SUPPLEMENTUM TO STUDIES IN
MEDIEVAL AND RENAISSANCE SOURCES

# LINCOLN READINGS OF TEXTS, MATERIALS, AND CONTEXTS

Edited by
**GRAHAM BARRETT** and
**LOUISE J. WILKINSON**

ARC HUMANITIES PRESS

# STUDIES IN MEDIEVAL AND RENAISSANCE SOURCES SUPPLEMENTA

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### A STATEMENT OF PURPOSE

GRAHAM BARRETT and
LOUISE J. WILKINSON

THE JOURNAL *Studies in Medieval and Renaissance History* was established in 1964 to provide a forum for scholarship falling outside the boundaries and constraints of other periodicals, with a particular interest in historiographical and interdisciplinary contributions. Under the stewardship successively of the University of Nebraska, the University of British Columbia, and the Arizona Center for Medieval and Renaissance Studies, it was published in three series, and now begins a fourth series at the University of Lincoln in partnership with Arc Humanities Press.

For this fourth series of the journal, we have adopted a new title, *Studies in Medieval and Renaissance Sources*, to reflect a new and we believe urgent purpose. While it is normal to find space reserved in Classics journals, as well as many European journals of history, philology, and allied disciplines such as epigraphy and papyrology, for the basic "nuts and bolts" scholarship of editing, translating, and commenting on sources, it has become increasingly rare in Anglophone periodicals devoted to the Middle Ages (broadly conceived). There are few obvious outlets, and no "central clearinghouse," for publishing such work, with the consequence that in Anglophone academia, unless the source in question is of a size to sustain a monograph, it is normally exiled to the appendices of doctoral theses and other similarly inhospitable settings. This marginalizes what should be the very cornerstone of our discipline, while limiting access to lately discovered and reinterpreted materials for breaking new ground and forging new connections.

*Studies in Medieval and Renaissance Sources* seeks to stay true to the mission of its predecessors to be a home to scholarship falling outside the boundaries and constraints of other periodicals by redefining its purpose to be a venue for scholars to offer fresh readings of evidence from the centuries between 400 and 1600. We are dedicating our new series, in other words, to the fundamental scholarship of analysis and interpretation led by direct engagement with the sources—written, visual, or material—in any format,

from editions, translations, and commentaries to reports, notes, and reflections. By foregrounding the most basic approach of working outwards from the evidence, our journal aims to re-centre sources and source skills at the heart of our practice, foster conversations across disciplines, regions, and periods, and to be in time the reference for original approaches to and new discoveries of evidence.

## Lincoln Readings of Texts, Materials, and Contexts

The interpretation of historical sources, in whatever form and of whatever date, is at the root of the research not only of historians but also of archaeologists, linguists, and literary scholars, to say nothing of numismatists, onomastic specialists, and countless other disciplines. It is through analysis of sources—what we can and cannot learn from them—that we frame our knowledge and understanding of past peoples, cultures, and societies. The articles in *Lincoln Readings of Texts, Materials, and Contexts*, a special issue of *Studies in Medieval and Renaissance Sources*, are all driven by a shared engagement with evidence, the building blocks of modern scholarship on the late antique, medieval, and Renaissance world. By returning to and asking basic questions of the sources, the essays presented here offer fresh approaches towards and new perspectives on matters ranging from Christological controversies and local Church councils in Late Antiquity to origin stories for the Greek alphabet and the exercise of power by local and national elites, to the curious phenomenon of trial by ordeal, a rare form of late medieval barn in Lincolnshire, and the wealth of material relating to the voyage of the Mayflower to America held in Lincoln cathedral. Their objective is to inspire and stimulate new debates and discoveries in turn.

The articles making up the first part of this issue, "Textual Strategies in Late Antiquity," draw directly on the written record in the form of documents preserved amongst the proceedings of early ecclesiastical councils and a *scholion* on Dionysios of Thrace. As Michael Wuk reminds us, religious conformity and non-conformity were major concerns in the Christian world of Late Antiquity. Here he analyses the contents of a letter, dated August 7, 520, which was dispatched by the emperor Justin I (r. 518–527) to Hypatius, his *magister militum per Orientem*. The letter ordered an investigation into possible "heterodox" celebrations which had been reported in the northern Syrian bishopric of Cyrrhus. The offending festivities honoured Theodoret of Cyrrhus (423–ca. 460), its former bishop, a man whose writings remained at the heart of contemporary Christological controversies. Worryingly for the imperial authorities, these festivities, involving a procession and assembly,

not only imitated established ceremonials, but also implied a return to Cyr-rhus of support for theologies divergent to those agreed at Chalcedon in 451.

In their article, Marta Szada and Jamie Wood shift the focus to the emergence of provincial Church councils in the eastern Iberian Peninsula during the mid-sixth century, exemplified by a council held in Valencia for the province of Carthaginiensis in 546. The six conciliar acts cover the liturgy, Church property, episcopal vacancies, and ecclesiastical discipline. Situating these in the wider context of conciliar legislation across Hispania and Gaul during the sixth and seventh centuries, Szada and Wood highlight that, strikingly, five of the six canons decreed at Valencia focus on addressing and mitigating the practical procedural problems which could arise when a bishop died. This implies deep-seated concern on the part of the six prelates in attendance at the council to minimize local disruption by responding to recent events and finding appropriate legal remedies not only in conciliar precedents, but also in more general legislation.

Moving from these uses of texts and the textual record to the origin stories in circulation about writing itself, Giustina Monti examines a *scholion* on the grammarian Dionysios of Thrace dating from Late Antiquity. As she explores, this notation significantly transmits ancient debates around the identity of inventor of the Greek alphabet, which focused on the figures of Cadmus and Danaos, associated respectively with Phoenicia and Egypt. Monti argues that, ultimately, it was Herodotus who played a vital role in promoting the better-accepted story of Cadmus in the fifth century BCE, since it conveyed his personal, political distrust of the pro-Persian Phoenicians. Milesian writers, conversely, who took their name from their homeland of Miletus, "supported" Danaos in reflection of their historic ties to Egypt and their hostility to Persia.

The second part of this volume, "Records and the Practice of Power," utilizes state records, charters, and letters from the high Middle Ages to illuminate the challenges faced by men and women of aristocratic and royal status in maintaining, extending, and articulating their authority. Robert Portass considers how the Mauduit family, some of whose members were chamberlains of the royal Exchequer of England in the twelfth and thirteenth centuries, expanded their estates by acquiring properties from wealthier elements of the free peasantry in Rutland. Through detailed analysis of the transactions involving three successive Mauduits, he evaluates the strategies employed by this ambitious dynasty to gain new, good-quality, arable land, and to shore up their claims against local peasant proprietors. Yet as Portass makes clear, the activities of the Mauduits did not always find favour with those whose properties they aimed to acquire or encroach upon, and

local men and women launched counterclaims against them before the royal justices. William (IV) Mauduit also rebuffed a challenge from his own kin in the late 1240s, and this prompted him to bolster his rights over his estates against local free tenants.

The letters, charters, and seal of another officeholder with estates in the East Midlands, in this case Lady Nicholaa de la Haye (d. 1230), baroness of Brattleby, castellan of Lincoln, and sometime sheriff of Lincolnshire, are the focus of the second article in this section. Bringing together in a handlist for the first time thirty-two letters and charters which she issued, Louise Wilkinson is able to analyse their language and content, revealing how Nicholaa articulated and exercised her power and authority as a major regional lord, widow, and heiress through her written documents and the imagery employed on her seal. The witness lists of the charters are immensely valuable for identifying her followers, many of whom were La Haye family tenants, held lands locally, or received properties from her. Wilkinson shows that being a woman was no obstacle to Nicholaa maintaining and rewarding a significant group of men who buttressed her regional position in the First Barons' War (1215–1217) and the unsettled years of Henry III's minority.

The written expression of female power and authority is also the subject of Anaïs Waag in her article on the solemn royal documents issued by five women who occupied the throne of Jerusalem, in almost consecutive succession, between 1131 and 1228. Through detailed analysis of the diplomatic of seventy-eight royal charters issued by these queens and their kings consort, Waag traces subtle changes in language reflecting important shifts in how female royal rulership was voiced, understood, and exercised in the foremost of the Crusader states. Considering in turn the documentary record for each queen of Jerusalem, from Melisende (r. 1131–1153) to Isabella II (r. 1212–1228), she demonstrates that these women each experienced queenship individually. The inherent instability and exposure to external threat of the kingdom, especially after the Holy City itself was lost in 1187, may have eroded the active personal authority of the queen, thanks to the growing political prominence of successive kings consort from the reign of Sibylla onwards. Yet even the later queens of Jerusalem retained a degree of importance in the role of legitimizing the actions of their husbands in royal documents which carefully recorded their assent.

The third and final section of this issue, "Behind and Beyond the Written," comprises three articles on the intertwining of norms and records of practice, of photographic evidence and the recovery of now-lost buildings, and of printed books, persecution, and colonization. Graham Barrett utilizes extant legal manuscripts and charters from 711 to 1031 as a basis for trac-

ing the development of ordeal in early medieval Iberia. The much-debated law on trial by hot water, or "the ordeal of the cauldron," occupies a marginal position in the oldest copies of the Visigothic code, implying that it did not originally form part of it. Assembling a casebook of charters from Asturias-León, Navarra, and Catalunya enables us to trace the practice of trial by hot water with little reference to its supposed legislative basis. The source of the rites constituting ordeal turns out to be the liturgy of baptismal exorcism, of which the guide to trial by hot and cold water in a manuscript copied at Barcelona in 1011 can provide an illustrative example. The law of ordeal is not of Visigothic origin, but emerged out of its liturgy and practice from the ninth century, and was then read back into the code to acquire the legitimacy of a Visigothic past.

Moving to the work of recovering architectural records, Mark Gardiner and Jenne Pape employ a series of photographs taken in 1966 to reconstruct a rare early example of a medieval timber-framed barn, which once stood at Ketsby House Farm in Lincolnshire, near the deserted village of Ketsby. Through a painstaking analysis of the visual material, Gardiner and Pape set out how this barn was an aisled base-cruck building, and probably built between 1275 and 1350 for a minor local lord on his demesne. Architectural features—the lack of internal divisions, the size of the building, and the absence of any evidence for internal fires—combine to suggest that it was intended for use as a barn from the outset of its existence. The barn was built from low-grade timber derived from hedgerow trees, and shows economies in its construction techniques, both of which, Gardiner and Pape argue, likely reflected a scarcity of construction timber in the area, mirroring the poor quality of other late medieval buildings in Lincolnshire.

Finally, Anna Marie Roos introduces a remarkable but neglected collection of materials relating to the voyage of the Mayflower in 1620 held by Lincoln cathedral. These works were amassed by Michael Honywood, dean of Lincoln from 1660 to 1681, and housed for centuries within the Wren Library, which he himself commissioned. His time as a royalist in exile from 1643 to 1660 at Leiden and Utrecht, both important Netherlands centres for printing, allowed him to gather books and pamphlets relating to the Mayflower, which delivered the Pilgrims to new lives in the New World (America). Roos catalogues here the key works in the Honywood collection, providing tantalizing glimpses of separatist tracts printed in exile in Holland, works produced by the clandestine Pilgrim press at Leiden, the *Sea Grammar* of John Smith, a famed contemporary navigator who mapped the American coast, medical texts, writings on the Native Americans, supplies lists for later English settlers, and the first Bible printed in the New World, trans-

lated into the Massachusetts Algonquin language. With her call for future study and further analysis of these materials, Roos provides a fitting conclusion to a volume which celebrates the potential of medieval and Renaissance sources, the rich golden veins of our research.

Part I

# TEXTUAL STRATEGIES IN LATE ANTIQUITY

Chapter 1

# PROBLEMATIC CLERGYMEN, POINTED CEREMONIALS, AND IMPERIAL ANXIETIES

## JUSTIN I'S LETTER TO HYPATIUS (*ACO* 4.1:199–200) RECONSIDERED

### MICHAEL WUK

**ABSTRACT** This article re-examines one letter sent by Justin I to his *magister militum Orientis* Hypatius, dated August 7, 520, and preserved in the acts from the second Council of Constantinople in 553. As a command to investigate local hearings into potentially "heterodox" activities in Cyrrhus, this communication has been mined for its information on imperial governance, military affairs, and doctrinal conflicts in the sixth century. However, the significance of the events which allegedly took place in Cyrrhus has not yet been fully explored. This chapter focuses on these events, which consisted of two rituals: first, the procession of an image of the deceased bishop, Theodoret, into Cyrrhus; and second, the celebration of Theodoret and other theologians of questioned "orthodoxy" in a public festival held in the city. A closer examination of these reported activities reveals an imperial concern that the participants had parodied well-known ceremonials to signal the return of problematic theologies to Cyrrhus. To Justin and his advisers, the procession and the festival were emphatic reminders of the city's troubling doctrinal heritage, and as such were as much of an issue as the messages they asserted.

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IT IS NO overstatement to describe the documentation associated with church councils as dense. The attempts to record what had occurred before, during, and after ecclesiastical synods—or at least, versions of these events palatable to those who emerged "the victors"—mean that we are often better informed about the proceedings of a few days of debate than about entire regimes.[1] While many scholars who have tangled with the dauntingly magisterial and magisterially daunting series of critical editions initiated by Giovanni Mansi (1692–1769) and Eduard Schwartz (1858–1940) will no doubt be thankful that this enormous corpus of evidence has already been compiled, many may also have felt lost amidst the overwhelming amount of information that confronts the unwary.[2] To be sure, this situation has improved with the production of excellent commentaries over the past century.[3] Nevertheless, despite their value for understanding other aspects of life in the late antique Mediterranean, many of the documents included in the conciliar acts have predominantly been considered in relation to the immediate ecclesiastical issues at hand, if not overlooked entirely.

One exception is a curious letter included in the acts of the second Council of Constantinople. The synod, held in May–June 553, was ostensibly convoked to determine the "orthodoxy" of the so-called Three Chapters: various works authored by Theodore, bishop of Mopsuestia from 392 to 428, Ibas, bishop of Edessa from 436 to 457, and Theodoret, bishop of Cyrrhus from 423 to ca. 460.[4] At the same time, the church meeting was also an imperial attempt to assert authority over the clergy, in particular Vigilius, bishop of Rome from 537 to 555, whose vacillating position on the Three Chapters had obstructed Justinian's efforts to condemn these works.[5] In response to ecclesiastical pleas that he preserve the doctrinal landscape as it was during the reign of his predecessor and uncle Justin I, Justinian sent the *quaestor*

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**1** See most recently Graumann, *Acts of Early Church Councils*.

**2** *Sacrorum Conciliorum*, ed. Mansi; *Acta Conciliorum Oecumenicum*, ed. Schwartz and Straub (hereafter *ACO*). Other editions of conciliar minutes have been produced, whether as part of larger series, such as those in the *Corpus Christianorum*, or as standalone publications, such as *Akten der Ephesinischen Synode*, ed. Flemming.

**3** See, in particular, Hefele and Leclerq, *Histoire des conciles*, and note also the translations of Richard Price and collaborators in the *Translated Texts for Historians* series.

**4** "Orthodoxy" and its antonyms "heterodoxy/heresy" are discursive concepts used to identify beliefs which particular authorities supported or condemned: Kahlos, *Religious Dissent*, 105–20. This chapter only uses these terms with scare quotes.

**5** Gray, "Legacy of Chalcedon," 232–35; for an introductory discussion see *Acts of the Council of Constantinople*, trans. Price, 1:1–98.

Constantine to interrupt the council on May 26, 553. During this session, the council's seventh and penultimate, Constantine gave the attendees the letter in question and explained its original context. This communication, originally sent on August 7, 520, instructs Hypatius, the *magister militum Orientis*, to investigate local hearings about a public procession and festival held by the clergy of Cyrrhus to honour theologians of questioned "orthodoxy," including Theodoret and Theodore, two of the Three Chapters. By demonstrating his uncle's active interest in these celebrations, Justinian justified his condemnation of the Three Chapters and his attempt to assert control over Vigilius.

As a source which relates both to major Christological debates and imperial intervention in local justice, this letter has attracted some scholarly interest. The most extensive treatment of Justin's communication is Fergus Millar's analysis, which contextualizes the document in the synod of 553, the religious landscape of the fifth and sixth centuries, and the apparatus of responsive governance at work.[6] Other scholars have primarily mined the source for what it tells us about military affairs and imperial governance in the sixth century: A. A. Vasiliev and Walter Kaegi point towards Justin's concern for contemporary doctrinal disputes, especially as they pertained to the armed forces; Geoffrey Greatrex highlights the emperor's expectation that commanders like Hypatius play roles in the settlement of provincial religious conflicts; Brian Croke takes the letter as proof of Justin's agency, contrary to the widespread perception that Justinian dominated the reign of his elderly uncle; and Philip Rance has utilized the references to soldiers who offered testimonials during the local hearings to determine the long-standing association of a military unit with Cyrrhus.[7]

While Justin's letter has clearly received considerable attention, these explorations do not fully consider the significance of the events that purportedly took place in Cyrrhus. To be sure, the imperial identification of the alleged celebrations as public expressions of "heterodox" belief has been noted, in particular by Millar, who also highlights that various rulers had viewed many clergymen from Cyrrhus and the province of Euphratensis as Christological malcontents.[8] In his commentary on the conciliar minutes in

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**6** Millar, "Imperial Government and the Maintenance of Orthodoxy," who also provides a translation of the letter, based largely on an early form of the standard version offered by *Acts of the Council of Constantinople*, trans. Price, 2:97–99.

**7** Vasiliev, *Justin the First*, 232–33; Kaegi, *Byzantine Military Unrest*, 82; Greatrex, "Moines, militaires et défense," 288; Croke, "Justinian under Justin," 35–36; Rance, "Third *Equites Stablesiani* at Cyrrhus."

**8** Millar, "Imperial Government and the Maintenance of Orthodoxy," 127–35.

which the letter has been preserved, Richard Price also terms the procession and assembly "a spontaneous reaction to the routing of the miaphysites," in a manner similar to other modern surveys of the late antique Christological landscape.[9] And yet, despite these brief gestures towards the choreography of the Cyrrhene ceremonials, the pointed assertions behind the rituals in question have been largely overlooked.

This article offers a reconsideration of Justin's letter to Hypatius, with particular concern for what messages the participants intended the celebrations to articulate, or at least the significations perceived by Justin and his officials. Following a contextualization of the demonstrations within the events which led to their organization, each ceremony is examined in turn. When taken together in the testimony provided by Justin's letter and Constantine's explanation, the procession and the assembly read as forms of the public ceremonies used to mark the arrival of dignitaries into provincial cities, but with an important twist. Rather than the typical purpose of welcoming new officials or prominent authorities to the area, the celebrations instead heralded the coming of a new bishop and the subsequent metaphorical return of "two-nature" Christology into the city's doctrinal milieu. As such, Justin, his provincial officials, and the local parties who reported on these events were not solely concerned with the "heterodox" beliefs supported, but also anxious about what the methods of articulating these beliefs meant.

While the evidence does not allow us to determine precisely what happened at Cyrrhus or exactly when these celebrations took place, we can use the letter and the *quaestor* Constantine's contextual preface to reconstruct a sequence of events. At some point before the letter's issuing on August 7, 520, Sergius, the bishop of Cyrrhus, was replaced by another clergyman named Sergius. This substitution was doctrinally motivated. While the first Sergius refused to support the theology ratified at the Council of Chalcedon in 451, his successor, who for ease of reference we will call Sergius II, was known to be Chalcedonian in sympathies. Not long into his reign, Justin emphatically defined "orthodoxy" as adherence to the decisions made at Chalcedon, and so in 519–520 many Eastern churchmen faced a similar fate to Sergius I. Numerous anti-Chalcedonian bishops were driven into exile and succeeded by leaders who supported Chalcedon and were open to signing a

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**9** *Acts of the Council of Constantinople*, trans. Price, 2:97n88. Other commentaries: Hefele and Leclerq, *Histoire des conciles*, 3.1:104; Honigmann, *Évêques*, 78; Maraval, "La réception de Chalcédoine," 139; cf. Frend, *Rise of the Monophysite Movement*, 226, who briefly refers to the celebrations at Cyrrhus without reference to Justin's letter or Constantine's explanation.

statement of Christological belief formulated by Hormisdas, bishop of Rome from 515 to 523, and endorsed by Justin himself.[10]

It is in this context of transition that the celebrations occurred. At some point after Sergius I had been deposed but before Sergius II had entered Cyrrhus, two local clergymen named Andronicus and George ceremonially led an image of Theodoret into the city.[11] An unspecified time after this procession had been completed, Sergius II arrived at Cyrrhus and presided over an assembly that celebrated several long-deceased theologians. In addition to Theodoret, Sergius' gathering was reportedly held in honour of Diodore, bishop of Tarsus from 378 to 391/2, Theodore, bishop of Mopsuestia from 392 to 428, and "some Nestorius who [Sergius] said was a martyr" ("Nestorii cuiusdam quem martyrem esse dixit").[12] Nestorius, whom at one of the subsequent hearings Sergius seems to have retroactively claimed to be a local Christian hero despite (as Justin's letter notes) the absence of any known shrine for a martyr of that name in the province, was the most controversial inclusion.[13] The emperor, the officials who investigated these celebrations, and possibly also the parties who reported on these events unsurprisingly identified this individual as Nestorius, bishop of Constantinople from 428 to 431, whose name had become a byword for "heresy" in imperial communications after his condemnation at the First Council of Ephesus in 431.[14]

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**10** Many of these same Chalcedonian bishops had similarly been driven into exile under earlier regimes. See further: Gray, "Legacy of Chalcedon," 227; Millar, "Not Israel's Land Then"; Menze, *Justinian*, 44–105.

**11** Citations of the letter and Constantine's explanation refer to the documents' place in the council's acts, and also the page- and line-numbering of Straub's edition. *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.2–3, 199.23–27. Cf. Croke, "Justinian under Justin," 35, who suggests that Sergius was involved in the procession's organization.

**12** *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.3–5, 199.28–30.

**13** Constantine's introduction to the letter pours further scorn on Sergius' attempt to explain away the celebration of Nestorius, who is described as "supposedly one of the sacred martyrs" ("quasi unius de sanctis martyribus"): *Acts of the Second Council of Constantinople* 7.4.6 = *ACO*, 4.1:187. See also *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.36–37. Cf. Millar, "Imperial Government and the Maintenance of Orthodoxy," 135, who suggests that Sergius' assembly openly framed Nestorius of Constantinople as a martyr.

**14** For instance: *Codex of Justinian* 1.1.5.3, dated to ca. 527; *Novels of Justinian* 42.1.1, dated to August 6, 536. See more generally Halleux, "Nestorius"; *Acts of the Council of Chalcedon*, trans. Price and Gaddis, 1:24–25. Note also the comparable prognosis of Severus, who had been driven into exile around the same time as Sergius I: *Letters* 5.12.

As is made clear in Justin's letter, it was not just this suspicion of Nestorian sympathies that attracted the emperor's attention. Justin's letter expresses concern that Sergius had not only failed to punish Andronicus or George for their involvement in the procession, but also remained in communion with the two and even doubled down on their public expression of belief.[15] It is also notable that provincial officials only became involved after the bishop's arrival, perhaps as the former expected the church leader to intervene. No doubt as Justin and his representatives lacked the knowledge themselves, the letter does not specify when the informants on the events decided to contact judicial officials, nor exactly what motivated these concerned parties to do so. In fact, given that the emperor's letter and Constantine's preface only specifically name Sergius, Andronicus, and George, we cannot be sure *who* reported on the clergymen, or if many other Cyrrhenes participated in or supported their celebrations. Besides the accused churchmen and the civic *defensores* who oversaw the subsequent hearings, the only other individuals identified in relation to these events are the Third *equites Stablesiani*, a cavalry cohort stationed in the city's vicinity.[16] While scholars have typically pointed towards these servicemen as the parties who reported Sergius to civic authorities,[17] the evidence only states that the soldiers had given evidence during the official investigations and were to have their testimonies re-examined by Hypatius.[18]

Whoever first informed on the clergymen, the servicemen were summoned to provide evidence about both procession and festival during a hearing held before the civic *defensor* of Antioch.[19] As Millar emphasizes, Antioch was the municipal centre of Syria I, and so was not the most natural place for an investigation into the events in Cyrrhus, which lay in the nearby

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**15** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.8–12.

**16** Rance, "Third *Equites Stablesiani* at Cyrrhus."

**17** See in particular Millar, "Imperial Government and the Maintenance of Orthodoxy," 135: "It remains striking that these soldiers should have been aware that such a demonstration was irregular, and needed to be reported to the authorities." Cf. Kaegi, *Byzantine Military Unrest*, 82, who suggests that the soldiers themselves were suspected of participation in the celebrations.

**18** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.22–23, 200.3–4, 15–22.

**19** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.30–34. Cf. Millar, "Imperial Government and the Maintenance of Orthodoxy," 135, who states that the hearing at Antioch was primarily concerned with the procession.

province of Euphratensis.[20] Perhaps the decision to try Sergius II and his clergy at Antioch was an attempt to draw Hypatius, who as *magister militum Orientis* was based in this major municipal centre, into the fray. Given that Justin's letter expresses surprise that the commander had not already become involved in a trial held in his own city, those who reported on the celebrations in Cyrrhus may similarly have expected Hypatius' intervention, not least as soldiers under his command had offered testimony. It is also possible that the parties unhappy with the ceremonials endorsed by Sergius thought to seek external intercession to counteract the clergymen's authority and networks in their own community, and negate the chance that the investigation would be skewed in the church leader's favour. After all, late antique provincial officials were known to avoid going against local interests in judicial trials, and bishops, who occupied positions of spiritual and administrative leadership in the provinces, wielded significant influence in their sees.[21] This tendency not to get involved in problematic cases might also explain why Hypatius appears not to have initially intervened in the celebrations, and why Justin made his *magister militum* swear an oath to perform a full investigation.[22] At the least, Sergius certainly recognized the potential of his influence: the bishop not only stayed with Paul, his episcopal colleague in Antioch, seemingly in a bid to draw on the known Chalcedonian clergyman's reputation during the initial hearing into his activities, but also later contested the Antiochene investigation on his return to Cyrrhus.[23]

Safely back in his own see and unhappy with the decisions made at Antioch, Sergius petitioned the *defensor* in Cyrrhus to reinvestigate his case and provided numerous statements which asserted that no festival had been organized in honour of Nestorius.[24] Although Justin's letter indicates that Sergius also sought to prove his innocence by later offering statements confirming that he and the province's other bishops firmly condemned Nestorius and adhered to the theology supported by the major ecclesiastical councils, the issue of the procession seems to have been to some extent settled in Antioch, and nothing further is known about the fates of Andronicus and

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**20**  Millar, "Imperial Government and the Maintenance of Orthodoxy," 126, 135.

**21**  Administrative reluctance: Harries, *Law and Empire*, 153–71; Slootjes, *Governor and his Subjects*, 55–68. Episcopal authority: Rapp, *Holy Bishops in Late Antiquity*; Testa, "The Late Antique Bishop."

**22**  Oath: *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.12–15.

**23**  *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.33–34.

**24**  *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.34–37.

George.[25] On the other hand, as is suggested by the subsequent referral of this case to Justin, Sergius' hearing at Cyrrhus temporarily exonerated the bishop. Constantine's explanation of the letter states that "certain Easterners" ("quidam Orientales"), possibly the same parties who had initiated the trial in Antioch, had contacted the imperial court about both procession and festival. It is after this petition and the minutes from the investigations at Antioch and Cyrrhus had been read to the emperor that Justin sent his letter to Hypatius, who Constantine tells us did investigate the matter. Having decided that Sergius was guilty, or perhaps looking to answer questions about his own doctrinal affiliation, the *magister militum* sent the bishop into exile, where the latter died in disrepute.[26]

Evidently, the celebrations at Cyrrhus were taken seriously by witnesses present in the city, the *defensores* who presided over the related hearings, and, if not Hypatius initially, then certainly the emperor once he became aware of them. Justin's letter even commands the *magister militum* "to investigate with focused precision" ("singula cum subtilitate requirere") the choreography of the procession, specifically whether the clergymen walked in front of the image of Theodoret and whether they sang psalms as had been reported.[27] The participants similarly viewed these demonstrations as pointed articulations of belief, as indicated by their modelling of the rituals on other well-known ceremonies. Beginning with the parade orchestrated by Andronicus and George, processions had a long history of usage in the ancient and medieval Mediterranean. Despite some initial hostility against such public demonstrations, ecclesiastical leaders recognized the utility of these rituals and introduced comparable ceremonies into aspects of Christian life, in particular church services and religious festivals.[28] Given their experience as clergymen, Andronicus and George may have been inspired by a form of processional psalmody or liturgical practice. In fact, in his hagiography of the Cappadocian monk Sabas, the monastic author Cyril describes one such procession into the shrine of St Thomas in Scythopolis, not only

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**25** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.37–200.1.

**26** *Acts of the Second Council of Constantinople* 7.4.6 = *ACO*, 4.1:187.1–11. Hypatius' doctrinal affiliation: Greatrex, "Hypatius," 138.

**27** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.6–8.

**28** Most recently: Latham, *Performance, Memory, and Processions in Ancient Rome*; Frank, "Picturing Psalms"; Lavan, *Public Space*, 1:150–234; Brubaker and Wickham, "Processions, Power, and Community Identity."

contemporary to the demonstration in Cyrrhus but also intended to celebrate Justin's support for Chalcedon.[29]

Despite the similarities with this celebration in Scythopolis, the details provided by Justin's letter and Constantine's explanation point towards the Cyrrhene clergymen's parade being a quasi-*adventus*. The core purpose of the *adventus*, which developed from other forms of triumphal cavalcade, was to celebrate the arrival of a person or persons of significance—whether rulers, officials, or clergymen—into a municipal centre.[30] While the specifics of each ritual could differ in practice, the first step of the process was typically a formal entrance into the city. In the case of the procession at Cyrrhus, we are specifically told that the clergymen began outside the civic boundaries: Andronicus and George "led [the image of Theodoret] into the city of Cyrrhus" ("in Cyrestenam civitatem introduxerunt").[31] The crossing of the municipal threshold was effectively the point of the *adventus*. The ceremonial movement through the city gates, where the celebrated party or parties was/were often met by a reception party, was intended to symbolize the local population's welcoming embrace of the honorand/s.[32] It is for this reason that the clergymen in Cyrrhus decided to initiate their demonstration extramurally.

The parading of Theodoret's portrait (*imago*) is itself another clear parallel with the involvement of the arriving party in the *adventus* ceremony, whereby both are emphasized as the focal points of their respective rituals.[33] Given that Theodoret had died decades before Andronicus and George organized their procession, it is no surprise that the churchmen utilized a visual representation of the deceased bishop to symbolize his involvement. Never-

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**29** Cyril, *Life of Sabas*, 60–61.

**30** Scholarship on the *adventus* and its antecedents is extensive, but see, in particular, MacCormack, *Art and Ceremony*, 17–89; Dufraigne, *Adventus Augusti*; Lehnen, *Adventus Principis*.

**31** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.26–27, paralleled in the explanation of Constantine, who instead refers to Cyrrhus as "the aforementioned city" ("in praedictam ciuitatem"): *Acts of the Second Council of Constantinople* 7.4.6 = *ACO*, 4.1:187.3.

**32** For instance: Ammianus Marcellinus, *Res gestae* 16.10.5, on Constantius II's arrival at Rome in 357; Constantine VII Porphryogenitus, *Book of Ceremonies* 1, appendix C, on Justinian's procession into Constantinople in 559.

**33** *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.2, 199.25, 200.5. Owing to the nature of how the evidence has been transmitted (see the next paragraph), we cannot determine from the term *imago* alone what form of portrait was used. Cf. Millar, "Imperial Government and the Maintenance of Orthodoxy," 135.

theless, while many welcome processions featured the central party's physical presence, a large number were also built around the parading of images, through which newly enthroned rulers could announce the metaphorical arrival of their regimes in numerous cities at once without needing to attend each ceremony in person.[34]

The use of Theodoret's *imago* was thus very much in keeping with the nature of the late antique *adventus* ceremonial, as is also the case with the other reported aspects of the clergymen's procession. Just as the bishop's prior death necessitated carrying a portrait, the use of a wheeled cart (*currus*) was not just a logistical convenience but a common element of formalized welcome rituals.[35] While lesser dignitaries and military personnel sometimes rode on horseback, the central figure would typically occupy pride of place in the official cortège on a richly decorated drawn carriage, routinely termed a *carpentum*.[36] That our evidence for the celebrations at Cyrrhus refers to a *currus* rather than a *carpentum* is not controversial. Although the "certain Easterners" who informed the imperial court about these celebrations presumably did so in either Greek or another locally dominant language, and the official transcripts of the hearings at Cyrrhus and Antioch were no doubt written in Greek, Justin's letter to Hypatius was composed in Latin. This imperial communication would then have been translated into Greek for the clergymen gathered at the Second Council of Constantinople to make the missive's contents easier for the attendees, most of whom would have communicated in Greek, to understand. Constantine presumably addressed the attendees in Greek for the same reason, but as the subsequent acts were initially recorded in Greek and then rendered into Latin, there may have been some terminological slippage in the wagon's description.[37] And yet, even if this process of translation and retranslation had little impact on the wording of our evidence, Andronicus and George would presumably not have been able to acquire a fully bedecked *carpentum*, especially on short notice. The use of *currus* could indicate that a more banal, readily available form of wheeled cart was utilized. Nevertheless, in practice the *currus* of Cyrrhus performed the same function as the *carpentum* of other *adventus* ceremonials: to allow the celebrated party to proceed in stately fashion through the streets of the welcoming city.

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**34** Lavan, *Public Space*, 155–56.

**35** *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.2–3, 199.26.

**36** Lavan, *Public Space*, 157–60.

**37** Millar, "Imperial Government and the Maintenance of Orthodoxy," 122–23; Rance, "Third *Equites Stablesiani* at Cyrrhus," 356.

The final recorded aspect of the clergymen's procession is the recitation of psalms, which once more has parallels in the organization of welcome cavalcades. According to Constantine's preface and the start of Justin's letter, Andronicus and George accompanied the processional cortège while singing psalms (*psallentes*).[38] A later section of the imperial communication specifies that the churchmen were singing while marching in front of Theodoret's image (*praecedebant*).[39] Whether Andronicus and George preceded, followed, or walked alongside the wagon, processional music and chants were common aspects of the *adventus* ceremonial, with psalms and hymns becoming especially common with the routine involvement of clergymen.[40]

Although the precise songs used are not stated, Justin's letter informs Hypatius that the transcript from the Antiochene hearing specifically flagged up the psalms recited.[41] This interest in the hymns chosen might suggest that the selection of psalm/s was emphatically connected to Theodoret and the circumstances of the procession. Various ecclesiastical historians have suggested that those involved in one instance of relic translation—a specialized form of *adventus* intended to celebrate the movement of a holy person's remains—thought about the songs they used.[42] Having heard that the interment of Babylas, a local bishop killed in the mid-third century, had caused the renowned oracle at Daphne to fall silent, in 362 the emperor Julian ordered the translation of the martyr's relics away from the site to a martyrion in Antioch.[43] Complying with this imperial command but pointedly expressing their disagreement, the citizens reportedly drew Babylas' remains on a cart while singing Psalm 97:7 ("Those who worship idols are put to shame, those who boast in idols: worship him, all you gods!"). Although he was no doubt more troubled by the subsequent burning of Apollo's temple at Daphne, these accounts suggest that Julian was angered

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**38** *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.3, 199.27.

**39** *Acts of the Second Council of Constantinople* 7.4.12 = *ACO*, 4.1:200.7–8.

**40** For instance: Eusebius, *Church History* 9.9.9, on Constantine's entrance into Rome in 312; *Latin Panegyrics* 12(2).37.3, on Theodosius I's *adventus* into Emona in 388. See further Latham, "*Adventus*," 404, 408; Lavan, *Public Space*, 162.

**41** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.7.

**42** On relic translation, see, for instance, the famous fourth-century Trier relic *adventus* ivory, with Brown, *Cult of the Saints*, 88–94, and Kritzinger, "Cult of the Saints and Religious Processions."

**43** Julian's efforts to preserve the worship of Apollo at Daphne were controversial and contributed to the ruler's famously fractious relationship with the Antiochenes: see most recently Teitler, *Last Pagan Emperor*, 80–81, 118–24.

by the deliberately selected censure evident in this recitation and punished some of those involved.[44] Perhaps Andronicus and George approached their procession in a similar manner to those involved in translating Babylas' remains to Antioch: as a response to recent imperial interventions in the empire's religious landscape.

The timing of the clergymen's demonstration suggests that all parts of the ceremonial were a direct reaction to Justin's definition of "orthodoxy" as agreement with the decisions made at the Council of Chalcedon. Amongst the many issues discussed at Chalcedon in 451, the theologians gathered for the synod sought to settle the ever-thorny problem of Christ's nature by defining Jesus as being fully consubstantial with both God and humanity.[45] One such proponent of this duophysite theology was Theodoret, who had been deposed during the second Council of Ephesus in 449 for supporting the condemned theology of Nestorius but was reinstated on October 26, 451, during the eighth session of Chalcedon.[46] Owing to continued Christological disputes, subsequent emperors took a variety of stances on whether the decisions made at Chalcedon were to be officially supported, with Justin's immediate predecessors Zeno and Anastasius even moving back from full imperial endorsement of the council.[47] Justin's reimposition of Chalcedon as the benchmark of "orthodoxy" was thus a watershed moment for the Cyrrhene clergy, who not only had their anti-Chalcedonian bishop, Sergius I replaced with the pro-Chalcedon Sergius II, but also saw the reputation of Theodoret, their most renowned theological proponent, to some extent restored.

By co-opting the significations of typical *adventus* ceremonial, Andronicus and George publicly demonstrated what they interpreted these events to mean. In the first place, given that welcome cavalcades were naturally intended to celebrate the arrival of the central party, the churchmen who organized and participated in this ceremony asserted that Theodoret had returned in triumph to the city, which greeted the formerly condemned

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**44** Rufinus, *Church History* 10.36–37; Sozomen, *Church History* 5.19–20; Theodoret, *Church History* 3.10–11. Socrates, *Church History* 3.18–19, preserves the same story without specifying the Psalm used. Philostorgius, *Church History* 7.8, does not mention the Psalms.

**45** Amongst many excellent summaries of this complex debate, *Acts of the Council of Chalcedon*, trans. Price and Gaddis, 1:56–75, remains the clearest.

**46** Our best evidence for Theodoret's expulsion and reinstatement comes in the minutes from the eighth session itself: *Acts of the Council of Chalcedon* 8.

**47** Gray, "Legacy of Chalcedon," 224–27; *Acts of the Council of Constantinople*, trans. Price, 1:1–8.

theologian with open arms. Processional pageantries were also public articulations and negotiations of the dynamics of authority between those involved, with (self-)identifications of local communities and the places of those who constituted these communities colouring the ritual's formalized interactions.[48] The clergymen's celebration was not just a welcome ceremony, but an expression of both local Cyrrhene identity, framed around the city's famous bishop, and also the reinstatement of said bishop's ecclesiastical dominance in his former see. To be sure, Theodoret was not entirely exonerated at this point. The deceased clergyman was still routinely associated with the anathematized theology of Nestorius, hence the emperor's interest in this incident, and would later be condemned once again at the Second Council of Constantinople. Justin's letter even states that, by celebrating the bishop, Andronicus and George had "show[n] that they are of the same sect [as Theodoret]" ("ostendentes quod eiusdem illi sectae sunt"), thereby pejoratively characterizing all those involved as "heretics."[49] Nevertheless, to some of the Cyrrhene clergy, Justin's overt support for Chalcedon signalled the vindication of their famous bishop and warranted a public representation of the theologian's metaphorical return to imperial "orthodoxy."

That this festivity coincided with the selection of a new episcopal leader was surely no coincidence. Putting aside the Chalcedonian sympathies of Sergius II for the present, the entrance of a bishop into his see was also often marked with welcome rituals, including an *adventus* ceremony. In some cases, such demonstrations could celebrate episcopal returns from exile and constitute local protestations against the circumstances which had originally driven the honorands away from their sees.[50] These purposes are certainly applicable to the events at Cyrrhus, with Sergius II's acquisition of the episcopal throne mirroring the ritualized entrance of Theodoret's image into the city.

However, neither Justin's letter nor Constantine's explanation frame the procession as a welcome ceremony for Sergius II, who had yet to enter the city. While it may be that the bishop was granted a separate *adventus* ceremony on his arrival and our evidence simply has not recorded it, the second celebration with which we are concerned—the festival convoked in honour of Theodoret and other deceased theologians—seems to have been what

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**48**  See, in particular, Brubaker and Wickham, "Processions, Power, and Community Identity," 182–87.

**49**  *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:199.27.

**50**  As, for instance, with the returns of Athanasius to Alexandria in 346 and John Chrysostom to Constantinople in 403: Gregory of Nazianzus, *Orations* 21.28–29; Theodoret, *Church History* 5.34. Episcopal *adventus*: Lavan, *Public Space*, 156–57.

publicly marked the start of Sergius' episcopal tenure. Although the bishop was eventually held responsible and deposed, some slight doubt about who orchestrated this gathering is expressed late in Justin's letter. The emperor instructs Hypatius to discover whether the church leader actively ordered the proclamation of the assembly ("praedicari fecit") or simply allowed it to happen ("celebrari concessit"), presumably at the behest of Andronicus, George, and any other collaborators.[51]

Wherever the initial stimulus originated, as with *currus*, the terminology used to describe this assembly ("collectio") and its celebration ("celebrauit") is generic, and prevents us from determining the choreography of the festival, or exactly where in the city's vicinity it took place.[52] Given the ecclesiastical backgrounds of the participants and honorands, we might presume that the gathering was to some extent a liturgical affair. After all, the festival was reportedly held in honour of several deceased clergymen and even framed Nestorius as a martyr. Nevertheless, the placement of the celebration after Sergius had entered Cyrrhus suggests that the assembly's convocation was conceived as some form of welcome ceremonial. Group gatherings routinely featured in the rituals which marked an authority's formal arrival and, through ritualized speeches and acclamations, expressed the assembled group's expectations of how the arriving party would benefit their city.[53] Sergius' *collectio* certainly fulfils the basic criterion of asserting what some of the Cyrrhenes wanted from their bishop: the newly arrived church leader openly celebrated Theodoret, whom at least Andronicus and George thought worthy of public tribute, and other associated theologians, thus demonstrating his intent to represent the latent duophysite leanings of his see.

Even if the gathering was not organized as a welcome assembly for Sergius, the choice of honorands indicates that the ceremony was meant to symbolize the return of these clergymen and their theology to the city. All the named clergymen were routinely mentioned in reference to each other, in particular owing to their shared relationship with the see of Antioch and their common duophysite beliefs. Before becoming bishop of Tarsus in 378, Diodore had served as a presbyter in the city and led his own ascetic community, which gave rise to a particular breed of "two-nature" theology.

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**51** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.9–11.

**52** *Acts of the Second Council of Constantinople* 7.4.6, 12 = *ACO*, 4.1:187.3–4, 199.28–29, 35–37, 200.9–11, 15–17, 19–20.

**53** Slootjes, *Governor and his Subjects*, 110–28; Latham, "*Adventus*," 398–407.

Theodore, the future bishop of Mopsuestia, was a part of this group before his own episcopal election in 392, while Nestorius was in turn a student of Theodore at Antioch. Despite not having much direct contact with these luminaries, Theodoret did have roots in the city, perhaps resulting in the similarities between their theological leanings. At the least, the opponents of "two-nature" Christology sought to group together these clergymen as part of a quasi-genealogical Antiochene school of thought.[54] Moreover, all these individuals had to some extent been accused of "heterodox" belief at subsequent ecclesiastical synods, owing to their connections to Nestorius and the incompatibility of their convictions with the teachings of Cyril, bishop of Alexandria from 412 to 444.[55] As indicated by the questions raised about the "orthodoxy" of Theodore and Theodoret in the Three Chapters debate, the continued use of "Nestorian" as a pejorative term, and more pertinently Justin's anxiety about Nestorian sympathies in Cyrrhus and the Cyrrhene clergy's vociferous disavowals of the same, the doctrinal issues around these individuals continued to be relevant in the sixth century.[56] It is for this reason that Justin specifically commands Hypatius to check carefully how not just Nestorius was celebrated, but also Theodoret, Theodore, and Diodore.[57] Nevertheless, as with Theodoret, the reimposition of support for Chalcedon as a core component of imperial "orthodoxy" seemed to the Cyrrhene clergy to herald the rehabilitation of Theodore and Diodore. To be sure, Nestorius was still viewed as "heterodox" by those who gathered at Chalcedon in 451, but the council's definition of "orthodox" belief overtly supported a duophysite interpretation of Christ's person.[58] As such, to the Cyrrhenes, Justin's backing of the Chalcedonian definition and the coming of Sergius II seemed to signify that "two-nature" theology had seen a change in fortunes.

The *collectio* was thus surely perceived, by the emperor if not also the organizers and those who reported the ceremony to imperial officials, as a pointed announcement of the return of duophysite belief to the city. More

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**54** Sillett, *Culture of Controversy*, esp. 41–56; *Council of Ephesus of 431*, trans. Price, intro. Graumann, 59–61.

**55** On the duophysite theologies expressed by these clergymen and their immediate Christological context, see the recent synthesis provided in the introductory material to *Council of Ephesus of 431*, trans. Price, intro. Graumann, 67–84.

**56** Note also the disputes of the 510s about the Trisagion hymn and Theodore's theology: Devreesse, *Essai dur Théodore de Mopsueste*, 176–93.

**57** *Acts of the Second Council of Constantinople* 7.12 = *ACO*, 4.1:200.15–17.

**58** See, in particular, *Acts of Chalcedon* 5.34.

than this, given that all the named churchmen had links to the local area, the assembly reads as a form of homecoming. As a former bishop of Cyrrhus, Theodoret has the most obvious connection to the city, but Diodore of Tarsus and Theodore of Mopsuestia were also episcopal leaders in the provinces of Cilicia Prima and Secunda, which both lay to the immediate west of Euphratensis. Before his elevation to the episcopal seat of Constantinople, Nestorius himself had lived in Germanicia, which was part of the same province as Cyrrhus.[59] Millar notes that the bishops based in the cities of Euphratensis, Cilicia Prima, and Cilicia Secunda operated by means of a well-established episcopal network.[60] Given these strong local links, it is not overly surprising to find that Sergius' assembly was held in honour of Diodore, Theodore, Theodoret, and Nestorius together. All were "local" heroes, prominent theological authorities in their respective sees and well-known combatants in the local doctrinal landscape. As such, like the procession of Theodoret's image, this ceremony was planned to mark the metaphorical return of these figures to the religious milieu of Cyrrhus. To paraphrase a noted chant repeatedly recited during international football competitions, the *collectio* celebrated that popular duophysitism was "coming home" to the area with which its most famous proponents were typically associated.

To Justin and his representatives, the procession followed shortly afterwards by this assembly highlighted the problematic Christological past of Cyrrhus and the surrounding provinces, while also pointing towards potential future issues in these areas. Association with the condemned arguments of Nestorius in particular was something with which Chalcedonians struggled into the sixth century. Severus, the exiled anti-Chalcedonian bishop of Antioch, even gestures towards Sergius' *collectio* as proof that all supporters of the council were followers of Nestorius, and thus by their own dictums were adherents of anathematized doctrines.[61] By stressing Cyrrhus' longstanding connection to questioned proponents of duophysite belief, these celebrations emphasized the city's heritage of Christological controversy at a time when Justin was emphatically seeking to enforce unity around his own doctrinal convictions. Moreover, by their public performative nature, the procession and festival asserted that this heritage would stretch into forthcoming years. Such welcome ceremonials in any context were constructed to represent, in theory if nothing else, the present and future

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**59** On Nestorius' early life: Bevan, *New Judas*, 39–48.

**60** Millar, "Imperial Government and the Maintenance of Orthodoxy," 128–32.

**61** Severus, *Letter* 5.12.

support of the local population for the honorands. While those involved no doubt had numerous self-identifications, from the outside the rituals appeared to construct a sense of collectivism, with the parties represented by the ceremonies' participants being beholden to the authority of the celebrated figures.[62] These ecclesiastically orchestrated demonstrations thereby suggested to the imperial court that, besides those who had gotten in touch with municipal officials and the imperial court, the Cyrrhenes had collectively affirmed their current and prospective backing of the central church leaders and their theologies, notwithstanding their reception by imperial and ecclesiastical authorities at prior councils.

Justin's letter to Hypatius thus needs to be understood as an alarmed reaction to rumours not simply of "heterodox" belief, but of the re-emergence and consolidation of problematic theologies. In 519–520, the emperor sought to settle ongoing theological debates by asserting that the Council of Chalcedon had expressed the basis of true Christian "orthodoxy." However, this support for Chalcedonian "orthodoxy" and the related imposition of new bishops on Eastern sees was interpreted by the Cyrrhene clergy to vindicate their previously questioned predecessors. The public nature of the procession and the assembly, and their significations of return, popular assent, and collectivism, were understood as deliberate assertions that Cyrrhus was, had been, and would always be a bastion of duophysite theology, even when this theology did not fully align with imperial definitions of "correct" faith. Perhaps such a message of resistance and local sympathies was intended by Sergius II and the churchmen involved, hence the deliberate orchestration of the procession and festival as forms of traditional welcome ceremonial. Nevertheless, Justin construed the apparent appropriation of typical rituals in Cyrrhus to be emphatic demonstrations of the city's Christologically troubling past, present, and future. To the emperor, then, the ceremonies themselves were just as much of a problem as the core assertion of "heterodox" belief.

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**62** Brubaker and Wickham, "Processions, Power, and Community Identity," 182–87. However, note that concepts of pre-modern (self-)identification continue to be debated: (most recently) Stewart, Parnell, and Whately, eds., *Routledge Handbook*.

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# SUCCESSION CRISES IN SIXTH-CENTURY IBERIA

## DEAD BISHOPS, GREEDY CLERICS,
## AND THE COUNCIL OF VALENCIA IN 546

### MARTA SZADA and JAMIE WOOD

**ABSTRACT** During the mid-540s, the east of the Iberian Peninsula saw efforts to establish ecclesiastical government, perhaps in cooperation with the Visigothic monarchy, through a series of Church councils, including a council of the provincial church of Carthaginiensis that met at Valencia in 546. This article offers a translation and extended discussion of the conciliar acts from Valencia, which deal with the order of liturgical services, how to define and administer different kinds of property, especially in the context of a vacancy in the episcopal office resulting from a bishop's death, and ecclesiastical discipline, particularly as it related to clerical mobility. The article situates the individual canons within the broader history of canonical regulation and ecclesiastical practice in sixth-century Iberia. It argues that the council's rulings should be understood as part of a sustained effort by the bishops present to manage the disruption that was caused within local communities, especially among the urban clergy, when bishoprics were left vacant for an extended period of time. The solutions proposed included oversight by the metropolitan and neighbouring bishops, as well as the keeping of records and calls for increased vigilance that regulations were being followed.

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## Introduction

Among the written sources for the Visigothic period in Iberia,[1] the records of Church councils are the most plentiful. Throughout the sixth and seventh centuries, provincial and general councils took place across the Peninsula with some regularity, while the records of earlier councils from Iberia and beyond were compiled, consulted, and copied under the direction of bishops such as Isidore of Seville (600–636) and Julian of Toledo (680–690).[2] These canon collections played an important role in the transmission of the records of both earlier Church councils and those held under Visigothic rule to later centuries. Despite the impressive feats of ecclesiastical organization and record-keeping that such collections represent, it is clear that they do not constitute a complete archive of the councils held in Iberia in the sixth and seventh centuries—the records of some councils were suppressed,[3] while others were lost or only survived partially. Nor did the councils, which were supposed to have taken place on an annual basis at general, provincial, and diocesan levels, occur as often as the bishops hoped. As with many of the sources produced by the churchmen of Visigothic Iberia, therefore, the council records reflect both the ambition with which reform was pursued and the practical limits that were placed on its implementation.

Past scholarship has generally focused on what the council records reveal about the history of the Church in Iberia in Late Antiquity, including its structure, governance, relationship to the monarchy, and the efforts that were made to offer pastoral care to the population. In the process, we have learnt a great deal about how the assembled bishops thought that the Church *should* function. However, other contemporary sources, from hagiography to archaeology, reveal that this normative episcopal vision of the Church as a corporate entity was not always realized in practice.[4] And the canons can illustrate the messy realities that faced bishops who were tasked with governing a host of individual churches operating in local contexts that

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**1** In this article we call the region in question Iberia, which is a geographical description (synonymous with Iberian Peninsula), or Hispania, the name used in the late antique sources, instead of "Spain," to avoid confusion with the modern state and the Byzantine province of Spania.

**2** For editions of the councils, see *La colección canónica Hispana*, ed. Martínez Díez and Rodríguez; *Concilios visigóticos e hispano-romanos*, ed. Vives, with Marín Martínez and Martínez Díez.

**3** Stocking, "Martianus, Aventius, and Isidore."

**4** Collins, *Visigothic Spain*, 223–39.

were, in practice, far removed from the conciliar ideal. They also demonstrate that some bishops were not particularly concerned with following the rules laid down by their peers in council.[5] Disappointing though such infractions may have been for the more idealistic bishops, it is at such moments when the normative veil slips that scholars have been able to uncover details about the immediate social and economic contexts in which ecclesiastics and the churches that they managed had to operate.[6] Rachel Stocking, for instance, has shown how the councils' repeated emphasis on consensual decision-making reflected the collective social values of the bishops.[7] In the process, Stocking and others have shown the extent to which the churches of Visigothic Iberia were socially embedded, and have revealed the richness of the conciliar acts as sources for much more than narrow institutional ecclesiastical history.

As has been amply demonstrated in studies of episcopal elections in Late Antiquity and the Middle Ages, moments of succession were points at which social and institutional dynamics that were usually taken for granted by contemporaries could be renegotiated.[8] Vacancies, particularly when unexpected, had the potential to disrupt hierarchies and call into question established configurations of authority and resources, in the process sparking power struggles for the highest ecclesiastical office within the city while opening up opportunities to reconfigure subordinate roles and, importantly, to redistribute assets. Such a potentially unstable situation was challenging not only for the local church but also for external actors, such as secular authorities and neighbouring bishops within the province. As a result, the churches of Late Antiquity and afterwards developed a range of measures to organize and secure the succession. Despite the establishment of a clear set of guidelines and their regular reaffirmation, the tendency of episcopal elections to generate crises with potentially serious consequences necessitated frequent intervention by ecclesiastical—and often secular—authorities. General rules thus developed through a responsive process, as specific problems on the ground were resolved, and these in turn were gradually codified. Conciliar legislation was compiled and transmitted through col-

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**5** For example, Thompson, *Goths in Spain*, 301–3.

**6** Stocking, "Martianus, Aventius, and Isidore"; Ubric, *La iglesia en la Hispania del siglo V*.

**7** Stocking, *Bishops, Councils, and Consensus*.

**8** Norton, *Episcopal Elections*; Peltzer, *Canon Law, Careers, and Conquest*; Leemans and Van Nuffelen, *Episcopal Elections in Late Antiquity*.

lections, which involved the extraction of extensive bodies of rulings from their original contexts of production, placing them in the abstract realm of "ecclesiastical law." This allowed them to be presented as a unity that could be reapplied in vastly different historical contexts. However, in Iberia, we can recontextualize the records of specific Church councils through consideration of the immediate moments when they were produced, in the process uncovering some of the social dynamics that are often obscured by the highly normative rhetoric of many of our sixth- and seventh-century sources. By examining a single gathering in mid-sixth-century Iberia, this article reveals how ecclesiastical lawmaking was enacted in response to moments of local crisis, and further that such crisis points were pivotal to the rearticulation of the rules and the canonical paradigm itself.

Although the kings of the Visigoths adhered to the non-Nicene, so-called Homoian (called "Arian" in the surviving sources, all written from a Nicene perspective) creed that rejected the consubtantiality of the Father and the Son for most of the sixth century, they seem generally to have adopted a pragmatic attitude in their relations with the Nicene ("Catholic," i.e. adopting the notion of consubstantiality) clergy that ministered to the Peninsula's majority Hispano-Roman population.[9] Bishops formed an important segment of the local elites with whom kings had to work if they were to make their rule felt on the ground. King Theudis (r. 531–548), under whom the Council of Valencia was held in 546, is a good example of this pragmatic tolerance. Theudis had been a commander of Ostrogothic forces in Hispania under Theoderic the Great (r. 471–526) during the period from 511 onwards in which Theoderic had oversight, if not direct control, over the Visigothic territories in southern Gaul and Iberia. He had acted independently of the king in the latter stages of Theoderic's reign, putting himself in a position to take over as ruler of the Visigoths following the latter's death.[10] According to Procopius, Theudis married a noblewoman and was able to support significant military forces with her wealth.[11] Although he himself was Homoian, this union with a member of the Hispano-Roman elite points towards a willingness to work with those under his rule, an approach mirrored in his policy regarding the Nicene Church, with Isidore of Seville recording that

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**9** Schäferdiek, *Kirche in den Reichen der Westgoten und Suewen*; Buchberger, *Shifting Ethnic Identities in Spain and Gaul*; Koch, "Arianism and Ethnic Identity."

**10** Arnold, "Ostrogothic Provinces."

**11** Procopius, *De bellis*, ed. Haury and Wirth, bk. 5, chap. 12, §50–51, at 2:70; on the landowners' ability to raise private retinues, see Fernández, *Aristocrats and Statehood*, 189.

Theudis allowed a Church council to be held at Toledo.[12] Although its acts have not been preserved, provincial councils were also held at Barcelona (ca. 540), Valencia (546), and Lérida (546) and their records do survive. As we will see in what follows, there was considerable overlap in the specific matters covered at Valencia and Lérida,[13] even though the bishops involved came from separate ecclesiastical provinces (Carthaginiensis and Tarraconensis, respectively).

While the degree of inter-confessional conflict between Homoian and Nicene Christians in Visigothic Iberia has been much debated, it has been suggested that the councils of the 540s indicate that under Theudis, the Nicene Church was allowed to function with relative freedom.[14] By comparison, there was no Nicene conciliar activity in Vandal Africa for almost a century, and the bishops there only began to meet again when Hilderic (r. 523–530) ascended the throne, revoking many of the anti-Nicene measures of his predecessors.[15] We shall suggest below that the records of the Council of Valencia in 546 may reflect some underlying level of tension between different confessional groups, but it was not fuelled by the active suppression of the Nicenes by Homoian rulers. It was in this context of pragmatic cooperation between the Visigothic monarchy and elements of the Hispano-Roman elite, including some bishops, that the Valencian council of 546 should be understood.

Valencia's ancient pedigree and location meant that it was a good place to hold a council. It was among the cities of sixth-century Iberia that have been described as "self-reliant and economically self-sufficient," largely independent of direct Visigothic royal authority, and this importance underpinned the status of its bishop.[16] At the time of the council, the bishop of Valencia was Justinian, who signed the acts in second place. Isidore of Seville's *De viris illustribus*, written at the start of the seventh century, notes that Justinian was one of four brothers, all of whom were bishops, and that he flour-

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**12** Isidore, *Historia Gothorum*, ed. Mommsen, chap. 41, at 283; Castillo Maldonado, "Conflict and Compromise," 236.

**13** Hefele, *History of the Councils of the Church*, 4:137, notes that there was "some affinity" between the councils of Valencia and Lérida, which took place in the same year.

**14** Castillo Maldonado, "Conflict and Compromise," 237.

**15** Merrills and Miles, *Vandals*, 200–201; Eisenberg, "Council of Carthage of 525," 258–60.

**16** Collins, "Mérida and Toledo."

ished during the reign of Theudis.[17] Isidore also provides a biography of Justinian's brother, Justus, who was bishop of Urgell,[18] in which he records the names of the other brothers, Nebridius[19] and Elpidius.[20] Although Isidore does not identify their bishoprics, the sees controlled by the family straddled the provinces of Carthaginiensis and Tarraconensis, demonstrating that this was an episcopal dynasty with considerable geographical reach.[21]

The formation of ecclesiastical dynasties like that represented by Justinian and his brothers was not unusual in the post-Roman world, as bishops became increasingly central to the social order.[22] In Iberia, beyond the family of Justinian, from the second half of the sixth to the early seventh century we can point to that of Isidore, whose brother Leander preceded him as bishop of Seville, while another brother, Fulgentius, was bishop of nearby Écija, and their sister Florentina adopted a life of ascetic withdrawal.[23] In Mérida, the Greek bishop Paul was succeeded by his nephew Fidel in the mid-sixth century.[24] Farther north, in the seventh century, Braulio of Zaragoza's brother John had preceded him as bishop: another brother, Fronimian, was an abbot, while one sister (Pomponia) may have been an abbess and the other (Basilia) married a nobleman.[25] Their father, Gregory, may have

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**17** Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 20, at 145: "Iustinianus ecclesiae Valentinae episcopus, ex quattuor fratribus et episcopis eadem matre progenitis unus ... Floruit in Hispaniis temporibus Theudi principis Gothorum."

**18** Bishop of Urgell, ca. 517/31–546; Martín and Iranzo Abellán, "Justo de Urgel, Sermo de s. Vincentio."

**19** Bishop of Egara (modern Terrassa), ca. 516–27; bishop of Barcelona, ca. 540–47?

**20** Bishop of Huesca: Martin, *Géographie du pouvoir dans l'Espagne visigothique*, 114; Quentin, "Prétendues souscriptions du deuxième concile de Tolède."

**21** Otherwise unknown; Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 21, at 145: "Iustus Orgellitanae ecclesiae episcopus et frater praedicti Iustiniani, edidit libellum expositionis in Canticis Canticorum, totum ualde breuiter atque aperte per allegoriarum sensurn discutiens. Huius quoque fratres Nebridius et Elpidius quaedam scripsisse feruntur, quibus quia incogniti sumus magis reticenda fatemur."

**22** Menze, "Episcopal Nepotism in the Later Roman Empire," with ample references to further scholarship.

**23** Isidore, *De viris illustribus*, ed. Codoñer Merino, chap. 27, at 149–50: Florentina was an addressee of Leander of Seville's *De institutione virginum et de contemptu mundi*, ed. Campos Ruiz, 21–76; on Isidore's family, with further bibliography, see Fontaine, *Isidore de Séville*, 87–99.

**24** *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. IV, chap. 5, at 35–36.

**25** Braulio of Zaragoza, *Epistularium*, ed. Miguel Franco and Martín-Iglesias, *ep.* 7, at 48–50: to Basilia in consolation after the death of her husband; *ep.* 10, at 54–56:

been bishop of Osma at the start of the century.[26] The establishment of such dynasties was one means, alongside more traditional aristocratic activities, by which local and regional elites sought to exploit the potential of ecclesiastical office to perpetuate and extend their status.[27]

The family of Justinian of Valencia was without doubt a regional power. The resources that were at their disposal are illustrated by the intense building activity in which Justinian engaged.[28] This is most clearly attested by Justinian's funerary inscription, which has come down to us through the manuscript tradition.[29] The epigraphic poem states that the bishop "built new temples and renovated old ones," and that he surrounded an island, on which there may have been a monastery, with a wall and gave it access to fresh water.[30] Justinian's most important building activity was centred on the episcopal complex excavated beneath the Plaza de la Almoina in Valencia, a central location atop the old imperial forum, which was destroyed by

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to Pomponia, the abbess; *ep*. 3, 5, at 37–39, 43–45: to Fronimian the abbot, also the addressee of the *Vita Aemiliani*, ed. Vázquez de Parga, letter of dedication, at 3; for John, Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, chap. 11, at 613.

**26** Eugenius of Toledo, *Carmina*, ed. Farmhouse Alberto, carm. 21, at 236 (the epitaph of Braulio's brother John, mentioning their father Bishop Gregory); the identification of Gregory's bishopric with Osma is proposed by García Moreno, *Prosopografía del reino visigodo de Toledo*, no. 325, at 138; on Braulio's family (with references to earlier scholarship), see Braulio of Zaragoza, *Renotatio librorum domini Isidori*, ed. Martín, 29–35.

**27** Castellanos, *Poder social*; Wickham, *Framing the Early Middle Ages*, 220–32; Fernández, *Aristocrats and Statehood*.

**28** Castillo Maldonado, "Conflict and Compromise," 237; Linage Conde, "Tras las huellas de Justiniano de Valencia."

**29** Vives, *Inscripciones cristianas de la España romana y visigoda*, no. 279; for the most recent edition with Spanish translation, see Carande Herrero et al., "Poesía epigráfica latina," 11–13; further references and discussion at *AEHTAM* 3298, http://hesperia.ucm.es/consulta_aehtam/Generalidades.php?id=3338, accessed December 7, 2023.

