

**THE POLITICS OF PRIMOGENITURE: SEX, CONSCIOUSNESS
AND SOCIAL ORGANISATION IN NORTH-WESTERN EUROPE**

(900 - 1250 AD)

Philip Barker

In the *Historians Craft*¹, Marc Bloch poses a number of questions concerning the characteristics of objects of historical research, to which he applies the general term 'documents', be they archaeological remnants or texts. Indeed this very classification reduces all historical phenomena to the status of a text or sub-text, as he then elaborates:

what do we really mean by *document*, if it is not a 'track' as it were, the mark, perceptible to the senses, which some phenomenon, in itself inaccessible has left behind?²

Bloch goes on to use this formulation to develop a concept of historical research founded on observation, a science of history bound to the observation of the 'tracks' of a directly inaccessible phenomenon

But, to whatever age of mankind the scholar turns, the methods of observation remain almost uniformly dependent upon 'tracks', and are, therefore, fundamentally the same.³

The raw material of history then, according to Bloch, has the status of a 'track', a sign, and whilst its susceptibility to observation is the central constitutive feature of its historical status, it has other properties. It is the sign of another sign which is fundamentally inaccessible to the historian, and as a sign it is linked to the elements that govern the production of its meaning. A 'document' in Bloch's sense may be arbitrary, a remnant from an uncoded past, but an historical sign is not, it is regulated by the mode of its production.⁴

In historical terms the production of meaning would be constituted by the relation between the historian and the historical

events. Historians located within the specificity of their own cultural milieu cannot then simply read the 'tracks', as Bloch suggests, obeying the rules of critical observation, but must recognize that the reading of the 'tracks' in itself constitutes a relation of signs within history, filling it with meaning. The writing of history as the production of a system and relation of signs cannot then be arbitrary, nor in the strong sense of the term, objective. Its use, its value, its sense, is not to be measured in terms of its correspondence to an absolute past, but to its relevance and appropriateness for the age in which it is composed.

Bloch's 'tracks' must be coded, interpreted, in terms of the cultural production of their meaning. Feudalism as an interpretative category does not stand or fall on its claims for universal applicability nor on its approximation to what actually occurred in a specific time and place, but on its usefulness and productive value in terms of the social milieu of the society utilising it. This is not to reduce historical work to relativist fictions or arbitrary fairy tales, but on the contrary emphasises the importance of historical studies for contemporary social life.

This paper examines the production of sex and consciousness, and their relation to social organisation. In order to elucidate this I am going to consider inheritance patterns in North Western Europe between 900-1250 AD. In terms of my own work, systems of inheritance are important because they provide for a link between, on the one hand, the socio-economic, and on the other, for want of a better word, the psychosexual. It is the central thesis of this paper that the ascendancy of primogeniture over the principle of partibility was a significant element in the production of a series of social relations that appeared in North Western Europe during the period usually characterised as feudal, that is, a time of reassessment and reorganisation of social, economic and political life, during which the familial unit and interpersonal relations were restructured. This was to have a dramatic impact on women and to a lesser extent younger sons, and ultimately legitimized a particularly masculine consciousness.

With the collapse of the Roman Empire in the fifth century AD an essentially Germano-Celtic tribal, clan, and retinue form of social organisation returned to the forefront of social life. It found expression in multiple centres of power linked in a network of often temporary alliances. Production involved a widely variable balancing of subsistence agriculture and animal husbandry always overlaid with the possibility of immediate and direct profit from warfare. Fundamental to social cohesion and interchange were blood relationships, ties of kinship which geometrically inscribed individuals into something of a cohesive entity of largely common aims and interests. It is precisely these lateral horizontal ties of kinship that were transformed by feudalism into an hierarchical system.

The codes and regulations governing inheritance were extremely

variable depending on the local custom involved. In 500 AD Salic Law asserted that,

Salic land is no inheritance for a woman; rather, all land goes to the male sex - the brothers,⁵

and again,

On the death of the father or mother the inheritance goes to the son not the daughter When a man has a son and a daughter and the son marries, has a son and then dies, the inheritance belongs to the son's son, that is the grandson, not the daughter.⁶

The Burgundian code (474-516 AD) proclaimed,

....⁷ If anyone does not leave a son, let a daughter succeed

According to Gies, Visigoth Law allowed that,

Husband and wife could jointly administer the land either possessed before marriage; land acquired after marriage was considered community property, and the wife could claim a share. Furthermore when the husband died, the widow retained control of the family property and the inheritance of her minor children. Girls inherited equally with their brothers, even when the parents died intestate.⁸

On the whole the situation was a complex one allowing for continual amendments and changes, the overall criteria for eligibility tending to emphasise its origins either in Roman Law or Germanic Law.⁹ If there was a general underlying principle it was that of partibility: an inheritance would be split among those considered eligible by local law or custom. The important point to note is that up until perhaps the tenth century, there was no single system of inheritance and social identification; on the contrary the situation was one of wide diversity, from those suggestive of maternal descent, to those of exclusively paternal descent.

