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# **Non-comital Women of Twelfth-Century England: A Charter Based Analysis**

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Thesis submitted in fulfilment of the requirements for the Degree of Doctor of  
Philosophy

School of Humanities

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# Abstract

This thesis sets out to explore the place and agency of non-comital women in twelfth-century Anglo-Norman England. Until now, broad generalisations have been applied to all aristocratic women based on a long established scholarship on royal and comital women. Non-comital women have been overlooked, mainly because of an assumed lack of suitable sources from this time period. The first aim of this thesis is to demonstrate that there is a sufficient corpus of charters for a study of this social group of women. It is based on a database created from 5545 charters, of which 3046 were issued by non-comital women and men, taken from three case study counties, Oxfordshire, Suffolk and Yorkshire, and is also supported by other government records. This thesis demonstrates that non-comital women had significant social and economic agency in their own person. By means of a detailed analysis of charters and their clauses this thesis argues that scholarship on non-comital women must rethink the framework applied to the study of non-comital women to address the lifecycle as one of continuities and as active agents in a wider public society. Non-comital women's agency and identity was not only based on land or in widowhood, which has been the one period in their life cycles where scholars have recognised some level of autonomy, and women had agency in all stages of their life cycle. Women's agency and identity were drawn from and part of a wider framework that included their families, their kin, and broader local political, religious, and social networks. Natal families continued to be important sources of agency and identity to women long after they had married. Part A of the thesis applies modern charter diplomatic analysis methods to the corpus of charters to bring out and explore women's presence therein. Part B contextualises these findings and explores women's agency in their families, landholding, the gift-economy, and the wider religious and social networks of which they were a part.

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## Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

# Abbreviations

<i>ANS</i>	<i>Anglo-Norman Studies</i>
<i>Basset Chs</i>	<i>The Basset Charters, c.1120-1250</i> , ed. W. T. Reedy (Pipe Roll Society, vol. ns. 50, 1995)
<i>Blythburgh</i>	<i>Blythburgh Priory Cartulary</i> , ed. Christopher Harper-Bill (2 vols., Suffolk Record Society, vols. 2, 3, 1980-1)
<i>CRR</i>	<i>Curia Regis Rolls of the Reign of Richard I and John</i> , vol. 1 (20 vols., HMSO, 1922-2006)
<i>EHR</i>	<i>The English Historical Review</i>
<i>EYC</i>	<i>Early Yorkshire Charters</i> , ed. W. Farrer, vols. 1-3 (Edinburgh: Ballantyne Hanson, 1914-6); ed. C. Clay and M. Clay, vols. 4-12 (Leeds: Yorkshire Archaeological Society, Record Series, Extra Series, 1935-65)
<i>Eynsham</i>	<i>Eynsham Cartulary</i> , ed. H. E. Salter (2 vols., Oxford Historical Society, vols. 49, 51, 1907-8)
<i>HSJ</i>	<i>Haskins Society Journal</i>
<i>JMH</i>	<i>Journal of Medieval History</i>
<i>MP</i>	<i>Medieval Prosopography</i>
<i>Oseney</i>	<i>Oseney Abbey Cartulary</i> , ed. H. E. Salter (6 vols., Oxford Historical Society, vols. 89-91, 97-8, 101, 1929-36)
<i>PR</i> [Regnal Year]	<i>Pipe Roll</i> , published by the Pipe Roll Society, London (1884-1925)
<i>Regesta</i>	<i>Regesta Regum Anglo-Normannorum 1066-1154</i> , ed. Charles Johnson, H. A. Cronne, R. H. C. Davis (4 vols, Oxford: Clarendon Press, 1956; 1968)
<i>Sandford</i>	<i>Sandford Cartulary</i> , ed. Agnes M. Leys (2 vols., Oxfordshire Record Society, vols. 19, 22, 1938-41)
<i>Sibton</i>	<i>Sibton Abbey Cartularies and Charters</i> , ed. Philippa Brown (4 vols., Suffolk Record Society, vols. 7-10, 1985-1987)
<i>St Frideswide</i>	<i>Cartulary of the Monastery of St Frideswide at Oxford</i> , ed. Spencer R. Wigram (2 vols., Oxford Historical Society, vols. 28, 31, 1895-6)
<i>Stoke-by-Clare</i>	<i>Stoke-by-Clare Cartulary - BL Cotton App. XXI</i> , ed. Christopher Harper-Bill and Richard Mortimer (3 vols., Suffolk Record Society, vols. 4-6, 1982-4)
<i>Thame</i>	<i>Thame Cartulary</i> , ed. H. E. Salter (2 vols., Oxfordshire Record Society, vols. 25-6, 1943-4)
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
<i>VCH</i>	<i>Victoria County History</i>

# Introduction

Due to a perceived lack of sources non-comital women have often been overlooked in Anglo-Norman historiography and as a result no general study of non-comital women in twelfth-century England has yet been attempted.<sup>1</sup> A few non-comital women are relatively well known by name, such as Constance Fitz Gilbert, the patron of Geoffrey Gaimar's *Histoire de Anglais*, and Nicholaa de la Haia, castellan and sheriff of Lincoln 1191-1217.<sup>2</sup> These cases and the more established historiography on non-comital men, and women in France, suggest that a study of women's charters and experiences as landholders and patrons can be conducted.<sup>3</sup> This thesis will attempt to address this gap in the historiography by an analysis of the women of three counties, Oxfordshire, Suffolk, and Yorkshire.

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<sup>1</sup> Susan M. Johns, *Noblewomen, Aristocracy and Power in the Twelfth Century Anglo-Norman Realm* (Manchester: Manchester University Press, 2003), pp. 153, 161.

<sup>2</sup> For Constance see: Ian Short, 'Patrons and Polyglots: French Literature in Twelfth-Century England', *ANS*, 14 (1991), pp. 229-49, esp. pp. 236-7; Geffrei Gaimar, *Estoire des Engleis: History of the English*, ed. and trans. Ian Short (Oxford: Oxford University Press, 2009), ch. 11, lines 6432-58, pp. 348-9; Ian Short, 'Introduction', in *Estoire des Engleis: History of the English*, ed. Ian Short (Oxford: Oxford University Press, 2009), pp. ix-liii, esp. p. xi; For Nicolaa see: Richard de Devizes, *Cronicon Richardi Divisensis de tempore regis Richardi Primi*, ed. and trans. John T. Appleby (London: Thomas Nelson and Sons, 1963), pp. 30-1; Louise J. Wilkinson, 'Women and Sheriffs in Early Thirteenth Century England', in *English Government in the Thirteenth Century*, ed. Adrian Jobson (Woodbridge: Boydell and Brewer, 2004), pp. 111-24, esp. pp. 111-8; Louise J. Wilkinson, *Women in Thirteenth-Century Lincolnshire* (Woodbridge: Boydell Press, 2007), pp. 13-25; For a general overview see: Johns, *Noblewomen*, ch. 8; Jennifer Ward, *Women in England in the Middle Ages* (London: Hambledon Continuum, 2006), p. 111.

<sup>3</sup> For general works on aristocracy see: Ralph V. Turner, *Men Raised from the Dust: Administrative Service and Upward Mobility in Angevin England* (Philadelphia: University of Pennsylvania Press, 1988); Judith A. Green, *The Aristocracy of Norman England* (Cambridge: Cambridge University Press, 1997); Richard R. Heiser, 'Castles, Constables, and Politics in Late Twelfth-Century English Governance', *Albion*, 32 (2000), pp. 19-36, esp. pp. 19-36; David Crouch, *The English Aristocracy, 1070-1272: A Social Transformation* (Yale: Yale University Press, 2011), p. 15. For case studies on specific families such as the Bassets, Malets, Mandevilles and more see: W. T. Reedy, 'The First Two Bassets of Weldon – Novi Barones of the Early and Mid-Twelfth Century, Part 1', *Northamptonshire Past & Present*, 4 (1969), pp. 241-45; W. T. Reedy, 'The First Two Bassets of Weldon – Novi Barones of the Early and Mid-Twelfth Century, Part 2', *Northamptonshire Past & Present*, 4 (1970), pp. 291-98; Warren C. Hollister, 'Henry I and Robert Malet', *Viator*, 4 (1973), pp. 115-22; Warren C. Hollister, 'The Misfortunes of the Mandevilles', *History*, 58 (1973), pp. 18-28; Cyril Hart, 'William Malet and His Family', *ANS*, 19 (1997), pp. 123-65; Lawrence Butler, 'The Origins of the Honour of Richmond and its Castles', in *Anglo-Norman Castles*, ed. Robert Liddiard (Woodbridge: Boydell & Brewer, 2002), pp. 91-103; Hugh Doherty, 'Robert de Vaux and Roger de Stuteville, Sheriffs of Cumberland and Northumberland, 1170-1185', *ANS*, 28 (2006) pp. 65-102; Judith A. Green, 'The Charters of Geoffrey de Mandeville', in *Rulership and Rebellion in the Anglo-Norman World c. 1066-c. 1216*:

Before going any further, however, 'non-comital' needs to be defined. It classifies a landholding elite below comital rank which has also been described as baronial, knightly, gentry, lesser aristocracy or nobility.<sup>4</sup> The term non-comital has been chosen because the other terms have been used to define specific secular office or military service that was not necessarily applicable to all aristocrats of this status. Furthermore, while baron or knight might have been used by contemporaries, gentry and lesser aristocracy were not.<sup>5</sup> Lesser aristocracy is also an ambiguous term which can be applied to specific groups or offices while excluding others. Considering these factors, the term non-comital, although not a term used by contemporaries, is less ambiguous and less likely to rely on office, which was neither standard nor constant throughout twelfth-century England. Many similarities can be drawn between the non-comital aristocracy and their comital counterparts, such as the fact that both held land, were involved in knight service, military tenure, and were active religious patrons.<sup>6</sup> However, non-comital aristocrats often held their land in more limited and smaller geographic areas than their superiors and this affected marriages, patronage, and inheritance practices.<sup>7</sup> These differences also had important consequences for non-

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*Essays in Honour of Professor Edmund King*, ed. Paul Dalton and David Luscombe (Farnham: Ashgate, 2015), pp. 91-110. For some examples of scholarship on English and French women see: Judith A. Green, 'Aristocratic Women in Early Twelfth-century England', in *Anglo-Norman Political Culture and the Twelfth-century Renaissance: Proceedings of the Borchard Conference on Anglo-Norman History*, ed. Warren C. Hollister (Woodbridge: Boydell Press, 1997), pp. 59-82; Theodore Evergates, ed., *Aristocratic Women in Medieval France* (Philadelphia: University of Pennsylvania Press, 1999); Amy Livingstone, *Out of Love for My Kin: Aristocratic Family Life in the Lands of the Loire, 1000-1200* (Ithaca, NY; London: Cornell University Press, 2010).

<sup>4</sup> Christopher Wales, 'The Knight in Twelfth-Century Lincolnshire' (Unpublished PhD Thesis, University of Cambridge, 1983); Colin Richmond, 'The Rise of the English Gentry 1150-1350', *The Historian - The magazine of the Historical Association*, 26 (1990), pp. 14-8, esp. p. 14; Hugh M. Thomas, *Vassals, Heiresses, Crusaders and Thugs: The Gentry of Angevin Yorkshire, 1154-1216* (Philadelphia: University of Pennsylvania Press, 1993), pp. 10-2; John Gillingham, 'Thegns and Knights in Eleventh-Century England: Who Was Then the Gentleman?', *TRHS*, 6<sup>th</sup> series, 5 (1994), pp. 129-53, esp. p. 134; Peter R. Coss, *The Origins of English Gentry* (Cambridge: Cambridge University Press, 2003), p. 20; Stephen Marritt, 'Drogo the Sheriff: A Neglected Lost Romance Tradition and Anglo-Norwegian Relations in the Twelfth-Century', *Historical Research*, 80 (2007), pp. 157-84, esp. p. 164; Crouch, *The English Aristocracy*, p. 15.

<sup>5</sup> Coss, *Origins*, pp. 3-5.

<sup>6</sup> Janet Burton, *The Yorkshire Nunneries in the Twelfth and Thirteenth Centuries (Borthwick papers no. 56)* (York: St. Anthony's Press, 1979), p. 24; Richmond, 'Rise of the English Gentry', p. 14; Emma Cownie, *Religious Patronage in Anglo-Norman England, 1066-1135* (Woodbridge: Boydell, 1998), p. 169; Heiser, 'Castles, Constables and Politics', pp. 23-4; Mark Hagger, 'The Norman Vicomte, c.1035-1135: What Did He Do?', *ANS*, 24 (2006), pp. 65-83, esp. p. 66.

<sup>7</sup> Reedy, 'The First Two Bassets, Part 2', p. 295; Emilie Amt, *The Accession of Henry II in England: Royal Government Restored, 1149-1159* (Woodbridge: Boydell Press, 1993), pp. 48, 51-3; H. I.

comital women's agency. This thesis will focus on developing an understanding of how wealth and family shaped non-comital women's identities and agency.

Another principal factor that needs addressing at this stage is the focus on exploring non-comital women's 'agency'. For the purposes of this thesis 'agency' is defined as the ability and capacity of an individual to act within their own person, often with some effect on the people and society around them. Alongside authority, influence, and power, the concept of agency is often used by historians to explore women's experiences.<sup>8</sup> A variety of ways to express agency in medieval England have been identified and examples of personal agency include landholding, estate management, controlling debts, and the ability to assume guardianship of self or others.<sup>9</sup> Agency can be seen in wider society, through actions such as religious patronage, as well as on a smaller scale in one's family and household.<sup>10</sup> For women, agency was closely tied to their life cycles and different stages of the latter could significantly alter the former.<sup>11</sup> This thesis will argue that non-comital women's contribution to their families and society was of significant value and that non-comital women had agency within and outwith their families, and throughout their life cycles as

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Kilpi, 'The Lesser Aristocratic Woman in Twelfth-century Lincolnshire: Manifestations of Feminine Power and Persuasion' (Unpublished M.Litt Dissertation, University of Glasgow, 2011), pp. 2-3.

<sup>8</sup> Jo Ann McNamara and Suzanne Wemple, 'The Power of Women Through the Family in Medieval Europe: 500-1100', *Feminist Studies*, 1 (1973), pp. 126-41; Mary C. Erler and Maryanne Kowaleski, eds., *Women and Power in the Middle Ages* (Athens: University of Georgia Press, 1988), particularly the chapters by Judith Bennett, 'Public power and authority in the medieval English countryside', pp. 18-36; Brigitte Miriam Bedos-Rezak, 'Women, Seals and Power in Medieval France, 1150-1350', pp. 61-82; Mary C. Erler and Maryanne Kowaleski, 'A New Economy of Power Relations: Female Agency in the Middle Ages', in *Gendering the Master Narrative: Women and Power in the Middle Ages*, ed. Mary C. Erler and Maryanne Kowaleski (Ithaca, NY; London: Cornell University Press, 2003), pp. 1-16; Jo Ann McNamara, 'Women and Power Through the Family Revisited', in *Gendering the Master Narrative: Women and Power in the Middle Ages*, ed. Mary C. Erler and Maryanne Kowaleski (Ithaca: Cornell University Press, 2003), pp. 17-30; Katherine O'Brien O'Keeffe, 'Leaving Wilton: Gunhild and the Phantoms of Agency', *Journal of English and Germanic Philology*, 106 (2007), pp. 203-23; Livingstone, *Out of Love for my Kin*, esp. ch. 7; Brigitte Miriam Bedos-Rezak, *When Ego Was Imago: Signs of Identity in the Middle Ages* (Leiden; Boston: Brill, 2011), p. 156.

<sup>9</sup> Kimberly A. LoPrete, 'The Domain of Lordly Women in France, ca. 1050-1250', *Medieval Feminist Forum*, 44 (2008), pp. 13-35, esp. p. 18; Livingstone, *Out of Love for My Kin*, p. 180; Ricketts, *High Ranking Widows*, p. 301.

<sup>10</sup> Livingstone, *Out of Love for My Kin*, pp. 189, 194.

<sup>11</sup> Ricketts, *High Ranking Widows*, p. 265; Cordelia Beattie and Matthew Frank Stevens, 'Introduction: Uncovering Married Women', in *Married Women and the Law in Premodern Northwest Europe*, ed. Cordelia Beattie and Matthew Frank Stevens (Woodbridge: Boydell and Brewer, 2013), pp. 1-10, esp. p. 9.

daughters, wives, mothers, or widows. These changes and combinations of status made agency more complex and variable than what contemporary law prescribed for women.<sup>12</sup>

An important distinction to make at this stage is that this thesis is concerned with women's agency rather than examining the role or meaning of constructed or performative gender or gendered agency. While it is important to acknowledge gender theories because they do help contextualise some of the conclusions, this thesis does not focus on the meaning of gender as a concept.<sup>13</sup> No history of non-comital women yet exists to which we can apply notions of what femininity and femaleness meant in non-comital women's lives.<sup>14</sup> This thesis helps to offer that history. It will aim to open up further research questions into how concepts of gender and femaleness might have affected women, their agency, or their identities. In order to explore and contextualise women's agency and relationships, comparisons, informed by scholarship, will be drawn with non-comital men, either as the women's husbands, fathers, or brothers or as members of broader society. To some extent gender is inherently tied to a study of women, but by focusing on women this thesis will aim to establish how and to what extent non-comital women had agency in twelfth-century England. This thesis will establish a history for non-comital women that will support and further scholarship on Anglo-Norman English aristocracy and charter activity, particularly women and gender.

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<sup>12</sup> Henry de Bracton, *De Legibus et Consuetudinibus Angliae: Bracton on the Laws and Customs of England*, trans. S. E. Thorne (2 vols., Cambridge: Belknap Press, 1968-77), vol. 2, p. 31, lines 31-2; *The Treatise on the Laws and Customs of the Realms of England Commonly Called Glanvill*, ed. and trans. G. D. G. Hall with a guide to further reading by M. T. Clanchy (Oxford: Clarendon Press, 1993), book 9:1; LoPrete, 'Domain of Lordly Women', pp. 27-8; Ricketts, *High Ranking Widows*, p. 301.

<sup>13</sup> Nancy F. Partner, 'Introduction', *Speculum*, 68 (1993), pp. 305-8, esp. p. 306; Judith Bennett and Ruth Karras, 'Women, Gender, and Medieval Historians', in *The Oxford Handbook of Women and Gender in Medieval Europe*, ed. by Judith Bennett and Ruth Karras (Oxford: Oxford University Press, 2013), pp. 1-20, esp. p. 5.

<sup>14</sup> Philadelphia Ricketts, *High Ranking Widows in Medieval Iceland and Yorkshire: Property, Power, Marriage and Identity in the Twelfth and Thirteenth Centuries* (Leiden; Boston: Brill, 2010) looks at Yorkshire widows below comital level. Johns, *Noblewomen*, published in 2003 looks at aristocracy in general and only briefly acknowledges non-comital women.



## Historiography

Despite the lack of work on non-comital women, the theoretical and conceptual framework for this kind of study is, in fact, very well established. Following a revolutionary re-analysis of medieval women in the 1970s and 1980s this thesis can build on long established and fundamental historical debates surrounding women's agency in Norman England. Early work on Anglo-Norman women saw the Norman Conquest of 1066 as a turning point after which women's status was significantly weakened.<sup>15</sup> According to this argument Anglo-Saxon England had been a 'Golden Age' which recognised women's legal rights and status, while continental practises of patriarchy and feudalism, introduced by the Norman Conquest, formally excluded women from independent legal status and inheritance in favour of primogeniture and landholding through fiefs.<sup>16</sup> A re-evaluation of the role of women in the Norman Conquest by Eleanor Searle, RáGena DeAragon, and Pauline Stafford, however, argued in favour of Anglo-Norman women's agency and social importance.<sup>17</sup> Their revisions of women's status and agency in late eleventh-century England had significant impact on medieval women's studies in general and landholding, patronage, and family are now central themes to these studies.<sup>18</sup> Historians who have looked at the royal or comital elite argue that women had agency, but that this was dependent on social status, wealth, and marital status.<sup>19</sup> The research has looked at dowers and dowries and focused work on

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<sup>15</sup> Florence Griswold Buckstaff, 'Married Women's Property in Anglo-Saxon and Anglo-Norman Law and the Origin of the Common-Law Dower', *Annals of the American Academy of Political and Social Science*, 4 (1893), pp. 33-64.

<sup>16</sup> Buckstaff, 'Married Women's Property', pp. 51-54; Lady Doris M. P. Stenton, *English Society in the Early Middle Ages, 1066-1307* (Harmondsworth: Penguin Books, 1951), pp. 76, 78; McNamara and Wemple, 'Power of Women', pp. 95-6; Georges Duby, *The Chivalrous Society*, trans. Cynthia Postan (London: Edward Arnold, 1977), pp. 74, 103; Eleanor Searle, 'Women and the Legitimation of Succession at the Norman Conquest', *ANS*, 3 (1980), pp. 159-170, 226-229.

<sup>17</sup> Searle, 'Women', pp. 159-61; RáGena C. DeAragon, 'In Pursuit of Aristocratic Women: A Key to Success in Norman England', *Albion*, 14 (1982), pp. 258-67, esp. pp. 262-5; Pauline Stafford, 'Women and the Norman Conquest', *TRHS*, 6<sup>th</sup> series, 4 (1994), pp. 221-49, esp. pp. 236-7, 240.

<sup>18</sup> Christine Owens, 'Noblewomen and Political Activity', in *Women in Medieval Western European Culture*, ed. Linda E. Mitchell (New York: Garland, 1999), pp. 209-19, esp. pp. 212-7.

<sup>19</sup> Lois L. Huneycutt, 'Images of Queenship in the High Middle Ages', *HSJ*, 1 (1989), pp. 61-71, esp. pp. 63, 67-71; John Carmi Parsons, ed., *Medieval Queenship* (Stroud: Alan Sutton, 1994), in particular chapters by John Carmi Parsons, 'Family, sex, and power: the rhythms of medieval queenship', pp. 1-11; John Carmi Parsons, 'Mothers, daughters, and power: some Plantagenet

landholding and marriages. Women's experiences were heavily restricted by gendered norms of their lifecycles and ultimately women were socially inferior to men.<sup>20</sup> Generalisations about women's roles have subsequently been applied across the whole spectrum of Anglo-Norman aristocracy.

Research on medieval women has often been located around concepts of family and life cycle. Arguably these do provide historians with useful and definable frameworks for discourse, yet historiography often treats life cycles as individual stages.<sup>21</sup> At marriage, a woman went from being a daughter to a wife after which motherhood and widowhood also became socially accepted, if not expected. Of these statuses, widowhood has received the most attention from historians. This is largely due to widows' apparent legal independence, a status which legal tracts, like *Glanvill*, appear to confirm by addressing widows' rights over remarriages and their access to dowers and dowries.<sup>22</sup> While widows were active and appear in the sources, this has led to women in the other stages of the life cycle, or of other status, being overlooked and their potential landholding not discussed.

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evidence, 1150-1500', pp. 63-78; Pauline Stafford, 'The Portrayal of Royal Women in England, mid-tenth to mid-twelfth centuries', pp. 143-67; Pauline Stafford, *Queen Emma and Queen Edith: Queenship and Women's power in eleventh-century England* (Oxford: Blackwell Publishers, 1997); Amy Livingstone, 'Noblewomen's Control of Property in Early Twelfth-Century Blois-Chartres', *MP*, 18 (1997), pp. 55-71; Amy Livingstone, 'Aristocratic Women in the Chartrain', in *Aristocratic Women in Medieval France*, ed. Theodore Evergates (Philadelphia: University of Pennsylvania Press, 1999), pp. 44-73; Johns, *Noblewomen*, pp. 41, 73; Ricketts, *High Ranking Widows*, pp. 297-8; Judith Green, 'Duchesses of Normandy in the Eleventh and Twelfth Centuries', in *Normandy and its Neighbours 900-1250: Essays for David Bates*, ed. David Crouch and Kathleen Thompson (Turnhout: Brepols, 2011), pp. 43-59; Matthew Hammond, 'Women and the adoption of charters in Scotland north of Forth, c. 1150-1286', *The Innes Review*, 62 (2011), pp. 5-46.

<sup>20</sup> Sharon Farmer, 'Persuasive Voices - Clerical Images of Medieval Wives', *Speculum*, 61 (1986), pp. 517-43; Lois L. Huneycutt, 'Female Succession and the Language of Power in the Writings of Twelfth-century Churchmen', in *Medieval Queenship*, ed. John Carmi Parsons (Stroud: Alan Sutton, 1994), pp. 189-201; Johns, *Noblewomen*, p. 75.

<sup>21</sup> Susan M. Johns, 'The Wives and Widows of the Earls of Chester, 1100-1252: The Charter Evidence', *HSJ*, 7 (1995), pp. 117-32, esp. p. 130; Johns, *Noblewomen*, pp. 1-2, 16-7; Wilkinson, *Women in Thirteenth-Century Lincolnshire*, p. 66; Ward, *Women in England*, ch. 6, esp. pp. 102, 109; Ricketts, *High Ranking Widows*; Katie Barclay, Rosalind Carr, Rose Elliot and Annmarie Hughes, 'Gender and Generations: women and life cycles', *Women's History Review*, 20 (2011), pp. 175-8, esp. pp. 177-8.

<sup>22</sup> *Glanvill*, book 6:4, p. 60; book 7:5, p. 80; J. C. Holt, 'Presidential Address: Feudal Society and the Family in Early Medieval England: IV. The Heiress and the Alien', *TRHS*, 5<sup>th</sup> series, 35 (1985), pp. 1-28, esp. pp. 3-4; Johns, 'Wives and Widows', p. 120; Ricketts, *High Ranking Widows*, pp. 149-75, 234.

The historiography on married women is more limited and, as is the case with widows, tends to focus on landholding and management. Philadelphia Ricketts has argued that inheritance was the ‘biggest source of land’ for women, but it is important to note that not all women were heiresses and that for many women their lands would have been limited to dowers and dowries which were the result of marriage.<sup>23</sup> Contemporary legal texts assigned all lands associated with married women to the control of their husbands, and the tendency for land to be held for knight service or homage at this social level, have also been used to argue that women had limited access to land.<sup>24</sup> It has, however, been demonstrated by Joseph Biancalana, Emily Zack Tabuteau, and Judith Green that contemporary legal practice did not deprive women from access to their properties and that a husband’s control of his wife’s lands was conditional and dependent on her agreement.<sup>25</sup> It might be suggested in *Glanvill* that a husband was able to alienate lands without his wife’s consent and that she would not be able to reclaim them, but this was by no means always the case and widows exercised personal agency in reclaiming their dowers.<sup>26</sup> Even before widowhood women could serve as lords during spousal absences that took place during wars or crusades.<sup>27</sup>

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<sup>23</sup> Joseph Biancalana, ‘Widows at Common Law: The Development of Common Law Dower’, *Irish Jurist*, 23 (1988), pp. 255-329, esp. pp. 262-3; Trafford, ‘The Contract of Marriage: The Maritagium from the Eleventh to the Thirteenth Century’ (Unpublished PhD thesis, University of Leeds, 1999), p. 1; Ricketts, *High Ranking Widows*, pp. 123-32.

<sup>24</sup> *Glanvill*, 6:3, p. 60; 7:1, p. 69; Joseph Biancalana, ‘For Want of Justice: Legal Reforms of Henry II’, *Columbia Law Review*, 88 (1988), pp. 433-536, esp. p. 487.

<sup>25</sup> Janet S. Loengard, ‘Of the Gift of Her Husband’: English Dower and Its Consequences In the Year 1200’, in *Women of the Medieval World: Essays in Honor of John H. Mundy*, ed. Julius Kirshner and Suzanne F. Wemple (Basil: Blackwell, 1985), pp. 215-55, esp. pp. 215-7; Biancalana, ‘Widows’, p. 269; Emily Zack Tabuteau, *Transfers of Property in Eleventh-Century Norman Law* (Chapel Hill: University of North Carolina Press, 1988), p. 176; Green, ‘Aristocratic Women’, p. 62.

<sup>26</sup> *Glanvill*, 6:3, p. 60; Biancalana, ‘Widows’, p. 269.

<sup>27</sup> For example, in 1075 at her own bride ale Emma Countess of Norfolk held Norwich castle after her husband Ralph fled the scene (Anglo-Saxon Chronicle manuscripts D and E, in *Anglo-Saxon Chronicles*, rev. edn., trans. and ed. M. J. Swanton (London: Phoenix, 2000), pp. 210-1). A century later Nicholaa de la Haya inherited the office of castellan of Lincoln Castle as her patrimony and twice, in 1191 while married to Gerard de Camville and again in 1217 as widow, defended the castle. She also passed the office to her husbands. (see Devizes, *Cronicon*, pp. 30-1; Some English and French comital women are discussed in Frederic L. Cheyette, ‘Women, Poets and Politics in Occitania’, in *Aristocratic Women in Medieval France*, ed. Theodore Evergates (Philadelphia: University of Pennsylvania Press, 1999), pp. 138-77, esp. pp. 150-9; Theodore Evergates, ‘Aristocratic Women in the County of Champagne’, in *Aristocratic Women in Medieval France*, ed. Theodore Evergates (Philadelphia: University of Pennsylvania Press, 1999), pp. 74-110, esp. pp. 77-88; Owens, ‘Noblewomen’, p. 209; Louise J. Wilkinson, ‘The Rules of Robert Grosseteste Reconsidered: The Lady as Estate and Household Manager in

Emilie Amt and Janet Burton's work on twelfth-century monasticism suggests that non-comital women were a prominent force in twelfth-century monastic expansion.<sup>28</sup> Research on French aristocratic women's religious patronage has demonstrated that on the continent women held and managed their dowers, dowries, and inheritance.<sup>29</sup> A link between monastic growth and the non-comital aristocracy's wealth is also evident in England and the non-comital aristocracy were active participants in the growth of English monasticism in the twelfth century.<sup>30</sup> Lay patronage of the church depended on the ability to alienate wealth and as such was a method of asserting individual status.

The ability to hold land was an expression of agency and this thesis will explore non-comital women's place in landholding through a range of marital statuses. Social agency from land can be seen in marital families and, for example, Elisabeth van Houts has suggested for a higher social level that married women were taught by their mother-in-laws about their new family which allowed them to partake in their marital family's commemoration and to educate their offspring.<sup>31</sup> Philadelphia Rickett's work on Yorkshire

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Thirteenth Century England', in *The Medieval Household in Christian Europe c.850-c.1550: Managing Power, Wealth, and the Body*, ed. Cordelia Beattie, Anna Maslakovic and Sarah Rees Jones (Turnhout: Brepols, 2003), pp. 293-306; Wilkinson, 'Women and Sheriffs', pp. 111-24; Wilkinson, *Women in Thirteenth-Century Lincolnshire*, pp. 13-66; Livingstone, *Out of Love for My Kin*, p. 13.

<sup>28</sup> Quote from Janet Burton, *The Monastic Order in Yorkshire, 1069-1215* (Cambridge: Cambridge University Press, 1999), pp. 190-2. See also Emilie Amt, *Witnessing Women in Twelfth-Century English Charter Collections* (Kalamazoo) <[https://www.academia.edu/449712/Witnessing Women in Twelfth-Century English Charter Collections](https://www.academia.edu/449712/Witnessing_Women_in_Twelfth-Century_English_Charter_Collections)> [accessed 08/07/2011]; Emilie Amt, 'The Foundation Legend of Godstow Abbey: A Holy Woman's Life in Anglo-Norman Verse', in *Writing Medieval Women's Lives*, ed. Charlotte Newman Goldy and Amy Livingstone (Basingstoke: Palgrave Macmillan, 2012), pp. 13-31, esp. p. 19.

<sup>29</sup> Livingstone, 'Control of Property', pp. 60-1; Livingstone, 'Chartrain', pp. 53, 59; LoPrete, 'Domain of Lordly Women', pp. 17-8.

<sup>30</sup> Christopher Harper-Bill, 'The Piety of the Anglo-Norman Knightly Class', *ANS*, 2 (1979), pp. 63-77, 173-76, esp. p. 66.

<sup>31</sup> Robert Hertz, *Death and the Right Hand*, trans. Rodney Needham and Claudia Needham (Aberdeen: Cohen & West, 1960), pp. 61-7 describes other cultures where women had specific duties relating to ceremonies of memory and commemoration; Patrick Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millenium* (Princeton: Princeton University Press, 1994), pp. 51-4; Elisabeth van Houts, *Memory and Gender in Medieval Europe, 900-1200* (Basingstoke: Macmillan, 1999), pp. 77, 84, 90; Matthew Innes, 'Keeping It in the Family: Women and Aristocratic Memory, 700-1200', in *Medieval Memories; Men, Women and the Past, 700-1300*, ed. Elisabeth van Houts (Harlow: Pearson, 2001), pp. 17-35, esp. pp. 17, 30; Elisabeth van Houts, 'Gender, Memories and Prophecies in Medieval Europe', in *Medieval Narrative Sources: A Gateway into the Medieval Mind*, ed. Werner Verbeke, Ludo Milis and Jean Goossens (Leuven: Leuven University Press, 2005), pp. 21-36, esp. p. 29;

women does include some discussion of women's relationships with their natal families, but is primarily focused on widows.<sup>32</sup> This thesis will look beyond women's marital relationships and focus on both marital and natal families from marriage through to widowhood.

A particular aspect of scholarship that has affected how non-comital women have been studied has been the designation of family as 'private' as opposed to a 'public' social sphere and as a result scholarship on medieval women's agency has often overlooked the potential significance of women's activity outwith their immediate family.<sup>33</sup> Kimberly LoPrete's re-analysis of public and private spheres in terms of eleventh- and twelfth-century French aristocracy has shown that medieval concepts of public and private overlapped.<sup>34</sup> Commemoration of family in a land grant to a monastic house, for example, was public because patronage through landholding was public, but the spiritual benefits were personal and private. The application of normative rules and distinction of private and public developed in the later medieval period, as argued by Sarah Rees Jones, before evolving into the modern concepts and space.<sup>35</sup> This thesis will address the general tendency to separate public and private and instead will study non-comital women in a mutually inclusive public and private society in order to explore them as landholders, patrons, and members of their families.

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Elisabeth van Houts, 'Changes of Aristocratic Identity: Remarriage and Remembrance in Europe 900-1200', in *Memory and Commemoration in Medieval Culture*, ed. Emma Brenner, Meredith Cohen and Mary Franklin-Brown (Farnham: Ashgate, 2013), pp. 221-41, esp. pp. 233-4.

<sup>32</sup> Philadelphia Ricketts, 'Widows, Religious Patronage and Family Identity: Some Cases from Twelfth-Century Yorkshire', *HSJ*, 14 (2003), pp. 117-36, esp. p. 118; Ricketts, *High Ranking Widows*, p. 11.

<sup>33</sup> Janet L. Nelson, 'The Problematic in the Private', *Social History*, 15 (1990), pp. 355-364, esp. pp. 364; Erler and Kowaleski, 'A New Economy', p. 9.

<sup>34</sup> Kimberly A. LoPrete, "'Public' Aspects of Lordly Women's Domestic Activities in France, c.1050-1200", in *Gender and Historiography: Studies in the Earlier Middle Ages in Honour of Pauline Stafford*, ed. Janet L. Nelson, Susan Reynolds and Susan M. Johns (London: Institute of Historical Research, 2012), pp. 145-58, esp. p. 157.

<sup>35</sup> Sarah Rees Jones, 'Public and Private Space and Gender in Medieval Europe', in *The Oxford Handbook of Women and Gender in Medieval Europe*, ed. Judith Bennett and Ruth Karras (Oxford: Oxford University Press, 2013), pp. 246-258, esp. pp. 251-2, 258.

## Methodology

In methodological terms, this thesis is a detailed study of non-comital women through charter material. Historians have long used charters to provide evidence for wealth, families, networks and social concerns.<sup>36</sup> Three counties have been chosen for this analysis, Yorkshire, Oxfordshire, and Suffolk. These counties were selected because of their rich historiographies, socio-economic status, and extant source material. Existing literature on all three counties means that the discussion can be set in relevant socio-historical context and some general conclusions can be attempted across England. All three counties have extensive historiography and local text societies which provide extensive primary source material, as well as the necessary material for the prosopographical and genealogical work. Local historiography is further assisted by national series such as the Victoria County Histories and by prosopographical works across England, such as that by Katharine Keats-Rohan.<sup>37</sup> Yorkshire, for example, is a 'common unit in gentry studies' and therefore this thesis fits within a wide range of scholarship on Yorkshire's aristocracy, monastic

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<sup>36</sup> Jonathan Jarrett, 'Introduction: Problems and Possibilities of Early Medieval Charters', in *Problems and Possibilities of Early Medieval Charters*, ed. Jonathan Jarrett and Alan Scott McKinley (Tunhout: Brepols, 2013), pp. 1-18, esp. pp. 2-3.

<sup>37</sup> *VCH: A History of the County of Suffolk Volume 1*, ed. William Page (2 vols., London: Archibald Constable and Company Limited, 1911); *VCH: A History of the county of Suffolk Volume 2*, ed. William Page (2 vols., London: Archibald Constable and Company Limited, 1907); *VCH: A History of the County of Oxford Volume 1*, ed. L. F. Salzman (17 vols., London: Oxford University Press, 1939); *VCH: A History of the County of Oxford Volume 2*, ed. William Page (17 vols., London: Oxford University Press, 1907); *VCH: A History of the County of Oxford Volume 4: The City of Oxford*, ed. Alan Crossley and C. R. Elrington (17 vols., Oxford: Oxford University Press, 1979); *VCH: A History of the County of York Volume 3*, ed. William Page (3 vols., London: Archibald Constable and Company Limited, 1974); K. S. B. Keats-Rohan, *Domesday Descendants: A prosopography of persons occurring in English Documents 1066-1166: Pipe Rolls to Cartae Baronum*, vol. 2 (2 vols., Woodbridge: Boydell Press, 2002).

developments, lordship, and women.<sup>38</sup> Similarly valuable scholarship can be found for Oxford and Suffolk.<sup>39</sup>

In the twelfth century all three counties were relatively wealthy and the combination of wealth and piety resulted in significant monastic expansion.<sup>40</sup> Each county housed major religious centres, such as the Abbeys of Abingdon and Eynsham in Oxfordshire; Eye Priory and the Abbey of Bury St Edmunds in Suffolk, and St Mary's Abbey and St Peter's, later St Leonard's, Hospital in York.<sup>41</sup> These houses were foci of local patronage for major landowners and have left considerable material behind them. As well as experiencing monastic growth, each county had also been socially and politically active in the aftermath of the Norman Conquest. In the late eleventh century, each county experienced unrest and castle building in key locations; building begun on the castle of Norfolk in 1067, York in 1068, the castle of Richmond in Yorkshire and castle of Oxford were started in 1071, and Clare in Suffolk before 1090.<sup>42</sup> During the twelfth century these castles continued as centres of local authority and also served as nationally important social, political, and economic centres.<sup>43</sup> An active local aristocracy developed around the various religious and administrative hubs.

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<sup>38</sup> Quote from Thomas, *Vassals*, p. 5; Burton, *Monastic Order*; Janet Burton, 'Fundator Noster: Roger de Mowbray as Founder and Patron of Monasteries', in *Religious and Laity in Western Europe 1000-1400: Interaction, Negotiation, and Power*, ed. Emilia Jamroziak and Janet Burton (Turnhout: Brepols, 2006), pp. 23-39; Ricketts, *High Ranking Widows*; Emilia Jamroziak, 'How Rievaulx Abbey Remembered its Benefactors', in *Religious and Laity in Western Europe 1000-1400: Interaction, Negotiation, and Power*, ed. Emilia Jamroziak and Janet Burton (Turnhout: Brepols, 2006), pp. 63-76.

<sup>39</sup> Hollister, 'Henry I', pp. 115-22; Hart, 'William Malet', pp. 123-63; Amt, *Accession of Henry II*; the editorial work and introductions in edited cartularies have also been of use, such as *Sibton*, vol. 1; *Blythburgh*, vol. 1; *Stoke-by-Clare*, vol. 3.

<sup>40</sup> Harper-Bill, 'Piety', p. 66; Burton, *Monastic Order*, pp. 190-2.

<sup>41</sup> St Leonard's hospital in York used to be called St Peter's. The name change occurred during the twelfth century. *VHC: York*, Vol. 3, p. 336.

<sup>42</sup> Anglo-Saxon Chronicle manuscripts D and E for 1068 (*Anglo-Saxon Chronicles*, pp. 202-3) describe the Harrying of the North which highlights importance of York as political and economic centre. The same manuscripts, D and E, also describe the 1075 Revolt of the Earls (*Anglo-Saxon Chronicles*, pp. 210-1), and shows importance of the Norfolk and Suffolk region. For castle building see *VCH: Oxford Vol. 4*, p. 296; Richard Mortimer, 'The Beginnings of the Honour of Clare', *Proceedings of the Battle Conference*, 3 (1980), pp. 119-41, esp. p. 133; R. Allen Brown, *Allen Brown's English Castles* (Woodbridge: Boydell Press, 200), pp. 31-2.

<sup>43</sup> Oxford castle, for example, was Empress Matilda's base for much of her fight against her cousin King Stephen. See *Gesta Stephani*, ed. and trans. K. R. Potter (Oxford: Clarendon Press, 1976), pp. 126, 139-45.

Nevertheless, important differences also existed between the counties. Oxfordshire's small size and proximity to the royal court in London contrasts with Yorkshire's great tracts of land and more distant northern location.<sup>44</sup> Suffolk may have been bigger than Oxfordshire, but it was smaller than Yorkshire and while it was also a southern county it was east of London. As a result, the three counties provide a broad geographic overview of England. The Thames Valley and Oxford's location at the cross roads of busy North-South trade routes made it a financial centre.<sup>45</sup> Similarly, York had become established as a regional political centre, the base of northern trade, and the archiepiscopal see.<sup>46</sup> Other centres of lordship also developed in Yorkshire, such as the honour of Richmond, and illustrate the variety of English landscape. Suffolk by contrast had no single urban centre that was comparable with either York or Oxford, but at the end of the eleventh century, three of England's most important towns and four other boroughs lay in the county.<sup>47</sup> The similarities and differences between the counties allow regional and geographic comparisons to be accounted for and also raise the potential for cross-country conclusions.

The basis for this analysis is a corpus of 5545 charters drawn from the three counties of which 3046 were issued by non-comital aristocracy. Of these 242 were issued by non-comital women, who occur as consentors in 298 and as witnesses in 133 charters. Charter is here used to signify written records of transactions and often include information on the participating parties. They can also include further information on rents, bounds, family relationships, and religious devotion, which has meant that historians have often relied on

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<sup>44</sup> W. T. Reedy, 'Were Ralph and Richard Basset Really Chief Justiciars of England in the Reign of Henry I?', *The Twelfth Century Acta*, 2 (1975), pp. 74-103, esp. p. 83.

<sup>45</sup> John Steane, 'Medieval Oxfordshire, 1100-1540', *Oxoniensia*, 56 (2001), pp. 1-12.

<sup>46</sup> Burton, *Yorkshire Nunneries*, p. 6; David Carpenter, 'The Dignitaries of York Minster in the 1170s: A Reassessment', *Northern History*, 43 (2006), pp. 21-37; Judith A. Green, 'King Henry I and Northern England', *TRHS*, 6<sup>th</sup> series, 17 (2007), pp. 35-55, esp. p. 51; David X. Carpenter, 'The Several Lives of Paulinus, Master of St. Leonard's Hospital, York: *Ex Uno Plures*', *Northern History*, 46 (2009), pp. 9-29.

<sup>47</sup> Mark Bailey, *Medieval Suffolk: An Economic and Social History, 1200-1500* (Woodbridge: Boydell Press, 2007; repr. 2010), pp. 2-3, 116.



charters to reconstruct networks, relationships, or patronage patterns.<sup>48</sup> It is estimated that of all the charters that were produced in the twelfth century only a fraction have survived.<sup>49</sup> The total number of charters available from these three counties is, however, sufficient for analysis and for case studies to be explored in detail.

Charters will be the focus here, but it is important to note first that alongside charters, and to help contextualise their evidence, other legal texts, law codes, and contemporary literature and histories will also be used. Contemporary literature and historical writing has dominated much of the analysis of women in twelfth-century society, especially that of queens, royal, and comital women.<sup>50</sup> Non-comital women rarely occur in literature, and when they do it is most likely to be as anonymous wives or daughters.<sup>51</sup> For the second half of the century more additional sources have survived: pipe rolls survive from 1130-1 and, almost continuously, from 1155-6 onwards, *Coram Rege* rolls begin in 1194, and Fine Rolls exist from 1199. These record accounts - made biannually or from increasingly regular meetings of the court - of debts, fines, and legal statements involving women. The *Rotuli de Dominabus et Pueris et Puellis*, produced in 1185, is also a rich record of women,

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<sup>48</sup> K. S. B. Keats-Rohan, 'The Making of Henry of Oxford', *Oxoniensia*, 54 (1989), pp. 287-310, esp. p. 307; Johns, 'Wives and Widows', p. 119; Thomas K. Keefe, 'The Courting Game: Rank Orders and Witness Clusters in the Early Charters of King Richard', *MP*, 18 (1997), pp. 93-108, esp. pp. 93-6; Wendy Davies, 'When Gift is Sale: Reciprocities and Commodities in Tenth-Century Christian Iberia', in *The Languages of Gift in the Early Middle Ages*, ed. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 2010), pp. 217-37, esp. pp. 226-35; Stephen Marritt, 'The Ridale Papal Letters and Royal Charter: A Twelfth-Century Anglo-Scottish Baronial Family, the Papacy, the Law and Charter Diplomatic', *EHR*, 126 (2010), pp. 1332-54, esp. p. 1333; Green, 'Geoffrey de Mandeville', p. 93; Hanna I. Kilpi, 'Lesser aristocratic women in twelfth-century charters – a Lincolnshire case-study', *MP* (Forthcoming).

<sup>49</sup> M. T. Clanchy, *From Memory to Written Record: England, 1066-1307*, 3rd edn (Oxford: Blackwell, 2013), pp. 28, 55.

<sup>50</sup> Penny Schine Gold, *The Lady and the Virgin: Image, Attitude and Experience in Twelfth-Century France* (Chicago: University of Chicago, 1985); Huneycutt, 'Images of Queenship', pp. 68-70; Cheyette, 'Women, Poets and Politics', pp. 138-77; Wilkinson, 'Rules of Robert Grosseteste', pp. 293-306; Susan M. Johns, *Gender, Nation and Conquest in the High Middle Ages: Nest of Deheubarth* (Manchester: Manchester University Press, 2013); Susan M. Johns, 'Women and Power in the *Roman de Rou* of Wace', *ANS*, 36 (2014), pp. 117-34.

<sup>51</sup> For example, William le Gros married Cecily de Rumilly, who by birth would count as lesser aristocrat. Henry of Huntingdon makes reference to William's wife escaping him because he was abusive and drunk. The passage does not name the wife, but we only know of one wife so it could be her. However, the passage comes from a supposed jaunt thrown at William in 1141. Cecily is unlikely to have been more than five years at the time. It is thus unlikely that Henry would be describing Cecily. Archdeacon Henry of Huntingdon, *Historia Anglorum - The History of the English People*, ed. Diana Greenway (Oxford: Clarendon Press, 1996), book 10, ch. 15, pp. 730-1.

wealth, and guardianship in 12 English counties including Suffolk, but not Oxfordshire or Yorkshire.<sup>52</sup> For any one individual woman, the available evidence is undoubtedly fragmentary, but *en masse* the material provides important insight into non-comital women.

Analysis of charter diplomatic has become a crucial tool in studies of medieval society.<sup>53</sup> Recently, projects on charters have developed databases using published and unpublished sources; an approach which has been adapted to this study.<sup>54</sup> For example, the People of Medieval Scotland (PoMS) project, between Glasgow University and Kings College London, used over 8600 Scottish documents from 1093 to 1314 to form a database of all known people in Scotland and demonstrates the benefits to the study of charter diplomatic and medieval prosopography by systematically taking apart charter clauses and recording the people in the charters.<sup>55</sup> The PoMS database and its approach to charters and prosopography helped form the approach to charters and database development used in this

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<sup>52</sup> *Rotuli de Dominabus et Pueris et Puellis de XII Comitatus*, ed. and trans. John Walmsley (Tempe: Arizona Center for Medieval and Renaissance Studies, 2006).

<sup>53</sup> John Hudson, 'Diplomatic and Legal Aspects of the Charters', in *The Earldom of Chester and its Charters: A Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester: Chester Archaeological Society, 1991), pp. 153-78; Paul R. Hyams, 'The Charter as a Source for the Early Common Law', *The Journal of Legal History*, 12 (1991), pp. 173-89, esp. pp. 181-2; Paul Brand, 'Local Custom in the Early Common Law', in *Law, Laity & Solidarity: Essays in honour of Susan Reynolds*, ed. Pauline Stafford, Janet L. Nelson and Jane Martindale (Manchester: Manchester University Press, 2001), pp. 150-9, esp. p. 157; John Hudson, 'Legal Aspects of Scottish Charter Diplomatic in the Twelfth Century: A Comparative Approach', *ANS*, 25 (2003), pp. 121-38, esp. pp. 124, 133; Nicholas Vincent, 'Regional Variations in the Charters of King Henry II (1154-1189)', in *Charters and Charter Scholarship in Britain and Ireland*, ed. Judith A. Green and Marie Therese Flanagan (Basingstoke: Palgrave Macmillan, 2005), pp. 70-106; see also Dauvit Broun, ed., *The Reality Behind Charter Diplomatic in Anglo-Norman Britain: Studies by Dauvit Broun, John Reuben Davies, Richard Sharpe and Alice Taylor* (Glasgow: Centre for Scottish and Celtic Studies University of Glasgow, 2011) for articles by Dauvit Broun, 'The Presence of Witnesses and the Making of Charters', pp. 235-87, esp. p. 273; John Reuben Davies, 'The Donor and the Duty of Warrandice: Giving and Granting in Scottish Charters', pp. 120-65, esp. p. 165; Richard Sharpe, 'Peoples and Languages in Eleventh- and Twelfth-Century Britain and Ireland: Reading the Charter Evidence', pp. 1-119, esp. pp. 24-5; Alice Taylor, 'Common Burdens in the Regnum Scottorum: The Evidence of Charter Diplomatic', pp. 166-234, esp. p. 199.

<sup>54</sup> Amanda Beam, John Bradley, Dauvit Broun, John Reuben Davies, Matthew Hammond, Michele Pasin with David Carpenter, Roibeard Ó Maolalaigh and Keith J. Stringer, and the assistance of Susan Bell, Kathryn Dutton, Nicholas Evans, Beth Hartland, Fergus Oakes and Andrew Smith, *The People of Medieval Scotland, 1093-1314* (Glasgow and London, 2012): [www.poms.ac.uk](http://www.poms.ac.uk). Another example of charter database is Michael Gervers and University of Toronto, *Documents of Early England Data Set (DEEDS)*, (University of Toronto, 1975 – ongoing): <http://deeds.library.utoronto.ca/>. Findings from both projects were published. See Broun, ed., *Reality behind Charter Diplomatic*; Michael Gervers, ed., *Dating Undated Medieval Charters* (Woodbridge: Boydell Press, 2000).

<sup>55</sup> Beam, Bradley et. al. (2012), [www.poms.ac.uk](http://www.poms.ac.uk).

thesis. However, statistical analysis of medieval charters has to be cautious. Rates of source survival are unknown and extant sources might not be fully representative.<sup>56</sup> In spite of this, using a database for this thesis has allowed the analysis of thousands of documents while preserving the detail of individual charters and case studies. Once identified, these cases can be further examined and women's agency can be discussed within a wider social context.

Charter clauses can be studied as evidence for legal procedure and landholding as well as social networks. Salutation clauses identified the issuer, or issuers, and while issuer and grantor was the same person the former term describes the issuer of the charter and the latter the act of granting itself which the charter recorded. Consent clauses, or *laudatio parentum*, identified those who consented to the grant and the function of this clause has been the subject of some scholarly debate. Paul Hyams argues that *laudatio* served a legal purpose rather than a personal one and has pointed to the decline of *laudatio* in the late twelfth century when separately issued confirmation charters increased.<sup>57</sup> However, Stephen White's seminal work on eleventh- and twelfth-century French charters suggests that *laudatio* denoted both legal acknowledgement and social kin solidarity.<sup>58</sup> A similar debate surrounds *pro anima* clauses which listed the living and dead whose souls a grant was meant to benefit. Some have suggested that the often formulaic nature of the clause and the implied, rather than explicit, requests for prayer made by the clause are not sufficient evidence that it was used for the maintenance of personal relationships.<sup>59</sup> However, the clause was highly adaptable suggesting that it was a personal clause and used for commemorative purposes, even if this was more informal in contrast to late medieval requests for prayers.<sup>60</sup>

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<sup>56</sup> Keefe, 'Courting Game', p. 108.

<sup>57</sup> Hyams, 'Charter as a Source', pp. 182-3.

<sup>58</sup> Stephen D. White, *Custom, Kinship, and Gifts to Saints: The Laudatio Parentum in Western France, 1050-1150* (Chapel Hill: University of North Carolina Press, 1988), pp. 130-1, 151.

<sup>59</sup> Cownie, *Religious Patronage*, p. 158.

<sup>60</sup> Stephen Marritt, 'Prayers for the King and Royal Titles in Anglo-Norman Charters', *ANS*, 32 (2010), pp. 184-202, esp. p. 187; Arnoud-Jan A. Bijsterveld, *Do ut des - Gift giving, memoria, and conflict management in the medieval Low Countries* (Hilversum: Verloren, 2007), pp. 20-1; Livingstone, *Out of Love for My Kin*, p. 31.

Charters might primarily record exchanges of land, but charters also record various details that can be used for prosopographical research. Dispositive and attestation clauses have been used to explore functional relationships and networks outwith family. John Hudson's work on the charters of the earldom of Chester illustrates how dispositive verbs can reveal social traditions around gifts and inheritance while John Reuben Davies' work on Scottish charters demonstrates how dispositive verbs can be applied to the relationship between charter issuers and beneficiaries.<sup>61</sup> Attestations, on the other hand, highlight the usefulness of network analysis and prosopography. Most of this work has focused on royal charters and the rank and status of witnesses at court.<sup>62</sup> Similar existence of rank and status in lay charter witnesses has been demonstrated in aristocratic charters from thirteenth-century Buckinghamshire.<sup>63</sup> Prosopography is a powerful method of family histories as demonstrated by Katharine Keats-Rohan or William Reedy's work on Oxfordshire families, or by the many articles that have been published regarding the career of Geoffrey de Mandeville.<sup>64</sup> As a tool for non-comital women, prosopography can be utilised to explore and uncover social relationships within and outwith their families. Using a prosopographical approach to Scottish charters c.1100-1286 Matthew Hammond has demonstrated the important role comital women had in terms of the development of charter processes as well

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<sup>61</sup> Hudson, 'Diplomatic and Legal Aspects', pp. 162-3; Davies, 'The Donor and the Duty', p. 165.

<sup>62</sup> J. C. Russell, 'Social Status at the Court of King John', *Speculum*, 12 (1937), pp. 319-29; J. C. Russell, 'Attestation of Charters in the Reign of John', *Speculum*, 15 (1940), pp. 480-98, esp. pp. 490-3; Keefe, 'Courting Game', p. 105; David Bates, 'The Prosopographical Study of Anglo-Norman Royal Charters', in *Family Trees and the Roots of Politics*, ed. K. S. B. Keats-Rohan (Woodbridge: Boydell, 1997), pp. 89-102, esp. pp. 91-2.

<sup>63</sup> David A. Postles, 'Choosing Witnesses in Twelfth-Century England', *The Irish Jurist*, 23 (1988), pp. 330-46, esp. pp. 332-7; Anne Polden, 'The Social Networks of the Buckinghamshire Gentry in the Thirteenth Century', *JMH*, 32 (2006), pp. 371-94, esp. p. 377.

<sup>64</sup> K. S. B. Keats-Rohan, 'The Devolution of the Honour of Wallingford, 1066-1148', *Oxoniensia*, 54 (1989), pp. 311-8; Reedy, 'The First Two Bassets, Part 1', pp. 241-5; Reedy, 'The First Two Bassets, Part 2', pp. 291-8; *Basset Chs.*, pp. v-xxxvii; Nicholas Vincent, 'Warin and Henry fitz Gerald, The King's Chamberlains: The Origins of the Fitzgeralds Revisited', *ANS*, 21 (1999), pp. 233-60; J. H. Round, *Geoffrey de Mandeville: A Study of the Anarchy* (London: Longmans, Green & Co., 1892); R. H. C. Davis, 'Geoffrey de Mandeville Reconsidered', *EHR*, 79 (1964), pp. 299-307; Hollister, 'The Misfortunes', pp. 18-28; J. O. Prestwich, 'The Treason of Geoffrey de Mandeville', *EHR*, 103 (1988), pp. 284-317; J. O. Prestwich, 'Geoffrey de Mandeville: A Further Comment', *EHR*, 103 (1988), pp. 960-6; R. H. C. Davis, 'Geoffrey de Mandeville: A Final Comment', *EHR*, 103 (1988), pp. 967-8; Ralph V. Turner, 'The Mandeville Inheritance, 1189-1236: Its Legal, Political and Social Context', *HSJ*, 1 (1989), pp. 147-72; J. O. Prestwich, 'Last Words on Geoffrey de Mandeville', *EHR*, 105 (1990), pp. 670-1; R. H. C. Davis, 'Last Words on Geoffrey de Mandeville', *EHR*, 105 (1990), pp. 671-2; Green, 'Geoffrey de Mandeville', pp. 91-110.

as the social impact this had on maintenance of monastic institutions north of the Forth.<sup>65</sup> Hammond's work on Scottish comital women invites for more elaboration on women down the social scale and this thesis will address non-comital women in England where the source material is more accessible.<sup>66</sup>

Rather than defining charters only as legal records, this thesis will also discuss charter drafting and charters as objects. Charters expressed the needs and requirements of a number of parties and therefore presented a final agreement between issuer, beneficiary, any consentors, as well as being influenced by scribal tradition.<sup>67</sup> David Postles has suggested that many lay charters were 'compiled by local *scriptores*' at the request of the issuer.<sup>68</sup> Evidence for private lay *scriptoria* only appears in the late twelfth century. However, this is limited to very few comital families and the non-comital aristocracy were more likely to use local scribes or beneficiary drafting.<sup>69</sup> The use of beneficiary drafting and the compilation of cartularies in later centuries could also affect charter content or its survival.<sup>70</sup> Beneficiary drafting was mostly used by ecclesiastic beneficiaries, particularly if

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<sup>65</sup> Matthew H. Hammond, 'A Prosopographical Analysis of Society in East Central Scotland, circa 1100 to 1260, with special reference to ethnicity' (Unpublished PhD thesis, University of Glasgow, 2005), pp. 49-52; Hammond, 'Women and the adoption of charters', pp. 33-4.

<sup>66</sup> Hammond, 'Women and the adoption of charters', pp. 33.

<sup>67</sup> Russell, 'Social Status', pp. 319-29; Russell, 'Attestation of Charters', pp. 485-6; Stephanie L. Mooers, 'Networks of Power in Anglo-Norman England', *MP*, 7 (1986), pp. 25-54; Paul R. Hyams, 'Warranty and Good Lordship in Twelfth Century England', *Law and History Review*, 5 (1987), pp. 437-503, esp. p. 455; Clanchy, *From Memory to Written Record*, pp. 87-90; John Hudson, 'Anglo-Norman Land Law and the Origins of Property', in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, ed. George Garnett and John Hudson (Cambridge: Cambridge University Press, 1994), pp. 198-222, esp. pp. 206-7; Keefe, 'Courting Game', pp. 93-108; Broun, 'Presence of Witnesses', pp. 235-8.

<sup>68</sup> David A. Postles, 'Securing the Gift in Oxfordshire Charters in the Twelfth and Early Thirteenth Centuries', *Archives*, 19 (1990), pp. 183-91, esp. p. 189.

<sup>69</sup> Teresa Webber, 'The Scribes and Handwriting of the Original Charters', in *The Earldom of Chester and its Charters: A Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester: Chester Archaeological Society, 1991), pp. 137-51, esp. pp. 141, 147.

<sup>70</sup> Emilie Amt, 'Introduction', in *The Latin Cartulary of Godstow Abbey* (Oxford: Oxford University Press, 2014), pp. xv-xlii, esp. pp. xv-xvi; For example, the content of charters in Godstow Cartulary's English version, *The English Register of Godstow Nunnery near Oxford*, ed. Andrew Clark (Early English Text Society, vol. 142, 1905-11), is noticeably different from the earlier Latin cartulary, National Archives, MS E164/20 published as *The Latin Cartulary of Godstow Abbey*, ed. and trans. Emilie Amt (Oxford: Records of the Social and Economic History, vol. ns. 52, 2014).

the religious houses in question had scribes who could do this.<sup>71</sup> Some, like Gilbertine houses, prohibited the employment of professional scribes suggesting that theirs would most certainly have been drafted by a third party scribe.<sup>72</sup> The final charter was always influenced by a range of parties and processes and this thesis will aim to place non-comital women's participation in charters within these dynamic processes of charter production.

Although charters were records of grants, charters and seals were also objects that represented agency and were a physical reminder to those who saw it of the issuer's and beneficiary's ability to engage with each other.<sup>73</sup> Much of the work on charters as objects and as expressions of performative lordship has been done on early medieval royal diplomas.<sup>74</sup> Ideas about performative agency should also be applied to twelfth-century lay charters. As demonstrated in this thesis, such an approach helps understand women's agency in a society that was simultaneously oral, written, and material. Charters issued by twelfth-century non-comital aristocracy were part of a wider culture of performing grants and as such are evidence of an oral and material culture where charters were written and read, but also given and kept.<sup>75</sup> Rituals, such as placing the charter or knife on an altar,

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<sup>71</sup> White, *Custom, Kinship, and Gifts*, p. 193; Vincent, 'Regional Variations', p. 74; Jamroziak, 'Rievaulx Abbey', pp. 65-6; Daniel Power, 'Aristocratic Acta in Normandy and England c. 1150-c. 1250: The Charters and Letters of the du Hommet Constables of Normandy', *ANS*, 35 (2012), pp. 259-86, esp. p. 277; Erik Niblaeus, 'Cistercian Charters and the Import of a Political Culture into Medieval Sweden', in *Problems and Possibilities of Early Medieval Charters*, ed. Jonathan Jarrett and Alan Scott McKinley (Turnhout: Brepols, 2013), pp. 57-70, esp. p. 66.

<sup>72</sup> Michael Gullick, 'Professional Scribes in Eleventh- and Twelfth-Century England', *English Manuscript Studies 1100-1700*, 7 (1998), pp. 1-24, esp. p. 11; 'vel scriptores conducere et retinere in ecclesiis monialium'.

<sup>73</sup> Brigitte Miriam Bedos-Rezak, 'Medieval Identity: A Sign and a Concept', *The American Historical Review*, 105 (2000), pp. 1489-533, esp. p. 1522; Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas* (Turnhout: Brepols, 2012), pp. 43-51.

<sup>74</sup> Charles Insley, 'Kings, Lords, Charters, and the Political Culture of Twelfth-Century Wales', *ANS*, 30 (2007), pp. 133-53; Charles Insley, 'Charters, Ritual and Late Tenth-Century English Kingship', in *Gender and Historiography: Studies in the Early Middle Ages in Honour of Pauline Stafford*, ed. Janet L. Nelson, Susan Reynolds and Susan M. Johns (London: Institute of Historical Research, 2012), pp. 75-89, esp. pp. 77; Koziol, *Politics of Memory*, pp. 57-60.

<sup>75</sup> Charles Insley, 'Archives and lay documentary practice in the Anglo-Saxon world', in *Documentary Culture and the Laity in the Early Middle Ages*, ed. W. C. Brown, M. Costambeys, Matthew Innes and A. J. Kosto (Cambridge: Cambridge University Press, 2013), pp. 336-62, esp. p. 359. Insley has suggested that Anglo-Saxon charters may have been stored in private family archives as early as the tenth century.

carried significant symbolism to those who took part in, or witnessed, them.<sup>76</sup> Sealing imprinted a physical expression of authority.<sup>77</sup> It had been a primarily royal prerogative until the eleventh century, when ducal and comital lords begun to use seals as a method of expressing their power.<sup>78</sup> The earliest women's seals in England were also royal and comital, and appeared from the early twelfth century.<sup>79</sup> Evidence for sealing by non-comital women is rare, but can be found from the mid-twelfth century onwards.<sup>80</sup> Traditionally sigillography and diplomatic have been separate areas of scholarship. However, processes such as drafting and ceremonies attached to grant making established a charter as a record of a transaction as well as an object of agency. For this reason, seals and charters will be studied as elements of wider performative agency.

The main corpus of charters used in the database for this thesis comes from the published cartularies and collected editions of charters for Oxfordshire, Suffolk, and Yorkshire. Archival material have also been used to supplement the analysis. Unfortunately, although 39 manuscripts of cartularies and registers survive from the Abbey of Bury St Edmunds, most of these have yet to be edited.<sup>81</sup> Due to constraints of time and the amount of manuscript work required, unpublished Bury St Edmunds manuscripts have not been included in this study.

The charter material was used to create databases for each county that included dates of issue, type of document/charter, issuer(s), beneficiary(ies), consentors, descriptions of the disposition itself, details of spiritual benefits, affidations, and witnesses.

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<sup>76</sup> Clanchy, *From Memory to Written Record*, pp. 38-41; Niblaeus, 'Cistercian Charters', p. 63 describes a ceremony used in land exchanges in Sweden.

<sup>77</sup> Bedos-Rezak, 'Medieval Identity', pp. 1527-8.

<sup>78</sup> Brigitte Miriam Bedos-Rezak, 'The Social Implications of the Art of Chivalry: The Sigillographic Evidence (France 1050-1250)', in *The Medieval Court in Europe*, ed. E. R. Haymes (Munich: Wilhelm Fink Verlag, 1986), pp. 142-75, esp. p. 143.

<sup>79</sup> Brigitte Miriam Bedos-Rezak, 'Medieval Women in French Sigillographic Sources', in *Women and the Sources of Medieval History*, ed. Joel T. Rosenthal (Athens GA; London: University of Georgia Press, 1990), pp. 1-36, esp. p. 3; Kimberly A. LoPrete, *Adela of Blois* (Dublin: Four Courts Press, 2007), p. 538.

<sup>80</sup> Brigitte Miriam Bedos-Rezak, 'Women, Seals and Power in Medieval France, 1150-1350', in *Women and Power in the Middle Ages*, ed. Mary Erler and Maryanne Kowaleski (Athens: The University of Georgia Press, 1988), pp. 61-82, esp. p. 65.

<sup>81</sup> Rodney Thompson, *Archives of the Abbey of Bury St Edmunds* (Woodbridge: Boydell and Brewer, 1980), p. 5.

For each issuer, beneficiary, and consentor, their social rank and gender were also noted which allowed the database to distinguish between royal, comital, ecclesiastical, and non-comital participants. The charter issuing dates used in the database were taken from the modern editions and all charters up to c. 1200 were included.<sup>82</sup> Charters with a range of dates, where the earliest possible date was in the twelfth, but the latest possible date in the thirteenth century were also included in the database. Final concords were included, but because the documents do not have distinct grantors and beneficiaries the analysis treated final concords separately. For documents, such as cyrographs or final concords, which do not have a single issuer and beneficiary, fields indicating beneficiaries, issuers and consentors were left empty. The type of document and its details were still recorded in the database which allowed the discussion to take into account women's participation across a range of documents.

**Table 0.1 Total of charters per county by issuer's social status.**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
Issuer's social status	Royal, Comital, and Ecclesiastical	1157	544	798	2499
	Non-comital	621	471	1954	3046
	Non-comital Woman	72	40	136	248
	TOTAL	1778	1015	2752	5545

As the above table shows almost half of the corpus of 5545 charters were issued by royal, comital, or ecclesiastic individuals and institutions. Of the remainder, 242 charters, or about 10% were issued by non-comital women.<sup>83</sup> These charters form the core evidence

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<sup>82</sup> NB: If my research indicated other dates, or a more narrow date range, this has been noted and I have followed my dating. When these cases have been used in the following analysis, this has been noted in the footnotes to indicate that why and how much I have differed from the cartulary editors' dating.

<sup>83</sup> NB: This does not include all the charters with women as witnesses or consentors.



for this thesis, but charters issued by men will also be used where there are references to women in some form, for example as consentor or witness.<sup>84</sup> The inclusion of these charters means that comparisons and contrasts can be drawn between women's appearances in a variety of charter clauses and thus the discussion can address how non-comital women expressed themselves, acted, and performed alone, with their kin and their non-kin.

This thesis discusses non-comital women's identity, relationships, and social networks in two parts. Part A sets out to dissect diplomatic elements in charters and other documents with four chapters that are driven by database analysis as well as supported by individual case studies. It analyses women as issuers, co-issuers, consentors, witnesses, and in other government records to provide evidence that can be used for exploring women's agency through their identity, life cycle, and family. Forms of women's identity in charter superscriptions and, when available, seals are utilised in chapter one to ask questions about the role marital status played in women's agency and access to land. In chapter two, the analysis shifts to women as co-issuers and consentors where spousal identity and the impact of family and landholding will be discussed in more detail. Chapter three focuses on women as witnesses and introduces questions about gendered networks and public identity which will be re-visited in part B. Chapter four ends part A with a look at women in other government records. In comparison to the previous three chapters, chapter four relies more on existing historiography and scholarship. Yet, it is crucial to consider sources other than charters and this chapter establishes a wider source base for non-comital women's activities and thus their agency.

Building on the analysis in Part A, Part B is a discussion of wider social implications of women's charter activity on their families, landholding, and social networks. Central themes in Part B are the reciprocity of gifts and services and the coexistence of public and private.<sup>85</sup> In theory women were under male guardianship throughout their lives and uninvolved in gift-economy on their own account, yet the opposite appears to be true and,

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<sup>84</sup> 298 charters include one or more women as consentor. 133 charters include one or more women as witness.

<sup>85</sup> Marcel Mauss, *The Gift: The form and reason for exchange in archaic societies*, trans. W. D. Halls (London: Routledge, 2002), pp. 11-20; Nelson, 'The Problematic in the Private', pp. 363-4; LoPrete, 'Public' aspects', p. 157.

as will be shown throughout this thesis, in practice non-comital women appeared in court records, issued charters, received grants, and participated in their families' land management. The reciprocal nature of gifts, whether this was in goods, services, or oaths, also involved women in exchanges and thus demonstrates women's agency in practice. Chapter five delves into emotional relationships by looking at how the spiritual requests in *pro anima* clauses developed, for those involved, an understanding of family and identity. Through their agency in activities related to commemoration, non-comital women could shape their role in their families and also help develop their families' identities. Chapters six and seven build on the idea of women's agency in the world around them. Chapter six explores the world of gift-economy through countergifts and asks how non-comital women partook in them and what effect this had on landholding and social relationships. Chapter seven broadens this discussion to the ecclesiastical and secular networks which can be identified from non-comital women's charter activity. The use of witness lists to explore networks in chapter seven reflects the witness list analysis in chapter three, but it is also intended to expand the discussion to broader aristocratic society. Through a multitude of sources Part B aims to contextualise women's agency in their social networks and in relation to their lands, families, and their own person.

Through a detailed analysis of charter material from three counties it is possible to demonstrate that non-comital women can be discovered in the sources and that they could have the agency to significantly shape the world around them. This thesis might, in some ways, appear to consist of two approaches, the first of charter analysis and the second of contextual analysis, but common themes of agency in life cycle, family, and networks run throughout it and reflect key arguments in current scholarship. A discussion of women's access and ability to alienate property also runs throughout and this is heavily affected by the content of charters. The charter evidence suggests that marriage and widowhood were parts of a cycle that should be understood as continuities rather than sharp changes in women's identity and status.

## **Part A – Women in the Sources**

Part A addresses women's active participation in documentary culture. Primarily this means charters, which are the focus for chapters one, two, and three. Other official documents will also be taken into account in chapter four. Over the next four chapters, this thesis will demonstrate, through detailed source analysis, the significant agency that non-comital women had in their families and also how women's families and lands shaped women's identities, but could also be used irrespective of each other. The decision to focus each chapter on specific charter clauses has been influenced by charter scholarship and the clause structure of charters, an overview of which can be found in the preceding introduction. Discrete clause analysis allows the exploration of key themes within women's history; these being life cycle, landholding, family, and society. Intended primarily as chapters for data analysis the four chapters here mean to take apart the evidence and introduce themes and conclusions which will be contextualised in part B.

# 1 Charters Issued by Women

By analysing the charter diplomatic and database compiled from the three counties covered in this thesis, this chapter looks at how women are presented as primary grantors in charters. The main focus will be charters granted solely by women, but these independent charters will also be addressed as part of a more complex culture of charter production and social networks, a topic that will be considered in detail in part B. Until recently women's charters have been primarily studied in terms of widowhood, but this chapter aims to reassess women's charter issuing beyond this single status.<sup>1</sup> Women's superscriptions as issuers will be juxtaposed with their marital status, the type of land that was alienated, and the content of *pro anima* clauses, to see if these were interlinked and to what extent.

Across the three counties' published charter material 3046 twelfth-century charters were issued by non-comital men and women.<sup>2</sup> This includes 451 charter instances that were issued by a woman alone or with others. Of these, 248 women were the first named issuer in a salutation clause, giving her precedence as the charter's issuer (table 1.1). Of these 248 charters, 71 were issued by a woman with co-issuers or consentors and 177 were issued by a woman alone. In relation to the overall number of charters issued by non-comital aristocracy the 248 charters issued by women account for 8.14% of the total. The rate of charters issued by non-comital women alone can be compared between the counties; in Oxfordshire women were the only issuer in 8.05% of non-comital charters, in Suffolk this was 6.58%, and in Yorkshire 4.91%.