**30** For the inscription of Justinian, Carande Herrero et al., "Poesía epigráfica latina," v. 3, at 11: "noba templa construens vetustaque rest[aurans]," vv. 7–9: "Hic miro maris insola[m] munimine sepsi[t] / in qua maris circumfluentibus undis / silice disrupto predulcem repperit limfam"; it has been proposed to locate the monastery on Punta de Illa de Cullera in Valencia, see Rosselló Mesquida, "Punta de l'Illa de Cullera (Valencia)"; another inscription from Valencia (Vives, *Inscripciones cristianas de la España romana y visigoda*, no. 356) refers to building activity and has sometimes been related to this project, although Corell, *Inscripcions romanes del País Valencià V*, 228–31, argues that it does not refer to Justinian (the inscription is fragmentary and he is not actually mentioned in it).

fire in the fifth century. Justinian renovated the episcopal basilica, which had been built at the beginning of the sixth century, and added a baptistery and a mausoleum next to the apse. This church was most likely the scene of the council proceedings in 546. From the fifth century onwards, the old forum was used as a cemetery; graves have also been excavated in the area of the mausoleum.[31] Justinian's epitaph mentions the veneration of St Vincent, and it is probable that part of the complex was dedicated to the martyr, control over whose cult would have strengthened the bishop's position within the city and boosted his profile externally.[32]

The sees of the other bishops who signed the acts of the council (Celsinus, Reparatus, Sebatius, Benagius, Ampelius, and Salustius)[33] have not been identified, although they almost certainly all came from the province of Carthaginiensis,[34] in which Valencia was located, and Celsinus may have been senior to Justinian as he subscribed first.[35] The council only set down six canons, the first of which dealt with the order of the elements of services. This was followed by three canons covering matters relating to the management of a bishopric following the death of the incumbent, with an overriding concern to distinguish between the personal wealth of the bishop (and his relatives) and the institutional property of his church. The final two canons addressed the issue of clerical mobility, seeking to prevent members of the clergy from wandering and forbidding the ordination of a "foreign cleric."

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**31** Berlanga, Ribera i Lacomba, and Rosselló Mesquida, "La catedral de Valentia"; Ribera i Lacomba, "La ciudad de Valencia durante el período visigodo"; Kulikowski, *Late Roman Spain and its Cities*, 230; on episcopal complexes more generally (with reference to Valencia), see Gurt i Esparraguera and Sánchez Ramos, "Episcopal Groups in Hispania."

**32** Berlanga, Ribera i Lacomba, and Rosselló Mesquida, "La catedral de Valentia," have suggested that the fifth-century burials were associated with the building on the imperial forum linked to the martyrdom of St Vincent, which was then 'absorbed' by the basilica; there is also an argument that the relics of St Vincent have been translated to the basilica (or to the mausoleum) from their original location *extra muros*, see Saxer, "La version brève *BHL* 8638 de la passion de S. Vincent," 123, 126–27; a more cautious view is taken by Chavarría Arnau, "Finding Invisible Arians," 680.

**33** Council of Valencia (546), ed. Martínez Díez and Rodríguez, 4:320–21 (subscriptions).

**34** The bishops of Dianium and Saetabis are perhaps more likely to have attended, due to their proximity to Valencia.

**35** See Hefele, *History of the Councils of the Church*, 4:136–37, for a summary of various prior identifications of Celsinus, none of which is satisfactory in a chronological sense.

Individually, these canons provide insights into the immediate concerns of the bishops assembled at Valencia, while collectively, they demonstrate that the bishops from Carthaginiensis drew on earlier canonical traditions and were in communication with their peers elsewhere in Hispania, who were dealing with similar matters at about the same time.

In what follows, we use the records of the Council of Valencia as a means of unpicking broader themes in the ecclesiastical and social history of Visigothic-era Iberia. While the canons are highly reflexive, looking back to earlier councils and seeking to defend the *status quo*, they also reflect the immediate concerns of ecclesiastical administrators trying to hold things together on the ground. The canons focus above all on laying down procedures to address problems that arose during vacancies in the episcopal office, mainly concerning differentiating between Church property and the personal wealth of the bishop, in which his relatives had an interest. The clergy emerge as a particularly important group in this context, as a hiatus between bishops had the potential to destabilise their position (and that of the bishopric)—the canons therefore sought to ensure that their stipends continued to be paid in such times. We demonstrate that many of the problems which the bishops sought to solve at Valencia are reflected elsewhere in the textual record for sixth- and seventh-century Iberia, and that the council reflects the extent to which the bishops were embedded in the social worlds of sixth-century Carthaginiensis, seeking to shape those worlds in their own interests.

## Liturgy and Society (Canon 1)

The first ruling at Valencia dealt with the liturgy, and was based on "reading the ancient canons." Such cross-referencing is common throughout the canons of sixth- and seventh-century Iberia, as in other conciliar collections. Indeed, the consultation of prior regulations in the course of council meetings was later mandated by the Fourth Council of Toledo in 633, in which canon 4 ("ordo de celebrando concilio") ritualized reading from a *codex canonum* by a deacon. As Kati Ihnat, Rebecca Maloy, and others have shown recently, the liturgy of Visigothic Hispania was designed to have a significant impact on the ground, shaping beliefs and identities.[36] Church services both reflected contemporary social realities and sought to mould them for the

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**36** Kurt, "Lay Piety in Visigothic Iberia"; Ihnat, 'Liturgy against Apostasy"; Maloy, *Songs of Sacrifice*.

future, including in defining boundaries between different religious groups. Canon 1 of the Council of Valencia discussed the ordering of the elements of services and therefore the audiences to which those elements should be directed, as some parts were not open to all members of the congregation. It was decided that the Gospel should be read out after the Epistle (most often a reading from the Letters of the Apostles) and before the Mass, so that as many people as possible were able to hear the "salutary" commandments and the priest's sermon. Beyond the "faithful" (baptized Nicene Christians), this broader audience included catechumens, penitents, and "all who disagree with us" ("e diverso," i.e. those of a different faith or confession). The bishops closed the canon by stating that some have been drawn to the faith by the bishop's preaching.[37]

On one level, this canon reflects a desire on the part of the bishops to ensure the evangelization of Iberia through pastoral outreach. Such efforts were to culminate in the programme of Isidore of Seville and his peers in the early decades of the seventh century to ensure the education of the clergy and, through them, the faithful.[38] Yet the ruling at Valencia predated Isidore's episcopate by over half a century, and the efficacy of his reform efforts have in any case been questioned.[39] Beyond the concern to ensure the proper religious education of the populace, the bishops at Valencia had a series of narrower aims, at least some of which were likely rooted in the confessional tensions of the sixth century. Although there is no way of definitively establishing that the adherents of other beliefs who were attracted by the episcopal preaching mentioned in canon 1 were Homoians,[40] its Nicene authors were certainly concerned about maintaining boundaries between religious groups and especially opposed to the conversion of their followers to other confessions. The Homoian practice of rebaptizing converts was a particular worry of the bishops in the middle decades of the sixth century,[41] with

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**37** Cf. *Statuta Ecclesiae Antiqua*, ed. Munier, can. 16, at 169: "Ut episcopus nullum prohibeat ingredi ecclesiam et audire uerbum Dei, siue gentilum, siue haereticum, siue iudaeum, usque ad missam catechumenorum."

**38** Collins, "Literacy and the Laity in Early Mediaeval Spain," 114–17; Fontaine, *Isidore de Séville*; Martin, "Isidore of Seville's Theories and Practices of Pastoral Care and Church Organization"; Castillo Maldonado, "Living a Christian Life."

**39** Barrett, "God's Librarian."

**40** Koch, "Arianism and Ethnic Identity," 267.

**41** Wood, "Elites and Baptism."

the Council of Lérida in 546 devoting two canons to the matter.[42] According to Isidore's *De viris illustribus*, Justinian of Valencia dedicated the third book of his *Responsiones* to the illegality of repeating baptism. The fourth book might also have been related to this concern, focusing on the "differentiation between the baptisms of John and Christ," a topic that appeared in discussions between Nicene and Homoian factions regarding baptismal doctrine and practice.[43] The remaining books delved into matters that were rooted in Nicene–Homoian theological debates, such as the invisibility of the Father and the visibility of the Son, all of which could have contributed to anti-Homoian arguments.[44] While there may not have been open conflict between Homoians and Nicenes in the period, and the Visigothic kings seem to have been tolerant of the bishops' activities, this did not mean that ecclesiastical leaders were ignorant of the challenges posed by religious pluralism, as Justinian of Valencia's works demonstrate.[45]

The canon could also be interpreted as a measure aimed at achieving greater liturgical uniformity, a recurring aspiration within the late antique church that was linked to the need for clerical discipline and pursuit of ecclesiastical consensus. The practice of dismissing catechumens before the Gospel (and thus before the sermon) might have represented a local usage or a later deviation from the commonly practiced *dimissio* after the Gospel. However, it could also have been an ancient variant that predominated in certain churches in contrast to normative attestations in canonical and Patristic literature.[46] A similar version of catechumen dismissal before the Gospel is

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**42** Council of Lérida (546), ed. Martínez Díez and Rodríguez, can. 9, 13–14, at 244–46; canon 13 condemns Catholics who baptized their children in the Arian church; Castillo Maldonado, "Conflict and Compromise," 236–37.

**43** For example, see *Opus imperfectum in Matthaeum*, ed. Montfaucon, col. 653 (hom. 3), most probably a Homoian commentary in which discussion of the baptism of John and of Christ is linked with an argument in favour of the repetition of baptism.

**44** Homoian theologians used the visibility of the Son as an argument against consubstantiality: see Barnes, "Visible Christ and the Invisible Trinity."

**45** In Gregory of Tours, *Historiae*, ed. Krusch, bk. 6, chap. 18, at 287, Leovigild rejects the divinity of the Holy Spirit as unscriptural; the belief that Christ is the adoptive Son of God is not Homoian but Photinian/Bonosian, but it was sometimes discussed in Nicene–Homoian polemics, e.g. Vigilius of Thapsus, *Contra Arrianos, Sabellianos, Photinianos*, ed. Hombert.

**46** Dismissal after the sermon is more widely attested, as the sermon was the main method for communicating with the catechumens: it prepared them for baptism and was an opportunity to explain doctrine; the later phase (dismissal prior to the sermon) suggests the decline of the adult catechumenate, as there was no longer any need for instruction, and hence penitents and the unbaptized were dismissed.

well documented in Gaul, and although the bishops attempted to change this practice at the Council of Orange in 441, it seemingly endured to be referenced as a tradition of the Gallic churches as late as the ninth century.[47] But as we shall see in what follows, other canons (5–6) from Valencia reflect a concern to better prepare the clergy for ministry. The fact that Theudis permitted the council to be held suggests both that the bishops were not under pressure from the Homoian Visigothic monarchy and that the main audience for such initiatives was within the Nicene community.[48] Regulation of the liturgy in canon 1 should thus be understood as part of a broader desire to ensure the evangelization of the population, including potential non-Nicene audiences.

## Defining Church Property (Canons 2–4)

Across the Visigothic period in Iberia, bishops operating mainly in council sought to define the nature and boundaries of the property of the churches that they managed. This was no simple matter because, as is revealed by narrative accounts, ecclesiastical wealth was in practice highly vulnerable.[49] Despite collective agreement that the property of churches should be inalienable, protected from secular interference, and spent on the upkeep of church buildings, the maintenance of the clergy, and charity for the poor, individual bishops sometimes treated ecclesiastical wealth as if it was their own. The administrative and financial centrality of bishops to their dioceses, as well as their social power and prominence, meant that such abuses usually did not come to light until the see became vacant upon the bishop's death.[50] The loss of its overseer was in any case a moment of vulnerability for the bishopric, as interested parties—from the clergy and neighbouring bishops to the (elite) population of the city—jostled to influence the election of a successor.[51] Members of the family of the bishop were highly likely

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**47** Council of Orange (441), ed. Munier, can. 14, at 83: "Euangelia deinceps placuit catechumenis legi apud omnem prouinciarum nostrarum ecclesia"; Amalarius of Metz, *Liber officialis*, ed. Hanssens, bk. 3, chap. 36, at 2:369: "Consuetudo nostra tenet, ut catechumenos repellamus ante Evangelium." On the ancient character of this custom, see Bradshaw, "Gospel and the Catechumenate in the Third Century," 149–50.

**48** Castillo Maldonado, "Conflict and Compromise," 236.

**49** Eisenberg and Wood, "Business of Bishops."

**50** Castillo Maldonado, "*In hora mortis*"; Eisenberg and Wood, "Business of Bishops".

**51** On episcopal elections (and therefore vacancies) in the Iberian Peninsula in Late

to become involved in order to protect their own interests, especially if the bishop's personal property, in which they had a stake, had become entangled with that of his churches. These issues, which are mentioned repeatedly in canonical, narrative, and other sources from sixth- and seventh-century Iberia, find ample expression in the rulings of Valencia.

The second canon of the council rules that clerics shall refrain from carrying away a range of possessions from the church or the bishop. The items named are all movable, although the addition of *omni omnino re* does not exclude land and buildings. The bishops then state that if the authority of the canons has failed to restrain the clergy, the "stern admonition" of the metropolitan (the leading bishop in an ecclesiastical province encompassing several bishoprics) and other bishops under his authority should force them to return what they have taken. They moved on to lay down a procedure about what should happen on the death of a bishop. First, a neighbouring bishop should come to celebrate the funeral and "take strict care" of his deceased peer's church. Second, within an "octave" of the bishop's death, an "inventory and a very reliable description" of the dead "bishop's property" (not that of the church itself) should be made and sent to the metropolitan. Third, after paying the clergy their normal stipends, the metropolitan should appoint an "able person" to administer the "ecclesiastical household" (the church's property). This person should give an "account" of what had been entrusted to him by the metropolitan, if the consecration of a successor happened to be delayed. The canon was meant to ensure that clerics were satisfied with their stipends and did not plunder what the late bishop had amassed, and that as a result the new bishop—whose importance is also underlined earlier in the canon—could profit from what his predecessor had done and serve others from it. This second canon from Valencia refers explicitly to the Council of Riez in 439, which established rules for filling vacant episcopal offices in response to an "uncanonical" election at Embrun. But while the Gallic bishops legislated to preserve the right of the metropolitan to have the final say in elections, the bishops at Valencia focused on the problem of the orderly preservation and transfer of property.[52] In this sense, they built, if not explicitly, on canon 12 of the Council of Tarragona of 516, in which presbyters and deacons were ordered to make an inventory

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Antiquity, see Norton, *Episcopal Elections*, 114–15, 130, 154–56; for reflection on the process of elections and their regulation between the fourth and sixth centuries, see Thier, *Hierarchie und Autonomie*, 63–200; on conflicts over bishoprics in the context of elite competition, see Wood, "Conflicts over Episcopal Office in Southern Hispania."

**52** Council of Riez (439), ed. Munier, can. 5–6, at 69–70.

of the domestic items and furnishings ("utensilibus vel omni supellectile") of any size belonging to the dead bishop, if he had died intestate, in order to prevent theft.[53]

There are a number of elements that stand out in this canon. First, there is a strong emphasis on differentiating between property types, in this case the possessions of the individual church and those of the bishop. Both were apparently vulnerable to the depredations of the clergy, while the dead bishop's property was to be inventoried and the administration of the ecclesiastical household (including the wealth of the church itself) was to be managed on a continuing basis.[54] The highly negative view of the clergy, which is repeated elsewhere in the council's acts, is striking. On one level, this can be interpreted as something of a rhetorical commonplace.[55] Yet the stress that is placed on the need to ensure that the clerics receive their stipends during the hiatus is important because it suggests that the clergy may have been motivated by very practical concerns: to ensure their own living. Here it may be significant that the items named in the canon are movable, implying that it was not the long-term landed wealth of the church that was at threat but the portable property of the bishop and the church combined, which was vulnerable to desperate clerics looking to generate ready cash. Based on the mention of *omni omnino re* in canon 2, continued into canon 3, we can assume that although the bishops had in mind primarily movable property, they did not exclude land. Canon 16 of the Council of Lérida specifies that its

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**53** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 5:278–79.

**54** *Canones Apostolorum*, ed. Joannou, can. 40, at 1.2:27–28, prescribes that it should be made clear which property belongs to the bishop and which to the Church, in order to preserve the rights of both sides; the canons attributed to the Council of Antioch (341), ed. Joannou, can. 24, at 1.2:123–24, stress that presbyters and deacons should have full knowledge of the church's property; on knowledge of the Greek canons in sixth-century Hispania, see Martínez Díez, *Colección canónica Hispana*, 1:280–86.

**55** Council of Chalcedon (451), ed. Joannou, can. 22, at 1.1:86, against clerics who "plunder" the property of the late bishop. In hagiography, presbyters and deacons are often portrayed negatively; see Fox, "Clergy between Town and Country," 138, for Gallic examples; in seventh-century Spanish hagiography, clerics are also often portrayed as opponents of holy bishops, as in *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5, chap. 13, at 94–98 (the deacon Eleutherius acting against Bishop Masona); Braulio of Zaragoza, *Vita Aemiliani*, ed. Vázquez de Parga, chap. 12, at 17 (Aemilianus accused by his clerical colleagues of mismanagement of church funds); Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, preface, at 599–600 (the stories of the criminal clerics Justus, Gerontius, and Lucidius).

enactment concerns both *mobilis* and *immobilis res*.[56] Perhaps the listing of movable property at Valencia indicates that the bishops had a very specific instance in mind involving the seizure of movable property, but they did not want to make a clear distinction.

The canon thus was likely attempting to address the needs of "cathedral" clergy, who did not administer their own churches and so did not have access to revenues from the associated estates.[57] They were part of the bishop's retinue in the episcopal city and depended on stipends for their livelihood; they would also have been on hand at the moment of the bishop's death, while their peers in the countryside would have been at a greater distance. The financial support of the clergy was the duty of the bishop, but he had a great deal of discretion in deciding who received what and in what amount.[58] In addition, during vacancies, there was not only the risk that clerics would not receive what they were owed, but also that some form of redistribution might occur, threatening future income. Further, if there was a candidate for the vacant office from among the local clergy, a not unlikely scenario for which there is hagiographical evidence,[59] controlling the assets of the episcopal household would have been a huge advantage.[60] The emphasis placed on the need for timely action by neighbouring bishops, and the desire to avoid a delay in consecrating the new bishop (which indicates that such a delay was a possibility), all suggest that the vacancy was a moment of vulnerability for the bishopric. Legislating for metropolitan oversight and the involvement of neighbouring bishops, while intended to ensure a rapid

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**56** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 4:305, refers only to movables (*utensilia* and *suppellectilia*).

**57** Later the Council of Mérida (666), ed. Vives, can. 12, at 333–34, allowed bishops to promote diocesan clergy to cathedral posts but let deacons and presbyters maintain the revenues from their former churches.

**58** There are canons that give bishops the right to take stipends away from misbehaving clerics: *Statuta Ecclesiae Antiqua*, ed. Munier, can. 35, at 187; Council of Orléans (511), ed. de Clercq, can. 12, at 119; being paid "according to the merit" is mentioned in Council of Agde (506), ed. Munier, can. 36, at 208.

**59** For example, *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 4, chap. 4–5, at 33–35: the priest Fidel succeeds Paul of Mérida; bk. 5, chap. 13, at 94–98: the archdeacon Eleutherius aspires to succeed Masona of Mérida; bk. 5, chap. 14, at 99–101: the deacon Innocent succeeds Masona; Ildefonsus of Toledo, *De viris illustribus*, ed. Codoñer Merino, chap. 13, at 614–15: Eugenius II succeeds Eugenius I of Toledo, having been a cleric at the royal court.

**60** Norton, *Episcopal Elections*, 188–89, on the control of church property and the risk of corruption in the electoral process.

and smooth transition, must have made the whole succession process even more convoluted.[61]

Contrary to much prior canonical legislation on the subject, in which a single canon usually dealt with the issue of ensuring that both the bishop's property and that of his church were protected, at Valencia two canons are devoted to the matter. Canon 3 moves from the grasping hands of the local clergy to those of the relatives of the dying bishop, although there are clear parallels to canon 2 in terms of the issues being addressed and the procedures that were laid down for dealing with them. If the bishop has died intestate, then the clerics are to be told not to take anything from the property of the deceased without the consent of neighbouring bishops and the metropolitan. The absence of a will would have made it difficult to distinguish what belonged personally to the bishop and what belonged to his church, so family members had to be prevented from inadvertently appropriating the church's property when they accessed the inherited wealth to which they were entitled.[62] Instead, they must wait for the new bishop to take up office or for a ruling from the metropolitan; any action contrary to the canon is punishable by excommunication. Anyone who asks humbly and reasonably for what is "legally" theirs should not be denied it. Again, the metropolitan or someone appointed by him—presumably the "able person" mentioned in canon 2, or perhaps the neighbouring bishop (maybe these could be the same person)—has oversight. The bishops close by stating that the canon has retrospective force, restraining anyone who "in the past" has usurped either church property or that of the bishop, suggesting that this was an ongoing issue, or that the bishops had in mind a specific recent case and they wanted their ruling to be applicable to the perpetrators.[63] As with

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**61** The metropolitan appointing the visiting bishop was by the end of the sixth century a widespread practice in the West; it was, however, virtually unknown in the churches of the East, where oversight over the church during vacancy stayed with the local clergy; see Greenslade, "*Sede Vacante* Procedure in the Early Church," 222–23; Norton, *Episcopal Elections*, 151.

**62** Compare Council of Tarragona (516), ed. Martínez Díez and Rodríguez, can. 12, at 278–79, which mandates an inventory of goods if a bishop has died intestate.

**63** Council of Lérida (546), ed. Martínez Díez and Rodríguez, can. 16, at 306–9, also contains a retroactive measure against clerics who have taken something from the bishop's household; Stocking, *Bishops, Councils, and Consensus*, 40–41, suggests that this may indicate that the legislation was triggered by "immediate cases"; from the canons attributed to the Council of Antioch (341), ed. Joannou, can. 4, at 1.2:107–8, may serve as a comparison for retroactive canonical legislation aimed at a specific case, as it condemns bishops and priests who officiated after canonical deposition,

canon 2, then, there is a concern to secure property from the threat posed by unauthorized claimants. Although the existence of a valid will would presumably have rendered this canon irrelevant, the emphasis on legal rights is significant. It points, as in the preceding canon, to a desire to clearly demarcate the boundaries between different kinds of property. It may also indicate that the interests of families and the episcopate were not necessarily opposed (especially as it was not uncommon for many members of the same family to be bishops and clerics)—it was important for both groups to ensure that they received what was due to them. Metropolitan oversight was pivotal to the process, in which neighbouring bishops were integrated, with the aim of securing the succession—and presumably the financial situation—of the new bishop.

Canon 4 discusses the funeral and burial of bishops. It notes that burials are often postponed because no neighbouring bishop is available to preside.[64] To overcome this issue, a (presumably neighbouring) bishop, who would usually be invited to the funeral, is invited to visit a sick bishop while he is still alive. This would not only please the sick bishop, but would enable him to "give his brother instructions for the administration of his house" and to hand over "an approved will for execution," alleviating the stress of intestate succession and thereby addressing some of the concerns for the protection of church and personal episcopal property outlined in canons 2 and 3. The visiting bishop would also have been able to influence the dispositions of his dying colleague and prevent any actions perceived as harmful to the interests of the bishopric and the Church as a whole. For example, although slaves are not mentioned in the canons of Valencia, other conciliar sources make it clear that a sick bishop might decide to manumit slaves of his church as his death neared, in the process decreasing the economic resources available to his successors.[65] The visiting bishop would have been in a position to prevent this from happening. Following the death of the incumbent, he is then to carry out the funeral service and oversee the burial as soon as possible, according to the "canonical provisions." But an alternative circumstance is also outlined: in the case of a sudden episcopal death, as "usually hap-

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and was aimed directly at Athanasius of Alexandria; see Stephens, *Canon Law and Episcopal Authority*, 15–16.

**64** This can be related to the second canon's reference to the need for the neighbouring bishop to attend in order to perform the funeral and to administer the vacant bishopric.

**65** Eisenberg and Wood, "Business of Bishops," 13–14; Sommar, *Slaves of the Churches*, 141–49.

pens," if the provincial bishops cannot attend due to the distances involved, then a vigil shall be conducted and Psalms sung for a day and a night before the body is taken to a suitable place, with honours but not buried. Then a bishop, invited "without delay" from "somewhere," shall conduct the burial solemnly in observance of "ancient custom."

Like the other acts from Valencia, canon 4 stresses the importance of canonical rules and custom. The bishops emphasize the need for another bishop to perform their colleague's funeral, which can be seen as part of the wider discussion in the sixth and seventh centuries about the prerogatives of presbyters and the concern that in some cases they were overstepping their authority and usurping episcopal powers.[66] Again, this casts a shadow on the local clergy, implying that they may not have been trustworthy enough to ensure a smooth transition between episcopates without compromising the bishops' rights. As in canons 2 and 3, canon 4 underlines the key role of neighbouring bishops (and thus their supra-regional authority) in managing the transition, in this case the administration of church property and the dying bishop's personal will. The need to avoid delay is stated even more explicitly in canon 4 than in the others, in which it is an implicit feature. That this was an ongoing matter is suggested by the fact that the third canon of the Seventh Council of Toledo in 646 confirmed the decision taken at Valencia concerning episcopal burial, adding that a bishop who is asked by the clergy to attend the burial of their bishop and fails to do so will be punished by one year's excommunication, with a similar punishment for presbyters and clerics who fail to inform a bishop about the death of their superior.[67] Vacancies were moments of vulnerability for the see, and canon 4 formed part of a suite of regulations, along with the second and third canons, that aimed to ensure a smooth and rapid transition between episcopates under the stewardship of a neighbouring bishop. These canons can also be understood as a means of defusing the potentially harmful actions of clerics (from the episcopal point of view) who were outside of episcopal supervision.

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**66** On the question of the consecration of chrism by presbyters: Montanus of Toledo, letter attached to the canons of the Second Council of Toledo (527), ed. Martínez Díez and Rodríguez, at 4:356–58, 360–61; and the Second Council of Seville (619), ed. Vives, can. 7, at 167–68.

**67** Seventh Council of Toledo (646), ed. Martínez Díez and Rodríguez, can. 3, at 349–50, transl. M. Szada: https://www.presbytersproject.ihuw.pl/index.php?id=6&SourceID=536, accessed December 7, 2023; the canon is also mentioned at the beginning of the rite for the bishop's funeral in *Liber Ordinum*, ed. Férotin, 139, which shows that the problem was of continued relevance in early medieval Iberia.

## Ecclesiastical Discipline (Canons 5 and 6)

The final canon of the council ends by stating that "no one will be allowed to deviate from the ecclesiastical rules and discipline without penalty." References to past councils both underline the development of an Iberian strand within the broader conciliar tradition and suggest that the rules were not always followed in practice. Just as the earlier canons from Valencia stressed the need for metropolitan oversight of bishops, so canons 5 and 6 emphasize the importance of bishops monitoring their clergy. Conciliar attempts to reinforce the ecclesiastical hierarchy formed part of a broader concern for clerical laxity, as in the case of a letter that Justus of Urgell, Justinian of Valencia's brother, wrote in the early 540s to the deacon Justus bemoaning a slack attitude towards religious studies.[68] Canons 5 and 6 also both address the related matter of clerical mobility. Canon 5 decreed that a wandering cleric disobeys the authority of the bishop who ordained him and fails to fulfil the duties of his office: he shall be excommunicated until he reforms his ways. Canon 6 examined the matter from an opposing perspective, forbidding the ordination of a "foreign cleric" without the consent of his bishop, according to the canons. No one should conduct an ordination unless the person being ordained had "first promised to belong to a place." This desire to forbid clerical mobility may indicate that there was a shortage of clergy, who therefore needed to be forced to remain in one place. This could lend support to the proposition that the Valencian council was held in the context of an outbreak of plague, which may also have influenced the fourth canon, on episcopal funerals and burials.[69] On this interpretation, those clerics who remained may have been more likely to move around, for instance in the search for a more profitable post. However, the desire to fix members of the clergy in place may equally have been connected to the need to monitor the livings that were due to clerics (as suggested by canons 2–4), ensuring that the correct stipends were paid, especially at transitional moments. Sources from Visigothic Iberia are replete with examples of clerical mobility, suggesting that the canon was likely dealing with a real—and ongoing—issue resulting from an episcopal vacancy.[70]

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**68** Justus of Urgell, *Epistula ad Iustum diaconum*, ed. García-Villada, at 265–66; Castillo Maldonado, "Conflict and Compromise," 236–37.

**69** Compare the Fourth Council of Toledo (633), ed. Martínez Díez and Rodríguez, can. 74, at 5:248, which mentions the possibility of ordaining former slaves belonging to the church because of *tempus necessitatis*.

**70** For example, the Second Council of Seville (619), ed. Vives, can. 3, at 164–65,

## The Conciliar Agenda at Valencia:
## Specific Case or General Ruling?

The preceding analysis has suggested that, even though it took place in the same year as the Council of Lérida and dealt with some of the same issues, the meeting at Valencia was convened to discuss problems created by episcopal vacancies because of a specific recent case.[71] The Lérida acts are composed of a total of sixteen canons, whereas Valencia had only six, indicating a more concentrated agenda for the latter. Five out of those six can be related, we argue, to episcopal vacancies, implying that the bishops foregrounded this topic deliberately. They clearly did not decide the matters they were to discuss randomly or out of theoretical interest.[72] In the absence of a preface, minutes of conciliar discussions, or other sources directly related to the proceedings of the council such as letters or narratives, we cannot be sure how the agenda of this council was decided. However, comparison with conciliar practice elsewhere in Hispania and in neighbouring Gaul clearly shows that councils were responsive to current events and circumstances, and that the main topics to be discussed were often determined in advance. For example, King Clovis formulated discussion points for the bishops in "the articles" (*tituli*) sent to them before the Council of Orléans in 511.[73] For Hispania, we know of the practice of the king presenting a *tomus* before a council to suggest its subject matter.[74] If the convened council was to serve as a tribunal, the interested parties had to be informed early enough so that the reasons for the meeting would be known to the other participants.[75] We do not know whether the Council of Valencia in 546 had this component, but since its canons indicate that there may have been a recent conflict between a new bishop and the clergy of his church, it is not impossible that the parties wished to present their arguments within the conflict-resolution framework constituted by the provincial episcopate. Some revealing parallels to

discusses the case of Spassandus, a priest from Italica, who fled to Córdoba (Thompson, *Goths in Spain*, 303); in addition, there are numerous cases of monks seeking to move around when they were supposed to stay in one place.

**71**  Cf. Gruber, "Indirect Evidence for the Social Impact of the Justinianic Pandemic."

**72**  See Halfond, *Archaeology of Frankish Church Councils*, 57–66.

**73**  Council of Orléans (511), ed. de Clercq, letter to Clovis, at 4.

**74**  King, *Law and Society in the Visigothic Kingdom*, 126; attested for the Third Council of Toledo (589) and Fifth Council of Toledo (636), and became regular from the Eight Council of Toledo (653).

**75**  Halfond, *Archaeology of Frankish Church Councils*, 62.

such situations can be found in other Visigothic-era councils. For example, the canons of the Second Council of Seville in 619 retained the parts of the procedure in which participating clerics made petitions, asked for the resolution of conflicts, or appealed against previous judicial and disciplinary decisions. While resolving a specific case, the assembled bishops also formulated a general canon for future application.[76]

Nonetheless, the references that are made to past councils indicate that the bishops were well aware of the tradition to which they belonged, and saw it as both a repository of legal precedent to which they could appeal on specific points and a more general justification for the canonicity of their position. The canon law being cited and referenced was therefore not entirely dependent on the immediate situation; rather, past conciliar acts were resources that could be deployed selectively, provided they could do legal or rhetorical "work" to enable the bishops in council to reinforce their position.[77] In cases in which, unlike at Valencia and Lérida, the bishops decided to preface the canons with a preamble, they often expressed this sentiment explicitly. Both the bishops gathered at Tarragona in 516 and those at Toledo in 527 stated in their prefaces that one of the main aims of their assemblies was to restate the legislation of earlier councils.[78] The formulation of new canons is therefore perceived not so much as an innovation but as the reaffirmation and even completion of an already existing framework. As Jill Harries noted in the context of the legislative process in the later Roman empire: "Laws could be repeated so that new regulations could be appended."[79] Repeating the old law and formulating new law out of a specific case were part of a process by which certain elements of the extensive body of conciliar rulings, scattered in different canon books and collections, could be identified as law in specific moments.[80]

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**76** Second Council of Seville (619), ed. Vives, at 163–69; see also the case of a conflict in Écija and how it was incrementally resolved at the Third Council of Seville (624) and the Sixth Council of Toledo (638), discussed in Stocking, "Martianus, Aventius, and Isidore"; Martín-Iglesias, "*Iudicium inter Marcianum et Habentium episcopos.*"

**77** On the repetition of laws in Roman legal tradition, see Harries, *Law and Empire*, 82–88; Stephens, *Canon Law and Episcopal Authority*, 53 (repeating the canons of Nicaea); Stocking, *Bishops, Councils, and Consensus*, 38–41.

**78** Council of Tarragona (516), ed. Martínez Díez and Rodríguez, preface, at 4:271–72; Second Council of Toledo (527), preface, at 4:346–47.

**79** Harries, *Law and Empire*, 87.

**80** Halfond, *Archaeology of Frankish Church Councils*, 100–101.

As we mentioned at the beginning of this article, the canons of the Council of Valencia in 546 were transmitted in collections of canons. They were included in the so-called *Epitome Hispánico*, compiled possibly in Gallaecia between 598 and 633, and the monumental *Hispana*, a wide-ranging collection whose earliest version was assembled in 633 and which is often associated with Isidore of Seville. Gonzalo Martínez Díez suggested that the compilers of both collections might have had in their hands an earlier collection circulating in sixth-century Hispania and consisting of the canons of the provincial councils of Tarraconensis (Tarragona, Gerona, Lérida) and Carthaginiensis.[81] This suggests that the specific resolutions made by the six prelates who met in Valencia (in Carthaginiensis) in 546, possibly in response to a pressing issue, began to circulate quickly in the context of the general evolution of a normative corpus to which churches functioning in different circumstances and facing different challenges could nevertheless refer, as in the case of the Seventh Council of Toledo's reaffirmation of the fourth canon of Valencia's ruling on episcopal burial.

## Conclusion

The canons of Valencia deal with a series of issues that could have resulted from a vacancy in the episcopal office. Contextualization of the canons in relation to other conciliar legislation (from within and beyond Iberia) and other contemporary sources suggests strongly that the procedures which were laid down probably derived from the practical experience of the assembled bishops. The vulnerability of church property—particularly movable wealth—during vacancies seems to have been a particular concern throughout the Visigothic period in Iberia.[82] A primary concern was to ensure separation between the property of the bishopric itself (institutional wealth) and that of the bishop (his personal property) in order to avoid them becoming mixed up. In the absence of a clear legal framework for resolving potential confusion over the distinction between different

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**81** Martínez Díez, *Colección canónica Hispana*, 1:282–83; on these collections, see Kéry, *Canonical Collections of the Early Middle Ages*, 57–86.

**82** For example, the Twelfth Council of Toledo (681) states that prolonging the vacancy "brings harm to the divine ministry and loss to Church property," ed. Martínez Díez and Rodríguez, can. 6, at 6:169; see also *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5 chap. 8, at 76, where the vanquished bishop Nepopis left Mérida with the members of his household carrying off in wagons "a great amount of silver, ornaments," and other beautiful items from the churches of the city.

property types when a bishop died, the making of inventories under the oversight of neighbouring bishops and the metropolitan are proposed as a procedure for securing the interests of a variety of potentially competing parties. The canons illustrate the gradual evolution of the conciliar ideal in Hispania: appeals are made to specific precedents, alongside references to council legislation in general. In the process, the bishops at Valencia and other Iberian councils in the sixth century gradually constructed a specific concept of conciliar authority that would find full expression in the seventh century. In the process, they reflected and reinforced an idealized vision of the Church hierarchy focused on the role of the metropolitan as a provincial ecclesiastical leader, supported by provincial bishops and their clergy. Yet, in distinguishing between different kinds of bishops and clerics, the canons of Valencia also reflect a more pragmatic vision of how power was exercised on the ground.

Although clerics are presented as greedy, it is clear that a vacancy in the episcopal office left at least some of them vulnerable, with those connected to the bishop himself most at risk of losing their stipends. Because the clerical office was not monolithic, there would have been differences between the higher and lower clergy, between cathedral clerics and others, between those in the city and in the countryside, and between those who owed their position to the dying bishop and those who were not aligned with him. The impending death of a bishop was thus likely to generate an unstable situation as different parties sought to look after their own interests. This might account for the canons which sought to enforce ecclesiastical discipline and prevent clergy from moving around. The family is also identified as an interest group with the potential to intervene when the bishop dies, as members sought to protect the inheritance to which they may have been entitled. The admonition that neighbouring bishops should attend to the affairs of a vacant bishopric (or one that was about to be vacant) with haste may mask the fact that provincial bishops probably did not want to leave their own bishoprics unattended. Much literature has demonstrated how episcopal power had to be displayed and the absence of a bishop would have created a power vacuum.[83] The forcible removal of Bishop Masona from Mérida under King Leovigild (r. 568–586) is a good example: while Masona's triumphant return to the city is presented as a moment of communal rejoicing, his tem-

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**83** Rapp, *Holy Bishops in Late Antiquity*; Bowes, *Private Worship, Public Values, and Religious Change*, 61–120; Dey, *Afterlife of the Roman City*; Brubaker and Wickham, "Processions, Power, and Community Identity"; Wood, "Narrating Religious Processions in Visigothic Iberia."

porary absence had created an opportunity for at least two opposing factions to attempt successively to establish themselves.[84] There are attestations that Iberian bishops did not always travel to councils because of the distances and dangers involved,[85] but perhaps this was also because even a temporary absence would leave their position back home vulnerable.

Without downplaying their role as pastors and moral leaders, bishops did not operate in a social vacuum. The ecclesiastical dynasties mentioned in the introduction to this article point towards the likelihood that the interests of the local clergy, the neighbouring (and certainly the co-provincial) bishops, and the family could often have aligned.[86] The authority of bishops was embedded in—and sometimes challenged from—the communities within which it operated, led by local and regional elites, including their episcopal peers.[87] The acts of Valencia thus recognize the practicalities of implementing collective conciliar decision-making on the ground. It was difficult, if not impossible, to get anything done without the consent of the lower clergy. In ensuring that stipends continued to be paid, the bishops respected collective clerical agency. Rather than the authoritarian view of ecclesiastical governance presented on a rhetorical level, the practical measures that the bishops put in place sought to recognize and balance the interests of different groups. Grounded in a recognition of the practical fragility of episcopal power at certain moments, the canons are above all a reflection of the sorts of social consensus that Iberian bishops strove to achieve in the face of frequent episodes of conflict.[88]

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**84** These were the Arian Sunna and the Nicene Nepopis: *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 5 chap. 5–6, 8, at 54–71, 73–78.

**85** Thompson, *Goths in Spain*, 198.

**86** For example, *Vitas sanctorum patrum Emeretensium*, ed. Maya Sánchez, bk. 4, chap. 4–6, at 33–38: Fidel is both Paul's nephew and a priest, and succeeds him as bishop of Mérida.

**87** Wood, "Building and Breaking Episcopal Networks"; Wood, "Conflicts over Episcopal Office in Southern Hispania."

**88** Castellanos, "Significance of Social Unanimity in a Visigothic Hagiography"; Stocking, *Bishops, Councils, and Consensus*.

## TRANSLATION: *THE COUNCIL*

### The Council of Valencia[89]

In year fifteen of King Theudis [546] on the second day before the Nones of December [4 December] those gathered at the council in Valencia in the name of Our Lord Jesus Christ [decided]:

### 1. That the Gospel should be read after the Apostle.

When we discussed the ecclesiastical rules while reading the ancient canons, we decided that in the course of the readings the most holy Gospel should be read after the Apostle before the presentation of the gifts or the Mass of the catechumens, so that not only the faithful, but also the catechumens, the penitents, and all who disagree with us may hear the salutary commandments of Our Lord Jesus Christ and the sermon of the priest. For we know for certain that some who have heard the bishop's preaching have been drawn to the faith.

### 2. That after the death of the bishop no one shall take anything for himself from the property of the bishop or the church.[90]

We have also decreed that, when the bishop is recalled from this world at God's command, the clerics shall withhold their greedy hands from all the utensils and possessions of the house of the church or of the bishop, from the books, the precious objects, the tools, the vessels, the yields of the fields, the flocks, the animals, and from all other things, and shall steal nothing like bandits. If they have not been restrained by the authority of the canons, they are to be compelled by the stern admonition of the metropolitan bishop and all the other bishops of the province to restore to their former condition all that they have stolen, so that by this just order nothing may be taken from what is necessary for the future bishop and superintendent. To observe it with more confidence and fairness, according to the canons of the Council of Riez, after the death of a bishop, a bishop from the nearest neighbourhood comes to celebrate his funeral according to custom and to take strict care of his church, so that the greedy clerics do not ruin and plunder the church before the consecration of a new bishop. Thus, within an octave of

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**89** Ed. Martínez Díez and Rodríguez, at 4:313–21.

**90** Transl. M. Szada with commentary: http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=283, accessed December 7, 2023.

the bishop's death, if it is possible, an inventory and a very reliable description of the bishop's property is made under the care of a bishop who is present and sent to the metropolitan. After paying the clergy the usual stipends, the metropolitan appoints an able person to administer the ecclesiastical household, so that he may also give an account of the things entrusted to him in due course to the metropolitan, if the consecration of a successor is delayed for any reason. Under this salutary constitution, clerics should be content with their stipends and not plunder the fruits of the late bishop's labours, and a future pontiff should not enter the empty house of the church with distress, but should be able to profit from the property left by his predecessor and to serve others from it.

### 3. That the relatives of the dying bishop may not appropriate any of his things without the knowledge of the metropolitan and the other bishops of the province.

Likewise, the relatives and kinsmen of the dying bishop are to be told that, if he has died intestate, they must not attempt to take anything from the property of the deceased without the consent of the metropolitan and the other bishops of the province. This is done so that they do not accidentally appropriate among the inherited goods those that belong to the Church. They should wait until the ordination of the next bishop or, if that takes too long, have recourse to the decision of the metropolitan, as was said above. If anyone, cleric or layman, without regard to divine wrath does anything in bad faith against the synodal sanctions, they will be deprived of communion and unity with the Church, for it is hard to imagine that a person who is not afraid to plunder the Church would fit in. They will not receive a remission unless they change their soul for the better and give up their audacity. But if someone asks in a reasonable and humble way for what is legally his, he should not be denied a thing or a right without any reproach from the metropolitan or from a person whom the metropolitan has commissioned. All those who in the past have usurped the property of the Church or of the bishop should be restrained by this canon.

### 4. On the funeral of the dying bishop: how he should be buried.[91]

Often the burial of holy bishops is postponed because of the absence of a bishop to preside, so that the venerable body of a pontiff is mistreated owing

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[91] Transl. M. Szada with commentary: http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=284, accessed December 7, 2023.

to the delay in burial. Therefore, as a prudent resolution, we order that a bishop, who is usually invited to the funeral after the death of his brother, be informed earlier and not defer visiting the sick bishop while he is still alive. The latter will rejoice at the relief of his fellow priest and will certainly give his brother instructions for the administration of his house and hand him an approved will for execution. And having offered to God the sacrifice for the soul of the deceased, [the visiting bishop] will immediately bury him with all diligence, and he will not delay the fulfilment of these canonical provisions. However, if a bishop dies suddenly, as usually happens, and the bishops of the province cannot come because of the distance, the brothers and monks shall hold vigil and sing Psalms for a day and a night, singing Psalms over the deceased body. Then the presbyters shall take the body to a suitable place, but they shall not bury it at once, but shall only lay it there with honours until a bishop, invited without delay from somewhere, shall solemnly bury it, as is proper. Thus, any occasion for any ill-treatment shall be removed, and the ancient custom of burying bishops shall be observed.[92]

### 5. On wandering and disobedient clerics.[93]

We also decreed that if a wandering cleric, whether he is in the ministry of deacon or in the office of presbyter, is not obedient to the precepts of the bishop who ordained him in order to fulfil his office steadily at the church entrusted to him, he shall be deprived of his honour and communion as long as he persists in his guilt.

### 6. That a foreign cleric shall not be ordained, and that no one become a cleric who has not promised to stay in the place to which he is bound.[94]

No one shall dare to ordain a foreign cleric without the consent of his bishop according to the decrees of the canons, and no holy priest shall ordain him who has not first promised to belong to a place. In this way, no one will be allowed to deviate from the ecclesiastical rules and discipline without penalty.

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**92** Gruber, "Indirect Evidence for the Social Impact of the Justinianic Pandemic," 196; note his suggestion to translate *loculus* (here 'a suitable place') as "a coffin."

**93** Transl. M. Szada with commentary: http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=285, accessed December 7, 2023.

**94** Transl. M. Szada with commentary: http://presbytersproject.ihuw.pl/index.php?id=6&SourceID=286, accessed December 7, 2023.

**[Subscriptions]**

[1] Celsinus, bishop of the Catholic Church in the name of Christ, has subscribed.

[2] Justinian, bishop of the Catholic Church in the name of Christ, has subscribed.

[3] Reparatus, bishop of the Catholic Church in the name of Christ, has subscribed.

[4] Setabius, bishop of the Catholic Church in the name of Christ, has subscribed.

[5] Benagius, bishop of the Catholic Church in the name of Christ, has subscribed.

[6] Ampelius, bishop of the Catholic Church in the name of Christ, has subscribed.

[7] Salustius, archdeacon, substitute for my lord bishop Marcellus, has subscribed.


## Abbreviation

*CCSL*    *Corpus Christianorum Series Latina*. Turnhout: Brepols, 1954–.


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Chapter 3

# A *SCHOLION* ON DIONYSIOS OF THRACE AND THE ORIGINS OF THE GREEK ALPHABET

## GIUSTINA MONTI

**ABSTRACT** The article deals with a *scholion* on Dionysios of Thrace (*Scholia in Dionysii Thracis artem grammaticam* 183.15–19, 183.27–29, 184.1–15 *Grammatici Graeci* 3 Hilgard) which summarizes the various traditions on the inventor of the alphabet. The passage is a noteworthy case-study which highlights the value of the analysis of texts which ancient historians might deem too recent. This article shows that the *scholion* is helpful for understanding the importance which the discussion on the origins of the alphabet had for the Greeks of the fifth century BCE. Finally, it will explain why the debate about the inventor of the letters orbited around two characters—Cadmus and Danaos—and, consequently, around two different regions, Phoenicia and Egypt. It will conclude that the choice of one version rather than another was strongly influenced by political and cultural motivations.

## Introduction

Ancient Greek historians, and writers more generally, have been fascinated by the origins of the alphabet, and discussion of the topic in Antiquity appears to have been rather fervid.[1] Herodotus 5.58, for example, wrote that the Greeks used to call the letters of the alphabet "Phoenicians" (Φοινικήια), and he explained that they were brought from Phoenicia by Cadmus. Critias also wrote that the Phoenicians invented letters, "the rescuers of conversation" (ἀλεξίλογα).[2] In contrast, Plato linked the invention of the alphabet to the Egyptians.[3] Ephorus, however, connected the alphabet to the Phoenicians once again.[4] Hecataeus of Abdera[5] assigned the invention of the alphabet to Hermes, a god who was often identified with the Egyptian Thoth.[6] Diodorus' version is a bit more elaborate, but the link with Cadmus and Phoenicia is there.[7] Pliny summarizes the different positions, Tacitus prefers an Egyptian origin, while Lucan buys the Phoenician hypothesis.[8] Philo of Byblos tries to merge the two main versions and assigns both a Phoenician and an Egyptian origin to writing.[9] Indeed, he writes that the Phoenician Taautos, whom the Egyptians call Thoyth and the Alexandrians call Thoth, invented it.[10]

This article will look at a passage belonging to a text which came to formation during the late antique and/or medieval period, a *scholion* on Dionysios of Thrace.[11] As we shall see, the text summarizes the various traditions

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**1** Cf. Piccaluga, "Processi di formazione dei miti greci," 539–50, esp. 541.

**2** DK 88 B 2.9. A list of abbreviations follows at the end of this article.

**3** *Philebus*, 18b–c; and *Phaedrus*, 274c–75a.

**4** *FGrHist* 70 F 105b–c.

**5** *FGrHist* 264 F 25.

**6** See, for example, Herodotus, 2.138.4; Diodorus, 1.16.2; and Cicero, *De natura deorum*, 3.22. On the relation and/or identification of Thoth with Hermes and vice versa, see Boylan, *Thoth, the Hermes of Egypt*, 99–101; and Fowden, *Egyptian Hermes*.

**7** Diodorus, 3.67.1; 5.58.3. Cf. 5.74.1.

**8** Pliny, *Naturalis Historia*, 5.67 and 7.192–93; Tacitus, *Annales*, 11.14; Lucan, 3.220–21.

**9** *FGrHist* 790 F 1.

**10** Other interesting takes on the story include: Hyginus, 277, who involves several deities and links the origins to Egypt; Isidore of Seville (*Origines* 1.3.4–7), who assigns an important role to the Phoenicians but also includes Egypt in the story as well as other characters; and Photius (*Lexicon*, s.v. Φοινικήια γράμματα), who mentions Phoenix as son of King Agenor of Tyre and brother of Cadmus.

**11** *Scholia in Dionysii Thracis artem grammaticam*, 183.15–19, 183.27–29, 184.1–15 (*Grammatici Graeci* 3) Hilgard.

on the origins of the alphabet in a rather interesting way. Moreover, it is a noteworthy case study, especially in relation to the number of sources and the way in which they are cited, highlighting the importance of the analysis of texts which ancient historians might deem too recent. This article aims to show that such texts can be useful to the historical and literary discussion of themes that are dear to those who work on ancient history.[12] However, this article is not preoccupied with establishing the historicity of the myth or which version is the most historically accurate, but rather with analysing how two different versions have been used to send a political message. The interest of the medieval *scholion* might be summarized as twofold: the overall view of the *status quaestionis* which it offers, and the way in which the different versions of the myth are cited by the scholiast(s).

## The *Scholion*

The *scholion* is an explanation of the part of the work entitled *Ars Grammatica* where it deals with the letters of the alphabet.[13] However, the passage commented on by the *scholion* does not seem to mention the discussion about the origins of the alphabet, nor does it assign a specific paternity to the letters.[14] The manuscript tradition attributes the *Ars Grammatica* (*Techne Grammatike*) to Dionysios of Thrace, a pupil of Aristarchus of Samothrace who lived between 170 and 90 BCE,[15] although there were doubts about his authorship already in the medieval or Byzantine period.[16] His authorship

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**12** On the relationship between medieval *scholia* and the ancient tradition, see Cufalo, "Scolî medievali," 5–22; Pontani, "Scholarship in the Byzantine Empire," 297–455.

**13** The comment of the scholiast(s) is on *Ars Grammatica* 6 (7b) Uhlig.

**14** Γράμματά ἐστιν εἰκοσιτέσσαρα ἀπὸ τοῦ α μέχρι τοῦ ω. γράμματα δὲ λέγεται διὰ τὸ γραμμαῖς καὶ ξυσμαῖς τυποῦσθαι· γράψαι γὰρ τὸ ξῦσαι παρὰ τοῖς παλαιοῖς, ὡς καὶ παρ' Ὁμήρῳ «Νῦν δέ μ'ἐπιγράψας ταρσὸν ποδὸς εὔχεαι αὔτως». Τὰ δὲ αὐτὰ καὶ στοιχεῖα καλεῖται διὰ τὸ ἔχειν στοῖχόν τινα καὶ τάξιν. This is the passage as it appears in the 1883 edition by Uhlig. However, at page lxxvii Uhlig notes that in the sylloge by Moschopoulos there is an addition signalling the fact that someone (τινα) discovered the letters from the language of the Phoenicians.

**15** On Dionysios Thrax and his work, see Uhlig, *Dionysii Thracis ars grammatica*; Pecorella, *Dionisio Trace*; Kemp, "*Tekhne grammatike* of Dionysius Thrax"; Kürschner, "Die Lehre des grammatikers Dionysios"; Lallot, *La grammaire de Denys le Thrace*; Swiggers and Wouters, *De Tekhne grammatike van Dionysius Thrax*; Bécares Botas, *Dionisio tracio, grámatica*; Callipo, *Dionisio Trace e la tradizione grammaticale*.

**16** The *scholia*, especially the oldest (whose manuscripts date back to the thirteenth century), referred to a debate on whether the *Ars Grammatica* was actually written by

has also been disputed by modern scholars on two main grounds:[17] there is no mention of the *Ars Grammatica* in the papyri before the fifth century CE, while Apollonius Dyscolos mentions Dionysios Thrax only rarely, and in all cases the position which he attributes to Dionysios Thrax does not correspond to the assumptions we find in the *Ars Grammatica*.[18] The manuscript tradition of the *scholia* is also complicated since they come from different manuscripts, the vast majority are written by anonymous authors, and not all of them mention the same details or comment on the same topics. Moreover, it seems that some manuscripts were written by different scholiasts; we are not always given their names, and it is difficult to discern who wrote a certain comment. This is not the place to discuss such issues: it will suffice to say that all *scholia* seem to come from the medieval or Byzantine period, which is the main point of interest for the scope of this article.[19]

The *scholion* we shall analyse gives a nice summary of the discussion about the inventor of the alphabet. This kind of *status quaestionis*, so to speak, is only found in one part of the manuscript tradition of the *scholia* (abbreviated with Σ), the *Scholia Vaticana* (abbreviated Σ^v), of which the main manuscript is the *Vaticanus graecus* 14 (thirteenth century), fols. 33v–127v. This manuscript is one of the oldest and, according to the *stemma codicum*, it could derive directly from the commentaries by Melampodos (sixth century), Stephanos (beginning of the seventh century), Porphyros (no date),

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Dionysios of Thrace, and hypothesized the presence of two people called Dionysios, Dionysios of Thrace (the pupil of Aristarchus) and Dionysios the author of the *Ars Grammatica*. See *Scholia in Dionysii Thracis Artem grammaticam*, 160.24–161.8 (*Grammatici Graeci* 3) Hilgard.

**17** In 1822, Karl Wilhelm Göttling was the first to doubt the authorship of the *Ars Grammatica*, and he argued that the text belonged to an author writing in the Byzantine rather than the Hellenistic period (as was the case with Dionysios of Thrace): see Pfeiffer, *History of Classical Scholarship*, 272. More recently, doubts about its attribution to Dionysios have been sparked by Di Benedetto in a series of works ("Dionisio Trace e la *Techne* a lui attribuita"; "La *Techne* spuria"; "At the Origins of Greek Grammar"; "Afterword"; "Dionysius Thrax and the *Tékhne grammatiké*"; *Il richiamo del testo*, 381–461), and the hypothesis has been supported by de Jonge, *Between Grammar and Rhetoric*, 92. Cf. Pagani, "*Techne Grammatike* e la documentazione papiracea," 205–17.

**18** For a summary of the discussion on the authorship, see Lallot, *La grammaire de Denys le Thrace*, 20–25; and Callipo, *Dionisio Trace e la tradizione grammaticale*, 28–34.

**19** On the characteristics of the different *scholia* and their manuscripts, see Uhlig, *Dionysii Thracis ars grammatica*, xxxiii–xlviii; Hilgard, *Scholia in Dionysii Thracis artem grammaticam*, v–xlix; and Lallot, *La grammaire de Denys le Thrace*, 31–37.

and Georgios (no date).[20] According to the *scholion*, the main streams of the debate regarding the inventor of the alphabet which the scholiast(s) registered were:[21]

Περὶ δὲ τῆς τῶν γραμμάτων εὑρέσεως διαφόρως οἱ ἱστορικοὶ ἱστόρησαν· οἱ μὲν γὰρ Προμηθέα λέγουσι τούτων εὑρετήν, ἄλλοι δὲ Φοίνικα τὸν τοῦ Ἀχιλλέως παιδαγωγόν, ἄλλοι δὲ τὸν Μιλήσιον Κάδμον, ἄλλοι δὲ τὴν Ἀθηνᾶν, ἄλλοι δὲ ἐξ οὐρανοῦ ἐρρῖφθαι τοῖς ἀνθρώποις πρὸς ὠφέλειαν. … Τινὲς δὲ φοινίκεια ἐκάλεσαν τὰ γράμματα, ⟨οἱονεὶ φωνίκεια,⟩ παρὰ τὸ τῆς φωνῆς εἰκόνα εἶναι τὰ γράμματα…Τῶν στοιχείων εὑρετὴν ἄλλοι τε καὶ Ἔφορος ἐν δευτέρῳ Κάδμον φασίν· οἱ δὲ οὐχ εὑρετήν, τῆς δὲ Φοινίκων εὑρέσεως πρὸς ἡμᾶς διάκτορον γεγενῆσθαι, ὡς καὶ Ἡρόδοτος ἐν ταῖς ἱστορίαις καὶ Ἀριστοτέλης ἱστορεῖ· φασὶ γὰρ ὅτι Φοίνικες μὲν εὗρον τὰ στοιχεῖα, Κάδμος δὲ ἤγαγεν αὐτὰ εἰς τὴν Ἑλλάδα. Πυθόδωρος δὲ [ὡς] ἐν τῷ Περὶ στοιχείων καὶ Φίλλις ὁ Δήλιος ἐν τῷ Περὶ Χρόνων[22] πρὸ Κάδμου Δαναὸν μετακομίσαι αὐτά φασιν· ἐπιμαρτυροῦσι τούτοις καὶ οἱ Μιλησιακοὶ συγγραφεῖς Ἀναξίμανδρος καὶ Διονύσιος καὶ Ἑκαταῖος, οὓς καὶ Ἀπολλόδωρος ἐν Νεῶν καταλόγῳ παρατίθεται. ἔνιοι δὲ Μουσαῖον εὑρετὴν λέγουσι τὸν Μητίονος καὶ Στερόπης κατ᾽ Ὀρφέα γενόμενον· Ἀντικλείδης δε ὁ Ἀθηναῖος Αἰγυπτίοις τὴν εὕρεσιν ἀνατίθησι· Δωσιάδης δὲ ἐν Κρήτῃ φησὶν εὑρεθῆναι αὐτά· Αἰσχύλος δὲ Προμηθέα φησὶν εὑρηκέναι ἐν τῷ ὁμωνύμῳ δράματι, Στησίχορος δὲ ἐν δευτέρῳ Ὀρεστείας καὶ Εὐριπίδης τὸν Παλαμήδην φησὶν εὑρηκέναι, Μνασέας δὲ Ἑρμῆν, ἄλλοι δὲ ἄλλον.

Historians are in disagreement about the discovery of the letters: indeed, some say that Prometheus was the discoverer, others (say that it was) Phoenix, pedagogue of Achilles, some others (say that it was) the Milesian Cadmus, others (say that it was) Athena, others (say that) they (=letters) were thrown from the sky to human beings for help … Some called the letters *Phoinikeia* ‹as if they were *Phonikeia*,› because the letters are the image of the voice[23]… others and in particular Ephorus[24] in Book 2 say that the inventor of the alphabet was Cadmus; but others say that he was not the inventor, but that he was a messenger to us of the invention of the Phoe-

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**20**  See Uhlig, *Dionysii Thracis ars grammatica*, xxxiii–xxxvi; and Lallot, *La grammaire de Denys le Thrace*, 34–36.

**21**  *Scholia in Dionysii Thracis artem grammaticam*, 183.15–19, 183.27–29, 184.1–15 (*Grammatici Graeci* 3) Hilgard.

**22**  Περὶ χορῶν in *FHG*, 2:5b.

**23**  Here the scholiast (or whoever formulated this hypothesis) plays with the term the Greeks used for letters (φοινίκεια), which according to them might have been mistaken for or intended as φωνίκεια, a term which is close to the word φωνῆ (voice).

**24**  *FGrHist* 70 F 105.

nicians, as Herodotus in the *Histories* and Aristotle report:[25] indeed, they say that the Phoenicians invented the alphabet, while Cadmus brought it to Greece. Pythodoros in *On the Alphabet* and Phillis of Delos in *On Chronologies*[26] say that, instead of Cadmus, Danaos brought it.[27] The Milesian writers Anaximander,[28] Dionysius,[29] and Hecataeus[30] also support these writers in their testimony, whom (*scilicet* the Milesian writers) Apollodorus also adduces as proof in the *Catalogue of Ships*.[31] Some say that the inventor was Mousaios, son of Metion and Sterope, who was a contemporary of Orpheus; Antikleides of Athens, on the contrary, attributes the invention to the Egyptians;[32] whereas Dosiadas says that it was invented in Crete;[33] in the play bearing the same name of the assigned inventor, Aeschylus says that Prometheus invented it,[34] while Stesichorus, in the second book of the *Oresteia*,[35] and Euripides[36] say that Palamedes invented it, whereas Mnaseas says it was Hermes,[37] and others give a further inventor.[38]

From the passage one might infer that the scholiast(s)—whether it was one or more than one—had at their disposal a great wealth of information on the topic. It is clear that the *scholion* cannot go into excessive detail, so in a certain way they tried to rationalize the information at their disposal and to offer a clear setting of the *status quaestionis*. Reading it raises a series of questions. First, one might reflect on what impression the scholiast(s) might have got while reading the sources at their disposal, and why the *scholion* mainly emphasizes two traditions. One could also reflect upon the fact that the scholiast almost seems to create the group of "the Milesian writers." Hence, the main question might be related to what the scholiast had

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**25** Herodotus, 5.58; Aristotle, F 501 Rose.

**26** *FHG*, 4.476.

**27** The expression πρὸ Κάδμου is not clear and could be interpreted in two ways: "instead of Cadmus" or "before Cadmus."

**28** *FGrHist* 9 F 3.

**29** *FGrHist* 687 F 1.

**30** *FGrHist* 1 F 20.

**31** *FGrHist* 244 F 165.

**32** *FGrHist* 140 F 11b.

**33** *FGrHist* 458 F 6.

**34** *Prometheus Bound*, 460.

**35** *PMGF*, 213.

**36** F 578 Nauck.

**37** *FHG*, 3.156.

**38** On this *scholion*, see also Fowler, *Early Greek Mythography*, 2.246–48.

gleaned from the variety of sources they read. Finally, one might also consider the ways in which this particular text, considered a later source by scholars working on ancient history, could help and support the debate on the origins of the alphabet. The *scholion* might be helpful to understanding the importance this debate had for the Greeks of the fifth century BCE, and it might reveal itself to be useful in identifying a discussion which was perhaps crucial for the Greeks (in a mainly Athenocentric world) of that time.

## Palamedes

As this passage highlights, apart from the hypotheses of an epichoric invention of the alphabet assigned to Palamedes, Prometheus, and Mousaios, the main points of the debate about the inventor of the alphabet orbited around two characters—Cadmus and Danaos—and, consequently, around two different regions, Phoenicia and Egypt. Before looking into the reasons why there were two different major traditions, one should reflect on that which saw Palamedes playing an important role as the πρῶτος εὑρετής of the letters, and how the hero's presence within the tradition could be justified. As stated by Lucio Bertelli in his commentary on fragment 6 of Dosiadas, a Cretan historian dated to the first half of the third century BCE, Palamedes as the inventor of letters was the "most popular version"[39]: apart from Stesichorus and Euripides, mentioned in the *scholion*, Gorgias in his *Palamedes*[40] and Critias employed this story.[41] Moreover, the letters of the alphabet were not Palamedes' only discovery, since he is reported as having invented counting, currency, weights, and measures.[42]

In reality, all these discoveries or, to put it better, the spreading and diffusion of them[43] seem to be linked to a period when the Greek population began moving to other places, namely during the so-called "colonization" of the eighth century BCE, whose pioneers were indeed inhabitants from

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**39** Bertelli, "Dosiadas" (*BNJ* 458 F 6: commentary).

**40** DK 76 B 11a.30.

**41** Critias, B 2.9 West. See Kleingünter, *ΠΡΩΤΟΣ ΕΥΡΕΤΗΣ*, 79–84, and 143–47.

**42** See Roscher, s.v.

**43** Indeed, the origin of the Greek alphabet is situated before the eighth century BCE. See Woodard, "*Phoinikeia Grammata*," 44–45; Fowler, *Early Greek Mythography*, 2.247–48; and Janko, "From Gabii and Gordion to Eretria and Methone," 1–32. See also Astoreca, *Early Greek Alphabetic Writing*, 1–22; Luraghi, "Sounds, Signs, and Boundaries," 32–57; and Woodard, "Contextualizing the Origin of the Greek Alphabet," 74–103.