David Herlihy's study *Land Family and Women in Continental Europe 701-1200*,¹⁰ indicates an increasing tendency in some regions to use matronymic names from the eighth century through to the period under study in this paper. Whilst one must be cautious about the causes of this, his supporting data in respect of women as alienators of land suggests that in some areas of north-western Europe women as inheritors and controllers of land were not the exception they had been previously considered.¹¹ There is some literary support for this suggestion in the Celtic text, *Culhwch and Olwen*, where on her deathbed Culhwch's mother says to her husband,

I am going to die of this sickness, and thou wilt wish for another wife. And these days wives are dispensers of gifts, but it is wrong for thee to dispoil thy son. I ask of thee that thou take no wife till thou see a two-headed briar on my grave.¹²

There is a suggestion here that if Culhwch's father remarries, control of the family's wealth and estates will pass to Culhwch's new stepmother to the future exclusion of Culhwch. Indeed there are many references to the Celts' preference for matronymic names, King Conchobor Son of Ness, Gwyddyon, Sentata-CuChulain Son of Dectere.¹³ Moreover the Irish Celts trace their origin back to the Goddess Danann, referring to their ancestors as the Tuatha De Danann, the tribe of the Goddess Danann.¹⁴

Whilst there is no evidence of anything that could be indicative of an overtly matriarchal form of social organisation, there is more than a suggestion that matrilineal descent did play a significant part in the pre-feudal period. It is also interesting to note that within a patriarchal structure that characterizes its descent in matrilineal terms the central locus of inheritance disputes will tend usually to be between nephews and uncles all claiming matrilineal descent along the same uterine line, with secondary conflicts occurring between cousins, brothers and sisters. Some consciousness of this seems to be present in medieval literature right into the twelfth century.

In Geoffrey of Monmouth's *History of the Kings of Britain*, we find the main protagonists to be Arthur, Guinevere, his wife, and Gawain and Mordred, Arthur's nephews through his sister Anna.¹⁵ It is Mordred the nephew who attempts to usurp Arthur with Guinevere's compliance and in so doing brings about the final collapse of Arthur's Empire. In the fifteenth century in Malory's *Morte d'Arthur*, Mordred appears as Arthur's illegitimate son, the process of social history being apparently such that the nephew/uncle revolt has been transformed into the father/son revolt.

In an early medieval form of *Tristan and Isolde*, the main protagonists are King Mark, his wife Isolde and nephew Tristan, the son of his sister Blanche-flor.¹⁶ Once again this tale is centred on an avuncular revolt, the revolt characteristic of a patriarchal matrilineage. In the thirteenth century *Tristan*, by Gottfried Von Strassburg, although Tristan is usually referred to as Mark's nephew, there are indications that this relationship is undergoing a transformation,

Now as you have heard Noble Mark, his unsuspected father, acted with magnanimity, and there was truly great need that he should.¹⁷

Later on King Mark says to Tristan,

Tristan come here! I swear that if you like I will be your father by right of succession. I will give you this revenue: my land, my people, and all that I have is at your disposal!¹⁸

The prevalence of nephew/uncle disputes in medieval literature suggests a strong consciousness of patriarchal/matrilineal organisation, and while Gottfried Von Strassburg maintains Tristan's position as both nephew and son, the transformation of the relationships of both Mordred and Tristan is indicative of the

rebellion of nephews becoming the rebellion of sons, the genesis of which will become clearer by the end of this paper.

This literary evidence combined with Herlihy's data would suggest that women as inheritors and bearers of the matrilineage were an active part of medieval life up until the early twelfth century. At the other end of the scale was paternal agnatic inheritance, combined with a patriarchal social structure: it was by its very nature misogynistic, as was suggested in the early formulations of Salic Law. Only sons could inherit, the central locus of disputes being between fathers and sons. There is nothing unconscious about this rebellion: to kill the father is an integral part of claiming an inheritance speedily from the moment of coming of age.

In drawing out these extremes one can appreciate something of the diversity of inheritance practices and the structure of social identification. Feudalism brought about two significant changes, firstly the end of partibility for patrimonial lands, and secondly the uniform preference for inheritance along the male line only. These two changes hinge around the development of primogeniture along the male line as the sole inheritance practice.