Regional differences in absolute numbers are likely linked to county size. Yorkshire is the biggest county in this study and has the most surviving charters issued by women; 258 instances of a woman as issuer either alone, as co-issuer, or with co-issuers can be identified. Of these 136 are issued by women as the sole issuer or the first named issuer with co-issuers. In contrast to this, Suffolk is the smallest county and has the lowest number

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<sup>1</sup> Johns, *Noblewomen*, pp. 72-5, 97-8.

<sup>2</sup> Oxford: 621; Suffolk: 471; Yorkshire: 1954.

of charters issued by women.<sup>3</sup> Despite some regional differences, a regular pattern of charters were issued by women as sole issuers or alongside co-issuers.

**Table 1.1 Salutation clauses with non-comital women**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
Order of woman as issuer in a salutation clause	1 <sup>st</sup> (woman as sole issuer) <sup>4</sup>	72 (50)	40 (31)	136 (96)	248 (177)
	2 <sup>nd</sup>	51	20	112	183
	3 <sup>rd</sup>	3	4	9	16
	4 <sup>th</sup>	0	3	1	4
	TOTAL <sup>5</sup>	126	58	258	451

Table 1.1 demonstrates that on the whole women seem to have been as likely to issue a charter independently as they were to issue one with others. Issuing charters meant women needed personal control over land, and the high number of women as sole issuers suggests that they indeed did have the required level of access and control. Indeed, as noted by Matthew Hammond for Scotland c.1150-1286, ‘the existence of charters’ issued by a countess alone or jointly, or with her consent implies some kind of control and that we should not think of countesses as ‘pawns’.<sup>6</sup> Although Hammond’s research is focused on Scottish countesses, the database results from Yorkshire, Oxfordshire, and Suffolk strongly suggests that non-comital women’s charter activity in twelfth-century England was not the result of their husbands’ or male kins’ activities, but the women’s own agency. This chapter will next look at the superscription, dispositive, *pro anima*, and sealing clauses of charters

<sup>3</sup> It is possible that more women could be identified in the many archives for the Abbey of Bury St Edmunds. However, due to the scope of unpublished material from Bury St Edmunds archives and the constraints of time, this thesis is only able to account for available published records.

<sup>4</sup> Unbracketed number combines the number of charters issued by a woman alone and those with co-issuers. Brackets show the number of charters issued by a woman alone.

<sup>5</sup> This total is not reflective of charters, but frequency of instances when a woman grants.

<sup>6</sup> Hammond, ‘Women and the adoption of charters’, pp. 12-14.

issued by women to analyse how women were presented, what lands women were granting, and how factors such as family and landholding shaped their agency.

## 1.1 Superscriptions

The salutation clauses in women's charters are the best starting point for exploring how non-comital women were presented in charters. Salutation clauses provide issuers' names and these can be used to study the different identities which women used, or were associated with, when they issued charters. Choice of wording in superscription clauses was linked to the drafting process and names used patronymics, offices, marriages, or landholding to denote familial identity and social status in twelfth-century England.<sup>7</sup> Charters were compromises between beneficiaries and issuers and they represented a final agreement that all parties agreed to.<sup>8</sup> Furthermore, scribal influences and the presence of witnesses show how charters relied on the agreement, or at least support, of many parties.<sup>9</sup> As written expressions of personal and public identity superscriptions can therefore provide insight into how women and society saw themselves as charter issuers.<sup>10</sup>

For this analysis, women's superscriptions in charters issued by women alone were categorised by form into toponymics of marital or natal origin, patronymics or matronymics,

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<sup>7</sup> Constance Bouchard, 'Family Structure and Family Consciousness Among the Aristocracy in the Ninth to Eleventh Centuries', *Francia*, 14 (1986), pp. 640-658, esp. p. 645; Constance Bouchard, 'Patterns of Women's Names in Royal Lineage, Ninth-Eleventh Centuries', *MP*, 9/1 (1988), pp. 1-32, esp. pp. 2-4; Constance Bouchard, 'The Migration of Women's Names in the Upper Nobility, Ninth-Twelfth Centuries', *MP*, 9/2 (1988), pp. 1-19, esp. pp. 9-10; Cecily Clark, 'Socio-Economic Status and Individual Identity: Essential Factors in the Analysis of Middle English Personal-Naming', in *Words, Names and History: Selected Writings of Cecily Clark*, ed. Peter Jackson (Cambridge: D. S. Brewer, 1995), pp. 100-13, esp. p. 109; Ian Short, 'Tam Angli Quam Franci: Self-Definition in Anglo-Norman England', *ANS*, 18 (1996), pp. 153-75, esp. p. 160; Doherty, 'Robert de Vaux and Roger de Stuteville', p. 71.

<sup>8</sup> Hyams, 'Warranty', p. 455; Clanchy, *From Memory to Written Record*, p. 88.

<sup>9</sup> Richard Mortimer, 'Anglo-Norman Lay Charters, 1066-1100: A Diplomatic Approach', *ANS*, 25 (2003), pp. 153-75, esp. p. 166-8; Hudson, 'Diplomatic and Legal Aspects', p. 170; Clanchy, *From Memory to Written Record*, p. 87-9; Postles, 'Choosing Witnesses', p. 334; Richard Sharpe, 'Address and Delivery in Anglo-Norman Royal Charters', in *Charters and Charter Scholarship in Britain and Ireland*, ed. Judith A. Green and Marie Therese Flanagan (Basingstoke: Palgrave Macmillan, 2005), pp. 32-52, esp. p. 44.

<sup>10</sup> Jennifer Ward, 'Noblewomen, Family, and Identity in Later Medieval Europe', in *Nobles & Nobility in Medieval Europe: Concepts, Origins, Transformations*, ed. Anne J. Duggan (Woodbridge: Boydell & Brewer, 2000), pp. 245-62, esp. p. 259; David Bates, 'The Representation of Queens and Queenship in Anglo-Norman Royal Charters', in *Frankland: The Franks and the World of the Early Middle Ages - Essays in Honour of Dame Jinty Nelson*, ed. Paul Fouracre and David Ganz (Manchester: Manchester University Press, 2008), pp. 285-303, esp. p. 293; Livingstone, *Out of Love for My Kin*, p. 158.

statements of marital status, and superscriptions using a combination of natal and marital names or status. These results can be seen in table 1.2. Most women issued under one name that was either of natal or marital categories. Combination superscriptions that used both natal and marital names or status were less common. Another difference can be drawn between names indicative of natal family and names from spouses, where the former category is more common. To some extent the use of natal family in women's superscriptions is affected by Yorkshire charters and in particular the Rumilly family whose five women contribute a total of 22 charters, of which 21 use the women's natal family toponymic. Nevertheless this pattern of natal toponymics by women of the Rumilly family and the general tendency for women to use natal family names needs to be considered further.

**Table 1.2 Superscriptions of charters issued by women in Oxfordshire, Suffolk, Yorkshire**

		Number of Superscriptions	Percentages of the total
Form of Superscription	Spousal	18	10.17%
	Spousal toponym	15	8.47%
	Patronym/matronym	48	27.12%
	Paternal toponym	69	38.98%
	Combination of spousal & parental	7	3.95%
	Other	5	2.82%
	unknown	15	8.47%
	<b>TOTAL</b>	<b>177<sup>11</sup></b>	<b>100%</b>

### 1.1.1 Patronymic, Matronymic, or Natal Family Toponym

The use of names from natal families stating the familial relationship, either in patronymic or matronymic form, or as a toponymic, can be found in many superscriptions. Across the sample of 177 charters issued by women, 38.98% of the superscriptions used paternal or maternal toponyms and a further 27.12% used patronymics. Natal family was

<sup>11</sup> Total number of women who are the sole named issuer.

clearly of great importance to non-comital women. Such a high rate of toponymics rather than patronymics suggests that family identity was often based on geography and landholding. It is possible that the focus on toponymics was driven by inheritance patterns. Men were more likely to inherit and families were increasingly defined through male-preference primogeniture, whereas women tended to move households at marriage. As a result, patronymics may have had less relevance for women while toponymics were an effective way for women to identify as members of their natal families. Remarriages could also complicate the situation and a woman in her second or third marriage could theoretically identify as a daughter, a wife, and a widow, reflecting three different relationships with three men. While women's status in terms of family and marriages could change, their natal family's territorial and geographical markers remained relatively constant and this might explain why women favoured them. Unlike names that relied on relationships, topographic names extended beyond the immediate past generations and established a more longstanding identity for the women who used these names. Landholding and knowledge of the past were important and toponymics were a useful means to associate with both. By appearing under natal toponymics women were able to draw their agency from the landscape and their landholding as well as associating with their natal families.

### 1.1.2 Marital Status and Spousal Toponyms

Spousal forms are also relatively common in superscriptions and *uxor* or *sponse*, followed by the husband's proper name in genitive, are used in 10.17% of superscriptions in charters issued by women.<sup>12</sup> A further 8.47% of the superscriptions can be categorised as spousal toponyms.<sup>13</sup> In total, spousal names only appear in about a fifth of women's superscriptions while natal family forms appear about three times as often. Some spousal forms were likely to be used in relation to dower lands, such as that by Gunhild Spurnewat'

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<sup>12</sup> *Oseney*, vol. 6, no. 1084; *Eynsham*, vol. 1, no. 67; *St Frideswide*, vol. 2, no. 854; *Blythburgh*, vol. 2, nos. 377, 396; *Sibton*, vol. 2, nos. 234, 319; *Sibton*, vol. 3, no. 898; *EYC*, vol. 1, no. 309; *EYC*, vol. 2, no. 1249; *EYC*, vol. 3, no. 1724; *EYC*, vol. 8, nos. 118, 119, 120; *EYC*, vol. 9, no. 98; *EYC*, vol. 11, nos. 279, 281, 283.

<sup>13</sup> *Godstow*, nos. 862; *Thame*, vol. 1, no. 91; *Stoke-by-Clare*, vol. 2, no. 567; *Sibton*, vol. 2, no. 243; *Sibton*, vol. 3, nos. 475, 849; *EYC*, vol. 2, no. 1023; *EYC*, vol. 6, nos. 48, 58; *EYC*, vol. 8, no. 114; *Dodnash Priory Charters*, ed. Christopher Harper-Bill (Suffolk Record Society, vol. 16, 1998), nos. 2, 7, 8, 53.



in Suffolk who, c.1200, granted to Sibton abbey lands described as her husband Edward Spurnewat's.<sup>14</sup> Family, name, and alienation may have been linked to each other.<sup>15</sup> Some alienations of dower lands were, however, issued under natal names.<sup>16</sup> This suggests that marriage was important socially and legally, but marriage based identities were not the default form when women issued their charters.

### 1.1.3 Combination Superscriptions

Combination superscriptions had both natal and spousal elements, but are rare and only seven superscriptions in the sample have this form.<sup>17</sup> Most often this was a combination of spousal and natal forms. Around 1190 in Oxfordshire Basilia de Dammartin issued a charter as 'Basilia de Danmartyn que fuit uxor Rogeri de Cundeio' that used her paternal toponymic as well as stating her marriage to Roger.<sup>18</sup> The alienation came from her dower, which could explain why her marriage is included.<sup>19</sup> Basilia's toponymic, however, has no links to the dower or Roger and its use in the superscription is suggestive of the range and flexibility in women's identities and agency. The adaptability of names can also be seen in another Oxfordshire case of Joan Basset who issued a charter c.1152 as 'Iohanna de Pedintona que fuit sponsa Guidonis de Ryhala'.<sup>20</sup> This charter falls into a period of widowhood, relates to her dower lands, but its superscription uses a toponym that is different to her husband's. Joan came from the wealthy Oxfordshire Basset family, but her identity as grantor makes no reference to this.<sup>21</sup> Instead, her toponymic asserts her right to her dower lands of Piddington. Joan's father and three brothers were also alive in 1152,

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<sup>14</sup> *Sibton*, vol. 2, no. 234.

<sup>15</sup> For other examples see: *Thame*, vol. 1, no. 91; *Godstow*, no. 862; *St Frideswide*, vol. 2, no. 854; *Stoke-by-Clare*, vol. 2, no. 567; *Sibton*, vol. 2, no. 319; *Sibton*, vol. 3, no. 898; *EYC*, vol. 2, no. 1249; *EYC*, vol. 11, nos. 279, 283.

<sup>16</sup> *Stoke-by-Clare*, vol. 2, no. 291; *Oseney*, vol. 5, no. 690; *EYC*, vol. 1, no. 34; *EYC*, vol. 3, no. 1338; *EYC*, vol. 6, nos. 33, 62, 91, 93, 94; *EYC*, vol. 10, no. 6; *EYC*, vol. 11, no. 96; *EYC*, vol. 12, nos. 49, 50.

<sup>17</sup> *Oseney*, vol. 4, no. 334; *Godstow*, no. 737; *Eynsham*, vol. 1, no. 168; *St Frideswide*, vol. 1, no. 516; *Blythburgh*, vol. 2, no. 247; *EYC*, vol. 10, no. 8; *EYC*, vol. 12, no. 50.

<sup>18</sup> *Oseney*, vol. 6, no. 1084.

<sup>19</sup> *Oseney*, vol. 6, p. 157.

<sup>20</sup> *The Boarstall Cartulary*, ed. H. E. Salter (Oxford Historical Society, vol. 88, 1930), no. 295.

<sup>21</sup> *Basset Chs.*, p. xiii.

meaning she was unlikely to inherit, which might also explain why her name does not reference her natal family.<sup>22</sup> These cases suggest that land, and more specifically socially derived connections from land, could be a key factor in determining naming practises in charter superscriptions. Family and marital status were important to medieval society, but, because they often changed for women, they were also unreliable in the long term. As a result, non-comital women sought to identify in ways that confirmed links to their natal and marital families through fixed territorial markers.

Continuity, flexibility, and variability of name are all important factors in women's superscriptions. Differences in the use of spousal and natal names could be due to the social benefit of natal names in contrast to spousal names. Natal family names were an important source of identity for women and while marriages were also a source of identity, the latter depended on life spans. While natal families offered long-term associations, marriages could be temporary and short-lived. Re-marriages could also create multiple marital relationships and could be seen as a less consistent source of identity. Associating with both natal and marital families was an important part of non-comital women's identities and establishing these relationships through geographic and social markers demonstrates the variety of names available for women. The range of names that women could draw from throughout their lives had significant impact on women's identities. While marriages provided women with lands and gave women agency to hold land, their names suggest that natal families remained important sources of identity throughout marriages and widowhoods. Combining a marital and natal name in superscriptions further suggests that although marriage was important, it was complemented by other forms of social identity which placed emphasis on landholding as well as kinship.

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<sup>22</sup> Gilbert was dead by 1154, Joan had married Simon de Gerardmolendin, her second husband, by August 1153 and it seems that Joan's previous dower of Piddington was an incentive in the marriage. *Basset Chs.*, pp. xiii, xxxiii; Keats-Rohan, *Domesday Descendants*, vol. 2, p. 167.

## 1.2 Marital Status

Issuing charters required land and property and the right to alienate them. Historians have primarily associated women's land and status with widowhood.<sup>23</sup> This view has largely derived from the presumption that widows had greater and more autonomous access to land than other women. However, widowhood was one of three possible marital statuses and each status was associated with land to some extent.<sup>24</sup> At marriage women were transferred from their parents' legal guardianship to their spouses' households with grants of dower and dowry accompanying this exchange. While dower and dowry, both of which were fundamentally associated with marriage, were the most common means by which many women held land, women could also inherit, either alone or sharing their inheritance with their sisters.<sup>25</sup>

In order to analyse how marriage and marital status affected women's charter issuing, the range of marital status of women who issued charters has been reproduced in table 1.3. The following analysis will also take into account charter superscription. While it is not always possible to identify the marital status of women issuers, women issued charters when married as well as when widowed. This is true for each of the counties, suggesting that the pattern was not regional. In 33 charters the woman's status could be either while in 41 marital status is unidentifiable.

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<sup>23</sup> Bennett, 'Public power and authority', p. 23; Buckstaff, 'Married Women's Property', pp. 51-4; Emma Cavell, 'Aristocratic Widows and the Medieval Welsh Frontier: The Shropshire Evidence', *TRHS*, 17 (2007), pp. 57-82, esp. pp. 59-60; Green, 'Aristocratic Women', pp. 66-8; Robert Hajdu, 'The Position of Noblewomen in the Pays Des Coutumes, 1100-1300', *Journal of Family History*, 5 (1980), pp. 122-44, esp. p. 128; Johns, 'Wives and Widows', p. 120; Amy Livingstone, 'Powerful Allies and Dangerous Adversaries: Noblewomen in Medieval Society', in *Women in Medieval Western European Culture*, ed. Linda E. Mitchell (New York: Garland, 1999), pp. 7-30, esp. pp. 19, 23-4; Ricketts, 'Widows, Religious Patronage and Family Identity', pp. 117-36; Ricketts, *High Ranking Widows*, pp. 85-132, 177-243; Ward, *Women in England*, p. 102.

<sup>24</sup> *Glanvill* for example defines how unmarried, married, and widowed women each have different kinds of assumed rights to lands. *Glanvill*, book 6:1-3, pp. 58-60; Holt, 'The Heiress and the Alien', pp. 3-4.

<sup>25</sup> For example, the Yorkshire based Rumilly daughters Alice, Avice, and Maud shared their maternal and paternal lands as did Matilda and Agnes de Percy (Ricketts, *High Ranking Widows*, p. 104). Another Yorkshire example would be Matilda and Amabel daughters of Adam son of Swain (*EYC*, vol. 3, pp. 317-9, nos. 1664-9, 1677, 1681, 1682). In Oxfordshire Thomas Basset of Headington's (d. 1220) lands were shared between his three daughters, Philippa, Joan and Alice (*Basset Chs.*, p. xiv).

**Table 1.3 Marital status of non-comital women who grant alone, by county**

		County				
		Oxfordshire	Suffolk	Yorkshire	TOTAL	% of Total
Marital Status	Married	4	7	31	42	23.73%
	Married or Widowed	14	2	17	33	18.64%
	Widowed	17	11	32	60	33.90%
	Unknown	15	11	15	41	23.16%
	Religious	0	0	1	1	0.57%
	TOTAL	50	31	96	177	100

### 1.2.1 Wives and Widows

Most women, whose marital status is identifiable, issued as widows, this is the case in 33.90% of the sample, and this rate of charter issuing confirms widows as a significant group of active landholders. Forty-two women, or 23.73%, did, however, issue while they were married. Margaret de Chesney of Suffolk is a good example of this: as ‘Margareta de Cressi’ she granted a charter of confirmation to the abbey of Sibton between 1174 and 1189 regarding her father’s foundation of the abbey.<sup>26</sup> Margaret’s father had died in 1174, which explains why Sibton Abbey sought a confirmation that would secure their extensive properties.<sup>27</sup> The confirmation was issued before 1189 and thus pre-dates her husband Hugh de Cressy’s death.<sup>28</sup> Margaret’s charter does not mention Hugh, nor does it mention her marital status, yet it was issued during her marital years. Although twelfth-century marriage was a religious affair, it also officially conferred lands and the woman’s guardianship to her

<sup>26</sup> *Sibton*, vol. 3, no. 475; William de Chesney’s grant is no. 471 with some differences in no. 473.

<sup>27</sup> *Sibton*, vol. 3, no. 472. Confirmation by Walter Fitz Robert, William de Chesney’s tenurial lord that shows how extensive the original grant was.

<sup>28</sup> Based on the references to William and his grants to Sibton, and the lack of references to Hugh or descriptions of Margaret as widow, Philippa Brown, editor of the *Sibton Cartulary*, argues that the charter was issued after William de Chesney’s death in 1174 (*Sibton*, vol. 1, pp. 14, 21; *PR 20 Henry II*, p. 60; Keats-Rohan, *Domesday Descendants*, vol. 2, p. 370), but before Easter 1189 when Hugh de Cressy died (*PR 1 Richard I*, p. 39).

husband.<sup>29</sup> Contemporary legal tracts emphasise such restrictions to married women's legal status and describe independent landholding in terms of widowhood.<sup>30</sup> However, Margaret's activity through charters suggests that married women had personal agency. A similar example of agency while married comes from Oxfordshire where Helewisa, daughter of Roger d'Oilly, granted some of her dowry lands to Eynsham Abbey while she was married to William de Cheinedut.<sup>31</sup> The charter explicitly states that Helewisa's husband had not influenced the grant, but that both William and her father Roger approved of it, 'nulla coactione ... sed ipsius et patris mei bona voluntate et consensu'.<sup>32</sup> This does not support the traditional model of women's landholding being restricted; these and other charters issued by married women suggest they had significant independent activity and agency during marital years.

Women can also be shown to have issued charters both as wives and widows. This makes sense given the temporary nature of some widowhoods and the impact remarriage had on charter issuing by women. Many widows remarried, particularly heiresses or young widows who were still of childbearing age.<sup>33</sup> Marital status could thus change repeatedly, as can be seen with Juetta de Arches who was the heiress of William de Arches of Yorkshire and who outlived two husbands.<sup>34</sup> Juetta was first married to Roger Flamville from c.1151 to

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<sup>29</sup> C. N. L. Brooke, 'Aspects of Marriage Law in the Eleventh and Twelfth Centuries', in *Proceedings of the Fifth International Congress of Medieval Canon Law*, ed. Stephan Kuttner and Kenneth Pennington (Città del Vaticano: Biblioteca Apostolica Vaticana, 1980), pp. 333-44, esp. p. 336; Laura Napran, 'Marriage Contracts in the Twelfth Century: The Case of Renaud of Saint-Valéry and Edela of Ponthieu', in *Family, Marriage, and Property Devolution in the Middle Ages*, ed. Lars Ivan Hansen (Tromsø: University of Tromsø, 2000), pp. 117-32, esp. p. 117; Trafford, 'Contract of Marriage', p. 17; Janet S. Loengard, 'Of the Gift of Her Husband', pp. 216-8, n.217-n.8.

<sup>30</sup> *Glanvill*, book 6; *Leges Henrici Primi*, trans. L. J. Downer (Oxford: Clarendon Press, 1972); Bracton, *De Legibus et Consuetudinibus Angliae*, vol. 2, p. 31, ll. 31-2.

<sup>31</sup> *Eynsham*, vol. 1, no. 16.

<sup>32</sup> *Eynsham*, vol. 1, no. 16: 'with no action [of my father and husband]... but that my aforementioned father has given his good will and consent.

<sup>33</sup> Ricketts, *High Ranking Widows*, pp. 146-8, 157-8, 160.

<sup>34</sup> Note that there is debate as to which Adam de Brus Juetta married, the son or the father. Farrer and Ricketts argue that Juetta married the elder Adam de Brus as her first husband and that Adam II de Brus was their son, see *EYC*, vol. 1, p. 415; Ricketts, *High Ranking Widows*, pp. 328, 332, 425. However, when attempting to place these events over Juetta's possible ages, this becomes highly unlikely. Juetta died 1206, was married in 1150, which suggests that she most likely born in the late 1130s. Unless she was born much earlier and lived to an unusually old age her first husband could not have been Adam de Brus, who died 1143. It is therefore more probable that Juetta married the second Adam de Brus and had by him a son Peter and daughter Isabel. Keats-Rohan (Keats-Rohan, *Domesday Descendants*, vol. 2, pp. 354-5)

his death in 1168.<sup>35</sup> She was then a widow for 2-6 years until she married Adam II de Brus c.1170-4.<sup>36</sup> Their marriage lasted until his death in 1196.<sup>37</sup> When she married Adam, Juetta was an heiress and still young enough to have children which would have made her a desirable bride.<sup>38</sup> Six charters have survived which Juetta issued herself and each superscription names her as ‘Jueta de Arches’.<sup>39</sup> The earliest of these confirms her father’s grant to the cathedral church of St Peter in York; it dates to 1167-c.1180 and falls within her first widowhood.<sup>40</sup> Her later charters date from 1180-1205 and have been ascribed to widowhood simply because they make no references to her husband being alive.<sup>41</sup> However, only one of the later charters makes her status as widow explicit by stating that it was issued ‘in propria potesta mea et viduali’.<sup>42</sup> Based on witness lists the other charters could have been issued between 1170 and Adam’s death in 1196 and thus could have been issued while Juetta was married. A careful re-evaluation of Juetta’s charters shows that she issued charters before 1180 during her first widowhood, between 1180 and 1196 while married to Adam, and that she continued to issue charters during her second widowhood after 1196. The assumptions made regarding the pivotal role of widowhood in women’s charter activity do not appear to hold up to a detailed reassessment. Viewing women’s charters in terms of continuity is further supported by Juetta’s continued use of her natal toponym in all stages of her lifecycle.

Women could issue charters while married and marital years appear to have been important in setting precedence to charter issuing which continued into widowhood. Two charters issued by Aubrey de Harcourt, wife and widow of William II de Trussebut, from

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demonstrates the age differences of the two Adams and Juetta and her evidence is also used by Ruth Blakely in proposing that Juetta married Adam II, see Ruth M. Blakely, ‘The Bruses of Skelton and William of Aumale’, *Yorkshire Archaeological Journal*, 73 (2001), pp. 19-28, esp. p. 23.

<sup>35</sup> EYC, vol. 1, p. 415.

<sup>36</sup> Blakely, ‘Bruses’, pp. 19-23.

<sup>37</sup> Blakely, ‘Bruses’, p. 23.

<sup>38</sup> Juetta and Adam had two children, Peter and Isabel, and it is likely that Juetta would have been under 30 years old when she married Adam.

<sup>39</sup> EYC, vol. 1, nos. 536, 538, 548, 549, 552, 553.

<sup>40</sup> EYC, vol. 1, no. 553.

<sup>41</sup> EYC, vol. 1, nos. 536, 538, 548, 549, 552.

<sup>42</sup> EYC, vol. 1, no. 536.

Yorkshire, are a good example of this. Her later charter occurs between 1193 and 1205 and the charter's superscription reads 'Aubere de Harecort relicta uxor Will[elmi] Trosebot' marking her clearly as a widow.<sup>43</sup> Her first charter, as 'Albreda de Haracuria', is dateable to 1154-76 and occurs before her husband's death in 1176.<sup>44</sup> The land alienated in Aubrey's earlier charter can be linked to her husband's family while the later charter refers to different lands that are described as her 'hereditagio', inheritance. She was therefore able to take action in relation to both families' lands and as a wife and a widow without including statements of her marital status in the charters. Charters issued by women, and subsequently women's landholding, often pre-dated widowhood and show more continuity rather than distinct phases of marital status and life cycle.

### 1.2.2 Uncertain Cases

Continuities can also be recognised even when it is not otherwise possible to categorise the marital status of women who issue charters. The most common reasons for unknown marital status are that the charter clauses do not state her marital status; superscriptions remain vague; the disposition and its conditions do not include marital detail; and that no other charters can be identified as evidence that would identify her marital status. Forty-one charters out of the 177 do not allow a marital status to be identified and in a further 33 charters the woman's marital status can only be speculated upon. In total this accounts for 41.81% of the charters issued by women (table 1.3).

In some of these cases it is possible to hypothesize what the marital status was, and to test if they also feature continuity of charter activity from marriage into widowhood. Matilda de Chesney of Oxfordshire, who was the niece and heiress of William de Chesney, is one such case.<sup>45</sup> Her uncle, a major Oxfordshire magnate in the reign of King Stephen, who

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<sup>43</sup> EYC, vol. 10, no. 8.

<sup>44</sup> EYC, vol. 10, pp. 6, 8, no. 6. William II Trussebut most likely died around 1176, the earliest date for a charter by Aubrey with the consent of her heir where she first describes herself as 'que fuit uxor' (no. 7). Aubrey's charter is 'pro dei amore et domini mei Willelmi Trussebut et mei', which could mean that William had recently passed away. However, Aubrey's charter includes herself in the same clause as William which is likely indicative of him being alive. It is possible that, if the charter is issued in 1176, he was on his death bed.

<sup>45</sup> A family relationship between the Chesney's of Oxfordshire and Chesney's of Suffolk cannot be established. It is possible that something like it existed as Margery de Cressy of Suffolk, also known as de Chesney, grants to Godstow Abbey in Oxfordshire c.1180 (*Godstow*, no. 862). A

faded to obscurity at the succession of Henry II, died without issue between 1164 and 1170, and it seems that Henry II made Matilda William's heiress.<sup>46</sup> By 1167 the king had also arranged her marriage to his chamberlain, Henry Fitz Gerald. The marriage produced two sons before Henry's death by 1182 when Matilda is recorded in pipe rolls claiming her lands and custody of her children's lands.<sup>47</sup> Matilda's two surviving charters, issued as 'Mathildis de Chaisnei', are dateable to c.1173-89 and could have been issued during her marriage or widowhood. Matilda's marital status is not clear which suggest that her marital status did not define when she could issue charters. The charters show more continuity over marital cycle as a whole rather than sudden changes or stages.

Uncertainties over marital status of female issuers is almost always due to lack of statements in salutation or dispositive clauses. Undoubtedly some of the women whose status has been categorised as uncertain were widowed, but this cannot be determined from either the charter or supporting evidence. The absence of clear marital relationships in charters issued by women suggests that marital status was neither a defining feature when women issued charters nor a requirement to issue charters. Charters were issued by married women and widows without distinct differences in how marital status was expressed, if it was included at all, suggesting that landholding and alienation were part of women's lives in both stages. It is possible that marital status was not included in the phrasing of the charter because its intended audience, local society, knew it. Grants were public events and those present would have known the woman's marital status, making such detail desirable, but not legally essential.<sup>48</sup> Marital status would state and thus record a woman's family connections and kinship groups, but the legality and agency of women as charter issuers did not rely on it.

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Roger de Chesney also appears in both counties. The earliest Chesney in Oxfordshire is Roger de Chesney who died by 1109. H. E. Salter suggested that Roger's father was English and mother a Norman lady (*Eynsham*, vol. 1, pp. 411-2.). However, a Roger de Chesney can be found amongst the children of Ralph de Chesney (fl. 1086) and Maude de Waterville (*Sibton*, vol. 1, pp. 8-10). No documentary evidence to confirm the kinship can be found and the conclusion regarding their relationship is tenuous, but not impossible.

<sup>46</sup> *Gesta Stephani*, pp. 180-1.

<sup>47</sup> *P.R. 29 Henry II*, p. 103.

<sup>48</sup> Clanchy, *From Memory to Written Record*, pp. 88, 256-9; Judith Everard, 'Lay Charters and the Acta of Henry II', *ANS*, 30 (2008), pp. 100-16, esp. p. 103; Broun, 'Presence of Witnesses', p. 238; Insley, 'Archives', p. 339.



Re-issuing charters or confirming grants demonstrates how women's marital status was not an essential feature to their charters. It is likely that, anticipating confirmations, beneficiaries expected living memory of women's landholding, family relationships, and status, to suffice until these confirmations were drafted. For example when Avice de Rumilly issued a charter confirming her mother's gift of a mill in Harewood to Embsay Priory, later Bolton Priory, in the honour of Skipton between 1135 and 1150 she might have issued her charter concurrently with her mother, who issued hers 1135-45.<sup>49</sup> Both women were married to their second husbands at the time of issue and both husbands are absent from the charters. However, because Cecily was the heiress of Skipton and co-founder of Embsay Priory and Avice was one of her mother's co-heiresses, the mother-daughter pair's marital status were of little relevance for the beneficiaries or legality of charters. The confirmation of a mother's grant by her daughter and heiress during the mother's lifetime suggests familiarity between the issuers and their beneficiaries. It is possible that marital status was not explicitly stated in a charter because distinguishing widows from married women was not a central issue to women's landholding and alienations. It appears that having locally recognised agency, which might derive from marital or hereditary lands, factored more in women's charter activity than whether or not she was a widow.

### 1.2.3 Superscription and Marital Status

A comparison of the marital status of women when issuing charters and the superscriptions used in these charters can offer suggestions about women's charter activity. If women's superscriptions utilised both natal and marital family names and women did not issue charters solely as widows; and marital status was not necessarily included in charters, then marital status was one of a number of ways for women to express themselves or be identified, rather than being only a stage for their activity. All forms of superscription were used throughout women's lives and marital status did not dictate what form might be used.

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<sup>49</sup> *EYC*, vol. 3, nos. 1861, 1862.

**Table 1.4 Cross-tabulation of Marital Status and Superscription**

		Marital Status					
		Married	Widowed	Married/ Widowed	Unknown	Other	TOTAL
Superscription Format	Spousal	8	9	0	1	0	18
	Spousal Toponym	4	5	2	4	0	15
	Patronym	6	11	9	22	0	48
	Paternal Toponym	19	28	17	5	0	69
	Combination	2	4	1	0	0	7
	Other	1	2	0	1	1	5
	Unknown	2	1	4	8	0	15
	<b>TOTAL</b>	<b>42</b>	<b>60</b>	<b>33</b>	<b>41</b>	<b>1</b>	<b>177</b>

Table 1.4 shows that married women used spousal names or toponymics in eight of the 42 superscriptions (19.05%). However, 25 superscriptions used natal names (59.52%). The continued use of natal names into married life suggests that while women's lands were defined at the moment of marriage and provided women with physical agency, the identity under which agency was performed was not defined by marriage alone. Natal family continued to influence how women saw themselves and, more crucially, how others saw them. For example, Matilda de Scures of Yorkshire issued two charters, both later confirmed by her husband Turgis de Bray, yet her superscriptions only use her paternal toponym.<sup>50</sup>

The use of patronymics exhibits important continuities in women's identities and life cycles. Name forms that used paternal toponymics or patronymics could be used during marriage and widowhood which suggests that natal families retained significant social importance to women. In Oxfordshire, for example, Emma de Peri daughter of Fulc Luvel issued three charters with a superscription that utilised what appears to be her paternal toponymic and patronymic rather than describing herself in relation to her husband William

<sup>50</sup> *EYC*, vol. 3, nos. 1349, 1350.

son of Elias.<sup>51</sup> Emma issued her charters before and after William had entered religion demonstrating that her agency and identity were not dependent on her marriage and that she was active before her widowhood.<sup>52</sup> In the 102 charters where the issuing woman's marital status can be determined, 64 superscriptions of widows and married women used name forms with natal family links only. This can be compared with the 26 superscriptions in charters issued by either married or widowed women that used spousal names. What is worth noting about these comparisons is that married women's superscriptions utilised natal names in 25 cases, which is just over twice as many charters as used spousal names only. This lower rate of spousal superscription forms is also found in charters issued by widows, most of whom appear under their natal names. The continued appearance of names associated with natal families by married and widowed women shows that these relationships were extremely important to women and that they shaped women's identities. This has important implications for women's social roles which will be discussed in Part B. For now it should be noted that, regardless of their marital status or age, women continued to strongly identify with their natal families.

Despite fewer superscriptions using spousal names, marriage could be an important source of identity. The evidence suggests that this may not always have been because of the marriage itself, but due to the social status and wealth associated with marriages. Some widows had an impetus to use spousal toponyms that linked them to their dowers. The rate of spousal superscriptions does not significantly change in charters issued by married (12/42, 28.57%) or widowed (14/68, 23.33%) women, suggesting that acquisition of dowers or a need to establish rights over dowers by means of names does not necessarily explain the use of spousal superscriptions. References to previous marriages can be made despite re-marriage, particularly when the previous marriage had provided a dower that was a source of significant wealth and consequently social agency. This was the case in Suffolk with Alina daughter of Geoffrey son of Baldwin's charter which she issued as 'domina de

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<sup>51</sup> *Oseney*, vol. 4, nos. 334A, 334B; *St Frideswide*, vol. 2, no. 866; *Godstow*, nos. 81, 82. William's charters (*St Frideswide*, vol. 2, nos. 862, 865) do not indicate that he held the church of Peri where Emma's toponymic refers to. It is therefore likely that Peri was associated with Emma's natal family.

<sup>52</sup> *Oseney*, vol. 4, no. 334A.

Samford’ during her second marriage, although Samford was her first husband’s dower.<sup>53</sup> Interestingly, Alina’s charter does not make any explicit reference to her first husband or describe Samford as her dower. Alina’s use of the title ‘domina’ when she co-issued with her second husband, who did not use a comparable title, further suggests that Alina was the main connection between the couple and the lands in question.<sup>54</sup> A further two charters survive from Alina and the superscription in both charters used her patronymic, ‘ego Alina filia Galfridi filii Baldewine’, linking Alina to her father in spite of alienating lands from her dower.<sup>55</sup> Alina’s identification with Samford shows how formative lands received through marriage could be for women, but her patronymic superscriptions are a reminder that marital status itself did not have to be the central feature in their charters. Of these charters, only one makes a dispositive statement that clarifies her marital status as widow. Rather than being pre-determined by marital status or physical location, women’s identities appear fluid and largely dependent on social factors and kinship.

### 1.3 Landholding

Property was an integral element in charters and for this reason the lands alienated by women in their charters need to be considered. This helps to understand how women held land and how this related to women’s superscriptions and also their marital status. Inheritance by women was not unusual in twelfth-century England, especially if no male heir survived.<sup>56</sup> Heiresses could fall under male guardianship and as a result inheritance was not necessarily as independently held by women as it might appear.<sup>57</sup> Most women who held land did so through dowers and dowries which had been granted at the time of their marriage and were defined in relation to natal or marital family and the marriage itself.<sup>58</sup>

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<sup>53</sup> *Stoke-by-Clare*, vol. 2, nos. 567, 568.

<sup>54</sup> *Stoke-by-Clare*, vol. 2, no. 568.

<sup>55</sup> *Stoke-by-Clare*, vol. 2, nos. 291, 571.

<sup>56</sup> S. F. C. Milsom, *Studies in the History of Common Law* (London: Hambledon Press, 1985), pp. 239, 260; Judith A. Green, ‘Women and Inheritance in Norman England: The Case of Geva Ridell’, *Prosopon Newsletter*, 12 (2001), pp. 1-9, esp. p. 5; Searle, ‘Women’, pp. 160-1; Holt, ‘The Heiress and the Alien’, pp. 3-4.

<sup>57</sup> *Glanvill*, book 7:3, p. 76; and book 7:12, p. 85.

<sup>58</sup> Ricketts, *High Ranking Widows*, pp. 86-7, 123-129.

The value of dower was variable, but generally it was understood as being a third of the groom's wealth.<sup>59</sup> The relationship between women when issuing charters and their dowers and dowries, and in some instances inheritance, will allow us to understand the role property could play in their lives.

Within the database used to develop this analysis, property is categorised as dower ('dos'), dowry ('maritagio'), inheritance, lands described only as 'my own' ('meo'),<sup>60</sup> lands of natal or spousal origin<sup>61</sup> and lands of unknown origin. A tally of the land categories in the 177 charters issued by women from Oxfordshire, Suffolk, and Yorkshire can be seen in table 1.5 below.

What appears from the descriptions of alienations by women is that the type of land - whether dower, dowry, or inheritance - was not as central to the charter as relationships with family and kinship. Juetta de Arches' grant to St Peter's in York is, for example, of 'totam terram quam Willelmus de Archis pater meus [tenuit] de feudo Rogeri de Moubrai'.<sup>62</sup> William de Arches died c.1154 when Juetta became his sole heiress.<sup>63</sup> Juetta had married Roger de Flamville c.1151 and so it is unclear if William's lands had been part of her dowry or her inheritance. In the charter the most significant feature is that the property is not defined as either and, instead, her relationship with her father and his previous tenure of the lands is a central feature in the grant. Juetta is not the only example of this and a confirmation issued by Agnes daughter of Payn son of John of her husband's grants after his death describes it as applying to grants made during his life, 'vir meus et ego dum adhuc viveret fecimus'.<sup>64</sup> There are no descriptions of the lands as dower, but the marital

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<sup>59</sup> Biancalana, 'For Want of Justice', p. 514; Biancalana, 'Widows', pp. 278-9; *Glanvill*, book 6:2, p. 59; Trafford, 'Contract of Marriage', p. 39; Ricketts, *High Ranking Widows*, p. 127. Note that most defined the third as being from the lands held at the time of marriage and excluding marital acquisitions. However, some defined dower as including marital acquisitions. This often comes up in legal cases where it is under debate when the husband had acquired the lands his widow was now claiming and if it pre-dated or post-dated the marriage itself.

<sup>60</sup> These charters do not describe the lands as dowers or dowries. It is also not possible to state whether they are inheritance, but the term 'meo' is used.

<sup>61</sup> These are likely to be dower and dowry, but the charters do not make this clear and it is only possible to speculate. It is, however, clear in these charters that the lands are natal or spousal.

<sup>62</sup> *EYC*, vol. 1, no. 553. 'All the land that William de Arches, my father, [had held] in fee of Roger de Mowbray' (own translation).

<sup>63</sup> *EYC*, vol. 1, p. 415.

<sup>64</sup> *Oseney*, vol. 6, no. 1113.

connection seems to have been enough to justify and validate Agnes' actions. Both Juetta and Agnes' landholdings were described in relation to their families rather than as inheritance, dower, or dowry.

**Table 1.5 Occasions of types of lands granted by women**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
Type of Land:	Dower	6	4	4	14
	Dowry/ Maritagio	3	7	10	20
	Inheritance	3	0	34	37
	meo (unclear if paternal or spousal, but described as hers)	21	6	6	33
	paternal/natal (unclear if inheritance or dowry)	8	8	17	33
	spousal/ husband's (unclear if dower)	8	4	14	26
	unknown	1	2	11	14
	<b>TOTAL</b>	<b>50</b>	<b>31</b>	<b>96</b>	<b>177</b>

The familial associations used to assure women's landholding seem to have been more important than defining lands through the marital contract itself. The importance of family and collective landholding can be seen in Yorkshire in the conflict between the Malham family and Fountains Abbey. In a lost charter of unknown date Meldred, son of Torfin de Malham granted three bovates of land to Fountains. The abbey seems not to have received the lands as it proceeded to claim them from Meldred's sisters Sigeria and Goda who, between 1175 and 1183, granted one and two bovates respectively to Fountains

Abbey.<sup>65</sup> As Torfin's son, Meldred would have been his heir leaving Torfin's two daughters without inheritance. Presumably Sigeria and Goda were granting their dowries.<sup>66</sup> Sigeria's charter does not tell us if Meldred was alive or if he had died, but this might not have been necessary since Fountains could make their claim regardless. Furthermore, it seems that the matter was not fully resolved by the sisters' charters and Goda's sons and grandsons remained in dispute with Fountains. It is possible that the conflict between Fountains and Meldred's relatives was due to the family having used the lands, which had been granted to the abbey, as dowries for Sigeria and Goda. This conflict was not fully resolved by the sisters' charters because they did not include much detail as to how they held the lands, whether as dowry or inheritance, and it is likely that this may have influenced how, within the limits of living memory, the sisters' heirs saw their rights in relation to Fountains' claim. The case also shows that Sigeria and Goda's landholding allowed them to retain connections with their natal family.

While most charters describe lands by alluding to the family the land originated from, many charters also describe lands as held by women in their own right. In 33 charters the alienation is described as being from the woman's own lands, with many using the phrase 'terram meam', my land.<sup>67</sup> Dispositive clauses, when describing the conditions of the grant, also used personal pronouns and described grants as, 'tenendam de me et heredibus meis', 'held from me and my heirs'.<sup>68</sup> Edith daughter of Seward's late twelfth century grant to Bernard de Wynchendon in Oxfordshire utilises such personal pronouns in three places to express her personal agency as landholder and its alienator. The charter describes the lands as hers, 'terram meam', that she held them from the canons of St Frideswide, 'teneo', and

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<sup>65</sup> EYC, vol. 11, no. 245, p. 317.

<sup>66</sup> EYC, vol. 11, p. 317; Ricketts, *High Ranking Widows*, p. 93.

<sup>67</sup> 'Terram Meam': Oseney, vol. 2, no. 538, 543; Eynsham, vol. 1, no. 111; St Frideswide, vol. 1, no. 106; EYC, vol. 1, no. 321 (terre mee);  
 'Hominem meum': Oseney, vol. 3, no. 1247; Stoke-by-Clare, vol. 2, no. 251;  
 'Molendini mei': Oseney, vol. 6, no. 1084; Godstow, no. 110;  
 'Her lordeshippe': Godstow, no. 50; EYC, vol. 11, no. 246  
 'totum jus et totum clamium quod habuit': Stoke-by-Clare, vol. 2, no. 340;  
 'Gardini mei': St Frideswide, vol. 1, no. 106;  
 'Demesne': EYC, vol. 8, nos. 118, 119;  
 'totum tenementum ... de me': Blythburgh, vol. 2, no. 247.

<sup>68</sup> For example, see, EYC, vol. 1, no. 536; St Frideswide, vol. 1, no. 205.

that Bernard was to hold from her and her heirs, ‘tenendam de me et heredibus meis’.<sup>69</sup> Similar terms were repeated in a charter she issued at a later date that granted St Frideswide yearly rents payable by Bernard from the aforementioned lands and described them as lands that he ‘habuit de me’, held from her.<sup>70</sup> Established charter format and vocabulary must have affected the choice of wording, but it is important that the same terminology of rights and holding could be used for men and women which suggests that as a landholder Edith was treated within the same framework as a man. More importantly, women’s landholding, though derived from marriage or patrimonies, could be described entirely as women’s. This was not limited to any single region and, c.1200, in Yorkshire Emma de Trussebut de Ribí, daughter of Geoffrey Trussebut issued a charter of her daughter’s dowry to Geoffrey de Fumaszun and described the lands as originating from ‘dominico meo de Ribí’.<sup>71</sup> Using similar terms of personal possession Basilia de Dammartin widow of Roger de Cundeio alienated annual rents to Oseney abbey in Oxford from ‘molendini mei’, and, in Yorkshire, Margaret daughter of Hugh de Puiset alienated ‘terre mee’ in the parish of St Denis and of other lands described as ‘terra mea’ to Nicholas Leverun.<sup>72</sup> It seems that in all these cases the dispositive clauses treated the lands as the women’s own, regardless of their origin.

### 1.3.1 Marital Status and Lands

As discussed earlier in this chapter, married women actively issued charters and this charter activity shows significant continuities through women’s lives. To see if marital status affected patterns in what lands women were able to control and alienate, a comparison of these factors will now be explored. Interestingly, married women also alienated lands that were not always described in terms of dower or as spousal lands. Land descriptors could refer to the women’s own tenants or men which can be seen in a charter issued by Avice Paynel, as ‘Avicia Paganella uxor Galteri de Perci’ to notify Henry Archbishop of York of her

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<sup>69</sup> *St Frideswide*, vol. 1, no. 205.

<sup>70</sup> *St Frideswide*, vol. 1, no. 206.

<sup>71</sup> *EYC*, vol. 11, no. 37.

<sup>72</sup> *Oseney*, vol. 6, no. 1084; *EYC*, vol. 1, no. 321.



confirmation to Drax Priory of a grant by her man Simon, 'homo meus'.<sup>73</sup> Descriptions could be even less specific as is illustrated in a charter issued by Emma daughter of William son of

**Table 1.6 Marital status of women compared with types of lands in women's charters**

		Marital Status:					TOTAL number of type of land
		Married	Widowed	Married/ Widowed	Unknown	Other	
Type of Land	Dower	4	5	2	3	0	14
	Dowry/ Maritagio	6	7	1	6	0	20
	Inheritance	8	17	10	2	0	37
	meo (unclear if paternal, spousal, but described as hers)	2	10	9	12	0	33
	paternal/natal (unclear if inheritance or dowry)	11	9	1	12	0	33
	spousal/husband's (unclear if dower)	8	9	8	1	0	26
	unknown	3	3	2	5	1	14
	<b>TOTAL</b>	<b>42</b>	<b>60</b>	<b>33</b>	<b>41</b>	<b>1</b>	<b>177</b>

Robert in mid-twelfth century that alienated land in Cove, Suffolk, with no further descriptors added as to how she held the lands.<sup>74</sup> As suggested earlier, it is possible that women's landholding was not described in detail because this was not a legal necessity for them to grant lands and that public knowledge of their lands was enough.<sup>75</sup> The examples given here describe married women's lands as their own or with no details would suggest that, although married women's landholding and alienations were often described in terms

<sup>73</sup> *EYC*, vol. 6, no. 48.

<sup>74</sup> *Blythburgh*, vol. 1, no. 174.

<sup>75</sup> See above, pp. 40-2.

of dowers and their access to landholding was fundamentally tied to marriage, the terminology for married women's landholding and control of wealth was not limited to terms tied to marriage such as dower or dowry.<sup>76</sup> It also supports the argument that lack of land descriptors could be linked to public knowledge of women's landholding which would indicate that married women were active landholders in their local societies. This suggests, as will be discussed in more detail in section 1.3.2 below, that non-comital women's marital status might not have been a legal requirement for women to grant lands and that both lands and superscription were variable and flexible.

### 1.3.2 Superscription and Lands

Women's ability to grant and alienate lands while they were married or widowed can also be seen in their superscriptions. As table 1.7 shows, a range of names can be found in superscriptions of charters that alienated each category of land. At least nine charters use spousal superscriptions, but grant dowries and another six alienated dower lands, but were issued under natal names.<sup>77</sup> One of these is Alice de St Quentin whose paternal toponym was used when she granted her son William with lands in Immingham, just south of the Humber, which were connected with her second husband Robert Fitz Fulk, steward of William de Percy, rather than her natal family.<sup>78</sup> The charters date to the period 1157-c.1180 and although Robert was dead by c.1150, Alice's second husband Eustace de Merc was alive in 1186. The charters thus date to a period of marriage, but make no reference to Eustace or Robert. The alienated land did not determine the superscription that would be used and the format of superscriptions appears to have been case specific. Independence of the two factors also applies to grants where the origin of the land is not described, but alluded to in

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<sup>76</sup> Dowry/maritagio: *Eynsham*, vol. 1, no. 168; *EYC*, vol. 2, nos. 1019, 1023, 1109; *EYC*, vol. 3, no. 1841; *EYC*, vol. 9, no. 98.  
 Inheritance: *EYC*, vol. 1, nos. 548, 549; *EYC*, vol. 3, nos. 1361, 1861; *EYC*, vol. 7, nos. 7, 9, 26; *EYC*, vol. 9, no. 66.  
 Meo: *Blythburgh*, vol. 1, no. 174; *Sibton*, vol. 3, no. 898;  
 Paternal/Natal: *Stoke-by-Clare*, vol. 2, nos. 497, 501; *EYC*, vol. 3, nos. 1337, 1349, 1350, 1862; *EYC*, vol. 5, no. 162; *EYC*, vol. 6, no. 48; *EYC*, vol. 7, nos. 18, 32; *EYC*, vol. 11, no. 170;

<sup>77</sup> Spousal name, dowry: *Blythburgh*, vol. 2, nos. 377, 396; *Dodnash*, nos. 2, 7, 8, 54; *EYC*, vol. 2, no. 1023; *EYC*, vol. 8, no. 114; *EYC*, vol. 9, no. 98;  
 Natal name, dower: *Stoke-by-Clare*, vol. 2, nos. 291, 340, 571; *EYC*, vol. 1, no. 34; *EYC*, vol. 3, no. 1338; *EYC*, vol. 11, no. 96.

<sup>78</sup> *EYC*, vol. 3, no. 1338; *EYC*, vol. 11, no. 96.

other clauses and at least 15 charters used natal family names while the alienation concerned spousal properties.<sup>79</sup> It is likely that this was affected by the smaller geographic spread of non-comital families' lands. This regional quality could have meant that some women's landholding based relationships with their natal families continued with relative ease. Women's charters and identities navigated a complex social network based on kinship and landholding. Identities were not restricted by marital status or land in question. While land was important, social networks, as discussed in Part B were valuable to twelfth-century non-comital aristocracy in England.

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<sup>79</sup> *St Frideswide*, vol. 2, no. 866; *Eynsham*, vol. 1, no. 83; *Oseney*, vol. 6, nos. 1109, 1110, 1113; *Stoke-by-Clare*, vol. 2, no. 281; *EYC*, vol. 6, nos. 33, 62, 66; 73, 91, 93, 94; *EYC*, vol. 10, no. 6.

Table 1.7 Superscriptions in charters issued by women and categories of lands granted

	Spousal Toponym	Type of Land							TOTAL
		Dower	Dowry / Maritagio	Inheritance	'meo' <sup>82</sup>	Natal <sup>81</sup>	Spouse's <sup>80</sup>	Unknown	
	Spousal	3	6	0	1	3	0	2	15
	Paternal	2	3	0	6	1	5	1	18
	Patronym	3	4	29	4	13	12	4	69
	Other	3	4	5	17	14	3	2	48
	Unknown	1	1	0	0	1	1	1	5
	Spousal & Parental	2	1	2	4	0	2	4	15
	TOTAL	0	1	1	1	1	3	0	7
		14	20	37	33	33	26	14	177
	Superscription								

<sup>80</sup> It can be deduced that the lands were originally held by the spouse or his family, but it remains unclear if they were intended as her dower.

<sup>81</sup> It can be deduced that the lands originated from her natal family, but it is unclear if they were inheritance or dowry.

<sup>82</sup> Charter describes lands as 'meo', but is unclear if the lands were originally paternal or spousal.

## 1.4 *Pro Anima* Clauses

Women's charters not only recorded transactions of land and wealth, but, particularly when addressed to monastic beneficiaries, could also be exchanges for spiritual benefits. A debate remains as to how piety and spiritual exchanges were marked in twelfth-century charters. Christopher Harper-Bill argued that most grants were 'in reality commercial transactions' and others have pointed to lack of specific prayer requests.<sup>83</sup> Some, like Emma Cownie, do argue in favour of reading *pro anima* clauses as 'heavily influenced by the nature of the family', yet even Cownie is careful not to emphasise personalisation of requests and concludes that the people in *pro anima* requests 'were to be prayed for in a non-specific way, as part of the collective crowd of 'benefactors''.<sup>84</sup> While commercial elements can be seen in some charters with *pro anima* clauses, the lack of numerous *libri memorialis* or specific requests in twelfth-century England does not rule out piety as motive for *pro anima* clauses.

There are three main arguments for using *pro anima* clauses as evidence of relationships. Firstly, *pro anima* clauses were not a legal requirement in charters. The majority of extant charters in published collections from Oxfordshire, Suffolk, and Yorkshire do not include a *pro anima* clause and table 1.8 shows that *pro anima* clauses were present in 1556 charters and absent in 1862. Secondly, charters that include *pro anima* clauses tend not to include financial details for the exchange (see table 1.9). It is unlikely that land, the main source of wealth and status, would be alienated without any recompense and recognition, and according to Maussian gift theory, gifts with no financial gain can be seen to provide other social or spiritual gains for their grantors.<sup>85</sup> Although the clause is not an explicit request for prayer, this does not mean that the charter's issuer had no expectations of spiritual benefits.<sup>86</sup> Thirdly, the content of *pro anima* clauses changed from charter to charter and seems to have been drawn up separately for each occasion (table 1.10). *Pro anima* clauses admittedly lack explicit requests or bequests for prayers in the way later

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<sup>83</sup> Harper-Bill, 'Piety', p. 67; Bijsterveld, *Do ut des*, pp. 20-1.

<sup>84</sup> Cownie, *Religious Patronage*, pp. 152-8, quotes from pp. 154, 158.

<sup>85</sup> Mauss, *The Gift*, p. 29.

<sup>86</sup> For example *Sibton*, vol. 3, no. 673. Also see Chapter 5.

medieval charters and wills do. Yet, their use and content do not appear to secure or affect the charter's legality and are instead suggestive of the pious and personal motives of grantors.<sup>87</sup>

As is always the case with charter survival, some *pro anima* clauses will have been lost. Later copyists and cartulary compilers may not have attached as much importance to them.<sup>88</sup> Nevertheless, *pro anima* clauses in women's charters can be used to analyse families and identities further. This analysis will utilise 113 charters issued by women which included a *pro anima* clause (table 1.10). Categories of individuals or groups included have been tallied and will be used to explore how women's charters might reflect their social and familial roles. Family and kin such as parents, spouses, and children, are most frequently included in *pro anima* clauses (table 1.10). Spouses occur in 41.59% of *pro anima* clauses in charters issued by women, making them the most frequent individual family member and the third most frequent spiritual beneficiary after the woman herself or her ancestors.<sup>89</sup> Spiritual concern for spouses was not necessarily the result of any interest they might have had on the lands. For example, between 1180 and 1204 Agnes de Percy confirmed her father's gift of the church of Seamer to Whitby Abbey in Yorkshire. The charter's *pro anima* clause not only includes herself and her parents, but also her deceased husband Jocelin who had held no interest in Seamer.<sup>90</sup> Spouses could also be not included despite having an interest in the lands; for example, Oriel wife of Arnald de Thickbrom's charter to Sibton Abbey in Suffolk is for 'mee, heredum meorum, patris, matris, omnium parentum'.<sup>91</sup> Her husband's interest in the land is evidenced by a charter he issued to confirm Oriel's grant. While he included a *pro anima* for 'mee, uxoris mee, heredum meorum, patris, matris, parentum, benefactorum meorum' her charter's *pro anima* did not include him.<sup>92</sup>

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<sup>87</sup> White, *Custom, Kinship, and Gifts*, p. 54; Cownie, *Religious Patronage*, p. 158; Marritt, 'Prayers for the King', p. 187.

<sup>88</sup> For example, *Godstow and Latin Cartulary of Godstow*.

<sup>89</sup> This is the case in all three counties, see Appendix 1.

<sup>90</sup> *EYC*, vol. 11, no. 78.

<sup>91</sup> *Sibton*, vol. 2, no. 319.

<sup>92</sup> *Sibton*, vol. 2, no. 318.

**Table 1.8 Use of *pro anima* clauses in charters by county and grantor's sex**

	County						
	Oxfordshire		Suffolk		Yorkshire		
First Issuer Gender	Male	Female	Male	Female	Male	Female	TOTAL
<i>Yes pro anima</i>	350	27	259	18	834	68	1556
<i>No pro anima</i>	538	44	213	18	982	67	1862

**Table 1.9 Type of Grant and Grantor sex when *pro anima* clause is included**

		County					
		Oxfordshire		Suffolk		Yorkshire	
	First Issuer Gender	Male	Female	Male	Female	Male	Female
Type of Grant	Annual Payment	17	0	13	4	45	3
	Free Gift	243	20	144	5	469	42
	Confirmation	72	4	37	2	182	15
	Notification	6	0	23	1	77	7
	Quitclaim	8	1	3	1	39	1
	One Off Exchange or Sale	4	1	33	0	22	0

**Table 1.10 Count and percentage of *pro anima* category references by first issuer gender**

Combined results from each county		
category in <i>pro anima</i>	count	%
Self	100	88.50
Spouse	47	41.59
Father	46	40.71
Mother	40	35.40
Parents (generic)	24	21.24
Child/son	18	15.93
Daughter	5	4.42
Brother	7	6.19
Sister	4	3.54
Relative	5	4.42
Lord	4	3.54
Ancestors	71	62.83
Successor/ Heir	36	31.86
King	5	4.42
Queen	2	1.77
Other	20	17.70
<i>(amicorum as part of 'other')</i>	8	7.08
<b>TOTAL number of charters <sup>93</sup></b>	<b>113</b>	<b>100</b>

Heirs are found relatively frequently in 31.86% of the clauses. In Yorkshire Agnes daughter of William constable of Chester included her son Richard as a spiritual beneficiary while Amicia daughter of Cecily de Rumilly included her son William de Curcy in her charter.<sup>94</sup> Daughters, often those who were likely to inherit, could also be included and c.1150-66 Avise de Rumilly notified Robert bishop of Lincoln that she had confirmed her

<sup>93</sup> NB: The total given is the number of *pro anima* clauses.

<sup>94</sup> EYC, vol. 2, no. 1109; EYC, vol. 3, no. 1862.



predecessors' gift to Drax Priory and that this was for the soul of her daughter Alice.<sup>95</sup> Identifying children by their name in *pro anima* clauses was not limited to heirs or heiresses and women included other children in 20.35% of the clauses. For example, in Yorkshire Alice de Langetot included her 'filiorum et filiarum' and identified them as Hugh, William, Robert, Haewise, Beatricie and Isabele.<sup>96</sup> Not all six would inherit and in fact William appears to have been the main heir. Including a range of children could reflect legal norms. Many charters issued by non-comital men and women described someone as their heir before inheritance was actually passed to them. Designating heirs during one's lifetime was largely done to minimise disruption to landholding before patrilineal inheritance became an accepted norm.<sup>97</sup> It could be speculated that women's inclusion of children in general and involvement in kin beyond the immediate patrilineal descent is indicative of women's broader involvement in their families.<sup>98</sup>

Women's *pro anima* clauses also included parents and natal family in generic or individual statements. Mothers occur in 35.40% of the clauses, fathers are included slightly more often in 40.71%, and a generic form of 'parentum' was used in 21.24% of women's clauses (table 1.10). Landholding and inheritance patterns do not fully explain this, particularly the inclusion of mothers. While fathers were more likely to be the source of their daughter's names and dowries, which would justify including them as spiritual beneficiaries, mothers were less frequently a source of land. As evidenced here, they none the less remained important. The inclusion of parents, individually and as a unit by women, suggests that parents played an important role in the development of women's individual names and identity.

It is evident that land was important in charters and how it factored in with *pro anima* clauses requires further consideration. There seems to be some correlation between grants from dower lands and references to marital families or dowries and natal families. For example when Johanna daughter of Osbert 'militis de Thama', a knight of Thame,

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<sup>95</sup> EYC, vol. 6, no. 73.

<sup>96</sup> Eynsham, vol. 1, no. 124.

<sup>97</sup> John Hudson, *Land, Law and Lordship in Anglo-Norman England* (Oxford, Oxford University Press, 1994), p. 125.

<sup>98</sup> This will be addressed in more detail in chapter 5.

alienated her dowry the spiritual beneficiaries included herself and ‘parentum meorum’, her parents.<sup>99</sup> Similarly when Edith wife of Robert d’Oilly, with the consent of her husband and children, granted her dower in Weston-on-the-Green in Oxfordshire her *pro anima* is for ‘mariti mei, mea, et filiorum et filiarum et parentum nostrorum, necnon et pro anima Henrici regis Anglorum’.<sup>100</sup> Johanna and Edith’s clauses could be interpreted as being influenced by the type of land that was being alienated, but it is important to note that the generic ‘parentum’ used by Edith when alienating her dower would also include her parents. Land and *pro anima* content were not fully dependent on each other and many charters alienating dowers and dowries included both spouse and parent.<sup>101</sup> In the late twelfth or early thirteenth century Ada daughter of Roger de Claxton granted meadowland in Claxton, Norfolk, and, based on her toponymic, the lands originated from Ada’s parents as either her dowry or inheritance.<sup>102</sup> The charter’s *pro anima* clause includes her father and brother, both named Roger, which reinforces relationships with her natal family. The clause also includes a third Roger, her husband, who was included despite not having any personal interest in the lands. A similar example can be drawn from the Suffolk charter issued by Roese de Helion to Stoke-by-Clare Priory whereby she quitclaimed the priory meadows that her husband had claimed previously and which she issued for her own soul, her heirs’, her father’s, husband’s and her parents and ancestors’ souls.<sup>103</sup> Of the spiritual beneficiaries Roese’s husband Ailwardi had the clearest personal interest, yet the clause also included her father Robert de Helion and her ancestors and parents. *Pro anima* clauses show the detail and complexity of women’s families whereby landholding and personal relationships did not predetermine or define each other, but could be combined to benefit all parties.

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<sup>99</sup> *Thame*, vol. 1, no. 54.

<sup>100</sup> *Thame*, vol. 1, no. 2.

<sup>101</sup> *EYC*, vol. 1, no. 103; *EYC*, vol. 2, nos. 292, 309; *EYC*, vol. 3, no. 512; *EYC*, vol. 5, no. 661; *EYC*, vol. 6, nos. 708, 729; *EYC*, vol. 7, nos. 737, 753, 760; *EYC*, vol. 8, no. 782; *EYC*, vol. 9, nos. 833, 838, 903, 934, 964, 968.  
Parentum in *EYC*, vol. 3, nos. 492, 508; *EYC*, vol. 7, no. 745; *Eynsham*, vol. 1, nos. 124, 111; *Blythburgh*, vol. 1, no. 210; *Sibton*, vol. 2, no. 234; *Sibton*, vol. 3, nos. 849, 898; *Stoke-by-Clare*, vol. 2, no. 281.

<sup>102</sup> *Blythburgh*, vol. 1, no. 210.

<sup>103</sup> *Stoke-by-Clare*, vol. 2, no. 281.

Likewise, inclusion of relatives such as siblings or uncles was unlikely to be derived from landholding and social and familial bonds must be considered. Rather than promoting a single line and primogeniture, twelfth-century non-comital families can be seen as inclusive of various family branches. Other kin were included in 4.42% of clauses.<sup>104</sup> Women included brothers (6.19%) almost twice as often as sisters (3.54%). While no references to aunts could be found in the clauses at least one clear reference to ‘auunculi’ can be identified from an Oxfordshire charter issued by Matilda de Luci, daughter of Gerard de Luci.<sup>105</sup> The references to male kin whose gender made them theoretically more likely to hold land might indicate that family bonds were influenced by landholding and inheritance, even if this was indirect. Amy Livingstone’s work on French aristocratic families shows that uncles were more likely to have a continued presence in families and households than aunts and this might explain the pattern in England as well.<sup>106</sup> Brothers and uncles could be potential guardians, heirs, or sources of inheritance, which may explain why they remained in the household. This contrasts with sisters or aunts who physically left their natal households when they married or entered religious life. Inclusion of male kin was thus likely influenced by physical proximity, but the inclusion of sisters suggests that despite physical distance female kinships could continue. It is necessary to note that sisters only appear in four clauses, all of which come from Yorkshire.<sup>107</sup> However, these charters were issued by widows and married women and the charters record alienations from lands of both spousal and natal origin. Relationships between sisters seem to have endured regardless of marital status and could be expressed regardless of what was being alienated.

Ancestral references beyond specific named and identifiable individual references can be found in 62.83% of *pro anima* clauses in women’s charters. Ancestors were often past landholders rather than direct kin. Domesday Book evidence from Suffolk shows how ancestral references helped legitimise post-conquest Norman landholding.<sup>108</sup> A similar

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<sup>104</sup> Relatives included uncles or brother-in-laws.

<sup>105</sup> *Eynsham*, vol. 1, no. 109.

<sup>106</sup> Livingstone, *Out of Love for My Kin*, pp. 213, 218.

<sup>107</sup> *EYC*, vol. 1, no. 395; *EYC*, vol. 6, no. 33; *EYC*, vol. 9, nos. 65, 66.

<sup>108</sup> Ann Williams, ‘Meet the *Antecessores*: Lords and Land in Eleventh-Century Suffolk’, in *Anglo-Saxons - Studies Presented to Cyril Roy Hart*, ed. Simon Keynes and Alfred P. Smyth (Dublin: Four Courts Press, 2006), pp. 275-87, esp. p. 286.

association with past landholders as ancestors can also be seen in twelfth-century charters. Alina daughter of Geoffrey son of Baldwin's grant of an annual payment of one pound of cumin to Stoke-by-Clare Priory in Suffolk was most likely from the lands she held as dower, and the *pro anima* clause reference to 'antecessorum meorum' is more likely to refer to ancestors of the land rather than her natal family.<sup>109</sup> Another example, also from Suffolk, is the late twelfth-century quitclaim issued by Roesse de Helion also to Stoke-by-Clare of a meadow which her husband and the monks had both claimed. As well as remitting this for her own soul she includes the souls of her heirs, her father, husband, and 'omnium antecessorum et parentum meorum'. In this context, 'parentum' included her natal family while 'antecessorum' could have included a wider network of family that would include those linked to the lands and her marital family.<sup>110</sup> References to ancestors who were not necessarily blood-kin shows that women were aware of lineages based on landholding and that they utilised these social connections.

In 20 clauses, or 17.70%, a variety of individuals and groups with landholding or tenurial associations can be found. References to men or servants as 'virorum meorum' suggest lord-vassal relationships between these men and the women who issued the charter could exist. Others are less specific about possible relationships, but something based on land or geographic proximity is expressed with terms such as free men or neighbours ('liberorum meorum', 'propinquorum').<sup>111</sup> Women also included their lords as spiritual beneficiaries in 3.54% of their clauses suggesting that landholding involved women with a range of individuals from tenants to their own landholding superiors.<sup>112</sup> The most common group, however, is 'amicorum' which appears in eight clauses.<sup>113</sup> It might be argued that the generic use of the term does not signify much. However, it was used in all three counties and since other groups and individuals in *pro anima* clauses were motivated by personal

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<sup>109</sup> *Stoke-by-Clare*, vol. 2, no. 291.

<sup>110</sup> *Stoke-by-Clare*, vol. 2, no. 281.

<sup>111</sup> *EYC*, vol. 1, no. 231; *EYC*, vol. 6, no. 66; *Eynsham*, vol. 1, nos. 81, 145.

<sup>112</sup> A number of *pro anima* clauses use 'dominus' to describe husbands. This has been taken into account and such references have been included in their appropriate categories.

<sup>113</sup> *EYC*, vol. 6, no. 66; *Blythburgh*, vol. 1, no. 120; *Oseney*, vol. 5, no. 690; *Oseney*, vol. 6, nos. 1109, 1110; *Eynsham*, vol. 1, nos. 81; *Boarstall*, no. 295; *A Cartulary of the Hospital of St John the Baptist*, vol. 2, ed. H. E. Salter (3 vols., Oxford Historical Society, vols. 66, 68-9, 1914-7), no. 953.

relationship, land, or proximity it is likely that the same applied to friends and friendships. The overwhelming majority of *pro anima* references can be ascribed to social or geographic proximity, however some *pro anima* clauses included royals such as the reigning king (4.42%) or queen (1.77%). While this shows that non-comital women were rarely in a position to become involved in the spiritual well-being of the royal family, it does show that they could potentially make statements that associated their families with the royal court. The inclusion of non-kin in *pro anima* clauses demonstrates that women's worlds extended beyond their families. It is also evidence that these relationships were personal and could utilise social or geographic links, or in some cases both.

Women's *pro anima* clauses are a rich source for individuals and groups women were involved with. Family plays a major part in the clause, and women expressed concern for the past, present, and future of their natal and marital families. As such, *pro anima* clauses reveal complex relationships that reflect other phrases and clauses in charters issued by women and, for example, including parents in *pro anima* clauses further supports the frequent use of natal names in women's superscriptions throughout marital lives and widowhood. The use of both natal and marital families in *pro anima* clauses also shows the complexity of non-comital women's families and that landholding was not necessarily the main motive for including one as a spiritual beneficiary. Although proximity and land could affect the closeness of kinship, the inclusion of a variety of kin who had weaker landed interests suggests close personal relationships factored into the spiritual clause. While it was important to remember family and ancestors who might have held the land in the past, because doing so increased legitimacy of the present landholding, landholding did not determine *pro anima* clauses. Personal relationships of the issuer were often more important in determining individual *pro anima* clauses. Women's *pro anima* clauses included individuals of no familial relation and as such show a range of secular relationships the women were involved in. Many of the above conclusions agree with current understanding of medieval social relationships and how charters can be used to study these.<sup>114</sup> However, this discussion has also highlighted the absence of *pro animas* in current scholarship as sources on important personal relationships for family and beyond. A more detailed discussion of the

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<sup>114</sup> See Introduction, n. 59-60.

social connotations of relationships seen in *pro anima* clauses in terms of family and general society will be undertaken in part B.

## 1.5 Seals and the Sealing of Charters

Sealing was an important act of legitimising a charter and was akin to a personal signature.<sup>115</sup> A number of women's charters have survived with seals attached or with other evidence of seals. Despite the use of seals among the non-comital aristocracy increasing during the twelfth century women's use of seals has been thought to have been limited until the thirteenth century.<sup>116</sup> The extant evidence from the twelfth century would, however, suggest that this was not the case. Non-comital women were familiar with seals and the culture of sealing charters and they had begun to adopt it in their own charters from the middle of the twelfth century onwards.

Within the corpus of charters studied, a total of 15 charters issued by non-comital women retain seals, or remnants of seals (see Appendix 2). A further 36 charters included sealing clauses, of which 21 describe the seal as the woman's.<sup>117</sup> Fifteen charters describe the seal as 'nostrorum' which could mean that there were two seals or a single shared seal. These non-comital women's seals fit a standard pattern for women's seals: oval shaped, quite small; depicting either a standing female figure or a floral motif.<sup>118</sup> Seal inscriptions can reveal more personalised details and differences between comital and non-comital women's seals. The overall database corpus included four charters with seals issued by comital women. Constance Countess of Richmond and Duchess of Brittany's seal depicts a standing female figure holding a bird in her left hand, possibly a hawk, and an inscription that reads [CO]NSTANTIA DVCI[SSA] [RICHEM]VNDIE, describing her hereditary title.<sup>119</sup> Non-

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<sup>115</sup> Bedos-Rezak, 'Medieval Identity', p. 1511.

<sup>116</sup> *The Chronicle of Battle Abbey*, ed. and trans. Eleanor Searle (Oxford: Clarendon Press, 1980), pp. 214-5; Bedos-Rezak, 'Women, Seals and Power', pp. 63-4; Johns, *Noblewomen*, pp. 122-51, esp. p. 133; Ricketts, *High Ranking Widows*, pp. 266-378.

<sup>117</sup> These include charters that were co-issued by women with their husbands. They have been included, because the phrasing in the charters suggests that the women could have been involved or implied in the sealing clause.

<sup>118</sup> Bedos-Rezak, 'Medieval Women', pp. 6-7; Ricketts, *High Ranking Widows*, pp. 274, 278.