Euboea, the fatherland of Palamedes. In addition, it could not be by chance that one of the earliest attestations of a text written in the Greek language comes from Pithekoussai, an island facing Cuma in Campania and the first Euboean *apoikia* (foundation) in southern Italy. The text, inscribed on a *kotyle*, refers to the famous cup of Nestor (described in *Iliad* 11.632–37) and consists of three lines, the first written in iambic verse and the other two written in hexameters. It is in retrograde writing and dates back to the second half of the eighth century BCE.[44] From this piece of archaeological evidence, one can understand that movements around the Mediterranean and commercial routes might have played a crucial role in the diffusion of one of the most important technological discoveries, the alphabet. To better explain the connection between movements, economic operations, and the importance of writing, one might recall a widespread practice in the Middle Ages when a *clericus* used to be aboard every ship heading to foreign ports.[45] To return to the Greek world, it has been shown that economic exchanges and transactions were crucial to the spread of the alphabet, at least in the Archaic era.[46]

## Danaos and Cadmus

Nevertheless, if the social and economic aspects of the invention of the alphabet have been extensively discussed, the political reasons behind the choice of one version of the story rather than another have not been fully explored. In this respect, an analysis of the two other versions of the story (Danaos and Cadmus) is central, as those accounts seem to be the leading ones—with modern terminology, one might define them as the "mainstream versions"—or at least this was the impression that the compiler(s) of the *scholion* had when reading the sources at their disposal. The oldest version appears to be the account of the so-called Μιλησιακοὶ συγγραφεῖς (Milesian prose writers),[47] Hecataeus, Dionysius, and Anaximander, since

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**44** Νέστορος [εἰμὶ] εὔποτ[ον] ποτήριο[ν]·/ ὃς δ' ἂν τοῦδε π[ίησι] ποτηρί[ου] αὐτίκα κῆνον / ἵμερ[ος αἱρ]ήσει καλλιστ[εφάν]ου Ἀφροδίτης. See Buchner and Russo, "La coppa di Nestore," 215–34.

**45** See Nenci, *Erodoto*, 241.

**46** See Carpenter, "Antiquity of the Greek Alphabet," 8–29; Cardona, *Antropologia della scrittura*, 19–100; and Lombardo, "Marchands, transactions économiques, écriture," 159–87.

**47** It has also been argued that the Milesian writers mentioned Cadmus' story as well: see, for example, *FGrHist* I a, *Kommentar*: 323–24; Guarducci, *Epigrafia greca*,

the historians named as supporters of the Cadmeian story are Herodotus[48] and Aristotle, who presented Cadmus as διάκτορον, "a transmitter," and Ephorus, who saw him as the pure inventor.[49] At this point, it is important to understand the reason why the Μιλησιακοὶ συγγραφεῖς especially were dealing with Danaos' version of the story and its consequent links with Egypt.[50] Firstly, one should examine the historical period when they lived and wrote their works. Hecataeus (*FGrHist* 1 T 1) and Dionysius (*FGrHist* 687 T 2) were near contemporaries and both from Miletus, as one can read in the Byzantine lexicon known as the *Suda* (ε 360):

> Ἑκαταῖος Ἡγησάνδρου Μιλήσιος· γέγονε κατὰ τοὺς Δαρείου χρόνους τοῦ μετὰ Καμβύσην βασιλεύσαντος, ὅτε καὶ Διονύσιος ἦν ὁ Μιλήσιος, ἐπὶ τῆς ξε̅ ὀλυμπιάδος.

> Hecataeus, son of Hegesander, Milesian: he lived at the time of Darius, who ruled after Cambyses, as also did Dionysius of Miletus, in the sixty-fifth Olympiad (520–516 BCE).

Hence, they both lived between the end of the sixth and the beginning of the fifth century.[51]

Hecataeus appears to have been a powerful man in the Miletus of the Ionian Revolt, if we trust the testimony of Herodotus who described him giving wise advice to Aristagoras and the Milesians (*FGrHist* 1 TT 5–6).[52] On Dionysius, the anonymous compiler of the *Suda* (δ 1180) reports that he

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44–47. See contra Gomme, "Legend of Cadmus and the Logographi," 62; and Moggi, "Autori greci di *Persikà*," 453–57.

**48** Herodotus, 5.57–61. Herodotus was slightly younger than Hecataeus, since he took part in the foundation of Thurii in 444/443, a city in *Magna Graecia* and whose sponsor was Pericles, whereas Hecataeus played a prominent role during the Ionian Revolt (499/494).

**49** *FGrHist* 70 F 105. He lived in a period between 400 and 330 BCE. See Schwartz, "Die Zeit des Ephoros" and "Ephoros"; and Shrimpton, "Theban Supremacy," 310–18. In contrast, there is almost no information on Phillis and Pythodoros, but it is reasonable to think that they are Hellenistic.

**50** Nenci, *Erodoto*, 241, states that it is not surprising that the oldest supporters of an Egyptian origin of the alphabet were Milesian writers of the sixth century BCE, because they were geographers who had come to know Egypt and its writing system. On the relation between Egypt and alphabetic writing, see Haring, "Ancient Egypt and the Earliest Known Stages," 53–67.

**51** On Hecataeus, see Nicolai, "*Pater semper incertus*," 143–64; Bertelli, "Hecataeus"; Fowler, "Herodotus and his Prose Predecessors"; and Fowler, *Early Greek Mythography*, 2.658–81.

**52** Herodotus, 5.36.1–4, and 5.124.

wrote a work in five books on the events after the death of Darius, a *periege-sis*, *Persika* in the Ionic dialect, and three books on the Trojan War, a work on myths, and a historical cycle in seven books.[53] The last Milesian listed, Anaximander, is probably not the very well-known philosopher from Miletus, but a historian whom the *Suda* (α 1987) says was younger than him. The son of Anaximander, he lived at the time of Artaxerxes II, who reigned between 404 and 358 BCE.[54] It is worth underlining that all these συγγραφεῖς lived in a significant period for the history of Miletus: in fact, Hecataeus and Dionysius lived at the time of the Ionian Revolt, whose leading city was Miletus, and especially at the time of the sack of Miletus in 494 BCE; Anaximander spent his life in an epoch particularly hard for the Persians, who might reasonably be considered Miletus' old enemies, and indeed, Artaxerxes II—apart from the Spartan campaigns in Asia at the beginning of the century—had to face various problems coming from Egypt, Cyprus, and some of his satraps.[55] Thus, there could have been various reasons why such historians preferred the version with Danaos as the discoverer of writing.

Firstly, not only was Miletus traditionally linked to Athens and opposed to the Persians, but it also founded Naucratis in Egypt, the one and only Greek "sort-of-colony" on Egyptian land at the time.[56] Moreover, the Milesians had supported and helped Egypt against the Assyrians even with auxiliary troops, since the earliest times.[57] Consequently, the success among

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**53** *FGrHist* 687 T 1: Διονύσιος Μιλήσιος· ἱστορικός. Τὰ μετὰ Δαρεῖον ἐν βιβλίοις ε̄· Περιήγησιν οἰκουμένης· Περσικὰ Ἰάδι διαλέκτωι· Τρωικῶν βιβλία γ̄· Μυθικά Κύκλον ἱστορικὸν ἐν βιβλίοις ζ̄. Fontana, "Cadmo di Mileto, primo storico dell'Occidente: i dati biografici," n.37 summarizes well the scholarly debate on his chronology: Moggi, "Autori greci di *Persikà*," 433–68, is crucial for the date and for previous bibliography, in particular 438–49 and footnotes; on the other hand, Fontana underlines that Jacoby's remarks are puzzling: Jacoby, "Ueber die Entwicklung der griechischen Historiographie," 90, dates Dionysius back to the Ionian Revolt, while in *FGrHist* 687 he makes the hypothesis of 460/30 BCE, even if he does not explain his reasons since this part of *die Fragmente* lacks the *Kommentar*.

**54** *FGrHist* 9 T 1: Μιλήσιος, ὁ νεώτερος, ἱστορικός. γέγονε δὲ κατὰ τοὺς Ἀρταξέρξου χρόνους τοῦ Μνήμονος κληθέντος. Based on this testimony, Jacoby thinks of an Anaximander younger than the philosopher: see Anaximander Hist., *FGrHist* 9. See contra Hermann Diehls and Walther Kranz, who place the *scholion* on Dionysios Thrax among the dubious fragments of the philosopher: DK 2 F 31. See also Moggi, "Autori greci di *Persikà*," 440. On the historian, see Schwartz, "Anaximandros von Milet," 2085–86; and Fowler, *Early Greek Mythography*, 2.630–31.

**55** See Briant, *Histoire de l'Empire perse*, 667–94.

**56** Naucratis was technically an *emporion*.

**57** See Fontana, "Cadmo di Mileto, primo storico dell'Occidente. L'opera," 130–38.

the Milesian writers of the Egyptian tradition regarding the invention of the alphabet rests on two grounds: on the one hand, on the historical tradition and the ties with Egypt, and on the other hand, on the aversion to the Persians, who might have played a prominent part in the rival Cadmeian/ Phoenician version, since the Phoenicians were generally considered allies and supporters of the Persians. Secondly, such historians were emphasizing Egypt's role just when this population took a stand against Persia.[58] In all likelihood, there had been some revolts under Darius and Xerxes between the end of the sixth and the beginning of the fifth century BCE; between 464 and 454 BCE the Egyptian/Libyan prince Inaros (who was also supported by the Athenians) rose up against Artaxerxes I; later, Artaxerxes II was facing Psammetichus (400–399 BCE); then, after another revolt, Artaxerxes III was able to regain possession of Egypt in 343 BCE.[59] Finally, the fact that, as a consequence of this version, Argos (whose king and "re-founder" was Danaos) "hit the headlines," so to speak, might be explained by the position the Argives occupied at the time.[60] The Peloponnesian city had almost always been independent; even after 594 BCE, when Sparta won the battle of Sepeia, Argos did not join the Peloponnesian League; from 474 to 470 BCE it housed Themistocles when he was ostracized, and there the Athenian leader organized a league against Sparta;[61] Argos was a supporter of Ephialtes and Pericles, and in 462 BCE the Argives signed a treaty with Athens;[62] and again Athens joined the Argive League during the Peloponnesian War.[63] Thus, one could infer that it was preferable for historians from Miletus, a city closely linked to Athens, to draw attention to a version which highlighted the Egyptian/Argive role rather than the Phoenician/Theban tradition often connected to the Persians.[64]

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**58** This could also be the reason why Antikleides of Athens (*FGrHist* 140 F 11a–b) assigned the role of inventors to the Egyptians: he lived at the time of Alexander the Great or shortly after (Plutarch, *Alexander*, 46), in a period when Egypt was gaining more and more importance. On the growing interest in Egypt during the Hellenistic times, see Roberto, "Atene colonia egizia," 123–29.

**59** See Briant, *Histoire de l'Empire perse*, 591–94; 653–54; and 701–5.

**60** On Danaos' relation with Argos and his importance in the city's progress, see Brillante, "Eroi orientali nelle genealogie greche" 258–68.

**61** Thucydides, 1.135.3.

**62** Thucydides, 1.102.44.

**63** Thucydides, 5.47–48.

**64** The Athenians generally associated Cadmus and Thebes with the Persians: see Demand, *Thebes in the Fifth Century*, 53, and Blakely, "Conon" (*BNJ* 26 F 1). This could

## The Influence of Herodotus and Acceptance of the Cadmeian Story

In the light of these reflections, we now move to the analysis of the other tradition and, above all, of why the Cadmeian story took the place of Danaos as a result of the influence of Herodotus. Once again, the point here is not to establish the most historical version, or to inquire into the meaning of the term φοινικήϊα[65] used by Herodotus 5.58 and linked to the letters of the alphabet, but to understand the political reasons behind the choice of this version of the myth. First of all, it is necessary to underline that only a later author, Ephorus of Cyme, wrote that Cadmus had invented the alphabet,[66] whereas Herodotus and Aristotle presented him as the means of transmission (which also highlights the close relationship between Cadmus and the Phoenicians). In truth, this seems the most accurate and historical version of the transmission of the alphabet in Greece, since it is now well known that the Greeks imported their alphabet from the Phoenicians, then added the vowels which were missing from it.[67] In addition, Hemmerdinger has demonstrated that the name Cadmus comes from "Kidim-Marduk," the name of a governor who in the fourteenth century BCE was sent to Thebes by Burrabuias, king of the Babylonians. Phoenicians from the city of Byblos, continues Hemmerdinger, introduced the alphabet and papyrus to Boeotia

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also be the motivation which drove Phillis to support this version: he was from Delos, seat of the Delian League, founded by the Athenians after the Persian Wars to "protect" the Ionian cities against the Persians.

**65** On this, see the recent discussion by Waal, "Deconstructing the Phoenician Myth," 219–54.

**66** There are also issues regarding the name Cadmus: the tradition is somewhat confusing and mentions the historian Cadmus from Miletus and another Cadmus. On this, see Fontana, "Cadmo di Mileto, primo storico dell'Occidente: i dati biografici," 155–58 and 163–66; see also Fontana, "Kadmos of Miletos" (*Introduction/Biographical Essay*). Jacoby, *Die Fragmente der griechischen Historiker*, III b, 610–11, and Almagor, "Kadmos of Miletus" (*Biographical Essay*), are suspicious about the historian Cadmus and suggest that he is a later invention, but recently this view has been challenged. On the chronology of the historian and the recent discussion, see Fontana, "Cadmo di Mileto, primo storico dell'Occidente: i dati biografici," 158–62, and Fontana, "Kadmos of Miletos" (*Introduction/Biographical Essay*).

**67** See Klaffenbach, *Epigrafia greca*; Guarducci, *L'epigrafia greca dalle origini al tardo impero*; McCarter, *Antiquity of the Greek Alphabet*; Sass, *Alphabet at the Turn of the Millennium*, especially chap. 3; Willi, "Κάδμος ἀνέθηκε," 162–71; Woodard, "*Phoinikeia Grammata*," 25–46; Waal, "On the 'Phoenician Letters,'" 83–125; and Lehmann, "Much ado about an implement!," 69–90.

before the eighth century BCE.[68] And to Hemmerdinger's claims we might add that Herodotus employed the term βυβλίον, literally "papyrus-roll,"[69] to indicate the written letter (not the letter of the alphabet).[70] The word was nothing more than a transliteration of the name of the Phoenician city of Byblos, from where the papyrus was imported.[71]

Herodotus does not seem to be preoccupied with the fact that Cadmus might have been Egyptian.[72] Indeed, he clearly refers to the Phoenicians who came with Cadmus (5.58.1: οἱ δὲ Φοίνικες οὗτοι οἱ σὺν Κάδμῳ ἀπικόμενοι) and introduced the Greeks to the letters of the alphabet. Hence, the key element here is not Cadmus' ethnicity but his closeness to the Phoenicians. Herodotus' intention was to explain why the Greeks called the letters of the alphabet Φοινικήια, or at least this is what he let us believe.[73] That might be the reason why he recalled the story of Cadmus.[74] Indeed, the account appears to have been elaborated by Herodotus himself in light of the historian's use of certain expressions.[75] There could, however, have been another

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**68** Hemmerdinger, "Trois notes," 698–703. On the etymology of Cadmus' name, see also Fowler, *Early Greek Mythography*, 2.39 with the bibliographical discussion in n. 141.

**69** Ceccarelli, *Ancient Greek Letter Writing*, 15.

**70** See, for example, 1.123.4, 124.1, 125.2; 3.40.1, 42.4, 43.1, 128.2–5; 5.14.2; 6.4.1; 7.128.1–3. See Powell, *Lexicon to Herodotus*, s.v.

**71** See Chantraine, *Dictionnaire étymologique de la langue grecque*, s.v.

**72** Cadmus was genealogically linked to Egypt and to Danaos: see Froidefond, *Le mirage égyptien*, 115–58; see also Fowler, *Early Greek Mythography*, 2.348.

**73** According to Moggi, "Autori greci di *Persikà*," 457, Herodotus was openly polemicizing with his predecessors. Marincola, "Herodotean Narrative," 130n22 is hesitant about whether his intention was to refute or supplement Hecataeus' information.

**74** On this passage, see among others Edwards and Edwards, "Red Letters and Phoenician Writing," 48–57; Brillante, "Cadmo fenicio e la Grecia micenea," 167–74; Rocchi, "Kadmos e i *phoinikeia grammata*," 529–33; van Effenterre, "Ultima temere dicta," 649–60; and Pelling, "Aristagoras," 199.

**75** Moggi, "Autori greci di *Persikà*," 456–57 argues that Herodotus used sentences like ὡς δὲ ἐγὼ ἀναπυνθανόμενος εὑρίσκω (5.57.1) and ὡς ἐμοὶ δοκέειν (5.58.1), but he also tried to prove his theory citing three epigraphic texts from the sanctuary of Ismenius Apollo at Thebes which he himself read: they were written in Καδμήια γράμματα and were, of course, forgeries. See also Guarducci, *Epigrafia greca*, 44, 47, and 489. Waal, "Deconstructing the Phoenician Myth," 221, on the contrary, believes that the expression ὡς ἐμοὶ δοκέειν underlines that "Herodotus was aware of the existence of contrasting views." On Herodotus' claims to correctness and truth in relation to the usage of the first person, see Thomas, *Herodotus in Context*, 235–48.

subtle motivation behind Herodotus drawing the reader's attention to this particular deed of Cadmus and, consequently, behind the relationship which he established between the act of writing and Thebes (or the Boeotians in general). All the more so as the Thebans enjoyed a reputation that was anything but good in Herodotus' work: they had medized, and in the battle of Plataea they fought together with the Persians.[76] To this one should add that the Greeks generally looked at the act of writing with suspicion.[77] The first example to come to mind is the explicit prohibition against inscribing the Spartan Μεγάλη Ῥήτρα (*Great Rhetra*).[78] Moreover, in the fifth century BCE, the act of writing was connected with Eastern characters or with "orientalized" Greeks.[79] Indeed, it was a "barbarian" habit or a characteristic of tyrants (who were "friends of the Persians"),[80] as it was linked with secret messages. Those in charge of a personal government placed trust in the act of writing, whereas democracy championed freedom of speech and *parrhesia*.[81] As a consequence, the link that Herodotus established between the Thebans and the alphabet might emerge as an anti-deed of Cadmus, who also had contacts with the "barbarian" Phoenicians.[82]

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**76** Herodotus, 7.132.1; 9.31.5. On the dark depiction of the Thebans, see also 9.2.3 and 9.41.2–3.

**77** See, for example, *Iliad*, 6.118, which Sarri, *Material Aspects of Letter Writing*, 6, regards as a reference that may have well influenced the negative representation of writing in the Greek world, since the letter contained instructions to kill its carrier. On the negative ideas linked to the act of writing, see Harris, *Ancient Literacy*, 88; and Rosenmeyer, *Ancient Epistolary Fictions*, 61–97. See, also, Detienne, "L'espace de la publicité," 73–81; and Kirk, "Writing," 1553, who underlines that in Herodotus "writing enables trickery or deception."

**78** On the *Rhetra*, see Detienne, "L'espace de la publicité," 56–64; and Ogden, "Crooked Speech," 85–102.

**79** See, for example, Herodotus, 5.35, 7.239; Thucydides, 1.128, 1.136–37, 8.50–51; Xenophon, *Anabasis*, 3.1.5, 7.2.8; *Cyropedia*, 2.2.9–10, 4.5.26, 31 and 34, 5.5.1 and 4, 6.2.1, 7.2.16–17. See also Monti, *Alexander the Great*, 30–31, and 33–35.

**80** See de Libero, *Die Archaische Tyrannis*, 414–17, who defines these figures as "die *perserfreundlichen* Tyrannen."

**81** On this topic, see Stirewalt, *Studies in Ancient Greek Epistolography*, 6–8 and 11; Steiner, *Tyrant's Writ*, 107–27, 149–54, and 166–74; and Rosenmeyer, *Ancient Epistolary Fictions*, 24–35.

**82** See contra Waal, "Deconstructing the Phoenician Myth," 245. Pace Waal, the Phoenicians do not seem to enjoy a good reputation in Herodotus, appearing as "untrustworthy traders" (Demetriou, "Phoenicians," 1123–24).

## The Origin Stories of the Greek Alphabet: Concluding Thoughts

This article has focused on the political use of myth, and more specifically on the political use of two specific versions of the story regarding the invention of the alphabet. As we have seen, the version given by the Milesian writers does not respond to any negative agenda, coming as it does from historians writing within a Near Eastern milieu which is not suspicious of the function of writing. In contrast, the Herodotean version which speaks for the Athenians of the time (the fifth century BCE) is used in a negative way, as an instrument for highlighting the superiority of the (Athenian) democratic regime as opposed to the Persian way of ruling.[83] From analysis of the *scholion* it appears that, at the time of the scholiast(s), the sources at their disposal showed an overwhelming presence of two major versions of the story regarding the origins of the alphabet. Such versions and their usage in historical accounts had strong political and cultural connotations. Herodotus, who seems to have introduced the Cadmean version, aimed to put the pro-Persian Thebans in a bad light. On the contrary, the so-called Milesian writers intended to emphasize the role of Egypt, strictly connected with their fatherland, and to praise the deeds of the Egyptians, quite often in revolt against Persia. Moreover, it might not be a coincidence that the scholiast(s) grouped these writers based on their fatherland of Miletus, in calling them "the Milesian writers." There must have been a connection between Miletus and the Egyptian tradition in the sources which we no longer have but which the scholiast(s) were still able to access from their readings. And one very last thought: paradoxically, as it is well known that the Danai were a Greek tribe and, what is more, Herodotus explains that they were the Greeks in general,[84] Danaos could even have claimed, with good reason, the role of representative of all of Greece and not only of the Egyptians and Argives, *pace* Herodotus.

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**83** For one of the most famous criticisms of writing, see Plato, *Phaedrus*, 275a: "you provide your students with a vision of knowledge, but not with truth" (σοφίας δὲ τοῖς μαθηταῖς δόξαν, οὐκ ἀλήθειαν πορίζεις).

**84** Cadmus was also linked genealogically to Egypt and to Danaos, as noted above (n. 72).

## Abbreviations

*BNJ*       *Jacoby Online: Brill's New Jacoby*.

DK       *Die Fragmente der Vorsokratiker*. Edited by Hermann Diels. Revised by Walther Kranz. 3 vols. Berlin: Weidmann, 1951–52.

*FGrHist*  *Fragmente der griechischen Historiker*. Edited by Felix Jacoby. Berlin: Weidmann, and Leiden: Brill, 1923–64.

*FHG*      *Fragmenta Historicorum Graecorum*. Edited by Carl Müller. 5 vols. Paris: Firmin-Didot, 1841–70.

Hilgard  Hilgard, Alfred. *Scholia in Dionysii Thracis artem grammaticam*: *Grammatici Graeci* 1, 3. Leipzig: Teubner, 1901.

Nauck    Nauck, August. *Euripidis Tragoediae superstites et deperditarum fragmenta*. Vol. 2. Leipzig: Teubner, 1854 (1876[3]).

*PMGF*     *Poetarum Melicorum Graecorum Fragmenta*. Edited by Malcolm Davies. Oxford: Oxford University Press, 1991.

Roscher  Roscher, W. H., and K. Ziegler. *Ausführliches Lexikon der griechischen und römischen Mythologie*. Leipzig: Teubner, 1916–25.

Rose     Rose, Valentin. *Aristotelis qui ferebantur librorum fragmenta*. Leipzig: Teubner, 1886 (1967[2]).

Uhlig    Uhlig, Gustav. *Dionysii Thracis ars grammatica: Grammatici Graeci*, 1, 1. Leipzig: Teubner, 1883.

West     West, Martin L. *Iambi et elegi Graeci ante Alexandrum cantati*, vol. 2: *Callinus, Mimnermus, Semonides, Solon, Tyrtaeus, Minora adespota*. Oxford: Clarendon Press, 1992[2].

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Part II

# RECORDS AND THE
# PRACTICE OF POWER

Chapter 4

# PROTECTING THE MAUDUIT PATRIMONY

## SUITS AND DISPUTES IN
## THIRTEENTH-CENTURY RUTLAND

### ROBERT PORTASS

**ABSTRACT** This article examines how several members of the Mauduit family fought to preserve and sought to enlarge their patrimony at the expense of the richer peasantry in the small Midlands county of Rutland, as well as the complications that could arise as a result of such efforts. The Mauduit men examined here were all chamberlains of the Exchequer; but this office alone did not shield them from the complicated business arrangements characteristic of rural society in twelfth- and thirteenth-century England. The richer peasantry, in fact, were more than capable of frustrating Mauduit designs with respect to the consolidation and growth of the family's landed patrimony. Consequently, this article suggests that to focus exclusively on lordly encroachment on peasant holdings in order to illustrate how local lordships were constructed is to tell only half the story; it is also to privilege the purpose and the format of the documents—the charter, the final concord and the quitclaim—over the social dynamics that made their use necessary in the first place.

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"Dignitas residentium ad scaccarium
in pluribus consistit."[1]

## Introduction

To be appointed to the chamberlainship of the Exchequer was no small
honour in twelfth- and thirteenth-century England, yet, as the history of
the Mauduit family shows, the holding of the office alone did not make for
plain sailing in the choppy political waters of the Angevin and Plantagenet
realms.[2] The Mauduits, chamberlains of the Exchequer from 1131 (and pos-
sibly earlier) to 1268, were a determined bunch, and well they needed to
be, for at various times, in various ways, several prominent members of the
family—each most often identified as *domini regis camerarius* in the char-
ters that record their activities—ran into difficulties as they went about
their business.[3] This article examines how the Mauduits fought to preserve
and sought to enlarge their patrimony at the expense of the richer peas-
antry in the small Midlands county of Rutland, as well as the complications
that could arise as a result of such efforts. The picture that emerges before
us reveals, amongst other things, that first-hand knowledge of the ins and
outs of the workings, let alone the "burden and conscience" of government,

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**1** *Dialogus de Scaccario / The Course of the Exchequer*, by Richard Fitz Nigel, ed.
Johnson, 43, rendered thus by Johnson: "The privileges of those who sit at the
Exchequer are manifold." Cf. *Dialogus de Scaccario*, ed. Amt and Church. In this more
recent edition of the text, the editors (71) prefer: "The privileges of those sitting
at the exchequer include many things." Two points require further comment here.
First, while "dignitas" may imply privilege, it is just as commonly understood to
connote eminence and to indicate elevated "rank" or "honour," which calls perhaps
for a word in English that captures these multivalent meanings. Second, "in pluribus
consistit" demands more forthright engagement with its intended meaning than is
provided by "are manifold" and "include many things." For if it is understood as a
kind of shorthand for the many tasks, responsibilities, and privileges that the role
encompasses, something of its inherent capaciousness should be reflected in the
translation. For these reasons, I propose: "the office of those sitting at the Exchequer
is wide-ranging in scope." I thank a particularly insightful peer reviewer for pressing
me on this matter, and Graham Barrett for his wise counsel on the same. For guidance,
see Hudson, "Administration, Family, and Perceptions of the Past," 75–98.

**2** The best starting point here is Karn, "Nigel, Bishop of Ely," 299–314; see also
Kemp, "Exchequer and Bench in the Later Twelfth Century," 559–73.

**3** Although it is not the intention of this article to discuss the circumstances that
led to several members of the Mauduit family losing royal favour, at least for a
time, at various moments throughout the twelfth and thirteenth centuries, their
misadventures have been expertly discussed by Mason, "Mauduits and their
Chamberlainship of the Exchequer," 1–23.

counted for little when pursuing richer peasants through the courts or fending off the unwelcome intrusions of distant kin.[4] Thus, by revealing the tensions and dynamics underpinning the Mauduit operation in Rutland, we gain new perspective on the local stresses and strains that afflicted holders of important offices at court, putting their achievements, and also their failures, in context.

What little we can say with any certainty about the Mauduits we owe to Emma Mason, who traced the family's activities in a series of excellent publications focused on the "steady consolidation of their interests, by manipulation of the bureaucratic machine and prudent marriage alliances."[5] The prosopographical and institutional insights offered in these articles are important, and they provide an extremely useful starting point; nonetheless, here I wish to focus on the social and economic underpinnings of the Mauduits' activities in order to illuminate the material aspect of their power and the stability of its foundations. Animating this article, therefore, is the question of what Mauduit dealings in Rutland tell us about the local dimension of the construction of the family's authority, and by extension the strategies that even seemingly well-positioned office-holding families might adopt to shore up the local foundations of their power, particularly when dealing with richer tenants and peasant proprietors, inhabitants of the village world of the medieval Midlands long associated with a tradition of freedom stretching back to the Danelaw peasantry.[6]

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**4** Catto, "Burden and Conscience of Government," 83–99. For the workings of government in the period studied here, I have found the following texts particularly useful: Warren, *Governance of Norman and Angevin England*; and Mason, "Administration and Government," 135–64. See also the excellent contributions in two recent collections that have informed my thinking here: Jobson, ed., *English Government in the Thirteenth Century*; and Crook and Wilkinson, eds., *Growth of Royal Government*.

**5** Mason, "Mauduits and their Chamberlainship"; Mason, "Lords and Peasants in Medieval England," 236–41; Mauduits also appear in Mason, "Resources of the Earldom of Warwick," 67–76. For the quoted text, see Mason, "Mauduits and their Chamberlainship," 1.

**6** Although the Mauduits did not orchestrate political drama in quite the same way as the Bigods, the emphasis placed by Marc Morris on the landed underpinnings of Bigod power has served as an inspiration: Morris, *Bigod Earls of Norfolk*. On free peasants, see Stenton, "Free Peasantry of the Northern Danelaw," 73–185; accessed here in later reprint, *Free Peasantry of the Northern Danelaw*; Hadley, *Northern Danelaw*. The best guide to the agricultural structures of the region is Raftis, "East Midlands," 189–202.

The Mauduits' transactions in Rutland are primarily attested in charters collected in the fourteenth-century Beauchamp Cartulary, so named because in 1268 the Beauchamp family succeeded to the earldom of Warwick, previously the possession (albeit briefly) of the fifth William Mauduit (1220–1268), who became the eighth earl in 1263.[7] In total more than 100 charters pertaining to the Mauduit family's landholdings survive, but the bulk of these estates lay outside Rutland, and the family's early holdings in the first few decades after the Conquest were concentrated in Hampshire.[8] In about 1131, additional lands, privileges, and exemptions came into the possession of the Mauduits when Henry I granted the Buckinghamshire estate at Hanslope to the second William Mauduit (d. 1157/58).[9] This estate had belonged to a certain Michael of Hanslope, who had acquired land in the southern fringe of Rutland in the first decade of the twelfth century, and this is how the Mauduit interest in the East Midlands took root, these Rutland lands coming into the family's possession on Michael of Hanslope's death.[10]

Amongst his Rutland holdings, Michael of Hanslope's possessions in Barrowden, close to the Northamptonshire border, were a sought-after prize on account of their once having been royal demesne; two charters attest to the restoration of the settlement and its soke to William Mauduit (II) in the turbulent middle decades of the twelfth century.[11] Other Mauduit holdings in the time of the second William were located across the county border in Northamptonshire, and included for a time the constableship of Rocking-

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**7** We can be sure that the seventh earl, John du Plessis, died in the spring of 1263, as is clear from the *Calendar of Patent Rolls, 1258–1266*, ed. Lyte, 261–85. William Mauduit rendered homage to Henry III and was acknowledged as the eighth earl of Warwick on April 4, 1263, for which, see *Calendar of the Fine Rolls* (47 Henry III), no. 353. The fifth William Mauduit is also addressed as the earl of Warwick in several Beauchamp charters: BC 262; BC 265; BC 266; BC 267; BC 268; BC 269. On (this) William Mauduit's career, see Mason, "Mauduit, William, eighth earl of Warwick"; and, for the charters and the compilation of the cartulary, *Beauchamp Cartulary*, ed. Mason; charters cited hereafter as BC 1; BC 2; BC 3, etc.

**8** The fullest discussion of the family's early holdings is *Beauchamp Cartulary*, ed. Mason, xxvi–xxvii.

**9** BC 164 (1131).

**10** BC 165 (1103). In this charter Queen Matilda (wife of Henry I) granted her lands in Rutland (at Barrowden, North Luffenham, Seaton, and Thorpe-by-Water) to Michael of Hanslope.

**11** BC 166 (1141); BC 167 (1153). The status of Barrowden is mysterious; it is not described as a manor in the Mauduit charters but is recorded thus in an inquisition post mortem held in 1268 on the death of the fifth William Mauduit: *Calendar of Inquisitions Post Mortem*, vol. 1, *Henry III*, ed. Sharp, 208–17.

ham castle, which the family held until 1204.[12] Evidently a well-connected *curialis*, this William (II) made the most of his role as a royal official, winning exemptions from Henry I from tolls, passage-money, and customs of other kinds ("theoloneo et passagio, et omni alia consuetudine"). Henry I also awarded the second William Mauduit pasturage in the royal forests, a privilege formerly enjoyed by Michael of Hanslope ("sicut Michael de Hameslapa umquam melius habuit in vita sua").[13] In turn, Henry II allowed the same William to hold his lands quit of various burdensome responsibilities, save for the need to deal with very grave offences ("habet terram terras et tenuras suas quiete de shiris et hundredis, et de placitis et de querelis, excepto murdro et latrocinio").[14]

From the strategic stronghold at Rockingham on the edge of the Welland Valley, the third William Mauduit (d. 1194) was twice appointed to the office of sheriff of Rutland between 1179 and 1190.[15] This William clearly had designs on rising in the world, and his marriage to Isabel de St Liz, daughter of the earl of Huntingdon, brought with it modest estates in Northamptonshire and Leicestershire, although the fact that Mauduit ownership of these lands ended with the St Liz line in 1184 is a reminder of the limits to their power.[16] This notwithstanding, the foothold that the family had established in the Midlands by the second half of the twelfth century was real enough, and it was bolstered by the family's scattered holdings in Westminster and Normandy, which are also documented at least in part in the Beauchamp Cartulary.[17]

The second Robert Mauduit (d. 1222) worked assiduously to promote his interests at the seat of government, showing an ambition and a willingness to call in favours and pull strings in and around Westminster that

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**12** BC 175 (1154–58), a writ of Henry II conferring the constableship of Rockingham on the second William Mauduit.

**13** BC 170 (1121–33); BC 171 (1131–33).

**14** BC 172 (1154–58).

**15** Mason, "Mauduits and their Chamberlainship," 5, suggests that this appointment was made because the Mauduits were relatively minor tenants-in-chief and therefore more amenable to royal mandate.

**16** BC 167 (1153) describes where these landed interests lay. This charter, a grant bestowed by the future Henry II, shows us that Portchester castle was also held by the Mauduits in the twelfth century. Note that the best account of the political misadventures and successes of various Mauduits is to be found in Mason, "Mauduits and their Chamberlainship."

**17** Landed interest in France is attested in BC 160 (1131–57). In Westminster, the Mauduit interest can be seen in charters BC 183 to BC 203.

simultaneously displayed his political acumen and underlined his predicament: his family were well-connected political functionaries but perhaps no more than that. Their efforts to enlarge their patrimony by means of piecemeal expansion—wheeling and dealing in several counties, falling in and out of favour with social superiors and inferiors, even borrowing money as need dictated—highlight that the Mauduits were not one of the great landowning families of the kingdom, and that their political influence in matters of national importance was negligible.[18] In other words, even though the Mauduits were a family of more than local consequence in several different localities, for most of the twelfth and thirteenth centuries they achieved no more than "a continuous, if unobtrusive, place at the centre of the expanding royal bureaucracy."[19]

Indeed, no matter how proactive the family was at court—and the evidence suggests that the Mauduits kept themselves busy, buying, investing, and networking at an impressive rate—they ran into difficulties with people from all stations in life, and did not always have their way, as the charters make plain. Other kinds of evidence add to this picture, court roll entries and feet of fines underlining the considerable room that there remained in twelfth- and thirteenth-century Rutland society for peasants to contest what they perceived to be encroachments on their interests—and contest them they did. How, then, did an important family of royal officials, who were nonetheless not to be counted amongst the kingdom's great landowners, assert their local dominance and protect, preserve, and add to their patrimony in an area that lay well to the north of the family's original holdings in southern England? This article investigates that question by focusing on a handful of examples of Mauduit engagement with (mostly) small-scale proprietors: it will treat the activities of the second Robert Mauduit, active in Rutland from the late twelfth century to his death in 1222, and also discuss in brief some of the Rutland transactions of the fourth William Mauduit (d. 1257) and the fifth William Mauduit (d. 1268). By so doing, it aims to illuminate the dynamic that characterized interaction between socially ambitious families and a peasant class clearly willing to stand up to the machinations of the former, even if not always successfully.[20] What this says about the con-

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**18** Both the third William Mauduit and his grandson the fourth William Mauduit found themselves in financial difficulties, as Mason explains in "Mauduits and their Chamberlainship," 5, 15.

**19** Mason, "Mauduits and their Chamberlainship," 1.

**20** On peasant landholding, my thinking has been informed by too many works to

struction of patrimony, and the role played by the richer peasantry in that process, are questions to which I will return in the conclusion.

## Constructing Lordship in Rutland: Robert Mauduit (II)

The determination of the second Robert Mauduit to increase his holdings at the expense of the peasantry is well attested in the primary sources, although in certain crucial particulars Robert's activities represent a break from the strategies pursued by his forebears. His father William (III) had focused his proprietorial activities in Rutland at Barrowden, close to the family's sometime stronghold at Rockingham castle in the upper Welland valley. Robert, however, soon set about adding to his family estates in the county by making inroads slightly further north, in North Luffenham and South Luffenham, where he made a number of small acquisitions from peasant neighbours in these villages in the years around 1200.[21] Transactions captured in the charters are above all notable for their modest dimensions and the rather claustrophobic social worlds in which they took place, the same villagers appearing time and again either as witnesses, often alongside their brothers or fathers, or as parties directly involved in the deal being committed to writing.[22] Proof of the local origins of most of the men with whom Robert dealt is also provided by witness lists in which men are enumerated by way of reference to their village.[23] It is plausible—indeed, one can readily imagine—that Robert would have gathered together the (not so) great and good of the village in order to "announce" his deals, seeing these discrete items of business as opportunities to develop patron–client relations with village leaders.

These were, after all, times of expanding cultivation and population growth, and land that could be put to the plough was worth having, even if

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mention here, but crucial to my conception of peasants and their connection to the land in English contexts is Schofield, *Peasant and Community*, Part I.

**21** BC 219–29 inclusive.

**22** Amongst the witnesses, for example, we see Thomas Hotot in BC 219, BC 220, BC 222, BC 223, BC 227, BC 228, and BC 229. For the density of family relationships represented amongst the witnesses, note that "Hugone filio Simonis," who appears as witness in BC 219, BC 220, BC 222, BC 227, and BC 228, is followed in the witness list by "Reginaldo fratre eius" in BC 228, and "Reginaldo filio Simonis" (and thus Hugo's brother) in BC 222.

**23** Thus we see, for example, "Ricardo de Luffeham" (BC 220) and "Eustachio de Piltona" (BC 229), this latter a reference to the village of Pilton, two miles to the west of the Luffenhams.

that meant disrupting the social equilibrium of the village community.[24] Yet lords of modest means and political status, such as Robert, did not make all the running: villagers, too, had to make a choice—to acquiesce, however willingly or unwillingly, or to contest lordly encroachments. Sometimes stable connections were forged, making it possible for different members of the same family to do business with Robert; witness Randulf the smith, who granted Robert half a bovate and half a toft in South Luffenham, three silver marks changing hands to seal the deal.[25] Shortly afterward, Randulf's son Hugo gave Robert two acres of land, split into several smaller parcels dotted throughout the village, at an annual rent of 1d.[26] Although the village smith fulfilled a vital role for the community, the signs are that he and his son owned strikingly modest holdings in South Luffenham: in Randulf's charter, for instance, he describes his grant to Robert as "totam terram quem habui in Luthluffenham [*sic*] infra villam et extra." If "totam terram" refers to the half a bovate and toft identified in the charter, then Robert Mauduit, a chamberlain of the Exchequer no less, sought to acquire land that could be ploughed by a single ox in perhaps half a season, plus a modest homestead.

Something of the true dimension of Robert's status as a landowner can be seen in the stature of the local participants recorded in these documents. Both Randulf's charter and that of his son Hugo were witnessed by a ragtag bunch of local clergy and leading inhabitants of the village, "none of them men of more than local standing."[27] Significant court officers and allies from the judicial bench, that is, figures of demonstrably extra-regional stature— whom we might expect to see in Rutland given Robert's readiness to use his contacts elsewhere—are absent from the Rutland charters. Location can also offer some clues with respect to the legal framing of such activity: the events recorded in Randulf's charter took place "coram hundredo de Brekneden (Barrowden)," the hundred court clearly retaining local relevance in this part of Rutland, in stark contrast to its fate in much of the rest of the country, where the jurisdictional landscape was tilting in favour of lords.[28]

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**24** Broadberry, Campbell, and van Leeuwen, "English Medieval Population." Schofield, *Peasants and Historians,* discusses the issue of growth.

**25** BC 219: "Pro hac autem donation et concessione dedit michi prenominatus Robertus tres marcas argenti in recognitione eorum juris"; BC 224: "Reddendo inde annuatim j denarium ad festum sancti Michaelis."

**26** BC 224.

**27** Mason, *Beauchamp Cartulary*, xxxv.

**28** Karn, *Kings, Lords, and Courts*, whose findings can be usefully contextualized by setting them against developments of the pre-Conquest period as explored by Faith,

A particular mechanism favoured by Robert in the furtherance of the expansion of his estates was the quitclaim, sometimes deployed to his advantage in cases concerning trifling amounts of land. For example, Hugo son of Hamo quit his claim to half a toft in South Luffenham in about 1200, while another Hugh, this one the son of Asti, quit his claim to a third of an acre in the same village at about the same time, further evidence that Robert was engaged in a concerted effort to take possession of the good-quality arable for which the area is renowned.[29] These legal instruments were ideally suited to Robert's wish to add to his holdings by obtaining land from the peasantry in piecemeal fashion. Their advantages were manifold: for a start, they obviated the need for more complex (and expensive) legal wranglings, yet were more than adequate tools for the conveyancing of land given the straightforward items of business they tended to record. Furthermore, what we might call the dispositive section of these documents was tailored to recognize in the most unambiguous terms possible that the parties quitclaiming—in these instances, to Robert Mauduit's advantage—were actively renouncing their rights to the contested holdings.[30] In short, the purpose of the quitclaim was to draw a line under the activities it recorded, rendering earlier charters obsolete.

Final concords, the "feet" of which came to be retained by the court from 1195, performed much the same task, adding an air of incontestability to Robert's claims to title. A particularly interesting example shows that Robert was even willing to take a Rutland tenant to court at Westminster ("Hec est finalis concordia facta in curia domini regis apud Westm") to settle a dispute over 71s. worth of land in North Luffenham.[31] One could argue that this case ended up at Westminster because of the unusually high value of the land at stake, but it is equally possible that Robert wished to draw the matter to a close, definitively and once and for all, away from the prying eyes of locals in North Luffenham who may not have been amenable to his actions. He certainly went to great lengths to make his claim unassailable; the char-

**29** BC 220; BC 223.

**30** Consider this fine example (BC 229): "relaxavi et quietum clamavi Roberto Mauduit, domini regis camerario, totum jus meum et totum clamium quod habui in terra."

**31** BC 225.

ter tells us that his tenant, William de Chauz, was compelled to hand over all charters he owned pertaining to the land.[32]

Other cases recorded as fines saw Robert bring insignificant suits before King John himself. Two cases were heard at Chester on May 17, 1211, both concerning seemingly trivial amounts of land many miles to the south in North Luffenham.[33] Quite why Robert thought such affairs worthy of the king's time is hard to say. We may surmise that he had grasped the importance of trying to make effective use of the connections he had forged as a leading bureaucrat, and if this meant petitioning the king directly for small wins, then so be it.[34] The connections Robert enjoyed with the king and his officials, exemplified by his own office at the Exchequer—reference to which was more often than not included in charters, even those recording modest deals with peasants—perhaps went some way to compensating for his relative lack of influence as a political figure. And in any case, for the asset-stripping of the Luffenhams to continue apace so that Robert could shore up the local foundations of his power, no opportunity to augment his landed resources could be spurned.

Itinerant judicial courts operating in the shires offered just such an opportunity, not only to Robert but to all free individuals subject to the king's justice and the Common Law. Accordingly, it is important to note that ordinary people—free tenants and small proprietors—could and did seek justice at the circuit courts. Mundane business matters involving modest people litter the fine records that document the consecution of itinerant justice in Rutland in the thirteenth century. On June 6, 1219, in Ketton in the southeast of the county, a certain William son of Bernard remitted and quitclaimed for himself and his heirs to William Gardinarius, surrendering a single virgate of land in Exton, situated in the county's north.[35] Another Rutland case took place at Oakham on August 2, 1247, when Thomas de Reppele remitted and quitclaimed to John Luvet, on this occasion transferring two bovates of land.[36] Similarly, justices itinerant overseeing affairs at

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**32** BC 225: "Et predictus W[alterus r]eddet preonominato Roberto omnes cartas quas inde habet, sive de rege sive de aliis segnoragiis."

**33** *Medieval Property Transactions*, ed. Wells-Furby: abstracts nos. 30 (half a bovate and half a toft) and 31 (half a bovate and one eighth of a bovate).

**34** Interestingly, Robert had fallen foul of the king by 1215 in the wake of the baronial revolt, and some of his estates in the southern home counties were confiscated: *Rotuli Litterarum Clausarum*, 1:237.

**35** Wells-Furby, *Medieval Property Transactions*, no. 37.

**36** Wells-Furby, *Medieval Property Transactions*, no. 62.

Oakham in 1271 settled a dispute between Richard Skerhare and Simon Humfrey and his wife Alice, the quarrel on this occasion focusing on one toft in South Luffenham.[37]

These examples are of much more than merely anecdotal value because they show us that individuals of very varying means appear in the feet of fines. This is also true of the social composition of the cast of characters documented in the Rutland charters, as we have seen. In general terms, then, we are left with the impression of a society which was, in the round, relatively unencumbered by classically "feudal" institutions; lordship in Rutland, insofar as we can detect it, seems to have been rather light touch in reach and character around 1200, and the intensely manorialized settlements of other parts of the country are nowhere to be seen. When one considers that the county lacked powerful churches and monasteries with which aspiring parvenus like the Mauduits might form alliances, we can see why there was significant space for free tenants and peasant proprietors to tend to their own concerns. But why go to the trouble of resolving matters at the eyre court? In reply to this question, we can speculate that fines were of particular use to ambitious strivers with designs on social advancement, whatever their status or rank. Charters were all well and good, but their contestability meant that as legal safeguards they were hardly watertight. Fines, on the other hand, pronounced an end to the arrangement—literally, a final concord—in documents which ended up in the royal chancery. Viewed in this light, we can see how working at the Exchequer, understanding legal procedures, and being well-connected provided several Mauduit men, including Robert, with the tools needed to go about their business despite their lack of political weight and serious landed resources. In this context, it is perhaps no surprise that a certain adroitness in the selection and use of legal instruments characterized Robert's dealings.

Even so, rural cultivators in thirteenth-century Rutland were not easily cowed, and some seem to have had few qualms about contesting Robert's attempts to expand his patrimony at their expense. The Curia Regis Rolls illustrate the difficulties Robert encountered when taking on a certain Agnes Bacon, in a case that saw the litigants engaged in a tortuous dispute lasting from 1210 to 1212. Their disagreement concerned the rights to half a bovate and one fourteenth of a bovate in North Luffenham.[38] Their respective moti-

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**37** Wells-Furby, *Medieval Property Transactions*, no. 111.

**38** *Curia Regis Rolls*, vol. 6 (11–14 John), 77, 94, 131, 165, 314. Once again, one is struck by the very modest dimensions of the contested land: "dimidia bovata terre et quarta decima parte j. terre."

vations are not made plain, but if Robert sought to consolidate his existing holdings by accumulating farmland from peasant owners and tenants, then he was in this instance to be disappointed. Agnes Bacon was not deterred by Robert's greater experience and knowledge of legal procedure. Eventually, in fact, she saw off Robert's claim, the roll informing us that the final concord was such that "Robert recognized that that land was hers [Miss Bacon's] by right, and he remitted his claim."[39] The loss of this lawsuit, contested with a denizen of the village world of no apparent status or means, presumably caused Robert considerable embarrassment. To add insult to injury, Robert was ordered to render a palfrey to the Crown "pro licencia concordandi."[40]

Clearly, substantial peasants could not only defend their interests against lordly encroachment, but do so at the royal court, and win. Even when they did not win, they could make life difficult for officials, as did the peasants who wrangled with Robert Mauduit in 1206–08 over just three bovates of land, the suit only ending with Robert's restoration of the land (except for three acres which he retained) and the imposition of annual rent.[41] The notion that these accounts describe an elaborate fiction cooked up to provide a context in which Robert's interests could be vouchsafed at court is not a convincing one: for a start, why choose such an expensive, time-consuming, and convoluted way of bringing about this end? A reflection of Robert's actual power (or of his lack of genuine coercive power) is the fact that these peasants, customary tenants who owed labour service, were sued in the royal court rather than in the hundred-court at Wrandike, sometimes thought to have been coterminous, and certainly later associated, with Barrowden, where we know the Mauduits to have held landed interests.[42] Perhaps Robert's many professional colleagues at Westminster provided assistance and goodwill that he could not expect to receive in Rutland, where a spirited peasantry may well have looked upon his encroachments with suspicion. Whatever the case may be, it must say something of the Rutland peasantry's condition that petty disputes over land ended up at the king's bench.

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**39** *Curia Regis Rolls*, vol. 6 (11–14 John), 314: "Et est concordia talis quod Robertus recongnoscit ei terram illam ut ius suum et remittit ei clamium suum."

**40** *Curia Regis Rolls*, vol. 6 (11–14 John), 314.

**41** *Curia Regis Rolls*, vol. 4 (7–8 John), 64, 127, 159, 202, 298.

**42** "Wrandike hundred," in *History of the County of Rutland*, 2:169, https://www.british-history.ac.uk/vch/rutland/vol2/p169, accessed November 15, 2023.

Enjoying the favour of the king was no small matter. Admittedly, the king intervened infrequently in areas marginal to his concerns, such as Rutland, where the absence of major ecclesiastical centres and leading magnate families was pronounced. But when and where he did, we can assume that his office holders, with their detailed knowledge and practical experience of the king's courts, may have sometimes engineered just such an intervention to their advantage. When, for example, four men were reported to have been killed in Robert Mauduit's mother's house, those punished included not only the murderer himself, who was hanged, but all those who had taken matters into their own hands when imposing the death sentence.[43] These men, crown officials and knights of the shire ("coronatores et quidam milites de comitatu"), owed suit to the shire court and were amerced by King John on the grounds that he himself had not mandated that the murderer be executed. Amongst these locally powerful men to have earned the displeasure of the king was the holder of the manor of Empingham, Ralph de Normanville, a local bigwig of similar stature to Robert Mauduit, yet an individual who played no apparent role in the Mauduit network.[44] We cannot say for certain that Robert Mauduit meddled in these affairs, playing on his close relations with the king to damage a local rival, but this kind of petty politicking rings true, and it is striking that Robert's mother's house is rather enigmatically given as the place where the events unfolded. Strikingly, Ralph's son, also Ralph, was listed as a pledge in 1222 for the payment of the fourth William Mauduit's relief.[45] Such were the many and varied obstacles that stood in the second Robert Mauduit's way as he looked to consolidate his grip on landed assets in Rutland.

## 1222–1268: The Mauduits, the Richer Rutland Peasantry, and the Earldom of Warwick

Although the Mauduit interest in Rutland was concentrated in the Welland Valley, from the early thirteenth century the family came to acquire lands in Greetham and Cottesmore, which lie in the northeast of the county. These lands possibly came into the Mauduits' possession via the earls of Warwick, whose longstanding interest in the vicinity is testified from the early twelfth century.[46]

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**43** *Curia Regis Rolls*, vol. 6 (11–14 John), 10.

**44** "Parishes: Empingham," in *History of the County of Rutland*, 2:242–50, https://www.british-history.ac.uk/vch/rutland/vol2/pp242-250, accessed November 15, 2023.

**45** *Excerpta e Rotulis Finium*, 1:87.

**46** *Cartulary of St Mary's Collegiate Church, Warwick*, ed. Fonge.

How the transfer of these lands—from the Warwick earls to the Mauduits—was effected is not certain, but important dealings between the families can be identified during the reign of King John. In about 1200, Waleran, fourth earl of Warwick, gave Greetham and half of Cottesmore to his son, also Waleran, to hold as a knight's fee ("per servitium feodi unius militis").[47] Waleran junior soon ran into financial difficulties, however, and it is plausible that the assistance we know him to have received from the second Robert Mauduit saw land in Greetham and Cottesmore transferred to the Mauduits to cancel the debt.[48] Furthermore, the younger Waleran's sister Alice married the fourth William Mauduit, and an entry in the Book of Fees notes that the latter was by 1236 a tenant of the earldom of Warwick.[49] These family connections provide a context in which the developing Mauduit interest in Greetham and Cottesmore begins to make sense, and the family's newfound interest in Cottesmore in the time of the second Robert Mauduit is indeed attested by an unrelated charter from about 1220, in which Robert granted a river meadow "in Kutesmor" to John Le Brun of Cosgrove.[50]

These same family connections with the earls of Warwick must have appealed to the socially mobile and status-conscious instincts of the second Robert Mauduit and his son, the fourth William Mauduit—instincts we have seen at work in our discussion of their efforts to corral the richer peasantry and engineer favourable marriage alliances. But the first half of the thirteenth century was in some sense not a propitious moment to be forging links with the once-powerful earls of Warwick, whose national standing, as David Crouch has persuasively shown, was already by about 1200 much reduced when compared with the prestige and influence that the family had enjoyed in its post-Conquest heyday.[51] Although still significant landowners, certainly when compared with the upstart Mauduits, the Warwick earls had nevertheless seen their influence and power steadily disintegrate: Thomas, the sixth earl of Warwick (d. 1242), counted "no more than three knights" in his retinue, and when his sister the Countess Margery (d. 1253) succeeded to the earldom, it provided her with "neither following nor means to raise its dignity."[52]

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**47**  BC 287.

**48**  *Beauchamp Cartulary*, ed. Mason, xxxix.

**49**  *Liber Feodorum*, ed. Lyte, 1:506.

**50**  BC 218.

**51**  Crouch, "Local Influence of the Earls of Warwick," 1–22.

**52**  Crouch, "Local Influence of the Earls of Warwick," 11, 13; by contrast, Mason, "Resources of the Earldom of Warwick," rather underplays this decline.

Matters came to a head in 1248, when Countess Margery and her second husband and royal favourite John de Plessis (d. 1263) attempted to recover Greetham and half of Cottesmore from the fourth William Mauduit and his wife Alice, the latter of whom was Margery's paternal aunt.[53] The countess's challenge was unsuccessful, but the fact that these families were willing to risk the fallout that such a dispute would provoke must say something about the Warwick line's reduced status as well as the tenacity with which the Mauduits were prepared to defend their interest. It may also suggest that the countess and her husband—wrongly, as it turned out—considered the Mauduits to be an easy target, given their relative lack of landed resources. This was an impression that Countess Margery and John de Plessis may have formed in an earlier dispute, sometime before December 1246, when obliging Alice and her husband William Mauduit to acknowledge that John would hold for life lands pertaining to the Warwick earldom.[54] The charter that records this agreement (*conventio*) hints at tensions between the two couples which were laid bare in February 1247, and at the king's bench no less ("in curia domini regis apud Westm"), when John as plaintiff or—perhaps better—complainant (*querentem*) had his claim to the earldom of Warwick recognized. Importantly, the settlement makes clear that John's claim was to continue to be recognized even if Countess Margery should predecease him.[55] These earlier disputes provide a context for the difficulties William and Alice encountered in 1248, when as noted above they had to defend their claim to lands in Cottesmore. Although this challenge was resolved in the Mauduits' favour, the experience seems to have spurred them into action, and efforts were made to shore up their presence in the northern fringe of Rutland. Once again, however, the Mauduits did not have everything their own way, although the problems they faced in the 1250s did not come from disgruntled kin but rather more modest individuals.

On September 30, 1253, Adam Champeneys and his wife Matilda acknowledged in a final concord that land they farmed in Cottesmore, amounting to a messuage, three bovates, and six acres of meadow, belonged to Alice Mauduit, wife of the fourth William Mauduit. Adam and Matilda, appearing before the itinerant justices at Oakham, were then offered the land back in tenancy at an annual rent of six pence, to be paid in two instal-

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**53** Recorded in the Surrey eyre roll of 1248, The National Archives, JUST 1/871, m. 4. On John de Plessis, see the sagacious animadversions of Vincent, "John de Plessis".

**54** BC 249.

**55** BC 250.

ments.[56] What seems at first glance an innocuous enough record of a single modest transaction was in fact rather more important, since William and Alice seem to have orchestrated the deal with the double intention of imposing a rent on Adam and Matilda, and then using their newfound leverage to oblige them to renounce any claim they had to lands formerly held by William Champeneys, Matilda's brother.[57] Yet Matilda and Adam, it would seem, did not give up their interest in Cottesmore without a fight. On April 8, 1257, they were obliged to quit their claim to a toft, twelve and a half acres of land, and a tenement that the late William Champeneys had held in Cottesmore.[58] In short, for some four years or so, they seem to have challenged or at least in part defied the stipulations decreed in the final concord of 1253. The matter may have come to a head in 1257 because the fourth William Mauduit, with whom the 1253 agreement was made, died early in that year; the 1257 quitclaim was in fact settled in favour of the fifth William Mauduit (the eighth earl of Warwick from 1263), who may well have been reviewing his holdings shortly after his father's death.

And what of Adam and Matilda? To determine their status is difficult. They should probably be counted amongst the richer members of village society, but Cottesmore was hardly a large settlement, and it may well be a case of their being big fish in a small pond. This notwithstanding, they evidently enjoyed the protection of the Common Law and appear to have belonged to that class of relatively prosperous free tenants who may also have been small-scale proprietors in their own right. In sum, these were people of local stature, willing and able to contest their interests with the Mauduits, who, perhaps growing impatient with Adam and Matilda's intransigence, decided upon the use of the quitclaim, an ordinary charter likely not offering the assurances the Mauduits sought. At this stage it would make sense to think that Adam and Matilda relented—but they did not. On October 13, 1257, the suit was heard again, on this occasion before royal justices at Westminster, at considerable inconvenience and expense to all parties.[59] It took the form of a final concord recording the surrender of Adam and Matilda's lands to the fifth William Mauduit in terms which are amusingly comprehensive (and shot through with exasperation on the plaintiff's part),

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**56** BC 246.

**57** "terris et tenementis cum pertinenciis que fuerunt Willelmi le Chaumpeneys fratris ipsius Matilde."

**58** BC 256.

**59** BC 257.

the agreement being described as a "recognitione, redditione, remissione, quietaclamatione, fine et concordia." Here at last the matter was put to bed, all for the princely sum of "quatuor marcas argenti." William Mauduit (V) acquired other modest holdings from villagers in Rutland during his life, but his attention would turn to the more westerly heartlands of the Warwick earldom from 1263, where no doubt much to his relief he could leave behind his travails with the litigious and lively peasantry of Rutland.[60]

## Conclusion

What can we say about well-connected local families of influence, and their relations with the richer peasantry, by way of conclusion? First, let us turn to the caveats, which stem from the methodological difficulties supposed by the evidence and its uneven distribution. To generalize on the basis of a regional case study such as this is always a fraught endeavour; local conditions appear to have differed greatly from one region to the next, and our understanding of that difference is itself a reflection of the patchiness of the documentary record. Other studies have shown that relations between locally significant families and the richer peasantry did not always take the form they did in the Beauchamp charters, and the small-scale landed politics of thirteenth-century Rutland cannot offer a failsafe model for subsequent enquiry.[61] That being said, there is clear lasting value in sketching rural sociologies which foreground the ambition of lesser lords and the agency of non-elite individuals in the shaping of the countryside, because investigations of this kind necessarily expose the shifting pattens of ownership that characterized the countryside's development.[62] More important still, and often missed, is the fact that studies such as this in aggregate illuminate not just the extent of lordly power, but the limits of that power and the role that non-elites played in drawing those limits. By examining the legal processes and social interventions that the Mauduits orchestrated in Rutland, we gain a more nuanced understanding of how people of different social status and economic means managed their competing interests on the ground. What emerges is a picture of the difficulties and challenges that building one's patrimony supposed, even for a family as well connected at court as the Mauduits.

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**60** BC 253; BC 254; BC 255.

**61** Schofield, *Peasants and Historians*.

**62** Cf. Coss, *Foundations of Gentry Life*.

Ultimately, all the experience and expertise that the Mauduits acquired at the Exchequer counted for little on the ground, away from Westminster, in the somewhat rougher and readier environs of East Midlands village society. All of this underlines a more important realization: namely, that we should not expect the literate and numerate governmental functionaries of twelfth- and thirteenth-century England necessarily to possess skills that prepared them for the very different challenges posed by local society. The skills needed to flourish at the Exchequer clearly did not correspond as a matter of course with those required to gain and maintain local dominance: thus, what we might call "Exchequer expertise" and "local expertise" are best understood as surprisingly compartmentalized fields of practical knowledge, each dependent on specialist practices, as well as a certain immersion in a very particular habitus. In essence, the Mauduits were technocrats; they were not shapers, nor constitutive, of the social networks of their tenants, nor the richer peasantry as a whole. As such, they found that a firm grasp of auditing, raising tax, and sundry treasury procedures left villagers unmoved.

A second key point underscored in this study is that to focus exclusively on lordly encroachment on peasant holdings in order to illustrate how local lordships were constructed is to tell only half the story. It is also to privilege the purpose and the format of the documents—the charter, the final concord, and the quitclaim—over the social dynamics that made their use necessary in the first place. At the very least, we can say that by contesting the limits of local lordly encroachments, non-elite individuals in thirteenth-century Rutland actively shaped the contours and tensile strength of lordly arrangements. As the sources that tell us of the redoubtable Agnes Bacon and the persistent Adam and Matilda Champeneys make plain, some of the more substantial villagers did not fear the Mauduits, nor hesitate to claim what they believed to be their due. Admittedly, seen from one perspective, the Mauduits' efforts paid off, for the fifth William Mauduit's ascent to the earldom of Warwick in 1263 saw him inherit a coveted prize. But if we consider this moment to represent rightful reward for the steady if unspectacular work of generations of Mauduit men in the national service, as per Mason's otherwise excellent investigations of the family, we risk smoothing over the frantic, somewhat desperate, and occasionally underhand methods that characterized Mauduit scheming. If we look at these methods in fine detail, as I have done here, we see that the arguably heavy-handed but undoubtedly persistent genius of the Mauduit line was to show relentless determination, to seize every opportunity, and to chase the odd lost cause, notwithstanding the considerable opposition the family faced from what was by the standards of twelfth- and thirteenth-century England a spir-

ited local peasantry, elements of which were more than capable of defending their interests. All things considered, it hardly seems fair that the name "Mauduit" should probably derive from the uncharitable sobriquet "Maledoctus," for there is little sign, for all their missteps, that the Mauduits were unlettered bumpkins, nor that they were unprepared to devote their considerable energies to the preservation and expansion of their patrimony by whatever means they could.[63]

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**63** The surname is discussed in White, "Financial Administration," 61.

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# THE CHARTERS, LETTERS, AND SEAL OF LADY NICHOLAA DE LA HAYE (d. 1230), LORD, CASTELLAN, AND SHERIFF

## LOUISE J. WILKINSON

**ABSTRACT** Lady Nicholaa de la Haye (d. 1230), heiress to the Lincolnshire barony of Brattleby, castellan of Lincoln, and sheriff of Lincolnshire, was one of the most important landholders and royal officials in the East Midlands during the First Barons' War (1215–1217). Although her political career and her role in defending Lincoln castle during the Second Battle of Lincoln (May 20, 1217) are well known, her letters and charters remain unstudied. This article brings together and analyses, for the first time ever, thirty-two letters and charters issued by Nicholaa. By considering their language, contents, and purpose, this article explores how Nicholaa articulated her power as a female baron and officeholder. It also provides a detailed examination of the men who regularly witnessed Nicholaa's charters, arguing that Nicholaa's sex proved no barrier to maintaining and rewarding a significant body of followers who assisted her in fulfilling her seigneurial responsibilities.

