and *parvuli* can conceal the presence of females.[44]

That women and young people were the main targets in early slave-hunts is suggested, I think, by the open letter sent at some unknown

[39] *English Historical Documents*, i: *c.500–1042*, ed. D. Whitelock (1955), no. 240, cited in Pelteret, *Slavery*, p. 99.

[40] McCormick, *Origins of the European Economy*, pp. 735–6 and n. 39.

[41] Eadmer, *History of Recent Events in England*, trans. G. Bosanquet (1964), p. 152.

[42] 'Ces rapines visent tout autant les hommes que les biens' (P. Bonnassie, 'La survie et extinction du régime esclavagiste', *Cahiers de Civilisation Médiévale*, xxviii (1985), 307–43, 326–7, trans. J. Birrell in P. Bonnassie, *From Slavery to Feudalism in South-Western Europe* (Cambridge, 1991), pp. 32–4). Cf. Ermold le Noir, *Poème sur Louis le Pieux*, ed. and trans. E. Faral (Paris, 1932), pp. 122–3 (l. 1599): 'Praedantur miseri hominesque, pecusque iuvenci', translated as 'Poor wretches, men and boys, herds too, were captured' in T. F. X. Noble, *Charlemagne and Louis the Pious* (University Park, Pa., 2000), p. 164.

[43] The law code of Jaca (probably 1077) stipulated that bread and water should be given to a Muslim male or female slave: 'sarraceni vel sarracene quia est homo et non debet ieiunare sicuti bestia' (S. P. Bensch, 'From prizes of war to domestic merchandise: the changing face of slavery in Catalonia and Aragon', *Viator*, xxv (1994), 63–93, at p. 70).

[44] E.g., 'captivos tam viros quam feminas' (Fredegar, *Fourth Book of the Chronicle of Fredegar with its Continuation*, ed. J. M. Wallace-Hadrill (Edinburgh, 1960), p. 103); 'cunctos, pueris exceptis et mulieribus, trucidantes' (Liudprand of Cremona, *Antapodosis*, in *Opera*, ed. E. Dümmler (MGH SRG, xli, Hanover, 1877), p. 80 (IV. 5); 'mulieres et parvulos capientes' (*Heinrichs Livländische Chronik*, p. 135 (c. 20.2)).

date (probably in the fifth century) by Patrick to a British warlord named Coroticus, seemingly a fellow-Christian Roman Briton.[45] Coroticus's men had killed and captured some of Patrick's Irish converts to Christianity. How many were men and how many women, Patrick did not say. But he was principally agitated about the women. The letter ends with a plea to Coroticus to release female captives ('captivas baptizatas'). The captors, he wrote, share out poor baptized women as prizes ('mulierculas baptizatas praemia distribuunt), and sell them to Picts or other Irish as though to a brothel ('quasi in lupanar').[46] It looks as though Coroticus's followers were using their women captives much as Henry was to accuse the Estonians of doing. Here, in fifth-century Britain, as in thirteenth-century eastern Europe, as in much of the early medieval west, we see a society in which powerful men have several wives.[47] It is worth noting that in the early Irish laws the unit of value is a *cumal*, a female slave.[48]

There is much evidence showing that the enslavement of women and children was accepted as normal in trans-cultural warfare. As the evidence of Henry of Livonia suggests, this must have routinely involved the slaughter of adult males, although only occasionally do early medieval western sources such as Widukind of Corvey and the Chronicle of Alfonso III make this plain.[49] The early twelfth-century author of the struggle between Gael and Gall imagined that in 967 Mathgamain, king of Munster, sacked Viking Limerick, killing all those fit for war, while girls, 'soft, youthful

[45] Otherwise there would have been little point to Patrick's jibe that he was writing not to his own fellow-citizens or fellow-citizens of the Romans but to men who were fellow-citizens with demons (*St Patrick: his Writings and Muirchu's Life*, ed. and trans. A. B. E. Hood (Chichester, 1978), pp. 35, 55 (Epistola, cc. 2–3)).

[46] Hood, *St. Patrick*, pp. 37–8, 57–9 (cc. 14, 19, 21). Cf. Wulfstan's view of the sufferings of women bought and sold (Pelteret, *Slavery*, p. 98).

[47] The simultaneous polygyny of early Christian Ireland was defended by one scholar on the grounds that these were the marriage customs of Old Testament Israel (D. Ó Cróinín, *Early Medieval Ireland 400–1200* (1995), p. 127).

[48] Even in the Cain Adomnan, the *Lex Innocentium* of 697 inspired by Abbot Adomnan of Iona, which prohibited the killing, wounding and raping of women, the punishment laid down for killing a woman was that the offender was to be mutilated and executed, and his kin were to pay compensation to the kin of the murdered woman in the shape of seven female slaves. For comment on the Cain and slavery, see T. M. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), pp. 70–1.

[49] When Henry I captured a Slav town (Jahna) in 929 'all those who had reached puberty were massacred, but boys and girls were kept for captivity' (Widukind, *Rerum Gestarum Saxonicarum libri tres* (MGH SRG, lx, Hanover, 1904), i. 35). According to the Chronicle of Alfonso III, c. 27, Ordoño I, king of Asturia (d. 866), first killed the warriors of Coria and Talamanca, then sold the women and children (Wolf, *Conquerors and Chroniclers*, p. 176). Arab chronicles report Ordoño II, king of León (914–24), doing the same at Alanje and Evora (Devroey, 'Men and women', p. 15, n. 50).

bright and matchless', and young women, 'soft, silk-clad and blooming', were enslaved.[50] So far as I know, within the medieval west the earliest narrative to imply this pattern of warfare is Willibald's *Vita Bonifatii* (composed within a few years of Boniface's death in 756–7) which describes how the Christians punished the heathen who had plundered and killed Boniface and his followers by slaughtering the men and carrying off their wives, children and slaves (both male and female).[51] Crusading warfare in the Levant reveals a similar pattern. Friedman noted that 'both Christian and Muslim chronicles use the same formula: "All the men were killed and the women and children were taken captive"'. 'Did this', she asked, 'reflect reality or was it a literary topos influenced by biblical precedents?' Her conclusion was that 'the sum made up from battles, conquests and skirmishes seems to point to the predominance of women as captives'.[52] Islamic laws of war formulated in writing as early as the eighth century both took for granted the victor's right to enslave the defeated and forbade the killing of women and children.[53]

None of this is surprising. What is perhaps more so is the evidence that the capture of women and children remained an acceptable feature of warfare between Christians in Britain until the twelfth century. That many Scots and Welsh thought so is indicated not only indirectly by the complaints of English authors, but also, more directly, by the anonymous mid twelfth-century biography of Gruffudd ap Cynan which not only praises that Welsh prince for the ferocity of his conduct of war against a fellow Welsh ruler, but also strengthens the impression that in the minds of those looking for slaves, women were primary targets. After killing his rival Trahaearn, Gruffudd invaded Trahaearn's cantref of Arwystli, 'where raging with slaughter and fire, he dragged their wives and daughters into captivity' ('uxoribus virginibusque eorum in captivitatem tractis').[54] The

[50] *Cogadh Gaedhel re Gallaibh*, ed. J. H. Todd (RS, xlviii, 1867), pp. 78–81.

[51] Levison, *Vitae Sancti Bonifatii*, p. 52. I am grateful to Rachel Stone for drawing my attention to Willibald's text.

[52] Y. Friedman, *Encounter between Enemies: Captivity and Ransom in the Latin Kingdom of Jerusalem* (Leiden, 2002), pp. 163–86, and 'Captivity and ransom: the experience of women', in *Gendering the Crusades*, ed. S. B. Edgington and S. Lambert (New York, 2002), pp. 121–39.

[53] According to one *hadith* attributed to Muhammad, if prisoners were unable to walk, then men should be killed, but transport hired for women and children. Behind such rules lay the principle that non-combatants should enjoy a degree of immunity, since blind, crippled or insane men were also not to be killed. For discussion of the Islamic laws of war, see Strickland, 'Rules of war', pp. 113–14, 134.

[54] *Vita Griffini Filii Conani*, ed. and trans. P. Russell (Cardiff, 2005), pp. 70–1. Indeed slave-taking in internecine Welsh warfare may still have been continuing in 1197 (*Brut y Tywysogyon: the Chronicle of the Princes, Red Book of Hergest Version*, ed. T. Jones (Cardiff, 1955), pp. 178–9).

verse elegy for Owain Gwynedd (d. 1170) composed by Daniel ap Llosgwrn Mew boasted of Owain as 'a man who plundered England completely / and took its people as slaves'.[55] In the light of the English and Welsh evidence, it is hard not to take equally seriously the fragmentary indications of slave-taking and war as woman hunt in the conflicts between Norwegians and Danes in the eleventh century, by which time both peoples had been converted to Christianity.[56]

It may be that once the demand for slaves in western Europe had fallen to a point at which dealers no longer thought it worth following armies operating in western Europe, then the profits to be derived from capturing the women and children of the poor and less well-off were too small to be worth the risk of hunting them down. This, after all, was a dangerous activity which involved the search for hiding places and the problem of guarding and moving reluctant human prey, during which the attackers themselves would have been very vulnerable to counter-strikes. But in continental Europe north of the Alps the disappearance of slavery happened so gradually that no author whose works survive is known to have noticed the process.[57] Only in England, where the impact of the Norman conquest – 1066 and All That – made contemporaries uniquely alert to social change, can we find any writers commenting upon the transformation. Moreover, once the English had themselves given up slavery, the slave trade and raiding for slaves, they then regarded as atrocious the practices which formerly they had taken for granted. In the aftermath of the Scottish raid of 1138 we have what may be unique evidence of the pressure for change being exerted on traditional societies. Alberic of Ostia, former abbot of Vézelay, had been appointed by Pope Innocent II as legate to England and Scotland. He travelled to Carlisle in September 1138 and conferred there with King David I and the Scottish magnates. He made the Scots promise to release the women and children they had captured and in future wars to spare women, children, the infirm and elderly, killing only those who fought against them.[58] No doubt in the context of David I's desire to appear a 'modern and civilized' ruler, the papal legate's intervention in 1138 made some difference. Later descriptions by

[55] *Gwaith Llywelyn Fardd ac Eraill*, ed. K. A. Bramley (Cyfres Beirdd y Tywysogion, ii, Cardiff, 1994), no. 18, ll. 9–10, pp. 318, 320, 322. I owe this reference and the translation to Nerys Ann Jones.

[56] 'The capture of women by raiders within Scandinavia is well attested, whether for ransom or servitude' (E. Christiansen, *The Norsemen in the Viking Age* (Oxford, 2006), p. 21).

[57] In J. Gillingham, 'Christian warriors and the enslavement of fellow Christians', in *Chevalerie et Christianisme*, ed. M. Aurell and C. Girbea (Rennes, 2011), I have tried to build bricks with very little straw.

[58] Richard of Hexham, *De Gestis*, iii. 170–1.

English authors of what they saw as Scottish outrages are essentially similar to those furnished by twelfth-century writers, but with one major difference – the conspicuous absence of one charge, the selling of captives, especially women and children, into slavery.[59]

Of course, in phase two war, warriors either captured or killed adult males, all of whom might be regarded as potential combatants. It is presumably this which explains Lampert of Hersfeld's report of what the men did when Henry IV's troops attacked the Westphalian estates of Otto of Northeim's wife, Richenza, in 1070: 'His army set fire to many rich and elegant properties, plundered goods and did many nasty and disgusting things to the women and children whose men had hidden themselves away in the hills and the woods'.[60] Evidently the men expected to find their families there when they came out of hiding.[61] When wars were slave hunts, the women and children too would have run away and hidden – as they still did in thirteenth-century Estonia.[62]

Women and children continued to suffer in phase two war. Violence against women remained, and remains, a phenomenon of war. They might be raped or seized and threatened in order to extort money from their husbands or fathers, but on the whole that sort of conduct was regarded as reprehensible by those men who wrote about war or who held high military command, except when it followed a successful assault on a fortified town which had refused to surrender. In phase one, by contrast, the capture and enslavement of women and children was 'not the occasional excess of the lawless ... not a cause for shame but, if successful, a source of pride'.[63] In

[59] M. Strickland, 'A law of arms or a law of treason?', in *Violence in Medieval Society*, ed. R. W. Kaeuper (Woodbridge, 2000), pp. 39–77, at pp. 43–7.

[60] *Lamperti monachi Hersfeldensis Opera*, ed. O. Holder-Egger (MGH SRG, xxxviii, Hanover, 1894), p. 115 (1070). 'Nothing more cruel than this', wrote Lampert, 'could have been perpetrated by barbarians'.

[61] It may be that in 11th-century Saxony people felt much the same as they did in the far north of 15th-century England – at any rate as reported by Aeneas Sylvius Piccolomini, who was there in 1435 and described how the men took refuge in a tower house in expectation of a Scottish raid, leaving the women to fend for themselves, explaining that in that part of the world they 'do not count rape as wrong ('stuprum inter mala non ducunt')' (Pius II, *Commentaries*, ed. M. Meserve and M. Simonetta (Cambridge, Mass., 2003), pp. 24–7 (I. 6)).

[62] Indeed when Bohemian troops raided Swabia in 1077, Bernold of Konstanz accused them of seizing people ('homines') – translated as 'men' in I. S. Robinson, *Eleventh-Century Germany: the Swabian Chronicles* (Manchester, 2008), p. 260 – in order to satisfy their lusts and then sell them on. Berthold of Reichenau's account of the same episode refers only to women ('mulieres') (Robinson, *Eleventh-Century Germany*, p. 173).

[63] R. Bartlett, *The Making of Europe* (1993), p. 303. As Bartlett adds, 'The killing of enemy males was largely a means to this end or a precautionary measure to prevent retaliation, though, of course, there was pleasure in it too'.

many regions of Europe we can see a transition from a period when war meant the enslavement of women and children to one in which they were no longer among war's principal targets. This happened at different times in different regions, but whenever it occurred, it marked a fundamental shift in the conduct of war, and one which brought huge benefits to women and children.

6. Charters, ritual and late tenth-century English kingship

Charles Insley

The diverse nature of the chapters in this collection is testimony to the great range and influence of Pauline Stafford's work over the last thirty years. She has shaped the ways in which historians of both England and the continent approach the history of the tenth, eleventh and twelfth centuries. One area, in particular, on which I want to dwell is the influence she has had on our readings of Anglo-Saxon charters. For instance, in both her contribution to the 1978 volume on Æthelred the Unready, edited by David Hill, and her more recent contribution to Susan Reynolds's Festschrift, Pauline Stafford used a clutch of later tenth-century royal charters to illuminate the complex interplay of politics, family and identity in Æthelred's reign.[1] I propose to explore here some further ways in which these charters can be read.

Much of what follows has been stimulated by the interesting and sometimes heated exchanges between Philippe Buc and his critics, in particular Geoffrey Koziol. Although it is nine years since Buc published his provocative and polemical *Dangers of Ritual*, the issues he raised are still echoing around the world of early medieval scholarship, especially that part of it that focuses on Carolingian and post-Carolingian Europe.[2] Much ink has been spilled since 2001 on the subject of ritual, symbolic

[1] P. Stafford, 'The reign of Æthelred II: a study in the limitations on royal policy and action', in *Ethelred the Unready: Papers from the Millenary Conference*, ed. D. Hill (Oxford, 1978), pp. 15–46; P. Stafford, 'Political ideas in late 10th-century England: charters as evidence', in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. P. Stafford, J. L. Nelson and J. Martindale (Manchester, 2001), pp. 68–82.

[2] P. Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, NJ, 2002); G. Koziol, 'Review article. The dangers of polemic: is ritual still an interesting topic of historical study?', *EME*, xi (2002), 367–88; A. Walsham, 'Review article. The dangers of ritual', *P&P*, clxxviii (2003), 277–87; J. L. Nelson, review of Buc's *Dangers of Ritual*, *Speculum*, lxxviii (2003), 847–51; P. Buc, 'The monster and the critics: a ritual reply', *EME*, xv (2007), 441–52; J. S. Barrow, 'Review article. Playing by the rules: conflict management in 10th- and 11th-century Germany', *EME*, xi (2002), 389–96; L. Roach, 'Public rites and public wrongs', *EME*, xix (2011), 182–203.

communication and demonstrative behaviour in early medieval polities.[3] In particular, the work of the so-called 'Münster school' of German historians has been extremely important in establishing the way historians look at the role ritual played in the structuring of social and political relationships and the exercise and representation of power. In this, the work of Gerd Althoff in a series of important articles over the last twenty-five years, reprinted under the title of *Spielregeln* (literally, 'rules of the game'), has been particularly influential.[4] My purpose in this chapter is to explore some of the ways in which this formidable body of scholarship might shed light on the ideologies of power and rulership in tenth-century England.

Recent articles by Julia Barrow and Katy Cubitt have explicitly addressed the role that gesture and demonstrative behaviour may have played in late Anglo-Saxon politics.[5] Cubitt has examined the charters issued in the early 990s by Æthelred the Unready restoring land seized from a number of churches in the context of penance, and whether the description of the king's behaviour in these charters can be seen as genuinely penitential. Barrow's article is broader in scope and seeks to survey a range of English narrative sources from the tenth and eleventh centuries to establish whether they give some indication of the role played by gesture and demonstrative behaviour in late Anglo-Saxon political communication. Barrow, in particular, concentrates on narrative rather than charters, and suggests that

[3] Much has been written recently on the subject of ritual in the early medieval west; the following simply scratches the surface. Among the most influential are: G. Althoff, *Spielregeln de Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997) and *Die Macht der Rituale: Symbolik und Herrschaft in Mittelalter* (Darmstadt, 2003). See also G. Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, NY, 1992); K. J. Leyser, 'Ritual, ceremony and gesture: Ottonian Germany', in his *Communications and Power in Medieval Europe*, ed. T. Reuter (1994), pp. 189–213; T. Reuter, *Medieval Polities and Modern Mentalities*, ed. J. L. Nelson (Cambridge, 2006), esp. pp. 167–90 (on the Thomas Becket dispute); *Rituals of Power from Late Antiquity to the Early Middle Ages*, ed. F. Theuws and J. L. Nelson (Leiden, 2000); J. L. Nelson, 'England and the continent in the ninth century: III, rights and rituals', *TRHS*, 6th ser., xiv (2004), 1–24; D. Warner, 'Henry II at Magdeburg: kingship, ritual and the cult of saints', *EME*, iii (1994), 135–66; S. MacLean, 'Ritual, misunderstanding, and the contest for meaning: representations of a disrupted royal assembly at Frankfurt (873)', in *Representations of Power in Medieval Germany 800–1500*, ed. B. Weiler and S. MacLean (Turnhout, 2006), pp. 97–120.

[4] Althoff, *Spielregeln* and *Die Macht der Rituale*.

[5] J. S. Barrow, 'Demonstrative behaviour and political communication in later Anglo-Saxon England', *Anglo-Saxon England*, xxx (2007), 127–50; C. Cubitt, 'Bishops and councils in late Anglo-Saxon England: the intersection of secular and ecclesiastical law', in *Recht und Gericht in Kirche und Welt um 900*, ed. W. Hartmann (Munich, 2007), pp. 151–67; C. Cubitt, 'The politics of remorse: penance and royal piety in the reign of Æthelred the Unready', *Historical Research*, lxxxv (2012), 179–93.

examining charters for signs of ritual is 'not a hopeful line of enquiry'.[6] Nevertheless, Barrow, like Cubitt, has argued that demonstrative behaviour was part of the repertoire of political action in the late Anglo-Saxon polity, if on a less significant scale than on the continent.[7]

In this chapter I intend to build on the conclusions drawn by Cubitt and Barrow and explore in more detail some of the rather neglected symbolic aspects of tenth-century English kingship, in particular the extent to which its exercise may have depended on carefully choreographed ceremonies, on public actions and on particular representations of royal power. I will suggest that in the second half of the tenth century, Anglo-Saxon kingship, or at least its representation, acquired an increasingly demonstrative and even penitential aspect that reached its apogee in the kingship of Æthelred and can be paralleled by the rhetoric and vocabulary of contemporary Ottonian kingship.

What follows is a preliminary analysis of a number of late tenth-century English royal charters, examined for expressions and representations of humility and penance as part of the political rhetoric of Edgar and Æthelred. I will suggest that the symbolic and demonstrative aspects of their kingship which we take for granted for the Ottonians may also have been an aspect of late Anglo-Saxon kingship.[8] As Katy Cubitt has recently pointed out, the subject of penance is not something we explicitly associate with late Anglo-Saxon kings, certainly not in the way we do for the Carolingians or Ottonians:[9] the problem here might be not that Anglo-Saxon kings did not 'do' penance, but that we have been looking in the wrong places for evidence of it.

The material with which I shall begin constitutes a group of well-known charters dating from the 990s, the phase of Æthelred's reign that Simon Keynes identified as one of growing maturity in the king and one in which the king in some of his charters expressed his regret for the actions of his youth.[10] I shall also turn my attention to one of the most remarkable Anglo-Saxon charters, the New Minster refoundation charter of Edgar.[11] The charters from Æthelred's reign are five diplomas granted between the years

[6] Barrow, 'Demonstrative behaviour', p. 145; C. Insley, 'Rhetoric and ritual in late Anglo-Saxon charters', in *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages*, ed. M. Mostert and P. Barnwell (Turnhout, 2011).

[7] Barrow, 'Demonstrative behaviour', pp. 148–50.

[8] Cf. Althoff, nn. 3–4, above; and G. Althoff, *Otto III*, trans. P. G. Jestice (Philadelphia, Pa., 2003), pp. 132–3.

[9] Cubitt, 'Politics of remorse', p. 1.

[10] Keynes, *The Diplomas of King Æthelred 'The Unready' (978–1016): a Study in their Use as Historical Evidence* (Cambridge, 1980), pp. 186–90.

[11] S 745

993 and 1000 to a range of religious houses.[12] These have been intensively worked on by a number of historians and one might imagine that there is little left to extract from them. Keynes saw them as witness to a restructuring of the king's immediate circle at court, bringing to prominence a group of men such as Æthelred's distant kinsman Æthelweard ('the chronicler'), Wulfric Spott, the founder of Burton Abbey, Ordulf, the king's uncle and founder of Tavistock Abbey, and others, some of whom were connected to the king's mother, Ælfthryth.[13] This group seems to have been rather more sympathetic to King Edgar's programme of monastic foundation and refoundation than his earlier advisers and seems to have encouraged the king to make some form of public restitution to the institutions, notably Abingdon Abbey, the New Minster, Winchester and the bishopric of Rochester, that had suffered during his 'youthful indiscretions'. In a recent and important article, Stafford also placed these charters in the context of Æthelred's negotiation of the tricky issues of family and inheritance, using the deployment of the narrative of his transition from youth to maturity as a strategy to legitimize and defuse what was a major volte-face by the king.[14] In the same article she suggested that 'Æthelred was to be no Louis the Pious', meaning that he (or his counsellors) did not politicize the language of repentance as Louis did.[15] This is probably fair: nothing in Æthelred's reign quite matches the highly choreographed penance of Louis at Attigny in 822 or the very different use of penance to depose him at Soissons eleven years later.[16] I do think, though, that it is possible to read these charters in the light of contemporary expectations of penitential behaviour.

Returning to Æthelred's charters, in particular the first in the sequence, S 876 of 993, Katy Cubitt has recently re-examined this corpus in the light of penitential practice in England and continental Europe in the ninth and tenth centuries. She makes a convincing case that at least one aspect of these documents was explicitly about remorse and penance: that is not to say that Stafford's or Keynes's readings of these charters are wrong – far from it – but that these texts are, as we all know, susceptible to more than one interpretation. Cubitt's case is that the language of S 876 has

[12] S 838, 876, 885, 891, 893, 937.

[13] Keynes, *Diplomas*, pp. 188–9; C. Holdsworth, 'Tavistock Abbey in its late 10th-century context', *Transactions of the Devon Association*, cxxxv (2003), 31–58.

[14] Stafford, 'Political ideas', pp. 77–80.

[15] Stafford, 'Political ideas', p. 82.

[16] *Carolingian Chronicles: Royal Frankish Annals and Nithard's Histories*, trans. B. W. Scholtz (Ann Arbor, Mich., 1972), p. 111 (Annals, 822); *The Annals of St-Bertin*, trans. J. L. Nelson (Manchester, 1991), pp. 27–8 (833, 834); M. de Jong, 'Power and humility in Carolingian society: the public penance of Louis the Pious', *Early Medieval Europe*, i (1992), 29–52; R. McKitterick, *The Frankish Kingdoms under the Carolingians* (1983), pp. 135–6.

strongly penitential overtones, in particular the king's desire to be freed from a terrible anathema ('exhorrendo anathemate liberari'). The offence for which this anathema had been imposed was that of selling the abbacy of Abingdon to Eadwine, brother of Ealdorman Ælfric, in contravention of the privileges granted to Abingdon by Eadwig and Edgar. The narrative of the charter also makes explicit reference to these acts and the misfortunes that have befallen the kingdom since the death of the 'most beloved' Bishop Æthelwold ('amore dilectissimi Adeluuoldo episcopi') in 984. The king's solution was to summon an episcopal council to meet at Winchester at the liturgically symbolic feast of Pentecost to absolve him from this anathema, which Cubitt sees as a curse rather than a full-blown excommunication.[17] If this charter does contain echoes of what happened at these meetings, then on two occasions, Æthelred publicly, in front of the lay and clerical elite of his kingdom, expressed his repudiation of these acts and sought guidance on how to negate their consequences. This was not public penance – certainly not in the liturgically correct mode prescribed by contemporary canon and liturgy collections, and there is no evidence that Æthelred did anything as dramatic as donning penitential garb or prostrating himself – but it was nonetheless highly significant. Simon MacLean, discussing the bizarre and shocking behaviour of the future Carolingian emperor Charles the Fat at Frankfurt in 873, made the point that 'penance, or penitential behaviour could be communicated as much through body language as it was by observance of liturgically "correct" ritual'.[18] In other words, demonstrative actions – such as tears – designed to signal repentance were as important as prescribed rituals. Sarah Hamilton, like MacLean, pointed out that there were a number of models of royal humility and penance available to late ninth- and tenth-century rulers, in particular the figures of King David and the emperor Theodosius.[19] In both cases, the humility of these individuals was signalled by spontaneous physical actions (prostration, tears, tearing of hair) rather than by particular liturgical rituals.[20]

A subsequent charter of restitution, granted to the cathedral church of Rochester in 998, also contains a narrative which makes explicit the king's remorse for earlier actions.[21] Like S 876 it uses the phrase 'pricked by the

[17] Cubitt, 'Politics of remorse', pp. 183–6.

[18] MacLean, 'Ritual, misunderstanding', p. 105.

[19] MacLean, 'Ritual, misunderstanding', pp. 105–6; S. Hamilton, 'A new model for royal penance? Helgaud of Fleury's Life of Robert the Pious', *EME*, vi (1997), 189–200, at pp. 197–8.

[20] MacLean, 'Ritual, misunderstanding', pp. 105–6; M. de Jong, 'Transformations of penance', in Theuws and Nelson, *Rituals of Power*, pp. 185–224, at p. 201.

[21] S 893.

grace of God' to introduce the king's reasons for repudiation, followed by his announcement that he completely repented of his sins 'with a sorrowful heart', hoping that 'his tears of repentance' might free him from the bonds of his earlier ignorance. Here, the language of penance is even more explicit, along with the linking of Æthelred's penitence to particular demonstrative behaviour – the shedding of 'tears of repentance'.

It is unclear how we are to regard these charters, or the events and emotions they describe, and Philippe Buc would certainly warn us to be wary of taking such descriptions at face value.[22] Nevertheless, all those who have commented on Æthelred's 'restitution' charters have suggested that their issue marks a significant point in his rule, where he and perhaps his closest advisers attempted to refashion his kingship publicly in a much more explicitly humble and pious way.[23] Whether these events saw a shift in the king's personal piety, or whether Æthelred did indeed shed tears at the assembly where the Rochester restitution charter was granted, or at the Pentecost council of 993, is unknowable. What we can say is that the draftsmen of the charters understood such acts to be part of the stock of gestures which signalled that repentance had taken place, and that such gestures and symbolic acts were also part of the repertoire of demonstrative behaviours used by English kings in the late tenth century.

Æthelred was not the only English king to shed tears in such a demonstrative way: the *Encomium* of Queen Emma describes Cnut's propensity to tears at the shrines of saints, while the 'B' Life of St. Dunstan records Edmund's tears at the installation of the saint as abbot of Glastonbury.[24] It is easy for us to view these as cynical acts of political theatre – especially in relation to Cnut – but this is to miss the point and is probably not how such occurrences would have struck contemporary onlookers. Such acts, such gestures were among the ways in which one demonstrated the gravity and solemnity of these occasions; in other words, tears were a response that was expected.

In Æthelred's case, some of the comments made by Mayke de Jong about the nature of 'public penance' may also illuminate matters.[25] She suggested that what made public penance public was not the number of individuals

[22] Buc, *Dangers of Ritual*, pp. 1–12.

[23] Stafford, 'Political ideas', pp. 79–81; Keynes, *Diplomas*, p. 199.

[24] *Encomium Emmae Reginae*, ed. A. Campbell (1949), pp. 36–7; 'Vita Sancti Dunstani, auctore B', in *Memorials of St Dunstan, Archbishop of Canterbury*, ed. W. Stubbs (RS, lxiii, 1874), pp. 3–52, at p. 25.

[25] De Jong, 'Power and humility', and 'What was public about public penance? *Paenitentia publica* and justice in the Carolingian world', *Settimane*, xliv (1997), 863–902. For a much fuller treatment of penitential kingship, see de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious* (Cambridge, 2009).

witnessing it, but that it corresponded to a particular type of 'public' sin, *scandalum*.[26] *Scandalum*, in de Jong's words, 'referred to a flagrant violation of the bonds of family and society, leading to public strife, and possibly bloodshed'.[27] MacLean noted that throughout the ninth century, *scandalum* in particular was associated with the linked problems of royal family and inheritance and the stability of the various Carolingian succession projects.[28] It is also the case that the roots of Æthelred's actions in the 990s lay in the need to provide for a rapidly growing number of sons and this, surely, was Æthelred's problem: his actions as a young man in the 980s had created a 'scandal', the effects of which were afflicting the whole of the English kingdom.[29] It is possible, therefore, to see the king's expressions of regret in 993 – both verbal and physical – as attempting to undo the damage done by this scandal and the charters as witnesses to these acts.

If this admittedly small and very special group of charters from the 990s gives us a glimpse of a more humble and penitential style of kingship, as well as one that may have explicitly deployed a range of symbolic acts (such as tears), how far back can we trace these developments, if at all? It is possible that this development in the rhetorical armoury of English kingship had its roots in the reign of Edgar. The key source for this is the quite remarkable ruler portrait which acts as a frontispiece for Edgar's spectacular charter of privileges for the New Minster, Winchester, dating from around 966.[30] This is a well-known image, one of the earliest and the most impressive in the 'Winchester style'.[31] It also has strong stylistic and theological links with the near contemporary and equally spectacular Benedictional of St. Æthelwold.[32] On one level, the portrait is relevant to a discussion of charters and ritual, since Edgar is depicted physically presenting the *boc* to Christ, highlighting the way in which the physical artefact of the charter may have featured in conveyance ceremonies.[33] It is, however, the political and religious agenda underpinning the portrait that is of particular interest here.

[26] De Jong, 'Power and humility', pp. 36–9.

[27] De Jong, 'Power and humility', p. 37.

[28] MacLean, 'Ritual, misunderstanding', pp. 106–7.

[29] Stafford, 'Political ideas', pp. 72–4.

[30] S 745; see C. E. Karkov, *The Ruler Portraits of Anglo-Saxon England* (Woodbridge, 2004), pp. 84–118, for a detailed discussion of the portraits of Edgar.

[31] R. Gameson, *The Role of Art in the Late Anglo-Saxon Church* (Oxford, 1995), pp. 6–7.

[32] R. Deshman, '*Christus Rex et Magi Reges*: kingship and Christology in Ottonian and Anglo-Saxon art', *Frühmittelalterliche Studien*, x (1976), 367–405, at pp. 367–80; R. Deshman, *The Benedictional of Æthelwold* (Princeton, NJ, 1995), pp. 195–6.

[33] S. E. Kelly, 'Anglo-Saxon lay society and the written word', in *The Uses of Literacy in Early Medieval Europe*, ed. R. McKitterick (Cambridge, 1992), pp. 36–62, at p. 44; Insley, 'Rhetoric and ritual'.

The image of the enthroned, crowned Christ in the New Minster charter, along with similar images in the benedictional, are, Deshman argued, the earliest surviving European examples of what appears to have been a new royal iconographic motif, one which explicitly stressed Christ's kingship and, by association, the heavenly queenship of the Virgin Mary. In late antique and Carolingian art, Christ's crowning represented his 'victory and triumphant martyrdom'.[34] Deshman suggested that the new iconographic scheme in late Anglo-Saxon and Ottonian art represented Christ the king, rather than just his triumph. A similar association between the kingship of Edgar and Christ is also hinted at in the frontispiece of the *Regularis Concordia*.[35] Linked to this was the appearance of the crowned Magi in the benedictional, offering diadems to Christ. This seems to emphasize not just Christ's kingship, but the imperial nature of that kingship – Christ as king of kings.[36]

The same Christological developments in the representation of Christ and the Magi also appear in a range of contemporary Ottonian liturgical manuscripts and artwork: the Codex Egberti and the Passau Lectionary, to name but two.[37] Ottonian iconography also drew an explicit parallel between the emperor and the crucified Christ, as testified by the ruler portraits of Otto III and Henry II in the Ufa Lectionary and the Warmundus Sacramentary.[38] It is not necessary – and is probably fruitless – to try to work out the direction in which artistic influence was moving: the political and cultural links between the courts of the Ottonians and their successors and English kings from Æthelstan on were developed enough to suggest a complex nexus of influence and exchange rather than a single direction of travel.[39]

Although these artistic links are primarily seen in the context of cultural exchange between the two polities, there are very clear political dimensions to these iconographic developments, inasmuch as by juxtaposing the ruler portrait with Christ the king of kings they serve to emphasize the imperial nature of earthly as well as heavenly kingship.[40] That there was an imperial

[34] Deshman, '*Christus Rex*', pp. 377–8.

[35] R. Deshman, '*Benedictus monarcha et monarchus*: early medieval ruler theology and the Anglo-Saxon reform', *Frühmittelalterliche Studien*, xxii (1988), 204–40, at p. 207; Karkov, *Ruler Portraits*, pp. 86–7; and see Karkov, *Ruler Portraits*, p. 95, on the close parallels between the frontispiece of the *Regularis Concordia* and the portrait of Otto III in the Aachen Gospels.

[36] Deshman, *Benedictional*, p. 195; Karkov, *Ruler Portraits*, pp. 86–7.

[37] Deshman, '*Christus Rex*', pp. 377–81.

[38] Deshman, '*Christus Rex*', pp. 382–4; Karkov, *Ruler Portraits*, p. 95.

[39] Deshman, '*Christus Rex*', pp. 403–5.

[40] Deshman, '*Christus Rex*', pp. 387–90.

dimension to Edgar's kingship is not in doubt – at least as far as Edgar was concerned. We can see this across a range of sources: his coins, the coronation *ordo* of 973 and the ambitious and grandiose royal styles of his charters. The reality of late tenth-century Britain, as Julia Barrow and David Thornton have convincingly argued, was probably rather different.[41] Nevertheless, in the present context this reality is less important than the rhetoric: like his predecessors Æthelstan and Edmund, Edgar and his closest advisers saw their rule as an imperial one, as imperial as that of their Ottonian contemporaries, though on a smaller scale.

There is, though, another dimension to the ruler portrait in the New Minster charter. The king is portrayed as a supplicant, lifting his face and arms towards the enthroned Christ. The figure of Edgar appears to be somewhat contorted, since it is unclear whether Edgar is facing away from or towards the viewer. The top half of his body is seen from the back, whereas his legs appear to be viewed from the front, with the top of his right foot visible.[42] The draping of the king's tunic and cloak unfortunately make the matter no clearer. Given the function of the portrait – to emphasize the divine order behind the granting of these privileges to the New Minster – it should not surprise us that Edgar is in a subordinate, but still highly privileged, relationship with Christ. However, opposite the portrait is a couplet that reads:

> Thus he who established the stars sits on a lofty throne;
> King Edgar, prostrate, venerates and adores him.
> 'Sic celso residet solio qui condidit astra
> Rex venerans Eadgar pronus adorat eum'.[43]

The couplet suggests that, whatever the intention of the artist, the king should perhaps be viewed as prostrate. Given how little we know otherwise about the way in which late Anglo-Saxon kings may have used symbolic gestures, compared to their Ottonian counterparts, this is significant, especially in the context of other Anglo-Saxon ruler portraits and the development of particular royal styles deployed in charters from the middle of the tenth century onwards.

[41] D. Thornton, 'Edgar and the eight kings, A.D. 973: *textus et dramatis personae*', *EME*, x (2001), 49–79; J. Barrow, 'Chester's earliest regatta? Edgar's Dee-rowing episode', *EME*, x (2001), 81–93; D. Warner, 'Comparative approaches to Anglo-Saxon and Ottonian coronations', in *England and the Continent in the 10th Century: Studies in Honour of Wilhelm Levison (1876–1947)*, ed. D. Rollason, C. Leyser and H. Williams (Turnhout, 2010), pp. 275–92; cf. J. L. Nelson, 'Coronation rituals and related materials', in *Understanding Medieval Primary Sources*, ed. J. T. Rosenthal (2011), pp. 114–30.

[42] Karkov, *Ruler Portraits*, fig. 7.

[43] Karkov, *Ruler Portraits*, p. 88, n. 18, translates 'pronus' as 'inclined'.

In fact there are only four surviving Anglo-Saxon ruler portraits (other than on coins) from the period 900–1066, along with a description of a now lost fifth, so that to draw any conclusions from such a thin basis of evidence is risky in the extreme. Nevertheless, taking into account the context of diplomatic developments, we are entitled at least to try. The ruler portraits are, in chronological order: a portrait of Æthelstan presenting a copy of Bede's Life of St. Cuthbert to the saint (Cambridge, Corpus Christi College, MS. 183); the New Minster charter; the portrait of Edgar flanked by Saints Dunstan and Æthelwold in the frontispiece of the *Regularis Concordia*; and the portrait of Cnut and Emma presenting a golden cross to the monks of the New Minster, the Virgin Mary and St. Peter (BL, Stowe MS. 944). The New Minster *Liber Vitae* portrait is clearly based on the frontispiece of S 745, to the extent that the figures adopt similar poses and, as in the image in the charter, the text itself is depicted. The image of Æthelstan in Corpus 183 is rather different: indeed the whole visual scheme of the illustration is different, completely lacking any of the explicit Christological echoes of the New Minster charter.[44] In Corpus 183 Æthelstan is portrayed on the same scale as the saint and standing next to him, rather than below him. Although the king has his head bowed in this portrait, the very clear ordering of divine and secular hierarchies that we see in the later portraits is, to some extent, absent.

Were such differences in any way significant, or do they merely represent the whims of an individual illustrator or particular artistic and theological fashions? After all, these manuscripts, in the case of the New Minster material, were almost certainly produced by monks for monks: is there any way in which we are entitled to read political significance into them? Perhaps. If we turn to other diplomatic developments in the later tenth century, then a similar shift in the theological underpinning of English kingship can be detected. From the 950s onwards, we begin to see increasing use of the phrase 'gratia Dei', or similar words referring to divine grace, in the royal styles of diplomas. 'Gratia Dei' seems to have first been part of the repertoire of charter draftsmen earlier in the tenth century, but what is marked about the period after the middle of the century is its ubiquity: it is simply much more common than it had been, and we also see occasional uses of the words 'clemency' or 'mercy'.[45] Increasingly, then, kingship over the English, as articulated in these styles, was something bestowed as a function of divine grace and clemency, which first required the supplicant to humble himself before God. We also see in the repertoire of the scribe known to diplomatists as 'Edgar A', who may

[44] Karkov, *Ruler Portraits*, pp. 53–83.

[45] E.g., the elaborate royal style of S 778: 'omnicreantis disponente clementia Angligenarum rex diuino ductus amore ab eodem deo et domino nostro populis et tribubus preordinatis in regem' (*The Charters of Abingdon Abbey*, ed. S. E. Kelly (2 vols., Oxford, 2000), no. 114).

possibly have been Abbot Æthelwold himself, proems that similarly stress the role of divine mercy in the establishment and flourishing of the English kingdom.[46] This marks a nuanced shift in emphasis from the earlier tenth century: the royal styles and language of Æthelstan's diplomas, for instance, are as imperial in their pretensions as those of Edgar but they do not stress the humility of the king to nearly the same extent. This is the key – God's grace is extended only to those who approach God in a humble and penitent spirit, who, metaphorically speaking, prostrate themselves before God.