<sup>119</sup> *EYC*, vol. 4, no. 83; *EYC*, vol. 5, no. 400. The inscriptions are incomplete, but combined read this. Also see *EYC*, vol. 4, p. 97 where it is noted that G. Demay, ed., *Inventaire des sceaux de*

comital women's seals, however, rarely include references to office or hereditary status and largely utilised family and property. The seal of Cristina daughter of Robert Stelmere, dateable to c.1190, depicts a simple octo-petalled flower, with the inscription SIGILL CRISTINE FILIA ROBERTI.<sup>120</sup> It is worth noting that this patronymic is identical with the format of the superscription in the charter's salutation clause. This is unlikely to have been a coincidence and it is probable that the superscription and seal inscription reflected her public identity. Alice de Rumilly's seal, dating to 1155, depicts a simple geometrical device and the inscription reads +SIGILLVM : HAELIZ : DE RVMELI, and is also identical to the natal toponymic in the charter's superscription.<sup>121</sup> The extant seals reinforce the idea that natal family was of significant importance and that women's agency developed from social relationships.

Focusing on symbols and inscriptions of seals alone overlooks the important links between the object and the charter. Cartularies preserved written texts, but not seals.<sup>122</sup> Sealing clauses, generally in the form 'hac mea carta et sigilli mei impressione confirmare' indicate that some form of unique seal was often attached to such documents, but it is unclear if this always meant that women used their own.<sup>123</sup> Nevertheless, specific references to personal action and ownership of a seal in a sealing clause enable us to look beyond the extant material evidence and explore sealing and seals as performances of women's agency.<sup>124</sup>

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*la Normandie : recueillis dans les dépôts d'archives, musées et collections particulières des départements de la Seine Inférieure, du Calvados, de l'Eure, de la Manche et de l'Orne, avec une introduction sur la paléographie des sceaux et seize planches photoglyptiques* (Paris: Imprimerie nationale, 1881), p. 5, no. 29 shows a more complete seal from Constance, +CONSTANCIA DVCISS[A BRITANNIE COM]ITISSA RICH[EMVN]DIE.

<sup>120</sup> *A Cartulary of the Hospital of St John the Baptist*, vol. 1, ed. H. E. Salter (3 vols., Oxford Historical Society, vols. 66, 68-9, 1914-7), no. 419.

<sup>121</sup> *EYC*, vol. 5, nos. 18, 26. NB: The seal does not survive as a wax original, but as a seventeenth-century drawing by Dodsworth, which has been reproduced in Thomas Dunham Whitaker, *The History and Antiquities of the Deanery of Craven in the County of York*, 2nd ed. (London: J. Nichols and Son, 1812), p. 241, or in 3rd ed., p. 297.

<sup>122</sup> For example some edited cartularies do not include full sealing clauses and simply indicate that a sealing clause was included, examples of twelfth-century charters where the cartulary copy or modern editor has shortened the sealing clause include: *Sandford*, vol. 2, nos. 278, 408, 412, 446; *Oseney*, vol. 1, nos. 84, 113; or *St Frideswide*, vol. 2, no. 1005.

<sup>123</sup> For examples of sealing clauses see: *Stoke-by-Clare*, vol. 2, nos. 251, 297; *EYC*, vol. 2, no. 720; *Latin Cartulary of Godstow*, no. 134-5 and others in Appendix 2.

<sup>124</sup> Example from *St John's Hospital*, vol. 1, no. 419.

Some sealing clauses suggest that joint action in charters extended to sealing. Shared landholding was practised by spouses and siblings and the use of plural forms in sealing clauses does not rule out the possibility that seals were also shared. When Robert son of Ralph son of Lefsi co-issued a charter to Guisborough Priory in Yorkshire with his sister Agnes between 1190 and c.1205 the charter records the dispositive action as joint, ‘dimisimus et reddidimus... nostra quieta clamatio’.<sup>125</sup> Their joint action also included sealing of the charter which is recorded as ‘testimonio sigillorum nostrorum’. Unfortunately the charter survives as a cartulary copy and no seal or seals have been recorded. It is entirely possible that, if Robert and Agnes did not use separate seals, the charter was sealed with just one seal that was shared by them. Technically this seal might have carried Robert’s name, but due to the joint language of the charter itself it is likely that everyone would have considered the seal to carry and be representative of both Robert and Agnes’s agency. It is also possible that some sealing clauses described other personal signs rather than a wax seal.<sup>126</sup> These methods of signing were, however, also symbolic of the issuers’ agency and illustrate the significance of expressing agency through a seal or a sign. The clause could, therefore, be expressing women’s agency to seal by the means of her own or a shared seal, or express her potential to seal and sign by other visual or material means.

Non-comital women were familiar with seals and sealed their documents. Their inscriptions focus on family and tend to match with charter superscriptions. Private family identity was reflected in women’s public role and agency. The use of sealing clauses suggests that some form of sealing had become customary by the second half of the century and even women who did not have their own seal might share one with their kin and family. This very brief survey into non-comital women’s charters and seals in three counties shows that more detailed work on sealing can develop understanding of non-comital women, families, and landholding. By approaching seals as objects and texts the evidence from Oxfordshire, Suffolk, and Yorkshire indicates that women had individual agency that was derived from their lands and their families in all aspects of charter production.

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<sup>125</sup> *EYC*, vol. 2, no. 720.

<sup>126</sup> Clanchy, *From Memory to Written Record*, p. 261.



## 1.6 Co-Issuers, Consentors, and Confirmations

Most charters issued by women were issued independently. However, 71 charters issued by women included other participants as co-issuers or consentors (see table 1.11). These charters, examples of which can be found in each county, need to be considered separately, but also alongside charters issued alone.

**Table 1.11 Women's charters with co-issuers and/or consentors**

	County			
	Oxfordshire	Suffolk	Yorkshire	TOTAL
<b>With co-issuer</b>	4	3	14	<b>21</b>
<b>With consentor</b>	18	6	26	<b>50</b>
<b>TOTAL</b>	<b>22</b>	<b>9</b>	<b>40</b>	<b>71</b>

When a woman is the first named issuer of a charter, co-issuers, either male or female, occur in 21 charters (table 1.11).<sup>127</sup> Co-issuers were often women's kin and, as close relatives, they were likely to have strong claims to the lands: for example nine co-issuers are explicitly described as heirs.<sup>128</sup> It is likely that details about heirs are underrepresented and that this was not always included: Eda Whithaud issued two charters with her son William between 1190 and 1211 in Yorkshire, yet only one of them described William as both her son and heir, 'filius ejus et heres'.<sup>129</sup> As records of grants one purpose for charters was to secure the grant from future claims, and co-issuing with heirs was one means to resolve this threat. Many of the women who co-issued with their sons were widows which illustrates

<sup>127</sup> *Stoke-by-Clare*, vol. 2, no. 208; *Blythburgh*, vol. 2, no. 272; *Eynsham Cartulary and Charters*, vol. 1, ed. Vivien Brown (2 vols., Suffolk Record Society, vols. 12, 13, 1992-4), no. 328; *Oseney*, vol. 1, no. 386; *Oseney*, vol. 4, no. 347; *Eynsham*, vol. 1, no. 126; *Thame*, vol. 1, no. 85; *EYC*, vol. 1, no. 541; *EYC*, vol. 2, nos. 781, 1132, 1238; *EYC*, vol. 3, nos. 1522, 1700, 1701, 1765; *EYC*, vol. 7, no. 60; *EYC*, vol. 8, no. 166; *EYC*, vol. 11, no. 69.

<sup>128</sup> *St Frideswide*, vol. 2, no. 856; *Thame*, vol. 1, no. 85; *Stoke-by-Clare*, vol. 2, no. 208; *EYC*, vol. 1, no. 541; *EYC*, vol. 2, no. 1238, 1132; *EYC*, vol. 3, no. 1700; *EYC*, vol. 8, no. 166; *EYC*, vol. 11, no. 69.

<sup>129</sup> *EYC*, vol. 3, nos. 1700, 1701.

how women continued to shape their families' landholding throughout their lives.<sup>130</sup> In some cases it is possible to speculate about the process of inheritance; while sometimes sons seem to have inherited, in some cases the women appear to still be guardians.<sup>131</sup> In spite of the heirs' status, widowed mothers were identified as the first grantor in these charters suggesting that they were the main authority in the alienation. Co-issuing was not limited to mother-son pairings, but could also occur between spouses which suggests similar shared action, but also emphasises women's agency in the alienation.<sup>132</sup> The use of co-issuers, either husband or son, suggests that women's charters were part of their marital family's landholding.

Consenting was more common than co-issuing and 50 charters from the corpus studied included one or more consenter (table 1.11). Like co-issuers, consentors were often sons and heirs. Both heirs and their mothers were important and participated in landholding and alienation with each other. Women retained an important role in land management even after the next generation had otherwise seemingly succeeded to their inheritance.<sup>133</sup> Consentors could also be husbands, suggesting that women had access to land and ability to alienate it when married. It is unclear if consent was expected to be given, but presumably since spousal consent was not present in all charters issued by married women it was not a necessary for married women to issue charters. Women's charters also record the consent of tenurial lords or more distant lateral and linear kin suggesting that women had complex relationships with lay people and kin outwith the marital unit.<sup>134</sup> Use of consentors rather

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<sup>130</sup> For example, Emma de Peri in *Oseney*, vol. 4, no. 347; Milisent daughter of Eustace de Frescheville in *Thame*, vol. 1, no. 85; Eda Whithaud, daughter of Ralf Bliha in *EYC*, vol. 3, nos. 1700, 1701; Agnes de Percy in *EYC*, vol. 11, no. 69; and Edith d'Oilly in *EYC*, vol. 2, no. 1238.

<sup>131</sup> Emma Humez, for example, can be found in Pipe Rolls at the same time, though the Pipe Roll only records a claim over her lands, not guardianship. *EYC*, vol. 2, no. 1054; *P.R. 8 Richard I*, p. 186; *P.R. 9 Richard I*, p. 58; Or see Emma de Hay in Yorkshire who paid half a mark for disseisin in *P.R. 9 Richard I*, p. 58. Or see a charter from c.1180-1203 which she issues with her heirs to Thicket Priory confirming a grant by a tenant (*EYC*, vol. 2, no. 1132). In Oxfordshire Milisent daughter of Eustace de Freschevill and Dionisie issued a charter with her son and heir Stefan which also recorded the consent of their ward Milo, 'custodiam nostri' (*Thame*, vol. 1, no. 85).

<sup>132</sup> For example, *EYC*, vol. 7, no. 60, pp. 114, 116.

<sup>133</sup> *St Frideswide*, vol. 2, nos. 849, 1004, 1005; *St John's Hospital*, vol. 2, no. 787; *Sandford*, vol. 2, no. 382; *Oseney*, vol. 2, no. 836; *Oseney*, vol. 5, no. 690; *EYC*, vol. 1, no. 295; *EYC*, vol. 2, nos. 780, 969, 1037, 1054; *EYC*, vol. 3, no. 1788; *EYC*, vol. 5, nos. 227, 256; *EYC*, vol. 7, no. 17, 60; *EYC*, vol. 10, no. 7; *EYC*, vol. 12, no. 46.

<sup>134</sup> *EYC*, vol. 2, nos. 807, 1018; *Godstow*, no. 345; *St Frideswide*, vol. 1, no. 1.

than co-issuers implies that women who issued charters were the primary actor in the grant. While co-issuing suggests joint action, consent suggests more subtle participation by others and highlights women's personal agency in alienating land.

Separate confirmation charters of women's charters were another method of indirect participation by others. These could be issued concurrently or separately at a later date and did not grant the lands themselves, but confirmed women's grants. Confirmation charters are evidence of families' and kins' continued concern and involvement in the land transaction beyond the initial alienation. Grants made by women could be confirmed by their husbands and c.1200 Oriel wife of Arnald issued a charter granting, while Arnald de Thikkebrom issued one confirming, six roods of marshland in Wenhaston, Suffolk, to Sibton Abbey.<sup>135</sup> With significant overlap in detail and the use of same witnesses, the charters appear to be contemporary with each other. It is important to note that Arnald's charter specifies that it was written with the consent and good will of Oriel. Arnald's statements that Oriel's actions were hers suggest that Oriel was an active participant in landholding and alienations. The alienation was thus performed by both and as a married couple despite the use of separate charters. Women's access to lands began at marriage and this was recognised by their spouses and heirs by means of confirmations.

As shown by the use of consentors, co-issuers, and confirmation charters women were able to manage lands within their families. Involvement of family in alienations created complex alienation processes where potential legal and social threats had to be taken into account. These issues were often tackled by the use of other participants.<sup>136</sup> As argued here, when these methods were used women's landholding or alienations were no less legitimate than similar actions by men. The importance of family and the joint nature of landholding within families suggest that women's charters, issued independently or with other participants, functioned within a wider field of charters and exchanges. The majority of surviving charters issued by women do not, however, include active co-issuers or consentors and is evidence of the independence of women's activities. Part B of this thesis

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<sup>135</sup> *Sibton*, vol. 2, nos. 317, 318.

<sup>136</sup> Postles, 'Securing the Gift', p. 185.

will further elaborate on the real consequences that women's landholding and alienations had on their families' wealth and spiritual well-being.

## 1.7 Conclusion

This chapter has provided an in-depth look at twelfth-century charters issued by women in Yorkshire, Suffolk, and Oxfordshire. Contrary to generally accepted ideas held about widowhood as the dominant period of activity, charters issued by women suggest that their charter activity was rooted in marriage, but not necessarily defined by marital status. Although marriage provided women legal status and land, women's charters often defined women in relation to natal and marital families rather than marriage itself. Similarly, while dowers and dowries were defined at marriage, women's landholding was not always defined in these terms nor was it necessarily restricted to these properties. Although legal texts prescribed that women should be under male guardianship, this appears to not have been the case for many non-comital women and women's charters suggest a significant level of agency, and at times independence rather than subjecting themselves to male guardians.

Natal families were an important feature throughout women's lifecycles as a source of agency and means of social identity. Marriage provided women with legal status and both natal and marital families provided women with land and identities which they could associate with. Superscriptions in charters issued by women illustrate a range of identities from spousal and natal toponymics to ones describing kinship with either family, or combination names using some form of both family and demonstrate how women's identities could develop before marriage. The common use of patronymics as well as toponymics suggests that these identities were based on family rather than land alone. Furthermore, the narrow geographic spread of non-comital families bore significant consequences on the involvement of natal and marital families in women's lives. Both families continued to be associated with the women and kinship groups remained open while inheritance developed into more constrained male preference primogeniture. The evidence is strongly suggestive that married women were able to hold and control lands and that they could be described in relation to them. Charters issued by women demonstrate women as landholders,

householders, and members of their families. Women's life cycle was one of continuities rather than distinct relationships and stages defined by independence and dependence.

Key themes that arise from charters issued by women are the flexibility, variability, and continuity of identities in their superscriptions, marital status, lands, *pro anima* clauses, and seal inscriptions. Another emphasis is on the importance of family. Women's charters were not separate from wider charter production and when the involvement of others, kin and non-kin, is considered in relation to grants otherwise defined as women's own, it is clear that this was the case. These charters can be studied to explore women's individual identity and agency, but they are also evidence of generally accepted agency in women's families and how it manifested in women's charter activity. Women's ability to continue relationships with natal families and develop new marital ones throughout their lives provided women with identities and lands which they used in their charters. Charter superscriptions and seals suggest that the identities they presented reflected how women were recognised within family and local society. Women's charters are evidence of significant levels of social and legal agency. Importantly, women's agency was not independent of general charter culture and a more detailed discussion of the social impact of women's charters on families, local society, and landholding will be addressed in part B.

## 2 Women as Co-issuers and Consentors

Women's activity as co-issuers or consentors in charters issued by others can further our understanding of non-comital women's roles in landholding, private and public spheres of family, and tenorial society. Co-issuing and consenting was a different route to participation in the grant than issuing alone. The two actions are also different from each other. Co-issuers are found after the first named issuer in salutation clause superscriptions and also share presence in the disposition, often through the use of plural forms of verbs such as 'do' or 'dono'.<sup>1</sup> Consentors on the other hand are indicated in a specific consent clause, also called the *laudatio parentum*, and are absent in dispositive clauses.<sup>2</sup> Consent clause words such as 'concedo', 'consilio', 'assensu', and 'voluntate' (grant, concede, counsel, assent, will) are all suggestive of acceptance and acknowledgement rather than performance of the grant. Consent clauses are also often written in third person which further places the consentor outwith the disposition itself.<sup>3</sup> Both terms describe active participation, but with a distinct difference in degree and form.

In the sample studied a total of 176 charters had one or more women as co-issuers while 298 charters had one or more women as consentors. Some charters included more than one woman. In the 176 charters, there were a total of 187 instances of a woman as co-issuer. Similarly, some consent clauses included two or more women, and the total references to women in consent clauses was 311.<sup>4</sup> The numbers of women found as co-

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<sup>1</sup> Some charters have salutation clauses with two names, yet the dispositive actions are in first person singular. It is likely that this was the result of scribal practices rather than indicating that the grant was in fact issued/made by one person. Most co-issued charters used plural forms.

<sup>2</sup> White, *Custom, Kinship, and Gifts*, pp. 1-18; Daniel Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries* (Cambridge: Cambridge University Press, 2004), p. 479.

<sup>3</sup> Consent clauses are usually found after the greeting clause either after or before the dispositive clause, and are written in relation to the issuer rather than as first person consent. I have only identified one example where the consent clause is written as 'ego' first person. The clause is also at the end of the charter which serves to highlight its unusual format. *EYC*, vol. 7, no. 83.

<sup>4</sup> For example, *Blythburgh*, vol. 1, no. 176 which has two women as co-issuers, Alice wife of Robert de Cove and Matilda his daughter are listed as second and fourth co-issuers alongside Robert himself and his son Adam de Cove. Same can be seen with consent clauses and Odo de

issuers or consentors are comparable with the 177 charters which are issued by women alone and suggests that the pattern of women's activity in the process of drafting charters and the granting process recorded in the charter were similar. This chapter will first focus on co-issuing and address questions of women's identity, marital status, and landholding. The second half of this chapter will address women as consentors, how this differed from issuing charters, and what consent clauses can reveal about women's identities and roles in families.

## 2.1 Co-issuing

Of the 176 charters where women are co-issuers, the county breakdown follows the same pattern as women's independently issued charters: 101 charters from Yorkshire, 55 from Oxfordshire, 20 from Suffolk. Of these, nine charters included more than one woman as co-issuer (six in Yorkshire, one in Oxford, and two in Suffolk).<sup>5</sup> The total number of women in the 176 charters is 187. Overall, women co-issue relatively frequently in each of the counties. In contrast to the rate of sole issuers, there is parity with men's activity as co-issuer with at least one man appearing in this role in 171 charters. When charters with more than one co-issuer are accounted for, this reveals a total of 201 instances of male co-issuers. Co-issuing was done by both men and women and it is not evidence that women relied on co-issuing to participate in grant making or alienations. Some women, like Eva daughter of Eustache de Broc, issued alone as well as with their spouses.<sup>6</sup> The same agency that enabled women to issue their own charters was present in co-issuing, but co-issuing also casts light on women's participation and involvement as landholders with their family.

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Boltby's charter from 1142-1145 to Rievaulx is consented to by his lord Robert de Stuteville, Robert's wife Helewise, as well as Odo's wife Juetta and heirs Adam, John, and Jordan.

<sup>5</sup> *EYC*, vol. 1, no. 274; *EYC*, vol. 2, no. 1055; *EYC*, vol. 3, nos. 1276, 1768; *EYC*, vol. 5, no. 377; *EYC*, vol. 10, no. 113; *Blythburgh*, vol. 1, no. 176; *Eye*, vol. 1, no. 328; *Godstow*, no. 292.

<sup>6</sup> For example, Eva daughter of Eustache de Broc co-issued two charters with her husband Walter de Chesney (*Eynsham*, vol. 2, nos. 79, 80). Both charters were addressed to Eynsham and granted them the mill of Dailinton and the church of Cubelintona to the abbey. Eva also issued two other charters to Eynsham; one independently, one with her husband's consent (*Eynsham*, vol. 2, nos. 81, 83). These charters granted or confirmed the mill of Dailinton and this places her activity within the family's landholding and alienation.

Of the 187 instances, 152 women were their co-issuer's wife (table 2.1); 13 were daughters; and 11 were mothers.<sup>7</sup> Mothers usually occur second after their co-issuer while daughters appear as second or third, and then alongside other family members.<sup>8</sup> In four charters women co-issued with their brothers.<sup>9</sup> This suggests that, despite the presence of brothers who were likely to inherit, women continued to have an interest in their natal families' landholding. Co-issuing charters with brothers further indicates that women's claims as sisters could be of significant importance.

**Table 2.1 Relationship between first named issuer and woman co-issuer**

		Relationship type					TOTAL
		Wife	Mother	Daughter	Sister	Other / Unknown	
Order of co-issuer after first named issuer	Co-Issuer 2	148	10	3	4	3	168
	Co-Issuer 3	4	1	7	0	3	15
	Co-Issuer 4	0	0	1	1	0	2
	Co-Issuer 5	0	0	1	0	0	1
	Co-Issuer 6	0	0	1	0	0	1
	TOTAL	152	11	13	5	6	187

Co-issuing, much like issuing independently, was not a one-off activity. Matilda wife of Masci de Curci (Yorkshire) and Agnes daughter of Simon [son of John] and wife of Alexander de Shaftesbury (Oxfordshire) both co-issued twice with their respective

<sup>7</sup> Daughters: *EYC*, vol. 1, nos. 274, 383; *Blythburgh*, vol. 1, no. 176; *Blythburgh*, vol. 2, no. 361; *Eye*, vol. 1, no. 328; *Godstow*, nos. 292, 847. Mothers: *EYC*, vol. 2, no. 1055; *EYC*, vol. 5, no. 217; *EYC*, vol. 9, no. 116; *EYC*, vol. 10, no. 86; *Blythburgh*, vol. 1, nos. 70, 72; *Godstow*, nos. 155, 217, 292, 549.

<sup>8</sup> *Blythburgh*, vol. 1, no. 176 (late twelfth century – early thirteenth) for example was issued by Robert de Cove with his wife Alice, their son Adam and their daughter Matilda. Also *Godstow*, no. 1020 (c.1142) was issued by Reinold Fitz Erle and Emelyne his wife as well as his sons Reinolde, Hamelin and daughters Anneis and Juliane.

<sup>9</sup> *EYC*, vol. 2, no. 720; *EYC*, vol. 3, no. 1771; *EYC*, vol. 5, nos. 127, 216.



husbands.<sup>10</sup> Matilda and Masci issued their charters in the same year, but to two different beneficiaries, the Priories of Malton and Kirkham. It is possible that these were issued at the same time, but they might have been drafted separately because they are addressed to two beneficiaries and use different phrases to describe Matilda, ‘sponsa’ and ‘uxor’.<sup>11</sup> Agnes and Alexander issued their charters to the same beneficiary with both charters dateable to the period c.1180-1200. One charter includes details of annual rent while the other makes reference to this and is also a free gift of the same lands. It is likely that the charters were issued a few years apart from each other.

Dating a set of charters to any specific year is problematic and affects how fully co-issuing can be analysed. However, establishing detailed dates can be attempted and a case of spousal co-issuing from Oxfordshire shows the advantages of this. William de Herevilla and his wife Iohanna issued two charters in the 1180s to Oseney Abbey: one before 1185 and the other c.1185.<sup>12</sup> Although the dates are broad and potentially overlap, the content of the two charters suggests that they are likely to have been produced at different times. The earlier charter confirms a grant by Iohanna’s grandmother and parents of lands in ‘Prestefield’ and five mansures in ‘Hokenartona’. Iohanna’s parents’ grant, issued before 1185, is also recorded in the cartulary and, based on the similarities in content, it is possible that Iohanna and William’s charter was issued close to that issued by Iohanna’s parents.<sup>13</sup> In their second charter c.1185 William and Iohanna granted Oseney an additional mansure in ‘Hokenartona’. A confirmation charter issued by the local lord Henry d’Oilly dating to 1182-5 confirms, as separate grants, the first alienation of ‘Prestefield’ and five mansures in ‘Hokenartona’ and the subsequent addition of the sixth mansure by William and Iohanna.<sup>14</sup> Only one name survives in the witness list for William and Iohanna’s first charter, Henrico de

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<sup>10</sup> *EYC*, vol. 6, nos. 90, 92; *St Frideswide*, vol. 1, nos. 515, 517.

<sup>11</sup> Matilda is described as ‘sponsa’ in one and ‘uxor’ in another, meaning it is likely that the charters were drafted by two separate scribes. This could have taken place at the same time, or at different dates. A witness list has not survived for either charter, nor do the two confirmations Matilda issued as widow shed more light to the dating of the charters.

<sup>12</sup> *Oseney*, vol. 4, nos. 195, 197.

<sup>13</sup> *Oseney*, vol. 4, no. 194.

<sup>14</sup> *Oseney*, vol. 4, no. 193.

[...], and he could be Henry d'Oilly who confirmed the grants.<sup>15</sup> William and Iohanna's second charter, dated c.1185, has a fuller witness list beginning with a different individual, '[ ] de Sanwiz',<sup>16</sup> who could be identified as Willelmo de Sanwiz, who witnessed charters issued by Robert d'Oilly and Henry d'Oilly in the period 1182-5. The overlap of witnesses associated with the lands and Henry's confirmation are evidence that this family, including Iohanna, issued charters on more than one occasion during this period.

Co-issuing with daughters suggests that parent-child relationships were important. In most of the cases, when daughters co-issued with parents, their marital status cannot be established with certainty. Co-issuing with daughters occurred even when there were living sons, suggesting that co-issuing with daughters was not due to claims of inheritance.<sup>17</sup> Only one of the charters suggests that the grant was a nun's dowry to pay for her entrance into Godstow Abbey.<sup>18</sup> For most of the other charters, social links within families are the most likely motive for the inclusion of daughters as co-issuers.<sup>19</sup> Parent-child relationships are also evidenced when mothers co-issued with their sons. For example, in Yorkshire Alan de Ferlingtona's charter was co-issued with his mother Anfrida, and in Oxfordshire Richard Fitz William's charter was co-issued with 'Estrilde his modir'.<sup>20</sup> Neither son seems to have been a minor when the charters were issued. Alan was married and his charter also includes a third co-issuer, his wife. Richard's age is indicated by the rents that are payable to both mother and son suggesting that Richard, as well as Estrilde, was legally liable for financial exchanges. In spite of their inheritance the men's mothers continued to have a significant role in their charters.

When women co-issued with siblings it could be because they had inheritance claims to the lands in question (table 2.1). When Robert son of Ralph son of Lefsi co-issued a charter to the canons of Guisborough Priory in Yorkshire with his sister Agnes she is

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<sup>15</sup> *Oseney*, vol. 4, nos. 193, 195.

<sup>16</sup> *Oseney*, vol. 4, no. 197. 'hiis testibus [...] de Sanwiz, Roberto Coco, ... , Willelmo Rundel, Gilleberto [...] Daniele, armigeris'.

<sup>17</sup> *Godstow*, no. 847; *Blythburgh*, vol. 1, no. 176.

<sup>18</sup> *Godstow*, no. 292.

<sup>19</sup> For example: *Godstow*, no. 847; *EYC*, vol. 2, no. 708.

<sup>20</sup> *EYC*, vol. 2, no. 1055; *Godstow*, no. 549.

described not just as ‘soror’, but also as ‘heres me’.<sup>21</sup> When Amabel, sister of Peter son of Torfin co-issued a charter with him the land in question is described as a third, ‘tertiam’, of six bovates in Carperby in North Yorkshire, which could mean that this might have been Amabel’s dowry.<sup>22</sup> However, in comparison to other co-issuers, women do not always seem to have had the most direct rights to the lands being alienated which would again indicate that, while land influenced the use of women as co-issuers, it was not the only factor. When Beatrix sister of Ralph de Chevre-court co-issued with him the charter states that it was issued with the consent of his heirs’, Jordan and Richard.<sup>23</sup> Beatrix was, therefore, not considered to be his heir and Ralph’s son and heir Jordan lived to inherit, after which he issued a confirmation charter of the grant in question himself.<sup>24</sup> Neither the original charter nor the confirmation suggest that the lands were used as Beatrix’s dowry. Apart from Beatrix’s link to the lands through her brother, the reason for including her as co-issuer cannot be justified by legal rights to landholding alone. Using Beatrix as a co-issuer was most likely the result of personal and familial connections with landed interests only being a lesser motive. Landholding was connected to family relationships and the latter could be used to define the former when this was relevant. As a result, women co-issued even when their claim to the land was not the strongest suggesting that co-issuing also expressed social ties and joint action by family.

### 2.1.1 Identity as Co-Issuer

Co-issuing was tied to family and landholding which is why it is important to also consider how women are described as co-issuers in these charters and if this subjected women to a secondary status. In contrast to charters issued by women alone, where it was shown that there was a considerable range of names and a tendency to favour those of natal family origin, of the 187 women who co-issued 126 of them identified with their spouse (table 2.2). Some, such as the wife of William de Herevilla, are simply identified as ‘uxor

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<sup>21</sup> *EYC*, vol. 2, no. 720.

<sup>22</sup> *EYC*, vol. 5, no. 216.

<sup>23</sup> *EYC*, vol. 3, no. 1771.

<sup>24</sup> *EYC*, vol. 3, no. 1774.

mea’.<sup>25</sup> Twenty-eight superscriptions combine spousal and natal family names in some order and format, often first stating the marital status then either a patronymic or paternal toponymic.<sup>26</sup> The Rumilly family in Yorkshire provide a great example of this. As one of three co-heiresses to the honour of Skipton Alice de Rumilly’s superscriptions in charters that she issued independently routinely utilise her natal family toponym. As co-issuer with her husband she combines this toponym with her marital status as ‘Aeliz de Rumelli uxor mea’ and in one co-issued charter she can be identified simply as ‘Adelis uxor’.<sup>27</sup> Using spousal names was still not a necessity for co-issuing. Women did have other names available and 14 co-issuers appear under only a patronymic. This is in sharp contrast to the high rate of spousal names in co-issued charters or the prevalence of natal family forms in charters issued by women alone. The reason for this difference between marital and spousal names could be that these women were co-issuing with their husbands. The emphasis on marital status legitimised the charter and ensured that the grant was a joint venture that all parties - both present and future - would understand as such. Spousal identification, when co-issuing with husbands, seems more likely to have been the result of practical convenience following the joint landholding by marital couples.

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<sup>25</sup> *Oseney*, vol. 4, nos. 195, 197.

<sup>26</sup> For example, Stephen de Pontsold and his wife Alice issue a charter to Eynsham and the superscription reads ‘et Aeliza uxor mea, filia Thome de Grai’. *Eynsham*, vol. 1, no. 116.

<sup>27</sup> *EYC*, vol. 7, nos. 14-5, 18, 21-3, 25-6, 28-30.

Table 2.2 Superscription forms used by female co-issuers

		Order in the salutation clause after first issuer					TOTAL
		Second	Third	Fourth	Fifth	Sixth	
Superscription form	Spousal	122	4	0	0	0	126
	Spousal & paternal	10	0	0	0	0	10
	Paternal & Spousal	6	0	0	0	0	6
	Patronym	2	7	1	1	1	12
	Toponym (unknown)	1	0	1	0	0	2
	(Paternal) Toponym + Spousal	9	1	0	0	0	10
	Spousal + Toponym	2	0	0	0	0	2
	Mother of	10	1	0	0	0	11
	Sibling	4	0	0	0	0	4
	Heir	1	1	0	0	0	2
	Other/Unknown	1	1	0	0	0	2
	<b>TOTAL</b>	<b>168</b>	<b>15</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>187</b>

Various combination forms were used by women in 28 instances of co-issuing, all of these included patronymics or natal toponymics. The continued persistence of names with natal family alongside spousal references suggests that natal family links held significant importance. The combination of natal and marital identification suggests that land, just like current marital status, was not the only determining factor in co-issued charter superscriptions. For example, in Yorkshire Beatrix Darel co-issued twice with her husband Geoffrey de Fitling and the superscriptions describe her as ‘uxor ejus Beatrix filia Galfridi

Darel'.<sup>28</sup> Beatrix's own charter, issued without her husband, only identifies her as 'Beatrix Darel filia Geoffrey Darel' and does not reference her husband.<sup>29</sup> All three charters date from her marital years and a conclusion to draw from the superscriptions is that her relationships with her natal family remained important.<sup>30</sup> Marriage was a feature of co-issuing and spousal superscriptions indicated joint action. However, spousal superscriptions did not mean superscriptions could not include natal families. The continued use of natal family names places natal family on par with marital family in terms of identity and public agency, even when charters were issued with husbands and might record grants from marital lands.

### 2.1.2 Spousal Landholding

Actions as co-issuer, as noted in the introduction, can inform our understanding of women's legal property rights. When the content of co-issued charters can be categorised by origin of land it is clear that, just as in the charters they issued alone, the charters alienated dowries, dowers, and inheritances as well as lands that could not be categorised with certainty. The dispositive clauses do not always describe land as dower or dowry, and often it is only possible to identify the lands broadly as originating from natal or marital family. For example, when William de Herevilla and his wife Iohanna co-issued a charter they confirmed grants by Iohanna's grandmother, Sybil, and her parents, Radulf Boterel and Juliana.<sup>31</sup> Iohanna's superscription only describes her as a member of her marital family, but the charter is clear that the original grants were by her natal family rather than by William. It is unclear, if these were Iohanna's dowry or inheritance, but the former is more likely since Iohanna is never described as Radulf's heir. The charter illustrates how equating

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<sup>28</sup> *EYC*, vol. 11, nos. 168, 169.

<sup>29</sup> *EYC*, vol. 11, no. 170.

<sup>30</sup> Her own charter can be dated to her marital years by a confirmation charter issued by Maud Countess of Warwick in 1185 (*EYC*, vol. 11, no. 57). Maud's charter describes an agreement between Warter Priory and Geoffrey and Beatrice regarding five bovates which they had pledged the canons. Neither of the two charters co-issued by Geoffrey and Beatrice describes an agreement or exchange over five bovates, but rather a 'gift and charters of Geoffrey Darel... and two bovates in Warter' or the gift to 'Warter of the fee of Geoffrey Darel'. While these are most likely the same lands, the detail of five bovates is only apparent in charters issued by Maud and Beatrice, which the former describes as an agreement between the couple together and the monastery.

<sup>31</sup> *Oseney*, vol. 4, no. 195, see above, p. 69.

superscription identity with women's lands cannot be assumed. The two were not connected and Iohanna, as William's wife and alongside him, retained an interest and active participation in her natal family lands.

Participation and limits of husband's rights in women's natal lands is particularly clear when the alienations were formed from a part of women's inheritance. The best sources for female inheritance in this study come from the Yorkshire honour of Skipton.<sup>32</sup> In the 1140s and 1150s William Fitz Duncan co-issued two charters with his wife Alice de Rumilly.<sup>33</sup> Both charters alienated lands from Alice's inheritance and her participation is deemed necessary to do this. Alice's superscriptions use a spousal form and a combination of spousal form with her maternal toponym which might initially suggest that William's role as husband was superior and Alice's inclusion simply a formality. The survival of one other charter issued solely by William might at first also appear to imply that he controlled Alice's inheritance.<sup>34</sup> This is not necessarily the case because William's charter, a notification to the men of Craven of his gift to Embsay Priory of the mill of Kildwick, coincides with one issued by Cecily de Rumilly, his mother-in-law and the heiress of Skipton, of the same lands.<sup>35</sup> On closer examination William's charter also uses 'concessisse' rather than 'dedi' or 'dedisse', which is used in Cecily's charter, meaning that he is conceding to Cecily's grant rather than making one of his own. William also joined in Cecily's grant and participated in the ceremonial placement of a knife on an altar at Embsay with her.<sup>36</sup> The charter could be dated to as early as 1135 which would mean it was issued around the time of his marriage to Alice and after he had caused damage to Embsay in the early 1130s. It is plausible that, to some extent, William's participation was driven by his guilt and the need to repair his relationship with his new wife's family's foundation. If this is the case, the grant and

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<sup>32</sup> Ricketts, *High Ranking Widows*, p. 107 shows a breakdown of Cecily de Rumilly and William de Meschin's inheritance that was divided between Alice, Avise, and Matilda, daughters the co-heiresses of the Honour of Skipton.

<sup>33</sup> *EYC*, vol. 7, nos. 14, 15.

<sup>34</sup> *EYC*, vol. 7, no. 12.

<sup>35</sup> *EYC*, vol. 7, no. 9

<sup>36</sup> Clanchy argues that objects such as knives were often used to secure transaction and grants. In this instance the grant that included the symbolic ceremony was Cecily's and William's role can be seen as being due to his own concession to Embsay as well as due to his marriage to Cecily's daughter. Clanchy, *From Memory to Written Record*, pp. 38-41.

William's acknowledgement of it are not necessarily evidence of him controlling his wife's inheritance. William was involved in the running of the household, but this was only *de iure uxoris*: in relation to his wife and within limits set by his marriage to her.

As well as retaining control and involvement in lands of their natal family origin, women appear as co-issuers alienating their dower lands. This did not necessarily occur only at widowhood, or with heirs, and husbands and wives alienated dowers together. This has often been read as legal formality and that women were expected to agree to all such alienations. However, it is arguable that women's participation in these grants is an example of the control women had over their dowers during marriages and that this was a source of agency. The need for Torphin de Alvestein, his son Alan, and Torphin's wife Matilda de Fribois' charter to describe the lands as those that he had given her 'in dotem' in their 1160 charter to Rievaulx Abbey in Yorkshire suggests that her right to her dower was recognised.<sup>37</sup> The lands originated from Torphin and could be deemed at his disposal and were to be inherited by Alan. They were, however, also Matilda's and had been hers since they were married and her participation in this alienation was therefore necessary. In terms of women's involvement and their dowers it suggests that women had significant say and impact on the fate of dower lands. *Glanvill* and other legal texts, where it is suggested that women had little right to lands as wives, should therefore be read as instructive of ideal situations and not as descriptions of reality.

The way in which husbands' rights over their wives' lands were defined in relation to the women can also be seen in remarriages when women's dowers from their first marriages are alienated during their second marriages. Alina daughter of Geoffrey son of Baldwin held Samford in Suffolk as dower from her first husband, a member of the local Clare family in Suffolk.<sup>38</sup> The lands at Samford were clearly significant to Alina as a source of wealth, status, or both, because she almost always identified herself, and was identified by others, as lady of Samford. After a brief interim widowhood Alina married Hugh de Clohale. During

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<sup>37</sup> *EYC*, vol. 1, no. 386.

<sup>38</sup> Alina and Richard issued charters c.1190 (*Stoke-by-Clare*, vol. 1, no. 48; *Stoke-by-Clare*, vol. 2, no. 291; *Regesta*, vol. 3, no. 201; *Feudal Documents from the Abbey of Bury St Edmunds*, ed. D. C. Douglas (London: Records of the social and economic history of England and Wales, vol. 8, 1932), no. 78; Vanessa Josephine Traill, 'The Social and Political Networks of the Anglo-Norman Aristocracy: The Clare, Giffard & Tosny Kin-groups, c.940 to c.1200', (Unpublished PhD thesis, University of Glasgow, 2013), pp. 90-3.



this marriage Hugh and Alina, the latter as ‘domina Alina uxor mea’, co-issued a charter, to Stoke-by-Clare Priory of lands in Samford that were described as their demesne, ‘carta nostra ... de dominico nostro’.<sup>39</sup> Yet, Samford was Alina’s dower and she alone used any tenurial or lordly titles in relation to it.<sup>40</sup> The co-issued charter suggests that Samford was most likely held and administered by Hugh and Alina together, with Hugh deriving his right to it through his marriage to Alina.

The complex connections between marriage, identity, and land can be seen in the way these were used by women who co-issued with their second husbands. For this we can look at two Yorkshire charters issued by John Malherbe and his wife Matilda. One of these charters describes Matilda as simply ‘sponsa mea’ while their other charter includes her patronymic as well, ‘uxor ejus Matildis filia Ade filii Suani’.<sup>41</sup> John was Matilda’s second husband which adds a further level of complexity to her role as co-issuer. Matilda, as ‘sponsa mea’, had previously co-issued with her first husband Adam de Montbegon.<sup>42</sup> Based on similarities in beneficiary and content, Matilda’s charters with John and Adam are likely to concern the same lands.<sup>43</sup> Matilda’s superscriptions might suggest initially that her marriages played a key role in her charter activity. However, the two charters with spousal superscriptions also make it clear that Adam son of Swane, Matilda’s father, had alienated the lands previously and that the charters were issued because of what he had given his new son-in-law upon Matilda’s marriage to him. Upon closer inspection, it becomes clear that in all three charters Matilda’s marriages and her paternal identity are of central importance. What this suggests in terms of issuing is that Matilda’s marital status during her first and second marriages was important, but that significant value was also placed on her natal family and that her associations with her father’s lands continued through her marriages and widowhood.

While most women co-issued lands that were defined in relation to them, this was not always the case and women were also co-issuers in charters that alienated lands that

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<sup>39</sup> *Stoke-by-Clare*, vol. 2, no. 568.

<sup>40</sup> *Stoke-by-Clare*, vol. 2, no. 567. Hugh’s charter is no. 570.

<sup>41</sup> *EYC*, vol. 3, no. 1679 for short name, no. 1680 for long name.

<sup>42</sup> *EYC*, vol. 3, no. 1678.

<sup>43</sup> *EYC*, vol. 3, no. 1678, 1679.

they did not hold. Beatrix wife of William son of Fulcred co-issued with her husband a charter that confirmed a grant by Matilda daughter of Fulcred, William's sister, to Blythburgh Priory of lands in Darsham, Suffolk.<sup>44</sup> It is highly unlikely that Beatrix would have had any significant claim to the lands because they are described as Matilda's marriage portion granted to her by Fulcred. As such, William did not hold the lands directly either. The reason for issuing the confirmation charter was most likely Fulcred's death. This would have resulted in William inheriting his father's lands, and thus Fulcred's beneficiaries might have wanted him to issue confirmations of any past alienations. Beatrix does not feature directly in Matilda's dowry or William's inheritance, although it is possible that she could have potentially claimed them as her dower. Any such claims by Beatrix would have, however, depended on Matilda leaving no issue of her own and on William successfully reclaiming Matilda's dowry, and this would have been an unlikely scenario.<sup>45</sup> When the charter was issued by William and Beatrix this would have all been speculative. Beatrix's inclusion as co-issuer was thus not due to her claim, but more likely due to her role as wife and participant in her and William's landholding which now included Fulcred's lands. Firstly this suggests that although legal right as landholder was an important factor in determining whether or not a woman would co-issue it was not the only one. Secondly, it suggests that women were involved in their family landholding beyond anything that was defined in relation to them or their marital status. Co-issuing was a legal action, but co-issuers' use was not entirely based on direct claims to land and also reflected their relationship with the other issuer.

### 2.1.3 Co-Issuing: Conclusion

Co-issuing and the use of plural dispositive verbs and references suggest that legally land was held jointly and as a result it was alienated jointly. The actions show women's agency in their families as sisters or heirs who co-issued with their male kin to alienate

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<sup>44</sup> *Blythburgh*, vol. 1, no. 212.

<sup>45</sup> This itself would have depended on whether or not William took homage for the lands from either Matilda or her husband. Had William taken homage for the lands, he would have become the land's lord and thus ineligible to claim the lands as his inheritance or demesne. This would have also affected Beatrix's potential claim which depended on William's status as lord or heir. Milsom, *History of Common Law*, pp. 236, 241; Biancalana, 'Widows', p. 257.

properties which were seen as potentially theirs through hereditary lines. Agency as landholders can also be seen in co-issued charters that dealt with lands women introduced to their spouses through marriages. The performance of grants together as spouses, siblings, or mother and child and under a uniting superscription highlights the importance of family. Combining women's marital identities with their natal identities and lands shows the complex way in which women were involved in their families' land management. Much like women's own charters, their role as co-issuers was underlined by continuity of relationships with natal family post-marriage through both identity and lands.

## 2.2 Women as Consentors in Consent clauses

Consent clauses were similar to co-issuing in that they allowed other participants to make their agreement to the grant known. A variety of terms such as 'concessu', 'voluntate', 'consilio', 'assensu', and 'consensu' were used to express consent suggesting that the wording was not set and that consent covered a variety of meanings that all implied approval. The exact function of consent and the extent to which the clause signified a legal statement or secured social ties, however, remains a topic of debate.<sup>46</sup> Legal historians argue in favour of reading consent in terms of right and claim to landholding and John Hudson describes consent as an 'indicator of the interested parties' relative control of the land in question'.<sup>47</sup> In terms of Anglo-Norman women the existing scholarship on consent clauses is brief. Susan Johns argues alongside Hudson's view that it was related to landholding and that women gave consent to land which was defined as theirs and that this invariably meant dower and dowry.<sup>48</sup> The decline of consent clauses towards the end of the twelfth century, concurrent with the rise of warranty clauses has been offered as possible evidence that consent was tied to landholding claims and used to secure grants.<sup>49</sup> However, reading consent clauses as legal statements of landholding does not account for the social

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<sup>46</sup> S. E. Thorne, 'English Feudalism and Estates in Land', *The Cambridge Law Journal*, 17 (1959), pp. 193-209, esp. p. 206; White, *Custom, Kinship, and Gifts*, p. 54; Postles, 'Securing the Gift', pp. 185-9; Hudson, 'Diplomatic and Legal Aspects', p. 170.

<sup>47</sup> Hudson, 'Diplomatic and Legal Aspects', p. 180.

<sup>48</sup> Johns, *Noblewomen*, p. 94.

<sup>49</sup> Hyams, 'Warranty', p. 467; White, *Custom, Kinship, and Gifts*, p. 177; Postles, 'Securing the Gift', p. 191; Hyams, 'Charter as a Source', p. 183.

aspects of grant making as demonstrated above in chapter one. Charters might be viewed as legal records of an exchange, yet, as Paul Hyams has argued, it was never a legal requirement although seeking assent was ‘prudent’ and served ‘emotional necessity’.<sup>50</sup> Absence of a consent clause from many charters would suggest that one was not necessary to secure grants. While consent had distinct legal qualities the clause is rarely known to have been used to implement legal claims which also suggests that it largely expressed social function in English charters. Indeed, it could be in a lord’s interest to consent to a tenant’s grant because such acts created social rather than legal bonds.<sup>51</sup> Stephen White’s work on *laudatio parentum* in eleventh- and twelfth-century French charters has remained the seminal work on social meanings of consent.<sup>52</sup> According to White, purely legal or functional explanations were problematic and overlooked variations and uncertainties in the use and expression of consent. He suggests a more complex reading of the clause and that consent provided social benefits to all participants.<sup>53</sup> Although White argues in favour of social over legal motives, he acknowledges that both played a role in consent clauses and that this was why warranty clauses overtook it.<sup>54</sup> Categorising the identities of women who consented in charters and the details of the clause and the disposition recorded in the charter, this chapter will next look at how women participated in their families as consentors.

The corpus of charters studied included a female consentor in 298 charters. In some cases more than one woman consents and there are therefore 311 instances of a woman as consentor. The 298 charters represents approximately 10% of the 3046 charters issued by non-comital men or women in the three counties. This is higher than the rate of charters that were issued or co-issued by non-comital women (7.94% and 5.78% respectively). The three rates of women in charters do, however, suggest that women were active in a range of roles involved in charter drafting and grant making.

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<sup>50</sup> Hyams, ‘Charter as a Source’, p. 183.

<sup>51</sup> Hudson, ‘Anglo-Norman Land Law’, p. 211.

<sup>52</sup> White, *Custom, Kinship, and Gifts*.

<sup>53</sup> White, *Custom, Kinship, and Gifts*, pp. 131, 206.

<sup>54</sup> White, *Custom, Kinship, and Gifts*, p. 206.

As consentors, women were most likely to appear as first consentor (table 2.3). Very few consent clauses include more than one or two consentors. The tendency for women to be clustered as first consentor is not due to gender disparity and 298 consent clauses listed men first (Suffolk 38, Oxfordshire 105, Yorkshire 155). When compared, men and women do not appear as first consentor significantly more frequently than each other which would indicate that consent was not a gender specific activity.

**Table 2.3 Women as co-issuers, charters and the count of women across consent clauses**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
	<b>TOTAL of CHARTERS</b>	151	22	125	<b>298</b>
<b>Order in consent clause</b>	<b>First</b>	133	18	108	<b>259</b>
	<b>Second</b>	18	5	17	<b>40</b>
	<b>Third</b>	7	0	3	<b>10</b>
	<b>Fourth</b>	0	0	1	<b>1</b>
	<b>Fifth</b>	0	0	1	<b>1</b>
	<b>TOTAL of WOMEN</b>	<b>158</b>	<b>23</b>	<b>130</b>	<b>311</b>

The high rate of women as consentors in Oxfordshire is an anomaly, but it can be explained by key factors that affected consent clause use in that county. In his work on consent, David Postles suggests that the relatively high frequency of consent clauses in Oxfordshire charters was due to local ‘scriptores’.<sup>55</sup> Out of the 133 first named consentors, 91 charters come from the cartularies of three monastic houses; St Frideswide, Oseney, and Godstow. The monastic houses are the beneficiary in 72 cases of the clause.<sup>56</sup> Frequency might also be affected by the houses’ vicinity to Oxford castle and the frequent litigation

<sup>55</sup> Postles, ‘Securing the Gift’, p. 189.

<sup>56</sup> *St Frideswide*, vol. 1, nos. 207, 489, 491, 613; *St Frideswide*, vol. 2, nos. 850, 857, 858, 864, 865, 878, 714, 718, 748, 1025, 1026, 1040, 1041, 1042, 1044, 1083; *Oseney*, vol. 1, nos. 1, 40; *Oseney*, vol. 2, nos. 757, 842, 844, 902, 1037, 1038, 1099; *Oseney*, vol. 4, nos. 9, 12, 17, 19, 19A, 42, 42A, 37, 71, 190, 194, 196, 290, 371, 372, 334, 388, 477; *Oseney*, vol. 5, nos. 711A, 725, 736, 736A, 619, 620, 621, 621A, 589D, 589E; *Oseney*, vol. 6, nos. 961A, 1000, 1108; *Godstow*, nos. 17, 25, 32, 67, 165, 186, 215, 218, 291, 292, 438, 643.

between St Frideswide and Oseney.<sup>57</sup> As major religious houses within close proximity to each other it is understandable that each would have been keen to secure their lands. The warranty clause was yet to become a standard charter clause in the twelfth century and therefore it can be argued that social convention and beneficiary concern over grants resulted in the high rates of consent clause in Oxford.

The use of consent clauses can also be looked at in terms of when it was used. Most consent clauses are in charters issued in the second half of the twelfth century. However, in each county, women appear in consent clauses during the first half of the century. Consent clauses were used throughout the twelfth century and women's participation in consent clauses had both functional and symbolic importance in terms of charter production as well as grant making. Each county, for example, shows noticeable numbers of consent clauses during the 1140s and 1150s. It is likely that this was due to social and political instabilities of Stephen's reign and the early years of Henry II. This supports the argument that lesser aristocrats used beneficiary drafting during times of uncertainty which does provide the clause with important legal weight. However, the increased frequency of consent clauses in late twelfth-century English charters would also seem to indicate that consent clauses were not falling out of use as has been suggested. To some extent this result is affected by increased source survival from the later period. This can be seen when comparing Suffolk with the other two counties. No consent clauses from Suffolk pre-date 1139. It is likely that the clause was used in Suffolk during the first four decades, but that these charters have simply not survived. The use of consent clauses in the 1190s also confirms that, although the clause appears to have held legal significance earlier in the century this was waning, it remained socially important and was not entirely overlooked in favour of warranty clauses.

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<sup>57</sup> St Frideswide was located within the south walls of Oxford. Oseney was located about 500m east of the walls. Godstow was the furthest from the city and was located on an island approximately 4km north of the city. These are all within a relatively close distance and would have been competing for the same patrons and lands. Oseney and St Frideswide for example were in legal disputes over grants at various points during the twelfth century *Oseney*, vol. 2, nos. 745, 780, 781, 781A, 782, 782A, 786, 787, 791, 793, 794; *Oseney*, vol. 4, no. 508.

## 2.2.1 Identity as Consentor

Women's marital status is a central feature when women's consent is recorded in consent clauses. Out of the 259 non-comital women who were the first or only consentor 238 identified as the first issuer's spouse (table 2.4). Only three consent clauses used a descriptor that was not spousal, but each occurs in charters issued by clerical bodies regarding the transfer of a church or a dispute between religious houses.<sup>58</sup> That women granted their consent to their husbands' charters primarily as their wives infers some legal context to the activity and could be seen as evidence that these were dower and dowry lands, as suggested by Susan Johns.<sup>59</sup> However, such a conclusion is fraught with difficulties. Women's affiliation to the lands in the charters is not always clear and a number of female consentors are simply unnamed and can be identified only as 'my wife'.<sup>60</sup> Out of the 238 charters which included wives as first consentors, 58 did not include names and only used spousal identities (Oxfordshire 25, Suffolk 3, Yorkshire 30).<sup>61</sup> The lack of names in these 58 charters could mean that the woman's identity was known just by her relationship. If this is the case, the anonymity of wives as consentors would imply that consent was not used in order to identify legal claimants by name and was thus not necessarily aimed at securing a grant. For example, in Oxfordshire, when Hugh de Tiwa issued three charters with the consent of his wife Matilda, one charter simply recorded this as 'consilio et concessu uxoris mee' while the others recorded the clause as 'volentibus et concedentibus Mabilia uxore

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<sup>58</sup> *Oseney*, vol. 5, no. 538B (1186-1191) Grant of the church of Berdesle to William the cleric, son of Mary and chaplain of Berdesle by William bishop of Worcester at the presentation of Margaret de Bohun; *Godstow*, no. 83 (1198) Agreement between the Abbeys of Thame and Godstow with the assent of Emma de Bray regarding lands that Emma de Bray had given to Godstow. They are to hold the lands as stated in Emma's charter for 8s yearly to Thame. Emma's charters are *Godstow*, nos. 81, 82; *Oseney*, vol. 4, no. 343 Emma de Peri presents and requests the bishop Hugh of Lincoln to confirm that the church of Peri is held by Oseney, as she had given it to them.

<sup>59</sup> Johns, *Noblewomen*, p. 182.

<sup>60</sup> For examples see: *EYC*, vol. 1, no. 413; *EYC*, vol. 2, no. 659; *EYC*, vol. 3, no. 1622; *EYC*, vol. 7, no. 132; *EYC*, vol. 11, no. 205; *Leiston Abbey Cartulary and Butley Priory Charters*, ed. Richard Mortimer (Suffolk Record Society, vol. 1, 1979), no. 120; *Sandford* vol. 2, no. 440.

<sup>61</sup> Two of the three Suffolk charters that only use a spousal identity also do not name the wife. The charters are issued by the same couple, William de Money with the assent of his wife ('uxoris') in *Blythburgh*, vol. 1, nos. 99, 100). This result is not as representative as the other two counties, and is most likely to do the small sample of 18 charters with women as consentors.

mea’.<sup>62</sup> The charters also record the consent given by their son, Walter. No charters issued by Matilda or Walter have survived regarding Hugh’s grant. Similarly when William Tison’s charters to Selby Abbey and the Archbishop Roger of York one of the consent clauses records his wife as Alice while the other simply refers to her as ‘uxoris mee’.<sup>63</sup> It is possible, though speculative, that consenting embodied some legal quitclaim of the grant on the consentors’ part, but the anonymity of consentors suggests that this was not the foremost purpose of consent.

**Table 2.4 Relationship between first consensor who is a woman and the issuer of the charter**

		County			TOTAL
		Oxfordshire	Suffolk	Yorkshire	
First consensor’s relationship to charter issuer	Wife	121	17	100	238
	Mother	9	1	4	14
	Daughter	0	0	3	3
	Sister	0	0	1	1
	Other	3	0	0	3

Women as consentors can be found in charters issued by individuals other than spouses and the identities used by women continue to reflect their relationship to the issuer. Eighteen women gave consent to charters issued by their sons, fathers, or brothers (table 2.4) and their identities used this relationship. These natal family kinships could also be expressed when women consented in charters issued by their spouses and at least five women used both spousal and other names in the consent clause.<sup>64</sup> Combination names used by wives were relatively rare, but in the same way as combination names used by women when issuing or co-issuing, they express direct links with the women’s past and present

<sup>62</sup> *Oseney*, vol. 5, nos. 290, 589E (with name), 589D (without name).

<sup>63</sup> *EYC*, vol. 12, nos. 45, 69.

<sup>64</sup> For example: *Oseney*, vol. 6, no. 1108. Halenad de Bidun’s charter is issued with the ‘voluntate et precibus Agnetis filie Pagani filii Johannis sponse mee’.



families.<sup>65</sup> In one case the names and identities originate from two marriages, Alina de Samford identifies as ‘Aline filie Galfridi filii Baldewini uxoris mee domine de Samford’ which includes her patronymic, marital status, and a lordship and toponymic derived from her first husband’s dower of Samford which is near modern day Ipswich.<sup>66</sup> Associating with natal and marital families, or in Alina’s case with her first and second marriages, shows the variety of identities women had and that even multiple marriages did not strip women of these identities even when they acted alongside or for their husbands. The use of these names with their role as wives and as consentors to their husbands’ charters is also evidence of how much these familial associations were valued.

Mothers were the second most common issuer-consentor relationship and consentor identity (14 clauses). Eleven cases of consent by mother give her name while three remain anonymous.<sup>67</sup> The use of mothers by sons as consentors suggests that mother-son relationships were an important social relationship. Its significance continued beyond childhood and in the cases identified, it seems to have been used to describe consent by a widowed mother in a charter issued by a son who had inherited. It is possible that, as widows, the mothers could claim the lands as dowers, however, this is rarely stated in the charter and, for example, Judith, Adam de Boltby’s mother gives her consent as ‘domine et matris mee’ to Adam’s grant and the charter does not include details about what claim or hold she might have over the lands in question.<sup>68</sup> The grant is also consented to by Adam’s brothers, John and Jordan, which strongly suggests that the lands belonged to the brothers’ paternal inheritance. While this does not rule out the possibility that they were also Judith’s dower, it does make it less likely. The dispositive clause only refers to Adam while the participation of his mother and brothers serves to tie them to the land, but not as current or future claimants. Judith’s title as both lady and mother is primarily indicative of her status and importance in the family. Similarly to the use of mothers the use of daughters’ and

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<sup>65</sup> *Stoke-by-Clare*, vol. 2, no. 570 (Alina wife and lady); *Oseney*, vol. 6, no. 1108 (Agnes Fitz Payn and wife); *Eynsham*, vol. 2, no. 775 (Lecie wife and daughter of Symon); *EYC*, vol. 1, no. 546 (Alice de St Quentin and wife); *EYC*, vol. 6, no. 49 (Alice Paynel and wife).

<sup>66</sup> *Stoke-by-Clare*, vol. 2, no. 570.

<sup>67</sup> *Oseney*, vol. 2, no. 1038; *Sandford* vol. 2, nos. 331, 332, 440, 463; *St Frideswide*, vol. 1, nos. 108, 613; *Thame*, vol. 1, no. 122; *Godstow*, no. 526; *Eye*, vol. 1, no. 242; *EYC*, vol. 3, nos. 1727, 1728; *EYC*, vol. 8, no. 124; *EYC*, vol. 9, no. 90.

<sup>68</sup> *EYC*, vol. 9, no. 90.

sisters' consent suggests that kinship based on social bonds, rather than landholding claims, were highly valued. Only three daughters and one sister occur as consentors and none describe the lands in relation to the women.<sup>69</sup> The language used when various kin consented suggests that female kin who consented posed little legal threat to the grants. Relationships in consent clauses between parent and child or siblings do suggest that while they were not as common as spousal relationships women continued to have an important social and legal significance in non-comital families. These cases should be read as evidence of women's place in family and kinship networks rather than as pre-emptive legal strategies.

### 2.2.2 Order as consentor and family

The importance of kinship and internal family hierarchy are also revealed in the order of consentors when consent clauses included two or more consentors. Of the 258 instances of women as first consentors 172, or two-thirds, are issued with other consentors. These were almost always close kin and family, though less frequent mentions of men and friends, 'hominum' and 'amicorum', can also be found.<sup>70</sup> Most second co-consentors were described as heirs (100/172 clauses), named or anonymous. On a county specific level, Yorkshire and Oxfordshire would suggest a pattern where half of the second consentors were heirs (Oxfordshire 51; Yorkshire: 47). The same does not apply in Suffolk where only two of the nine consent clauses have a woman followed by the issuer's son and heir, but this discrepancy is most likely due to the small sample size from Suffolk.<sup>71</sup> Drafting and scribes could also be the cause of this discrepancy because the other Suffolk consent clauses describe second consentors only as sons when they were likely also heirs.<sup>72</sup>

Not all second consentors were male heirs and at least one comparable case of female heiress as consentor can be identified indicating that women could be involved in family landholding and grant making in a variety of guises. Cristina, heiress of Ernald son of

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<sup>69</sup> *EYC*, vol. 1, nos. 444, 569; *EYC*, vol. 2, no. 813; *EYC*, vol. 4, no. 97.

<sup>70</sup> *Oseney*, vol. 1, no. 40; *Oseney*, vol. 2, no. 1038; *Oseney*, vol. 4, no. 37, *Oseney*, vol. 5, no. 725; *Eynsham*, vol. 1, no. 152; *EYC*, vol. 1, no. 534; *EYC*, vol. 2, nos. 659, 769, 772; *EYC*, vol. 3, nos. 1348, 1622; *EYC*, vol. 11, nos. 12, 94, 207.

<sup>71</sup> *Blythburgh*, vol. 1, no. 89; *Feudal Documents*, no. 202.

<sup>72</sup> *Stoke-by-Clare*, vol. 2, nos. 273, 335, 575, 578; *Blythburgh*, vol. 1, nos. 99, 100, 106.

Ralf consented, with her mother, to her father's grant to Oseney Abbey c.1200.<sup>73</sup> Both Ernald's wife and heiress received payment in recognition of the grant which would indicate that they were considered to have held a legitimate claim and this explains, in part, their role as consentors. The use of heirs and heiresses in their parents' charters has been understood as a legal recognition of the grant. However, heirs often issued confirmation charters when they succeeded which suggests that legal claims were fully quitclaimed by confirmations and not by consent. The use of groups of consentors such as heirs or sons without indicating individuals also shows how imprecise consent could be. For example Roald the Constable of Richmond's charter records consent of his wife G[arsiena], son and heir Alan, and 'aliis filiis meis' when he notified Archbishop Henry of York of his grant of a church for the building of what became Easby Abbey.<sup>74</sup> Similarly two charters issued by Fulk Paynel include the consent of his wife Leceline and 'heredum meorum et hominum' and 'heredum meorum'.<sup>75</sup> The broadness of the general descriptions was common and suggests that important, but general, social relationships could be expressed through consent clauses.

Another aspect of exploring the role of consent is the order of consentors, particularly family. Wives were often the first named consentor and were followed by sons and heirs rather than the other way around.<sup>76</sup> An inner hierarchy of family based on social norms appears to have existed and within this hierarchy women held a significant rank. Wives' consent was listed before sons' despite their lands being limited to dowers as well as the likelihood of their earlier death in comparison to a successful male heir. Charter participation by women was not driven by concern for future landholding and inheritance, but rather by social perception of family and agency in it. The same can be seen in the use of consent of mothers by sons when issuing charters. The order of multiple consentors

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<sup>73</sup> *Oseney*, vol. 2, no. 842.

<sup>74</sup> *EYC*, vol. 5, no. 231.

<sup>75</sup> *EYC*, vol. 6, nos. 21, 22.

<sup>76</sup> For examples see *EYC*, vol. 2, nos. 1169, 1218; *EYC*, vol. 3, nos. 1823, 1866; *EYC*, vol. 6, nos. 21, 30, 42, 148; *Blythburgh*, vol. 1, nos. 99, 100; *Stoke-by-Clare*, vol. 2, nos. 273, 575, 578; *St Frideswide*, vol. 2, nos. 865, 1040; *Thame*, vol. 1, nos. 45, 46, 50, 141. In 167 charters a woman was named first and the consent clause also included others. Of these most were followed by a son or heir, or a son and heir. In Oxford this was in 71/87 charters, in Suffolk 9/10 and in Yorkshire 54/70. Most of these do not have further consentors, just wife and son.

suggests that internal hierarchy mattered. Wives, placed early in the consent clauses, were considered significant partners in the household and this extended beyond the potential strength of their claim over lands and properties.

Consent was also granted alongside kin other than sons and heirs. These kin were likely to have weaker claims to the land being granted. Other kin could be female as well as male showing that gender did not restrict inheritance or kinship in the twelfth century. Female family members, such as mothers, daughters, and sisters gave their consent in a number of charters. Although as first named consentors these categories amounted for only a handful of examples across all three counties, more can be found as second, third, or fourth named consentors. The range of family who gave consent further confirm that while legal issues mattered and were addressed by the clause, the phrasing of the clause also placed stress on kinship. The use of non-inheriting kin with weaker claims to inheritance in consent clauses also shows that landholding was a secondary element in giving consent. For example, when William son of Walding and his wife Hawise issued a charter to Pontefract Priory c.1170-83 they did so with the consent of their sons Henry, Otto, Robert and daughters Joia and Amabilia.<sup>77</sup> The grant concerned two tofts given previously by another son Ralf. It is highly unlikely that all of the five children were considered as potential heirs since it had already been alienated. It is perhaps worth noting that William and Hawise also made a specific request that the family were to receive burial at Pontefract which suggests that the inclusion of their entire family's consent was to ensure the family's spiritual well-being. This grant was not about inheritance rights, but about associating the whole family with the charter and a burial place that ensured long-term kinship affiliation.

The social connotations of the use of various family members allows insight into the structure of non-comital households and families and the role women had in them. Two or more kinswomen appear in the same consent clause in 15 cases. In many of these cases the two women were the issuer's mother and wife, suggesting that widowed mothers continue to participate in their son's lives after their sons had married. In the late twelfth century Walter son of Terric del Esse issued a charter to the Knights Templars at Sandford in Oxfordshire with the consent of his mother, wife, as well as his brothers William, Walter,

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<sup>77</sup> *EYC*, vol. 3, no. 1588.

and John, and all four heirs.<sup>78</sup> The grant was for a virgate of land and in return Walter received membership of the fraternity and right of burial at Sandford. There is no evidence in the charter, and no charters have survived, to suggest that the consentors held the lands or claimed them. In light of this we should be inclined to read the consent clause as evidence of Walter's mother and wife's, and the other consentors', social involvement in the family. Adelicia mother of Richard son of William Duet is listed as giving consent alongside Richard's wife Rahesie de Criketot and his brothers.<sup>79</sup> Rahesia and Adelicia, like the mother and wife of Walter son of Terric are listed before any other consentors. Both charters suggest that consent and order in a consent clause matter and that some social hierarchy within the family was expressed through consent. Consent clauses, therefore, demonstrate acknowledgement of alienation without distinctly stating any individual rights to the land, but they are also important statements of agency. The use of both wife and mother show that maternal participation did not end in widowhood or their son's marriage and mothers continued to have agency in their sons' households. Maternal and spousal participation in charters was not based on outright claims to land, but on social bonds of family.

### 2.2.3 Consenting: Conclusion

The composition of consent clauses was a complex blend of legal and social elements. Consent not only signified legal intent, but also had an important social purpose. Giving consent was a means of participation in the family, but it did not suggest that individuals who gave their consent held rights over it. Consent clauses including women are evidence of women's deep involvement in their marital families in ways that women's own charters are not. Consent clauses also demonstrate that women consented throughout their lives, and not only as widows or in relation to their dower and dowry lands. Women did primarily consent as wives, a number consented as daughters, heiresses, widows, mothers, and as 'domina' in control of estates. Consent gave the issuer a public statement of support

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<sup>78</sup> *Sandford vol. 2*, no. 441. The heirs were most likely Walter's children, but could also be nephews or other kin.

<sup>79</sup> *Blythburgh, vol. 1*, no. 118.

from his or her family and in return it was also a means to acknowledge the consentors' agency to provide consent.

## 2.3 Conclusion

This chapter has looked at two methods for participation in charters; co-issuing and consenting. The frequency of women as co-issuers or consentors shows that women were part of a wider charter culture and that they were involved in their marital family's landholding. As noted by Matthew Hammond, it can be difficult to determine whether the decision for women to be co-issuers, consentors, or issuers of their own parallel charters, was down to the issuer(s), the beneficiaries, or the scribes.<sup>80</sup> However, these charters use terminology that expresses and specifies women's agency and action in the grant being recorded. The functional differences between co-issuing and consenting affected women's role in charters. Direct co-issuing was common and often by marital pairs suggesting that marriage was an important source of individual and shared agency for men and women. Importantly, land was not always the main reason why women co-issued with their husbands and some alienated lands that cannot be defined without doubt as dowers or dowries. In comparison to co-issuing giving consent to a grant had both legal and social motives. The social motives behind including consent can be seen in the use of spouses and family in this role. Various types of kinship are described in consent clauses suggesting that a major element of the clause was social relationships while securing the gift was often a secondary concern. Consent also expressed important reciprocal recognition of the consentor's kinship and their personal agency to perform consent.

Due to the legal and social functions of co-issuing and consent the two actions also exhibit women's continued roles in their natal and marital families. Co-issuing and consenting primarily occurred during marital years and alongside spouses. However, widowhoods and remarriages did not affect women's involvement and in fact charters issued with second husbands illustrate how first marriages continued to shape women's landholding and identity. Natal families also continued to influence women's identities and many women

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<sup>80</sup> Hammond, 'Women and the adoption of charters', pp. 17-19.

associated themselves with their natal families. The use of natal kin as consentors or as co-issuers, such as sisters alongside their brothers suggests that natal family relationships were active throughout women's lives. Although these were based on the family's landholding, the terminology used does make an effort to specify that kinship as well as lands were reasons for seeking and giving consent. The next chapter will consider women's presence in one final charter clause, the witness list, to analyse what witnessing by women can tell us about women's agency within family and society.

### 3 Women as Witnesses

This chapter will look at the frequency of appearances of women in witness lists in charters issued by both non-comital men and women to explore how women were used as witnesses and to what extent this was shaped by gender. Witness lists, also called attestation clauses, provide evidence for the prosopography of kin networks and tenorial relationships.<sup>1</sup> Witnesses were often used in secular charters and their presence has been interpreted as a method of legitimising and securing the charter. This was because, in case the grant was contested, theoretically witnesses could confirm or deny the grant and charter in court.<sup>2</sup> David Postles for example has compared witnesses as an alternative to *laudatio parentum*.<sup>3</sup> However, witnesses were rarely, if ever, called to court in England.<sup>4</sup> The need for witnesses to be physically present, which affects its legal function, has also been questioned by Dauvit Broun in his work which has uncovered a number of letters requesting permission to include recipients as witnesses to a grant despite their absence.<sup>5</sup> Absentee witnesses and the lack of evidence that witnesses were ever called to court suggest that witnessing expressed more than security or legitimacy. However, a majority of the witnesses seem to have been present when the charter was issued.<sup>6</sup> Charters and their participants were intrinsically tied to the oral and visual culture of grant performance during the twelfth century and therefore witnessing can be understood to have held a legal function as well as being an expression of social relationships.

By seeing the document or the ceremonial grant, witnesses provided an audience to issuers whilst being able to witness was also a chance to exercise social and legal agency. Witnessing was an important social convention that was mutually beneficial to all parties

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<sup>1</sup> See introduction, pp. 15-7.

<sup>2</sup> Postles, 'Choosing Witnesses', p. 332.

<sup>3</sup> Postles, 'Choosing Witnesses', pp. 335, 337.

<sup>4</sup> Amt, *Witnessing Women*.

<sup>5</sup> Broun, 'Presence of Witnesses', pp. 242-4.

<sup>6</sup> Postles, 'Choosing Witnesses', p. 333; Broun, 'Presence of Witnesses', p. 257.



involved. Some people could be more desirable as witnesses than others.<sup>7</sup> Extant letters requesting someone to witness a grant and the hierarchy in witness lists show the significance of selecting appropriate witnesses.<sup>8</sup> Unfortunately a number of witness lists have been lost. Many cartularies, for example, truncated clauses which later copyists might have considered unessential.<sup>9</sup> Witness clauses expressed living memory and if the originals were old and the witnesses could no longer be recalled, the witness lists were no longer relevant and the clause would be more likely to be lost.

The legal and social significance of witnessing and selection of witnesses has been used to great effect in prosopographical studies. J. C. Russell's work on royal charters is a classic example of how witnesses and the monarch operated within court society.<sup>10</sup> Anne Polden's work on thirteenth-century Buckinghamshire gentry demonstrates, with a narrower geographic and social sample, how witness lists can be utilised to explore local society.<sup>11</sup> Similarly, William Reedy's work on the Basset family shows the value of combining witness lists for a fuller understanding of a single family during the twelfth century.<sup>12</sup> These studies, combined with the theoretical work of David Postles and Dauvit Broun have provided the basic methodology for what follows. Until recently, witnessing has been seen as a primarily male activity and Postles, for example, has argued that women witnessed for two reasons, 'to renounce dower ... [or] as a possible reflection of social conventions'.<sup>13</sup> Consequently women's witnessing has been seen as existing within very limited gendered domains.<sup>14</sup> However, this thesis has demonstrated in chapter two that women's activities as consentors or co-issuers were not necessarily linked to dowers. By considering whose charters women are witnessing, the claims women might have had to the grants recorded in the charters,

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<sup>7</sup> Postles, 'Choosing Witnesses', p. 333.

<sup>8</sup> Russell, 'Social Status', pp. 321-3; Postles, 'Choosing Witnesses', pp. 336-8; Keefe, 'The Courting Game', pp. 99-102; Broun, 'Presence of Witnesses', p. 257.

<sup>9</sup> See above, Chapter 1, n. 123.

<sup>10</sup> Russell, 'Social Status', pp. 319-29; Russell, 'Attestation of Charters', pp. 480-98.