Carolingian efforts towards centralisation had already gone part of the way to achieving this, by a range of different strategies the effects of which have been documented by S.F. Wemple. The general movement included strengthening the indissolubility of marriage, dissuading from concubinage, and encouraging the production of legitimate heirs from one socially sanctioned conjugal unit. By the end of the ninth century monogamy had become the underlying principle if not the absolute rule for the Carolingian household:

The introduction of monogamy changed the structure of the family and the descent of property, at least on the highest levels of society. The conjugal family consisting of husband, wife and children, emerged as the dominant economic unit. Concubines did not have economic rights and children born out of wedlock were barred from inheritance when there were legitimate offspring.¹⁹

In effect the number of potential inheritors was reduced and legitimacy became confined to the monogamous conjugal unit. Wemple goes on to argue that the general tendency towards centralisation and uniformity in legal codes and the intervention of the Church in support of its own aims acted against the interests of women as active political figures:

Women made a dynamic and creative contribution not only to social but also to cultural, political, and religious life whenever church and state were decentralised.²⁰

If this view is correct one would suspect that with the collapse of the Carolingians in the late ninth century women again entered social and political life until the fragmenting impetus of the early feudal period itself became centralised in the mid twelfth to early

thirteenth century. David Herlihy's work would again support this view indicating the most significant period of women's involvement in land being between 950 and the end of the eleventh century, steadily falling throughout the twelfth. In this respect it can be seen that primogeniture played a central if at times unexpected role, but before detailing this and its precise relation to feudalism a few comments need to be made on the general situation.

With the collapse of the Carolingians, partly due to internal contradictions and partly due to successive invasions of Hungarians, Moslems and Vikings on all European fronts, north-western Europe was again propelled towards fragmentation and local self-sustaining defensive centres of power based overtly on military prowess. This is a time when once again fighting men came to the forefront of social life. Local horizontal ties of kinship, and the mutual protective exchange of vassalage cut across the remnants of centralised hierarchical relations that had marked the Carolingian period. However the period of invasions and the ensuing disorder was relatively shortlived. By the early tenth century the invaders were beginning to settle; in 911 the Viking Rollo and his Northmen were granted land "for the defence of the realm".²¹

It is evident that with the end of the invasions these local centres of power, encompassing a militarised nobility developed by warfare, pillage and financial opportunism were subjected to a variety of forces that had the effect of confirming these warriors as agriculturalists. The interplay of these forces is not at all clear but major features of it are changes of climate and improved technology. It would appear from climatological studies and contemporary documents that from the mid-eighth to twelfth centuries, the European climate became warmer.²² The impact of this on agricultural production would have been quite dramatic as even an increase in temperature of one or two degrees would have made ploughing easier, halted the expansion of the forests and rendered the clearing of new land a good deal less arduous. In this way more land became available for agricultural production.

To this we may add the possible effects of some significant technological advances: the use of the horse for ploughing made possible by the rigid padded collar and new harnessing techniques, three field crop rotation and finally the rapid expansion of the watermill and its adoption into widespread use, for tanning, brewing, iron foundries and so on.²³ The overall effect was one of an increase in agricultural production precisely at the moment the nobility was denied the possibility of accumulating wealth by force of arms. As new opportunities opened up, the increased potential of land became evident. In effect the nobility was confirmed as a manorial class, with control of land and those who produce its surplus becoming central elements in the feudal economy. This reinforces the resistance of the early feudal period to centralization, a resistance that became naturalised in the military fief, formally hierarchized and granted for life only,

but increasingly becoming informally an hereditary estate, marking a continual movement towards dissolution and fragmentation. It is here that a major socio-economic contradiction emerges; the production of the agricultural surplus so vital for sustaining the nobility could be obtained only with difficulty from estates so subdivided and partitioned as to become uneconomic units of production. A.R. Lewis comments on this in relation to failing principalities in southern French and Catalan society,

And in each of the cases which we have examined, disintegration followed hard upon the division of the principalities or domains in question among a number of heirs, a process which was sometimes repeated a number of times Under such a system no principality could last for more than two generations at the most; and all political power and cohesion were lost in the resulting fragmentation which took place.²⁴

Herlihy notes another manifestation of this problem at the level of village organisation,

Some time before 1059, at the little parish-village of Sainte-Radegonde, probably somewhere near Bordeaux, this rising 'mix up of land' (*oriente permixtione terrarum*) so crippled production that the village was abandoned, the inhabitants preferring to flee to a nearby forest and to try their hand at a fresh start.²⁵

It can be seen that the problem of the partitioning of land to an uneconomic degree had become a serious one. To some extent a remedy lay at hand in the consolidation of holdings by direct purchase, but the basic problem remained: partible inheritances. This tendency towards fragmentation from the late tenth century posed a serious economic and political threat to the emerging surplus dependent agricultural culture and it is in response to this that we can recognize the importance of primogeniture as it cut across agricultural society as a whole, bringing together a mutual interest, to end partible inheritance.

To briefly recapitulate then, in north-western Europe at the so-called dawn of feudalism, there were vestiges of a number of different systems of inheritance which interacted in an unorganised non-uniform way, varying from region to region. The effect of this was to produce a situation in which there were interminable disputes, abductions and murders pertaining to inheritance claims and land rights. This was to have a profound effect on the development of and need for medieval judicial institutions.²⁶ There developed an increasing tendency towards primogeniture in the male line, a practice that met four sociological requirements. First it necessarily excluded women from active participation in political life, completing a process begun by the Carolingians and reflecting an increasing mysogyny. Secondly it fulfilled the immediate economic need of stopping the perpetual fragmentation of estates to a point where they were no longer

viable in terms of agricultural production. Thirdly the inheritance of the one as opposed to the many claimants ended the interminable family disputes that had pervaded the medieval scene. Finally it became a central feature of Capetian strategies to consolidate their resources and supremacy as hereditary kings of France. So the instituting of primogeniture halted the fragmentation and dissolution of power I described a little earlier and linked in a common interest the whole of the ruling aristocracy from king to vassal.