## Introduction

When the justices in eyre were at Lincoln in December 1218, an agreement was brokered between William of Huntingfield, a former rebel, and Lady Nicholaa de la Haye (d. 1230), the royalist castellan of Lincoln and former sheriff. During the First Barons' War (1215–1217), Nicholaa had received temporary grants of William's castle at Frampton and all his Lincolnshire estates after he forfeited them through his rebellion.[1] Yet, later, once the rebellion was over and William recovered seisin of his properties, he sued Nicholaa for the recovery of more than £273 in chattels, which he claimed she had taken from him after the restoration of peace. In Nicholaa, however, William faced a determined opponent, who successfully asserted her rights, so that William received no more than 30 marks of silver from her.[2] The impression of Nicholaa de la Haye that emerges from this episode is one of a formidable crown servant, a picture of her that endures in the historiography down to the present day.[3] Even so, exceptional though Nicholaa was in some respects, she was also an experienced widow of baronial rank who, like her husbands, parents, and grandparents before her, was fully embedded within structures of regional lordship in the East Midlands as the honour of Brattleby's hereditary lord and constable of Lincoln castle.[4]

Curiously, although the intersections between Nicholaa's life as a widow (1214–1230) and national politics are relatively well-known, no attempt has been made until now to locate, collate, and study the thirty-two letters and charters issued by her. Yet, as this article shows, these documents are key to understanding the image that she wished to project in governing her estates and in articulating her authority within Lincolnshire. This article explores Nicholaa's self-representation and performance of lordship through her surviving acts. As a group, her extant deeds offer valuable insights into her territorial interests and strategies, as well as the identities of the men who served her in widowhood and who, as members of her following, helped her to cast a web of influence over local affairs. This article therefore advances

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**1** *Rotuli Litterarum Patentium*, ed. Hardy, 1.i: 167(x2); *Rotuli Litterarum Clausarum*, ed. Hardy, 1:249, 272.

**2** *Rolls of the Justices in Eyre*, ed. Stenton, 233, no. 495.

**3** For Nicholaa's life, see Petit-Dutaillis, "Une Femme de Guerre," 369–80; Johns, "Haie, Nicola de la"; Wilkinson, *Women in Thirteenth-Century Lincolnshire*, 13–26; Huscroft, *Tales from the Long Twelfth Century*, 244–60; Connolly, *King John's Right Hand Lady*.

**4** For Brattleby, see Sanders, *English Baronies*, 109.

scholarly understanding of how a female lord constructed and reinforced her position by recruiting men into her service, and illuminates the ties that bound a baronial woman and her retinue together.

Hitherto, women from the baronage and knightly class have often been overlooked in the historiography. Susan Johns's 2003 study *Noblewomen, Aristocracy, and Power in the Twelfth-Century Anglo-Norman Realm* was one of the first to address "women of the lesser nobility," observing similarities in these women's charters and those of countesses, whereby ladies routinely participated in property transfers as "grantors" and "co-grantors," and contributed to family strategies for estate administration.[5] Hanna Kilpi's examination of the women of the Rumilly, Arches, and St Quentin families in Yorkshire also observed how these "lesser aristocratic" female landholders deliberately utilized "religious patronage" and "lord–vassal relationships," especially as heiresses and widows, to sustain their own regional "networks."[6] Furthermore, Emma Cavell's research into the baronial women of the Welsh marcher dynasties in the twelfth and thirteenth centuries has illuminated how these ladies "managed and defended estates, households and castles, founded religious houses … and even involved themselves directly in high politics and intrigue."[7] What has been lacking has been a detailed assessment of a female baron and officeholder's letters and charters.

## Nicholaa's Background and Life: An Overview

A brief overview of Nicholaa's family background, life, and career provides the essential context for the analysis of her charters and letters that follows, supplying insights into the basis for Nicholaa's regional power in the East Midlands and how she emerged as a leading figure there through inheritance, marriage, and personal involvement in politics. Nicholaa de la Haye took her name from her family's ancestral lands in La Haie-du-Puits in Normandy.[8] She was the granddaughter of Robert de la Haye, a servant of the Anglo-Norman king Henry I, who had married Muriel, the granddaughter of

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**5** Johns, *Noblewomen, Aristocracy, and Power*, 161.

**6** Kilpi, "Role of Lesser Aristocratic Women," 146. See also Ricketts, *High-Ranking Widows*.

**7** See, especially, Cavell, "Aristocratic Widows," 57–82; Cavell, "Mortimer Women," 1–20 at 1. See also Mitchell, *Portraits of Medieval Women*.

**8** Petit-Dutaillis, "Une Femme de Guerre," 369 n. 1.

Colswein of Lincoln, who was lord of Brattleby in 1086.[9] After the death of Nicholaa's father, Richard de la Haye, in 1169, she inherited a third share of her father's lands in England and Normandy as the eldest of his three daughters and co-heiresses, although a later family arrangement saw Nicholaa take control of her father's English lands, while her two sisters, Gila, wife of Richard (II) du Hommet, and Isabella, wife of William de Rollours, retained his Norman lands.[10] Nicholaa's husbands were charged scutage on sixteen knights' fees throughout the 1190s and early 1200s for Richard de la Haye's former barony.[11]

Following a short-lived marriage to a landholder, William fitzErneis (d. ca. 1178), which resulted in the birth of her daughter, Matilda, Nicholaa married Gerard de Canville (d. 1214), whose family originally came from Canville-les-Deux-Églises in Normandy and whose father, Richard, held Middleton Stoney in Oxfordshire, along with other properties in Berkshire and Northamptonshire.[12] Gerard served as constable of Lincoln and sheriff of Lincolnshire early in Richard I's reign, until his and his wife's support for the king's brother, Count John of Mortain, led to Gerard's removal from his offices and the imposition of hefty financial penalties in 1194.[13] Nicholaa and Gerard's former loyal service to Count John was, however, remembered and rewarded when John succeeded Richard as king of England: Gerard was reinstated as sheriff of Lincolnshire and accounted in person as sheriff at the royal exchequer at Midsummer 1199 and Michaelmas 1202, 1204, and 1205.[14] When a nationwide royal inquiry was conducted into tenants-in-chief and their under-tenants in 1212, it was found that Swaton, Owmby, Cherry Willingham, Cammeringham, and Brattleby in Lincolnshire, the lat-

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**9** For Colswein's lands, see *Lincolnshire Domesday*, ed. Foster and Longley, 118–24. For Colswein and his descendants, see Keats-Rohan, *Domesday People*, 1:175. For Robert, see Keats-Rohan, *Domesday Descendants*, 2:496–97.

**10** For the division of lands, see *Bracton's Note Book*, ed. Maitland, 2:391–93, no. 503; *Charters of the Du Hommet Family*, nos. 120, 212 (thanks to Daniel Power for these references). For Richard de la Haye and his family, see Keats-Rohan, *Domesday Descendants*, 2:496.

**11** *Red Book of the Exchequer*, ed. Hall, 1:84 (1194–1195), 110 (1196–1197), 171 (1201–1212).

**12** *Great Roll of the Pipe for the Sixth Year of the Reign of King Richard the First*, ed. Stenton, 118–19 (hereafter all published pipe rolls appear in the format *Pipe Roll, 6 Richard I*); Wilkinson, *Women in Thirteenth-Century Lincolnshire*, 15, fig. 1, 16; Golding, "Canville [Camville], Gerard de."

**13** Wilkinson, *Women in Thirteenth-Century Lincolnshire*, 17–18.

**14** *List of Sheriffs*, 78.

termost being the caput of the La Haye barony, were held by Gerard and
Nicholaa in demesne, while their tenants held lands of their fee in Barlings,
Billingborough, Dembleby, Dry Doddington, Ewerby Thorpe, Faldingworth,
Fillingham, Horbling, Hougham, Ingleby, Kexby, Marston, Minting, Newton
by Folkingham, Pickworth, Reepham, Riseholme, Scawby, Scothern, Silk Wil-
loughby, Spridlington, Stixwould, Sudbrooke, Thorpe, Threckingham, and
Westby.[15]

Nicholaa's marriage to Gerard produced two living sons—Richard and
Thomas—who both took their father's patronymic of Canville (Camville).[16]
After Gerard's death late in 1214, Nicholaa continued to serve as Lincoln's
castellan in her own right and assumed independent control of the La Hayes'
English estates.[17] Around sixty years later, local jurors recalled how Nicho-
laa had held the constableship of Lincoln castle by the king's will in times
of peace and war. They remembered how, on one of King John's visits to
Lincoln in 1216, Nicholaa had proffered up the castle's keys and offered to
surrender her custody, only for the king to insist that she remain in office,
reflecting perhaps on her long history of loyal service to him.[18] Nicholaa sub-
sequently became one of the earliest women in England to be appointed to
hold the office of sheriff, and she successfully defended Lincoln's royal cas-
tle against the baronial rebels throughout the First Barons' War.[19] The final
years of Nicholaa's life, however, witnessed a power struggle with the earl of
Salisbury, Henry III's uncle, for control of Lincoln castle and the shrievalty;
Nicholaa retained her constableship for prolonged periods until 1226, but
lost the shrievalty for the final time at the end of 1217. Salisbury's desire
to acquire Nicholaa's offices had been piqued by the marriage of his son,
William (II) Longespée (ca. 1209–1250), to Nicholaa's granddaughter and

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**15** *Liber Feodorum*, ed. Lyte, 1:169, 170, 179, 180, 183, 186, 188, 192 (1212 survey).
See also *Liber Feodorum*, ed. Lyte, 1:163 (an additional half carucate, Candleshoe
wapentake).

**16** Richard is noted in Golding, "Canville [Camville], Gerard de."

**17** Gerard's date of death is confirmed by no. 18 in the handlist below.

**18** *Rotuli Hundredorum*, 1:309, 315.

**19** For Nicholaa's appointment as sheriff, see *Rotuli Litterarum Patentium*, ed. Hardy,
1.i:199b (with Philip Mark); *Patent Rolls, 1216–1225*, 20 (with Geoffrey de Serland
as her deputy). For an earlier widow, Emma, viscountess of Rouen, who farmed
Southampton in 1158, see Keats-Rohan, *Domesday Descendants*, 2:1139. For the
problems of using the term "sheriff" in relation to "viscounts" and "viscountesses,"
see Hewer, "Epistemology of Translation."

heiress, Idonea de Canville.[20] When Nicholaa died in 1230, she was buried at Swaton, a parish church whose advowson lay in her hands.[21] A schedule of the lands (listed in Table 5.1) that she held from the king in chief at her death survives in the National Archives.[22] It shows that Nicholaa retained control of her modest barony until her death.[23]

Table 5.1. Lands held by Nicholaa de la Haye as Tenant-in-Chief in 1230.

| No. of Knights' Fees | Locations (listed as they appear in the schedule) |
|---|---|
| 1 | Swaton |
| ½ | Spanby |
| 1 | Billingborough |
| 1 | Horbling and Dembleby |
| 1 | Newton by Folkingham |
| 1¾ | Pickworth |
| 1 | Ewerby Thorpe ("Houstorp") |
| ¾ | Kirkby Underwood |
| 1½ | Ashby de la Launde and Marston |
| 1 | Silk Willoughby |
| 2 | Faldingworth, Scawby, Ingham, Bullington, and Kirkby |
| 1 | Riseholme |
| 1¼ | Fillingham |
| 1 | Ingleby |
| ¼ | Faldingworth |
| **16 knights' fees in total** | |

**20** Wilkinson, *Women in Thirteenth-Century Lincolnshire*, 23–24.

**21** *Rotuli Hundredorum*, 1:309 (death at Swaton); *Close Rolls, 1227–1231*, 458 (execution of her testament); *Rotuli Hugonis de Welles*, ed. Davis, 3:115, 118 (advowson of Swaton). Nicholaa's lands in Swaton were valued at £20 in 1219: *Liber Feodorum*, ed. Lyte, 1:285.

**22** The National Archives (hereafter TNA), C 60/30, m. 8 (schedule); *Calendar of the Fine Rolls* (15 Henry III)*, 1230–1231*, no. 72.

**23** Curiously, this schedule omits Brattleby, the caput of the La Haye barony. During her years as castellan, Nicholaa had also acquired former Jewish properties in Lincoln; *Liber Feodorum*, ed. Lyte, 1:365 (1226–1228 survey); *Rotuli Litterarum Clausarum*, ed. Hardy, 1:530.

## The Documents: Number and Distribution

Although the last twenty-five years have witnessed great advances in the publication of records associated with women from royal, ducal, and comital dynasties in medieval Western Europe, editions of letters and charters issued by women like Nicholaa de la Haye, who came from baronial families, generally remain far fewer in number than those issued by men.[24] In part, this situation reflects the challenges faced by researchers of the lesser aristocracy. Secular cartularies documenting title deeds associated with specific families have survived less often than those produced for religious houses.[25] The survival rates of deeds issued by women are also lower than those for men. After all, the restricted property rights enjoyed by women meant that the occasions when they were able or motivated to issue charters were more limited than those of their fathers, husbands, and sons. Direct male heirs were preferred to female heirs in the descent of estates held by knight service, so that daughters usually only succeeded to family lands as co-heiresses in the absence of sons in the same generation.[26] Upon marriage, a wife's property passed into the power and control of her husband, so that it was only as widows that many women of baronial status held lands in their own right.[27] Furthermore, women's entitlement to property, even in widowhood, was often limited and temporary in nature. Common-law dower, for instance, usually gave a widow a life interest in a third of her husband's property, with reversion to his heir or heirs on her death.[28]

Yet, Nicholaa's position between 1214 and 1230 as a widowed heiress of baronial status, who also held public office, clearly made her written acts worth preserving as evidence for legal title. The texts of at least twenty-six charters and two letters issued by Nicholaa de la Haye survive today, together with references to four others that are now lost.[29] Four extant documents are original single-sheet charters written on parchment: one is housed in the Duchy of Lancaster archive in the National Archives, while the

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**24** See, especially, *Charters of Duchess Constance*, ed. Everard and Jones; Thompson, "Matilda, Countess of the Perche," 81–88; "Epistolae: Medieval Women's Letters."

**25** See, for example, Davis, *Medieval Cartularies*, 1–242 ("Cartularies of Religious Houses"), 243–83 ("Secular Cartularies").

**26** See, for example, *Glanvill*, ed. Hall, 75–79.

**27** *Glanvill*, ed. Hall, 80, 85, 108, 58–68.

**28** *Glanvill*, ed. Hall, 58–69; *Bracton*, ed. Woodbine, 3:398, 411.

**29** This figure excludes final concords. See nos. 1–32 in the handlist below. Hereafter, references to the handlist will be cited as "Handlist, nos. 1–3."

others are in the collections of the dean and chapter of Lincoln cathedral, deposited in the Lincolnshire Archives.[30] The survival of the former can be explained by the passage of Nicholaa's lands to the earls and later dukes of Lancaster via marriage. Idonea de Canville's daughter and heiress, Margaret Longespée (ca. 1248–1309), married Henry de Lacy (1249–1311), earl of Lincoln; and Margaret's daughter and heiress, Alice de Lacy (1281–1348), married Thomas (ca. 1278–1322), earl of Lancaster.[31] The survival of the latter group of charters among Lincoln cathedral's muniments is not entirely surprising in view of Nicholaa's role as castellan of Lincoln and the cathedral's proximity to the royal fortress.[32] After all, it is also within the dean and chapter's archive that the only known copy of letters patent, where Nicholaa acted in her official capacity as "castellan" ("castellana") of Lincoln, is preserved in the fourteenth-century *Registrum*. Nicholaa issued these letters patent jointly with her shrieval deputy, Geoffrey de Serland, between January and May 1217.[33] Judging from the extant originals, Nicholaa's charters were sealed *sur double queque* ("on a double tail") with a parchment tag or on coloured cords.[34] Cords were employed on a charter recording a grant by Nicholaa to Lincoln cathedral, suggesting that the prestige of the grant may have merited this showy presentation.[35]

Most extant documents issued by Nicholaa de la Haye survive as transcriptions in the cartularies of religious houses. No fewer than eleven charters are preserved in the cartulary of Castle Acre priory, Norfolk, four in the cartulary of Barlings abbey, Lincolnshire, four in the archives of Lincoln cathedral (three charters and the aforementioned letters patent), two (one charter and one text of letters) in the cartulary of Combe abbey, Warwickshire, two in the now-lost cartulary of Haverholme priory, Lincolnshire, one in the cartulary of Spalding priory, Lincolnshire, one in the cartulary of Newhouse abbey, Lincolnshire, and one in a fourteenth-century copy of grants

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**30** See Handlist, nos. 1, 23–25.

**31** For Idonea and William Longespée, see Lloyd, "Longespée, Sir William (*c*. 1209–1250)." For Margaret and Henry de Lacy, see Hamilton, "Lacy, Henry de." For Alice de Lacy, see Wilkinson, "Lacy, Alice de."

**32** Hill, *Medieval Lincoln*, 90, 105.

**33** Handlist, no. 32. Geoffrey was a former household knight of King John: Church, *Household Knights*, 125–26.

**34** Handlist, nos. 1, 23–25.

**35** Handlist, no. 24. This was another sealing practice associated with lay magnates: Stringer, *Earl David of Huntingdon*, 217.

made to Blanchelande abbey in Normandy.[36] These were all religious houses to which Nicholaa, her natal kin, her husbands, and/or her tenants made gifts of property or rights, indicating their importance as focal points for spiritual and secular loyalties within the La Haye honour.

The large number of documents issued by Nicholaa that are preserved in the Castle Acre priory cartulary can, perhaps, be explained by the fact that this Cluniac community had a long-standing connection with the La Hayes as benefactors, dating back to her grandfather Robert's day.[37] Nicholaa's parents, Richard de la Haye and his wife Matilda, and Nicholaa's paternal uncle Ralph de la Haye had, however, also favoured the Premonstratensian Order, even to the extent of establishing different communities of the same order in 1154–1155, one in Normandy and one in England. Richard de la Haye and Matilda founded the Premonstratensian abbey of Blanchelande in the Norman diocese of Coutances, a community that served as their mausoleum and was later patronized by Nicholaa's younger sister Gila, her husband Richard (II) du Hommet, constable of Normandy, and her son William.[38] Ralph de la Haye founded Barlings abbey in Lincolnshire with Richard de la Haye's support.[39] Nicholaa de la Haye confirmed her parent's gift to Blanchelande of the vill of Cammeringham in Lincolnshire, and her uncle's and father's gifts to Barlings of the island of Oxney in Barlings and of the vill of Barlings itself, together with further donations made by her tenants.[40] Nicholaa also confirmed grants by her tenants to the Premonstratensian canons of Newhouse abbey, the parent house of Barlings, and to the Gilbertine community at Haverholme priory.[41] Spalding priory, a Benedictine house associated with her father and the descendants of Colswein of Lincoln, received a new grant of rents from her.[42] The Cistercian community at Combe abbey in Warwickshire, on the other hand, had no prior connection with the La Hayes, having been founded by Gerard's father, Richard de Canville, in 1150, in the

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**36**  See Handlist, nos. 2–21, 23–27, and 32 below.

**37**  See British Library (hereafter BL), Harley MS 2110, fols. 70r–73r.

**38**  *Magni Rotuli Scaccarii Normanniae*, ed. Stapleton, 1:cxlv; 2:clxxxiv; Colvin, *White Canons*, 72. For summaries of the grants to Blanchelande, see *Inventaire-Sommaire des Archives Départementales*, 27.

**39**  BL, Cotton MS Faustina B. I, fol. 208v; Caley, Ellis, and Bandinel, *Monasticon Anglicanum*, 6.ii:915; Colvin, *White Canons*, 70–73.

**40**  Handlist, nos. 4–6. A cell of Blanchelande was established at Cammeringham: Colvin, *White Canons*, 72.

**41**  Handlist, nos. 20–21, 26. For Newhouse and Barlings, see Colvin, *White Canons*, 70.

**42**  BL, Harley MS 742, fol. 219r–v; *Monasticon Anglicanum*, 3:218, no. xii.

presence of Gerard his son, who later confirmed his father's endowment.[43] Combe was the only religious foundation documented as receiving a cash sum from Nicholaa, in this case 100s. from Gerard's goods, so that the monks there might mark the anniversary of his death, reflecting Nicholaa's spiritual responsibilities towards her late husband and, perhaps, her concern to see through his final wishes for the welfare of his soul.[44]

## Self-Representation in Nicholaa's Letters and Charters

The language employed in Nicholaa's letters and charters reveal a great deal about how she presented herself as a baronial woman to others. Nicholaa, who was perhaps either named for Lincoln (rendered "Nicole" in Anglo-Norman) or in recognition of her parents' devotion to St Nicholas, the saint to whom Blanchelande was dedicated, consistently employed her natal family name of La Haye ("Haia," "Haya," "la Haia," "la Haie," and "la Haye") in her documents.[45] In four charters, she was styled "daughter" or "daughter and heir" of Richard de la Haye, reflecting her decision to identify herself with the father from whom she had inherited her English estates and her claim to the constableship of Lincoln, rather than with either of her spouses.[46] This nomenclature, combined with the image and legend that Nicholaa employed on her seal, left all who saw her deeds in no doubt as to the origins of her wealth, status, and title to the properties named within them.

Nicholaa's pointed, oval seal impression is still attached to two of her original charters, one made in uncoloured wax and another, of which just a fragment survives, in red wax; both depict a woman standing, facing half towards her left, with long, unbound hair. She is shown wearing a belted gown and mantle, with her right hand placed on her hip and a bird perched on her left hand.[47] An early modern transcription in black ink of another original charter of Nicholaa's, now lost, which concerns a grant of lands to Geoffrey Angevin, is also preserved, with a simple line drawing of her seal,

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**43**  See BL, Cotton Vitellius MS A. I, fols. 37r, 39r. The foundation charter is printed in Caley, Ellis, and Bandinel, *Monasticon Anglicanum*, 5:584, no. i.

**44**  Handlist, nos. 18–19.

**45**  Handlist, nos. 1–32. The latter suggestion is from Daniel Power.

**46**  Handlist, nos. 5, 6, 11, and 26.

**47**  Handlist, nos. 1 and 24. For photographs of Nicholaa's seal, see Dryburgh, *Royal Seals*, 127 (TNA, DL 25/2890); Taylor, *Lincoln Cathedral Library*, 9 (Lincolnshire Archives, D&C, Dij/81/2/33).

in British Library, Lansdowne MS 863, fol. 77r.[48] This drawing is a crude representation of the same image on Nicholaa's extant seal impressions: she is portrayed with long, flowing hair trailing out behind her; she is dressed in the same style of gown and mantle, with her hands positioned in the same way. The oval shape and the stylized, standing portrait of a woman attired in this manner and holding a bird, perhaps a bird of prey, was entirely in keeping with the shape and images adopted by other aristocratic women for their seals in the late twelfth and thirteenth centuries.[49]

Like other male and female lay lords in this era, Nicholaa also used a counterseal, a "small private seal" that she probably carried with her.[50] In common with other early counterseals, Nicholaa's was a gem engraved, in her case, with a figure walking to the left and holding an object similar to a sword in its right hand.[51] Interestingly, Nicholaa's seal legend, like the text of her charters, makes no mention of her husbands, but describes her instead as the daughter of Richard de la Haye ("SIGILLVM NICHOLAE FILIAE RICARDI DE HAIA"). Her designation as a "daughter" was one found on the seal legends of other female contemporaries, who deliberately chose like her to identify as heiresses, and was less commonly employed on English and French women's seal legends than the kinship term "wife."[52]

As an important heiress, Nicholaa therefore advertised her natal family connections in the language that she used to describe herself in her acts and on her seal legend as a means of reinforcing her authority.[53] Furthermore, her power to act legitimately and alienate lands and rights lawfully in her own right as a widow, and to act as a warrantor for her tenants, was clearly stated by the scribes who drafted her deeds. They routinely noted her "free widowhood," her "legitimate widowhood," her "widowhood," her "established power," her "free power," her "full power," her "legitimate

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**48** Handlist, no. 22.

**49** A bird of prey advertised the seal owner's aristocratic status, since hawking was an elite past time. It also potentially conveyed a message about victory over sexual desire, an appropriate image for a woman who wanted to reassure those who saw her seal of her status, continence, and virtue: Coss, *Lady in Medieval England*, 38; Johns, *Noblewomen, Aristocracy, and Power*, 127–30 (which omits Nicholaa's seal).

**50** Harvey and McGuiness, *Guide to British Medieval Seals*, 58.

**51** See Handlist, no. 1.

**52** Bedos-Rezak, "Medieval Women," 4.

**53** For other heiresses who did this, see Wilkinson, *Women in Thirteenth-Century Lincolnshire*, 77–78.

power", her "proper power," and her "power."[54] The message conveyed by these phrases was broadly the same: Nicholaa was fully entitled to engage in these transactions as a woman because she was an unmarried, widowed landholder, no longer under a husband's legal coverture. Intriguingly, just a few of the extant texts do not expressly document her widowed status. This is true of Nicholaa's notification of her donation of 100s. to Combe abbey for the posthumous commemoration of her late husband, Gerard de Canville, and her later letters about this gift, presumably because her widowed status was implicit in the business with which these documents were concerned.[55] Elsewhere, Nicholaa's widowed status went unrecorded in a brief entry, possibly a summary text, taken from the Haverholme priory cartulary, in a notification whereby she acknowledged that the prior and monks of Castle Acre were to have all the tenements which they had received from her ante-cessors in alms, peacefully and quietly, and in a notification confirming the homage and service of Peter fitzElstan to Spalding priory.[56]

Perhaps unsurprisingly, in the letters of protection that Nicholaa issued as "castellan of Lincoln," jointly with Geoffrey de Serland and at the express request of the papal legate, Guala Bicchieri, to the church, dean, canons, and clerks of Lincoln cathedral, her widowed status went unmentioned, since her office lent her the authority upon which she based her actions.[57] Issued at some point in 1217, presumably between Geoffrey's appointment as her deputy sheriff in January and May 24, 1217, when Nicholaa lost custody, temporarily, of the castle and shrievalty to the earl of Salisbury, these letters were addressed to "All the faithful [people] of Lord H[enry], king of England." They announced that Nicholaa and Geoffrey had taken "under the protection and keeping of the lord king and ourselves and of all his faithful [people]… the church of Lincoln…, the dean, canons, clerks of the glorious Virgin Mary, their households, houses, goods, and possessions, wherever they may lie in our power." These letters patent went on to explain that no one was to cause them injury, suffering, or harm, suggesting something of their vulnerability during the First Barons' War.[58]

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**54** Handlist, nos. 1–16, 20, 22–26.

**55** Handlist, nos. 18–19.

**56** Handlist, nos. 21, 17, 27.

**57** Handlist, no. 32. For Geoffrey's appointment as Nicholaa's deputy sheriff in January 1217, see *Patent Rolls, 1216–1225*, 20. Guala's mandate is discussed in *Letters and Charters of Cardinal Guala Bicchieri*, 38, no. 50.

**58** Handlist, no. 32. For Nicholaa's replacement by Salisbury, see *Patent Rolls, 1216–1225*, 65.

## Contents and Significance

The contents of most of Nicholaa's charters and other letters broadly fall into two categories, revealing how she managed her barony in widowhood: twenty document grants by her of properties and rights to individuals and to religious communities in whose cartularies many of the texts of Nicholaa's acts are preserved;[59] and nine record confirmations of grants or gifts by other members of her natal family or tenants to religious houses.[60] Strikingly few of the charters concern her alienation of lands near her baronial caput at Brattleby or Lincoln castle. Notable exceptions are: a grant that Nicholaa made to Peter the Woad-Seller of all her land with houses in St Michael's parish, Lincoln; a grant that she made to Lincoln cathedral and William the dean of land within Eastgate in the Bail of Lincoln to allow the dean to enlarge his court; and her donation for the fabric of Lincoln cathedral of land between the entrance to the ancient cemetery and the houses of a former archdeacon of Bedford.[61] The last two transactions were presumably intended to smooth her relationship with her wealthiest ecclesiastical neighbour in Lincoln, where she held office. Another grant by Nicholaa, of Duddington manor in Northamptonshire, served as a marriage portion to accompany the union of her granddaughter or niece, another Nicholaa, to Oliver, sixth baron Deyncourt. Oliver was a former rebel, and this marriage may also have served to facilitate political reconciliation once he returned to loyalty in the aftermath of the 1217 battle of Lincoln.[62]

The majority of Nicholaa's property-related business, however, instead betrays an interest in extending and safeguarding her family's sphere of influence and wealth in Holland in southeast Lincolnshire. During both her marriages, Nicholaa was involved in consolidating her family's interests in Elloe wapentake in Holland, an area where "new" land was actively being reclaimed from the sea, the fens, and the marsh, settled by tenants, and brought into cultivation. This was, in part, a consequence of the rapid expansion in England's population during the twelfth century, which led to the reclamation of water-logged land, the assarting of woodland and scrubland, and the conversion of moorland and heathland into agricultural land, so that new settlements proliferated and new areas were used for arable and live-

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**59** Handlist, nos. 1–3, 9–16, 18, 22–25, 28–31.

**60** Handlist, nos. 4–8, 20–21, 26–27.

**61** Handlist, nos. 23–25.

**62** Handlist, no. 31.

stock farming.[63] What has not been extensively remarked upon before is the role of women as baronial lords in promoting and aiding these initiatives.

Nicholaa, her husbands, and her kin were particularly active in land reclamation in the area around Sutton (Sutton in Holland) and Lutton, where the La Hayes had estates, as tenants of the northern baron Roger de Montbegon (d. 1226), and where they utilized Castle Acre priory's support in providing for the cure of souls in the new lands.[64] Nicholaa's first husband, William fitzErneis, confirmed his grandfather- and father-in-law's earlier gifts of churches, tithes, and lands to Castle Acre. He augmented these earlier gifts with an acre of land "at the marsh" for building a chapel, with Nicholaa's express consent, and again with her agreement donated a further three acres for building a new parish church in Sutton.[65] Nicholaa's second husband, Gerard de Canville, followed suit in 1187 by confirming Castle Acre priory in possession of the church of Sutton and the chapel of Lutton, with associated rights from his demesne and "from the conquest of the sea and the marsh made and to be made" there.[66] Other documents reveal that, during her second marriage, Nicholaa was actively involved with Gerard in reclaiming and settling these new lands, even to the point of petitioning her husband to act.[67] In spite of her legal subordination as a wife, she routinely participated in the co-lordship of her estates during both her marriages.

During her second widowhood, after Gerard died in late 1214, Nicholaa initially used the "new" lands at her disposal to bolster her position in South Lincolnshire by rewarding men in her service and introducing new tenants to this area. Henry de Johannisville was granted sixty-six acres of land "within the conquest of Sutton in Holland."[68] William fitzWilliam of Newton

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**63** For an overview, see Dyer, *Making a Living*, 101, 160–62. For the Lincolnshire context, see Hallam, *Settlement and Society*.

**64** For a charter of Roger de Montbegon, referring to the fee in Sutton which Nicholaa and her forebears held from him, see BL, Harley MS 2110, fol. 73r. The churches of Sutton and Lutton had been granted to Castle Acre priory by Robert, Nicholaa's grandfather, and this endowment confirmed and enhanced by Richard her father and Ralph her uncle: BL, Harley MS 2110, fol. 70r–v; *English Episcopal Acta I*, 62–63, nos. 91–92.

**65** BL, Harley MS 2110, fol. 70v.

**66** BL, Harley MS 2110, fol. 71r. Gerard also confirmed Castle Acre in possession of further properties and rights: BL, Harley MS 2110, fol. 71r.

**67** BL, Harley MS 742, fol. 220r; Hallam, *Settlement and Society*, 21–23, 25, 27–29, 226.

**68** Handlist, no. 2.

was another recipient of parcels of land in Sutton and Lutton.[69] Nicholas, the serjeant or servant ("serviens") of Sutton, received a bovate of land in Sutton, apart from eight acres which Nicholaa substituted with another ten acres "in the new conquest of the marsh of Lutton."[70] She gave Henry de Pereres twenty acres "in the new conquest of the marsh of Sutton."[71] The monks of Spalding were, similarly, the beneficiaries of a grant by Nicholaa of all the homage and service which Peter fitzElstan and Agnes his wife owed her from a tenement in Sutton.[72] It seems likely that an acre of land that Nicholaa granted to Geoffrey Angevin,[73] and the eight acres that she gave to Simon fitzWilliam, lay in or near Sutton.[74]

Significantly, Nicholaa also made a series of grants to Castle Acre priory of land in Sutton and Lutton. She granted Castle Acre a parcel of land comprising six acres in Sutton and Lutton, another comprising three acres there, and a third parcel comprising one acre in Sutton, together with separate grants of a villein and his offspring, with a messuage and an acre of land by Lutton chapel, and of a man called Simon Falkes.[75] Although there was undoubtedly a spiritual motivation behind these grants, they perhaps suggest a shift away from Nicholaa's direct involvement in this specific region, and a willingness on Castle Acre's part to enrich their holdings there. Perhaps these grants arose from a desire on her part to maintain a territorial interest and influence here that was at one remove from that which she and her family had previously enjoyed, and therefore without direct responsibility for either maintaining fen- and sea-banks or enforcing authority in settlements where manorial structures, customs, and rights around land-sharing were in flux and sometimes contested.[76]

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**69** Handlist, nos. 28–29.

**70** Handlist, no. 3.

**71** Handlist, no. 10.

**72** Handlist, no. 27.

**73** Handlist, no. 22. Geoffrey Angevin's land in Lutton is referenced in the main text of no. 4.

**74** Handlist, nos. 1 (Simon fitzWilliam) and 22 (Geoffrey Angevin).

**75** Handlist, nos. 11–12, 14–16.

**76** On this, see Hallam, *Settlement and Society*, chaps. 1 and 6. Thanks to Hannah Boston's advice here.

## Witnesses: Nicholaa's Officers and Following

The ability to direct and dominate regional affairs successfully and exercise patronage was, arguably, a key facet of good, baronial lordship in the Middle Ages.[77] A great secular lord, whether male or female, usually relied upon a following of kin, advisors, and deputies to whom he or she delegated specific responsibilities and who also worked to maintain and "assert his [or her] prestige and power in the community at large."[78] Although charter witness-lists have been employed profitably in earlier studies of male comital and baronial followings like those discussed below, they have seldom been used to identify the followers of female lords. Admittedly, such an approach is not without its problems. The relatively low survival rates of charters issued by elite women inevitably means that any conclusions we draw about the degree to which the more frequent witnesses represented people whom the issuing lord or lady saw and trusted on a day-to-day basis can only be tentative at best. Furthermore, the questions of why certain individuals attested grants, and whether indeed named witnesses were present when a property transaction occurred or was ceremonially completed, remain thorny ones.[79] Yet, as Dauvit Broun has argued, "the overwhelming likelihood is that witnesses [with a few exceptions] were normally present together on the occasions when their names were recorded."[80] In Nicholaa de la Haye's case, we are fortunate that the witness-lists of no fewer than nineteen of her charters survive in whole or in part, thereby revealing the names of the men (no women are mentioned) who held office under her and/or were most regularly in attendance upon her.[81] More than seventy laymen and eighteen men in religious orders witnessed her charters. By identifying the men who attested six or more of Nicholaa's charters, we can tentatively reconstruct the membership of her "inner circle" of followers and identify the men who

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**77** See, for instance, Maddicott, *Simon de Montfort*, 59; Veach, *Lordship in Four Realms*, 238.

**78** Stringer, *Earl David of Huntingdon*, 149, 155.

**79** On this, see, for example, Bates, "Prosopographical Study," 89–102; Veach, *Lordship in Four Realms*, 258.

**80** Broun, "Presence of Witnesses," 270–71.

**81** For the value of witness lists for reconstructing baronial and comital followings, see Stringer, *Earl David of Huntingdon*, chap. 8; Simpson, "*Familia* of Roger de Quincy," 102–3, at 105.

were probably amongst her most trusted advisors.[82] Altogether there were eight such men who witnessed six or more of Nicholaa's charters.[83]

By studying the backgrounds of the men who attested Nicholaa's charters reasonably frequently, tracing the basis for their connections with her and comparing the composition of her following with those of other magnates—such as David (1152–1219), earl of Huntingdon, William Marshal (ca. 1146–1219), earl of Pembroke, Roger de Quincy (ca. 1195–1264), earl of Winchester, and Hugh de Lacy (d. 1186) and Walter his son (d. 1241), barons with estates in England, Ireland, Wales, and Normandy—we can determine whether the inner circle of Nicholaa's following differed from or conformed to those of her near contemporaries. The ties that held aristocratic followings together have long been the subject of lively scholarly debate, especially in relation to whether there was a late medieval transition in the nature of social ties from "the tenurial bond between lord and vassal" to "the personal contract between master and man," or whether multiple connections determined the shape of seigneurial retinues in the twelfth and thirteenth centuries, distinguishing them from honorial communities.[84] Keith Stringer's study of Earl David, for instance, found that thirteen of this lord's inner circle of twenty followers were his tenants, either by inheritance or by grant.[85] Earl David was, however, generally averse to granting his men lands, and occasionally rewarded them with money-fees instead.[86] David Crouch, on the other hand, was unable to establish a tenurial or "feudal" link between twelve of the eighteen knights who regularly witnessed William Marshal's charters from 1189 onwards.[87] Instead, Marshal's retinue had a "geographical bias" to its membership, so that this earl of Pembroke relied upon men with properties in west and

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**82** This employs Simpson's and Stinger's methodologies: "*Familia* of Roger de Quincy," 107; Stringer, *Earl David of Huntingdon*, 155–58, 163–65.

**83** These were: Geoffrey Angevin, Robert Angevin, William de Guînes, William fitzWilliam de Guînes (possibly the son of or the same person as William de Guînes), John of Lincoln, William of Newton, William fitzWilliam of Newton, and Nicholas of Sutton.

**84** McFarlane, "Bastard Feudalism," 23–24. For discussion, see Crouch, Carpenter, and Coss, "Debate: Bastard Feudalism Revised," 165–203; Carpenter, "Second Century of English Feudalism," 30–71; Crouch, *The English Aristocracy*, 150–58.

**85** Stringer, *Earl David of Huntingdon*, 163–64.

**86** Stringer, *Earl David of Huntingdon*, 163–68.

**87** Crouch, *William Marshal*, 232.

southwest England.[88] Since Marshal acquired most of his estates in England, South Wales, and Ireland through his marriage in 1189 to Isabella de Clare, Strongbow's heiress, rather than through inheriting his brother, John Marshal's more modest honour in 1194, existing tenants of Isabella's family may not have felt so beholden to him. After all, the Anglo-Norman verse *History of William Marshal* recalled the precarity of the ties that bound Marshal's tenants in Ireland to him and his wife. Before Marshal left Ireland in 1207, he presented his pregnant countess to their tenants there, reminding them that Isabella was "your lady by birth, the daughter of the earl who graciously, in his generosity, enfeoffed you all, once he had conquered the land," and urging them to protect her, only for the countess subsequently to face a rebellion and siege.[89]

Later in the thirteenth century, the inner circle of Roger de Quincy's *familia* was twenty-seven persons strong, including fifteen knights, some of whom were kinsmen, "stewards," "administrators," and "landed men in a modest way," while others were probably "landless" individuals who may have received a money-fee; not one was a "major" tenant of Roger's. Overall, Simpson's study found that "tenants of the earl" occupied "only a small place within his *familia*."[90] Intriguingly, a similar picture has emerged from Colin Veach's analysis of the men who attested Hugh and Walter de Lacy's charters: few of Hugh's existing tenants witnessed this lord's acts, while Walter "recruited indiscriminately from among tenant families of other lords," especially in Herefordshire and south Shropshire, regions to which the Lacys enjoyed strong ties of neighbourhood.[91] With newly conquered lands available to them in Meath in Ireland, however, the Lacys populated these estates with the men whom they recruited into their service.[92] An analysis of the composition of the inner circle of Nicholaa's following provides a valuable alternative view of a baronial following headed by a female lord.

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**88** Crouch, *William Marshal*, 233–34.

**89** *History of William Marshal*, 2:176–79, ll. 13532–13550; 2:192–93, ll. 13820–13828.

**90** Simpson, "*Familia* of Roger de Quincy," 118, 120–21.

**91** Veach, *Lordship in Four Realms*, 258–61.

**92** Veach, *Lordship in Four Realms*, 259–60.

Table 5.2. Nicholaa de la Haye's "Inner Circle" of Followers.
(* denotes a possible member of Nicholaa's inner circle of followers.)

| Name | Total No. of Attestations | Tenant by Patrimony | Beneficiary of Lands | Office |
|---|---|---|---|---|
| William of Newton senior and William of Newton junior[93] | 17 | Probably | Yes | Constable (William of Newton senior) Steward (William of Newton junior) |
| Robert Angevin | 11 | Probably | | |
| Geoffrey Angevin | 10 | Probably | Yes | |
| Nicholas of Sutton | 10 | Probably | Yes | Serjeant or servant ("serviens") |
| John of Lincoln | 8 | Probably | Probably | |
| William de Guînes (Nicholaa's son-in-law) and William fitzWilliam de Guînes (his son or the same person)[94] | 6 (7) | | | |
| Robert Griffin* | 5 | | | Steward, Attorney |
| Jordan of Ashby de la Launde* | 4 | Probably | | Constable, Attorney |
| Roger of Stixwould* | 3 | Yes | | Former under-sheriff under Gerard de Canville |
| James de Bakepuz* | 2 | | | Constable |

As Table 5.2 indicates, Nicholaa's kinsmen did not feature prominently in her extant charter witness lists. Her eldest son, Richard de Canville (d. 1217), did not witness a single extant charter of his mother's and her younger son, Thomas, witnessed just one.[95] Sir William de Guînes (*alias* "Gingneto," "Ginez," "Ginneto," "Gisneto," "Gynai," "Gynei," and "Gynetto"), who witnessed six of Nicholaa's extant charters, became her son-in-law, when he mar-

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**93** These two men are grouped together as they are not always easy to distinguish from one another in the witness lists.

**94** William fitzWilliam de Guînes witnessed one charter and was either the son of or the same man as William de Guînes.

**95** Handlist, no. 7.

ried Matilda, Nicholaa's daughter by her first husband, William fitzErneis.[96] In 1194, Nicholaa proffered 300 marks in Lincolnshire to the king for the right to marry her daughter from her first marriage to whomsoever she wished.[97] This was followed, in 1200, by another proffer of sixty marks and a palfrey to guarantee that Matilda would not be compelled to marry and would be free to marry a person of her choosing.[98] This sixty-mark debt was subsequently accounted for by the sheriff of Kent, and by 1202 it was William de Guînes who was expected to answer to him for the remaining fifty marks and a palfrey of Nicholaa's debt.[99] William answered for the debt, which steadily reduced, in 1203, 1204, 1205, and 1206; in 1206, it was also noted that Matilda, the daughter and heir of William fitzErneis, was the wife of William de Guînes, and owed £61 from the debts of Aaron of Lincoln for which William was required to answer in Lincolnshire.[100] It is uncertain whether William de Guînes enjoyed a tenurial link with Nicholaa prior to his marriage into her family. In 1166, a man of the same name, perhaps William's father, held three knights' fees from the honour of Clare in Suffolk, while in 1201–1212 and 1211–1212, a William de Guînes was also recorded as a tenant-in-chief, holding one knight's fee in Kent and another as an under-tenant of the Peverel honour in Essex.[101]

If we consider other, more frequent witnesses of Nicholaa's charters, however, it appears that many of her inner circle of followers belonged to families with tenurial links and histories of service to the La Hayes. Two knights, William of Newton senior and William of Newton junior, his son and namesake, appear in the witness lists of seventeen of Nicholaa's charters, and the family's toponym suggests that they came from Newton, a village in Kesteven in southwest Lincolnshire in which the La Hayes held property.[102]

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**96** Handlist, nos. 9–10, 15–16, 24, 27. William fitzWilliam de Guînes witnessed no. 25. The tentative identification of this toponym as Guînes in the Pas-de-Calais here is based on *Norman Charters*, ed. Vincent, 234, no. 107.

**97** *Pipe Roll, 6 Richard I*, 119.

**98** *Rotuli de Oblatis*, ed. Hardy, 85. See also *Pipe Roll, 10 Richard I*, 63 (another "new oblation" of 100 marks in Lincolnshire by Nicholaa for Matilda's marriage).

**99** *Pipe Roll, 4 John*, 215.

**100** *Pipe Roll, 5 John*, 25; *Pipe Roll, 6 John*, 214; *Pipe Roll, 7 John*, 114; *Pipe Roll, 8 John*, 49.

**101** *Cartae Baronum*, ed. Stacy, 239–42, no. CCXXIII (no. 27); *Red Book of the Exchequer*, ed. Hall, 1:135 (scutage, 1201–1212); 2:591 (escheated honours, 1211–1212).

**102** Handlist, nos. 1 (William of Newton), 6 (William of Newton, "then constable"),

A Reginald of Newton, who was perhaps a kinsman of William of Newton senior, and Alan Pes Canis jointly owed the service of one knight to Richard de la Haye in 1166.[103] William senior had witnessed Gerard's de Canville's charters and later served as Nicholaa's constable, while William junior served as Nicholaa's seneschal or steward.[104] William senior supported Nicholaa and the crown loyally during the First Barons' War, so that when King John visited Louth on October 4, 1216, the king awarded him seisin of William Scot's former properties in Willoughby.[105] It seems that William of Newton senior acted as the deputy constable of Lincoln castle until 1222–1223. Royal letters patent of May 1222 ordered the king's treasurer and chamberlain to deliver £20 to William of Newton, "constable of Lincoln castle," for Lady Nicholaa's use and support in royal service.[106] Yet, by 1224–1227, James de Bakepuz had succeeded William in office and William of Newton junior was Nicholaa's steward.[107] William of Newton senior also had a house in Sutton.[108] Nicholaa granted his son seven acres and three perches of land there, which William junior later donated to the monks of Castle Acre for the salvation of his own soul and that of Lady Nicholaa.[109] He later sued Idonea de Canville in 1233–1234 for two bovates of land in Sutton and Lutton, which John of Lincoln, witness of eight of Nicholaa's charters,[110] had held from William for

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7 (William of Newton, "then constable," and William his son), 8 (William of Newton, "constable," and William his son), 9 ("Lord William of Newton, then steward of the aforesaid Lady [Nicholaa]"), 10 (William of Newton, "steward"), 11 (William of Newton, "then steward of Lady N[icholaa]"), 13 (William of Newton), 14 (William of Newton, "then my constable," and William his son), 15 ("Lord William of Newton junior, then my seneschal"), 16 (William of Newton), 20 (William of Newton), 22 (William of Newton, "steward"), 23 (William of Newton, "then constable of the castle of Lincoln"), 24 (William of Newton, "knight, then seneschal"), 25 (William of Newton, "then steward of the time"), 27 (William of Newton).

**103** *Cartae Baronum*, ed. Stacy, 225–26, no. CCXI (no. 5).

**104** For William witnessing Gerard's charters, see, for instance, BL, Harley MS 2110, fol. 71r.

**105** *Rotuli Litterarum Clausarum*, ed. Hardy, 1:290.

**106** *Rotuli Litterarum Clausarum*, ed. Hardy, 1:497.

**107** Handlist, no. 24. Letters close issued in July 1229 record that another man, Robert de Canville, presumably Gerard's kinsman, had also served as constable of Lincoln castle: *Close Rolls, 1227–1231*, 192.

**108** BL, Harley MS 2110, fols. 71v–72r, 72r, 73v.

**109** BL, Harley MS 2110, fol. 73v.

**110** Handlist, nos. 1, 6, 8, 9–11, 15, 22.

the term of his life and which should have reverted to William when John died, in accordance with another grant that Nicholaa had made to William.[111]

Geoffrey Angevin, another member of Nicholaa's inner circle, held property in Lutton, which may have included an acre that he had received from her.[112] Another member of his family, Hugh, who was probably his father, had witnessed charters issued by Richard de la Haye and William fitzErneis, while Gerard de Canville had confirmed a gift that he had made to Castle Acre priory of two acres of land.[113] Men named Geoffrey and Robert Angevin witnessed documents issued by Gerard, including one recording a grant made at Nicholaa's "petition,"[114] as well as ten and eleven of Nicholaa's charters, respectively.[115] Geoffrey had also served as Gerard's attorney in a lawsuit brought by Gerard's sister, Matilda, in 1210, when he was too weak to appear before the royal justices in person.[116]

Another regular witness of Nicholaa's charters was Nicholas, the serjeant or servant ("serviens") of Sutton, who attested ten documents, and was also probably another tenant of the La Haye family, bearing in mind their estates in that area.[117] He was certainly the beneficiary of a grant by Nicholaa of a bovate of land in Sutton.[118] The strength of his personal attachment to her as his lord was demonstrated when he gave Barlings abbey ten acres of land in Lutton expressly "for the salvation of the soul of Lady Nicholaa de Haya, my lady."[119]

Another three men, who witnessed fewer than six charters, also probably belonged to Nicholaa's inner circle of associates. These were Robert Grif-

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**111** *Curia Regis Rolls of the Reign of Henry III*, 15:80–81, no. 386. For John witnessing Gerard's charters, see, for instance, BL, Harley MS 2110, fol. 71r.

**112** Handlist, nos. 3–4, 22.

**113** BL, Harley MS 2110, fols. 70v–71r; BL, Harley MS 742, fol. 220r. For a charter issued by Robert fitzHugh Angevin, see BL, Harley MS 2110, fol. 75v.

**114** BL, Harley MS 2110, fol. 71r; BL, Harley MS 742, fol. 220r. Men named Robert and Geoffrey Angevin appear as father and son in Handlist, nos. 9–11, and as brothers in nos. 8 and 14, so we may be dealing with three men—a Robert, with a brother called Geoffrey and a son called Geoffrey.

**115** Handlist, nos. 1, 7–11, 13–16, 22 (Robert witnessed the notification of a grant by Nicholaa to Geoffrey).

**116** *Curia Regis Rolls*, vol. 6 (11–14 John), 87.

**117** Handlist, nos. 1, 8–11, 13–16, 22. For Nicholas witnessing Gerard's charters, see, for instance, BL, Harley MS 2110, fol. 71r.

**118** Handlist, no. 3.

**119** BL, Harley MS 2110, fol. 42v.

fin, who witnessed five charters, served as her steward, and was entrusted to be her attorney in 1218;[120] Jordan of Ashby de la Launde, who witnessed four charters, received the rebel Adam de Isny's lands from King John on October 1, 1216, and was selected by Nicholaa as a potential attorney in 1218;[121] and James de Bakepuz, who witnessed two charters and served as her constable in ca. 1224–1227.[122] Although the basis for Nicholaa's connection with Griffin and Bakepuz remains unclear, Jordan of Ashby came from a family that had an established association with the La Hayes.[123] A man of the same name, perhaps a father or close relation, was listed as an under-tenant in the 1166 *Carta* of Richard de la Haye.[124] In 1212, Jordan of Ashby held half a knight's fee in Marston and Dry Doddington in Lincolnshire from Gerard de Canville, presumably from Nicholaa's inheritance.[125] By 1224–1226, Jordan of Ashby was constable of Lincoln castle (presumably under Nicholaa), discussing its garrisoning with Ralph de Neville, bishop of Chichester, and overseeing building works and repairs there.[126] A man of the same name was a tenant of the honour of La Haye in 1242–1243, holding property in Ashby and Marston.[127]

Less clear, however, is Sir Roger of Stixwould's status, as the witness of three charters, in Nicholaa's following.[128] Roger was another La Haye tenant, like Jordan of Ashby. A Roger of Stixwould held one knight's fee from Richard de la Haye in 1166, and in 1212 one carucate in Stixwould and a third of a knight's fee in Silk Willoughby, both from the honour of La Haye, then in Gerard de Canville's hands.[129] Roger witnessed Gerard's charters

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**120**  Handlist, nos. 6, 7–8 (where he is described as Nicholaa's steward), 13–14; *Rolls of the Justices in Eyre*, ed. Stenton, 197, no. 423, 217, no. 467. For Robert witnessing Gerard's charters, see, for instance, BL, Harley MS 2110, fol. 71r.

**121**  Handlist, nos. 7–8, 14–15; *Rotuli Litterarum Clausarum*, ed. Hardy, 1:290; *Rolls of the Justices in Eyre*, ed. Stenton, 217, no. 467.

**122**  Handlist, nos. 9, 24 (where he is described as "constable").

**123**  Robert Griffin was a tenant of the Mowbray honour, who held a carucate in Fridaythorpe, Yorkshire: *Liber Feodorum*, ed. Lyte, 2:1461 (1224–1230).

**124**  *Cartae Baronum*, ed. Stacy, 225–26, no. CCXI (no. 7).

**125**  *Liber Feodorum*, ed. Lyte, 1:186 (1212 survey).

**126**  TNA, SC 1/6/57; *Rotuli Litterarum Clausarum*, ed. Hardy, 2:68b; *Pipe Roll, 10 Henry III*, 61.

**127**  *Liber Feodorum*, ed. Lyte, 2:1024, 1040, 1073 (1242–1243 survey).

**128**  Handlist, nos. 8, 14–15 (in no. 15, "Lord Roger of Stixwould").

**129**  *Cartae Baronum*, ed. Stacy, 225–26, no. CCXI (no. 2); *Liber Feodorum*, ed. Lyte, 1:169, 179 (1212 survey). Perhaps it was the Roger in the 1212 survey who served

and served as Gerard's undersheriff, rendering the accounts for Lincoln-shire at the Exchequer on Gerard's behalf at Michaelmas 1190, 1191, 1192, and 1204.[130]A man of the same name was rewarded for his loyalty by King John on October 4, 1216 with a grant of the rebel Osbert of Boothby's lands.[131] Yet, he may not have been as closely associated with Nicholaa as he had been with Gerard.

Overall, the inner circle of Nicholaa's following, more so than that of Earl David, was composed predominantly of men who were existing tenants or who held land by grant from her, as well as a few who were attracted into her service. As a female baron, she was able and ready to reward the men who served her with parcels of the new lands of Elloe, while her patronage of reli-gious houses like Castle Acre priory provided her followers with a valuable spiritual focus for their loyalty to their lady, which they expressed with "pro anima" donations of their own. Interestingly, Nicholaa's use of these new lands to reward her followers mirrored, albeit in a different political and tenurial context, Hugh and Walter de Lacys' use of their new Irish territories in Meath to reward and attract men into their service.[132] The prevalence of men who held lands from Nicholaa in her inner circle was, perhaps, only to be expected in her case in view of the La Hayes' long-standing regional dom-inance in Lincolnshire and their continuity of service as tenants-in-chief and officeholders to the English crown. Strikingly, six of the men who later formed Nicholaa's inner circle of followers (William of Newton senior, Rob-ert Griffin, John of Lincoln, Nicholas the serjeant, and Geoffrey and Robert Angevin) had attested as a group a single charter issued by Nicholaa's late husband, Gerard de Canville, suggesting that the men who served Gerard (and presumably Nicholaa) before his death readily continued to support Nicholaa in widowhood.[133] While other late twelfth- and early thirteenth-century lords may have been struggling with the erosion of their English patrimonies after a century or so of generous religious endowments (unless, for example, they had acquired new lands by conquest, as in Ireland), the process of land-reclamation in South Lincolnshire provided Nicholaa and

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Nicholaa. He also held property in Silk Willoughby from Gilbert de Gant: *Liber Feo-dorum*, ed. Lyte, 1:179.

**130**  For Roger as a witness, see BL, Harley MS 2110, fol. 71r. For Roger as under-sheriff, see *Pipe Roll, 2 Richard I*, 76; *Pipe Roll, 3 & 4 Richard I*, 2 (1191), 231 (1192); *Pipe Roll, 6 John*, 62.

**131**  *Rotuli Litterarum Clausarum*, ed. Hardy, 2:290.

**132**  Veach, *Lordship in Four Realms*, 259–60.

**133**  BL, Harley MS 2110, fol. 71r.

her kin with new lands with which to reward followers and to support religious communities.

The way in which Nicholaa rewarded the men who served her with lands looked back to the "feudal" world of lord–vassal relationships, but the fact that she was occasionally able to recruit other lords' tenants into her service undoubtedly stands as testimony to her talents, status, and reputation as a local baron in Lincolnshire. She was clearly selective in her choice of men. After all, many La Haye tenants who were listed in a 1212 survey of tenants-in-chief witnessed none of Nicholaa's extant charters. This was the case, for instance, with William fitzPeter, a tenant in Minting, Richard of Billingborough, who held a knight's fee in Billingborough and properties in Thorpe, and Robert of Pickworth, who held one and a half knights' fees in Pickworth.[134] Nicholaa's sex did not inhibit her ability to recruit her followers from within and beyond the tenurial borders of her honour, reinforcing the impression that she was an authoritative figure in the East Midlands and, as such, suitable for government office. Nor, strikingly, did Nicholaa's sex necessarily deter her adherents from choosing to serve her in an era when multiple lordship, in the sense of holding lands from or owing fealty to more than one lord, was fairly common in the Midlands.[135]

## Conclusion

By 1215, Nicholaa de la Haye was the widowed heiress of the barony of Brattleby, who had held and exercised the office of constable alongside her second husband Gerard de Canville for around thirty years. During her second marriage, she had played an active role in the co-lordship of the family estates, managing her patrimony, and encouraging her husband in his acquisition of new lands in Sutton and Lutton. In widowhood, the language employed in her charters, letters, and seal legend continued to celebrate and advertise her natal family's connections and her standing as the eldest daughter and co-heiress of Richard de la Haye. Overall, Nicholaa's self-representation in the documents that she issued, and the activities in which she engaged to consolidate her estates, demonstrate how female baronial power was a fundamental feature of aristocratic life. Her identity as the member of the La Haye family who retained and apparently chose her natal family's English honour and office over the lands of her Norman ancestors provided

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**134** *Liber Feodorum*, ed. Lyte, 1:170, 180, 186 (1212 survey).

**135** Boston, "Multiple Lordship," 174–202.

the essential prop to her local power and authority in Lincolnshire. In view of Nicholaa's lineage, credentials, and personal abilities, it is no surprise that her sex proved no barrier to her maintaining and rewarding a following of local men who assisted her in fulfilling her seigneurial responsibilities and office. Nicholaa successfully courted old and new La Haye tenants, as well as neighbouring landholders, enabling her to construct a stable following whose members served their mistress faithfully into old age. Her ability to do this provides a timely reminder of how ladies of baronial status were integral to the structures, mechanisms, and dynamics of regional lordship; hence their ready adoption of the norms, forms, and visual markers of baronial authority and status in their charters and letters. Baronial women controlled lands and men, just as their male counterparts did, since the core components of baronial power were based more in class than sex.

## Handlist

Like many of the deeds issued by her contemporaries, none of the documents issued in Nicholaa's name were dated or recorded their place of issue.[136] We are therefore reliant upon internal evidence to narrow down the context in which they were produced. It is for this reason, and to preserve the integrity of the archival context in which the texts of Nicholaa's charters and letters survive, that the English summaries of her Latin charters and letters presented here are arranged by archive and in the order in which they were originally transcribed into cartularies (when no original survives). Each charter or letter text has been assigned a probable date of issue in square brackets and provided with a note on provenance. When an original charter or letter has been located, it is cited as "A =" followed by the manuscript reference. Later copies are cited as "B =," "C =," and so on, in order of date. In compiling this handlist, recourse has only been made to post-medieval copies when no earlier text has been located. For ease of reference, first names of people have been rendered in their modern form and toponyms and occupational surnames of people mentioned in the charters have been identified as far as possible or standardized to their most common form.

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**136**  For other examples, see Chibnall, "Dating the Charters," 51–59.

## A. Charters and Letters issued by Nicholaa de la Haye, concerning Property, Goods, and Rights.

### Duchy of Lancaster Archive

### 1. Simon fitzWilliam

Notification by Nicholaa de la Haye, in her free widowhood, of her grant to Simon fitzWilliam of eight acres of land formerly held by Peter fitzAlberge, in return for his homage and service and for an annual rent of 5s. 4d. Witnesses: William of Newton, John of Lincoln, William of Ingleby, Geoffrey Angevin, Nicholas of Sutton, Robert Angevin, Robert fitzWilliam, Thomas fitzSimon, William fitzSimon, Richard Franchum, Simon the clerk, and others. [1215 × 1230]

**A =** TNA, DL 25/2890. s. xiii. Parchment. Size: approx. 93mm × 190mm.[137] Sealed on a parchment tag *sur double queque*, with the tag measuring 125mm × 11mm. Seal impression on uncoloured wax, varnished; an oval portrait showing a woman standing and facing half towards her left, with long, unbound hair, wearing a belted gown and mantle, with her right hand on her hip and holding a bird in her left hand. Seal legend damaged: "[.] SIGILL' NICOLAE [D]E [HAI]A [FILI] A[E] R[ICARDI] [D]E [H]A[IA]." Seal size: 64mm × 38 mm. Counterseal: Oval. A gem showing a figure walking to the left and holding an object shaped like a sword in their right hand. Counterseal legend: […] ILLV[..][..]?D?C?A?V?S[..].[138] Size: 18mm × 13 mm. **B =** TNA, DL 42/2 (The Great Cowcher Book of the Duchy of Lancaster), fol. 384v. s. xiii–xiv. Photograph of A in Dryburgh, *Royal Seals*, 127.

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**137** Paul Dryburgh measured the charter, seal, and counterseal. Please note that Duchy copyright material in TNA is the property of His Majesty The King in Right of His Duchy of Lancaster and is reproduced by permission of the Chancellor and Council of the Duchy of Lancaster.

**138** The seal legend and the description of the counterseal have been taken here from a former Public Record Office search room paper catalogue of seals dated March 15, 1996.

### Barlings Abbey Cartulary

#### 2. Henry de Johannisville

Notification by Nicholaa de la Haye, in her legitimate widowhood, of her grant to Henry de Johannisville of sixty-six acres of land "within the conquest" of Sutton (Sutton in Holland), in return for his homage and service and for an annual rent of a pound of pepper. No witnesses. [1215 × 1230]

B = BL, Cotton MS Faustina B. I (Barlings abbey cartulary), fol. 42r. *temp.* Edw. I. Nicholaa's charter is followed by another deed, whereby Henry de Johannisville granted to Barlings abbey the sixty-six acres of land which he had by Nicholaa's gift.[139] Henry de Johannisville had witnessed a notification of a grant issued by Gerard de Canville, at the request of Nicholaa his wife, whereby he granted his men customary rights.[140] Referenced in a royal charter of Henry III issued on January 27, 1227, in *Calendar of the Charter Rolls*, 1:88.

#### 3. Nicholas, serjeant or servant ("serviens") of Sutton

Notification by Nicholaa de la Haye, in her free widowhood, of her grant to Nicholas, serjeant ("servienti") of Sutton, of one bovate of land in Sutton, namely that which Guy the clerk held, except for eight acres lying in "Langelond" for which she gave him ten acres "in the new conquest of the marsh of Lutton," lying near the land of Geoffrey Angevin, in return for his homage and service and for an annual rent of a pound of wax ("unam petram cere"). No witnesses. [1215 × 1230]

B = BL, Cotton MS Faustina B. I (Barlings abbey cartulary), fol. 42r–v. *temp.* Edw. I. Nicholaa's charter is followed by the notification of a grant to the church of the Blessed Mary of Barlings and its Premonstratensian canons of ten acres of land in the new conquest of Lutton by Nicholas of Sutton "for the salvation of the soul of Lady Nicholaa de la Haye, my lady," as well as for his own soul and that of Agnes his wife.

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**139** BL, Cotton MS Faustina B. I, fol. 42r.

