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History 3220 Reader: Medieval Europe, c.500-1500

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HISTORY 3220 READER

(Medieval Europe, c.500-1500)

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HOW TO READ A DOCUMENT AND USE IT EFFECTIVELY

The long essays you will write in this course will test your ability to use **primary source** documents as evidence. Primary source documents are written works, whether letters, inscriptions, religious writings, law codes or any other kind of government communication, which come from the actual time we are studying. For History 3220 most of our primary sources are found in this sourcebook. Primary sources are crucial to the study of history because they are the strongest evidence a historian can use to interpret a period of time. Why? Because these documents are like windows which look out into another time. They let us hear the voices of the people of the past. Historians have to read documents and understand what is important in them before they can use them to write about a person, event or period of time. Since historians are individuals, sometimes they disagree about what a document means or what in it is important. This is why different historians can read the same documents and sometimes come up with a different **interpretation**, or explanation, of why things happened. History is not written in stone. There is no one right interpretation of history, only stronger or weaker arguments about what documents mean. What makes a particular argument strong or weak? The answer is **evidence**. The best arguments make the best use of primary sources as evidence.

How can you learn to make good use of primary sources? The secret is to know how to read a document effectively. The best way to do this is to answer four questions about it:

1) **Author?** Who wrote the document? Was the author one person or a group of people? Who was the author? Was it a man or a woman, a slave or free man, a rich person or poor? Answer these questions and you may begin to learn why they wrote what they did.

2) **Audience?** Who was the document written for? Was it for one person or a particular group of people? Knowing the audience helps you understand why the document was written in the way it was, and why it says certain things and not others.

3) **Purpose?** Why was the document written? This is a much harder question to answer. You need to know the author and the audience to have a chance to answer this one. Sometimes the document comes out and tells you the reason, but often you have to speculate (a fancy word for "guess") on the purpose. The more you know about the document, the better chance you have of guessing the purpose for its being written.

4) **Importance?** Why is this document important? What is the most significant thing it tells us? This is the hardest question of all to answer because different documents have different importance to different people. The key here is to discover what is most important about the document so YOU can use it for your purposes. In the case of the documents in this sourcebook you need to understand what they tell you about the main themes (or objectives) of this course. Answering the first three questions helps you determine the answer to this last one.

Remember, the goal is to really understand the documents in the sourcebook. Ask the above four questions about each one of these documents. Write down your answers before you begin writing your papers. Then think about how you can arrange your evidence in a carefully constructed argument which will answer the questions I give you for the paper topics. Each document will contain multiple examples which you can use as evidence. Make sure you use each document and use it fully -- pull more than one example from it whenever possible.

Week One Readings

(The Formation of Europe)

1. Excerpts from the Twelve Tables (c.450B.C.)

One of the greatest legacies of Rome was its establishment of a system of law which all Roman citizens and conquered peoples were expected to follow. Their first law code was called the Twelve Tables and was written on twelve stone tablets which were displayed publicly in the forum in the middle of the city for all to see. It was created during a long conflict known as the Struggle of the Orders [classes]. Rome had two main classes of citizen: patricians and plebeians. Patricians were the wealthiest and most powerful families in early Roman society. They controlled politics, law, religion and the military. Anyone who was not a patrician was a plebeian – the farmers, craftspeople and laborers. Plebeians made up the bulk of the Roman army but were led by patrician officers. Plebeians protested their lack of power by refusing to fight for Rome until the patricians allowed them to run for civic offices and published the laws of Rome. The patricians grudgingly gave in but only slowly. Written law became a powerful instrument of governance and control which helped hold Rome's empire together.

Please read the following excerpts from the Twelve Tables and try to answer these questions:

1) What evidence do you see of a class-based society in these laws? What classes of people are mentioned?

2) Are all people treated the same in these laws?

3) What kinds of protections do all people get regardless of class?

4) What principles do you see these laws upholding?

[From The Twelve Tables of Roman Law found at https://www.historywiz.com/primarysources/twelvetables.html]

TABLE I.