As the Capetians' fortunes rose it would not have been lost to them that part of the failure of the Carolingians had been due to internal disputes among potential inheritors.²⁷ Whether this directly influenced Capetian policy is not clear, but central to their dynastic aims became the association of a single heir which ultimately was to develop into primogeniture:

Every King from Hugh (the first Capetian) to Louis VII at some time during his reign was to have his eldest son elected or acclaimed and then crowned. In this way a hereditary monarchy came into being, in practice if not initially in theory, a monarchy that unlike that of the Meovingians and Carolingians, no longer was divided among the sons of each succeeding king. It goes without saying that this development was of supreme importance because, for the first time, the king could pursue a policy of growth and consolidation without fear that division of the kingdom would render meaningless any gains made.²⁸

This policy manifested what had been a tendency for the noble houses in general, to reorient their genealogical structure agnatically. Prior to the ninth century blood relations were traced horizontally along either the male or female line; at the turn of the tenth century familial lines tend to be traced vertically; A.W. Lewis comments:

The change was tied to a new familial order, the key to which seems to have been the hereditary transmission of the new property. The sons, or one of them, inherited; then the holding became indivisible, in order to preserve it, and primogeniture was introduced to that end; linked to these causes, the others, the patterns of names given, and later genealogies reflect a shift of stress to agnatic kinship.²⁹

Against the general background of a movement towards a vertical genealogical structure and the emphasis on hereditary right to titles and estates, the Capetians in their attempts to transform the monarchy into a hereditary honor were embodying a general tendency in their contemporary society. From a general principle of agnatic association, the right of the eldest son to indivisible patrimonial lands (primogeniture) emerged as the political and economic practice of the Capetians.

At every succession, the eldest surviving son received the

crown and the undivided patrimonial lands. Cadets were married well, given territorial acquisitions, put into the Church, perhaps given money or disinherited.³⁰

It was the ability of the Capetians to avoid the fragmentation of estates endemic to the partible system, that provided for them a consolidated and stable base from which to pursue their dynastic aims as hereditary kings of France. Clearly they were not alone in pursuing these kinds of policies. Although there were some variations, in general a comparison with the great noble houses of Normandy, Blois, and Burgundy indicates the common practice of passing down the undivided patrimonial lands to the eldest son.³¹ For both the King and the noble houses primogeniture prevented the perpetual subdivision of their estates among their kin and provided for them a political and economic stability with which at times to confront and resist each other. Even for the more lowly vassals, primogeniture had something to offer as, whilst it met the same economic need as for the noble houses, it also became central to their aims of transforming the fief from a lifelong tenure to an hereditary estate, positioning them as local centres of power of some strength. This appears to have been a widespread phenomenon,

In the whole of Europe, in the eleventh and twelfth centuries, the military fief, as we shall see shortly, was transformed into what was to all intents and purposes an hereditary estate.³²

In all these cases, be it king, lord, or vassal, primogeniture provided security of tenure to land, and maintained its economic viability.

The effects of primogeniture on men in the twelfth century were quite dramatic; as succession became increasingly invested solely in the eldest son and his lineage, it became increasingly strategic to prevent lateral branches of the family expanding in order to prevent inheritance claims that were antithetical to the principle of primogeniture. George Duby writes,

it is indisputable that the outline of genealogies shows quite clearly, from the beginning of the 11th century at the latest, the tendency for family lineages to adhere to a single branch, an axis by which, so it appears the eldest son succeeded. Though favoured by stiffening solidarity between blood relations, and masculine privilege, and probably even more by the new developments of matrimonial custom, this process of crystallization appears however, to be more the result of a prudent limitation of marriages. Obviously all brothers had the same rights of succession, but they did not share the inheritance on their father's death. Only one of them married and begat legitimate sons.³³

The young men of the noble houses found themselves playing a fundamental role in both the acquisition and disposition of land by the marriage policies of their familial houses. Under the

influence of a pressure to restrict lateral expansion, these policies revolved around a select few within the family group. The other sons would have to find an heiress, enter the Church, or simply accept being disinherited.