<sup>11</sup> Polden, 'Social Networks', pp. 375-94.

<sup>12</sup> Reedy, 'The First Two Bassets, Part 2', p. 297.

<sup>13</sup> Postles, 'Choosing Witnesses', pp. 340, 342; Amt, *Witnessing Women*, p. 8; Johns, *Noblewomen*, p. 97.

<sup>14</sup> Postles, 'Choosing Witnesses', p. 336; Amt, *Witnessing Women*, p. 8; Johns, *Noblewomen*, p. 97.

and their relationships with co-witnesses, as well as the ceremony of affidation, this chapter will argue that witnessing was only partially gendered and that, while women's witnessing was shaped by their families, witnessing also gave women activity and agency beyond their households.<sup>15</sup>

Of the corpus of 5545 charters analysed for this thesis, a total of 133 witness lists included at least one woman (table 3.1). From these lists it is possible to identify 124 women (table 3.2). Non-comital women witness in 95 clauses and account for 105 women as witnesses. Yorkshire, as the biggest of the three counties, has the highest number of witness clauses with women and the highest number of non-comital women as witnesses (46 clauses and 72 women) in comparison to the smaller counties of Oxfordshire (31 clauses and 30 women) and Suffolk (18 clauses and 24 women). A consistent pattern of women's activity in charters of the three counties could be seen in chapters one and two in relation to charters issued by women, or those which they co-issued or consented to. The rate of witnessing by women suggests that, although women do not witness in many charters, their witnessing was neither unusual nor different from their other actions related to charters and grants.

**Table 3.1 Count of charters that have one or more woman witness**

	County			
	Oxfordshire	Suffolk	Yorkshire	TOTAL
Charters witnessed by women in general	34	26	73	133
Charters witnessed by non-comital women	31	18	46	95

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<sup>15</sup> Examples of affidation can be found in *EYC*, vol. 2, no. 780; *EYC*, vol. 4, p. xxxi; Round, *Geoffrey de Mandeville*, Appendix T, pp. 384-7; Johns, *Noblewomen*, pp. 116-7.

**Table 3.2 Count of number of women who witness at least once by social status**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
How many individual women witness (by status)	Royal	2	0	27	30
	Comital	2	4	18	24
	Lesser Aristocrat	1	11	60	72
	TOTAL	5	14	105	124

**Table 3.3 Count of frequency as witness**

		County			
		Oxfordshire	Suffolk	Oxfordshire	TOTAL
Frequency of witnessing (by individual women)	One time	21	14	52	87
	Two times	4	4	3	11
	Three times	1	0	4	5
	Four or more times	1	0	1	2
	TOTAL	27	18	60	105

Most non-comital women who witnessed do so only once (table 3.3). Although witnessing by women was rarer than other charter roles in chapters one and two, it seems that it was not as unusual or restricted as has been assumed by some.<sup>16</sup> Seventeen women can be identified as witnesses in multiple charters (table 3.3), with two, Lucy de Clifford/de Say and Gundreda, mother of Roger de Mowbray, witnessing up to four times.<sup>17</sup> Many of the women who witness more than once, such as Edith d'Oilly and Alice de Rumilly, also issued, co-issued, or they consented to others' charters.<sup>18</sup> Edith was the wife of the constable of

<sup>16</sup> Postles, 'Choosing Witnesses', pp. 340-1; Amt, *Witnessing Women*, p. 8.

<sup>17</sup> *EYC*, vol. 1, no. 532; *EYC*, vol. 3, no. 1495; *EYC*, vol. 9, nos. 115, 165; *Godstow*, nos. 197, 198, 200, 201.

<sup>18</sup> Edith appears as witness in *St Frideswide*, vol. 2, no. 951; *Oseney*, vol. 5, no. 572; *Eynsham* vol. 1, no. 65; as issuer of *Oseney*, vol. 5, no. 960; *Eynsham*, vol. 1, no. 67; as co-issuer of *Oseney*,

Oxford and Alice was the co-heiress to the honour of Skipton and the survival of sources relating to them is partially due to their status. Yet when their marriages and life cycles are further contextualised, neither is extraordinary. Many women only appear in one of the charter roles this thesis has discussed, but enough women took part in multiple roles to suggest that women were regular participants in all aspects of charter culture.

### 3.1 Who are Women Witnesses for?

Women do not appear as witnesses because of the issuer's gender and they witness for both men and women. However, women are less likely to witness in charters issued by other women. A closer count reveals only nine charters with female witnesses were also issued by women which accounts for 3.62% of charters issued by women.<sup>19</sup> A further 20 charters were issued by mixed sex issuer and consensor combinations accounting to only 2.77% of the total charters either issued, co-issued or consented to by non-comital women.<sup>20</sup> In comparison, 66 charters which include female witnesses were issued by men.

**Table 3.4 Gender of issuer of charters witnessed by a woman**

	County			
	Oxfordshire	Suffolk	Yorkshire	TOTAL
Charters issued by woman only	0	25	6	31
Charters issued by man or men	3	13	2	18
Charters issued by women and men	6	28	12	46
<b>TOTAL</b>	<b>9</b>	<b>66</b>	<b>20</b>	<b>95</b>

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*vol. 5*, no. 690; *Eynsham*, *vol. 1*, no. 64; *Thame*, *vol. 1*, no. 2; and as consensor in *Oseney*, *vol. 4*, nos. 9, 17, 19, 65, 65A, 71, 190; *Oseney*, *vol. 5*, no. 579; *Sandford*, *vol. 1*, no. 62; Alice appears as witness in *EYC*, *vol. 7*, nos. 88, 112, 129; as issuer of *EYC*, *vol. 7*, nos. 13, 16-8, 21-3, 25, 26, 28-30; and as co-issuer of *EYC*, *vol. 7*, nos. 14, 15, 44.

<sup>19</sup> Chapter 1, table 1.1, p. 25. 248 charters issued by women alone or with co-issuer or consensor.

<sup>20</sup> 248 charters issued by women + 176 charters co-issued by women + 298 charters consented to by women = 722 charters. See pp. 24, 67, 80.

It is important to establish the relationship between witnesses and charter issuers. Traditionally it has been thought that women witnessed only for their families' actions, unlike men who might often witness for a wider range of connections or be present at more meetings or at court. In comparison to the relationships between female co-issuers or consentors where spouses predominated, women's attestations reveal a much wider range of active relationships. Many women did witness their husbands' charters and David Postles has suggested that this was because the grants alienated women's dowers. The charters themselves, however, do not suggest that this was a reason why wives might witness.<sup>21</sup> When Juetta wife of Conan son of Torfin witnessed his charter to the hospital of St. Peter in York the alienated lands in Heslington were unlikely to have been her dower. Conan's family had long standing interest in Heslington; they had made donations to the Hospital of St Peter in York from there and had also been in dispute with the hospital of the lands there.<sup>22</sup> Where women might have had rights to the lands this would most likely have been expressed elsewhere in the charter: for example, when Beatrice wife of Jordan Foliot attested his charter to Pontefract Priory of the mill of Norton and its rents and soke she had already consented to the grant.<sup>23</sup> Witnessing and consenting were different tasks and did not convey the same meaning with charter language making a contrast between the two actions. When Hugh Malebisse's wife Matilda attested his charter granting lands in Tolesby and Marton to Byland Abbey, the grant was also made with her consent and at her petition.<sup>24</sup> The witness clause indeed describes her as the aforementioned Matilda, 'eiusdem Mathildis'.<sup>25</sup> This might suggest that the two activities were related, but that consent and witnessing were also separate actions and the former would have been performed before the latter. Matilda's role as witness was not intended to be an indication that she had quitclaimed the lands. Instead it should be read as a statement of her public and social agency.

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<sup>21</sup> Postles, 'Choosing Witnesses', p. 340.

<sup>22</sup> *EYC*, vol. 5, no. 161. For Conan's family's interest see: *EYC*, vol. 5, nos. 157-60.

<sup>23</sup> *EYC*, vol. 3, no. 1528.

<sup>24</sup> *EYC*, vol. 3, no. 1849. Tolesby is presumably modern day Tollesby near Middlesbrough which is adjacent to Marton-in-Cleveland.

<sup>25</sup> *EYC*, vol. 3, no. 1849.

**Table 3.5 Relationship of women who witness to the charter's issuer**

		County			
		Oxfordshire	Suffolk	Yorkshire	TOTAL
Relationship to issuer	Wife	21	7	16	44
	Mother	4	3	6	13
	Daughter	3	0	7	10
	Sister	2	0	3	5
	Other Kinship	4	2	3	9
	Proximity by tenure or land	1	9	33	43
	Unknown	1	1	6	8
	<b>TOTAL (of woman witnesses)</b>	36	22	74	132

The social function of attestation is also clear when co-issuers appear as witnesses. Only one woman from the sample can be identified in this way, Alice daughter of Robert Pincerna and the wife of William de Novilla in Suffolk, who was both the third issuer of a charter confirming a grant by her father and the first witness to it.<sup>26</sup> As co-issuer she is identified by her patronymic, but in her attestation she is identified as William de Novilla's wife.<sup>27</sup> This use of two different names in two different roles shows that the actions were separate and served distinct purposes. Alice's involvement as co-issuer stemmed from the grant being her paternal lands, possibly her dowry, which would further explain her use of a patronymic. Her involvement as witness however was more likely to be due to her marriage to William, and is reflected in the use of her marital name and identity as a witness. As witness and co-issuer she was a participant in various aspects of the grant making process.

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<sup>26</sup> *Blythburgh*, vol. 2, no. 361.

<sup>27</sup> The genealogy of the family is muddled, but the two names do appear to refer to the same Alice.

Witness lists were often hierarchical in nature and many wives who witnessed their husbands' charters were among the first witnesses which illustrates the social importance of wives to their spouses. For example, when Agnes wife of Geoffrey de Clinton witnessed his charter addressed to Chersington Church in Oxfordshire she was the first named witness.<sup>28</sup> Social norms and hierarchy can be seen in secular charters and clergy frequently outranked wives. When Sibyl de Valoignes, wife of William de Percy, attested his grant of Topcliffe to the church of St Peter's in York she is preceded in the witness list by Roger archbishop of York.<sup>29</sup> She herself, however, preceded the prior of Fountains and a canon of York suggesting that spouses had significant value as witnesses and were not entirely subordinate to clergy.

Women also witnessed as mothers in charters issued by their sons and some even witnessed alongside their sons' wives reflecting the continuity of mother-child relationships seen in other charter clauses. Not all mothers attested alongside their children's wives, and those who are the only women attesting their sons' charters might be witnessing before their sons had married.<sup>30</sup> Mothers continued to witness for their sons even after marriages and two charters of Roger de Mowbray, for example, are attested by his mother Gundreda as first witness and his wife Atheliza as second witness.<sup>31</sup> Gundreda's participation c.1139 as witness in Roger's charters pre-dated his marriage.<sup>32</sup> Gundreda also witnessed Roger's charters after his marriage as evidenced by Roger's wife as a co-witness. Gundreda was an important landholder in her own right, and this seems to have shaped her role within the family and given her the agency to participate in Roger's.

Most women who witnessed their kin's charters witnessed for their husbands or sons, but some did witness their brothers' and this was not necessarily because of their right as heiresses. William de Perci's charter to Whitby Abbey in Yorkshire was witnessed by

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<sup>28</sup> *Eynsham*, vol. 1, no. 101.

<sup>29</sup> *EYC*, vol. 11, no. 30.

<sup>30</sup> Women who witness as mothers and the son's wife does not witness: *EYC*, vol. 9, no. 115; *EYC*, vol. 10, no. 9; *Blythburgh*, vol. 1, no. 174; *Feudal Documents*, no. 179; *Dodnash*, no. 3; *Abingdon Abbey Cartulary*, vol. 1, ed. Gabrielle Lambrick and C. F. Slade (2 vols., Oxford Historical Society, vols. n.s. 32, 33, 1990-2), no. 244; *Basset Chs.*, no. 47.

<sup>31</sup> *EYC*, vol. 1, no. 532; *EYC*, vol. 9, no. 165.

<sup>32</sup> *EYC*, vol. 9, no. 115.

‘Ricardo capellano de Lofthusa, Bartolomeo et Hugone heredibus et matre mea Atheliza, Celestri et Cristina, sororibus meis’.<sup>33</sup> William’s heir, though, was also a witness, and it is thus more likely that his sisters witnessed because of their membership of the family rather than what lands they might have received or held. Conan son of Ellis’ grant of some of his demesne in East Cowton, to the Hospital of St Peter in York, lists the witnesses as ‘Theophania matre Conani, Beatriz filia Theophanie, Thoma de Laceles, Helinando filio Hervei, Hugone le Gal, Martino de Malaherba, Rogero clerico et multis aliis’.<sup>34</sup> Conan died by 1220 and having left no legitimate issue Beatrice was one of Conan’s three co-heiresses.<sup>35</sup> It is possible that Beatrice witnesses the charter because she was likely to inherit her brother’s estates. However, this seems to not have been a concern at the time of the charter’s issue, or at least not for the scribe or to Conan or to the Hospital. Beatrice was not described as his heir or his sister, but as Theophania’s daughter focusing more on her kinship with Theophania than her brother’s lands. Kinship as a motive for using women as witnesses also encompassed a range of affinal and consanguineous kinship. For example, Agnes of Sibbeford’s charter to Sandford Priory in Oxfordshire includes, among others, the attestations of ‘Engeram Clement, Adelardis ejus uxor, Hugo Clement... William filius Radulfi Clement...’.<sup>36</sup> The three male witnesses were kinsmen of Agnes’ second husband Ralf Clement, while ‘Adelard’ was related through marriage alone. Engeram and his wife also witnessed the confirmation of Agnes’ grant that was issued by Simon Fitz Gilbert, Agnes’ son from her first marriage and Engeram’s kinsman through Agnes’ second marriage.<sup>37</sup> Witnessing was not meant to express and legally quitclaim an individual’s rights to landholding as this was achieved through co-issuing or consenting. What these examples suggest is that kinship was socially relevant and that witnessing was an important activity within kin groups.

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<sup>33</sup> *EYC*, vol. 2, no. 900. The nominative spelling of ‘Celestri’ could be Celeste or Celestris, but since she does not appear in other sources this cannot be verified.

<sup>34</sup> *EYC*, vol. 5, no. 345 (issued 1174-1218).

<sup>35</sup> *EYC*, vol. 5, pp. 274-5.

<sup>36</sup> *Sandford*, vol. 2, no. 382. ‘Hujus rei subscripti testes continetur, Engeram Clement, Adelardis ejus uxor, Hugo Clement, Rogerus de Wilebi, Willelmus filius Radulfi Clement, Walchelinus Palmar’, Galfridus de Sancto Mor’, Robertus de Clinton, Sanctimonialis mater Angnetis et Wimarc’.

<sup>37</sup> *Sandford*, vol. 2, no. 384.



Fifty-one of the non-comital female witnesses cannot be linked to the issuer in any way that is clearly based on family. Of these witnesses, it can be argued that 43 were connected either to other witnesses or to the land being alienated through some level of geographic proximity. These numerous cases suggest that women's witnessing served functional and social purposes and that women as witnesses were not drawn solely from the family nor were their actions defined by their landholding.

It has been suggested that examples of multiple female witnesses to a charter can be ascribed to gendered conventions: that multiple women were chosen as witnesses because they knew each other and that they acted separately from men.<sup>38</sup> However, the identifiable relationships between groups of women as witnesses in a single charter with its issuer or with its other witnesses reveal that this is not necessarily the case. Female witnesses often have strong links to male witnesses in the charter. An often quoted charter of this kind, which dates to 1166-76, records Asceria widow of Ansketil de Habbendum's grant of her dower to Rievaulx and is witnessed by six women.<sup>39</sup> None of these women appear to have been related to Asceria or Ansketil, but five of them can be linked to other male witnesses. Bertha 'vicecomitissa' and Matilda 'filia eius' were the wife and daughter of the first named witness, Rannulf de Glanvill. Eda wife of Brian the Cleric and her daughter Helewisa were related to the eleventh witness while Matilda daughter of Toch could be the daughter of Tocheman, witness number nine. Only Othilde wife of Godwin Givenout has no clear link to any other witness. It is likely that the women were witnesses firstly because of the involvement of their husbands or fathers as witnesses and secondly because of their own geographic and the consequent social proximity to Asceria. Gender was not an overriding factor in determining the use of witnesses, and instead other social and geographic factors must be considered.

Witnessing by the heiresses to the honour of Skipton in Yorkshire also shows how women witnessed charters issued by people outside their families and how social relationships and landholding factored into witnessing. Alice de Rumilly and her daughter Alice II de Rumilly can both be identified as witnesses in charters issued by a family of their

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<sup>38</sup> Amt, *Witnessing Women*, pp. 5-6; Johns, *Noblewomen*, p. 97.

<sup>39</sup> EYC, vol. 2, no. 780; Round, *Geoffrey de Mandeville*, pp. 384-7; Johns, *Noblewomen*, p. 115.

tenants, the Flemings.<sup>40</sup> Together they attest two of Reiner le Fleming's charters and Alice the younger attested a charter of Reiner's son William le Fleming. Reiner seems to have been the honorial steward and as witnesses for the Fleming family both women expressed their legal and social agency. Witnessing for their tenant and steward also consolidated their status as heiresses and strengthened the generational continuity of a service based lord-vassal relationship.

Some women witnessed charters where a tenurial connection between the issuer and women as witnesses can be observed. The attestation of Amicia wife of Geoffrey de Wenhaston and her husband in a charter issued by Huberta de Waresle was most likely motivated by the couple's landholding and their relative proximity to her.<sup>41</sup> Local society and geography were factors that allowed women to have a role in society and, among other things, witness charters. When John of Oxford as bishop of Norwich issued a notification of Baldwin de Tosny and his mother lady Alda's grants to Dodnash, the witness list to John's charter finished with a general statement of 'et multis aliis clericis et laicis et multitudine alia virorum et mulierum'.<sup>42</sup> This implies that a number of women were present when John's notification was written or read out. Women were expected, and anticipated, as participants in official and landholding business. This did not have to take form as named witnesses and the anonymity of some female witnesses places their activity within a more general charter culture or society.

### 3.2 What Grants are Women Witnessing?

Another way to explore possible gendered aspects of witness clauses is to consider the content of the charters women attest. It has been suggested that women primarily witnessed charters that alienated their dowries.<sup>43</sup> Yet, when women witnessed for their husbands it is rarely clear if the charters were granting from women's lands, dowers, or dowries. Only four charters within the corpus could be identified where a wife witnessed a

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<sup>40</sup> *EYC*, vol. 7, nos. 88, 122, 129.

<sup>41</sup> *Sibton*, vol. 3, no. 849.

<sup>42</sup> *Dodnash*, no. 4.

<sup>43</sup> Postles, 'Choosing Witnesses', pp. 340-1.

charter which also alienated her lands.<sup>44</sup> In Yorkshire, William Besacle's grant of two bovates in Bessacarr town to Kirkstall is witnessed by 'domina Agnes uxor Willelmi' who is also given the right to hold the land 'in maritagio' for the duration of her life and Hugh Malebisse's wife Matilda witnesses his charter to Pontefract of lands that were described as 'de cujus dote terra illa est'.<sup>45</sup> In Oxford, Walchelin Hareng granted 'Wdentona' village to Eynsham abbey, but states that it was to be held 'in dotem, quamdiu vixerit' by his wife Ida who is the second witness in the charter.<sup>46</sup> Finally, in Suffolk, Robert Pincerna son of William de Frostenden alienated lands in Northales to Blythburgh Priory which belonged to his wife Alpas' dower and which she also held for life.<sup>47</sup> It is possible that Alpas' dower was later re-used as a dowry for Alice, her and William's daughter. The evidence of re-use of lands is based on Alice's attestation of its alienation in a charter co-issued by William de Novilla, his son Henry de Novilla, and Alice herself whose superscription describes her as Alice daughter of Robert Pincerna and wife of William.<sup>48</sup> It is possible that the other charters where wives witnessed for their husbands' charters indeed entailed an alienation of their dowers. However, when this detail was not included in the alienation itself, there must be justifiable reasons for omitting it from documents that were otherwise designed to maximise the security of landholding. Presumably the property was not yet confirmed as part of the dower. When wives witnessed grants from their dowers, their attestation did not act as active confirmation or consent of the alienation nor should it be read as a quitclaim of the land.

Women witnessing in charters which were not issued by their husbands was also not determined by their claims to lands. Matilda de Portu consented and witnessed to charters issued by her son Adam de Portu, son of John de Portu. The grants concerned the services of two of the Oxfordshire family's tenants; Robert son of William Blundi of 'Fernleia' and

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<sup>44</sup> *Godstow*, no. 198; *EYC*, vol. 2, no. 813; *EYC*, vol. 3, no. 1849; *Blythburgh*, vol. 2, no. 359. A fifth charter (*Blythburgh*, vol. 2, no. 361) would further suggest that the *pincerna* lands were used as dowry in two generations, but the names and generations cannot be securely identified.

<sup>45</sup> *EYC*, vol. 2, no. 813; *EYC*, vol. 3, no. 1849.

<sup>46</sup> *Eynsham*, vol. 1, no. 105.

<sup>47</sup> *Blythburgh*, vol. 2, no. 359.

<sup>48</sup> *Blythburgh*, vol. 2, no. 361.

Robert son of ‘Sewlfi de Sifford’.<sup>49</sup> Two earlier grants by Adam’s father John related to services of a tenant in ‘Farnleg’ or ‘Ferleya’, which John’s mother Hawise had granted previously.<sup>50</sup> ‘Fernleia’ thus appears to have been held by the Portu family prior to John and Matilda’s marriage which means that Matilda is witness to a charter that dealt with lands that were neither directly hers nor described as her dower. The same can be seen in the Yorkshire charter issued by Beatrix, wife of Peter de Meaux which is witnessed by five women, all of whom have stronger proximity and social familiarity to Beatrix than indications of any personal interest in the lands.<sup>51</sup> Witnessing for properties and alienations was an important social activity and marks witnessing as distinct from involvement in grant making itself and it was not determined by women’s dowers or dowries.

### 3.3 Women’s Co-Witnesses

Cohorts of witnesses from the same family, both related and unrelated to the issuer or beneficiary, shows that witnessing could be an individual and family event. Families functioned as units, but each family member serving as witness to the charter still expressed their personal agency in relation to the task at hand. Witnessing with family also suggests that gender did not determine witnesses to the same extent as social relationships could do.

Most familial co-witnesses were men, such as husbands, sons, or brothers. Women who witnessed with their spouses were also likely to do so in charters which were issued by people who they were not related to by kinship leaving social motives as the primary reasons for their selection as witnesses. However, when one of the spouses was the issuer’s kin, aspects of legal landholding are likely to have been partial motives for having one or both as witnesses. For example, when Avise de Rumilly issued a charter notifying Robert bishop of Lincoln of her grant of Saltby to Drax, her witnesses included her daughter Alice Paynel, her husband Robert de Gant, and Robert’s sister Adelicia.<sup>52</sup> As Avise’s heiress Alice

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<sup>49</sup> *Sandford*, vol. 2, nos. 331, 332.

<sup>50</sup> *Sandford*, vol. 2, nos. 329, 330.

<sup>51</sup> *EYC*, vol. 11, no. 279.

<sup>52</sup> *EYC*, vol. 3, no. 1864.

would be directly affected by the alienation while Robert held interest in Saltby through his wife, and Robert's sister Adelicia held tentative interest only through the couple. Both the consent clause and the witness list describe Alice as Robert's wife, but only the consent clause states that she was also Avice's daughter. Thus any legal issue of inheritance was indeed addressed in the consent clause and the witness clause serves a more social function.

Similar examples of marital couples as witnesses can be found elsewhere. In Yorkshire, Beatrix widow of William son of Ivo's charter is witnessed by three spousal pairs; Robert de Sproxton and his wife, William de Surdeval and his wife, Ralf Biset and his wife.<sup>53</sup> None have legal claim to Beatrix's grant and their use as witnesses was tied to social conventions. None of the three wives in Beatrix's charter are named, but many others in similar clauses were. In two Suffolk charters, the spousal couples included witnesses Geoffrey son of Urselli with his wife Adelyz and William de Goy with his wife Lucia.<sup>54</sup> The tendency for marital couples, even anonymous wives with their named husbands, to witness together suggests that spouses were seen as a unit and acted together as such. Women's identity might be linked to their husbands when they witnessed with them, but as shown in this thesis, married women had personal agency in a range of charter activities, including witnessing. If personal interest in the lands was a potential issue, this was addressed elsewhere in the charter and attestation addressed social rather than legal function.

Co-witnesses are also evidence for the breadth of affinal and consanguineous family that included sons, heirs, and brothers or brothers-in-law. Among the Yorkshire charters Lucy of Bolingbroke witnessed with her brothers-in-law, Guy and Gerald, in a charter issued by her second husband Roger Fitz Gerold 1094-c.1097.<sup>55</sup> It is possible that, as younger brothers, Guy and Gerald still held an interest in Roger's lands.<sup>56</sup> The brothers were likely candidates as guardians for Lucy and Roger's only son William de Roumare, the future Earl of Lincoln who was born during the period of the charter's issue.<sup>57</sup> If this is the case, Lucy,

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<sup>53</sup> *EYC*, vol. 2, no. 1249.

<sup>54</sup> *Eye*, vol. 1, no. 146; *Feudal Documents*, no. 174.

<sup>55</sup> *EYC*, vol. 1, no. 601. Note: Farrer dates the charter to 1094-1099, however, Roger could have died as early as c.1097.

<sup>56</sup> Livingstone, *Out of Love for My Kin*, p. 50.

<sup>57</sup> Paul Dalton, 'Roumare, William de, first earl of Lincoln (c.1096-1155x61)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/24169>> [Accessed 07/09/2015].

Guy, and Gerald's witnessing demonstrates how family units were used as witnesses due to social proximity. This is also illustrated by the Oxfordshire evidence and witnesses in a charter issued by Robert d'Oilly include his step-son Robert Fitz Regis, wife Edith, and brother Fulc.<sup>58</sup> Robert's other charters are also witnessed by the same family: Edith and Fulc co-witness one charter while Edith, Robert Fitz Regis, and Edith and Robert d'Oilly's sons Henry and Gilbert witness another.<sup>59</sup> Edith's importance is shown by her individual position as well as the variety of male co-witnesses in her husband's charters. The clauses also show that male kin, such as Edith's illegitimate son and her brother-in-law, could have important roles in the same households. Attesting for and with kin expresses familial cohesion that included the women as well as expressing women's independent agency in their ability to do so.

Women also co-witnessed with female kin and this tends to occur with mothers and daughters or mother-in-laws and daughter-in-laws. When the women were related to each other as well as the issuer it is possible that they had claims to the lands. For example, when Walter son of Terric issued his charter to Sandford Priory in Oxford, the witnesses included his mother and his wife.<sup>60</sup> Both women might have held some claim to the land, possibly as dower, but the evidence is tentative at best. Similarly when sisters Celeste and Cristina witnessed a charter issued by their brother William de Perci of Dunsley the land in question could have been linked to them.<sup>61</sup> The lands granted by William's charter had been granted by his mother Athaliza for the souls of her first husband Walter de Argentum which might suggest that the lands were her dower. It was not uncommon for lands to be re-used as dowries for daughters and this could have been the case with the lands in question. The witness list also make references to two heirs, Bartholomew and Hugh, which could mean that the land might not have been designated as dowry lands and that Celeste and Cristina witnessed because of their kinship rather than claim to lands. Women's landholding within

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<sup>58</sup> *Eynsham*, vol. 1, no. 65. Note: Roger Fitz Regis is described in charters, and by historians, with a variety of names. He is also known as Roger Fitz Edith or Roger lord of Okehampton. *EYC*, vol. 2, no. 508; Hugh M. Thomas, *The English and the Normans: Ethnic Hostility, Assimilation, and Identity 1066 - c. 1220* (Oxford: Oxford University Press, 2003), p. 157; Keats-Rohan, *Domesday Descendants*, p. 945.

<sup>59</sup> *Oseney*, vol. 5, no. 572; *St Frideswide*, vol. 2, no. 951.

<sup>60</sup> *Sandford*, vol. 2, no. 440.

<sup>61</sup> *EYC*, vol. 2, no. 900.

their marital families was not always linked to women co-witnessing alongside female kin. Avice de Rumilly's grant to the Yorkshire Priory of Drax of lands in Saltby was witnessed by her daughter Alice Paynel and Alice's sister-in-law, Alice de Gant. Although she could be categorised as kin to both her co-witness and the issuer, it was highly unlikely that Alice de Gant would have had any legal claim to Saltby.<sup>62</sup> Her inclusion as witness with Alice Paynel was therefore not intended as a quitclaim to Saltby, but a demonstration of the Paynel's relationship with an important local family, the Gants.

When two women who witness in one charter are related to each other, but not to the issuer, both are usually also related to one of the other male co-witnesses. Such was the case with the multiple witnesses for Asceria widow of Ansketil de Habbendum's charter.<sup>63</sup> The witnesses include two mother-daughter pairs, both with male relatives - husband and father - among the witness list. In such an instance female witnesses were unlikely to have any personal interest over the land alienation. Their relationships with the other witnesses are stressed, even when they are not listed immediately after their male kin. Witnessing was not gendered and family connections and networks influenced witness selection.

While many women witnessed with one or two kin, they were not related to the vast majority of their co-witnesses. The non-kinship based co-witness relationships were primarily tenure or geography based which, when mapped out, reveal important features about local society and women's role in it. An excellent example of this can be found from a set of Suffolk charters from c.1200. The first charter, a grant of six roods of marshland in Wenhaston, was granted by Oriold wife of Arnald de Thikkebrom to Sibton Abbey. Her grant was attested to by Geoffrey de Wenhaston, Avicia his wife, Geoffrey son of Geoffrey, John de Cove and Basilia his wife.<sup>64</sup> The second charter, issued by Huberta, granted Sibton Abbey one rood of marshland in Wenhaston and described it as being west of marshland held by Arnald de Thickebrom and Geoffrey de Wenhaston who were Oriel's husband and witness respectively.<sup>65</sup> Huberta's witnesses also included Arnald de Thickebrom and his wife Oriold,

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<sup>62</sup> *EYC*, vol. 3, no. 1864; *EYC*, vol. 6, no. 62.

<sup>63</sup> *EYC*, vol. 2, no. 780.

<sup>64</sup> *Sibton*, vol. 2, no. 319.

<sup>65</sup> *Sibton*, vol. 3, no. 849.

their son Walter and Geoffrey de Wenhaston and Avicia his wife. Family or kin based relationships are unlikely to have existed between Oriel or Basilia and neither seem related to Huberta.<sup>66</sup> The only confirmed kin both women witnessed with were their respective husbands with Oriold also witnessing alongside her son. None of the other witnesses or subsets of witnesses appear to be related to each other by marriage or blood. While no description of tenurial obligations between the parties is made in the charters, tenure and proximity are the most likely explanation for these witnesses. Mapping the topographic names from these charters helps visualise the importance of proximity and social relationships based on this (Figure 3.1).



Figure 3.1 Witness toponyms in charters to Sibton

Assuming that toponymics represented the household's main centre of activity, the geographical proximity of these households is strong evidence that, in determining who women are witnessing for, locality and proximity were given more weight than gender.

<sup>66</sup> *Sibton*, vol. 2, no. 319.



Other instances of attestation by Oriold, Basilia, or their husbands, as visualised in table 3.6, show how witness lists repeatedly drew from geographically close society. That women could witness because of proximity rather than family or tenorial obligations suggests that women had active roles within their localities and this will be further discussed in chapters five and seven. The tendency for many of these women to witness alongside their husbands as well as other local individuals or families, both men and women, shows that women were seen as individuals in addition to their role in their families.

**Table 3.6 Overlapping witnesses in five charters from Suffolk**

		Charter (issued by)				
		<i>Sibton</i> vol. 2, no. 319 (Oriold)	<i>Sibton</i> vol. 2, no. 318 (Arnald)	<i>Sibton</i> vol. 2, no. 304 (Geoffrey)	<i>Sibton</i> vol. 3, no. 849 (Huberta)	<i>Sibton</i> vol. 3, no. 898 (Huberta)
Witnesses	Oriold wife of Arnald	-	-	-	x	-
	Arnald de Thickebrom	-	-	x	x	x
	Walter son and heir of Arnald and Oriold	-	-	-	x	-
	Geoffrey of Wenhaston	x	x	-	x	X
	Avice wife of Geoffrey	x	-	-	x	-
	Geoffrey son of Geoffrey	x	x	-	-	-
	John de Cove	x	x	-	-	-
	Basilia wife of John	x	-	-	-	-

The Sibton charters were not an exceptional case of women as witnesses in their local society and the same can be demonstrated elsewhere in England. Being able to establish this does rely on source survival and therefore it can only be done when enough

charters have survived from one locality. In Yorkshire the honour of Skipton provides great sources that exhibit the importance of proximity. Earlier in the chapter Alice de Rumilly and her daughter's role as witness in charters issued by her steward and tenant Ranulf de Fleming was discussed in relation to the lord-vassal relationship.<sup>67</sup> Alice's relationships with her other co-witnesses reveal an overwhelmingly local list of men and illustrates how proximity to the honour of Skipton shaped these witness lists. Furthermore, some of the families who witnessed alongside Alice and her daughter were also witnesses in charters issued by them.<sup>68</sup> The attestations for and by the Rumilly women show that they were considered capable of being tenurial lords. The charter material also reveals a complex social network which women participated in. The implications of this network will be discussed in detail in Part B.

Most witness lists that include a woman tend to include only one woman and initially this suggests that, contrary to generally held views on women as witnesses, women witnessed largely among men and that their role as witnesses was not necessarily due to their gender. Of the 95 charters 23 (or 24.2%) included more than one woman as a witness (table 3.5). Fifteen of the 23 included two women which is only slightly suggestive of gendered elements in witnessing (table 3.7). In fact, these women are more likely to be linked to male co-witnesses and described as their wives, than forming a subset of witnesses defined by gender. Female co-witnesses could also be related to each other and even form family units with their co-witnesses as was the case when Bertha and Rannulf's daughter Matilda attested in the same charter as her parents.<sup>69</sup> Witnessing as a family shows the importance of the family unit in social interactions. Neither Bertha nor Rannulf are related to the charter's issuer, Asceria widow of Ansketil, and due to Rannulf's title as 'vicecomite' [sic] it is likely that Rannulf, and by association Bertha and Matilda, are witnesses because of their social relationships and status within the region. Four other women also witness the charter and before the witness clause the charter describes a special ceremonial affidation,

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<sup>67</sup> *EYC*, vol. 7, nos. 88, 112, 129.

<sup>68</sup> For example, Roger Tempest in *EYC*, vol. 7, nos. 16, 17, 21, 26, 88. Surnames like Macun, Pipard, and Mauleverer appear in charters issued by the stewards as well as by the Rumillys and appear to be representative of two generations of the families in question, see *EYC*, vol. 7, nos. 17, 18, 88, 129.

<sup>69</sup> *EYC*, vol. 2, no. 780.

which will be addressed in detail later in this chapter. Bertha was involved in this affidation and the placement of all female witnesses within a cluster would indicate that, in this instance at least, the women were selected as witnesses for their gender. However, similar gendered elements are not always evident in other charters with multiple female witnesses or in charters witnessed by only one woman.

**Table 3.7 Count of charters with more than one woman as a witness**

	County			
	Oxfordshire	Suffolk	Yorkshire	TOTAL
Two women	3	2	10	15
Three women	1	1	3	4
Four or more women	0	1	3	4
TOTAL	4	4	15	23

There seems to be a difference between charters that used only a few female witnesses and those that used many. While large groups of women as witnesses suggests some level of gendered selection, two or three female co-witnesses who followed their husbands in the witness list suggests that proximity and social factors were more significant than gender. This is further supported by the apparent lack of kinship described between multiple female witnesses or the issuer. In Suffolk, Adeliz wife of Geoffrey son of Urselli and Alice wife of Richard son of Godard witnessed a charter issued by Odo de Carun and another by Robert son of Godard and his wife.<sup>70</sup> In both charters Adeliz is named immediately after her husband in the lists, as third of eight or as third of nine witnesses. Alice (or Atwita) attests both charters without a husband and is either the seventh of seven or ninth of nine witnesses listed. There is little to suggest that Adeliz and Alice were related and the former's placement higher in the list might be due to her witnessing with her husband and the couple's relationship with the issuers. The two women do not seem to have been chosen as witnesses because of their gender or direct kinship. Adeliz and Geoffrey do not appear to be related to the issuers and Alice appears to be the sister-in-law of Robert son of Godard.

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<sup>70</sup> *Eye*, vol. 1, nos. 145, 146.

Both charters record grants from Gislingham, which would suggest that the witnesses were more likely selected for social and geographic links to the issuers. In Oxfordshire, Agnes of Sibbeford's charter is witnessed by three women: 'Adelardis' wife of Engeram Clement, Agnes's mother, and her daughter. While the last two were kin, Adelard is only connected to Agnes through her husband who shared a surname with Agnes' second husband.<sup>71</sup> In Yorkshire, the wives of Robert de Sproxton, William de Surdevals and Ralf Biset are each listed as witnesses after their husbands, in a charter issued by Beatrix 'uxor quondam Walteri filii Ivonis' to Rievaulx Abbey, with no apparent connection being made between each other.<sup>72</sup> Their placement next to their husbands rather than as a cluster within the clause also suggests that they were present with their husbands, and that their attestation derived from social relationships.

### 3.4 Affidations Witnessed by Women

The strongest evidence that attestation was influenced by gender comes from descriptions of 'affidatio in manu'. Little is known of what an affidavit ceremony actually consisted of. Descriptions suggest that it aimed to secure a grant and involved the issuer placing his or her hands in the hands of the beneficiary or another individual of significant agency and that it was this exchange that the witnesses were present for.<sup>73</sup> Only seven instances of women performing and witnessing affidavit can be identified from the three counties' charters and all come from Yorkshire.<sup>74</sup> A further three charters record possible involvement by women in some ceremony 'in manu', but this is not explicitly stated in the charter.<sup>75</sup> Of the seven clauses where women partook in the ceremony 'in manu' two women perform it with their co-issuer as can be seen in the plural forms used: 'fidem eciam nostram affidavimus ego Fulcherus et prenominata Agnes ...' or 'et fidem nostram

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<sup>71</sup> Sandford, vol. 2, no. 382.

<sup>72</sup> EYC, vol. 2, no. 1249.

<sup>73</sup> Round, *Geoffrey de Mandeville*, Appendix T, pp. 384-7.

<sup>74</sup> EYC, vol. 2, no. 780; EYC, vol. 3, nos. 1697, 1701; EYC, vol. 4, no. 115; EYC, vol. 5, no. 287; EYC, vol. 11, nos. 138, 279.

<sup>75</sup> EYC, vol. 1, no. 218; EYC, vol. 2, no. 901; EYC, vol. 11, no. 218.

affidavimus in manu Umfridi clerici de Hetun’.<sup>76</sup> This can also be seen in the charter issued by Adam son of Elsi de Kneeton which first records the grant and affidation of Adam in the hand of Uctred de Ascrið, a priest.<sup>77</sup> After this the charter records that Mabel, Adam’s wife grants the lands with good will and that they were her dower (‘dote’) as well as stating her own affidation in the hand of the same Uctred. Couples did not always use the same recipient for affidation ceremonies and when Walter de Busc and his wife Edith co-issued their charter, Walter’s affidation was in the hand of Walter de Flamang and Edith’s was in the hand of Diane wife of Walter de Flamang.<sup>78</sup>

Some gendered features can be identified in whose hand affidation was performed. Edith is one of three women who perform affidation ‘in manu’ of a woman.<sup>79</sup> Affidation was rarely recorded in charters and it is possible that it took place in the presence of witnesses more often than what has survived on record. However, affidation remained distinct from witness lists and thus, while the two appear similar in charter language, in reality they were different. Witness lists in charters with affidations tend to differ from other witness lists and both social and gendered elements can be seen in this format of presentation. For example, in Yorkshire Beatrix wife of Peter de Meaux and Emma wife of Walter Dinant’s charters include five women as witnesses that are also presented as a cluster in the clause.<sup>80</sup> The use of clusters of women is particularly notable since seven of the ten women in the two charters co-witnessed with their husbands, fathers, or sons.<sup>81</sup> The separation of women from their male kin, particularly husbands, suggests that the cluster of women performed a very specific duty in relation to the affidation. This seems to have been

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<sup>76</sup> *EYC*, vol. 3, no. 1701; *EYC*, vol. 11, no. 138.

<sup>77</sup> *EYC*, vol. 4, no. 115.

<sup>78</sup> *EYC*, vol. 3, no. 1697.

<sup>79</sup> The other three being Asceria widow of Ansketill de Habbendum who performs it in the hand of Beatrix ‘vicecomitissa’ in *EYC*, vol. 2, no. 780; Beatrix wife of Peter de Meaux who performs hers in the hand of Christiane wife of Benedict de Sculecothesin *EYC*, vol. 11, no. 279; and Emma wife of Walter Dinant who performs affidation in the hand of Raisante wife of William son of Eudo in *EYC*, vol. 5, no. 287.

<sup>80</sup> *EYC*, vol. 5, no. 287; *EYC*, vol. 11, no. 279.

<sup>81</sup> In *EYC*, vol. 11, no. 279 the witness Matilda de Scures was married to the witness Turgis de Bray, another witness named Henry de Scures was most likely Matilda’s relative, perhaps a cousin (*EYC*, vol. 3, no. 1349, p. 67; Keats-Rohan, *Domesday Descendants*, p. 707). Aldeda wife of Thomas de Ruda is also a witness in the charter and so is her son Robert son of Thomas de Ruda. In *EYC*, vol. 5, no. 287 Raisant is the wife of the first witness, and all other women are Raisant and William’s daughters.

determined by their gender since none of the men in the witness list are described as participants in the affidation. However, gender might not have been the only factor when witnessing affidation. Emma wife of Walter Dinant's witnesses were likely selected for their gender as well as for their own social status and place in local society. This is revealed by the women's relationships with their co-witnesses. The first female witness, Raisant, is the wife of the first overall witness, William son of Eudo, and the other four female witnesses are their daughters. William son of Eudo was the lord of Kirkby Wiske and this lordly status is only mentioned as part of the affidation clause rather than next to William's witness. It is therefore likely that the women were selected as witnesses for Emma's affidation because of their gender, their kinship, as well as for their personal tenorial links to Kirkby Wiske. Their participation as witnesses to the grant as well as a ceremony related to oath making does suggest that affidation involved gender specific attestation, but important social factors remained a part of witnessing affidations.

### 3.5 Conclusion

Witnessing was an activity with some gendered elements, but both social and geographical factors were of importance in determining when, for whom, and with whom women witnessed. Women do witness for other women and with other women, but most women witnessed alongside men - kin and non-kin - and with no other female co-witnesses. The strongest gendered elements appear when clusters of women witness, and particularly when this is done for affidation. The unusual nature of these charters has influenced the way scholars have studied these clauses, and as a result conclusions have been drawn on specifically gendered aspects. However, affidation was rarely recorded for either men or women and as such general conclusions about gendered nature of witnessing should not be drawn from it.

Witnessing, even within the context of family, was more about social statements and combining written and oral culture with performative and material culture. Women witnessed as part of a general cohort of male and female co-witnesses. While some female witnesses shared kinship with the issuer or their co-witnesses, most women shared geographical proximity. When women's witnessing is placed in the context of family and

local geography it is possible to see local networks emerging. Women had membership of these networks and the evidence from the witness lists gives a sense of women's presence and involvement with their peers. The overlap between honorial and tenorial witness lists within a region serves as evidence for an important point about local society. Regional contacts were important and were mutually beneficial.

No significant correlation between degrees of kinship and landholding can be established as a determining factor of using women as witnesses. When women witnessed for their kin, their participation is comparable with men who witnessed for kin. Heirs and wives can be found as witnesses in alienations of lands that they had theoretical claim over, but as witnesses they did not automatically become party to the alienation or the grant's long-term security. Personal interest in land was not the primary concern in many cases where women witnessed for their families and as a result, Postle's suggestion that women witnessed for personal interests can only be accepted to some extent.<sup>82</sup> Women witnessed with and for kin and non-kin because of a combination of social and legal reasons that were based on a variable mixture of landholding and family relationships.

Witnessing was an active part of charter production, but did not hold the same legal associations to the alienation as issuing or consenting did. Though some gendered social conventions regarding the performance of grant making can be identified, this is not representative of all women as witnesses. Witness lists also exhibit the importance placed on family, much like consenting to or co-issuing a charter does. Married women can be found as witnesses independent of their husbands, but many witnessed with their husbands or for their husbands. Witnesses were selected from kin and tenorial groups, and within these witnesses kinship and tenorial links overlapped. By perceiving witnessing as a result of not just gender, but also geographical proximity and social relationships, women's witnessing can be placed within a much wider social world of men and women where witnessing was one of many ways that legal agency and social status was expressed.

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<sup>82</sup> Postles, 'Choosing Witnesses', pp. 340-1.

## 4 Women in Government Records

Non-comital women appear in a range of government records. Pipe rolls, *Curia Regis* rolls, and final concords as well as legal cases and royal charters complement and support the evidence in the charter material by showing that women's charter activity is comparable with and represents their actions in other official records. While charters were often produced by local scribes and for local purposes, these other sources in which we find non-comital women are a product of developing central government.<sup>1</sup> As public processes, central records of legal cases and settlements from the exchequer or judicial courts provide essential material for exploring women's agency in jurisdictional issues.

As was noted in the introduction to this thesis, this chapter is not intended as the equivalent of the preceding analysis on charter material. This chapter will begin the contextualisation of the charter evidence through royal documents before the in-depth discussion of social, political and geographic themes takes place in part B. Legal scholarship exists on women, and for this reason, this chapter will be used to demonstrate the breadth of non-comital women's agency through their presence in twelfth-century records. This chapter is also intended to provide supporting material for the charter analysis to show alternative and comparable means of activity, which expressed agency and were available for women.

While many government records survive and do affirm that women were involved in a range of records, this chapter is limited by source survival and is heavily reliant on extant records from the second half of the twelfth century. Pipe rolls become annual after 1155, but the *Curia Regis* rolls, for example, only begin in 1194. Similarly while final concords can be found from the second half of the century onwards, central records of feet of fines only survive from 1199 onwards. Each source category will be addressed separately to see the kinds of claims women are making and how they are presented; themes and approaches in this chapter thus continue to reflect those in chapters one through three.

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<sup>1</sup> Biancalana, 'For Want of Justice', p. 439.



## 4.1 Pipe Rolls

The pipe roll of 1130 and the annual rolls from 1155 onwards provide considerable information for the fines and debts women owed or declared in court. From the entries for Oxfordshire, Suffolk, and Yorkshire it is possible to identify a total of 175 women (Oxfordshire: 37, Suffolk: 73, Yorkshire: 65). Some women appear more than once. In total women appear in 209 cases across the three counties (Oxfordshire: 41, Suffolk: 81, Yorkshire: 87).<sup>2</sup> Although a small county, a noticeably higher number of women appear in Suffolk's pipe rolls. It is possible that this is affected by landholding in Suffolk, the county's proximity to London and the growing central government, court circuits' efficiency, or the attention to detail of the exchequer's officers in the county. Some of these women, such as Juliana de Parles, Emma de Humez, and Matilda de Chesney can also be found as issuers, co-issuers, consentors, or witnesses in the extant charters.<sup>3</sup> An examination and comparison thus suggests that women's activity in pipe rolls corresponds with their charter activity.

Many of the fines women paid in pipe rolls were to confirm their possession of dower lands after the death of their husbands. In Oxfordshire, for example, Annora de St Walery paid a fine of 100 marks in 1197-8 to have her 'rationabili dotem' from Bernard de St Walery's lands in both England and Normandy.<sup>4</sup> Annora's 100 mark dower fine reflects the scale and value of the cross-channel lands and most dowers were smaller English lands and thus fines for them were also smaller.<sup>5</sup> Women were also recorded in relation to their inheritance as well as dowry. Emma daughter of Walter Tusard accounted five marks for her father's inheritance in Suffolk in 1190.<sup>6</sup> That women were considered capable of incurring these debts and that they could pay them off in instalments suggests that women could owe

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<sup>2</sup> NB: this count does not include recurring payments, but simply the initial entry for each debt. Recurrence of debt was noted and, when possible, the year in which the debt was paid in full was also noted

<sup>3</sup> Emma de Humez in *EYC*, vol. 2, nos. 786, 1054; *P.R. 8 Richard I*, p. 58; *P.R. 1 John*, p. 53; Juliana de Parles in *St Frideswide*, vol. 2, nos. 1000, 1004, 1005, 1040, 1041; *Eynsham*, vol. 1, no. 126; *P.R. 1 Richard I*, p. 110; Matilda de Chesney in *Eynsham*, vol. 1, nos. 92, 93; *Oseney*, vol. 4, no. 158; *P.R. 29 Henry II*, p. 103; *P.R. 2 Richard I*, p. 14; *P.R. 8 Richard I*, pp. 71-2.

<sup>4</sup> *P.R. 9 Richard I*, p. 38.

<sup>5</sup> For example, Matilda wife of Reginald de Argenta paid £8 10s 8d for her dower and marriage portion (*P.R. 31 Henry I*, p. 76).

<sup>6</sup> *P.R. 2 Richard I*, p. 102. 'pro habenda hereditate patris suo'. Emma's marital status cannot be determined.

debts to the court and that women's court related finances were treated in a comparable manner to those incurred by men.<sup>7</sup> Women also had access to sufficient resources to pay these fines, at least in part, which would only be possible if women were active in their families' finances.

Occasionally women's pipe roll entries record claims to become their children's guardians. It is likely that these debts had resulted after a claim had been made at court and a decision in favour of the women had been reached. Although guardianship was often granted to male kin widowed mothers could make successful claims. Payments varied in size; Isabel de Clinton paid only 60 shillings for 'sustentationem puerorum suorum', Garsa wife [widow] of Wigan paid more than twice this, a total of 10 marks, for the custody of her son's lands.<sup>8</sup> Control of land significantly increased the debts and, for example, in a Suffolk entry for 1181-2 Agnes de Amundeville paid 60 marks for 'custodia filiorum suorum cum terra sua' while in a Suffolk entry for 1167-8 Avelina de Ria paid £200 for the custody of her son, and in Oxfordshire in 1182-3 Matilda de Chesney owed up to £300 for her right to her lands and the custody of her son's land.<sup>9</sup> Avelina and Matilda's debts are particularly high and are most likely due to their relationships with the court and the value of their estates. Matilda was heiress to William de Chesney, an Oxfordshire magnate who had been pro-Stephen during the 1140s conflict and died during Henry II's reign out of royal favour leaving her with large and valuable estates which were also politically significant.<sup>10</sup> Debts for guardianship could be merged with other debts. Emma 'uxor Ricardi Vetule' paid in two instalments a debt of 15 marks to have the custody of her heirs, for the right to marry who she wanted, and for the custody of her husband's lands.<sup>11</sup> Widows' ability to successfully

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<sup>7</sup> Stephanie L. Mooers, 'Patronage in the Pipe Roll of 1130', *Speculum*, 59 (1984), p. 283.

<sup>8</sup> For Isabel see *P.R. 10 Richard I*, p. 164; and for Garsa see *P.R. 22 Henry II*, p. 122; *P.R. 23 Henry II*, p. 80. 60 shillings = £3. 10 marks = £6 13s 4d.

<sup>9</sup> For Agnes see: *P.R. 28 Henry II*, p. 72; *P.R. 29 Henry II*, p. 12; *P.R. 30 Henry II*, p. 5; *P.R. 31 Henry II*, p. 34; *P.R. 32 Henry II*, p. 60; *P.R. 33 Henry II*, p. 53; for Avelina's first fine see *P.R. 14 Henry II*, p. 29, she appears annually until *P.R. 25 Henry II*, p. 3; for Matilda see *P.R. 29 Henry II*, p. 103, she appears to pay some of the fine annually until *P.R. 4 Richard I*, p. 268, though she is found owing for the same fine as late as *P.R. 10 Richard I*, p. 190. 60 marks = £40.

<sup>10</sup> Amt, *Accession of Henry II*, pp. 51-3.

<sup>11</sup> *P.R. 6 Richard I*, p. 64; *P.R. 7 Richard I*, p. 72.

claim guardianship of their children, lands, and personal autonomy further demonstrates the considerable status non-comital women could hold within their families.

Evidence for women's independence can also be found in the pipe roll debts for their right to remain unmarried or to remarry according to their own will. Henry I's coronation charter from 1100 promised that widows would not have to marry against their will.<sup>12</sup> Similar concerns continued to be expressed in legal treatises throughout the twelfth century and it was also addressed by clause eight of the Magna Carta which suggests that remarriages continued to be an issue.<sup>13</sup> The extent to which widows actually remained unmarried has been contested, but remarriage, whether imposed or involving widows' own agency to a greater or lesser degree, was common.<sup>14</sup> The issue of remarriages was not exclusive to the elite and non-comital widows were also concerned about potential remarriages. In the 1130 pipe roll from Suffolk Wiverona wife [sic. widow] of Everwacer of Ipswich accounted for £4 1m so that she might only take a husband she wished.<sup>15</sup> In the 1198-9 pipe roll Ysabelle de Clinton in Oxfordshire and Helewisa de Wertes in Suffolk paid 30m and 20m respectively for the right to marry who they wished.<sup>16</sup> Non-comital widows had the wealth and the required agency that allowed them to posit some control over their remarriages throughout the twelfth-century.

Pipe roll entries for the right to hold land, have the guardianship of children, or the right to marry according to ones own wishes were all forms of debt. Historians have posited that while being in debt was not ideal, the royal exchequer and court saw debt maintenance

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<sup>12</sup> 'Charter of Liberties 1100', printed in *English Historical Documents: vol. 2, 1042-1189*, ed. David C. Douglas and George W. Greenaway (London: Routledge, 1981, p. 425, clause 4.

<sup>13</sup> Loengard, "Of the Gift of Her Husband", pp. 234-5; J.C. Holt, *Magna Carta: Second edition* (Cambridge: Cambridge University Press, 1992; 2003), clause 8, pp. 452-3; Janet S. Loengard, 'What Did Magna Carta Mean to Widows?', in *Magna Carta and the England of King John*, ed. Janet S. Loengard (Woodbridge, Suffolk: Boydell Press, 2010), pp. 134-50, esp. pp. 134-5.

<sup>14</sup> Loengard, "Of the Gift of Her Husband", p. 237; Green, 'Aristocratic Women', pp. 63, 67; RáGena C. DeAragon, 'Wife, Widow, and Mother: Some comparisons between Eleanor of Aquitaine and Noblewomen of the Anglo-Norman and Angevin World', in *Eleanor of Aquitaine: Lord and Lady*, ed. Bonnie Wheeler and John Carmi Parsons (New York: Palgrave Macmillan, 2003), pp. 97-113, esp. p. 104; Ricketts, *High Ranking Widows*, pp. 140-3, 149.

<sup>15</sup> *P.R. 31 Henry I*, p. 76. NB: Wiverona is described as wife, but as her account shows, she was a widow. Her example is the earliest case from the three counties' pipe rolls of a widow paying for their right to control their remarriage. Wiverona was not necessarily a lesser aristocrat, but as a woman of landholding status, her example does demonstrate that even in 1130 non-comital women were able to pay the court and subsequently determine their own re-marriages.

<sup>16</sup> *P.R. 10 Richard I*, p. 93 'ne maritetum quia vovit castitatem', p. 195 'se maritanda cui voluerit'.

as a form of royal patronage.<sup>17</sup> In 1182-3 Matilda de Chesney of Oxford owed up to 300 marks, or £200, for the right to hold her lands and have custody of her son's lands.<sup>18</sup> By 1192-3, the last year her debt is recorded, Matilda had paid off most of the debt and owed £37 17s 9d.<sup>19</sup> Her debt would have been a significant amount of money for anyone and her ability to continue payments throughout her widowhood shows how much wealth she controlled. Most debts were smaller, but do also exhibit similar ability to control wealth. In the pipe roll for 1176-7 Garsa wife of Wigan rendered an account of 10 marks to have custody of her son, she paid half of this straight away and completed the payment in the 1177-8 roll when she is recorded as quit of the debt.<sup>20</sup> An example of payment over a longer time period comes from Suffolk where the 1181-2 pipe roll recorded Agnes de Amundeville's debt of 60m (£40) for her son's custody and lands.<sup>21</sup> She appears to pay money into the exchequer annually for six years in various increments from as little as 15s in 1186-7 to £9 5s 10d in 1182-3.<sup>22</sup> Smaller debts were often paid off by women and the transactions, whether seen as indebtedness or royal patronage, were between the sheriff who represented the exchequer and the women. Women's debts show that they had access to wealth and were considered able to accumulate and face personal debts rather than relying on male kin or guardians.

As with charters, women also appear with others in pipe rolls and these demonstrate the involvement of women in legal cases. The roll of 1195-6 records William de Liuet and Constance his wife accounting for 100s in Yorkshire in order to have one knight's fee in Rodeham against Ralf de Tilli, Geoffrey de Salcusemare and Geoffrey's wife Matilda.<sup>23</sup> In the Suffolk roll for 1199-1200 Matilda wife of William de Everwic owed one mark with her husband for a writ of *mort d'ancestor*.<sup>24</sup> It is possible that the payment, and the claim itself were grounded in lands that were more closely connected to Matilda's natal family as dowry

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<sup>17</sup> Mooers, 'Patronage', pp. 283, 289.

<sup>18</sup> *P.R. 29 Henry II*, p. 103.

<sup>19</sup> *P.R. 4 Richard I*, p. 268.

<sup>20</sup> *P.R. 22 Henry II*, p. 122; *P.R. 23 Henry II*, p. 80.

<sup>21</sup> *P.R. 28 Henry II*, p. 72.

<sup>22</sup> *P.R. 29 Henry II*, p. 5; *P.R. 30 Henry II*, p. 34; *P.R. 31 Henry II*, p. 60; *P.R. 32 Henry II*, p. 53.

<sup>23</sup> *P.R. 7 Richard I*, p. 92.

<sup>24</sup> *P.R. 1 John*, p. 289, 'pro breve mort d'ancestor'.

or inheritance and the joint action implies that she was required to complete the claim and that it could not be made solely by William. Similarly in the Michaelmas 1199 pipe roll for John, a debt of one mark for ‘licentia concordia’ by Richard Pennard, Matilda his wife, and Aldithe ‘soror eius’ was recorded.<sup>25</sup>

Family debts also involved women and some took over the debts on behalf of their kin or alternatively continued to pay those accrued by their kin. In 1130 Agnes de Belfou from Suffolk accounted for a 35m debt to Henry I’s court because her son had gone against the king and joined with the count of Flanders, Henry I’s nephew.<sup>26</sup> It is telling of Agnes’ contribution to her family’s social reputation that she is responsible for the debt, instead of it being accounted for by male kin. Widows were also prominent in others’ debts and took on those of their spouses. In 1168-9 Deretta de Norwich, under the entry for Suffolk, owed £24 for her husband’s debts.<sup>27</sup> A debt of £24 would have been relatively high and Deretta does not seem to pay the debt in the eight years it is recorded.<sup>28</sup> By taking on her husband’s debt Deretta’s case suggests that widows’ took responsibilities for their spouses’ finances. It is likely that such continuity was based on their involvement during their marriages. Debts owed to the royal exchequer by women for disseised lands, dowers, or marriage portions, and debts that reflected their kin and family’s social reputation show women as active participants in the financial as well as practical running of their households.

Pipe rolls and charters recorded women’s public identity in relation to the claim or grant they were involved in. Women’s debts and pipe roll accounts show the central role women played in their families. This can also be seen in how women are presented in the records. It is possible to see in pipe roll entries that marriage and widowhood were important features of women’s identities: many women who claimed their dowers did so as wives or widows. For example, in the Oxfordshire roll from Michaelmas 1198 Amitia widow of William de Beauchamp accounted for 100 marks for her reasonable dower as ‘Amitia que

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<sup>25</sup> *P.R. 1 John*, p. 283.

<sup>26</sup> *P.R. 31 Henry I*, p. 74. This is likely to be one of her three sons from her first marriage to Ralph de Belfou, Domesday lord of Hockering, Norfolk who died in the early 1120s. Agnes’s second husband Hubert de Ria died sometime before 1127 and their son, Hubert II de Ria (d. c. 1170) would have been too young in 1130. Keats-Rohan, *Domesday Descendants*, pp. 316, 661.

<sup>27</sup> *P.R. 14 Henry II*, p. 17.

<sup>28</sup> *P.R. 15 Henry II*, p. 96; *P.R. 16 Henry II*, p. 5; *P.R. 17 Henry II*, p. 4; *P.R. 18 Henry II*, p. 26; *P.R. 19 Henry II*, p. 121; *P.R. 20 Henry II*, p. 40; *P.R. 21 Henry II*, p. 111.

fuit uxor Willelmi de Bello Campo’.<sup>29</sup> The phrasing implies widowhood and she is indeed paying for debts typically associated with widows; her dower and the right to marry according to her will. Similarly Matilda wife of Reginald d’Argentan, as ‘uxor’, made an account for £8 10s 8d to hold her dower and marriage portion, ‘pro dote et maritagio suo’, in Suffolk in 1131.<sup>30</sup> Many other similar cases can be found which would indeed suggest that marital status was an important identifier when women claimed their dowers. It is arguable that to some extent the use of these forms was due to conventional scribal styles, but the names are reflections of the overall public identity which women had and which is also expressed in their charters.<sup>31</sup> As could be seen in charters, not all pipe roll claims of dower were identifiable through the use of marital status or name. Annora de St Walery of Oxfordshire, for example, paid for ‘rationabili dote sua de terra’ in 1197, but only uses her spouse’s toponymic and is not identifiable by marital status.<sup>32</sup> Furthermore, natal names are also used in debts for dower and ‘Juliana filia Roberti’ recorded a debt of five marks in Michaelmas 1190 to hold ‘dote sua in Schadenesfeld’, Suffolk.<sup>33</sup> Many name formats in the pipe rolls seem to be associated with dower related debt. Pipe roll identities were public statements of women’s identities and can be compared with women’s names in other sources.

Public identity and debts or claim in pipe rolls were not distinct from the identities women might have used elsewhere. This can be best seen in the case of Matilda de Chesney of Oxfordshire who was a wealthy heiress and who used her natal toponym in all her charters.<sup>34</sup> She is also listed with new debts in the pipe rolls of 1182-3, 1190-1, and 1196-7.<sup>35</sup> It is clear that by 1182 she was widowed because she claimed her lands and the custody of her sons.<sup>36</sup> Almost a decade after widowhood she was still accounting for her dower and in 1190 she accounted a debt of one mark for ‘tertia parte’ in Dadinton’: the use of third

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<sup>29</sup> *P.R. 10 Richard I*, p. 195.

<sup>30</sup> *P.R. 31 Henry I*, p. 76.

<sup>31</sup> See Chapter 1, esp. section 1.1 Superscriptions.

<sup>32</sup> *P.R. 9 Richard I*, pp. 38-9.

<sup>33</sup> *P.R. 2 Richard I*, p. 101.

<sup>34</sup> *Oseney*, vol. 4, no. 158; *Eynsham*, vol. 1, nos. 92, 93.

<sup>35</sup> *P.R. 29 Henry II*, p. 103; *P.R. 2 Richard I*, p. 14; *P.R. 8 Richard I*, p. 202.

<sup>36</sup> *P.R. 29 Henry II*, p. 103.

strongly suggesting that this belonged to her dower.<sup>37</sup> Each of her debts identifies her by her natal toponym as ‘Caisneto’ or ‘Chaisneto’ and none make reference to her marital status or spousal identity. It is possible that the scribes simply copied the name, but what is interesting is that Matilda’s toponymic was the most consistently used form in charters and pipe rolls and thus most likely depicted her public identity. Her name and family were source of agency for her. Another example of natal name usage comes from Suffolk where Gunnora’s, by birth de Valoignes and by marriage de Clare, debts and payments were recorded as ‘Gunnora de Valoignis’ in 1194.<sup>38</sup> Many women who appear in pipe rolls cannot be identified in relation to what names they are using or, when relevant, what lands are claimed. It is unlikely that Matilda and Gunnora were exceptional cases although their families and lands are otherwise relatively easily identified.

Other women’s names and lands can also be identified, and for example Alice who was the wife of Simon de Sproxton, Suffolk, and Amitia who was the wife of William de Beauchamp, Oxford, both claimed their reasonable dowers as given by their husbands.<sup>39</sup> However, not all women follow this pattern. In Yorkshire, Agnes de Percy, under her patronymic, owed 110s in the 1194 pipe roll for scutage of fee that her husband had held.<sup>40</sup> In the Suffolk roll from 1178-9 Alice de Warenne appears under her marital toponym when her husband Reginald entered religion and she took on the debts he had claimed for her paternal inheritance of Wormegay.<sup>41</sup> Overall it cannot be said that name used and claim made were dependent on each other. Women could use names that could be seen to assert their claim to land and, for example, women who used spousal names when they had claimed dowers might indeed have done so in order to emphasise their rights. Many of the names in pipe rolls reflected those used in charters issued by women, and it is possible that this also reflected the way women were presented in court when the dowers were being contested. The use of names was on an individual basis and the Oxfordshire heiress Matilda de Chesney, for example, did not rely on her spouse or marital status, but due to her

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<sup>37</sup> *P.R. 2 Richard I*, p. 14.

<sup>38</sup> *P.R. 6 Richard I*, pp. 64-5.

<sup>39</sup> *P.R. 10 Richard I*, pp. 42, 195.

<sup>40</sup> *P.R. 6 Richard I*, p. 163.

<sup>41</sup> *P.R. 25 Henry II*, pp. 2, 4.

family's history with the royal court and her status, relied on her natal toponymic. Women's indebtedness in court did not have to rely on marriage or marital status even if marriage often featured in their debts.

## 4.2 *Curia Regis* Rolls

The *Curia Regis* rolls record claims made in the royal court and begin only in 1194. Clear connections to pipe roll records can be found and, for example, the payment of 35 marks by William de Everwic and his wife Matilda in John's pipe roll of 1199-1200 under Suffolk for a writ of *mort d'ancestor* had been heard in the Michaelmas term and was also recorded in the *Curia Regis* rolls for that year. Their claim, against William son of Anketill, concerned lands in 'Lenna' and was placed by William and Matilda together, although William represented both in court.<sup>42</sup> Reading the sources together helps gather a fuller picture of how actively women could participate and *Curia Regis* rolls can add to our knowledge of pipe rolls when the latter had resulted from legal cases. While *Curia Regis* rolls do not offer the most detail on the settlements themselves, they do present us with insight into outlines of cases at court. Final concords, which will be looked at the next part of this chapter, are also part of the claims process and provide the fullest detail of legal claims and settlements reached.

Most claims in the *Curia Regis* rolls that involved women are made for dowers or dowries. As shown by Amy Livingstone, adult children from women's first marriages often contested women's dowers because any land held by the women could potentially reduce land held by the children.<sup>43</sup> The Suffolk based cases of Robert de Sancroft from 1199 against Robert de Bosco and Eva, his wife, and the 1200 case between Matilda, widow of Geoffrey and Richard son of Henry were based on 'placito dotis', a plea of dower.<sup>44</sup> Women, and their husbands, were aware of the legal rights regarding dower and went into court to claim

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<sup>42</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, ed. Doris May Stenton (4 vols., Selden Society, vols. 67, 68, 83, 84, 1948-67), p. 210, case no. 2356; *CRR Richard I-John (1189-1201)*, p. 220; *P.R. 1 John*, p. 289.

<sup>43</sup> Livingstone, *Out of Love for My Kin*, p. 213; see for example *Pleas before the King or his Justices 1198-1200*, vol. 3, ed. Doris May Stenton (4 vols., Selden Society, vols. 67, 68, 83, 84, 1948-67), nos. 375, 918.

<sup>44</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, nos. 2166, 3090.



them. Women's knowledge, or at least their use, of legal concepts in their claims is contemporary with legal developments described by Joseph Biancalana.<sup>45</sup> In the 1190s Matilda de Bohun, widow of Henry d'Oilly can be found in three cases in Oxfordshire regarding dowers given by her first and second husbands.<sup>46</sup> For the last of these cases the 1200 roll records first that a date was set for it to be heard between Matilda d'Oilly and Ralf son of Wigan and that it had concerned the dower given by her first husband Henry d'Oilly. On the date itself, Matilda was initially represented by her son Henry d'Oilly, however, since none of the litigants appear to have been present a new date was set when Matilda was to be represented by her son Simon or by Geoffrey de Erleg'. The claim made by the case is clearly Matilda's and relied on contemporary legal developments in order to claim her dower which drew as far back as c.1163 when Henry had died. The most likely reason for choosing representation by proxy must have been Matilda's age and she is likely to have been quite old in 1200 as she died around the same time as the case was recorded. Other cases also used contemporary legal developments and after her husband's death, Sarrah de Burgh claimed her dower in Yorkshire in 1199 under *nichil habet* which in effect claimed that she had never received or held her dower as she should have.<sup>47</sup> Joseph Biancalana identified how the earliest known *nichil habet* writs in *Glanvill* coincided with legal developments that also saw dower becoming tenurial and as a result it became a requirement for dower laws to recognise women's rights to it. Sarrah's claim also shows how effective such dower claims could be as she was given the necessary writ from the justiciars to the sheriffs for her dower.<sup>48</sup> Sarrah did indeed receive her dower and three years later in 1202 the pipe roll listed her owing a debt for her right not to remarry.<sup>49</sup> Her ability to remain a widow would have been dependent on her ability to receive her dower which, in her case was made possible through the *Curia Regis* and its writ.

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<sup>45</sup> Biancalana, 'For Want of Justice', p. 534.

<sup>46</sup> *Rotuli Curiae Regis: Rolls and Records of the Court held before the King's Justiciars or Justices*, vol. 1, ed. Francis Palgrave (2 vols., 1835), pp. 20-2; *Feet of Fines of the reign of Henry II and of the first seven years of Richard I, A. D. 1182 to A. D. 1196* (Pipe Roll Society, vol. 17, 1894), p. 99; *Pleas before the King or his Justices 1198-1200*, vol. 1, nos. 3218, 3240.

<sup>47</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 3543.

<sup>48</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 3542.

<sup>49</sup> *P.R. 3 John*, p. 18.

Women could also be engaged in cases of *novel disseisin* or *mort d'ancestor*. In November 1198 a case was brought by Gunnora and Avelina de Windesores against Richard de [...] and Michael son of Oger on account of a *mort d'ancestor* claim in Suffolk.<sup>50</sup> Although the claim is not heard, but is adjourned until January 1199, it is important to note that Gunnora and Avelina are the active party bringing the action to court and are doing so in order to recover their lands. It is likely that, since the two women are making the claim jointly and it was a *mort d'ancestor* claim, the lands were part of their inheritance rather than dower which would have used different terminology.<sup>51</sup> Sometimes, however, the records do not use terminology that would suggest the claim was either dower or inheritance. Paelinus wife of William de Upton's case in Michaelmas term of 1199 against William, a cleric, simply describes that this was regarding 'de placito terre [in Oxford] per Absolonem filium Willelmi'.<sup>52</sup> This record is very brief which could mean that no solution was reached and therefore no further detail was required. However, dowers were contested lands and if the claim was about a dower, it could be expected that specific legal terms would have been used. Women's landholding and whether this relied on dowers and dowries, was not necessarily always described within these terms. Rather than focusing on dowers and dowries, law and courts also focused on other aspects of women's landholding. Contemporary legal developments were utilised in the many dower claims recorded in the *Curia Regis* rolls. Many of the legal cases involving women dealt with dowers and demonstrate women's knowledge and use of contemporary legal developments related to seisin and inheritance.

Women appear in *Curia Regis* rolls as independent parties and alongside others. In Yorkshire in 1199 John de Birking brought a case against Robert de Buellers and his wife Hillary while a case from 1200 was brought to court by a woman, Matilda wife of Hugh son of Lefwin, against another woman, Juetta de Arches.<sup>53</sup> This latter example of women appearing alone as plaintiffs and as defendants demonstrates the significant levels of legal

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<sup>50</sup> *Pleas before the King or his Justices 1198-1200*, vol. 2, ed. Doris May Stenton (4 vols., Selden Society, vols. 67, 68, 83, 84, 1948-67), no. 81.

<sup>51</sup> Milsom, *History of Common Law*, p. 232, 254; Biancalana, 'For Want of Justice', pp. 484-511.

<sup>52</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 2261.

<sup>53</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, nos. 2468, 2854, 2943.

agency women could express. For example, in 1200, Matilda widow of Geoffrey brought to court her claim of dower in Suffolk against Richard son of Henry and also seems to have claimed to hold them from Geoffrey's son Constantine.<sup>54</sup> She is the only plaintiff in the case and is named as 'que fuit uxor Godefridi'. Her status as widow is thus made clear as is the fact that the action being put forward is hers.

Women also made their claims alongside their spouses and it is important to note that these cases fundamentally relied on women's claim and participation. This was the case in Suffolk in 1199 where a claim had been made against Robert de Bosco and his wife Eva by Robert de Sancroft regarding lands which the couple claimed as her dower as given to her by William son of Richard, her first husband.<sup>55</sup> Eva's involvement in the case was necessary as the claim rested on her first marriage. Direct involvement of women can best be seen in the Yorkshire case, briefly mentioned before, which was brought to court by Matilda wife of Hugh son of Lefwin against Juetta de Arches. Neither Matilda as plaintiff nor Juetta as defendant are represented by men.<sup>56</sup> The case occurs in 1200 when Juetta and Matilda are both widows.<sup>57</sup> Matilda's brother in-law Gerard son of Lefwin held land in Usegate, York, from Juetta de Arches forming a tenancy based link between the two families.<sup>58</sup> Although Gerard might have been alive at the time of the claim, it is possible that Matilda's action was related to other similar holdings and claims. While it is not suggested in the records, it is possible that the claim was for Matilda's dower. These cases relied on women's claims being legitimate and true. The cases were dependent on the women themselves and provided women with practical agency and the ability to present themselves at court.