What we see articulated through the imagery, both visual and linguistic, of Edgar's charters is a more explicitly humble and even penitential style of kingship. Again, one runs into the problem of the extent to which the diplomatic of Anglo-Saxon charters genuinely reflected the royal will: how far, in other words, did royal styles reflect the reality of royal self-perception rather than simply the preferences or whims of the particular charter draftsman? Given that Anglo-Saxon diplomas were not produced in a single royal chancery, this is a difficult question to answer. However, it seems clear, as Susan Kelly has argued, that Abbot Æthelwold of Abingdon exercised a significant influence over the diplomatic of Edgar's charters at precisely the time – the 950s and early 960s – that this shift in emphasis may have taken place.[47] If Edgar really was meant to be understood as prostrate in the New Minster frontispiece, then these shifts in the character of English kingship seen in the diplomatic evidence may also have been signalled by increased use of a range of symbolic gestures in real life.

That Edgar's kingship had a strongly monastic character is well established and needs no additional exposition here.[48] Equally well known is the role of Abbot (later Bishop) Æthelwold in this programme.[49] The king was

[46] E.g., S 709, 717, 720, 729, 746; C. L. G. Insley, 'Where did all the charters go? Anglo-Saxon charters and the new politics of the 11th century', *Anglo-Norman Studies*, xxiv (2001), 109–27, at pp. 114–15.

[47] Kelly, *Charters of Abingdon*, i, pp. cxv–cxxvii; it is possible, as suggested above, that Æthelwold was the scribe conventionally known as 'Edgar A' .

[48] D. H. Whitelock, 'The authorship of the account of King Edgar's establishment of the monasteries', in *Philological Essays: Studies in Old and Middle English Language and Literature in Honour of Herbert Dean Meritt*, ed. J. L. Rosier (Paris, 1970), pp. 125–37; Deshman, '*Benedictus monarcha et monachus*'; S. MacLean, 'Monastic reform and royal ideology in the late 10th century: Edgar and Ælfthryth in continental perspective', in *England and the Continent in the 10th Century: Studies in Honour of Wilhelm Levison (1876–1947)*, ed. D. Rollason and others (Turnhout, 2011), pp. 259–79, at pp. 260–2.

[49] *Councils and Synods with other Documents relating to the English Church*, i: *871–1204*, ed. D. Whitelock, M. Brett and C. N. L. Brooke (Oxford, 1981), no. 33 ('An account of King Edgar's establishment of monasteries'), at p. 142; B. Yorke, 'Æthelwold and the politics of the 10th century', in *Bishop Æthelwold: his Career and Influence*, ed. B. Yorke (Woodbridge, 1988), pp. 65–88.

portrayed in a range of texts, notably the *Regularis Concordia*, as a sort of supreme abbot; Deshman described him as appearing effectively as a co-author in the frontispiece to the *Regularis*, casting him in the role of abbot.[50] Deshman also noted that elements of Edgar's dress in the frontispiece again give him the appearance of an idealized abbot, while the wearing of a diadem by St. Benedict, in both the frontispiece and the Benedictional of Æthelwold, reinforced the parallel between the saint and the crowned king. In effect, one function of the visual scheme in the *Regularis* frontispiece is to assimilate Benedict's ideal abbacy and Edgar's ideal kingship.[51] As Deshman showed,[52] one of the elements of the monastic reform was to emphasize the 'kingly' dimension to abbatial power. What has been underemphasized, however, is the converse of this: the extent to which Edgar's kingship, or at least its representation, especially on public occasions, absorbed some of the key virtues of monasticism, notably the very heavy emphasis placed on humility by the Rule of St. Benedict, an Old English translation of which was produced by Æthelwold.[53] Was this also the purpose of the New Minster portrait? Given what we know about the tremendous influence Æthelwold wielded at Edgar's court, it is possible to see him as the driving force behind a reshaping of English kingship in Edgar's reign into something more penitential and demonstrative.[54]

It is worth, finally, briefly considering the Ottonian parallels for what may have been happening in England from the 950s onwards. The extensive range of contacts between the Ottonian and English courts in the tenth century is well known.[55] According to an admittedly late source, Goscelin's Life of St. Edith of Wilton, Edgar commissioned the Trier artist Benna to execute metalwork for him during the later 960s, as well as to educate the future

[50] Deshman, '*Benedictus monarcha et monachus*', p. 206.
[51] Deshman, '*Benedictus monarcha et monachus*', p. 206.
[52] Deshman, '*Benedictus monarcha et monachus*', pp. 211–12.
[53] Whitelock, 'Authorship'; Whitelock and others, *Councils and Synods*, p. 142.
[54] Yorke, 'Æthelwold', pp. 86–8.
[55] E.g., K. J. Leyser, 'The Ottonians and Wessex', in K. J. Leyser, *Communications and Power in Medieval Europe: the Carolingian and Ottonian Centuries*, ed. T. Reuter (1994), pp. 73–104; T. Reuter, 'The making of England and Germany, 850–1050: points of comparison and difference', in T. Reuter, *Medieval Polities and Modern Mentalities*, ed. J. L. Nelson (Cambridge, 2006), pp. 284–99, at pp. 288–90; A. Bihrer, 'Exiles, abbots, wives and messengers: Anglo-Saxons in the 10th-century Reich', in Rollason, *England and the Continent*, pp. 53–68; M. Wood, 'A Carolingian scholar in the court of King Æthelstan', in Rollason, *England and the Continent*, pp. 139–66; S. Foot, 'Dynastic strategies: the West Saxon royal family in Europe', in Rollason, *England and the Continent*, pp. 241–58; MacLean, 'Monastic reform and royal ideology', in Rollason, *England and the Continent*, pp. 259–79.

saint.[56] Ealdorman Æthelweard dedicated his Latin version of the *Anglo-Saxon Chronicle* to Abbess Matilda of Essen, a granddaughter of Otto I and Æthelstan's sister Edith.[57] There were also a number of diplomatic contacts between Edgar and Otto II. That said, to what extent these contacts went beyond the artistic and cultural is less immediately obvious. However, the visual programme in the Benedictional of St. Æthelwold and its Ottonian analogues becomes significant in the light of the foregoing discussion: the Christological iconography in these texts had an explicitly political, even imperial, message, and the exaltation of Christ the king – king of kings, even – was also by implication an exaltation of earthly kingship.[58] This new Christological emphasis seems to reflect parallel but related shifts in the vocabulary and rhetorical strategies of kingship in England and Germany.

Another aspect of Ottonian kingship was its emphasis on penance and the demonstrative rituals associated with this. The Ottonians were well aware of the importance of carefully negotiated and choreographed acts as political tools for resolving disputes or establishing particular relationships.[59] Æthelred's contemporary, the emperor Otto III, has been seen by historians as overly demonstrative and therefore politically naive, but as Althoff pointed out, much of Otto's supposedly over-demonstrative behaviour was in keeping with the way his predecessors and successors used such behaviour in political negotiation.[60] Significantly, in terms of Edgar's possibly prone posture in the New Minster portrait, prostration also seems to have been one of the strategies that the Ottonians and their Salian successors used in political negotiations. Thietmar of Merseberg records that the emperor Henry II prostrated himself in front of Bishop Henry of Wurzburg during the synod that established the bishopric of Bamberg.[61] Thietmar describes the emperor throwing himself on the ground and entreating the bishop from whose diocese the new bishopric was to be created: the key here is that prostration was almost always followed by forgiveness and reconciliation –

[56] Goscelin, *Legend of Edith and Liber Confortatorius*, ed. S. Hollis and others (Turnhout, 2004), pp. 23–67, at p. 32 (c. 7); A. Wilmart, 'La légende de Ste Édith en prose et vers par le moine Goscelin', *Analecta Bollandiana*, lvi (1938), 5–101, at p. 50.

[57] *The Chronicle of Æthelweard*, ed. A. Campbell (1962), pp. 1, xii–xiii; S. Ashley, 'The lay intellectual in Anglo-Saxon England: Ealdorman Æthelweard and the politics of history', in *Lay Intellectuals in the Carolingian World*, ed. P. Wormald and J. L. Nelson (Cambridge, 2007), pp. 218–45; E. Van Houts, 'Women and the writing of history', *EME*, i (1992), 53–68.

[58] Deshman, '*Christus Rex*', pp. 387–8.

[59] There is an extensive literature on this subject, but see in particular Althoff, *Spielregeln*, pp. 282–304.

[60] Althoff, *Otto III*, p. 133.

[61] Althoff, *Otto III*, p. 136; Thietmar of Merseburg, *Ottonian Germany: the Chronicon of Thietmar of Merseberg*, trans. D. Warner (Manchester, 2001), pp. 257–8 (VI. 31).

contemporary expectations around such acts made it almost impossible for an entreaty delivered by a prostrate figure to be denied.[62]

What seems to have excited contemporaries, including Thietmar, about Otto III's demonstrative behaviour was not so much that it happened at all, but the contexts in which it occurred. In the year 1000, Otto visited the Polish ruler Boleslav Chobry in Gniezno to establish an archbishopric. Otto's behaviour clearly shocked Thietmar, who described himself as practically speechless when the emperor entered Gniezno weeping and barefoot.[63] This was seen as problematic and perhaps even transgressive by contemporaries not because of the act itself, but because by meeting Boleslav on his terms in Gniezno, Otto stepped outside the norms of ritual behaviour and made a very powerful symbolic statement about his relationship with Boleslav. Thietmar's reservations about Otto's behaviour at Gniezno are also likely to have been a product of Thietmar's own deep-seated antipathy towards Boleslav; in his description of the Gniezno episode, Thietmar could not resist having a dig at Boleslav about his name, which, Thietmar noted, can be translated as 'greater praise, not by merit, but by old custom' ('quia maior laus non merito sed more antiquo interpretatur').[64]

The English evidence is much poorer than that for the Ottonian Reich, both in overall quantity and in quality; nevertheless, the evidence suggests that we should not be so ready to assume that English kings did not also rely on ritual, for want of a better word, as a key part of their political strategies. Julia Barrow rightly advised historians to resist the temptation to assume that an extensive culture of documentary administration and a reliance on symbolic communication were antithetical.[65] The evidence discussed above suggests that English kingship and, by implication, English political behaviour may have depended more than is generally accepted on symbolic communication, on a range of behaviours that individuals at the time read in particular ways.[66] This should not be terribly surprising, given the strong links and commonalities between aristocracies on both sides of the English Channel and the North Sea during the tenth and eleventh centuries. However, this conclusion needs some qualification, since arguing that English political discourse made more use of symbolic acts and behaviour

[62] Althoff, *Otto III*, pp. 135–6.

[63] Thietmar, *Ottonian Germany*, p. 183 (IV. 45): 'it would be impossible to believe or describe how the emperor was received by him [Boleslav] and conducted to Gniezno'.

[64] Thietmar, *Ottonian Germany*, p. 183 (IV. 45)

[65] Barrow, 'Review article. Playing by the rules', at pp. 395–6, and 'Demonstrative behaviour', p. 145 ('it is not clear that symbolic acts and literacy have to be separate from each other'); B. Weiler, 'Review article', *EME*, xvi (2008), 476–93, at p. 485 and n. 33).

[66] Barrow, 'Demonstrative behaviour', pp. 148–50.

than earlier historians realized does not mean that this culture of symbolic communication was identical on both sides of the Channel. In her recent article on demonstrative behaviour, Barrow noted a number of examples where English and continental understanding of symbolic gestures and their meaning varied.[67]

Second, the argument I have presented here is that English kingship and its representation acquired a more humble and even penitential character in the second half of the tenth century, driven by King Edgar, Queen Ælfthryth and the clique of monks around them, above all Æthelwold. This shift may also have involved increased use of symbolic communication as a means of framing the king's humility. Like the Ottonians, the West Saxons from the reign of Æthelstan onwards were faced with the need to create a regnal identity for what was a new political organism, the kingdom of the English. It is possible that the development of a model of kingship that counterpoised the king's humility with God's bestowal of the *regnum Anglorum* as a function of divine mercy was one of the outcomes of this need. These developments may have also been in response to increasing West Saxon exposure to Ottonian political and artistic culture, although it is likely that the direction of influence was not simply one way. As Deshman noted, the artistic schemes in the Benedictional of Æthelwold, the *Regularis Concordia* and the New Minster frontispiece were part of a 'political and artistic dialogue between the two countries', where each was 'independently aware of the heritage of early Christian and Carolingian iconography … while nevertheless being influenced by more recent innovations in the other'.[68] I suggest that notions of political behaviour, gesture and symbolic communication were also part of this same dialogue. Æthelred was indeed to be no Louis the Pious. But if we compare him, not to Louis but to his own Ottonian contemporaries, the emperors Otto III or Henry II, it becomes easier to regard the tears described in S 893 as real. Edgar's supplication in the New Minster portrait, Æthelred's charters of the 990s, or the penitential legislation of 1009 may not therefore be exceptional, but part of the repertoire of symbolic behaviour open to English kings, symbolic behaviour seldom seen until recently by historians simply because they were not looking for it.

[67] Barrow, 'Demonstrative behaviour', p. 133.
[68] Deshman, '*Christus Rex*', p. 403.

7. Nest of Deheubarth: reading female power in the historiography of Wales

Susan M. Johns

Pauline Stafford's contributions to the history of women and gender have enriched our understanding of the importance of the life-cycle to women's identity. In *Queen Emma and Queen Edith* she argued that Emma's and Edith's narratives 'can be reused and infused with other meanings. The question is not merely who is absent and who is central, but who is telling the story and why'.[1] Thus she has been particularly interested, among many other areas, in identity, here in the context of the identity of the author or creator of the text. She has recently argued that advances in the histories of Britain and Ireland have suggested the fluidity of identities in the period 500–1100.[2] These aspects then, of who is telling the story and why, and fluidity in identity, are central themes in this chapter. It will discuss the story of Nest of Deheubarth in the historiography of Wales, and will do so in an analytical framework which suggests that her story is ambiguously layered, where elements of romance enter a narrative to glamourize a brutal and formative phase of Welsh history. The story of Nest, a Welsh princess, was framed by Welsh remembrancers in ambivalent ways from its first significant appearance in written sources in the thirteenth century. There is a sexualization of a formative episode in Welsh history written and conceptualized through gender. This chapter will examine how these ideas about Nest's abduction have been, not always uncritically, replicated in Welsh historiography. It will argue that this historiography stresses national identity and interactions with resistance to invasion within a history which seeks to discover the making of a nation, but, significantly, a nation without a state. This chapter will therefore clarify the contours of Nest's story, and suggest ways that it was taken up and nurtured by historians of Wales from the thirteenth century to the present to draw some conclusions about the importance of those themes to the history of Wales. In my forthcoming

[1] P. Stafford, *Queen Emma and Queen Edith: Queenship and Women's Power in 11th-Century England* (Oxford, 1997), p. 51.

[2] P. Stafford, 'Historiography', in *A Companion to the Early Middle Ages: Britain and Ireland, c.500–c.1100*, ed. P. Stafford (Chichester, 2009), pp. 9–22.

monograph on Nest these themes are more deeply analysed. In particular, the book considers how the portrayal of Nest was constructed as a deeply gendered symbolic episode which was imbued with cultural meanings and which has had a remarkable tenacity.

Nest was the daughter of Rhys ap Tewdwr, king of Deheubarth (d. 1093), and Gwladus, daughter of Rhiwallon ap Cynfyn of Powys. She was born before 1092 and died *c.*1130. She was married to the castellan of Pembroke castle, Gerald of Windsor, probably in 1097. Gerald was the son of a Norman constable of Windsor castle who had distinguished himself in the service of Arnulf de Montgomery and was appointed castellan of Pembroke castle. The Norman incursions into Wales had made significant inroads into the south and west, where the native dynasty of Deheubarth, of which Nest was a key descendant, had been replaced by Anglo-Normans. Other parts of Wales were still ruled by native dynasties who were incessantly manoeuvring for political dominance within the country. The political landscape of Wales was multi-cultural, vibrant and, on the edges, turbulent and dangerous. It saw dynasties, such as the rulers of Powys and Gwynedd, wax and wane in importance. Nest was the mother of eight sons and two daughters, by five different men, including Henry I. We know that, before 1109, by Gerald she had three sons (William Fitzgerald of Carew, Maurice Fitzgerald of Llansteffan and David, who became Bishop of St. David's) and a daughter, Angharad, who married William of Barry, Gerald of Wales being the son of this marriage. The abduction of Nest from the castle of Cenarth Bychan by her cousin Owain ap Cadwgan of Powys led to a campaign by the Welsh and Anglo-Normans which resulted in Owain's flight to Ireland. Nest's relationship with Henry I, possibly during 1114 when the king campaigned against Powys, resulted in the birth of a son, Henry, who was brought up in Gerald's household, became lord of Narberth, and died in Anglesey in 1157 in the service of Henry II. Nest also had children by the sheriff Hait of Pembroke, a Fleming (William, who became lord of St. Clears), and Stephen the constable of Cardigan (Robert fitz Stephen, who eventually held Cardigan and Cemais, and possibly Hywel, since Hywel had a later claim to Lampeter, lands which Stephen had acquired before 1136). Nest also had a daughter, Gwladus, and a son, Walter, by unidentified fathers.[3]

The abduction is described in the key source for the history of medieval Wales, the early thirteenth-century chronicle the *Brut y Twysogion* or *Chronicle of the Princes.* There are three versions of the *Brut* which are

[3] J. A. Green, *Henry I: King of England and Duke of Normandy* (Cambridge, 2006), p. 132; D. Crouch, 'Nest (b. before 1092, d. *c.*1130)', *ODNB*, xl. 441–2; R. Bartlett, 'Gerald of Wales (*c.*1146–1220 × 23)', *ODNB,* xxi. 925–8.

independent vernacular presentations of a lost Latin text: Peniarth MS. 20 is the fullest and traces the history of Wales between 681 and 1282; *The Red Book of Hergest* is an independent translation of the lost text, and has some slight differences in phraseology and content from Peniarth MS. 20; *Brenhinedd y Saesson* (*The Kings of the Saxons*) is an independent third version.[4]

The *Brut* tells us that in 1109, Nest, the daughter of Rhys of Deheubarth and the wife of the Norman Gerald of Windsor, constable of Pembroke castle, was abducted, with some of her children, from her castle of Cenarth Bychan by her cousin Owain ap Cadwgan. It states that the abduction caused significant repercussions within west Wales, and that Owain's father was deprived of his lands for a time by Henry I. The raid has been seen as symptomatic of the contemporary inherent political instability of Powys,[5] and it is certainly the case that the abduction served to heighten political tensions and resulted in severe retribution. The Peniarth 20 version of the *Brut* locates the origins of the abduction at a symbolic noble gathering of the political elite when it begins its portrayal with a depiction of the Christmas feast at the court of Cadwgan ap Bleddyn. According to *Brut*, 'Cadwgan ap Bleddyn prepared a royal feast for the leading men of his land. And he invited Owain, his son, from Powys, for the feast', held at Christmas. After the feast, Owain heard that Nest was in Cenarth Bychan.

> And when he heard, he went, and with him a small force, to visit her as though she were a kinswoman – and so she was, for Cadwgan ap Bleddyn and Gwladus, daughter of Rhiwallon, who was mother to Nest, were first cousins: for Bleddyn and Rhiwallon were brothers, sons of Cynfyn by Angharad, daughter of king Maredudd. And after that, at the instigation of the Devil, he was moved by passion and love for this woman, and with a small company with him – about fourteen men – he made for the castle by night. And unknown to the watchers, he came into the castle over the wall and ditch and surrounded the building where Gerald and Nest his wife were sleeping.

[4] *Brut y Twysogion, or, the Chronicle of the Princes, Peniarth MS. 20 Version*, trans. T. Jones (Cardiff, 1952); *Brut y Twysogion, or, the Chronicle of the Princes, Red Book of Hergest Version*, ed. and trans. T. Jones (2nd edn., Cardiff, 1973); *Brenhinedd y Saesson, or, the Kings of the Saxons*, ed. and trans. T. Jones (Cardiff, 1971). For commentary on texts produced in the 12th and 13th centuries, see H. Pryce, 'The origins and the medieval period', in *A Nation and its Books: a History of the Book in Wales*, ed. P. H. Jones and E. Rees (Aberystwyth, 1998), pp. 1–54, at pp. 7–12; R. I. Jack, *Medieval Wales* (1972), pp. 30–1. For the Latin chronicles, see K. Hughes, 'The Welsh Latin chronicles: *Annales Cambriae* and related texts', *Proceedings of the British Academy*, lix (1973), 233–58, at p. 233.

[5] R. R. Davies, *The Age of Conquest: Wales 1063–1415* (Oxford, 1991), p. 43.

Owain set fire to the buildings and 'raised a shout'. The narrative continues:

> Gerald awoke from his slumber and was afraid when he heard the shout and knew not what he should do. And his wife said to him, 'Go not to the door, for there are thine enemies around it, but come with me.' And thus he did. And she led him to the privies which adjoined the building, and through the pit of the privies he escaped. And when Nest knew for certain that he had escaped, she shouted from within and said, 'Why do you shout in vain? He whom you were seeking has escaped.' And then they came inside and searched for him everywhere. And when they did not find him, they seized Nest and her two sons and the third son, whom Gerald had by a concubine, and a daughter. And they utterly pillaged the castle and burned it. And he violated Nest and lay with her and then returned home.[6]

The Red Book of Hergest version is very similar but adds that Owain had secretly 'made a hole under the threshold' to gain entry to the castle and that the attackers 'kindled tapers and set fire to the buildings to burn them'. Gerald escaped 'as is said ... by way of the privy hole'. Given that the details vary only slightly, the original tale appears to have been transmitted with little deviation. The *Brut* relates that when Owain's father, Cadwgan, 'heard the story he was grieved and frightened for two reasons: because of the violation of the lady, and because of fear of King Henry on account of the injury to his officer'.[7]

The basic tenets of this story, elaborated in the middle ages, were taken up by Tudor writers who utilized the *Brut* in the creation of their narratives. The history of Wales in the early modern period has been viewed by historians in the context of understandings about the interrelationship of Wales with the Tudor state. The role of the gentlemen who played key roles in county politics and administration has generally provoked historians such as John Gwynfor Jones to consider the cultural function of the elite and to relate this to a broader project, here the understanding of the creation of a Welsh identity in a British context. The creation of identities has been a key strand in the historiography of Tudor Wales.[8] Thus historians have tended to view the activities of seventeenth-century Welsh antiquarians in the context of an intellectual revival in Welsh culture led by Welsh gentlemen who saw the Tudor period as a positive one for the rehabilitation of Welsh culture.

[6] *Brut Peniarth MS. 20*, p. 28.

[7] *Brut Hergest*, pp. 54–7; *Brut Peniarth MS. 20*, p. 29.

[8] J. G. Jones, *The Welsh Gentry 1536–1640: Images of Status, Honour and Authority* (Cardiff, 1998); J. G. Jones, 'The Welsh gentry and the image of the "Cambro-Briton", *c.*1603–25', *Welsh History Review*, xx (2001), 615–55; F. Heal and C. Holmes, *The Gentry in England and Wales, 1500–1700* (Basingstoke, 1994); *British Consciousness and Identity: the Making of Britain, 1533–1707*, ed. B. Bradshaw and P. Roberts (Cambridge, 1998).

Protestant humanists welcomed the Tudors and turned their attention to the Welsh past as part of a project to serve as propaganda for nascent Welsh protestant patriotism.[9] Men such as George Owen of Pembrokeshire, Rice Merrick of Glamorgan, Edward Stradling, Humphrey Llwyd, David Powel and Sir John Price appropriated and nurtured the history of Wales within a British context. Ideas about women, gender and conquest played an integral part in creating ideas about a Welsh past to serve the needs of the early modern Welsh present, and indeed the demands of local, or county, political interests. These ideas drew on traditions which had been shaped by the story of Nest. Merrick, for example, in his *Morganiae*, written in the period 1578–84,[10] explains the collapse of native princely houses in south-west Wales within a context of deeply gendered dynastic rivalry. When Rhys of Deheubarth, Nest's father, fell in love with the wife of Iestyn ap Gwrgan of Glamorgan, Merrick argued that he set in train a catastrophic sequence of events.

According to Merrick, Rhys and Iestyn argued not from a desire merely to exert power over each other, but because of Rhys's infatuation with Iestyn's wife, a result of the stories he heard from the *beirdd* (bards) who sang at his court. Asked by Rhys what entertainment they had witnessed in Morgannwg, the bards had

> answered nothing else but that Deheubarth and Morgannwg want both one thing, viz. a meet match; which might have been well remedied if Iestyn had been married to his wife and he to Iestyn's wife, whom they with high praises extolled as well for her beauty as for her good qualities, in whom nature and fortune contended who could show greater force and power.

As a result of this, 'the lusty prince' brought ruin on both families, since he was 'kindled with Venus's dart and fervent desire to see her' and contrived a meeting with Iestyn and his wife at Neath. They both travelled with a great

> retinue of gentlemen and gentlewomen and familiar entertainment, they feasted each other. But Rhys ap Tewdwr after he had viewed Iestyn's wife, thought she surmounted the praises of her unto him reported, which so inflamed his heart with fire that he determined, either by secret entreaty or by enforcement, to possess his desired prey.

Rhys used covert talk to tell her 'his secret suit'. Iestyn's wife informed her husband about Rhys's plan 'and lest violence be offered to her, which

[9] P. Roberts, 'Tudor Wales, national identity and the British inheritance', in Bradshaw and Roberts, *British Consciousness*, pp. 8–42, at p. 23.

[10] R. Merrick, *Morganiae Archaiographia: a Book of the Antiquities of Glamorganshire*, ed. B. Ll. James (South Wales Record Society, i, 1983), p. xvi.

she mistrusted' persuaded her husband to leave secretly in the night. '[D]isappointed of his hoped prey', Rhys returned to Deheubarth in a rage, 'complaining of Iestyn's discourtesy and ingratitude, affirming it to be in contempt of him and spite of him', and threatening revenge. Merrick, in an aside, confirms that Rhys did not make public the reason for Iestyn's sudden departure. Iestyn was also 'kindled with displeasure'. Rhys refused to be reconciled to Iestyn and thus 'determined to end their quarrel by fortune of battle; for the predestinate ruin to both their families'.[11] As a result, the Normans were invited in, since Iestyn was forced to seek their support, and thus began the process of the Norman conquest of Glamorgan.

Merrick here expresses a view which reinforces his local patriotism: he makes the wife of the ruler of Glamorgan a great beauty; he explains away the catastrophic mistake Iestyn made when he invited in the Normans to help him defeat Rhys, which in 1097 opened the floodgates for the conquest of south-west Wales; and, of course, this all happened before the abduction of Nest in Pembrokeshire, the county-next-door. Merrick, however, emphasizes that Iestyn's wife was loyal to her husband and made good her escape from her would-be 'attacker'. Rice Merrick wrote that Glamorgan had its own beauty, with wars fought over her person. There are thus parallels here with the way that women are seen as a cause of war and as objects of male desire, and it is the inability of men to control their manly virtues, or desire, which is at the root of the conquest. It is the Welsh 'hot headedness' and passion which is the cause of war, indicating another key stereotype of the *Brut* that had entered the consciousness of later writers,[12] but the topic of Welsh masculinity and its interactions with ethnicity must remain a topic for another time.

George Owen, a Pembrokeshire patriot, wrote his *Description of Penbrokshire* in *c.*1610. Owen draws heavily on *Brut*, essentially replicating the story almost word for word. He, however, over-extended his analysis and confused Nest's son Henry fitz Henry, the illegitimate child of Henry I, with Robert, earl of Gloucester, who was well known as Henry's favourite son. Owen was no stranger to the fabrication of facts, having apparently claimed a lineage that linked him to the lordship of Cemais, and had made unsubstantiated claims concerning his coat of arms.[13] He wrote to elevate and increase the prestige of his family, and his confusion about Robert of Gloucester, whether genuine or unconscious, was an attempt to elevate the

[11] Merrick, *Morganaie Archaiographia*, p. 17.

[12] For more on this, see S. M. Johns *Nest: Women, Conquest and Change in Britain in the 11th and 12th Centuries* (forthcoming).

[13] D. Miles, 'Owen, George (1552–1613)', *ODNB*, xlii. 199–202; B. G. Charles, *George Owen of Henllys: a Welsh Elizabethan* (Aberystwyth, 1973), pp. 3–4.

reputation of his county of Pembroke. We are seeing here the protestant Welsh gentry view of women in Welsh history in the early seventeenth century. Owen had fathered seven illegitimate children by his mistress, so his confusion may be fabrication but also indicative of the acceptance of bastardy as no impediment to honour.

The tale of Nest's abduction remained the essential component of the story of the Norman conquest of south-west Wales through the seventeenth and eighteenth centuries. It accentuated her role as a symbol of Welsh instability, with male agency emphasized within a paradigm which minimizes but acknowledges female responses. Eighteenth-century commentators replicated the Nest story, if they mentioned it at all. Nest's narrative was shaped in the early thirteenth century and it continued to appear with its essential elements intact through the nineteenth century and on into the twentieth. Pauline Stafford's comment that Emma's and Edith's narratives 'can be reused and infused with other meanings ... the question is not merely who is absent and who is central, but who is telling the story and why' is evidently apposite for the history of Nest of Deheubarth. The story encapsulated historical ideas which inculcated a sense of her past as the past of a nation in which romantic ideas about Wales and ethnicity became tied up with ideas about nation and gender: men made history through war and conquest, women supported and subordinated themselves to this, even if this meant that sexual penetration became a metaphor for the penetration of the Normans into south Wales. It could even be argued that Owen reflects a view of pride in that history since Nest, who chose her Welsh cousin over the Anglo-Norman Gerald, is an expression of Welsh spirit.

The publication in 1911 of J. E. Lloyd's *History of Wales* from the earliest times to the Edwardian conquest marks a turning-point in the historiography of medieval Wales.[14] Lloyd created a narrative of Wales which was based on painstaking historical enquiry and an understanding of the medieval record that set the parameters of the debates on the history of medieval Wales for much of the twentieth century. As Huw Pryce has pointed out, Lloyd is 'an essential port of call' for students of Welsh medieval history. Lloyd attached great importance to the past as a source of inspiration for the present, and he conceived of nationality as a continuous thread.[15] He saw the Norman incursions into Wales as pivotal and wrote to suggest that Welsh national history was made though fierce resistance

[14] J. E. Lloyd, *A History of Wales from the Earliest Times to the Edwardian Conquest* (2 vols., 1911).

[15] H. Pryce, 'Modern nationality and the medieval past: the Wales of John Edward Lloyd', in *From Medieval to Modern Wales: Historical Essays in Honour of Kenneth O. Morgan and Ralph A. Griffiths*, ed. R. R. Davies and Geraint H. Jenkins (Cardiff, 2004), p. 29.

to outside aggressors. He romanticized the abduction and portrayed Nest as a willing collaborator with Owain. Thus, for Lloyd, the affair was an integral element in the construction of a heroic Welsh past in which Owain ap Cadwgan's resistance to English rule symbolized the heroic nature of early Welsh resistance to English domination. He drew on classical motifs to emphasize the legitimacy and nature of the events. It was 'a tale that Homer might have told' and he linked Nest, the 'fair one', with Helen of Troy; this served to suggest the brutality of the royal response in Ceredigion which 'scattered the terrified folk of Ceredigion in all directions'.[16] As Huw Pryce has pointed out, and Pauline Stafford recently agreed, Lloyd's task was 'nation-building' and it was a romantic nationalist one at that.[17]

Lloyd's work set the agenda for Welsh medieval history for much of the twentieth century, and although Kari Maund's biography of Nest began to question the way that her story should be interpreted, views of medieval Welsh women and of Nest have until recently remained generally static.[18] For example, commentators in the *Dictionary of Welsh Biography* argued that it was the abduction episode which enabled Nest to play the role of Helen of Wales.[19] Gwyn Williams subscribed to this interpretation in his television series and popular history, and so does the Pembrokeshire Coast National Park's website, which includes a description of Carew castle, a castle in Pembrokeshire associated with her.[20] Such views more or less consciously repeat Lloyd's.

Since then, Rees Davies has put the history of Wales in a British setting and demonstrated the centrality of social, religious and economic changes within a framework centred on the unfolding of the political chronology.[21] His use of the concept 'Age of the Princes' defined approaches to the subject and located the history of Wales in a detailed political context. The Welsh experience of interaction with and conquest by the Normans was, of course, a transformative and dynamic experience and should be viewed in its contemporary British and European contexts. The 'four nations approach' to the history of the British Isles has enhanced our understanding of commonalities and differences in the way that those four nations evolved

[16] Lloyd, *History of Wales*, ii. 417–18.

[17] Pryce, 'Modern nationality', p. 15; P. Stafford, 'Historiography', p. 10.

[18] K. L. Maund, *Princess Nest of Wales: Seductress of the English* (Stroud, 2007), p. 136.

[19] *The Dictionary of Welsh Biography down to 1940*, ed. J. E. Lloyd and R. T. Jenkins (Oxford, 1959; based on first Welsh edition, as *Bywgraffiadur Cymreig hyd 1940*, 1953), p. 683.

[20] See <http://www.pembrokeshirecoast.org.uk/default.asp?PID=306> [accessed 22 May 2012].

[21] R. R. Davies, *Domination and Conquest: the Experience of Ireland, Scotland, and Wales, 1100–1300* (Cambridge, 1990).

and interacted. This 'new' British history raised questions which were focused on the importance of identity, and had the positive effect of leading historians to re-examine the history of medieval Wales.[22] Nevertheless, despite the undoubted dynamism and importance of the ongoing debates in this area, it is a field of scholarship which would be further enriched if the importance of gender was incorporated into the analysis.

There is still relatively little research on women and gender in medieval Wales.[23] In general, Welsh historiography has not followed the trends of English and/or continental historiographies, such as the *Annaliste* school. Wendy Davies has pointed out that there is no significant work on gender in Wales in the middle ages and no work on the Norman conquest comparable to the studies of its effect on England. Further, there is little research on native aristocracies, assemblies or areas such as population studies, migration patterns or bondsmen.[24] Scholars have, however, drawn on feminist scholarship and studies of medieval women, and there the potential of literary sources has been demonstrated by Juliette Wood and Fiona Winward in their work on the role of women in the *Mabinogi*.[25] Medieval Welsh prose has been studied by Jane Cartwright, whose work has analysed aspects of female spirituality, virginity and chastity.[26] A ground-breaking collection of essays edited by Dafydd Jenkins and Morfydd E. Owen analysed aspects of the Welsh laws as they related to women.[27] Historians such as Robin Chapman Stacey and others working on the Welsh law of women, as well as Louise Wilkinson and Llinos Beverley Smith, have begun to open up the field of women in Welsh medieval studies.[28]

[22] Cf. D. Cannadine, 'British history as a "new subject": politics, perspectives and prospects', in *Uniting the Kingdom? The Making of British History*, ed. A. Grant and K. J. Stringer (1995), pp. 12–28, at p. 26.

[23] L. B. Smith, 'Towards a history of women in late medieval Wales', in *Women and Gender in Early Modern Wales*, ed. M. Roberts and S. Clarke (Cardiff, 2000), pp. 14–49.

[24] W. Davies, 'Looking backwards to the early medieval past: Wales and England, a contrast in approaches', *Welsh History Review*, xxii (2004), 197–221, at p. 210.

[25] J. Wood, 'The calumniated wife in medieval Welsh literature', *Cambridge Medieval Celtic Studies*, x (1985), 25–38; F. Winward, 'Some aspects of women in the Four Branches', *Cambridge Medieval Celtic Studies*, xxxiv (1997), 77–106.

[26] J. Cartwright, *Feminine Sanctity and Spirituality in Medieval Wales* (Cardiff, 2008); J. Cartwright, 'Virginity and chastity in medieval Welsh prose', in *Medieval Virginities*, ed. A. Bernau and others (Cardiff, 2003), pp. 56–79.

[27] *The Welsh Law of Women: Studies Presented to Professor Daniel A. Binchy on his 80th Birthday, 3 June 1980*, ed. D. Jenkins and M. E. Owen (Cardiff, 1980).

[28] L. J. Wilkinson, 'Joan, wife of Llywelyn the Great', in *Thirteenth Century England X*, ed. M. Prestwich and others (2005), pp. 81–93; R. C. Stacey, 'King, queen and *edling* in the laws of the court', in *The Welsh King and his Court* (Cardiff, 2000), pp. 29–62.

Pauline Stafford convincingly showed that the Norman conquest had an impact on the narrative of Edith, queen of England, a story which secured her a prosperous widowhood; while for Edith's mother, Gytha, the conquest served to 'inscribe her as a symbol of resistance to the Normans'.[29] Nest of Deheubarth, too, became inscribed as a symbol of resistance to the Normans, but her identity was more complex than Gytha's: Gytha's story helped to generate a wider one which produced a 'unified English identity which Emma could embody', whereas Nest embodies Welsh resistance to, but also integration with, the Normans. Nevertheless, both Gytha and Nest suggest the complexity of the meaning of the Norman Yoke for women. The Nest story also carries within it threads which relate to Irish influences: in Irish literature, woman as a cause of war was a standard motif. It is the story of high-status women which becomes the locus for commentary on a process of conquest and change, resistance and reaction, in a grander narrative about the emergence of national identity. Narratives are selected and replicated in the Nest story which have a remarkable tenacity throughout the historiography of Wales, in the same way that, as Pauline Stafford has observed, in Emma's and Edith's cases it is 'easy to see them as victims or at best women co-opted by patriarchy into telling its own story, a co-option whose ultimate price was their own reputations and especially their own strength and activity'.[30] Nest's story may well have been co-opted but her strength and tenacity remain central to the narrative and this became a metaphor for Welsh strength and tenacity in resisting the Normans. The metaphor has had a particular resonance in Welsh medieval historiography, which has inscribed Nest's identity within a specific construct of Welsh identity in which her primary identification is as a symbol of Welsh nationhood.

[29] Stafford, *Queen Emma and Queen Edith*, p. 275
[30] Stafford, *Queen Emma and Queen Edith*, p. 51.

8. Carolingian rulers and marriage in the age of Louis the Pious and his sons*

Sylvie Joye

The language of kinship, especially where marriage is concerned, plays a prominent part in the way the trials and tribulations of the Carolingians are depicted in the sources from the 820s onwards. The familial and political aspects of the crises that marked the age of Louis the Pious and his sons strongly accentuated the drama of this period. This also explains the extent to which the *fideles* displayed a certain detachment vis-à-vis the ruling family: the *fideles* had always thought of the Carolingian family as uniquely qualified to supply them with their kings, yet the political discourse of emotional attachment and loyalty gradually came to be focused on the family rather than the individual kings.[1] The language used by the kings themselves, like the attitudes expressed in that language, was, from the mid eighth century onwards, particularly strongly stamped by family concerns. The emphasis placed on the image of fatherly authority by the members of Louis the Pious's entourage, and then by Charles the Bald's too, thus greatly intensified the implications of the rebellion of the emperor's sons against their father.

Ever more clearly, in the western part of the empire at any rate, family relationships supplied the moral constructs by means of which society was imagined. Foregrounded among these models were the images of the father and of the married couple. All that constituted the husband-wife relationship supplied the basis for reflection and comparison: *fides*, *dilectio*, authority, consent. In more concrete ways, marriage became more firmly rule-bound. In aristocratic and royal circles, women continued to play the role of a form of treasure, an 'animate' treasure, to borrow Pauline Stafford's evocative term,[2]

* I am very grateful to Jinty Nelson for inviting me to contribute to this Festschrift (and also for translating) a paper that has given me an opportunity to attest to the importance of Pauline Stafford's work.

[1] S. Airlie, '*Semper fideles?* Loyauté envers les Carolingiens comme constituant de l'identité aristocratique', in *La Royauté et les élites dans l'Europe carolingienne*, ed. R. Le Jan (Villeneuve-d'Ascq, 1998), pp. 129–43.

[2] P. Stafford, 'Queens and treasure in the early middle ages', in *Treasure in the Medieval West*, ed. E. M. Tyler (York, 2000), pp. 61–82, at pp. 64, 79.

in the various ritual settings of negotiation, friendship and domination. In *Queens, Concubines and Dowagers* (1983), a book that gave an initial powerful stimulus to research on the place of royal women in the lives and politics of early medieval rulers, Stafford showed the extent of women's role in royal households, in all its variety.[3] While texts produced in Roman late antiquity provided a framework for thinking on the subject of imperial and royal women, significant changes were brought about in the Carolingian period. The direct involvement of rulers in promoting the public nature of wedding rites as staged performances went hand-in-hand with a strengthening of the ruler's image as an exemplar of paternal authority. True, the assigning of greater value to the wife within the couple was in some ways more theoretical than real, but it had, nevertheless, some quite practical effects on the playing-out of the Carolingians' destiny and on the persisting bonds between rulers and their *fideles*.

From the mid eighth century onwards, conciliar legislation on marriage became fuller and more systematic. Measures to prevent incest and to repress *raptus* (the abduction of women) – offences increasingly often linked – displayed a shared concern to endow marriage with a firmer legitimacy.[4] Though Church councils had issued regulations on these subjects from time to time from the fourth century onwards, it was with the ascent of Carolingian power that the Church's tackling of them became very much more consistent and more strongly theorized. Carolingian rulers involved themselves directly with this new concern in their own legislation. It was not just a matter of kings responding to bishops' requests: the king's assertion of his role as protector of lawful marriage, and of the rights of all *patresfamiliae*, became crucial to his performance and self-representation as a ruler. The king himself was a father, and at the same time he was the guarantor of public order and of his people's well-being in this world and, it was hoped, the next. Royal authority over family matters exceeded that of fathers themselves. In real life, too, things became more complicated, since marriages that followed abductions, or were considered incestuous, apparently continued to occur quite frequently. Carolingian rulers could not always personally ensure that the rules were applied (or suspended) in their favour within their own family circle.