There was then created a class of landless young knights, denied marriage and inheritance within this patrimonial group, and sent out into the world in an attempt to find one of an ever-decreasing number of heiresses. This situation is a characteristic feature of many of the Romances. For example in Chrétien's *Le Chevalier au Lion*, also known as *Yvain*, three times Yvain saves a damsel in distress who is the inheritor of an estate which on each occasion is offered to Yvain by marriage. When Yvain does marry Laudine he does so on such a basis.³⁴

To this class of wandering landless knights another group was added. With the rise of paternal/agnatic organisation and primogeniture, its essential Oedipal dynamic came into play, and disputes between fathers and eldest sons became prevalent. In response to this the father who felt threatened and did not wish to relinquish control of his estates would force his eldest son to leave the patrimonial home until he recalled him to hand over control of the family estates.³⁵ Whilst these men were not actually dispossessed in the long term, they added to the number of men wandering about the countryside, and if by chance they managed to capture an heiress and increase their future potential power over two estates then so much the better.

The general situation is well-documented by Georges Duby, in his celebrated article 'Au XIIe siècle: les 'jeunes' dans le société aristocratique dans la France du nord-ouest'. His conclusion seems particularly relevant,

Such was the aristocratic youth of France in the 12th century, a mob of young men let loose, in search of glory, profit and female prey, by the great noble houses in order to relieve the pressure on their expanding power.³⁶

'Glory, profit and female prey': hardly concepts we would normally associate with a Romance, although perhaps in this respect for many men nothing much has changed.

With the increasing implementation of primogeniture as a uniform code of inheritance, women were dispossessed of land, the basis of economic and social freedom. However, it would appear that in the short-term there may have been some advantages for women: where there were no sons the principle of primogeniture may have overruled a general atmosphere of increasing misogyny. In this context from the late eleventh century on one must be careful to make a distinction between the bearer (transmitter) of landed inheritances, and the controller of the land. Many women in the short-term inherited, but their status tended to be that of temporary guardians of an estate, until they married and passed the control of the family's estates to their eldest son. These women are of course the prey of the landless knights already discussed,

Laudine in Chrétien's *Yvain* being a literary example. This does not suggest a high status for women, since they could not autonomously associate with knights of their choice but were subject to the marriage strategies of their houses.³⁷ Laudine can only marry Yvain after lengthy discussions with her lords.³⁸ In the long-term, women were dispossessed of land; as dowries took the form of moveable property women themselves come to be treated as objects of exchange, negotiable to meet the demands of the marriage strategies of their houses. Without control of land, in a society where this was now everything, one might ask what women had to contribute to a social structure almost uniformly under the hegemony of paternal agnatic organisation and primogeniture.

All that was left to them was their procreative power. To this a new dimension was added, an intensive and excessive investment in the purity of the procreative blood, which was reinforced by the conscious strategy of lineage building. A detailed study of the medieval concept of blood is perhaps overdue, but in the context of this part of the paper a few brief comments seem appropriate. Under the regime of primogeniture the entire future of the lineage was invested in the eldest son alone, with his claims to inheritance being centred on the legitimacy of his blood. If a bastard crept into the family line, the entire patrimony would now be lost. Legitimate lineage was now everything, the blood of the mother must be pure, unadulterated and directed towards the sole object of ensuring the legitimacy of the male line, of male succession. To this end, a woman's body was constructed to be nothing but the container of this pure procreative blood, awaiting the introduction of seed for the production of male heirs. Something of this can be seen in the thirteenth century, when Philip Augustus, while attempting to obtain an annulment from his wife Ingeborg was urged to make a distinction between, 'commixio sexuum', mingling of sexual organs, and 'commixio seminum in vase muliebri', mingling of the seeds in the female vessel.³⁹

If we turn to the image of the Grail in the Romances considered by some critics to be a feminine symbol, what does it signify? It is the sangreal, a blood filled womb, a procreative potential, waiting to be captured and impregnated by some enterprising knight in order to fulfil his obligation of lineage building and procreation.

An increasing awareness of the importance of blood, became central to the lineage builders. The Capetians themselves emphasised the connection between blood right and sanctity, a blood right which they themselves traced retrospectively through the uterine line. *The Chronicle of Tours* presented to Philip V, in 1317 vindicates Hugh Capet's accession precisely in this way.⁴⁰ But for the lineage builders the procreative blood of women did not simply have to be pure, it had also to be fecund. For the woman of the great noble house, many of her children died young,

condemning her to an endlessly repeated cycle of childbirth. Henry of Bourbourg had seven sons by his second wife; the eldest died childless, two died young, one lost an eye and was debarred from inheritance, two entered the Church; only one married and was left to continue the lineage.⁴¹ Not only must women give birth frequently but they must produce sons, as daughters left to inherit would carry the patrimonial lands to the control of another household. Louis VII had taken three wives, and was married for thirty years before producing 'a son and heir' at whose birth he proclaimed,

And that ardent desire, that God would give us progeny of the better sex, inflamed also us, who had been terrified by a multitude of daughters.⁴²

For women who produced no children, or only daughters, repudiations and annulments were an ever-present possibility. The early twelfth century is the time in which woman was constructed as a passive object, a machine for procreation, whose task it was to preserve the purity of the blood and sanctity of the lineage.