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<sup>54</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 3090.

<sup>55</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 2166.

<sup>56</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, nos. 2854, 2943.

<sup>57</sup> Juetta's husband died c.1196 and Matilda's husband appears in a *pro anima* clause in a charter issued by his brother Gerard son of Lefwin c.1190-1210 (*EYC*, vol. 1, no. 245) which Gerard issued to give his body for burial at Byland. The *pro anima* clause is intended to benefit his father and his brother Hugh. The purpose of the grant for burial and the *pro anima* clause suggests that Hugh would have been dead by the charter's issue. It is thus reasonable to argue that Matilda was a widow in 1200 when the claim was made.

<sup>58</sup> *EYC*, vol. 1, no. 335. Other lands in Yorkshire that were held by Lefwin's sons can also be identified. Walter son of Lefwin, presumably the same Lefwin and the other men's brother, held land in the Arches fee by grant of Henry de Beningborough, *EYC*, vol. 1, no. 550.

Women were also represented ‘pone loco suo’, by proxy, in court. It should be noted that representation by proxy was not limited to women. Men used proxy for their own cases and proxies were also used by couples rather than women alone and in 1201 Jordan de Brakenberg from Yorkshire was named as being ‘positus loco’ for both Geoffrey de Sauzusemar and Matilda his wife.<sup>59</sup> Women’s proxies were usually husbands and when Agnes wife of Roger, also from Yorkshire, brought a case to court against Gilbert de Straton and his wife Alice, Gilbert attended on behalf of both him and his wife.<sup>60</sup> Acting as proxy was not limited to spouses and other men act as women’s proxies. In Yorkshire, for example, Gilbert de Aquila and his wife both brought cases against Roger the constable of Chester in 1200 although these appear to be recorded in the same *Curia Regis* roll entry.<sup>61</sup> However, the cases seem to have been treated separately at court and while Gilbert represented himself, his wife is represented by Richard de Esset who is not described as kin to either. When proxies were used by women, this might not have been because gender limited presence at court and instead other practical reasons should be considered. For example, it might be more convenient that, instead of both husband and wife having to travel to court, only one of them would travel leaving the other to attend to the family’s other interests. If we can read spousal representation in court in this light, the use of proxies is suggestive of far wider involvement by women in wealth management and family relationships.

Records of court cases involving women often depict them as active or necessary participants in the case. Widowhood and dower claims are commonly found in *Curia Regis* rolls, but they were not the only times women could bring a suit to court or be brought to court. Women appear as wives alongside their husbands, sometimes by proxy, sometimes not. Women also represented themselves in court without proxies and appear responsible for their landholding. The range and variety of women in court rolls corresponds to what we have seen in charters and they also enrich the evidence by showing women as participants in litigation. To see how agreements involving women took shape and how women participated in the process of settlement this chapter will now look at final concords.

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<sup>59</sup> *Pleas before the King or his Justices 1198-1200*, vol. 3, no. 101.

<sup>60</sup> *Pleas before the King or his Justices 1198-1200*, vol. 3, no. 106.

<sup>61</sup> *Pleas before the King or his Justices 1198-1200*, vol. 1, no. 3246.

### 4.3 Final Concords

Financial settlements, recorded in final concords, are the best source to see women's practical involvement in legal cases. While pipe rolls and *Curia Regis* rolls summarise women's claims and show that these were indeed addressed in royal court, they rarely include details of the process beyond whether it was heard or not, and whether the plea had been a success or not. Final concords, recording settlement and fines claimed or paid by women against lay or clerical parties include these details and as a result they provide important insight into what types of disputes women were involved in and how women are represented in these sources. Many final concords have been recorded in religious cartularies, which might explain the high rate of survival of final concords and disputes involving monastic houses.<sup>62</sup> It is possible that the church was particularly keen to establish its claims and therefore it is likely that more final concords of these settlements have survived. Final concords from the Abbey of Bury St Edmunds, that have been published in the *Pinchbeck Register* or in D. C. Douglas' *Feudal Documents from the Abbey of Bury St Edmunds* are the best examples of how a monastic house sought its rights against laity and how this has affected the survival of final concords. Many of the final concords between laity and church suggest that the church was often victorious in its claims.<sup>63</sup> Records between women and other secular parties have also survived. This is important to note as it shows that women's claims and legal settlements were not limited to monastic houses.

In each of the three counties women can be identified as independent participants in final concords. In Oxford, for example a final concord settled a dispute between the Knights Templars and Margaret de Tayden while in Suffolk the Hospital of St Peter of Bury St Edmunds settled a case with Adelina daughter of Richard, and at a different time with

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<sup>62</sup> For example, a number of final concords involving the Abbey of Bury St Edmunds are recorded in the *Pinchbeck Register* and by D. C. Douglas in *Feudal Documents from the Abbey of Bury St Edmunds*. Bury St Edmunds was clearly a highly litigious house and keen to establish its lands through legal action if necessary.

<sup>63</sup> For example, *Stoke-by-Clare*, vol. 1, nos. 18, 20; *Sibton*, vol. 3, no. 488; *Charters of the Medieval Hospitals of Bury St Edmunds*, ed. Christopher Harper-Bill (Suffolk, Record Society, vol. 14, 1994), no. 170; Pyncebeck, Walter, *The Pinchbeck Register: Relating to the Abbey of Bury St Edmunds*, vol. 1, ed. Francis Hervey (2 vols., 1925), p. 429.

Isabelle daughter of Walter Gochep.<sup>64</sup> In Yorkshire, three final concords involving Agnes de Percy have survived.<sup>65</sup> In each case listed above, the final concord does not record any other representatives for the women suggesting that they were active in the settlement process and during the final agreement. Final concords record that they are made at court and in the presence of the king's justiciars which again demonstrates women's ability to represent themselves. These examples thus suggest that the court and assize sessions were attended by men and women in comparable legal capacity.

Women were able to stand in court and manage their own claims. Isabella daughter of Walter's final concord with the Hospital of St Peter of Bury St Edmunds is indicative of such personal agency in legal cases.<sup>66</sup> She appears to be the only defendant named when her case is settled with master Abraham and the brethren of the hospital. The final concord records that, as settlement, Isabella had granted lands to the brethren of the hospital who, in recognition of this, had given her 5s. Throughout the final concord Isabella is described as acting in her own right. What is also interesting about this case is that, while most final concords describe how they are made in 'curia domini regis', Isabella's final concord was made 'in pleno portmaneniot', in full portmanmoot, of the town of Bury St Edmunds.<sup>67</sup> This detail is significant because it affects how Isabella's agency at court should be read. A portmanmoot would have been attended by major dignitaries and officials from the town of Bury St Edmunds and it would have been an important local event. Isabella had the full capacity to settle her dispute with the hospital at a significant local event. Furthermore, the final concord does not indicate what Isabella's marital status might have been and she is only ever referred to as daughter of Walter Gochep. Had her marital status been a significant factor for her legal agency or her ability and capacity to act in front of the portmanmoot, we should expect this to have been recorded. The absence of her marital status from the final concord indicates that much like charter issuing, women's agency did not necessarily depend on marital status.

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<sup>64</sup> *Sandford*, vol. 2, no. 327; *Hospitals of Bury St Edmunds*, nos. 126, 170.

<sup>65</sup> *EYC*, vol. 11, nos. 72, 74, 79.

<sup>66</sup> *Hospitals of Bury St Edmunds*, no. 126.

<sup>67</sup> Final concords usually record that they were heard 'in curia domini regis' e.g. *EYC*, vol. 2, no. 1220; *EYC*, vol. 11, no. 72.

The three final concords from Yorkshire which can be identified as involving Agnes de Percy's participation can shed more light on the range of actions undertaken by women.<sup>68</sup> Agnes' two final concords from 1182 record her as defendant against Richard de Newby and as plaintiff against her nephew William de Percy.<sup>69</sup> In both cases Agnes receives the lands or secures compensation until the lands were to revert to her. Her agreement to provide her nephew with a spouse illustrates how she was also involved in her family beyond its finances or landholding. In her third final concord she is acting with Sibyl de Valoignes, her step-mother and her father's widow.<sup>70</sup> The women's claim to the advowson of 'Lecofield' church is successful and Robert, the provost of the church, agrees to an annual payment of 8s and also that future rectors of the church would be admitted by the presentation of Sybil, Agnes, and the latter's heirs. In the course of three final concords Agnes covers a variety of legal roles as co-plaintiff, sole plaintiff and sole defendant. She is in court against claims made by ecclesiastical parties and secular parties, kin and not. Agnes also seems to be successful with her settlements and is in receipt of something in each case. This can be compared with other women in court, such as Isabelle daughter of Walter Gochep and how, if they lost or quitclaimed their claim, women were often compensated for it. Agnes was active in a range of forums; she issued eight charters independently, three with others, gave consent to at least one charter issued by her husband Jocelin of Louvain, and appears in nine pipe roll debts.<sup>71</sup> The final concords fall within the same time period as her charters suggesting that not only was Agnes an active patron of abbeys like Sallay, Byland, Fountains, and Whitby, or smaller priories like Stixwould, she was also involved in legal disputes. Her agency in her monastic patronage and the settlements reached at court would have affected lay affairs and landholding.<sup>72</sup> Women, like men, received recognition of their claims and, as a sign of their legal status and ability to maintain wealth, if women lost

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<sup>68</sup> *EYC*, vol. 11, nos. 72, 74, 79.

<sup>69</sup> *EYC*, vol. 11, nos. 72, 74.

<sup>70</sup> *EYC*, vol. 11, no. 79.

<sup>71</sup> Issued independently: *EYC*, vol. 1, no. 231; *EYC*, vol. 11, nos. 73, 75, 77, 78, 80, 84, 286; issued with co-issuers: *EYC*, vol. 11, nos. 69, 70, 287; consentor in charter issued by Jocelin: *EYC*, vol. 11, no. 68. Also in the following pipe rolls: *P.R. 6 Richard I*, pp. 162-3; *P.R. 7 Richard I*, p. 85; *P.R. 8 Richard I*, pp. 174-5, 184, 186; *P.R. 10 Richard I*, p. 42; *P.R. 1 John*, p. 54.

<sup>72</sup> *EYC*, vol. 1, no. 231; *EYC*, vol. 11, nos. 73, 75, 77, 78, 80, 286.

their claims they were usually not left without some compensation that was often financial in nature.

As well as appearing in final concords alone or with their husbands, women's other family can also be identified as participants in disputes and settlements. In some cases co-participants also acted 'positum loco', as proxies, in the same way as was seen in the *Curia Regis* rolls. Proxies in final concords were used by both men and women and so, when Jordan son of Essolf and his son Richard were taken to court in Yorkshire by Richard Tonga, Jordan represented both himself and his son using the same 'positum loco' format as any final concord that involved women.<sup>73</sup>

The final concord evidence of husbands as proxies shows that both spouses remained important despite only one attending court. In October 1199 Milo de Fretewell and his wife Milisent came to an agreement with Eynsham Abbey over a fourth part of knight's fee in 'Wdhetona'.<sup>74</sup> The final concord records Milisent's participation through her husband as 'ipsum Milonem positum loco predictae Milessende' which means that she was absent from court, but was still considered one of the main participants in the claim. The couple's suit was unsuccessful and although only Milo was present, the resulting quitclaim is recorded as being made by Milo and Milessende both.<sup>75</sup> Milessende's absence from the settlement does not suggest that she was irrelevant or overlooked in the final concord and in fact she is still very much an active participant. In a similar case in Suffolk, Hugh de Boughton represented both him and his wife Basilia as plaintiffs in a case against the Priory of Stoke-by-Clare in which the ensuing quitclaim by Hugh and Basilia is described using plural terms as being made by both despite Basilia's physical absence at court.<sup>76</sup> Spousal proxy does not suggest legal supremacy of the husband. The spousal unit could rely on the presence of one party while their actions remained joint.

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<sup>73</sup> *EYC*, vol. 3, no. 1767.

<sup>74</sup> *Eynsham*, vol. 1, no. 179.

<sup>75</sup> The claim is not entirely unsuccessful and Milo and Milisent receive one hide of land in Fretewelle from the abbey and its abbot. The land was held by William 'clericus de Sultorne'. The couple are then to hold it of the church of Sultorne in free service and pay 1 pound of pepper yearly.

<sup>76</sup> *Stoke-by-Clare*, vol. 1, no. 18.



Representation by proxy was not limited to husbands or sons, but could also be done by men unrelated to the women. A case from Yorkshire between Cecilia de Nordictun and Agatha Trussebut is an excellent example of this and shows the extent of women's public agency and management of households. The case was over Agatha's claim in 'Neuhusum', Temple Newsam.<sup>77</sup> While Cecilia seems to be representing herself, Agatha has sent her seneschal Bernard to court – 'per Bernardum Senescallum suum positum loco suo'.<sup>78</sup> The identification of the seneschal as Agatha's rather than as her husband's or son's suggests that the lord-vassal relationship was recognised between her and Bernard. This case of 'positum loco' representation is therefore strong evidence of female agency that allowed women to attend court in their own right and agency to be identified, and presumably act, as lord to a seneschal, a point which will be returned to in chapter seven. Agatha's use of a representative in court rather than attending in person might be due to a number of reasons. It is possible that she simply had no opportunity to attend and had to send Bernard on her behalf, but it is also possible that she did not consider the case significant enough, or that she expected to lose her claim. This final option is supported by the final settlement itself which sees Agnes losing and quitclaiming her right. The document is relatively short which might mean that it was not a complex case. After the quitclaim the record only adds that Cecilia gave Agatha 20 marks silver in recognition for it. This compensated Agatha's loss, but also helped secure the transaction on behalf of both parties. The brevity of the source and the use of representation suggest that Agatha anticipated or possibly knew she would end up making a quitclaim. By using a representative, she could be of more benefit elsewhere.

When read as part of the whole settlement, women's involvement, even through the use of proxies, has implications on women's agency in landholding. This is particularly clear in the focus placed on legitimacy of heirs born of women's bodies. When William de Huntingfield and his wife Isabella were taken to court by the Abbey of Bury St Edmunds in 1195-6 the final concord records that 'Willelmus positum loco uxoris sue ad lucrandum

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<sup>77</sup> William Brown, 'Pedes Finium Ebor. Tempore Ricardi Primi', *Yorkshire Archaeological Journal*, 11 (1891), pp. 174-89, esp. p. 183.

<sup>78</sup> Brown, 'Pedes Finium Ebor.', p. 183.

vel’.<sup>79</sup> Although Isabella was absent from the event, the final decision and quitclaim involves both, ‘quod idem Willelmus et Isabella uxor eius quietum clamauerunt’. Both of these statements are remarkably similar with the cases already discussed. However, this final concord also emphasises that Isabella’s physical absence did not affect her relevance to the resolution by referring to her heirs three times as conditions of the settlement. Isabella’s heirs, ‘heredibus eiusdem Jsabelle [sic]’, are included as quitclaimants, as recipients of the abbey’s re-grant of the contested village to the couple for an annual rent, and they are also listed after William and Isabella as responsible parties to the specific conditions that must be met with the village. Although she was absent from court, as indeed were her heirs, Isabella retained direct relevance to the final concord and the settlement process. It is possible that these lands were part of her inheritance, or dowry, which would explain why the focus is on her and her heirs. Women’s personal and direct claims to lands and role as wives, mothers, and landholders within the family gave them significant importance in court cases. This legal agency meant that even if they were absent at court women’s claims would not be overlooked in the process and could play a considerable part in the outcome.

Women also appeared alongside their kin and family in what appears to have been an active capacity. One example of this comes from Oxford and shows how family units did not need to have male participants. In 1181 Oseney Abbey brought a case to court against Eda and Wimarc daughters of Robert le Norreis over a virgate of lands which the sisters had claimed from the abbots.<sup>80</sup> After the court hearing, Eda and Wimarc agree to a quitclaim in return for 16s as recognition from the monks. Similarly it was earlier mentioned how, in Yorkshire, Agnes de Percy and her widowed step-mother Sibyl, with no apparent involvement or representation by their male kin, reached an agreement regarding the advowson of a church of Leconfield and secured themselves the right to present the church’s rectors.<sup>81</sup> In both cases female kinship as the relationship between participants in a court agreement recorded in final concords. Although sisters Eda and Wimarc lost their claim to Oseney, this was not due to their gender. Oseney was a major abbey in the region

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<sup>79</sup> *Pinchbeck*, vol. 1, p. 429.

<sup>80</sup> *Oseney*, vol. 5, no. 589.

<sup>81</sup> *EYC*, vol. 11, no. 79.

and this status would have helped their claim. These cases also show how social elements of female kinship, rather than landholding by both women, could be part of women's claims. Sibyl and Agnes were not related by blood and if the lands were Sibyl's dower it is unlikely that Agnes would have been involved in the settlement to the extent that she was. Agnes' participation is therefore unlikely to have been a result of specific gender related landholding, but part of the family's general wealth and land management. In both cases the women's claims and ability to act as defendants are clearly considered legitimate. Both cases show how a religious institution as plaintiff and the court as the platform for the dispute openly recognised women's ability to inherit and that landholding by women was part of complex landholding patterns and claims. By addressing two parties with claims to lands the monastic houses sought to ensure the dispute would not be brought back to court by possible heirs, or in this case heiresses.

Heirs and heiresses participated in court cases, but the primary action was not necessarily in relation to them, but their parents. When the Priory of St Frideswide in Oxford agreed to a final concord over lands in Rollright with Juliana de Parles, her son Walter was a co-participant to the agreement.<sup>82</sup> The priory recognised Juliana and Walter's claim and the mother-son pair quitclaimed other lands to St Frideswide in return for this. St Frideswide recognised the claim as being relevant to both Juliana and Walter and thus the subsequent quitclaim is made by both mother and son. Juliana had significant personal agency in the grant and her agency in the case was not entirely dependent on joint action with her son. Indeed, the lands Juliana and Walter eventually quitclaimed were held from them by Alricus who owed forinsec services to Juliana and her heirs, 'faciendo inde forense servitium predictae I[uliana] et heredibus suis'. By focusing on Juliana as the recipient of income the statement is suggestive that at the time of the final concord, she was seen as the primary claimant and holder of the lands. Walter had yet to inherit and was only anticipated as the heir. The final concord suggests that Juliana was present and with significant role in the legal process through landholding and services owed in her name.

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<sup>82</sup> *St Frideswide*, vol. 2, no. 1001.

## 4.4 Royal Documents

Evidence for women's presence in legal cases throughout the twelfth century exists beyond final concords or *Curia Regis* rolls. Henry I, for example, issued a notification of an agreement reached in his court between Wascelina and Ulviva in 1107-16 over Wascelina's lawful inheritance.<sup>83</sup> Similarly in 1121-9 Henry I also issued a notification to 'all his barons ... French and English, of Norfolk and Suffolk' that he had reconciled a dispute between bishop Everard of Norwich and Avelina de Hesdin which resulted in Avelina successfully claiming the land as her dower.<sup>84</sup> Women's participation in legal proceedings occurred from the early years of the twelfth century on and from the second half of the century onwards, as legal approaches to *mort d'ancestor* and dower *nichil habet* developed, women began to use new legal developments for their own benefit. Litigation involving women was not new in the twelfth century and in 1086 The Little Domesday Book records a court case from Bramerton in Henstead Hundred in Suffolk regarding lands that used to be Earl Ralph's, but were now Roger Bigod's and held by Roger's man Aitard. The case is heard at hundred court and the key testimony as to the land's past is given by a freewoman who had held the lands of Earl Ralph.<sup>85</sup> Women's landholding was a way into participation in legal cases and this was continued into and acknowledged by the highest levels of twelfth-century jurisdiction.

Although women are found in royal documents and early legal cases they are, unsurprisingly, not common and most references to women are made as past landholders or grantors. For example, in 1107 Henry I issued a precept to confirm that the abbess and nuns of Romsey were to hold the lands which Stephen Fitz Arard had given them along with his daughter.<sup>86</sup> Women can also be found as one of many past grantors in royal confirmations which could list numerous secular grants of which women's grants only accounted for a few. Some confirmations, however, were more detailed and in 1154 Henry II confirmed the gift of Cameley Abbey in Somerset to Bath Abbey as it had been given by Beatrix mother of

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<sup>83</sup> *English Lawsuits from William I to Richard I*, vol. 1, ed. R. C. Caenegem (2 vols., Selden Society, vols. 106-7, 1990-1), no. 200.

<sup>84</sup> *English Lawsuits*, vol. 1, no. 263.

<sup>85</sup> *English Lawsuits*, vol. 1, no. 120; *Domesday Book*, ed. Ann Williams and G. H. Martin, (London: Penguin, 1992; pb reprint 2003), p. 1183

<sup>86</sup> *Regesta*, vol. 2, no. 811.

Alexander de Alno, Alexander himself, and his brothers and subsequently confirmed by William Earl of Gloucester.<sup>87</sup> Confirmation at comital and royal levels indicates that non-comital women's grants could be acknowledged beyond local platforms. Women's alienations should, therefore, be seen in terms of social agency with significant levels of social recognition. In general, however, only a handful of references to non-comital women can be found in the *Regesta Regum Anglo-Normannorum*. Milicent wife of Richard de Camville, for example, is the subject of an 1154 confirmation charter issued by the future Henry II, as duke, of Milicent's right to Stanton Harcourt.<sup>88</sup> The most noteworthy references in royal documents to a non-comital woman are to Alice wife of Roger Bigot. She is the recipient of charters in 1126 and c.1136-40 from Henry I and Stephen ordering her to return to the monks of Belvoir their tithe at Bradley which her father Robert de Tosni had given them.<sup>89</sup> Alice was clearly not keen to release the tithe and the issue was also addressed in Stephen's writ to the Bishop of Norwich instructing him to see that the monks get their tithe.<sup>90</sup> Alice's resistance to the royal order shows that women, as much as men, could claim lands and attempt to hold the land according to their own wishes, even against a royal writ. Those who can be found in royal records are likely to have been unusual cases and most non-comital women do not feature in royal documents, even if they were otherwise able to present their debts to the royal exchequer or were involved in court cases.

## 4.5 Conclusion

The evidence for non-comital women in twelfth-century government and official documents is a complex topic to cover in a single chapter. This is largely due to the widespread evidence and the tendency for the material to survive from the final quarter of the twelfth century. As a result, the material provides at best fragmentary conclusions. However, the evidence and what it suggests is of importance and portrays non-comital women as active participants and claimants. Comparing this with the extensive charter

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<sup>87</sup> *Regesta*, vol. 3, no. 49.

<sup>88</sup> *Regesta*, vol. 3, no. 140.

<sup>89</sup> *Regesta*, vol. 2, no. 1458; *Regesta*, vol. 3, no. 82.

<sup>90</sup> *Regesta*, vol. 3, no. 83.

material it becomes clear that women's activity and agency was not limited to one or two social forums. The few sources that pre-date Henry II's legal developments and the increasingly centralised government records suggests that women's involvement in legal disputes was not a result of these changes, but that women had been active participants in disputes and settlements since the first half of the twelfth century. Final concords, *Curia Regis* rolls and pipe rolls can be summed in three main conclusions, all of which can be tied to and support the conclusions drawn in women's charters.

Firstly, women's ability to make claims in each type of source suggests women had personal agency in matters that affected them. In pipe rolls, women account for debts relating to their lands, guardianship of their children, or their right to influence who they married, if they remarried at all. Similarly, agency is demonstrated by *Curia Regis* rolls or other royal documents where it is possible to identify women who are able to pay their fines, debts, or participate in the settlements relating to these disputes. Women's ability to act as plaintiffs and defendants in court suggests that they were active participants in legal disputes and sought out justice for claims when they thought this was reasonable and legal. When they did so, women used contemporary legal concepts of landholding and inheritance to justify their claims illustrating an awareness of developments such as *mort d'ancestor* or dower *nichil habet*.

Secondly, these claims took place in public where women represented themselves in manners similar to men. Final concords and court rolls were recorded from assizes which were held periodically and, although often in major urban centres, their location could vary. By making their grievances and claims publicly known in front of the king's justiciars, women openly practised their legal agency. Pipe rolls, although not records of public courts in the same sense as final concords or charters, do make a comparable public statement of right to land and legal status. Purchasing the right to remain unmarried, to manage lands, or the right of guardianship over children, were public statements about women's ability and right to do so. The open and official nature of these exchanges and settlements suggests that women were active individuals in their local societies and that, if necessary, this could extend to local assize courts and in some cases even royal charters. Women represented themselves and many were also represented by kin or vassals acting as proxy for them. The

use of proxies, however, did not detract from women's agency and the claims still relied on the legitimacy of women's claims.

Thirdly, the claims made by women, alone, with others, or through proxy, were made in relation to them and in terms of their rights. Final concords and pipe rolls, for example, often deal with dower claims which women claim as theirs, 'meo'. This is particularly significant in terms of women's landholding as it gives women access to lands and is mirrored in the language used in charters issued by women, but also because it describes women's legal agency in relation to these lands. When women sought their dowers, the lands were sometimes described as given to them by their husbands. Dower claims do not describe the lands as joint holdings or as lands held by husbands. Ultimately the documents describe women's right to land as theirs. Spouses or other male kin and guardians were theoretically in control, but legal cases and government records from the second half of the twelfth century suggest that in practice the situation was different. Inheritance of land was described as women's and this could be inherited by heirs of the women's bodies.

Looking ahead to Part B, one final point must be made regarding women, charters, and government records. Primary sources involving women show them to have been significant participants in their families with an interest in their families' wealth. If a widow successfully claimed a sizable dower, her heirs or other claimants were potentially left without some of the lands they might have otherwise expected to receive. An heir could not afford to lose too much of their inheritance at any one time, particularly to a widow who could further alienate the properties to her other children, tenants, or religious houses. Landholding thus did shape women's kin groups and was intrinsically tied to social relationships. Women did not derive their agency only from land and social and legal agency was also derived from relationships within and outwith family. Women's landholding was part of the relationships they had with their families and local society and it is their families and relationships, rather than landholding alone, that shaped women's social presence and agency.

# Part B - Social Contexts of Non-comital Women's

## Charters

Part A focused primarily on a technical analysis of women's participation in charters. Women were active participants in charter culture as evidenced by their presence in the documents and the agency these documents portray in women's status, property interests, family, and identity. Part B uses this material to develop our understanding of women's place in wider society in their families and local communities. Historiography in this field, included in the introduction, is largely focused on comital women and the status of widowhood, applying generalised conclusions on this material to all aristocratic women.<sup>1</sup> Although the next three chapters roughly address private family and public society separately it is fundamental to recognise the overlap of private and public in medieval society.<sup>2</sup> Kimberly LoPrete has argued that for twelfth-century France a division into public and private spheres is not useful and that what is thought of as private, such as the family, was also part of the public world of the Middle Ages.<sup>3</sup> Using this model for the English non-comital aristocracy will allow for a better understanding of the social context of non-comital women's actions. Another theoretical approach of value is Marcel Mauss' gift theory which argues for reciprocity in gifts and thus gives the framework of social conventions for exchanges of goods and services as recorded in charters.<sup>4</sup> The formal division of private and public is present in so far as to divide the chapters. Chapter five will focus on family and kinship and the various ways women participated in the development and maintenance of

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<sup>1</sup> See introduction. For some of the scholarship on women see: Owens, 'Noblewomen', Johns, *Noblewomen*; Ward, *Women in England*; Ricketts, *High Ranking Widows*; Green, 'Duchesses of Normandy'.

<sup>2</sup> Nelson, 'The Problematic in the Private', pp. 363-4. Nelson highlights this contradiction of modern terms in relation to medieval life. This is further argued by Kimberly LoPrete and Sarah Rees Jones. See LoPrete, 'Public' aspects', p. 157; Rees Jones, 'Public and Private', pp. 251-2.

<sup>3</sup> LoPrete, 'Public' aspects', p. 149.

<sup>4</sup> Mauss, *The Gift*, p. 11.



their families and their identities. Chapter six looks outward to what is traditionally considered the wider public sphere by looking at non-comital women's agency in gift-economy through the evidence for countergifts and *gersuma*. Chapter seven builds upon this to explore the wider connotations of women's social networks and relationships within and outwith family. By addressing the networks drawn from and maintained by women's relationships chapter seven will explore the role women held in society on their own and as members of their families in relation to marriages, lord-vassal relationships, and religious patronage.

## 5 Non-comital Women and Family

By utilising charter evidence, especially *pro anima* clauses, this chapter will try to re-construct how women saw their families and how this compares with men's views of the same.<sup>1</sup> It can be argued that *pro anima* clauses can depict how the issuer wished his or her family to be recorded. Women's influence on family identity and families' wealth and kinships networks will be discussed in the second half of this chapter. Non-comital women included a wide variety of individuals in their documents and this allows us to suggest that they had a broad definition of family. This view on family gave women agency to shape their marital families and the broader society around them.

### 5.1 The Definition of Family

Research into twelfth-century families and women has often focused on the politics of marriage.<sup>2</sup> It emphasises that marriage was a key geo-political strategy which could help develop states and settle disputes. This focus on the strategic importance of family to local and national politics has been, to some extent, the result of looking at family as governed by male preference primogeniture which often defined daughters as important tools, but ultimately as secondary to eldest sons.<sup>3</sup> However, views on the family have changed and Anglo-Norman family histories are an important aid to understanding developments and strategies in Anglo-Norman families.<sup>4</sup> Views on male preference primogeniture have also

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<sup>1</sup> John S. Moore, 'Inside the Anglo-Norman Family: Love, Marriage, and the Family; R. Allen Brown Memorial Lecture', *ANS*, 28 (2005), pp. 1-18, esp. p. 2.

<sup>2</sup> Sidney Painter, 'The Family and the Feudal System in Twelfth Century England', *Speculum*, 35 (1960), pp. 1-16, esp. p. 4; Charlotte A. Newman, 'Family and Royal Favor in Henry I's England', *Albion*, 14 (1982), pp. 292-36, esp. p. 294; Victoria Chandler, 'Family Histories: An Aid in the Study of the Anglo-Norman Aristocracy', *MP*, 6 (1985), pp. 1-24, esp. p. 1; DeAragon, 'In Pursuit of Aristocratic Women', pp. 261-3; Searle, 'Women and the Legitimation', pp. 159-61; Napran, 'Marriage Contracts', pp. 117-32.

<sup>3</sup> McNamara and Wemple, 'Power of Women', p. 96; Duby, *The Chivalrous Society*, p. 74; McNamara, 'Women and Power', p. 23.

<sup>4</sup> Chandler, 'Family Histories', p. 1.

shifted and it is no longer considered to have been set practice in twelfth-century England.<sup>5</sup> John Moore has argued that relationship in Anglo-Norman families were loving and caring.<sup>6</sup> While he is not wrong to assume that relationships did indeed include emotion and acknowledges the potential of *pro anima* clauses to explore these relationships, Moore relies heavily on chronicles and literary evidence.<sup>7</sup> More recently David Crouch and Clare de Trafford have also shown that both younger and illegitimate children remained part of their families and that they were not forgotten.<sup>8</sup> Amy Livingstone's work on French aristocratic families also shows breadth and dynamic definitions of family and gives weight to the roles played by younger children and women.<sup>9</sup> Their findings give impetus to revisit how families were defined and how family relationships functioned.

While historians no longer assume that inheritance followed male primogeniture, discussion of women's place in family is often still considered within traditional remits. Jo Ann McNamara, for example, is keen to retain an emphasis on the limits faced by women.<sup>10</sup> Even those who argue for power and agency limit their conclusions by marital status.<sup>11</sup> Although marital status and inheritance are factors that need addressing in terms of women's experiences in their families, this chapter will suggest that other factors, such as families and relationships, should be taken into consideration. Much work has suggested that, upon marriage, women became members of their husbands' families, but the evidence from the charters suggests that the role of natal families will also need to be addressed.<sup>12</sup> The spiritual benefits bestowed by non-comital men and women onto their families reveal interesting patterns which open up the discussion to the role of personal relationships.

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<sup>5</sup> Painter, 'The Family and the Feudal System', p. 11; RáGena C. DeAragon, 'The Growth of Secure Inheritance in Anglo-Norman England', *JMH*, 3 (1982), pp. 381-91, esp. p. 383; Ricketts, *High Ranking Widows*, p. 85; Johns, *Noblewomen*, pp. 4-5; Holt, 'The Heiress and the Alien', pp. 3-5.

<sup>6</sup> Moore, 'Anglo-Norman Family', pp. 10, 17.

<sup>7</sup> Moore, 'Anglo-Norman Family', pp. 2, 6.

<sup>8</sup> David Crouch and Claire de Trafford, 'The Forgotten Family in Twelfth-Century England', *HSJ*, 13 (2004), pp. 41-63, esp. pp. 49-51; 61.

<sup>9</sup> Livingstone, *Out of Love for My Kin*, pp. 27-8.

<sup>10</sup> McNamara and Wemple, 'Power of Women', p. 95; McNamara, 'Women and Power', pp. 21, 25.

<sup>11</sup> Ricketts, *High Ranking Widows*, p. 297; Johns, *Noblewomen*, pp. 73-4; DeAragon, 'Growth of Secure Inheritance', p. 388; Cavell, 'Aristocratic Widows', p. 60.

<sup>12</sup> van Houts, 'Gender, Memories and Prophecies', p. 23.

The closeness of spouses is particularly evident in the high rate of spousal references in *pro anima* clauses. Husbands, as ‘domine’, ‘sponse’, ‘coniugis’, ‘mariti’ or ‘viri mei’, are featured in 41.59% of *pro anima* clauses in charters issued by women alone or with consentors (Appendix 1). In comparison 30.08% of charters issued by men include references to wives.<sup>13</sup> Men included their wives slightly less often and to some extent this can be explained by the gendered element of remembrance.<sup>14</sup> The higher frequency of spousal references by women confirms that women were actively remembering their spouses and fulfilled the social expectation, as described by Abelard among other contemporaries, to pray for their husbands.<sup>15</sup> It is possible that the lower rate of men including their wives is also due to different life expectancies. It was more common for women to outlive their husbands and remarry than for men to outlive their wives.<sup>16</sup> Spousal relationships appear to have been cared for by widows and widowers. A more distinct gender difference between men and women’s commemoration, and sense of family, is evident in how *pro anima* clauses were used to remember heirs. While men included a reference to heirs in 36.31% of their *pro anima* clauses, women included heirs slightly less often in 31.86% of the clauses. A similar pattern can be seen in heirs as co-issuers and consentors: men use heirs as co-issuers or consentors more often than women. However, it is important to note that the use of heirs was not exclusive to men, and women’s charters were also co-issued or consented to by heirs. This could initially be taken as evidence in favour of the preferential treatment of a single male heir, however, *pro anima* clauses also include references to spiritual benefits that were to be addressed to children in general and other non-inheriting offspring. More generic statements regarding the spiritual well-being of children, sons, or daughters appear in 10.81% of men’s *pro anima* clauses while women included similar statements in 20.35% of *pro anima* clauses in charters they issued. Whereas men appear to have been more centred around a specific hereditary line, women’s *pro anima* clauses demonstrate concern for their

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<sup>13</sup> The corpus of charters with *pro anima* clauses included 1443 that were issued by non-comital men and 113 charters that were issued by non-comital women.

<sup>14</sup> van Houts, ‘Gender, Memories and Prophecies’, pp. 22, 27; Innes, ‘Keeping It in the Family’, pp. 22, 28; Geary, *Phantoms of Remembrance*, p. 52.

<sup>15</sup> Abelard, *The Letter Collection of Peter Abelard and Heloise*, trans. David Luscombe and Betty Radice (Oxford: Clarendon Press, 2013), letter 2, pp. 146-9, pp. 156-7.

<sup>16</sup> Ricketts, *High Ranking Widows*, p. 146.

family as a whole. An example of family can be seen in Aliz de Langetot's charter which she issued with the consent of three sons, her lord and son William de Chesney, and of her other two sons, Hugh and Robert, who were presumably her younger sons.<sup>17</sup> The *pro anima* clause reads:

pro salute mea et filiorum et filiarum meorum, Hugonis scilicet, Willelmi et Roberti, Haewise et Beatricie, et Isabele; necnon pro anima domini mei Rogeri de Chaisnei et filiorum meorum Radulfi et Rogerii et filiarum et pro animabus patris et matris mee et fratrum et parentum et amicorum omnium.

The first half of the clause was concerned with the salvation of those living and names six of her children. The second half of the clause addressed the deceased and includes her husband, children, and natal family. The wide range of family in Aliz's charter demonstrates that families were not defined by inheritance practices alone.

Charters issued by women, as discussed in chapter one, frequently refer to natal family as a means of identifying the issuer or as source of the land they are alienating. *Pro anima* clauses also suggest that natal family remained important to them. This was the case for men and women and 41.86% of *pro anima* clauses in charters issued by men and 40.71% by women included their fathers; 36.24% of men's *pro anima* clauses included their mothers, as did 35.40% of women's. A more generic 'parentum' was included by men and women in 20.03% and 21.24% of the clauses respectively.<sup>18</sup> The high rates of parental references initially confirm that family was important to men and women equally. The commemoration of natal family was deeply important to women and men and in this respect women did not leave their natal families at marriage despite there being a physical break or move. For men this could be linked to patrimonies, but landholding does not explain women's commemoration of natal family. Natal family did provide women lands and identity, but these were fused with those gained through marriage. In spite of physically moving into a marital house, women clearly retained a strong relationship with their natal families.

A good example of how women's view of family was shaped and expressed can be seen in a charter issued by Avice de Rumilly between c.1150-76 for Drax Priory in the Paynel

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<sup>17</sup> *Eynsham*, vol. 1, no. 124.

<sup>18</sup> Livingstone, *Out of Love for My Kin*, p. 195. 'Parentum' could refer to anyone related by blood or marriage.

Fee which she issued as ‘Auicia de Rumeli’.<sup>19</sup> Avice granted the monks lands which her husband William Paynel, described as ‘vir meus’, had given them in Saltby as well as further lands next to William’s grant. The *pro anima* clause includes Avice herself, her husbands (‘virorum meorum’), father, mother, sons, daughters, friends and ancestors. The charter can be dated to c.1150 which means it was issued either during her second widowhood after William Paynel’s death (1145-7) or into her third marriage to Walter de Percy (married by 1153).<sup>20</sup> The lands were clearly stated as belonging to her second husband, William, who had founded Drax c.1130-9.<sup>21</sup> Despite the grant’s strong links to Avice’s second husband and his family the charter also demonstrates her continued relationship with her natal family by the inclusion of her mother and father as its spiritual beneficiaries and her use of her natal name of de Rumilly. The grant was from Avice’s marital lands, possibly her dower, and did not belong to lands claimed by her parents so it is likely that her parents were included because of her sense of family and identity. This was not the only time Avice included her natal family as spiritual beneficiaries when granting lands to houses far from Skipton. Between 1145 and 1176 Avice issued a charter to Thurgarton Priory in Nottinghamshire, the *pro anima* clause being for her own salvation and the souls of William Paynel her spouse, her mother and father, her brothers and sisters, and her other parents.<sup>22</sup> It is probable that, because William is listed in the second half alongside Avice’s parents, the charter was issued soon after William’s death. Avice’s continued association with her parents throughout her marriages, remarriages, and widowhoods is clear.

The inclusive view of family exhibited by non-comital women raises the question of who was included in it.<sup>23</sup> For example the *pro anima* clause in Edith d’Oilly’s charter to Oseney is ‘pro anima domini mei Roberti et Gileberti filii mei et aliorum antecessorum

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<sup>19</sup> EYC, vol. 6, no. 66.

<sup>20</sup> Keats-Rohan, *Domesday Descendants*, pp. 631, 674, 1057.

<sup>21</sup> EYC, vol. 6, p. 5, no. 13.

<sup>22</sup> EYC, vol. 6, no. 33. Original in Nottinghamshire County Archives, SC/12/1 Thurgarton Cartulary, f. 75v. ‘pro salute mea et liberorum meorum et pro anima Willelmi Painel et pro anima patris mei et matris mee fratrum quoque et sororum meorum et omnium parentum meorum’.

<sup>23</sup> Livingstone’s work on France shows that extended families are a common feature among the French aristocracy. It is likely that the same, or something very similar, applied to England. Livingstone, *Out of Love for My Kin*, pp. 53-4, 75-81, 213.

meorum et pro salute mea et Henrici filii mei et aliorum amicorum meorum'.<sup>24</sup> The presentation of the clause is divided between the living and the dead. By including her deceased son and her living son Edith successfully commemorated her children and linked the past and present family together. It is worth mentioning that Gilbert had been the couple's second son and had been unlikely to inherit the patrimony even before his early death. His inclusion in the *pro anima* clause after his death would indicate that the expected line of inheritance did not affect Edith's view of the family.

This was not the only time Edith's *pro anima* clauses were not affected by inheritance and another of Edith's charters includes her natal family in its *pro anima* clause which reads 'pro salute mariti mei et mea et filiorum et filiarum et parentum nostrorum, necnon et pro anima Henrici regis Anglorum'.<sup>25</sup> Two charters issued by her husband Robert d'Oilly also record a *pro anima* clause allowing a comparison to be made. His spiritual beneficiaries are himself, Edith, his children, as 'filiorum', in both *pro anima* clauses and his friends and the king as spiritual beneficiaries in one.<sup>26</sup> While Edith's clause included specific details about her children, Robert's do not. Further, Edith's *pro anima* clauses specify mother-child relationships by name. Similar elements of non-patrilineal family can be seen in a charter issued by Gilbert Basset and his wife Egelina de Courtenay who granted Egelina's dowry for the souls of both Courtenay and Basset ancestors, 'et antecessorum et successorum nostrorum'.<sup>27</sup> This charter is also an example of wives introducing elements of identity and kinship from their natal families into their marital families, a point which will be discussed later. Lesser aristocrats in general, and women in particular, included a range of family and thus recognised kinships beyond strict patrilineal primogeniture. Women's personal interest in the family they commemorated was based on kinship rather than landholding.

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<sup>24</sup> Oseney, vol. 5, no. 690.

<sup>25</sup> Thame, vol. 1, no. 2.

<sup>26</sup> Godstow, no. 512; Oseney, vol. 1, no. 1.

<sup>27</sup> Basset Chs., no. 517.

## 5.2 Women as Recipients of Spiritual Benefits

It has already been mentioned that husbands and wives were concerned with each other's spiritual well-being.<sup>28</sup> Ralf Basset son of Richard Basset's charter to Eynsham Abbey in Oxfordshire included a *pro anima* clause that was intended to benefit 'Adel uxoris mee et natorum meorum'.<sup>29</sup> Even after re-marriage husbands might still remember their first wives as can be seen in the charters of Roger de Glanvill and Robert son of Henry de Rendham for Leiston Abbey and Sibton Abbey in Suffolk which were issued for the spiritual well-being of their first and second wives. Roger's clause first addresses the living and includes his second wife Gundreda while the second half of the clause includes his first wife, Christiane, who is named alongside his parents.<sup>30</sup> Christiane continued to be identified as part of Roger's family in the same way as his parents and his new wife. Robert son of Henry's second wife is simply 'uxoris mee Aveline' while his first is 'uxoris mee matris heredum meorum Aliz'.<sup>31</sup> Childbearing was important and gave women agency in their families. Aliz's significance to Robert stemmed from her status as wife and was strengthened by her role as mother. Women's bodies were thus another means by which women contributed to their families. Spiritual well-being was expressed in spousal relationships which suggests that some level of compassion and emotion existed within marital couples.

Parent-child relationships are also expressed in *pro anima* clauses by men and women. Alan son of Roald the constable of Richmond in Yorkshire, for example issued charters for his own soul as well as those of his father Roald, mother Garsiena, ancestors, wife, sons, daughters, heirs, and his lords, the Earls of Richmond.<sup>32</sup> The inclusion of all these individuals and groups suggests that the relationships were valued by Alan. The identification of his mother by name further emphasises his relationships with her. Alan's office of constable derived from the earls which would explain why he names his lords. His father Roald had also been constable which might have influenced the decision to name

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<sup>28</sup> See Chapter 1, esp. pp. 49-52, also see above p. 143 and Appendix 1.

<sup>29</sup> *Eynsham*, vol. 1, no. 59.

<sup>30</sup> *Leiston and Butley*, no. 39.

<sup>31</sup> *Sibton*, vol. 2, no. 106.

<sup>32</sup> *EYC*, vol. 5, nos. 211, 223, 237, 258, 269.



him. However, Roald himself had gained his lands and office through marriage and the majority of the family's lands also originated from Garsiena, whose father Enisan Musard is named as holding the lands in the Domesday Book.<sup>33</sup> It is therefore possible that Alan's mother Garsiena is named because of her role in the inheritance of lands and office. This case also shows us that heiresses like Garsiena could have significant influence in the formation of family identity and the expression of family relationships in religious grants.

As has been noted above in part A, inheritance cannot have been the only factor in parent-child relationships. For example, Ranulf Walensis issued a confirmation charter to Sibton Abbey in or after 1193 by which he confirmed the sale made by his father Robert Walensis in 1150-4.<sup>34</sup> Ranulf's confirmation is also for the salvation of his own soul and his heirs, and for the souls of 'patris et matris mee omniumque fidelium et pro fraternitate et participatione orationum et beneficiorum que fuerint in eadem ecclesia'. The lands were not associated with Ranulf's mother yet she is a spiritual beneficiary. Robert Walensis had been forced to sell the lands in order to pay a £20 fine after having fallen into the king's mercy for committing an enormity, 'enormitatem'. Although Ranulf was Robert's heir, he seems to never have held the lands himself. Robert had received the lands from John Sheriff of Suffolk and at the time of alienation he held them from John's successor William de Chesney.<sup>35</sup> Of the spiritual beneficiaries in Ranulf's confirmation charter, only Robert had held the lands, the others were otherwise personally connected with Ranulf. A confirmation charter issued by Agnes de Percy in 1189 to Sawley Abbey in Yorkshire demonstrates that the inclusion of both parents as spiritual beneficiaries might not be driven by inheritance.<sup>36</sup> Agnes' charter was a confirmation of her sister Matilda de Percy's grant of Tadcaster church to Sawley Abbey and the charter issued by Matilda had described the lands as being near her place of birth, making it likely that they were part of the Percy patrimony.<sup>37</sup> Sawley Abbey had indeed been founded by their father William II de Percy. Agnes' confirmation is made

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<sup>33</sup> Roald himself seems to have received the majority of his lands from his wife whose father Enisan Musard is the Domesday tenant of the lands that became the constable's fee. It is likely that Enisan held a position comparable to constable in the late eleventh century. *EYC*, vol. 5, p. 354.

<sup>34</sup> *Sibton*, vol. 3, nos. 477 (original sale); 487 (confirmation).

<sup>35</sup> *Sibton*, vol. 3, no. 476.

<sup>36</sup> *EYC*, vol. 11, no. 77.

<sup>37</sup> *EYC*, vol. 11, no. 50.

for the souls of William, Agnes herself, the king and queen, Agnes' spouse Jocelin de Louvain, her mother Adeliza de Tunbridge, and Agnes' ancestors and heirs. Matilda de Percy's grant, made as Countess of Warwick, includes a very similar *pro anima* clause and in particular both sisters included their mother. Their mother Adeliza of Tunbridge would, at most, have held Tadcaster as dower, however, this is never stated as having been the case and therefore makes it unlikely that her spiritual benefits would have been driven by landholding that was defined in relation to her.<sup>38</sup> What these charters suggest is that children of both sexes were attached to parents regardless of their parent's claim to the lands or role in inheritance. While families relied on landholding for status and wealth, family relationships themselves were not dependent on it.

Parent-child relationships could also adapt to new marriages and changes to family structures. Acknowledging the new family contacts did make for complex relationships and remarriages were often at the root of land disputes, but larger families provided more contacts and as long as inheritance could be secured the social networks introduced through marriages by women benefited everyone.<sup>39</sup> William de Vescy, in a confirmation charter issued c.1150-7 of a grant made by his father Eustace Fitz John and his father's second wife Agnes for Watton Priory, included his step-mother Agnes and his half-brothers Richard and Geoffrey as spiritual beneficiaries.<sup>40</sup> The original grant was part of Agnes' dower and this could explain why William's charter included her as a spiritual beneficiary.<sup>41</sup> William also included his mother, who had held no apparent interest in the lands during her life, as a spiritual beneficiary. William's concept of his family had adapted to include his father's second marriage. In the same way, Agnes of Sibbeford's multiple marriages helped created a strong network of step-brothers and half-brothers who appeared in each others' charters and were often described as each others' brothers.<sup>42</sup> The practical implications of these networks will be discussed in more detail in chapter seven, but at this stage of the

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<sup>38</sup> Tadcaster was held by William I de Percy in 1086 meaning that Adeliza would only have been able to hold it as dower. *EYC*, vol. 11, p. 14; *Domesday*, p. 832.

<sup>39</sup> Loengard, "Of the Gift of Her Husband", pp. 227, 254-5.

<sup>40</sup> *EYC*, vol. 2, no. 1110.

<sup>41</sup> *EYC*, vol. 2, no. 1107, 1109.

<sup>42</sup> *Sandford*, vol. 2, nos. 375-9.

discussion it is important to note the important role women had in the development of relationships and that they were not always based on landholding. Family relationships and kinships could form as a result of women's marriages and re-marriages by creating extended families for those who they married and their children.

Women could also influence the development of identity through marriage by introducing important past associations and ancestry. In 1152-3 Simon de Gerardmolendino issued a confirmation charter to Missenden Abbey in Oxfordshire of grants given by Guy de Ryhall, and was made for his own, his wife's, and their free men's salvation and the soul of 'Guidonis antecessoris mei'. The confirmation was in fact for grants made by his wife's first husband, 'Guidonis filii Pagani antecessoris mei'.<sup>43</sup> Past landholders could be described as ancestors in the twelfth century, but what is particularly interesting is that Simon's ancestral relationship relies on a woman and her two marriages.<sup>44</sup> Simon's wife Joan of Piddington had previously been married to Guy de Ryhall and the lands in question were part of Guy's dower to her. Although the alienation to Missenden had occurred before Guy's death, his lands had now become, through Joan, associated with Simon's ancestry and concept of family. Joan's influence on her family was not due to her own lands, but due to her position in the family. Women's personal relationships could have a long lasting impact on their families and this chapter will next discuss the influence women could have on identity through names. These actions also had significant influence on the public relationships of non-comital aristocracy outwith family and the final part of this chapter will address how women's landholding and kinship networks shaped the formation, development, and maintenance of families. The more practical elements of influence that related to landholding will be discussed in the second half of this chapter while chapter seven will address influence in terms of wider society and public agency.

### 5.3 Names and Identity

Charter clauses such as greeting, confirmation, and witnessing allow us to use onomastic tools to address questions of identity within the family. Women's contribution to

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<sup>43</sup> *Boarstall*, no. 297.

<sup>44</sup> Williams, 'Meet the *Antecessores*', p. 286. Also see above pp. 55-6.

family identity can best be seen in the maternal family names that were given to and used by their children. As demonstrated, in chapters one and two, names were an important feature in charters issued by women and natal family names are very prominent.<sup>45</sup> Names are therefore a useful marker of identity which can be extended beyond individuals to look at families as a whole.<sup>46</sup> Work on royal naming patterns would suggest that maternal families could provide names for children.<sup>47</sup> Limited source material means that research into non-comital naming patterns is problematic, partly because genealogies are often less certain and partly because family specific patterns can be obscured by the aristocracy's tendency to use names that mimicked royal names.<sup>48</sup> However, some patterns of first name use and re-use among the non-comital aristocracy can be identified.

### 5.3.1 First Names

When genealogies can be put together for larger families it is possible to see some general naming patterns emerge. Lucy de Clifford and Hugh de Say's first born was named Hugh. He was the third Hugh in the de Say line which would suggest that a pattern of naming was forming, if not already in existence.<sup>49</sup> Some names would suggest that both paternal and maternal lines were utilised when non-comital aristocracy named their children. Lucy and Hugh's second son was named Richard and although this was a popular name, it is possible that it was a reference to her brother and grandfather Richard de Clifford and Richard Fitz Pons of Clifford.<sup>50</sup> Daughters were often named after their mothers or grandmothers and thus female names were passed along female lines. For example Matilda Ridel and Richard Basset's daughter was named Matilda.<sup>51</sup> It is possible that the choice also reflected the family's reliance on the patronage of Henry I and his wife Matilda

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<sup>45</sup> See above, pp. 27-30, 73.

<sup>46</sup> Ricketts, *High Ranking Widows*, pp. 250-1.

<sup>47</sup> Bouchard, 'Patterns of Women's Names', pp. 12-6; Bouchard, 'The Migration of Women's Names', p. 5.

<sup>48</sup> Bouchard, 'Patterns of Women's Names', p. 2; Trevor Chalmers, 'Beyond DEEDS: A Role For Personal Names?', in *Dating Undated Medieval Charters*, ed. Michael Gervers (Woodbridge: Boydell, 2000), pp. 177-82, esp. pp. 181-2.

<sup>49</sup> *Godstow*, nos. 197-8, 200-1; Keats-Rohan, *Domesday Descendants*, p. 678.

<sup>50</sup> *Godstow*, nos. 158-9, 185; Keats-Rohan, *Domesday Descendants*, p. 402.

<sup>51</sup> *Basset Chs.*, p. xxxvii.

of Scotland, their daughter Empress Matilda, and Henry II for their landholding. However, not all female names had potentially royal links and the more uncommon names reveal how maternal names were used. The Rumilly family in Yorkshire, for example, includes two Cecily and three Alices across three generations.<sup>52</sup> The most likely source for Cecily II de Rumilly's name is her grandmother Cecily I who was also the source of the family's inheritance. Alice de Rumilly I's daughter and niece, who were both named Alice, appear to be named after her. In contrast to Alice's use of her maternal name of Rumilly, her brother Ranulf, who predeceased their parents, went by paternal names such as Meschin or son of William Meschin.<sup>53</sup> Juetta de Arches' name was likewise most likely related to her mother who was also named Juetta.<sup>54</sup> This was not necessarily determined by inheritance. While the Rumilly inheritance did originate from Cecily, which might explain the use of the name in later generations, Juetta de Arches primarily inherited from her father. Female first names suggest that mothers had at least some influence on their daughters' names and that maternal names were valued.

Maternal lines also appear in the names used or given to sons. Elder sons tend to have names associated with the paternal family, but it seems that this was not always the case and names could be linked to either family. The above mentioned Matilda Ridel and Richard Basset named their eldest son Geoffrey and whereas no Bassets can be identified as Geoffrey until then, Matilda's father was named Geoffrey.<sup>55</sup> In the second half of the twelfth century, use of Alexander in the de Crevequer and de Neville families had a maternal origin. The closest namesakes of Alexander de Neville son and heir of Cecily de Crevequer, herself the heiress of Redbourne in Lincolnshire, were Alexander's maternal grandfather and his maternal uncle who died young without heirs.<sup>56</sup> Although Alexander de Neville did not use his mother's toponym he inherited the estates in Redbourne and his first

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<sup>52</sup> *EYC*, vol. 7, pp. 4-20.

<sup>53</sup> *Register of the Priory of St Bees*, ed. James Wilson (Publication of the Surtees Society, vol. 126, 1915), nos. 4, 8-10 (issued by Ralf); 12-5 (issued by Alice)

<sup>54</sup> *EYC*, vol. 1, p. 420, no. 534.

<sup>55</sup> *Basset Chs.*, pp. viii-xi, xxxvii. Matilda did not become an heiress until a few years after she married Richard Basset when her brother Robert died childless. The marriage took place 1124-30 and it is likely that Robert died before 1129. It is likely that Geoffrey Ridel was born in the late 1120s, and therefore it is possible that he was born before Matilda became an heiress.

<sup>56</sup> *EYC*, vol. 3, pp. 317-9.

name linked him to the maternal line.<sup>57</sup> These are only a few examples, but they are indicative that women could and did affect their children's names. This was not restricted by the child's gender and both sons and daughters could be named after maternal kin. The adoption of both male and female names from women's natal families also shows how important natal family inheritance and connections were and how these relationships played out in women's marital years.

### 5.3.2 Surnames

The source of surnames can often be determined with more confidence than that of first names. In some cases the next generation used identifications that were derived from both parents. For example, the above mentioned Alexander de Neville's inheritance of Redbourne and somewhat uncommon first name were associated with his mother and maternal grandfather while his surname de Neville was of continental origin and referred to his paternal line.<sup>58</sup> Another example is that of Roger de Mowbray, the son of Gundreda de Gournay and Nigel d'Aubigny. Neither de Gournay nor d'Aubigny would have been poor choices for name, but Roger is known by a variation of his father's maternal surname of Montbray.<sup>59</sup> This choice of name was the result of Roger establishing himself as the new lord. Roger was in a weak position militarily and legally and his association with the Mowbray family could be seen as an attempt to better his position.<sup>60</sup> Although the family's English lands were greater than their Norman lands, the Norman name was 'regarded more highly'.<sup>61</sup> The use of maternal influence on family was valued beyond a single generation of parent-child relationships and consequently maternal names could be used by grandchildren.

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<sup>57</sup> *Rotuli de Oblatis et finibus in turri Londinensi asservati Tempore regis Johannis*, ed. Thomas Hardy (London: Printed by G. Eyre and A. Spottiswoode, 1835), p. 199; *The Earliest Lincolnshire Assize Rolls AD 1202-1209*, ed. Doris M. Stenton (Lincoln: Printed for the Lincoln Record Society, 1926), no. 1542.

<sup>58</sup> *EYC*, vol. 3, pp. 317-9. His inheritance of Redbourne further supports the argument that the name Alexander came from his maternal grandfather.

<sup>59</sup> Nigel d'Aubigny's mother was Alicia, sister of Geoffrey de Montbray and aunt of the disgraced 1095 rebel Robert de Montbray.

<sup>60</sup> *Charters of the Honour of Mowbray*, ed. D. E. Greenway (London: Oxford University Press, 1972), pp. xxvi, xxviii.

<sup>61</sup> *Charters of the Honour of Mowbray*, p. xviii.

In a number of instances it is possible to identify surnames that have maternal origins. In many of these, a strong link can be seen between lands and names and this is particularly the case with toponymics: Geoffrey II Ridel and the brothers Henry and Richard de Percy all held maternal lands and used the corresponding surname.<sup>62</sup> Landholding and inheritance were an important factor in names and Geoffrey II Ridel received his mother's Ridel inheritance in Weldon while the paternal Basset inheritance went to Geoffrey's brother Ralph of Drayton Basset.<sup>63</sup> That the Ridel lands were of significant value is further supported by the detail given to landholding rights in Weldon in a charter issued by Henry I notifying his barons and sheriffs of Matilda and Richard's marriage.<sup>64</sup>

Status as heiress also featured in the names of the Rumilly family. All three of the daughters of Cecily de Rumilly, who were co-heiresses in the honour of Skipton, Avice, Alice, and Matilda used their maternal toponym despite having married into notable families: Avice marrying men from de Curcy, Paynel, and de Percy families, Matilda marrying de Belmeis, de Mortimers, and Alice marrying a Fitz Gerald and William Fitz Duncan.<sup>65</sup> Not only did the first names of the second generation of co-heiresses, Cecily II and Alice II, daughters of Alice I de Rumilly continue to link the women to their maternal family and inheritance, the women also used the de Rumilly toponym.<sup>66</sup> Maternal inheritance also appears to have influenced the name used by Thomas de Muschamp, son of Stephen de Bulmer and Cecily de Muschamp. The Bulmers were a wealthy Yorkshire family, but Cecily was the sister and heiress of Thomas and Ranulf de Muschamp which held more value for her son Thomas.<sup>67</sup> In some cases the wealth of maternal inheritance affected the names used by children.

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<sup>62</sup> Geoffrey Ridel: *Basset Chs.*, nos. 47X, 48, 173, 174; Henry Percy: *EYC*, vol. 11, nos. 85, 86, 185, 192. Richard de Percy: *EYC*, vol. 11, nos. 84, 87.

<sup>63</sup> *Basset Chs.*, pp. xxx; Reedy, 'The First Two Bassets, Part 1', p. 242; Reedy, 'The First Two Bassets, Part 2', p. 295. For example, Geoffrey appears as Ridel in *Basset Chs.*, nos. 34, 47X.

<sup>64</sup> *Basset Chs.*, no. 47, p. xiii. Note that Richard held these lands through his wife and on p. xiii Reedy describes him as 'Richard Basset of Weldon de iure uxoris'. Richard himself is only referred to as Richard Basset in charters relating to the lands and it is only with his son Geoffrey that the Ridel name appears. Reedy does suggest that Henry I's charter calls him a baron, (*RRAN*, vol. 2, no. 1761), but the calendared text does not do so.

<sup>65</sup> *EYC*, vol. 7, pp. 7-12; Ricketts, *High Ranking Widows*, pp. 108-12.

<sup>66</sup> *EYC*, vol. 7, nos. 31, 32.

<sup>67</sup> *EYC*, vol. 2, pp. 113-4, 120, 127-8.

Maternal inheritance was not, however, always the main factor in the adoption of maternal names. Eustace Fitz John, an important castellan and justiciar in the reigns of Henry I and Stephen, had sons by two marriages. In spite of his offices and wealth neither son used their father's name or mirrored his use of a patronymic. His son by his first wife Beatrice daughter of Ivo de Vescy inherited Eustace's lands, but became William de Vescy sheriff of Northumberland and the future barons Vescy originated from him.<sup>68</sup> Richard, Eustace's son by his second wife Agnes, married Aubrey de Lisours daughter of Aubrey de Lacy and the couple favoured her family, rather than Richard's maternal or paternal lines, becoming the ancestors of a branch of the Lacy family.<sup>69</sup> Eustace's social reputation might have affected his sons' names. Roger of Howden, for example described Eustace as a traitor, but the fourteenth-century Alnwick Abbey chronicle describes him as energetic and lawful.<sup>70</sup> There are no obvious economic or socio-political reasons, such as exile or imprisonment, for Eustace's sons not to have used his name, to have associated with his name, or to have continued some form of patronymic name form. What this shows is that the social value of a name was important and that this could drive the use of maternal names in twelfth-century England. Despite the increasing tendency to identify with patrimonies and paternal family, maternal lands and identities could offer significant opportunities to sons.

Matronymics were also used, but such examples tend to come from social groups below the non-comital aristocracy such as peasants and towns people.<sup>71</sup> Some non-comital

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<sup>68</sup> *EYC*, vol. 2, nos. 1110, 1114, 1115; *EYC*, vol. 3, p. 487, nos. 1884, 1891, 1895, 1896; *EYC*, vol. 5, no. 386; *EYC*, vol. 12, no. 68; *Regesta*, vol. 3, no. 912; Paul Dalton, 'Eustace Fitz John and the Politics of Anglo-Norman England: The Rise and Survival of a Twelfth-Century Royal Servant', *Speculum*, 71 (1996), pp. 358-83, esp. p. 380; T. F. Tout and Paul Dalton, 'Eustace Fitz John (d. 1157)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/9614>> [Accessed 21/06/2015].

<sup>69</sup> Dalton, 'Eustace Fitz John', p. 377.

<sup>70</sup> Roger de Hoveden, *Chronica Magistri Rogeri de Houedene*, vol. 1, ed. and trans. William Stubbs (4 vols., London: Longman, 1868-71), p. 193; William Dickson, 'Cronica Monastrii de Alnewyke et quodam Libro Cronicanum in Libraria Collegii Regalis Cantabrigiae de dono Regis Henrici VI fundatoris', *Archaeologia Aeliana*, 1st series, 52 (1844), pp. 33-45, esp. p. 34; Dalton, 'Eustace Fitz John', pp. 359-66.

<sup>71</sup> *Oseney*, vol. 2, no. 807. Henry also witnesses another Oseney charter (*Oseney*, vol. 2, no. 836). While the charter is for Oseney and in the abbey's cartulary, it is less clear where the lands are. This could also be read as evidence that Henry was based in Oxford. A Christina, as wife of Walter nephew of William Grante, and Walter are recipients of a charter in 1190-1200 from Hugh abbot of Oseney (*Oseney*, vol. 2, no. 819). The charter gave them lands that were John son of Siward's in the parish of St Mary Magdalen in the city which they and their heir are to



men did, however, use matronyms and the most frequent use of this form is by Robert Fitz Edith, the son of Edith d'Oilly and Henry I.<sup>72</sup> His name was not limited to his matronymic and he is also referred to as Fitz Roy or Fitz Regis using his birth status as an expression of status and identity.<sup>73</sup> Robert is, however, unrepresentative because he is a royal bastard. Matronymics were therefore not favoured by the lesser aristocrats.

The evidence for non-comital surnames shows that names could and did pass down maternal lines. Shaping their children's names and identities demonstrates the significant influence women had on families. Inheritance and order of birth often affected naming patterns and children who adopted maternal toponymics were often younger sons or daughters or children who had received maternal lands. However, it is important to note that landed wealth was not always the motive for name selection. Women's families featured in their children's names because of their social importance as well as land.

## 5.4 Land and Inheritance

Land was intrinsically linked with social and personal status in medieval England and non-comital women held land through a variety of means such as inheritance, dower, or dowry. Land therefore shaped women's and their families' wealth and status. This could be for relatively brief periods, for example women's natal families could claim dowries back if there were no heirs to inherit. Longer term landed wealth transmitted by or through women could affect the development of family estates and inheritance patterns. For some scholars, like Duby, women's agency in all this was limited, but the evidence in this thesis suggests that women's agency should not be underestimated. For example, involvement in landholding decisions such as alienation allowed women to participate in other family affairs. The effect women's participation in landholding had on their families is evidenced in their charters and their depiction as landholders and alienators.<sup>74</sup>

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hold freely and pay 'tribus' annually. It is likely that this is the same Christina as Henry's mother which would confirm the family as tenants in the city rather than lesser aristocrats or tenants-in-chief.

<sup>72</sup> *Oseney*, vol. 4, nos. 19, 65; *Oseney*, vol. 6, no. 941.

<sup>73</sup> *Oseney*, vol. 1, no. 347; *Oseney*, vol. 4, nos. 19, 23, 65; *Oseney* vol. 5, no. 589; *Eynsham*, vol. 1, no. 65; *St Frideswide*, vol. 2, no. 951.

<sup>74</sup> See above, pp. 40-44, 78-9, 89-90.

Lands held by women as theirs were often understood in relation to family and this set women's landholding, whether as dowers, dowries, or inheritance, within their families' other lands rather than as separate properties. Family also participated in land alienations by women. The importance of the family unit within landholding and the nature of shared landholding can often be seen in charters issued jointly, but can also be seen in those issued independently by married couples concurrently or at separate instances. Families' interest in their lands did not end when they were alienated. Children continued to have an interest in their parents' lands. Many of the confirmations and re-grants issued by heirs, either issued concurrently, shortly after, or years after the original grant were driven by the beneficiaries' desire to secure their right to the lands from succeeding generations' potentially disputing the grant or the confirmations were the result of a settlement in such a dispute.<sup>75</sup> Although landholding could be personal, as shown by individual grants, families shared an interest.

Husbands' actions in terms of charter issuing and consenting could be directly affected by what lands women held and how they held them. According to *Glanvill's* legal treatise, lands held by married couples were held by the husband, but husbands could not alienate them without their wives' consent; although, according to *Glanvill*, wives were bound to give it.<sup>76</sup> Lands held by women as dowries, dowers, or inheritance were, however, not separate from the rest of their marital families' properties and as a result of this women had an interest in the family lands in general. Since the charter evidence shows women as active landholders this suggests that right to alienation and spousal consent were more complicated than might be inferred from *Glanvill*. Giving consent to charters issued by spouses was not gender specific and both husbands and wives consented to each other's grants.<sup>77</sup>

As an example we can look at the grant of a mill in 'Dailintone' (possibly Dallington, Northamptonshire) by Eva daughter of Eustace to Eynsham Abbey in Oxfordshire. The charter for Eva's grant records the counsel, 'consilio', of her husband Walter de Chesney as

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<sup>75</sup> Hudson, *Land, Law and Lordship*, pp. 98-103; Postles, 'Securing the Gift', p. 185.

<sup>76</sup> *Glanvill*, bk. 6:3, p. 60; bk. 7:3, pp. 76, 80; bk. 9:1, p. 103; bk. 9:4, p. 107.

<sup>77</sup> See above, pp. 61-2, 83-6.

well as the consent, ‘concessu’, of her heirs.<sup>78</sup> The mill originated from her father and is described ‘quod est in feodo meo ex patre meo’. Walter’s interest was through marriage only and Walter gave his counsel as well as later issued two charters conceding, rather than granting, the same lands between 1141 and 1148.<sup>79</sup> One of these charters was co-issued with Eva and the dispositive verbs ‘dedimus et concessimus’, and the description of the grant as ‘nostrorum’, attest to the lands being considered shared property rather than Walter’s. Presumably this might have been because the lands were understood in relation to her natal family. Eva’s role in the couple’s landholding and alienations can also be seen in Walter’s independently issued confirmation charter of the mill to Eynsham which used the verb ‘concessisse’ and was issued ‘istud idem concedit Eua uxor mea’.<sup>80</sup> Eva continued to have an interest in the mill and forty years after the initial grant, confirmation, and notification charters, she issued a further confirmation of the mill to Eynsham, this time independently with no co-grantors or consentors.<sup>81</sup> One of the reasons for its issuing was that Amalric ‘Dispensator’, Walter and Eva’s son-in-law had contested the mill in the king’s court with reference to his wife and her parents as its previous holders.<sup>82</sup> The incorporation of this series of documents’ in Eynsham’s cartulary was most likely due to this case and Eva’s role throughout illustrates how women’s landholding affected their families’ landholding through several generations. Complicated claims by heirs or in-laws might come to rely on the testimony or confirmation of an elderly widow.

Alice de Rumilly was a co-heiress of the honour of Skipton, sharing it with her two sisters. Alice seems to have inherited most of Skipton, her maternal property, as she and her two husbands are the most prominent in charters from the honour.<sup>83</sup> Her sister Avice also inherited lands in the honour and in Copeland, but had married into the Paynel family

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<sup>78</sup> *Eynsham*, vol. 1, no. 81. ‘...hoc consilio mariti mei Walterii de Cheisneto at concessu heredum meorum.’

<sup>79</sup> *Eynsham*, vol. 1, nos. 79, 80.

<sup>80</sup> ‘Concessisse’ is primarily understood to mean confirmation. See Davies, ‘The Donor and the Duty’, p. 131.

<sup>81</sup> *Eynsham*, vol. 1, no. 83.

<sup>82</sup> *Eynsham*, vol. 1, no. 82.

<sup>83</sup> *EYC*, vol. 7, nos. 13-8, 21-3, 25-6, 28-30, 44; Ricketts, *High Ranking Widows*, pp. 107, 124.

and relocated.<sup>84</sup> Matilda, the third sister, seems to have primarily inherited lands based in Copeland, Cumbria, where their father's estates lay and she had also relocated to Herefordshire following her marriage.<sup>85</sup> Between 1146 and 1153 Alice and her first husband William Fitz Duncan granted two and a half carucates of land in Kilnsey to Fountains Abbey.<sup>86</sup> The charter, described as 'carta nostra', confirms that the lands were held by William and Alice together. William died before 1154 and by 1155-6 Alice had married Alexander Fitz Gerald, brother of the royal chamberlain Henry Fitz Gerald.<sup>87</sup> Through the marriage Alexander gained interest in Skipton and between 1155 and c.1164 he issued a confirmation charter to Fountains Abbey of the same two and a half carucates 'donationem quam Willelmus filius Dunecani et Aaliz de Rumeli fecit'.<sup>88</sup> Although the grant had already been made and Alexander's interest in Skipton was only through his wife, Fountains benefited from Alexander's confirmation. It pre-empted any claim he might make while Alice was still alive and in case he outlived her. By the time of Alice and Alexander's marriage, Alice's four children from her first marriage, and who were likely to be teenagers if not older by the 1150s, were the most likely heirs to her inheritance of Skipton. Alice's son William of Egremont in fact witnessed Alexander's confirmation charter to Fountains and this would indicate that he was no longer a minor, or at least close to being of age, which would have further limited Alexander's interest in the honour.<sup>89</sup> Alexander's confirmation was not issued because William Fitz Duncan's death had invalidated or weakened the grant to Fountains. Rather, because he was Alice's husband, Alexander had gained some interest in the lands and the confirmation served to demonstrate as well as publicly express his membership of the family. The way in which women's landholding

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<sup>84</sup> EYC, vol. 6, p. 6, nos. 33, 48, 62, 66, 73; EYC, vol. 7, p. 7; Ricketts, *High Ranking Widows*, pp. 107, 124.

<sup>85</sup> EYC, vol. 7, pp. 8-9; Ricketts, *High Ranking Widows*, pp. 107, 124; Max Lieberman, *The Medieval March of Wales: The Creation and Perception of a Frontier, 1066-1283* (Cambridge: Cambridge University Press, 2010), pp. 75, 84-5. The Mortimer family were largely based in the Marches, although they had connections to families outwith the Marches such as the Rumilly's through marriages.

<sup>86</sup> EYC, vol. 7, no. 14.

<sup>87</sup> Keats-Rohan, *Domesday Descendants*, p. 892; EYC, vol. 7, p. 12.

<sup>88</sup> EYC, vol. 7, no. 24. The date range given by the editors is 1155-c.1164. However, as the note on p. 71 states, the charter was most likely issued in the early part of the period.

<sup>89</sup> William of Egremont died c.1164 and the lands were inherited by Alice and William's three daughters.

shaped their husbands' charter activity can be seen in joint landholding and action, such as that of William and Alice. However, some spousal actions were also public expressions of status within a family.