Measures against abduction and against incestuous unions had a significance that was social and political rather than moral or sexual. In the

[3] P. Stafford, *Queens, Concubines and Dowagers* (Athens, Ga., 1983), and now also her *Gender, Family and the Legitimization of Power* (Aldershot, 2006).

[4] P. Corbet, *Autour de Burchard de Worms: l'Église allemande et les interdits de parenté, IXe–XIIe siècle* (Frankfurt-am-Main, 2001), pp. 4–5; K. Ubl, *Inzestverbot und Gesetzgebung* (Berlin, 2008), pp. 235–6.

Roman west, abduction with a view to marriage had appeared explicitly in Roman law for the first time only in the legislation of Constantine in the 320s. Later Roman emperors treated it as a particularly heinous crime, for it defied the wishes of the woman's kin, preventing them from acting as the real makers of marriages.[5] Carolingian legislation marked a decisive novelty because it set its legal measures in a Christian context, with the ruler presenting himself as a pastor trying not just to punish criminals for their offences, but to cleanse them from sin.[6] Further, while pre-Carolingian legislation had tended to be confined to cases involving breach of religious vows (the abduction of a nun, for instance), or vows of betrothal, the Carolingians' overriding concern was with sexual and moral aspects of abduction, hence with marriage as central to God's purposes on earth, and an institution maintained by the divinely instituted protective authority of the king, who imposed as the penalty for abduction a fine of sixty shillings (*solidi*) to be paid to the royal fisc. In Charlemagne's reign (768–814), this seems to have created an inflationary spiral, literally and symbolically: the ban was declared more often as the penalty for abduction, and the ruler increasingly presented himself as the protector of public order as well as the offended overall 'father'.[7] Charlemagne emphasized paternal authority more and more strongly in normative texts.

In the reign of Louis the Pious (814–40), there was even greater stress on the ruler's role as protector and defender of marriage in cases arising from breach of the new rules.[8] The measures promulgated by Louis in 818–19, for instance, recalled those of the barbarian codes aimed at reducing any violence that arose during the negotiation of betrothals and when abduction occurred. Louis decreed that the abductor of a woman already betrothed to someone

[5] On *raptus*, see *Theodosiani Libri XVI*, ed. T. Mommsen (Berlin, 1954), pp. 477, 478 (IX. 24.2, 25.1); *Corpus Iuris Civilis*, ed. T. Mommsen (3 vols., Berlin, 1915), ii. 37, 378 (Codex I. 3.53; IX. 13.1); iii. 623, 624 (Novella 123, c. 43).

[6] On Constantine's legislation, see J. Evans Grubbs, *Law and Family in Late Antiquity* (Oxford and New York, 1999), pp. 350–2. On the impact of Christianity, see A. M. Cameron, 'Redrawing the map: early Christian territory after Foucault', *Journal of Roman Studies*, lxxvi (1986), 266–71. On incest, see Ubl, *Inzestverbot*, pp. 35–66; S. Joye, 'Grégoire de Tours et les femmes: jugements portés sur les couples laïques et ecclésiastiques', in *Agire da donna*, ed. C. La Rocca (Turnhout, 2007), p. 75n.; T. Späth, *Männlichkeit und Weiblichkeit bei Tacitus: zur Konstrukton der Geschlechter in der römischen Kaiserzeit* (Frankfurt, 1994).

[7] S. Joye, 'La femme ravie: le mariage par rapt dans les sociétés du haut moyen âge' (unpublished Universities of Lille and Padua Ph.D. thesis, 2006), and revised version forthcoming (Turnhout, 2012); S. Joye, 'La transcription du droit de la famille et de la propriété, du droit romain à la loi visigothique', in *Les sources normatives et diplomatiques en Espagne entre VII^e et XI^e siècles*, *Mélanges de la Casa de Velázquez*, new ser., xli (2011), 35–53.

[8] S. Konecny, 'Eherecht und Ehepolitik unter Ludwig dem Frommen', *Mitteilungen des Instituts für Österreichischen Geschichtsforschung*, lxxxv (1977), 1–21.

else had to give up the woman and pay compensation both to her kin and to the injured fiancé, in addition to paying the sixty-shilling ban to the fisc. Consent given after the event by the woman's kin seems to have brought no condemnation of them, as had been the case in Roman law; but it was not sufficient to suspend the case against the abductor. If the legal protector(s) did not pursue the case, that became the count's responsibility: he had to make the abductor pay the sixty-shilling ban or ensure his condemnation to exile. The count's duty to search out and punish the abductor was not new, for Clothar I and Childebert II had already legislated to that effect, influenced by late antique Roman law. Measures taken to protect widows in the months immediately after their bereavement could just as well be credited to the king's function as *minister Dei* and protector of the Church – and hence of widows – as to his royal obligation to limit the acts of violence aroused by the intensified competition over marriage during those early days of widowhood when the woman found herself suddenly deprived of a protector. Louis the Pious did not go so far as to condemn relatives who failed to denounce the abductor of their daughter. The ruler whose role transcended that of biological paternity again claimed the right to punish crimes committed within the household. Louis II forbade the marriage of a woman who had been subjected to intercourse against her will in her own natal home. This intrusion into the marital bedroom, as it were, had been effected by bishops whom Louis assembled at Pavia: Louis then took up some of the bishops' suggestions and gave them the force of law.

Charlemagne's paternal style of self-representation was continued and amplified in Louis the Pious's reign, when the emperor insisted on the theme of purity. This was now united with the basic aim of correction enunciated by Charlemagne. Purity was presented as reigning in the palace and in the bosom of the imperial family. This was a strategy that ran the risk of creating *scandalum* (moral outrage), and scandal in turn could throw into confusion all the mechanisms for maintaining the regime's political and social stability.[9] The same vocabulary reappeared later in the ninth century, notably in the synodal treatise on abduction written under Hincmar of Reims's supervision.[10] Penance was presented as the only way to remove the stain left by abduction, considered here as a sexual as well as a social offence. The body, 'God's temple', had been violated. The theme of purificatory

[9] M. de Jong, '*Sacrum palatium et ecclesia*. L'autorité religieuse royale sous les Carolingiens (790–840)', *Annales: histoire, sciences sociales*, lviii (2003), 1243–69, and now *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–40* (Cambridge, 2009), pp. 185–213 (the chapter on 830–1 is evocatively entitled 'Purity and danger').

[10] Hincmar, 'De coercendo et exstirpando raptu viduarum, puellarum ac sanctimonialium' (*PL*, cxxv, cols. 1017–36). My new edition of this text with French translation is forthcoming.

cleansing recurred insistently. Abduction became no longer just a crime but a sin. This change mattered because the sexual aspect of abduction had seldom been raised until now. Here again a close link can be seen with the elaboration of the prohibited degrees of relationship for married couples. The abductor who lets himself be driven by lust (*libido*) and ignores God's message resembles a wild animal.[11] What typified animals was precisely their violence, and lack of rationality. Violence towards women, and specifically towards a wife, was now presented as unacceptable. Hincmar went so far as to depict an extreme vision – even a caricature – of the husband who, instead of looking after his wife and keeping her pure as marital duty required, sent her to the kitchen to have her throat cut by the cook.[12] The representation of masculinity no longer needed to rely on violent attitudes towards women, for violence was from this time onwards condemned in clerical texts.[13]

Because *raptus* was now placed within a whole new conceptual and regulatory framework, Rachel Stone has recently argued that Hincmar created 'a theology of abduction'.[14] A good deal of *De Raptu* was in fact about marriage in general, and not just abduction. But the prefatory section, and the structure of the treatise, leave no doubt that its main subject was abduction and that Hincmar's aim was to suppress this crime. The work opens with an authorial request to an unidentified prince, the dedicatee, to punish abductors very severely, and to deny them any possible claim to be forming a marriage with the woman abducted. Abduction is shown here as an act of violence perpetrated against the natural rights of the woman's kin and hence against God's ordering of the world, but it is shown also as a hateful parody of Christian marriage, which was the cornerstone of the social order.

Marriage became the symbol of a union henceforward viewed by the Church as indissoluble. Love between spouses was to be the model for social relationships.[15] Hincmar reached for St. Paul's organic metaphor,

[11] *PL*, cxxv, cols. 1020, 1031: 'bruta et irrationabilia jumenta et brutae et perniciosae bestiae'.

[12] *PL*, cxxv, col. 125 (c. 11).

[13] R. Stone, '"Bound from either side": the limits of power in Carolingian marriage disputes, 840–70', *G&H*, xix (2007), 471–86, at p. 481.

[14] R. Stone, 'The invention of a theology of abduction: Hincmar of Rheims on *raptus*', *Journal of Ecclesiastical History*, lx (2009), 433–48; cf. S. Joye, 'Y a-t-il une "évolution" des mœurs? Historiographie et anthropologie de la famille et du mariage', *Labyrinthe: atelier interdisciplinaire*, xxx (2008), 115–30.

[15] P. Toubert, 'La théorie du mariage chez les moralistes carolingiens', *Settimane*, xxiv (1976), 233–81; P. Toubert, 'L'institution du mariage chrétien de l'antiquité tardive à l'an mil', *Settimane*, xlv (1997), 503–49.

recalling that the couple was a microcosm of society and the husband 'the head of the wife'. Yet in *De Raptu*, as in other texts, the central image remains that of the father. Love (*dilectio*) does not belong only in the lexical field of the couple: conversely, the figure of the father is linked with the idea of love within the family, a motif that recurs increasingly in the reigns of Charlemagne and Louis the Pious.[16] In Hincmar's view, the father must exercise a pastoral ministry; and Bishop Jonas of Orleans affirms this too, in his mirror of conduct for lay persons. The king was a father to his kingdom, placed at the top of a hierarchy where he was at once equivalent and superior to the *paterfamilias* who is everyman.[17] At the heart of the system resided paternal authority, founded on rights that were human and divine, forming a unity because each corresponded to both a 'divine law' and 'human custom'.[18] A man who opposed this divine ordering was reduced to the level of an animal.[19] In a period when social and political relationships were undergoing painful reconstruction, organic metaphors are, unsurprisingly, easy to find. Conflicts created a need for concord. In the context of the empire's break-up, the whole of *De Raptu*, especially its opening section, had to be pervaded by an obsession with unity – the Church's in the absence of the empire's. The image of the Father-protector gradually gave way to that of the Mother, who came to stand for the Church.[20]

In the western part of the Carolingian world, at least, one aspect of that wider crisis was a crisis of inter-generational relationships in which the fidelity due to the king was being questioned and the fidelity to father or family was gaining traction. This fidelity to the father, emphasized, for instance, by Dhuoda in her Handbook for her son (completed 843), became a way of representing the family itself as having a prime call on loyalty, a counter-example to kingship that justified, in part, the rise of the great aristocrats and the hereditary rights with which they sought to invest their

[16] R. Le Jan, 'Amitié, haine, famille et politique à l'époque de Louis le Pieux' (paper delivered at a conference on 'La productivité d'une crise: le règne de Louis le Pieux (814–40)' (Limoges, 2011)).

[17] *PL*, cxxv, col. 1019 (c. 3): 'Hujus gloriosae domus Dei decorem, et locum habitationis gloriae ejus fidelissime diligere et zelari debent non solum episcopi et sacerdotes in sedibus, sed etiam reges in regnis et palatiis suis, et regum comites in civitatibus suis, et comitum vicarii in plebibus suis, et quicunque patresfamilias in domibus suis, in unum dives ac pauper, in mente et actibus suis'.

[18] *PL*, cxxv, col. 1020: 'naturalis lex ..., consuetudo humanitatis'; col. 1026: 'consuetudines humanae'.

[19] *PL*, cxxv, col. 1030 (c. 4): 'bruta et irrationabilia iumenta'.

[20] R. Savigni, 'L'Église et l'épiscopat des temps carolingiens en temps que corps social' (paper delivered at the conference on 'La productivité d'une crise' (Limoges, 2011)).

position.[21] The unbreakable bond created in the reigns of Charlemagne and Louis the Pious between the image of the family and the emotion of love made the conduct of the *contumaces* – the rebellious sons – seem all the more appalling. There could be no *fides* without love, just as there could be no fear of the Lord without the maintenance of obedience, love and honour towards the father.[22] After the 830s, in the gaps where royal power no longer matched the ideal authority of this complicated relationship, it was the heads of the great aristocratic families who took up for themselves the idea of lordly command in the Lord's name.[23]

The strengthened images of the father and of the married couple gave much greater visibility to the dramatic events, political and familial, that shook the Carolingian world in the reign of Louis the Pious and his immediate descendants, especially in the western part of the empire. Under attack for his performance both as father and as husband, the ruler was betrayed by the ideologically loaded discourse of the family, which had no sooner been hammered out than it was adopted by the great aristocrats for their own benefit.

The form taken by the Pippinids' marriages seems to have contributed to the dynamic of their rise to power. The sources, often Carolingian in origin and consisting of back-projections, present the early Pippinids in such a way as to suggest that they pursued a distinctively royal marriage strategy even before 751. Whether this is just the impression given by retrospective sources, or reflected something more like reality, the mistresses of the Pippinids were credited with an importance similar to that of royal concubines.[24] In Charlemagne's case, a whole series of wives, some of them repudiated, and of concubines too, is well attested. Louis the Pious, by contrast, was presented as entirely monogamous, though his position was

[21] R. Le Jan, 'Dhuoda ou l'opportunité du discours féminin', in La Rocca, *Agire da donna*, pp. 109–28; R. Le Jan, 'The multiple identities of Dhuoda', in *Ego Trouble: Authors and their Identities in the Early Middle Ages*, ed. R. Corradini and others (Vienna, 2010), pp. 211–20; J. L. Nelson, 'Dhuoda', in *Lay Intellectuals in the Carolingian World*, ed. P. Wormald and J. L. Nelson (Cambridge, 2008), pp. 106–20; M. A. Claussen, 'Fathers of power and mothers of authority: Dhuoda and the *Liber manualis*', *French Historical Studies*, xix (1996), 785–809.

[22] Le Jan, 'Amitié, haine, famille et politique'. Cf. Hrabanus Maurus, *Liber de Reverentia filiorum erga patres et subditorum erga reges*, ed. E. Dümmler (MGH Epp, v, Berlin, 1899), pp. 404–15.

[23] S. Joye, 'Trahir père et roi au haut moyen âge', in *La Trahison au moyen âge: de la monstruosité au crime politique (v^e–xv^e siècle)*, ed. M. Billoré and M. Soria (Rennes, 2009), pp. 215–27.

[24] A. Esmyol, *Geliebte oder Ehefrau?* (Cologne, 2002); R. M. Karras, 'The history of marriage and the myth of *Friedelehe*', *EME*, xiv (2006), 119–51; M. Hartmann, '*Concubina vel regina?* Zu einigen Ehefrauen und Konkubinen der karolingischen Könige', *Deutsches Archiv*, lxv (2007), 545–67.

represented as suspect, even dangerous, by writers hostile to his second wife, Judith.

Jinty Nelson has stressed how keen Louis was to differentiate himself from his father in matters of family management, and suggested that 'the puritanical style of a new regime' was carefully chosen to produce the required effect.[25] But in this context, everything was double-edged. The criticisms of Charlemagne voiced in the 820s, by Walahfrid for instance, on the grounds, specifically, of his daughters' conduct, amounted to nothing less than a paean of praise to the 'style' of Louis, deliberately portrayed in an exaggerated fashion. These criticisms could also have been directed against Judith. More opportunism than usual was involved in this marriage, for Louis's choice fitted well with the repositioning he had undertaken since the beginning of his reign.[26] The marriage, in other words, was part of the broader picture of these years in which crucial elements were a search for political support in the east, and the need to deal with tensions between the supporters of Louis's kinsmen Adalard, Wala and Bernard of Italy on the one hand, and those of Lothar and Louis himself on the other.

The choice of a second wife had an impact on existing offspring such that a redistribution of power was bound to ensue, with significant implications for the maintenance of royal authority.[27] The timing of such a marriage mattered a great deal.[28] Stafford has shown how variations in family strategies can be measured on various criteria, among which that of gender was key, while Nelson has identified some possible symptoms of the intense pressures placed on the sons, in particular. Those pressures and choices were not necessarily directed towards marriage no matter what: some great men in this period voluntarily renounced marriage and fatherhood in order to

[25] J. L. Nelson, 'Bad kingship in the earlier middle ages', *Haskins Society Journal*, viii (1999), 1–26.

[26] E. Ward, 'Caesar's wife: the career of the Empress Judith, 819–29', in *Charlemagne's Heir*, ed. R. Collins and P. Godman (Oxford, 1989), pp. 205–30, and E. Ward, 'Agobard of Lyons and Paschasius Radbertus as critics of the empress Judith', *Studies in Church History*, xxvii (1990), 15–25; A. Koch, *Kaiserin Judith: eine politische Biographie* (Husum, 2005), pp. 107–27; de Jong, *The Penitential State*, pp. 185–213.

[27] R. Schieffer, 'Karolingische Töchter', in *Herrschaft, Kirche, Kultur: Beiträge zur Geschichte des Mittelalters. Festschrift für Friedriech Prinz zu seinem 65. Geburtstag* (Stuttgart, 1993), pp, 125–39, and R. Schieffer, 'Väter und Söhne im Karolingerhause', in *Beiträge zur Geschichte des Regnum Francorum. Referate beim Wissenschaftlichen colloquium zum 75. Geburtstag von Eugen Ewig*, ed. R. Schieffer (Sigmaringen, 1990), pp. 149–64; B. Kasten, *Königssöhne und Königsherrschaft: Untersuchungen zur Teilhabe am Reich in der Merowinger- und Karolingerzeit* (Hanover, 1997).

[28] S. Joye, 'Gagner un gendre, perdre des fils? Désaccords familiaux sur le choix d'un allié au haut moyen âge', in *La famille déchirée: luttes intestines dans la parenté médiévale*, ed. M. Aurell (Turnhout, 2010), pp. 79–94.

promote the collective interests of the family. The relative ages of the sons, and above all whether they married and when children were born, were all factors that could either inflame tensions between son(s) and father, or dampen them down, according to the phases of the 'developmental cycle' to which Nelson has drawn attention in reference to Charlemagne.[29] In his reign, there clearly could be only one royal family, at whose head ruled a single father, Charles himself. His two elder sons remained unmarried, operating alongside him in a highly competitive situation which ended with Pippin the Hunchback being driven to revolt, while the other sons were sent to rule their own kingdoms in early childhood. The daughters remained with their father – something that evoked a little genre of criticism, especially in the reign of Louis the Pious.[30]

Louis, in contrast, arranged the marriage, in 821, of the son whom he had clearly decided to favour, namely Lothar. The sources say explicitly that it was Louis who gave a bride to this son.[31] But he waited longer in the case of his other sons. The marriage of Louis the German to Judith's sister Emma was evidently intended to bring Judith and the emperor's namesake, his youngest son by his first wife, into a closer relationship so as to turn the younger Louis into a supporter of the empress, who was no doubt behind this union. We should note, though, that this marriage occurred in 827, a politically tense moment. This bond was reinforced, too, by the marriage of Judith's brother Conrad to Adelaide, sister of Lothar's wife.

As for the girls:[32] the absence of all those daughters, nieces and female cousins who had previous populated the Aachen court in Charlemagne's time produced a notable change in the atmosphere. Those women had exerted a certain influence at court that was sometimes hostile to the future

[29] P. Stafford, '*La mutation familiale*: a suitable case for caution', in *The Community, the Family and the Saint: Patterns of Power in Early Medieval Europe*, ed. J. Hill and M. Swann (Leeds, 1998), pp. 103–25; J. L. Nelson, 'Monks, secular men, and masculinity, *c.*900', in *Masculinity in Medieval Europe*, ed. D. M. Hadley (Harlow, p. 1999), p. 140; and J. L. Nelson, 'Charlemagne – *pater optimus*?', in *Am Vorabend der Kaiserkrönung. Das Epos 'Karolus Magnus et Leo papa' und der Papstbesucht in Paderborn 799*, ed. P. Godman, J. Jarnut and P. Johanek (Berlin, 2002), pp. 272–3.

[30] J. L. Nelson, 'Women at the court of Charlemagne: a case of monstrous regiment?', in *Medieval Queenship*, ed. J. C. Parsons (New York, 1993), pp. 43–61, and J. L. Nelson, 'Gendering courts in the early medieval west', in *Gender in the Early Medieval World*, ed. L. Brubaker and J. M. H. Smith (Cambridge, 2004), pp. 185–97, at pp. 191–2.

[31] Astronomer, *Vita Hludowici imperatoris*, ed. E. Tremp (MGH SRG, lxiv, Hanover, 1995), p. 396 (c. 34).

[32] R. Le Jan, *Famille et pouvoir dans le monde franc* (Paris, 1995), p. 300; M. Hartmann, *Die Königin im frühen Mittelalter* (Stuttgart, 2009), pp. 192–5, 199–204.

Louis the Pious.[33] When Charlemagne died, Louis lost no time in making his sisters and half-sisters, and also his half-brothers and cousins, enter monastic institutions.[34] A few years later, he brought his male kin back into the court orbit, but there could be no question of that happening with his sisters and half-sisters. This was not just a personal or arbitrary decision, but a reflection of deeper changes. Louis gave the women back their traditional role, the weaving of alliances. Unlike his father, Louis married at least some of his daughters to aristocrats. This reduction in the size of the royal household produced some effects that could not be considered positive: the empress, as the one and only queen, became the butt of all kinds of criticism, especially of accusations of adultery, making the palace seem a place of scandal.[35]

The choice of whether or not to marry off children, especially daughters, may be interpreted as a reaction against the unfortunate choices of the preceding generation; but it would be unwise to over-systematize the evidence. Already in the mid eighth century, the Pippinids had been damaged by the abduction of one of their womenfolk. At this point, the family had not yet made their grab for the royal power of the Merovingians, but they had already secured the reality of that power. According to the Continuator of the Chronicle of 'Fredegar', Charles Martel's daughter Hiltrude fled her brothers, Pippin and Carloman, and married Odilo, duke of Bavaria. The precise terms of this union, which may have been agreed with the consent of Charles Martel just before his death, are not entirely clear.[36] More than Pippin and Carloman, it was Charlemagne who seems to have been most keenly aware, in retrospect, of the dramas that this marriage turned out to have provoked, especially in making possible the birth of a vassal as formidable, yet at the same time, as closely-related, as Tassilo was to prove. He was indeed Charlemagne's 'significant other', as Stuart Airlie has so well demonstrated, and his defeat was at once necessary and very hard to justify.[37]

Charles Martel's descendants, having elevated themselves definitively above the rest of the nobility, were aware from the earliest days of their

[33] J. L. Nelson, 'Was Charlemagne's court a courtly society?', in *Court Culture in the Early Middle Ages*, ed. C. Cubitt (Turnhout, 2003), p. 46; R. McKitterick, *Charlemagne: the Formation of a European Identity* (Cambridge, 2008), pp. 90–5.

[34] P. Depreux, *Prosopographie de l'entourage de Louis le Pieux (781–840)* (Sigmaringen, 1997), pp. 46–52.

[35] De Jong, *The Penitential State*, pp. 200–2.

[36] P. Fouracre, *The Age of Charles Martel* (Harlow, 2000), p. 110; M. Becher, 'Zum Geburtsjahr Tassilos III', *Zeitschrift für bayerische Landesgeschichte*, lii (1989), 3–12.

[37] S. Airlie, 'Narratives of triumph and rituals of submission: Charlemagne's mastering of Bavaria', *TRHS*, 6th ser., ix (1999), 105.

growing power that the marriage of one of their women spelled danger. Moving beyond the specific familial or Bavarian context, we may endorse Airlie's view that 'the loss of control over one of their women, Charles Martel's daughter, was a serious blow', and that from then on, 'the relationship between Francia and Bavaria can be seen as a tortuous working out of relations within one large family group'.[38] The marriages of Tassilo and Charlemagne, which sealed their shared rapprochement with the Lombards,[39] and then the alliance of Charlemagne with another branch of the Agilolfings, turned Tassilo into a dangerous enemy who had, in the end, to be got rid of.

Charlemagne's attitude to his daughters, whom he refused to marry off, avoided such problems, at the price of raising much speculation as to exactly what forms of union were allowed for princesses.[40] Authors writing in Louis's reign conjured up a situation that was discreet and short-lived but viewed quite negatively. Einhard, biographer and panegyrist of Charlemagne in his *Vita Karoli*, described Charlemagne's attachment to his daughters as 'excessive'.[41] The Astronomer only recorded Louis's driving out from the palace the women of easy virtue who had crowded it and sending away his sisters and half-sisters to live instead on the estates assigned to them. Nithard, son of Charlemagne's daughter Bertha and her lover Angilbert, likewise says that the new emperor's sisters were dispatched 'to their convents'.[42] The informal relationships of Charlemagne's daughters were not dangerous from a dynastic point of view, and they made it possible for Charlemagne to organize around himself a court in which the female members formed a group that could provide, as go-betweens or honest brokers, a quite new kind of access-route to the emperor. This created a sort of balance, but at the price of causing resentments in Louis's camp, the core of which consisted of persons opposed to the groups around Louis's sisters and his nephew Bernard, and also Charlemagne's cousins.

[38] Airlie, 'Narratives of triumph', p. 105.

[39] C. I. Hammer, *From 'Ducatus' to 'Regnum': Ruling Bavaria under the Merovingians and the Early Carolingians* (Turnhout, 2007), pp. 297–304 (excursus 2, 'Liutpirc's wedding(s?)'); cf. J. L. Nelson, 'Making a difference in 8th-century politics: the daughters of Desiderius', in *After Rome's Fall: Narrators and Sources of the Early Medieval History: Essays Presented to Walter Goffart*, ed. A. C. Murray (Toronto, 1998), pp. 171–90.

[40] McKitterick, *Charlemagne*, pp. 282–4, doubts the reality of the project for Charlemagne's son Charles to marry Offa's daughter; on the daughters, see works cited above, nn. 25, 31, 40; and on retrospective evidence, see de Jong, *The Penitential State*, p. 185–213.

[41] Einhard, *Vita Karoli*, ed. O. Holder-Egger (MGH SRG, xxv, Hanover, 1911), p. 25 (c. 19).

[42] Astronomer, *Vita Hludowici*, p. 352 (c. 23); *Nithard, Histoire des fils de Louis le Pieux*, ed. and trans. P. Lauer (Paris, 1926), p. 6.

In this respect, Louis really did differ not only from Charlemagne, who refused to give his daughters in marriage, at least officially, but from other Carolingian rulers who evidently aimed to restrict their daughters' marriages. Louis married his oldest daughter Alpaïda to Count Bego of Paris, and another daughter, Gisela, to Marquis Eberhard of Friuli, but of the ten daughters born to Louis's sons, Lothar, Louis the German and Charles the Bald, only two seem to have been married off by their respective fathers, while seven others became abbesses.[43] Perhaps Carolingian rulers were afraid that the descendants of Carolingian princesses, or even their husbands themselves, might derive too much prestige – as Tassilo had done – from the fact of their belonging to the dynasty.[44] The brief moment of opening-up in Louis the Pious's reign might be explained by, among other factors, one or another of the disasters that disrupted Carolingian family order in the generations that followed.

While the reinforcement of paternal authority in face of marital abuses had been a feature of Carolingian legislation, the Carolingian rulers themselves saw their paternal authority being flouted. The consequences were disastrous both within the family, and also with regard to the *fideles*, who became increasingly liable to regard less seriously their relationship with the king, at least in the west. Charles the Bald, in particular, was opposed by his own children – precisely in their marital arrangements. His daughter Judith, at the age of eighteen twice-widowed, and placed under guard at Senlis, agreed to being abducted by the ambitious Baldwin of Flanders in 862.[45] Worse, from her father's point of view, her accomplice was her brother, the future Louis the Stammerer. That same year, he in turn married against his father's wishes Ansgard, daughter of a Burgundian count, Harduin, while Louis's younger son, Charles of Aquitaine, still aged just under fifteen, married, likewise against his father's will, the widow of Count Humbert.[46] Baldwin Iron-arm, having been in league with both King Charles's rebel sons in 862, and then harried by Charles who demanded his and Judith's excommunication, saw his

[43] S. Konecny, *Die Frauen des karolingischen Königshauses* (Vienna, 1976), and S. Konecny, 'Eherecht und Ehepolitik unter Ludwig der Fromme', *Mitteilungen des Instituts für Österreichischen Geschichtsforschung*, lxxxv (1977), 1–21; K. F. Werner, 'Die Nachkommen Karls des Grossen', in *Karl der Grosse*, ed. W. Braunfels (5 vols., Düsseldorf, 1967), iv. 403–82.

[44] Le Jan, *Famille et pouvoir*, pp. 300–1.

[45] Joye, 'Le rapt de Judith par Baudoin (862): un *clinamen* sociologique?', in *Les élites au haut moyen âge. Crises et renouvellements*, ed. F. Bougard and others (Turnhout, 2006), pp. 321–39.

[46] *Annales Bertiniani*, ed. F. Grat, J. Vielliard and S. Clémencet (Paris, 1964), p. 90 (trans. as *The Annals of St-Bertin*, by J. L. Nelson (Manchester, 1991), pp. 97, 99–100).

position improve until, in 871, he was sent, together with Abbot Gauzlin of St.-Germain-des-Prés, to negotiate with Charles's son Carloman, who had just rebelled against his father. The king's choice was perhaps driven by the fact that Carloman had ravaged the province of Belgica, but the 'Annals of Saint-Bertin' at this point, for the first time, call Baldwin the brother-in-law ('sororius') of Carloman.[47] As a *fidelis* of Charles, Baldwin could trade on his position as brother-in-law (and former accomplice) to become a privileged mediator vis-à-vis Carloman. Baldwin, nevertheless, held his power from King Charles and not from either of his brothers-in-law; and once Charles had accepted his marriage with Judith, Baldwin's fidelity reverted to the king. Though Baldwin apparently benefited from Louis the Stammerer's support at the time of his abduction of Judith, his name can be found on the list of dignitaries assigned to keep an eye on Louis when Charles, now emperor, departed on his final journey to Italy in June 877.[48]

Baldwin evidently felt the need to ally himself with the Carolingian family rather than to marry the daughter of any other family more prestigious than his own, and this is no doubt explicable in part by the competition he faced in Flanders from the Unrochids, descendants of Charlemagne by Gisela, the wife of Eberhard of Friuli.[49] This woman was also the daughter of Louis the Pious and the empress Judith; and one of the daughters of Gisela and Eberhard was also named Judith. The Unrochids had benefited from that moment of the opening-up of the royal lineage in Louis the Pious's reign. Had Charles the Bald planned to give his daughter Judith in a remarriage, the likelihood is that the bridegroom would have been a Frankish count. But Charles had to give way in face of the maternal love of the Church for Baldwin, the repentant sinner. A letter sent by Pope Nicholas I to Judith's mother Ermentrude suggests that the Church's maternal love took the place of Carolingian paternal love.[50] It was only thanks to papal pressure playing on the Church's love for Baldwin and Judith's love for her abductor, whom 'she loves more than all the rest', that, after months of conflict, Charles the Bald's consent could

[47] *Annales Bertiniani*, p. 179 (Nelson, *Annals*, pp. 172–3).

[48] J. L. Nelson, *Charles the Bald* (Harlow, 1992), pp. 249–50.

[49] S. Reynolds, 'Carolingian elopements as a sidelight on counts and vassals', in *The Man of Many Devices, Who Wandered Full Many Ways … Festschrift in Honor of J. M. Bak*, ed. B. Nagy and M. Sebők (Budapest, 1999), pp. 340–6. I am very grateful to Susan Reynolds for sending me a copy of this article.

[50] *Epistolae Karolini Aevi*, ed. E. Perels (MGH Epp, vi, Berlin, 1925), pp. 274–5, Nicholas I, ep. 8: 'hanc sanctam monium terrarum matrem romanam Ecclesiam … Quibus multis divinitus fulta auctoritatibus et sanctorum patrum roborata documentis materno amore solamina sumministrat et sugenda ubera consolationis compatiendo inferre recusat'.

be extracted. As for Lothar II, he never did succeed in getting the divorce he craved.[51]

The abductions of kings' daughters in the ninth century seem to have occurred as a result of a growing awareness on the aristocracy's part of both the need, and the difficulty, of allying themselves with the Carolingian family. This impasse was a more pressing problem in the west than in the east where the king in any case retained a greater control over the distribution of *honores* in the East Frankish kingdom. In 859, the Council of Savonnières demanded secular penalties to reinforce the ecclesiastical sanction that fell on abductors and adulterers as heavily as it had on the robbers whom St. Paul had said 'would not possess the kingdom of God'.[52] At the Council of Douzy (871), Hincmar used the term *raptores* to denote both those who robbed churches of their property and also those adulterers who followed Charles the Bald's son Carloman in his flight from the west. These extended meanings of the term *raptores* were now well established. In East Francia, by contrast, theft of Church property was not associated with a similarly large raft of preventive measures, for sacrilege there was linked, not with attacks on Church property but with violence against the king.[53] Thus in churchmen's thinking and terminology, thefts of 'animate' and inanimate treasures were reconnected – both now endowed with a new value, and both to be defended by their mother the Church.

[51] K. Heidecker, *The Divorce of Lothar II* (Ithaca, NY, 2010); S. Airlie, 'Private bodies and the body politic in the divorce case of Lothar II', *P&P*, clxi (1998), 3–38; T. Bauer, 'Rechtliche Implikationen des Ehestreits Lothars II: Eine Fallstudie zu Theorie und Praxis des geltenden Eherechts in der späten Karolingerzeit', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, cxi (1994), 41–87.

[52] 1 Cor. VI:10: 'neque rapaces regnum Dei possidebunt'.

[53] G. Bührer-Thierry, 'L'épiscopat en Francie orientale et occidentale à la fin du IX^e^ siècle: substitut ou soutien du pouvoir royal?', in *La royauté et les élites dans l'Europe carolingienne (du début du IX^e^ aux environs de 920)*, ed. R. Le Jan (Villeneuve-d'Ascq, 1998), pp. 347–64, at pp. 355–6. On changing meanings of treasure in this period, see C. La Rocca, 'Tesori terrestri, tesori celesti', in *Tesori*, ed. S. Gelichi and C. La Rocca (Rome, 2004), pp. 135–40.

9. The cult of King Edward the Martyr during the reign of King Æthelred the Unready*

Simon Keynes

The early development of the cult of King Edward the Martyr (975–8) has long engaged the attention of historians, and can be understood in various ways. One might expect a cult to be driven in part by affection or respect for the person in question, though there seems to have been little in Edward's character that qualified him for sanctity, apart from the circumstances of his untimely death.[1] The key, of course, is that he was young, innocent and a consecrated king. To kill one's lord was bad enough, but to kill the Lord's anointed took matters to a different level. Sir Frank Stenton was careful not to point the finger in any particular direction, yet in his view Edward was carried into the ranks of sainthood by a 'wave of popular emotion', which obliterated the 'instinctive loyalty of the common people' on which his half-brother, Æthelred the Unready, might otherwise have been able to rely.[2] Much would have been owed to the hard work of those in charge of Edward's shrine at Shaftesbury; and it is suggested at the same time that domestic and political factors may also have been involved.[3] My purpose

* This chapter is offered to Pauline Stafford in friendly acknowledgement of our common and longstanding interest in the reign of King Æthelred, represented in her case by an Oxford DPhil thesis (1973), and in mine by a Cambridge PhD thesis (1977). I am grateful to Jinty Nelson and Susan Reynolds for their help as editors of this volume.

[1] Byrhtferth of Ramsey, *The Lives of St Oswald and St Ecgwine*, ed. M. Lapidge (Oxford, 2009), pp. 136–8 (IV. 18).

[2] F. M. Stenton, *Anglo-Saxon England* (3rd edn., Oxford, 1971), pp. 373–4; C. Cubitt, 'Sites and sanctity: revisiting the cult of murdered and martyred Anglo-Saxon royal saints', *EME*, ix (2000), 53–83, at pp. 72–4, 83.

[3] E.g., C. E. Fell, *Edward King and Martyr* (Leeds, 1971), p. xxi; C. Fell, 'Edward king and martyr and the Anglo-Saxon hagiographic tradition', in *Ethelred the Unready*, ed. D. Hill (Oxford, 1978), pp. 1–14, at pp. 10–11; D. Rollason, 'The cults of murdered royal saints in Anglo-Saxon England', *ASE*, xi (1982), 1–22, at pp. 2, 17–19; D. Rollason, *Saints and Relics in Anglo-Saxon England* (Oxford, 1989), pp. 142–4, 174–5; and P. A. Hayward, 'Translation-narratives in post-conquest hagiography and English resistance to the Norman conquest', *Anglo-Norman Studies*, xxi (1999), 67–93, at pp. 85–9. For further discussion, see S. J. Ridyard, *The Royal Saints of Anglo-Saxon England: a Study of West Saxon and East Anglian Cults* (Cambridge, 1988), pp. 44–50, 154–75; B. Yorke, 'Edward, king and martyr:

here is to reformulate and to develop the view that the cult of Edward the Martyr was promoted, from the outset of King Æthelred's reign, by the king himself and by those around him – openly, officially and to a particular end.

I proceed from the basis that Edward was murdered on 18 March 978; that almost a year later, in February 979, his mortal remains were found near Wareham, and translated across Dorset from Wareham to Shaftesbury; and that Æthelred was crowned king a fortnight after Easter in the same year, on 4 May 979.[4] In 978 the need must have been felt in various quarters to appease God for the act of regicide, perpetrated by persons unknown, perhaps so as to prepare the way for the new king's coronation, though equally and more generally to assert the inviolability of the royal office.[5] Yet as circumstances unfolded in the 980s and 990s, and in particular as the Viking raids intensified, the view may have developed that the English people were being punished by God not least for their complicity in the murder of the Lord's anointed; whereupon those in high circles took it upon themselves to promote Edward's cult ever more actively.[6] Either way, the first year or so of Æthelred's reign is likely to have been a period of some difficulty and unease, as those in positions of power and influence (the two archbishops, as well as the bishops, abbots, ealdormen and all the rest, including Ælfthryth) confronted the consequences of Edward's murder. We have no means of knowing whether, at this early stage, any suspicion attached to the young Æthelred himself, or indeed to his mother; yet from what we can tell of her role in the 980s and 990s, it seems unlikely that Ælfthryth herself was held responsible, and by the same token there is no reason to imagine that Æthelred 'began to reign in an atmosphere of suspicion which destroyed the prestige of the Crown'.[7] The perception was perhaps that Edward was killed by persons unknown, intent upon securing their own objectives; and if the fact that no one was apprehended and punished for the crime may suggest that those responsible acted in

a Saxon murder mystery', in *Studies in the Early History of Shaftesbury Abbey*, ed. L. Keen (Dorchester, 1999), pp. 99–116; and A. Williams, *Æthelred the Unready: the Ill-Counselled King* (2003), pp. 1–17.

[4] For a different view, see D. N. Dumville, 'The death of King Edward the Martyr – 18 March, 979?', *Anglo-Saxon*, i (2007), 269–83. I shall discuss the chronology of the years 978–80 at greater length in *Anglo-Saxon Royal Diplomas 975–1016* (Anglo-Saxon Charters, supplementary ser., iii, Cambridge, forthcoming).

[5] S. Keynes, *The Diplomas of King Æthelred 'the Unready' 978–1016* (Cambridge, 1980), pp. 163–74, and 'King Alfred the Great and Shaftesbury Abbey', in Keen, *Studies in the Early History of Shaftesbury Abbey*, pp. 17–72, at pp. 48–55.

[6] E.g., Queen Ælfthryth (Keynes, *Diplomas*, p. 172, and 'King Alfred and Shaftesbury Abbey', pp. 50–1, 68).

[7] Stenton, *Anglo-Saxon England*, p. 368.

collusion with those who came into power as a result, it may equally suggest that those who came into power were simply not able to bring anyone to justice for the crime. It must have been obvious, however, that there was one major problem. Following his murder, Edward's body was either burned, or hidden, presumably by the perpetrators, in order to conceal the evidence of the crime; and since, without a body, there could be no proper obsequies, it followed that Edward had been buried without the honour due to a king. At the very least, therefore, it would have been necessary to give Edward a decent burial; and sooner or later the task of organizing what was perhaps the first major ceremonial or ritual event in Æthelred's reign was set in motion. A body believed to be, or represented as, Edward's was found, taken to Wareham, near Corfe, and then formally translated a few days later northwards across Dorset to Shaftesbury, where it was reburied to the north of the high altar.[8]

The ceremonial translation of a saint's relics from a temporary or inferior resting-place to a permanent, more prominent and perhaps more accessible location was a well-established procedure across the Christian world, and is attested in Anglo-Saxon England from the seventh century onwards. In Edward's case, there was no problem with credentials for sainthood (a martyred king), but the need was more particular: for a body, for a burial, for a focal point, and so for an identifiable shrine. There may also have been an ulterior motive: to effect closure, and thereby to pave the way for the new regime. There are three early accounts of the translation of Edward's body from Wareham to Shaftesbury. Priority belongs to a Latin poem added in the late tenth or early eleventh century at the front of a manuscript containing texts on St. Cuthbert, written apparently at Canterbury, *c*.1000.[9] The poem displays features of style and vocabulary which are characteristic of late tenth-century Anglo-Latin. Significantly, Edward's murder is represented as an act of betrayal, perpetrated by Edward's own people ('propria gens'); and the poet observes how quickly the king was elevated into the company of saints. He tells how Edward's body was raised from the mound in which it had been buried; how it was taken from Wareham, in a procession led by Ealdorman Ælfhere and accompanied by a crowd; and how on reaching Shaftesbury there was much groaning and weeping. We may wonder

[8] *ASC*, p. 79 (DE, s.a. 979); Byrhtferth, pp. 140–3 (IV. 19); Fell, *Edward King and Martyr*, pp. 7–10 (13 Feb.); Keynes, *Diplomas*, p. 170; R. Rushforth, *Saints in English Kalendars before A.D. 1100* (2008), for the feast of the *Inventio* of St. Edward, on 13 February, and the feast of the *Translatio* of St. Edward, from Wareham to Shaftesbury, on 18 February.