The increasing demands of primogeniture allowed for a strategic alliance between the Church and nobility, as sexual activity became centred on the confines of marriage. The Church was involved because its theological position saw sexual relations as acceptable only in terms of legitimate procreation, and the nobility had an interest due to its great investment in preserving the purity of the familial bloodline, because

The mere suspicion of promiscuity in the lady of the feudal household and doubts about the legitimacy of her children which therefore arose could result in interminable lawsuits and destroy a great patrimony.⁴³

Both the Church and nobility combined in a major campaign to ensure the permanence of marriage, for, under the dominance of primogeniture, adultery is not simply a sin it was profoundly transgressive and rebellious. It threatened the demands of pure blood and incited husbands to control and regulate their wives' sexual practices: a loss of control, involved the nightmare of a bastard destroying the patrimony and infiltrating the future integrity of the lineal bloodline.

A new departure in the Church's control of sexual practices was marked by The Fourth Lateran Council which in 1215 changed the consanguinity prohibitions from the seventh to the fourth degree. Whilst the immediate effect of this was to increase the number of marriages that could be annulled due to consanguinity, in the long-term it strengthened the stability and permanence of marriage. Whilst many of the nobility were related to the seventh degree, or at least could claim to be if a repudiation or annulment was required, fourth degree relationships were in the first place easier to prohibit and secondly fewer of the noble families were related in that degree. The effect of this was to

shift the possibility of divorce from consanguinity to adultery. This was to be decisive as disputes concerning consanguinity required a complex and detailed use of genealogical literature and moreover did not rest on the sexual practices of the couples involved. However divorce centred on adultery was subject to much more economic means of control; it simply required the physical observation of the couple and functioned totally within the marriage economy. The Church which had initially been interested in taking over the control of the marriage ceremony, now became directly involved in regulating sexual practices within marriage itself. An interplay of interests between the Church and nobility hinged on the developing consciousness of adultery. On the one hand adultery allowed the Church to enter into the regulation of sexual practices within the conjugal unit, and, on the other, for the nobility, it represented a serious challenge to their aims of lineage building and the preservation of the pure unadulterated lineal bloodline.

It is perhaps appropriate here to make a few general comments about the Romance/Courtly Love genre that flourished at the time that primogeniture was rising to ascendancy. There nowadays seems to be at least three competing, though not necessarily mutually exclusive, scholarly interpretations of the ideology of the Romance/Courtly love cycle. First that it reflected the high status of women in medieval life, as is suggested by the concurrent appearance of the cult of the Virgin.⁴⁴ Secondly the courtly love/romance cycle expressed fundamentally Oedipal relations in as much as the love of the knight or the squire is that of a repressed desire for the mother. In this view the genre is interpreted in psychoanalytic terms.⁴⁵ Thirdly, the genre was written for the landless knights, fulfilling their dreams of either capturing an heiress, or undermining the prestige of their lord by the association with his wife.⁴⁶

The problem with the first view is that the historical evidence does not indicate that women were in a privileged position at this time. On the contrary, all the indications are, as I have tried to show in this paper, that women were largely being dispossessed of an active socio-economic position by primogeniture. Far from experiencing an enhanced social status under feudalism, the social position of women on the whole was deteriorating, since, deprived of the independent control of land, they were being locked into household duties, socially imprisoned by their role of guardianship of the lineal purity. Furthermore the central element of Courtly Love was often that the woman must be married, serving to strengthen the view that for women sexual activity even of the illicit kind had to be prefigured by marriage. It could be argued that Courtly Love strengthened the idea that for women sexual activity was only permitted after marriage. In this way two groups of women were created, virgins and wives, both being denied access to socio-political life, confronted with an ideology that either confined them to marriage and household duties, or presented

them with an ideal of impossible human conduct.⁴⁷ So whilst the first view has some interpretative value, it seems to jar with the historical evidence, which indicates that women did not have a high social status, if this is to be measured in active socio-political participation, but rather were suffering a decline in their social position.

The second view does not necessarily exclude the theme of the high status of women, and in this respect would suffer from the difficulties previously mentioned. Even if this is not the case, a further problem emerges. If psychoanalytic categories are used absolutely, they emerge as providing an a priori interpretative framework that could be seen to distort the data to confirm the theory. This view would have some difficulty in explaining the rise of the genre at a particular period unless it could be shown that feudalism itself produced a social structure particularly well explained by psychoanalytic categories not taken as a priori, but as historically specific events.

The third view whilst explaining the usefulness of the genre to a specific group does not seem to explain its proliferation and density throughout the nobility as a whole.