The concurrent status of landholding women as wives and daughters had an effect on both their natal and their marital families. For example when Adam de Engelby issued a charter to Whitby Abbey in Yorkshire c.1150-5 he did so with the consent of his daughters Sicilia and Wymarc who are firstly described as 'heredes mei' and secondly as 'due scilicet filie mee'.<sup>90</sup> The daughters' husbands, 'Elzi' and Ralph, are also included in the consent clause, but are listed after the women and only in terms of their marital status. What this shows is that Sicilia and Wymarc's interest in their father's land was the central relationship. The men were defined in relation to their wives and their wives' rights to the land. The charter also shows how Sicilia and Wymarc's roles as daughters, heiresses, and wives were interlinked. As daughters and heiresses they held an interest in their patrimony and their natal family and as wives they could transfer interest to their marital families. Alienation of these lands could potentially affect Elzi and Ralph, but first and foremost the alienation would affect Sicilia and Wymarc. By maintaining an interest in their natal family lands and kinships wives introduced their natal families' lands to their marital families.

As discussed above, identities and family were influenced by lands and inheritance. In a similar manner, but with arguably more visible results, lands held by women shaped families' wealth. Altering inheritance patterns was another significant means for women to influence their families. This could be done by providing heirs with lands or by delaying heirs' access to lands by claiming and holding dowers for life. A successfully claimed widow's third, or dower, was a temporary deduction from any heir's fee and was lost for an unpredictable length of time that was entirely dependent on the widow's lifespan. Although dowers were limited to a third of the husband's wealth, this could still be a significant amount of land from the potential inheritance and could affect heirs' wealth. Women were also able to shape inheritances by pro-actively granting their dowries or inheritance to their children, both heirs and non-heirs. This could involve significant areas of land, but even

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<sup>90</sup> *EYC*, vol. 1, no. 569.

smaller amounts of female inheritance could shape the next generation and their share in the inheritance.

Women's influence on their children's lands was directly linked to women's role as mothers. A final concord between the Hospital of St Saviour of Bury St Edmunds and Walter de Boulogne with Juliana his wife is a particularly good example of how central mothers could be in shaping families' lands. In 1200 the two parties were in dispute over lands in Cranmore which Juliana claimed she held from the abbot of St Edmund, but which the hospital claimed were free alms of Long Melford church.<sup>91</sup> The couple agreed that the lands belonged to the church and in return they were given the rights to hold them for 32d per year. Ultimately, the couple held the lands for their lives, but with some important conditions that related specifically to Juliana and any heirs she might have, 'heredem ex se genitum habuerint'. Further, if Juliana was to predecease Walter without heirs of her body the lands would revert to the church of Long Melford after Walter's death and no claim could be made against it:

Si autem contigerit quod ipsa Juliana obierit sine herede de se progenito tenementum tenebit prefatus Walterus vir eius tota vita sua. Et post mortem ipsius [Walteri] idem tenementum revertur ad prefatam ecclesiam sine omni calumnia.<sup>92</sup>

The original claim and the resulting right to hold it were dependent on Juliana. Women were vessels of legitimate inheritance and this role affected families' wealth and in case of a dispute this role could affect success at court. Women produced the next generation of legitimate heirs and the importance placed on heirs of their bodies was part of the impact and legacy of women's landholding.

Women could also be active in their children's families during their widowhoods. An 1176-7 pipe roll entry from Yorkshire for William de Horberia shows his role in settling his stepmother's dower. He rendered a debt of 40 shillings so that she might only have her 'reasonable dower'.<sup>93</sup> It seems that William and his stepmother had not initially agreed to how much she was entitled to and that a resolution was sought externally. Payments of

<sup>91</sup> *Hospitals of Bury St Edmunds*, no. 169; *Feet of Fines: Norfolk 1201-1215 and Suffolk 1199-1214* (Pipe Roll Society Publications, vol. n.s. 32, 1958), no. 291. 'ipsius Juliane quod ipsa clamabat tenere de abbate Sancti Edmundi . in libera elemosina pertinens ad ecclesiam de Meleford'.

<sup>92</sup> *Feet of Fines: Norfolk 1201-1215 and Suffolk 1199-1214*, no. 291.

<sup>93</sup> *P.R. 22 Henry II*, p. 111. 'Ut noverca sua non habeat doarium nisi rationabile'.

dower could have significant economic and financial impact on the widow as well as her family. William would therefore have been driven by the need to secure and maximise his inheritance by minimising his stepmother's dower. Alienations made by women during their lives also affected their children's wealth and while most alienations reduced wealth, some alienations benefited children at the expense of other children. Juetta de Arches' grant of Askham to her daughter Isabella in 1192 also affected her son and Isabella's brother Peter.<sup>94</sup> It is unclear if Juetta's grant was intended as Isabella's dowry, but the fact that the charter does not describe the lands in these terms suggests that this was not the case. Regardless of the exact intent of Juetta's grant to Isabella as dowry or inheritance, the grant shows how Juetta continued to increase or reduce the wealth available to her children.

A further example of how women's actions affected their children can be seen in a charter issued by Alice de St Quentin to Nunkeeling Priory in Yorkshire.<sup>95</sup> The charter confirmed donations made by her mother Agnes de Arches, also known as Agnes de Catfoss, and Nunkeeling's founder, as well as a few other grants made by other patrons to the priory.<sup>96</sup> In light of Agnes' foundation of the priory c.1152 her daughter's confirmation charter would have been desired, if not expected, by Nunkeeling. Relationships within a family could also be shaped by mother's charters. A charter issued by Basilla de Day, a widow, dating to 1180-1200, granted her dowry of Kirkby (Wharfe), Yorkshire, to her younger son Ralf.<sup>97</sup> Basilla's heir, William de Grimston, thus lost some of his potential inheritance to his brother Ralf. Upon William's succession, the grant also created a relationship of lordship between William and Ralf. This grant could potentially also have an effect on Ralf and William's heirs. As Ralf's tenurial lord, William and his heirs would not have been able to claim the land as part of the main inheritance and would need to recognise another tenant on the property, who would ideally be Ralf's child.<sup>98</sup> Basilla's grant

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<sup>94</sup> *EYC*, vol. 1, nos. 548, 549. Two charters of the grant survive and neither describes it as Isabella's dowry and the inclusion of Isabella's heirs, most likely alluding to any future heirs she might have, leaves it open whether this was dowry or inheritance.

<sup>95</sup> *EYC*, vol. 3, no. 1337.

<sup>96</sup> *VCH: York*, vol. 3, p. 119.

<sup>97</sup> *EYC*, vol. 3, no. 1613.

<sup>98</sup> Hudson, 'Anglo-Norman Land Law', pp. 198-222; Biancalana, 'For Want of Justice', pp. 484-511; *Glanvill*, bk 9:1, p. 103.

thus had long-term consequences in terms of the family's inheritance. Women were directly involved in their families' landholding and their actions regarding the lands affected inheritance patterns. While this could take place when the sons were young and before they married, mothers continued to shape their children's landholding after the children had married. Women's influence was cross-generational and they remained active throughout their lifetimes. The role of widowed mothers as consentors in charters issued by adult children not only shows the importance of the family unit for women's own agency, but also the importance of women to their children.

This discussion has so far focused on how women's roles in family matters could be tied to land. Access to land was one source of agency for non-comital women and while inheritance might not have been common, marriage provided most women with dower and dowry lands. Marital status was also an important source of agency and marriage provided a platform to perform as landholders. However, marriage was not necessary for women to have an effect on lands or their children. The late twelfth-century chronicle of Meaux Abbey in Yorkshire recounts the case of Inet, Arnald de Mungbegon's mistress and the mother of Arnald's illegitimate son. The account is mostly concerned with lands in Dodington, Gloucestershire. Arnald had originally given them to Meaux, but had subsequently taken them back and given to Inet.<sup>99</sup> The chronicle tells us that, after Arnald's death, Inet had threatened to grant the lands to Thornton Abbey in Lincolnshire.<sup>100</sup> Meaux Abbey, wanting the lands back, offered to bring up Arnald's illegitimate son in return for the lands which Inet agreed to. In spite of her status as mistress Inet could still shape local landholding and her son's future. She was able to play off the two monastic houses' interests to her own and her son's benefit. Land was an important means for women to express influence and this could take place in and out of marriage. Combined with motherhood, women could take on significant roles that influenced their families and wider society, more of which will be discussed in chapter seven.

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<sup>99</sup> *Chronica monasterii de Melsa, a fundatione usque ad annum 1396, auctore Thoma de Burton, abbate: accedit continuatio ad annum 1406 a monacho quodam ipsius domus*, vol. 1, ed. Edward A. Bond (London: Longmans, Green, Reader, and Dyer, 1866), p. 161.

<sup>100</sup> *Chronica monasterii de Melsa*, p. 163.



Women's influence in families extended beyond spouses and children. As shown in section 5.1 above, families included many individuals and consequently women's actions affected them as well. For example Breithive daughter of Norman of Ellerton co-issued a charter with her nephew Adam c.1189-1204 to Ellerton Priory in Yorkshire.<sup>101</sup> The plural forms used in the *pro anima* clause and the description of the land in the dispositive clause as 'habuimus' strongly indicate that the alienation was a joint enterprise. The charter does not allude to what Breithive's marital status might have been, but a lack of reference to any other heirs or children would indicate that Breithive had no living children who could inherit and that her nephew was her heir. Inheritance claims would have been sufficient reason for Adam's inclusion in the charter. Ultimately it is, however, also the kinship between Breithive and Adam, not land alone, that determined both the inheritance and his participation in the charter.

Mothers' landholding and own charter activity shaped those of their children. In Yorkshire, Teophania daughter of Roald the constable issued a notification 1158-c.1174 promising Easby Abbey that she would make her son and heir Conan son of Ellis and her brother Alan Constable of Richmond issue confirmation charters regarding her gift of Warth to the abbey.<sup>102</sup> The need for confirmation charters does not mean that Teophania was unable to grant alone. It is possible that Easby saw Teophania's alienation as legitimate and complete yet they also acknowledged that, due to the whole family's interest in the lands, this alienation involved her son and brother. Since Conan was still underage this would explain why Easby might wish to secure their hold on Warth by means of a confirmation charter. What is important is that Teophania succeeded and both Conan and Alan issued confirmation charters regarding Warth when Conan became of age and was knighted in 1174.<sup>103</sup> It is also important to note that Conan's charters regarding his inheritance were established by his mother's grants. Even with other kin as guardians, mothers and their lands played a key role in their children's charter activity.

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<sup>101</sup> EYC, vol. 5, no. 132.

<sup>102</sup> EYC, vol. 5, no. 227 (grant), 228 (notification). The original, in BL, *MS Egerton 2827*, f. 152v, records the charter issued by Teophania ahead of those issued by her brother or her son thus illustrating how Teophania had been acting in a personal capacity with the abbey rather than with her brother or son.

<sup>103</sup> EYC, vol. 5, nos. 229, 230.

## 5.5 Family networks

Women's kinship connections affected the wealth and lives of their marital families. A more detailed discussion of networks and family will be undertaken in chapter seven, but in order to contextualise the extent to which women could shape their families, it is important to briefly address how women's families became interlinked. One way this took place was through opportunities to act as guardian. The earlier case of Teophania and her son and heir Conan son of Ellis is an example of the impact guardianship opportunities through female kin presented. Teophania's brother Alan acted as Conan's guardian which he was able to become because his lord approved this, but also because he was Teophania's brother and her closest male relative. However, Conan's mother continued to hold some informal influence over his activities and landholding as demonstrated by her promise to Easby that she would get both her son and her son's guardian to issue confirmation charters. Although Teophania did not have wardship of her son, she was still able to participate in her family's activities.

Another revealing example of how women's kin networks contributed to wardships comes from 1190s Oxfordshire. When Walter II de Dunstanville died in 1194 his son Walter III was still a minor. Possible candidates along the male line for his guardian would have included his uncle Alan II de Dunstanville, or any of Alan's sons Walter, Alan III, and Geoffrey.<sup>104</sup> However, the guardianship was granted to Walter's cognate cousins Thomas and Gilbert Basset whose mother Alice de Dunstanville was Walter II de Dunstanville's sister.<sup>105</sup> William T. Reedy would argue that the brothers' claim was helped by the family's 'greatest asset', their relationship with the royal court.<sup>106</sup> Yet, another argument can be made based on the Basset family's kin networks which had been significantly shaped by the women who had married into the family. Basset marriages were affected by royal approval, but the family's most notable royal involvement was Matilda Ridel's marriage to Richard Basset who was Thomas and Gilbert Basset's first cousin once removed. Although royal approval would have been part of Thomas and Gilbert's success as guardians, their parents' marriage was

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<sup>104</sup> Keats-Rohan, *Domesday Descendants*, pp. 441-2.

<sup>105</sup> *Basset Chs.*, p. xv.

<sup>106</sup> *Basset Chs.*, p. xvii.

another likely source of their association with the Dunstanville family and the success of their claim to wardship. Despite marrying into the Basset family, Alice had clearly retained a connection with her natal family and her sons benefited from this when they were able to become Walter de Dunstanville III's guardians. Royal links were therefore only one of many reasons why the Bassets were thriving in twelfth-century Oxfordshire, and their successful marriages must also be accounted for as another.

Marriage was significant in creating kinship networks and this applied to women's second marriages which continued to create important contacts for lesser aristocrats. In Suffolk, Margaret de Cressy's second marriage to Roger Fitz Roger reveals the potential and significance of kinships introduced by marriage. In 1197-8 Roger owed the exchequer 100m for the right to arrange the marriage of Roger de Cressy, Hugh and Margaret de Cressy's son and heir and his step-son.<sup>107</sup> This claim was most certainly facilitated by his marriage to Margaret, Roger's mother. In 1199 Roger Fitz Roger paid a further 300m to the exchequer for the lands and guardianship of Isabella, Hubert de Ria's second daughter, which at the time, were in the king's hand.<sup>108</sup> As a result of this second wardship he was able to arrange Isabella's marriage to his step-son Roger. One of the reasons he was able to successfully put himself forward for these valuable wardships was his marriage to Margaret and the important kinship networks she introduced him to. The wardships were clearly of social and financial value as is evident from the claim made sometime after 1207 when Margaret de Ria, Isabella's mother, had to pay compensation to her brother William for the financial losses he had incurred because he had not had his niece's wardship and had not arranged her marriage.<sup>109</sup> Wards were valuable and women's kinship networks could help establish them, and in Margaret's case her networks helped alter the standard kin based wardship system. Kinship networks affected how families functioned and what options were available to them in terms of identity, lands, and social opportunities. Kinship networks and their wider social context are the subject of a more detailed discussion in chapter seven.

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<sup>107</sup> *P.R. 9 Richard I*, p. 233.

<sup>108</sup> *P.R. 1 John*, p. 290.

<sup>109</sup> *Sibton*, vol. 2, no. 159.

## 5.6 Conclusion

Women contributed to their families in two important ways. Firstly women were important in forming personal relationships and connections between individuals and families. By means of spiritual requests for a wide range of kin and by naming their children women could shape family identity. To some extent landholding played a role in this and women with extensive lands were more likely to see their names used by successive generations. However, land and inheritance were not the sole factors that determined identity and the social potential of women's natal families was also an important factor in non-comital family identity. Women's concept of family was not limited to immediate marital family and children and women's natal family relationships continued to play an important role in women's families' identities, lands, and relationships. Women had important relationships with their family and correspondingly personal relationships with female kin were valued and driven by notions of kinship rather than land.

Secondly, women's lands affected the wealth of their families. Landholding provided women with significant agency in their families. Women's lands affected their spouses' wealth and also that of their children and heirs. Identities and names utilised both paternal and maternal lines. This was particularly the case when the female line offered more in terms of wealth, land, and social status, and suggests that patrilineal primogeniture was far from being fully established among the non-comital aristocracy. Influence on landholding can also be seen in the co-operation of family in grants and how charters often recorded these in relation to women. Women's families were also a source of social networks and these could, for example, enable their spouses to make important guardianship claims. Non-comital women's agency allowed them to play an important part in the development of family identities, landholding, and networks throughout the twelfth century.

## 6 The Gift-Economy and Non-comital Women

Gifts and grants were an important means to establish social relationships. The alienation of private property in return for counter gifts has been described by Barbara Rosenwein as a 'gift-economy'.<sup>1</sup> Rosenwein's work primarily addressed grants to religious houses, but the same connotations of reciprocity of goods and services can be found in grants between two secular parties.<sup>2</sup> Charters, which recorded these exchanges also often included gift-economy in the form of compensatory counter gifts. According to Emily Tabuteau counter gifts were used as a means of compensation and thus provided practical security to both parties.<sup>3</sup> Tabuteau notes that, beyond the immediate exchange of goods, counter gifts were also statements of social relationship and bonds and that these were established by the reciprocal actions.<sup>4</sup> The discussion in this chapter will build from chapter five, which looked at the effect women had on their families, by looking at women's participation in public transactions and exchanges as part of their agency in their family and society.

As well as recording basic details of a grant, such as recipients, grantors, warranty, and terms of exchange, charters also sometimes recorded additional material details of a counter gift.<sup>5</sup> Counter gifts could be either spiritual or material, the former of these including requests for prayers, spiritual benefits, and *pro anima* clauses which were discussed in chapter five.<sup>6</sup> Material counter gifts include money and goods that were an addition to the

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<sup>1</sup> Barbara H. Rosenwein, *To Be The Neighbor of St Peter: The Social Meaning of Cluny's Property 909-1049* (Ithaca: Cornell University Press, 1989), p. 110.

<sup>2</sup> Mauss, *The Gift*, pp. 11-7.

<sup>3</sup> Tabuteau, *Transfers of Property*, p. 117.

<sup>4</sup> Tabuteau, *Transfers of Property*, pp. 117-8.

<sup>5</sup> In Suffolk I have identified 12 charters with counter gifts and a further 19 charters with gersuma. In Oxfordshire I have identified 237 charters with some form of counter gift, of these 48 include the word 'gersum\*'. In Yorkshire I have found only use of the word 'gersum' (*EYC*, vol. 7, no. 83). However, I have identified at least 86 charters that were issued by non-comital aristocracy or involving lesser aristocrats as beneficiaries where a counter gift was also recorded.

<sup>6</sup> Tabuteau, *Transfers of Property*, p. 115; H. B. Teunis, 'The Counter gift *in Caritate* According to the Cartulary of Noyers', *HSJ*, 7 (1997), pp. 83-8, esp. pp. 83-4; Chris Wickham, 'Compulsory

grant itself and thus part of the gift-economy of grant giving. As actions and statements related to agreements, countergifts are valuable material into women's public actions as landholders and how this shaped their families and English society. While most countergifts were payments in money or in kind and given in recognition of grant or confirmation, in some cases it was a specific additional entrance fee or tax called *gersuma*.<sup>7</sup> This was a form of compensation and formalised, through a financial exchange, the agreement and exchange recorded by the charter.<sup>8</sup> Countergifts that were not described as *gersuma* served a purpose comparable to *gersuma*, but one that was perhaps less official. In general countergifts of all types, including *gersuma*, were recorded irregularly which suggests that although they reciprocated a grant, helped create a social bond between the parties, and were a form of securing the grant, they were not a requirement.<sup>9</sup> Nevertheless, while countergifts and *gersuma* did help secure the legal agreement recorded in the charter, the exchange of a countergift also expressed an important social bond between the charter's issuer and beneficiary.<sup>10</sup>

The social function and language of countergifts means that they can be used to explore women's involvement and public engagement. Countergifts are excellent evidence of the range of women's relationships and landholding.<sup>11</sup> The countergift demonstrates reciprocity in social relationships that both non-comital women and men could have.<sup>12</sup> Women's participation in them helps contextualise and discuss their active role in society outwith their families as well as within their families.

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Gift Exchange in Lombard Italy, 650-1050', in *The Languages of Gift in the Early Middle Ages*, ed. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 2010), pp. 193-216, esp. pp. 194; White, *Custom, Kinship, and Gifts*, pp. 26-7.

<sup>7</sup> Christopher Corédon and Ann Williams, eds., *A Dictionary of Medieval Terms and Phrases* (Cambridge: D. S. Brewer, 2004), p. 143.

<sup>8</sup> Livingstone, *Out of Love for My Kin*, p. 211; Tabuteau, *Transfers of Property*, pp. 117-8.

<sup>9</sup> Hudson, *Land, Law and Lordship*, pp. 165-6; Tabuteau, *Transfers of Property*, pp. 115-9; Frances M. Page, *The Estates of Crowland Abbey: A Study in Manorial Organisation* (Cambridge: Cambridge University Press, 1935), p. 116; R. E. Latham, *Revised Medieval Latin Word-List: From British and Irish Sources* (London: Oxford University Press, 1965), p. 211.

<sup>10</sup> Rosenwein, *To Be The Neighbor of St Peter*, p. 111; Mauss, *The Gift*, p. 10.

<sup>11</sup> Livingstone, *Out of Love for My Kin*, p. 211; Teunis, 'Countergift in Caritate', pp. 87-8.

<sup>12</sup> Mauss, *The Gift*, p. 11; Wickham, 'Conclusion', p. 246.

Counter gifts were not specific to any region and they can be found in each of the three counties in this study.<sup>13</sup> Some regional differences do seem to arise and, for example, only one use of *gersuma* can be identified in charters issued by non-comital men and women from Yorkshire.<sup>14</sup> However, a further 102 Yorkshire charters record some form of counter gift suggesting that reciprocal acknowledgement of grants was practiced even if it was not always recorded as *gersuma*. Counter gifts are also found in Suffolk and Oxford where 288 and 258 charters issued by non-comital men or women include them.<sup>15</sup> The higher number of references to counter gifts for the two smaller counties might be due to their more urban nature. Many of the extant Oxfordshire charters are from the cartularies of the three main houses in Oxford: St Frideswide Priory, Oseney Abbey and Godstow Abbey. The emphasis on urban houses is likely due to source survival and it is possible that, as a means to secure a grant, wealthier urban houses pursued counter gifts and subsequently recorded them. Counter gifts are regularly found in the cartularies of the wealthier abbeys and priories such as Fountains Abbey and Pontefract Priory in Yorkshire or the Abbeys of Bury St Edmunds, and Sibton or Priories of Stoke-by-Clare and Eye in Suffolk, or the above mentioned three Oxford houses. Counter gifts were, however, not always recorded by big houses and only two of the 101 charters relating to Abingdon Abbey in the database included counter gifts.<sup>16</sup> Smaller houses also included records of counter gifts and nine of the 11 Oxfordshire cartularies consulted included at least one counter gift.<sup>17</sup> Local tradition rather than wealth seems to have affected when counter gifts were recorded.<sup>18</sup> Had the recipients wanted to legally secure their acquisitions, other methods such as warranty clauses, confirmation charters, and sealing would have provided more suitable means to do so than a

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<sup>13</sup> Teunis, 'Counter gift in *Caritate*', pp. 83-8; Davies, 'When Gift is Sale', 217-37; See various case studies in Wendy Davies and Paul Fouracre, eds., *The Languages of Gift in the Early Middle Ages* (Cambridge: Cambridge University Press, 2010).

<sup>14</sup> *EYC*, vol. 7, no. 83; Original Bodleian Library, MS Dodsworth 8, fol. 18. This is from a total of 1954 Yorkshire charters issued by non-comital men or women.

<sup>15</sup> From a total of 471 charters from the Suffolk sources and 621 from the Oxfordshire sources that were issued by non-comital men or women.

<sup>16</sup> *Abingdon*, vol. 1, nos. 202, 258.

<sup>17</sup> The cartularies of Godstow Abbey, Eynsham Abbey, Oseney Abbey, St Frideswide Priory, St John's Hospital, Abingdon Abbey, Sandford Priory, and Thame Abbey, and Boarstall.

<sup>18</sup> Postles, 'Securing the Gift', pp. 183-91; Hudson, 'Legal Aspects', pp. 121-38; Charles Insley, 'Charters and episcopal scriptoria in the Anglo-Saxon South-West', *Early Medieval Europe*, 7 (1998), pp. 173-97.

countergift.<sup>19</sup> It is thus possible that the written records do not reflect the actual rate of occurrence and that more were given than were recorded. This is evidence of the symbolic importance of countergifts and that they were not necessarily fundamental to the legal security of the written record, even if they were otherwise performed. In terms of women's activity this chapter will argue that women engaged with a range of parties and individuals of secular and ecclesiastical status. Non-comital women must be viewed as influential public landholders on their own right.

## 6.1 Means of Participation

### 6.1.1 Landholding

One of the key reasons for why women were in receipt of the countergift was their landholding. This has often been assumed to have been dowers or dowries and as a result scholarship has often focused on legal factors that led to women being recipients of countergifts.<sup>20</sup> Susan Johns, for example has argued that, because of their subordinate status, women received countergifts when the lands granted were dowers or dowries and that countergifts were a means to exclude women from other parts of the grant making process.<sup>21</sup> Some charters appear to follow this pattern, especially when women received countergifts or *gersuma* for a grant that was made from their dower or dowry, but that did not describe them as either issuer or consenter. For example, in Suffolk, a charter issued by Gilbert Balliol records a countergift of one mark to Gilbert, but also describes his mother Maze as a recipient of 23s and six measures of wheat given in recognition of the grant.<sup>22</sup> The reason for Maze's countergift is that the lands belonged to her 'dotem'. It is not clear if Maze was otherwise actively involved in the grant making process, but the value of her

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<sup>19</sup> Hudson, 'Diplomatic and Legal Aspects', p. 173; Hudson, 'Legal Aspects', p. 124; Postles, 'Securing the Gift', p. 185; David A. Postles, 'Seeking the Language of Warranty of Land in Twelfth-Century England', *Journal of the Society of Archivists*, 20 (1999), pp. 209-22, esp. pp. 211, 218.

<sup>20</sup> White, *Custom, Kinship, and Gifts*, p. 111; Johns, *Noblewomen*, p. 114; Tabuteau, *Transfers of Property*, pp. 115-9; Teunis, 'Countergift in Caritate', pp. 83-4.

<sup>21</sup> Johns, *Noblewomen*, p. 114.

<sup>22</sup> *Stoke-by-Clare*, vol. 2, no. 541. Note that Gilbert's 1 mark = 13s 4d, Maze therefore received 9s 8d more than Gilbert.



countergift suggests that the fact that these were her dower was an important matter and that it had to be addressed by means of a countergift that compensated for any loss. In Johns' model, Maze is an example of someone who had to accept alienations from her lands. However, as has been shown throughout this thesis, women had access to land, were able to control and manage their holdings independently, and could even address courts or the exchequer regarding their independent control of finances.<sup>23</sup> The same is evident in this charter. The lands are defined as Maze's dower rather than as Gilbert's lands and her countergift has a higher value because her right of dower were superior and more immediate than his right as the heir. Although Maze might not have controlled her dower as actively as some other women, the lands were still considered hers and the countergift reflected this.

Right to land was an important factor in determining women's contribution to their families and Johns' argument defines countergifts within terms of landholding only. However, this was not the case and women did not rely on dowers and dowries to receive countergifts. This was the case when Ralph son of Gichel and his wife Leceline co-issued a charter to Fountains Abbey of four acres and a rood in North Cowton, Yorkshire.<sup>24</sup> In recognition of the lands Ralph received a palfrey worth 20s while Leceline received half a mark of silver. Leceline's countergift was monetary whereas Ralph received his as palfrey which was thrice as valuable as Leceline's countergift and an important social symbol appropriate for the family's status. The charter itself had been issued jointly and uses plural forms in its dispositive and warranty clauses, 'dedimus et confirmavimus ... et nos et heredes nostri guarentabimus'. The countergift, however, addresses the couple separately with Ralph in first person 'mihi' while Leceline is described as 'uxori mee'. The countergift was separate from the grant, but was still related to it. The lands in North Cowton appear to have been held by Ralph's family and were not a marital acquisition.<sup>25</sup> This does not rule out the possibility that the lands may have been Leceline's dower and that this might be why she received a countergift, but this is not likely. Dowers might not be fully defined until

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<sup>23</sup> See above, pp. 137-9.

<sup>24</sup> *EYC*, vol. 5, no. 294.

<sup>25</sup> *EYC*, vol. 5, p. 206.

they were claimed and this would not take place until after the husband's death. The charter also does not describe the lands as her dower and is instead more focused on joint landholding and Leceline's position as Ralph's wife. It could be argued that differences between the grant and the countergift came about because the countergift did more than just compensate Leceline for loss of potential dower. The countergift established and secured an agreement and a social bond by reciprocating the gesture of the grant and in this example both Leceline and Ralph were included in this. By making countergifts to all issuers, recipients of grants could make a public statement of the relationship they had with the charters' issuers. The different value of payment was not defined solely in terms of landholding, but was also a statement of social relationships.

### 6.1.2 Family and Marriage

By receiving additional tax or gift based payments women were part of a wider gift-economy that demonstrates their individual agency which translated into agency within their families. Huberta de Waresle, for example, issued a charter to Sibton Abbey with the consent of her son and heir Ralf which granted the abbey the right to make a public way over her lands for which the monks agreed to pay Huberta and her heirs 4s annually for services and customs and a single payment of one mark 'in gersumam'.<sup>26</sup> The charter is issued by Huberta and describes the charter and the grant as hers. It also describes payments for the grant as being addressed primarily or only to Huberta.<sup>27</sup> The lands in question are also only ever described as hers which would suggest that despite her son's 'consilio et favore' the agreement was between Sibton and Huberta. Further evidence of *gersuma* illustrating personal relationships between charter issuer and beneficiary can be seen in a charter issued by Ada de Tosny sometime before 1189 to Dodnash Priory which included neither co-issuers nor consentors. Ada granted the monks various lands for an annual rent of 3s payable to her and in recognition of the grant the monks gave her 20 shillings 'de gersuma'.<sup>28</sup> Like Huberta, Ada's charter records a grant made by her alone for

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<sup>26</sup> *Sibton*, vol. 3, no. 898.

<sup>27</sup> The annual payment is 'pro omnibus servitiis et auxiliis et consuetudinibus et pro omnibus rebus' and is payable to 'mihi et heredibus meis' while the gersuma is 'dederunt mihi'.

<sup>28</sup> *Dodnash*, no. 7.

which she is financially compensated. Not only were Huberta and Ada able to alienate their lands, the countergifts further confirmed their association with the monasteries. The *gersuma* attests to women's ability to participate in a financial exchange and that their status contributed to their social relationships.

Huberta and Ada were both widows when they issued their charters, but widowhood was not a pre-requisite for receiving countergifts. Wives were widely involved in many aspects of their marital families' economies and participated in various aspects of grant making, including receiving countergifts. Between 1185 and 1200 Matilda de Scures, wife of Turgis de Bray, granted one bovat in Riston, Yorkshire, to her kinsman Henry de Scures for his service, homage, and forinsec service for which he gave her a pair of spurs as a countergift.<sup>29</sup> Turgis issued his own confirmation charter of the grant which means Matilda's charter can be firmly placed within their marital years.<sup>30</sup> Turgis' confirmation of the grant testifies that he did have an interest in the lands, but also substantiates the view that the grant was Matilda's. Two conclusions can be drawn from Huberta, Ada, and Matilda's charters. Firstly, women shaped their families' wealth by means of grants, as discussed in chapter five, and countergifts. Secondly, marital status did not restrict women from engaging in personal exchanges with the beneficiaries of their grants and countergifts were paid to women as wives and widows when they participated in grants.

Co-issuing a charter or giving consent to a grant were also considered sufficient reasons for women to be in receipt of countergifts which is strong evidence of how families actively expressed shared interest as landholders and consequently shared countergifts. A good example of this comes from late twelfth- or early thirteenth-century Suffolk where the family of Robert de Cove, his wife Alice, son Adam, and daughter Matilda co-issued a charter to Blythburgh Priory which recorded a grant of six acres in Cove.<sup>31</sup> The countergift by the monks, of a horse valued at one mark, is described as given to 'nobis', the whole Cove family.<sup>32</sup> The grant and the countergift confirm the family's joint action and the

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<sup>29</sup> *EYC*, vol. 3, no. 1349.

<sup>30</sup> *EYC*, vol. 3, no. 1349, p. 67; *Chronica monasterii de Melsa*, vol. 1, p. 304.

<sup>31</sup> *Blythburgh*, vol. 1, no. 176 'nos dedimus'.

<sup>32</sup> 'Dederunt nobis ... propter hanc donationem'.

priory's recognition of this. In the case of the Cove family, sharing a counter gift between the family might have been preferred by Blythburgh Priory, particularly if the Cove family inheritance had yet to be settled between Adam and his sister Matilda. Blythburgh Priory would consider each co-issuer and family member to have a hold on the lands which meant that by addressing the counter gift to the family Blythburgh could attempt to pre-empt any future claims by either Adam or Matilda.<sup>33</sup> Not only was the priory trying to prevent future claims, it was also allowing for the fact that it could not yet know who might inherit and therefore be the most likely future claimant.

Gifts to co-issuers could also be individual and their value could vary. The different values could be based on past or current landholding or express anticipation over future claims. Family landholding and possible strength of claim factored into the value of a counter gift and determined social relationships. When a variety of family members received counter gifts and at least a partial inheritance order can be established the connection between the two is more direct. Statements alluding to wider landholding and inheritance can be made subtly in counter gifts, but they do exist as can be seen in the grant of Barnsley to Pontefract Priory made between 1144 and 1159 by Ralph de Chevre court and his sister Beatrix. The charter was issued with the consent of Ralph's sons, Jordan and Richard, and included a number of counter gifts to all four.<sup>34</sup> Ralph received three marks while his sister Beatrix was given 10 marks. Ralph was also to receive a tunic and boots annually and, as consentors, his sons Jordan and Richard received a palfrey and five marks respectively. The personal nature of the grant, attested to by the appointment of three monks to pray for the grantors and their mother, offers some explanation for the range of counter gifts. It is possible that Beatrix had the strongest claim to the lands, but was perhaps child-less which is why Ralph's sons received counter gifts. The scenario is further supported by the prayers, which the monks were to make for Ralph and Beatrix's mother, which could indicate that their mother had held a lifetime interest in the lands as dower or dowry. Passing lands from mother to daughter was not unusual and dower and dowry lands were often reused for the

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<sup>33</sup> Tabuteau, *Transfers of Property*, p. 117.

<sup>34</sup> *EYC*, vol. 3, no. 1771. Note: Sir Charles Clay suggests that the charter was issued no later than 1153, see Sir Charles Travis Clay and D. E. Greenway, eds., *Early Yorkshire Families* (Leeds: Yorkshire Archaeological Society, 1973), p. 18.

same purposes in successive generations.<sup>35</sup> That Ralph's son Richard received five marks, half the value of what Beatrix received, but more than either Ralph or Jordan, also attests to this hereditary scheme. Richard's placement as consensor after Jordan would indicate that since Jordan was likely to succeed Ralph, Richard, who was the younger of the two, might have been considered to be his aunt's most likely heir, if Beatrix had no heirs of her own. Jordan succeeded his father before 1165, but since Richard died sometime before 1168 his inheritance is more difficult to prove.<sup>36</sup> Lands held by women and the claims they could make in order to hold lands affected the processes which charters recorded. Unlike Johns, whose model argues that this was an example of women's subordinate status, the evidence here suggests that counter gifts to women, even for their dowers and dowries, demonstrate agency and active involvement in the alienations.<sup>37</sup>

Women's interest in gift exchange stemmed from their families' landholding, but counter gifts and *gersuma* payments are also evidence of women's roles in their families. Between c.1150-60 Reginald de St Valery was preparing to leave for Jerusalem and granted 9s rent from his tenant in Knitteton to St. Frideswide in Oxford. The canons then proceeded to give Reginald 12 marks to complete his journey and they also gave his wife Amirie 1m.<sup>38</sup> Apart from the counter gift Amirie is not named in any other context in the charter. In light of Reginald's travel plans to Jerusalem it is likely that once he had left Amirie would have become his representative in the family's lordship and that this motivated the monks' inclusion of her. It was not uncommon for women to take over their husbands' duties in relation to their lordship when the husbands were absent. Examples of this can be found in late twelfth and early thirteenth century when Nicholaa de la Haia acted as castellan of

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<sup>35</sup> Loengard, 'What did Magna Carta mean', p. 146; Green, 'Aristocratic Women', p. 64.

<sup>36</sup> *The Chartulary of St John of Pontefract*, vol. 2, ed. Richard Holmes (Yorkshire Archaeological Society, vol. 30, 1902), no. 386; original in BL, *Add MS 50754*, f.63v; *EYC*, vol. 3, p. 394; *P.R. 11 Henry II*, p. 55; *The Red Book of the Exchequer*, ed. Hubert Hall (3 vols., Rolls Series, vol. 99:1, 1896), p. 343; Clay and Greenway, eds., *Early Yorkshire Families*, p. 18. Richard's apparent death is based on the fact that he does not appear in Jordan's confirmation of Barnsley to Pontefract issued around 1168.

<sup>37</sup> Johns, *Noblewomen*, p. 114.

<sup>38</sup> *St Frideswide*, vol. 2, no. 1080.

Lincoln castle in 1199 in her husband's absence and again, as widow, in 1217.<sup>39</sup> The foresight of Amirie's role in her husband's absence and how it could shape her and her marital family's relationships with the monastery is a possible explanation for why she also received a countergift. St Frideswide's recognition of Amirie suggests that she participated in her family's affairs and how such activity within her family could also have an effect on relationships outwith the family.

A set of four charters issued by Ralph de Beaucoudray further illustrates how wives participated in the management of family lands and wealth and how countergifts express wider social acknowledgment. The countergifts, listed below in table 6.1, were received by Ralph and his family, but the charters were only issued by him and offer no clear explanation in terms of landholding as to why his wife Eustacia and son Richard would have received compensation. All the rents and land are associated with Thaxted in Suffolk, some of which Ralph states he held of the fee of the Earl of Clare.<sup>40</sup> There is no evidence in the charters to suggest that the lands were held or claimed by Eustacia as dower or dowry. In spite of this, she received compensation worth one bezant for the lands. Richard's countergifts were less than his parents'. All four countergifts illustrate this descending pattern in the payments made to Ralph, Eustacia, and Richard. This does not appear to have been a random pattern and instead it seems that the payments were relative to the individual's potential claim to land and their social position in the family. While neither Richard nor Eustacia are recorded as issuers or consentors the beneficiaries at least thought it necessary to publicly record and quantify their involvement and interest because of their status within the family and the family's landholding.

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<sup>39</sup> Kimberly A. LoPrete, 'Women, Gender and Lordship in France', *History Compass*, 5 (2007), pp. 1921-41, esp. p. 1931; Wilkinson, *Women in Thirteenth-Century Lincolnshire*, p. 17; Wilkinson, 'Women as Sheriffs', pp. 112-8; Devizes, *Cronicon*, pp. 30-1.

<sup>40</sup> *Stoke-by-Clare*, vol. 2, nos. 465, 485-7.

**Table 6.1 Financial details recorded in charters between Ralph de Beaucoudray and Stoke-By-Clare in Suffolk**

	Charter			
	<i>Stoke-by-Clare Cartulary, vol. 2, no. 465</i>	<i>Stoke-by-Clare Cartulary, vol. 2, no. 485</i>	<i>Stoke-by-Clare Cartulary, vol. 2, no. 486</i>	<i>Stoke-by-Clare Cartulary, vol. 2, no. 487</i>
<b>Rents owed</b>	12d	12d	12d and 9d per £1 scutage	3d per £1 scutage
<b><i>Gersuma</i> paid to Ralph</b>	7s	1m	10s	20s
<b><i>Gersuma</i> paid to Eustacia</b>	1 bezant and brooch ('fermaculum') worth 7d	1 bezant	1 bezant	1 bezant
<b><i>Gersuma</i> paid to Richard</b>	Brooch worth 6d	6d	Silver brooch	6d

Defining counter gifts solely within a narrow legal framework of landholding overlooks the symbolic value of exchanges that could develop and maintain social relationships.<sup>41</sup> Not all women who received *gersuma* and counter gifts were described as participants in the grant as the charter's co-issuer or consenter, nor was the land described as their dowers or dowries. Reasons for receiving counter gifts other than property rights or landholding must, therefore, be considered. For example when Peter de Tolworth granted rents worth 2s and scutage to Stoke-by-Clare, he received five marks for it while his wife Eve, who had no other role in the charter, received half a mark.<sup>42</sup> The charter offers no evidence that Eve received her half mark because the lands were, or could become, hers. Despite this lack of information, the counter gift suggests that Eve contributed to the grant in some form. This might not have been in terms of dower or dowry, and it is possible that her relationship with Stoke-by-Clare Priory, as part of the marital unit with Peter, was a factor in the counter gift.

<sup>41</sup> Livingstone, *Out of Love for My Kin*, p. 231; Teunis, 'Counter gift in Caritate', pp. 87-8.

<sup>42</sup> *Stoke-by-Clare*, vol. 2, no. 566. Eve's counter gift was 1/10 the value of Peter's.

A similar example of social agency can be seen in a charter issued by William de Slepehill to Pontefract Priory in 1175-86. The charter records that the lands in question had been bought by Richard de Kerecroft who, following a further exchange of lands, gave a countergift, meant for the purchase of shoes, of 18d to Cecily wife of William de Slepehill.<sup>43</sup> Richard gives the countergift to Cecily in testimony, 'in testimonio', of the exchange and this is the only mention of Cecily in the charter. This testimony is separate from the attestation clause which follows the countergift in the charter. Cecily is therefore involved in the grant, but she is not described as involved in the purchase or grant of the lands as co-issuer, consenter, beneficiary, or witness and the charter gives no impression that she could claim the lands. Yet the charter is clear that she participated in the overall process which the countergift formalises. This example thus illustrates how women's social relationships could be conveyed and expressed by means of a gift. Counter gift exchanges demonstrate significant financial and social roles undertaken by women which also secured women's agency in wider social networks.

It is more than likely that charters do not record all of the occurrences of counter gift or their full detail and that we have lost evidence of women's public contribution. Counter gifts were not vital to the grant's legitimacy and John Hudson has argued that participation in others' gifts occurred more often than has been recorded in charters.<sup>44</sup> This has likely affected the records of counter gifts meaning that they are under-represented in the material and that they were, in fact, paid more often. A pair of charters from Oxfordshire is an excellent example of women's involvement in their families and how much of this evidence might be lost. The first charter, dated to c.1200, records a grant by William de Kersinton to Gilbert Fabro of the Knights Templars of a messuage in 'Couele' and an acre in Hackmere.<sup>45</sup> The charter also records the consent of his son Henry and wife Matilda. Gilbert pays *gersuma* of one mark to William alone with nothing indicated to Henry or Matilda. Since William is the sole grantor this appears to follow the conventional pattern of *gersuma* payments. However, a confirmation charter issued by Henry, William's son,

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<sup>43</sup> EYC, vol. 3, no. 1550.

<sup>44</sup> Hudson, 'Diplomatic and Legal Aspects', pp. 171-2.

<sup>45</sup> Sandford, vol. 1, no. 84.



suggests that the original scribe might have omitted information and that William's wife and son received something as a result of the original grant. Henry's confirmation is issued with his wife Emma's consent and, although it confirmed two acres rather than a messuage, the confirmation charter describes a *gersuma* of one mark of silver that Gilbert had paid to William which would indicate that he is confirming the same lands his father granted earlier.<sup>46</sup> The confirmation then adds that, for the original grant, Gilbert had also given 'domine Matilde matri mee 12d et mihi unum par calcarium'.<sup>47</sup> The confirmation itself also included *gersuma* with Henry receiving 16s 'et Emme uxori mee 6d. et Luce fratri meo unum kniplum'.<sup>48</sup> The original had only indicated a single recipient for the *gersuma*, yet it appears that the consentors had also received something. Although in general counter gifts were not a legal requirement and did not secure the grant officially the example given here, is a specific type of counter gift called *gersuma*. Officially defined as a fine or a tax, *gersuma* payments do include elements of formal exchange.<sup>49</sup> However, *gersuma* payments were not always made or indicated in the charters, which is what seems to have happened with Gilbert's payment of a *gersuma* to William and his family. The grant to Gilbert seems to have been in effect without the inclusion of the full *gersuma* in the original charter. This suggests that neither informal nor formal counter gifts were a requirement for a grant to become effective and that consequently some evidence of women's agency and role in their families' finances has been lost. Although some form of security and formal conclusion to the exchange had probably been sought by Gilbert Fabro, when paying *gersuma* to Matilda and Henry, this was not seen as a key element to concluding the original exchange. It is probable that the loss of the full *gersuma* detail from the earlier charter was due to scribal error or omission when it was copied into Sandford Priory's cartulary. The inconsistencies in the use and content of *gersuma* in these two charters demonstrate that it was not always unnecessary because its legal and social implications did not jeopardise the grant made by William.

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<sup>46</sup> *Sandford*, vol. 1, no. 83.

<sup>47</sup> sic. Calciarium: shoes.

<sup>48</sup> Kniplum: knife.

<sup>49</sup> *Gersuma* as an entry fine is supported by the use of the term 'grassum' in Scotland for the same purposes. Thomas Bedford Franklin, *A History of Scottish Farming*, (London: Thomas Nelson and Sons, 1952), pp. 87. 91. I am grateful to Norman Shead for this reference.

It is possible that many more women received counter gifts than what has survived in the written evidence. Wives were relevant to their families' charter activity and this contributed to women's own wealth as well as that of their families. The values of *gersuma* in Oxfordshire and Suffolk follow a similar pattern whereby mothers and wives received more than their sons and heirs, but less than their husbands. It seems that it was important to involve heirs in landholding and its management, but within the family hierarchy mothers were important and acted alongside spouses and heirs. Women contributed to their families' wealth and status in grant making and as a result of this, women were also part of other exchanges that shaped financial wealth and social relationships.

## 6.2 Social Relationships and Counter gifts

Women could give and receive counter gifts in public interactions that did not take place between family or kin demonstrating women's agency outside the sphere of family. When Cristiane, wife of Walter 'genero', or son-in-law, of William Grante was co-recipient with her husband of a grant from Oseney Abbey in the parish of St Mary Magdalen the couple agreed to pay an annual rent of 3s as well as giving the abbey a counter gift of one bezant.<sup>50</sup> The property was of significant local interest and a copy of the charter also survives in the cartulary of the Priory of St Frideswide which was in dispute with Oseney from 1145 to 1200 over the parish in which the lands lay.<sup>51</sup> Emily Tabuteau's model of counter gifts as compensation, which argues that they provided security to both parties, can be applied to this case.<sup>52</sup> It is possible that, since Oseney Abbey's claim to the parish was under threat, the couple's counter gift was, to some extent, intended to secure a tenurial relationship between them and the abbey as their landlord. Tabuteau's interpretation of counter gifts is, however, somewhat restricted and approaches them with a heavy focus on juridical compensation that offers a limited explanation for the public ceremony of counter gift or the

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<sup>50</sup> *St Frideswide*, vol. 1, no. 493; *Oseney*, vol. 2, no. 819.

<sup>51</sup> *VCH: Oxford*, vol. 2, p. 90; *Annales Monastici*, vol. 4, ed. H. R. Luard (5 vols., Rolls Series, vol. 36:1-5, 1864-9), pp. 25, 37, 50.

<sup>52</sup> Tabuteau, *Transfers of Property*, pp. 117-8.

gift as a symbol of social status and relationships.<sup>53</sup> The countergift given by William and Cristiane also expressed the social relationship, which Cristiane was an active participant in, between the couple and Oseney. The charter is addressed to both William and Cristiane and the countergift is also given jointly, ‘dederunt’ rather than ‘dedi’. Cristiane is represented as equal to her husband as a tenant and giver of countergift. Cristiane and Walter are also described as giving fealty to the church, ‘fecerunt fidelitatem’.<sup>54</sup> That the countergift was given alongside such a promise demonstrates how important social relationships were alongside the financial exchange of rent or sale. The charter records a public statement of their relationship with Oseney, but it is also an example of Cristiane’s own agency alongside that of her husband’s. She was able to act publicly and within socially acceptable remits of the couple’s social relationships.

Another Oxford charter is a comparable case demonstrating how women participated in social and financial relationships. A cyrograph dateable to c.1190-1200 records the transfer of property in the parish of St Edward in Oxford from the Priory of St Frideswide to Philip ‘de Dadyntone cyrotecario’<sup>55</sup> and his wife Dionisia of Wytham for which the couple agreed to pay an annual rent of 4s.<sup>56</sup> They also paid one mark as a countergift and ‘volumus et concedimus’ to the monks that they would not give the house to anyone else without the monks’ permission. Whereas Walter and Cristiane’s action was worded as ‘fidelitatem’, Philip and Dionisia ‘will and concede’ to a more tangible outcome in terms of the management of the property. Women’s participation in oaths, promises, or fealty further establishes the range of activities and roles women had as landholders and how these were part of wider community. An important similarity between the two case studies discussed above is that both are dependent on the couples’ words and actions. These social exchanges are used to establish a trust based relationship between the parties involved. Both Philip and Dionisia were addressed as beneficiaries in the charter and were joint recipients of the grant. Joint action extended to the promise which would have been given by both rather

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<sup>53</sup> Tabuteau, *Transfers of Property*, pp. 116-7; Rosenwein, *To Be The Neighbor of St Peter*, p. 110; Livingstone, *Out of Love for My Kin*; Teunis, ‘Countergift in Caritate’, p. 86.

<sup>54</sup> *St Frideswide*, vol. 1, no. 493; *Oseney*, vol. 2, no. 819.

<sup>55</sup> Cyrotecario: a falconer or a cyrographer, more likely the former.

<sup>56</sup> *St Frideswide*, vol. 1, no. 168.

than by Philip alone. By having made the promise with her husband, Dionisia was acknowledged as having rights to the land. Countergifts made by women are not simply a reciprocal act to a grant made to them that might have been expected regardless of gender, they are also examples of women as active participants in financial exchanges. These exchanges had an important social element in them and as payers of countergifts women were recognised as being able to enter into such social relationships.

These examples are of marital couples and joint action, but women can also be found giving countergifts on their own as sole beneficiaries of grants. Women were able to control their own social relationships and, through them, women could significantly shape their families, and particularly their children's actions who might, in a sense, inherit the same social relationships and agreements. Sibyl de Sauceto, for example, received two cotelands in 'Karsyntoun' in Oxfordshire from William Fitz Richard and his wife Juliana.<sup>57</sup> As rent, Sibyl agreed to pay one pound of pepper for the lands as well as paying, in recognition of the grant, 20s to William and Juliana and a further 12d to their son Peter, who had given his consent to the charter. Sibyl's actions reveal her to be engaged with her family and its landholding, but they also emphasise independent action. As well as modifying her own estates Sibyl came to play a role in what her son inherited. The Sauceto family's possible hereditary hold of these lands is already present in the original grant which is addressed to Sibyl and her heirs and Sibyl did indeed pass the lands to her son Ralph.<sup>58</sup> Not only is this exchange an excellent example of a woman acting alone, it also demonstrates Juliana's role in her family as she co-issued the charter with her husband and shared the countergift with him. Juliana, whose dowry these lands were part of and who had retained an interest in them, later issued a confirmation charter to Ralph when he inherited.<sup>59</sup> The fact that the lands were part of Juliana's dowry justified the need for her to issue a confirmation to Ralph, but it being her dowry might not have been the sole justification for her original participation because it also took into account her role in the family. The original charter only describes the lands as Juliana's dowry in the warranty clause which suggests that, while

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<sup>57</sup> *Godstow*, no. 344; *Latin Cartulary of Godstow*, no. 342.

<sup>58</sup> *Godstow*, no. 345; *Latin Cartulary of Godstow*, no. 343.

<sup>59</sup> *Godstow*, no. 346; *Latin Cartulary of Godstow*, no. 344.

the detail was important in defining the terms of land holding, it was not the first detail of disposition included in terms of Juliana as co-issuer alongside her husband and son. What is interesting about this set of charters is that they do not depict an exchange that was solely defined by or dependent on Sibyl and Juliana's sex. The countergift and confirmation are evidence that both Sibyl and Juliana had personal access to lands, Juliana as her dowry and Sibyl as tenant, and the agency that they wielded in these domains was recognisably theirs. The exchanges involved women with their families and although Sibyl initially acted independently her actions also shaped her son's wealth and actions.

Sibyl is an excellent example of how women expressed their agency in late twelfth-century England. She is an independent recipient of a grant which engages her in financial transactions of rent and countergift, she is connected with the grantors as tenant, and consequently shapes her son's landholding. What is interesting is the independence of her actions which influenced her heirs, yet her actions were not affected by the heirs who are only present in the charter for the original grant in the anonymous and formulaic phrase of 'heredibus suis'.<sup>60</sup> Sibyl's personal agency and influence are further demonstrated when she issued a charter to her own son Ralph de Sauceto and made him her heir.<sup>61</sup> The three charters discussed here have broad date ranges and whether Ralph's status as Sibyl's heir would have been known at the time of the original grant remains unclear.<sup>62</sup> It is, however, likely that this line of inheritance would have been expected because Ralph was her son. Despite this probable line of inheritance Sibyl had to grant the inheritance in a separate charter and Ralph could not rely on the formulaic inheritance language of the original charter. The grant had been given to Sibyl with the possibility that Juliana's family continued to accept the rental agreement with her heirs. Juliana's actions also demonstrate women's participation in their families. As co-grantor with her husband, and later as sole issuer of the confirmation charter, Juliana expressed personal interest in the alienation of land and any financial exchanges that followed from it. The lands were defined in relation to Juliana and Sibyl and their authority in the land's management affected their families.

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<sup>60</sup> Godstow, no. 344; *Latin Cartulary of Godstow*, no. 342.

<sup>61</sup> Godstow, no. 345; *Latin Cartulary of Godstow*, no. 343.

<sup>62</sup> *Latin Cartulary of Godstow*, nos. 342-4. The three charters date to late twelfth century, late twelfth – early thirteenth century, and early thirteenth century.

Countergifts were part of the ceremony of grant making. The exact format of how countergifts were given remains unknown though, as Emily Tabuteau has stated, they were ‘so closely connected with the ceremony of donation that the two cannot be separated’.<sup>63</sup> In spite of this it is possible to consider the public nature of countergifts and how this affected women’s agency. Countergifts were an assurance of social relationships and networks.<sup>64</sup> As public statements that involved the exchange of goods countergifts necessitated access to wealth which means that the party in receipt of the countergift acknowledged its giver was able to perform the exchange. This would also have been witnessed by others whose presence would have further emphasised the social significance of a countergift.<sup>65</sup>

It is important to note that many of the examples of countergifts discussed so far in this chapter have been between a secular and an ecclesiastical party. Countergifts to and from religious houses extended women’s relationships with religious houses beyond the confines of religious patronage for the sake of spiritual well-being only. Women were expected to show concern for their families’ spiritual well-being and, as shown in chapter five, *pro anima* clauses and religious patronage were an important means to achieve this and that these relationships also allowed women to shape their families’ identities and behaviours.<sup>66</sup> Involvement with religious houses was, however, not limited to spiritual matters and associating with religious houses gave women agency in economic affairs and social networks, and the latter of these will be discussed in more detail in chapter seven. For the purposes of looking at the gift-economy it must be noted that performing countergifts with religious houses gave women agency as landholders and managers of wealth. Women who are recorded to have lost their claim against a monastic house in a final concord are also recorded as having received compensation for this loss.<sup>67</sup> Similarly women, who issued charters and alienated lands to a religious house, could receive what appeared

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<sup>63</sup> Tabuteau, *Transfers of Property*, p. 116.

<sup>64</sup> Mauss, *The Gift*, pp. 16-7; Rosenwein, *To Be The Neighbor of St Peter*, p. 110.

<sup>65</sup> Tabuteau, *Transfers of Property*, p. 117.

<sup>66</sup> Geary, *Phantoms of Remembrance*, p. 52; see above Chapter 5, esp. sections 5.1-5.3.

<sup>67</sup> *Stoke-by-Clare*, vol. 1, nos. 18, 20, 169, 170; *Pinchbeck*, vol. 1, p. 429; *Oseney*, vol. 5, no. 589.

to have been voluntarily given counter gifts.<sup>68</sup> Much like counter gifts between two secular parties the payment of such a counter gift from a religious house acknowledged and validated women's financial and social agency.

As payees and payers of counter gifts women were active outside their family and thus shaped their own and their family's public relationships. Material counter gifts between secular parties often involved money, such as what was paid by Sibyl de Sauceto above to William, Juliana, and their son Peter.<sup>69</sup> Oaths between two secular parties as part of a material counter gift can also be found. Jordan de Aylesbury and his wife Edith paid *gersuma* as well as performed fealty, 'fidelitatem', c.1160-70 to Ernise Fitz Ernise and Maisent his wife and for a different grant c.1200 to Turbern Pistor.<sup>70</sup> Although the promises were not described as homage, 'homagium', but rather as 'fidelitatem de tenemento' they do show that Jordan and Edith had formed social and personal associations with the grantors as their lords. These promises and exchanges took place alongside the financial transaction and involved both husband and wife.

## 6.3 Conclusion

Women's activity as both recipients and givers of counter gifts confirms that women's agency was not limited to land and demonstrates how this can be found in material counter gifts as well as oaths and promises. Counter gifts, whether they were money or goods, place women's actions within a gift-economy that involved them in their local society and families. As examples of Maussian reciprocity of grants, counter gifts are evidence of women's ability to partake in financial agreements that affected their families' wealth.<sup>71</sup> Counter gifts were recorded in similar ways regardless of the secular or ecclesiastic nature of the two parties involved which would suggest that the exchange was not specific to status and that it had universal appeal and relevance. This would support the idea that

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<sup>68</sup> *Eynsham*, vol. 1 no. 168; *Blythburgh*, vol. 1, no. 212; *Blythburgh*, vol. 2, no. 377; *Stoke-by-Clare*, vol. 2, no. 497.

<sup>69</sup> For some examples see *Godstow*, no. 344; *Latin Cartulary of Godstow*, no. 342; *Oseney*, vol. 2, no. 543; *Abingdon*, vol. 1, no. 258; *St Frideswide*, vol. 1, no. 108; *EYC*, vol. 6, no. 30, 61; *EYC*, vol. 11, no. 82.

<sup>70</sup> *St Frideswide*, vol. 1, no. 98; *Oseney*, vol. 2, no. 655.

<sup>71</sup> Mauss, *The Gift*, p. 11.

countergifts did indeed aim to secure grants as well as symbolising the mutual dependence and relationship that now existed between the parties.

It is important to note that, as recipients and givers of countergifts, women were not subservient to men and that they acted alongside men or even independent of men. Not all countergifts received by women were equal to those paid to their spouses or children. Disparity in the value of countergift to various family members suggests that male heirs were not seen as superior to their mothers simply because of their gender and that age and relative position in the household were important factors. Lands associated legally with women could not be alienated without their involvement as co-participants in the grant or as recipients of countergifts which also compensated for the loss of any wealth and illustrates how much say women had in alienations from their dowers and dowries. Gender could, however, influence what goods might be given as countergift if it was not given as money. As wives and mothers, women were active managers and participants in their families and countergifts.

The extant charter material is unlikely to reveal the full extent of women's involvement and countergifts might have been given to women even when this was not recorded in the charter. Similarly, lack of apparent compensation to women who appear to have participated in the charter also does not mean that women were secondary or passive participants in the transaction. Women's contribution to their families and social networks by means of gift exchanges could be far more common and active than what we can see.

The public element of charters also applied to countergifts which were presumably paid, or at least promised, publicly and simultaneously to the grant they reciprocated.<sup>72</sup> As entrance fees, *gersumas* would certainly have been paid before or on entrance to the property.<sup>73</sup> Women were publicly associating themselves, as landholders or tenants, with both secular and ecclesiastical parties. Although family was central in women's identities and their access to land, women's activity was not limited to family with countergift evidence placing women firmly in public and active engagement. Women's relationships,

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<sup>72</sup> Tabuteau, *Transfers of Property*, p. 117.

<sup>73</sup> Corédon and Williams, eds., *Dictionary of Medieval Terms*, p. 143.



which were financial and social, could shape social networks and the next chapter will look at women's contribution to these networks.

## 7 Women's Social Networks

Chapters five and six of this thesis built upon the evidence and analysis of charters in part A to show that non-comital women were, in their own right, of considerable significance within their natal and marital families and had a place in economy and society. This chapter broadens this analysis and will explore women's role in wider kin, secular, and ecclesiastic social networks. In developing this prosopography of non-comital women, charters issued, consented to, or witnessed by women or charters benefiting women are the crucial starting point. When relevant, chronicles, royal records and other evidence will also be used to support conclusions drawn from charters. A number of case studies prove the value of prosopography to understanding aristocratic networks and they also allow this work to be put into historiographical context. Some of these have focused on families or regional networks such as Katharine Keats-Rohan's work on the honour of Wallingford, William Reedy's on the Basset family, and Nicholas Vincent's on the Fitz Gerald's.<sup>1</sup> Anne Polden's study of thirteenth-century Buckinghamshire gentry and Stephanie Mooers Christelow's work on the Domesday book and the 1130 pipe roll also demonstrate how prosopography can be used to elaborate networks on a regional or national level.<sup>2</sup> Individual case studies further illustrate the development of offices and careers.<sup>3</sup> Many studies tend to overlook women or marginalise them as side comments, however, Matthew Hammond's work on Scottish charters demonstrates the potential benefits in pursuing a prosopography of women through

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<sup>1</sup> Keats-Rohan, 'Devolution', pp. 311-8; Reedy, 'The First Two Bassets, Part 1', pp. 241-5; Reedy, 'The First Two Bassets, Part 2', pp. 291-8; *Basset Chs.*, pp. v-xxxvii; Vincent, 'Warin and Henry fitz Gerald', pp. 233-60; Round, *Geoffrey de Mandeville*; Davis, 'Geoffrey de Mandeville Reconsidered', pp. 299-307; Hollister, 'The Misfortunes', pp. 18-28; Prestwich, 'The Treason', pp. 284-317; Prestwich, 'Geoffrey de Mandeville', pp. 960-6; Davis, 'Geoffrey de Mandeville: A Final Comment', pp. 967-8; Turner, 'The Mandeville Inheritance', pp. 147-72; Prestwich, 'Last Words', pp. 670-1; Davis, 'Last Words', pp. 671-2; Green, 'Geoffrey de Mandeville', pp. 91-110.

<sup>2</sup> Polden, 'Social Networks', pp. 371-94; Mooers, 'Networks of Power', pp. 26, 39.

<sup>3</sup> Keats-Rohan, 'Henry of Oxford', pp. 287-308; Dalton, 'Eustace Fitz John', pp. 358-83; Davis, 'Geoffrey de Mandeville Reconsidered', pp. 299-307; Davis, 'Geoffrey de Mandeville: a final comment', pp. 967-8; Davis, 'Last Words', pp. 671-2; Prestwich, 'The Treason', pp. 284-317; Prestwich, 'Geoffrey de Mandeville', pp. 960-6; Prestwich, 'Last Words', pp. 670-1.

charter material.<sup>4</sup> While Hammond's work on women focuses largely on countesses, which he acknowledges is a result of 'over-representation' of countesses in the extant charter material, he does note that there is 'ample opportunity for more extensive research on the activities of women further down the social scale, especially those from the merchant class and the gentry'.<sup>5</sup> This chapter will address this imbalance and, by exploring the prosopography of non-comital women in England, will argue that non-comital women were part of social networks through which they interacted with secular and religious individuals and groups and that this consequently shaped women's families and local society.

## 7.1 Networks by Marriage

Historians of Anglo-Norman women have argued that marriages were motivated by socio-political factors and that they were often used by aristocrats to establish political alliances.<sup>6</sup> This scholarship, however, has largely been based on royal and comital marriages and has not necessarily taken into account the huge differences in scale - politically, financially, and geographically - between them and non-comital families. The Scottish example of Countess Ada, wife of Earl Henry of Northumberland, is used by Matthew Hammond to demonstrate how, through her, a network of Scottish earldoms was strengthened.<sup>7</sup> However, as a countess with comital and royal family and network, Hammond goes on to note that a significant portion of Ada's agency stemmed from her relationship with the Scottish royal family as well as her comital status in both England and Scotland, which mark her agency and networks as uniquely comital and royal in size and form. Similarities between comital and non-comital women's marriages and the subsequent networks did exist, but the dynastic politics and wealth involved in royal or comital marriages sets them apart.<sup>8</sup> This is not to suggest that non-comital women's roles and

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<sup>4</sup> Hammond, 'Women and the adoption of charters', pp. 8-16; Hammond, 'A Prosopographical Analysis', pp. 49-52.

<sup>5</sup> Hammond, 'Women and the adoption of charters', pp. 33-4.

<sup>6</sup> Green, 'Aristocratic Women', p. 62; Ward, *Women in England*, pp. 11-2; Napran, 'Marriage Contracts', p. 126; Ward, 'Noblewomen, Family, and Identity', p. 252.

<sup>7</sup> Hammond, 'Women and the adoption of charters', p. 11.

<sup>8</sup> For example, the royal marriages of Empress Matilda first to Holy Roman Emperor Henry V and later to Count Geoffrey of Anjou gave her titles and status that added to her own royal name.

agency would have been restricted by the scale of their marriages. Non-comital marriages were important sources of land, wealth, and social prestige, but the social and geographic circumstances of these families and their local communities must be taken into account.

Land in the form of dowers, dowries, and inheritance has often been cited as an important motive behind aristocratic marriage arrangements.<sup>9</sup> Significant wealth and status was associated with a marriage to an heiress. RáGena DeAragon's work has suggested the need to carefully consider the importance of inheritance and she has identified at least 50 baronies that descended through women between 1086 and 1154.<sup>10</sup> While the number of sole heiresses is limited, there are many more examples are co-heiresses. Cecily de Rumilly and William Meschin's three daughters, whom we have addressed before, each introduced land and status to their marriages.<sup>11</sup> Matilda and Avice married men of similar rank in Yorkshire and Herefordshire and relocated from Skipton after their marriages.<sup>12</sup> Alice de Rumilly married William Fitz Duncan, the son of King Duncan II and nephew of King David I of Scotland, who held lands in Cumberland, through his mother, and lands in Scotland, most likely through his father.<sup>13</sup> He was thus a wealthy man on his own account. William held a claim to Skipton through Alice and the references to his wife and marital family in his charters relating to Skipton serve to emphasise that his position in the honour derived from

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Her title as Empress was used throughout her life. Comparable royal marriages are those of Henry II and Eleanor of Aquitaine, or Matilda of Boulogne and Stephen. Royal marriages had significant consequences for the royal line in England. Huneycutt, 'Images of Queenship', p. 63; Janet L. Nelson, 'Medieval Queenship', in *Women in Medieval Western European Culture*, ed. Linda E. Mitchell (New York: Garland Publishing, 1999), pp. 179-207, esp. p. 187; Green, 'Duchesses', p. 53 talks of the importance between duchess and queen as titles used by royal consorts of England in the twelfth century.

<sup>9</sup> Green, 'Aristocratic Women', p. 60; Holt, 'The Heiress and the Alien', pp. 1-2; Loengard, "Of the Gift of Her Husband", p. 224; Ricketts, *High Ranking Widows*, p. 129.

<sup>10</sup> DeAragon, 'Growth of Secure Inheritance', p. 383.

<sup>11</sup> See above, p. 155.

<sup>12</sup> For the Rumilly daughters' marriages in general see Ricketts, *High Ranking Widows*, p. 124. For Avice, who married first William de Curcy, second William Paynel and third Walter de Percy, see *EYC*, vol. 7, p. 7; *EYC*, vol. 6, p. 6, nos. 33, 48, 62, 66, 73. For Matilda, who married first Philip de Belmeis and second Hugh de Mortimer see *EYC*, vol. 7, pp. 8-9; Lieberman, *Medieval March of Wales*, pp. 75, 84-5.

<sup>13</sup> Keats-Rohan, *Domesday Descendants*, p. 880; A. A. M. Duncan, 'Duncan II (b. before 1072, d. 1094)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/8210>> [Accessed 09/07/2015]

the marriage.<sup>14</sup> Alice and William's daughter Cecily II de Rumilly was the first Rumilly to marry into comital society when she married William le Gros, Count of Amaule and Earl of York. Cecily was also a co-heiress to Skipton with her two sisters and this meant that a third of the honour of Skipton would have added to William le Gros' wealth, but as he was already an earl it is unlikely that lands brought into the marriage by Cecily would have significantly altered his status or wealth. Alice and William's other daughter Alice II de Rumilly married twice, both times to men of equal social status and whose careers did not rely on the lands she brought with her.<sup>15</sup> In order to acquire secure hereditary lands through marriage it would be desirable, if not necessary, to marry an heiress or at least a co-heiress. Although land was an important factor in non-comital marriages, it was not the only factor that was taken into account.

Most non-comital women were not heiresses and their lands were limited to dowers and dowries. These lands were an important source of agency for women, and while lands could affect their marital families' wealth, they were unlikely to significantly alter wealth and status. Lands designated as dowries were unlikely to secure long term wealth meaning that wealth attached to dowries was not likely to be the sole motive behind non-comital marriages. Dowers and dowries were granted for life terms and heritability was limited to legitimate children.<sup>16</sup> If there were no legitimate heirs, dowries reverted to women's natal families and dowers to the marital family.<sup>17</sup> If there were children, dowers and dowries were often re-used for the next generation's marriages as a means to avoid breaking up the main fee.<sup>18</sup> Moreover, dowers and dowries were also often contested in court, further demonstrating their nature as unreliable sources of wealth.<sup>19</sup> Most non-comital marriages cannot have been solely based around women's wealth; social connections and status must have played an important role. While lands were important and could shape non-comital

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<sup>14</sup> *EYC*, vol. 7, nos. 12, 14, 15; *The Lost Cartulary of Bolton Priory*, ed. Katrina Legg (Woodbridge: Boydell, 2009), nos. 12-14, 108, 276-7, 415.

<sup>15</sup> *EYC*, vol. 7, pp. 16-7.

<sup>16</sup> Green, 'Aristocratic Women', p. 66; Ricketts, *High Ranking Widows*, p. 75-6; Trafford, 'Contract of Marriage', pp. 58-9.

<sup>17</sup> Loengard, 'What did Magna Carta mean', p. 144.

<sup>18</sup> Green, 'Aristocratic Women', p. 64; Loengard, 'What did Magna Carta mean', pp. 145-6.

<sup>19</sup> See Chapter 4, esp. section 4.2, pp. 124-8.

marriage, this was not always the case due to the size of lands held and transferred by non-comital women and the uncertainty of landholding in the long term.

The motives behind aristocratic marriages should be seen in their social context and not simply as motivated by exchanges of land. Non-comital women's marriages had important consequences on their social networks as well as those of their families. While land played a part in marriages and networks, women's access to land does not reveal the full extent of women's agency and networks. The marriage of Garsiena daughter of Enisan Musard to Roald son of Harscod gave him lands in Richmond and connections to the honorial lords which helped Roald become constable of Richmond in Yorkshire illustrating the combined importance of women's land and social connections.<sup>20</sup> Farrer and Clay, who reconstructed this family among many others in their major collection of *Early Yorkshire Charters*, argued that Roald's family originated from Northamptonshire.<sup>21</sup> Evidence, albeit limited, suggests that Garsiena was Enisan Musard's daughter and also the heiress to his lands in Richmondshire.<sup>22</sup> This would also explain how, during Garsiena's lifetime, Enisan Musard's Domesday survey holdings developed into the constable's fee.<sup>23</sup> Roald gained land but, more importantly, he also gained an office through Garsiena's family. Roald was constable from c.1130 until 1154-8 when his son Alan succeeded. As constable, and using Garsiena's family's lands, Roald also founded Easby Abbey which their daughters Ismania and Teophania later patronised.<sup>24</sup> Roald and Garsiena's marriage not only established his family in the hereditary office of constable, but shaped the region's religious landscape and set the family as religious patrons in Richmondshire.

The considerable significance of social opportunities available through marriages is evident in marriages involving non-heiresses. When Richard Basset and Matilda Ridel married in 1126-7 in Oxfordshire, Matilda's brother Robert was still alive and set to inherit. Judith Green is right to point out that Henry I's charter detailing Richard Basset's rights to Ridel

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<sup>20</sup> *EYC*, vol. 5, pp. 85, 89.

<sup>21</sup> *EYC*, vol. 5, p. 86.

<sup>22</sup> *EYC*, vol. 5, p. 84.

<sup>23</sup> *EYC*, vol. 5, pp. 84-5, 354.

<sup>24</sup> *EYC*, vol. 5, nos. 256, 227, 228.

lands and as Robert's guardian was focused on their 'concern not to lose the lands'.<sup>25</sup> However, it is essential to remember that at the time of the marriage Robert was to inherit, not Matilda, and the charter depicts Richard only as guardian. It was only after Robert's death that Matilda became an heiress and Richard's access to Ridel lands increased beyond those of a guardian. The significance of the social rewards of the Basset-Ridel marriage predates this and are further demonstrated by Geva, Matilda and Robert's mother, who features in the charter and through whom Richard Basset gained a connection to the Earls of Chester. In fact, the charter records that the king had made his grant at the request and advice of Earl Ranulf.<sup>26</sup> This connection would have been of substantial social value and made the prospect of marriage to the Ridel family even more promising. In terms of social gains, the Basset-Ridel marriage benefited the Bassets greatly. Land was a factor in the marriage, but the hindsight of Robert's death underplays how much the Ridel family's social networks shaped the marriage arrangement.