1. If anyone summons a man before the magistrate,[1] he must go. If the man summoned does not go, let the one summoning him call the bystanders to witness and then take him by force.

2. If he shirks or runs away, let the summoner lay hands on him.

4. Let the protector of a landholder [patrician] be a landholder; for one of the proletariat [plebeians], let anyone that cares, be protector.

TABLE IV.

1. A dreadfully deformed child shall be quickly killed.[2]

[1] *Magistrates* were the civic officials of Rome, elected on an annual basis by all Roman citizens.
[2] The *paterfamilias* ("father of the family") had the duty to check out all babies born in his household and make this decision.

2. If a father sell his son three times, the son shall be free from his father.

3. As a man has provided in his will in regard to his money and the care of his property, so let it be binding. If he has no heir and dies intestate,[3] let the nearest agnate have the inheritance. If there is no agnate, let the members of his gens have the inheritance.

TABLE VIII.

2. If one has maimed a limb and does not compromise with the injured person, let there be retaliation. If one has broken a bone of a freeman with his hand or with a cudgel, let him pay a penalty of three hundred coins. If he has broken the bone of a slave, let him have one hundred and fifty coins. If one is guilty of insult, the penalty shall be twenty-five coins.

3. If one is slain while committing theft by night, he is rightly slain.

4. If a patron shall have devised any deceit against his client,[4] let him be accursed.

10. Any person who destroys by burning any building or heap of corn deposited alongside a house shall be bound, scourged, and put to death by burning at the stake provided that he has committed the said misdeed with malice aforethought; but if he shall have committed it by accident, that is, by negligence, it is ordained that he repair the damage or, if he be too poor to be competent for such punishment, he shall receive a lighter punishment.

12. If the theft has been done by night, if the owner kills the thief, the thief shall be held to be lawfully killed.

TABLE IX.

4. The penalty shall be capital[5] for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.

5. Treason: he who shall have roused up a public enemy or handed over a citizen to a public enemy must suffer capital punishment.

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[3] Without a formal heir.

[4] Roman society was held together by a system called patronage. Weaker people, called *clients*, looked for stronger people, called *patrons*, to look after their social, political, legal and economic interests. Patrons gained prestige from the number and quality of the clients they had. The clients gained some protection from the patrons they served.

[5] Punishable by death.

6. Putting to death of any man, whosoever he might be unconvicted is forbidden.

TABLE XI.

1. Marriages should not take place between plebeians and patricians.

2. Saint Benedict of Nursia, *The Benedictine Rule* (c.520)

In the late third century A.D., inspired by Jesus's example of self-denial and seeking to escape from the distractions of worldly concerns, some zealous Christians withdrew to the deserts of Roman Egypt in search of peace and isolation. They turned their minds wholly to prayer, contemplation, and ascetic practices. These hermits were the earliest Christian ***monks****. Their goal was to distance themselves from the material world and all of its fleshly temptations. For this reason they lived in the wilderness far from towns and cities. However, living a life of complete solitude as a hermit was very hard and few could endure its rigors. As a result another model of withdrawal from society developed, in which a small group of individuals went out into the wilderness and lived communally, sharing their labors and prayers for Christian society. They formed a* ***monastery****. The monastic way of life soon spread from Egypt to Palestine and Syria and eventually throughout the Christian Roman Empire.*

In Italy, Benedict of Nursia (c.480-547), the son of a wealthy Roman family, turned his back on wealth, found a cave in the mountains, and became a hermit. His example inspired some nearby monks to ask him to be their abbot. He agreed and eventually founded twelve monasteries. His greatest accomplishment was the writing of The Rule*, a work which established strict rules of behavior for a monastic community, along with directions for effectively governing a monastery. From Benedict's precepts developed the idea that monks took three vows: a vow of poverty, a vow of chastity and a vow of obedience. The Benedictine Rule became the model for many monasteries throughout Christendom.*

In this selection pay attention to the reasons why monasteries are being organized the way they are.

