



# Women and Marriage in Medieval Society

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The feudal world was a face-to-face society  
in which women participated in important activities and were  
expected to submit to social discipline like their men

We in the 20th century live in a world of separate families. Their welfare, I suppose, is dependent upon the activities of dominant family members, and upon the activities of governments that are overwhelmingly powerful and exceedingly distant. We are proletarians in the real sense that we are, by and large, dependent upon wages paid us for our labors, rather than being stewards of a family resource that supports us and that we hope will support our children and grandchildren.

The property we have acquired, we own, and we inherit under rules that are prescribed and knowable. The bank may be able to repossess, but we need not be dependent upon our neighbors' opinions of our worth to be able to buy, inherit, or continue in possession. One or both parents in a family may bring home the bacon and pay the school fees, but their dominance would quickly end if they expected a child's acquiescence in an arranged marriage; and the idea of our colleagues or neighbors being involved is unthinkable. We may be concerned citizens, but we are not concerned in one another's family business. As far as government goes, we do not have to be personally, constantly active for it to work. Government is the formative background to our lives, but our direct relation to it tends to be slight: April 15, being audited, drafted, or applying for a grant — and the nightmare vision of it is Kafka's labyrinth of incomprehensible menace.

All this is laboring the obvious. At least I hope so, for we will then agree about the shape of modern society in the most general sense. And our own society must color our expectations of the normal and desirable; it is from our own time that we peer back uncertainly into the past.

This is particularly necessary in analyzing family structure and the position of women in the formative years of our institutions — the European Middle Ages. For most certainly the institutions of marriage and the family that we can see then could not possibly have the slightest utility or moral justification in the social configuration of today. Medieval children were often, perhaps normally, betrothed in infancy in a union that was binding unless repudiated by one or other of them at about the age of 14. Such betrothal contracts commonly contained very specific nominations of second-, third-, and fourth-choice partners, supposing death should occur.

Such contracts have been castigated by Professor Lawrence Stone of Princeton as ones "by which children were bartered like cattle." The father who could do such things to his babies, Stone proposes, not only arrogated to himself an absolute right of disposal over them, but had at best an "emotional detachment" from them. If a father died, the marriages of his unbetrothed children fell to his landlord, who had a moral (and by the 13th century, a legal) right to arrange their marriages. Lords often sold the right of marriage, which could then be resold, and which might pass through the hands of several buyers in a rising market.

Children were not the only individuals so at the disposal of others. Women with property were particularly so. A widow "fell into her lord's hands," as medieval records put it, and her remarriage to a man chosen by him was at his discretion. Henry II of England in the late 12th century once accepted a large bribe from a 93-year-old countess "that she not be made to marry any more," as his account rolls blandly put it. When the countess of Warwick, a young widow who was the holder of an important castle in her own right, dared to remarry without license, the sheriff was commanded to confiscate all her lands and to keep the couple from cohabiting. Wicked King John was first married to a great heiress, subsequently divorced her, and then sold her marriage to a favorite friend of his. But men thought he had gone too far, I must admit.

Every king's and every manorial lord's financial records are full of fines paid by women at all levels of society to be allowed to choose their own husbands or to stay single. And, to be fair, I have found one record of a fine paid by a village man to avoid marriage with a particular widow of the village. The marriages of children and girls were also subject to the permission of the father's lord and peers, whether his fellow vassals at the upper levels of society, or his fellow villagers at the lower. The lawyer Glanvill, writing in the 1180s the first collection of English "customs," as he called them (which became the basis of English common law), declares that it is the custom that any father who arranges a marriage for his heiress without his lord's permission is subject to the confiscation of all his land by the lord.

The assumptions about these arrangements vary a good

deal today, now that the women's movement and a current interest in the history of the family have coincided. But more than one of these assumptions need challenging: first, that the family in Europe has always been "patriarchal" until the present — that is, ruled by an authoritarian father; and second, that it hadn't in the Middle Ages dawned upon men and women that all this represented an outrageous tyranny, and that better institutions could have been adopted whenever they liked. This last is particularly dangerous, I think, because it provides a false historiography to women of their traditional treatment, and that is not healthy for a political movement. And it provides an excuse for not thinking hard, for not trying to understand the men and women of the past in their own terms.