**140** BL, Harleian MS 742, fol. 220r; Hallam, *Settlement and Society*, 226 (Appendix 1, no. 8).

### 4. Barlings Abbey

Notification by Nicholaa de la Haye, in her free widowhood, of her confirmation of the gift made by Nicholas of Sutton, formerly her serjeant ("serviens"), to the church of the Blessed Mary of Barlings and the canons there, of ten acres of land in the new conquest of Lutton in Holland, between the land which the said canons had by Henry de Johannisville's gift and the land of Geoffrey Angevin, in free, pure, and perpetual alms. No witnesses. [1215 × 1230]

**B =** BL, Cotton MS Faustina B. I (Barlings abbey cartulary), fol. 42v. *temp.* Edw. I.

### 5. Barlings Abbey [styled here "the church of the Blessed Mary of Oxney"]

Notification by Nicholaa de la Haye, daughter of Richard de la Haye ("filia Ricardi de Haya"), in her free widowhood, to the church of the Blessed Mary of Oxney [in Barlings] and the canons there, of her confirmation of all the lands, tenements, possessions, and liberties that they have by the gift of her uncle, Ralph de la Haye, and her father, Richard de la Haye, namely the island called Oxney [in Barlings] and the vill of Barlings, and a carucate of land by the gift of Hugh Bardolf in the territory of Riseholme, with pasture for fifty sheep and a bovate of land by the gift of Adam Paynel in the same territory and of all the land in Scothern, with the advowson of the church there, by the gift of Robert Bardolf, and of two bovates of land in Sudbrook by the gift of William fitzAlexander de Bych' and grant of William Syre of Sudbrook and the land which Henry de Johannisville gave them within the new conquest of Sutton and Lutton in Holland, and all lands and liberties which they have of Nicholaa's fee of her gift and grant and of those of her antecessors in Lincolnshire, in free, pure, and perpetual alms. No witnesses. [1215 × 1230]

**B =** BL, Cotton MS Faustina B. I (Barlings abbey cartulary), fol. 42v. *temp*. Edw. I. See also no. 30 below.

## Blanchelande Abbey, Coutances Diocese, Normandy, Transcriptions of Grants

### 6. Blanchelande Abbey

Notification by Nicholaa de la Haye, daughter of Richard de la Haye ("filia Ricardi de Haya"), in her free widowhood and established power ("potestate mea constituta"), that she has confirmed to the abbey of St Nicholas of Blanchelande and the canons there, the vill of Cammeringham, which her father Richard de la Haye and her mother gave them in pure and perpetual alms. Witnesses: Robert Griffin, then seneschal, William of Newton, then constable, Robert de Bakepuz, Ralph de Marchemedlee, knights, Robert de Canville, John of Lincoln, John of Ashby, John of Claxby, Robert of Aisthorpe, Roger of Claxby, Alan of Elkington, Gilbert of Crowland, Alan the porter ("janitore"), Eustace the cook, and Walter de Canville. [1215 × 1230]

**A =** AD Manche, H 182 (destroyed 1944), for which see *Inventaire-Sommaire. Manche. Série H, 1er Livraison*, 28–29; *Letters and Charters of Henry II*, nos. 242–43. **B =** TNA, E 132/3/36 (Transcription of grants to the abbey of St Nicholas, Blanchelande, 10 Edward III, 1336–1337). Note: The transcription of this charter is followed by a notification of the earlier grant made by Nicholaa's father Richard and Matilda his wife, concerning their joint gift of the vill of Cammeringham to the abbey of St Nicholas. There is an *inspeximus* of Edward II of these Blanchelande acts, issued at York on September 10, 1317, in TNA, C 53/104, m. 13, which is printed in summary form in *Calendar of the Charter Rolls*, 3:362–63. There is a copy of this *inspeximus* by Charles de Gerville (made in 1836 from A) in Caen, Musée des Beaux-Arts, Coll. Mancel 299, 1625–28 at 1626–27, and a copy of the latter by Auguste Serville (1892) in Flers, Bibliothèque Municipale, MS 15, Suppl., fols. 15r–22r at fols. 17r–19r.[141]

## Castle Acre Priory Cartulary

### 7. Castle Acre Priory

Notification by Nicholaa de la Haye, established in her widowhood ("constituta in viduitate mea") and her free and full power, of her confirmation to the church of the Blessed Mary of Acre and the monks there, for her soul and the souls of her antecessors and husbands, of

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141 Daniel Power provided these references.

all the gifts in churches, advowsons of churches, and tithes made to them by Robert her grandfather, Richard her father, and Ralph her uncle, and of all the gifts made by William fitzErneis and Gerard de Canville, her husbands, in lands, exchanges of lands, in moors, and in marshes. Witnesses: Thomas de Canville, Nicholaa's son ("filio meo"), Oliver Deyncourt, Roberto Griffin, then Nicholaa's seneschal, Jordan of Ashby, William of Newton, then constable, William his son, Master Hugh de Bereford, Matthew the chaplain, Geoffrey Angevin, Robert Angevin, the whole soke of Sutton, and many others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 71r. s. xiii. Printed from B in Caley, Ellis, and Bandinel, *Monasticon Anglicanum,* 5:53, no. xvii.

### 8. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and full power, of her confirmation to the church of the Blessed Mary of Acre and the monks there, of five acres of land in Sutton at "Brictmeres Hirne," which Simon, her former serjeant ("serviens") at Sutton, gave to the said monks for the salvation of his soul, to hold by hereditary right, along with the charters relating to this land, in pure and perpetual alms. Witnesses: Robert Griffin, then steward, Jordan of Ashby, Roger of Stixwould, William of Newton, constable, William his son, John of Lincoln, Robert Angevin, Geoffrey his brother, Robert of Aisthorpe, serjeant ("serviente") of Sutton, Nicholas the serjeant ("serviente"), and many others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 71v. s. xiii.

### 9. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and established power, of her grant to the church of the Blessed Mary of Castle Acre ("Castellacra") and the monks there, of twenty-six acres of land in the vill of Sutton which Henry de Pereres held from her, twenty acres of which lie in the new conquest of the marsh between the land of the aforesaid prior and convent of Castle Acre and the land of Peter the reeve, and abutting to the east on the street which is called Old Fendyke ("Holdefendig"), and six acres of land lying beyond the Old Fendyke ("Le Holefendig") on the opposite side of the twenty acres, in free, pure, and perpetual alms. Nicholaa has granted to the church of

St Mary, in free, pure, and perpetual alms, 4s. and one pound of cinnamon in annual rent which Henry was accustomed to render to her for the twenty-six acres. Witnesses: Lord William of Newton, then steward of the aforesaid lady, Nicholas the serjeant ("serviente"), William de Guînes, Henry Sturmin, James de Bakepuz, Robert Angevin, Geoffrey his son, William de Reþerwic, Richard Franchum, William de Haringshal', Nicholas, chamberlain of the prior, John, marshal of the prior, Richard Foliot, Walter Tusard', John of Lincoln, Thomas fitzSimon, William fitzSimon, and others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 71v. s. xiii.

### 10. Henry de Pereres

Notification by Nicholaa de la Haye, in her free widowhood and legitimate power, of her grant to Henry de Pereres of twenty acres of land "in the new conquest of the marsh" of Sutton, lying between her land there and the land of Peter fitzJocelin, in return for his homage and service and an annual rent of 4s. and one pound of cinnamon. Witnesses: Lord William de Guînes, William of Newton, steward, Gilbert of Faversham, John of Lincoln, Jocelin of Bakepuz, John of Ashby, John of Claxby, William of Ingleby, Jordan of Tydd, Nicholas of Sutton, Robert Angevin, Geoffrey Angevin his son, Richard Franchum, and many others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fols. 71v–72r. s. xiii. Note: The notification mentions William of Newton's house in Sutton.

### 11. Castle Acre Priory

Notification by Nicholaa de la Haye, daughter and heir of Richard de la Haye, established in her free widowhood, of her grant to the church of the Blessed Mary of Castle Acre and the monks there, of six acres of land, lying between "Balingsdrave" and the land of Henry de Pereres, in free, pure, and perpetual alms. Witnesses: William of Newton, "then steward of Lady Nicholaa," Nicholas the serjeant ("serviente"), John of Lincoln, Robert Angevin, Geoffrey his son, Simon fitzGeva, Jurd' [*sic*] de Ros, Robert his son, John de Bakepuz, Henry de Sturmin, John the marshal, Robert de Rodele, William de Haringh', William reeve of the monks, and others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72r. s. xiii. Note: The notification mentions William of Newton's house.

## 12. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and proper ("propria") power, of her grant to the church of Blessed Mary of Castle Acre and the monks there, of three acres of land in the vills of Sutton and Lutton which Robert the chaplain held from her, in pure and perpetual alms, two acres and one rood of which lies between the land of Geoffrey fitzKinne to the south and the land of Eudo Bene to the north. Three roods of the land lie in Lutton between the ditch which is called "Blackesdic" to the east and the land of Solomon fitzWilliam to the west. Witnesses: Alan of Moulton, Lambert of Whaplode, Geoffrey d'Oyry, Herbert le Blund, Reginald the cook, Hugh de Ros, Reginald de Ty[…], Laurence of Holbeach, Jordan de Ros, Richard de Franchum, William de Recherwic', and many others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72r. s. xiii.

## 13. Church of St Mary of Sutton

Notification by Nicholaa de la Haye, in her legitimate widowhood and free power, of her grant to the church of the Blessed Mary in Sutton (Sutton in Holland), of three and a half acres from her inheritance there, which lie near the ditch of the marsh of "Brictm'eshirne," with free common in the same vill, in free, pure, and perpetual alms. Simon fitzRalph fitzAmaury, Nicholaa's serjeant ("serviens") of Sutton (Sutton in Holland), and his heirs or assigns, will hold all the land from the church, rendering 6d. each year at the feast of St Botulph (June 17) for the oil of a silver lamp before the cross in the church. Witnesses: William of Newton, William de Chaures, Henry de Johannisville, Ralph de Marchemedlee, Robert Griffin, William, Torsten, chaplain of Sutton, Ralph de Broil, Nicholas of Sutton, Geoffrey Angevin, Robert Angevin, Nicholas fitzSimon, and Simon the clerk. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72r–v. s. xiii.

## 14. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and power, of her grant to the church of the Blessed Mary of Acre and the monks there, of one acre of land in Sutton (Sutton in Holland), which Thomas the steward ("dispensator") held from her in the same vill where Thomas's house is situated, for the service of half a pound of pep-

per each year. Nicholaa made this grant in pure, free, and perpetual alms. Witnesses: Robert Griffin, then Nicholaa's seneschal, William of Newton, then her constable, William his son, Jordan of Ashby de la Launde, Roger of Stixwould, John de Huc' [*sic*], Geoffrey Angevin, Robert Angevin his brother, Robert of Aisthorpe, Nicholas the serjeant ("serviente"), and others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72v. s. xiii.

### 15. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and power, of her grant to the church of the Blessed Mary of Acre and the monks there, of Walter fitzGuy of Lutton and his sons and daughters and their issue, with his messuage and the acre of land on which it is situated, by the chapel of Lutton on the west, with all service which Walter and his predecessors performed for Nicholaa and her predecessors. Nicholaa also grants to the monks that Walter and his heirs shall have free common in the vills of Sutton and Lutton, just as Walter and his predecessors were and are accustomed to have. Witnesses: Lord William of Newton, junior, then Nicholaa's seneschal, Jordan of Ashby de la Launde, Lord Roger of Stixwould, Henry de Pereres, William de Guînes, John of Ashby de la Launde, Nicholas the serjeant ("serviente") of Sutton, Geoffrey Angevin, John of Lincoln, Robert Angevin, Adam fitzRoger, Geoffrey, the prior's chamberlain, Alexander, the steward ("dapifero") of the prior and the monks, and Anketill the porter. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72v. s. xiii.

### 16. Castle Acre Priory

Notification by Nicholaa de la Haye, in her free widowhood and her proper ("propria") power, to the church of the Blessed Mary of Castle Acre and the prior and convent there, of her grant of Simon Falkes and the whole vill, free from all forms of servitude ("servitude") that he owed to Nicholaa, in pure and perpetual alms. Witnesses: William of Newton, Nicholas of Sutton, Robert Angevin, William de Guînes, Henry Sturmin, Richard de Foliot, Richard de Franchu[…], William de Reperwic', Geoffrey Angevin, Thomas fitzSimon, William fitzSimon, William fitzAdam, and others. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 72v. s. xiii.

## 17. Castle Acre Priory

Notification by Nicholaa de la Haye, concerning the disturbance ("commotio") which was between her and the prior of Castle Acre, whereby Nicholaa orders that the prior and monks shall have the tenements which are of the alms of her antecessors in the vill of Sutton, peacefully and quietly, just as they were accustomed to have them in the time of her antecessors. No witnesses. [1215 × 1230]

**B =** BL, Harley MS 2110 (Castle Acre priory cartulary), fol. 73r. s. xiii.

## Combe Abbey Cartulary

### 18. Combe Abbey

Notification by Nicholaa de la Haye, of her gift to the house of Combe and the monks there, of 100 shillings of silver from the goods of Gerard de Canville, formerly her husband, for his soul, for the purpose of observing Gerard's anniversary on December 22 each year in perpetuity, according to the tenor of the charter written below [in the cartulary]. No witnesses. [?1215]

**B =** BL, Cotton MS Vitellius A. I (Combe abbey cartulary), fol. 35r. 1255. The gift to Combe abbey is followed by another in the cartulary on the same folio, whereby Michael, abbot of Combe, acknowledged the receipt of this gift, and put in place arrangements for Gerard's commemoration.

### 19. Combe Abbey

Letters sent by Nicholaa de la Haye to the abbot and convent of Combe, concerning Gerard's anniversary. No witnesses. [1215 × 1230]

**B =** BL, Cotton MS Vitellius A. I (Combe abbey cartulary), fol. 35r. 1255.

**Haverholme Priory Cartulary**

**20. Haverholme Priory**

Notification by Nicholaa de la Haye, in her widowhood, of her confirmation of Jollan of Healing's gifts in the territory of Hougham, of her fee, to the convent of the blessed Mary of Haverholme, in pure and perpetual alms. Witness: William of Newton. [1215 × 1230; probably *temp*. King John, 1215–1216]

C = BL, Lansdowne MS 207A, fol. 118v. 1639. Extracts from the lost cartulary of Haverholme, once in the possession of Edmund Lynold, rector of Healing, compiled by Gervase Holles of Grimsby in 1638–1639. Printed from C in "Haverholme Priory Charters," *Lincolnshire Notes and Queries* 17 (1922–23), 44, no. 139.

**21. Haverholme Priory**

Notification by Nicholaa de la Haye, of her confirmation to the nuns of Haverholme of "other gifts of her fee and four bovates of land" in Ashby de la Laund which Jordan of Ashby sold to Roger, nephew of Wigot, chancellor of Lincoln cathedral. Witnesses: Philip of Kyme, Richard Kahames, and William de la Laund. [1215 × 1230; *temp*. King John]

C = BL, Lansdowne MS 207A, fol. 118v. 1639. Extracts from the lost cartulary of Haverholme, once in the possession of Edmund Lynold, rector of Healing, compiled by Gervase Holles of Grimsby in 1638–1639. Printed from C in "Haverholme Priory Charters," *Lincolnshire Notes and Queries* 17 (1922–23), 44, no. 140.

**Lansdowne Manuscript**

**22. Geoffrey Angevin**

Notification by Nicholaa de la Haye, in her free widowhood and power, of her grant to Geoffrey Angevin, of one acre of land next to Geoffrey's land before the gate of John fitzAdam, in return for his homage and service. Witnesses: William of Newton, steward, Nicholas of Sutton, Robert Angevin, John of Lincoln, and others. [1215 × 1230][142]

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**142**  Hugh Doherty provided the reference to this document.

**B =** BL, Lansdowne MS 863, fol. 77r (a post-medieval copy of a missing single-sheet original charter). s. xvii–xviii. Note accompanying this transcription: "this dede is in the custody of Robert Pakenham of totyng in the counti of Surrey." Seal: A crude pen drawing of an oval portrait seal impression, showing a woman standing and facing half towards her left, with long, unbound hair, wearing a belted gown and mantle, with her right hand on her hip and holding a bird in her left hand. Seal legend: "SIGILLVM NICHOLA[*sic*] FILIA[*sic*] RICARDI DE HAIA."

## Lincoln Cathedral, Dean and Chapter's Archives

### 23. Peter the Woad-Seller

Notification by Nicholaa de la Haye, in her widowhood and full power, of her grant to Peter the Woad-Seller of all her land with houses in the parish of St Michael in Lincoln, lying between the land formerly of Moses son of Benedict, Jew of Lincoln, to the south, and the gate of the Bail of Lincoln to the north. Witnesses: Oliver Deyncourt, William of Newton, then constable of Lincoln castle, Peter of the Bridge ("de Ponte"), then mayor of Lincoln, Peter of the Bail ("de Ballio"), Ralph fitzLewin, John de Paris and Peter de Paris his brother, Giles fitzOsbert, Fulk fitzRembald, Robert fitzYwan, then reeve ("prepositis") of Lincoln, William de Paris, Robert fitzJordan, John the clerk, and many others. [ca. 1221]

**A =** Lincolnshire Archives, D&C, Dij/76/2/22, attached by a parchment twist with a knot at each end to Dij/76/2/19–21. Parchment. Size: approx. 187.5mm × 106mm. Endorsements: (1) "De tenemento quodam jacente inter portas Ballii et civitatos supra montem extra novem murum versus occidentem et versus castrum in parochia Sancti Michaelis." s. xiii–xiv; (2) "Hec carta exhibita fuit Johanni de Esseb', tunc senescallo comitis, presentibus Willelmo de Neovilla, constabulario, et G. de Brotelb', serviente tunc, in parochia Sancti Clementis in plena curia die Martis post clausum Pasche anno et cetera xliij propter demandam j denarii contra hanc cartam et per considerationem curie posita est in respeccione bonorum sine cohercione facienda." s. xiii; (3) "Carta domine Nicholae de Haya facta Petro le Weyd' in Lincoll'." s. xiii; (4) "Linc'." s. xiii. Sealed on a parchment tag *sur double queque*, but seal now lost. **B =** Lincolnshire Archives, D&C, A/1/6, fol. 123r, no. 839 (The *Registrum* of Lincoln cathedral). ca. 1350. Printed from A in *Registrum Antiquissimum*, ed. Major, 8:107–08, no. 2297,

where it is dated, based on the appearance among the witnesses of Peter of the Bridge, mayor of Lincoln, and a list of bailiffs who probably held office in 1221.

## 24. Lincoln Cathedral

Notification by Nicholaa de la Haye, in her free widowhood, of her grant to the mother church of the blessed Mary of Lincoln and William the dean, of the land which Robert Lictfot' at some time held in the Bail of Lincoln, within the door of Eastgate, between the said door and the dean's house, for enlarging the dean's court, in pure and perpetual alms. Witnesses: Roger of Bristol, Peter de Keuermund, canons of Lincoln, William of Newton, knight, then seneschal, James de Bakepuz, then constable, William fitzWilliam of Ingleby, John of Claxby, William de Guînes, Peter of the Bail, then mayor of Lincoln, Elias de Roxby, Maurice of Newport, William of London, William of Aylesbury, clerks, Henry de Pereres, Guy of the Bail, Robert Schort, and John Sess. [1224 × 1227]

A = Lincolnshire Archives, D&C, Dij/81/2/33.[143] Parchment. Size: approx. 150mm × 112.5mm. Endorsements: (1) "+." s. xiii.; (2) "Linc' in parrochia Omnium Sanctorum in Ballio." s. xiii. Seal: Broken seal fragment in red wax, attached by red, white, and green cords and sealed *sur double queque*. Seal impression: part of an oval portrait seal, showing a standing woman facing left with a bird, possibly a falcon, on her left wrist. Size of seal: approx. 50 × 37.5 mm. Seal legend damaged: [...]ILL' NICOL[.........]. Counterseal: Damaged, but probably round like no. 1 above. Size of counterseal: approx. 18mm. in diameter. Counterseal legend: [......] NICHOL. B = D&C, A/1/6, fol. 95r, no. 598 (The *Registrum* of Lincoln cathedral). ca. 1350. Printed from A in *Registrum Antiquissimum*, ed. Major, 10: 258–59, no. 2923, where it is dated in accordance with the appearance among the witnesses of Peter of the Bail, who was mayor of Lincoln in 1224–1227. Photograph in Taylor, *Lincoln Cathedral Library*, 9.

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**143** Because this charter is on public display, I have relied upon Miss Kathleen Major's measurements and her description of the endorsements and counterseal here.

## 25. The Fabric of Lincoln Cathedral

Notification by Nicholaa de la Haye, in her free widowhood, of her grant to the fabric of the mother church of the Blessed Mary of Lincoln, of all the area from the ancient entrance of the cathedral cemetery up to the houses which were formerly of Master Alexander of Elstow, archdeacon of Bedford, in free, pure, and perpetual alms. Witnesses: William of Newton, then steward ("tunc temporis senescall'"), Henry de Pereres, William fitzWilliam de Guînes, Bertram de Giney, John of Ashby, William of Ingleby, John of Claxby, Thomas of Lincoln, Guy of the Bail, John Sesse, William of Newark, Peter the marshal, Hugh the carpenter, John of Riseholme, and others. [June 2018 × November 1230; probably ca. 1225]

**A =** Lincolnshire Archives, D&C, Dij/81/1/39. Parchment. Size: 15.5cm × 10.9cm. Endorsed in Latin: "Domina Nicholaa de Haya." s. xiii–xiv. Also endorsed in a modern hand in English: "Lincoln / fabric." Dij/81/1/39 is attached by a parchment twist with a knot at each end to Dij/81/1/38, the bottom portion of a chirograph, recording a notification by R., dean, and the chapter of Lincoln that they have granted to Alexander the Spicer and his heirs, a shop lying between the west gate of the cathedral and the shop formerly of William de Dep on the other side, which is endorsed "in the bail." Sealed on a parchment tag *sur double queque*, but tag and seal now lost. Printed from A in *Registrum Antiquissimum*, ed. Major, 10: 267–68, no. 2931.

## Newhouse Abbey Cartulary

## 26. Newhouse Abbey

Notification by Nicholaa de la Haye, daughter of Richard de la Haye, in her free power and widowhood, to the church of St Martial of Newhouse and the canons there, of her confirmation of the gift of all the land that Richard fitzHumphrey of Ulceby and Nigel his brother gave to them from her fee, according to the contents of the charter which the canons have concerning this land. Nicholaa made this grant and confirmation to the canons in free, pure, and perpetual alms. No witnesses. [1215 × 1230][144]

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**144**  Mark Gardiner discovered this text.

**B =** Lincolnshire Archives, Yarb/3/3/1/1, fol. 13r, no. 119 (Newhouse abbey cartulary).[145] *temp*. Edward I.


## Spalding Priory Cartulary

### 27. Spalding Priory

Notification by Nicholaa de la Haye of her confirmation to the church of the Blessed Mary and the Blessed Nicholas of Spalding, and the monks there, of all the homage and service of Peter fitzElstan and Agnes his wife, owed to her from the tenement that they held from her in Sutton, with all appurtenances pertaining to the homage and service or to the fee, namely an annual payment of 4s. 5d., to hold in free, pure, and perpetual alms. Witnesses: William of Newton, Lambert of Whaplode, William de Guînes, and others. [1215 × 1230]

**B =** BL, Harley MS 742 (Spalding priory cartulary), fol. 219r–v. ca. 1331.


## Lost Charters

### 28. William of Newton (probably the younger William)

Grant[146] by Nicholaa de la Haye to William of Newton of two bovates of land, with appurtenances, in Sutton and Lutton, which John of Lincoln holds for his life, with reversion to William. [1215 × 1230]

Mentioned in a lawsuit in *Curia Regis Rolls of the Reign of Henry III*, 15:80–81, no. 386 (Michaelmas Term, 17–18 Henry III).


### 29. William of Newton (probably the younger William)

Grant by Nicholaa de la Haye to William of Newton of seven acres and three perches of land in Sutton, which William later gave to the church of St Mary of Castle Acre and the monks serving God there. [1215 × 1230]

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**145** Modern foliation and numbering.

**146** Since we do not know the precise wording of these documents, lost charters are referred to as "grants" here.

Mentioned in BL, Harley MS 2110, fol. 73v, in a notification issued by William of Newton, knight, of his gift to Castle Acre priory.

### 30. Barlings Abbey

Grant by Nicholaa de la Haye to Barlings abbey of the park of Barlings, with a meadow, and the service of one knight from the land of Scothern, which Robert Bardolf held from her. [1215 × 1230]

Printed in summary in a royal charter of confirmation to Barlings abbey in *Calendar of the Charter Rolls*, 1:88.

### 31. Oliver Deyncourt

Grant by Nicholaa de la Haye to Oliver Deyncourt, with Nicholaa her granddaughter or niece, in *maritagium*, of the manor of Duddington in Northamptonshire, in return for an annual rent of a sore sparrow-hawk. [1217, May, × 1230]

Referenced in litigation in 1231 and 1254 and in an inquisition of 1293: *Curia Regis Rolls of the Reign of Henry III*, 14:242–43, no. 1155; *Placitorum in Domo Capitulari Westmonasteriensi*, ed. Illingworth, 139b; TNA, C 145/53/24/1–3; *Calendar of Inquisitions Miscellaneous*, 460–61, no. 1644. Note: There may also have been a second charter issued by Nicholaa in connection with this grant. According to later records, Oliver also persuaded Nicholaa to grant him £15 a year in rent of her own by charter in case the king took Duddington into his own hands. For discussion, see *Thurgarton Cartulary*, ed. Foulds, lxxxviii–lxxxix.

## B. Letters Patent issued by Nicholaa as Castellan.

### Lincoln Cathedral, Dean and Chapter

### 32. Lincoln Cathedral

Letters patent issued jointly by Nicholaa de la Haye, castellan of Lincoln ("castellana Linc'"), and Geoffrey de Serland, notifying all King Henry III's faithful subjects that they have taken the church of Lincoln, with all its appurtenances, the dean, canons, clerks, their households ("familias"), houses, things, and possessions, under the king's and their own protection and keeping ("custodia"). No one of

the king's faithful subjects or enemies may cause them injury, where they have power to prevent it. Issued after Nicholaa and Geoffrey received a special mandate from the lord legate [Guala Bicchieri]. [January × May 1217]

**B =** Lincolnshire Archives, D&C, A/1/6, fol. 11r, no. 60 (The *Registrum* of Lincoln cathedral). ca. 1350. Printed in *Registrum Antiquissimum*, ed. Foster, 2:23–24, no. 337. Dated by Professor Nicholas Vincent to between the date of Geoffrey de Serland's appointment as Nicholaa's undersheriff in January 1217 and the battle of Lincoln on May 20, 1217. Geoffrey and Nicholaa were removed from the shrievalty on May 24, 1217: *Letters and Charters of Cardinal Guala Bicchieri*, 38, no. 50.

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> D&C, Dij/81/1/39 (Charter of Nicholaa de la Haye).
> D&C, Dij/81/2/33 (Charter of Nicholaa de la Haye).
> D&C, A/1/6 (The *Registrum* of Lincoln cathedral).
> Yarb/3/3/1/1 (Newhouse abbey cartulary).

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> C 60/30 (Fine roll, 1230–1231).
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Chapter 6

# *DEI GRATIA IEROSOLIMORUM REGINA*

## ARTICULATING THE PROPRIETARY QUEEN OF JERUSALEM'S RULERSHIP IN SOLEMN ROYAL DOCUMENTS

### ANAÏS WAAG

**ABSTRACT** Between 1131 and 1228, the crown of Jerusalem was held by five women. While it is agreed that women could succeed to the Jerusalemite throne, there remains contention regarding the role of these proprietary queens within the government of their kingdom. Through a comparative diplomatic analysis of seventy-eight surviving royal charters produced during the life and reigns of these five queens of Jerusalem, this article argues that these women retained and exercised royal power and authority within their kingdom, and offers an exploratory survey of how the rulership of the proprietary queens of Jerusalem was formally and publicly articulated. Through its analysis, this article notes key changes in documentary practice and production, namely the disappearance of "ego" documents issued by the queen herself, together with the unfailing refence by the king consort to his wife's assent to his actions. These changes appeared in the aftermath of the loss of Jerusalem in 1187: a shift in (geo)political reality which resulted in a shift in the nature of female royal rulership within the kingdom—from one of both active participation and legitimization of the king consort to one of passive participation through the legitimization of the king consort.

## Introduction

Between 1131 and 1228, the crown of Jerusalem was held by five women: Melisende (ca. 1107–1161, r. 1131–1153), Sibylla (ca. 1157/61–1190, r. 1186–1190), Isabella I (1172–1205, r. 1190/92–1205), Maria (1192–1212, r. 1205–1212), and Isabella II (b. and r. 1212–1228).[1] In the Middle Ages, a male ruler was always preferred, especially in the case of a profoundly militaristic kingdom such as Jerusalem.[2] But it is undeniable that dynastic contingency led to female succession within European hereditary monarchies: between 1109 and 1328 alone, a total of sixteen royal women asserted claims or were acclaimed to nine European thrones;[3] more did so in subsequent decades and centuries.[4] In this sense, the proprietary queens of Jerusalem were unexceptional.[5] What *is* exceptional is the concentration of female royal rulers within such a short timeframe and the consecutive succession of four queens between 1186 and 1228—particularly given the kingdom's brief existence (1099–1291).[6]

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**1** Only the crown of Navarre was held by the same number of women, though over a longer period (1274–1512). See Woodacre, *Queens Regnant*.

**2** Gerish, "Ancestors and Predecessors"; "Holy War"; "Royal Daughters of Jerusalem"; Murray, "Women in the Royal Succession"; Woodacre, "Obstacles and Opportunities."

**3** In chronological order, they are: Urraca of León-Castile (d. 1126), Melisende of Jerusalem (d. 1161), Matilda of England (d. 1167), Petronila of Aragon (d. 1173), Sibylla of Jerusalem (d. 1190), Isabella I of Jerusalem (d. 1205), Constance I of Sicily (d. 1198), Maria of Montferrat (d. 1212), Isabella II of Jerusalem (d. 1228), Berenguela of Castile (d. 1246), Sancha (d. 1243) and Dulce (d. 1248) of León, Constance II of Sicily (d. 1305), Juana I of Navarre (d. 1305), Margaret of Norway (d. 1290), and Juana II of Navarre (d. 1349). Just three of these sixteen claims were unsuccessful: Matilda in England, Sancha and Dulce in León, and Juana II in France. Waag, "Rulership, Authority, and Power," 71–104.

**4** Wolf, "Reigning Queens in Medieval Europe."

**5** In English, a queen who claimed the title in her own (hereditary) right is generally qualified as a queen regnant. However, not all hereditary queens exercised royal power in the manner generally associated with queens regnant. The term "proprietary queen," borrowed from the Spanish "reina proprietaria," is a much more effective catch-all, as it highlights a queen's hereditary claim without tying said claim to the exercise of royal power. Waag, "Proprietary Queen," 74–77.

**6** Within medieval studies there remains a misapprehension that medieval women were marginalized, and that elite women with authority and ability to influence their families, communities, and realms were somehow all exceptions to this general marginalization. Recent scholarship has sought to address this misapprehension, notably the *Beyond Exceptionalism I* (2015) and *Beyond Exceptionalism II* (2022)

Over the last five decades, an extensive and growing body of work has demonstrated the regular political participation of royal and elite women in the Central Middle Ages.[7] This research has provided an important new framework for understanding the exercise of power, as not only direct and public but also indirect and private. This framework, in turn, has led to a reconsideration of medieval monarchy as more than simply the rule of one man (the king), rather as an institution centred on the family, within which members played complementary roles to enable proper government of the realm: from the king, queen, and heir to the throne as a ruling Trinity of sorts, to royal siblings and children who were often given positions of power within the Church or made important marriage alliances with the leading noble families of the realm.[8] However, while this understanding of medieval monarchy is well-established within the fields of queenship, gender, and women's studies, it has yet to achieve wider historiographical recognition.[9] As a result, scholars outside these fields are not always able to appreciate the full and complex spectrum of royal and elite women's political participation, though this participation was certainly acknowledged by the women's contemporaries.

It is in this sense that the proprietary queen is a particularly useful queen to study. Queenship studies have, understandably, prioritized those

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conferences and resulting edited volumes. See Tanner, ed., *Medieval Elite Women* for the BEI conference proceedings; BEII conference proceedings are forthcoming.

**7**  Tanner, Gathagan, and Huneycutt, "Introduction." It would be impossible to offer here a comprehensive historiographical overview of the fields of queenship, gender, and women's studies, which includes an ever-expanding collection of monographs, edited volumes, chapters, and articles, as well as conferences, research projects, and research networks. Some notable highlights, beyond what is cited elsewhere in this article, are: Echevarría and Jaspert, *El ejercicio del poder*; Woodacre, Dean, Jones, Rohr, and Martin, eds. *Routledge History of Monarchy*; Woodacre, *Queens and Queenship*; Palgrave Macmillan's Queenship and Power book series; the Spanish Government-funded research project MUNARQAS; the international research project "Examining the Resources and Revenues of Royal Women in Premodern Europe"; and the international academic research network *Royal Studies Network* and its affiliated annual conference *Kings and Queens* and journal *Royal Studies Journal*.

**8**  Earenfight, "Without the Persona of the Prince"; Earenfight, "Medieval Queenship"; Krause, *Beyond Women and Power*; Earenfight, *Queenship in Medieval Europe*; Woodacre, *Companion to Global Queenship*; Silleras-Fernandez, "Reginalidad y Metanarrativa."

**9**  Earenfight, "Without the Persona of the Prince"; *Queenship in Medieval Europe*; Woodacre, *Companion to Global Queenship*; Silleras-Fernandez, "Reginalidad y Metanarrativa"; Waag, "Medieval Royal Rulership."

queens who were such by right of their marriage to the king—they are far more numerous. But consorts exercised royal power delegated to them from their spouse, while proprietary queens exercised inherited power, and were in fact the ones to delegate royal power to their husbands. Even those proprietary queens who do not *appear* to have exercised royal power undeniably delegated it to their husbands and were key in legitimizing these men's ability to exercise power effectively. Consequently, the proprietary queen— even one who did not actively claim and assert her right to rule and wield power and authority—is an ideal subject to highlight the composite nature of medieval monarchy and manifold nature of medieval rulership. The proprietary queens of Jerusalem in particular present a unique opportunity to examine this composite and manifold nature of monarchy and rulership. Not only did they rule within a short timeframe and largely in consecutive succession, but each of their respective experiences of rulership differed. Melisende, the first of the proprietary queens of Jerusalem, had the fullest experience of political participation, while each subsequent queen had a progressively diminished experience—to the point that the latter queens are chiefly viewed as mere transmitters of royal power who rarely if ever exercised it themselves. Yet, as blood heirs to the Jerusalemite throne, they retained the (real) power that came from the line of succession, even when their husbands governed their kingdom.[10] This is evident when the corpus of surviving royal charters and documents of the kingdom is examined and the presence of the queens of Jerusalem within them analysed.

The present study aims to do just that. First, it provides a brief biography and overview of the political participation and documentary presence of each queen in turn, outlining how they identified and were identified as rulers within their documents. Building on this and making use of the methodological techniques of social diplomatics, it presents a comparative and systematic analysis of these queens' surviving documents.[11] This methodological approach allows for close examination of the use of consent

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[10] Bassett, "Regnant Queenship."

[11] The discipline of diplomatics, originally developed as a method of authentication of official documents or *acta*, is now also used as a method of analytical-descriptive textual criticism; it understands *acta* as social phenomena which can be used in the study of political, cultural, and ideological history. Social diplomatics, more specifically, is a method for textual criticism that allows for the identification of recurring themes and motifs within documents, and that seeks to do so by reintegrating documents into the interactions of which they were originally a part; Waag, "Forms and Formalities," 30–33. See also d'Avray, *Papacy, Monarchy, and Marriage*, 220–24. For more on Crusader charters and diplomatics, see Kölzer,

clauses within these queens' own documents and those of their spouses, and for the identification of shifts in documentary practice and production throughout their respective reigns. Examination shows that while the active political participation and visibility of the proprietary queens of Jerusalem may have diminished over the course of a century, they nonetheless retained and exercised royal power and authority within their kingdoms, even when their husbands were its chief governors and administrators. Thus, this study offers an exploratory survey of how the rulership of the proprietary queens of Jerusalem was articulated within solemn royal documents, and presents initial observations on what their overall documentary presence reveals about the power of these queens, of royal power dynamics within the kingdom, and how these changed over time, particularly following the loss of Jerusalem in 1187 and the reigns of four sequential proprietary queens between 1186 and 1228.

## Sources and Methodology

A wide range of sources documenting the Crusades and the Latin East have survived, written or produced by a diverse range of authors and makers.[12] While the queens of Jerusalem—and women more broadly—are rarely at the centre of these sources, it is possible to unpick elements of their life experiences and political careers from them. Historiographical attention is unbalanced in relation to the five queens. Melisende has received considerable scholarly attention, both individually and together with her husband Fulk of Anjou (d. 1143) and their sons.[13] More recently, attention has broadened to include Sibylla, as well as the five queens as a collective.[14] However, Isabella I, Maria, and Isabella II as individual rulers remain largely over-

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"Diplomatics"; Bull, "Diplomatic of the First Crusade"; Constable, "Medieval Charters"; Boyle, "Diplomatics."

**12** Hamilton, *Leper King and His Heirs*, 6–22.

**13** Mayer, "Studies in the History of Queen Melisende"; "Succession of Balwin II"; "Angevins versus Normans"; "Wheel of Fortune"; Folda, "Images of Queen Melisende"; "Melisende of Jerusalem"; Gerish, "Ancestors and Predecessors"; "Royal Daughters of Jerusalem"; Gaudette, "Spending Power"; Lambert, "Images of Queen Melisende"; Murray, "Baldwin II and his Nobles"; Jordan, "Corporate Monarchy"; Park, "Wax Kings"; Park, "Memorialisation of Queen Melisende."

**14** On Sybilla, see Nicholson, "La roine"; "Queen Sybil"; *Sybil*. On the queens of Jerusalem collectively, see Hamilton, "Women in the Crusader States"; "King Consorts"; Lambert, "Queen or Consort"; Hodgson, *Women, Crusading, and the Holy Land*; Murray, "Royal Succession"; Bassett, "Regnant Queenship"; Pangonis, *Queens of*

looked, simply appearing in studies of their spouses.[15] The lack of attention to these three queens in modern scholarship reflects their presence in contemporary sources, particularly narrative and documentary.[16]

Though a considerable body of charter evidence from the Latin East is known, this represents only a part of what was produced within the Crusader States over the course of their two-hundred-year existence, as no royal or princely archive has survived.[17] The documents examined for this study have been collected primarily from Hans E. Mayer's magisterial *Die Urkunden der lateinischen Könige von Jerusalem*, as well as from J. Delaville Le Roulx's *Cartulaire général de l'Ordre des Hospitaliers de S. Jean de Jérusalem 1100–1310*.[18] As seen in Table 6.1, a variety of documents produced within the Jerusalemite chancery have survived. I have categorized them in the following manner: "ego" documents, in which the named queen is the primary or sole issuer, and in which her *intitulatio* (that is, her name and title) is introduced by the pronoun "ego"; "et" documents, in which the named queen issues a charter together with her spouse or son, and in which their *intitulationes* are connected by the conjunction "et"; and "consent" documents, which state the named queen's consent to the issuer's actions, often in the form "assensu et voluntate domne [name] uxoris mee." "Other" refers to documents which have been lost, as well as those issued by others either in a queen's presence or acknowledging donations, confirmations, and sales by a queen for which the charter evidence no longer survives. A total of seventy-eight documents issued either individually or jointly by the queens of Jerusalem have been

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*Jerusalem*. Beyond these studies, the reigns of all five queens are also discussed, to varying degrees, within broader Crusades scholarship.

**15** Abulafia, *Frederick II*; Jacoby, "Conrad Marquis of Montferrat"; Perry, *John of Brienne*; "Isabella II or Yolanda?"; Stürner, "Friedrich II. als König von Jerusalem"; Gilchrist, "Conrad"; Donnachie, "Predicaments of Aimery of Lusignan."

**16** William of Tyre's *History of Deeds Done Beyond the Sea* is an invaluable source for studying Melisende's reign and Sibylla's early life. Later chronicles provide some insight into the lives and reigns of Sibylla, Isabella I, Maria, and Isabella II. See Edbury and Rowe, *William of Tyre*.

**17** Hamilton, *Leper King and His Heirs*, 13–15. See also Mayer, *Die Kanzlei*; and Mayer and Sode, *Die Siegel*.

**18** *Cartulaire general de l'ordre des Hospitaliers*, ed. Delaville Le Roulx; and Mayer, *Die Urkunden der lateinischen Könige von Jerusalem*, henceforth *ULKJ*. All four volumes of *ULKJ*, and therefore all documents cited throughout this article, are accessible online: https://www.dmgh.de/jerus.htm, accessed August 18, 2023. Many of the documents cited are also cross-referenced and accessible online through the *Revised Regesta Regni Hierosolymitani Database*: https://www.crusades-regesta.com/, accessed August 18, 2023.

examined for this study, which includes placing them within the wider con-
text of the queens' "other" documents, and those issued by their fellow Jeru-
salemite rulers (co-rulers, predecessors, regents, or successors). The initial
findings offered in this article must be understood within the context of the
source material used, which is comprehensive but not exhaustive.

Table 6.1. Documentary Presence of the Proprietary Queens of Jerusalem.

| Doc. type / Queen | Melisende | Sibylla | Isabella I | Maria | Isabella II |
|---|---|---|---|---|---|
| "ego" documents | 10 | 4 | 0 | 0 | 1 |
| "et" documents | 3 | 6 | 5 | 2 | 0 |
| "consent" documents | 15 | 7 | 16 | 1 | 2 |
| Forgeries | 1 | 2 | 3 | – | – |
| Total surviving | 29 | 19 | 24 | 3 | 3 |
| Other: lost; reference | 40 | 11 | 11 | 9 | 7 |
| Total doc. presence | 69 | 30 | 35 | 12 | 10 |

## Documentary Presence: Personal and Political Identity

While it is agreed that women could succeed to the Jerusalemite throne,
there remains contention regarding the role of these proprietary queens
within the government of their kingdom. Contemporary chronicles depict
their husbands ruling the kingdom, with the queens themselves appearing
only occasionally, often to convey pointed examples of feminine behaviour.[19]
Documentary evidence can provide more insight into the political role of
these women, though their relatively limited documentary presence has
been interpreted as further evidence of their distance from government.
As a result, these queens are often identified as mere transmitters of royal
power who held and exercised little to no power. This is particularly the case
for Isabella I, Maria, and Isabella II. However, as has already been noted,
monarchy should not be conceived of as the rule of one man, but rather as
a familial institution within which members played complementary roles.
Even if these roles were unequal, they were never irrelevant—more so
when a king ruled by right of his wife. Thus, while the proprietary queens
of Jerusalem did not all exercise power in similar ways, and indeed some of
them exercised limited power, all five of them occupied essential positions

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**19** Lambert, "Queen or Consort"; Hodgson, *Women, Crusading, and the Holy Land*,
especially 44–52; Buck, "William of Tyre"; Park, "Wax Kings."

within the government of their kingdom. This is evident when their documentary presence is examined and analysed.

## Melisende of Jerusalem (r. 1131–1153)

Born ca. 1105/09, Melisende was the eldest of four daughters born to Baldwin II of Jerusalem and his wife Morphia of Melitene.[20] Due to a lack of sons, Baldwin II designated Melisende as his heir and married her to Fulk V, count of Anjou, in 1129. There is some debate over what role Baldwin II initially promised Fulk, but on his deathbed he designated Fulk, Melisende, and their infant son (the future Baldwin III) as co-rulers.[21] Once on the throne, Fulk both excluded Melisende from power and actively favoured his Angevin men at the expense of the native barons—an untenable situation which soon led to a revolt in 1234. While the revolt ultimately failed, it produced tangible change: in the aftermath, Melisende took a prominent role in government, as demonstrated by her consistent presence within royal charters thereafter. At Fulk's death in 1143, Melisende assumed full control of the realm and exercised sole rulership as co-ruler alongside the thirteen-year-old Baldwin III. By 1150, Baldwin began to challenge his mother for sole rulership, and open conflict erupted in 1152. Baldwin ultimately succeeded in ousting his mother from power, though Melisende remained a presence at his court and within his government until her death in 1161.

Melisende's extensive participation in royal government is attested by her surviving documentary corpus. She first appears in her father's charters, as heir to the throne: twice alone, and once together with Fulk.[22] Though absent from Fulk's earlier charters, Melisende is present in all five of his surviving charters issued following their reconciliation; these consist of both "et" and "consent" documents.[23] Melisende is also present in a sixth charter

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**20** What follows is a very brief overview of Melisende's life and reign. For more detailed studies, see Hamilton, "Women in the Crusader States"; *Leper King and His Heirs*; Mayer, "Queen Melisende"; "Angevins versus Normans"; "Wheel of Fortune"; Lambert, "Queen or Consort"; Gerish, "Royal Daughters of Jerusalem "; Folda, "Images of Queen Melisende"; "Melisende of Jerusalem"; Hodgson, *Women, Crusading, and the Holy Land*; Tranovich, *Melisende of Jerusalem*; Gaudette, "Spending Power"; Murray, "Women in the Royal Succession"; Jordan, "Corporate Monarchy"; Basset, "Regnant Queenship"; Donnachie, "Male Consorts"; Maraszak, "Mélisende"; Waag, "Proprietary Queen."

**21** See especially Mayer, "Queen Melisende"; Hamilton, "Women in the Crusader States"; Jordan, "Corporate Monarchy."

**22** *ULKJ*, docs. 105/153, 109/153a, and 124/155.

**23** *ULKJ*, docs. 135/159, 138/160, 139/161, 141/162, and 146/166.

which Mayer has identified as a later forgery.[24] In a further nine documents now lost, she is supposedly present in three, and a fourth records a summons Fulk made at her request.[25] Melisende's visibility increased following Fulk's death. Nine "ego" documents issued in her name alone between 1149 and 1160 have survived. In these, her *intitulatio* reads "ego Melisendis dei gratia Ierosolimorum regina" or a variation thereof.[26] Three were issued with Baldwin's consent;[27] two with both Baldwin and Amalric's consent, the second of which was also issued with the counsel and approval of her barons;[28] one was issued with the approval of her barons;[29] and a last one was issued at her sons' request, as well as that of Hugh of Ibelin, his brothers, and the patriarch of Antioch.[30] A tenth "ego" document survives, a charter co-issued in 1147 with both her sons.[31] Beyond these "ego" documents, Melisende is present in a further twelve charters issued between 1143 and 1159 in Baldwin III's name, either together with her or with her consent or counsel (and occasionally that of Amalric as well).[32] In these documents, Melisende is generally identified as "Milisendis regina mater mea." These twelve documents represent almost half of Baldwin's twenty-six surviving charters, and notably just six of them were issued in the early years of Melisende's co-reign, while the remaining six were issued in the aftermath of their dispute and reconciliation. Mayer identified an additional twenty documents, now lost, issued in Baldwin's name, of which just two are "et/consent" documents issued together with Melisende.

Much like all medieval European rulers both male and female, and like her father, husband, and sons, Melisende used her full title in her own documents, presenting herself as "Melisende, by the grace of God queen of Jerusalem." This title also appeared in her seal, the obverse legend of which was

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**24** *ULKJ*, doc. 132/157.

**25** *ULKJ*, docs. 133–34, 136, 140, 147–51.

**26** *ULKJ*, docs. 175/218, 177/220/275, 178/276, 179/277, 180, 184/225/278, 188/239/288, 194/247/299, and 196/250.

**27** *ULKJ*, docs. 175/218, 194/2474/299, and 196/250.

**28** *ULKJ*, docs. 177/220/275 and 184/225/278.

**29** *ULKJ*, doc.178.

**30** *ULKJ*, doc. 188/239/288.

**31** *ULKJ*, doc. 173/216.

**32** *ULKJ*, docs. 169/212, 170/213, 171/214, 215–16, 232, 236, 241–42, 244, and 248.

"SIGILLVM MILESENDIS DEI GRATIA IERVSALE REGINE."[33] In her father's documents, she is consistently identified as his daughter ("filia regis" and "filia mea"), while Fulk always identified her as "queen" and "wife" ("Milisendis regine uxoris mee"), and both Baldwin III and Amalric identified her as "queen" and "mother" ("mater mea Milisendis regina"). In those documents issued by others which record Melisende's presence, consent, or request, either alone or with her husband or son(s), she is generally identified as "domne regine Melissendis" and in similar style to her spouse or son. This pattern is reflected in documents issued by her descendants: in 1178, Baldwin IV identified Melisende as "domne [avie] mee Milissendis inclite Ierosolimorum regine," while in 1185 Baldwin V identified her as "proavia mea regina Melisendis."[34] Evidently, Melisende was widely and consistently identified as queen of Jerusalem, be that by her husband, her sons, her descendants, or her subjects.

## Sibylla of Jerusalem (r. 1186–1190)

Born ca. 1157/61, Sibylla was the eldest child and daughter of Amalric I of Jerusalem and his first wife Agnes of Courtenay, and Melisende's granddaughter.[35] Her younger brother Baldwin IV's leprosy meant that her marriage was an important political matter. Sibylla was first married to William of Montferrat, and together they were given the county of Jaffa and Ascalon, but he died within months of their 1176 marriage; soon thereafter, Sibylla gave birth to their son, the future Baldwin V. In 1180 Sibylla was (hastily) married to Guy of Lusignan, and the couple soon began to take a role in Baldwin's government, giving their consent in a number of his charters. In 1183 Baldwin IV made Guy regent of the kingdom but relieved him of the role within months, and shortly thereafter had his nephew crowned king and co-ruler as Baldwin V. There is debate over the cause of this abrupt turn of events, but what is clear is that Baldwin IV sought to block Guy and Sibylla from government.[36] Baldwin IV died in March 1185 and was soon followed

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**33** For more on Melisende's seal, see Mayer, *Die Siegel*, 92–94.

**34** *ULKJ*, docs. 405 and 453 respectively.

**35** What follows is a very brief overview of Sibylla's life and reign. For more detailed studies, see Hamilton, "Women in the Crusader States"; "King Consorts"; *Leper King and His Heirs*; Lambert, "Queen or Consort"; Hodgson, *Women, Crusading, and the Holy Land*; Woodacre, "Questionable Authority"; Murray, "Women in the Royal Succession"; Donnachie, "Crown and Baronage"; "Male Consorts"; Basset, "Regnant Queenship"; Theis, "Herrschaftsrecht und Herrschaftpraxis"; Nicholson, *Sibyl*.

**36** Edbury, "Propaganda and Faction," 182–83; Hamilton, *Leper King and His Heirs*,

by Baldwin V, who died in August 1186. Though Sibylla's claim was initially challenged by that of her half-sister Isabella, she quickly secured the throne. However, her supporters did not all agree that Guy should become king, and forced her to set him aside. Sibylla relented, on condition that she be allowed to choose her next husband. On her coronation day, she famously outwitted them when, following her own coronation, she chose Guy as her consort. Sibylla's reign was brief and tumultuous: within ten months of her and Guy's coronation, the Jerusalemite army suffered a crushing defeat at the Battle of Hattin (July 4, 1187). Just three months later, Saladin conquered Jerusalem—an event which sparked the Third Crusade (1189–1192). Sibylla died, together with her and Guy's two daughters, on July 25, 1190, during the siege of Acre.

Sybilla's short life and brief reign is reflected in her small surviving documentary corpus. Still, enough documents survive to give some insight into her participation in royal government. Sibylla's earliest documentary appearance is as countess of Jaffa and Ascalon, a fief which was largely associated with the heir to the throne. Between 1177 and 1180 she issued three "ego" documents as (widowed) countess.[37] More importantly, she is present in several of her brother Baldwin IV's charters, giving consent to his actions: once alone, then together with Guy following their marriage.[38] No documents issued by Sibylla's first husband as count have survived, though we know of at least one donation he made with her consent.[39] Just one document issued by Guy together with Sibylla has survived;[40] a further two joint charters have been lost, as has a third charter issued by Guy with both Sibylla and Baldwin IV's consent.[41] No "ego" documents issued by Sibylla as queen of Jerusalem have survived. When she crowned Guy, she seemingly transferred her authority and power to him; her lack of surviving "ego" documents would suggest that Guy took over government of the kingdom on his own.[42] Yet there was little doubt that he wielded royal power and governed the kingdom solely by right of his wife. This is reflected in surviving royal charters. Guy issued the majority of his charters as king jointly with his wife:

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188–98; Nicholson, *Sibyl*, 82–87 and 101–3.

**37** *ULKJ*, docs. 493, 496, and 501.

**38** *ULKJ*, docs. 413/498, 424/457/504, 430/462/505, and 437/466/506.

**39** *ULKJ*, doc. 448/492.

**40** *ULKJ*, doc. 470/507.

**41** *ULKJ*, docs. 457/502, 471/508, and 459/503 respectively.

**42** Nicholson, *Sibyl*, 124.

two "consent" documents in 1186 and five "et" documents in 1189–1190.[43] Mayer has identified an additional two "et" documents issued in Sibylla and Guy's names as forgeries.[44] Given Sibylla's documentary production as countess, it is interesting to consider what her surviving corpus might have looked like had Jerusalem not been lost, her kingdom greatly reduced, and her reign cut short by her early death.

Because no "ego" documents survive from Sibylla's reign, we do not know for certain how she chose to entitle herself as queen. The closest we can get is a letter she sent to Frederick I in which her *intitulatio* reads, "Sibylla, Regina quondam Hierosolymitana."[45] But this is not the *intitulatio* she would have used prior to the loss of Jerusalem. Sibylla's *intitulationes* in her "ego" documents issued as countess of Jaffa and Ascalon might give a better idea: the first reads "Sibilla egregii Amalrici regis Iherusalem filia Dei gratia Ioppes et Ascalonis comitissa," the second "ego Sibilla comitissa Ioppe et Ascalone," and the third "ego Sybilla dei gratia Ioppes et Ascalonis comitisse."[46] Like Melisende, it is likely Sibylla would have used "dei gratia" in her royal *intitulatio*. It is less clear if she would have emphasized her status as Amalric's daughter: though this identification only appears in the first of her three surviving "ego" documents, the legend of the seal she used as countess reads "SIGILLVM AMAL. REGIS FILIE" on the obverse, and "IOPP. ET ASCALE COMITISSA" on the reverse.[47] In Guy's documents she is consistently identified as "domne Sibille uxoris mee, eiusdem regni venerabilis regina." No documents issued by others recording Sibylla's presence, consent, or request as queen of Jerusalem can be found in the source material used for this article, meaning that it is not possible to draw conclusions regarding how she was identified as queen of Jerusalem by her contemporaries.[48]

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**43** *ULKJ*, docs. 473/510, 474/511 (consent), and 476/512, 477/513, 478/514, 479/515, 480/516 ("et" documents).

**44** *ULKJ*, docs. 472/509 and 518/482.

**45** *Regesta Regni Hierosolymitani*, ed. Röhricht, doc. 681. On questions regarding the letter's authenticity, see Neocleous, "Byzantines and Saladine," 94–96.

**46** *ULKJ*, docs. 493, 496, and 501.

**47** Mayer, *Die Siegel*, 151–53.

**48** Such documents survive from when Sibylla was countess. See *ULKJ*, docs. 449 and 495.

### Isabella I of Jerusalem (r. 1190/92–1205)

Born in 1172, Isabella was the youngest daughter of Amalric I of Jerusalem and his second wife Maria Komnene, and Sibylla's half-sister (and also Melisende's granddaughter).[49] Amalric died just two years after her birth, and was succeeded by Baldwin IV, whose ascension saw the return of his mother Agnes to court and the rise of the Courtenay family. Maria and Isabella withdrew to Nablus, Maria's dower-fief, and three years later Maria married Balian of Ibelin.[50] A marked factionalism between the native baronage emerged during Baldwin's reign, with the Courtenays and Lusignans on one side and Maria Komnene and the Ibelins on the other.[51] It is within this factionalism that in 1180 Isabella, aged just eight, was betrothed to Humphrey IV of Toron, the stepson of one of Baldwin's strongest supporters and a later supporter of Guy of Lusignan; they were married in 1183 at Kerak castle. In the aftermath of Sibylla's death, Guy tried to cling to his kingship. But, as Amalric's last surviving child, Isabella was the rightful ruler, and the Ibelins sought to secure her position as queen. However, there was little support for Humphrey as her consort—the Jerusalemite barons preferred Conrad of Montferrat. Isabella's marriage to Humphrey was declared invalid, due to her being under the canonical age of consent at the time it took place, and Isabella was persuaded to set Humphrey aside and marry Conrad. The couple were married in November 1190, and in 1192 Conrad was unanimously elected by the Crusader army as king of Jerusalem. Just days later Conrad was assassinated, leaving behind a pregnant Isabella. Faced with the need for a new king at a tumultuous time, Isabella—still pregnant—was hastily married to Henry II, count of Champagne. Later that year, Isabella gave birth to Conrad's posthumous daughter Maria, and went on to have three daughters with Henry—Marguerite, Alice, and Philippa—before his death in 1197. Isabella was once again swiftly remarried, this time to Aimery I, king of Cyprus and Guy de Lusignan's brother.[52] It is together with Aimery

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**49** What follows is a very brief overview of Isabella's life and reign. For more detailed studies, see Hamilton, "Women in the Crusader States"; "King Consorts"; *Leper King and His Heirs*; Jacoby, "Conrad Marquis of Montferrat"; Hodgson, *Women, Crusading, and the Holy Land*; Murray, "Women in the Royal Succession"; Donnachie, "Crown and Baronage"; "Male Consorts"; Basset, "Regnant Queenship"; Nicholson, *Sibyl*.

**50** Hamilton, "Women in the Crusader States," 163.

**51** On the topic of factionalism, see Jacoby, "Conrad Marquis of Montferrat"; Edbury, "Propaganda and Faction"; Hamilton, *Leper King and His Heirs*; Donnachie, "Crown and Baronage."

**52** In the aftermath of Conrad of Montferrat's election as king of Jerusalem in 1192,

that Isabella was finally crowned queen of Jerusalem in January 1198. Isabella and Aimery had three children together: two daughters, Sibylla and Melisende, and a son, Amalric, who predeceased his parents. Aimery died on April 1, and Isabella just days later on April 5, 1205.

Like Sibylla, no "ego" documents issued by Isabella as queen of Jerusalem have survived. Indeed, it is unclear if she ever issued any. Nonetheless, Isabella is an unfailing presence within her husbands' surviving documents. Just three charters issued by Conrad as king of Jerusalem survive, and Isabella is present in all three: one is an "et" document, while two are "consent" documents.[53] However, Mayer has identified two now-lost documents from his reign in which Conrad acts alone.[54] Thirteen charters have survived from Henry's reign, and Isabella gives her consent to his actions in all but one.[55] As for Conrad, Mayer has identified several now-lost documents from Henry's reign: two additional "consent" documents and three issued solely in Henry's name;[56] Mayer has also identified two forgeries, including one issued with Isabella's consent.[57] Lastly, six charters issued during Aimery's reign have survived, all of which record Isabella's presence: three are "et" documents and three are "consent" documents.[58] Mayer has identified an additional six now-lost documents: four "et" documents, one "consent" document, and just one issued individually by Aimery.[59] Mayer has also identified two forgeries, both documents issued with Isabella's consent.[60]

It is difficult to determine, let alone reconstruct, how Isabella chose to entitle herself as queen: no "ego" documents have survived, and no seal is known for her.[61] It is possible, however, to determine her political identity by how her husbands and contemporaries identified her, and that was chiefly as Amalric's daughter. In both Conrad and Henry's documents, she is con-

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Guy had purchased the island of Cyprus from Richard I of England and ruled as king until his death in 1194. He was succeeded by his brother Aimery.

**53** *ULKJ*, docs. 529–30/536–37 and 533/538.

**54** *ULKJ*, docs. 531 and 532.

**55** *ULKJ*, docs. 539/568, 541–44/570–73, 546–51/575–80, and 552/582.

**56** *ULKJ*, docs. 545/574 and 553/583 (with Isabella) and 584, 586–87 (individually).

**57** *ULKJ*, docs. 540/569 and 585.

**58** *ULKJ*, docs. 555–57/610–12, 559/614, and 563–64/620–21.

**59** *ULKJ*, docs. 560/615, 562/617, and 566–67/624–25 ("et"), 561/616 (consent), and 619 (solo).

**60** *ULKJ*, docs. 554/609 and 558/613.

**61** Mayer, *Die Siegel*, 157.

sistently identified as "domne Ysabelle uxoris mee, illustris quondam regis Amalrici filie." This changes in Aimery's documents, in which he regularly identifies her as "domna Ysabelle uxoris mee, venerabilis regine, quondam illustris regis Amalrici filie." It is curious that Isabella was only explicitly identified as "queen" following her and Aimery's coronation. While this is in line with the fact that neither Conrad nor Henry identified themselves as "king," it is at odds with the fact that Isabella was the hereditary and proprietary queen of Jerusalem since 1190. Isabella's explicit association with her father has been interpreted as a means by which her husbands associated themselves with Amalric's unquestionable legitimacy as ruler, particularly given the clouds of illegitimacy surrounding Isabella's husbands following the annulment of her marriage to Humphrey.[62] However, this political identity can be found in documents issued both before Isabella's ascension and after her death. A document issued in 1180 by Raynald of Châtillon, Humphrey's stepfather, records Isabella's consent to the donation and identifies her as "Elisabet filie regis Ierusalem."[63] In a 1206 marriage agreement for her daughter Maria, Isabella is identified as "domne quondam Isabelle regine, filie bone recordationis Amalrici regis Ierosolimitani."[64] Isabella's husbands undoubtedly used her status as Amalric's daughter to further legitimize their own kingship. But the centrality of this status to her political identity can perhaps also be understood as a by-product of her convoluted relationship to her immediate royal predecessors—her succession was not a simple vertical one, but a complicated horizontal one. Here it is worth recalling that Sibylla similarly referenced her status as Amalric's daughter in her comital seal and documents when she was her brother's heir apparent.

## Maria of Montferrat (r. 1205–1212)

Born in 1192, Maria was the only child of Isabella I and her second husband Conrad of Montferrat, and Isabella's eldest child and daughter.[65] Little is known about Maria's brief life and reign. She ascended the throne in 1205 at the age of thirteen, and her mother's half-brother John of Ibelin was

**62** Hamilton, "King Consorts"; *Leper King and His Heirs*; Donnachie, "Male Consorts."

**63** *ULKJ*, doc. 534.

**64** *ULKJ*, doc. 645.

**65** What follows is a very brief overview of Maria's life and reign. See Hamilton, "King Consorts"; Haberstumpf, "Maria di Montferrato"; Edbury, *John of Ibelin*; Hodgson, *Women, Crusading, and the Holy Land*; Perry, *John of Brienne*; Murray, "Women in the Royal Succession"; Donnachie, "Crown and Baronage"; "Male Consorts"; Basset, "Regnant Queenship."

appointed her regent. From her ascension, the High Court sought to find Maria a husband. The first candidate considered was Peter II of Aragon,[66] though the regency government ultimately settled on John of Brienne.[67] John arrived in the Latin East in 1210 and promptly married Maria; a month later the two were crowned and anointed king and queen of Jerusalem. In 1212 Maria gave birth to their daughter Isabella, and died shortly thereafter at the age of just 19 or 20. Maria's life and reign were both short, and this is reflected in her documentary presence. Just three surviving charters bear her name: the document recording the marriage agreement with Peter II of Aragon, a "consent" document issued by her uncle and regent, and an "et" document issued together with her husband.[68] Mayer has identified further documents bearing Maria's name: two lost documents issued by John of Brienne—one "consent" document and one "et" document—as well as a forged "consent" document.[69] An additional lost document issued by Philippe of Ibelin records Maria and John of Ibelin's consent.[70] Just one document issued individually by John of Brienne has survived from 1210–1212, but as we do not know Maria's exact date of death, it is unclear if John issued this 1212 document during her lifetime or after her death.

As for her mother, it is difficult to determine or reconstruct how Maria might have entitled herself, as no "ego" documents in her name have survived and no seal for her is known.[71] Those documents that do survive show she was associated with both her kingdom and her parents. In the document issued by John of Ibelin, Maria is identified as "domne Marie regni honorabilis domne," while in the marriage agreement with Peter II she is identified as "illuxtris puella Maria filia bone memorie Conradi marchionis et domne quondam Isabelle regine, filie bone recordationis Amalrici regis Ierosolimitani." In her sole surviving document issued with her husband, John of Brienne identifies her as "domna Maria uxor mea, illustris regina"; in the forged document issued in her and her husband's name she appears as "domne Marie inclite regine." There are parallels here with her mother Isabella: despite succeeding her at the age of thirteen, Maria seems only to have

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**66** See *ULKJ*, doc. 645 for terms of the marriage agreement between Peter II and Maria of Montferrat.

**67** Perry, *John of Brienne*, 40–48.

**68** *ULKJ*, docs. 645/773, 644/772, and 626/647, respectively.

**69** *ULKJ*, docs. 627–28/648–49 and 629/650 respectively.

**70** *ULKJ*, doc. 646.

**71** Mayer, *Die Siegel*, 174.

been recognized as queen of Jerusalem following her coronation in 1210. Prior to that she was simply "the honourable lady of the kingdom."

## Isabella II of Jerusalem (r. 1212–1228)

Born in 1212, Isabella was the only child of Maria of Montferrat and John of Brienne.[72] Like her mother, little is known of her short life and reign. When she was nine or ten, her father resolved to journey to the West both to appeal directly to rulers there for support for the kingdom and to arrange Isabella's marriage.[73] Two years later, in 1223, she was betrothed to Frederick II, Holy Roman Emperor, and in 1225, at the age of twelve or thirteen, Isabella married Frederick via proxy in Acre, was crowned queen of Jerusalem in Tyre, and set sail to Italy. On November 9, 1225, Isabella and Frederick were married at Brindisi, and it seems that Frederick soon placed her in seclusion at the imperial palace in Palermo. Isabella died on 4 May 1228, nine days after giving birth to her son Conrad, aged just sixteen. Her documentary presence is, like her mother's, limited. Just three charters bearing Isabella's name have survived: one "ego" document and two "consent" documents, one issued by her father and another by her husband.[74] Still, these documents allow a glimpse of Isabella's political identity. Like Melisende (and all rulers), Isabella used her full title in her sole surviving "ego" document: "Ysabella dei gratia Romanorum imperatrix semper augusta, Ierusalem et Sicilie regina." This is echoed in Frederick's accompanying charter, in which Isabella is identified as "consortis nostre Isabelle Romanorum imperatricis semper auguste, Ierusalem et Sicilie regine."[75] It was likely also echoed in her seal, which has not survived but is referenced in the validation clause of her "ego" document.[76] In her father's charter, Isabella gives her consent simply as "Ysabellis filie mee," with no reference to her status as queen or even lady of the kingdom. This perhaps reflected John of Brienne's insistence that he continued to rule as king, not regent, following Maria's death.