1) What powers does the abbot have? What responsibilities?
2) Does the abbot make all the decisions in the monastery by himself?
3) How are monks supposed to act? Why should they act this way?
4) What evidence of the vows do you see in this document?

[From Fordham University, The Internet Medieval Sourcebook. Found at http://legacy.fordham.edu/Halsall/source/rul-benedict.asp]

2. What the Abbot Should Be Like

An abbot who is worthy to preside over a monastery ought always to remember what he is called, and carry out with his deeds the name of a Superior. For he is believed to be Christ's representative, since he is called by His name, the apostle saying: "Ye have received the spirit of adoption of sons, whereby we call Abba, Father.". . . Let the abbot always be mindful that, at the tremendous judgment of God, both things will be weighed in the balance: his teaching and the obedience of his disciples. And let the abbot know that whatever the father of the family finds of less utility among the sheep is laid to the fault of the shepherd. . . And then at length let the punishment for the disobedient sheep under his care be death itself prevailing against them. Therefore, when any one receives the name of

abbot, he ought to rule over his disciples with a double teaching; that is, let him show forth all good and holy things by deeds more than by words. So that to ready disciples he may propound the mandates of God in words; but, to the hard-hearted and the more simpleminded, he may show forth the divine precepts by his deeds….

He shall make no distinction of persons in the monastery. One shall not be more cherished than another, unless it be the one whom he finds excelling in good works or in obedience. A free-born man shall not be preferred to one coming from servitude, unless there be some other reasonable cause. But if, justice demanding that it should be thus, it seems good to the abbot, he shall do this no matter what the rank shall be. But otherwise they shall keep their own places; for whether we be bond or free we are all one in Christ; and, under one God, we perform an equal service of subjection; for God is no respecter of persons. Only in this way is a distinction made by Him concerning us: if we are found humble and surpassing others in good works. . . He should, namely, rebuke more severely the unruly and the turbulent. The obedient, moreover, and the gentle and the patient, he should exhort, that they may progress to higher things. But the negligent and scorners, we warn him to admonish and reprove....

3. About Calling in the Brethren to Take Council

As often as anything especial is to be done in the monastery, the abbot shall call together the whole congregation, and shall himself explain the question at issue. And, having heard the advice of the brethren, he shall think it over by himself, and shall do what he considers most advantageous. . . .

5. Concerning Obedience

The first grade[1] of humility is obedience without delay. This becomes those who, on account of the holy service which they have professed, or on account of the fear of hell or the glory of eternal life, consider nothing dearer to them than Christ: so that, so soon as anything is commanded by their superior, they may not know how to suffer delay in doing it, even as if it were a divine command. . . .

7. Concerning Humility

The sixth grade of humility is, that a monk be contented with all lowliness or extremity, and consider himself, with regard to everything which is enjoined on him, as a poor and unworthy workman. . . The seventh grade of humility is, not only that he, with his tongue, pronounce himself viler and more worthless than all; but that he also believe it in the inner-most workings of his heart; humbling himself and saying with the prophet, etc. The eighth degree of humility is that a monk do nothing except what the common rule of the monastery, or the example of his elders, urges him to do. The ninth degree of humility is that a monk restrain his tongue from speaking; and, keeping silence, do not speak until he is spoken to. The tenth grade of humility is that he be not ready, and easily inclined, to laugh. . . . The eleventh grade of humility is that a monk, when he speaks, speak slowly and without laughter, humbly with gravity, using few and reasonable words; and that he be not loud

[1] In this section Benedict uses *grade* to mean "level" or "kind."

of voice. . . . The twelfth grade of humility is that a monk shall, not only with his heart but also with his body, always show humility to all who see him: that is, when at work, in the oratory, in the monastery, in the garden, on the road, in the fields. And everywhere, sitting or walking or standing, let him always be with head inclined, his looks fixed upon the ground; remembering every hour that he is guilty of his sins. . . .