The development of social position and connections by means of marriage is demonstrated in the mid-twelfth century marriage of Alice d'Oilly and Arnald de Mandeville. Arnald, an illegitimate son of Geoffrey II de Mandeville (d. 1144), had been exiled due to his involvement in his father's rebellion against King Stephen.<sup>27</sup> Arnald's brother Geoffrey III de Mandeville was restored to the earldom in 1156 by King Henry II.<sup>28</sup> The 1166 Exchequer record shows all of Geoffrey II's sons with some lands suggesting that the family was indeed re-gaining its social status and landed wealth.<sup>29</sup> Despite the Mandevilles' return to favour, Arnald's own status, it could be argued, was also in part a result of his marriage to Alice d'Oilly, a younger daughter of Edith and Robert d'Oilly. The d'Oillys were constables of Oxford and thus the family's status would have made this an advantageous marriage for Arnald. The couple's lands, which Alice had most likely received from her mother, lay in

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<sup>25</sup> Green, 'Women and Inheritance', p. 2; *Basset Chs.*, no. 47. Also in *Regesta*, vol. 2, no. 1389.

<sup>26</sup> Green, 'Women and Inheritance', p. 2; Geva was the illegitimate daughter of Earl Hugh. Her mother was possibly English. She retained some relationship with her father's family and in Henry I's notification of the marriage her half-cousins Ranulf Earl of Chester and William de Roumare. *Basset Chs.*, no. 47.

<sup>27</sup> Keats-Rohan, *Domesday Descendants*, p. 567; Huntingdon, *Historia Anglorum*, ch. 22.

<sup>28</sup> C. Warren Hollister, 'Mandeville, Geoffrey de, first earl of Essex (d. 1144)', *Oxford Dictionary of National Biography* <<http://oxforddnb.com/view/article/17927>> [Accessed 20/07/2015].

<sup>29</sup> *Red Book*, ed. Hall, pp. 345-7, 354-8, 360-2, 434-5.

Yorkshire and Arnald and Alice administered them successfully.<sup>30</sup> Arnald, being illegitimate, did not hold Mandeville lands, but he did hold lands in Essex from Robert de Heliun, in Yorkshire from Ralf son of Walter, and he owed debts in Wiltshire.<sup>31</sup> Although his return to landholding coincided with that of his brothers, it also coincided with his marriage which proposes that his activities and status also relied on his wife's networks.

The Sibton family also confirm the role marriages had in providing advantageous connections. The family's lands in Norfolk were held from the honour of Wormegay and the Earls of Richmond.<sup>32</sup> The Sibton Abbey cartulary includes an interesting *narratio* of the family's origin. At the time of the conquest Count Alan's foster-mother Orwen begged him to reward her for her services, which he did by giving her land in Sibton.<sup>33</sup> Mainard, Count Alan's chamberlain also asked the count to reward him for his services and to allow him to marry Orwen. One of the couple's two daughters married a man from Thorpland, Norfolk; their son Hamon I of Thorpland was the father of Richard I of Sibton and both Hamon and Richard were patrons of Sibton Abbey.<sup>34</sup> It was Orwen's original association with the comital family that was one of the two sources of the family's lands. Orwen and Mainard's daughter's marriage was the second source and expanded the family's lands with Wormegay. The Sibton family held lands from the Earls of Richmond, but their lands from the honour of Wormegay were also important. The family was associated with the comital family through service and for them, the marriage to an Englishman helped validate the family in Sibton and the man's anonymity emphasises the significance of Orwen and her daughter in establishing the family in the area. Another way to look at this is from the anonymous Thorpland man's point of view. Orwen's daughter's marriage to him was not necessarily driven by lands, but by her family's connections to a comital lord, a hypothesis that is further supported by the family's adoption of Sibton as their surname.

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<sup>30</sup> *EYC*, vol. 2, p. 506, nos. 1238, 1254.

<sup>31</sup> *Red Book*, ed. Hall, pp. 357-8, 434-5; *P.R. 2 Henry II*, p. 57; *P.R. 3 Henry II*, p. 77; *P.R. 4 Henry II*, p. 116; *P.R. 5 Henry II*, p. 39; *P.R. 6 Henry II*, pp. 16, 20; *P.R. 7 Henry II*, pp. 8, 12; *P.R. 9 Henry II*, p. 45; *P.R. 10 Henry II*, p. 14; *P.R. 11 Henry II*, p. 56; *P.R. 12 Henry II*, p. 71.

<sup>32</sup> *Sibton*, vol. 1, p. 96.

<sup>33</sup> *Sibton*, vol. 3, no. 516.

<sup>34</sup> *Sibton*, vol. 1, p. 96; *Sibton*, vol. 2, no. 29C; *Sibton*, vol. 3, no. 491, 516



## 7.2 Local Society

Women's lands contributed to marriages, but at the same time, most dowry lands did not significantly transform their spouses' wealth. An important feature of contributing to marital families' social status and wealth were the networks of which women were part. This next section will explore the role women had in these networks and how they shaped women's own status as well as their families' connections. As shown in chapter five, women's participation in the alienation of their families' lands could significantly affect wealth and inheritance patterns.<sup>35</sup> As beneficiaries or witnesses the individuals in these networks mirror some of women's relationships with their local focus and the combination of private with public such as religious beneficiaries and kinship. A charter issued by Emma Trussebut of Ribí, as 'Emma Trussebut de Ribí filia Galfridi Trussebut' granted 'in liberum maritagium' a toft of land in Ribí to Geoffrey de Fumasun and Halina, Emma's daughter and Geoffrey's wife, illustrates how kinships and grants were part of broader secular networks.<sup>36</sup> The grant not only affected her family's lands, but also formalised a relationship between the families. The charter also describes the lands as part of Emma's demesne, 'dominico'. This could indicate that the lands most likely originated from her natal family and were held by her as dowry or inheritance, but most importantly it means that Emma held demesne lands in her own name. Most charters issued by women, however, are addressed to individuals or parties unrelated to them by kinship and by giving them their proper social context the charters reveal interesting features about women's social roles and agency.

Some charters describe specific relationships of lordship between women and men. Aubrey de Harcourt and Juetta de Arches both address officials and individuals as theirs, 'meo' or 'suo'. Aubrey de Harcourt addressed her charter to her officers, 'dapifero suo et omnibus ballivis suis', ordering them to maintain the canons of Nostell with wood in 'Skewkirk'.<sup>37</sup> In like manner a charter issued by Juetta de Arches granted her lands in Little

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<sup>35</sup> See above section 5.4, pp. 157-165.

<sup>36</sup> *EYC*, vol. 10, no. 37; Original National Archives, MS DL25/2393.

<sup>37</sup> *EYC*, vol. 10, no. 6.

Cattal to Alan son of Ellis who is described as 'militi meo et homini meo'.<sup>38</sup> The grant is also made 'pro homagio suo et servitio suo' and is to be held of Juetta and subsequently of her heirs which confirms the relationship of lordship between Juetta and Alan. Another charter issued by Juetta is attested by Alan as her 'senescallo' this time confirming his role in her household.<sup>39</sup> While Aubrey's charter portrays her as a lord who addressed a steward and bailiffs in relation to her, Juetta's charters identify an individual whose office was defined in relation to her. Aubrey's mandate also suggests that she was involved in a settlement of a dispute regarding land. She was therefore considered to be an appropriate authority to issue a final resolution. It is of significance that the women's actions as lords occurred outwith the confines of a family and kin network. The charters, their beneficiaries, and the audiences addressed suggest that both women had substantial public agency within a wider local network.

These charters do not describe how homage or service was performed and we do not know if the ceremonies between men were the same as those that took place between a woman and a man. In spite of this, the relationship was certainly based on practical service to Juetta's household, such as witnessing her charters.<sup>40</sup> Furthermore Juetta and Alan's tenure based relationship was defined between them rather than using her male kin. Even though Juetta's father had previously enfeoffed Alan's father this is not mentioned in relation to Juetta and Adam and their lord-vassal relationship was separate from that of their fathers.<sup>41</sup> Having officers, such as seneschals, is evidence that non-comital women were capable of exercising lordship. This would have affected women's agency outwith the household in local society as their officers held lands or granted these to religious houses.

A particularly interesting case of lordship and office of non-comital women comes from 1180s and 1190s Yorkshire. Sometime between 1184 and 1199 Matilda, Countess of Warwick, daughter of William de Percy and thus herself a non-comital woman by birth,

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<sup>38</sup> *EYC*, vol. 1, no. 536.

<sup>39</sup> *EYC*, vol. 1, no. 552. Alan is described as seneschal to Juetta.

<sup>40</sup> *EYC*, vol. 1, no. 552.

<sup>41</sup> *EYC*, vol. 1, p. 416, and no. 534. Juetta's father William had granted Alan's father Ellis lands. The lord-vassal relationship between the families was inter-generational, but Juetta's relationship with Alan was not defined or described in terms of the previous generation (even if the lands were hereditary). For a comment on inheritance and lordship see Biancalana, 'For Want of Justice', pp. 490-3.

addressed a charter to Juliana 'camerarie mee sorori Roberti Camerarii mei'.<sup>42</sup> The charter recorded Matilda's grant of two bovates in Spofforth and other lands in Linton, Litton, and the forest of Gisburn which Juliana held 'in feodo et hereditate' for an annual payment of one pound of cumin 'pro omni servicio'. Between 1175 and c.1184 Matilda had granted lands in Litton to Robert her chamberlain which suggests that at least some of Juliana's lands were associated with the office of chamberlain which she seems to have gained after Robert's death c.1184.<sup>43</sup> As John Hudson has argued the phrase 'in fee and inheritance' 'was used for heritable grants by secular ... service'.<sup>44</sup> Juliana's role as chamberlain and the lands attached to it would therefore most likely be held for services which were presumably tied to her role as chamberlain. Juliana's description as Matilda's 'camerario' was not a one-off and sometime between 1184 and 1204, Matilda issued a charter confirming the gift made by 'Juliana de Warewic' camerarie mee' of lands to Stainfield Priory.<sup>45</sup> The end date of the confirmation charter does not rule out the possibility that Juliana held the office until Matilda's death in 1204. Women of non-comital status, such as Juetta and Albreda above, could act as lords and were owed service. Women could also assume an office and enter, or even inherit, relationships of lordship and owe services for land held.

Charters issued to individuals unrelated to the issuer do not differ between men and women and both issued charters recording grants that were given in fee and inheritance, 'feuda et heredita' and which were given for services and homage, 'pro servicio, pro homagio'.<sup>46</sup> Secular charters issued by women are not just evidence of relationships where homage was performed to women and these relationships affected their families over a period of time. Many of the charters, even those with homage, involve annual rents or are one-off sales.<sup>47</sup> Annual rents could be as little as two shillings, which is what Alice de

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<sup>42</sup> EYC, vol. 11, no. 63.

<sup>43</sup> EYC, vol. 11, no. 64.

<sup>44</sup> Hudson, *Land, Law and Lordship*, pp. 95-6.

<sup>45</sup> EYC, vol. 11, no. 59. The lands were in Northeind which is most likely in Gisburn and was given to Juliana in no. 63.

<sup>46</sup> For example, *St Frideswide*, vol. 1, no. 205; EYC, vol. 1, no. 536; EYC, vol. 2, 786; EYC, vol. 3, no. 1349; EYC, vol. 5, no. 142; EYC, vol. 7, no. 26, EYC, vol. 11, no. 84; *Sandford*, vol. 1, nos. 83, 84, 159; *Sibton*, vol. 2, no. 303.

<sup>47</sup> See above pp. 180-82.

Rumilly received from Geoffrey de Neville and his wife Emma.<sup>48</sup> As well as the financial payment, Geoffrey and Emma owed Alice knight service, a phrase that also appears in other charters issued by Alice.<sup>49</sup> Similar service and goods based relationships would also be established between kin and served to confirm family networks. Sometime before 1203 Berlet daughter of Arnald son of Morkel issued a charter to her cousin Alan son of Ellis son of Morkel to hold half a carucate in Melmerby for homage and service for which he was also to do all service including forinsec service.<sup>50</sup> Relationships based on service worked both ways and women who were owed knight service would owe warranty and other tasks related to secular lordship.<sup>51</sup> Women's grants altered their families' short and long term finances and social relationships. As landholders women's social connections were based on their lands. As lords, women's lands were held of them by household officers and tenants who owed services and rent to the women within and outwith kinship networks.

Important social relationships can be found in grantor-beneficiary evidence and in many cases witness lists can be used to explore more subtle features of women's networks. By providing a list of individuals who knew of the exchange in the charter and who were presumably associated with the grantor or the beneficiary, if not both, witness lists help to significantly expand our understanding of the social networks.<sup>52</sup> Witnesses were unlikely to receive material gains from witnessing and in England they were unlikely to be called as witnesses in case disputes were taken to court.<sup>53</sup> Women's charters were often witnessed by people who were associated with the women, but who were not related to them by any kinship. These included individuals such as servants, seneschals, stewards, armourers and many others. Juliana daughter of Robert de Sancto Remigio's charter, for example, is witnessed by Herbert, who is described as her servant, 'Hereberto Anglico seruiante meo'.<sup>54</sup> Some witnesses identified with specific offices and Juetta de Arches and her seneschal Alan

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<sup>48</sup> EYC, vol. 7, no. 30, 'redditus 2s in eadem villa' which the editors have translated as 'rent'.

<sup>49</sup> EYC, vol. 7, no. 26, 'servicio militis'; no. 30 'feodo... militis'.

<sup>50</sup> EYC, vol. 5, no. 142.

<sup>51</sup> Hyams, 'Warranty', pp. 447-8.

<sup>52</sup> Broun, 'Presence of Witnesses', pp. 238, 257; Postles, 'Choosing Witnesses', pp. 333, 346.

<sup>53</sup> Amt, *Witnessing Women*, p. 8.

<sup>54</sup> *St John's Hospital*, vol. 2, no. 953.

son of Ellis, discussed above, is a good example of this.<sup>55</sup> It is significant that while charters issued by Juetta to Alan identify him as her man, when he attested a charter that she issued before 1196, he is described as Juetta's seneschal.<sup>56</sup> This shows important reciprocal duties that both Juetta and Alan were expected to perform for each other and which were a fundamental part in lordship relationships.<sup>57</sup> The charter was also attested by her son Peter de Brus and his seneschal Adam de Seton and since the charter was issued by 1196 and predates the death of Adam de Brus, Juetta's husband and Peter's father, the witness list also reveals that Juetta had her own seneschal while married and that he was described in relation to her. A corresponding situation can be identified in Alice de St Quentin's charters, two of which were attested by 'Symon armiger domine A[licie]'.<sup>58</sup> The presence of an armour bearer or squire like Simon, who specifically stated that he was Alice's squire, further proves that lordship relationships that alluded to military tenure were accessible to women. Women are described as partaking in military duties in chronicles; Nicholaa de la Haia's defence of Lincoln castle in 1191 and in 1215-7 being one of the best known examples of this.<sup>59</sup> Nicholaa's actions were, however, under special circumstances: she had inherited the office of castellan and the castle was under attack. Alice de St Quentin was not an heiress, she had no castle to defend, and she did not hold an office comparable to castellan. However, Alice de St Quentin could still have an 'armiger' who served her suggesting that officials with potential military or knightly duties could hold lands from women.

The Rumilly family also provide, not surprisingly given their importance in the honour of Skipton, evidence of household officers and how the women's connections tie their household to networks within the honour in general. Secular offices can be found in relation to Cecily and Alice de Rumilly and their charters list an array of locals who were also part of their households. In Cecily's charters we can identify Reiner le Fleming and his son William as 'dapifer', Edward as 'camerario', Ivo as 'constabularius' and Robert

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<sup>55</sup> *EYC*, vol. 1, p. 416, nos. 534, 552.

<sup>56</sup> *EYC*, vol. 1, nos. 536, 552.

<sup>57</sup> Hyams, 'Warranty', p. 448.

<sup>58</sup> *EYC*, vol. 3, no. 1338; *EYC*, vol. 11, no. 96.

<sup>59</sup> Devizes, *Cronicon*, p. 31.

'cementario'.<sup>60</sup> The variety of individuals and offices are also present in Alice's charters. William le Fleming continued to witness for Alice although William is not identified as 'dapifer'.<sup>61</sup> Alice's charters are also attested by Edward 'camerario' and Robert 'cementario' suggesting that the same men continued in the same roles after Alice inherited.<sup>62</sup> Alice's charters also identify two foresters, Hugh and Stephen.<sup>63</sup> The need for at least two foresters in the region, if not more, conveys an image of a sizable household and honour held by Alice. Both mother and daughter were heiresses in their own right and the officers of the honour were linked to them and their households.

The significance of Rumilly networks can be seen in a close analysis of their relationships with some of their repeat witnesses. Witnesses were not selected randomly and it was important for both grantor and beneficiary that witnesses were suitable, since witnesses could potentially be called to confirm their knowledge of the charter and the grant.<sup>64</sup> Office holders, who might also be tenants, and other local society formed a good pool of witnesses for non-comital women. The Fleming family became hereditary stewards of the honour of Skipton during the twelfth century and up to four individuals representing three generations of the family can be identified in Cecily I and Alice I de Rumilly's charters. Reiner le Fleming who died by 1148 witnessed three charters issued by Cecily, his sons William and Walter witnessed at least one and two respectively, and William's son Reiner II witnessed three charters issued by Alice de Rumilly.<sup>65</sup> The family held lands from the Rumillys in return for the office. The relationships were also reciprocal and as the Fleming family witnessed for Alice and Cecily, Alice de Rumilly witnessed three charters

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<sup>60</sup> *EYC*, vol. 3, no. 1861; *EYC*, vol. 7, nos. 4, 6, 7 (for William); *EYC*, vol. 7, nos. 2, 7, 9 (camerario); *EYC*, vol. 7, nos. 4, 6 (constable); *EYC*, vol. 7, no. 2 (mason).

<sup>61</sup> *EYC*, vol. 7, nos. 13, 17, 18.

<sup>62</sup> *EYC*, vol. 7, nos. 17, 22.

<sup>63</sup> *EYC*, vol. 7, no. 26.

<sup>64</sup> Postles, 'Choosing Witnesses', p. 346.

<sup>65</sup> Reiner I witnesses *EYC*, vol. 7, nos. 4, 6; Reiner I and his son Walter witness *EYC*, vol. 3, no. 1861; Walter also witnesses *EYC*, vol. 7, no. 9; Reiner's son William witnesses *EYC*, vol. 7, nos. 7, 13, 15, 18, 24; Reiner II witnesses *EYC*, vol. 7, nos. 28-9. Reiner I's son William le Fleming, also Dapifer, occurs 1140 and seems to have been dead by 1166 when his son Reiner II appears in the barons list as holding fees 'de novo' (*Red Book*, ed. Hall, p. 426). See *EYC*, vol. 7, pp. 193-7.

issued by members of the Fleming family.<sup>66</sup> The Fleming family continued to be a part of the Rumillys' social network because of tenure and office.

A comparison can be drawn between the Fleming family and the Mauleverer family, the latter family lacking office in the honour, to demonstrate that social relationships did not require office or tenure, but could be based on proximity. Neither Cecily nor Alice de Rumilly witness any extant charters issued by the Mauleverer family, but Helto Mauleverer did witness at least two charters issued by Cecily and another two issued by Alice.<sup>67</sup> He witnessed these charters alongside the Fleming family and other frequent Rumilly witnesses like Roger Fasinton or Edward 'camerario'.<sup>68</sup> It is likely that as a result of his capacity as witness Helto would have attended events at the centre of the honour and most likely have known the Rumillys and their tenants. However, unlike the Flemings, the Mauleverer family were associated with the Rumillys through tenure without office. Helto's tenure in Skipton also provided his family with other important connections in the region and this is reflected in their landholding. A charter issued by Helto and another issued by his daughter Dionisia share witnesses with the Rumilly charters; Skipton tenants such as Reiner le Fleming, Roger II le Fleming, Ivo 'constabulario', and Roger Fasinton attest for the Mauleverers as well as the Rumillys.<sup>69</sup> The beneficiary to the Mauleverer and Rumilly charters is Embsay, later known as Bolton Priory, but it is unlikely that this explains the overlap in witnesses.<sup>70</sup> Instead, it is likely that the Mauleverer family knew the Rumilly tenants socially and that the network of landholders associated with the Rumilly heiresses and the honour of Skipton became an important source of witnesses. Cecily and Alice de Rumilly and Helto's daughter were all active members of these relationships and could express their connections and networks as witnesses in charters. The local nature of non-comital witnesses meant that while social circles might be geographically limited, the local networks were hives of

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<sup>66</sup> *EYC*, vol. 7, nos. 88, 112, 129.

<sup>67</sup> *EYC*, vol. 7, nos. 7, 9, 17, 18.

<sup>68</sup> *EYC*, vol. 7, nos. 7, 9, 10, 14, 17 (charters issued by Rumilly women alone or with their husbands that include Helto Mauleverer with one or both Roger Fasinton and Edward Camerario).

<sup>69</sup> *EYC*, vol. 7, nos. 57, 60.

<sup>70</sup> *EYC*, vol. 7. Also, Alice and Cecily both confirm the grants in their own indicating their overlordship of the lands. *EYC*, vol. 7, no. 13 (Alice of Helto's grant) and no. 5 (Cecily of the same).

activity that included men as well as women. Lord-vassal relationships were a form of network building for women, but proximity of lands also played a key role in developing non-comital networks.

Charters issued by women also depict wider social relationships with clerics and ecclesiastics. Charters addressed to Archbishop Thurstan of York, a known supporter of aristocratic patronage, establish his part in non-comital women's networks.<sup>71</sup> Cecily de Rumilly co-issued a charter with her husband to the archbishop notifying him of their foundation of Embsay. Cecily also issued two other notifications to Thurstan; one of her grant to Embsay of a mill in Kildwick and another stating that she had confirmed a grant made by one of her tenants.<sup>72</sup> Cecily was by no means the only woman who personally addressed an archbishop in charters. Her daughter Avise, as Avise Paynel wife of Walter de Percy, issued two charters, Agnes Fossard issued one to Archbishop Henry of York and Maud de Stonegrave addressed one to Archbishop Roger de Pont L'Évêque.<sup>73</sup> Addressing the archbishop in a charter was a statement and acknowledgement of women's public agency. While notifications do not necessarily indicate a personal or unique relationship between the women and the archbishop and notifications addressed to archbishops were also made by men.<sup>74</sup> Women's charters were a form of engagement with high ecclesiastic office. Non-comital women and their patronage were known widely and their role as patrons was a means to include ecclesiastics as part of their networks.

Evidence of networks between non-comital women and clergy also manifests in witness lists in charters issued by women. Clerical witnesses might be clergy from the local monastery and, for example, the first witness to Mabile daughter of Sawarde's grant to Godstow from c.1200 is Thomas, described as 'sacerdote de Godestowe'.<sup>75</sup> It is possible that as priest of Godstow, Thomas' inclusion as witness was because Godstow, as the beneficiary

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<sup>71</sup> Burton, *The Yorkshire nunneries*, p. 10.

<sup>72</sup> *EYC*, vol. 7, nos. 4, 6.

<sup>73</sup> *EYC*, vol. 2, nos. 1018, 1019; *EYC*, vol. 6, nos. 48, 58.

<sup>74</sup> For example, 1154-c.1158 Roger de Aske issued a notification to Archbishop Roger of York of his foundation of Marrick Priory (*EYC*, vol. 5, no. 173). In 1129-35 Robert Fossard issued a notification to Archbishop Thurstan of his gift to Nostell of lands in 'Huphusum'. (*EYC*, vol. 2, no. 1014).

<sup>75</sup> *Godstow*, no. 110.



of the charter, aimed to secure the grant further.<sup>76</sup> As a priest of a nunnery, Thomas would have been of high status. His attestation of the charter is thus a significant record of acknowledgment of Mabile's role and status as Godstow's patron.

A more detailed example of how clergy fitted into women's networks comes from a charter issued by Agnes daughter of Reinald. The charter granted Oseney Abbey in Oxfordshire lands described as her 'terram meam'. It was issued with the assent and will, 'assensu et voluntate', of her son and heir Thomas and was witnessed by William 'sacerdote sancte Marie Magdalene'.<sup>77</sup> Another two charters can be found regarding this grant. The first was issued by William Cementarius with the same Agnes, his wife; it uses identical dispositive verbs and is also witnessed by William the priest.<sup>78</sup> The second charter, issued by Agnes' son and heir Thomas, confirmed the grant and is also witnessed by a priest named William.<sup>79</sup> All three are dateable to c.1195. Similarities in the charters indicate that all three were issued within a short time frame. It is possible that William and Agnes issued theirs first, Agnes issued hers second - possibly after William's death - and that Thomas issued his after Agnes' death. William, the priest of St Mary Magdalen and witness in all three charters is an interesting witness because of his association with Oseney Abbey, the beneficiary of the grant. The church was attached to St George's chapel in Oxford which had been absorbed by Oseney sometime in or around 1149 and the abbey provided the church its priests throughout the Middle Ages.<sup>80</sup> William had thus earned his position as the priest of St Mary Magdalen through Oseney and this would have made him a suitable candidate as a witness on Oseney's behalf. As a priest he also had a role in the parish outwith the abbey, which would also have made him a suitable witness for the family. His attestation is an example of how clerical witnesses could serve the interest of both the religious house and the lay grantor and as such he is an example of the wide and complex social networks that women were part of.

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<sup>76</sup> Postles, 'Choosing Witnesses', pp. 335, 340.

<sup>77</sup> *Oseney*, vol. 2, no. 836.

<sup>78</sup> *Oseney*, vol. 2, no. 837.

<sup>79</sup> *Oseney*, vol. 2, no. 838.

<sup>80</sup> *VCH: Oxford*, vol. 2, pp. 160-1; *Oseney*, vol. 4, nos. 10, 64; *Survey of the Antiquities of the city of Oxford Composed in 1661-1666 by Anthony Wood: vol. II Churches and Religious Houses*, ed. Andrew Clark (Oxford Historical Society, vol. 17, 1890), pp. 76-7, 181, 190-2.

Non-comital women's personal relationships with clergy were not one-offs and some women were associated with clergy over a period of years. The repeat attestations by Osbert archdeacon of Richmond in charters issued by Alice de Rumilly shows the personal and long term nature of non-comital women's clerical connections.<sup>81</sup> Archdeacon was a significant rank in the church and Osbert's attestation as archdeacon shows the potential extent of non-comital women's religious networks. Osbert was removed from office by 1158 amidst accusations of his involvement in murder and before this he appears as witness in five charters. However, another two charters do not describe Osbert as archdeacon and only use his toponymic, of Bayeux, and are likely to have been issued after Osbert lost his office.<sup>82</sup> If most of the attestations did indeed occur while he was still archdeacon, this would have been a significant statement of official ecclesiastical support and recognition of Alice as landholder and patron. Alice's repeat use of Osbert, before and after he lost his office, as witness in charters addressed to different beneficiaries suggests that his attestation was specific to Alice rather than due to the beneficiaries. Although he held land from the honour, Osbert was not directly a member of Alice's household.<sup>83</sup> He was frequently associated with Alice, demonstrating that women's charters have to be looked at in terms of wider social relationships. Witnesses and beneficiaries came from local society and consequently these personal connections became part of women's networks and also came to shape their families' social networks.

Clerical witnesses might also be associated with non-comital households. Comital families were increasingly able to have private chaplains and clerics, but some of the

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<sup>81</sup> *EYC*, vol. 7, nos. 13, 17, 18, 21, 22, 28, 29. In nos. 28 and 29 he appears as 'Hosbertus' or 'Osbertus de Baiocis'. He was archdeacon from 1121-57, but according to Farrer and Clay, he retained his official style even after resignation which does complicate attempts to date charters to a period before or after 1157 with absolute certainty, *EYC*, vol. 7, p. 70. For more on Osbert's career see: *Fasti Ecclesiae Anglicanae 1066-1300: vol. 6, York*, ed. Diana E. Greenway (7 vols., London: Institute of Historical research, 1999), p. 47; Janet Burton, 'Bayeux, Osbert de (fl. 1120-1184)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/50347>> [Accessed 08/07/2015].

<sup>82</sup> The charters are issued c.1145-54 (no. 13); 1152-5 (no. 17); 1152-6 (no. 18); 1155-87 (no. 21); 1155-87 (no. 22); 1178-87 (no. 28); 1178-87 (no. 29). Note: these dates are those given by Farrer and Clay, but it is possible that nos. 21, 22 were issued 1155-57 or as late as 1166 based on Osbert losing his office in 1157. Farrer and Clay do suggest that, since he continued to use of his title, the charters could be issued as late as 1166. The two charters, nos. 28 and 29, that use Osbert's toponymic could be redated to 1178-84 using Osbert's death rather than Alice de Rumilly's death as the end date.

<sup>83</sup> *Red Book*, ed. Hall, p. 431; *EYC*, vol. 7, pp. 216-7, 264.

wealthier lesser aristocrats could have similar individuals associated with their own households.<sup>84</sup> Robert d'Oilly and Roger d'Ivri built the chapel of St George as part of Oxford castle in 1074 and, although it was a royal castle, the d'Oillys' office as constables of Oxford meant they remained physically and spiritually close to the chapel. The chapel maintained a number of chaplains, possibly five, although only very few are known by name.<sup>85</sup> Chaplains who witnessed d'Oilly charters could be attached to Oseney if not come from the chapel.<sup>86</sup> Clerics were a slightly inferior post to chaplains, can have a similar background and at least one of Robert d'Oilly's charters from c.1130-42 was witnessed by his cleric named Matheus.<sup>87</sup>

The d'Oillys were not the only non-comital family with a clerically trained and literate social contacts and the Rumilly family also had access to chaplains or clerics.<sup>88</sup> In the 1130s Cecily de Rumilly's charters were witnessed by chaplains named Reginald and Hugo, who are also described as scribes.<sup>89</sup> Alice de Rumilly and her husband William Fitz Duncan had a chaplain and scribe named Drogo. Up to six charters issued by Alice are also witnessed by a chaplain named Osmund, but he is never described as 'scribe'.<sup>90</sup> One of the six charters issued by Alice is witnessed by 'Johannes capellanus de Skypton' whose office links him with the honour's lands.<sup>91</sup> The repeated use of chaplains as witnesses and scribes suggests personal relationships. Judith Everard has speculated that lay charters were scribed

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<sup>84</sup> David Crouch, 'The Administration of the Norman Earldom', in *The Earldom of Chester and its Charters: A Tribute to Geoffrey Barraclough*, ed. A. T. Thacker (Chester: Chester Archaeological Society, 1991), pp. 69-95, esp. p. 83-7; Hudson, 'Diplomatic and Legal Aspects', p. 154; Webber, 'Scribes and Handwriting', p. 141; Everard, 'Lay Charters', p. 116.

<sup>85</sup> *VCH: Oxford*, vol. 2, pp. 160-1.

<sup>86</sup> For example: 'Nicholao capellano meo [Henry d'Oilly]' *Eynsham*, vol. 1, no. 69; 'Ricardo capellano [meo] [Henry d'Oilly]', *Oseney*, vol. 3, no. 1246; 'William canonico de Oseney' and 'Henrico canonico de Chinigewrthe' in Robert d'Oilly's charter *Sandford*, vol. 1, no. 62; 'Fromund capellanus' in Robert d'Oilly's charter *Oseney*, vol. 5, no. 572.

<sup>87</sup> *Eynsham*, vol. 1, no. 66. 'clericus meus [Robert]'; Crouch, 'Administration', p. 85.

<sup>88</sup> *EYC*, vol. 3, no. 1864; *EYC*, vol. 6 no. 62; 66; *EYC*, vol. 7, nos. 2, 4, 5, 6, 11, 14, 16, 22, 23, 26, 28, 29, 32.

<sup>89</sup> *EYC*, vol. 7, no. 6, 'Reginaldus capellanus scriptor hujus carte', and no. 5, 'Hugo capellanus hujus carte scriptor'.

<sup>90</sup> Osmund witnesses *EYC*, vol. 7, nos. 16, 17, 22, 23, 26, 28, 29. Osmund also witnesses no. 129 issued by William le Fleming 'dapifer'. Alice de Rumilly is the first witness in this list.

<sup>91</sup> *EYC*, vol. 7, no. 23.

by chaplains and the evidence discussed here indeed supports this.<sup>92</sup> Chaplains who could draft charters and their presence in attestation clauses which also described them as scribes does lend weight to this argument. It is also possible that chaplains performed religious roles in non-comital households. Although chaplains were associated with the household, the roles they provided were not necessarily within its confines and could be reflected on religious patronage and networks. Engaging with clergy and clerics outwith the household supports the view that non-comital women's public networks were active and dynamic.

Women's social networks included secular and ecclesiastical parties and although they contributed to the networks and relationships accessible to women's families the individual relationships could be specific to the women themselves. This independence of women's networks can be seen in Beatrice de Greystoke's charter from her widowhood, which she issued to confirm her son Ralf son of Walter's grant to Rievaulx.<sup>93</sup> She confirms her son's gift, yet only one of the witnesses in Beatrice's charter, Roger son of Ailward, can be found attesting for Ralf son of Walter.<sup>94</sup> The differences in witnesses between charters issued by mother and son is even more notable when it is remembered that Ralph and Beatrix issued their charters in the same decade and that there is significant overlap of witnesses within Ralph's own charters. Beatrice's witnesses were specific to her and came from her networks. These included a range of individuals such as clergy, various lay individuals, and possibly even the charter's scribe, 'magistro Roberto scriptore'. It is also worth noting that Beatrice's witnesses included three women who are identified as wives of Robert Sproxton, William de Surdevals, and Ralf Biset. Each of the men also attest the confirmation. None of the women seem to be related to Beatrice or each other demonstrating how women's networks included clerics and both male and female laity. Beatrice's witnesses illustrate the complex social relationships non-comital women engaged with that included individuals and households who were not related to each other.<sup>95</sup> Social and geographic proximity allowed these connections and networks to develop between

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<sup>92</sup> Everard, 'Lay Charters', p. 116.

<sup>93</sup> *EYC*, vol. 2, no. 1249.

<sup>94</sup> *EYC*, vol. 2, nos. 1245-8, 1253. Roger son of Ailward witnesses nos. 1247, 1249, and 1253.

<sup>95</sup> Postles, 'Choosing Witnesses', pp. 340-1; Amt, *Witnessing Women*; Johns, *Noblewomen*, p. 97.

women and men. Women had independent choice of witnesses and theirs could differ from those in their families' charters depicting the significant public agency and range of social connections that was available to women.

### 7.3 Religious and Ecclesiastical Networks

Non-comital women had an important role in the development of monasticism in twelfth-century England.<sup>96</sup> As shown in chapter six, gifts and counter-gifts between women and religious houses had material consequences for their families' status and wealth.<sup>97</sup> Monasteries did not exist in a social vacuum and their patronage was a source of significant political and social networks for men and women.<sup>98</sup> Exchanges of goods, oaths, and promises recorded social interactions and networks which women were actively included in. This section will consider the consequences of women's religious patronage and explore how women shaped monastic and religious landscape.

Religious patronage was an important part of non-comital life in the twelfth century. Both men and women were active in supporting a range of religious houses. Table 7.1, below, demonstrates the spread of beneficiary houses in charters issued by non-comital men and women. What is apparent is that most religious orders had patrons of both genders. Gender and regional differences in patronage are both illustrated by charters benefiting the Gilbertine order. The numbers are too small for statistical analysis, but some tentative explanations for these differences can be attempted. Of the three counties studied, patronage of the Gilbertine order is only found in Yorkshire. The order originated in Lincolnshire around 1130 and Eustace Fitz John, the founder of the only two twelfth-century Gilbertine priories in Yorkshire, Malton and Watton, held lands in both counties.<sup>99</sup> It is possible that Eustace was influenced by monastic developments in Lincolnshire and wished to introduce Gilbertine rule in his Yorkshire lands as an expression of his own status and

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<sup>96</sup> Burton, *Monastic Order*, p. 11.

<sup>97</sup> See above, pp. 186-7.

<sup>98</sup> Janet Burton, 'Citadels of God: Monasteries, Violence and the Struggle for Power in Northern England, 1135-1154', *ANS*, 31 (2008), pp. 17-30, esp. p. 17.

<sup>99</sup> Burton, *The Yorkshire Nunneries*, p. 10; Dalton, 'Eustace Fitz John', pp. 374-5; Sir William Dugdale, *Monasticon Anglicanum*, vol. 6.1, ed. J. Caley, H. Ellis, and B. Bandinel (6 vols., London: Longman, Hurst, Rees, Orme & Brown, 1830), pp. 955-7, 970-2.

piety. A slight difference can be seen in the double order's patronage between men and women and this could be due to the patrons' gender and geographic proximity. Out of all the orders as beneficiaries in Yorkshire and relative to grants by men in general, the Gilbertines receive the least grants from men (23). Women in contrast issued four charters to the Gilbertine order in Yorkshire, which compares well against other beneficiaries to women's charters. Women did not outright favour Gilbertines, but their patronage of the order was more in line with their patronage of other orders. Men, on the other hand, were more likely to promote other small orders rather than the Gilbertines, such as the Premonstratensians or Cluniacs. Incidentally these two orders were also less often beneficiaries of charters issued by a woman. The orders' attitudes to women might explain this difference. As a double order Gilbertine houses accepted men and women to enter religion. Contrary to this, the Premonstratensians were a single sex order and did not officially accept women during the twelfth century.<sup>100</sup> Monastic attitudes towards women by these two orders and their regional proximity might therefore explain why Yorkshire women favoured a small English order. The range of women's contribution to religious patronage was largely due to relationships with ecclesiastics that they developed and maintained throughout their lives.

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<sup>100</sup> Burton, *The Yorkshire Nunneries*, p. 3.

**Table 7.1 Type of Religious house in receipt of the grant by county and grantor's gender**

		County					
		Oxfordshire		Suffolk		Yorkshire	
First grantor's sex		man	woman	man	woman	man	woman
Monastic Order	Augustine	113	7	41	4	147	19
	Benedictine	92	12	116	4	134	7
	Cistercian	58	5	40	4	234	16
	Cluniac	1	0	0	0	66	2
	Gilbertine	0	0	0	0	23	4
	Hospital	1	1	0	0	70	5
	Premonstratensian	0	0	4	0	34	2
	Knights Templar	79	1	0	0	0	0
	Other	0	1	22	1	126	13

### 7.3.1 Foundations

Founding of religious houses was one of the strongest statements of patronage, after entering religion, that was available to the non-comital aristocracy.<sup>101</sup> According to a late thirteenth-century narrative, two visions prompted Edith Lancelene to found Godstow Abbey sometime between 1110 and 1120.<sup>102</sup> Edith did not hold the lands and asked Henry I to grant them for the nunnery. Edith's status, the religious nature of her visions, and her piety would have made her a suitable founder and first abbess.<sup>103</sup> According to the foundation story, Edith's daughters Emma and Hawise both became prioresses of the house, with Emma

<sup>101</sup> Harper-Bill, 'Piety', pp. 63-4. Christopher Harper-Bill makes a point about how grants to churches were commercial transactions and involved social, political, and economic motives, but that religious sentiments cannot be ignored.

<sup>102</sup> Amt, 'Introduction', p. xxi, no. 2; Amt, 'Foundation Legend of Godstow', p. 14.

<sup>103</sup> Virginia Blanton, 'Chaste Marriage, Sexual Desire, and Christian Martyrdom in La vie sainte Audrée', *Journal of the History of Sexuality*, 19 (2010), pp. 94-114, esp. p. 113-4.

possibly also becoming its second abbess.<sup>104</sup> Edith's piety and status as a non-comital woman enabled her to tangibly shape monasticism in Oxfordshire.

Many foundations are recorded as having male founders, but a number of houses were joint foundations by married couples. Godstow's foundation by a single woman for the purpose of entering religion herself is an exception and more women were involved in founding houses with their husbands for a mix of pious and practical as well as social and political motives.<sup>105</sup> Many small joint family foundations reflect this mixture of piety and social incentives. The number of such small houses increased dramatically during the twelfth century and women played a part in this development.<sup>106</sup> Nun Monkton, for example, was founded during the reign of King Stephen by William de Arches and his wife Juetta so that their daughter Matilda, who would later become a prioress there, could enter religion.<sup>107</sup> A memorandum of the foundation of Embsay, later Bolton Priory, which was founded by Cecily de Rumilly and her husband William Meschin also confirms that it was a joint foundation.<sup>108</sup> Unlike Nun Monkton, no evidence can be found to suggest that men of the Rumilly family entered either Embsay or later Bolton.<sup>109</sup> Embsay's foundation was not meant for the family to enter religion, but served as a public statement of the family's piety, status, and authority. The foundation of Embsay as a public statement is supported by Cecily and William's notification of the foundation that they addressed to the archbishop.<sup>110</sup> Foundations were statements of wealth and as joint actions they depicted the couples' shared responsibilities and networks.

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<sup>104</sup> Amt, 'Introduction', p. xxxix; Amt, 'Foundation Legend of Godstow', p. 15.

<sup>105</sup> Harper-Bill, 'Piety', p. 66.

<sup>106</sup> Burton, *The Yorkshire Nunneries*, pp. 8-9; Burton, *Monastic Order*, pp. 3, 12. Burton has counted that in 1066 there were only nine nunneries in England while by 1160 there were 17 and another six or seven were founded by 1215. David Knowles, *The Monastic Order in England: A History of its Development From the Times of St Dunstan to the Fourth Lateran Council, 940-1216* (Cambridge: Cambridge University Press, 1976), p. 139.

<sup>107</sup> *VCH: York*, vol. 3, pp. 122-3; *EYC*, vol. 1, no. 535.

<sup>108</sup> *Lost Cartulary of Bolton*, nos. 1, 2.

<sup>109</sup> This might be due to the early deaths of sons in successive generations, each of whom died without issue. The cause of death cannot be established, but if these were not sudden, it is possible, and entirely speculative, that the sons lived out their lives at the priory.

<sup>110</sup> *EYC*, vol. 7, no. 2.



Records of women's contribution to monastic foundations are unlikely to depict its full extent: women who appear to have been central to foundations can be given less weight in different accounts. The role of Edith d'Oilly in Oseney Abbey's foundation in Oxfordshire provides an example of this. The act is recorded in a copy of the abbey's foundation charter c.1130-9, in two memoranda in its cartulary dating to 1196-8 and 1280-2, the Annals of Oseney dating to 1196-8, and a seventeenth-century account of the abbey's history. The foundation charter and the Annals make the founder Robert d'Oilly.<sup>111</sup> His wife, Edith, is listed only as consentor in the charter. The *Annales de Oseneia* has an account similar to the charter and only describes Robert as its founder:

in insula quae dicitur Oseneya, extra castrum Oxenforense posita a Roberto de Oily secundo, constabulario regis Henrici primi.<sup>112</sup>

However, this account needs to be reviewed. Robert's charters often included Edith d'Oilly as an active participant: she co-issued a charter with her husband once and consented to eight of his charters.<sup>113</sup> Edith's participation in her husband's charters is mirrored in other accounts of monastic patronage and Oseney's foundation. When the memoranda of Oseney's foundation, found in Oseney's cartulary, are taken into account a more complex story behind the foundation emerges. The first memorandum includes Edith in the foundation legend:

Anno domini millesimo centesimo xx<sup>o</sup> nono Robertus de Olleyo secundus, filius Nigelli de Olleyo predicti, fundavit ecclesiam sancte Marie in Insula Oseneye, consencientibus Theobaldo Cantuariensi Archiepiscopo et Alexandro Lincolneinsi episcopo, tempore regis Henrici primi, filii scilicet Willelmi Bastard, conquisitoris Anglie; **ad petitionem Edithe filie Forn, uxoris predicti Roberti de Olleyo fundata est.**<sup>114</sup> [my emphasis]

A second cartulary memorandum, under the subheading of Cleydon, Edith's dower, confirms this:

Memorandum quod rex Henricus primus filius Willelmi Bastard dedit Editham filiam Forn amasiam suam Roberto de Olleyo secundo in uxorem et cum ea totam Cleydonam in liberum maritagium. **Ad instanciam huius Edithe dictus Robertus vir eius ecclesiam de Oseneya fundavit** et canonicos regulares in ea

<sup>111</sup> *Oseney*, vol. 1, no. 1; *Oseney*, vol. 4, no. 190.

<sup>112</sup> *Ann. Mon.*, ed. Luard, vol. iv, p. 19.

<sup>113</sup> *Oseney*, vol. 5, nos. 690, 690A; *Thame*, vol. 1, no. 2, *Eynsham*, vol. 1, no. 67. Note that the editors have given Edith's charter to Eynsham the date c.1115-1142. However, the references to her dower lands means that she was married and this places the charter to c.1126-1142.

<sup>114</sup> *Oseney*, vol. 4, p. 11.

constitui, et ecclesiam de Cleidona et alias quamplurimas eisdem canonicis contulit. Post mortem uero eiusdem Roberti prefata Editha de libero maritagio suo quamplurimas terras prefatis canonicis in Cleydona et alibi dedit, ut patet per cartas subscriptas.<sup>115</sup> [my emphasis]

A rather imaginative seventeenth-century account by antiquarian Bishop Kennett of Peterborough (1660-1728, bp. 1718-28) also describes Edith as the driving force behind the abbey's foundation.<sup>116</sup> This later text recounts how Edith told her confessor, a canon of St Frideswide, about a flock of birds along the river bank which he interpreted for her as a sign that she should build a church there.<sup>117</sup> While two of the five accounts might identify Robert as the founder, Edith is wholly absent from only one and actively instigated the foundation in three. She was arguably involved in the foundation even if some accounts seem to overlook her role. Her actions might have been driven by her piety, as implied by Bishop Kennett, but this is speculative. What is clear, however, is that her connections and actions shaped her family's religious patronage and Oxfordshire monasticism.

### 7.3.2 Patronage

Edith d'Oilly was not the only d'Oilly wife to play a role in her husband's religious patronage and Robert's uncle, also called Robert d'Oilly, sheriff of Oxfordshire in the late eleventh century, was also greatly affected by his wife's counsel at a crucial time. An early to mid-thirteenth century addition to the *Historia Ecclesie Abbendonensis* describes Robert d'Oilly as a constable who 'vexed churches everywhere with his greed for wealth'.<sup>118</sup> Distraught by these injustices the monks of Abingdon cried and 'prostrated themselves on

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<sup>115</sup> *Oseney*, vol. 5, p. 206, the extract is found under a subheading 'Cleydon' after which charters relating to Claydon are recorded.

<sup>116</sup> Laird Okie, 'Kennett, White (1660-1728)', *Oxford Dictionary of National Biography* <<http://www.oxforddnb.com/view/article/15402>> [Accessed 09/07/2015].

<sup>117</sup> *Mon. Ang.* 6:1, ed. Dugdale, pp. 250-1, from *Lel. Itinerar*, vol. 2, fol. 17-8; printed and translated in *The Itinerary of John Leland In or About the Year 1535-1543*, ed. Lucy Toulmin Smith, (London: George Bell & Sons, 1907), p. 123.

<sup>118</sup> 'ecclesias vero cupiditate pecuniarum infestabat ubique' in *Historia Ecclesie Abbendonensis - History of the Church of Abingdon*, vol. 2, ed. and trans. John Hudson (2 vols., London: Clarendon Press, 2002-7), Appendix I, Additions to MS B, pp. 328-31. NB: Hudson dates the scribe to 1225-1250, but he suggests that he scribe was updating a manuscript produced soon after 1190, 'Introduction', p. xxxvii.

the ground, praying that St. Mary take vengeance ... or persuade him to make amends'.<sup>119</sup> Robert was consequently afflicted with a terrible nightmare and upon waking, Aldithe, his wife, told him that 'dominus flagellat omnem filium quem recipit'.<sup>120</sup> At his wife's prompting, 'cogente eum uxore sua', Robert travelled to Abingdon and returned the rent he had demanded. The cartulary has no charters relating to the story, but it still serves to illustrate the potential of a wife's counsel and its role in redirecting a husband's actions. Aldithe's advice came in the form of an Old Testament quote which refers to God testing those He deems worthy and Robert's suffering will be rewarded if he passes the test, which in this case seems to be Robert having to address his treatment of Abingdon's monks. As his spouse Aldithe has been given the role of advisor and is attributed with biblical words to achieve success as one. Neither Oseney's foundation nor Abingdon's complaints seem to have addressed Edith's or Aldithe's dowry or dower lands which further supports the argument that their actions were due to their role as wife.<sup>121</sup> The stories also demonstrate how wives were able to act as advisor and were able to offer direct personal counsel to their husbands that might subsequently guide their religious patronage and thus shape their families' social position and reputation. Non-comital women are rarely described outwith charters making the three prose accounts of Edith's actions informative, but also unique. Prose accounts might be unusual, but Edith's case was not. She issued charters alone, she was also co-issuer, consentor, or witness to charters issued by her family which makes her actions comparable with other non-comital women.<sup>122</sup> Founding monasteries allowed women to interact with their social networks alone or with their spouses and physically shape patronage and in turn this could help develop non-comital families' engagement with monastic networks.

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<sup>119</sup> '... cum lacrimis prostrati in terram, deprecantes de Roberto de Oili monasterii depredatore uindictam facere, aut illum ad satisfactionem conuertere', in *Historia Ecclesie Abbendonensis*, pp. 328-9.

<sup>120</sup> Hebrews, 12:6. Hudson translates this using the King James version as 'The Lord scourgeth every son whom he receiveth', *Historia Ecclesie Abbendonensis*, pp. 330-1.

<sup>121</sup> EYC, vol. 2, nos. 1238, 1239. Her dower was Claydon: Oseney, vol. 5, nos. 690, 690A; Thame, vol. 1, no. 2; Eynsham, vol. 1, no. 67.

<sup>122</sup> Issues: EYC, vol. 2, nos. 1238; Oseney, vol. 5, no. 690A; Eynsham, vol. 1, no. 67; Co-issues: Oseney, vol. 5, no. 690; Eynsham, vol. 1, no. 64; Consents: Oseney, vol. 1, no. 1; Oseney, vol. 4, nos. 9, 17, 71, 190; Sandford, vol. 1, no. 62; witnesses: St Frideswide, vol. 2, no. 951; Eynsham, vol. 1, no. 65; Oseney, vol. 5, no. 572.

Participation in religious patronage was not reserved to foundations and women could be religious patrons throughout their lives. Grantor-beneficiary relationships between women and their families and monastic houses could also be maintained by women's patronage. For example, Edith d'Oilly's role as instigator of Oseney's foundation had long standing repercussions and Edith and Robert's sons and grandsons were all active patrons of the house.<sup>123</sup> In 1183-5 Robert II d'Oilly issued his charter to Oseney fifty years after its foundation to confirm the donations of his grandfather Robert and grandmother Edith as well as the donations of his father and brother.<sup>124</sup>

A comparable case of family foundation and patronage comes from the honour of Skipton in Yorkshire. Cecily de Rumilly co-founder of Embsay with her husband William Meschin continued as patron of the house and issued charters to Embsay both independently and with her second husband.<sup>125</sup> Cecily's daughter Alice de Rumilly and son-in-law William Fitz Duncan were also patrons of the house. Alice issued a number of charters to Embsay and oversaw the transfer of the house to Bolton.<sup>126</sup> Cecily's patronage also shaped that of her son-in-law. Although the two issued separate charters regarding the vill and the mill of Kildwick the charter issued by Cecily describes a ceremony where they jointly gave, 'obtulimus', a knife at the priory's altar with the significant overlap of witnesses confirming that the charters were issued on the same occasion.<sup>127</sup> Cecily's continued patronage of Embsay indicates that her relationship with the priory was personal. The patronage undertaken by her daughter and son-in-law during her lifetime demonstrates the effect her actions had on those around her.

Women contributed to religious patronage with their spouses and children. Alan son of Roger's charter to the Hospital of St Peter at York was issued in response to the request and petition, 'ad instantiam et petitionem', of his spouse Ellen and he gave it with her

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<sup>123</sup> *Oseney*, vol. 1, nos. 1, 582; *Oseney*, vol. 4, nos. 9, 12, 13, 13A, 14, 17, 19, 20, 20A, 21, 33, 39, 71, 190, 191, 193, 237, 291, 373; *Oseney*, vol. 5, nos. 690, 690A, 691, 692, 725.

<sup>124</sup> *Oseney*, vol. 4, no. 14.

<sup>125</sup> Alone: *EYC*, vol. 3, no. 162; *EYC*, vol. 7, nos. 5, 7, 9; With William Meschin: *EYC*, vol. 7, no. 2; With Henry de Tracy: *EYC*, vol. 7, nos. 10, 11.

<sup>126</sup> *EYC*, vol. 7, nos. 13, 17, 18, 21, 22, 23.

<sup>127</sup> *EYC*, vol. 7, nos. 9, 12.

assent and counsel, 'de assensu et consilio ipsius'.<sup>128</sup> The word choices convey a notion of active participation. Ellen might not be described as co-issuer, but her contribution as consensor is described in terms of counsel and solicitation. A comparable level of participation could be argued to have taken place when Robert de Watteville issued his charter to the Priory of Stoke-by-Clare 'consilio et permissione' of his wife Matilda and son William.<sup>129</sup> Such counsel could further affect the family and as a result of the grant, Robert and his family were received into the church of Bec and benefited from the monks' prayers. Robert's grant relied on his family's participation to complete his grant and as a result the whole family was tied to the house's patronage.

Much of the discussion has so far dealt with patronage to houses founded by women or their families, but women were also patrons in general. The tendency for houses to keep sources from their founding families can give prominence to patronage of family foundations, but this was not the only form of religious patronage by women. Patronage extended to a range of beneficiaries across a county and an example of this is a set of five charters issued by Margaret de Cressy in Suffolk. Two of these were addressed to Sibton Abbey and date from 1188-1230.<sup>130</sup> Sibton was her father's foundation and one of her charters is indeed a confirmation of his gifts.<sup>131</sup> Besides this, Margaret also granted Sibton new gifts, such as rents of 40 shillings from her mills called 'Calcmelnes' in Norwich. She also issued two charters to Blythburgh Priory, near the east coast of Suffolk, and one to Walsingham Priory, near the north Norfolk coast.<sup>132</sup> Her grants to the three houses spread her patronage across East Anglia. Her most frequent activity as patron of Sibton and Blythburgh, however, remained close to her main landholding. Land was an important source of agency that allowed women to be independent patrons to a range of houses within a wider regional area.

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<sup>128</sup> *EYC*, vol. 1, no. 308.

<sup>129</sup> *Stoke-by-Clare*, vol. 2, no. 560.

<sup>130</sup> *Sibton*, vol. 2, no. 243; *Sibton*, vol. 3, no. 475.

<sup>131</sup> *Sibton*, vol. 1, p. 1; *Sibton*, vol. 3, nos. 470, 471.

<sup>132</sup> *Blythburgh*, vol. 1, nos. 35, 38; *Norwich Cathedral Priory Charters*, vol. 2 (2 vols., Pipe Roll Society, vol. ns. 40, 46, 1975-85), no. 222. She granted them the service of her tenant Reginald of Ely who holds 12 acres and 1 messuage of land in 'Possewyck'. It is unclear where 'Possewyck' was, but it might be an area east of Norwich now called Postwick, however this is speculative.

Non-comital women's ecclesiastical networks were often within geographically small areas. The regional nature of patronage shows the limits of non-comital activity, but also how they and their families were part of public society. Geographic proximity was a factor in women's patronage, but it was a general factor in non-comital patronage. Networks were more likely to be determined by landholding. As a result non-comital women's natal and marital families, both of whom were sources of land for women, could in turn affect which houses women were patrons of. Avice de Rumilly and Edith d'Oilly, for example, both re-located from their natal families to their marital families: Avice moved from the honour of Skipton to the Paynel fee in Yorkshire and Edith from the Greystoke fee in Yorkshire to Oxfordshire.<sup>133</sup> Their marriages did not stop their actions as patrons although both women's patronage was re-directed to houses closer to their marital families.<sup>134</sup> Avice and Edith were active monastic patrons and shaped their marital families' patronage, using their natal and marital families as well as their connections with ecclesiastics to do so. Although contemporary clerical views on women were conservative, if not outright damning, women were considered to be important patrons and could potentially have significant impact on local patronage due to their social networks.<sup>135</sup> Non-comital women were patrons of many houses that they had not founded, but that were otherwise physically close to them. The extent of patronage attests to the ways in which women, as religious patrons, were involved in various social and public arrangements.

## 7.4 Conclusion

Non-comital women's social networks, when explored through beneficiaries and witness lists, provide evidence for the variety of relationships women participated in. Women were recognised and acknowledged by clerical and lay individuals, who could be

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<sup>133</sup> *EYC*, vol. 2, p. 505-6; *EYC*, vol. 6, pp. 6, 31; *EYC*, vol. 7, p. 7.

<sup>134</sup> Edith was patron of Oseney, Eynsham and Thame: *Eynsham*, vol. 1, no. 67; *Oseney*, vol. 5, nos. 690, 690A; *Thame*, vol. 1, no. 2. She issued one charter in her natal family's fee in Yorkshire to the Hospital of St Peter in York, *EYC*, vol. 2, no. 1238; Avice's involvement with Drax is seen in *EYC*, vol. 3, no. 1864; *EYC*, vol. 6, nos. 62, 66, 73. Only one of her charters was addressed to Embsay, *EYC*, vol. 3, no. 1862.

<sup>135</sup> Burton, *The Yorkshire nunneries*, p. 3; Cownie, *Religious Patronage*, pp. 51, 102; Kirsten A. Fenton, *Gender, Nation and Conquest in the Works of William of Malmesbury* (Woodbridge: Boydell Press, 2008), p. 63.

their social superiors, equals, or subordinates. This places women into a social community which was active outside the social or physical confines of family or household. Two important conclusions to draw from non-comital women's networks is that they were not gender specific and that women's participation in social networks was not passive. As grantors and alienators of land to a range of beneficiaries women acted on par with men and established themselves as legitimate landholders with the means to shape the social and physical landscape and networks around them.

Non-comital women's marital years were an important period of activity as landholders, alienators, and lords. Married women's agency was often enabled by women's landholding, for example by dowries brought into their new marital families by brides. However, the impact from dowries on women and their families was limited. Dowries were not hereditary like other lands and there was a constant possibility that they could revert back to a bride's family or that they would be re-used as dowries for other marriages. Furthermore, most non-comital men who gained significant lands through marriage had married heiresses. Although dowries could be important, other social elements were also important in non-comital marriages and women's role in their families. Social networks and relationships were also an important element of non-comital women's role in families and wider relationships. Marriages contributed to non-comital social networks and women introduced valuable connections from their natal families to their marital families. This could, particularly in the case of heiresses, introduce hereditary office and income. Social prestige and landed wealth were important to relationships with local monastic houses or lay tenants, both of which women could also introduce into their marital families.

Women's relationships extended beyond kinship and included both lay and clerical parties. The variety of witnesses in charters issued by women show a wide range of social connections. Some of these were within the family household, while others were outside it. Inherent to this discussion is the idea that what constituted public in the middle ages is more ambiguous than what has previously been thought.<sup>136</sup> The household and kin groups were, to some extent, part of a public sphere while retaining a supposedly private stage of

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<sup>136</sup> Nelson, 'The Problematic in the Private', pp. 363-4; LoPrete, 'Public' aspects', pp. 156-7; Rees Jones, 'Public and Private', pp. 251-2, 258.

the household. Women's relationships with kin, clergy, and laity can and should be understood in this context. Women derived their public agency and legitimacy as landholders through family and marriage. However, marriage did not restrict women's relationships within the limits of kinship or family, and we can find women actively engaging with clergy, monastic houses of various sizes, tenants, and with officers or servants. Much of this would have taken place in the physical household, but the networks also have a distinct public nature to them. Beneficiaries and witnesses who were clergy or tenants were not members of women's kin group or household, but represented a wider public local community. By means of publicly issued charters of grants and alienations women's private sources of agency and land were expressed. Relationships with kin and tenants could be reciprocal and women returned services to those they associated with by, for example, attesting their tenant's charters or even confirming their grants. Non-comital women's interest in their tenant's alienations and knowledge of the tenants as grantors demonstrates the extent to which these networks and relationship were personal.

By studying the existing charters for evidence of social connections and networks and by contextualising them within a wider world of the household and family the significance of women's contribution to local networks can be appreciated. Even though charters issued by women are a minority of overall charter production, they fit within a wider social framework of charters and grants that allowed women to establish and maintain important social contacts. Many women had important roles in their families' religious patronage and this patronage also gave them agency outwith the family and established relationships with tenants and religious houses. In terms of secular agency women's ability to be lords and accept homage is evidence of wider social roles held by women. Women are often addressed as wives, mothers, daughters, and ladies, but we should also consider non-comital women as landholders, tenant-in-chiefs, and lords. Women's networks and activities are better understood after contextualising charters issued by them within wider social relationships so that contemporary networks and women's role in them can be taken fully into account.



# Conclusion

This thesis set out to explore the place and agency of non-comital women in their families and local societies in twelfth-century Anglo-Norman England. Although this thesis was structured in two distinct halves of charter analysis and contextual discussion, the conclusions can be drawn as a whole. Through a detailed analysis of the extant charter material and a supporting analysis of other records and sources, this thesis has argued that scholarship needs to rethink the frameworks within which non-comital women are approached in order to allow them considerable agency and significance therein. Non-comital women were able to shape and influence people and things around themselves and the bases of this agency were material and social. Land was an important source of wealth and thus agency, but social relationships and family networks were an equally important source.

One of the first aims of this thesis was to establish the availability and accessibility of a sufficient corpus of sources. Although sources on non-comital women might, at first, appear sparse, there is much more available material, primarily charters, on women of this social group than has been recognised in the past. This thesis has demonstrated that charter material provides a substantial corpus of evidence to which modern database methods, combined with traditional diplomatic methods, can be applied in order to explore the sources and the women in them en masse as well as in detail. In the 3046 charters issued by non-comital individuals from Oxfordshire, Suffolk, and Yorkshire a consistent pattern of women occurring in 7-10% could be established very early on in the research.<sup>1</sup> The charters and their clauses were analysed to illustrate general patterns and significant continuities in women's agency. Charter analysis was also supported by other sources where non-comital women are less frequent or described with less detail, such as royal documents and records, but which help illustrate the breadth of non-comital women's activities and the consistency

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<sup>1</sup> 242 charters were issued by women as first or only issuer, 176 charters named a woman as second or other co-issuer. 298 charters were consented to by one or more women. 95 included at least one woman as a witness.

of their agency. Combining database analysis with prosopography and charter scholarship establishes a strong methodological foundation for analysis of non-comital women and allowed this thesis to demonstrate women's agency within a wider context of family and local society.

A key finding of this analysis has been that non-comital women had agency in different areas of life. The charter evidence presented in this thesis would suggest that married women could, and indeed did, hold and manage lands and that many begun these actions during their marital years: women's agency continued into widowhood rather than beginning at widowhood. In some of the cases discussed, such as that of Aubrey de Harcourt or Beatrix Darel, married women also issued charters using natal superscriptions indicating individual identity and agency outwith terms of marriage.<sup>2</sup> The identification of married women, such as Helewis daughter of Roger d'Oilly, with managing lands without spousal involvement are also suggestive of apparent independent landholding pre-widowhood.<sup>3</sup> The charter evidence illustrates that non-comital women's participation in shared and independent landholding was not confined to, nor was it only described in terms of dowries or dowers or to periods of widowhood. Women's landholding should, therefore, not be assumed to exist only in relation to marriage or marital status and should instead be addressed in relation to both their natal and marital families. Although women held significant agency within their marital families and participated in their marital families' management of lands and networks, neither women's lands nor agency were limited to marital families or the specific marital state of widowhood.

The material from Oxfordshire, Suffolk, and Yorkshire demonstrates how scholarship should address both married and widowed women in a more inclusive approach that addresses agency in terms of continuities rather than as independent stages attached to a single marital status. Widowhood was indeed often specified by contemporary legal texts as a period of agency with widows often appearing as claimants over disputed dowers and

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<sup>2</sup> Chapter 1, p. 35; chapter 2, pp. 73-4.

<sup>3</sup> Chapter 1, p. 33.

married women's ability to hold land or manage it constrained by their spouses.<sup>4</sup> While scholars have begun to reject the assumption that normative texts reflected reality, women's status and agency is still largely focused on shifts and changes that were dependent on widowhood. However, by setting research questions that were not restricted by any single marital status, this thesis has been able to illustrate general patterns and significant continuities in non-comital women's agency.

A central conclusion to be drawn from the evidence presented in this thesis is that non-comital women's agency was tied to material wealth or land and social relationships. Landholding and access to wealth factored into women's agency, but it was not the sole requisite for women to have and to perform their agency. Relationships that were linked to their families as well as relationships with non-kin in the region were important in developing women's agency. This also helps establish non-comital women's agency in relation to their local society. Non-comital aristocracy's landholding affected women and as a result of this, non-comital women's actions were also distinctly more local. Non-comital women's life experiences, such as marriage, landholding, and networks, were different from the higher aristocracy: the geographic extent of families' estates limited their wealth and this affected their agency.<sup>5</sup> The local nature of non-comital women suggests that distinctions in aristocratic levels should be made for women because status affected how women's families shaped women's agency, its performance, and women's identities. This does not mean that their agency was insignificant as is illustrated by examples such as Margaret de Cressy, née Chesney, who identified with her natal and marital families and whose actions were limited largely to Suffolk where her lands lay, but was also an important landholder and religious patron in the county.<sup>6</sup> In spite of geographic limitations, the conclusion that non-comital women's agency should be considered as present in women's lives during and after marital years has wider implications on the study of aristocratic and royal women. By looking at non-comital women and by demonstrating that women's agency

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<sup>4</sup> For example, *Glanvill*, bk 6, esp. 6:1-4, pp. 58-60; bk 7:1, p. 69; bk 7:5, p. 80; bk 7:12, p. 85; bk. 9:1, p. 103; bk. 9:4, p. 107; *Leges Henrici Primi*; Bracton, *De Legibus et Consuetudinibus Angliae*, vol. 2, p. 31, ll. 31-2.

<sup>5</sup> See Chapter 7, pp. 193-6.

<sup>6</sup> See Chapter 1, pp. 32-3; Chapter 5, p. 167 Chapter 7, p. 217.

allowed them to express an interest in their marital families' lands and relationships during their marital years, into their widowhoods, and into their remarriages, this thesis has demonstrated the importance of including women's marital years in any analysis and discussion of women's agency. The conclusions on the continuities of agency and its local nature for non-comital women as proposed in this thesis thus have wider application on research into comital or royal women's agency.

Another underlying theme throughout the thesis has been social networks and non-comital women's role in them. The available charter material and prosopographical material has demonstrated that non-comital women were actively part of and involved in social networks. As shown in the analysis of witness lists in chapter three, or gift economy and social networks in chapters six and seven, many women had important roles in their families' religious patronage, landholding, and tenorial relationships. This was particularly evident in charters issued by women, either independently or with others, and reveals women's actions as being at once personal and public. Family was only one of many potential contacts in women's networks and the public nature of women's relationships outwith family, yet coexisting alongside it, with clergy, monastic houses of various sizes, tenants, and with officers or servants demonstrates the significant agency women held in local society and networks. Lord-vassal and tenorial relationships involving women, for example, include an acknowledgement of landholding by the other secular or ecclesiastical party who was in the relationship. Women's ability to engage with their local networks was of benefit to the parties involved and the families in general. As discussed in chapter seven, for example, it would have been of no use to the tenants of the Honour of Skipton if the agency of the Rumilly women as heiresses and landholders was not recognised by the tenants themselves or by others in the region or county.<sup>7</sup> The tenants did not rely on the heiresses' husbands or sons, and the Rumilly women were able to personally engage with the tenants of their honour and create networks and relationships around themselves which subsequently contributed to their families. Non-comital women had agency with practical results that meant they built and maintained social networks and relationships that were mutually beneficial to all parties involved. The beneficiaries and witnesses in women's

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<sup>7</sup> See Chapter 7, pp. 192-3, 201-4, 206-7, 212, 216.

charters were not members of their kin group or household, but represented a wider public local community. Non-comital women's agency was based on their lands and also their relationships with their families. Subsequently, women's actions within and outwith their families were part of a wider public network of landholding and relationships.

As stated in the introduction, this thesis was intended, not as a study of contemporary notions of gender, femaleness, or gender performance, but as a study of non-comital women and the ways and means with which they held or expressed agency.<sup>8</sup>

However, the conclusions do have implications on some aspects of gender studies and how non-comital women's gender could be explored further. Having focused on charter material and women's agency, this thesis has been able to demonstrate how women's agency and identity could vary and adopt flexibility depending on a range of factors such as relationships, families, marriages, and landholding. As is demonstrated in the charter analysis in chapters one and two, and in the discussion in chapter five, women identified with a range of family with whom they also retained social relationships. These contacts and the flexible nature of women's identity allowed them to build networks in which they were able to negotiate the performance of agency as landholders and members of social networks. The notion of flexible identity has important implications to agency and can help further our understanding of gender. For example, the use of patronymics or spousal identities in superscriptions raises the question of how the concept of gender or femaleness might have affected contemporary notions of identity and status. Another established feature of gender history is the nature of motherhood and religious patronage. As is demonstrated in this thesis, mother-child relationships were an important part of women's agency within their families while women's monastic patronage and networks with ecclesiastics were an important part of social agency. The importance of both motherhood and religious identity can help us question relationships between marital, maternal, and religious identities and how the gendered role of mothers is likely to have shaped non-comital women's experiences and relationships with the church or with their children.<sup>9</sup> A

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<sup>8</sup> See Introduction, p. 4.

<sup>9</sup> Green, *Aristocratic Women*, p. 59; Bennett and Karras, 'Women, Gender, and Medieval Historians', pp. 11-13.

deeper understanding of women's ability to assert influence, and what it was based on will help build a more comprehensive understanding about women's experience of gender and how meanings of gender might have shaped non-comital women's agency.

In the course of seven chapters this thesis has demonstrated that sufficient material exists for non-comital women in charters and in government records to demonstrate their role and agency in their families and wider local society. This thesis has also illustrated the value of combining database analysis with traditional diplomatic methods to uncover patterns and case studies. This approach has shown that the complexity of twelfth-century society and aristocracy was, in significant part, due to the roles women played as wives and widows in the private sphere of natal and marital family that was also an integral part of medieval public relationships. The evidence discussed throughout this thesis demonstrates that women's activities, either social relationships or landholding, cannot be presumed to have been confined to widowhood, or that women acted only in relation to dower and dowry lands. Non-comital women's social networks, kinship, and family identities were important sources of agency for them. Land remained a significant and rather important source of wealth and status, but non-comital landholding was limited by geography and status which consequently shaped women's society and social relationships. While non-comital aristocrats were similar to their comital or royal counterparts, the constraints of geography, for example, means that their experiences were also different. In order to fully realise the role and agency of twelfth-century non-comital women research questions must address them beyond the established framework of private family or widowhood and discuss non-comital women with reference to a range of interlinked marital and life cycle stages and public relationships. A more inclusive approach on women's life cycle and agency allows scholarship to address continuities through women's lives and to better establish women's agency within its full social context. Albeit being overlooked by much of history, twelfth-century non-comital women had active agency in their families and in wider regional society in England. In order to understand the consistent presence of women in charters, wider social and practical means of agency outwith marital definitions of status and land must be taken into account with twelfth-century non-comital women.

## Appendices

## Appendix 1: *Pro Anima* Clause Tables

*Pro anima* clauses in charters found in Oxfordshire sources:

category in <i>pro anima</i>	Charters issued by a man		Charters issued by a woman	
	Count	%	Count	%
Own	321	91.71	26	96.30
Spouse	106	30.29	10	37.04
Father	134	38.29	11	40.74
Mother	111	31.71	11	40.74
Parents (generic)	67	19.14	9	33.33
Child/son	48	13.71	5	18.52
Daughter	6	1.71	2	7.41
Brother	30	8.57	2	7.41
Sister	5	1.43	0	0.00
Relative	6	1.71	1	3.70
Lord	16	4.57	0	0.00
Ancestors	222	63.43	16	59.26
Successor/ Heir	80	22.86	8	29.63
King	37	10.57	3	11.11
Queen	10	2.86	1	3.70
Other	78	22.29	12	44.44
<i>amicorum</i> <sup>1</sup>	40	11.43	6	22.22
TOTAL no. of charters <sup>2</sup>	350		27	

<sup>1</sup> *Amicorum* are a sub-category of 'Other', but have been also been included on their own due to its high frequency.

<sup>2</sup> The total number of charters with *pro anima* clause includes those with complete as well as incomplete or partial *pro anima* clauses.