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**72** What follows is a very brief overview of Isabella II's life and reign. See Hamilton, "King Consorts"; Hodgson, *Women, Crusading, and the Holy Land*; Perry, *John of Brienne*; Murray, "Women in the Royal Succession"; Donnachie, "Crown and Baronage"; "Male Consorts"; Basset, "Regnant Queenship."

**73** Perry, *John of Brienne*, 119–20.

**74** *ULKJ*, docs. 652, 640/651, and 654, respectively.

**75** The two documents are connected: in doc. 654 Frederick makes a donation, and in doc. 652 Isabella announces her consent to his donation.

**76** Mayer, *Die Siegel*, 188–90.

## Articulating Female Royal Rulership

What exactly do the surviving documents of each proprietary queen of Jerusalem, and their broader documentary presence, tell us about their role within the government and administration of their kingdom? First, that there *was* a role for all five of these women. Second, that this role changed over time, and each queen's experience of rulership differed from that of her fellow proprietary queens. Undeniably, this change was one of diminished participation—but they continued to participate nonetheless. It is evident from the sheer volume of her surviving documentary presence, and the actions recorded within these documents, that Melisende's experience of rulership was unique. She issued the highest number of "ego" documents, and she is a consistent presence in her husband's and son's charters, as co-issuer, consenter, or advisor. She was explicitly recognized as heir to the throne and witnessed several of her father's charters as such. Later royal confirmations made by her successors and descendants attest to further actions for which the original documentation has not survived. Charters and documents issued by her (non-familial) contemporaries attest to her political actions not recorded in surviving royal charters: from donations made and/or confirmed by others in her presence to the sale or exchange of lands, buildings, or *casalia* (villages). Some of these actions were performed together with Fulk or Baldwin III, but others were done individually by Melisende. None of this can quite be said of her successors.

This is partially due to the comparative length of her life and reign. Melisende lived until the age of 52/56 and reigned for thirty years. In contrast, Sibylla died at the age of 29/33 and reigned for just four years, Isabella I died at 33 and reigned for thirteen to fifteen years, Maria died aged 20 and reigned for seven years (though she was a minor for five of these), and Isabella II died at the age of just 16 and, while she was queen her entire life, her minority only ended at her marriage three years before her death. Also relevant are pregnancies: Melisende gave birth once during her entire reign, whereas Isabella I did so at least seven times during hers, while Maria died in childbirth within two years of her marriage, and Isabella II gave birth twice in three years before also dying in childbirth; Sibylla had four daughters over the course of her ten-year second marriage, but because their births were not recorded it is unclear if any were born during her reign.[77] Pregnancy did not incapacitate medieval women, but a regular state of pregnancy and recovery from childbirth, including unrecorded pregnancies and

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**77** Nicholson, *Sibyl*, 95.

miscarriages, undoubtedly affected their routine participation in government. For both Maria and Isabella II, childbirth cut short their young lives and reigns.

However, the most significant factor explaining the uniqueness of Melisende's rulership was the loss of Jerusalem in 1187. In the aftermath, the kingdom found itself reduced in size and in a near-constant state of existential crisis. This, coupled with the successive ascension of four female rulers, fundamentally shifted the nature and characteristics of female rulership within the kingdom. Here, Sibylla's decision to transfer her royal power and authority to her husband doubtless set a precedent. Most contemporaries are clear: Sibylla chose Guy as her consort, and he only held the crown matrimonial.[78] Isabella was not afforded this same privilege. When she succeeded Sibylla and her first husband was found wanting, and when she was later (twice) widowed, the native barons and the High Court (and in the case of her second husband, the Fifth Crusader army) took it upon themselves to elect the next king, and legitimized him through marriage to the acknowledged proprietary queen of the kingdom. Isabella did not physically transfer her royal power and authority to her husbands in the manner Sibylla had when she allegedly crowned Guy—and neither did Isabella's successors. As a result, the nature of female royal rulership within the kingdom seemingly altered, from one of both active participation and legitimization of the king-consort to one of passive participation chiefly through legitimization of the king-consort. But while this undeniably denotes a change in how the proprietary queen participated politically, it did not diminish her importance, as evidenced by the persistent—and increased—use of the consent clause within royal charters, as well as the continued use of "et" documents.

Two shifts in documentary practice and production took place from Sibylla's reign onwards: the almost total disappearance of "ego" documents issued by the proprietary queens of Jerusalem and the consistent reference by the kings(-consort) of Jerusalem to their wives' assent to their actions. The consent clause, most commonly found in eleventh- and twelfth-century donation charters, was not unique to solemn royal documents of the kingdom of Jerusalem.[79] A cursory examination of Delaville's *Cartulaire* readily highlights its use in charters issued not just by the royal family in Jerusalem but by all the rulers of the Crusader States and ruling elites in Western

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**78** Hamilton, "Women in the Crusader States," 171.

**79** For more on the consent clause, also known as *laudation parentum*, in charters, see White, *Custom, Kinship, and Gifts*; Hudson, *Land, Law, and Lordship*, 173–207; Johns, *Noblewomen, Aristocracy, and Power*.

Europe.[80] However, its omnipresence in the surviving documents issued by the kings(-consort) suggests that it acquired a higher degree of importance within the kingdom of Jerusalem, likely due to its usefulness in articulating the political reality of a king who ultimately ruled by right of his wife. The first use of the consent clause in this manner can be dated to Melisende and Fulk's reign. In the aftermath of the 1134 baronial revolt, all Fulk's documents record Melisende's consent to his actions, and occasionally that of their son Baldwin.[81] Melisende's consent is worded slightly differently in each document, but the clause reads as variations of "ego Fulco dei gratia rex Ierusalem Latinorum tercius assensu et consilio uxoris mee Melisendis regine." However, the actions recorded in the charters are still solely Fulk's, as the verbs used are in the first-person singular (e.g. "dono," "concedo"), and in those documents with validation clauses only his seal is referenced: "et ut hec concessio firma et inconvulsa in perpetuum consistat, cartulam istam placuit regio sigillo meo munire et subscriptorum testium veridico testimonio corroborare." Thus, while it was still Fulk who exercised royal authority, there was a parallel recognition of the source of his claim to royal authority.

This dynamic changed slightly during Melisende and Baldwin's co-reign. Documents issued between 1143 and 1152 are "et" documents, issued by Baldwin *and* Melisende, whose actions are recorded jointly in the first-person plural (e.g. "concedimus," "confirmamus," "damus"). The validation clauses reference "sigilli nostri" or "nostro plumbeo sigillo," and while "seal" appears in the singular this construction is notably different from Baldwin and Melisende's "ego" and "consent" documents, which consistently use first-person singular verbs and refer to their respective seals as "sigilli mei." The plurality of action in these documents is made even more evident when compared with Baldwin's documents issued after he secured sole rulership in 1152. When Melisende appears in Baldwin's later documents, it is solely in the context of a consent clause—phrased differently in each instance, and with reference to either her consent or her counsel—while Baldwin's actions are recorded in the first-person singular and are solely validated by "sigilli mei." Presumably, as with Fulk, this allowed Baldwin to acknowledge

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**80** See, for example *Cartulaire general de l'ordre des Hospitaliers*, ed. Delaville Le Roulx, docs. 109, 137, 183, 199, 340, 417, 599, 603.

**81** *ULKJ*, docs. 135/159, 138/160, 139/161, 141/162, and 146/166.

Melisende as the (still living) originator of royal authority while exercising that authority himself.[82]

Consent clauses involving the king's wife disappear completely during Baldwin III and Amalric I's reigns—with just one exception, a document issued by Baldwin recording both his wife Theodora and his brother's consent to an agreement.[83] It is only during the reign of Baldwin IV that the consent clause returns, though slightly altered, as it is his sister's consent which is recorded. Due to his leprosy, Baldwin remained unmarried, and while Sibylla was not explicitly recognized as his heir, she was the heir presumptive. Her consent to several of Baldwin's charters, and later hers and Guy's joint consent, reflects this.[84] However, unlike in Fulk and Baldwin III's documents, Sibylla (and Guy's) consent was always phrased the same: "concessione et assensu [Guidonis, Joppe et Ascalone comitis, et] Sibille, sororis mee, Ioppensis et Ascalonensis commitisse."[85] A slightly altered consent clause was also used during Baldwin V's very short reign: three of his four surviving documents record actions he made with the consent of his regency government, with the clause reading: "ego Balduinus...concedo et confirmo assensu et voluntate Raimundi comitis Tripolis et totius regni mei procuratoris."[86] Sibylla and Guy's ascension to the throne in 1186 saw the return of spousal consent. Guy's only two surviving charters from before the fall of Jerusalem are issued by "Guy, per dei gratiam in sancta civitate Ierusalem Latinorum rex octavus assensu et voluntate domne Sibille uxoris mee, eiusdem regni venerabili regine"; the verbs used are in the first-person singular ("[dono] concedo et confirmo") and the validation clauses make reference only to

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**82** There are some parallels here with the joint reign of Berenguela of Castile (r. 1217–46) and her son Fernando III of Castile (r. 1217–52). Following her own ascension as proprietary queen of Castile, Berenguela elevated her son as king of Castile, an act widely (though erroneously) interpreted as an abdication. From his very first diploma, and until Berenguela's death, Fernando stated that he acted with the "agreement and approval" of his mother ("ex assensu et beneplacito regine domine Berengarie, genitricis mee"). This phrasing is unique to Fernando's diplomas and to referencing his mother's consent: while he frequently references his brother, wives, and children in his *privilegios rodados*, the phrasing is markedly different (he records his actions "together with" them) and is always a separate clause to Berenguela's. For more on this, see Bianchini, *Queen's Hand*, 140–45.

**83** *ULKJ*, doc. 254.

**84** Two charters (one now lost) record Baldwin IV and Sibylla's consent to donations made by others. *ULKJ*, docs. 396 and 419.

**85** *ULKJ*, docs. 413/498, 424/504, 430/505, and 437/506.

**86** *ULKJ*, docs. 451–52 and 454.

"sigillo meo."[87] However, the five surviving charters issued after the loss of Jerusalem are "et" documents, issued by "Guy…et domna Sibilla, sponsa mea, venerabilis regina." They make use of first-person plural verbs ("donamus concedimus et confirmamus") and the validation clauses reference "sigillo nostro."[88] This plurality of action is also found in Sibylla and Guy's only surviving document issued as counts of Jaffa and Ascalon.[89] Presumably the loss of Jerusalem produced the change from consent clause to "et" document.

Isabella I's reign saw a dual use of both "et" documents and consent clauses. Like Guy, Conrad's two surviving "et" documents use first-person plural verbs and reference "sigilli nostri" in the validation clause, while his singular document with a consent clause is issued in the first-person singular and references only "sigillo meo."[90] All thirteen of Henry's charters include consent clauses, twelve of which give Isabella's consent; all but two of these documents include validation clauses, which solely reference "sigillo meo." However, there are a couple of minor differences to consent-clause documents discussed previously. In two of them Isabella's consent does not appear until later in the document, rather than immediately after Henry's *intitulatio*, and the second of these makes use of the first-person plural immediately after Isabella's consent clause, rather than first-person singular verbs as in the rest of Henry's documents.[91] The consistent use of "consent" rather than "et" documents during Henry's reign was presumably his personal preference, and suggests he saw himself as the primary ruler in his and Isabella's partnership. That he could do so is testament to the king consort's authority—that this preference did not become established practice is testament to that of the proprietary queen.

Isabella's fourth husband, Aimery, made use of both "et" and "consent" documents: three of each survive. Like his predecessors, his "et" documents make use of first-person plural verbs and reference "sigillo nostro" in the validation clause. However, while all three "consent" documents use first-person singular verbs, the validation clause of two of them is plural, reading "presentem cartam sigillo nostro et testibus subscriptis precepimus com-

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**87** *ULKJ*, docs. 473/510 and 474/511.

**88** *ULKJ*, docs. 476–80/512–16.

**89** *ULKJ*, doc. 470/507.

**90** *ULKJ*, docs. 529/536, 530/537, and 533/538, respectively. While document 530/537 is issued by Conrad and Isabella, it also records the consent of various Western rulers who participated in the Fifth Crusade, all of whom add their *signum* at the end of the document after Conrad's own; however, Isabella's does not appear.

**91** *ULKJ*, docs. 541/570 and 549/578, both granting exemptions to the Genoese.

muniri," whereas the third uses the usual "sigillo meo."[92] That Isabella's consent in the third document appears later in the text, rather than immediately after Aimery's *intitulatio* as in the first two, further marks this document as an outlier. Stephen Donnachie has argued that Aimery, more than any of Isabella's spouses, sought to portray himself as a continuator of Isabella's line, locating his kingship within her royal dynasty.[93] Perhaps Aimery's insistence on referring to his royal seal as "sigillo nostro" rather than "meo" was a further manifestation of this portrayal. From Maria's brief reign, just one jointly issued document survives: an "et" document with an *intitulatio* that reads "ego Iohannes per dei gratiam Ierusalem rex decimus et comes Brene et domna Maria uxor mea, illustris regina"; it makes use of first-person plural verbs ("concedimus et confirmamus") and is validated by "sigillo nostro."[94] Some years later, John issued a document with his daughter Isabella's consent in which the *intitulatio* reads "ego Iohannes…laude et concessu Ysabellis filie mee"; like most consent clause documents, the verbs are in the first-person singular ("dono et concedo") and the document is validated only by "sigilli mei."[95] While most of John's surviving documents are issued in his own name, there was evidently an expectation that he include his wife's consent while she was alive and his daughter's once she attained a certain age.

Isabella II's consent was recorded in one of Frederick II's only two surviving documents issued as king of Jerusalem during her lifetime.[96] However, this document is markedly different and clearly shows the influence of the imperial chancery, particularly the use of the royal "we." While Frederick mentions Isabella in the document's *exordium*, he does not state her consent until the *narratio*:

> Una cum assensu nostre predicte consortis gratuito concedimus et perpetuo confirmamus eidem sacre domui, omnia privilegio et scripta quelibet, que tam a predecessoribus quam a parentibus predicte consortis nostre dicte domui pia fuerunt liberalitate concessa nex noninsuper castra casalia homines et possessions.[97]

Similar imperial characteristics can also be found in Isabella' accompanying document, in which she confirmed her consent to Frederick's charter. Most

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**92** *ULKJ*, docs. 556/611, 564/621, and 563/620 respectively.

**93** Donnachie, "Predicaments of Aimery of Lusignan."

**94** *ULKJ*, doc. 626/647.

**95** *ULKJ*, doc. 640/651.

**96** *ULKJ*, doc. 654.

**97** *ULKJ*, doc. 654.

striking is the dating clause, which reads: "Dat[um]…regnante domna nostra Ysabella dei gratia Romanorum imperatrice semper augusta, Ierusalem et Sicilie regina, imperii eius et utriusque regni Ierosolimitani et Sicilie anno primo, feliciter amen."[98] Such dating clauses were not unknown within the Jerusalemite chancery, but they always referenced the king rather than the queen's reign, with just one exception, a charter issued in 1146 "regnante feliciter supra dicto rege Balduino et matre sua regina Milisenda."[99] It is more likely that the dating clause in Isabella's charter reflected imperial chancery practice as opposed to a recall of Melisende's reign—particularly as the charter in question concerned a donation made to the Teutonic Order, which was only founded in 1190.

Isabella and Frederick's charters might be unique to their joint reign, but they are worth highlighting, especially considering that Frederick seemingly sought to isolate Isabella from the government of her kingdom. Isabella's charter is the first surviving "ego" document of a queen since Melisende's reign, and her authority as proprietary queen of Jerusalem is more emphatically stated in the dating clause than even Melisende's, who only appears jointly with her son. Of course, Baldwin III had a hereditary claim to the kingdom that Frederick did not. Yet the dating clauses of Sicilian royal charters issued by Frederick's mother Constance I during the lifetime of her husband Henry VI only reference his reign, even though she was the proprietary queen of Sicily.[100] The Hohenstaufens were evidently no strangers to imposing imperial chancery practices on newly acquired kingdoms. It is therefore noteworthy that Isabella's consent is not only recorded within Frederick's charter but reiterated in a second charter issued in her own name and validated with her own seal. Mayer notes that Isabella's charter merely contained "empty formula," and that the legal weight of the royal confirmation lay solely within Frederick's charter.[101] Yet this reading over-

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**98** *ULKJ*, doc. 652. This dating clause is almost exactly the same as Frederick's in doc. 654; a number of documents issued by his mother Constance of Sicily have similar individual dating clauses, though the majority of surviving charters bear dating clauses referencing the reigns of both Constance and Frederick.

**99** *ULKJ*, doc. 171/214. For examples referencing the king's reign, see docs. 214, 218, 220.

**100** For examples, see Kölzer, *Die Urkunden der deutschen Könige und Kaiser*, Vol. 11, Part 3: *Die Urkunden der Kaiserin Konstanze*, docs. 5–20, 28, 37–39. It is only following Henry's death that Constance appears in the dating clause, initially alone and shortly thereafter together with Frederick: see docs. 42–43 and 44–46.

**101** *ULKJ*, doc. 652, notes.

looks two facts: first, that even the act of confirming another ruler's actions is an exercise of royal power, and second, that there is significance in the mere production and preservation of royal documents—Isabella's charter might contain "empty formula," but it was certainly not empty of value to its contemporaries.

## Conclusion

The proprietary queens of Jerusalem have not always been recognized as governors and administrators of their kingdom. Indeed, some have been reduced to mere transmitters of royal power and authority. But they should not and cannot be reduced in such a manner. Rather, it is our perception and understanding of medieval monarchy and power (or rulership) which needs to be reconsidered: as an institution centred on the family, within which all members played complementary roles and exercised a broad and multidimensional royal power. While these dynamics are true of and can be found in all medieval monarchies, they are especially evident within those kingdoms which allowed female royal succession. Here, patriarchal models of medieval society may have emphasized men as natural leaders and thus empowered the kings consort as chief governors, but these men did not act in isolation of their royal wives. The documentary evidence bears this out. The close examination and comparative analysis of the surviving documentary evidence in this article shows that the proprietary queens of Jerusalem retained and exercised royal power and authority within their kingdom, even when their husbands were its chief governors and administrators. This article also shows that they did so despite their markedly different—and progressively diminished—experiences of power, authority, and political participation. The composite, familial nature of monarchy is most evident in those documents issued throughout Melisende's reign and "retirement," not just in her name but also in Fulk's, and in those of their children: between 1134 and 1161, all four regularly issued charters referencing the consent of one or several of the others. This, together with the comparative longevity of both her reign and life, distinguish Melisende's experience of power and political participation from that of the other four proprietary queens. However, Melisende's longevity alone does not explain the uniqueness of her experience. In more than one way, Sibylla's reign represents a watershed in the proprietary queen of Jerusalem's experience. First, it was the start of a sequence of four successive female rulers. Second, she set the precedent—for better or for worse—of transferring her power and authority to her husband and stepping back from active political participation in the manner of

her grandmother. And third—and most importantly—it is during her reign that the city of Jerusalem was lost, with the kingdom greatly reduced in size and in a near-constant state of existential crisis.

This shift in (geo)political reality led to a shift in the nature of female royal rulership within the kingdom, from one of both active participation and legitimization of the king consorts to one of passive participation chiefly through the legitimization of the king consort. Such a shift is reflected in contemporary documentary practice and production: the almost total disappearance of "ego" documents issued by the queen hand in hand with the (almost) unfailing reference by the king consort to his wife's assent to his actions. While both "et" and "consent" documents were used throughout the reigns of all five proprietary queens, they acquired a distinctively formulaic nature and customary use from Sibylla's reign onward—so customary in fact that they were codified into law during Isabella and Aimery's reign.[102] As blood heirs to the throne and proprietary queens of the kingdom, these five female rulers retained the real power that came from the line of succession and legitimized their husbands as rulers through marriage. There is more to examine and say about how the rulership of the proprietary queen of Jerusalem was articulated within solemn royal documents, which falls beyond the scope of the present exploratory study. Future studies will hopefully look beyond the source material used here, as well as offer a deeper examination of these queens' personal and perceived political identities, through comparative analysis of royal seals (especially of the imagery of seals), of the production and preservation of documents, of the regular inclusion of these queens in surviving forgeries, and of the significance of vocabulary choice in *intitulationes* and *inscriptiones* (e.g. "venerabilis" versus "illustris"). Beyond this, the natural next step is to broaden this study's comparative approach to include the European contemporaries of the queens of Jerusalem as proprietary queens in the eleventh and twelfth centuries, so as to establish more firmly how unexceptional the dynamics between these queens and their consorts (and occasionally their sons) were.[103] Regardless of how actively and directly or passively and indirectly a proprietary queen exercised power, she was nonetheless recognized as the sovereign of her kingdom and occupied an essential position within its government.

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**102** Greilsammer, *Livre au Roi*, "Chapitre 4."

**103** This broader comparison is one of the overall objectives of my Leverhulme-funded research project. See Waag, "Medieval Royal Rulership" and "Proprietary Queen."

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Part III

# BEHIND AND BEYOND THE WRITTEN

Chapter 7

# ORDEAL BY INNOCENTS

## THE LAW AND LITURGY OF
## TRIAL BY WATER IN EARLY MEDIEVAL IBERIA

GRAHAM BARRETT

**ABSTRACT** This article studies trial by hot water in late antique and early medieval Iberia across three genres of source material. I first consider the marginal position of the law on "the ordeal of the cauldron" in the oldest copies of the Visigothic code, and translate its text. I then catalogue and synthesize the rich casebook of charters that document the practice of ordeal from Asturias-León, Navarra, and Catalunya down to 1031. Finally, I introduce a guide to the liturgy of trial by hot and cold water in a manuscript copied at Barcelona in 1011, and translate its text. I argue that the law is not of Visigothic origin, but emerged out of the liturgy and practice of ordeal from the ninth century, and was then read back into the code to acquire the legitimacy of a Visigothic past.

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## Introduction

> Then there is the case of the English pilgrim. When he returned from the realm of Jerusalem without his companion, as his comrade was making a detour to Santiago [de Compostela], the ordeal was inflicted on him by the parents of his comrade, on their accusation that he had murdered him on the journey: for this he too underwent the judgement of water, and he died, while his comrade returned to England shortly after his hanging.
>
> Peter the Chanter (d. 1197)[1]

Trial by ordeal reminds us that "there is a world elsewhere" with rules very different to our own.[2] To entertain the notion that divine will should decide the outcome of a court case is to confront something essentially strange about late antique, medieval, and even early modern justice: its superstition, its unreason, and, as the poor English pilgrim experienced, its caprice.[3] To contemplate the practice is to conjure a nightmare spectre of witches and witchcraft, of the blameless scapegoat bound and submerged beneath the surface of the water, proven innocent only in death.[4] Such testing seems so far fallen from the rational edifice of Roman law. True, in the *legis actio sacramento* we may just glimpse an archaic ordeal by oath, but a judge, not the gods, decided the right of the matter, and the deposit which each party staked was to pay for sacrificial offerings in expiation of perjury.[5] Evidence for trial by ordeal proliferates in the post-imperial world, across the "barbarian" kingdoms and amongst the Anglo-Saxons and the Irish, as if symptomatic of "Dark Ages."[6] According to Tacitus, the ancient Germanic peoples took their gods with them into battle, and held that single combat—a duel—

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**1** *Verbum adbreviatum*, 78 (202), in *Patrologiae cursus completus*, ed. Migne, 230–31; Bartlett, *Trial by Fire and Water*, 160.

**2** Shakespeare, *Coriolanus*, III, 3, l. 165; Wood, "'There is a World Elsewhere.'"

**3** Colman, "Reason and Unreason"; Radding, "Superstition to Science"; Van Caenegem, "Reflexions"; Israel, "Sehnsucht nach Eindeutigkeit?"; Bell, "Lawfinding, Duality, and Irrationality."

**4** Caciola, *Discerning Spirits*, 225–73; Tóth, "River Ordeal"; Levack, *Devil Within*, 191–214.

**5** Cicero, *Pro Caecina*, 97; Varro, *De lingua Latina*, 5.180; Fiori, "Ordalie e diritto romano," 112–28.

**6** Hexter, *Equivocal Oaths*, 4–9; Bartlett, *Trial by Fire and Water*, 4–12; Keefer, "*Ðonne*"; Archan, "Ordeal by Fire"; Hill, "Weight of Love"; Moreno Resano, "Observaciones"; Jurasinski, "Emergence of the Ordeal."

could divine the outcome of a campaign.[7] These beliefs seem to have survived conversion to Christianity, and Gregory of Tours (d. 594) narrates an ordeal from the Merovingian kingdoms of the later sixth century, in which a Catholic deacon and an Arian priest sought to resolve a dispute by seeing who could retrieve a ring from a cauldron of boiling water. The practice is cited but not described in the "pact" of Salic law dating back to the reign of Clovis (r. 481–511): our deacon applied salve and ointment to save his arm, but the ruse was discovered, and another deacon from Ravenna then appeared and fished out the ring himself, miraculously sustaining no injury.[8]

Yet this early medieval account of an ordeal is only "Germanic" in setting, and the Old Testament is far richer than Salic law in models for trial by water.[9] Most fully developed is a ritual for testing a wife suspected by her husband of adultery: in the presence of a priest, she would take oath on a barley offering and drink a cup of water and dust from the tabernacle; if guilty, she would suffer, if innocent, be ready to conceive.[10] Similarly, when the Israelites had rejected foreign gods, Samuel poured out water for the Lord, and after fasting and confession they were judged for their idolatry.[11] The heavenly fire summoned by Elisha both condemned his Samarian opponents and proved him to be a man of God.[12] In the New Testament, water became the key to salvation itself through John the Baptist and the baptism of Jesus.[13] Christ walking on the water was a miracle, but also an ordeal of belief for the Apostle Peter, whose doubt was exposed by his sinking.[14] In a sense, all Christian miracles followed that model, as a trial of faith for the petitioner, and maybe the intercessor too.[15] Whether the Church reached for these precedents to accommodate pagan Germanic practices or they simply converged lies well beyond our scope; the divinatory duel depicted by

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**7** Tacitus, *Germania*, 7, 10; Woolf, "Ethnography"; Rojas Donat, "Duel in Medieval Western Mentality."

**8** Gregory of Tours, *Gloria martyrum*, 80, in *Gregorii episcopi Turonensis miracula et opera minora*, ed. Krusch, 92–93; *Pactus legis Salicae*, 53, ed. Eckhardt, 200–203; cf. Kerneis, "Legal Pluralism."

**9** Eidelberg, "Trial by Ordeal."

**10** Numbers 5:11–31; McKane, "Poison, Trial by Ordeal, and the Cup of Wrath"; see also Monferrer-Sala, "Una ordalía atribuida al rey Salomón."

**11** I Samuel 7:3–6.

**12** II Kings 1:9–14.

**13** Matthew 3; Mark 1:1–11; Luke 3:1–22; John 1:19–34.

**14** Matthew 14:22–33; Mark 6:45–52; John 6:16–21.

**15** Brown, "Society and the Supernatural," 307–9.

Tacitus might find a ready parallel in the contest of David and Goliath to end the war between the Israelites and Philistines, just as Beowulf vowed to Hrothgar that by taking on the monster Grendel in single combat he would save one and all through the judgement of God.[16] In truth, the ordeal is as old as history, and can be found around the world, in Asia, Africa, Mesoamerica, and beyond.[17]

In early medieval Europe, the written record of trial by ordeal becomes dense enough for study with the advent of the Carolingians in the later eighth century, and the "heyday" of its practice lasted until the early thirteenth.[18] The Fourth Lateran Council of 1215 banned the clergy from involvement in judicial decisions resulting in bloodshed: for ordeals, priests were prohibited from blessing the elements—not an outright ban, as was the case for judicial duels, but a brake nonetheless.[19] The varieties of ordeal are many and often grotesque, but to trial by combat a core of three others can be added: by hot water, from which one tried to retrieve an object such as a stone by hand, and innocence was witnessed by intact or healed skin; by cold water, in which one was plunged, usually bound, and guilt was proven by floating ("rejected" by the water); and hot iron, a variant of hot water whereby one grasped or stood on metal or a rod.[20] They were not exclusive, and Louis the Younger (r. 876–882) had three groups of ten of his troops undergo the ordeals of hot water, cold water, and hot iron upon his accession in 876 to see if God judged that he should inherit his share of the realm.[21] Yet ordeal was not without its detractors, as Charlemagne (r. 768–814) implicitly acknowledged in a capitulary from 809 mandating

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**16** I Samuel 17; Bloomfield, "Beowulf," 545–47.

**17** *La Preuve*; Lea and Howland, *Ordeal*, 3–31; Bartlett, *Trial by Fire and Water*, 2–3; Archan et al., eds., *Ordalies*.

**18** Bartlett, *Trial by Fire and Water*, is the standard study in English (cf. Palmer, "Trial by Ordeal"), with Hexter, *Equivocal Oaths*, for literary uses of the ordeal; see also Morris, "*Judicium Dei*"; Hyams, "Trial by Ordeal"; Kerr, Forsyth, and Plyley, "Cold Water and Hot Iron"; Head, "Saints, Heretics, and Fire"; Powers and Attreed, "Justice, Conflict, and Dispute Resolution"; and Jacob, *Grâce des juges*.

**19** Baldwin, "Intellectual Preparation for the Canon of 1215"; Fraher, "IV Lateran's Revolution in Criminal Procedure"; McAuley, "Canon Law and the End of the Ordeal."

**20** Barthélemy, "Diversité"; Makó Lupescu, "Between the Sacred and the Profane."

**21** *Annales Bertiniani*, ed. Waitz, 132; cf. Continuation of Aimoin of Fleury, *Gesta Francorum*, 5.34, in *Aimoini monachi inclyti coenobii D. Germani a Pratis*, ed. Du Breul, 329–30.

"that everyone should believe the judgement of God with no uncertainty."[22] After all, the lesson of Satan testing Christ—tempting him in his wilderness fast and bringing him to the apex of the temple and the mountaintop—was that the Lord should not be put on trial.[23] Already in the early sixth century Cassiodorus (d. 585), writing on behalf of Theodoric (r. 493–526), was calling for an end to judicial duels amongst the "barbarians" of Pannonia, and early in the ninth century Agobard of Lyon (d. 840) wrote a treatise against those who believed that divine judgement is truly revealed by fire, water, or arms.[24] Such ambivalence is the starting point for this study of ordeals in early medieval Iberia, where trial by water, though employed as a tool for settling disputes, emerges far more clearly from liturgy than law.

The first ordeal in Iberian history took place not in Iberia, but at the palace of Louis the Pious (r. 814–840) in Aachen, emerging from the maelstrom of Carolingian frontier politics in Catalunya. Bera (d. 844), who ruled the counties of Razès, Conflent, Barcelona, Girona, and Besalú, stood trial in January 820, accused by Sunila of undermining imperial interests: by pursuing a policy of truce with the emirate of Córdoba, he was hampering efforts to bring to heel the Basques and Aragonese beyond the frontier. The poet Ermoldus Nigellus (*fl.* 824–826) dramatizes the episode to illustrate the "ancient custom" (*mos…antiquus*) of the Franks to settle questions of treason by judicial combat. He identifies both parties as Visigoths, and when Bera challenges Sunila to a duel he has him call it "the spears of Mars" (*Martia tela*) as well as "our way" (*more…nostro*). Then, by "the laws of the Franks" (*Francorum iura*), they ride into battle "using a new technique" (*arte nova*) of spear and sword "hitherto unfamiliar to the Franks" (*Francis antea nota minus*). Bera was defeated, stripped of his counties, and after commutation of his death penalty exiled to Rouen.[25] Does this witness an ancient Visigothic custom of ordeal? The poet is quite unclear about whose

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**22** *Capitularia regum Francorum*, 62.20, ed. Boretius, 150; Bartlett, *Trial by Fire and Water*, 70–102.

**23** Matthew 4:1–11; Mark 1:12–13; Luke 4:1–13; see Deuteronomy 6:16.

**24** Cassiodorus, *Variae*, 3.23–24, in *Magni Aurelii Cassiodori Variarum libri XII*, ed. Fridh and Halporn, 113–15; Agobard of Lyon, *Contra iudicium Dei*, in *Agobardi Lugdunensis opera omnia*, ed. Van Acker, 31–49; Gaudemet, "À propos de la preuve"; and see now Bronner, "Judgement of God."

**25** Ermoldus Nigellus, *In honorem Hludowici*, 3, ll. 543–622, in *Poetae Latini aevi Carolini II*, ed. Dümmler, 56–58; d'Abadal i de Vinyals, *Els primers comtes catalans*, 222–30; Lewis, *Development of Southern French and Catalan Society*, 44–45; Iglesia Ferreirós, "El proceso del Conde Bera," esp. 189–98; Chandler, *Carolingian Catalonia*, 60–62, 72–74.

(Frankish, Visigothic, even Roman) is what (the judicial combat or the duelling technique), while the account by the Astronomer (*fl.* 840–841) focuses less on the contest held "according to their own law" (*secundum legem propriam*) than on the moderation of the punishment from death to exile, in terms suggesting that he had Visigothic treason law in mind.[26] The only other contemporary Iberian mention is in a Catalan court case of 1018, when Hug I (d. 1040), count of Empúries, proposed the duel, but the formidable Ermessenda of Carcassonne (d. 1058), countess of Barcelona, Girona, and Osona, declined it on the grounds that "Gothic law does not decree that disputes be settled by combat" (*lex Gotica non iubet ut per pugnam discutiantur negocia*).[27] If this is true, then what ordeal, if any, does Visigothic law decree, and how was it realized in practice?

## The Law

Visigothic law as we have it is the code known as the *Liber Iudiciorum* or "Book of Judgements," first promulgated in 654 by the Visigothic king Reccesuinth (r. 649/53–672), then revised and reissued in 681 by Erwig (r. 680–687). One of the most ambitious and accomplished codifications from post-imperial Western Europe, its twelve books address legal philosophy and procedure, family and relationships, business affairs and crime, robbery and damage to person and property, ties of obligation and dependence, divisions of space and time, doctors, traders, and, in conclusion, an extraordinary series of anti-Semitic legislation designed to limit, and ultimately erase, Jews as a distinct community in the kingdom.[28] The code presents as a uniform bloc, but this disguises an ideology of good kingship and orthodox rule, reflected in the assigning of credit for the authorship of laws to certain kings alone; in part, it was the product of iterative case law, as Visigothic rulers issued responses to petitions brought before them.[29] Yet the most remarkable, and least investigated, feature of the code is that Visigothic law

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**26** Astronomus, *Vita Hludowici imperatoris*, 33, in *Theganus*, ed. Tremp, 398–401; cf. *Annales regni Francorum*, s.a. 820, ed. Pertz and Kurz, 152; Barrett, "The Text of Visigothic Law in Practice."

**27** *Salrach* 178; see https://epistolae.ctl.columbia.edu/letter/25967.html, accessed December 7, 2023; Bowman, "Countesses in Court," 56–59; with Salrach, "Les modalités du règlement des conflits en Catalogne," 118–19; Oliva Manso, "La excepcionalidad del duelo judicial"; Rodenbusch, "*Libellus de batalla facienda.*"

**28** *LI*; *Estudios*, 207–590.

**29** Barrett, *Text and Textuality*, 259–60.

*as we have it* is entirely a product of the post-Visigothic world. Study of the text is post-Visigothic: the oldest surviving copy dates from the early eighth century.[30] And study of its practice is post-Visigothic too: though the code presumes the conduct of business in writing, documentary sources before the Muslim conquest of 711 are few and fragmentary, a handful of charters and the *pizarras* (slates), preserving some echoes of laws but no sign of what the code comprised.[31] Lacking an anchor in the period of its creation matters, because Visigothic law then became deeply embedded in the politics and the documentary and judicial processes of the post-Visigothic centuries, which furnish all our evidence for its text.

By the ninth century, if not from their very origins, the early medieval kingdoms of Asturias-León and Navarra cultivated an identity of continuity, which their kings reinforced by issuing no secular or canon law. Instead, they observed the normative monuments of their putative predecessors, the Visigothic code and the *Hispana* collection of Church councils, in addition to the ongoing use of Visigothic monastic rules and liturgical books. More than any other text, the *Liber Iudiciorum* defined the cultural inheritance of these realms, whereby the legitimacy of kingship itself was expressed in continuity of law. In parallel, while charters from early medieval Iberia routinely and effectively cited a wide range of normative sources, the key component of the written network in which they situated themselves was Visigothic law.[32] The possible consequences of this transmission on what constitutes that law, however, are not reflected in its standard edition. When Karl Zeumer (1849–1914) edited the code in 1902, he printed it in two neat columns based on historical instead of textual considerations, in other words representing the "official" Reccesuinth and Erwig recensions, the latter either "pure" or including novels of Egica (r. 687–702): he based each on only four witnesses, while labelling another twenty codices as "inferior forms," signed V for being "compiled in varied manner."[33] The shortcomings of his edition are well known; scholars have since identified a further fifteen manuscripts, and delineated how "inferior" form and "varied" compilation are reflections of three main strands in post-Visigothic use of the Visigothic

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**30** Vatican City, Biblioteca Apostolica Vaticana, MS Reg. lat. 1024; Barrett, "Adultery Law."

**31** Barrett, "God's Librarian," 44–53; cf. Wormald, "*Lex scripta*," esp. 18–37; Wormald, "*Leges Barbarorum*," 26–28, 35–38.

**32** Barrett, "Hispania at Home and Abroad," 90–92; Barrett, *Text and Textuality*, 259–313.

**33** *LI*, xix–xxv.

code, mapping onto Catalunya, Navarra (here La Rioja), and Asturias-León (including Castilla).[34]

The relationship between text and practice comes into focus in the case of the ordeal, which highlights the urgency of examining the potentially dynamic transmission of the code. Visigothic law as we have it does regulate trial specifically by hot water, albeit without any detail on the processes involved, but the relevant law is absent from the oldest manuscript of the code, dating to just after the fall of the Visigothic kingdom in 711: that copy was made in the eastern Pyrenees (at Urgell or Cerdanya), and uniquely preserves the "pure" Reccesuinth version without any elements of the Erwig revision or additions by Egica.[35] In fact, this law does not appear in the tradition until the early ninth century, and then only as a title rubric. I summarize its evolution here using the manuscript sigla of Yolanda García López (Table 7.1).[36]

MS F can be localized quite precisely to Girona (Catalunya), in 827 or soon after, thanks to a note recording the arrival of the Umayyad general Abū Marwān on October 10 of that year, and it contains a partial Erwig version with novels of Egica, reflecting local knowledge and use of the code.[37] Curiously, the ordeal law is listed in the title index, but the rubric and text were either suppressed from or never included in the main body. MS A is dated May 1, 976, and was copied at San Martín de Albelda (La Rioja) by the scribe Vigila, a joy of calligraphy and illumination. It transmits both the *Hispana* and the code together with a group portrait of Reccesuinth, his father Chindasuinth (r. 642–653), and Egica, but not Erwig, as past lawgivers. While descended from MS F, it reflects the use of other exemplars too, offering an individual treatment of the Reccesuinth and Erwig versions with additions from canon law.[38] This is the earliest testimony to a text, rather than a rubric, of the ordeal law. MS E is dated to 992, and was copied at San Millán de la Cogolla (La Rioja) by the scribe Belasco: though modelled on MS A, it is not a plain copy, and has been revised from other exemplars of the code.[39]

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**34** Díaz y Díaz, "Lex"; García López, "La tradición del Liber Iudiciorum"; *Estudios*, 7–37; Collins, *Visigothic Spain*, 223–46.

**35** *Estudios*, 41–42.

**36** *Estudios*, 35–36.

**37** *Estudios*, 55–60; Alturo, "*Liber Iudicum*"; the note can be found in the lower right-hand corner of fol. 7r (see https://gallica.bnf.fr/ark:/12148/btv1b84559359/f23.item, accessed December 7, 2023); Mundó, "Manuscrits del 'Liber Iudiciorum,'" 79–80.

**38** Díaz y Díaz, *Libros y librerías*, 63–71; *Estudios*, 121–24.

**39** Díaz y Díaz, *Libros y librerías*, 155–62; *Estudios*, 124–25.

Table 7.1. Ordeal Law in Iberian Manuscripts (711–1031)

| Date | West (Asturias-León) | La Rioja (Navarra) | East (Catalunya) | Law |
|---|---|---|---|---|
| 9th c. (early) | | | MS F: Paris, Bibliothèque nationale de France, MS lat. 4667 (dated ca. 827), fol. 14r.[40] | 2.1.32 |
| 10th c. (late) | | MS A: San Lorenzo de El Escorial, Real Biblioteca del Monasterio, MS d-I-2 (dated 976), fol. 366r–v.[41] | | 2.1.32 |
| | | MS E: San Lorenzo de El Escorial, Real Biblioteca del Monasterio, MS d-I-1 (dated 992), fol. 402$^{\text{bis}}$r.[42] | | |
| | MS T: Madrid, Biblioteca Nacional de España, MS 10064 (dated 10th c. *ex.*), fols. 72v–73r.[43] | | | 6.1.3 |
| 11th c. (early) | | | MS B: San Lorenzo de El Escorial, Real Biblioteca del Monasterio, MS Z-II-2 (dated 1011), fol. 142v.[44] | 6.1.3 |

MS T was produced in the late tenth century, somewhere in Castilla or Asturias-León, potentially in Galicia or Portugal. Elements recall MSS V and F, but its novels of Egica constitute a distinct branch of transmission; by the twelfth century it resided in Toledo, where Arabic annotations, transla-

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[40] See https://gallica.bnf.fr/ark:/12148/btv1b84559359/f37.item, accessed December 7, 2023.

[41] See https://rbme.patrimonionacional.es/s/rbme/item/13434 (images 254–55), accessed December 7, 2023.

[42] See https://rbme.patrimonionacional.es/s/rbme/item/13267 (image 188), accessed December 7, 2023.

[43] See https://bdh-rd.bne.es/viewer.vm?id=0000059709 (image 76), accessed December 7, 2023.

[44] See https://rbme.patrimonionacional.es/s/rbme/item/14308 (image 287), accessed December 7, 2023.

tions of some laws, were added.[45] Uniquely, the ordeal law lacks a rubric, repurposing the opening words in place of one. MS B is dated July 11, 1011, and was copied in Barcelona by the scribe and judge Bonsom, entitled *Liber Iudicum Popularis* so as to distinguish it from canon law. While this copy has been influenced by MSS F, A, and E, it is a revised edition for fellow jurists, with the addition of contextual materials, lexical aids, and glosses. Initially MS B did not include the ordeal law, but immediately after Bonsom had copied it the text started being modified and annotated; early in the process a folio was inserted incorporating the law, but the scribe neglected to update the title index, which makes no mention of it.[46] This is the first, and only early medieval, copy to assign the law to the reign of Egica.

Based on the manuscript evidence, the ordeal law developed and migrated as part of the Visigothic code across the early Middle Ages. First appearing as a rubric, little more than a legal concept, in the early ninth century (MS F), it was tacked onto the end of Book 2, Title 1, on judges and judicial procedure, after an unrelated law of Reccesuinth on disobedience to royal commands.[47] Remaining in place, it had acquired substantive legal text by the late tenth century (MSS A and E), before being moved to the more relevant Book 6, Title 1, on bringing accusations, between a pair of laws on the use of torture, which it explicitly moderates (MSS T and B, representing "Western" and "Eastern" branches).[48] Of the four codices transmitting a law with content, the earliest three (MSS A, E, and T) date to just before or during the reign of Vermudo II (r. 982/84–999), when the royal notary and chronicler Sampiro hints at renewed or intensified engagement with the Visigothic code.[49] The fourth manuscript (MS B) witnesses the final phase in the evolution of the law, taking on royal authorship in Egica, conceivably the product of informed guesswork by the legal students of Barcelona. In the background to this process of development and migration, trial by water is documented (as we shall see) in regular practice from the early tenth century, becoming progressively more common into the early eleventh, which raises the question of potential feedback into its consolidation as a law in

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**45** *Estudios*, 155–61; Aillet, "Recherches," 107–8.

**46** *Estudios*, 84–92; *LIP*, 125–36 (cf. 483, where the rubric is mistakenly transcribed in the title index).

**47** *LI* 2.1.33.

**48** *LI* 6.1.2, 6.1.4.

**49** *Historia Silensis*, 25.10, in *Chronica*, ed. Estévez Sola, 194; Barrett, *Text and Textuality*, 287.

the code. Could the ordeal law even be early medieval rather than Visigothic, contrived in recognition of reality and read back into the legitimating past? Dynamic transmission seems confined to the header: the body is fairly uniform, though MS T has a degree of variation in wording. There is also some differentiation in the terms for "ordeal," as MSS A, E, and B use both *examen* and *examinatio*, while MS T employs the latter term alone, and alternates uniquely between *c-* and *k-* for "cauldron." Otherwise, once the law had entered the code and gained a body, its authorship and location in book and title were what changed in time.

But when did the ordeal law enter the Visigothic code? The question of whether it is authentically or anachronistically present in the *Liber Iudiciorum* has long been open: if it is what it seems, a Visigothic law, it has left only slight proof of itself in the period.[50] There are definite stylistic similarities between its text and a novel on absconding freedmen ascribed to Egica and Wittiza (r. 694–710), though this only demonstrates that one influenced the other, not when.[51] The sole potential cross-reference to it in the code represents the very last Visigothic legislation, another novel of Egica issued at Córdoba late in 702, which calls for interrogation of fugitive slaves through interview (*vivida indagatione*), torture (*questionum tormenta*), or a "penal ordeal" (*penali examinatione*), and, in cases of sale, for their purchasers to take an oath before the slaves are subjected to an "ordeal of penalty" (*examinatione pene*).[52] Both clauses seem to refer to some judicial process of *poena*, a term normally meaning "punishment" rather than denoting procedure, but it cannot be the *examinatio* of the ordeal law, since that applies specifically to freemen. Nonetheless, both laws have at times been read together as evidence of the incipient demise of the Visigothic kingdom, its Roman gloss yielding to grim ferocity or resurgent barbarism.[53] Outside of the code, a canon from the Second Council of Zaragoza (592) requires that potentially Arian relics should be "tested by fire" (*igne probentur*) to prove their authen-

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**50** *Colección de fueros municipales y cartas pueblas*, ed. Muñoz y Romero, 22–23n34; García-Gallo, "El carácter germánico," 600–601; García-Gallo, "Consideración," 407–9, 418; Iglesia Ferreirós, "El proceso del Conde Bera," esp. 69–104; Salrach, "Prácticas judiciales," 1020–21; see García López, "La tradición del Liber Iudiciorum"; *Estudios*, 513–17.

**51** *LI* 5.7.20; *Estudios*, 525–28.

**52** *LI* 9.1.21.

**53** Poveda Arias, "Relectura"; e.g. Thompson, *Goths in Spain*, 259; King, *Law and Society*, 22, 121.

ticity, but the language and context are remote from the ordeal law.[54] There is one passage in the *Common Rule*, composed in the milieu of Fructuosus of Braga (d. 665), which exempts the lay representative of a monastery in litigation from "oath and penalty" (*iuramento et poena*), yet this is scarcely indicative either given that *poena* is not used for "ordeal" in the law.[55] As such, its absence from the earliest known manuscript of the code, dating to the early eighth century, could be taken as the *terminus post quem* for the development of this specific law out of a general Visigothic legal category of ordeal, and its presence as a bare title in MS F of the early ninth century a tentative first step towards giving it substance.[56]

## Translation: The Law[57]

| [MSS FAE] 32. | [MS T] 3. | [MS B] 3. |
|---|---|---|
| [MSS FAE] – | [MS T] – | [MS B] King Flavius Egica. |
| [MSS FAE] How the judge should investigate cases through the ordeal of the cauldron.[58] | [MS T] – | [MS B] How the judge should investigate cases through the ordeal of the cauldron. |

[MSS AETB] We have learned that many men have complained that many evils have been suffered by freeborn men, as they believe that investigation[59] is to be pursued in [cases] worth 300 *solidi*.[60] But we now decree through [this] beneficial ordinance that, even when [the case] be of an offence committed of small value, we order them, once detained by the judge, to go through the ordeal of the cauldron,[61] and when the daring of

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**54** II Zaragoza 2, in *Concilios visigóticos e hispano-romanos*, ed. Vives, with Marín Martínez and Martínez Díez, 154.

**55** *Regula communis*, 3, in *Santos Padres Españoles, II*, ed. Campos Ruiz and Roca Meliá, 177–78.

**56** See García López, "La tradición del Liber Iudiciorum," 388–91, for a semi-contrary argument.

**57** This translation is based on *Estudios*, 528–42 (532–34); cf. *LI* 6.1.3.

**58** *per examine caldarie*.

**59** In this context, by torture: *LI*, s.v. questio, 552; King, *Law and Society*, 111–15, 172–76.

**60** This is the wergild of a freeborn man: *LI* 6.1.5, 7.3.3, 8.4.16, 9.2.3.

**61** *per examinationem caldarie*.

the deed has been revealed,[62] let the judge not hesitate over investigating[63] them.

[MSS AEB] And when he has given his confession, he will come under the heading of the above law.[64] But if he has been found blameless through the ordeal of the cauldron,[65] the plaintiff should not fear any charge.[66]

[MS T] And when they have given their confessions, they will come under the heading of the above law. But if total innocence has been revealed through the ordeal of the cauldron,[67] the plaintiff should not suffer any charge.

[MSS AETB] And this also applies regarding persons of doubtful consideration[68] who have come to give testimony: this order will be preserved.

## The Casebook

The early medieval afterlife of the *Liber Iudiciorum* was both rich and varied. In the Catalan counties, especially, there was a broad degree of engagement: vague allusions to and precise citations of laws, with more or less intentional rewritings of their text, or rather of a subset of laws within the code, a culture where "Visigothic law," not the Visigothic code as such, was alive and known.[69] Consulted intensively, it became the object of study, glossing, and revision from the tenth century: MS B, the *Liber Iudicum Popularis* of Bonhom, was the culmination of this movement, as much a handbook for

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**62** In other words, when they have confessed in consequence of the ordeal.

**63** Again, by torture, to confirm the truth of the confession: Martínez Díez, "Tortura judicial," 247–48.

**64** *LI* 6.1.2: this is a law of Chindasuinth, revised by Erwig, on judicial torture of freeborn men.

**65** *per examine caldarie*.

**66** That is, a counter-charge for false accusation: *LI* 7.1.1; Osaba, "Observaciones," 203–4.

**67** *per examinatione kaldarie*.

**68** Potentially bearing false witness: *LI* 2.4.1–3, 2.4.6–9; Iglesias Rábade, "El falso testimonio judicial," 71–76, 77–79.

**69** Zimmermann, "L'usage du droit wisigothique," 233–81; Iglesia Ferreirós, "La creación del derecho en Cataluña," esp. 125–252, 284–88, 406–17; Salrach, "Prácticas judiciales," esp. 1011–24; Zimmermann, *Écrire et lire en Catalogne*, 2, 922–48; *Salrach*, 1057–67.

lay judges as an edition of the code.[70] For the kingdom of Asturias-León, in contrast, there has been a consensus that the eighth and ninth centuries saw a caesura in the Visigothic legal tradition, before renewal by "Mozarabic" immigration or royal initiative in the tenth century led to recognition and implementation of the code, and the particular citation of a discrete number of laws. I have elsewhere, however, identified references to Visigothic law in 464 (11 percent) of the 4,095 charters from Asturias-León and Navarra down to 1031. In spite of limited material from the Asturian period, the earliest plausibly genuine mentions of the code appear from the second half of the eighth to the first half of the ninth century, pointing to continuity from the Visigothic era rather than hiatus and revival.[71] The incidence of legal citation becomes more frequent over time, and rises fourfold from the early tenth century until the *Fuero de León* ("Code of León") in 1017, when the king, Alfonso V (r. 999–1028), broke with his forebears by issuing the first royal legislation since the Visigoths. Trial by ordeal took place in this dense and dynamic legal context, and I have set out here all known records of the practice in early medieval Iberia (Table 7.2).[72]

Table 7.2. Cases of Trial by Ordeal in Iberian Charters (711–1031)

|  | Date | Charter | Context | Identifier |
|---|---|---|---|---|
| 1 | May 857 | *Oviedo* 7 | Royal donation[73] | *aquam calidam* |
| 2 | June 2, 912 | *Santiago* 24 | Royal donation | *per fideles et innocentem exivit utilitas eorum limpida* |
| 3 | Jan. 30, 915 | *León* 34 | Dispute settlement | *pena* |
| 4 | May 4, 915 | *Pino* 2 | Dispute settlement | *pena caldaria* |
| 5 | 927 | *Castañeda* 1 | Dispute settlement | *penna caldaria* |
| 6 | 940 | *San Millán* 391 | Dispute settlement | *calda* |
| 7 | May 7, 946 | *León* 192 | Dispute settlement | *pena* |
| 8 | Nov. 20, 953 | *Oviedo* 26 | Dispute settlement | *pena kaldaria* |
| 9 | Nov. 20, 959 | *Lugo* 21 | Dispute settlement | *pena / examen* |

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**70** *Estudios*, 41–118; *LIP*, esp. 67–117, 167–219; Bowman, *Shifting*, 33–55, 84–99; Esders, "Law-Books," 545–55; Kosto, "Versatile Participants," 313–17.

**71** Barrett, *Text and Textuality*, 259–63.

**72** This list updates and expands on *Estudios*, 542–54, but only as far as the year 1031.

**73** This diploma is a later forgery: Fernández Conde, *El Libro de los Testamentos*, 144–51.

| | Date | Charter | Context | Identifier |
|---|---|---|---|---|
| 10 | 973 | *Lugo* 24 | Dispute settlement | *pena caldaria* |
| 11 | Jan. 31, 975 | *Coruña* 87 | Inventory and delimitation | *pena calida*[74] |
| 12 | 978 | *Albelda* 27 | Donation and testimony | *calda* |
| 13 | 986–999 | *Sobrado* 1.109 | Dispute settlement | *pena caldaria / calida aqua* |
| 14 | Mar. 19, 988 | *Salrach* 106 | Dispute settlement | *examine caldaria*[75] |
| 15 | July 15, 991 | *Otero* 31 | Dispute settlement | *kalida* |
| 16 | Feb. 9, 996 | *Cañizares* 65 | Dispute settlement | *pena caldaria* |
| 17 | Apr. 24, 1000 | *León* 597 | Dispute settlement | *pena / caldaria* |
| 18 | May 5, 1001 | *Samos* 7 | Dispute settlement | *pena* |
| 19 | Dec. 23, 1001 | *Celanova* 260 | Dispute settlement | *pena caldaria* |
| 20 | Nov. 29, 1012 | *San Millán* 535 | Fuero of Berbeia and Barrio | *calda* |
| 21 | Feb. 28, 1016 | *Salrach* 167 | Dispute settlement | *iudicialis examine / ferventi aqua / caldaria* |
| 22 | Apr. 6, 1017 | *Alfonso V* vii | Dispute settlement | *pena* |
| 23 | July 30, 1017 | *Oviedo* 42.20 | Fuero of León | *aqua calida* |
| 24 | Mar. 19, 1019 | *Otero* 120 | Dispute settlement | *ereribimus te Sescudo de ipsam nocente*[76] |
| 25 | Apr. 19, 1019 | *Otero* 123 | Dispute settlement | *kalda* |
| 26 | Dec. 25, 1022 | *Otero* 158 | Dispute settlement | *calda* |
| 27 | Mar. 27, 1024 | *León* 806 | Dispute settlement | *caldarie ignem* |
| 28 | Aug. 30, 1025 | *Braga* 22 | Dispute settlement | *pena* |
| 29 | June 5, 1031 | *Braga* 36 | Dispute settlement | *pena* |

The geographic weighting of the cases of trial by ordeal is both obvious and opposite to the distribution of the manuscript evidence. The "Western" zone accounts for 24 of 29 cases (83 percent): a dozen each from the far-west (Galicia and Portugal) and centre-west (Asturias and León) regions.[77] In contrast, there are only three cases from La Rioja, and from Catalunya just two,

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**74** This identifier may instead refer to a topographic feature.

**75** Note that the scribe of this charter was Bonsom.

**76** The editors interpret this to mean rescue from the ordeal.

**77** Andrade, "Documentary Production," 56–57, 61–62.

yet these zones account for all but one of the manuscripts. The terminology is also worth noting, as near to standardized as can be expected from early medieval scribal practice: *pena*, for *poena*, and *calda* or *caldaria* are present in all but four cases (14 percent), denoting "the ordeal of the cauldron" in language partly matching the law (*caldaria*), partly not (*pena*).[78] The legal equivalent of the latter term, *examen*, is attested in only three cases, while there is no instance of *examinatio* in use. Both *calda* and *calida* can equally designate "hot water," acting as noun or adjective, and they are documented here episodically, in general with *aqua*.[79] Two unique variants are *ferventi aqua* ("boiling water") and *caldarie ignem* ("the fire of the cauldron"). In only two cases is none of this terminology employed, but the ordeal can still be recognized by the elements of procedure described. The chronology is a final factor to note: setting aside the first case from 857 (an obviously forged charter), up to ten cases pre-date the first substantive statement of the ordeal law in MS A of 976. Given this order, and the lack of any description in the law as to how the ordeal should work, we need to draw on the records in our casebook of charters to reconceptualize the relationship between law and its practice.

All the documents listed above either emanate from or anticipate recourse to trial by ordeal in dispute settlement. In early medieval Iberia, written evidence played a fundamental role in advancing and defending claims to property, and possession of a supporting title deed could lead simply, straightforwardly to a victorious outcome at court. In most cases, however, success was achieved through complementary oral modes of proof, a combination of inquest, testimony, oaths, and ordeals in which charters were introduced, evaluated, and affirmed (or destroyed).[80] In records of dispute settlement, oaths and ordeals invariably occur in tandem. The *condiciones sacramentorum*, of Roman and Visigothic legal and documentary pedigree, records the "terms of oaths" to be sworn, normally an oath taken by parties or witnesses in a court case, though in Catalunya also for testamentary publication: invoking saints and other spiritual authorities, setting out testimony, and stating penalties for perjury, it was placed on an altar, according to its own narrative, and oath-takers recited its contents while touching it

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**78** Menéndez Pidal, Lapesa, and García, *Léxico hispánico primitivo*, s.v. calda, caldera, 106; Pérez, *Lexicon Latinitatis Medii Aevi*, s.v. calda, caldarius, caldera, 113–14.

**79** Menéndez Pidal, Lapesa, and García, *Léxico hispánico primitivo*, s.v. calda, 106; Pérez, *Lexicon Latinitatis Medii Aevi*, s.v. calda, calidus, 113, 115.

**80** Barrett, *Text and Textuality*, 234–55.

with their hands.[81] When the Galician monastery of Celanova made a complaint to Alfonso V in 1001, accusing a certain Alfonso of usurping its property, the judges asked both parties to produce witnesses, and selected ten to swear the *seriem conditionum* (set of terms) on behalf of Celanova, as well as a neutral third party to undergo the ordeal of hot water.[82]

This case illustrates how the ordeal was a complementary rite of confirmation, linked in context to oath-taking but involving separate personnel. When one party cited a charter in a claim and offered supporting witness testimony, another individual was on occasion invited to undertake the ordeal of the cauldron to provide further substantiation, putting the text to the test of divine judgement through some intermediary; ordinarily it was necessitated by either intransigence on the part of the disputants or else a failure of the habitual modes of proof, by writing and speech, to result in a settlement.[83] Not everyone accepted it, and in 1012 villagers from Berbeia and Barrio swore before Sancho García, count of Castilla (r. 995–1017), that their *fuero* or local set of legal arrangements did not include the *calda*, but this is predicated on the assumption that it was otherwise universal.[84] The process could be initiated by text, and one common function of *placita* (agreements) was to bind parties to the next stage of settlement, whether to consult the law, offer testimony, produce evidence, swear an oath, or undergo the ordeal.[85] In 991, for example, Hermegildo made a *plazum* (*placitum*) to send a representative on a fixed date to undertake the ordeal on his behalf.[86] Once begun, the proceedings played out predictably. In one indicative Asturian case, Pedro *frater* argued in 953 that Victino had granted him by *placitum* vacant land worth 100 *solidi* in order for him to build a monas-

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**81** *FV* 39–40; *LI* 2.1.23, 2.1.25, 2.2.5, 12.3.15; Calleja-Puerta, "Ecos de las *fórmulas visigóticas*"; Benito i Monclús, Kosto, and Taylor, "Three Typological Approaches," 48–59; cf. Vladár, "Juramento."

**82** *Celanova* 260.

**83** Collins, "'*Sicut lex Gothorum continet*,'" 503–4; Collins, "Visigothic Law and Regional Custom," 87; Alvarado Planas, "Ordalías," 507–617; *Estudios*, 513–54; Alvarado Planas, *El problema del germanismo*, 179–90; Andrade, "Documentary Production and Dispute Records," 53–57; cf. Iglesia Ferreirós, "El proceso del Conde Bera," esp. 65–198; Bowman, *Shifting Landmarks*, 119–40; Salrach i Marès, "Justícia d'estat."

**84** *San Millán* 535; Santos Salazar, "Los privilegios de Berbeia y Barrio," 64–66.

**85** Collins, "'*Sicut lex Gothorum continet*'"; Collins, "Visigothic Law and Regional Custom," 87–90; Davies, *Windows on Justice*, esp. 35–55, 279–83.

**86** *Otero* 31; López Ortiz, "El proceso en los reinos cristianos," 207–8; Davies, *Windows on Justice*, 211–12.

tery there, but had taken back the property by force, with much else besides, after he had built it. Thirty witnesses testified under oath to his allegations, before an *innocens*, a term used for a neutral third party here named Fernando, swore to the same terms and then underwent *pena kaldaria*: recalling the question asked by David of his commander Abishai, "For who can put forth (*extendet*) his hand against the Lord's anointed and be guiltless (*innocens*)?," he plunged his hand, held by a *fidelis* or partisan for each litigant, into a cauldron of hot water, and came back three days later to show that it was *limpidus* (literally "clear": healed).[87]

Much of this is enigmatic at first reading, but a case from the Galician monastery of Sobrado dos Monxes explains the process in some detail. When bishops Pelayo of Lugo and Pedro of Santiago locked horns over dependants in the late tenth century, Pelayo claimed that the men at issue belonged to his see, as inventoried in lists kept in its archive, whereas Pedro countered that they had been given *per testamentum* by Ordoño III (r. 951–956) to Sobrado. Since the inquest failed to resolve matters, witnesses swore an oath on behalf of the monastery, and the parties named *fideles* to lead one Salamiro *presbiter* through the ordeal.[88] It was held at a church of Santa Eulalia on the River Narla (likely Santalla de Madelos about 7 km southwest of Sobrado), before over fifty witnesses: *ego innocens*, speaking in the first person, reached into the cauldron of *calida aqua* (hot or boiling water), grasped some *lapides igneos* (literally "burning stones") with his hands, and cast them *foras*, out and onto the ground. Reappearing at the council three or four days later *sub sigillo fidelium* (under the custody of the partisans), he showed his *illesus vel limpidus* (unharmed, unblemished) skin. At this stage, the *innocens*, two *fideles*, and the *saio* (bailiff) confirmed a *placitum* of the successful ordeal, and Pelayo yielded, leaving the monastery victorious.[89] The miraculous had happened; only judgement by God could permit one to emerge from such a testing unscathed, and this belief provided a way out from a stalemate of conflicting written evidence and oral testimony.

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**87**  *Oviedo* 26 (see I Samuel 26:9); Davies, *Windows on Justice*, 29, 136–39; Davies, "*Fides* in Northern Iberian Texts"; Davies, "Creating Records of Judicial Disputes," 238–45.

**88**  *Sobrado* 1.109 (cf. *Santiago* 24); Davies, *Windows on Justice*, 243–45; Davies, "The Language of Justice in Northern Iberia," 241–44.

**89**  Lea and Howland, *Ordeal*, 35; *Sampiro*, ed. Pérez de Urbel, 65–69; García Álvarez, *San Pedro de Mezonzo*, 69–72, 161–64, 309–12; Ares, "Roimil," 243–48; cf. Prieto Morera, "El proceso en el reino de León," 476–78.