33. Whether the Monks Should Have Anything of Their Own

More than anything else is this special vice to be cut off root and branch from the monastery -- that one should presume to give or receive anything without the order of the abbot, or should have anything of his own. He should have absolutely not anything: neither a book, nor tablets, nor a pen-nothing at all.-For indeed it is not allowed to the monks to have their own bodies or wills in their own power. But all things necessary they must expect from the Father of the monastery; nor is it allowable to have anything which the abbot did not give or permit. All things shall be common to all. . . .

48. Concerning the Daily Manual Labor.

Idleness is the enemy of the soul. And therefore, at fixed times, the brothers ought to be occupied in manual labor; and again, at fixed times, in sacred reading. ... there shall certainly be appointed one or two elders, who shall go round the monastery at the hours in which the brothers are engaged in reading, and see to it that no troublesome brother chance to be found who is open to idleness and trifling, and is not intent on his reading; being not only of no use to himself, but also stirring up others.

Week Two Readings

(Germanic Society)

3. Tacitus, *Germania* (AD 98)

Publius Cornelius Tacitus (ca. 55-120?) was one of the Roman Empire's most significant historians. We do not know much about him other than that he came from an aristocratic family, was well educated and held the civic offices of both a consul and a provincial governor. Although he took an active role in its administration, Tacitus was not a great fan of the Empire and longed for the days of the old Roman Republic, a time when his own aristocratic class was more important and one when he believed Romans were more moral and patriotic. As a result, his many historical works have a moralizing bent to them, as if he is showing how corrupt his own society has become in comparison with the culture of other societies. We can see this in the Germania *(Latin for "On Germany"), which is the only detailed description of Germanic society in the first century AD. This work gives us a glimpse of the warlike barbarian society which was to blend with Roman culture and Christianity to form something completely new -- European civilization.*

As you read the following selection, please answer the following questions:

1) What human characteristics do the Germans most value? Which do they most detest?
2) What role does war play in this society? What role do families play in war?
3) What is expected of a chief?
4) How are the chief's followers supposed to act towards their leader?
5) How do Germanic warriors act in peacetime?

[From Alfred J. Andrea, *The Medieval Record* (New York: Houghton Mifflin Co., 1997), 43-46.]

5. Their country. . . . is productive of grain, but unfavorable to fruit-bearing trees; it is rich in flocks and herds, but these are for the most part undersized, and even the cattle have not their usual beauty or noble head. It is their number that is chiefly valued; they are in fact the most highly prized, indeed the only riches of the people. . . .

6. . . .On the whole, one would say that their chief strength is in their infantry, which fights along with the cavalry; admirably adapted to the action of the latter is the swiftness of certain foot-soldiers, who are picked from the entire youth of their country, and stationed in the front of the line. Their number is fixed, a hundred from each *pagus*;[1] and from this they take their name among their countrymen, so that what was originally a mere number has now become a title of distinction. . . To give ground, provided you return to the attack, is considered prudence rather than cowardice. The bodies of their slain they carry off even in indecisive engagements. To abandon your shield is the basest of crimes; nor may a man thus disgraced be present at the sacred rites, or enter their council; many indeed, after escaping from battle, have ended their infamy with the halter.[2]

7. They choose their kings by birth, their generals for merit. These kings have not unlimited or arbitrary power, and the generals do more by example than by authority. If they are energetic, if they are conspicuous, if they fight in the front, they lead because they are admired. But to reprimand, to

[1] A *pagus* was a village. The plural form was *pagi*.
[2] A *halter* was a noose. They hang themselves.

imprison, even to flog, is permitted to the priests alone. . . . And what most stimulates their courage is that their squadrons or battalions, instead of being formed by chance or fortuitous gathering, are composed of families and clans. Close by them, too, are those dearest to them, so, that they hear the shrieks of women, the cries of infants. They are to every man the most sacred witnesses of his bravery -- they are his most generous applauders. The soldier brings his wounds to mother and wife, who shrink not from counting or even demanding them and who administer both food and encouragement to the combatants. . . .