My own particular research has brought me to this uneasiness, for it centers upon the interplay of economics, political institutions, and the law in medieval England. The 1970s was certainly the most exciting decade in nearly a century in the history of law. Brilliant theoretical work on the nature of medieval land law turned upside down our preconceptions about land ownership, the very basis of medieval power, and about land conveyancing, the very basis of family control. Working, as I am, in the social and political implications of this new legal theory, I am challenging a view of society that sees autonomous patriarchal families whose heads are able to allocate family resources as they see fit. And I am attempting to work out a new politics of feudal groups.

Let me offer, then, a picture of tenure and inheritance in the feudal world as I see it — as a beginning to understanding why such strict control over women and their marriages might have been acceptable even to families who loved their daughters.

The seignorial world I propose to you is not one of individual families operating within a loose network of patronage. On the contrary, patronage relationships were the very organizing principle of medieval society. It is a world of lords and their vassals assembled in courts, in which the disciplinary, equitable, and civil jurisdictions were exercised in constant political maneuvering. The seignorial court served the interest of the lord, and at the same time it served as the meeting place where the interests of lord, family, individual, and community were talked out, adjusted, and finally compromised. The rules of these courts were flexible, and their decisions were political in their very nature, for upon them rested local peace. Recorded descriptions of their customs cannot be assumed to be statements of right. Rather, they were the normal rules by which the reconciliation of conflicting interests was effected.

Medieval tenure begins in interdependence, and the assumptions of inheritance and admittance cluster around recruitment — the addition of a tenant acceptable to the lord and a peer acceptable to the lord's men. In this world a newcomer does not buy land from a lord; it is the lord who buys a man to perform certain services, and he pays

the man in land. If the tenant stops doing the service, the lord may oust him, but the ousting will happen publicly, with the restraining influence, the advice, and at last the aid of the vassal's peers.

The lord's court, then, could not be a disinterested tribunal that might conceivably award an occupied tenement to a claimant who appeared with a so-called better right. The group had in common accepted the holder, had judged him, and no other title could exist. They had *recruited* the tenant to their number. It is clear that courts held strongly to the general principle of family claim, but the very existence of the group might dictate that the *right* young person — the effective, the trusted — should inherit or be accepted rather than the eldest son, for example.

It is in this setting that the control of women's marriages can be seen to perform a function vital to the group. The medieval marriage involved the transfer of property to the new couple by their parents; it involved an act of inheritance. And in courts that sought merit as the criterion of acceptability, strong property rights for women were an important asset. Any medieval girl thus was a potential heiress as well as the recipient of a dowry at her marriage. These strong principles of property rights played an important part in recruitment to the group.

Marriages functioned as strengtheners of the bonds between a lord and his vassals. Endogamy (marriage within a group) and lordship go together. No lord would want to permit his lands to go with a girl into another man's lordship without compensation. It might be useful to both the vassal group and to the lord that *his* daughters (or some of them) marry his vassals. In the royal enquiry of 1166 into men who owed the king service, one reply told the king that the sender felt himself responsible for more military service than he could perform, so "I gave two of my daughters to two of my knights with enough land from my wife's dowry to perform a half-knight's service, and the three of us perform the whole service together." This was a father, but he was more importantly here a lord.

The solidarity of the male group was surely more assured by the intermingling of their lands and by their mutual dependence for security of tenure than by feudal "palship." They called their women "peace-weavers" not in sentimentality but because their women's property rights wove the group together with yet greater strength and complexity, whether they acted as heiresses of dead tenants or received dowries that might be as large.

In this way it could, and frequently did, happen that women acted as the channel of family inheritance, even when they had living brothers. Nor was this perceived as tyranny, either on the part of a father or of a lord, because agreements that clearly disinherit boys are specifically done by the lord "at the request and with the advice" of his court. A striking example is the marriage contract in 1153 between two troublesome lords, Robert Fitzharding and Roger of Berkeley, made in their lord's presence, at his request, and with the agreement of his vassals, their

peers. By it, at least one son and one daughter of each family was to marry, the Berkeley daughter carrying to the Fitzharding son as her dowry essentially her father's entire fief, and the daughter of Fitzharding conveying back again about half to her Berkeley husband, with a bit of Fitzharding land added. The two fathers were in essence ousted in the name of their grandchildren, and in fact the complexities of relationship and tenures created in this contract also created great stability.