The case from Celanova in 1001, which arose because Alfonso usurped land given in testament to the monastery by Abbot Salamiro with all pertinent charters, followed the same basic trajectory to resolution, or nearly so. He denied the charge before Alfonso V and court, but the monastery produced 356 witnesses to his paltry ten; of the former crowd, Vimara, the monastic advocate, sent ten to swear the *seriem conditionum* and the *innocentem* to undergo the *pena caldaria*. Outnumbered and overawed, Alfonso was moved to confess and return the land, effectively deterred by the prospect of divine judgement from pursuing the matter any further.[90] In these rituals, written evidence was not simply an end to dispute, but one stage in a choreography of settlement, and (as we shall see) the liturgical exorcism which immediately preceded the ordeal functioned to intensify the presence of supernatural authority and prompt a party to default.[91] All the above is of course separate from the "truth value" of the ordeal. In reality, we never hear of a failed testing by the cauldron, and presumably the temperature was adjusted to ensure the "right" outcome of an unharmed hand: proof was not at stake so much as establishing that the responsibility for judgement lay with divine rather than human authority.[92] But the charters make it clear that there was a stable and developed practice for trial by hot water, one attested earlier than and with no obvious textual basis in ordeal law beyond certain terms. Did this lie in the realm of custom? Elements of it have patent written sources: the three-day turnaround for scrutiny of the hands emulates the three-day fast, based in turn on the Ninevites foreswearing their vices and fasting for as long as Jonah had been in the belly of the whale.[93] That water parable for a water ordeal gained further resonance from the Resurrection, whereby the Sign of Jonah was realized in Christ rising from death after three days.[94] The casebook of such trials thus raises the question: where did this stable and developed ritual as a whole originate?

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90 *Celanova* 260 (cf. *Castañeda* 1; *Alfonso V* vii); Davies, *Windows on Justice*, 211–12, 244; White, "Proposing the Ordeal."

91 Barthélemy, "Présence de l'aveu dans le déroulement des ordalies."

92 Whitman, *Origins of Reasonable Doubt*, 55–57.

93 Jonah 1:17, 3:3–5; cf. Isidore of Seville, *De ecclesiasticis officiis*, 1.42, in *Sancti Isidori episcopi Hispalensis*, ed. Lawson, 47.

94 Matthew 12:38–42; cf. Luke 11:29–32; Brinkman, "Descent into Hell."

## The Liturgy

The same MS B which transmits the ordeal law in its most elaborated form, with the ascription to Egica, also preserves a "user guide" for the liturgy of trial by hot water and cold, the key to understanding its practice in charters, and maybe the law itself. When the ordeal law was inserted into the codex which the judge Bonsom had prepared in 1011, it linked the Visigothic code to a procedure in use for dispute settlement, and this additional fascicle (fols. 281r–284v) on the rituals involved was tacked on not long afterwards.[95] He himself as scribe had recorded a settlement by the ordeal of hot water in 988, and another lost copy of the code made by Bonsom in 1010 had included the ritual for that ordeal, though not for cold water.[96] In the twelfth century, a third ritual for the ordeal of bread and cheese was inserted into MS B (fol. 284r–v): known as *corsnæd* in Anglo-Saxon law, this test involved eating morsels of *pan y queso* under pressure, successfully swallowing them without choking, but there is no trace of its usage in early medieval Iberia.[97] The manual is not unique in offering user guidance, as three later copies of the Visigothic code from the mid-eleventh to the thirteenth century have templates and instructions for administering the ordeals of hot water and hot iron (similarly unattested in our period), yet it is the earliest and most detailed example.[98] Of its two rituals, the ordeal of hot water is clearly the one commonly used in the early medieval documents; it is not until a Catalan charter of 1036 that we find reference to the ordeal of cold water, when a party to a dispute would only accept "judgement by Almighty God in cold water" (*iudicium Dei Omnipotentis in aqua frigida*) as a means of arriving at a settlement.[99]

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**95** See https://rbme.patrimonionacional.es/s/rbme/item/14308 (images 562–69), accessed December 7, 2023.

**96** *Salrach* 106; Iglesia Ferreirós, "La creación del derecho en Cataluña," 193–95; *Estudios*, 89–92, 519–21; *LIP*, 121–22, 251–55; the copy of 1010, destroyed in the razing of Santa Maria de Ripoll in 1835, may be the source of *Ordines* A 8 (from *Capitularia*, ed. Baluze, 2.639–44).

**97** See https://rbme.patrimonionacional.es/s/rbme/item/14308 (image 57–58), accessed December 7, 2023; *Del uso de las pruebas judiciales, llamadas vulgares*, ed. Villa-amil y Castro, 37–38; *LIP*, 791–92; Keefer, "*Ut in omnibus honorificetur Deus*"; Niles, "Trial by Ordeal."

**98** *Estudios*, 550–51; see *Notizie*, ed. Gaudenzi, 7–10; *LI*, 463; Ureña y Smenjaud, *Legislación*, 578–80; *Diplomática hispano-visigoda*, ed. Canellas López, 222–23 (271–72).

**99** *Salrach* 256; Iglesia Ferreirós, "La creación del derecho en Cataluña," 196–99,

Such guides are known generically as *ordines*, and cover trial by hot and cold water; hot iron; bread and cheese; and the hanging cauldron, bread, or Psalter, which signalled guilt by its rotation; in addition to other more outré ordeals and varieties of cleromancy or sortition (casting lots).[100] They are transmitted in liturgical books more often than with secular laws and codes, reflecting the involvement of churches and priests in their performance which we have seen in practice. The standard edition of *ordines* prints eighty-two guides from manuscripts mostly of the ninth- to twelfth-century Frankish world: these include collections of ordeals, individual rites, and component parts, revealing a common stock of language, liturgy, and procedures.[101] The rituals of MS B quite clearly draw from the same well, making them Frankish as much as Iberian.[102] By chance, they were transcribed and annotated by the great Jesuit theologian Martín del Río (1551–1608) in his six-volume *Investigations into Magic*, published in its final form in 1608, to set the stage for trials of suspected witches right up to his own day via submersion in cold water.[103] He had been supplied with a copy of MS B by a fellow scholar, Pierre Pantin (1556–1611), and collated it with a directly comparable text less satisfactorily published; this latter, from a lost codex of Saint-Bénigne in Dijon, concludes with a notice also found in a number of other *ordines* that Pope Eugenius II (r. 824–827) had established the *iudicium* at the request of Louis the Pious for use across his empire by all Christian people, "to acquit the innocent and try the guilty" (*defendant innocentes et examinent nocentes*).[104] If so, then we can localize the origin of this form and usage, which the emperor appears (though by no means uncontroversially)

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210, 217, 263–65; Salrach, "Prácticas judiciales," 1027–28; Salrach, "Les modalités du règlement des conflits en Catalogne," 123–24; see also *Viage literario a las iglesias de España*, ed. Villanueva, 21–24, for a cold-water rite from a manuscript found in Tortosa dating to 1055.

**100**  Elukin, "Ordeal of Scripture"; Luijendijk and Klingshirn, eds., *My Lots Are in Thy Hands.*

**101**  *Ordines*; Lea and Howland, *Ordeal*, 34; see also *Ordaliis*, ed. Browe, 2; Keefe, *Water and the Word*, 2.

**102**  See e.g. *Ordines* A 6, 8, 21.

**103**  Martín del Río, *Disquisitionum magicarum libri sex*, 4.4.4.4, in *Investigations*, ed. Maxwell-Stuart and García Valverde, 570–79, 582–87.

**104**  Brown Wicher, "Gregorius Nyssenus," 321–24, on Pantin; and *Ivonis*, ed. Juret, 249–50 (cf. *Ivonis*, ed. Juret (2nd ed.), 638–42, for identification of the manuscript); edited only in part as *Ordines* A 19 (from *Codex legum antiquarum*, ed. Lindenbrog, 1299–1302); see also A 14, 15, 18, B 18, *sing. cap.* 26.

to have endorsed in a capitulary of 829, in both space and time—a suggestive point to which we shall return.[105]

The most striking feature of the liturgy for trial by water transmitted by MS B is the direct address and exorcism of that water, which reflects baptismal ritual.[106] From the earliest history of the Church, the exorcist was intimately involved in the process of conversion: as Augustine wrote, one becoming a Christian had first to pass through the fire of exorcism to the water of baptism.[107] This arose from the conviction of early believers that both things and people were subject to demoniacal possession, and the substances used in liturgical service, namely the salt, oil, and water of baptism, had to be purified before they could contribute to freeing and saving in baptism. Ambrose speaks of the *creatura aquae*, literally the "creature of water," which must be exorcised before a baptismal candidate climbs into (*descendat*) the water of the font.[108] Roman and Gallican sacramentaries from across Western Europe, from the seventh-century Gelasian on, include such baptismal rites with direct-address exorcisms of water (and salt, oil, ashes, honey, milk, and the font).[109] These reflect complex patterns of formulaic crossover and intermingling, while at least three codices of the so-called Romano-Germanic pontifical of the tenth century even transmit comparable *ordines* for

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**105** *Capitularia regum Francorum*, 192.12, ed. Boretius and Krause, 16; Schwerin, "Rituale für Gottesurteile," 42–48; Nottarp, *Gottesurteilstudien*, 56, 323–31; Bartlett, *Trial by Fire and Water*, 10–11; cf. Barthélemy, "Présence de l'aveu dans le déroulement des ordalies," 19n19; Van Caenegem, *Legal History*, 75n10; Orella Unzué, "Sistema jurídico pirenaico," 283n6; Bronner, "Judgement of God," 1n2, who all read the capitulary as a prohibition.

**106** Benz, "Zur Vorgeschichte des Textes"; Kelly, *The Devil at Baptism*, 201–31; Lupi, "Development of the Rite of Baptism"; Bastiaensen, "Wortgeschichte im altchristlichen Latein," 339–47; Bastiaensen, "Exorcism"; Young, *History of Exorcism*, 30–44; see also Kallendorf, "Rhetoric of Exorcism"; Kumler, "Manufacturing the Sacred," 28–30.

**107** Augustine, *Enarrationes in Psalmos*, 65.17, in *Sancti Aurelii Augustini*, ed. Dekkers and Fraipont, 851–52; Cramer, *Baptism*, 87–89; Pignot, *Catechumenate*, 208–9.

**108** Ambrose, *De sacramentis*, 1.18, in *Ambrosius*, ed. Schmitz; Cramer, *Baptism*, 64–72.

**109** *Liber sacramentorum Romanae*, ed. Mohlberg, 1.31 (43), 40 (63), 44 (72–74), 73 (94–95), 75 (95–97), 76 (97), 3.76 (225–27), 77 (228); Vogel, *Medieval Liturgy*, 64–70; Palazzo, *History of Liturgical Books*, 42–48; Spinks, *Early and Medieval Rituals*, 109–33; and see Cramer, *Baptism*, 136–55; *Documents of the Baptismal Liturgy*, ed. Whitaker and Johnson, 212–43; Rivard, *Blessing the World*, 237–67, for translations and discussions.

trial by water, hot iron, and bread and cheese.[110] In the Old Hispanic rite of late antique and early medieval Iberia, the *Liber Ordinum*, attested in tenth- to eleventh-century manuscripts, contains much parallel material for use in blessing salt, oil, and water for baptism, as well as numerous other objects ranging from wax to wells across a variety of ceremonial contexts.[111]

Each of the rituals that MS B describes is titled *exorcismus*, and the Fourth Council of Carthage (397), as transmitted by the *Hispana* in Iberia, expected exorcists to receive just such a *libellum* ("booklet") from the hand of the bishop containing all necessary exorcisms.[112] In language echoed in the rites themselves, Isidore of Seville (d. 636) explained exorcists as front-line soldiers in the fight against the Devil, responsible for *adiurantes* ("calling upon") and banishing this *creatura* from the catechumen in preparation for baptism.[113] Aemilianus memorably exorcised the house of Senator Honorius in his hagiographical life by Braulio of Zaragoza (d. 651), yet no exorcists appear in any early medieval Iberian charters, and the one contemporary mention is of a "Bishop Plato" who performed an exorcism in a passion of the Apostle Matthew from the eleventh century.[114] The leader of the rituals in MS B is termed a priest, nothing more, though the judge is also addressed. The text anticipates and forestalls potential disbelief in or opposition to such trial by water through a dense and repeated series of Scriptural allusions building up a coherent theology of the ordeal: the miracles of the fiery furnace and of the parting of the Red Sea, the wedding feast at Cana, the Pool of Siloam, and Christ walking on the waves stood for testing by fire and

**110** *Le pontifical romano-germanique*, ed. Vogel and Elze, 33 (1.82–89), 40 (1.124–73), 51 (1.185–90), 99 (2.1–141), 105 (2.152–54), 107 (2.155–64), 109 (2.165–66), 110 (2.167–72), 115 (2.193–205), 117 (2.209–11), 118 (2.211–16), 181 (2.333–41), 183 (2.342–50), 185 (2.351–52), and esp. 246–52 (2.380–414); Magne, "Exploration généalogique"; Vogel, *Medieval Liturgy*, 230–37; Palazzo, *History of Liturgical Books*, 201–7; Chave-Mahir, *L'exorcisme*, 93–132; Young, *History of Exorcism*, 44–53; Parkes, "Questioning."

**111** *Liber Ordinum*, ed. Férotin, 1.1 (7–24), 1.10 (156–78), 1.15 (208–26); Hornby et al., *Understanding the Old Hispanic Office*, 65–66; Hornby and Maloy, "Old Hispanic Pre-Baptism Initiation Rites"; and see Akeley, *Christian Initiation in Spain*, 147–58; *Documents of the Baptismal Liturgy*, ed. Whitaker and Johnson, 164–75.

**112** IV Carthage 7, in *Colección canónica Hispana, III*, ed. Martínez Díez and Rodríguez, 355; Palazzo, "Le rôle des *libelli*."

**113** Isidore of Seville, *De ecclesiasticis officiis*, 2.13, 2.21, in *Sancti Isidori episcopi Hispalensis*, ed. Lawson, 72–73, 95–97.

**114** Braulio of Zaragoza, *Vita sancti Aemiliani*, 24, in "La vita di S. Emiliano," ed. Cazzaniga, 33; *Passionarium Hispanicum*, 53.11, ed. Yarza Urquiola, 1382–83.

water, while Susanna and the Elders and Daniel in the den of lions symbolized safety in the Lord against false accusation. Of the two *ordines*, the guide for hot water is nearly twice as long as for cold water, more developed for use, aligning with the balance of the documentation; this recurrent usage is reflected by reference to *more solito* ("the usual manner") in its text.[115] The only major divergence from the casebook is that, in both texts, the liturgy is written out "notarially," leaving placeholders typical of template charters to be filled in with the persons and charges at issue, yet these all presuppose that it will be the accused undergoing the ordeal, not a neutral *innocens* as in the documents. Whereas the casebook ordeal belongs more in the sphere of "civil law" as part of settling disputes over property, the "user guide" ordeal, aimed at those on trial for punishable offences, is its "criminal law" counterpart. This distinction, however, may be more apparent than real: in Francia, where *ordines* on the MS B model put the accused to the ordeal, Queen Theutberga had a champion reach into the cauldron on her behalf during the trial for incest in 858 which attended the ill-advised campaign by Lothar II (r. 855–869) to divorce her.[116] In the famous dispute between the abbeys of Saint-Denis and Fleury over ownership of serfs in the 820s or 830s, meanwhile, it was initially proposed that witnesses for each side should break the impasse by battling it out with staves and shields, before cooler heads prevailed.[117] For the following translation, I have formatted the text according to its manuscript layout, using boldface for all forms of rubrication, and added numbering for ease of reference.

**115** Barrett, *Text and Textuality*, 306–8.

**116** Heidecker, *Divorce of Lothar II*, 65–67; Stone and West, *Divorce of King Lothar*, 36–38, 95, 143–77.

**117** *Miracula sancti Benedicti*, 25, in *Miracles*, ed. Davril, Defour, and Labory; Wormald, *Making of English Law*, 30–31, 70–72.

### Translation: The Liturgy[118]

**[A] Here begins the exorcism, or the blessings, of the hot water in which the hand is put to the judgement of God.**

**[1]** When you wish to put men to the testing of the judgement of hot water, first make them enter the church with all humility, and, prostrate in prayer, let the priest say these prayers:

**First prayer:**

**[1.1]** Lord, succour those seeking your mercy, and grant pardon to those making confession, and spare the suppliant, so that we who are scourged for our faults may be saved by your mercy. Through [Jesus Christ Our Lord, amen].

**Second prayer:**

**[1.2]** We beseech you, Almighty God, look upon the tears of an afflicted people, and turn away the wrath of your outrage, so that we who acknowledge the guilt of our frailty may be delivered by your comfort. Through [Jesus Christ Our Lord, amen].

**Third prayer:**

**[1.3]** God, you who with all power behold us, safeguard us within and without, so that we may be protected from all adversities in body as well as cleansed of perverse thoughts in mind. Through [Jesus Christ Our Lord, amen].

**[2]** Once these prayers have been completed, let them rise together, and before those men let the priest sing mass, and you[119] should make them give an offering at that mass. But when they have reached communion, before they take communion let the priest question them with an oath and say:

**[2.1]** I call upon you, men, by the Father and the Son and the Holy Spirit, and by your Christianity which you have accepted,[120] and by the only begotten Son of God whom you believe to be the Redeemer,

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**118** This translation is based on *LIP*, 793–99; cf. *Del uso de las pruebas judiciales, llamadas vulgares*, ed. Villa-amil y Castro, 31–37.

**119** Second person: this could imply that someone other than the priest (perhaps the judge) is the addressee.

**120** Acts 19:13, the "original" formula for exorcism, whereby the Jewish exorcists of Ephesus attempted to cast out demons by saying, "I call upon you, by Jesus, whom Paul preaches."

and by the Holy Trinity, and by the Holy Gospel, and by the relics which are kept in this holy church, not to presume in any way to approach this sacred communion, nor to take part by receiving it, if you have done *this or that*, or have conspired in it, or know some truth of it, or have learned who has done it.

**[3]** If they have remained silent, however, and made no declaration of it, let the priest come up to the altar and take communion in the usual manner;[121] later do[122] let him take communion with them.[123] Now when they take communion before the altar, let the priest recite:

> **[3.1]** May this body and blood of Our Lord Jesus Christ be with you for the testing today.

**[4]** Once the mass has been finished, let the priest go down to the appointed place where that ordeal is to be carried out,[124] and bring with him the book of the Gospels and the Cross, and sing a brief litany. And when he has completed that litany, let him exorcise and bless that water before it is heated up, speaking thus:

> **[4.1]** I exorcise you, creature of water,[125] in the name of God the Father Almighty, and in the name of Jesus Christ His Son Our Lord, that you become exorcised water to escape all power of the Enemy and his opposition, and lest the Enemy himself or his manifestation be able to contest the justice of God in any way, even as He prevails who is to come to judge the living and the dead and the world by fire.[126] **Amen.**

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**121** *more solito*: the first of several invocations of "custom."

**122** Superscript: "but."

**123** When exactly those who have not confessed here should take communion is unclear.

**124** The selection of a site for the ordeal was typically made by *placitum* (written agreement).

**125** Banishing the diabolical *creatura* from the water: the essence of the pre-baptismal liturgy.

**126** II Peter 3:1–13 (cf. Zephaniah 1:18; Malachi 4:1; Hebrews 10:26–27), where the future judgement by fire corresponds to the past judgement by water in the Great Flood (see Genesis 7).

**And another [exorcism]:**

**[4.2]** I exorcise you, creature of water, in the name of God the Father Almighty, and in the name of Jesus Christ His Son Our Lord, that you become exorcised water to escape all power of the Enemy[127] and every phantom of the Devil, so that if *this man* has put his hand in you and proven innocent of *this offence*, may the mercy of Almighty God deliver *that man* by whom he was charged.[128] **[4.2.1]** And if, far be it, he is guilty and has dared with arrogance to put his hand in you, let the power of the same Almighty God deign to reveal this in him, so that every man may fear and tremble at the holy name of the glory of Our Lord, who lives and reigns as God throughout all ages.

**Prayer:**

**[4.3]** Lord Jesus Christ, you are a righteous judge, strong and patient and most merciful,[129] through whom all things were made, God of gods and Lord of lords,[130] who for us men and for our salvation came down from the bosom of the Father and deigned to take on flesh from the Virgin Mary, and through your Passion redeemed the world on the Cross, and descended to Hell, and bound the Devil in outer darkness, and freed from there all the righteous who had been held there for original sin by your great power. **[4.3.1]** We beg you, Lord, deign to send your Holy Spirit down from the height of the ark of heaven upon this creature of water, which we take it upon ourselves[131] to heat up and boil on the fire, so that you may prove and reveal a just judgement upon *this man of that name* through it. **[4.3.2]** We humbly implore you, Lord, who as a sign at Cana in Galilee made wine out of water by your wondrous power,[132] and led the three boys Shadrach, Meshach,

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**127**  To this point the prayer repeats 4.1.

**128**  This could be a cross-reference to the ordeal law where it safeguards the accuser from counter-charge.

**129**  Psalms 7:12.

**130**  Deuteronomy 10:17, where God as judge shows no partiality and accepts no bribe.

**131**  *presummimur*: ambiguous; alternatively "we are expected," perhaps referring to ordeal law or practice.

**132**  John 2:1–11, the first miracle performed by Christ, analogous to the miraculous transformation of the water of the cauldron into an instrument for the judgement of God.

and Abednego out from the furnace of burning fire unharmed,[133] and delivered Susanna from false accusation,[134] who opened the eyes of the man born blind,[135] who raised Lazarus of the four days from the tomb,[136] and reached out a hand to Peter as he was drowning in the sea.[137] **[4.3.3]** Do not look upon our sins in this prayer, but deign to reveal your true and holy judgement before all here, so that if *this man*, in this cause for adjudication,[138] specifically for *this or that*, and at this moment, has put his hand into this water, boiling on the fire, and he is not guilty of this cause for adjudication, you may deign to guarantee it to him that no injury, no wound may appear on the same hand by which he should meet the accusation without guilt. **[4.3.4]** And again, Almighty God, we your unworthy and sinner servants humbly implore you to see fit also to reveal your holy, true, and just judgement to us in this same place, such that if *this man*, in this cause for adjudication, [specifically for] *that*, is guilty of some wrongdoing, with the Devil as his inciter or pride arousing him, in deed or conspiracy, and has aimed to subvert or violate the judgement of this test, and, trusting to evil genius, has dared with arrogance to put his hand into this water, your mercy may be made known in this, so that what he has done unjustly can be discerned upon his hand. **[4.3.5]** And let him thereafter go through true confession and penance[139] and

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**133**  Daniel 3:8–30 (cf. Jude 1:23), whereby the fiery furnace of Nebuchadnezzar stands for the hot water of the cauldron, from which the innocent have nothing to fear.

**134**  Daniel 13: the episode of Susanna and the Elders stands for protection by God against false charges, as the ordeal miraculously guarantees; Piñol i Bastidas, "'Libera Domine'"; cf. Firey, *Contrite Heart*, 42–60.

**135**  John 9: when Christ heals the man born blind with water from the Pool of Siloam, it is an opportunity to do the work of God in the world, just as the ordeal miraculously heals blindness to the truth.

**136**  John 11:1–44, whereby the sickness and death of Lazarus are another opportunity for Christ to be glorified in the world, and his four days entombed prefigure the Resurrection after three; see below.

**137**  Matthew 14:22–33; Mark 6:45–52; John 6:16–21, whereby Peter walking on water with the help of Christ stands for the inability of the hot water in the cauldron to harm the innocent.

**138**  *raeputationis*: not a term used in the Visigothic code.

**139**  Penance is the subject of much Visigothic canon law: Lozano Sebastián, *La penitencia canónica*.

attain correction, so that your holy and true judgement might be revealed to all nations, through you, the Redeemer of the world, who are to come to judge the living and the dead and the world by fire, amen.[140]

**And another exorcism:**

**[4.4]** Now you, creature of water, I call upon you by the living God, by the holy God, I call upon you by Him who in the beginning divided you from dry land,[141] I call upon you by the living God, who poured you from the spring of paradise, and ordered you to go forth in four rivers, and directed that the whole earth be watered.[142] **[4.4.1]** I call upon you by him who at Cana in Galilee turned you into wine by his power, who walked upon you with his holy feet, who assigned the name of Siloam to you.[143] I call upon you by God, who cleansed Naaman the Syrian of his leprosy in you,[144] saying: Holy water, blessed water, you water which wash away filth and cleanse sins. **[4.4.2]** I call upon you by the living God to show yourself clean, and not to preserve any phantoms, but to become an exorcised spring[145] for driving off and purging and proving every falsehood, and finding out and proving every truth of the matter, so that he who has put his hand in you, if he has maintained the truth, may receive no wound in you. **[4.4.3]** And if he maintains falsehood and iniquity, let him show up with his hand scalded by the fire, so that all men may recognize the power of Our Lord Jesus Christ, who is to come with the Holy Spirit to judge the living and the dead and the world by fire, amen.[146]

**[5]** After these [exorcisms], let him cast off their clothes and dress him, *or them*, in the clean clothes of the Church, that is, the dress of an exorcist or of a deacon,[147] and make them, *or him*, kiss the Gospel and the Cross

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**140** This formula for judgement is repeated from 4.1.

**141** Genesis 1:9–10, which shows the power of God over water.

**142** Genesis 2:10–14, which shows the service of water to the living.

**143** Three of the miracles of Christ from 4.3 are repeated here.

**144** II Kings 5, whereby the leprosy of Naaman is transferred to Gehazi for his greed, a punishment was often threatened in the sanction clause of charters: Barrett, *Text and Textuality*, 329.

**145** The same word (*fons*) doubles for the baptismal font.

**146** This formula for judgement is repeated from 4.1.

**147** See Isidore of Seville, *De ecclesiasticis officiis*, 2.8.4, in *Sancti Isidori episcopi*

of Christ, and sprinkle over them some of that water. And for those who are to enter unto the ordeal of God, let him give them all some of that blessed water to drink. Now when he has given some to each one, he will say:

**[5.1]** This water He has given you, *or you all*, for the testing today.

**[6]** Then let the fires be set up under the cauldrons, and let the priest say these prayers when that water has begun to heat up:

**[6.1]** In the name of the Holy Trinity. God, you righteous judge, strong and patient,[148] who are the author and creator, clement and merciful, and who judge fairness, judge you [this], who have commanded the making of righteous judgement and look down upon the earth and make it tremble. **[6.1.1]** You, Almighty God, who redeemed the world through the coming of your only begotten Son Our Lord, and through his Passion assisted and saved the human race, sanctify this boiling water, you who saved the three boys, namely Shadrach, Meshach, and Abednego, under King Nebuchadnezzar of Babylon, in the furnace of fire, the lit oven, and through your angel brought them out unharmed.[149] **[6.1.2]** You, most merciful ruler, grant that if anyone is innocent of this charge, or in the cause for his adjudication of **murder, adultery, or robbery,**[150] and has put his hand into this water, bring it out from there safe and unharmed, you who delivered the three boys aforesaid, and Susanna from false accusation.[151] **[6.1.3]** And so, Almighty Lord, if he is guilty and, with his heart blocked up by the devil making it calloused,[152] has put his hand in this burning element of yours, let your truth be made known by this, to be revealed in the body and to save the soul through penance. **[6.1.4]** And if he is guilty of this crime, and through some mischief, either

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*Hispalensis*, ed. Lawson, 67–68, where the deacon assisting at the altar should be vested in a white alb to represent his purity; presumably exorcists wore the same or similar, though Isidore does not say so.

**148** This formula is repeated from 4.3.

**149** This miracle is repeated from 4.3.

**150** These three crimes, though highlighted in the manuscript, are not specified in the ordeal law.

**151** This miracle is repeated from 4.3.

**152** Isaiah 6:10; Matthew 13:15; Acts 28:27, from the Commission of Isaiah, whereby the Judaeans are unable to be healed.

through drugs or through diabolical incantations,[153] he has aimed to conceal this guilt of his sin, or has believed that he could manage to corrupt or outrage your justice, let your magnificent right hand purge this evil and show the truth of the matter of all things, through you, most merciful Father, who live and reign in the perfect Trinity, throughout all [the ages of ages].

**Another [prayer]:**

[6.2] Let us pray. God, you who delivered the blessed Susanna from false accusation,[154] God, you who delivered the blessed Thecla from the spectacles,[155] God, you who delivered the holy Daniel from the den of lions,[156] and rescued the three boys from the furnace of the burning fire,[157] deliver you the innocent and mark the perpetrators with a sign,[158] through Our Lord.

[7] And he who puts his hand in the water for that ordeal, let him say the Lord's Prayer and sign himself with the sign of the Cross. And let that boiling water be taken down with haste from over the fire, and let the judge[159] weigh down that stone, bound to the measure,[160] under that water in the usual manner.[161] **[7.1]** And so, let him draw it out from there in the name of the Lord, he who enters unto the ordeal of judgement. **Afterwards, with great care,** let that hand be wrapped up thus, sealed

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**153** Presumably to dull the pain like the salve and ointment in Gregory of Tours (see above).

**154** This miracle is repeated from 4.3 and 6.1.

**155** *Acts of Paul and Thecla*, 21–22, in *Apocryphal New Testament*, ed. Elliott, 368, where she is saved by the compassion of God from being burned alive.

**156** Daniel 6:10–24, whereby faith in innocence before God enables triumph over false accusation; Olañeta Molina, "Modelos," 79–82.

**157** This miracle is repeated from 4.3 and 6.1.

**158** Daniel 13:53, where the bad judge does the opposite; and note that *factores* as a term for "perpetrators" is Roman juristic language (*Digest*, 29.5.1.21, for poisoners); Fontana Elboj, "Notas a una oscura inscripción," 166.

**159** This is the first mention of the judge in the text.

**160** Probably a measure of depth of submersion (though it could be an indicator of weight): from Anglo-Saxon England, see the tenth-century *Ordal*, in *Gesetze der Angelsachsen*, ed. Liebermann, 386–87, which distinguishes between crimes requiring immersion up to the wrist and the elbow; *Laws of the Earliest English Kings*, ed. Attenborough, 170–73; Wormald, *Making of English Law*, 304–6, 367–68, 373–74.

**161** *more solito*.

under the seal of the judge,[162] until the third day[163] when it should be seen by suitable[164] men and assessed.

**[B] And here begins the exorcism of cold water.**

**[1]** When you wish to put a man to the judgement of cold water for testing, you ought to do as follows.

**[2]** Take those men whom you wish to put into the water. Bring them into the church, and before them all let the priest sing mass, and make them give an offering at that mass. But when they have reached communion, before they take communion let the priest question them with this oath, and say:

**[2.1]** I call upon you, men, by the Father and the Son and the Holy Spirit, and by the Christianity which you have accepted, and by the Holy Trinity which you have taught,[165] and by the Holy Gospel which you have believed, and by these holy relics, *or the holy veneration*,[166] which are in this [church],[167] not to presume to approach this sacred altar, nor to receive this sacred communion in any way, if you have committed this cause for your adjudication (specifically *this or that*), or have conspired in it, or know what drove it.

**[3]** If they have remained silent, however, and made no declaration of it, let the priest come up to the altar and take communion in the usual manner;[168] later do let him take communion with those who are going to be put in the water. Now when they take communion, let the priest say before the altar:

**[3.1]** May this body and blood of Our Lord Jesus Christ be with you for the testing today.

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**162** See *LI* 2.1.19–20, 10.2.6, for the judge using a seal, especially for property under dispute.

**163** Jonah 1:17, 3:3–5 (cf. Isidore of Seville, *De ecclesiasticis officiis*, 1.42, in *Sancti Isidori episcopi Hispalensis*, ed. Lawson, 47), whereby he spent three days in the belly of the whale, the basis for the three-day fast; and for Matthew 12:38–42 (cf. Luke 11:29–32), the Sign of Jonah, by which Christ will be Resurrected from the heart of the earth after three days.

**164** *idoneis*: this term is used regularly in Visigothic law to designate freeborn witnesses, amongst others; see *LI* 2.4.3, 2.4.5, and s.v. idoneus, 524.

**165** *docuistis*: the passive voice or a verb of learning seems indicated; or this could be scribal error for *docuit is*, "he [Christ or Paul] has taught," inspired by the "original" formula for exorcism in Acts 19:13.

**166** This seems to allow for the possibility of a church lacking any relics.

**167** Supplying "church" from A.2.1.

**168** *more solito*.

**[4]** Once the mass has been finished, let the priest receive the Cross, the Gospel, and the incense, and let them proceed to the appointed place, with sprinkling of the blessed water, where they are to be tried. And when they have come to that place, let him give those men some of the blessed water to drink. Now when he has given some to each one, let him say:

**[4.1]** This water I[169] have given you for the testing today.

**[5]** Afterwards let him call upon the water in which he must put them, speaking thus:

**[5.1]** In the name of the Lord God, the Father Almighty, who created you in the beginning and ordered that you be supplied for human needs, who also ordered that you be divided from the waters above.[170] I call upon you by the ineffable name, the Lord Jesus Christ, namely, the Son of the living God, under whose feet He caused you, the sea and this[171] element, to be trodden upon,[172] who also wished to be baptized in you with the element of the waters.[173] I call upon you by the Holy Spirit, who descended upon the baptized Lord.[174] **[5.1.1]** I call upon you by the holy and indivisible Trinity, by whose will the element of the waters was divided, and the people of Israel managed to cross it with dry footsteps,[175] and also by conjuring whom Elisha caused the iron which had come off the haft to bob upon you,[176] not in any way to receive these men (named *this and that*), if in any respect they are guilty of what they[177] cast before them, whether that is by acts or by consent or by any device, but to cause him to float upon you.[178]

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**169** First person: note that at A.5.1 this is third person.

**170** Genesis 1:9–10.

**171** Strikethrough: "the sea and this."

**172** Matthew 14:22–33; Mark 6:45–52; John 6:16–21.

**173** Matthew 3:13–15; Mark 1:9, where Christ is baptized in the River Jordan.

**174** Matthew 3:16–17; Mark 1:10–11; Luke 3:21–22; John 1:32–34, where a dove representing the Holy Spirit alights upon the baptized Christ.

**175** Exodus 14:21–22, whereby the Israelites crossing the parted Red Sea on dry ground symbolizes the inability of its waters to harm them (unlike the pursuing Egyptians).

**176** II Kings 6:1–7, whereby the head of the borrowed axe is safely fished out of the River Jordan, prefiguring in a sense the retrieval of the stone in the ordeal of hot water.

**177** This refers to the accusers.

**178** Curiously, this procedure reverses the miracles of the floating axe-head and Christ walking on the water, in that floatation here is reserved for the guilty; it must

**[5.1.2]** And let no instance of wrongdoing manage to achieve anything against you, and no deceptions be concocted by demons, lest the enquiry of God or his revelation be possibly concealed. **[5.1.3]** Now, being called upon by the name of Christ, we direct you to obey us through the name of Him whom every creature serves, whom the cherubim applaud together, saying: **Holy, Holy, Holy,** Lord God of hosts,[179] who also reign over and rule all things through the unending ages of ages. **Amen.**

**[5.2]** I call upon you, *that man*, by the conjuring of Our Lord Jesus Christ, I call upon you by all the angels and archangels, and by all the saints of God, and by the day of fearful judgement, and by the twenty-four elders who praise God every day,[180] and by the four evangelists Mark and Matthew, Luke and John—and by the twelve Apostles, by the twelve Prophets, and by all the holy martyrs of God, by the holy confessors and holy virgins, by the principalities and potentates, by the dominions and powers of the heavens,[181] by the cherubim and seraphim, and by all the heavenly ranks of angels. **[5.2.1]** I call upon you by the three boys, Shadrach, Meshach, and Abednego,[182] and by the 144,000 martyrs who suffered for the name of Christ,[183] and by the holy Mary, mother of Our Lord Jesus Christ, and by the holy people of God, and by that baptism which renewed you by the hands of the priest. **[5.2.2]** I call upon you: if in this matter you have committed any theft or murder or adultery, or have been complicit in it, and have such a blocked-up and calloused heart[184] that you have believed that you can cause this adjudication, the judgement of God,[185] to be voided or overturn it by some mischief, if you are guilty, let your heart weaken and that water not receive

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signify guilt as rejection of baptism, since according to Ambrose that entailed full submersion in water.

**179**  Isaiah 6:2–3; Revelation 4:8, whereby (in the latter version) the seraphim praise the heavenly throne from a sea of glass.

**180**  Revelation 4:4.

**181**  Colossians 1:16; Ephesians 1:21.

**182**  Daniel 3:8–30 (cf. Jude 1:23), though the fiery furnace fits the ordeal of hot better than cold water.

**183**  Revelation 7:1–8, whereby their "sealing" precedes the "harming" of the land and the sea.

**184**  Isaiah 6:10; Matthew 13:15; Acts 28:27.

**185**  *iuditium Dei*.

you, nor the Enemy[186] be able to prevail through any evil against this element—rather let the power of God be revealed and proclaimed in this place by the conjuring of Our Lord Jesus Christ. **[5.2.3]** Wherefore we strenuously implore you, Lord: make such a sign in *this man* that, if he is guilty in this cause for adjudication, the truth of the matter may be proclaimed by this judgement of yours, and the water may in no way receive him. **[5.2.4]** Now do this, Lord, for your praise and glory, by the conjuring of your name, so that all may recognize that you are our blessed and immortal God, throughout the immortal ages of ages, amen.

**[6]** Now after the oath of the water, let him cast off their clothes and dress them in the clothes of the exorcists,[187] and tie cords around them one by one according to the ritual custom,[188] and make them kiss the Gospel and the Cross. And after these [steps], let him sprinkle over each of them some of that blessed water, and utter the following solemn charge, and cast them straightaway into that water one by one. Mind, you ought to do all of this while fasting, so let them not eat beforehand, nor those who put them in the water.[189] The exorcism follows:

**[6.1]** I exorcise you, creature of water, in the name of God the Father Almighty, and in the name of Jesus Christ His Son Our Lord, who reigns with the Father and the Holy Spirit, that you become exorcised water to purge all power of the Enemy and every phantom of the Devil, so that if *this man* has lowered himself into that water and is innocent of this cause for adjudication, may the mercy of Almighty God deliver him,[190] and this element of yours receive him. **[6.1.1]** And if he is guilty and has lowered himself with arrogance into that water, let it not receive him, but your power be made manifest in him, so that every man may fear and tremble at the holy name of your glory, through all the ages of ages. **Amen. [6.1.2]** Lord, deliver the innocent and mark the perpetrators with a sign.[191] **Amen.**

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**186**  Superscript: "the Enemy."

**187**  See note above on A.5.

**188**  *rite consuetudinis*.

**189**  I Samuel 7:6, where in the judgement of the Israelites they draw and pour out water, fast, and confess.

**190**  Superscript: "him."

**191**  See Daniel 13:53.

## Conclusion

> And if a complaint has been made before the judges on grounds of suspicion, he whom they have held to be suspicious should defend himself by oath and by hot water, through the hands of good men.
>
> *Fuero de León* (1017)[192]

What makes the liturgy of trial by water translated here unique is its conjunction with a copy of the Visigothic code containing the ordeal law, and its transmission in a manuscript from the circle of Bonsom, a scribe and judge present for at least one ordeal himself. In other words, it brings law, casebook, and liturgy together, and demonstrates that contemporaries in active judicial practice understood them to belong together. Reading across the three genres of evidence allows us to see that the legal text, reflecting its anomalous, marginal place in the Visigothic code, is essentially irrelevant in court cases except for terminology, clearly ceding priority to the rituals of baptism and exorcism as sources for ordeal procedure. The rituals of MS B came to Barcelona from Francia, in *ordines* paralleling Frankish practice and liturgical text stemming ultimately from the Romano-Gallican tradition, but in mediating Scripture they have a point of comparison with the Old Hispanic rite, the distinct Iberian tradition of chant, hymns, readings, and prayers long established by this date. Consolidated by the later seventh century though likely recognizable by the end of the sixth, it was created as part of a cultural and intellectual project by the bishops after the general conversion of the Visigoths to Nicene orthodoxy at the Third Council of Toledo in 589: to educate the clergy and lay community in the text and exegesis of Scripture, and to form identity by teaching doctrine.[193] We can see a compatible pedagogical impetus in the insistent theologizing of ordeal in the rituals, a deeply textual grounding of its spiritual and social weight in serial Biblical exempla, where settling disputes through trial by water confronted the mundane with the miraculous.[194]

The embattled king Alfonso V is an unlikely father to early medieval Iberian law, yet when he issued the *Fuero de León* in 1017 it was the first act of legislation since the fall of the Visigothic kingdom three centuries before. None of his predecessors had made new law; all had retained and respected the law of their forebears, to secure the legitimacy which that continuity

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**192** *Oviedo* 42.20; cf. *Estudios*, 547n65.

**193** Maloy, *Songs of Sacrifice*, esp. 1–18, 42–104; Hornby et al., *Understanding the Old Hispanic Office*, 7–29.

**194** Kirakosian, "'Hoc iudicium creavit Omnipotens Deus'"; Leeson, "Ordeals."

conferred. What he attempted, beset by enemies foreign and domestic, was to reset the relationship between crown and code from passive to active, to reaffirm royal control of the realm through legislative initiative, and to restore a greater measure of "public" power to the regulation of transaction and dispute in his kingdom. The text which he promulgated in council with bishops, abbots, and *optimates* at the cathedral of León is nevertheless framed within the ongoing relevance of that code, and the two different but compatible versions of the *Fuero* surviving in the twelfth- and thirteenth-century cartularies respectively of Oviedo and Braga confirm, supplement, and revise its provisions.[195] One resolution calls the ordeal by name (*aqua calida*, "hot water"), and entrusts its management to "the hands of good men" (*manus bonorum hominum*), the better sort, those with the social purchase to form consensus around a settlement.[196] The rituals of the liturgy served this same purpose of stage-managing acceptance.

And if the form of those rituals was set down for Frankish use by Eugenius II, whose papacy ended in the very year of 827 when the law first appeared in an Iberian manuscript, is it too much to suppose that one led to the other? That first appearance is a simple rubric, little more than recognizing the existence of the practice, "How the judge should investigate cases through the ordeal of the cauldron": its initial position ending a title on judicial procedure is perfectly sensible for this skeletal content. Even when, more than a century later, it acquired substance, the text just applies the ordeal, without defining it, to all freemen as a limit on the use of torture, but that did necessitate shifting the law to the end of another title on bringing accusations. Of course, there is no reason in principle why the Visigoths could or would not have had some such habit, one based around water, be it hot or cold. Yet all our manuscripts of the *Liber Iudiciorum* are contemporary with or later than the charters documenting its use, and the *Fuero* witnessing its revision: what they transmit is not straightforwardly the rulings of the kings of the Visigoths, but an early medieval mediation, Visigothic law in service of post-Visigothic ends, for which we have no outside control. In the casebook of trial by water, we find more parallels with the liturgy, suggesting that, whatever form ordeal law "originally" assumed in the code, it developed in time as ritual norms and court practice converged, to be written back into the past as we now have it, a law from a world elsewhere.

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**195**  Barrett, *Text and Textuality*, 308–13.

**196**  "El Fuero de León," ed. Pérez González, 15; see Miceli, "Prueba, verdad y sospecha"; Corral and Pérez Rodríguez, "Negotiating Fines"; Davies, "*Boni homines* in Northern Iberia."

## Abbreviations

*Albelda*   *Cartulario de Albelda*. Edited by Antonio Ubieto Arteta. 2nd ed. Zaragoza: Anubar, 1981.

*Alfonso V*   "Alfonso V, rey de León." Edited by José María Fernández del Pozo. In *León y su historia* 5:9–262. León: Centro de Estudios e Investigación "San Isidoro", 1984.

*Braga*   *Liber Fidei Sanctae Bracarensis Ecclesiae*. Edited by Avelino de Jesus da Costa, revised by José Marques. 2 vols. Braga: Arquidiocese de Braga, 2016.

*Cañizares*   Cañizares del Rey, Ventura. *Colección diplomática I (569–1463)*. Edited by Manuel Rodríguez Sánchez and Óscar González Murado. Lugo: Diócesis de Lugo, 2012.

*Castañeda*   *El Tumbo del monasterio de San Martín de Castañeda*. Edited by Ángel Rodríguez González. León: Centro de Estudios e Investigación "San Isidoro", 1973.

*CCCM*   *Corpus Christianorum Continuatio Mediaevalis*. Turnhout: Brepols, 1967–.

*CCSL*   *Corpus Christianorum Series Latina*. Turnhout: Brepols, 1954–.

*Celanova*   *Colección diplomática del monasterio de Celanova (842–1230), III (989–1006)*. Edited by Emilio Sáez and Carlos Sáez. Alcalá de Henares: Universidad de Alcalá de Henares, 2006.

*Coruña*   *La Coruña. Fondo antiguo (788–1065)*. Edited by Carlos Sáez and María del Val González de la Peña. 2 vols. Alcalá de Henares: Universidad de Alcalá de Henares, 2003–04.

*Estudios*   García López, Yolanda. *Estudios críticos y literarios de la "Lex Wisigothorum"*. Alcalá de Henares: Universidad de Alcalá de Henares, 1996.

*FV*   "Formulae Wisigothicae." Edited by Juan Gil. In *Miscellanea Wisigothica*, 70–112. 2nd ed. Seville: Universidad de Sevilla, 1991.

*León*   *Colección documental del Archivo de la Catedral de León (775–1230), I (775–952)*. Edited by Emilio Sáez. León: Centro de Estudios e Investigación "San Isidoro", 1987 [nos. 1–258].

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*LI*   "Liber Iudiciorum sive Lex Visigothorum." Edited by Karl Zeumer. In *Leges Visigothorum*. MGH Leges nationum Germanicarum 1:33–456. Hanover: Hahn, 1902.

*LIP*   *Liber Iudicum Popularis: ordenat pel jutge Bonsom de Barcelona*. Edited by Jesús Alturo et al. Barcelona: Generalitat de Catalunya, 2003.

*Lugo*  *Colección diplomática altomedieval de Galicia, II. Documentación en escritura visigótica de la sede lucense*. Edited by Ainoa Castro Correa and Manuel Rodríguez Sánchez. 2 vols. Lugo: Diócesis de Lugo, 2019.

*Ordines*  "Ordines iudiciorum Dei." Edited by Karl Zeumer. In *Formulae Merowingici et Karolini aevi*. MGH Formulae: 599–722. Hanover: Hahn, 1886.

*Otero*  *Colección documental del monasterio de Santa María de Otero de las Dueñas, I (854–1108)*. Edited by José Antonio Fernández Flórez and Marta Herrero de la Fuente. León: Centro de Estudios e Investigación "San Isidoro", 1999.

*Oviedo*  *Colección de documentos de la catedral de Oviedo*. Edited by Santos García Larragueta. Oviedo: Instituto de Estudios Asturianos, 1962.

*Pino*  Rodríguez Fernández, Carlos. "La colección diplomática de San Vicente del Pino." PhD diss., Universidad de Granada, 1990.

*Salrach*  *Justícia i resolució de conflictes a la Catalunya medieval. Col·lecció diplomàtica, segles IX–XI*. Edited by Josep M. Salrach i Marès et al. Barcelona: Generalitat de Catalunya, 2018.

*Samos*  *El Tumbo de San Julián de Samos (siglos VIII–XII). Estudio introductorio, edición diplomática, apéndices e índices*. Edited by Manuel Lucas Álvarez. Burgos: Aldecoa, 1986.

*San Millán*  *Becerro Galicano Digital*. https://www.ehu.eus/galicano/, accessed December 7, 2023.

*Santiago*  *La documentación del Tumbo A de la catedral de Santiago de Compostela. Estudio y edición*. Edited by Manuel Lucas Álvarez. León: Centro de Estudios e Investigación "San Isidoro", 1997.

*Sobrado*  *Tumbos del monasterio de Sobrado de los Monjes*. Edited by Pilar Loscertales de García de Valdeavellano. 2 vols. Madrid: Archivo Histórico Nacional, 1976.

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Chapter 8

# A NOW-LOST FOURTEENTH-CENTURY AISLED BASE-CRUCK BUILDING AT KETSBY HOUSE FARM, LINCOLNSHIRE, AND ITS CONTEXT

## MARK GARDINER and JENNE PAPE

**ABSTRACT** Twenty-seven photographs provide the only record of a timber building demolished in 1966 which stood near the site of the deserted village of Ketsby (Lincolnshire). Close examination of these suggest it was a barn with base crucks and aisles, a type of building constructed in the period 1275 to 1350. The timbers used were of very poor quality which had evidently come from hedgerow trees rather than closed woodland. Many of the timbers were used in the round with the sapwood, which was prone to decay, and some even with the bark which was still present when the building was demolished. That suggests an extreme economy in the use of timber rarely seen elsewhere in late medieval England. It implies that there was little wood available, even for the construction of a complex building. The study of this rare timber building from Lincolnshire indicates why so few other such structures have survived in the county: the quality of material that carpenters had to use was so poor that all such buildings would have been particularly susceptible to structural failure and decay.

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## Introduction

In some counties of England, the number of surviving late medieval timber buildings is in the high hundreds or even thousands. Such buildings are particularly common in the southeast of England. In the Rape of Hastings in eastern Sussex, it is estimated that perhaps as many as one in seven (14 percent) of all buildings standing in 1524 on rural holdings above fifty acres still remain. These were, of course, some of the more wealthy farms, but even on smaller holdings of between fifteen and twenty-five acres, where the buildings were less substantial, the survival rate after five hundred years is as much as 4 percent.[1] By contrast, the number of standing late medieval timber-framed buildings in the whole of Lincolnshire, outside the main urban centres of Lincoln, Grantham, and Boston, may total fewer than ten. Further investigation may increase this number, but it is clear that the number is very small. The low survival rate of medieval rural buildings within this very large county is quite exceptional across England, and largely unexplained. However, by examining what does survive, we can begin to understand the reasons for this and obtain some idea of what has been lost.

The timber-framed barn at Ketsby Manor Farm in eastern Lincolnshire was demolished in 1966, and the site is now occupied by a modern farm building. Its importance was recognized before it was dismantled, and eight photographs were taken by an unknown individual shortly before it was taken down. A further two sets of photographs were taken subsequently, one by Lincoln Historical Society's Industrial Archaeology Group, and the other shortly after by the Royal Commission on Historical Monuments, who also made brief notes of the dimensions.[2] They show the build-

**1** Briscoe et al., *How Houses Evolved*, 16.

**2** The eight pre-demolition photographs and the site records of the Lincoln Historical Society are held by the Historical Environment Record of Lincolnshire County Council; the records of the Royal Commission on Historical Monuments are now held in the Historic England Archive at Swindon.

Figure 8.1. Building at Ketsby, Lincolnshire, UK. A view looking eastwards to the north side. Photographer unknown, 1966. Historic England Archive. Reproduced with permission.

ing in the weeks before it was finally levelled. By the time these photographs were taken, the roof had been removed and work was proceeding to take down the timber frame. The brick walls, which had replaced the original timber sides, still stood, and the interior of the barn was covered with manure (Figure 8.1). The twenty-seven photographs from these three sets provide the only known record of the building. There has been little subsequent discussion of it, and detailed examination of the photographs does not provide as much information as could have been gathered from the standing structure, but they do allow us to determine most of the crucial details of the building, and to reconstruct its form. This article seeks also to date it and place it in context. Before that can be done, it is necessary first to describe the structure.

## Building Description

The building had four bays formed by five trusses with one, or possibly two, end (or return) aisles. It was aligned east-west and the trusses here are numbered from west to east, following the carpenters' original numbering discussed below. The nave (or central portion of the building) was 5.94 m wide with two side aisles each 1.11 m wide. The building was 15.06 metres long with an additional end aisle 1.52 metres wide. It combined the use of crucks, which are curved timbers standing on or close to the wall-line, with aisle posts set in the interior of the building and away from the walls (Figure 8.1). Lincolnshire lies to the east of and beyond the zone of full crucks, a well-defined region of western and northern England.[3] In full cruck buildings the blades (curved timber posts) extend upwards to close the apex of the roof. However, Trusses 3 and 4 at the Ketsby building are base crucks, a rather different form of structure (Figure 8.2). Base crucks are more widely distributed than full crucks, and are distinguished by blades which rise only as far as the tie-beam.[4] While the distinction between full crucks and base crucks may seem a nicety of typology, the difference is fundamental, and the two building types may have entirely different origins.[5] The purpose of the base cruck was to create a large span while placing the bottom of the timber posts close to the line of the exterior wall. They are often found in the centre part of buildings where a clear open space was required, typically within a hall where an unobstructed view to and from the high table was desirable. Elsewhere in such buildings, where the need for a fully open space was less important, the weight was carried on aisle posts.

This was the situation at Ketsby: the two base-cruck trusses were set towards the centre of the building and aisle posts were used for the other trusses (Figure 8.3). Truss 1 was formed of a pair of jowled aisle posts linked by a straight, not canted, tiebeam. The posts had straight-braces to the arcade-plate, and pegholes visible in the photographs suggest there was similar bracing to the beam. An aisle tie between the southern aisle post and aisle-plate survived encased in the later brick wall. It was made from a tree branch and was irregular. It is not clear whether the building, when constructed, had continued westwards with an end aisle beyond this last surviving truss. Photographs show the southern aisle post of Truss 2,

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**3** For a recent distribution map, see Alcock, Barnwell, and Cherry, eds., *Cruck Building*, map A.

**4** Meeson, "Base Crucks," 71.

**5** Meeson, "Base Crucks," 92.
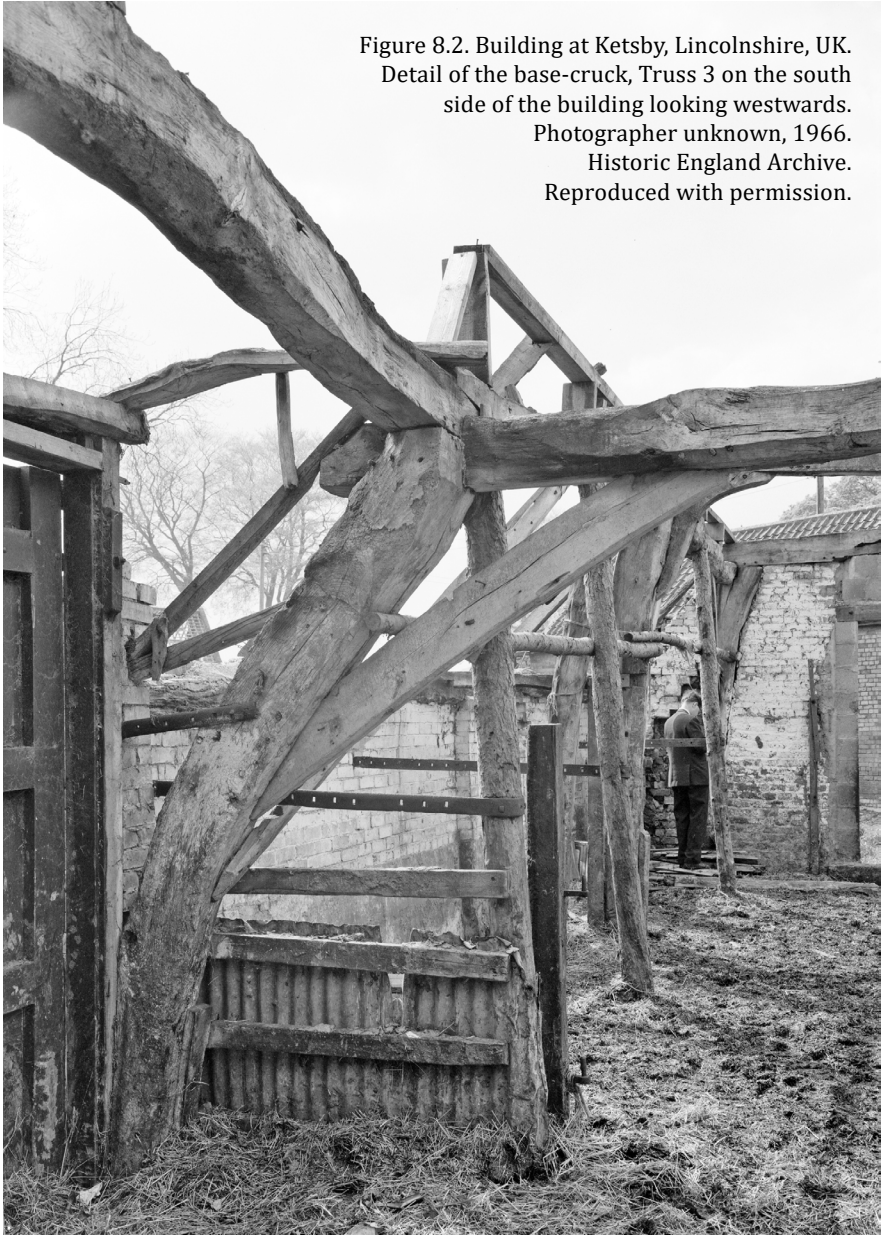
Figure 8.2. Building at Ketsby, Lincolnshire, UK. Detail of the base-cruck, Truss 3 on the south side of the building looking westwards. Photographer unknown, 1966. Historic England Archive. Reproduced with permission.

which was attached to the arcade-plate with two ogee-shaped braces. Empty mortices indicate that there had been a further brace to the tiebeam. The northern post had been replaced. The timber was only roughly shaped, and angled inwards with its foot against the wall as if resembling a cruck. It was irregular, rough, and of small scantling, notably less substantial than any

other cruck blade. The junctions between both posts and the beam had been strengthened with two carefully shaped knees (bracket-shaped timbers).

The two cruck trusses, 3 and 4, had partially failed. This was indicated by the arcade-plate, which was lower in the middle of the building than at the ends. Arcade-plates, which supported the rafters of the roof, were invariably horizontal when built. Truss 3 was a base cruck with straight braces between the blades and the tiebeam (Figure 8.2). There was also a brace on the western side to the arcade-plate, but not on the eastern side. The arcade-plate sat on top of the tiebeam, a form known as "reversed assembly." The tiebeam extended beyond the junction with the cruck blade—further than was necessary to support the arcade-plate, but constructed in this way to attempt to ensure the joint between the cruck and tiebeam did not fail. Truss 4 was almost certainly similar, though the cruck blade on the south side had been replaced with a timber post and nailed-on braces. The number of pegholes in the beam of this truss suggest that the brace, and perhaps the cruck, had been replaced once previously. The significance of that is discussed below. There was no brace on the west side of the cruck on the north side of the building. The tiebeams on both Trusses 3 and 4 were slightly canted. Truss 5 had also survived in a somewhat fragmentary state, with a later post of small scantling replacing an original aisle post on the north side. The southern aisle post, by contrast, had survived well and shows that this truss was identical to that at the opposite end of the building, Truss 1, with braces to the arcade-plate and tiebeam. It too had an aisle tie which rested upon or was morticed into the aisle-plate.

There were traces of a return aisle at the east end. The lateral aisle-plate continued past the last truss and was jointed to an end (or return) aisle-plate. There may have been a similar return aisle at the west end, but this is not certain. However, there is no evidence of an end wall at Truss 1. If there had been a return aisle there, it had been removed before the barn was encased in brick and a later door was formed. The timbers of the arcade-plate, which supported the rafters of the roof, were joined on both sides with scarf joints. These were splayed with sallied vertical abutments and apparently held with a single key and two pegs. When the photographic record was made, little of the frame for the aisles survived. However, pegholes on the surviving lengths of aisle-plate indicate that it had consisted of a series of small posts braced and pegged. The aisle-plate was scarfed at various points to produce a continuous length, except for a space for the southern door. It is uncertain whether there had been a tall northern door; the aisle-plate—apparently original, as it is scarfed at both ends—ran straight across the bay between the third and fourth truss. A door might have been expected here opposite the likely position of the entrance on the south side,

but the aisle-plate crossed the bay some 2 m above the ground surface, and would not have allowed for a full-height barn door. The aisle-plate frame was attached to the arcade posts by aisle ties of widely varying shapes, at a range of heights up the posts, suggesting they were selected once both arcade and aisle were standing.

The original form of the roof is uncertain. A few of the photos taken in 1966 show the remains of the latest roof assembly. This was very lightly scantled, of sawn softwood, sufficient only to support the corrugated iron which was the last roofing material used, but clearly not of medieval date. Some of the other rafters which remained may have dated from the period of construction. They were short, rounded timbers extending from the side aisle-plate to the arcade plate, and one goes from the end aisle-plate to the tiebeam. The only published mention of the building indicates that it had a crown post set on the beams with collar purlins.[6] The basis of that statement is unclear. There were no pegholes towards the upper edge of the tiebeam, which implies that there were no mortices for a king- or crown-post roof. It is more likely that the roof had comprised common rafters with collars, which would have reduced the challenges posed by the mixed assembly. If all the rafters were seated on the arcade-plates, rather than using principals at the trusses, then the varying heights of the tiebeams would not have affected the rafters. The original form of the building above the tiebeam— whether hipped or gabled—is uncertain. It has been shown (Figure 8.3) with a hipped end, which would have helped to prevent racking.

There appears to have been two systems of construction marks used during the building of the frame. Within the body of the frame, scratched truss numbers are visible on many of the posts. They must have started from I at the western end and ended with V at the eastern—although neither the first or last number is visible in the photographs—and they were located on the posts, close to the tiebeam braces. A second numbering system seems less coherent. The numbers IIII, V, and VI are apparent on the southern face of the southern arcade-plate, but with no visible number associated with the post at Truss 5. The IIII is above the cruck blade at Truss 4, the V above the eastern brace from that truss, and the VI above the brace for Truss 5 (with another VI appearing on the brace itself, close to the top). However, this suggests that the numbering does not run the full length of the arcade-plate. The IIII coincides with Truss 4; it may be that the numbers were then used along the length of that piece of arcade-plate in a different way.

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**6** Alcock and Barley, "Medieval Roofs with Base-Crucks," 159.
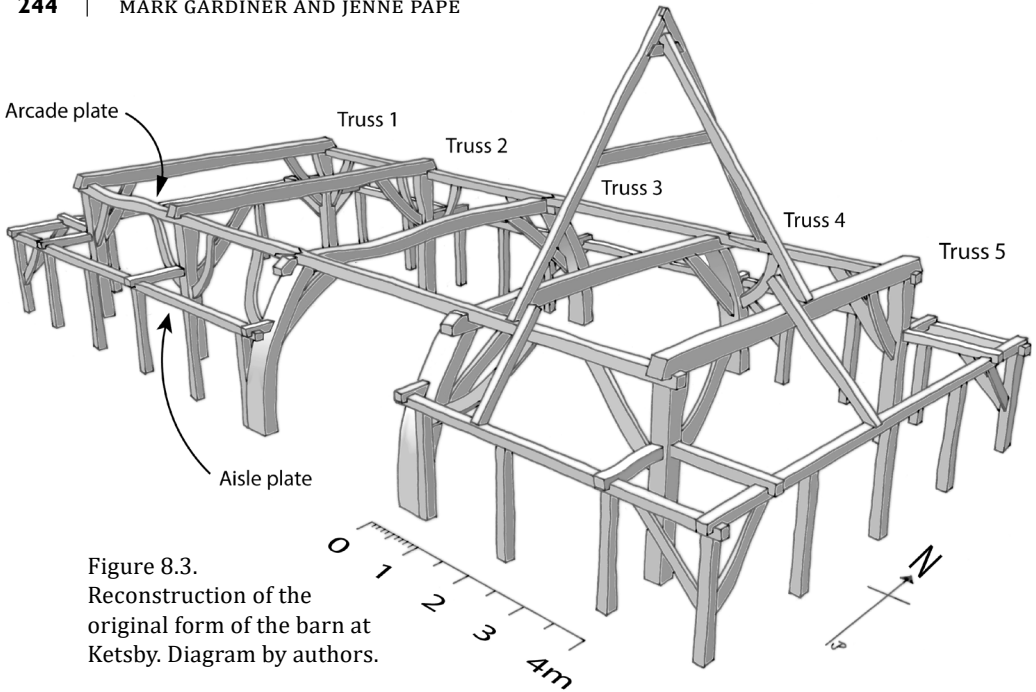
Figure 8.3. Reconstruction of the original form of the barn at Ketsby. Diagram by authors.

## Documentary Evidence

The adjoining vills of South Ormsby and Ketsby were both held in 1086 by Earl Hugh, and the two manors descended together in the hands of tenants holding of the earl of Chester.[7] In 1242/43 they were held by Ralph son of Simon of Ormsby as two fees, and after his death they passed to his son Simon, who obtained a grant of free warren for Ormsby, Ketsby, and Walmsgate in 1314.[8] He died before 1320, when his will was proved, and he was succeeded by a further Ralph. When that Ralph died, he left two children, Simon and Margaret: Simon died without offspring, and his sister Margaret, with her husband Sir William Skipwith of Yorkshire, inherited between 1362 and 1369.[9] Sir William died in 1398 after granting the manors to Sir Philip Tilney, his uncle, who in turn died without a son or daughter.[10] The later descent of the manors is not relevant here.