*Pro anima* clauses in charters found in Suffolk sources:

category in <i>pro anima</i>	Charters issued by a man		Charters issued by a woman	
	Count	%	Count	%
Own	195	75.29	11	61.11
Spouse	77	29.73	8	44.44
Father	104	40.15	7	38.89
Mother	84	32.43	5	27.78
Parents (generic)	57	22.01	6	33.33
Child/son	23	8.88	0	0.00
Daughter	1	0.39	0	0.00
Brother	20	7.72	1	5.56
Sister	1	0.39	0	0.00
Relative	4	1.54	0	0.00
Lord	23	8.88	0	0.00
Ancestors	134	51.74	7	38.89
Successor/ Heir	77	29.73	6	33.33
King	6	2.32	0	0.00
Queen	1	0.39	0	0.00
Other	25	9.65	2	11.11
<i>amicorum</i>	7	2.70	1	5.56
TOTAL no. of charters	259		18	

*Pro anima* clauses in charters found in Yorkshire sources:

category in <i>pro anima</i>	Charters issued by a man		Charters issued by a woman	
	Count	%	Count	%
Own	791	94.84	63	92.65
Spouse	251	30.10	29	42.65
Father	366	43.88	28	41.18
Mother	328	39.33	24	35.29
Parents (generic)	165	19.78	9	13.24
Child/son	71	8.51	13	19.12
Daughter	7	0.84	3	4.41
Brother	50	6.00	4	5.88
Sister	4	0.48	4	5.88
Relative	49	5.88	4	5.88
Lord	44	5.28	4	5.88
Ancestors	534	64.03	48	70.59
Successor/ Heir	367	44.00	22	32.35
King	23	2.76	2	2.94
Queen	6	0.72	1	1.47
Other	79	9.47	6	8.82
<i>amicorum</i>	32	3.83	1	1.47
<b>TOTAL no. of charters</b>	<b>834</b>		<b>68</b>	

Combined results of *Pro anima* clauses from all three counties:

category in <i>pro anima</i>	Charters issued by a man		Charters issued by a woman	
	Count	%	Count	%
Own	1307	90.58	100	88.50
Spouse	434	30.08	47	41.59
Father	604	41.86	46	40.71
Mother	523	36.24	40	35.40
Parents (generic)	289	20.03	24	21.24
Child/son	142	9.84	18	15.93
Daughter	14	0.97	5	4.42
Brother	100	6.93	7	6.19
Sister	10	0.69	4	3.54
Relative	59	4.09	5	4.42
Lord	83	5.75	4	3.54
Ancestors	890	61.68	71	62.83
Successor/ Heir	524	36.31	36	31.86
King	66	4.57	5	4.42
Queen	17	1.18	2	1.77
Other	182	12.61	20	17.70
<i>amicorum</i>	79	5.47	8	7.08
<b>TOTAL no. of charters</b>	<b>1443</b>		<b>113</b>	

## Appendix 2: Seals and Sealing Clauses

### Seals

OXFORD						
Seal number	Name	Source	Years	Inscription	Design	Notes
1.	Cristina daughter of Robert Stelmere	<i>St John's Hospital vol. 1, no. 419 /</i>	c.1190	SIGILL CRISTINE FILIA [SIC] ROBERTI.	Seal, red circular, a flower with eight petals	
SUFFOLK						
2.	Ada de Thoeni	<i>Dodnash, no. 7</i>	Before 1189	+SECRETUM A. D. THOENI.	Oval shaped seal	In a different cartulary no medieval endorsement and different witnesses.
YORKSHIRE						
3.	Adeliz de Percy	<i>EYC vol. 11, no. 297</i>	1167-c.1175	Unknown	Unknown	Seal missing. Tag (sur simple que)

Seal number	Name	Source	Years	Inscription	Design	Notes
4.	Agnes wife of Eustace Fitz John, daughter of William constable of Chester	<i>EYC vol. 2</i> , no. 1109	1150-57	+SIGILLVM AG...	A branch with a bird (?) sitting on it.	
5.	Countess Alice daughter of Earl Gilbert	<i>EYC vol. 2</i> , no. 1174	1160-76		Vesica shaped seal. The whole chevronelly	Note in <i>EYC</i> : as depicted in Nichols, 'the topog. and genealog.', i., 319.
6.	Alice de Rumilly	<i>EYC vol. 7</i> , no. 18	1155-6	+SIGILLVM : HAELIZ : DE RVMELI :	round. Geometrical design	only survives as a drawing by Dodsworth
7.	--	<i>EYC vol. 7</i> , no. 23 (seal of Henry Fitz Swain.)	1155-6	+ SIGILLVM HENER' FILII SVANI	Unknown	If the seal belonged to the charter, which seems unlikely, it must have been borrowed for the purpose. Henry Fitz Swain was the younger brother of Adam son of Swain.
8.	--	<i>EYC vol. 7</i> , no. 26.	1166-75	+SIGILLVM : HAELIZ : DE RVMELI :	round. Geometrical design	only survives as a drawing by Dodsworth
9.	Alice de St Quentin	<i>EYC vol. 11</i> , no. 96	c.1166-80	. SIGILLVM ALI ...	pointed oval. Female figure standing with open cloak	

Seal number	Name	Source	Years	Inscription	Design	Notes
10.	Alice de St Quentin	<i>EYC vol. 1</i> , no. 543	c.1163	Unknown	Unknown	Charter issued by Eustace de Merc and Alice de St Quentin, but the seal attached has been wrongly attached and is of Plympton Abbey. ( <i>EYC vol. 1</i> , p. 423)
11.	Alice wife of William Graindorge	<i>DL 25/491</i>	1167 -1233	+SIGILL ALICIEVXORISWILL'IGRAN DORGE	Pointed oval. Standing female figure. Right hand holds fleur de lys	
12.	Aubrey de Harcourt	<i>EYC vol. 10</i> , no. 7	1176-1205	+ SIGILLUM . AUBER ... DE H...C...T	Oval, green wax. 1.87in x 1.25in. Lady standing holding a hawk in her left hand.	Original. British Library Add. Ch. 47736.
13.	--	<i>EYC vol. 10</i> , no. 8	1193-1205	Unknown	Unknown	Seal missing. Slit for tag in original.
14.	Avise wife of Matthew Britonis de Denebi	<i>EYC vol. 8</i> , no. 124	c.1166-89	Unknown	Unknown	Seal missing. Original has two tags for seals.

Seal number	Name	Source	Years	Inscription	Design	Notes
15.	Cecily de Rumilly	<i>EYC vol. 7, no. 11</i>	1135-54	Unknown	An animal passant to the sinister	Seal is her husband Henry de Tracy's, but the charter is co-issued and written in third person plural.
16.	Constance Countess of Richmond	<i>EYC vol. 4, no. 83</i>	1189-98	... ИСТАИЦІА DVC ...	Standing female figure with cloak over tight-fitting dress, a hawk on left hand and a flower on right. (fleur de lys)	in G. Demay's <i>Sceaux de la Normandie</i> , p. 5, no. 29. +CONSTANCIА DVCISS[ABRITANIE COM]ITISSA RICH[EMVN]DIE
17.	--	<i>EYC vol. 5, no. 400</i>	1181-1291	...[RICHEM]VIDIE ...	Standing female figure with cloak over tight-fitting dress, a hawk on left hand	
18.	Emma de Trussebut de Ribí	<i>DL 25/2393</i>	1167 -1233 [c.1200]	S EM ...	Pointed oval shaped. Fleur de lys	First date from National Archives, [own dating. Based on Emma's charter, <i>EYC vol. 10, no. 37</i> ] Note: charter deals with lands in Lincolnshire
19.	Isabella de Warene	<i>EYC vol. 8, no. 85</i>	1202	Unknown (damaged)	Lady standing	Damaged seal.

## Sealing Clauses

\* = the seal is described as hers in first person (meo, mei)

Clause number	Name	Source	Years	Notes
1.	Agatha wife of Robert de Thayden	<i>Oseney</i> , vol. 5, no. 565	1167-98	Sealing clause, Agatha co-issues with her husband. 'sigillo meo confirmo'
2.	Agnes de Mynchonsey *	<i>Godstow</i> , nos. 50-1, or <i>Latin Cartulary of Godstow</i> , no. 134-5	c.1170-80	Sealing clause 'et ut hec mea donatio rata et inconcussa permaneat eam sigilli mei appositione corroboravi', 'presentis scripti patrocinio et sigilli mei munimine corroboravi'
3.	Agnes daughter of Simon son of John, wife of Alexander Shaftesbury	<i>St Frideswide</i> , vol. 1, no. 515	c.1180-1200	Sealing clause in co-issued charter, 'alternatim sigilla nostra apposuiamus'
4.	Alice wife of Stephen de Pontsold, daughter of Thomas de Grai	<i>Eynsham</i> , vol. 1, no. 116	1151-73	Sealing clause in co-issued charter, 'nostra confirmamus et sigilli nostri testimonio corroboramus'
5.	Basilia de Dammartin *	<i>Oseney</i> , vol. 6, no. 1084	c.1190	Sealing clause, 'et ut hoc ratum sit presenti scripto et sigillo meo confirmaui'



Clause number	Name	Source	Years	Notes
6.	Dionisia de Chesney, domina *	<i>Oseney</i> , vol. 4, no. 252	c.1170	Sealing clause where son gives consent ‘hanc cartam sigillo meo corroborauī
7.	Edith d’Oilly *	<i>Thame</i> , vol. 1, no. 2	1137	Sealing clause in a charter which is consented to by husband, ‘sigilli mei impressione confirmo’
8.	Emma de Peri daughter of Fulk *	<i>Oseney</i> , vol. 4, no. 334B	1189	Sealing clause, ‘eam presenti carta et sigilli mei impressione corroborauī’
9.	Eva wife of Walter de Chesney	<i>Eynsham</i> , vol. 1, no. 154	1154	Sealing clause in co-issued charter, ‘eam sigillorum nostrorum impressionibus roboramus’
10.	Ida daughter of William son of Gerard *	<i>Eynsham</i> , vol. 1, no. 111	1174-89	Sealing clause ‘presenti scripti attestatione & sigilli mei appositione eam corroborauī’
11.	Juliana de Parles *	<i>St Frideswide</i> vol. 2, no. 1005	c.1190-1200.	Sealing clause ‘et ut hec... [cut short]’
12.	---	<i>Eynsham</i> , vol. 1, no. 126	c.1189	Sealing clause in a charter co-issued as Juliana Tirel with her son, Walter de Parles, she is first issuer, ‘sigillorum nostrorum appositione corroborauimus’

Clause number	Name	Source	Years	Notes
13.	Juliana daughter of Robert de Sancto Remigius *	<i>St John's Hospital</i> vol. 2, no. 953	c.1190	Sealing clause 'meam cartam testimonio sigilli mei corroborare'
14.	Matilda de Chesney *	<i>Eynsham</i> , vol. 1, no. 93	c.1179-89	Sealing clause, 'eam presenti carta sigillo meo dependente corroborare dignum duxi'
15.	Matilda wife of Emming [or Hemming] *	<i>St John's Hospital</i> vol. 2, no. 787	c.1200.	Sealing clause, '...sigilli mei...'. Issued after, or at the same time, as husband's charter with same terms and clauses ( <i>St John's Hospital</i> vol. 2, no. 786)
16.	Orengis daughter of Richard Tokes *	<i>Abingdon</i> , vol. 1, no. 258	1189-c.1200	Sealing clause. 'et ut hec concessione mea rata habeatur in posterum eam sigilli mei munimine coroboravi'
17.	Wife of John Kepeherme	<i>Oseney</i> vol. 1, no. 436	c.1200	They receive the grant and his is seal attached.
18.	---	<i>St John's Hospital</i> vol. 2, no. 794	c.1200	Possibly shared. Sealing clause 'sigilli mei', but John and his wife Adelicia co-issue.

Clause number	Name	Source	Years	Notes
19.	Ada de Thoeni *	<i>Dodnash</i> , no. 2	Before 1188	Sealing clause 'Hanc itaque concessionem carte mee confirmatione et sigilli mei munimine confirmavi'
20.	Agnes Capra *	<i>Stoke-by-Clare</i> , vol. 2, no. 251	Mid-12th century	Sealing clause 'Ipsam sigilli mei apensione munivi et predictum hominem super altare sancti [Johannis] baptiste'
21.	Alina daughter of Geoffrey son of Bartholomew *	<i>Stoke-by-Clare</i> , vol. 2, no. 571	Late 12 <sup>th</sup> - early 13 <sup>th</sup> century	Sealing clause 'presens scriptum sigilli mei appositione roboravi'
22.	Gundrada de Stoke *	<i>Stoke-by-Clare</i> , vol. 2, no. 233	After 1166	Sealing Clause 'Et ut hec concessio mea firma sit et stabilis in perpetuum, ipsam presenti scripto et sigilli mei appositione roboravi'
23.	Juliana de Vaux *	<i>Stoke-by-Clare</i> , vol. 2, no. 340	Late 12 <sup>th</sup> - early 13 <sup>th</sup> century	Sealing clause 'et ut hec concessio et queta clamacio robur firmitatis (optineat) prsenti scripto sigillum meum apposui'
24.	Matilda daughter of Bartholomew *	<i>Stoke-by-Clare</i> , vol. 2, no. 497	1198-1223	Sealing clause 'Igitur ut hec mea concessio et donacio stabilis et firma permaneat, eam presenti scripto et sigilli mei appositione roboravi. Hoc idem eciam Galfridus maritus meus sigilli sui appositione confirmat.'

Clause number	Name	Source	Years	Notes
25.	Wife of Bartholomew son of Arnold of Baylham	<i>Charters of St Bartholomew's Priory, Sudbury</i> , ed. Richard Mortimer ( <i>Suffolk Record Society</i> , vol. 15, 1996), no. 91	Late 12 <sup>th</sup> -early 13 <sup>th</sup> century	He issues with wife's consent. Seal is his, but much of charter reads joint. There is no sealing clause, but the charters' editor, Richard Mortimer, notes that the original charter (Westminster Abbey Muniments, 207762) has slits for seal tags which could indicate two seals or a single shared seal.
26.	Agnes sister of Robert son of Ralph son of Lefsi	<i>EYC</i> vol. 2, no. 720	1190-c.1205	'... eam presenti carta confirmavimus et testimonio sigillorum nostrorum roboravimus ...' Cartulary copy.
27.	Alice wife of Roger son of Alan de Folifayt	<i>EYC</i> vol. 3, no. 1644	1195-1215	Sealing clause in a co-issued charter, possibly a shared seal. 'in cuius rei testimonium partes predictae presentibus scripte sigilla sua mutuatim apposuerunt'
28.	Beatrice wife of Theobald de Wikham *	<i>EYC</i> , vol. 2, no. 1172	1170-5	Sealing clause included in a charter issued by her husband which she consented to. 'et ad hanc cartam confirmandam Beatrix uxor mea appendit suum sigillum'
29.	Ellen wife of Alan son of Roger	<i>EYC</i> vol. 1, no. 308	1195-1212	Sealing clause in charter issued jointly with husband. '...rei testimonium huic scripto sigillum meum apposui.'

Clause number	Name	Source	Years	Notes
30.	Emma de Hai *	<i>EYC vol. 2, no. 1129</i>	1180-1200	In an agreement between Emma and William son of Peter. Both seal it, Emma might be using her father's seal as hers. 'et Emma Hai pro jurejurando Rogeri filii Alueredi patris sui et suo illese tenendo similiter sigillo suo confirmavit.'
31.	Emma wife of Walter Dinant	<i>EYC vol. 5, no. 287</i>	c.1170-c.1190	Sealing clause in co-issued charter. 'teste capitulo de Rip[un] in cujus presencia hec concessio et confirmacio renovata fuit et ideo ejusdem capituli sigillum in testimonium huic carte est appositum'
32.	Imania wife of Roger Punchardun	<i>EYC vol. 5, no. 276</i>	After c.1191	Sealing clause in co-issued charter. 'et ut hec donatio nostra rata et stabilis permaneat presentem paginam sigillis nostris corroboravimus'
33.	Juliana wife of Richard son of Juliana de Burton	<i>EYC vol. 2, no. 1170</i>	1190-c.1200	Sealing clause in a charter issued jointly. 'hoc presens scriptum sigillorum nostrorum appositione roboravimus'
34.	Juliana wife of Thomas son of Richard Stric	<i>EYC vol. 1, no. 255</i>	1194-9	Sealing clause in charter issued jointly. 'Et ut hoc memorie imposterum commendetur huic scripto sigillum nostrum apposuius'
35.	Mabel Tilly *	<i>EYC vol. 8, no. 118</i>	1196-1201	Sealing clause 'et ut ista donacio firma et stabilis permaneat sigilli mei impression corroboravi'

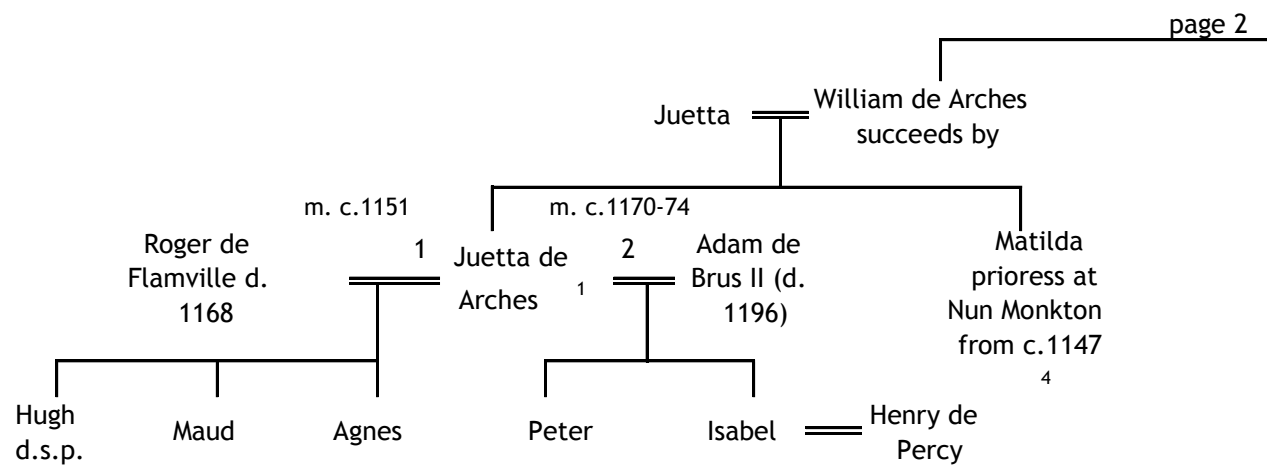
Clause number	Name	Source	Years	Notes
36.	Sigge wife of Robert Warin (?*)	<i>EYC vol. 5, no. 305</i>	c.1180-90	Sealing clause. Charter issued by Robert and Sigge with their son's consent. Seal could be hers or her son Gilbert's. Sigge receives a palfrey as counter gift, Gilbert 2s then sealing mentioned 'sigillo suo confirmavit'.

## **Appendix 3: Genealogical Tables**

1. Arches/St Quentin (Yorkshire)
2. Basset (Oxfordshire)
3. Chesney/Caisneto (Oxfordshire)
4. Chesney/Caisneto (Suffolk)
5. d'Oilly (Oxfordshire)
6. Rumilly (Yorkshire)

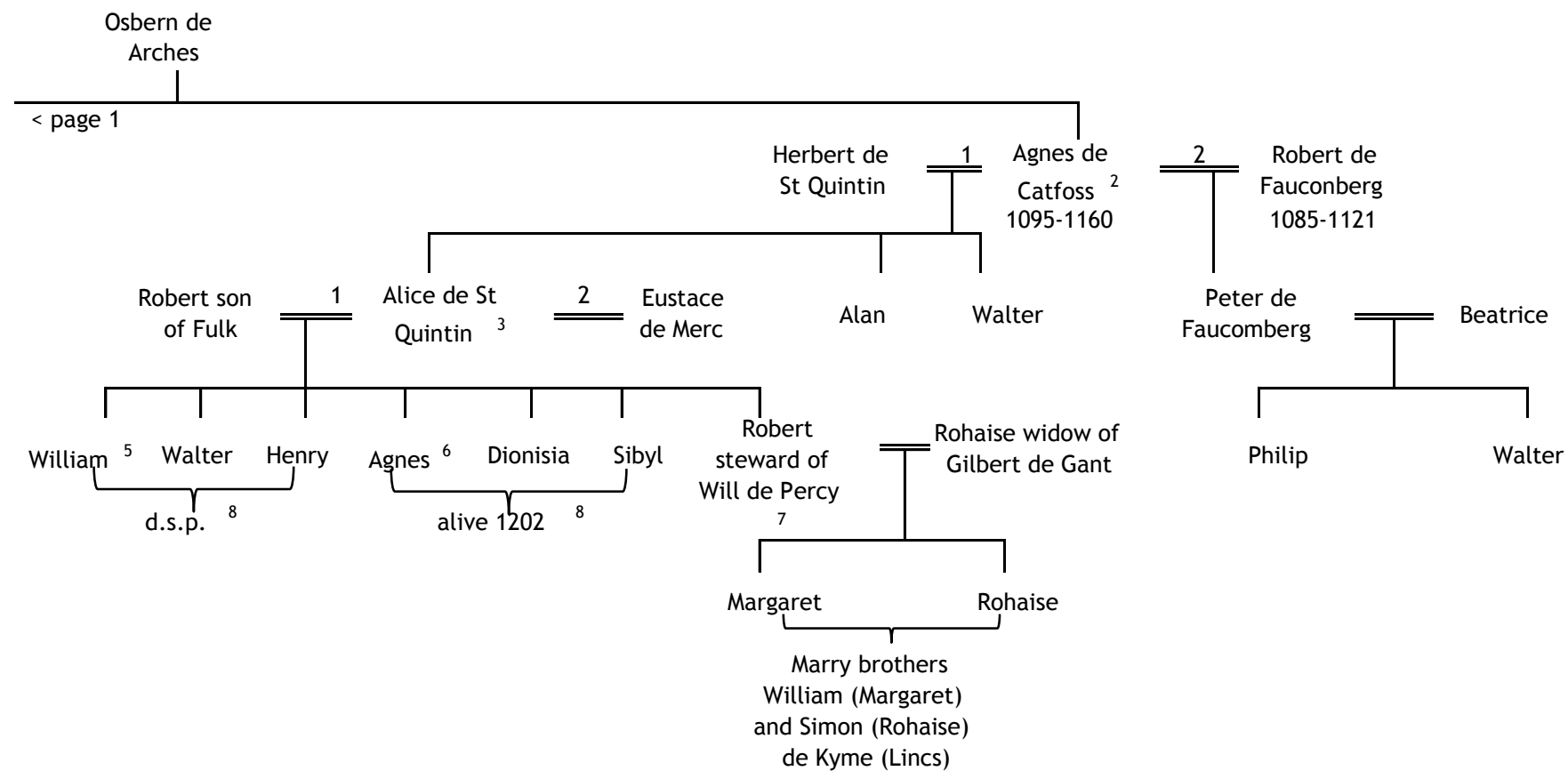
This appendix is intended as an aid and a reference point to some of the key women who and whose families are frequently discussed repeatedly in this thesis.

## 1. Arches and St. Quentin (Yorkshire), page 1





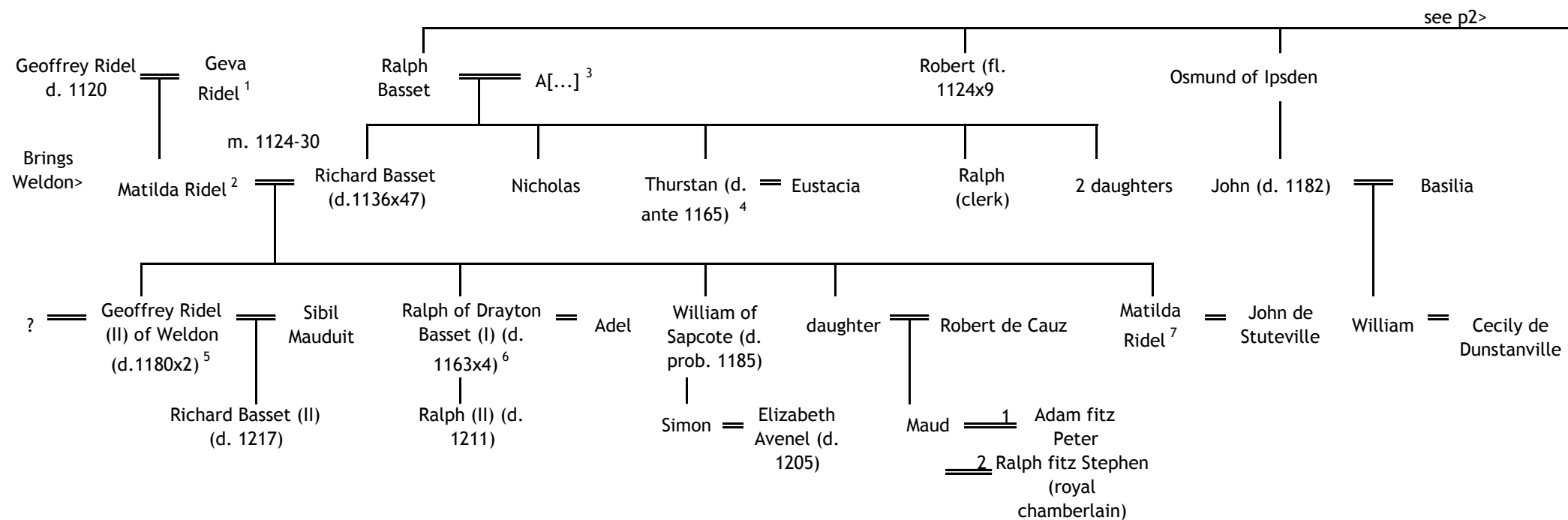
## Arches and St. Quentin (Yorkshire), page 2.



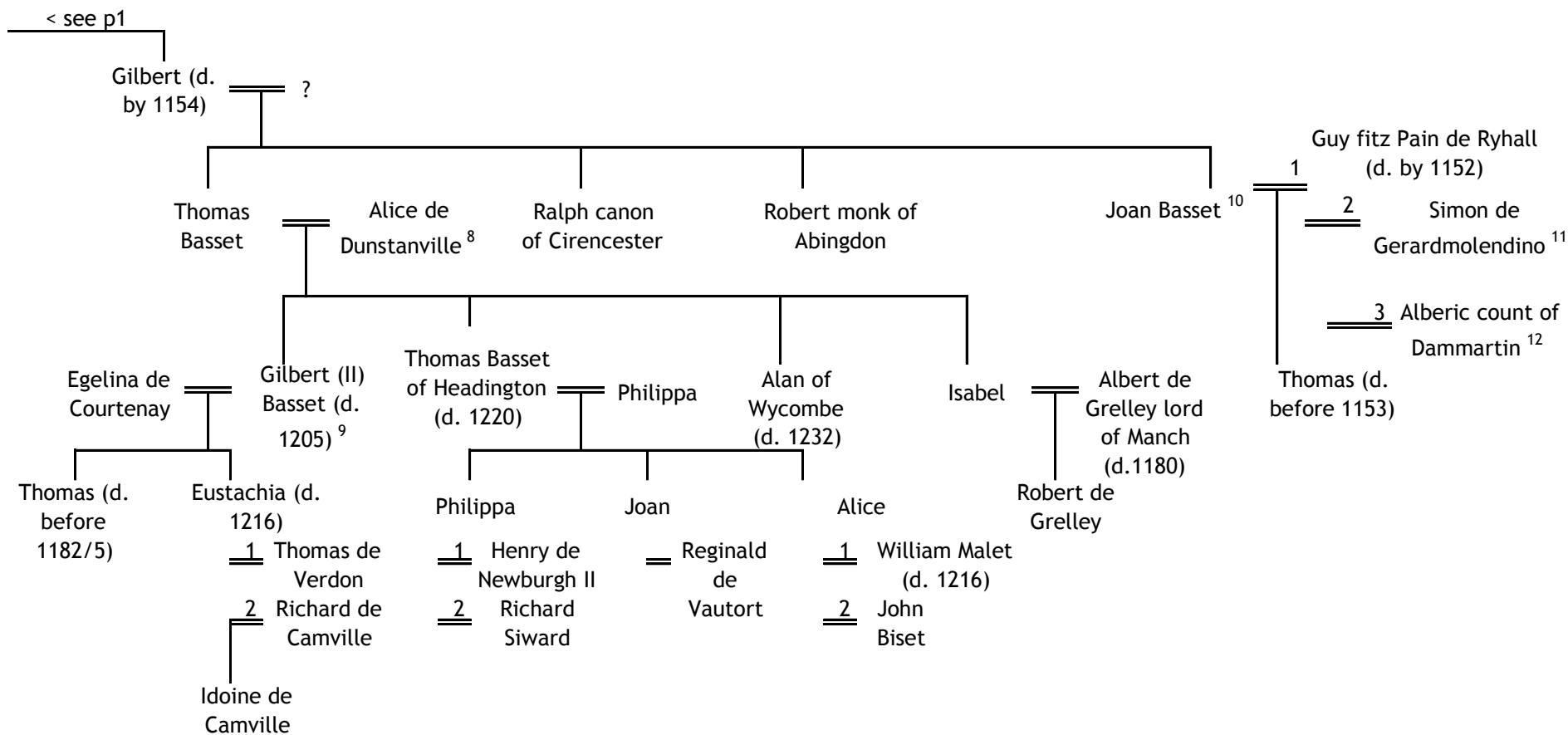
## Notes - Arches and St. Quentin (Yorkshire)

- 1) Juetta issued the following charters: *EYC*, vol. 1, nos. 536, 538, 548-9, 552-3.  
Juetta de Arches' marriages are a topic of debate. Farrer and Ricketts both argue that Roger de Flamville was Juetta's second husband and that her first husband was Adam I de Brus. (*EYC*, vol. 1, p. 415; *EYC*, vol. 2, p. 12; Ricketts, *High Ranking Widows*, pp. 328, 332, 425). However, Juetta appears to have survived until c.1206 (*EYC*, vol. 1, nos. 536, 538). If Roger was her second husband, she would have presumably remained a widow after his death in 1168 and until her own in 1206 (*EYC*, vol. 1, p. 415). It is more likely that Juetta's husband named Adam was in fact Adam II de Brus who died 1196. Keats-Rohan, *Domesday Descendants*, vol. 2, pp. 354-5; Blakely, 'Bruses', p. 23. If this is the case, Farrer's understanding of 'filie' in Juetta's charter to Isabella de Brus as mistake for 'grand-daughter', is in fact not a scribal error and Isabel was indeed Juetta's daughter (*EYC*, vol. 1, nos. 548-9).
- 2) Agnes issued: *EYC*, vol. 3, nos. 1331, 1334. Ricketts, *High Ranking Widows*, p. 264. Agnes founded Nunkeeling c.1152 (Sir William Dugdale, *Monasticon Anglicanum*, vol. 4, ed. J. Caley, H. Ellis, and B. Bandinel (6 vols., London: Longman, Hurst, Rees, Orme & Brown, 1830), p. 185 and p. 186, no. 1; *VCH, Yorkshire*, vol. 3, p. 119). No foundation charter survives and the priory's cartulary was destroyed by the Cottonian fire. The foundation could have been earlier than 1152 as the confirmation charter she issued can be dated to 1144-54.
- 3) Alice de St Quentin issued independently: *EYC*, vol. 3, no. 1337, 1338; *EYC*, vol. 11, no. 96. Alice issued with her son as co-issuer in *EYC*, vol. 1, no. 541. Alice was co-issuer with her husband in *EYC*, vol. 1, no. 543. She was consenter in *EYC*, vol. 1, no. 546.
- 4) *Mon. Ang.* 4, ed. Dugdale, p. 194, no. 1; *VCH, Yorkshire*, vol. 3, p. 122.
- 5) *EYC*, vol. 1, nos. 543, 545.
- 6) *EYC*, vol. 1, nos. 541, 543, 545.
- 7) *EYC*, vol. 1, nos. 544; *EYC*, vol. 11, pp. 89-104; Wales, *The Knight in Twelfth-Century Lincoln*, p. 9.
- 8) *EYC*, vol. 1, p. 420, no. 546.

## 2. Basset (Oxfordshire), page 1



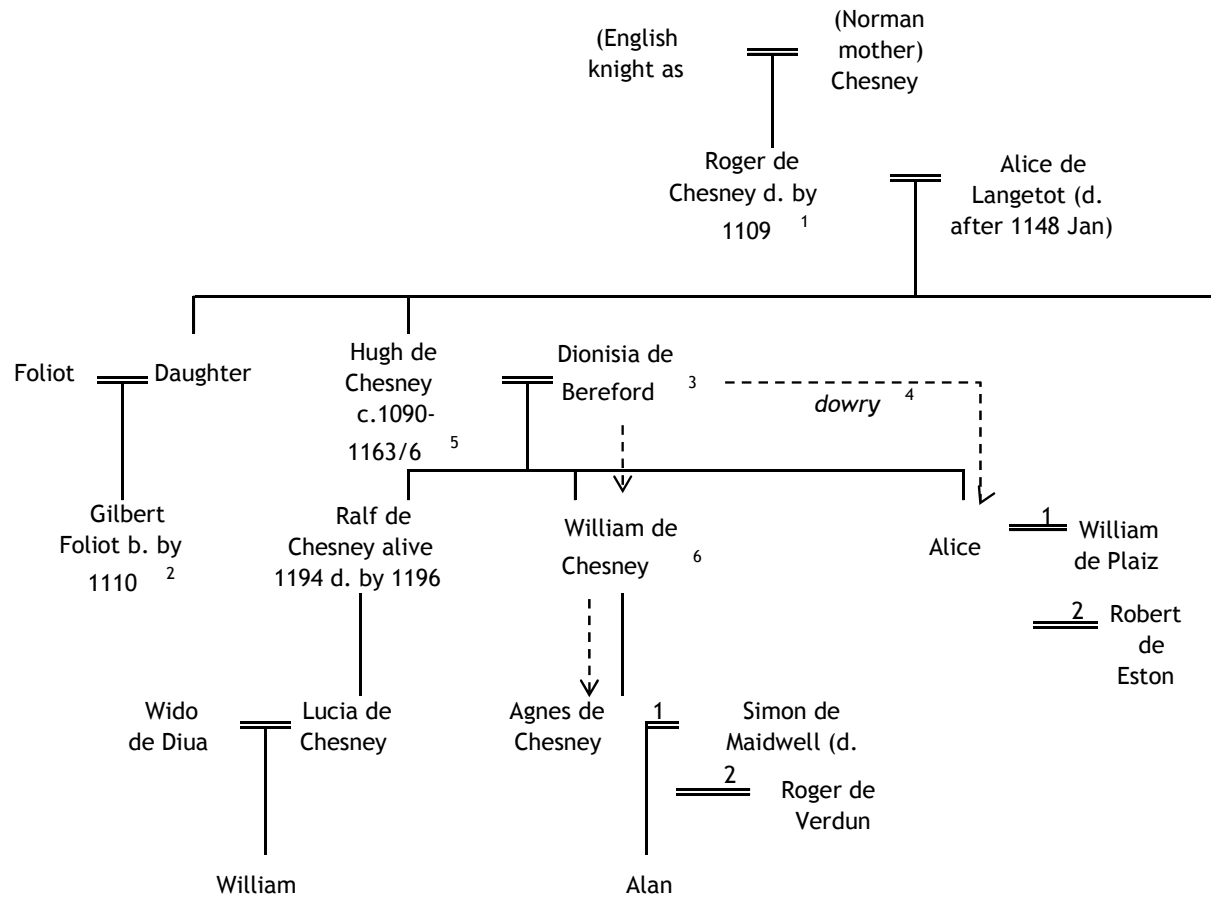
## Basset (Oxfordshire), page 2



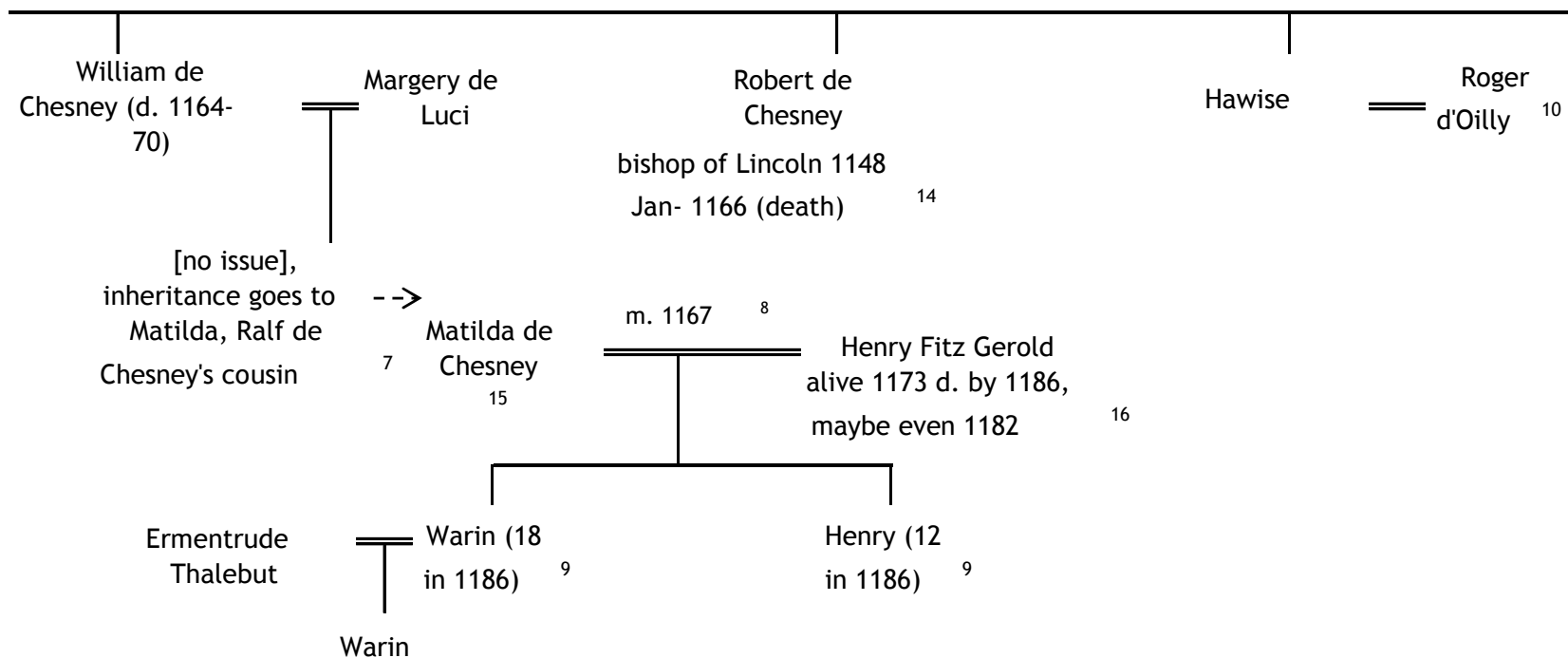
### Notes - Basset (Oxfordshire)

- 1) Geva Ridel and her link to the Earls of Chester, see Green, 'Women and Inheritance', p. 2; *Basset Chs.*, no. 47. Also in *Regesta*, vol. 2, no. 1389.
- 2) Matilda's marriage and its dates. *Basset Chs.*, no. 47; *Regesta*, vol. 2, no. 1389.
- 3) Ralph I Basset's wife's initial was A. *Eynsham*, vol. 1, no. 100.
- 4) Thurstan Basset issues a charter in which his wife Eustacia is named in the *pro anima* clause. *Oseney*, vol. 5, no. 849.
- 5) Geoffrey II Ridel's inheritance and name can be seen in *Basset Chs.*, nos. 47X, 48.
- 6) Adel wife of Ralph II Basset witnesses *Eynsham*, vol. 1, no. 59.
- 7) John de Stuteville and Matilda Ridel's marriage is evident in *Basset Chs.*, nos. 173-4.
- 8) Thomas Basset and Alice de Dunstanville's marriage, and evidence for their children can be found in *Basset Chs.*, nos. 177-8, 183.
- 9) Gilbert II Basset and his wife Egelina can be found in a number of charters. Gilbert issues *Basset Chs.*, no. 186 which Egelina witnesses. This is also witnessed by an Alice Basset who might be their niece. Egelina issues *Basset Chs.*, nos. 192-3. The couple co-issue *Basset Chs.*, no. 190 which also gives the date of their son Thomas' death as sometime before 1182-5.
- 10) Joan Basset held Ryhall and Piddington through marriages. She issued charters relating to these lands alone, *Boarstall Cartulary*, no. 295. This also gives the date of her first husband Guy's death as before 1152. She also consented to *Boarstall Cartulary*, no. 297.
- 11) Joan's second husband's name and interest in her lands is evident in *Boarstall Cartulary*, no. 297.
- 12) Joan's third husband's interest in Piddington c. 1175. *Boarstall Cartulary*, no. 296.

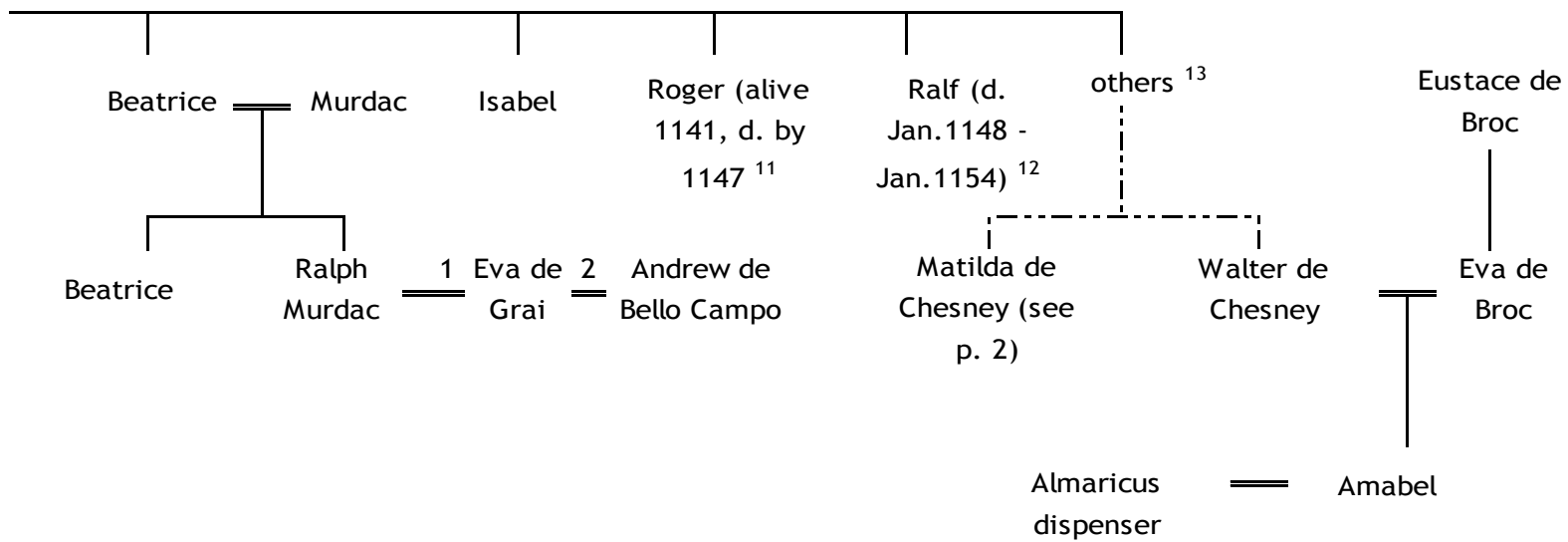
### 3. Chesney (Oxfordshire), page 1



Chesney (Oxfordshire), page 2



Chesney (Oxfordshire), page 3



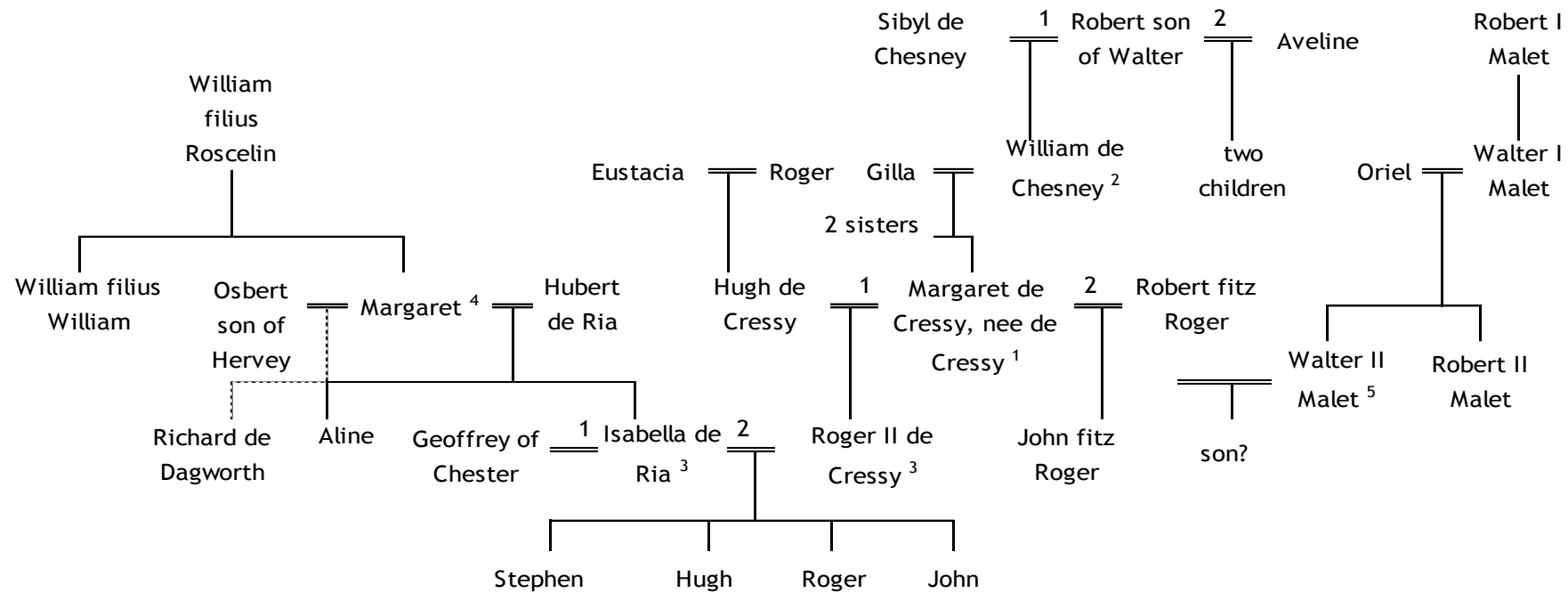


## Notes - Chesney (Oxfordshire)

- 1) *Eynsham*, vol. 1, no. 124, p. 411; *Abingdon*, vol. 1, no. 258.
- 2) *Eynsham*, vol. 1, p. 412; *The Letters and Charters of Gilbert Foliot*, ed. Z. N. Brooke, A. Morey, and C. N. L. Brooke (Cambridge: Cambridge University Press, 1967), letters 20, 105-7, 173; Dorothy M. Owen, 'Robert de Chesney (d. 1166)', Oxford Dictionary of National Biography, <http://www.oxforddnb.com/view/article/5232> [accessed 05/11/2012].
- 3) *Oseney*, vol. 4, no. 424. The Chesney family's landholding link to Walkelin Waard and family is likely through Dionisia and her family and her father, Walkelin Hareng.
- 4) *Eynsham*, vol. 1, p. 420; *Descriptive Catalogue of Ancient Deeds*, vol. 4, ed. H. C. Maxwell Lyte (6vols, HMSO, 1890-1915), A7056.
- 5) Hugh was active by 1130 as he appears in *PR Henry I*, pp. 5, 67, 83. He does not appear in the Liber Rubeus of 1166 suggesting that he had died by then. *Eynsham*, vol. 1, p. 412-3.
- 6) William received Bereford from his mother, and paid her 30m for it. He later granted Bereford to his daughter Agnes de Chesney. *Eynsham*, vol. 1, p. 421; BL, Add Ch. no. 21405.
- 7) *Eynsham*, vol. 1, p. 415. *Gesta Stephani*, pp. 180-1; Amt, *Accession of Henry II*, p. 51.
- 8) Salter suggests Matilda and Henry married in 1167 or earlier, and suggests that the betrothal may have occurred as early as 1153 when Stephen and the future Henry II sealed their agreement regarding the throne of England: *Eynsham*, vol. 1, p. 422. Nicholas Vincent, however, suggests that the marriage may have taken place as early as 1155: Vincent, 'Warin and Henry fitz Gerald', p. 238. Vincent refers to Pipe Roll evidence that illustrates Henry's landholding interests appear to match those of the Chesney family and suggests these were derived from Matilda: *PR 2 Henry II*, p. 23; *PR 3 Henry II*, pp. 37-8; *PR 4 Henry II*, pp. 140, 151.
- 9) *Rotuli de Dominabus*, p. 49, no. 65. Her children were 12 and 18 in 1182: *PR 29 Henry II*, p. 103.
- 10) The link to the main d'Oilly family cannot be established with absolute certainty. However, both families were active Oxfordshire landholders and their charter activities overlap significantly. It is likely that Gilbert d'Oilly is a brother of Robert I d'Oilly and Nigel d'Oilly and that Gilbert is the father of Roger d'Oilly who marries Hawise de Chesney. This would explain the families' connection through marriage and the creation of the junior branch of d'Oilly in Oxfordshire which Amt calls the 'Roger line'. *Eynsham*, vol. 1, nos. 73-5, 124, 163-4; *St. Frideswide*, vol. 2, nos. 1009-10; Amt, *Accession of Henry II*, pp. 59, 63; Keats-Rohan, *Domesday Descendants*, vol. 2, pp. 368, 622.
- 11) Roger II de Chesney, son of Roger and Alice died c. 1147. He is active in the period 1136-40 as seen in *Eynsham*, vol. 1, nos. 78-81, 98.

- 12) Ralf de Chesney, the other son of Roger and Alice who pre-deceased his parents, d. 1148-1154. *Eynsham*, vol. 1, no. 124, p. 414. *St Frideswide*, vol. 1, no. 27, provides the upper limit of 1154 to his death.
- 13) It is possible that Roger and Alice had children who have not been identified. This would help explain Matilda de Chesney's role as William I de Chesney's heir in the 1150s and 1160s. It would also explain the presence of a Walter de Chesney who, between 1141 and 1148, describes William I de Chesney as 'auunculo' while also referring to a brother of William named Roger, presumably this was Roger II de Chesney who died c. 1147: *Eynsham*, vol. 1, nos. 78-9. The land in question appears to have been held by Walter's wife Eva as dower, if so, this would have come through the Chesney family and explain Walter's references to his male relatives William and Roger: *Eynsham*, vol. 1, nos. 81, 83.
- 14) *Eynsham*, vol. 1, p. 418; *Oseney*, vol. 4, no. 732A; Henry of Huntingdon, *Historia Anglorum*, book 10, ch. 8, p. 752, also see Greenaway's footnote on Robert de Chesney's appointment and dates in n152.
- 15) Issued by her: *Eynsham*, vol. 1, nos. 92, 93. Issued by her with her son's consent: *Oseney*, vol. 4, no. 158. Witnessed by her: *Eynsham*, vol. 1, no. 133. She also appears in three debts recorded in Pipe Rolls and the first instances of each debt appear in *PR 29 Henry II*, p. 103; *PR 2 Richard I*, p. 14; *PR 8 Richard I*, p. 202.
- 16) Henry Fitz Gerold's death took place by 1186 when Matilda is in the Roll of Widows, *Rotuli de Dominabus*, p. 49, no. 65. It is likelier to have occurred by 1182 when Matilda appears in the pipe rolls and owes for the right to her children's lands, *PR 29 Henry II*, p. 103. It might even have occurred as early as c. 1180 when Matilda issued a charter with the consent of her son Warin, but with no references to Henry, it cannot be established if he was dead at the time, *Oseney*, vol. 4, no. 158. Nicholas Vincent goes as far as to suggest Henry died by 1173-4, Vincent, 'Warin and Henry fitz Gerald', p. 239. He argues this dating based on a charter to Reading abbey from c.1173 that he thinks is a deathbed grant since Henry is buried there, *Reading Abbey Cartularies*, vol. 1, ed. B. R. Kemp, (2 vols., Camden Fourth Series, vol. 31, 33, 1986), nos. 387, 389. Note, however, that Vincent has given Henry's charter the earliest possible date of its issuing and Kemp dated Henry's charter to 1174x5 and William de Mandeville's confirmation of it, which states it was near his death, 'moriturus', is dated to 1174/5x80: ?1175.

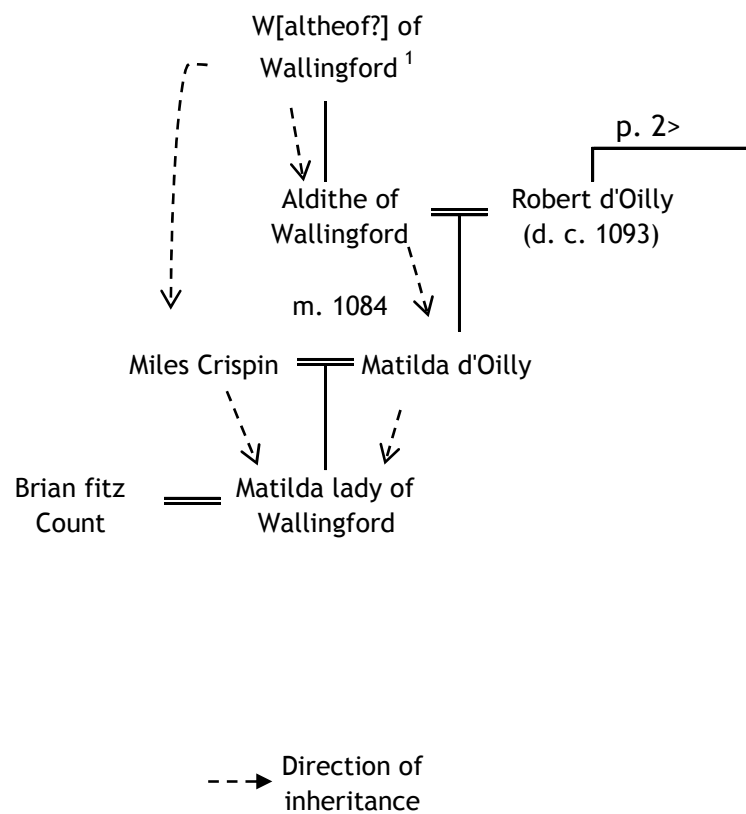
#### 4. Chesney, Cressy, and Malet (Suffolk) <sup>6</sup>



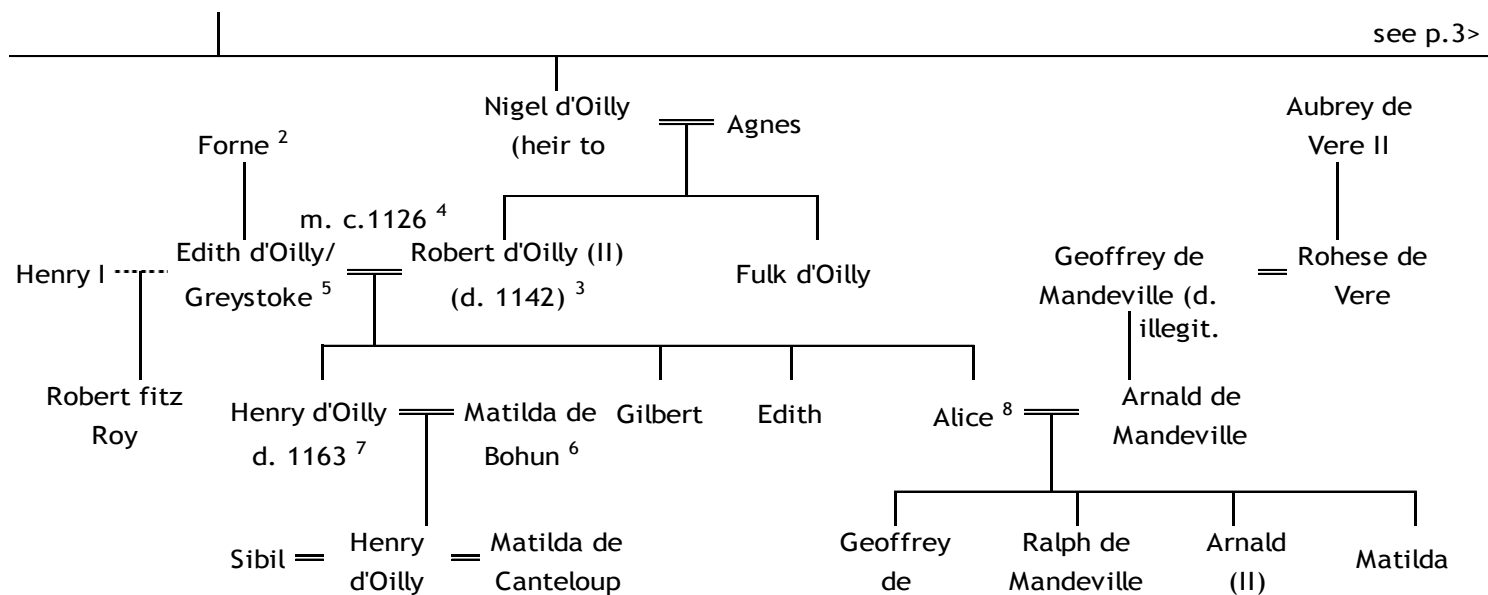
### Notes - Chesney, Cressy, and Malet (Suffolk)

- 1) Margaret de Chesney and Cressy issued four charters. *Sibton*, vol. 2, no. 243; *Sibton*, vol. 3, no. 475; *Blythburgh*, vol. 1, nos. 35, 38; *Norwich Cathedral Priory Charters*, vol. 2, no. 222.
- 2) William de Chesney founded Blythburgh Priory. *Sibton*, vol. 1, p. 1; *Sibton*, vol. 3, no. 471.
- 3) Roger II de Cressy and Isabella de Ria's marriage and Robert Fitz Roger's role in it. *PR 9 Richard I*, p. 233; *PR 1 John*, p. 290.
- 4) Margaret de Ria owes to her brother William Fitz William for the latter not being able to arrange Isabella de Ria's marriage. *Sibton*, vol. 2, no. 159.
- 5) It is possible that Margaret married a third time after Roger's death and that her third husband was Walter Malet. Walter had a wife called Margaret who was alive in the 1230s. Walter and Roger II de Cressy are linked in charters and Walter acted as Roger's lawyer. *Sibton*, vol. 1, pp. 70-1; *Sibton*, vol. 2, nos. 245, 251-2.
- 6) A more detailed discussion by Philippa Brown of the Chesney family is included in *Sibton*, vol. 1, pp. 7-24 as founders of Sibton Priory.

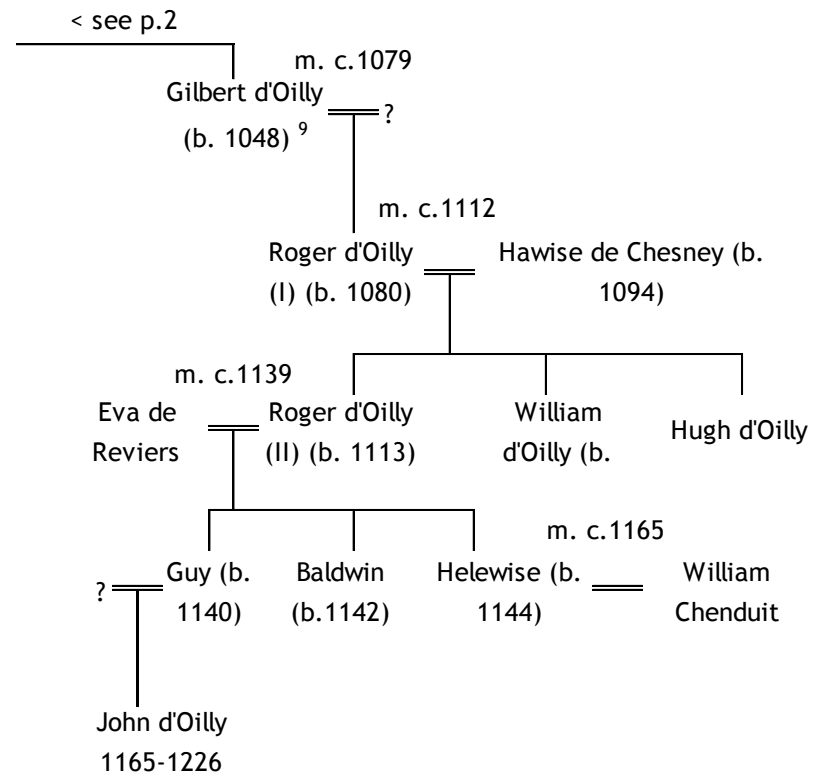
## 5. d'Oilly (Oxfordshire), page 1



d'Oilly (Oxfordshire), page 2



# d'Oilly (Oxfordshire), page 3

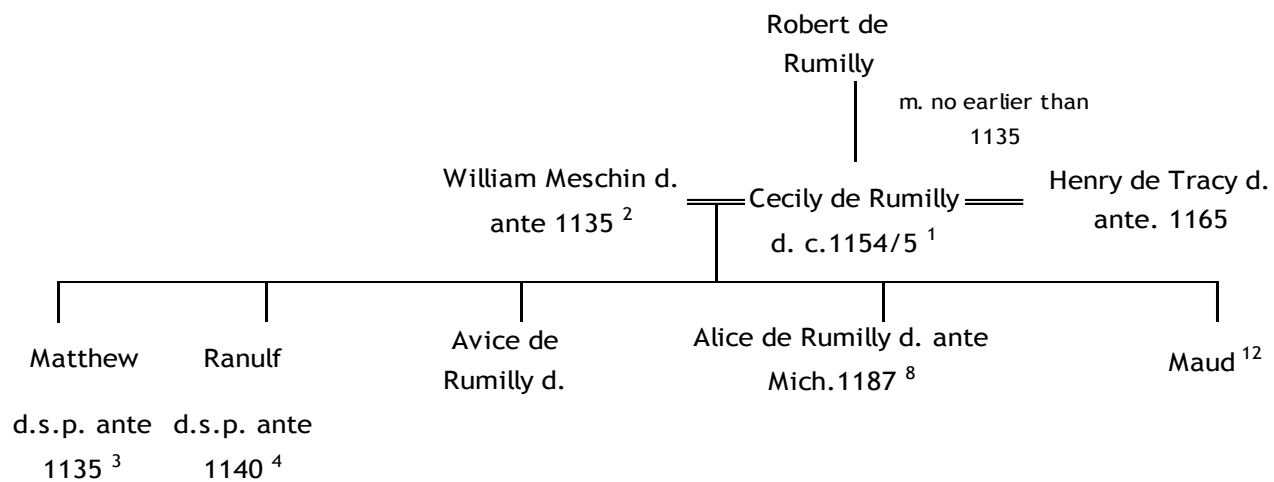


## Notes - d'Oilly (Oxfordshire),

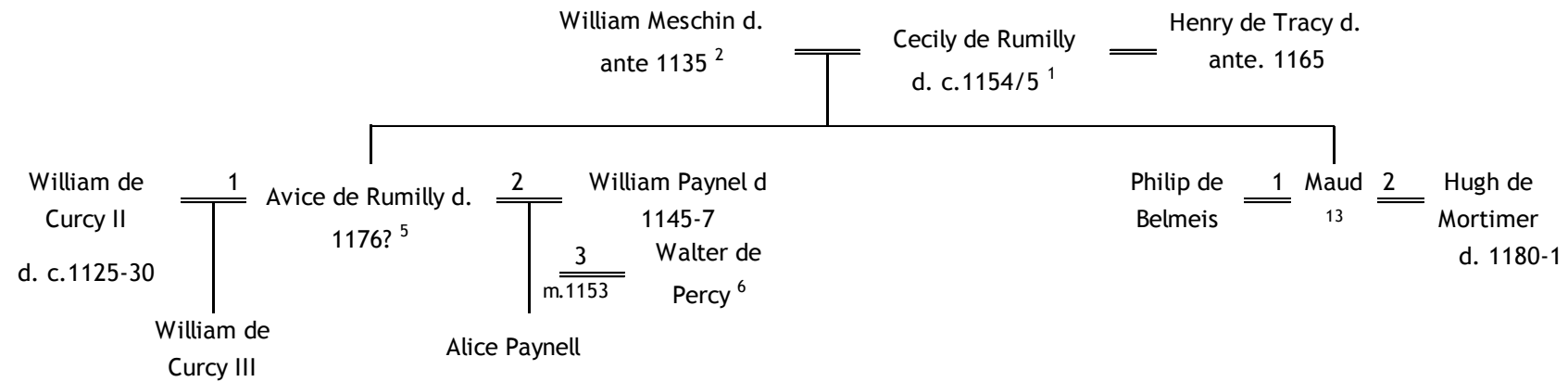
- 1) Katherine Keats-Rohan's work on the honour of Wallingford is an excellent analysis of the inheritance and marriage pattern of the Wallingford and d'Oilly lands. Keats-Rohan, 'The Devolution of the Honour of Wallingford', pp. 311-8.
- 2) Edith d'Oilly was originally from Yorkshire and the daughter of Forne from the Greystoke fee. *EYC*, vol. 2, no. 1238.
- 3) Robert d'Oilly was sheriff in Oxfordshire 1128-1130. Judith Green, *English Sheriffs to 1154* (Public Record Office Handbooks, no. 24; HMSO: London, 1990), p. 70; *PR 31 Henry I*, pp. 1, 2, 5, 19.
- 4) Robert and Edith were married by 1129 when Oseney Abbey was co-founded by the couple; *Oseney* vol. 1, no. 1; *Oseney* vol. 4, nos. 9, 11, 11A, 15, 190. Their sons appear as consentors in charters that might be dateable to as early as 1130, though these dates are unlikely, it does suggest that the marriage took place well before 1130. *Oseney*, vol. 1, no. 1; *Oseney*, vol. 4, nos. 9, 12, 71; *Oseney*, vol. 5, no. 589C; *St Frideswide*, vol. 2, no. 951; *Eynsham*, vol. 1 nos. 64, 66. Emilie Amt suggests that the marriage took place in 1126; Emilie Amt, 'Oilly, Robert (II) d' (d. 1142)', *Oxford Dictionary of National Biography*, <<http://www.oxforddnb.com/view/article/23722>> [accessed 5/11/2012].
- 5) Edith was widowed by 1142. She issued at least one charter as widow. *Oseney*, vol. 4, no. 690. Edith issued alone: *EYC*, vol. 2, no. 1238; *Eynsham*, vol. 1, no. 6; *Oseney*, vol. 5, no. 690. Edith issued with co-issuers *Thame*, vol. 1, no. 2; *Oseney*, vol. 5, no. 690. Edith is co-issuer in *Eynsham*, vol. 1, no. 64. Edith was consentor in *Oseney*, vol. 1, no. 1; *Oseney*, vol. 4, nos. 9, 12, 17, 65, 71, 190; *Sandford*, vol. 1, no. 62. She witnessed in *St Frideswide*, vol. 2, no. 951; *Eynsham*, vol. 1, no. 65; *Oseney*, vol. 5, no. 572.
- 6) Henry d'Oilly married Matilda de Bohun. *PR 4 Henry II*, p. 149.
- 7) Henry d'Oilly died by 1163. *PR 9 Henry II*, p. 16; *PR 10 Henry II*, p. 71.
- 8) Arnald de Mandeville and Alice married after he returned to favour following his father's treason. *EYC*, vol. 2, nos. 1238, 1254, 1256-7; Keats-Rohan, *Domesday Descendants*, vol. 2, p. 567; Huntingdon, *Historia Anglorum*, ch. 22; *Red Book*, ed. Hall, pp. 345-7, 354-8, 360-2, 434-5.
- 9) It is likely that Gilbert d'Oilly is a brother of Robert I d'Oilly and Nigel d'Oilly and that Gilbert is the father of Roger d'Oilly who marries Hawise de Chesney. This would explain the families' connection through marriage and the creation of the junior branch of d'Oilly in Oxfordshire which Amt calls the 'Roger line'. *Eynsham*, vol. 1, nos. 73-5, 124, 163-4; *St. Frideswide*, vol. 2, nos. 1009-10; Amt, *Accession of Henry II*, pp. 59, 63; Keats-Rohan, *Domesday Descendants*, vol. 2, pp. 368, 622.



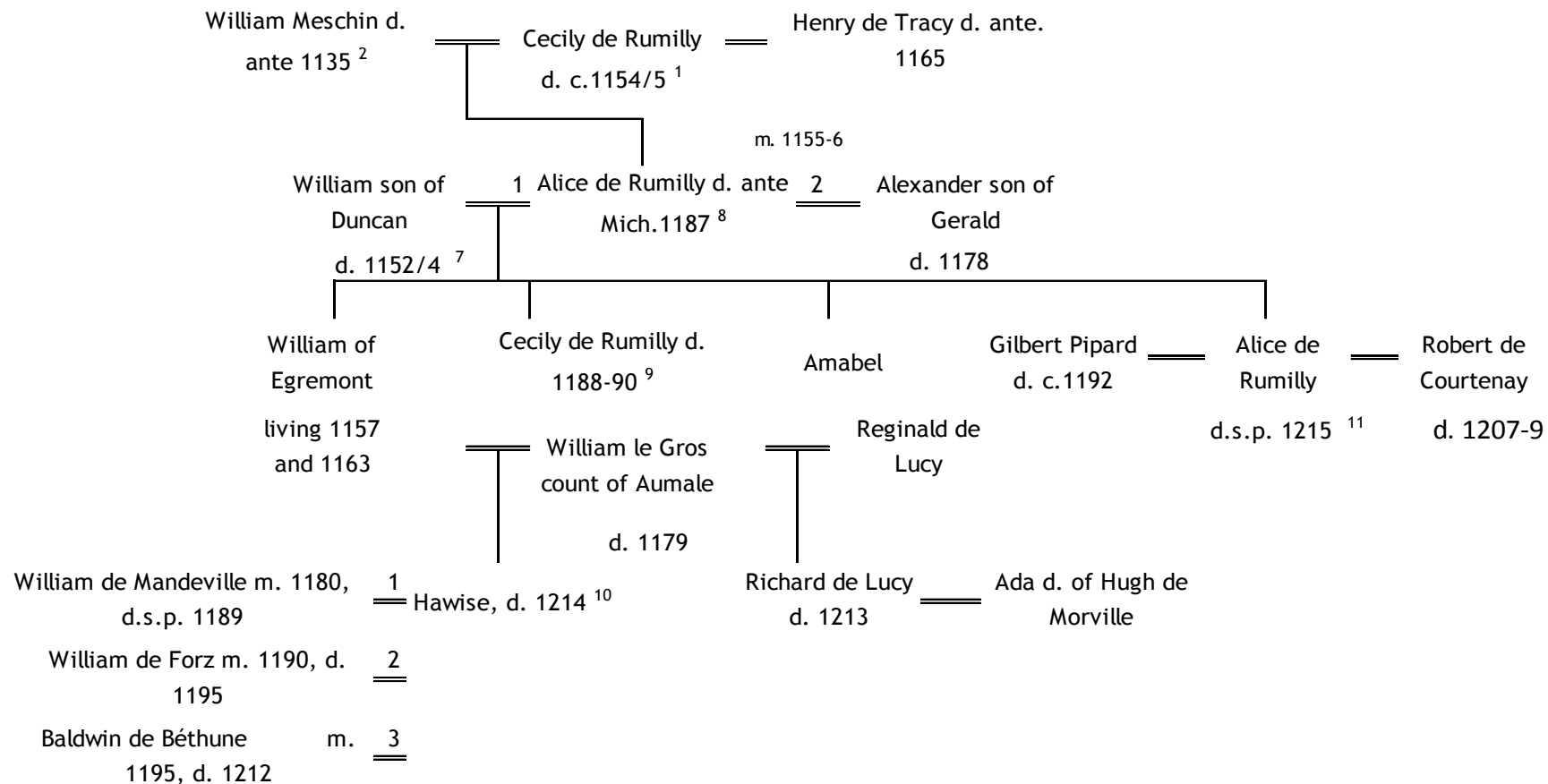
## 6. Rumilly (Yorkshire), page 1



Rumilly (Yorkshire), page 2, Avice and Maud de Rumilly



Rumilly (Yorkshire), page 3, Alice I de Rumilly



## Notes - Rumilly (Yorkshire)

- 1) *EYC*, vol. 7, pp. 4-6. Her latest charters can be dated to c.1154-5, *EYC*, vol. 7, nos. 9, 10, 11. She also does not appear in the charter issued by Alice de Rumilly issued 1152-5, with a probable date of 1155, by which Embsay priory transferred to Bolton, *EYC*, vol. 7, no. 17. Cecily issued independently *EYC*, vol. 3, no. 1861; *EYC*, vol. 7, nos. 4-7, 9. She was co-issuer in *EYC*, vol. 7 nos. 2, 10, 11.
- 2) *EYC*, vol. 7, p. 6, no. 7. William's death also gives the earliest possible date for Cecily and Henry's marriage.
- 3) *EYC*, vol. 7, no. 7.
- 4) *EYC*, vol. 7, no. 7.
- 5) *EYC*, vol. 7, p. 7; Her probably death c. 1176 is based on the extreme end date in two charters she issued, *EYC*, vol. 6, nos. 33, 66. Avic issued five charters alone: *EYC*, vol. 3, no. 1862; *EYC*, vol. 6, nos. 33, 62, 66, 73. She issues one with a consenter: *EYC*, vol. 3, no. 1863. She also witnesses one charter: *EYC*, vol. 3, no. 1861.
- 6) *EYC*, vol. 6, no. 48. Also see *EYC*, vol. 6, p. 6.
- 7) *EYC*, vol. 7, pp. 9-10, no. 16. This also supports the estimate for Alice's marriage to Alexander son of Gerald being 1156. Alexander also issues a charter to Fountains 1155-c.1164 after he married Alice, *EYC*, vol. 7, no. 24.
- 8) Alice's dates can be established around the many charters she is involved in. She issued nine charters alone: *EYC*, vol. 7, nos. 18, 21-3, 25, 26, 28-30. She issued three with a consenter: *EYC*, vol. 7, nos. 13, 16, 17. She was co-issuer in another three *EYC*, vol. 7, nos. 14, 15, 44. Alice also witnessed in three charters *EYC*, vol. 7, nos. 88, 112, 129.
- 9) Cecily issued at least one charter: *EYC*, vol. 7, pp. 19-20; no. 31.
- 10) *EYC*, vol. 7, pp. 20-1; *PR 6 Richard I*, p. 163; *Itinerary of Richard I: with studies on certain matters of interest connected with his reign*, ed. Lionel Landon (London: Pipe Roll Society, vol. ns. 13, 1935), p. 104.
- 11) Alice II de Rumilly issues one charter, *EYC*, vol. 7, no. 32.
- 12) *EYC*, vol. 7, pp. 8-9; Ricketts, *High Ranking Widows*, pp. 107, 124; Max Lieberman, *The Medieval March of Wales: The Creation and Perception of a Frontier, 1066-1283* (Cambridge: Cambridge University Press, 2010), pp. 75, 84-5.

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MFE 100: St Mary's Abbey, York (BL, Harvey 236)  
MFE 101: St Mary's Abbey, York (BL, Add MS 38816)  
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## Unpublished Theses

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### **Unpublished Master's Dissertations**

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