Perhaps part of the confusion and difficulty derives from a tendency to treat the genre as characterised by a uniform ideology. The earlier Romances of Chrétien seem to fit the landless knight ideology much better than the later ones, which directly involve a relationship with a married woman. This second kind are fundamentally structured around the actuality or possibility of adultery. It is here that we can add another view of the genre as a whole to those previously mentioned. Given the endemic fear of adultery as the destruction of the lineage building strategies being pursued by the noble houses, the more the Romances proclaimed the ideal of adulterous love, the more paranoid the nobility grew about the sexual practices of their houses, and the more they demanded their regulation and surveillance. In this way the myth of the adulterous woman served a culture becoming increasingly repressive and anti-feminist. The regulation of sexual practices within the conjugal household provided for a fusion of the immediate interests of both Church and nobility. The radical and potentially dangerous nature of adultery not present in the earlier Romances, such as *Yvain*, becomes increasingly evident.

Gottfried von Strassburg's *Tristan*, written in 1210, only five years before the Fourth Lateran Council, offers an excellent example of this,

So it was with Tristan and Isolde. As soon as they were debarred from their pleasures by watchers and guardians and denied them by prohibitions, they began to suffer acutely. Desire now tormented them in earnest with its witchery, many times worse than before. Their need of one another was more painful and urgent than it had ever been. The ponderous load of cursed Surveillance weighed on their

spirits like a mountain of lead. This devilish machination, Surveillance, enemy of Love, drove them to distraction, especially Isolde. She was in a desperate plight. Tristan's avoidance was death to her. The more her master forbade her any familiarity with him, the more deeply her thoughts were embedded in him.

This passage goes on to connect Gottfried Von Strassburg's attitude to Isolde with the Church's theological attitude to women,

Women of this kind are children of mother Eve, who flouted the first prohibition. Our Lord God gave Eve the freedom to do as she pleased with fruits, flowers, and grasses, and with all that there was in Paradise - excepting one thing, which he forbade her on pain of death. Priests tell us that it was the fig-tree. She broke off its fruit and broke God's commandment, losing herself and God. But indeed it is my firm belief today that Eve would never have done so, had it never been forbidden her. In the first thing she ever did, she proved true to her nature and did what was forbidden! But as good judges will agree, Eve might well have denied herself just that one fruit. When all is said and done, she had all the rest at her pleasure without exception, yet she wanted none but that one thing in which she devoured her honour! Thus they are all daughters of Eve who are formed in Eve's image after her. Oh for the man who could forbid all the Eves he might find today, who have abandoned themselves and God because they were told not to do something!⁴⁸

We can now see something of the effects and density of the genre as a whole on medieval life. The landless knight could pursue fantasies of marrying an heiress or subverting the power of a lord through his wife. Women were provided with a role of household duties alone, confined to a model of sexual activity as only acceptable after marriage. The potentially damaging consequences of adultery for the lineage builders of the great houses, overlaid the concept of the married woman, with a dangerous and threatening element. The Church and the nobility could then use the resulting fear and paranoia to undertake programmes of regulation, sexual surveillance and lineage building.

At the beginning of this paper I indicated the significance of a modified conception of Marc Bloch's 'tracks' and suggested that it could be a useful one for the writing of history. I have followed some of the tracks to their point of intersection. I have explored how changes in feudal society, from a horizontal to an hierarchical system of political organisation and social identification, were closely connected with the development of primogeniture which itself was related to changes in marital practices. However it is important not to give prominence to one aspect over the others, which is why the concept of the *intersection of the tracks* is so vital. A great deal would be lost

by allowing the linearity of this paper to become yet another chronology of medieval history. It would be equally unsatisfactory to allow primogeniture, marital practices or a horizontal-hierarchical analysis, to become new holist categories. To avoid these problems it can be said that the intersection of the 'tracks' constitutes a field of study which opens up significant aspects of feudalism only now receiving the attention of scholars. But now we must be extremely cautious and re-read the Introduction to this paper, so as not to allow the 'craft'-iness of the historian to create the illusion of the science of objective history, which is, after all according to Bloch, *The Historian's Craft* ...

NOTES

1. M. Bloch, *The Historian's Craft*, Vintage Books, New York, 1953.
2. Ibid, p.55.
3. Ibid, p. 78.
4. See F. de Saussure, *Course in General Linguistics*, Fontana Collins, 1978. Part I, Chapter I, 'The Nature of the Linguistic Sign'.
5. K.A. Eckhardt (ed), *Pactus Legis Salicae* 59.6, Hannover, 1962, p. 223 (MGH Leges Nat. German IV.1); on the meaning of the term 'Salic Land' see E. James, *The Origins of France*, London, 1982, pp. 85-86.
6. C.F. Schwerin (ed), *Leges Saxonum und Lex Thuringorum*, Hannover & Leipzig, 1918, pp. 28-29 cc 41, 46 cited in J. O'Faolain and L. Martines (eds), *Not in Gods Image*, Virago, London, p. 111.
7. K.F. Drew, *The Burgundian Code*, Philadelphia, 1972, XIV.I, p. 32.
8. F. & J. Gies, *Women in the Middle Ages*, Thomas Y Crowell Company, New York, 1978, p. 18.
9. See S.F. Wemple, *Women in Frankish Society*, University of Pennsylvania Press, Philadelphia, 1981, Part I.
10. D. Herlihy, 'Land, Family and Women in Continental Europe 701-1200', in *Traditio*, 18 (1962), pp. 89-120.
11. Ibid, pp. 107-108.
12. Gwyn and Thomas Jones (trans) *The Mabinogion*, Everyman's Library, 1975, p. 95.
13. J. Markale, *Women of the Celts*, Gordon Cremonesi, 1975, p. 38.
14. Alwyn and Brinley Rees, *Celtic Heritage*, Thames and Hudson, London, 1961, p. 30.
15. Geoffrey of Monmouth, *History of the Kings of Britain*, Penguin, 1979, p. 221.
16. Beroul, *Romance of Tristan*, Penguin, 1978, p. 39.
17. Gottfried Von Strassburg, *Tristan*, Penguin, 1978, p. 87.
18. Ibid, p. 102.
19. Wemple, *op.cit.*, p. 87.