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**7** *Lincolnshire Domesday*, ed. Foster and Longley, 13/41–42.

**8** *Liber Feodorum*, ed. Lyte, 1.167; 2.1063, 1077; *Calendar of the Charter Rolls*, 3:242.

**9** Massingberd, *History of Ormsby-cum-Ketsby*, 33; Jurokowski, "Skipwith, Sir William."

**10** Massingberd, *History of Ormsby-cum-Ketsby*, 75.
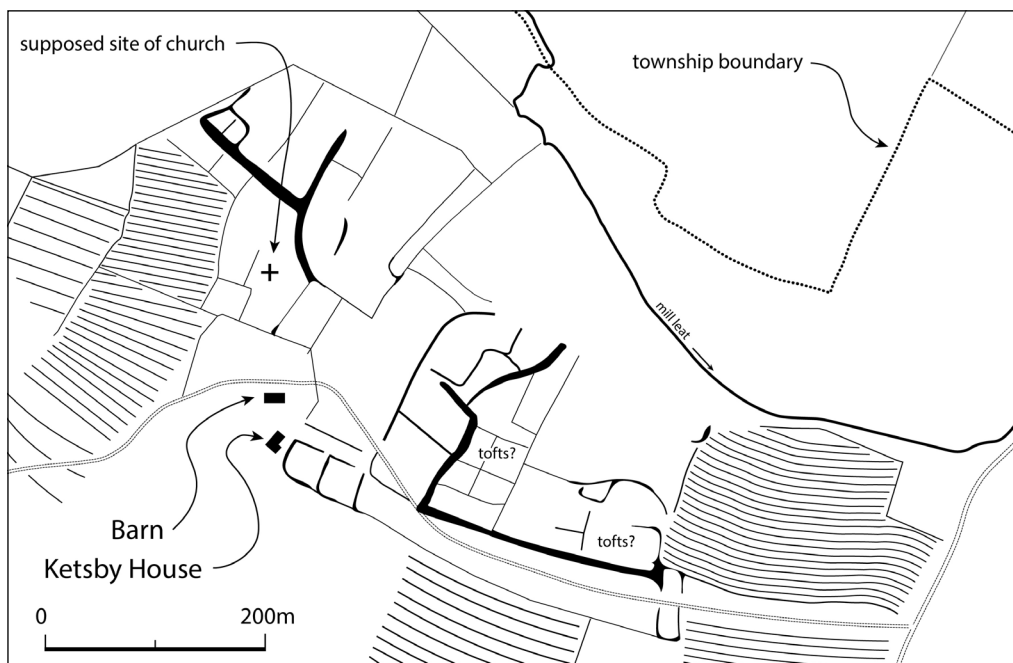
Figure 8.4. The setting of the barn at Ketsby. Diagram by authors adapted from plot by the Historic England National Mapping Programme and aerial photographs taken by Cambridge University Collection of Aerial Photography in January 1966. Other details added from the 25-inch Ordnance Survey map, revised 1905.

South Ormsby was always the more important of the two. It paid three times more tax to the 1334 subsidy than Ketsby did, and the site of the manor house was there.[11] The courts of the two manors were held together. As the population across much of Lincolnshire fell with the conversion to sheep pasture in the sixteenth century, it is likely that the population of Ketsby was much reduced. The central Wolds was the least densely occupied area of Lincolnshire in 1563, and only ten families were noted in Ketsby parish. It was one of the smallest congregations in the county, and can be compared to the thirty families in South Ormsby.[12] The parishes of Ketsby and South Ormsby were amalgamated and the church at the former was demolished sometime between 1552 and 1586.[13]

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**11** *Lay Subsidy of 1334*, ed. Glasscock, 185.

**12** London, British Library, Harley MS 618, fol. 8v; Gould, "The Inquisition of Depopulation," 395; Thirsk, *English Peasant Farming*, 11, map 2; *State of the Church in the Reigns of Elizabeth and James*, ed. Foster, 177.

**13** Massingberd, *History of Ormsby-cum-Ketsby*, 332.

The timber building appears to have been on the demesne. The antiquarian W. O. Massingberd, writing in 1893, says at Ketsby "there are signs of old, perhaps fortified buildings and moats."[14] No moat is apparent in the 25-inch map of 1880, and he may have been confused by the earthworks of the deserted medieval village. These are shown in aerial photographs taken in 1966 by Cambridge University as lying to the east of the barn at Ketsby, but they were subsequently levelled by ploughing (Figure 8.4).[15]

## Discussion and Interpretation

There are two key issues which need to be examined: the function of the building and its date. A four-bay building with one or perhaps two end aisles can only have served as a hall or a barn. It certainly was an agricultural building by the twentieth century, but that does not preclude an earlier use as a house. The base crucks allowed the central vessel of a house or barn to be bridged without the use of aisle posts, which otherwise would have obstructed that space. In a house, base crucks spanned the space of the hall; in barns, they were used at the entrance to facilitate the movement of carts and the unloading of crops. Towards the ends of the barn, it was possible to use aisle posts as divisions to support stacked unthreshed sheaves.[16] Aisle trusses were used where such posts did not form an obstruction, typically at the ends of a building or, in houses, at closed trusses.

Various indicators suggest that the Ketsby building was constructed from the outset as a barn:

1. There is no evidence for any internal divisions in the building, as none of the internal trusses seems to have been closed. In other words, there were no internal walls.

2. If it had been a house, the hall would have occupied three bays between Trusses 2 and 5. A three-bay hall would have allowed very limited space for the services or, alternatively, for a chamber. We know from the assembly marks that it extended no further to the west and the return aisle (see below) precludes an extension to the east.

3. The east end, and less certainly the west too, was finished with an end aisle. Such an aisle would have been exceptional in a house after the early thirteenth century, but might occur in a barn.

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**14** Massingberd, *History of Ormsby-cum-Ketsby*, 6.

**15** See https://www.cambridgeairphotos.com, reference numbers AMV45–50.

**16** Alcock and Barley, "Medieval Roofs with Base-Crucks," 142.

4. There were no lateral braces between the two cruck trusses, 3 and 4. Braces were used in all other positions, for reasons of structural strength, and to aid the assembly of the building (see below). We might have expected them in this bay: the most likely explanation for their omission is that it served as an entrance to a barn. Braces here would have obstructed access by loaded carts.

5. There is no evidence of sooting on any of the surviving beams, which might have been present if the building had been a hall with an open hearth.

Collectively, these points lead to the conclusion that the building was constructed as a barn, with the further implication that it had an entrance between Trusses 3 and 4. An entrance on the south in that position would also explain why the cruck blade of Truss 4 on that side had been replaced at least twice, and more than any other: it would have been exposed to driving rain from the prevailing southwest winds when the door was open, and would therefore have been particularly vulnerable to rot.

The second key issue concerns the matter of date. The majority of dated base-cruck buildings fall between 1275 and 1350. Moreover, all such structures with the arcade-plate set above the tie—a feature found at Ketsby—lie in that date bracket.[17] However, some caution should be exercised. Lincolnshire had a distinctive and rather conservative form of building, and it is therefore possible that the building could be slightly later.

## Building Status

A total of 174 base-cruck buildings have been identified in England, of which only 22 are barns. It has been shown by Alcock and Barley that base-cruck construction was used by lay owners of gentry status and above, as well as by monasteries and other religious bodies.[18] The surviving buildings are, of course, only a fraction of the total once erected. Barns have suffered a higher level of attrition than other types of buildings because they have had to survive alterations in the farming economy, with shifts in emphasis on arable or livestock. It is probable that the structures which have been lost were those less well built, and possibly constructed by tenants of lower status. It is unlikely that it is merely chance that many of those remaining had

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17  Meeson, "Base Crucks," fig. 4.9.

18  Alcock and Barley, "Medieval Roofs with Base-Crucks," 134–35.

walls of stone. Such walls protected the internal timbers from the weather more effectively, and the use of stone also marks a considerable investment in the buildings. Ketsby is therefore a quite exceptional survivor because it was constructed with limited investment in materials (see below), including using daub and wattle, or its Lincolnshire equivalent mud and stud, for the walls rather than stone.[19] It was built by a rather minor lord, and we should wonder why it remained standing when so many others in the county did not. Its survival must be attributed to its continuing utility as an agricultural building on a sprawling demesne. It was a capacious barn useful enough to be worth maintaining, right down to the nineteenth century when the walls were replaced with brick.

## Order of Construction

The combination of normal and reversed assembly typical of an aisled base-cruck building posed some difficulties for the Ketsby carpenters. In normal assembly, the arcade-plate is set into position before the beams are dropped into place. The opposite is true for the cruck trusses: these are erected first, and subsequently the arcade-plate is added. John Walker has shown how this was managed at Frobury Farmhouse (Hants) which had a single base-cruck truss. The aisle posts were erected first, then the central cruck was reared; the arcade-plates were added, followed by the beams to the arcade-trusses.[20] The problem was altogether more difficult at Ketsby because that building, like many medieval Lincolnshire buildings, had no soleplate to secure the foot of the timbers. Its structural stability depended entirely on braces to the arcade plate.

There are three scarf joints at Ketsby, and the direction of these allow the sequence of construction to be determined. The lower scarfed plate was set in place before its upper counterpart, suggesting that the bay between the base-cruck trusses was erected first and the carpenters worked outwards towards the ends and then the aisles. The two base-cruck trusses would have been assembled on the ground, then reared into position (Figure 8.5, A). The difficulty for the builders was that the base-cruck trusses were not braced to the arcade-plate in this bay because of the need to avoid obstructing the cart entrance. During erection, that part of the structure may have been tem-

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**19** Mud and stud differs in creating a matrix for the daub by attaching riven laths to the outside of the whole frame, rather than wickerwork panels between the major timbers; the whole building is then daubed, leaving no timber visible externally.

**20** Walker, "Base Cruck Aisled Hall at Frobury," 58–59.
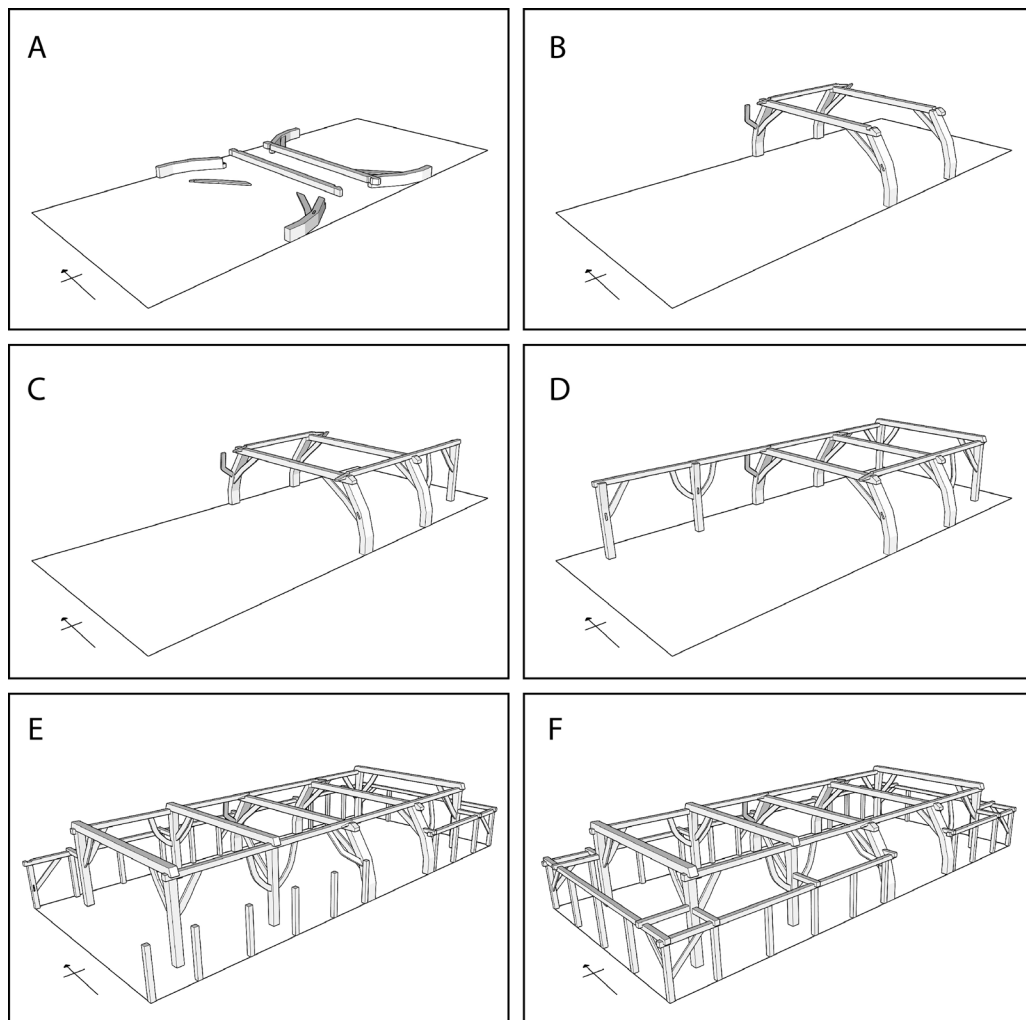
Figure 8.5. The sequence of erection of the barn at Ketsby. Diagram by authors.

porarily secured by ropes or by props to keep them upright, as Charles and Horn have suggested elsewhere.[21] When the two crucks had been raised, they were joined together by a short arcade-plate on the north side (Figure 8.5, B). The next stage was to add the south post of Truss 5 and to secure it in position using an arcade-plate, which also linked the two cruck trusses on that side (Figure 8.5, C). The north side of the truss could be completed with a further length of arcade-plate (Figure 8.5, D). The remaining aisle trusses

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**21** Charles and Horn, "Cruck-Built Barn of Leigh Court," 24–26, fig. 31.

could then be added towards the west and linked with the arcade-plate. The aisles were added late in the assembly process (Figure 8.5, E and F). This allowed them to have a light construction, because they were effectively supported by the rigid structure created by the crucks and arcade posts. It is uncertain whether the feet of the posts were set in the ground to hold them in position before the aisle-plate and ties were added. Alternatively, sections of the aisle wall comprising the posts and plate might have been assembled lying on the ground and then reared into position.

## Timber and Timber-Working

The timber used was waney almost throughout. The timbers were not straight-grown and came from hedgerow trees (Figure 8.1). The presence of bark on timbers indicates how small the trees used were; the carpenters were very economical with their use of timber, preferring to leave sapwood and occasionally bark on the trees, rather than reduce the scantling further by removing it. Inevitably this meant that much of the timber was heavily eroded by the time the building was demolished. Some of the braces and ties were no more than small branches. In most parts of the country, timber of this type would have been considered of very inadequate quality. The timbers were converted in two ways. Flat pieces, such as the arcade braces and some of the larger timbers, were sawn. Other members were hewn with an adze or axe. Some timbers show evidence of both methods of conversion. The smallest surviving timbers, including the aisle ties and the aisle rafters, were used in the round and not squared up at all. It appears that the carpenters had a diameter in mind for each piece, and they squared off anything which was greater than this diameter, thus producing timbers which were squared heartwood at one end but complete trunks at the other. It is therefore possible to identify which "way up" many of the timbers are. The cruck timbers at Ketsby were used with the root end uppermost, although Meeson has suggested that was not common practice in England.[22] The arcade posts were also used with the butt end up. Squared wood was favoured around the scarf joints for the arcade-plate because of their critical nature. The tiebeam at Truss 1 appears to have been a little more than half a tree; the eastern face is carefully squared and prepared, while the western face at the southern end appears to have the round profile of the trunk.

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**22** Alcock, "Discovery of Crucks," 9. Nat Alcock has suggested to us that there is, however, limited study of this issue.

Figure 8.6. An exploded diagram of a pseudo-rotated jowl (compare with Figure 8.2). Diagram by authors.
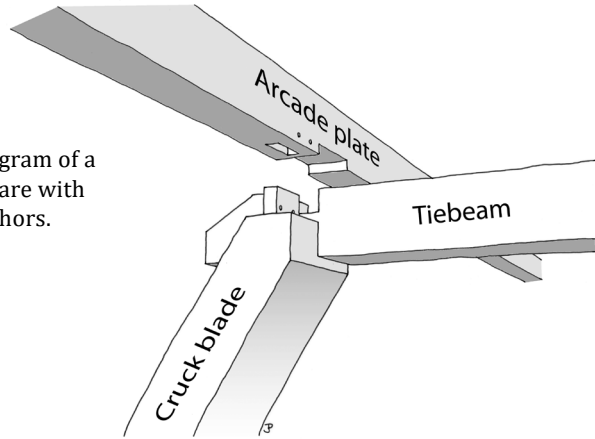
We should not conclude from the poor quality of materials that this building was constructed on the cheap. The extraordinary economy in the use of timber at Ketsby is reflected in other, slightly later buildings recorded in Lincolnshire, and must indicate a widespread shortage of timber suitable for construction. The carpentry suggests that the builders had a clear understanding of the methods of construction for base-cruck buildings, including the use of "rotated jowls." In these joints the jowl, which typically allows a tenon to be formed to lock a beam in position, is set so that it allows the wall-plate to be similarly secured to the post or cruck blade. The term is something of a misnomer at Ketsby, where there is no jowl as such—that is, no thickening of the timber at the head to accommodate the tenon. Instead, the width of the cruck blade was used to accommodate both the joint with the beam and the tenon for the arcade-plate (Figure 8.6). Adapting terminology used by Meeson, we should properly call these "rotated pseudo-jowls."[23] Rotated jowls are usually found in conjunction with "reversed assembly," where the wall- or arcade-plate is set above the beam. The purpose of the jowl in those cases was to secure the plate to the post or blade locking the beam between the two. An alternative to using a rotated jowl was to add a second tiebeam above the first to hold the arcade plate in position.[24] That solution would not have been attractive to the carpenters at Ketsby because of the extra timber it would have required. Rotated jowls are a feature of Essex and Suffolk, where reversed assembly was employed in some bays of post-built buildings, for example at Prior's Hall, Widdington.[25]

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23  Meeson, "Base Crucks," 83.

24  Meeson, "Base Crucks," 82.

25  Hewett, *English Historic Carpentry*, 275.

## Conclusions

Only parts of the original fabric of the late medieval building at Ketsby survived to be recorded as it was dismantled in 1966. Nevertheless, the character of the original building is clear. The positions of the doors on either side of the barn were flanked by base-cruck trusses, constructed without braces to the arcade-plate in the entrance bay to allow access. It is very likely there was a porch to provide extra height at the entrance on the south. It was common in many larger medieval barns to form a lateral gable, allowing fully loaded carts to enter the barn.[26] The entrance at Ketsby was altogether more modest, to judge from the slight evidence present. The original lintel seems to have remained above a more recent doorframe. One tie also appears to have survived between that lintel and the arcade plate. The roof-line over most of the barn in 1966 was a continuous slope over the nave and aisles except in the entrance bay, where the slope had been reduced above the aisle to allow the formation of a higher doorway. In that way a higher entrance had been created without the need for a lateral gable.

The photographs of the barn at Ketsby provide a tantalizing record of one of the earliest known timber-framed buildings in rural Lincolnshire. That structure is key in understanding the remarkable absence of vernacular buildings here which has parallels in few other lowland English counties. The complexity of construction and the size of the building at Ketsby contrast with the very poor materials used throughout. There was probably no timber in the building which did not have waney edges, indicating that the whole scantling of the tree as far as the bark was used. For many timbers there was rather limited or even no attempt to remove the waney edges. Some timbers were simply unsquared branches. The poor quality of material employed was not simply because it was for an agricultural building. Many barns were built with timber of very good quality. Rather, it reflects the poor quality of wood in general use in many late medieval timber buildings in Lincolnshire. Even on the demesne farm good-quality timber was hard to obtain, and irregular trees grown in hedgerows had to be used. In other areas of England straight-grown timber produced from trees on managed woodlands was much more prevalent. Domesday Book suggests three areas of Lincolnshire were particularly wooded in the late eleventh century,

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**26**  Hewett, "Tithe Barn at Siddington," fig. 1; for a more recent survey of Siddington, see Meeson, "Structural Trends in English Medieval Buildings," fig. 5; Charles, *Great Barn of Bredon*, 2–22.

one of which lay to the southeast of Louth.[27] Ketsby lay at the margin of that area, but whether the woodland had been cleared by around 1300 when the barn was built, or there was no demesne woodland at South Ormsby and Ketsby, the sources of timber to be drawn upon were clearly limited.

A second feature of note is the absence of any sill beams at Ketsby. This was clearly related to the economies in the use of timber. Generally, Lincolnshire buildings of post-medieval date dispensed with sill timbers.[28] The excavation of buildings at Goltho also uncovered structures of late thirteenth- and early fourteenth-century date where sill walls were absent and posts and studs were supported on individual padstones.[29] It is possible that there were padstones under the posts at Ketsby, but the feet of the timbers as photographed in 1966 were hidden under manure, so it is not possible to resolve that question now. The rigidity of buildings was not achieved using box-framing, as was common in southern England, but by extensive bracing to the posts and beams. This was a common structural characteristic of Lincolnshire buildings up to at least the mid-eighteenth century, and was presumably so persistent because it allowed fewer timbers to be used in construction.[30]

The Ketsby building was on a minor lay estate and clearly cannot be compared with the great, often stone-walled and mainly monastic or episcopal barns which still remain standing.[31] These buildings have attracted much attention and study, but barns on small demesnes or large peasant holdings have survived less well and have been less thoroughly investigated. The barn at Ketsby, as it stood, measured only 16.59 metres by 8.18 metres, and an end aisle to the west would have added only 1.52 metres to the length. It is more relevant to compare it with the excavated remains of a mid- to late fourteenth-century barn which accompanied a substantial farmhouse of a tenant at Caldecote (Herts).[32] That building measured 16.5 metres by

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**27**  Darby, *Domesday Geography of Eastern England*, 59.

**28**  Roberts, "Persistence of Archaic Framing Techniques, Part 1"; Roberts, "Persistence of Archaic Framing Techniques, Part 2."

**29**  Beresford, *Medieval Clay-land Village*, 40–43; Wrathmell, "Some General Hypotheses," 180, fig. 2.

**30**  Pape, "Unfit for the Residence of a Minister," 11: it was initially assumed that this building was of late-medieval date; see also Miller, "Survey of a Lincolnshire Vernacular Farmhouse," 70–72.

**31**  For example, Charles, *Great Barn of Bredon*, 2–22; Rigold, "Some Major Kentish Timber Barns," 1–30; Stenning, "Cressing Barns," 55–107.

**32**  Beresford, *Caldecote*, 102–4.

5.5 metres, somewhat narrower than the Ketsby barn because it had no aisles. The barn at Ketsby also helps to explain why so few other late medieval Lincolnshire buildings survive. The quality of timber which carpenters had to employ was so poor that the buildings would have been particularly prone both to rot and structural failure. The extensive use of sapwood meant that timbers were more susceptible to decay, and the small scantling of the wood meant that when members did rot, they were likely to fail. The small number of timbers utilized also meant that any failure jeopardized the integrity of the building and could lead to collapse. The attrition rate of buildings due to decay must have been much greater in Lincolnshire than elsewhere. We may add to this the contraction in population as areas of the county were converted from arable to pasture, with a corresponding decline in rural employment. Those left were reluctant to maintain surplus buildings as holdings were engrossed and houses abandoned.[33] The Ketsby barn, through its survival until 1966, allows us to understand why so few other rural buildings of medieval date have remained standing in the area.

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**33** For examples in the Ketsby area, see Massingberd, *History of Ormsby-cum-Ketsby*, 246, 253.

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Chapter 9

# I AM SAILING

## A BRIEF CATALOGUE OF MAYFLOWER MATERIALS IN LINCOLN CATHEDRAL'S WREN LIBRARY

### ANNA MARIE ROOS

**ABSTRACT** Finished in 1676, the Library Gallery at Lincoln cathedral was designed by polymath and natural philosopher Christopher Wren, the first library he completed amongst a total of four Wren Libraries in the United Kingdom. Michael Honywood, dean of Lincoln from 1660 to 1681, commissioned Wren to create the architectural space, and also left his personal library to the cathedral. The collection and its gallery space survive largely intact, and the book collection is exceptional. The bibliophile Honywood was a fellow of Christ's College, Cambridge and *au fait* with the latest intellectual networks. From 1643 until the restoration in 1660, the Royalist Honywood was in voluntary exile in the Low Countries, first in Leiden and then in Utrecht. The Netherlands was an epicentre of European publishing, so his collection is consequently rich. Largely due to Honywood's bequest, the Wren Library has a significant collection of books and pamphlets related to the voyage of the Mayflower, a voyage which had direct ties both to Lincolnshire and the Netherlands. The Wren Library's possession of these materials is underreported. This article thus will set the relevant books in the collection in historical context, providing a brief catalogue to highlight materials for future study and analysis.

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## Introduction

Finished in 1676, the Library Gallery at Lincoln cathedral was designed by polymath and natural philosopher Christopher Wren (1632–1723), the first of four Wren Libraries he completed in the United Kingdom, the other three being Trinity College, Cambridge (1684), the lost library built for Thomas Tenison at St Martin in the Fields in London (1684), and the library at St Paul's cathedral (by 1710).[1] Michael Honywood, dean of Lincoln from 1660 to 1681, commissioned Wren to create the architectural space, and also left his personal library to the cathedral. As Linnell indicated, "Honywood was of particular importance because he not only gave his books to the dean and chapter, but also built the gallery to house them."[2] Although some of the incunabula were sold by the chapter in the nineteenth century, the collection and its gallery space survive largely intact, the art historian Sir Roy Strong calling Lincoln's Wren Library "the most beautiful room in England."[3]

Apart from its aesthetic appeal, the book collection is exceptional. The bibliophile Honywood was a fellow of Christ's College, Cambridge, and *au fait* with the latest intellectual networks, reflecting his interests in natural philosophy and music. From 1643 until the Restoration in 1660, the Royalist Honywood was also in voluntary exile in the Low Countries, first in Leiden and then in Utrecht. The Netherlands was an epicentre of European publishing, so his collection is consequently rich in sixteenth- and seventeenth-century Continental literature, including sixteenth-century Italian plays and madrigals, pamphlets and broadsides from Europe concerning the English Civil War and Interregnum, Dutch ballads, and multilingual religious books and tracts.[4] While in exile, Honywood lent and borrowed books with his fellow émigrés including Henry Oldenburg, the future secretary of

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**1** The author thanks the anonymous reviewer for the reference to the Tenison Library.

**2** Linnell, "Michael Honywood," 126.

**3** For the Medieval and Wren Libraries at Lincoln Cathedral see https://www.visitlincoln.com/things-to-do/cathedral-library, accessed January 30, 2023. Much of Honywood's extensive music library was also sold to the British Museum in 1914: see Fenlon, "Michael Honywood's Music Books," 183–200. The author thanks the anonymous reviewer for the reference to this article.

**4** Hurst, *Cathedral of the Wren Library*, x. All catalogue entries in this article will contain the numbered reference to this catalogue, as well as (when relevant) the English Short Title Catalogue Number (STC) and Wing number. Marika Keblusek at the University of Leiden is preparing a forthcoming analysis and updated catalogue of the Wren Library's collection with Boydell & Brewer and the Lincoln Record Society.

the Royal Society of London, noting these transactions in an extant manuscript catalogue.[5]

Largely due to Honywood's bequest, the Wren Library has a significant collection of books and pamphlets related to the voyage of the Mayflower, which had direct ties to both Lincolnshire and the Netherlands.[6] Its possession of these materials is underreported. In 2020, a major exhibit was thus planned at the Wren Library in collaboration with the University of Lincoln to commemorate the Mayflower voyage. The exhibition was going to coincide with the launch of The Lincoln Centre for Ecological Justice (LinCEJ) with an inspirational seminar led by Chief Sâchem Wômpimeequin Wampatuck of the Mattakeeset Tribe of the Massachuset Indian Nation, a leading figure in indigenous claims for ecological justice. The event was cancelled due to the COVID-19 pandemic. This article will therefore set the relevant books in the collection in historical context, providing a brief catalogue to highlight materials for future study and analysis.

## The Catalogue and Historical Context:
## The Voyage to the Netherlands

The Mayflower set sail on September 16, 1620, from Plymouth, in Devon, to voyage to America, known at the time as the New World. The Pilgrims on board were religious separatists, wishing to break away from the English Protestant Church and state religion which they believed was too Catholic in its practices. As Augsburger and Coggins have indicated, the separatists had a "radical commitment to follow truth wherever it might lead," and were fundamentally opposed to the use of the Book of Common Prayer:

> In order to be fully open to new light, one had to be totally freed from preconceived understandings of Scripture. The worship with the *Book of Common Prayer*, however, made it totally impossible for the preacher to convey any message from the Holy Spirit. The same negative attitude also applied to the *Geneva Bible* with its many human footnotes.[7]

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**5** Honywood, "A catalogue of books brought for myself since my comming out of England. July. 6 st. n. 1643," Lincoln Cathedral Library, MS 276.

**6** That said, there is some evidence that Edward Winslow's *Good Newes from New-England* (1624) was acquired by the Library at a date earlier than Honywood's bequest, as it is included in the 1668 catalogue (Lincoln Cathedral Library, MS 251). The author thanks the anonymous reviewer for this information.

**7** Augsburger, "Review," 123–24.

In other words, set liturgies interfered with the progression of worship of God, which was thought to advance directly from the individual to the deity.

Most of the separatists who would become known as the Pilgrims came from the East Midlands on the borders of Lincolnshire, Yorkshire, and Nottinghamshire. Towns and villages like Scrooby, Gainsborough, Austerfield, Babworth, North Wheatley, and Sturton-le-Steeple had many separatists.[8] John Robinson, who had lost his ministry in Norwich due to his beliefs, along with Reverend John Smyth were pastors for a congregation in Gainsborough, Lincolnshire. Richard Clyfton was pastor of an illegal Separatist congregation at Scrooby, Nottinghamshire, and Robinson eventually joined him there. The separatists at Scrooby who remained in the original congregation were protected by William Brewster, a district postmaster and royal bailiff, and who had been the assistant of the diplomat William Davison.[9] His manor house provided a place for worship. Increasing numbers of separatists and converts came to Scrooby, but unfortunately for the congregation this attracted the attention of Tobias Matthew, the new archbishop of York.

In 1607, Matthew began targeting the separatists of the East Midlands, arresting members of the congregations at Scrooby and Gainsborough, and firing bailiff and postmaster Brewster. This threat from Archbishop Matthew led separatists such as William Bradford from the East Midlands to flee England to Holland. The Scrooby separatists travelled to Boston, Lincolnshire, where they had contracted with a ship captain in good faith, but were betrayed by him, intercepted at Scotia Creek, and briefly imprisoned in the town. A second attempt in 1608 at Immingham on the Lincolnshire coast just north of Grimsby was successful. They ultimately settled in Amsterdam, there joining other separatists who had previously formed a congregation called the Ancient Brethren.[10]

Once in Holland, Pastor Smyth of the Gainsborough congregation announced he accepted doctrines that differed from the other separatists, namely that infant baptism had no Scriptural grounds, and only believer baptism was biblically based. The cathedral collection has a copy of Smyth's treatise detailing the dispute:

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**8** A good website for a lay audience about the Lincolnshire roots of the Mayflower voyage is Pilgrim Roots, https://www.pilgrimroots.co.uk, accessed January 30, 2023.

**9** Bangs, *New Light on the Old Colony*, 118.

**10** Plimoth Patuxet Museums, "Who were the Pilgrims?"

1. **John Smyth. *The Character of the Beast. Or the False Constitution of the Church Discovered in Certayne Passages betwixt Mr R. Clifton & John Smyth, Concerning True Christian Baptisme...Referred to Two Propositions. 1. That Infants are NOT to Bee Baptised. 2. That Anti-christians Converted Are to Bee Admitted into the True Church by Baptisme.* [Middleburg: R. Schilders, 1609], 4°, STC 22875, Imperf.; wants all after p. 68, Hurst Ref S0381.**

In *The Character of the Beast* (1609) Smyth and Clyfton set out the arguments for believer baptism. John Smyth then baptized himself by affusion before baptizing Thomas Helwys and a group of others, who by this act broke from the other separatists and would be instrumental in the founding of America's Baptist denomination. Eventually Smyth and Helwys would come into dispute themselves. As Augsberger and Coggins noted, this was due to Smyth's compliance with a

> principle of baptismal succession, which led him to seek rebaptism by the Mennonites, after he had already rebaptized himself. Helwys, on the other hand, stressed the importance of a "spiritual succession" and rejected anything that echoed of the apostolic succession of the Catholics and Anglicans.[11]

In light of Smyth's pronouncements, the Scrooby congregation decided to leave Smyth and his followers and relocate to Leiden.[12]

Leiden was a university town with a renowned anatomy theatre and botanic "physic" garden and was a centre of publishing and trade. It was also known as the "City of Refugees" for taking in French Huguenot Protestants fleeing the Wars of Religion. Between the late sixteenth and mid-seventeenth century, the population of the city grew from 15,000 to about 45,000.[13] As they did not speak Dutch, the Pilgrim immigrants found employment in the relatively low-paying textile industry, many serving as spinners, dyers, and weavers and settling on land next to the St Pieterskerk called the Groene Poort.

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11 Augsburger, "Review," 123.

12 Plimoth Patuxet Museums, "Who were the Pilgrims?"

13 Spuyman, "Before Plymouth."

2. ***Res curiosae & exoticae, quae in ambulacro horti academiae Leydensis curositatem amantibus offeruntur*** **[Leiden], 1651. s.sh., Hurst Ref L0276.**
There are thirteen of this title listed in WorldCat, and only one other 1651 edition; a 1670 edition is in the British Library, shelfmark 728.c.38.

The *Res curiosae et exoticae* was a guide to the *ambulacrum* at the University of Leiden in 1600, which housed a collection of natural curiosities. A stuffed hippopotamus and a rhinoceros cub were displayed with "A Pair of Sandals or Slippers from the Kingdom of Siam." Botanical lectures by the professor of botany, who was also prefect of the Botanical Garden, were held here in bad weather. The Garden "was only open to students who had a special permit from the professor. This was easily obtainable by foreign students."[14] Although the copy does not bear Honywood's monogram, it is possible that he picked this guide up when in Leiden himself, and it would be interesting to speculate if any of the separatists were ever given an opportunity to visit during their time there.

3. ***Illustrium Hollandiae & Westfrisiae ordinum alma Academia Leidiensis*.** **Lugduni Batavorum [Leiden]: Iacobum Marci & Justum a Colster, 1614. 4°, 231 pp., folding plate, portraits, bearing the monogram of Michael Honywood, Hurst Ref L0274.**

Another work related to the University and contemporaneous with the separatists' stay in Leiden was the *Illustrium Hollandiae* collection of biographies of Leiden professors, portraying the anatomy theatre and botanic gardens. This 1614 version in the Wren Library also has five "blank" spots, because the subjects had died before their portraits could be done or their portraits were not ready in time (one could paste them in later).

In 1616, William Brewster, with John Brewer and Edward Winslow, operated a clandestine Pilgrim press in Leiden, which was devoted to publishing works of theological dispute. As Leiden was a university town and printing centre, it was relatively easy to procure the type, forms, and printing press. The press lasted approximately two years before the Mayflower voyage to America.[15] One of the books published was by Thomas Cartwright (1535–1603), an English Puritan leader, controversialist, and before his exile Lady Margaret Professor and Fellow of Trinity College, Cambridge:

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14  Lindeboom, *Boerhaave and Great Britain*, 26.

15  Pearson, *Thomas Cartwright*, 210.

4. **Thomas Cartwright,** *A confutation of the Rhemists translation, glosses and annotations on the New Testament, so farre as they contain manifest impieties, heresies, idolatries* **[Leiden: W. Brewster], 1618, 761 pp., STC 4709, Hurst Ref C0168.**

The main annotator of the Rheims New Testament was Richard Bristow (1538–1581), a fellow of Exeter College, Oxford, theologian, and member of the College at Douai in Louvain. Bristow's annotations that accompanied the translation "constituted a commentary of a highly polemical and decidedly anti-Protestant type."[16] Cartwright refuted Bristow's Biblical interpretations, criticizing the Rheims New Testament because it did not take its content from the original Hebrew and Greek texts, but rather from the fourth-century Latin Vulgate. Cartwright claimed it was thus not a true interpretation of the Bible, stating, "they would (as it were) cover the head and majesty of the authentical copies in the Greek to bring them to subjection unto the old translation" (p. 93). He considered the Rheims translation "absurd, troublesome, and fruitless."[17] Cartwright's work gives an indication of the difference the Pilgrims had with Catholics in Biblical interpretation.

As Pearson has noted, because the Rheims New Testament was one of the most significant products of the Catholic Reformation, Cartwright's edition was one of the most important productions of Brewster's clandestine Pilgrim press in Leiden. Many of Cartwright's contemporaries "singled him out for the distinguished task of demolishing the latest bulwark of Romanism."[18]

5. *De vera et genuina Iesu Christi Domini et Salvatoris Nostri Religione: Authore Minist. Angl.* **[Leiden: W. Brewster], 1618, 8°, 326 pp., Hurst Ref C0587.** There is also a copy in the Herzog August Bibliothek Wolfenbüttel, Bl., 326 S, which has been digitized: http://diglib.hab.de/drucke/yv-336-8f-helmst/start.htm, accessed February 3, 2023.

This is a smaller Latin treatise, "Concerning the true and genuine religion of our Lord and Saviour Jesus Christ," of which the "evidence is clear that Brewster was the publisher."[19] The English ambassador to the Netherlands,

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16 Pearson, *Thomas Cartwright*, 201.

17 Pearson, *Thomas Cartwright*, 206.

18 Pearson, *Thomas Cartwright*, 201.

19 Steele, *Chief of the Pilgrims*, 174.

Sir Dudley Carleton, 1st Viscount Dorchester (1573–1632), wrote in his correspondence of July 22, 1619, to Secretary of State Sir Robert Naunton that in the publishing of this book "Brewster doth openly avow."[20]

## The Catalogue and Historical Context: The Voyage to the New World

Life in Holland proved difficult for the separatists. The morally more relaxed Dutch culture was of concern; there was religious toleration, but also a more casual attitude towards Biblically-based morality. Worse yet, a peace treaty between Spain and Holland signed in 1609 was to expire in 1621, and the separatists feared that if Catholic Spain invaded and occupied Holland they would be forced to flee. Pilgrim William Bradford remarked:

> The 12 years of truce were now out, there was nothing but beating of drums and preparing of war, the events whereof are always uncertain, the Spaniard might prove as cruel as the savages of America, and the famine and pestilence as sore here as there, their liberty less to look out for remedy.[21]

The congregation thus decided to leave Leiden and establish a village in the northern part of the Virginia Colony, near present-day New York.[22] On July 22, 1620, these Pilgrims from England via Holland boarded the ship Speedwell at the Dutch port of Delfshaven, near Rotterdam. From there, they would meet the Mayflower and journey to the "new Jerusalem" of America. Christopher Jones was the ship's captain, Myles Standish the military commander, and this 180-ton vessel docked at Plymouth to make final repairs before sailing across the Atlantic Ocean.

While in Plymouth, the congregation met the famous John Smith (1580–1631), a Lincolnshire native who saved the Jamestown colonists from disaster and who had mapped the American coast. Although they refused Smith's offer to join them on their voyage, as he was a "true and faithful servant" to the English monarchy and no friend to separatists, Smith was a formidable navigator.

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**20** Steele, *Chief of the Pilgrims*, 174n5. Steele noted, "A copy of this, as well as other works printed by him, appears to have been in the Elder's library at his decease." The primary source is an eighteenth-century edition of the correspondence of Sir Dudley Carleton: *Letters from and to Sir Dudley Carleton, Knt.*, 380.

**21** Bradford, "Of Plymouth Plantation," 176–91, at 178.

**22** Plimoth Patuxet Museums, "Who were the Pilgrims?"

6.  **John Smith, *A Sea Grammar, with the Plaine Exposition of Smiths Accidence for young Sea-Men, Enlarged. Diuided into Fifteene Chapters: What They Are You May Partly Conceiue by the Contents. Written by Captaine Iohn Smith, Sometimes Gouernour of Virginia, and Admirall of Nevv-England*. London: John Hauiland, 1627. 4°, 86 pp., bearing the monogram of Michael Honywood, STC 22794, Hurst Ref C0358** (see fig. 9.1).

This is considered the first work on seamanship in the English language:

> The *Sea Grammar* is also a work of distinction in literary terms if one considers Smith's embellishment of the whole with "you are there" immediacy, as in the memorable scene of the fight at sea, or in his moving plea for better conditions for sailors, which makes up the last three pages of the work.[23]

In his typically bombastic language, Smith opens the work, "Julius Cæsar wrote his owne Commentaries, holding it no lesse honour to write, than fight; much hath bin writ concerning the art of war by land, yet nothing concerning the same at Sea."[24] Of use to the Pilgrims would have been his "Proper Sea tearmes for diuiding the company at Sea, and stearing, sayling, or moring a Ship in faire weather, or in a storme."[25] There was also practical advice about the duties of each of the members of the crew under the captain's command.

## The Catalogue and Historical Context: Footfall in America and Epidemic Disease

Mayflower arrived in New England on November 11, 1620, after a voyage of 66 days. Although the Pilgrims had originally intended to settle near the Hudson River in New York, winds and dangerous shoals forced them to stay in Cape Cod. It was here the adult men signed the document known as the Mayflower Compact, the basis for government. After a search for a suitable place to settle, the Pilgrims decided upon the site of an abandoned Wampanoag village, which had ample water supply, a harbour, and fields that had been cleared. What the Pilgrims did not know is that the Wampanoag had abandoned their village due to epidemic disease brought by previous European explorers, of which over 2,000 Native Americans had perished.

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**23**  Virtual Jamestown, "John Smith," The Institute for Advanced Technology in the Humanities, University of Virginia, https://www.virtualjamestown.org/exist/cocoon/jamestown/fha-js/SmiWorks3, accessed May 16, 2019.

**24**  Smith, Preface to *Sea Grammar*, unnumbered page.

**25**  Smith, *Sea Grammar*, 37.
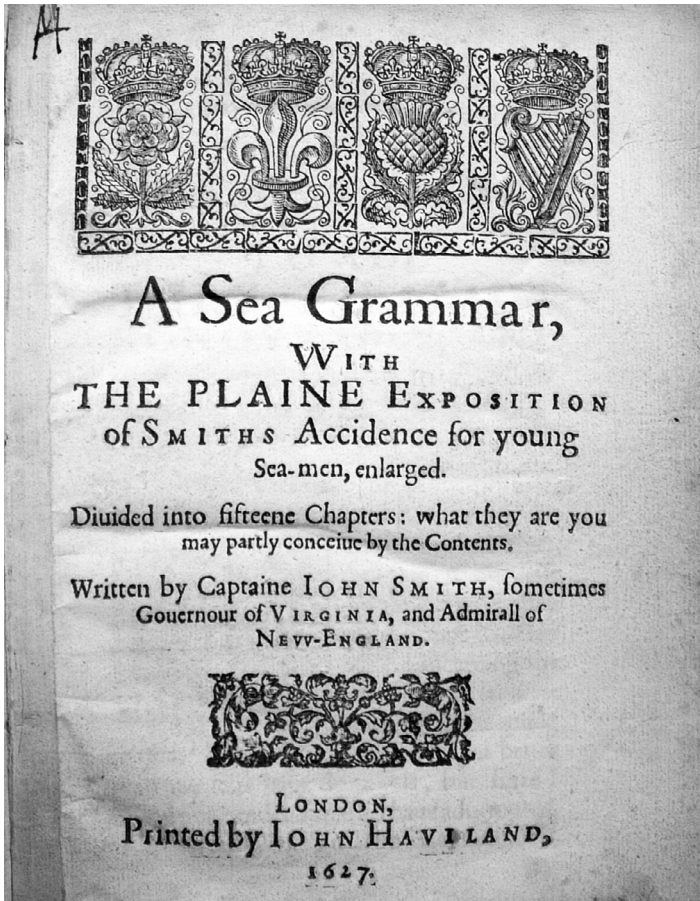
Figure 9.1. John Smith, Title Page of *A Sea Grammar* (London, 1627). Photograph by Lincoln Cathedral Library. Reproduced with permission.

*Mayflower* arrived in Plymouth Harbour on December 16, 1620, and the colonists began building their village, with many remaining onboard their ship. The colonists, like the Native Americans, fell ill themselves, not of epidemic disease, but probably scurvy and pneumonia caused by a lack of shelter in the cold, wet weather, and a high-salt diet lacking in fruit and vegetables. "Only 52 people survived the first year in Plymouth. When *Mayflower* left Plymouth on April 5, 1621, she was sailed back to England by only half of her crew."[26] There was no doctor available to the Mayflower settlers, but The Pilgrims had a copy of *The Surgeon's Mate* by Dr John Woodall, the standard manual carried by the East India Company, and someone who could read and apply it, Deacon Samuel Fuller, a previous member of the Scrooby congregation.

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**26** Plimoth Patuxet Museums, "Who were the Pilgrims?"

Treatment was largely herbalism, prayer, and bloodletting, as the theory of blood circulation by William Harvey had not yet been published. Medical practice was still based upon the theory of the humours, first presented by Hippocrates and Galen in Antiquity. Galen stated that good health relied on the balance of four humours or bodily fluids, defined as phlegm, blood, yellow bile, and black bile. The job of the humours was to nourish the body, as well as to provide the material for sperm and in pregnancy for the foetus. It was believed that travel to unfamiliar climates could disrupt the humoral balance determined by one's place of origin, with consequences that included illness, changes in skin colour, strength, or even behaviour.[27] As Earle has noted, "fluidity, rather than fixity, was the hall mark of the early modern body."[28] One's diet thus reflected profound European anxieties about colonial environments: "early colonial actors ascribed great significance to the differences they perceived between their bodies and those of Amerindians," and "food was in fact central to the early modern discourses about human difference."[29] Humoral balance could then be restored by therapeutic bloodletting via leeches or lancet. The vein was manually perforated by the doctor and sometimes many shallow cuts were made or a scarifier was used. When the patient felt faint and was considered "calmer" thanks to the purgation of the excess humour, the bleeding was stopped. Bleeding was also done if another humour was too predominant, as the pure humour blood contained a smaller amount of the other humours. Humoral balance could also be achieved via diet or herbal remedies, using a treatment of opposites. For instance, if there was an overabundance of cold and moist phlegm, the physician would give the patient remedies associated with hot and dry yellow bile.

This is a shortened version of the works of the Roman physician Galen (2nd/3rd c. CE), doctor to the Roman emperor Marcus Aurelius, who systematised the medical theory of Antiquity:

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**27** Earle, "'If You Eat Their Food,'" 688–713.

**28** Earle, "'If You Eat Their Food,'" 690.

**29** Earle, "'If You Eat Their Food,'" 689–90.

7. ***Epitome Galeni Pergameni operum, in quatuor partes digesta*. Basel: Mich. Isingrinium, 1551, Folio 1292 coll., 2293[1293]–1298pp., Hurst Ref G0011.** There is another copy in the Lincoln Cathedral Library, Hurst Ref G0011.

His work was the basis of medical knowledge until the nineteenth century. The one illustration in it shows the human skeleton and skull, the skeleton not articulated correctly, largely because Galen based most of his anatomies on those of animals including the Barbary ape. Galen also postulated that blood ebbed and flowed in the human body, blood being continually made by the liver, rather than circulating. It is a second edition, the first published in Venice in 1548, and it was edited by the Spanish physician-humanist Andrés Laguna de Segovia, known for his Latin and Spanish editions of Dioscorides' *Peri hyles iatrikes* (*De materia medica*).[30]

This work by William Harvey, Royal Physician to Charles I, was the first to postulate the circulation of the blood:

8. **William Harvey, *Exercitationes duae anatomicae de circulatione sanguinis*. Rotterdam: Arnoldi Leers, 1649, 12°, 140 pp., bearing the monogram of Michael Honywood, Hurst Ref H0117.**

Harvey took quantitative measures of the amount of blood in the body and realized it would be impossible for it to be continually created from food by the liver; he concluded the blood must circulate and outlined the role of veins and arteries, showing how the vessels' valves promoted one-way blood flow.

> In 1649, after maintaining a twenty-one-year silence against his detractors, Harvey published two essays addressed to Jean Riolan the younger, a Parisian professor of anatomy who had put forth a rival theory of the circulation in his *Enchiridium anatomicum* (1648). Harvey demolished Riolan's arguments point by point in the first essay, and in the second essay refuted Descartes, who had denied Harvey's claims about the movements of the heart.[31]

The *Exercitationes duae* were published in two editions in 1649, the Rotterdam edition such as the cathedral library has, and a more famous Cambridge edition by Roger Daniels (Wing H-1087).

Several medical treatments were herbal in nature, and in 1597 the Englishman John Gerard (1545–1612) incorporated New World plants in his *Herball*, or *Generall Historie of Plants*:

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**30** Kousolis et al., "Andrés Laguna," 671–74.

**31** Christie's, *Haskell F. Norman Library of Science and Medicine Part I*, 368.

9.  **John Gerard, *The Herball or General Historie of Plantes*. London: Iohn Norton, 1597, folio, 1392 pp., title page missing, over 2,000 woodcuts, some coloured, STC 11750, Hurst Ref G0086.** The library also has an imperfect 1633 edition enlarged by Thomas Iohnson (missing all after p. 688), bearing the monogram of Michael Honywood, Hurst Ref G0087.

Gerard served as superintendent of gardens for William Cecil, chief advisor to Queen Elizabeth I. Although Gerard was an acclaimed botanist, his work was largely a translation from the Dutch scholar Rembert Dodoen's herbal of 1554. Gerard had contacts with explorers Walter Raleigh and Francis Drake, and acquired a Virginia potato plant for his garden; his illustration of the plant was the first most English people had seen.[32] It was not at first understood that the tuber was the edible part, the berries poisonous (the potato is in the Solanaceae family of flowering plants, along with nightshade, tobacco, aubergines, and petunias). Gerard also included better-known plants in his herbal that were used for medical treatments, such as foxglove (also known as Folksglove, "glove of the fairy folk," since the flowers resemble the fingers of tiny gloves). This was prescribed as an expectorant: "Fox-glove boiled in water or wine, and drunken, doth cut and consume the thick toughnesse of grosse and slimie flegme and naughty humours; it openeth also the stopping of the liver, spleene, and milt, and of other inward parts."[33] However, as digitoxin, the active ingredient in foxglove, can slow down the heart rate, the results were often unpredictable, and sometimes fatal.

## The Catalogue and Historical Context: Edward Winslow, Native Americans, and Colonization

The Pilgrims' knowledge of medicine was very useful on one occasion, in that it helped ease their relationship with Native American tribes, including the Wampanoag, Massachusett, and Narragansett Indians. Edward Winslow (1595–1655) had been an apprentice in London for printer John Beale, where he was exposed to a variety of works of learning and would have become familiar with travellers' descriptions of England and Native peoples' medicinal knowledge and expertise. By 1617 he joined the separatists in Leiden, then agreed to travel to America as a settler and an investor,

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**32** Gerard, *Herball or general historie of plantes*, 780–81.

**33** Gerard, *Herball or General Historie of Plantes*, 647. Materials have also been used from "Herbs: Friends of physicians, praise of cooks," Online Exhibit, University of Virginia Library, accessed July 12, 2020 (website no longer to be available as of June 11, 2024).

contributing personally to the costs of the journey and supplies so in future he would make a return on his investment.[34] For several years Winslow was the Pilgrims' primary negotiator with Native American peoples, and was credited with having cured the Wampanoag sachem Massasoit, one of the colonists' most valuable allies, of life-threatening illness with a medicinal cordial. He also served as the Pilgrims' chief agent in England.

Winslow wrote *Good News* from New England to modify preconceived ideas potential settlers had of Native Americans, and thus to encourage potential settlers to come to Plymouth:

10. **Edward Winslow.** *Good newes from New-England: or a true relation of things very remarkable at the plantation of Plimoth in New England … Written by E. W.* **London: I. D. for William Bladen and John Bellamie, 1624, 4°, 59[67] pp., STC 25855, Hurst Ref W0251.**

These preconceptions were based on other travellers' accounts, or earlier Spanish, Italian, and French salacious accounts of cannibalism, violence, and exotic practices, rather than on first-hand reports from New England. Winslow instead noted how settlers had to imitate Native American methods of healing and finding food to survive. As Wisecup indicated, "Winslow also tried to show how colonists were bringing "good news" to New England, that is, that they had attempted to bring God's Word and the gospel to Algonquins," and that the colonists had survived.[35] Although clearly a work of diplomacy, masking as it did incidents of violence against Native Americans as well mutual mistrust, the work nevertheless offers, according to Wisecup, a more complicated and nuanced representation of the Pilgrims' first years in New England and of their relationship with Native Americans than other primary documents of the period. Wisecup also notes that seven copies of the first edition and ten copies of the second edition are in special collections, although she does not specifically indicate Lincoln cathedral's copy.

A decade after the sailing of the Mayflower, the need for the better planning and organization of the settlement was recognized. The formation of the Massachusetts Bay Colony in 1629, and the fleet of settlers led by John Winthrop in 1630, arose to a large extent out of the plans of a group of Puritans based around the household of the dowager Countess of Lincoln at Sempringham. The group included her three daughters and their husbands,

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**34** Wisecup, ed., *"Good News from New England."*

**35** Wisecup, ed., *"Good News from New England."*

together with her steward Thomas Dudley, who sailed as deputy-governor to Winthrop himself. Printed lists were issued of the supplies that each planter ought to take:

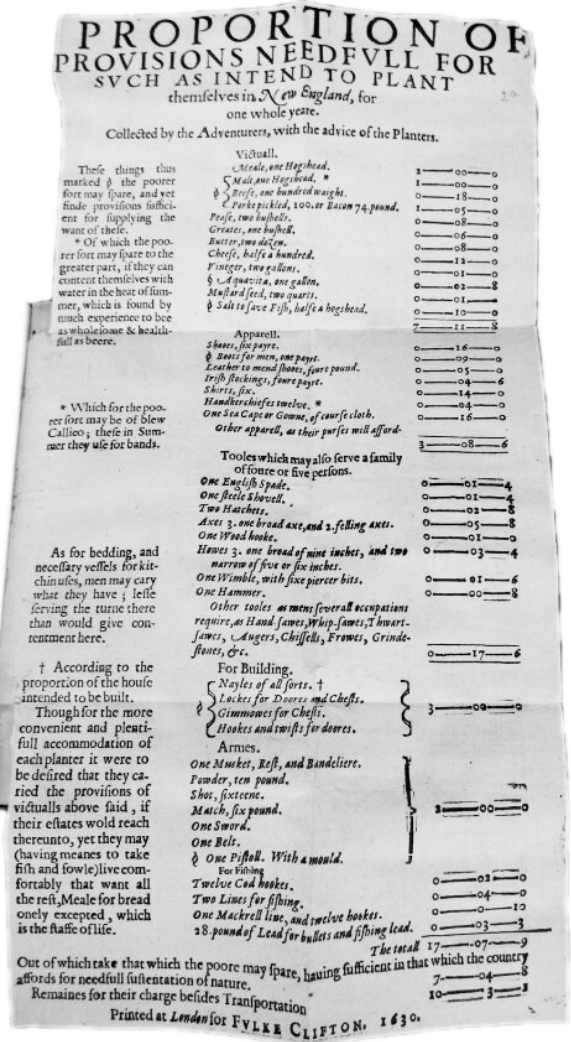11. **New England.** *Proportion of provisions needful for such as intend to plant themselves in New England, for one whole yeare.* **London: for Fulke Clifton, 1630, single sheet folio, bearing the monogram of Michael Honywood, STC 18486, Hurst Ref N0087** (see fig. 9.2).

Only two such lists have survived from 1630, one in the British Library and one at Lincoln. Winthrop's fleet departed from Southampton in April 1630. John Cotton, the Puritan vicar of Boston, went to bid Godspeed to those of his congregation who were sailing to a new life in America. Winthrop and the other leaders issued a letter of farewell to their native land, *The Humble Request of his Maiesties loyall Subjects, the Governour and the Company Late Gone for Nevv-England; to the Rest of Their Brethren, in and of the Church of England. For the Obtaining of Their Prayers*, which was later printed.



Figure 9.2. Anonymous, *Proportion of Provisions Needfull for Such as Intend to Plant Themselves in New England, for One Whole Year* (London, 1630). Photograph by Lincoln Cathedral Library. Reproduced with permission.

The cathedral library's copy of the *Humble Request* is bound in the front of the *Proportion of provisions*.[36] We can see a detailed enumeration of costs for the well-off planter, and for the poor who would have to work to repay their cost of transportation. We can also thank Michael Honywood for having the prescience to collect such a rare and historically valuable piece of ephemera.

**12. [John Winthrop and George Phillips?],** *The Humble Request of his Maiesties loyall Subjects, the Governour and the Company Late Gone for Nevv-England; to the Rest of Their Brethren, in and of the Church of England. For the Obtaining of Their Prayers, and the Removall of Suspitions, and Misconstructions of Their Intentions.* **London: Iohn Bellamie, 1630, 4°, 10pp., bearing the monogram of Michael Honywood, STC 18485, Hurst Ref N0086.**

The text notes that it is "Dated and signed: From Yarmouth aboord the Arabella April 7. 1630. Io: Winthrope Gov., Richa: Saltonstall, Charles Fines, Isaac Iohnson, Tho: Dudley, George Philipps, William Coddington, etc. etc." This is the first official statement of the Company of the Massachusetts Bay, enumerating their reasons for emigrating to New England.[37] Here the colonists promoted the view of a Puritan New England as a "Protestant showcase, a light to the world, a place of godly discipline and spiritual cleansing."[38] George Philipps was the only clergyman on the flagship, Arabella, of the Winthrop fleet, so he is the likely author, although the *Humble Request* has also been attributed to John Winthrop.

The conversion to Christianity of the Native American people was a common aim of the early settlers. On the seal of the Massachusetts Bay Colony was the figure of a Native American ringed by the words "Come over and help us" (Acts 16:9). The Puritan preacher John Eliot, who emigrated in 1631 on the same ship as the colony's first governor John Winthrop, dedicated his life to evangelizing the local tribes, learning the language and preaching in the native dialect. Part of his evangelizing efforts included creating a Bible in the Massachusetts Algonquin language.

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**36** The text for this caption was taken from Nicholas Bennett's exhibition catalogue, *Good Newes from New England: Early English Colonisation in New England and Virginia, 1585–1660*, typescript, Lincoln Cathedral Library. My thanks to Claire Arrand and Nicholas Bennett for this document.

**37** Vail, *Voice of the Old Frontier*, 116.

**38** Cressy, *Coming Over*, 20.

The scale of the project made it necessary to recruit Marmaduke Johnson, an English printer, to assist Samuel Green, the official printer for the colony, and to secure additional printing equipment. Two Native Americans played important roles in publishing the Bible. John Nesutan, a preacher who had studied at Harvard, assisted Eliot with the translation, and James Printer, a young Nipmuck who had been apprenticed to Green, assisted both with the translation and the printing.[39]

This was the first Bible printed in the New World, with the New Testament produced in 1661, and then incorporated into a complete Bible in 1663:

**13. Bible, Massachusetts Algonquin.** *Mamusse Wunneetupanatamwe Up-Biblum God Naneeswe Nukkone Testament kah wonk Wusku Testament. Ne quoshkinnumuk nashpe Wuttinneumoh Christ noh asoowesit John Eliot. (Wame Keroohomae uketoohomaongash David.)* **Cambridge, MA: Samuel Green kah Marmaduke Johnson, 1663, 4°, 3pt. Without English title page. Wing Ref B2755, Hurst Ref B0364** (see figs. 9.3 and 9.4).

The Bible was printed in Algonquin by the Society for the Propagation of the Bible in New England and Adjacent Parts, as a conversion tool and a tool of empire.

During King Philip's War (1675–1676), most of the indigenous population of southern New England were massacred, enslaved, or driven out of their lands. Native Americans were

kept under guard on Deer Island in Boston Harbour, and in the turmoil of the war, most copies of the Eliot Bible were destroyed. James Printer took the side of King Philip against the colonists, although after his capture he returned to his printing craft. John Nesutan was killed while serving in the colonial forces against his own people.[40]

Eliot printed a second edition of the Bible in 1685, used by the Mashpee Tribe. The printing of the Algonquin Bible was a significant, though ultimately tragic achievement, just as the Mayflower voyage and subsequent efforts at colonizing the early Americas were also tragic for the indigenous Native American tribes. It is sincerely hoped that further study and contextualization of the sources in the Lincoln Cathedral Library can lead to a more balanced analysis of these events.

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**39** *Mamusse Wunneetupanatamwe Up-Biblum God.*

**40** *Mamusse Wunneetupanatamwe Up-Biblum God*; Amory, *First Impressions*, 41–42.
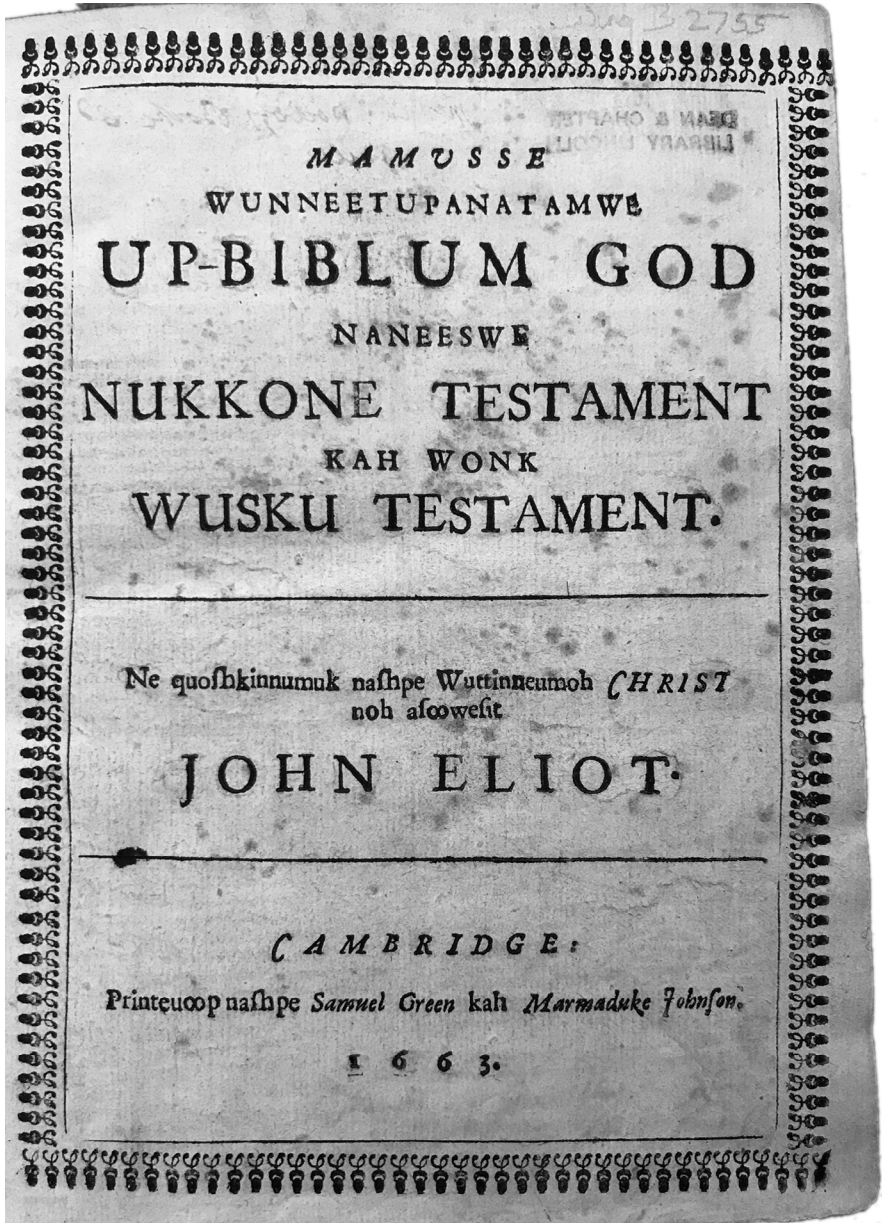
Figure 9.3. Title Page of John Eliot, ed., *Mamusse
Wunneetupanatamwe Up-Biblum God* (Cambridge, 1663).
Photograph by Lincoln Cathedral Library. Reproduced with permission.

Figure 9.4. The first Book of Genesis in Algonquin in John Eliot, ed., *Mamusse Wunneetupanatamwe Up-Biblum God* (Cambridge, 1663). Photograph by Lincoln Cathedral Library. Reproduced with permission.

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