11. About minor matters the chiefs deliberate, about the more important the whole tribe. Yet even when the final decision rests with the people, the affair is always thoroughly discussed by the chiefs. They assemble, except in the case of a sudden emergency, on certain fixed days, either at new or at the full moon; for this they consider the most auspicious season for the transaction of business . . . .

12. In their councils an accusation may be preferred or a capital crime prosecuted. Penalties are distinguished according to the offence. Traitors and deserters are hanged on trees, the coward, the unwarlike, the man stained with abominable vices, is plunged into the mire of the morass, with a hurdle put over him.[3] This distinction in punishment means that crime, they think, ought, in being punished, to be exposed, while infamy ought to be buried out of sight. Lighter offences, too, have penalties proportioned to them; he who is convicted is fined in a certain number of horses or of cattle. Half of the fine is paid to the king or to the state, half to the person whose wrongs are avenged and to his relatives. . . .

13. . . . Very noble birth or great services rendered by the father secure for lads the rank of chief; such lads attach themselves to men of mature strength and of long approved valor. It is no shame to be seen among a chief's followers. Even in his escort there are gradations of rank, dependent on the choice of the man to whom they are attached. These followers vie keenly with each other as to who shall rank first with his chief, the chiefs as to who shall have the most numerous and the bravest followers. It is an honor as well as a source of strength to be thus always surrounded by a large body of picked youths; it is an ornament in peace and a defense in war. And not only in his own tribe but also in the neighboring states it is the renown and glory of a chief to be distinguished for the number and valor of his followers, for such a man is courted by embassies, is honored with presents, and the very prestige of his name often settles a war.

14. When they go into battle, it is a disgrace for the chief to be surpassed in valor, a disgrace for his followers not to equal the valor of the chief. And it is an infamy and a reproach for life to have survived the chief, and returned from the field. To defend, to protect him, to ascribe one's own brave deeds to his renown, is the height of loyalty. The chief fights for victory; his companions fight for their chief. If their native state sinks into the sloth of prolonged peace and repose, many of its noble youths voluntarily seek those tribes that are waging some war, both because inaction is odious to their race, and because they win renown more readily in the midst of peril, and cannot maintain a numerous following except by violence and war. Indeed, men look to the liberality of their chief for their war-horse and their blood-stained and victorious lance. Feasts and entertainments, which, though inelegant,

[3] He is thrown into a swamp to drown. A hurdle was a moveable panel used to enclose fields or livestock.

are plentifully furnished, are their only pay. The means of this bounty come from war and rapine.[4] Nor are they as easily persuaded to plough the earth and to wait for the year's produce as to challenge an enemy and earn the honor of wounds. Nay, they actually think it tame and stupid to acquire by the sweat of toil what they might win by their blood.

15. Whenever they are not fighting, they pass much of their time in the chase, and still more in idleness, giving themselves up to sleep and to feasting, the bravest and the most warlike doing nothing, and surrendering the management of the household, of the home, and of the land, to the women, the old men, and all the weakest members of the family. They themselves lie buried in sloth, a strange combination in their nature that the same men should be so fond of idleness, so averse to peace. It is the custom of the states to bestow by voluntary and individual contribution on the chiefs a present of cattle or of grain, which, while accepted as a compliment, supplies their wants. They are particularly delighted by gifts from neighboring tribes, which are sent not only by individuals but also by the state, such as choice steeds, heavy armor, trappings, and neck-chains. We have now taught them to accept money also. . . .

21. It is a duty among them to adopt the feuds as well as the friendships of a father or a kinsman. These feuds are not implacable; even homicide is expiated by the payment of a certain number of cattle and of sheep, and the satisfaction is accepted by the entire family, greatly to the advantage of the state, since feuds are dangerous in proportion to a people's freedom.

[4] Raiding or pillaging.