[9] BL, Harleian MS. 1117 fo. 1r. The poem was first published in Fell, *Edward King and Martyr*, p. 17; is re-edited with translation by Dumville, 'The death of King Edward the Martyr'; and will be discussed further in the book mentioned above (n. 4).

how the body had been discovered in the first place; but the poem stands for contemporary recognition that Edward was in this way accorded the obsequies fit and proper for a king. The second account, forming the annal for '980' in the 'northern recension' of the *Anglo-Saxon Chronicle*, reports the essential fact: 'In this year Ealdorman Ælfhere fetched the holy king's body from Wareham and bore it with great honour to Shaftesbury'.[10] The third account is in Byrhtferth's *Life of St. Oswald*, and tells how, a year after Edward's murder, the 'renowned' ('gloriosus') Ealdorman Ælfhere came to an unspecified place with a crowd of people ('cum multitudine populi'), and ordered the body to be exhumed; it was seen to be incorrupt, whereupon it was washed, clothed, placed in a coffin and carried away (to Shaftesbury), where it was buried 'with full honours' ('honorabiliter'), and where 'at the ealdorman's command' ('precipiente duce') masses and holy offerings were made for the redemption of Edward's soul.[11]

The message is clear. Ealdorman Ælfhere was the leading ealdorman in the land, and thus the face of secular power in Æthelred's minority. Shaftesbury Abbey was a dignified place of rest for the king's half-brother, not only because of its location in Dorset, but because it had long enjoyed a special relationship with the West Saxon royal family. When brought to Shaftesbury, in February 979, Edward's relics were placed to the north of the principal or high altar, apparently in a small and easily moveable tomb. The act of translation thus became the burial with royal honours that Edward had at first been denied, and it paved the way for what followed. Soon afterwards Æthelred was consecrated king, by Archbishop Dunstan, at Kingston-upon-Thames (4 May 979). The one ritual or public ceremony (Edward's burial) had led directly to another (Æthelred's coronation). A coronation was important to a king, and to all those around him, because it secured his position and legitimized his rule.

The cult of St. Edward soon manifests itself at other places. One was the monastery founded by King Æthelred at Cholsey, a few miles south-west of Wallingford (Berks.). Very little is known of the history of this house, which seems not to have lasted more than a single generation, and to have been suppressed by the time of the Norman conquest.[12] Yet despite the lack of surviving records, it is likely that Cholsey in the late tenth and

[10] *ASC*, p. 80 (DE, s.a. 980). The event is not recorded in other versions of the *Chronicle*.

[11] Byrhtferth, pp. 140–2 (IV. 19).

[12] William of Malmesbury, *Gesta Pontificum Anglorum*, ed. M. Winterbottom and R. M. Thomson (2 vols., Oxford, 2007), i. 304 (II. 89), ii. 138–9; P. Stafford, '*Cherchez la femme*. Queens, queens' lands and nunneries: missing links in the foundation of Reading Abbey', *History*, lxxxv (2000), 4–27 (repr. in P. Stafford, *Gender, Family and the Legitimation of Power: England from the 9th to Early 12th Century* (Aldershot, 2006), XII, pp. 7–8).

early eleventh centuries was a place of special significance. In the late ninth century Cholsey had been an important royal estate. It had belonged in the 960s to Æthelflæd, widow of King Edmund, who left it in her will to her lord, probably Edward or Æthelred.[13] King Æthelred seems to have given or leased the estate to his mother Ælfthryth, and it was still in her hands in the late 980s or early 990s, when she returned it to the king.[14] Crucially, for present purposes, we learn from an incidental remark in a late eleventh-century *Life of St. Ivo* (representing Ramsey tradition) that it was Sigeric, archbishop of Canterbury, who encouraged King Æthelred to establish a monastery at Cholsey in honour of his late brother, Edward the Martyr, and that Æthelred entrusted the monastery to Germanus.[15] Germanus was a native of Winchester, and a monk of Fleury, who in the 960s and 970s had been put in charge of the monastic communities at Westbury-on-Trym, Ramsey and Winchcombe, before moving back to Ramsey; and he attests a charter of 993 as abbot of Ramsey, and a charter of 997 as abbot of Cholsey.[16] At Winchcombe, he would have developed an interest in the cult of St. Kenelm, and perhaps would have transported that interest to Ramsey and Cholsey. Germanus retained a connection with Ramsey, and with Winchcombe; and in 1001/2 he was back at Ramsey to take part in the translation of the relics of St. Ivo from *Slepe* to Ramsey. Archbishop Ælfric bequeathed land at Wallingford to Cholsey.[17] Germanus remained prominent until the end of Æthelred's reign, regularly attesting first among the abbots from 1009 to 1016.[18]

The cult was also recognized at Canterbury. As we have seen, Sigeric, bishop of Ramsbury (985–90) and archbishop of Canterbury (990–4), is said to have encouraged the king to found Cholsey in honour of Edward. His successor Ælfric, monk of Abingdon, abbot of St. Albans (*c.*970–90), bishop of Ramsbury (*c.* 990–1005), archbishop of Canterbury (995–1005), and by all accounts a key player at the court of Æthelred, is said to have witnessed miracles at Edward's tomb, presumably while bishop of Ramsbury;[19] again, as we have seen, he gave land at Wallingford to Cholsey, perhaps in support of the cult of Edward. Either Archbishop Ælfric or his

[13] S 1494.

[14] S 877.

[15] *PL*, clv, cols. 81–92, at col. 88 (c. 3).

[16] S 876, S 891; see also M. Lapidge, 'Abbot Germanus, Winchcombe, Ramsey and the Cambridge Psalter', in his *Anglo-Latin Literature 900–1066* (1993), pp. 387–417, at pp. 409–10.

[17] S 1488.

[18] Keynes, *Diplomas*, p. 190; S. Keynes, *An Atlas of Attestations in Anglo-Saxon Charters c.670–1066* (Cambridge, 2002), table LXI.

[19] Byrhtferth, p. 144 (IV. 21).

successor Ælfheah, abbot of Bath (*c*.963–84), bishop of Winchester (984–1005) and archbishop of Canterbury (1006–12), may have been responsible for assembling the dossier on the cult of St. Cuthbert (BL, Harleian MS. 1117), mentioned above, and then for authorizing a monk of Canterbury to add the poem on Edward's translation at the front; whoever was responsible, Edward was in this way raised into the company of perhaps the most significant of all the English saints, and one of the most loved. It is worth noting in this connection that in his *Lectiones* on St. Dunstan, commissioned by and addressed to Archbishop Ælfheah, Adalard of Ghent remarks how Archbishop Dunstan had anointed Edgar, 'the holy martyr Edward', and Æthelred;[20] and one should note that in the calendar added *c*.1000 at the beginning of the Bosworth Psalter, there was an entry for St. Edward, placed under 17 March, albeit subsequently erased and not replaced (if only for lack of space on the following line).[21]

The one late tenth- or early eleventh-century text which gives a relatively detailed account of the death of Edward is the *Life of St. Oswald*, written by Byrhtferth, monk of Ramsey. Byrhtferth would have been closely acquainted with Germanus, abbot of Cholsey; and it seems likely, therefore, that the information given about Edward in the *Life of St. Oswald* arose in some way from Ramsey's link with Germanus, and through Germanus with Cholsey. Byrhtferth's account provides the earliest version of the familiar tale: Edward went to visit his brother Æthelred, who was staying on an estate belonging to his mother; the king was on horseback, and as one man came up to him on the right, another approached on the left and killed him; the body was concealed overnight, and was later buried. Byrhtferth seems at pains to insist that Edward was full of brotherly love for Æthelred, that Edward was killed because he was a bully, but that he was the elected, and indeed the anointed king. Byrhtferth also gives an account of the translation from Wareham to Shaftesbury in 979, by Ealdorman Ælfhere, and of the terrible fate which befell one of the offenders (as an *exemplum*). He then adds that eleven years later many miracles began to be witnessed at Edward's tomb, by Ælfric, bishop of Ramsbury (later archbishop of Canterbury); indeed, if the reference is to the early 990s, Ælfric's testimony may have prompted Archbishop Sigeric to lend his own support to the promotion of Edward's cult, at Cholsey.[22]

It comes as no surprise to find evidence of the cult of St. Edward at Shaftesbury. In 1001, when the English were suffering under a new Viking

[20] *The Early Lives of St Dunstan*, ed. M. Winterbottom and M. Lapidge (Oxford, 2011), p. 130.

[21] F. A. Gasquet and E. Bishop, *The Bosworth Psalter* (1908), pp. 65–6, 82, n. 1.

[22] Byrhtferth, pp. 136–44 (IV. 18–21).

onslaught, the saint is said to have made known his wish to be moved to a more secure resting-place; and so it came to pass that, in a splendid ceremony, Edward's mortal remains were moved from their place near the altar to a new and better site 'in the sanctuary'. Relic translations were a notable element in Anglo-Saxon piety at the turn of the millennium; and this example was essentially a local event. The king was not directly involved in the ceremonial, which was conducted by Wulfsige, bishop of Sherborne, and by a certain *presul* called Ælsinus, probably Ælfsige, abbot of the New Minster, Winchester. They opened the tomb, whereupon a wonderful odour filled the church; and they put the relics in a little casket in the holy of holies, along with their other relics. Henceforward, the feast of the 'Translation' of St. Edward was commemorated (locally) on 20 June. Although sometimes, and not unnaturally, associated with the translation of Edward's relics at Shaftesbury in June 1001, Æthelred's charter for Shaftesbury Abbey, also dated 1001, was issued at least four months later (after 7 October).[23] It belongs to a series of highly significant charters issued during the archiepiscopate of Ælfric (995–1005), following an example set during the archiepiscopate of Sigeric (990–4); and although it has been suggested that the parts of the charter which refer to Edward as a saint were interpolated, at a later date,[24] the transmitted text makes good sense as it stands, and is by no means problematic against the background sketched above. In 1001 the Danish army had returned to England from a brief break in Normandy, and it may be that Shaftesbury was thought to be in particular danger. Evidently solicitous for the safety of the relics of his half-brother, Æthelred gave the nuns a very substantial royal estate at Bradford, on the river Avon, as a refuge. One might add that the existence of the pre-conquest chapel at Bradford, which may have been constructed at this time, and for this purpose, lends support as well as its own substance to King Æthelred's charter.

The tradition that Ælfthryth, wife of King Edgar, founded religious houses at Wherwell (Hants.) and Amesbury (Wilts.), in atonement for her complicity in the murder of her step-son Edward, is reported by William of Malmesbury, but must be treated with all due circumspection.[25] One need not suppose that any act of monastic foundation in the later tenth century was necessarily accompanied by a charter; and so even in the absence of any evidence from her lifetime it is possible that both houses were founded by Ælfthryth, before or after Edward's death, and that it was only in retrospect

[23] Fell, *Edward, King and Martyr*, pp. 12–13; S 899.

[24] P. Wormald, *The Making of English Law: King Alfred to the 12th Century*, i (Oxford, 1999), p. 343, n. 373; Hayward, 'Translation-narratives', p. 87.

[25] *Gesta Pontificum*, ii. 133, 296 (II. 87. 1).

that their foundation came to be linked with the queen's supposed involvement in the crime. In 1002, and so in the aftermath of Ælfthryth's death (*c.*1000), King Æthelred issued a charter for Wherwell, perhaps at the instigation of the abbess Heanflæd (or Heahflæd, an abbess whose existence is recorded in a necrology from the New Minster, Winchester), who is named in the charter and would appear to have followed the queen in presiding over the community. A similar charter was issued at about the same time for Amesbury, also naming Abbess Heanflæd or Heahflæd. The charters testify to Æthelred's respect for his mother, and to a wider respect for her memory; beyond that, their significance awaits further investigation.

Edward's cult was also promoted in Æthelred's reign by Wulfstan, bishop of London (996–1002) and archbishop of York (1002–23). Wulfstan is not known to have had any special relationship with Shaftesbury, so his commitment looks like another manifestation of Edward's wide appeal. Wulfstan became bishop of London while Ælfric was archbishop of Canterbury, and Ælfric bequeathed him his ring and his psalter. In the early eleventh century Wulfstan was closely associated with the production of the 'northern recension' of the *Anglo-Saxon Chronicle*, which reaches its climax in the annal dated 979 (for 978) with an impassioned appeal to Edward, and which seems then to show how the Viking invasions came to be regarded as a form of divine punishment on the English for their manifold, and manifest, crimes. Wulfstan is most widely renowned, however, for his *Sermo Lupi ad Anglos*, a sermon addressed to the English people and probably first preached at a time of intense Viking invasions in 1009–12, although it was recycled on many occasions thereafter. He was concerned to make clear to the English why God was so angry that he punished them with the invasions; and he fastened on betrayal of one's lord to death as an especially terrible crime: 'Edward was betrayed and then killed, and afterwards burnt'.[26]

There are indications that the cult of Edward was respected in other contexts. A point of view attested from an early stage was that there had been no dispute over the succession in 975, and that in 978 Edward had been murdered by persons unknown. It is possible, therefore, that the promotion of the cult would help by association to dignify the royal office, though the main objective was probably to assuage God's wrath in the increasingly difficult struggle against the Viking invaders. In 1008 a royal assembly was convened at Enham (Hants.), soon after the departure of one hostile army, and (as it happened) shortly before the arrival of another, even more hostile than the one before. The deliberations at Enham are represented, most

[26] For further discussion, see S. Keynes, 'An abbot, an archbishop, and the Viking raids of 1006–7 and 1009–12', *ASE,* xxxvi (2007), 151–220.

unusually, in the *Anglo-Saxon Chronicle*; but they are known principally by the legislation drawn up on this occasion under the auspices of Ælfheah, archbishop of Canterbury, and Wulfstan, archbishop of York. The instruction was given that the feast of St. Edward 'is to be celebrated over all England on 18 March'; and although some commentators see this as a provision introduced in the reign of Cnut, and its appearance in the text known as 'V Æthelred' as an interpolation, there is (again) no compelling reason why this should be so.[27] The purpose was perhaps to ensure that the whole people would observe Edward's day, and be seen by God to be making amends for their murdered king. One should add that in his will, drawn up at another moment of great significance, in 1014, the ætheling Æthelstan was concerned to honour his father's half-brother at Shaftesbury, by making a bequest to the Holy Cross and St. Edward there.[28]

The impact of the cult of St. Edward from the early eleventh century onwards is also reflected in the entries for his feast days in Anglo-Saxon calendars, now readily accessible in tabular form.[29] About twenty-five manuscripts containing calendars survive from before *c.*1100, mainly from the tenth and eleventh centuries. Entries for the death of Edward, on 18 March, were added in two tenth-century calendars – nos. 6 (Salisbury Psalter) and 7 (the Leofric Missal) – and, most strikingly, are present in all but one (no. 27) of the sixteen eleventh-century calendars (nos. 11–25 and 27) available as evidence of English usage. Yet while Edward's initial translation, from an unnamed place where his body was found to Wareham, on 13 February (979), is registered in several of these calendars (nos. 12–13, 15, 18–19, 22), his 'second' translation, from Wareham to Shaftesbury on 18 February (979), is found only in the 'Red Book of Darley' (no. 19), as an addition. None of these early calendars registers Edward's third translation, at Shaftesbury, strengthening the idea that this aspect of the cult was a limited or local phenomenon; the June translation occurs as an addition in some much later calendars, as Shaftesbury's influence persisted.

Although it has been suggested that the *Passio et Miracula Sancti Eadwardi* originated at Shaftesbury in the early eleventh century, in the context or immediate aftermath of the events of 1001, it seems most likely that in its received form it is a work written at Shaftesbury in the 1080s or 1090s, drawing on local knowledge and tied in to a succession of locally observed

[27] P. Wormald, 'Æthelred the Lawmaker', in Hill, *Ethelred the Unready*, pp. 47–80, at pp. 53–4; Wormald, *Making of English Law*, pp. 332–5, 343–4; Hayward, 'Translation-narratives', pp. 87–8. Cf. Keynes, 'King Alfred and Shaftesbury Abbey', p. 70, n. 130.

[28] S 1503.

[29] Rushforth, *Saints in English Kalendars*, tables II–III (for Feb. and March).

feasts.[30] Elements of the same story are found in Goscelin's 'Legend of St. Edith'.[31] At this time, after the Norman conquest, Æthelred's reign came increasingly to be regarded as a period of national degeneracy, springing from the actions of the king himself, or those around him, and punished accordingly by Danish invasions and conquest. Stories of the murder of Edward the Martyr took their own course, affording plenty of scope for the development of folk tales of the kind now known as conspiracy theories. The story soon became one of a wicked step-mother conniving in the murder of a young king in order to promote her son's political interests (as well as her own); but difficult as it may be to prevent this story from infecting the historical record of the late tenth and early eleventh centuries, it should be kept firmly in its later eleventh-century place.

Edward the Martyr was without question one of those who became far more important after his death than he had ever been during his life. It seems as clear as anything is clear in the Anglo-Saxon past that Edward was murdered in 978 at the hands of persons unknown, who thought that they would fare better under his younger half-brother Æthelred. Since there was apparently no body, whether or not it had been burnt, as Archbishop Wulfstan would say in his sermon, Ealdorman Ælfhere was given the task of 'finding' one near the scene of the crime, and bringing it with all due ceremony to Shaftesbury, for burial in the royal abbey. As it happened, Viking invasions resumed in the 980s, becoming more sustained and intense during the 990s; and these raids or invasions were not unnaturally regarded as a form of divine punishment visited upon the English people for their sins, but most especially for their collective complicity in the betrayal of their royal lord. The initiative may well have been taken by Sigeric, archbishop of Canterbury, sustained thereafter by his successors Ælfric and Ælfheah. In the early or mid 990s Æthelred and his councillors sought to placate a wrathful God by promoting the cult of Edward with a special foundation on an ancient royal estate at Cholsey (Berks.), placed under the control of Abbot Germanus, which would help to explain how information on the death of Edward was transmitted to Byrhtferth at Ramsey (perhaps with some infection from the nascent cult of Kenelm). As the raids intensified, in the later 990s, there were further significant developments. At Shaftesbury, in June 1001, the relics of Edward were moved from their exposed position by the principal altar to a more secure location in the sanctuary. A few months later, also in 1001, King Æthelred and his councillors showed their

[30] Hayward, 'Translation-narratives', pp. 85–9.

[31] A. Wilmart, 'La légende de Ste Édith en prose et vers par le moine Goscelin', *Analecta Bollandiana*, lvi (1938), 5–101, 265–307; trans. in *Writing the Wilton Women: Goscelin's Legend of Edith and 'Liber confortatorius'*, ed. S. Hollis (Turnhout, 2004), pp. 23–93, at pp. 50–1.

concern for the security of the relics of the king's half-brother by providing a safe refuge for them in a special chapel built on another choice royal estate, at Bradford-on-Avon (Wilts.). Edward's cult became more widely disseminated, and in the early eleventh century found potent expression, it seems, at York. This was not a local cult (though of course it will have had a strong local appeal); nor was it a political one, in the particular sense of a cult which developed as a symbol or vehicle of political opposition to those held responsible for a terrible crime. Still less, perhaps, was it a *popular* cult, developing spontaneously out of widespread devotion to Edward himself and all he stood for. The cult of Edward was promoted from the centres of royal and ecclesiastical power, and made its impression in all parts of the kingdom. From the outset the cult had served a collective interest by demonstrating the sanctity of the royal office; but it seems to have been driven increasingly thereafter, as Viking raids intensified, by the widespread feeling that the English people as a whole were being punished by God for a terrible crime, the betrayal of their royal lord and the murder of the Lord's anointed, and needed to make amends. Yet if Edward's cult was a product of the special circumstances which obtained during Æthelred's reign, it began to take on a different form when the circumstances changed. After the Norman conquest, Edward himself was dismissed as a 'rustic'; and his became essentially a 'local' cult, restricted to those places with special reason to honour his memory, especially Shaftesbury, but no longer enforced by royal legislation throughout the land. For her part, Queen Ælfthryth was cast in the role of the wicked stepmother, in which she never looked back.

10. *Consors regni*: a problem of gender? The *consortium* between Amalasuntha and Theodahad in 534

Cristina La Rocca

In 1964, Paolo Delogu in a seminal article clearly stated the limits and the literary tradition of a term, *consors regni,* used for Carolingian queens, which, in his view, was simply 'un espressione letteraria, priva di valore ufficiale'.[1] The focus of his analysis was in fact to understand the meaning and the reasons for the attribution in royal diplomas from 848 onwards of the title *consors regni* to Ermengard, wife of the emperor Lothar, and subsequent Carolingian queens. Delogu wanted to dismantle the theory of the Italian legal historian Carlo Guido Mor that from the ninth century, the Carolingian queen had a specific title, specific duties and a specific public role defined by the title itself.[2]

Examining the early medieval literary and diplomatic evidence from the different barbarian kingdoms, Delogu noticed that from 573, in the Visigothic kingdom, John of Biclar used the term *consors regni* in the way it had been used in the late Roman empire, that is, to express the association in rulership of a father, in this case Leovigild, and his two sons Hermenegild and Reccared; while in the Merovingian kingdom the term was used with the same meaning by Fredegar to record the association of Dagobert with his father Chlotar II in rule over Austrasia.[3] As far as the Lombard kingdom was concerned, the term *consors regni* was occasionally used by Paul the

[1] P. Delogu, '*Consors regni*: un problema carolingio?', *Bullettino dell'Istituto Storico Italiano per il Medioevo e Archivio Muratoriano*, lxxvi (1964), 47–98.

[2] C. G. Mor, '*Consors regni:* la regina nel diritto pubblico italiano dei secoli IX–X', *Archivio Giuridico*, cxxxv (1948), 7–32.

[3] John of Biclar, *Chronicon,* ed. T. Mommsen (MGH AA, xi, Berlin, 1894), pp. 207–20, at p. 213 (c. 5): 'Leouegildus rex Sabariam ingressus Sappos uastat, et prouinciam ipsam in suam redigit ditionem, duosque filios suos ex amissa coniuge, Ermenegildum et Reccaredum, consortes regni facit'; Fredegar, *Fourth Book of the Chronicle of Fredegar with its Continuation*, ed. J. M. Wallace-Hadrill (Edinburgh, 1960), p. 39 (IV. 47): 'Anno xxxviiii Chlothariae Dagobertum filium suum, consortem regni facit eumque super Austrasius regem instituit'.

Deacon in his *Historia Langobardorum* in the late eighth century to denote the transmission of royal power in a political context where the attempts of a series of kings to create a dynasty evoked competition and tension among the Lombard aristocracy.[4] At the same time, Delogu noticed that the term was not used either in Lombard royal diplomas or in private charters of the eighth century: in the diplomas, the *intitulatio* of Desiderius and his son Adelchis, for example, was simply 'Flavius et Adelchis piissimi reges' or 'Flavius Desiderius atque Adelchis viri excellentissimi reges'.[5] This pattern of evidence, and the contrast between the occasional appearance of *consortes regni* in early medieval narratives and their total absence from the charters, convinced Delogu that the term was used between the sixth and ninth centuries merely as an informal and unspecific vestige of various efforts by particular kings or emperors to prearrange succession to the throne. They did this, he thought, by borrowing an expression from late antique authors like Jerome and Hydatius, who had used it not to denote an official title, but just to mean the kind of succession practices that late antique emperors had tried to establish. In reaching this conclusion, Delogu neatly excluded the possibility that the Carolingian *consortium regni* represented the continuation of a barbarian tradition. He argued instead that it was something quite new, an addition made to Carolingian political vocabulary in the mid ninth century by borrowing a term encountered in classical texts to legitimize the new Frankish empire by attaching it to Roman tradition.

The passage from a male *consors regni*, deriving his legitimacy from the biological relationship between father and son in late antiquity, to a female *consors regni*, deriving her legitimacy from her marital ties with the king in the Carolingian world, was interpreted by Delogu as the result of another cultural stream, derived from biblical exegesis. Here the expression of the *consortium* was used to represent both the association between a king and his queen and the association between the Church and God. Queen Esther and the heroic widow Judith were therefore used as the most significant examples of this twofold meaning,[6] while in these same contexts, *consors regni* was used in quite generic terms 'referring equally to an associated

[4] Paul the Deacon, *Historia Langobardorum*, ed. L. Bethmann and G. Waitz, in *Scriptores Rerum Langobardicarum et Italicarum* (MGH, xlviii, Hanover, 1878), pp. 199–200 (V. 35): 'Igitur Perctarit, cum solus per annos septem regnasset, octavo iam anno Cunincpert filium suum in regno consortem adscivit, cum quo pariter per decem annos regnavit'; pp. 238–9 (VI. 55): 'Rex autem Liutprand cum hoc cognovisset, non aequo animo accepit; tamen de infirmitate convalescens, eum [sc. Hildeprandum] regni sui consortem habuit'.

[5] Delogu, '*Consors regni*', p. 53.

[6] F. R. Erkens, '"Sicut Esther regina": die westfrankische Königin als consors regni', *Francia*, xx (1993), 15–38.

king or queen, to a late antique emperor or to a biblical queen'.[7] Only after Angelberga, wife of the emperor Louis II, in the second half of the ninth century, did the expression *consors regni* assume a real political value, though never any clear institutional or legal meaning.[8]

The second half of the ninth century has been identified in several works by Jinty Nelson and Pauline Stafford as a crucial moment in the reshaping of the Carolingian queen's identity: in particular both have emphasized Archbishop Hincmar of Reims's intensive investment in transforming and reshaping the female gender of the queen's identity through a series of texts and new rituals. A specific *ordo* for the queen's elevation was written by Hincmar himself, while his 'reissue' of Adalard's *De Ordine Palatii* attributed specific duties to the queen inside the public/private sphere of the royal palace. These official contexts provided for the queen's action accorded very well with the use of the *consors regni* formula for the queen, transforming her female gender into a neutral one. In Michael Wallace-Hadrill's words, every effort was made to transform the female queen into an 'honorary man'.[9]

In his fine analysis, focused mainly on literary texts and charters, Delogu neglected an important source and an important political instrument of cultural legitimacy for the Carolingian elaboration of kingship, especially in Italy. He did not mention that the first entitling of a Carolingian empress as *consors imperii* occurred in Italy in Lothar I's diploma issued in 848 for the monastery of San Salvatore in Brescia, which had been founded by the last Lombard king Desiderius and his wife Ansa, probably in 753.[10] This monastery was intimately connected, from its very beginnings, to the queen and to the public patrimony of the Lombard queen that was in fact protected by this monastery.[11] Italy is therefore a good context in which to

[7] Delogu, '*Consors regni*', p. 81.

[8] Delogu, '*Consors regni*', pp. 97–8.

[9] P. Stafford, *Queens, Concubines and Dowagers: the King's Wife in the Early Middle Ages* (2nd edn., 1998); P. Stafford, 'Powerful women in the early middle ages: queens and abbesses', in *The Medieval World*, ed. P. J. Lineham and J. L. Nelson (2003), pp. 398–415, at p. 405; J. L. Nelson, 'Early medieval rites of queen-making', in *Queens and Queenship in Medieval Europe*, ed. A. Duggan (Woodbridge, 1997), pp. 301–15; J. L. Nelson, 'Women at the court of Charlemagne: a case of monstrous regiment?', in *Medieval Queenship*, ed. J. C. Parsons (New York, 1993), pp. 43–61 (repr. in J. L. Nelson, *The Frankish World, 750–900* (1996), pp. 223–42); J. M. Wallace-Hadrill, *The Frankish Church* (Oxford, 1983), p. 404.

[10] *Lotharii I. et Lotharii II. diplomata* (MGH, Diplomatum Karolinorum, iii, Berlin, 1966), no. 101. This female value was parallel to the continuation of the traditional meaning of the formula: Lothar describes himself as *consors regni* of his father Louis the Pious in no. 51.

[11] C. La Rocca, 'Les cadeaux nuptiaux de la famille royale en Italie', in *Dots et douaires dans le haut moyen âge*, ed. F. Bougard and R. Le Jan (Rome 2002), pp. 499–526, at pp. 505–11.

examine how, over two centuries before Ansa's co-founding of San Salvatore, the expression *consors regni* started its new use and meaning.

The key source is Cassiodorus's *Variae*,[12] the collection of twelve books of letters written by Cassiodorus on behalf of Theoderic and his successors – the young Athalaric, his mother Amalasuntha and her cousin Theodahad, and Vitigis – as well as for his own benefit as *Praefectus Pretorio*.[13] The relevance of the *Variae* as a medium of ancient royal tradition, political language and practical examples has been reconsidered in recent decades. In 1998 Nelson examined the political aims of Desiderius's marriage strategy, consisting of the gift of three out of his four daughters to reinforce his power both outside and within the Lombard kingdom. The marriages of Adelperga with Arichis, duke of Benevento, of Liutperga with Tassilo, duke of Bavaria, and of an unnamed daughter to Charlemagne were, in fact, at the end of the eighth century, a reminder of the politics of marriage deployed between the end of the fifth century and the beginning of the sixth by Theoderic the Great: after the emperor Zeno recognized his status of king in Italy, Theoderic arranged marriages outside his kingdom not only for his daughters, but also for his sisters and nephews.[14] After 493, his daughters Ostrogotho and Theudigotho were married respectively to the Visigothic king Alaric II and to the Burgundian king Sigismund; in 500 Amalafrida, Theoderic's sister, married the Vandal king Thrasamund; and ten years later Amalafrida's daughter Amalaberga married the Thuringian king Ermanafrid.[15] The sending of Amalaberga to Ermanafrid was presented

[12] Cassiodorus, *Variae*, ed. T. Mommsen (MGH AA, xii, Berlin, 1894) (hereafter Cassiodorus, *Variae*). Where this is followed by 'Barnish, *Variae*', with a page number, a translation of the passage is included in Cassiodorus, *Variae*, selected and trans. S. J. B. Barnish (Liverpool, 1992).

[13] Barnish, *Variae*, pp. xiv–xxxvii.

[14] J. L. Nelson, 'Making a difference in 8th-century politics: the daughters of Desiderius', in *After Rome's Fall: Narrators and Sources of Early Medieval History: Essays Presented to Walter Goffart*, ed. A. Callander Murray (Toronto, 1998), pp. 171–90, at pp. 174–5. Theoderic's marriage politics were implicitly in contrast to Charlemagne's opposite attitude towards his daughters, all of whom he kept by him: the length at which Einhard, Charlemagne's biographer, describes the absence of a marriage strategy for Charlemagne seems to me a direct sign that Theoderic was a king whose conduct, policy and material achievements were very clearly taken as a model of power. The theme of the daughters therefore needed to be explained in some detail in Charlemagne's biography.

[15] *Anonymi Valesiani pars posterior*, in *Chronica Minora*, ed. T. Mommsen (MGH AA, i, Berlin, 1892), pp. 1–336, at pp. 322, 324 (XII. 63, 68, 70), with final comment: 'et sic sibi per circuitum placavit omnes gentes'; Jordanes, *Getica*, ed. T. Mommsen (MGH AA, v, pt. 1, Berlin, 1882), pp. 134–5 (LVIII). In Desiderius's time, as reported by Paul the Deacon, *Historia Romana*, ed. H. Droysen (MGH SRG, xlix, Berlin, 1879), p. 126 (XV. 20): 'Theodericus interea, ut sui regni vires constabiliret, Audefledam Lodoin Francorum

in Cassiodorus's *Variae* as the passing on of a most precious gift, enhancing the Thuringian royal family with Amal blood.[16] In the letter written by Cassiodorus recalling the marriage of Theoderic's sister Amalafrida, she is said to act as the most useful counsellor for the king.[17] It seems clear that the gift of a female Amal relative was a competitive one intended to show Theoderic's superiority to other barbarian kings.[18]

But Desiderius was also similar to Theoderic in another respect: in both cases, if some of the women of the royal lineage were married outside, one of the daughters was kept for the father, inside his kingdom. Amalasuntha, Theoderic's daughter from his second marriage to Audofleda, sister of the Merovingian king Clovis, was in fact retained in Italy, to give a successor to Theoderic in his kingdom;[19] Anselperga, Desiderius's last daughter, was given to the royal-family convent of San Salvatore, Brescia, where both the public role and the private lineage of her parents were considered the most efficient way to consolidate the royal family's connection with the Lombard aristocracy.[20] A daughter could thus be a precious gift to an external kingdom, representing her father's authority, but could also serve, as it were, at home, as a precious instrument of local continuity. As Pauline Stafford has suggested, the king's daughter could be considered a most important part of the royal treasure.[21]

In 534 four letters, dealing with the same subject, were sent to the emperor Justinian and to the Roman Senate: they contained, as Cassiodorus put it,

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regis filiam sibi in matrimonium iunxit, Amalafredam germanam suam Wandalorum regi Hunurico, eiusdem Amalafredae filiam Amalabergam Turingorum regi Hermenfredo, Theodicodo quoque et Ostrogotho ex concubina filias alteram Alarico Wisigothorum regi, alteram Sigismundo Burgundionum consociat, Amalasuintham vero tertiam filiam Eutharico ex Amalorum stirpe venienti evocato ab Hispania tradit'.

[16] Cassiodorus, *Variae*, p. 114 (IV. 1) (Barnish, *Variae*, p. 74): 'Mittimus ad vos ornatum aulicae domus, augmenta generis, solacia fidelis consilii, dulcedinem suavissimam coniugalem: quae et dominatum vobiscum iure compleat et nationem vestram meliore institutione componat. Habebit felix Thoringia quod nutrivit Italia, litteris doctam, moribus eruditam, decoram non solum genere, quantum et feminea dignitate, ut non minus patria vestra istius splendeat moribus quam suis triumphis'.

[17] Cassiodorus, *Variae*, p. 170 (V. 43): 'Quamvis a diversis regibus expetiti pro solidanda concordia aut neptes dedimus aut filias deo nobis inspirante coniunximus, nulli tamen aestimamus nos aliquid simile contulisse, quam quod germanam nostram, generis Hamali singulare praeconium, vestrum fecimus esse coniugium'.

[18] D. Shanzer, 'Two clocks and a wedding: Theoderic's diplomatic relations with the Burgundians', *Romanobarbarica*, xiv (1984), 225–58.

[19] Jordanes, *Getica*, p. 136 (LIX).

[20] Nelson, 'Making a difference', p. 175; J. L. Nelson, 'Charlemagne: pater optimus?', in *Am Vorabend der Kaiserkrönung*, ed. P. Godman and others (Berlin, 2002), pp. 269–81.

[21] P. Stafford, 'Queens and treasure in the early middle ages', in *Treasure in the Medieval West*, ed. E. M. Tyler (York 2000), pp. 61–82 at pp. 63–4.

bad news and good news. They announced the death of the seventeen-year-old King Athalaric, and, at the same time, the elevation of a new king, Theodahad, associated with royal power by Queen Amalasuntha. In the two letters addressed to the Senate the expression *consors regni* is used to explain the status of the new king, while in the letters to Justinian, Cassiodorus as usual chose to be more descriptive and less clear, using long periphrases to explain Theodahad's new position and the way in which his accession to royal power had been brought about. In these letters, therefore, we have a unique opportunity to understand not only what the expression *consortium regni* meant in the sixth century, but also to appreciate, in political and gendered terms, the difference made to *consortium* when the associated king was male and the senior 'king' female. The letters we are dealing with belong in a time-span of only three years, from Athalaric's death (534) to Vitigis's accession to royal power (536). They contain very interesting elements which suggest how the *consortium regni* could be at once a traditional way of associating a relative with public power, and a political solution that could not be sustained.

First, the historical context of these letters needs a little more comment by way of introduction. The main figures in Cassiodorus's letters dealing with *consortium regni* were two members of the Amal dynasty, Amalasuntha and Theodahad. They have long been the subject of scholarly interest and research, because they have been seen as the protagonists of the final stage of the Ostrogothic kingdom's internal decline and the beginning of its destruction during the Gothic wars against Justinian: a controversial period in itself, and the subject of controversial narratives, especially that of Procopius's *Gothic Wars*, a work precisely focused on explaining why the Gothic kingdom collapsed in Italy and purporting to offer the real reasons for Justinian's victory.[22]

The sad history of Amalasuntha and Theodahad is well known. Not always sufficiently emphasized, though, is the extent to which the sources for their rulership are all deeply inflected by gendered and ethnic paradigms: as Procopius put it, Amalasuntha was a beauty, but naive and politically innocent, and her tragic death was the consequence of this naivety. Theodahad, Amalasuntha's cousin and *consors*, but also her murderer, is depicted by the sources in a more consistently negative way, with several points repeatedly stressed: the son of Theoderic's sister Amalafrida and married to Gundeliva, he thirsted for more land and power; he spent his time reading philosophy; he lacked any military training; and he was old.[23]

[22] A. Cameron, *Procopius and the 6th Century* (1985). The best overview is P. Amory, *People and Identity in Ostrogothic Italy 489–554* (Cambridge, 1997).

[23] *Procopius*, ed. and trans. H. B. Dewing (6 vols., 1914–40), iii. 14–27 (Gothic War, II. 1–29, using the form 'Theodatus' for 'Theodahad'), vi. 188 (Secret Hist., XVI. 1–5).

Amalasuntha was presumably born *c*.494 from the marriage of Theoderic to Audofleda.[24] In 515 Theoderic had married her to Eutharic, a Goth from Spain, presented by Cassiodorus as an Amal,[25] and accepted as co-consul and adopted *per arma* (by weapons) by the emperor Justin in 519.[26] Theoderic had thus put his daughter in a position to transmit to her offspring a legitimate right to reign in Italy. But Eutharic died in 522 or 523 (the date is uncertain), four years before Theoderic, leaving two children, Athalaric and Matasuntha. After Theoderic's death in 526, Amalasuntha, already widowed, and with a very young son, Athalaric, ruled the kingdom, in Cassiodorus's words, 'solitaria cogitatione':[27] nevertheless all the royal letters in the *Variae* written between 526 and 534 bear only Athalaric's name as *rex*. During these eight years Amalasuntha had problems coping not only with other Amal males, such as her cousin Theodahad, Amalafrida's son,[28] who aspired to become king, but also with non-Amal officers like Tuluin, who in 526 received the key post of *patricius praesentalis*.[29] This appointment was intended to give the kingdom a grown man capable of taking military command, since a young child and a woman were thought equally incapable of undertaking such a role. These disputes around military power and the right to kingship are depicted in terms of opposed ethnic values by Procopius in his famous account of conflicting Gothic and Roman attitudes to Athalaric's education.[30] In 534 Athalaric also died, at only seventeen or eighteen, and Amalasuntha, presumably aged about forty, assumed the position of official representative of the Gothic kingdom with the title of *regina*. But in her case this title meant something different from those of other contemporary queens: she was neither the king's wife nor

[24] Herwig Wolfram, *History of the Goths*, trans. T. J. Dunlap (1988), p. 313.

[25] P. Heather, 'Cassiodorus and the rise of the Amals: genealogy and the Goths under Hun domination', *Journal of Roman Studies*, lxxix (1989), 103–28, and '*Gens* and *regnum* among the Ostrogoths', in *Regna and Gentes: the Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*, ed. H.-W. Goetz and others (Leiden, 2003), pp. 85–133, at pp. 93–4, rightly pointing out that Cassiodorus claimed that Eutharic was of royal Amal blood.

[26] Cassiodorus, *Variae*, p. 231 (VIII. 1) (Barnish, *Variae*, p. 101).

[27] Cassiodorus, *Variae*, p. 298 (X. 3) (Barnish, *Variae*, p. 131).

[28] P. Heather, 'Theoderic, king of the Goths', *EME*, iv (1995), 145–74.

[29] Cassiodorus, *Variae*, pp. 237–41 (VIII. 9–10).

[30] *Procopius*, iii. 14–27 (Gothic War, II. 1–22, III. 10–12), saying that Amalasuntha wished her son to be educated in a Roman way and instead the Goths wanted him to be trained in the barbarian fashion (that is, in weapons and drinking). The tragic end of Athalaric after this Gothic education is rightly interpreted as the result of its dangerous effects by G. Halsall, 'Funny foreigners: laughing with the barbarian in late antiquity', in *Humour, History and Politics in Late Antiquity and the Early Middle Ages*, ed. G. Halsall (Cambridge, 2002), pp. 89–113, at pp. 106–7.

the king's widow, but instead a king's daughter and a (dead) king's mother.