20. Ibid, p. 195.
21. M. Bloch, *Feudal Society*, Vol 1, Routledge & Kegan Paul, London, 1978, p. 29. See also part I for details of the course and impact of the invasions as a whole.
22. George Duby, *The Early Growth of the European Economy*, Weidenfeld & Nicolson, London, 1974, p. 8.
23. See J. Gimpel, *The Medieval Machine*, Futura Publications, 1979.
L. White (Jr), *Medieval Technology and Social Change*, Oxford University Press, London, 1980. See review in *Past and Present* 24 (1963) pp. 90-100.
M.M. Postan, *The Medieval Economy & Society*, Penguin Books, 1978.
M. Bloch, *French Rural History*, Routledge & Kegan Paul, 1966.
R.G. Witt, 'The Landlord and the Economic Revival of the Middle Ages in Northern Europe, 1000-1250', *American Historical Review*, 76 (1971) pp. 965-988.
24. A.R. Lewis, *The Development of Southern French and Catalan Society 718-1050*, University of Texas Press, Austin, 1965, p. 352.
25. D. Herlihy, 'Agrarian Revolution in France and Italy, 801-1150', *Speculum*, 33 (1958), p. 24.
26. G. Duby, *The Chivalrous Society*, Edward Arnold, London, 1977, Chapter 2.
27. A.R. Lewis, *op.cit.*, see Chapter 6.
28. C.T. Wood, *The French Apanages and the Capetian Monarchy 1224-1328*, Harvard University Press, Cambridge, Mass, 1966, p. 3.
29. A.W. Lewis, *Royal Succession in Capetian France: Studies on the Familial Order and the State*, Harvard University Press, 1981, p. 4.
30. Ibid, p. 156.
31. Ibid, p. 156.
32. Bloch, *Feudal Society*, p. 189.
33. Duby, *The Chivalrous Society*, p. 74.
34. Chrétien de Troyes, *Arthurian Romances*, Everyman's Library, London, 1977.
35. Duby, *The Chivalrous Society*, pp. 116-117.
36. G. Duby, 'Au XIIe siècle: les 'jeunes' dans le société aristocratique dans la France du nord-ouest', *Annales Economie, société, civilisation V*, (September-October 1964). Translated and reprinted as 'Youth in aristocratic society Northwestern France in the twelfth century', Chapter 7 of *The Chivalrous Society*. Also found in F. Cheyette, *Lordship and Community in Medieval Europe*, Holt Rhinehart and Winston, 1968, pp. 198-209.
37. G. Duby, *Medieval Marriage, Two Models from Twelfth Century France*, The John Hopkins University Press, Baltimore, 1978, pp. 96-102.

38. Chrétien de Troyes, *op.cit.*, pp. 206-207.
39. Duby, *Medieval Marriage*, p. 79.
40. A.W. Lewis, *Royal Succession in Capetian France*, p. 147.
41. Duby, *Medieval Marriage*, p. 100.
42. A.W. Lewis, *Royal Succession in Capetian France*, p. 65.
43. N.F. Cantor, *Medieval History*, Macmillan Co, London, 1969, p. 386.
44. See R. Boase, *The Origin and Meaning of Courtly Love*, Manchester University Press, 1977 and C.T. Wood, *The Age of Chivalry: Manners and Morals 1000-1450*, Weidenfeld and Nicolson, 1970.
45. H. Moller, 'The Meaning of Courtly Love', in *Journal of American Folklore*, 73 (1960), pp. 39-52; S.K. Knight, 'Proesce and Cortoisie: Ideology in Chretien de Troyes' *Le Chevalier au Lion*', in *Studium* 14 (1982) pp. 1-51.
46. Duby, *Chivalrous Society*, Chapter 7, and cf. also E. Koehler's 'Observations historiques et sociologiques sur la poésie des troubadours' as summarised by L.S. Davidson in *Studium* 11 (1980).
47. A.M. Lucas, *Women in the Middle Ages*, The Harvester Press, 1983, see Chapters 1 and 2.
48. Gottfried von Strassburg, *op.cit.*, pp. 276-277.