An able girl, too, might be outfitted with an able husband and preferred to an untrusted or insignificant brother. The formidable girl Amabel of Bellême in Normandy inherited in preference to two brothers. She was then given in marriage to the great war leader Robert of Montgomery. But she herself, besides having nine children, rode always with 100 armed retainers, made war, and died at last, age 29, by the sword. There was not only a certain roughness but a rough equality about these feudal couples. They were in business together, whether or not they were in love romantically. Loyalty to one another appears to be the quality they most prized. And loyalty was needed, for the men were on the whole the offensive warriors, putting their strength behind lance, sword, or battleaxe. Their women were skilled keepers of fort or castle, and the crossbow was their weapon.

An account of the rebellion of Eustace of Breteuil against the duke of Normandy about the year 1100 shows Eustace guarding one castle and his wife another that had been her dowry. After a long siege, during which she used the crossbow to great effect from the castle walls, she was forced to surrender. But though she negotiated terms for her several hundred men, she scorned them for herself. "She leapt from the walls and fell, though somewhat shamefully, with bare buttocks, into the depths of the moat. This happened in the third week of February . . ." But she had arranged secretly for a horse, and while the army laughed, she surprised them by scrambling out and galloping safely off to join Eustace, "to give him a first-hand account," as the chronicler tells us.

If these formidable women were to be included in the group's property, then their marriages had of necessity to be matters of group interest and control. Arranging their marriages fell to the lord in his court if their fathers died before having his hopes for them publicly accepted. The lord thus had access again to what was *his* and acted as guardian. Child marriage and infant betrothal insured that the girl's father would at least have a say in the matter, and also that the girl would inherit even if her father died young and her brother was the one left to deal with the lord.

Marriage arrangements whereby the girl was pre-contracted to marry one boy and — if he died — to wed another, and so on, far from bartering children like cattle were the ultimate in the group's care for children. They were insurance, with contingency clauses, that the girl would inherit. Widows with property, particularly if they

were too old to manage it, were married to men who could. The alternative was being parted from one's property. The 93-year-old countess who "would marry no more" could have retired earlier. Her great-grandson simply took over all her property when she did. Until 93 she preferred to be in the fray.

In medieval society there was in fact a way out of control if one wished to risk it — simply *not* having property. For however much I speak about marriage being controlled (and that was the way *they* spoke of it), in fact nothing was easier than to contract a valid marriage. All a man and woman were required to do, when they had reached 14, was to say the words of consent (you are my husband/you are my wife) and to have sexual intercourse; they were married, even if the consent were given in perfect secrecy. Romeo and Juliet, as the audience knew, were perfectly validly married, and they would have been so without the blessing of Friar Lawrence. In a society of strict marriage controls, marriage itself was a safety valve of thorough anarchy for the unconforming individual.

But there was a price: the property that went with the marriage. Nothing was guaranteed — not dowry, not inheritance. Free marriage was the prerogative of the foolish and the penniless. A claimant to a holding in Devon, in a curious case about 1200, says that he is married to the girl who has the closest claim to inherit. "By whose authorization did you marry her?" the justice asked. "By no one's," answered the husband, "for I found her destitute." Only in such circumstances could one conceive of marrying without public authorization.

This was no golden age for men or for women. The feudal world was a face-to-face society where men and women knew and intensely cared about one another's abilities, character — and property. Their private arrangements were subject to public scrutiny and public control to an extent we find virtually impossible to imagine. But it was not a society in which women were thought inferior in intellect, or in which they were kept guarded from experience of the world. In fact, they were little if any more controlled than their brothers. They participated in important activities and were expected to submit to social discipline like their men.

And however true it is (and it is) that early modern society denied these hardships and opportunities to its women, an unprejudiced look at the feudal world may make us less uncritical than we might otherwise be in condemning the past wholesale. History is not a one-way path ascending to our perfection. Nor need women complain of a tradition of semi-slavery.

Modern western woman is not the troublesome and upright figure she is because of *modern* notions. The real source of the female self-confidence of the western world lies in these thousand-year-old roots of comradeship with men. We cannot expect the descendants of the crossbow experts to be undifficult or the descendants of the peace-weavers to be satisfied with anything less than equality. □