Some time after Athalaric's death, Amalasuntha chose her paternal cousin Theodahad as her *consors regni*. For a series of reasons long explained in terms of 'the Roman party' against 'the traditional Gothic aristocracy', she was murdered, according to Procopius, by Theodahad himself at the suggestion of the empress Theodora, who was jealous of Amalasuntha's beauty and feared that her own husband, Justinian, was attracted to the queen.[31] Gregory of Tours, on the other hand, writing some forty years after the event, asserted that Theodahad was chosen as king by the Italians ('Itali'), who had been enraged by Amalasuntha's killing of her own mother Audofleda and by her previous marriage with a slave, Traguilanus. Theodahad, when he learned of these misdeeds, ordered Amalasuntha to be killed. In Gregory's account, Amalasuntha's Frankish royal cousins threatened to invade Italy to avenge her death, but Theodahad bought them off.[32] In 536 Vitigis, *spatharius* of Theodahad and though a Goth not a member of the Amal lineage, killed his former master and was elected on the battlefield as new *rex* of Italy, having first married Amalasuntha's daughter, Matasuntha.

The four letters written by Cassiodorus on the occasion of Theodahad's assumption of co-rule with Amalasuntha have often been examined by scholars whose main focus was not on the transmission of royal power. Instead they were concerned with identifying political strategies in Theoderic's reign and, more generally, the Gothic kingdom in Italy, and trying to separate out which ideas, behaviours, actions and traditions were 'Roman' and which were instead truly 'Germanic'.[33] The ethnic problem has dominated this scenario, contextualizing, as Procopius did, the power struggles in the Gothic kingdom as a series of tensions between a very conservative 'Germanic' and Gothic party keen on war, weapons and other very barbarian and energetic pursuits, and another party, associated with 'Roman' political ideas, *otium* and philosophy.

My own view is that in evaluating these letters it is better to put assumptions about ethnic competition aside and adopt another perspective entirely, namely, that what is at stake here is the definition of the gender characteristics of an unusual couple: a woman and a man who will rule

[31] *Procopius*, vi. 188 (Secret Hist., XVI. 1–5); A. D. Frankforter, 'Amalasuntha, Procopius, and a woman's place', *JWH*, viii (1996), 41–57, offers an analysis from a feminist standpoint.

[32] Gregory of Tours's narrative is later reported by Fredegar, *Chronicarum … Libri IV*, ed. B. Krusch (MGH, Scriptores rerum Merovingicarum, ii, Hanover, 1888), p. 105 (III. 43); S. Joye and M. Knaepen, 'L'image d'Amalasonthe chez Procope de Césarée et Grègoire de Tours: portraits contrastés entre Orient et Occident', *Moyen Âge*, cxi (2005), 229–57.

[33] Cameron, *Procopius*, p. 199, rightly defines Procopius's narrative on Amalasuntha and her tragic death as 'a stereotyped display of "barbarian" as opposed to "Roman" manners'.

together not because they are married, with power descending from the man to the woman through their sexual intimacy, but because the woman, already in power, has chosen the man to become not her husband, but instead her political partner. The other known cases of royal power descending from a woman to a man involve widowed queens who transmitted legitimacy and throne-worthiness to their new husbands, as in the seventh-century case of Theodelinda, widow of the Lombard king Authari, who transmitted royal power to her new husband Agilulf.[34] What is described by Cassiodorus is, as far as I know, a unique experiment that shows both the possibilities open to a queen in the sixth century and, at the same time, their failure to materialize because of the discrepancy of gendered roles that this unusual association created: our couple is in fact presented, as we shall soon see, as an ungendered couple formed by a sister and a brother.

The four letters we will deal with are addressed in pairs: two to Justinian, two to the Roman Senate.[35] Each couple of letters includes one sent in the name of Amalasuntha and one in the name of Theodahad. We have to recall that these four letters were composed in a political context that was difficult both internally and externally. As Peter Heather stressed some years ago, the succession to Theoderic resulted in tensions, not only because Theoderic himself had no son, but because the legitimacy of a dynastic succession in the Amal line proved difficult for the aristocracy to accept.[36] From the imperial perspective, it was the second time in a few years that the emperor was not consulted but only informed about the succession in what had been Theoderic's kingdom: already in 526, on Theoderic's death, little Athalaric's accession to royal power was simply communicated to the emperor Justin, recalling the family ties that connected the emperor to the new king. On that occasion, Cassiodorus (and Amalasuntha) enthusiastically recalled the affection linking the young king and Justin: since Eutharic, Athalaric's father, had been adopted *per arma* by Justin himself, Athalaric now claimed for himself the status of the emperor's grandchild.[37]

But in 534, Athalaric's death created a new situation, which made the message concerning Theodahad's accession to royal power difficult to draft. Both letters to Justinian are quite short and symmetrical. Amalasuntha starts her letter by excusing herself for the delay in announcing Athalaric's death and explaining this as resulting from a desire not to sadden the emperor. She therefore postponed the letter's composition until there was good news to

[34] Paul the Deacon, *Historia Langobardorum*, pp. 134–5, 140 (III. 30, 35).

[35] Cassiodorus, *Variae*, pp. 297–301 (X. 1–4).

[36] P. Heather, *The Goths* (Oxford, 1996), pp. 233, 239, 250–5.

[37] Cassiodorus, *Variae*, pp. 231–2 (VIII. 1) (Barnish, *Variae*, p. 101). This form of adoption is explained in Cassiodorus, *Variae*, pp. 114–15 (IV. 2).

accompany the sad, so that the emperor could share a common joy with the Gothic queen.[38] Amalasuntha announced that she had elevated to the sceptres ('perduximus ad sceptra') a man joined to her by fraternal 'proximitas', so that he could share with her the strength of his advice ('consilium'). This man would thus shine with the same purple honour as his ancestors, the Amals, and would help the queen with his 'prudentia'. Thus Theodahad has two main qualities that appear to justify Amalasuntha's choice: he was of the Amal line, a 'brother', and he could support with his 'prudentia' and 'consilium' the queen's decisions. It is worth noting that 'prudentia' and 'consilium' were exactly the two 'Amal' qualities that Theodahad was said to have inherited from his mother Amalafrida. When she had been dispatched to the Vandal king Thrasamund, in 500, Cassiodorus had pointed out that she was the most precious gift Theoderic could possibly have sent because she would help the king with her 'prudentia' and 'consilium'.[39] We can therefore begin to note how Theodahad would act as Amalasuntha's *consors regni*: he would fulfil the same functions as his mother had done with regard to her royal Vandal husband, yet in a completely inverted gendered position.

Another reason for Amalasuntha's choice of Theodahad is that, like Athalaric's death, it was the result of God's will. God transforms sad and difficult matters into favourable ones ('prospera'): the grief of the mother is changed into joy by the presence and affection of a brother, a true support for her. Note that any other *elogium* (rhetorical praise) of Theodahad's personality and character is here completely missing.

The letter written by Theodahad to Justinian, by contrast, includes no excuses for its delay nor any expression of grief.[40] A brief reference to the royal 'mos' is made only to announce the accession to power of a new king, so that he can rejoin the affection of the external princes 'de ipsa communione regnandi'. In symmetry with Amalasuntha's identification of Theodahad as her brother, Theodahad calls Amalasuntha his sister, but at the same time his 'praecellentissima domina', an honorary title of supremacy that expresses the queen's superior hierarchical position in relation to him. Also in Theodahad's letter the expression used by Cassiodorus to explain to Justinian how Amalasuntha established Athalaric's succession is vague and very obscure: 'me curarum suarum fecit esse socium', that is, 'she made me a/the sharer of her responsibilities'. This defines Amalasuntha as the ruler who shines 'sapientiae luce' ('with the light of wisdom'), keeps the

[38] Cassiodorus, *Variae*, p. 297 (X. 1).

[39] Cassiodorus, *Variae*, p. 170 (V. 43): 'germanam nostram, generis Hamali singulare praeconium, vestrum fecimus esse coniugium: feminam prudentiae vestrae parem, quae non tantum reverenda regno, quantum mirabilis possit esse consilio'.

[40] Cassiodorus, Variae, pp. 297–8 (X. 2).

internal peace in the kingdom 'mirabili dispositione' ('with a wondrous ordering') and preserves the external peace 'robusta firmitate' ('with resilient strength'). 'Sapientia', 'iustitia' and 'firmitas' are the same categories that Cassiodorus had used to describe Theoderic's royal power in Italy.[41] They are therefore Amal ungendered qualities transferred from the father/king to his daughter/*regina.* Theodahad himself asks the emperor to remember the affection Roman rulers had always had towards the Amal dynasty: recalling the past he is recalling the value of tradition. Eric Hobsbawm reminded us some years ago to expect the theme of tradition to be used when aspects of novelty are so disrupting and potentially dangerous that they must be masked and presented as old, and as such, perfectly 'normal'.[42]

Overall, the themes that Cassiodorus chose to announce to Justinian Theodahad's access to power are beautifully balanced: as Theodahad will assist Amalasuntha with his 'consilium' and 'prudentia', so the queen's 'prudentia' will allow the 'regnum' to entertain good relations with the emperor. In both letters the request for a peaceful relationship between the emperor and the two kings is also structured in terms directly derived from the vocabulary of warm emotion – 'dilectio', 'amicitia', for instance – characteristic of the language of kinship, neatly avoiding any expression that would imply a precise institutional character or formal subjection between the emperor and the kingdom in Italy.[43] The same language of affect is used to define the bond of proximity that ties Amalasuntha and Theodahad: the brother-and-sister couple was chosen, although these two were not siblings in a biological sense (he was Amalasuntha's cousin), as in the earliest Christian texts, to define 'la forme idéale du lien sociaux'. Christ himself was like 'the firstborn among many brethren',[44] recalling a symmetrical and egalitarian relationship with deep positive content, not least because totally removed from any sexual intimacy.[45]

Although the letters addressed to the Roman Senate by Amalasuntha and Theodahad to announce the *consortium* have a parallel construction, they differ from those addressed to the emperor because they are longer, and they include a long element of reciprocal *elogium* which states very clearly the different positions of the *consortium* members and their asymmetric relationship. The vocabulary Cassiodorus chooses here differs in some

[41] Cassiodorus, *Variae*, pp. 327–30 (XI. 1).

[42] E. Hobsbawm, 'The social functions of the past: some questions', *P&P*, lv (1972), 3–17.

[43] A. Giardina, *Cassiodoro politico* (Roma, 2006), p. 141.

[44] Paul, Epistle to the Romans, VIII:29.

[45] D. Lett, 'Les frères et les soeurs, "parents pauvres" de la parenté', *Mèdiévales*, liv (2008), 5–12 ; 'Fratello/sorella', ed. A. Arru and S. Boesch Gajano, *Quaderni Storici*, new ser., lxxxiii (1993), 307–566.

important details from that of the letters written on behalf of Theodahad. Amalasuntha's letter opens by recalling first of all her grief as a mother who lost her son, faced with the responsibilities she must bear in order to wield royal power. God, called 'auctor castitatis' ('the author of chastity'), who has taken her offspring away from her, is now showing his 'misericordia' ('mercy'), granting to her the affection of a 'mature brother'.[46] The couple of the past, mother and son, is now changed into the new couple of brother and sister, and at the same time altering the age-asymmetry of parent and child. If in the first pair Amalasuntha was the elder, in the new one she is the younger; in both pairs Amalasuntha's bond with the *rex* lacks any sexual aspect. Amalasuntha announces that 'deo auspice' ('if God looks favourably on us') she has chosen Theodahad as her *consors regni* so that both could act 'iunctiis consiliis' ('with concerted counsels') and will then be one 'in sententiis' ('in their decisions') while they will be two 'in tractatibus' ('in their deeds'). The *consortium* between Amalasuntha and Theodahad is then explained in terms of contemporary and mutual help for common aims and results, but preceded by different spheres of action.

Which images did Cassiodorus choose to explain to the senators how the *consortium regni* was to rule the kingdom? The comparison here is with the different stars who 'mutuo auxilio' ('with mutual aid') rule the sky and light the world 'vicario labore' ('with delegated toil').[47] The *consortium* also evokes the human body, which has two hands, two ears and two eyes to accomplish with greater efficiency the duties implied in and connected to the union of two symmetrical parts. The same comparison was later used by Corippus in his encomium to the emperor Justin II, addressed to his Senate: as the emperor was the head of a body, the senators were the part that caused the body itself to function.[48] In this section, Amalasuntha and Theodahad are therefore presented as absolutely similar and equal: a real 'communio regni' ('communion of the realm') will occur as a political partnership.

There then follows the list of Theodahad's qualities which had been missing in the letter to the emperor. Amalasuntha divided them into two categories. The first group is linked to Theodahad as ruler: he is a member of the Amal dynasty, first of all, but he is also 'patiens in adversis', 'moderatus in prosperis' and 'rector sui' ('patient in adversities', 'equable when things go favourably', and 'ruler of himself'). Another characteristic of Theodahad's political

[46] Cassiodorus, *Variae*, pp. 298–9 (X. 3).

[47] The same comparison was used for the emperor Justin and his wife Sophia by Corippus, *In laudem Iustini Augusti minoris*, ed. and trans. A. Cameron (1976), p. 52: 'Iustinum Sophiamque pares duo lumina mundi esse ferunt./"Regnate pares in secula" dicunt, felices annos dominis felicibus orant'.

[48] Corippus, *In laudem Iustini*, p. 98.

personality is his learning: literary culture will help him to administer justice and military affairs and his deep knowledge of ecclesiastical texts will help him to act as a ruler, so that he can judge, know what is right, venerate God and think about how his judgement will affect the future. As Massimiliano Vitiello has recently shown, Theodahad has all the platonic virtues, well rooted in late Roman tradition, of *temperantia*, *prudentia*, *iustitia* and *fortitudo* (moderation, prudence, justice and courage).[49]

The second group of Theodahad's virtues has to do with his qualities as a man: he is very generous, most ready in hospitality, most merciful in charity; and his attributes range from 'largissima frugalitas' ('most open-handed frugality') to 'abundantia donis' ('abundance in gifts'). The portrait of Theodahad given in this letter contrasts strikingly with those aspects of his character depicted by Cassiodorus and later by Procopius,[50] for which first Theoderic and then Amalasuntha had brought Theodahad to court, accused by local landholders of grabbing their property. Theodahad was greedy. Sam Barnish thought that in this letter Cassiodorus wanted to emphasize with a bit of humour the difference between the 'real' Theodahad and the imaginary king, a rhetorical figment sketched in *Variae*, X. 3.[51] The final part of the letter is addressed to the senators: they will rejoice when, as Amalsuntha assures them, Theodahad will 'both execute the good deeds that spring from my justice and display what belongs to his own devotion'. His conduct as ruler will therefore be influenced by Amalasuntha's justice and the virtues of his Amal ancestors, and the example of Theoderic will inspire his actions.[52] Philosopher and intellectual, Theodahad is not represented as man of action. Does his remote and cerebral power signify that he was 'so Roman' and so different from the traditional 'Gothic' male values of fighting and drinking? Or, on the contrary, was Theodahad a member of the traditional 'Gothic party' and was it for this reason that Amalasuntha was obliged to choose him as *socius*?[53] In Procopius's narrative, the ethnographic paradigm presents both Amalasuntha and Theodahad as devoted to Roman

[49] M. Vitiello, *Il principe, il filosofo, il guerriero: lineamenti di pensiero politico nell'Italia ostrogota* (Stuttgart, 2006), pp. 119–29.

[50] Cassiodorus, *Variae*, pp. 131–2, 149–50 (IV. 39; V. 12); *Procopius*, iii. 22–5 (Gothic War, III. 1–4).

[51] Barnish, *Variae*, p. 132 n.

[52] Cassiodorus, *Variae*, p. 299 (X. 3): 'gaudete nunc, patres conscripti, et supernae gratiae pro nobis vota persolvite, quando talem mecum constitui principem, qui et de nostra aequitate bona faciat et propria suae pietatis ostendat. hunc enim et maiorum suorum commonet virtus et avunculus efficaciter excitat Theodericus'.

[53] That Amalasuntha was obliged to choose Theodahad is later stated by Jordanes, *Getica*, p. 136 (LIX): 'ne pro sexus sui fragilitate a Gothis sperneretur, secum deliberans, Theodahadum consobrinum suum germanitatis gratia arcessitum a Tuscia, ubi privatam vitam degens in laribus propriis erat, in regno locavit'.

values, though in quite different ways. For Amalasuntha, *romanitas* is connected to her respect for the emperor and for Roman culture (as in the case of Athalaric's education), whereas for Theodahad it becomes, instead, a lack of masculinity: his ignorance of military virtues, his preference for *otium*, and his greed show the 'dark side' of *romanitas* as an incapacity for ruling.

If we examine the parallel letter written by Theodahad *rex* to the Senate, we can see how the active part of the *consortium*, Amalasuntha, is presented by her *socius*. In *Variae*, X. 4 Amalasuntha is described in assorted terms of excellence and hierarchical superiority and the extent of her authority is variously stressed: she is called 'domina rerum toto orbe gloriosa; domna et soror nostra … quae magnitudinem imperii sui nostra voluit participatione roborari … sapientissima domina' ('glorious mistress of affairs of the whole world, our mistress and our sister … whose will it has been that the greatness of her empire should be strengthened by our participation … most wise lady'). The association in ruling is described as a gift by a queen who 'cum parvulo filio imperavit sola' but now has decided 'mecum regnare sociata' ('reigned alone with her little son [but now has decided] to rule in association with me'). The kingdom of Italy is 'beata res publica quae tantae dominae gubernatione gloriatur' ('a blessed state which glories in the guidance of so great a mistress').[54] The queen is described in the act of talking. Among her special talents is speaking different languages very well, but she also takes a keen part in discussions of policy where she speaks 'summa moderatione gravissima' ('most authoritatively while with the greatest restraint').[55] Amalasuntha can therefore play a mediating role and the words she utters after careful thought are political ones. It is this quality that makes her different from other women: in gendered terms, female talk is normally presented as disordered and chaotic;[56] its tones are the murmuring voice of intimacy 'by appealing to the heart rather than to the head, by playing on feelings rather than working through reason'.[57] Amalasuntha's words, that is, the communication of power, are therefore reserved to the queen.

[54] Cassiodorus, *Variae*, pp. 299–301 (X. 4).

[55] Cassiodorus, *Variae*, p. 300 (X. 4): 'In tractatibus acuta, sed ad loquendum summa moderatione gravissima. haec est regalis procul dubio virtus: celerius necessaria sentire et tardius in verba prorumpere. nescit enim paenitenda loqui, qui proferenda prius suo tradit examini. Hinc est quod eius doctrina mirabilis per multiplices linguas magna ubertate diffunditur, cuius ingenium ita paratum reperitur ad subitum, ut non putetur esse terrenum'.

[56] J. L. Nelson, 'Women and the word in the earlier middle ages', *Studies in Church History*, xxvii (1990), 53–78 (repr. in J. L. Nelson, *The Frankish World, 750–900* (1996), pp. 199–214).

[57] J. L. Nelson, 'Queens as converters of kings in the early middle ages', in *Agire da donna: modelli e pratiche di rappresentazione*, ed. C. La Rocca (Turnhout, 2007), pp. 95–107, at p. 107.

The settings for Amalasuntha's speeches are the *cubilia*, the rooms of the palace, where private and public dimensions intersected. Theodahad the philosopher and Amalasuntha the speaker are presented in these letters as a political brother-and-sister couple whose public space of action is completely enclosed inside the palace – 'I opened the doors of the palace to him', says Amalasuntha in her letter to the Senate[58] – and whose behaviour is totally inverted, at least in gendered terms: Amalasuntha's voice is heard while Theodahad offers support for the action of ruling. This opposition between gendered and ungendered voices and private and public space for a proper ruler was precisely what Theodahad's successor, Vitigis, articulated after being hailed by the Goths as their king in 536: 'I was chosen not in privy chambers, but in the wild open field. I was not sought among the subtle debates of sycophants, but as the trumpets blared'.[59] In contrasting loud sounds and murmuring voices, open fields and closed spaces, a male soldier-king pitted his own claims to power against those of the ungendered *consortium*.

In entering the palace, did Theodahad lose his male gender? And in receiving Theodahad into the palace, did Amalasuntha become at once male and female? Recalling the Amal genealogy, Cassiodorus had attributed to Amalasuntha male and female glorious ancestors, finally declaring that 'our fortunate mistress has achieved the glory of either sex: for she has both borne us a glorious king and has secured a spreading empire by the courage of her soul'.[60] Iconographic sources, such as the diptych of the consul Orestes, show Amalasuntha wearing a cap which, to quote Patrick Amory, 'resembles not woman's dress, but men's' (see Figure 10.1),[61] and which is the symbol of her regency; in the Secret History, Procopius says that one of the reasons why the empress Theodora hated Amalasuntha was 'her magnificent bearing and exceptionally virile manner'.[62] In a slightly later narrative, it was exactly the ungendered character of Amalasuntha that was inverted and misunderstood: for Jordanes, writing at the end of the

[58] J. L. Nelson, 'Gendering courts in the early medieval west', in *Gender in the Early Medieval World: East and West 300–900*, ed. L. Brubaker and J. H. M. Smith (Cambridge 2004), pp. 185–97.

[59] Cassiodorus, *Variae*, p. 318 (X. 31) (Barnish, *Variae*, pp. 142–3): 'Non enim in cubilis angustiis, sed in campis late patentibus electum me esse noveritis, nec inter blandientium delicata colloquia, sed tubis concrepantibus sum quaesitus'.

[60] Cassiodorus, *Variae*, p. 329 (XI. 1). The Amal genealogy is also later reported by Jordanes, *Getica*, p. 77 (XIV. 80).

[61] Amory, *People and Identity*, pp. 341–2. The diptych has been recently examined by A. L. McClanan, *Representations of Early Byzantine Empresses: Image and Empire* (New York, 2002), pp. 79–81.

[62] Cameron, *Procopius*, pp. 81–2; *Procopius*, vi. 188 (Secret Hist., XVI. 1–5).



Figure 10.1. Consular diptych of Rufus Gennadius Probus Orestes (530), ivory. Portraits of Athalaric (top left) and Amalasuntha (top right). (Victoria and Albert Museum no. 139-1866.)

Gothic War, Amalasuntha made her cousin her associate in royal power 'ne pro sexus sui fragilitate a Gothis sperneretur' ('lest she be spurned by the Goths because of the weakness of her sex').[63]

I should like to suggest that the *consortium* between Amalasuntha and Theodahad can be seen as a real novelty, presented as a model for inverting male and female roles. In late antiquity the *consortium regni* mainly consisted of a mature adult's associating a younger man with him on the throne; the asymmetric relationship here derived from the subordinate position of the son vis-à-vis his father. With the *consortium* between Amalasuntha and Theodahad, asymmetry was retained but in a way that subverted conventional divisions of age as well as of gender. It was Amalasuntha, a forty-year-old woman, who chose as her *consors* (she repeatedly stresses that the choice was hers) a (yet) older man: the sources depict Theodahad's mature age not as symptomatic of experience and wisdom, but as a sign of inadequacy for his role. Theodahad, the mature brother, has no defined place in the traditional hierarchy of power and gender.

I end by returning to Paolo Delogu, with whom I began this chapter. My findings partly endorse, and partly challenge, his. While the formula *consors regni* certainly belonged in the sphere of honorific titles, it expressed, in late antiquity, a precise, male, hierarchical age-relationship that implied the subordination of the associated partner. It could thus be inferred that Amalasuntha's experiment in making Theodahad her *socius* amounted to a reaffirmation of this hierarchical meaning, in so far as it implied the inferiority of the associated partner. This was why the personal and public qualities of Theodahad listed in Cassiodorus's *Variae*, X. 3 were later transformed into faults that made him look ridiculously unmanly. Cassiodorus, in presenting Amalasuntha – certainly with her full endorsement – as promoter of the *consortium*, made her a woman 'of both sexes', a hermaphrodite. The experiment must be judged a failure, then.

What I suggest here is that it was precisely this failed experiment that determined the Carolingian choice of the term *consors regni* for the king's wife, for it was a title that epitomized, in a way that contemporaries took very seriously, her inferior, even ancillary, position. In a proper *consortium*, the woman could only play the role of an associate who was younger, weaker and subordinate.

[63] See above, n. 53.

11. 'Public' aspects of lordly women's domestic activities in France, *c.*1050–1200*

Kimberly A. LoPrete

A heuristic distinction between public and domestic spheres has become problematic in women's history largely because it is construed in so many different ways. One source of confusion, broadly speaking, is that Philippe Ariès, in his studies of 'private life', introduced a view of public activities at odds with the technical sense of the public domain as used by professional historians, in part to encapsulate salient differences between modern states and a patrimonial medieval world. Ariès's admittedly 'common sense' notion of public spaces paradoxically endowed his contrasting 'new culture' of private life – new, he claimed, in the sixteenth and seventeenth centuries – with features analogous to those Jürgen Habermas placed at the centre of his roughly contemporaneous concept of a bourgeois public sphere, though Habermas, unlike Ariès, built on the entrenched academic distinction between public and domestic realms.[1] Because of Ariès's and Habermas's influence in discussions of post-medieval women, scholars can misconstrue the import of earlier historians' views of medieval noblewomen's participation in seigneurial rule. They held that such women could intervene authoritatively and 'publicly' in politics even as their powers, like those of male lords, were generally construed as 'private' when contrasted with those of rulers in modern states.[2]

* After expressing my gratitude to the symposium's organizers for inviting a speaker indebted to Pauline Stafford's path-breaking studies of medieval women but working neither on England nor on queens, I thank both NUI Galway's Millennium Fund, which subsidized my attendance, and the *Medieval Feminist Forum*, xliv (2008), 3–35, where in 'The domain of lordly women in France, *c.*1050–1250' I discussed several issues treated here.

[1] E.g., P. Ariès, *Centuries of Childhood: a Social History of Family Life* (New York, 1962); J. Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger and F. Lawrence (Cambridge, 1989); D. Goodman, 'Public sphere and private life: toward a synthesis of current historiographical approaches to the Old Regime', *History and Theory*, xxxi (1992), 1–20, at pp. 9–12.

[2] A. Luchaire, *Histoire des institutions monarchiques de la France sous les premiers capétiens, 987–1180* (2 vols., 2nd edn., Paris, 1891), i. 133–50; M. Bloch, *Feudal Society*, trans. L. A. Manyon (1961), pp. 200–1, 252–3, 327, 408–37; J. Dhondt, 'Sept femmes et un trio de rois',

This chapter seeks to clarify both 'traditional academic' and 'Habermasian' views of the relation between public and domestic domains because they remain useful in conceptualizing how the seigneurial (lordly) powers of prominent noblewomen were perceived in relation to those of male lords in eleventh- to thirteenth-century France. In both usages the two spheres are held to have been largely undifferentiated at that time. That fact helps to explain key differences in politically active women's access to positions of legitimate authority over lands and people in the medieval and modern worlds. When medieval noblewomen – at non-royal levels of lordship in particular – wielded the same powers as elite men and performed the same lordly deeds, no qualitative difference was drawn between the authority with which they acted, or the legitimacy of their lordly powers. In other words, in those routinely occurring situations when women exercised jurisdictional powers over lands and people, nothing struck contemporaries as extraordinary. Like men's actions, those of women could please or displease articulate commentators; however, because the generic human being was typically seen as a man, lordly women's deeds tended to attract exaggerated praise or blame. Yet even when such commendations or condemnations might be linked to other traits deemed particularly feminine, noblewomen's capacity to act with lordly authority was not denied.[3]

Long entrenched in the conceptual repertoire of historians and social theorists, traditional academic understanding of public and private spheres builds on both the Aristotelian separation of the *oikos* from the *polis* and distinctions in Roman law drawn between what pertains to particular individuals and what to the community as a whole. It contrasts a formal domain of impersonal institutions of 'state', political office and the market with an informal domestic sphere of families, households and social reproduction. It thus neatly encapsulates some key differences between, on the one hand, the bureaucratic government of modern states, with their legally defined institutions, officially authorized agents and monopolies on legitimate violence, and, on the other, patrimonial societies that are organized largely by means of kinship ties, lord-client bonds, seigneurial

Contributions à l'histoire économique et sociale, iii (1964–5), 35–70; M. Facinger, 'A study of medieval queenship: Capetian France, 987–1237', *Studies in Medieval and Renaissance History*, v (1968), 3–48; K. LoPrete, 'Women, gender and lordship in France, *c*.1050–1250', *History Compass*, v (2007), 1921–41.

[3] See above, n. 1, and *Aristocratic Women in Medieval France*, ed. T. Evergates (Philadelphia, Pa., 1999); F. Cheyette, *Ermengard of Narbonne and the World of the Troubadours* (Ithaca, NY, 2001); K. LoPrete, 'The gender of lordly women: the case of Adela of Blois', in *Studies on Medieval and Early Modern Women: Pawns or Players?*, ed. C. Meek and C. Lawless (Dublin, 2003), pp. 90–110; *Capetian Women*, ed. K. Nolan (New York, 2003); K. LoPrete, *Adela of Blois, Countess and Lord, c.1067–1137* (Dublin, 2007).

jurisdiction, and household-based economies – that is, where 'governance' and 'economics' are immanent in highly personalized social structures, not exercised through impersonal institutions.[4]

In this view the 'feudal' world (so-called) is 'private' by definition, with the rights and powers of medieval lords (*domini*) derived in part from the household roles and moral authority traditionally accorded to people of noble status.[5] Added to them were many powers of command that 'feudal' lords appropriated, as 'private' individuals, from the portfolio of 'public' powers previously exercised for the common good by governments headed by emperors and kings.[6] Generations of social historians construed as 'private' matters the politically important privileges that lords granted to individuals and corporate groups. They stressed the unofficial or uncertain legal standing of the informal written compilations of orally transmitted customs that embodied a community's traditions, and then contrasted such customs to statutory laws formally promulgated in writing and enforced by official crown authorities. The vast majority of documents known generically as 'charters' continue to be categorized as 'private acts', distinct from the 'public acts' of the royal governments of kings, even when such 'private' instruments recorded transactions to alienate land, regulate trade or manage relations between fief-giving lords and their 'men'.[7]

Familial feuds (*guerrae*) over inheritances are lumped together with judicial duels and other forms of self-help and dismissed as mere 'private war'. Honours – those bundles of lands, rights and titles that constituted the material base of the social prestige and political reach of the ruling chivalric elite – were mostly acquired in one of two ways: either as personal gifts, whether for services rendered or at one's marriage; or through inheritance, like any other family goods, even as distinctive rules developed to govern the transmission of those peculiar goods called fiefs. Indeed, the integral

[4] See above, n. 3. This distinction underlies, e.g., J. L. Nelson, 'Queens as Jezebels: the careers of Brunhild and Balthild in Merovingian history', and P. Stafford, 'Sons and mothers: family politics in the early middle ages', in *Medieval Women: Essays Presented to R. M. T. Hill*, ed. D. Baker (Oxford, 1978), pp. 31–77, 79–100.

[5] The 'received' view critiqued, e.g., by S. Reynolds, *Fiefs and Vassals: the Medieval Evidence Reinterpreted* (Oxford, 1994).

[6] E.g., G. Duby, 'Recherches sur l'évolution des institutions judiciaires pendant le x^{e} et le xi^{e} siècles dans le sud de la Bourgogne', *Moyen Âge*, lii (1946), 149–94, liii (1947), 15–38 (trans. C. Postan in his *The Chivalrous Society* (Berkeley, Calif., 1980), pp. 15–58), and 'The nobility of 11th- and 12th-century Mâconnais', in *Lordship and Community in Medieval Europe: Selected Readings*, ed. F. Cheyette (New York, 1968), pp. 137–55 (= translated extracts from *La société aux xi^{e} et xii^{e} siècles dans la région mâconnaise* (2nd edn., Paris, 1971), pp. 155–245).

[7] See further at LoPrete, 'Domain of lordly women', pp. 16, 30, nn. 10–12.

link between one's honour and one's honours discloses the extent to which the public domain of the state had come to be subsumed into the domestic realm of dynastic families and lords' households.[8] With the exception of kings and a few major princes, the military, fiscal and judicial activities of the lordly elite are deemed, in this view, to be unofficial and sub-political. They are simply the self-interested affairs of 'private persons', which merit consideration as historically significant events only to the extent that they contributed to the formation of 'modern' states.[9]

Historians who view the 'feudal' world essentially as a 'private' one provide insight into how noblewomen's powers were construed by reminding scholars of what titles meant at this time. *Dominus* emerged as a new term of respectful address freely bestowed upon, and reflecting the deference accorded to, the powerful *seniores* – elders, *seigneurs*, lords – of noble or common birth, who had come to constitute a ruling elite.[10] Essentially an honorific, it also encapsulated the powers over lands and people those men wielded. Moreover, older and grander titles, such as viscount, count and duke, were now inherited more often than bestowed by a higher authority, and had themselves become as much honorifics as badges of office. No legally defined hierarchy of titles existed and their use could be quite 'unofficial', as, for instance, when brothers used *comes* (count) as a status indicator or when the pre-eminent lords of Normandy were called *dux*, *comes* or *consul* indifferently.[11]

Counts' wives were overwhelmingly accorded the title *comitissa*, though, like their husbands, they could also be addressed as *domina*, or 'lord (female)' – as indeed were the wives of other titled lords and lower-ranking castellans alike.[12] *Domina* is most often rendered as 'lady', though such female lords, like their male peers, could and did wield powers of command over lands and people. That point is all too often lost in translation or obfuscated by those who would treat *domina* merely as a form of deferential address. Yet when a knight or castle lord sought the consent of his *domina* to alienate fiefs he held from her, or sought judicial redress at his *domina*'s court for estates unjustly taken from him, the *domina* he petitioned was his personal

[8] Bloch, *Feudal Society*, pp. 176, 192, 368, 395–6; D. Barthélemy, 'L'état contre le "lignage": un thème a développer dans l'histoire des pouvoirs en France aux XI^e^, XII^e^ et XIII^e^ siècles', *Médiévales*, x (1986) 37–50, at pp. 37–8.

[9] E.g., T. Bisson, *The Crisis of the 12th Century: Power, Lordship, and the Origins of European Government* (Princeton, NJ, 2009).

[10] LoPrete, 'Domain of lordly women', pp. 14, 17, 29, n. 3.

[11] LoPrete, 'Domain of lordly women', pp. 20, 32, nn. 26–8, and *Adela of Blois*, pp. 65–6, 183–7.

[12] W. Kienast, *Der Herzogstitel in Frankreich und Deutschland, 9. bis 12. Jahrhundert: mit Listen der altesten deutschen Herzogsurkunden* (Munich, 1968), pp. 434–51, remains a good starting point for women's titles.

or feudal lord in precisely the same sense that a *dominus* was.[13] And when his *domina* consented to his grant, presided over the juridical proceedings whereby his goods were restored, ordered him to join the offensive campaigns of *her* lord, or commanded him to defend *her* castle, she was authoritatively exercising commonplace lordly prerogatives that could have significant effects in wider political communities. The same applies to the *domina* who renounced privileges like the right to control episcopal goods during vacancies, served as monks' advocate, collected hospitality dues, established markets, swore to enforce the Lord's peace, received homages from her sworn followers, or declared their fiefs forfeit.

The women who wielded such powers were most often married to men of the ruling chivalric elite. They came to play the lord in their prescribed wifely roles as heads of households, consorts of lords and mothers of heirs, when they could have household knights at their command, as well as household clerics and household cooks – not to mention a raft of 'sergeants', provosts and other male 'officials' to assist them, both locally and in the longer-distance management of their conjugal families' domains. Their lordly powers and political impact would often expand when they controlled lands, honours and revenues in their own right (whether as inheritances or marital assignments – dower/dowry – or both), or when they acted as regent-guardians for absent husbands or minor sons. But in all cases, such lordly activities, performed by wives and widows alike, were grounded in an extensive 'private' sphere composed not only of aristocratic families and their inherited properties, but also their household retainers (*familiae*), clienteles of sworn men (*fideles*) and other dependants. Noblewomen's broader political interventions were thus viewed as natural extensions, not transgressions, of their traditionally feminine and domestic social roles.[14]

Ample evidence for such attitudes is found, for example, in letters that show reforming clerics like Ivo of Chartres treating matter-of-factly with the female lords in their midst; or a town like Saint-Omer having written into its charter of liberties the rights of the castellan's wife to initiate certain judicial proceedings in her husband's stead.[15] And, although the complex contours

[13] Examples of these and the following activities abound in the works and literature cited in n. 3.

[14] LoPrete, 'Women, gender and lordship', pp. 1925–7, 'Domain of lordly women', pp. 18–19, 31–2, nn. 17–23, and works cited in n. 3.

[15] LoPrete, 'Gender of lordly women', pp. 99–103, and 'Gendering viragos: medieval perceptions of powerful women', in *Studies of Medieval and Early Modern Women*, iv: *Victims or Viragos?*, ed. C. Meek and C. Lawless (Dublin, 2005), pp. 17–38, at pp. 30–1. G. Espinas, 'Le privilège de Saint-Omer de 1127', *Revue du Nord*, xxix (1947), 43–9, at p. 47, quoted in LoPrete, 'Women, gender and lordship', p. 1935, n. 22.

of medieval French women's real property rights cannot be discussed here, a woman disposing of property legally hers or exercising customary jurisdiction over her tenants can hardly be cast as a usurper of someone else's rights.[16] As Marc Bloch eloquently declared, women in the middle ages were never deemed 'incapable of exercising authority ('pouvoirs de commandement'). No one was disturbed by the spectacle of the great lady ('la haute dame') presiding over the baronial court when her husband was away'.[17]

Of course, in 'common sense' terms as evoked by Ariès and others, most such lordly (seigneurial, 'feudal') powers appear to be quite 'public'. They concern the disposition of landed estates, the development of market-based revenues, jurisdiction over tenants, and feudal relations (in the narrow sense that includes military services and the exchange of fiefs). Authoritative measures taken by lordly women were often enacted openly before, or in conjunction with, leading laymen and clerics drawn from circles extending well beyond kin or residential groups. Without doubt, the lordly deeds of women could affect powerful men and have significant political effects in wider regional – or even regnal – communities. Indeed, a flowing stream of studies analyses French noblewomen's surprisingly well-documented contributions to this extra-familial world of lords' courts, where disputes were settled, property transactions authorized, political favours dispensed, and oaths binding lords and followers exchanged.[18]

Drawing attention to the domestic grounding of the powers of female lords is not meant to deny in any way the important 'public' aspects of lordly women's deeds, when public is understood as actions implicating non-intimates taken in full view of others. Rather, it is to suggest that any historian who posits a fundamental distinction between how power and authority were wielded in a profoundly patrimonial world from how they are construed in bureaucratic states will have to define very carefully what he or she means by the 'public powers' of any medieval lord – male or female.[19] This is especially the case if one then wants to argue that the socially sanctioned powers of such lords and ladies were qualitatively different in kind – as did Georges Duby, to name but one influential scholar.

[16] LoPrete, 'Domain of lordly women', pp. 18–19, 31–2, nn. 17–23; T. Evergates, *The Aristocracy in the County of Champagne, 1100–1300* (Philadelphia, Pa., 2007), pp. 63–138.

[17] Bloch, *Feudal Society*, p. 200.

[18] Works cited above, nn. 3, 15–16.

[19] Habermas, *Structural Transformation*, pp. 3–7; J. L. Nelson, 'The problematic in the private', *Social History*, xv (1990), 355–66; Goodman, 'Public sphere', pp. 18–19; T. Reuter, 'Assembly politics in western Europe from the 8th century to the 12th', in *The Medieval World*, ed. P. Linehan and J. L. Nelson (2001), pp. 432–50, at p. 442; LoPrete, 'Women, gender and lordship', pp. 1924–6.

In Duby's eloquent depictions of the seigneurial domination that characterized eleventh- and twelfth-century France there is nothing 'public' in the sense of official, legal or state-like. This was, rather, a time when 'feudal' lords exercised de facto powers (*potestates*) after unjustly usurping them from kings, who served as the sole guarantors of legitimate public authority even when at their weakest.[20] Yet paradoxically, the qualitative distinction Duby draws between the powers of aristocratic men and women hinges on a contrast between their respective 'public' powers. Perhaps unsurprisingly, his definition of the 'public power' of chivalric lords is frustratingly vague. It is a quality that inheres in the swords that lords personally wielded to enforce their individual – 'private' – wills and punish others, both off and on the battlefield.[21]

The problem appears in Duby's discussion of a comital couple represented as seated on their conjugal bed when they jointly consent to the alienation of a fief. By suggesting that the bed represents the private, maternal power of the womb, he contrasts the countess's fleeting, unofficial influence with her husband's enduring official capacity to rule.[22] But, while the 'sword' the count wields in bed is undoubtedly male, it is difficult to see how it can represent an exclusively masculine, authoritative and 'public' power over clients who are personally answerable for their 'private' fiefs to count and countess alike. In other words, when lords of both sexes regulated affairs concerning fiefs from their bedchambers, female lords crossed neither tangible nor conceptual thresholds in exercising seigneurial powers. Any socially sanctioned authority in the exercise of those powers was that conferred by tradition and custom. It depended more on the personal status, social rank and familial situation of the rulers – men or women – than on their gender.

My earlier invocation of noblewomen's activities at lords' courts evokes the 'Habermasian' twist on the 'traditional' distinction between 'public' and 'private' spheres. It gained circulation in the wake of Habermas's arguments about how, in the seventeenth and eighteenth centuries, an urban bourgeoisie extended their domestic domain to create a realm of informed 'public' opinion in which to contest what had become the secretive, court-based government of absolutist kings.[23] Habermas's bourgeois public sphere has been amplified in recent literature to embrace just about any social

[20] See above, n. 6.

[21] E.g., G. Duby, 'Women and power', in *Cultures of Power: Lordship, Status, and Process in 12th-Century Europe*, ed. T. Bisson (Philadelphia, Pa., 1995), pp. 69–85, at pp. 72–5.

[22] Duby, 'Women and power', pp. 72–3; details at LoPrete, 'Women, gender and lordship', p. 1935, n. 19.

[23] Habermas, *Structural Transformation*, pp. 14–26.

institution for the open exchange of ideas among freely gathered groups of educated, 'private' individuals: 'civil society', in short. This is not the place to discuss the effectiveness of such Habermasian formulations in elucidating an array of issues that includes the import of lay literacy and consultative assemblies in the middle ages.[24] Nonetheless, aspects of his views are revealing for attempts to conceptualize in medieval terms the powers of French noblewomen, even if a preliminary warning is needed.

First the warning. Dena Goodman has cogently analysed the affinities between Habermas's literate public sphere and the new forms of sociability undergirding Ariès's culture of private life.[25] As a result of those similarities, 'public activity' has come close to meaning anything done 'in public' – that is, for or before others – in contrast to actions of individuals and their intimates that are largely hidden from others' scrutiny. However, as Goodman reminds historians, Habermas's sphere of 'public opinion' emerged as part of the 'private', domestic realm inhabited by free citizens. It thus remained notionally opposed to increasingly depersonalized and bureaucratically complex monarchical regimes, even as private parties came openly to contest what had become quite secretive government.[26] And when Habermas pointed to a subsequent 'refeudalization' of liberal democratic societies, he revealed the continued conceptual strength of a contrast between 'public' governmental organs designed to ensure the common good and 'private' parties, who wield powers over others for their own advantage.[27] In other words, Habermas's literate public sphere is conceptually poised between domestic affairs and state authority: he works within 'traditional academic' usage even as he develops it in order explain in class-based terms the emergence of modern democratic regimes.

Perhaps more interesting is Habermas's view of the pre-modern world of lords' courts because it reveals another way in which men and women of the ruling elite can be understood to have shared the same 'public' qualities in their effectively 'domestic' domains. In the middle ages, according to

[24] LoPrete, 'Domain of lordly women', pp. 22–3; and, e.g., G. Althoff, *Spielregeln der Kommunikation in mittelalterlichen Offentlichkeit* (Darmstadt, 1997), pp. 29–57; Reuter, 'Assembly politics', pp. 439–42.

[25] Goodman, 'Public sphere', pp. 6–14.

[26] Habermas, *Structural Transformation*, pp. 18–19; Goodman, 'Public sphere', pp. 10–14, 18–19. Goodman would then conceptualize the activities of *ancien régime* women in this extended domestic domain as 'public', even though all women in post-revolutionary France were formally excluded from direct, official participation in the institutions of the newly erected French state: a position that risks masking core continuities and changes from the medieval to modern worlds.

[27] J. Habermas, 'The public sphere: an encyclopedia article (1964)', *New German Critique*, iii (1974), 49–55, at p. 54.

Habermas, legitimate authority to rule others was displayed at court by those individuals – kings at first, followed by princes and leading lords – who were perceived, literally, to embody and re-present on earth the external and legitimating authority of the sacred realm.[28] In this view, such 'representative publicness' inhered in the personal status, attributes and landed possessions of the lordly elite even as it also referred to the increasingly elaborate court ceremonial through which a certain ideology of rulership was publicized – broadcast – to those subjected to lordly authority.

In medieval France, as kings' powers faltered and local princes appropriated governing functions, churchmen generalized scripturally based notions of authoritative royal powers in order to legitimate the ruling powers of leading lords and princes. As prelates enjoined local princes to enforce God's justice and keep peace in their domains, all lords came to be viewed as playing essential governing roles at their respective levels in the divinely ordained hierarchy of earthly authority. And, since their jurisdictional authority was held to flow from the same divine source as made kings, medieval lords imitated and adapted ceremonial practices used at royal courts to display their majestic, ruling dignity.[29]

Few historians would deny that noblewomen played important roles in the display of lordly authority at princely courts.[30] But women could also embody and re-present that very divinely ordained authority itself – that is, display 'representative publicness' in Habermas's terms – when they wielded lordly powers in the absence of requisite men. A telling example is in the extensive – though often anachronistically interpreted – verse-epistle extolling the virtue of clemency that Hildebert of Lavardin, bishop of Le Mans, directed to Adela, ruling countess of Blois, Chartres and Meaux, in the first decade of the twelfth century.

Hildebert opened by describing the widowed countess not only as a woman who ruled a county, but also as ruler who administered so capably on her own that she stood as an exemplar of all he deemed necessary for governing a realm.[31] Attributing such praiseworthy qualities to God's grace rather than to her nature, Hildebert proceeded to use the countess's female

[28] Habermas, *Structural Transformation*, pp. 5–9, 18–19; Goodman, 'Public sphere', p. 4.

[29] LoPrete, 'Domain of lordly women', pp. 23–4, 33–4, n. 38.

[30] See esp. Cheyette, *Ermengard of Narbonne*, pp. 187–98, 220–32.

[31] Hildebert, 'Epistolae', in *PL,* clxxi, cols. 144–5 (I. 3) (repr. in P. von Moos, *Hildebert von Lavardin, 1056–1133: Humanitas an der Schwelle des höfischen Zeitalters* (Stuttgart, 1965), pp. 341–3), and partly repr. and trans. in G. Bond, *The Loving Subject: Desire, Eloquence, and Power in Romanesque France* (Philadelphia, Pa., 1995), pp. 202–5, from which all paraphrases and quotations are taken, with my translations, which vary from Bond's largely in order more closely to reflect Hildebert's rhetorical figures). The letter was most likely written in 1102–3, 1107 or 1109 (LoPrete, *Adela of Blois*, pp. 181–2).

sex to construct a series of anaphoric antitheses contrasting the personal virtue of chastity to the socio-political virtue of clemency, while accenting Adela's position as a ruler who embodied both: 'You lay aside what is female when you cultivate chastity in beauty; you restrain the countess when you retain clemency in power. Chastity reconciles one man to you; clemency, the people. Through chastity you acquire a good name; through clemency, favour and support'.[32] Clemency, he continued, is the greater good because it benefits more people: 'modesty allows comely ones to look after themselves; mercy in ruling preserves the safety of the realm'. Yet clemency is a virtue only of the powerful, who legitimately come to rule others by the socially acceptable means of inheritance, (s)election or rightful acquisition. As Hildebert expounded upon this theme, clemency becomes a specifically human virtue because it depends on the exercise of reason and binds society together; it thus distinguishes humans from beasts and links rulers wielding their judicial prerogatives to the wisdom and mercy of God. It is the most humane and glorious attribute of princes, as he demonstrated with a catena of quotations from classical authors. Acts of clemency, not cruelty, allow powerful princes to prosper.

In this erudite epistle, the bishop of Le Mans presented a countess to the informed readers at Adela's court as the perfect embodiment of a divinely appointed ruler exercising power over self and others, in order to emphasize the benefits to social order of rational and clement rule by lords of any rank or gender. He appears to have sketched an idealized portrait of Adela's lordly self-control (she could inflict harsh punishments and react violently when angered),[33] but he was writing to a prince whose powers he freely acknowledged and whose behaviour he – as self-appointed moral adviser – hoped to moderate. Yet his comments have all too often been taken to mean that Hildebert viewed the rule of women as unnatural compared to that of men, since he asserted that the countess owed her lordly powers to God's grace rather than to her feminine nature.[34] But is he really saying that men are natural rulers, whereas only special divine intervention can make women rulers?

The antithesis of nature and grace was a commonplace to medieval theologians, who used it to explain a variety of apparent paradoxes.

[32] See LoPrete, 'Domain of lordly women', p. 34, n. 41, for criticism of Bond's proposed emendations.

[33] LoPrete, *Adela of Blois*, pp. 465 (no. 43), 480 (no. 68), 486–7 (no. 79).

[34] E.g., Duby, 'Women and power', p. 77; T. de Hemptinne, 'Women as mediators between powers of *comitatus* and *sacerdotium*: two countesses of Flanders in the 11th and 12th centuries', in *The Propagation of Power in the Medieval West*, ed. M. Grosman and others (Groningen, 1997), pp. 287–99, at pp. 287–8.

Axiomatic was the view that all human nature is vitiated by sin, so that only an act of grace can save individual men and women. The redeemed of both sexes, once sinful humans by nature, could be considered 'gods by grace' as distinct from the one 'God by nature'.[35] By the same token, the sin-free but human Saviour, 'divine by nature', could only be 'human by grace', as one of Hildebert's neighbours expressed the miracle of the incarnation.[36] But in medieval political theology, the nature/grace dichotomy had one particular application: to explain the powers and special sacrosanctity of anointed rulers. Kings had by grace what Christ the king had by nature, and were thus empowered to act as God's agents on earth. Not all men were kings and it took an act of grace to make a king.

Adela, of course, was not an anointed ruler, but neither was her husband who, like many other French princes, claimed to wield comital authority by God's grace.[37] Significantly, Hildebert invoked the nature/grace antithesis in the context of Adela's ruling powers: it was her lordly, comital powers that were conferred by divine grace. Authoritative powers were not hers – or any person's, man or woman – by nature. That God also bestowed on her the power ('virtus') to remain chaste was perhaps an added bonus, since her chastity was a personal – if peculiarly feminine – virtue, narrower in scope than a lord's power to punish others: a power Hildebert hoped that the countess would exercise reasonably.

The antithesis of nature versus grace explained all princes' powers, including Adela's. Hildebert then artfully harnessed it to the antithesis of the feminine as personal and carnal versus the masculine as public and rational to suggest that princely clemency was a greater virtue for all legitimate rulers than was personal chastity.[38] Ruling a county, in his commonplace clerical view, depended as much on mental as on bodily endowments, and the human ability to reason allowed good princes both to control their emotions and to rule others as the merciful God would have them do. If the female Adela, represented as embodying all moral and political goodness, could control both self and others through reason, how much more powerful would be her example to her male peers?

[35] E. Kantorowicz, '*Deus per naturum, Deus per gratiam*: a note on mediaeval political theology', *Harvard Theological Review*, xliv (1952), 253–77.

[36] G. Williams, *The Norman Anonymous of 1100 AD* (Cambridge, Mass., 1951), pp. 55–60; Kantorowicz, '*Deus per naturum*', pp. 253–77, at p. 255; LoPrete, 'Domain of lordly women', p. 34, n. 46.

[37] LoPrete, 'Domain of lordly women', pp. 34–5, n. 47, gives cases of Adela's male affines and contemporary female lords.

[38] For Hildebert's illicit sexual activity and support for Adela's brother, father of numerous illegitimate children, see LoPrete, *Adela of Blois*, pp. 179–80.

Hildebert took for granted the gender asymmetry of his age – women were not men's equals – even as he freely acknowledged the lordly capacity of one noted, but far from unique, female ruler of his day.[39] God most frequently granted the capacity to rule others to male lords, although in certain regularly and naturally occurring situations, he also granted it to princes who happened to be female. Even women could come to embody the sacred authority divinely conferred on rulers and to represent God's will in the temporal realm. Although, in Habermas's view, such 'representative publicness' inhering in individual 'feudal' lords did not constitute a fully public sphere of governance, the ideological grounding of all lordly authority in the mind of a divine Lord who had vowed to make the last first made ruling women a readily explicable phenomenon.[40]

To conclude: noblewomen in medieval France wielded seigneurial powers less often than did elite men; they were outnumbered by male lords and usually exercised the prerogatives of lordly rule for shorter periods of their lives. Nonetheless, the inheriting daughters, married women or widows who exercised jurisdiction and controlled properties at certain regularly arising phases in the natural life-cycle of dynastic families did so legitimately as active agents, not as place-holding ciphers who passively transmitted lands and rights between men. Noblewomen ruled legitimately and authoritatively in such situations as women (*dominae*), not as transvestite men. In other words, as female lords they did not, for example, routinely cross-dress, and their sexual fidelity to their husbands was valued as highly as any knightly prowess they might possess, if not more highly.[41] Yet however different their styles of lordship, and however vulnerable their gender could make them, the capacity of noblewomen to rule was not denied. Moreover, whether they were actively ruling or 'merely' participating alongside their husbands in court ceremonies designed to display lordly authority, noblewomen came to embody and represent the sacred source of the powers they could both share with men and exercise legitimately apart from them.

These conclusions might surprise those scholars who, consciously or not, universalize notions of public and private realms that were developed in large part to conceptualize the distinctive forms of power relations found in modern states. Such a default position presupposes that all women, as

[39] See LoPrete, *Adela of Blois*, pp. 436–8, for some contemporary close neighbours.

[40] E.g., Matthew XXI:28–31; 2 Corinthians XII:9; LoPrete, 'Women, gender and lordship', p. 1930; B. Newman, 'Flaws in the golden bowl: gender and spiritual formation in the 12th century', in her *From Virile Woman to WomanChrist: Studies in Medieval Religion and Literature* (Philadelphia, Pa., 1995), pp. 19–45, at pp. 25–6.

[41] Further at LoPrete, 'Gender of lordly women', pp. 96–109; LoPrete, 'Gendering viragos', pp. 21–36; LoPrete, 'Women, gender and lordship', p. 1929.

females, are banned from 'public' positions of authority and command. When applied to the medieval world, such presuppositions (mistakenly) turn ruling women into transgressors of prescribed sex roles and usurpers of powers rightly belonging only to men. But that view is anachronistic and incorrect. It is based on the erroneous assumption that there existed in eleventh- to thirteenth-century France a sphere of formal, official power from which women were excluded by law: a sphere women could thus only influence – informally and unofficially – from the outside.[42]

Even Habermas situated the historical emergence of a literate and informed 'public' in an extended domestic domain as traditionally construed, and juxtaposed the realm of informed public opinion with the authority of increasingly secretive monarchical regimes. And he thought – rightly or wrongly – that such a literate public sphere did not exist – indeed, could not have existed – in the middle ages. That was a time when charismatic individuals – whose powers stemmed from their personal status, attributes and landed possessions – represented through court ceremonial the divine source of their own earthly authority.

I am far from alone in thinking that it is neither appropriate nor useful to construe the lordly, 'feudal' society of eleventh- to thirteenth-century France as 'private' in the ways outlined above.[43] But the issues of how to conceptualize 'the public' in this patrimonial, household-centred world, and how to construe the extent to which lords' courts were both 'public' and 'private' spaces, are themes for a different volume. Nonetheless, Habermas's notion of 'representative publicness' has been – and could be more – useful when and if pursued with care. Moreover, analysis of the full range of activities at lords' courts – populated by both women and men, churchmen and lay folk alike – would prove fruitful for assessing noblewomen's 'powers' as deployed in their proper 'courtly' context. That frame of reference would correct the tendency to focus largely on the more visible military pursuits of this ruling chivalric elite – activities in which women personally participated only infrequently, though more by custom than on account of any legal prohibition.[44]

[42] LoPrete, 'Domain of lordly women', pp. 13–14, 27–8.

[43] Alternative approaches appear in much 'feudal transformation' and 'dispute processing' literature (see LoPrete, 'Women, gender and lordship', pp. 1932–3, n. 3; S. White, 'From peace to power: the study of disputes in medieval France', in *Medieval Transformations: Text, Power, and Gifts in Context*, ed. E. Cohen and M. de Jong (Leiden, 2001), pp. 203–18; W. Brown and P. Górecki, 'Where conflict leads: on the present and future of medieval conflict studies in the United States, 1970–2000', in *Conflict in Medieval Europe: Changing Perspectives on Society and Culture*', ed. W. Brown and P. Górecki (Aldershot, 2003), pp. 265–86).

[44] See LoPrete, *Adela of Blois*, pp. 307–311; and p. 237, for Baudri of Bourgueil's comments.

Three core structures ensured that the capacity of those French noblewomen who did find themselves in positions of command could be 'normalized' and their powers viewed as legitimate as those of lordly men. First, their places in lordly families endowed them with customary rights to inherit and control real property (including fiefs); to exercise jurisdiction over tenants; and to serve as guardians and regents for minor heirs. The significant numbers of medieval French noblewomen who were thereby drawn directly into the realms of politics and lordly rule (as construed in their day) acted 'in public' from within, not by overstepping, the confines of their domestic roles. Second, French noblewomen embodied and transmitted noble status – in a world where all power and authority descended from God in serried, hierarchical ranks. Noble-born women were of higher status and rank than most common-born men, however powerful some such men might become in this highly militarized society. In other words, personal status and social rank trumped gender in eleventh- to thirteenth-century France. Third, however male the hierarchy of the Church, Christianity remained a religion based on tropes of inversion and emphasized the active presence of God's grace in the world. God, not men, made rulers, and his ineffable ways allowed medieval folk to square the circle of gender as it applied to all those noblewomen placed by familial circumstances in the position of ruling lord as well as of decorous lady. As Pauline Stafford has demonstrated for England, if the deeds of lordly men are worthy of note in modern accounts of medieval France, then the deeds of lordly women merit inclusion alongside them, at the centre of historical narratives, where they legitimately belong.

12. Property rights in Anglo-Saxon wills: a synoptic view*

Julie Mumby

Until fairly recently, the Anglo-Saxon period was thought of as something of a Golden Age for women, albeit a Golden Age constantly re-imagined to suit the preoccupations of commentators.[1] It was regularly portrayed as a Golden Age of women's equality in the sphere of law and landholding. Whitelock, for instance, encapsulated the position of the Anglo-Saxon 'lady' thus:

> She could hold land in her own right, dispose of it freely, and defend her right in the courts. She could act as a compurgator in law-suits. She could make donations for religious purposes and she could manumit her slaves. She was, in short, very much more independent than were women after the Norman Conquest.[2]

Some historians have taken a different view in the last twenty years. In 1990, Nelson tentatively suggested that early medieval women in the Frankish kingdom were 'used as markers, or conduits of property rights precisely because their rights also were flexible: defensible but negotiable'.[3] There is little sign of any female equality or an Anglo-Saxon Golden Age for women in the work of scholars such as Stafford, Nelson, Crick and Thompson.[4]

* I would like to thank Jinty Nelson for her comments on successive versions of this chapter. An extended version can be found in my PhD thesis, 'Transfers of property by the laity in Anglo-Saxon England: the disposition of property at death' (unpublished King's College London PhD thesis, 2011).

[1] The first part of this opening paragraph is based on Pauline Stafford's critique of this Golden Age thesis (P. Stafford, 'Women and the Norman conquest', *TRHS*, 6th ser., iv (1994), 221–49, esp. at pp. 221–8). See also J. Crick, 'Women, wills and movable wealth in pre-conquest England', in *Gender and Material Culture in Historical Perspective*, ed. M. Donald and L. Hurcombe (2000), pp. 17–37, at pp. 18–19.

[2] D. Whitelock, *The Beginnings of English Society* (Harmondsworth, 1952; rev. edn., 1968), p. 94.

[3] J. L. Nelson, 'Commentary on the papers of J. Verdon, S. F. Wemple and M. Parisse', in *Frauen in Spätantike und Frühmittelalter*, ed. W. Affeldt (Sigmaringen, 1990), pp. 325–32, at p. 331.

[4] See, esp., P. Stafford, *Unification and Conquest: a Political and Social History of England in the 10th and 11th Centuries* (1989), pp. 174–9; P. Stafford, 'Women in Domesday', *Reading*

This focus on the negotiability of *women's* property rights arguably risks giving the impression that men's property rights were anything but negotiable, and that men were not seen as conduits of land. This chapter reflects on the issue of the relative freedom of men to dispose of their land by using three case studies to examine restrictions on the testamentary freedom of men in Anglo-Saxon society. I have chosen these particular case studies for two reasons. First, the written wills at their heart are preserved in three different archives: Bury St. Edmunds, Worcester and Winchester's Old Minster. This selection prevents the ascription of any evident similarities to archive-specific scribal practices. Second, the case studies belong to different dates. The first is one of the earliest surviving wills of the Anglo-Saxon period; the second dates from the mid tenth century; the third was declared shortly before the conquest. Between these dates Anglo-Saxon England experienced periods of massive political and social change. The three cases thus provide glimpses of Anglo-Saxon testamentary practice within profoundly different contexts.

The first case is that of Æthelric.[5] The Worcester archive preserved details of the bequests he declared before a synod at *Aclea* in the early ninth century. Æthelric was probably a member of the Hwiccian elite; his father Æthelmund is usually identified with the ealdorman whose 802 death in battle at Kempsford (Gloucs.) is recorded in the *Anglo-Saxon Chronicle*.[6] The record of Æthelric's bequests starts as follows:

> I, Æthelric, son of Æthelmund, with the knowledge of the synod, was summoned to the synod and to appear in judgement in the place which is called *Clofesho*, with books and estates, that is Westminster, which previously my kinsmen delivered and granted to me. There, Archbishop Æthelheard directed me and gave judgement with the witness of King Cenwulf and his

Medieval Studies, xv (1989), 75–94; Stafford, 'Women and the Norman conquest'; P. Stafford, 'La mutation familiale: a suitable case for caution', in *The Community, the Family and the Saint: Patterns of Power in Early Medieval Europe*, ed. J. Hill and M. Swan (Turnhout, 1998), pp. 103–25; J. L. Nelson, 'The wary widow', in *Property and Power in the Early Middle Ages*, ed. W. Davies and P. Fouracre (Cambridge, 1995), pp. 82–113; Nelson, 'Commentary'; J. Crick, 'Women, posthumous benefaction and family strategy in pre-conquest England', *Journal of British Studies*, xxxviii (1999), 399–422; J. Crick, 'Men, women and widows: widowhood in pre-conquest England', in *Widowhood in Medieval and Early Modern Europe*, ed. S. Cavallo and L. Warner (Harlow, 1999), pp. 24–36; Crick, 'Women, wills and movable wealth'; V. Thompson, 'Women, power and protection in 10th- and 11th-century England', in *Medieval Women and the Law*, ed. N. J. Menuge (Woodbridge, 2000), pp. 1–17.

[5] S 1187.

[6] *ASC*, p. 38 (802).

> chief men before the whole synod when they perused my documents, that I was free to give my land and my books wherever I pleased.[7]

Æthelric's assertion of testamentary freedom might seem to show that his will can have no bearing on the question of restrictions on men's bequests, but it becomes crucial evidence in the light of other clues. Æthelric bequeathed thirty hides at Over (Gloucs.) to St. Peter's in Gloucester. Over also appears among a list of Gloucester benefactions recorded in a composite foundation charter occupying the first three folios of a register compiled at the end of the fourteenth century.[8] This list credits Æthelmund, son of Ingeld (and father of Æthelric), with the donation of thirty hides at Over and thirty-five hides at Northleach (Gloucs.). If this list is to be trusted, and Stenton thought that it 'certainly represents ancient material', Æthelmund may have granted Over to Gloucester after the life of his son, and perhaps in negotiation with him.[9] Bromsgrove and Feckenham (Worcs.) may have been handed down in the same way. Æthelric bequeathed these two estates to an otherwise unknown man, Wærferth, with reversion to Worcester. A list of Worcester benefactors of the early twelfth century includes the information that Æthelric bequeathed Bromsgrove and Feckenham to Worcester as his father had ordered.[10] It looks as if Æthelric followed his father's instructions, or an agreement negotiated with him, with respect to three of the nine estates that he bequeathed.

What about the other six estates? Æthelric bequeathed Westbury-on-Trym (Gloucs.) and Stoke (Worcs. or Gloucs.) to his mother, Ceolburh, with reversion to Worcester. He almost certainly inherited Westbury from his father: towards the end of his reign, King Offa had granted fifty-five hides at Westbury to Æthelmund.[11] Æthelric may have inherited Stoke from Æthelmund too. In 767, Uhtred, *regulus* of the Hwicce, granted five hides at Aston in Stoke Prior (Worcs.) to Æthelmund, with the permission of

[7] S 1187: 'Ego Æðelric filius Æðelmundi cum conscientia synodali invitatus ad synodum et in judicio stare in loco qui dicitur Clofeshoh cum libris et ruris id est æt Wæst mynster quod prius propinqui mei tradiderunt mihi et donaverunt. Ibi Æðelheardus archiepiscopus mihi regebat atque judicaverat cum testimonio Coenwulfi regis et optimatibus ejus coram omni synodo quando scripturas meas perscrutarent ut liber essem terram meam atque libellas dare quocunque volui' (trans. *English Historical Documents*, i, ed. D. Whitelock (2nd edn., 1979), no. 81).

[8] S 1782.

[9] F. M. Stenton, 'Pre-conquest Herefordshire', in *An Inventory of the Historical Monuments in Herefordshire,* iii (1934), pp. lv–lxi, at p. lviii.

[10] William Dugdale, *Monasticon Anglicanum*, ed. J. Caley, H. Ellis and B. Bandinel (6 vols. in 8, 1817–30), i. 608.

[11] S 139.

Offa.[12] But whether this was the Stoke bequeathed by Æthelric is a matter of debate. In 1986, Wormald connected the Stoke granted to Æthelmund with the estate bequeathed by his son.[13] This was questioned by Sims-Williams, who, in arguing that Æthelric's Stoke was Stoke Bishop (Gloucs.), reverted to the position expounded by Finberg and Whitelock.[14] Wormald subsequently reiterated his view, granting that Worcester cartularists came to identify Æthelric's Stoke with Stoke Bishop, but arguing that they were wrong to do so.[15]

So it looks as though Æthelric's room for manoeuvre was more restricted than his declaration of testamentary freedom would suggest. From his father he possibly inherited life-interests in Westbury, Stoke, Over, Bromsgrove and Feckenham. Four other estates, at Todenham (Gloucs.), Stour, Shrawley (Worcs.) and *Cohhanleah*, he bequeathed to a religious community at Deerhurst. Deerhurst was probably a family foundation: Æthelmund was almost certainly buried there; Æthelric himself seemingly expected to be. These four bequests suggest a family endowment strategy. Indeed, Æthelric and his father perhaps negotiated over, and agreed upon, the descent of all nine of the estates mentioned in his will. If so, Æthelric's freedom of bequest was limited, but it was limited voluntarily. He probably sought confirmation of his testamentary freedom at *Clofesho* because of kin-group claims. By the end of the ninth century, the laws of King Alfred reveal that the descent of bookland could be restricted within a particular kin-group; this was perhaps the case at the beginning of the century too.[16] Those who 'perused' Æthelric's documents at *Clofesho* were probably looking for evidence of such restrictions. When they did not find any, they pronounced Æthelric free to give his land and his books wherever he pleased – that is, away from his kin-group to those upon whom he and his father had agreed.

[12] S 58.

[13] P. Wormald, 'Charters, law and the settlement of disputes in Anglo-Saxon England', in *The Settlement of Disputes in Early Medieval Europe*, ed. W. Davies and P. Fouracre (Cambridge, 1985), pp. 149–68 (repr. with additional note in P. Wormald, *Legal Culture in the Early Medieval West: Law as Text, Image and Experience* (1999), pp. 289–311), at pp. 154–7.

[14] P. Sims-Williams, *Religion and Literature in Western England, 600–800* (Cambridge, 1990), pp. 174–6; H. P. R. Finberg, *The Early Charters of the West Midlands* (Leicester, 1961), p. 43; Whitelock, *English Historical Documents*, i. 512.

[15] P. Wormald, 'How do we know so much about Anglo-Saxon Deerhurst?', *Deerhurst Lecture 1991*, repr. in P. Wormald, *The Times of Bede: Studies in Early English Christian Society and its Historian*, ed. S. Baxter (Oxford, 2006), pp. 229–48, at pp. 230–3; Wormald, 'Charters, law and the settlement of disputes' (additional note), p. 310.

[16] Alfred 41 (*The Laws of the Earliest English Kings*, ed. F. L. Attenborough (Cambridge, 1922), pp. 82–3).

The next case-study concerns the bequests of Ælfheah, who was also the son of an ealdorman.[17] Ælfheah's father was Ealdorman Ealhhelm of Mercia, whose sphere of authority may have lain in the same area as that of the aforementioned Ealdorman Æthelmund.[18] Ælfheah himself is first securely identified as the recipient of eight hides at Compton Beauchamp (Berks.), granted to him by King Eadred in 955, although it is possible that he was the Ælfheah who received ten hides at Farnborough (Berks.) from King Æthelstan *c*.937.[19] Ælfheah received further grants of land from King Eadwig and King Edgar.[20] When the kingdom was divided between Eadwig and Edgar in 957, Ælfheah stayed in Wessex with the former, while his brother, Ælfhere, ealdorman of Mercia, remained with Edgar. Ælfheah was appointed ealdorman of central Wessex in 959, and probably died in the early 970s.[21]

As with the previous case, Ælfheah's will mentions no restrictions on the testator's ability to dispose freely of his estates. Yet Bishop Ælfsige of Winchester's will of the mid 950s reveals that he bequeathed Crondall (Hants.) to Ælfheah with reversion to the Old Minster; Ælfheah followed the bishop's instructions in his will.[22] This clearly identifiable restriction on Ælfheah's testamentary freedom prompts speculation about others. Family strategy probably influenced the direction of a number of Ælfheah's bequests. When he bequeathed Batcombe (Somerset) to his wife, Ælfswith, he provided that after her death the estate should pass either to their son Ælfweard, or to Ælfheah's brothers, before reverting to Glastonbury. Ælfswith was further left her husband's otherwise unbequeathed estates. These unspecified estates were perhaps destined for Glastonbury too; they may have been among the additional thirteen associated with the couple in Glastonbury's archives.[23] According to John of Worcester, Ælfheah was buried at Glastonbury; his immediate family also had strong connections

[17] S 1485.

[18] For Ealhhelm and his offspring, see A. Williams, '*Princeps Merciorum gentis*: the family, career and connections of Ælfhere, ealdorman of Mercia, 956–83', *ASE*, x (1982), 143–72, with a family tree at p. 144.

[19] S 564, 411. For the identification of S 411's Ælfheah with the later ealdorman, see Williams, '*Princeps Merciorum*', p. 148, n. 24.

[20] S 585–6, 639, 702, 747, 1447.

[21] Williams, '*Princeps Merciorum*', pp. 148, 150.

[22] S 1491.

[23] S 747, 775, 866; L. Abrams, *Anglo-Saxon Glastonbury: Church and Endowment* (Studies in Anglo-Saxon History, viii, Woodbridge, 1996), pp. 31–4, lists the contents of Glastonbury's Liber Terrarum (hereafter LT): here pp. 33 (LT 69), 34 (LT 109, LT 111, LT 110, LT 114, LT 127); *The Early History of Glastonbury: an Edition, Translation and Study of William of Malmesbury's De Antiquitate Glastonie Ecclesie*, ed. J. Scott (Woodbridge, 1981), pp. 128–31 (c. 62).

with that church.[24] Ælfswith reputedly retired to Glastonbury in widowhood.[25] Ælfheah's brother, Ælfwine, was probably the Glastonbury monk of that name who implemented the bequests of a certain Wulfric.[26] The 'main devotion' of another brother, Ealdorman Ælfhere of Mercia, was to Glastonbury; he too was perhaps buried there. Ælfheah, Ælfswith and Ælfhere were all remembered in a Glastonbury obituary list of the mid thirteenth century.[27] Glastonbury was further associated with the royal family, to whom both Ælfswith and Ælfheah were related: King Edmund was buried there, and King Edgar and King Edmund Ironside later would be.[28] The reversion of bequests to Glastonbury may have formed part of a strategy of pious benefaction practised by both Ælfheah's immediate family and more distant royal kin.

Family strategy also looks likely in the case of the bequests of Froxfield (Hants.) and Faringdon (Berks.). Froxfield, which Ælfheah left to his sister's son, Ælfwine, was part of an estate granted in 956 by King Eadwig to an Eadric, who was probably Ælfheah's brother.[29] Eadric may well have predeceased Ælfheah; he perhaps bequeathed the estate to his brother on condition that it remain within their family – in the way of Alfred 41 – if not descend specifically to Ælfwine. Ælfheah bequeathed Faringdon to his brother, Ealdorman Ælfhere. The estate is close to a number of others found in the hands of Ælfheah's family.[30] Ælfheah's kin were obviously interested in building up their holdings in this area; family strategy probably thus affected the direction of Ælfheah's bequests. I will return to the seemingly

[24] *The Chronicle of John of Worcester*, ii: *the Annals from 450 to 1066*, ed. R. R. Darlington and P. McGurk (Oxford, 1995), pp. 420–1.

[25] S. Foot, *Veiled Women* (2 vols., Aldershot, 2000), ii. 96.

[26] The cartulary versions of S 472 and S 504 are followed by notes stating that Wulfric gave the estates therein to Glastonbury after the death of his wife, and that an *Elsuyne* implemented the bequests (*The Great Chartulary of Glastonbury*, ed. A. Watkin (3 vols., 1947–56), iii. 645, 648). The LT contents list elaborates, revealing that it was Wulfric's successor, Ælfwine, who gave the estates to Glastonbury (Abrams, *Anglo-Saxon Glastonbury*, p. 32 (LT 43, LT 44)). This list also shows that Wulfric granted the unidentified *Horutone* to Glastonbury, and that Ælfwine again implemented the bequest (Abrams, *Anglo-Saxon Glastonbury*, p. 32 (LT 46)). For Ælfwine at Glastonbury, see Scott, *Early History*, pp. 114–15, 118–19, 130–1 (cc. 55, 57, 62). For the identification of Ælfwine with the brother of Ælfheah, see Williams, '*Princeps Merciorum*', pp. 154–5.

[27] M. J. Blows, 'A Glastonbury obit-list', in *The Archaeology and History of Glastonbury Abbey*, ed. L. Abrams and J. P. Carley (Woodbridge, 1991), pp. 257–72, at pp. 265–7 (nos. 10, 15, 17).

[28] Eadred, Eadwig and Edgar refer to Ælfheah as their kinsman (S 462, 564, 585–6, 702).

[29] S 619; Williams, '*Princeps Merciorum*', pp. 154–5.

[30] S 494, 639, 654, 1216. For a map of these estates, see *Charters of Abingdon Abbey*, ed. S. E. Kelly (2 vols., Oxford, 2000–1), i, p. clxxv.

anomalous bequest of the nearby Littleworth in Faringdon, which Ælfheah left to King Edgar, below.

Ælfheah bequeathed a number of estates to King Edgar: Littleworth in Faringdon, Cookham, Thatcham (Berks.), Chelworth (Wilts.), *Incgenæsham*, Aylesbury and Wendover (Bucks.). Might he have held life-interests in at least some of these? Cookham appears previously in a synodal agreement of the late eighth century, which reveals that King Æthelbald of Mercia granted to Christ Church at Canterbury a minster at Cookham, along with its lands, some time between 740 and 757.[31] After the death of Archbishop Cuthbert in 760, Dægheah and Osbert gave Cookham's title-deeds to the West Saxon king, Cynewulf, who seized the estate. Cookham passed to the Mercian king, Offa, following his victory at the Battle of Bensington in 779.[32] Cynewulf then returned Cookham's title-deeds to Christ Church, but Offa did not relinquish the estate. By the time of the 798 synod, Cookham was in the hands of Offa's widow, Cynethryth. She retained the estate, and was given its title-deeds, in return for transferring 110 hides in Kent to Archbishop Æthelheard. Twelve 'mowing acres' ('mæð æceras') that were probably at Cookham are mentioned in the boundary clause of a 940 diploma of King Edmund, but the estate does not otherwise appear in the charters between 798 and the time of Ælfheah's bequest.[33] Thatcham, about thirty miles west of Cookham, appears elsewhere in the charters only in King Eadred's will of 951 × 5; he bequeathed the estate to Nunnaminster.[34] Eadred's will was not implemented; Thatcham probably passed to his successor, Eadwig.[35] The identity of *Incgenæsham* is uncertain, but Whitelock drew attention to the bequest of what was almost certainly the same estate by Ealdorman Æthelmær, a successor of Ælfheah, to his son.[36] Beyond Ælfheah's will, Littleworth in Faringdon, Aylesbury and Wendover do not appear in the surviving charters of the Anglo-Saxon period. Geographically, Cookham lies on the River Thames; Thatcham lies on its largest tributary, the River Kennet; on high ground in the Chiltern Hills, Wendover sits on an ancient pathway, the Icknield Way; nearby Aylesbury occupies a prominent hilltop position on Roman Akeman Street. At the conquest the five identifiable estates were in royal hands.[37] To sum

[31] S 1258.

[32] *ASC*, p. 33.

[33] S 461, for the mowing acres (M. Gelling, *The Place-Names of Berkshire* (3 vols., Cambridge, 1973-6), iii. 636, 638; Kelly, *Charters of Abingdon*, i. 137).

[34] S 1515.

[35] *Charters of the New Minster, Winchester*, ed. S. Miller (Oxford, 2001), pp. 78–80.

[36] S 1498; *Anglo-Saxon Wills*, ed. and trans. D. Whitelock (Cambridge, 1930), p. 122.

[37] *Domesday Book*, ed. A. Farley (4 vols., 1783–1816), i, fos. 56v, 58, 143.

up: of the six estates under consideration here, five appear elsewhere in royal hands; one otherwise appears in the hands of a subsequent ealdorman; at least four occupy sites of possible strategic importance, not least when the country was politically divided at the Thames.

King Eadwig may have bought Ælfheah's support by granting him life-interests in royal estates at Cookham, Thatcham, *Incgenæsham*, Littleworth, Aylesbury and Wendover. If survival rates are anything to go by, Eadwig issued an unprecedented number of royal diplomas in the year following his succession in late 955, the overwhelming majority of which were in favour of laymen.[38] Stafford was surely right to think that 'the scale of royal extravagance signals a king seeking support'.[39] The estates may have been granted as comital manors.[40] Ælfheah perhaps specifically sought Littleworth given its proximity to his family's holdings in northern Berkshire, as discussed above. If he did hold life-leases on the six estates he could, barring renegotiation, bequeath them only to the king.

Four further Wiltshire estates bequeathed by Ælfheah are arguably best analysed as a group. Ælfheah bequeathed Wroughton to the Old Minster and Chelworth to King Edgar; Purton he left to his son, Godwine; and Charlton he bequeathed to Malmesbury Abbey. What links the four estates, other than Ælfheah's will, is their appearance in the Malmesbury versions of King Æthelwulf's so-called 'decimation charters' of the mid ninth century.[41] The 'first decimation' charter of 844 purports to grant immunity from all secular burdens to six named Malmesbury estates, among which are Wroughton and Charlton. The 'second decimation' charter contains a list of seven estates supposedly granted to Malmesbury at Easter 854; it includes Purton and Chelworth (as part of Kemble). Kelly thought that these fabricated lists may have been interpolated into otherwise authentic charters in the mid tenth century, perhaps during the reign of King Edgar, as part of an attempt to regain land lost during the Viking wars.[42]

[38] Of the 61 diplomas (of varying degrees of authenticity) issued in 956, 44 document grants to laymen: S 581, 585–92, 594–9, 602–4, 606, 608–9, 611–14, 617–24, 627–8, 631–8, 666.

[39] Stafford, *Unification and Conquest*, p. 48.

[40] F. W. Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* (Cambridge, 1907), p. 167; S. Baxter and J. Blair, 'Land tenure and royal patronage in the early English kingdom: a model and a case study', *Anglo-Norman Studies*, xxviii (2006), 19–46; S. Baxter, *The Earls of Mercia: Lordship and Power in Late Anglo-Saxon England* (Oxford, 2007), pp. 141–9; R. Fleming, *Kings and Lords in Conquest England* (Cambridge, 1991), pp. 89–90.

[41] S 294a–b, 305. For discussion, see *Charters of Malmesbury Abbey*, ed. S. E. Kelly (Oxford, 2005), pp. 65–91.

[42] Kelly, *Charters of Malmesbury*, pp. 78–9, 83, 105.

Three of these four estates appear in other charters prior to Ælfheah's will. Ælfheah himself received Wroughton from King Eadwig on a four-life lease in 956.[43] Purton appears in a royal diploma of 796; the short-lived King Ecgfrith of Mercia therein restored to Malmesbury thirty-five hides at Purton, which had been seized by his father, King Offa, in return for 2,000 silver *solidi*.[44] As part of Kemble, Chelworth was purportedly granted to Malmesbury in the later seventh century by King Cædwalla (d. 689).[45] It appears again in the late ninth century, when King Alfred, with the consent of the Malmesbury *familia*, granted a four-life lease of the estate to his *minister*, Dudig, with reversion to Malmesbury.[46] Malmesbury regained control of Chelworth in the early tenth century, when Ordlaf, to whom Dudig had sold (the lease of?) the estate, gave it to Malmesbury in return for a five-life lease of Mannington in Lydiard Tregoze (Wilts.).[47] According to the contents-list of Glastonbury's lost cartulary, the *Liber Terrarum*, King Edmund granted *Ceollamwirthe*, which Finberg associated with Chelworth, to a certain Æthelwold some forty years later.[48] Hart thought that this Æthelwold should be identified as the man who possessed the ealdordom of Kent and adjacent shires in the 940s.[49]

Malmesbury, then, purportedly once possessed four of the estates bequeathed by Ælfheah. It may be, as Fleming argued, that Alfred and his successors 'through default or exchange ... gained an impressive amount of land' which they then used to endow royal officials.[50] Kelly similarly suggested that Alfred's lease of Chelworth may have been part of a plan to provide estates for the maintenance of fighting men in the vicinity of what was, according to the Burghal Hidage, a defensive enclosure manned by 1,200 men.[51] She thought that Malmesbury may have lost its independence during the reign of Alfred's grandfather, when, at a meeting at Kingston-upon-Thames, 'the communities of free monasteries' chose King Ecgberht

[43] S 585.

[44] S 149.

[45] S 231, 234; also S 1038, in which Edward the Confessor confirms Malmesbury's lands and privileges; here both Purton and Chelworth are said to have been granted to Malmesbury by King Cædwalla, while the grant of Charlton is attributed to King Æthelwulf.

[46] S 356.

[47] S 1205, 1797.

[48] Abrams, *Anglo-Saxon Glastonbury*, p. 32 (LT 45). H. P. R. Finberg, *The Early Charters of Wessex* (Leicester, 1964), p. 87.

[49] C. R. Hart, *The Danelaw* (1992), p. 573.

[50] R. Fleming, 'Monastic lands and England's defence in the Viking age', *EHR*, c (1985), 247–65, at pp. 254–5.

[51] Kelly, *Charters of Malmesbury*, pp. 16–19.

and his son, Æthelwulf, 'for protection and lordship' ('ad protectionem et ad dominium').[52] Kings may have subsequently felt at liberty to use Malmesbury's estates as they saw fit. We know that Eadwig granted Wroughton to Ælfheah; the king may have given him the other three estates too. Eadwig was certainly accused by Bishop Æthelwold of having 'distributed the lands of holy churches to rapacious strangers', presumably meaning laymen, in Æthelwold's preface to the Old English version of the Rule of St. Benedict, which Gretsch has dated to the mid 960s, that is, within a decade of the king's death.[53] Although Keynes thought that it was 'difficult to show that in more than a few cases the land ... [granted by Eadwig to laymen] had once been church property', we may have an instance of this here.[54] Monastic reform came to Malmesbury in the 960s, and was doubtless accompanied by attempts to regain lost estates. Hence the fabricated lists attached to the 'decimation charters'. And if Edgar did prove 'inclined to listen to and enforce ecclesiastical claims of ancient tenure', as Kelly put it, he may have influenced the direction of Ælfheah's bequests.[55] Ælfheah bequeathed, and hence restored, only Charlton direct to Malmesbury, but he may have negotiated a life-lease of Purton for his son, Godwine, and bequeathed Wroughton and Chelworth in line with royal instructions. Malmesbury held Charlton, Purton and Chelworth at the conquest; Wroughton was in the hands of the bishops of Winchester.[56]

Overall the evidence suggests that Ælfheah's rights may well have been subject to a number of qualifications about which his will is silent. These restrictions may have been the result of obligations to the king, his family and his wife's family. Those who saw Ælfheah declare his bequests perhaps knew of all these restrictions; the failure of his will to mention them highlights the dangers of taking the surviving bequest evidence at face value.

[52] Kelly, *Charters of Malmesbury,* pp. 17, 198–9.

[53] '... eac swa halegra cyricena land incuþum reaferum todælde' (*Councils and Synods with other Documents Relating to the English Church*, ed. D. Whitelock, M. Brett and C. N. L. Brooke (2 vols., Oxford, 1964–81), i. 146. For the date, see M. Gretsch, *The Intellectual Foundations of the English Benedictine Reform* (Cambridge, 1999), p. 232, n. 18, or alternatively, D. Whitelock, 'The authorship of the account of King Edgar's establishment of monasteries', in *Philological Essays in Honour of Herbert Dean Merritt*, ed. J. L. Rosier (The Hague, 1970), pp. 125–36, at pp. 135–6.

[54] S. Keynes, 'Eadwig (*c.*940–959)', *ODNB*, xvii. 539–42. Cf. Williams, '*Princeps Merciorum*', p. 151, suggesting that before the revival of religious life at Malmesbury during the reign of Edgar, some of the foundation's estates may have been used to endow the ealdorman of Wessex.

[55] Kelly, *Charters of Malmesbury*, p. 79.

[56] *Domesday Book*, i, fos. 67, 65v.

My final case-study is about the bequests of Ketel.[57] It includes evidence from a set of surviving multi-generational wills less discussed than those of Ælfgar and his daughters. A genealogical table is useful at the outset (see Figure 12.1).

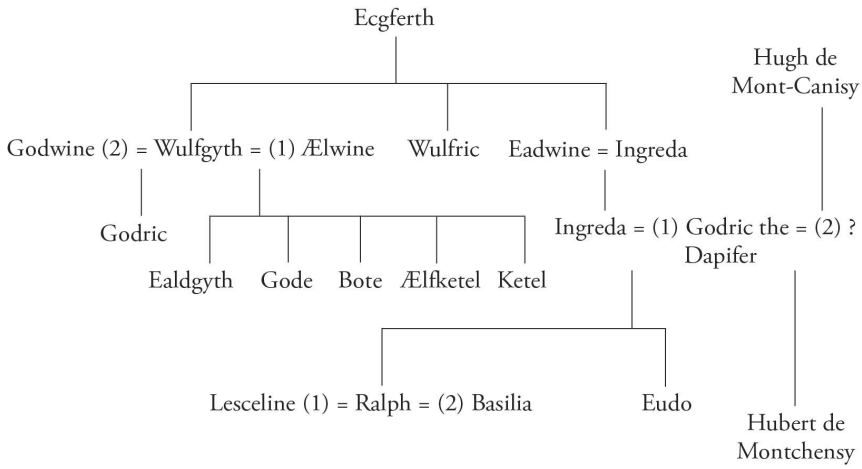


Figure 12.1. Wulfgyth and her relatives.[58]

Wulfgyth's will was preserved at Christ Church; it contains the following instructions with regard to her estate at Stisted (Essex):

> And I grant the estate at Stisted, with the witness of God and of my friends, to Christ Church [Canterbury] for the support of the monks on condition that Ælfketel and Ketel, my children, may have the use of the estate in their day; and afterwards the estate is to pass to Christ Church without any controversy, for my soul and for my lord Ælwine's and for [the souls of] all my children.[59]

The slightly later will of Wulfgyth's son, Ketel, reveals compliance with his mother's wishes.[60] But his bequest does not refer to her earlier one.

[57] S 1519.

[58] For this hypothesized genealogy, see Mumby, 'Transfers of property', pp. 131–2.

[59] S 1535: 'and ic yan þet land at Stistede. a Godes ywitnesse. and mine vrenden. into Cristes chereche. þa muneken. to vostre. on þan yrede þet Elfkitel. and Kytel mine bea[r]n. bruke þas londes. hyre dey. and seþþen gange. þet land into Cristes chereche buten ecchere agentale vor mine saule and vor Elfwines mines hlouerdes. and vor alre mine bierne' (*Charters of Christ Church Canterbury*, ed. and trans. N. P. Brooks and S. E. Kelly (Oxford, forthcoming), no. 176). I am grateful to Professor Brooks and Dr. Kelly for allowing me to cite this work prior to publication.

[60] S 1519.

Indeed, Ketel did not refer to his mother at all: he bequeathed Stisted to Christ Church for the souls of his father and the otherwise unknown Sæflæd, who may have been his wife. This may indicate that Wulfgyth had followed the wishes of her husband, Ælwine, in relation to Stisted; Ketel did not mention his mother because she was only a conduit of the estate. Yet two Christ Church obituary lists of the thirteenth century attribute the grant of Stisted to Wulfgyth – there is no mention of either Ælwine or Ketel.[61] Fleming thought that these obituary lists typically remembered the individual whose grant facilitated Christ Church's possession of an estate: even if Wulfgyth had received Stisted from her husband, this suggests that it was she who established the connection with the community.[62] A Christ Church cartulary of the twelfth century also failed to connect Ælwine and Ketel with Stisted; Godwine and Wulfgyth were therein credited with the gift of both Stisted and Coggeshall (Essex).[63] The later of the two Christ Church obituary lists refers to Wulfgyth as the wife of Godwine.[64] The Christ Church obituary lists also attribute the grant of Coggeshall to Wulfgyth, but the estate does not appear in Wulfgyth's will.[65] It does, however, appear in Ketel's; he bequeathed the estate to his brother Godric. Domesday shows Coggeshall in the hands of Holy Trinity Canterbury in 1066.[66]

The attribution of the grant of Coggeshall to Wulfgyth suggests that she either gave or bequeathed a life-interest in the estate to Ketel, in whose will the estate appears.[67] Wulfgyth probably married Godwine after making her will. She might have even received Coggeshall from him. Godric, the brother to whom Ketel bequeathed the estate, may have been a half-brother, the product of this marriage. Wulfgyth perhaps granted Ketel a life interest in Coggeshall on account of Godric's youth. In this scenario, Ketel was returning the estate to Godwine's family by bequeathing it to Godric. Whether Godric ever succeeded to Coggeshall is uncertain, but the attribution of the grant to Wulfgyth (or Wulfgyth and Godwine) suggests that the estate was destined for Christ Church. Ketel may have occupied the role of a conduit in the descent of both Stisted and Coggeshall.

[61] R. Fleming, 'Christchurch's sisters and brothers: an edition and discussion of Canterbury obituary lists', in *The Culture of Christendom: Essays in Medieval History in Commemoration of Denis L. T. Bethell*, ed. M. A. Meyer (1993), pp. 115–53, at pp. 127, 136.

[62] Fleming, 'Christchurch's sisters and brothers', p. 120.

[63] S 1646.

[64] Fleming, 'Christchurch's sisters and brothers', p. 127.

[65] Fleming, 'Christchurch's sisters and brothers', pp. 127, 136.

[66] *Domesday Book*, ii, fo. 8.

[67] The following reconstruction of Coggeshall's descent is based on Brooks and Kelly, *Charters of Christ Church*, no. 176A.

Eadwine's will of the mid eleventh century is also relevant to this case-study. It refers to an agreement that the testator has made with his brother, Wulfric.[68] Ketel's will reveals that these two men were his maternal uncles. They provided that after the death of both of them, Great Melton (Norfolk) was to descend to St. Benet's at Holme, while an estate at Thorpe (Norfolk) was to descend initially to Ketel, and, after his death, to Bury St. Edmunds. Ketel's will both mentions and follows his uncles' instructions with regard to Thorpe. It also states that he is to succeed to Great Melton before it descends to St. Benet's; this was perhaps always the intention, but the terms of the agreement may have been changed after Eadwine's will was drawn up.

Ketel seemingly acted as a conduit in the descent of at least four of the estates that he bequeathed. But whereas he bequeathed two of these estates with reference to the previous instructions of his uncles (that is Great Melton and Thorpe), he bequeathed a further two without reference to the instructions of his mother (that is, Stisted and Coggeshall). Why the written version of Ketel's bequests refers selectively to these testamentary restrictions is uncertain. The document's survival at Bury St. Edmund's could indicate that scribes at some point omitted information relating to the reversion of Stisted and Coggeshall, estates in which St. Edmund's had no interest. On the other hand, Ketel had probably acquired Stisted and Coggeshall by the time he declared his bequests; he only mentioned the agreement with his uncles because it was here that he needed to demonstrate his right to succeed to estates in the future.

To conclude: in her study of female posthumous benefaction, Crick made an observation worth repeating here. For her, the wills of both Æthelflæd and Ketel made 'salutary reading' when compared to those of her father and his mother: 'they demonstrate how much can be obscured by the diplomatic conventions … of drawing up a will, not least the motives and capacity for action of the testator'. Crick further commented on the way in which the evidence of these two surviving cross-generational groups of wills made 'apparently simple bequests suddenly begin to look complicated'. [69] We have seen that when Ketel's bequests are further compared to those of his uncle, with two obituary lists, and one cartulary entry, the situation appears even more complex. The same could be said of the bequests of Æthelric and Ælfheah when one examines them in the widest possible context. The question of testamentary freedom is not one that can always be addressed through the analysis of the surviving wills alone.

[68] S 1516.

[69] Crick, 'Women, posthumous benefaction and family strategy in pre-conquest England', p. 403.

Even where analysis is restricted to the surviving wills, individuals who might be considered conduits of land appear when one looks for them. Occasionally testators acknowledged restrictions on their testamentary freedom. When, at the end of the tenth century, Ælfhild bequeathed the goods and possessions that her husband had left her, she granted to Ramsey estates at Abbots Ripton, Wennington in Abbots Ripton and Ellington (Hunts.) 'just as ... Ælfwold granted them to the same church by word of mouth while he was alive'.[70] Elsewhere, the documentary survival of a previous generation's bequests reveals unacknowledged restrictions of the kind found in the wills of Ælfheah and Ketel. Ramsey's *Liber Benefactorum*, for instance, records a bequest of the mid eleventh century in which Eadnoth and his wife granted land at *Acleia* to Ramsey after their deaths; Godric's bequest of the same estate to his son Eadnoth with reversion to Ramsey reveals Eadnoth to have been following his father's instructions.[71] Testators sometimes turned donees into conduits of land by placing limitations on their right of bequest, although to what extent donees adhered to such limitations is impossible to say. Such restrictions were not only placed upon women. When Eadwine of Caddington bequeathed four estates to male kinsmen in the event of his son's death, he provided that 'after their days the land is to pass within my kindred, always in the male line'.[72] All bequests of life-interests effectively created conduits of land. Wulfweard the White became the channel for the Old Minster's inheritance of Hayling Island when Queen Ælfgifu-Emma left him a life-interest in five hides of that estate.[73] Those with life-interests who paid rents or renders to ultimate religious beneficiaries saw their role as a conduit publicly articulated on an annual basis.[74]

Yet, as we have seen, limitations on testamentary freedom were more widespread than the surviving wills suggest. The case studies indicate that restrictions, unacknowledged in the documents themselves, might result from constraints insisted on or negotiated with family members, as well as those imposed at the time of the original grant. Diplomatic convention was no doubt one reason for the failure to mention such restrictions; but there are other likely reasons for this absence. Bequests declared orally before witnesses aware of the prehistory of the estate obviated the need for

[70] S 1808: 'sicut ... Alfwoldus eas adhuc vivens viva voce eidem ecclesiæ concessit'.

[71] S 1231, 1518.

[72] S 1517: 'æft hyra dagon gan þa land innon mine cynn æfre on þa sperhand' (*Charters of St Albans*, ed. and trans. J. Crick (Oxford, 2007), no. 15). For similar stipulations, see S 1488, 1508, 1511, 1522.

[73] S 1476.

[74] S 1482–4, 1497, 1506, 1508, 1516, 1533.

it to be spelt out. At the same time, written versions of oral bequests may have omitted such information even where it was orally stated: documents produced to aid and later replace memory did not need the sort of detail that modern commentators might wish to see. Later cartulary compilers perhaps summarized further.[75] Moreover, Æthelric's will suggests that even explicit declarations of testamentary freedom must be considered in context.

Nelson was right to argue that 'to ignore gender – to omit it from, for instance, a discussion of early medieval individuals' rights to bequeath property, as if just the same conditions and constraints applied to men and women alike – is to miss an important dimension in the lives we seek to reconstruct'.[76] But property rights could be qualified for men and women alike. Sometimes such rights were restricted because the land in question was held as a lease or was associated with an individual's office. Elsewhere, an individual's freedom of bequest was almost certainly limited by the requirement to take three things into account: the needs of their soul; the obligations to, and aspirations of, their kindred; and the demands of their lords. Failing to provide for one's soul was not an option. Property *had* to be set aside for pious benefaction if one wanted to avoid the torment of hell. For the elite, exactly what was set aside would have been the product of negotiation. The surviving pious bequests, which overwhelmingly hail from the elite of Anglo-Saxon society, usually consist of land: only three wills lack a grant of land, whether direct or reversionary, to a religious community.[77] Yet bequests of land may not have been the norm; religious communities were doubtless interested in retaining documentary evidence outlining their right to land, but not necessarily that recording ephemeral monetary gifts. Monetary bequests were probably less likely to arouse familial opposition than those involving the alienation of land from the kin-group. Sometimes men may have satisfied the demands of piety by using land acquired with their wives in order to avoid such familial opposition.[78] Morning-gifts may have been used in a similar way – by men. Family claims also had to be considered before one bequeathed land. Direct descendants could expect to receive family land, but bequests of bookland were probably coveted by both direct descendants and the wider kin-group.[79] As Reuter put it, 'it would have taken the four horsemen of the Apocalypse to

[75] For the later summary of bequests, see K. A. Lowe, 'The nature and effect of the Anglo-Saxon vernacular will', *Journal of Legal History*, xix (1998), 23–61, at pp. 33–6.

[76] Nelson, 'Wary widow', p. 83.

[77] S 1200, 1507–8.

[78] See, perhaps, *Chronicon Abbatiæ Rameseiensis*, ed. W. D. Macray (RS, lxxxiii, 1886), pp. 83–4 (c. 53); *Domesday Book*, ii, fo. 431v.

[79] For family land, see J. Mumby, 'The descent of family land in later Anglo-Saxon England', *Historical Research*, lxxxiv (2011), 399–415.

render … land-holders so heirless as to be able to dispose of their land without having to take anyone else into account'.[80] Lordless too, he might have added, for it seems likely that wise lords took an interest in who was to succeed to the property of their men and women. The surviving wills reveal the outcome of what could have been complex and lengthy negotiations about the descent of property. Individuals who wanted to ensure the successful implementation of their bequests disregarded family and lordly concerns at their peril.

So it seems unlikely that supposedly freely alienable bookland was ever entirely freely alienable, at least after the death of the initial holder, whether it was held by a man or by a woman. Alfred's laws indicate that restrictions on alienation of bookland may have soon become the norm. The case studies put flesh on the bones of this broad generalization, and reveal, or at least allow speculation about, the ways in which a particular individual's right of bequest could have been constrained. Women's rights were probably more limited than men's, and their room for manoeuvre more restricted. But there were overlaps in their experiences best appreciated by taking a synoptic view. Many people were probably used as conduits of land, at least to some extent, even kings. In his will, King Alfred declared that the lands 'at lower Hurstbourne [Hants.] and at Chiseldon [Wilts.] are to be given to Winchester on the terms previously settled by my father'.[81] Being a conduit might have even proved beneficial in some circumstances. A religious community that had been left an estate in reversion would have wanted to safeguard their inheritance by supporting the holder of the life-interest against claims. When in the mid ninth century Badanoth Beotting granted land near Canterbury in reversion to Christ Church, he explicitly entrusted his wife and children 'to the lord and to the community and to the foundation ... for peace and protection and patronage in the things that they need'.[82] Abba secured for himself and his heirs the protection of Christ Church a few years earlier by promising them the reversion of his property should his family die out.[83] Being a conduit rather than an heir did not necessarily prove to be a bad thing.

[80] T. Reuter, 'Property transactions and social relations between rulers, bishops and nobles in early 11th century Saxony: the evidence of the *Vita Meinwerci*', in Davies and Fouracre, *Property and Power*, pp. 165–99, at p. 183.

[81] S 1507: '7 æt þam nyðeran Hysseburnan 7 æt Cyseldene agyfe man into Wintanceastre on þa gerad þe hit min fæder ær gecwæð' (trans. *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources*, ed. S. Keynes and M. Lapidge (Harmondsworth, 1983), p. 175).

[82] S 1510: '... Þiib 7 cild ðæm hlaforde 7 higum 7 ðære stowe befestan ober minne dei to friðe 7 to mundbyrde 7 to hlaforddome on ðæm ðingum ðe him ðearf sie' (trans. Brooks and Kelly, *Charters of Christ Church*, no. 78).

[83] S 1482.

13. 'Hunnish scenes'/Frankish scenes: a case of history that stands still?

Janet L. Nelson

By 1986, when Joan Scott proclaimed gender 'a useful category of historical analysis ... signifying relationships of power', Pauline Stafford had contributed powerfully to medieval women's history. Thereafter she included in her toolkit 'that new key of gender', and unlocked inner places of medieval worlds.[1] In this chapter in her honour, my focus will be on two divorce cases, separated by 1100 years. My aim is comparison. This exercise lends itself, on the one hand, to historical deconstruction by testing claims about a certain timelessness in the history of women. On the other hand, it invites attempts to reconstruct, in specific contexts, underlying structures of thought and action which were being shaken and contested, in the ninth century, and the twentieth century, but in very different conditions. Before going further, I will briefly describe the two cases.

Very well known, even notorious, and richly documented, is the case of Christabel Russell in July 1922. She was an Englishwoman, the daughter of a colonel and married to the son of a peer, whose husband, John, petitioned for divorce on grounds of her adultery (two named co-respondents and one unnamed 'third man' figured in the charges). The details of the case as it unfolded across nine July days were in all the newspapers, while full legal records were also kept. The wife denied adultery, and alleged that her husband John had subjected her to 'Hunnish scenes', which were 'like nightmares' to her. The lawyers, John's in particular, were interested in the meaning of Christabel's words; and the newspapers latched on to the notion of the couple's sexual relations as having been 'incomplete', or 'unnatural'.

[1] P. A. Stafford, *Gender, Family and the Legitimation of Power: England from the 9th to 11th Century* (Aldershot, 2006), III, p. 251. My debt of gratitude to Pauline is immense, spanning three decades and more. Other debts in the present context are to Stuart Airlie (see below); to Lucy Bland and Rachel Stone for generously allowing me to see work in advance of publication; to Judith Bennett, for '"History that stands still": women's work in the European past', *Feminist Studies*, xiv (1988), 269–83; to Joan Scott, for 'Gender: a useful category of historical analysis', *American Historical Review*, xci (1986), 1053–75; and last but not least, to Wendy Davies, Susan Reynolds, Alice Rio and Julia Smith, for invaluable comments.

To many people at the time, this notion, and the adultery charge, seemed the more credible in view of the husband's penchant for transvestism and bizarre sexual preferences, and more especially the fact that the wife had given birth to a son the previous October. Yet medical specialists gave evidence that Christabel's hymen had remained intact during her pregnancy, and the case against the named co-respondents collapsed. This trial ended inconclusively. In March 1923 John Russell won a second trial, and the verdict was upheld by the Court of Appeal in July 1923. The law on the publication of divorce proceedings was changed in 1926.[2]

Not well known, and documented succinctly in a single text surviving in one manuscript, is the case of Northild in August 822. Northild was a Frankish woman 'of not ignoble birth'. At a great assembly at the Carolingian palace of Attigny, attended by papal legates as well as large numbers of Frankish aristocrats and churchmen, 'Northild made a complaint publicly ('publice') to the emperor [Louis] about certain dishonourable acts ('quaedam inhonesta') between herself and her husband, who was named Agambert'.[3] This is the story as described in a treatise arising from another, far more famous, divorce-case, written in 860 by Archbishop Hincmar of Reims, who recalled it as an exemplary instance of 'limits laid down by your forefathers ... not to be transgressed'.[4] Though the text is not absolutely explicit, the context indicates that Northild had pleaded for the emperor to sanction a divorce because of her husband's behaviour. The upshot was that Northild was returned to her husband's protection by an assembly judgement that was still recalled in 860.

In looking at these two cases comparatively from several perspectives and across many centuries, I first have to register a willingness to 'change what has to be changed', as lawyers do when invoking precedent or counter-factual historians do when they ask 'what if ... ?'. Marc Bloch, in pioneering 'the parallel study of societies that are *at once neighbouring and contemporary* [my emphasis]', minimized the need for any self-imposed *mutatis mutandis* rule. He evidently had little time for the 'long-range' sort of comparative method, which 'always reverts in conclusion to the fundamental unity of

[2] L. Bland, '"Hunnish scenes" and a "Virgin birth": a 1920s case of sexual and bodily ignorance', *History Workshop Journal,* lxxiii (2012), 118–43.

[3] Hincmar, *De Divortio Hlotharii et Tetbergae*, ed. L. Böhringer (MGH Conc., iv, supp. i, pp. 140–1 (*responsio* 5). Hincmar, a member of the community at Saint-Denis in the 820s, used testimony from confrères who had attended the assembly of Attigny (Böhringer's introduction, esp. pp. 28–41, and excellent notes to *responsio* 5, pp. 141–2). 'Not ignoble' suggests well-born without belonging to the high nobility: cf. the *vulgus* at Attigny (see below, n. 10).

[4] Citing Proverbs XXII:28.

the human mind, or, alternatively, the monotony and astonishing poverty of the intellectual resources at man's disposal throughout the course of history'.[5] Imagine how he might have employed 'that new key of gender' had it been available when he wrote those words, in 1928, or had he lived on into the decades after the Second World War. But he would still have needed to invoke the rule of *mutatis mutandis* where history has *not* stood still and where differences loom large. One point of tackling such different *comparanda* is to show the importance of contexts; but another is, as it were, to defy context, by looking for what is left when the time-bound is stripped away.

Scandals surrounding sex attracted public attention in the ninth century. The evidence for the 820s, exiguous compared with that surviving from the 1920s, is cumulatively curiously full. The case of Northild raises questions about what could be regarded as *inhonestum* (dishonourable), and what was the nature of the Carolingian public. In 814, the emperor Louis, who had just succeeded his father Charlemagne, presented himself as the new broom cleaning out what his biographer later called 'the very large crowd of women in the palace', especially Charlemagne's mistresses and the unmarried daughters whose company he could not forego. Louis wished to broadcast the sexual purity expected of a reforming regime and a purified palace.[6] *Honestas* combined public and private, lay and ecclesiastical, connotations of what was honourable, irreproachable and clean. *Honestas* presupposed discipline, public and private, sexual and moral. Just a couple of years before Northild brought her case to the council of Attigny, the emperor had issued an order on 'the discipline of the palace at Aachen', the imperial capital, ordering prostitutes and pimps to be searched out and expelled from the palace, the Aachen residences of the aristocracy, and the houses of traders whether Christians or Jews.[7] Shameful conduct in high places was condemned at a great Church council at Paris in 829 when bishops declared: 'there is no doubt, and it is known to many, that the minds of some people have been so affected by certain magical practices and devilish

[5] M. Bloch, 'A contribution towards a comparative history of European societies', originally written in 1928, repr. in *Land and Work in Medieval Europe*, trans. J. E. Anderson (1967), pp. 44–81, at p. 47.

[6] For the 'very large crowd of women', see Astronomer, *Vita Hludowici*, ed. E. Tremp (MGH SRG, lxiv, Hanover, 1995), p. 352 (c. 23); J. L. Nelson, 'Women at the court of Charlemagne: a case of monstrous regiment?', repr. in J. L. Nelson, *The Frankish World* (1995), pp. 223–42, esp. pp. 239–41; M. de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–840* (Cambridge, 2010), pp. 192–4.

[7] *MGH Capit*, no. 146, pp. 297–8 (trans. J. L. Nelson, 'Aachen as a place of power', in *Topographies of Power in the Early Middle Ages*, ed. M. de Jong and F. Theuws (Leiden, 2000), pp. 217–41, at pp. 238–9).

illusions, with love-inducing potions, foodstuffs, and charms, that they are judged by many to have gone mad'.[8] These were gender-coded signals of rifts in the royal family and factional conflicts. When rebellion against the emperor Louis broke out in 830, the empress was captured and accused of lasciviousness and surrounding herself with 'persons suited to performing filthy acts, secretly at first, then shamelessly ... Lesser men laughed, greater ones grieved, but all the leading men judged this intolerable'.[9] Another author claimed that the opinion of the rank and file ('vulgi aestimatio') was primarily responsible for the allegations of adultery.[10] A queen's conduct commanded widespread attention, for she was responsible for the *honestas* of the palace, 'that big household', and the realm it represented. In other households too, 'potentes feminae' ('powerful women') played analogous roles.[11] The marital lives of noblewomen carried great expectations and had wide implications; and for them, as for queens, the private was also public, and vice versa.[12]

At the same time, politics involved lords and men, acting collectively and individually, as when, in cases where an individual woman's unsanctioned sexual activity was the matter in question, magnates discussed it together with the rank and file at an assembly. Adultery was the issue in the case of Engeltrude, daughter of one of the Frankish empire's greatest men, Count Matfrid: in 856 she left her husband Boso, a count in Italy, to live with one of his vassals. She claimed later that her life would be endangered if she went back to her husband.[13] This may well have been true. In the thinking that

[8] *MGH Conc.*, ii (2), ed. A. Werminghoff (Hanover, 1908), p. 669 (Council of Paris 829, III. 2).

[9] Agobard, *Liber Apologeticus I*, c. 2, ed. L. Van Acker (Corpus Christianorum, Ser. latina, lii), p. 309: 'mulier resolui in lasciviam ... conversa [est], immo adversa ad inlicita, adscivit sibimet aptas personas ad perpetranda turpia, et primum latenter, deinde inpudenter ... quam rem inridebant minores, dolebant maiores, omnes autem clari viri intolerandum iudicantes'.

[10] Radbert, *Epitaphium Arsenii*, ed. E. Dümmler, p. 73 (II. 9) (*Abhandlungen der königlichen preussischen Akademie zu Berlin, 1899–1900: Phil.-histor. Classe 1900*, *Abh.*, ii (Berlin, 1900), p. 73, and cf. p. 69 (II, c. 8), playing on 'palatium/prostibulum' ('palace/brothel')). De Jong, *Penitential State*, p. 201, rightly identifies the 'vulgus' here as the army, including magnates' retinues.

[11] *MGH Conc.*, iii, ed. W. Hartmann (Hanover, 1984), p. 124 (Council of Meaux-Paris *c.*77).

[12] A marital case in the 860s involving scions of magnate families threatened a kingdom with 'scandals and seditions' (Hincmar, *Epistolae*, ed. E. Perels (MGH Epp. viii (1), Berlin, 1939), p. 89 (no. 136)). For the general point, see P. Stafford, *Queens, Concubines and Dowagers* (Athens, Ga., 1983), *passim*.

[13] Hincmar, *Epistolae*, p. 82 (no. 135); R. Stone, '"Bound from either side": the limits of power in Carolingian marriage disputes, 840–70', *G&H*, xix (2007), 467–82, at pp. 473–6, with n. 84; S. Reynolds, 'Carolingian elopements as a sidelight on counts and vassals', in *The Man of Many Devices Who Wandered Full Many Ways: Festschrift in Honor of János Bak*, ed. B. Nagy and M. Sebők (Budapest, 1999), pp. 340–6, esp. p. 342.

underpinned early medieval law codes, a woman belonged to someone else, her husband if she were married, her family of origin if she were not. Her adultery therefore not only infringed someone else's rights but diminished someone else's honour.[14] Engeltrude, despite the excommunications wielded by popes and bishops, and the political pressures deployed by kings and assemblies, never did return to her husband. She was supported by powerful kin, who included churchmen.[15]

Adultery cut two ways. In 794, Patriarch Paulinus of Aquileia had to deal with a shocking case of wife-slaying, where the husband apparently pleaded his wife's adultery in his own defence. Paulinus imposed an eight-year penance: no wine or beer, no meat-eating (except at Christmas and Easter), constant fasting on bread and water, constant prayer and alms-giving, no bearing of arms, no engaging in legal business, no sex, no baths, no feasting, no receiving of the Eucharist.[16] This case, remembered for generations, may lie behind the following remarks by Hincmar, after a citation from St. Paul (Eph. V:25): 'Husbands love your wives, and be not harsh towards them' ('Viri diligite uxores vestras et nolite amari esse ad illas').

> If, then, husbands ought not to be harsh towards their wives, how much the less should they be savage, cruel, bloody, keeping no sense of law, of reason, of judgement, or even of what constitutes correct behaviour towards slaves according to the Christian religion? Rather, as soon as they have a mind to do so, impelled by rage and impious fury, as if they were taking their wives to a slaughter-house to be butchered, these husbands give orders to their cooks to carve them up with swords as they do sheep or pigs, or they even knife them themselves with a dagger by their own hand and cut them to bits.[17]

This was what Michel Rouche sardonically called 'Carolingian divorce'.[18] Or was it Hincmarian black humour? It follows in the *De Divortio* just a little after the Northild case.[19] In the above material, there is greater interest

[14] J. L. Nelson and A. Rio, 'Women in early medieval law-codes', in *Oxford Handbook of Women and Gender in Medieval Europe*, ed. J. Bennett and R. M. Karras (forthcoming, Oxford, 2013).

[15] R. Stone, '"Bound from either side"', pp. 468–71, 473–6.

[16] *Epistolae Karolini* Aevi, ii, ed. E. Dümmler (MGH Epp., iv, Berlin, 1895), pp. 520–2 (Paulinus, no. 16).

[17] Hincmar, *De Divortio*, pp. 144–5 (*responsio* 5). The word *divortium* faded out of legal use in early medieval legal practice, to be replaced by such terms as *uxorem/virum relinquere*, *conjugale consortium dimittere*. (The title of Hincmar's treatise was supplied by early modern editors.)

[18] M. Rouche, 'The early middle ages in the west', in *A History of Private Life from Rome to Byzantium*, ed. P. Veyne (Harvard, Mass., 1987), pp. 411–549, at pp. 476, 532.

[19] Hincmar, *De Divortio*, pp. 138, nn. 28, 30.

in husbands' repudiation of wives than in desertion by wives of husbands: a disproportion that attests a double standard, and the heavy weight of honour invested by men in wives' fidelity. Suspicions of dishonour which so dangerously threatened men's social capital were bound to arouse fierce responses. Great men might declare 'one law for husband and wife'.[20] Reality was not so even-handed.

By *c*.800, as just noted, higher clergy could exact penalties of penance and exclusion, enhancing their claims to social control.[21] By *c*.900, gender-specific anxieties about masturbation and wet dreams were afflicting high-born laymen as well as monks.[22] Conscientious bishops knew from their handbooks the range of sexual offences, including anal intercourse, punished by a seven-year penance (not hugely repressive by comparison with the life-long penalties for patricide, for instance). This was probably among the *inhonesta* to which Agambert had subjected Northild, and which, specifically, she presented as grounds for divorce.[23] Perhaps Louis and his advisers stage-managed Northild's case in order to attract general approval for their reforming regime at a politically delicate moment of readjustment within the royal family.[24] Northild appears in Hincmar's account as a solo plaintiff: no kin or 'friends' are mentioned.

But whosever the initiative, or if there was collusion between concerned emperor and desperate victim, the bringing of Northild's plea before a public assembly suggests that, among the Frankish elite, there was a strongly embedded idea that a hallmark of virtuous manhood was the protection of the weak, and that, although women in general were not paradigmatic

[20] *MGH Capit.*, i, no. 15 (*decretum* of Compiègne, c. 8). The context is that of a free woman who knowingly marries a slave: she must spend the rest of her life with him. Since the same is not stipulated of a free man and a slave-woman, 'una lex est de viris et feminis' seems an overstatement.

[21] R. Meens, 'The frequency and nature of early medieval penance', in *Handling Sin in the Middle Ages*, ed. A. Minnis and P. Biller (Woodbridge, 1998), pp. 38–61, and 'Penitentials and the practice of penance', *EME*, xiv (2006), 1–21, at p. 10; cf. J. M. H. Smith, 'Religion and lay society', in *The New Cambridge Medieval History*, ii, ed. R. McKitterick (Cambridge, 1995), pp. 654–78, at p. 672 (on Northild), and 'Gender and ideology in the early middle ages', *Studies in Church History*, xxxv (1998), 51–73; A. J. Frantzen, *Before the Closet: Same-Sex Love from Beowulf to Angels in America* (Chicago, Ill., 1998), pp. 156–62; R. Stone, *Morality and Masculinity in the Carolingian Empire* (Cambridge, 2011), pp. 290–1, 298–9.

[22] J. L. Nelson, 'Monks, secular men, and masculinity *c*.900', in *Masculinity in Medieval Europe*, ed. D. M. Hadley (1999), pp. 121–42.

[23] Stone, *Morality and Masculinity*, pp. 287–8; on ecclesiastically forbidden sexual positions, see P. Payer, *Sex and the Penitentials: the Development of a Sexual Code 550–1150* (Toronto, 1984), pp. 40–4.

[24] J. L. Nelson, 'England and the continent in the 9th century: IV, bodies and minds', *TRHS*, 6th ser., xv (2005), 1–27, at pp. 20–1.

powerless persons (*pauperes*) in the same category as widows or orphans, the suffering of a noblewoman could be calculated to elicit sympathetic responses, in an assembly context, from laymen and churchmen alike.[25] There is a further point: legal formulae – model-documents, mostly dating from between the sixth and eighth centuries, but surviving in collections from northern Francia made in the Carolingian period for the use of ecclesiastical scribes catering for local societies' demands – include divorce-petitions 'by mutual consent'. In one case, such a petition was initiated by the wife. Such documents imply that divorces were still happening, and that local clerics and their communities, with some pecuniary benefit to themselves and keen to maintain social peace, far from attempting active suppression, helped to perpetuate the practice.[26] While the big Church, embodied by bishops acting in councils, preached lifelong monogamy, little churches authorized divorce.[27] This coinciding of different attitudes in varied practice provided a context in which Northild's appeal for justice was thinkable.

Similar paradoxes were apparent in late Victorian England, where the law punished marital rape but not a husband's violence to his wife, yet public opinion in actual cases regarded sexual cruelty as strong grounds for a wife's plea for divorce.[28] Such cases remained few, though. Until 1923, when a legal change made grounds for divorce the same for women as for men, men could obtain divorce for adultery, but women had to prove cruelty or desertion, in addition to their husband's adultery.[29] Class mattered too: the cases that gained notoriety concerned the elite, not least because only the well-off could afford to bring cases to court. Barristers and expert medical witnesses

[25] Smith, 'Religion and lay society', p. 668, offers Northild's case as evidence that some lay aristocrats genuinely tried to 'order their lives' in line with 'the sexual *mores* promulgated by the clergy'. Agambert's life-ordering was presumably another matter.

[26] *The Formularies of Angers and Marculf: Two Merovingian Legal Handbooks*, ed. and trans. A. Rio (Liverpool, 2008), pp. 97–8 (Angers, no. 57): 'God having divided us and turned us into enemies, so that [we] cannot be together, we therefore agreed before good men [i.e., local notables acting in or out of court] that we should let each other go: which we did. If ever my husband wants to marry a woman, let him have the free power to do so'. Cf. A. Rio, 'Formulae, legal practice and the settlement of disputes', in *Law Before Gratian*, ed. P. Andersen and others (Copenhagen, 2007), pp. 21–34, at pp. 26–7; more generally, Rio, *Legal Practice*, pp. 187–97.

[27] Cf. D. d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford, 2005), pp. 74–81.

[28] G. Savage, '"... the instrument of an animal function": marital rape and sexual cruelty in the Divorce Court, 1858–1908', in *The Politics of Domestic Authority in Britain since 1800*, ed. L. Delap and others (2008), pp. 43–57.

[29] R. Phillips, *Untying the Knot: a Short History of Divorce* (Cambridge, 1991), pp. 191–2, noting that the double standard, whereby women's adultery was considered much more serious than men's, was still influential, though being challenged, in the early 1920s.

were expensive. English bishops and other Church leaders influenced public opinion on moral matters to an extent that belies arguments for extensive secularization by the 1920s. Literary evidence (in the absence of opinion polls) indicates widely held views about the shamefulness of divorce.[30] The influential Arthur Winnington-Ingram, bishop of London (1901–39) and president of the London Public Morality Council, led a campaign to prohibit the reporting of divorce cases (it was finally successful in 1926). Alongside traditional opinion-formers were the new voices of the owners and writers of the popular press. A national, even allegedly global, public learned of the Russell case through the dailies. The *Daily Express* featured the case on its front page no fewer than six times in July 1922, while on 13 July, the *Daily Mirror* had a front-page photo of John Russell 'in woman's guise' at a fancy-dress party. Journalists who claimed to impose self-censorship provided lavish coverage of the Russell case; readers devoured divorce reports, converting what purported to be moral lessons into erotic stories.[31]

'Hunnish scenes': the thought was titillating. At the Old Bailey, the lawyers questioned closely what John and Christabel might have understood by the adjective. It was a synonym for 'barbaric'. As John Russell said in evidence, 'everybody was using "Hun" at that time', and his wife 'described anything she didn't like as "Hunnish"'. 'Incomplete' or 'unnatural' sex, meaning, it transpired, non-penetrative sex, and not any fear that her husband might rape her or demand anal intercourse (though she was not asked this directly), was what Christabel had found so hateful about her husband's sexual practices. Learned counsel suggested that Christabel actually preferred partial intercourse, thus to avoid being 'put in the family way'. But how was it, then, that she had become pregnant? Learned gynaecologists attested that conception could occur 'without penetration'. Under cross-questioning, Christabel expressed a degree of sexual ignorance which lawyers at the time found baffling, and one barrister claimed that 'women of the industrial classes ... generally know more [about sex] than educated women'.[32] Nearly all women in the earlier twentieth century were probably ignorant on sexual matters, or wished to 'uphold ignorance' as a sign of virtue.[33] Accelerating migration

[30] C. Brown, *Religion, Politics and Society in 20th-Century Britain* (Harlow, 2006), pp. 2–3, 116–76.

[31] G. Savage, 'Erotic stories and public decency: newspaper reporting of divorce proceedings in England', *Historical Journal*, xli (1998), 511–28, esp. p. 527.

[32] Bland, '"Hunnish scenes"'. In the summer of 1919, John had given Christabel a copy of Marie Stopes, *Married Love: a New Contribution to the Solution of Sex Difficulties* (1918); but, as Bland comments, 'it seems unlikely that the Russells had actually read much of the book'.

[33] S. Szreter and K. Fisher, *Sex Before the Sexual Revolution* (Oxford, 2010), p. 91; S. Morgan, 'The Word made flesh', in *Women, Religion and Sexual Cultures*, ed. S. Morgan and J. de Vries (2010), pp. 159–87, at pp. 163–6.

to towns from the countryside and universal primary education and literacy had 'fractured continuities in the oral transmission of culture' in the decades around 1900 in ways hitherto unknown.[34] In terms of the transmission of sexual knowledge from mothers to daughters of all social ranks, women in 822 and 1922 may well have had more in common than they had with their descendants in the later twentieth century, where the western world, at least, was concerned. Nevertheless, Christabel's modern sexuality itself made her a dashingly disturbing figure.[35] No one believed that she had experienced a 'virgin birth', but quite what had happened was obscure.

There is some evidence, though scarce and indirect, for sexual knowledge on the part of ninth-century men and women. Hincmar displayed both interest and ignorance.[36] Virgin birth, as experienced uniquely by Mary, he explained as best a churchman could. The intensified Marian cult in the Carolingian world, and the adapting of the calendar of the court and court assemblies to Marian feasts, made Mary's virginity yet more widely acknowledged and celebrated than before.[37] The divorce case of King Lothar II, which hinged on his accusation that his queen, Theutberga, had had anal intercourse with her own brother before her marriage to the king, and aborted the foetus, made it necessary to consider the physiological implications, and Hincmar, as loyal counsellor, duly complied. Frankish women as well as learned theologians may well have understood the logic of Joseph's marriage to Mary as the couple escaped to Egypt, for this made her husband 'the guardian of her virginity lest she be stoned as an adulteress according to the command of the law'.[38] Speaking for bishops generally, yet sounding rather paradoxical, Hincmar denied 'any desire to reveal to those who know them, or to penetrate for those who do not know them,

[34] S. Alexander, 'The mysteries and secrets of women's bodies', in *Modern Times: Reflections on a Century of English Masculinity*, ed. M. Nava and A. O'Shea (1996), pp. 161–75, at pp. 166–7.

[35] Cf. L. Bland, 'The trials and tribulations of Edith Thompson: the capital crime of sexual incitement in 1920s England', *Journal of British Studies*, xlvii (2008), 624–48; M. Houlbrook, '"A pin to see the peep-show": culture, fiction and selfhood in Edith Thompson's letters, 1921–2', *P&P*, ccvii (2010), 215–49, esp. pp. 226–9. Edith Thompson and her lover, after trials lasting from Oct. to Dec. 1922, were hanged in January 1923 for the lover's killing of Edith's cruel and abusive husband.

[36] Hincmar, *De Divortio*, p. 182 (*responsio* 12). Cf. p. 232 (*responsio* 23).

[37] Essential reading is S. Airlie, 'Private bodies and the body politic in the divorce case of Lothar II', *P&P*, clxi (1998), 3–38; C. Leyser, 'From maternal kin to Jesus as mother: royal genealogy and Marian devotion in the 9th-century west', in *Motherhood, Religion and Society in Medieval Europe, 400–1400: Essays Presented to Henrietta Leyser*, ed. C. Leyser and L. Smith (Farnham, 2011), pp. 21–40.

[38] Heiric of Auxerre, *Homiliae*, ed. R. Quadri (Corpus Christianorum, continuatio medievalis, cvi, Turnholt, 1992), p. 46 (I. 5).

the virgin secrets of women and girls, of which we have no knowledge by experience; but rather, following Scripture, "the cause which I knew not, I searched out"' (Job XXIX:16). Hincmar went on to contrast 'most noble laymen, who on these matters were the fairest judges', and who, specifically, could pronounce on whether or not it was possible for a woman to conceive as Queen Theutberga was alleged to have done, 'for those laymen will know that better than us, being better able to find out more quickly for themselves by learning this from their own wives through marital permission'. Bishops needed to be sure of their ground if someone accused of such an offence confessed and came seeking penance 'by judgement of just judges'.[39] It did not follow that bishops acquired much understanding of women's bodies. On this subject, indeed, as men vowed to celibacy, they were professionally ignorant. Yet the demands of politics forced Hincmar to investigate.

Hincmar was silent on whether or not Northild and Agambert had children. But there were arguments in 822, as in 1922, that begetting children was for the public good. Another Carolingian moralist, Bishop Jonas of Orleans, addressing elite laity only a few years after the Northild case was heard, reported the arguments of husbands who ignored the Church's rulings on forbidden times for intercourse: 'Our wives, they say, are joined to us by law. If we use them at our will, when and as we want, we commit no sin. Rather, we become responsible for a great crime if we fail to beget the sons we should have begotten'.[40] In Jonas's imaginative accounts of laymen's 'shameless' recalcitrance is a fundamentally sympathetic sub-text, a willingness to collaborate with them, and to recognize their priorities. After all, the Carolingian state needed 'sons'. This was no time for raising resentments or anxiety levels in the hearts of lay magnates and their followings, any more than it was the moment for pacific impulses via-à-vis the *gentes*, the still pagan peoples on the Franks' periphery. Charlemagne's long wars lay in the past, but Louis and his generation were prepared for more conflicts to maintain the empire.[41] Children were expected of couples according to Holy Writ, and in the Book of Genesis, begetting offspring was the hallmark of the patriarch.[42]

The sequel to Northild's complaint to the emperor was a resounding affirmation of masculine honour, but not made directly by the emperor himself. Louis

[39] Hincmar, *De Divortio*, pp. 182–3 (*responsio* 12); Airlie, 'Private bodies', p. 23.

[40] '*De ordinatione laicali*' (*PL*, cvi, col. 172 (II. 3)).

[41] D. A. Bullough, 'Was there a Carolingian anti-war movement?', *EME*, xii (2003), 365–76.

[42] Stone, *Morality and Masculinity*, p. 286 and n. 61, citing Jonas: 'sex is for progeny, not the satisfying of lust'.

> sent her to the synod so that the authority of bishops ('episcopalis auctoritas') should decree what was to be done. But the general company of the bishops remitted her to the judgement of laymen and married men ('ad laicorum ac coniugatorum eam remisit iudicium'), so that they might judge between her and her husband, because those laymen were cognizant of such affairs and possessed extremely expert knowledge in the laws of the world ('qui de talibus negotiis errant cogniti et legibus saeculi sufficientissime praediti'), and therefore [they said] that that woman should subject herself to the legal judgement of those men, and she should hold to what they had decided concerning her charge ('quod de quaestione sua decrevissent, sine repetitione teneret'), without any [right of] appeal ... This decision of the bishops ('sacerdotalis discretio') pleased the lay nobles, because judgement concerning their wives had not been taken away from them, nor had prejudice been done to civil laws by the episcopal order ('Nobilibus laicis sacerdotalis discretio placuit, quia de suis coniugibus eis non tollebatur iudicium nec a sacerdotali ordine inferebatur legibus civilibus praeiudicium'). So [the lay nobles] declared the law in response to the woman's legal complaint, and by a lawful judgement they put an end to her plea.[43]

The emperor passed the buck; and the bishops' 'discretio' proved to be the better part of valour in what sound like political decisions orchestrated by Louis himself.

The Northild case cannot be taken as a 'model-case' of working relations between lay and ecclesiastical jurisdictions. In the Carolingian period, cases were dealt with ad hoc, under political pressures that allowed room for individual action. A great assembly with serried ranks of high clergy and secular magnates was the forum in which Northild's case was heard, because she had chosen, perhaps under imperial direction, a direct appeal to the emperor, rather than (as Queen Theutberga was to do in 858) to lay judges and trial by ordeal taken by a champion on the woman's behalf. In 822, a secular court decided the outcome, and Northild's fate. No wonder the 'laici ac coniugati' were happy with this episcopal 'discretio'. They were to be left in charge of their own domain. In every household ruled a little patriarch, and Frankish churchmen were happy to endorse patriarchy.[44] Dhuoda, the only woman, and the only parent, among Carolingian moralists, saw the Old Testament patriarchs 'chaste as others serving in the marriage-bed who do their best to keep hearts pure in Christ'.[45] Reluctance to perform such service because of a commitment to sexual restraint seems unlikely to have

[43] Hincmar, *De Divortio*, pp. 141–2 (*responsio* 5).

[44] J. L. Nelson, 'Peers in the early middle ages', in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. P. Stafford and others (Manchester, 2001), pp. 27–46, at p. 38.

[45] Dhuoda, *Liber Manualis*, ed. P. Riché (Paris, 1975), p. 228 (IV. 6).

been Agambert's problem.[46] The bishops remitted the case to laymen and married men, not because procedural law required that, but because in 822, the emperor needed a public performance of collective commitment to reconciliation and consensus. That was what the council of Attigny was all about. Bishops were coming to the fore, not to get hierocratic control of the political scene, but to help the emperor stabilize it.

Some similar points can be made, *mutatis mutandis*, about 1922. The Great War was 'something of a watershed in the history of divorce'.[47] In England as elsewhere, the 1920s saw legal changes that did away with the double standard in divorce cases, and which contributed to wider social and political circumstances favouring an increase in divorce petitions. European governments responded to social change by increased stress on family values, vying to raise birth rates, and rewarding child-begetters and -bearers: 'the reproduction of the race was deemed essential to post-War reconstruction'.[48] Contemporary reporting of Russell v. Russell aroused, and perhaps revealed, anxieties about masculinity and patriarchal authority that threatened to become a crisis for the empire itself. The president of the Institute of Journalists told a House of Commons select committee that the publication of the details of divorce trials in the vernacular press in India 'instinctively led Indians to assume that this was the normal life in England', and that 'did not do any good for the British Empire'.[49] John was an unlikely standard-bearer for English manliness. The fact that he belonged to the minor aristocracy was not the only thing that made the case especially fascinating to those of lower (as well as elite) social rank. Allegations of Christabel's serial adultery did more than throw into question the legitimacy of the Russell baby. More than a title and an inheritance were at stake. Twentieth-century men shared earlier belief that a wife's shameful conduct not only compromised, fatally, her husband's honour but subverted masculinity in general. Femininity seemed to be changing. A journalist-cleric depicted Christabel as emblematic of a new and dangerous decadence: 'In these days girls knock about town in the same way as young men ... They flutter on the edge of proprieties, the conventions of correct behaviour having been blown sky high'.[50] The war

[46] For the sharp contrast between Dhuoda's view and the ascetic drives that produced a 'crisis of masculinity' later in the 9th century, see J. L. Nelson, 'Monks, secular men and masculinity'.

[47] Phillips, *Untying the Knot*, p. 185.

[48] Bland, 'Trials and tribulations'.

[49] A. Bingham, *Family Newspapers? Sex, Private Life and the British Popular Press, 1918–78* (Oxford, 2009), p. 138; cf. pp. 99–100, 140–1.

[50] Father Degen, *Reynold's Newspaper*, 22 July 1922, cited by Bland, '"Hunnish scenes"'.

seemed to have corrupted standards: young women now smoked, craved pleasure and dressed like men. King George V, horrified by the Russell case, expressed to the Lord Chancellor his distress that 'the unwritten code of decency' no longer kept 'repulsive' matters 'out of the range of public eye or ear'.[51] Christabel's boyish looks were shocking, but she was admired for her insistence on standing for four and a half hours to be cross-examined. Yet it was her passionate objection to 'Hunnish scenes' that struck a chord with detractors and admirers alike. Here was a woman speaking out on subjects never before discussed in public, to listeners almost exclusively male, but, beyond them, through the press to a mass audience of men and women. Christabel's was a voice that usurped authority. Her barristers' playing of this card backfired because fundamentally conservative popular attitudes were offended by the subversion of John's masculinity.[52]

In the *causes célèbres* of both 822 and 1922, as reported by contemporary witnesses, the voices that attracted most attention, and resonated in public memory long after, were those of the women concerned. Normally absent from public political spaces, in divorce disputes women could speak out in a kind of self-fashioning. Christabel was articulate: yet though she presented herself affectingly as a mother (especially in the 1923 retrial), that did not win her case. Northild, whether or not set up by the emperor to present a touching demonstration of confidence in his protective power and piety, looks as if she seized an opportunity of agency when it occurred, despite the risks of adverse publicity. Making a plea (in Latin?) to the emperor in her own case against 'quaedam inhonesta' to which her husband had subjected her put Northild's own *honestas* on the line.

In speaking of divorce, the speaker(s) made a difference. Frankish churchmen, in line with Christian tradition, had long enjoined monogamy, yet marital cases considered at early Carolingian assemblies including churchmen and laymen revealed a de facto tolerance of divorce.[53] As noted, Carolingian divorce petitions initiated by women but 'by mutual consent' survive only as form-documents, yet they imply some currency, at least in northern Francia, and the Church's silence on the subject suggests a reluctance to attempt active suppression.[54] The official attitude of early twentieth-century Anglican churchmen was not very different from that of their medieval predecessors. Though earlier twentieth-century Britons, like earlier ninth-century Franks, were familiar with divorce in particular

[51] Bland, '"Hunnish scenes"'.

[52] Bland, '"Hunnish scenes"'; cf. Phillips, *Untying the Knot*, pp. 171–3, 192, 238.

[53] J. A. McNamara and S. F. Wemple, 'Marriage and divorce in the Frankish kingdom', in *Women in Medieval Society*, ed. S. M. Stuard (Philadelphia, Pa., 1976), pp. 95–124, at pp. 102–6.

[54] Above, at n. 26.

cases, and with the adultery, often tacitly tolerated, which was divorce's justification, they were urged by preachers and opinion-formers to regard theirs as a Christian society in which lifelong monogamy was expected. It was as if a highly visible divorce case invited general participation in a health-check on public morals. In Russell v. Russell, as in Northild v. Agambert, women's bodies and sexual conduct were scrutinized as stand-ins for the body politic. In 822 and 1922 there was a good deal of double thinking.

These two cases' historiographical fortunes have been similar: in brief, they have been marginalized. The Russell case has been considered until very recently by historians of the law, but by few others.[55] Though the first generation of women's historians mentioned Northild's case, more recent writers have ignored it.[56] 'The ascent of monogamy', 'the Christianization of marriage', 'the [Carolingian] theory of marriage', are phrases that epitomize current orthodoxy on an allegedly fundamental change in attitudes to divorce in the early Carolingian period, and Hincmar's *De Divortio* has been taken, especially by canon law specialists, as a star witness to this cultural shift.[57] Yet there is a risk in assuming that the supposed 'transformation' was clear-cut, unilinear or obvious to contemporaries.[58] Northild's case occurred in a context of complicated readjustments across a period in which ecclesiastical and lay elites combined to reaffirm old prescriptions in response to new demands that were both ideological and practical, and to work out new ground-rules. In 796, an Italian council decreed, on the basis of Christ's own judgement (Matt. V:32, XIX:9), that in a case where the wife's adultery had loosed the marriage bond, the husband could not remarry as long as she lived, adding that the adulterous wife could never remarry, 'and must suffer most heavy punishment and the torment of penance'.[59]

The 'doggedness' with which society clung to monogamy sanctioned by the Church in the period (*c*.1500–1800) between medieval and modern

[55] Savage, 'Erotic stories', p. 23 and n. 69.

[56] S. F. Wemple, *Women in Frankish Society* (Philadelphia., Pa., 1981), p. 104; McNamara and Wemple, 'Marriage and divorce', p. 106. V. L. Garver, *Women and Aristocratic Culture in the Carolingian World* (Ithaca, NY, 2010) and M. Costambeys and others, *The Carolingian World* (Cambridge, 2011), neglect Northild; contrast R. Stone, *Morality and Masculinity*, pp. 279–81.

[57] Wemple, *Women*, pp. 75–96; P. Toubert, 'La théorie du mariage chez les moralistes carolingiens', *Settimane*, xxiv (1977), 233–82.

[58] Böhringer in Hincmar, *De Divortio*, p. 141, nn. 48–50, deals deftly with the canon law historiography.

[59] *MGH Conc.*, ii (1), ed. A. Werminghoff (Hanover, 1906), pp. 192–3 (Council of Friuli, c. 10).

has been credited to 'religious conviction'.[60] In that early modern period, though, and in medieval and modern periods as well, secular convictions too were involved: of the value of consent, and mutual respect for honour and fairness. The two divorce cases do not show ecclesiastics seeking to impose their authority but rather exerting influence by supporting and colluding with lay power and the interests of patriarchs. (Here, modern professional law imposes a huge *mutatis mutandis*, as does modern mass democracy.) Rachel Stone finds no threat to masculinity in the ninth century.[61] It may be that my own argument for 'a crisis of masculinity' *c.*900 was an overstatement.[62] But my reading of these two divorce cases is that each revealed, in its time, tensions between the private and the social, between ideals and realities, that put masculinity into question. In exposing one husband's abuse, or another's unsavoury practices, whether seeking divorce or resisting it, a woman was wrong-footed either way. Each lost her case. Clearly, it did make a difference whether a woman was seeking redress against her husband and release from an abusive marriage, as Northild was, or being accused of (multiple) adultery by her husband and ruthlessly divorced, as was Christabel. Yet making public the most private secrets of the marriage bed implied on the part of both these women a sense that public interest in private conduct was legitimate, and an expectation that certain sexual practices, physically or psychologically abusive, would be judged reprehensible by male contemporaries. Despite obvious differences between the two cases, a common feature is that they show no consistent hegemonic view of the stability of marriage operating in the societies concerned. Churchmen and barristers who claimed to protect women, but did not or could not do so, men who coolly endorsed 'one law for men and for women' but in practice used wives 'at our will', operated a double standard. Neither in 822 nor in 1922 were moralists' views taken to the logical conclusion of submitting husbands' behaviour to as much critical scrutiny as wives'.

Rather than see the gender order as 'relatively secure' in the ninth century, or, for that matter, in the earlier twentieth, I see it as always liable to be unstable and contested, hence to become, subjectively, insecure, and always therefore a source both of gender anxiety, and of re-investment in patriarchal power. What makes gender a useful category of historical analysis is, not least, its capacity to expose that ambivalence. Highlighting the unpredictable workings of power in public situations and private

[60] O. Hufton, *The Prospect Before Her: a History of Women in Western Europe*, i: *1500–1800* (1997), p. 261.

[61] R. Stone, '"Bound from either side"', pp. 476–7.

[62] Nelson, 'Monks, secular men and masculinity', pp. 141–2.

lives, divorce cases are suitable for treatment as brief flashes of light shed on fractured moral landscapes. The courts that dealt with them were forums where a woman could sometimes deploy agency and find a voice. Precisely because they can reveal a lot in general terms about deep structural continuities in European social arrangements, these cases can appear to show history standing still across time; yet they reveal even more about the play of contingency on social relations and politics, high and low, and wilful displays of ignorance as well as of knowledge. No teleology of progress can be inferred.[63] These cases depended on particular historical conjunctures and choices. They show, to recall Bloch, less 'the monotony and astonishing poverty of the intellectual resources at man's disposal', [64] than, as soundings at intervals across a long span of recorded European history, the discordant and inventive richness of men's and women's responses in any century to the conditions – persistently unequal yet recurrently adjustable – of their gendered social co-existence.

[63] See the thought-provoking reflections of S. Joye, 'Y a-t-il une "évolution" des mœurs? Historiographie et anthropologie de la famille et du mariage', *Labyrinthe: atelier interdisciplinaire*, xxx (2008), 115–30.

[64] Above, at n. 5.

14. Assembly government and assembly law

Susan Reynolds

Much has been learned in the past thirty years or so about the settlement of disputes in the earlier middle ages,[1] with attention shifting recently from peaceful settlement to revenge, violence and feud.[2] All this has been very illuminating: as Pauline Stafford has pointed out, 'Dispute is a good way into understanding of the structures of power and their interaction'.[3] This chapter in her honour suggests some small adjustments to the way we look at early medieval disputes and the occasions or meetings at which they were settled. It argues that, whatever the authority under which the meetings were apparently held, they all applied – or were supposed to apply – the same sort of law and were supposed to reach their judgements in much the same way, but that the settlement of disputes was only a small part of their work. It may therefore be misleading to call them courts, in so far as the word may suggest law courts.

Government before the twelfth century was conducted, in Timothy Reuter's excellent phrase, by 'assembly politics'.[4] Assemblies were not just for politicking. They were an essential part of government. Decisions about government, war and peace were announced at assemblies that included many of those who would have to join in carrying out what had been decided, so that they needed to agree or at least acquiesce in them. Their duties might involve making announcements and conducting

[1] Survey in S. Reynolds, 'Medieval law', in *The Medieval World*, ed. P. Linehan and J. L. Nelson (2001), pp. 485–502, at pp. 486–9.

[2] E.g., *Violence and Society in the Early Medieval West*, ed. G. Halsall (Woodbridge, 1998); S. D. White, *Feuding and Peace-making in 11th-Century France* (Aldershot, 2005); *La vengeance, 400–1200*, ed. D. Barthélemy and others (Rome, 2006); *Vengeance in the Middle Ages: Emotion, Religion and Feud*, ed. S. A. Throop and P. R. Hyams (Farnham, 2010); *Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White*, ed. B. S. Tuten and T. L. Billado (Farnham, 2010).

[3] P. Stafford, 'King and kin, lord and community: England in the 10th and 11th centuries', in P. Stafford, *Gender, Family and the Legitimation of Power: England from the 9th to Early 12th Century* (Aldershot, 2006), VIII, p. 12.

[4] T. Reuter, 'Assembly politics in western Europe from the 8th century to the 12th', in Linehan and Nelson, *The Medieval World*, pp. 432–50; *Political Assemblies in the Earlier Middle Ages*, ed. P. S. Barnwell and M. Mostert (Turnhout, 2003).

negotiations at local assemblies which were supposed to work through the same combination of hierarchy and consensus as royal government. Law codes, capitularies and some charters suggest that, quite apart from dealing with orders from above, these local assemblies were supposed to police and punish crime as well, presumably, as managing matters of local concern, like the use of commons, woods, fields, roads, watercourses and bridges, and disputes among neighbours.

The law codes show that kings and their counsellors took a serious interest in law and order, including the punishment of the kind of crimes, like minor thefts and assaults, that the bulk of the population, rather than royal counsellors and great nobles, would be likely to commit. There is less in the laws about catching, accusing and judging such crimes than about their punishment, but enough to suggest that, however brought to justice, criminals were supposed to be judged and condemned in some kind of meeting.[5] The concerns of rulers clearly went beyond any monetary penalties payable to them. Some people nevertheless dealt with offences against them on their own account, getting away with it either because a modicum of self-help was always allowed or because they were too powerful to be accused and tried by *rachimburgi*, *scabini*, lawmen or other local worthies who acted and judged on behalf of the community and its custom.

Enforcement is imperfect in any society. In a hierarchical society it is particularly difficult against the rich and powerful. Chronicles are full of reports of violence between nobles, by nobles against churches, and sometimes by nobles against peasants – particularly if the peasants were on church land, so that the violence was reported in church records or chronicles. Disputes between nobles or between nobles and churches caused great trouble to others when one protagonist recruited armed bands to ravage lands under the other's control, destroying the crops, animals and houses of people living there. The reports of such events are nonetheless partial in every sense of the word. Any chronicler tended to concentrate on the lands and rights of his own church and assume that offences against it were unprovoked and wicked. Chroniclers and cartulary compilers lived, moreover, in protected and relatively peaceful enclaves and may well have exaggerated the violence outside. Believing all their horror stories may be like judging the prevalence of crime from headlines in newspapers, including

[5] Early references to the Frankish *mallus* include: *Pactus Legis Salicae*, ed. K. A. Eckhardt (MGH Leges Sectio I, iv (1), Hanover, 1962), pp. 1–29, 39, with suggestive references *passim* to the meaning of words 'in malbergo'. Aethelbert's laws, cc. 6, 9, have penalties paid to the king and Hlothere's and Eadric's, c. 8, have accusations made 'an medle oþþe an þinge', which may be something like the *hundredgemot* recorded later (*Die Gesetze der Angelsachsen*, ed. F. Liebermann (3 vols., Halle, 1916), i. 3, 10, 192, 320).

newspapers that claim to have suffered from the reported behaviour. The result is probably not a very accurate picture of the maintenance of law and order in general, however imperfect and unjust that no doubt often was.

The pall of gloom often cast over law and order in the earlier middle ages comes, I suggest, from too much focus on France and the weakness of its kings in the eleventh century; from the traditional belief that the only right and effective units of government are the kingdoms that were manifestly destined to become modern states; and from too much concentration on nobles.[6] Even in France, even in the eleventh century, the great majority of the population lived under coercive government: France was not 'stateless' in the sense in which the word is generally used outside medieval history. It was a society of rather unstable mini-states.[7] Even in areas where nobles seem to have been effectively independent and uncontrollable, local assemblies probably went on dealing with local affairs and lesser people, whether they were held for traditional units of government or for the patch of a local lord.[8] A general acceptance of hierarchy, supported by custom and collective decision-making, meant that the authority of anyone who maintained moderate order through the customary kind of assemblies for any length of time probably acquired an adequate degree of legitimacy, however that authority had been acquired. So long as local meetings went on they presumably dealt with crimes and various aspects of local government that were unlikely to get into the cartularies and chronicles that recorded disputes about land. Outside France, Otto I in Germany referred to local judgements when he gave away land confiscated for treason, while in England the excavation of what look like execution sites suggests that criminals were punished locally, presumably after being tried in some kind of local assembly, both before and after kings organized assemblies into shires and hundreds.[9]

Records of disputes in the eleventh century and earlier, both in France and elsewhere, suggest that the difference between what are called 'public

[6] F. C. Cheyette, 'Some reflections on violence, reconciliation and the "feudal revolution"', in *Conflict in Medieval Europe*, ed. W. C. Brown and P. Górecki (Aldershot, 2003), pp. 243–64.

[7] J. W. Lapierre, *Vivre sans état* (Paris, 1977); S. Reynolds, 'The historiography of the medieval state', in *Companion to Historiography*, ed. M. Bentley (1997), pp. 117–38.

[8] E.g., G. Duby, 'Recherches sur l'évolution des institutions judiciaires pendant le x^{e} et le xi^{e} siècles dans le sud de la Bourgogne', *Moyen Âge*, lii (1946), 149–94, liii (1947), 15–38; S. D. White, '"Pactum ... legem vincit et amor judicium": the settlement of disputes by compromise in 11th-century France', *American Journal of Legal History*, xxii (1978), 281–308.

[9] S. Reynolds, *Fiefs and Vassals: the Medieval Evidence Reinterpreted* (Oxford, 1994), p. 409; R. Fleming, *Britain after Rome: the Fall and Rise, from 400–1070* (2010), pp. 359–65; P. Stafford, *Unification and Conquest: a Political and Social History of England in the 10th and 11th Centuries* (1989), pp. 136–7.

courts' and 'seigneurial' or 'feudal courts' was one of politics rather than law.[10] Procedures look much the same in both: a local lord under whose aegis an assembly was held might bully or overawe those present but a count, sheriff or king might similarly bully or overawe people at meetings that look to us more formally and legitimately governmental or 'public'.[11] Politics may also explain why some disputes were settled outside meetings of either sort: lords who were more or less independent of superior authority might, if they did not go to war with each other, get a bishop or other respected person or persons to arbitrate in their disputes. Historians have tended to contrast the compromises of arbitration with the supposedly more rigid judgements of regular assemblies. The contrast they have drawn between love and peace on the one hand and law and judgement on the other was, however, generally clearer in treatises than in practice.[12] So far as words are concerned, *arbitrium*, *convenientia* or *concordia* could be interchangeable with *judicium*: in the age of professional law from the twelfth century on, when one might expect categories to be clearer, some cases heard by royal justices in England ended with what was called a final concord and some look as if they may have involved genuine compromise.

As all this suggests, many distinctions familiar in later law were not made in earlier medieval practice. That was not because the distinctions existed but people did not appreciate their significance, so that they mistakenly confused criminal with civil law or public with private. Distinctions like these are human social constructs that do not exist in any society until they have been made there. Laws were issued, custom evolved, disputes were settled and crimes were punished, more or less imperfectly, but not necessarily less well because of the lack of distinctions, or of specialized tribunals and professional lawyers to argue in them. It is misleading to use

[10] E.g., S. Reynolds, *Kingdoms and Communities in Western Europe, 900–1300* (Oxford, 1997), pp. 25–9; *The Settlement of Disputes in Early Medieval Europe*, ed. W. Davies and P. Fouracre (Cambridge, 1986); F. Bougard, 'La justice dans le royaume d'Italie aux ix^{e}–x^{e} siècles', *Settimane*, xliv (1997), 133–76; C. Wickham, 'Justice in the kingdom of Italy in the 11th century', *Settimane*, xliv (1997), 179–250, at pp. 223–32.

[11] On public and private, most recently, see R. E. Barton, *Lordship in the County of Maine, c.890–1160* (Woodbridge, 2004), pp. 127–66.

[12] Stafford, *Unification and Conquest*, p. 137; Liebermann *Gesetze*, i. 232 (III Aethelred, 13.3); E. James, '"Beati pacifici": bishops and the law in 6th-century Gaul', in *Disputes and Settlements*, ed. J. Bossy (Cambridge, 1983), pp. 25–46; M. Clanchy, 'Law and love in the middle ages', in Bossy, *Disputes and Settlements*, pp. 47–68; P. Toubert, *Les structures du Latium médiéval* (Paris, 1973), pp. 1251, 1325–8; Wickham, 'Justice in the kingdom of Italy', p. 179n.; Reynolds, *Kingdoms and Communities*, p. 27; M. Shapiro, *Courts: a Comparative and Political Analysis* (Chicago, Ill., 1981), pp. 8–9.

the word 'court' for early medieval assemblies at which laws were made and justice was done, whether locally or in kings' courts, if that implies that they were law courts. They were partly that but they were much more. Meetings in kings' courts probably discussed politics more than individual disputes or crimes, while a shire, as Pauline Stafford put it, 'was both a court and a political grouping, a gathering of the local nobility and their point of contact with royal rule'.[13] To call these all-purpose assemblies 'courts', or *cours*, or *Gerichte*, or *tribunali*, in the sense of law courts, does not help in understanding how they worked. Not only did they do more than law, but they did law differently from the way law courts with professional judges and professional advocates do it.

Thinking of early medieval assemblies as something different from primitive law courts may be easier if we pay attention to the language of the sources. The word *curia* does not seem to have been generally used before the twelfth century for meetings held to try criminals or settle disputes. When it was used, it was for meetings held in the courts (*curiae/curie*) of kings or other lords, in which general governmental business, feasting and worship might take up more time and attention. In those cases the word seems to denote a place, the residence of a king, bishop, count or other secular lord.[14] Not that it is always used even then: many disputes before kings or other people in authority are simply said to be heard in their presence (*coram rege*, *coram episcopo* etc.).[15] Meetings anywhere could be called *placita*, though that word could also denote individual cases or records of cases. Some documents specify a meeting as a *mallus*, or in England a *scirgemot* or *hundredgemot*, but English documents often left out *gemot*, as if assuming that the meeting included the whole population – or everyone in it that mattered. Similar usage went on in England through the twelfth century in Latin documents, though historians gratuitously add 'court' to 'county', 'hundred' or 'husting'.

The suggestion that *curia* was rare in the sense of a meeting to do law is prompted by a survey, though one that covers only some printed sources that happen to be conveniently cited. It started with the records of settlements of disputes listed by Warren Brown from the cartulary of the bishops of Freising in Bavaria between 758 and 854; by Stephen White from the eleventh-century cartularies of the French abbey of Marmoutier; by R. C. Van Caenegem in *English Lawsuits*; and by Georges Duby in his two articles on jurisdiction in

[13] Stafford, *Unification and Conquest*, p. 137.

[14] E.g., *Cartulaire de Saint-Vincent de Mâcon*, ed. M. C. Ragut (Mâcon, 1864), no. 31: 'placitum in curia episcopi'.

[15] On the terminology, and lack of it, see Reuter, 'Assembly politics', pp. 433–4.

the Mâconnais and in *La société mâconnaise*.[16] If what a Marmoutier cartulary calls the court of Vendôme was maybe held in the count of Vendôme's headquarters there (perhaps in his absence?), that might emphasize the element of place, rather than legal character, in the word *curia*. The same cartulary did not use the word *curia* when the count took part in judging in other people's houses.[17] The only apparently wider use I have noticed in these sources is that one litigant against Marmoutier promised to acquit the abbey 'in omnia curia secundum justitiam'.[18] Although Duby in his first article on jurisdiction in the Mâconnais twice used the Latin word *curia* in what seems the sense of law court, the entries from before 1200 cited in his two articles, and those in *La société mâconnaise* which the index suggests may refer to tribunals of some sort, do not seem to use the word before 1200 even for meetings before counts, bishops or abbots.

A still more sketchy survey of Italian sources suggests that the word *curia* was rarely used there before the twelfth century,[19] when it came into use in at least some cities for their various more specialized law courts.[20] *Tribunale*, the usual modern Italian word for a law court, occurs from the late eleventh century, apparently as a borrowing from Roman law, though it may not have come into general, non-professional use for some centuries.[21] As for Spain, local assemblies that dealt with disputes in north-west Christian Spain in the tenth century were called *concilia* or *collationes*, which suggests the same sort of general-purpose representative assemblies as I suggest functioned elsewhere.[22]

[16] Brown, *Unjust Seizure*: *Conflict, Interest, and Authority in an Early Medieval Society* (Ithaca, NY, 2001), pp. 30, 73, 140, 167; White, '"Pactum ... legem vincit"'; *English Lawsuits from William I to Richard I*, ed. R. C. van Caenegem (Selden Society, cvi–cvii, 1990–1); Duby, 'Recherches', and *La société aux xi^e et xii^e siècles dans la région mâconnaise* (2nd edn., Paris, 1971). L. Génicot, 'Le premier siècle de la "curia" de Hainaut', *Moyen Âge*, liii (1947), 39–60, also has examples of its use there.

[17] S. D. White, '"Pactum ... legem vincit"', at p. 288; *Cartulaire de Marmoutier pour le Vendômois*, ed. A. de Trémault (Paris/Vendôme, 1893), nos. 7–9, 32.

[18] *Cartulaire de Marmoutier pour le Dunois*, ed. E. Mabille (Châteaudun, 1874), no. 60; also perhaps *Cartulaire de Marmoutier pour le Vendomois*, no. 128.

[19] Word indexes of *Placiti del 'regnum Italiae'*, ed. C. Manaresi (FSI, xcii, xcvi–xcvii, Rome, 1955–60); *Codice Diplomatico Longobardo*, ed. L. Schiaparelli and C. R. Brühl (FSI, lxii–lxvi, Rome, 1929–73); *Diplomi* of the later kings, ed. L. Schiaparelli (FSI, xxxv–xxxviii, Rome, 1903–24); J. Ficker, *Forschungen zur Reichs- und Rechtsgeschichte Italiens* (Innsbruck, 1868–74).

[20] C. Wickham, *Courts and Conflict in 12th-Century Tuscany* (Oxford, 2003), pp. 38, 43, 51, 63, 130, 134, 137, 169–75; *Liber Consuetudinum Mediolani*, ed. E. Besta and G. L. Barni (Milan, 1949), pp. 55, 61, 119, 123 (I. 2, 30; XXIV. 1, 5, 9).

[21] Toubert, *Les structures du Latium médiéval*, p. 1322; Reynolds, *Fiefs and Vassals*, p. 448; S. Battaglia, *Grande dizionario della lingua italiana* (22 vols., Turin, 1961–), xxi. 1360.

[22] W. Davies, *Acts of Giving: Individual, Community, and Church in 10th-Century Christian Spain* (Oxford, 2007), pp. 202–7.

Dictionaries confirm the impression. Niermeyer's *Lexicon* does not have any clear examples from before the twelfth century of *curia* as a meeting to settle disputes except when it was an ecclesiastical 'court' or was held in the 'court' of a king or lord.[23] The *Oxford Dictionary of Medieval Latin* does not seem to have a relevant example before a reference in the *Curia Regis Rolls* of 1205 to litigants coming 'in curiam domini regis coram justiciariis in banco', though it should have noted references in Henry II's reign to the king's court held before his justices in various places.[24] The sending out of royal justices on what became known as eyres evidently extended the notion of the royal court in England. In the thirteenth century *Fleta* listed a whole range of courts which counted as the king's: first his council, and then courts of all sorts before his justices, courts of counties and hundreds, the sheriff's turn, and courts in cities and boroughs.[25] All by then apparently counted for the author of *Fleta* as royal courts.

None of this can possibly prove that the word *curia* was never used in the early middle ages in the sense of law court. More evidence would not prove a negative. Even at one time and in one area, moreover, words may be used to represent different ideas or concepts in different people's heads as well as different phenomena. The words *lex*, *placitum*, *judicium* and *justitia* were all used in the earlier middle ages in various senses connected with law. But however inadequate my survey of the sources is, it nevertheless suggests, at least to me, that *curia*, though it had various connotations in other contexts, was not generally used to denote assemblies that dealt with disputes, unless they were held in the court of a king or other prominent person. There is nothing wrong with using our words, but we need to be sure that they do not suggest that we are assimilating the concepts and phenomena of the past to those of the present. Referring to early medieval assemblies when they happened to be dealing with disputes as courts may suggest that they were simply primitive versions of modern law courts. I suggest that they were different in ways that imply different and wider functions and purposes – the functions and purposes of assembly government.

[23] J. F. Niermeyer and C. van de Kieft, *Mediae Latinitatis Lexicon Minus* (2 vols., 2nd edn., Leiden, 2002), pp. 178–80, § 14, 15. The reference to secular courts in the papal letter of 1100 does not seem a very significant exception.

[24] E.g., van Caenegem, *English Lawsuits*, nos. 453, 473, 545, etc.; The author of *Glanvill: the Treatise on the Laws and Customs of England commonly called Glanvill*, ed. G. D. G. Hall (Edinburgh, 1965), pp. 102–3 (VIII. 11), may have been thinking of lords' courts rather than intending to extend the word *curia* to counties when he referred to the county (though not the 'county court') and 'alie curie minores'.

[25] *Curia Regis Rolls* (20 vols., 1922–2006), iii. 334; *Fleta*, ed. H. G. Richardson and G. O. Sayles (Selden Society, lxxii, lxxxix, xcix, 1955–84), i. 109–10 (II. 2): 'habet … curiam suam'.

Rash as it may be to guess why *curia* came to be used for law courts, it may be more than coincidence that it happened at the time when the more important tribunals dealing with disputes and crimes were beginning to be more specialized and separate. But that is only a suggestion. The change of words was not uniform. In France, for instance, the royal court and regional high courts came to be called *parlements*. Nor was the separation of law from general government complete. Although higher courts everywhere were increasingly dominated by professional advocates, and in England by judges recruited from among them, rulers might still use judges to do more general business as, for instance, English kings used itinerant justices to enquire into the due working of government in the intervals of hearing lawsuits. Local meetings, such as manor courts, also still dealt with local government in the old unspecialized way. That they also came to be called courts may have been partly because the word was used in its old sense of a lord's court and partly because its use here was influenced by its use for other tribunals. What may possibly be more than a coincidence is that higher courts were becoming what I call law courts more or less at the same time as they were being taken over and dominated by professional advocates. I now think that when I wrote a few years ago about the emergence of professional law in the twelfth century, I underrated the amount of professionalism before then.[26] Though there was probably more regulation and organization of legal experts from the twelfth century, and there were many more legal experts to regulate, there were more before then than I implied, some of them earning their living through their various kinds of legal expertise. Much more work is needed on the legal changes of the twelfth century, but one thing that I suggest happened then was that professionalism moved out of the backroom. What was new was not expertise or professionalism as such but the domination of argument in what I shall now call courts by specialized advocates who earned their living by advocacy as well as by writing documents and giving advice to their clients or employers. The long twelfth century, I now think, did not see the emergence of professional law so much as the emergence or rise of professional advocates.

As law became more specialized and professional the meetings in which it was done became more specialized too: as law and custom became the law and custom of lawyers rather than of whole communities, collective judgement by representatives of those communities began to be replaced or controlled by that of professional lawyers and judges. Cause and effect

[26] S. Reynolds, 'The emergence of professional law in the long 12th century,' *Law and History Review*, xxi (2003), 347–66, and 'Variations in professionalism (response to three commentators)', *Law and History Review*, xxi (2003), 389–91.

are difficult even to guess at, but noticing the change of words may help us to think about the change in the phenomena. Our understanding of earlier medieval law is not helped by thinking of it as done in what we call law courts. The customary law of the early medieval west was real law, but it was done not in law courts, but in general-purpose governmental assemblies that met, as Pauline Stafford said of English hundreds, 'for the satisfaction of many needs'.[27]

[27] Stafford, *Unification and Conquest,* p. 137.

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