4. The Burgundian Code (ca. 474)

The Burgundians were a Germanic tribe that moved westward across the Rhine River until they were stopped by the Roman army. In the fourth century they were incorporated into the Roman Empire and settled north of Lake Geneva. During the reign of **Gundobad** *(474-516) one of the greatest Burgundian kings, the tribe occupied the largest amount of territory in its history and became a major power in northwestern Europe, even defeating the Franks. After his death, the kingdom contracted and was soon absorbed into the Frankish kingdom. Gundobad codified the law of his people, which became known as the Burgundian Code. It is a combination of older laws and new ones influenced by Roman law. A key concept in Germanic law was that of* **wergeld**, *which literally meant "man money." All people in Germanic society were judged to be worth a certain fixed sum of money. If someone caused the injury or death of another, this wergeld price could be paid to stop a feud from erupting.*

Try to answer the following questions as you read these laws:

1) What evidence of Roman influence do you see in this law code?
2) Did the Burgundians believe in equality? How was their society ordered?
3) What effects one's wergeld price?
4) The code says a lot about women and family. What is the status of women in this society?
5) Why would a Germanic king want to enforce these laws? What does he get from a justice system?

[From Mark A. Kishlansky, ed., *Sources of the West*, vol.1, 3rd ed. (New York: Longman, 1998), 114-118.]

1. In the name of God in the second year of the reign of our lord the most glorious king Gundobad, this book concerning laws past and present, and to be preserved throughout all future time, has been issued on the fourth day before the Kalends[1] of April [March 29] at Lyons.

2. For the love of justice, through which God is pleased and the power of earthly kingdoms acquired, we have obtained the consent of our counts and leaders, and have desired to establish such laws that the integrity and equity of those judging may exclude all rewards and corruptions from themselves.

3. Therefore all administrators and judges must judge from the present time on between Burgundians and Romans according to our laws which have been set forth and corrected by a common method, to the end that no one may hope or presume to receive anything by way of reward or emolument from any party as the result of the suits or decisions; but let him whose case is deserving obtain justice and let the integrity of the judge alone suffice to accompany this.

4. . . . Let our treasury accept nothing more than has been established in the laws concerning the payment of fines.

5. Therefore let all nobles, councilors, bailiffs, mayors of our palace, chancellors, counts of the cities or villages, Burgundian as well as Roman, and all appointed judges and military judges know

[1] In the Roman system of dating there were no days of the month. All days were expressed as being so many days before or after either the Kalends (the start of the month) or the Ides (the middle of the month).

that nothing can be accepted in connection with those suits which have been acted upon or decided, and that nothing can be sought in the name of promise or reward from those litigating; nor can the parties [to the suit][2] be compelled by the judge to make a payment in order that they may receive anything [from their suit].

Of Murders

1. If anyone presumes with boldness or rashness bent on injury to kill a native freeman of our people of any nation or a servant of the king, in any case a man of barbarian tribe, let him make restitution for the committed crime not otherwise than by the shedding of his own blood.

2. We decree that this rule be added to the law by a reasonable provision, that if violence shall have been done by anyone to any person, so that he is injured by blows of lashes or by wounds, and if he pursues his persecutor and overcome by grief and indignation kills him, proof of the deed shall be afforded by the act itself or by suitable witnesses who can be believed. Then the guilty party shall be compelled to pay to the relatives of the person killed half his wergeld [value] according to the status of the person: that is, if he shall have killed a noble of the highest class, we decree that the payment shall be set at one hundred fifty solidi,[3] i.e., half his wergeld; if a person of middle class, one hundred solidi; if a person of the lowest class, seventy five solidi.

3. If a slave unknown to his master presumes to kill a native freeman, let the slave be handed over to death, and let the master not be made liable for damages.

4. If the master knows of the deed, let both be handed over to death.

5. If the slave himself flees after the deed, let his master be compelled to pay thirty solidi to the relatives of the man killed for the wergeld of the slave.

Of the Commission of Crimes Which Are Charged Against Native Freemen

1. If a native freeman, either barbarian or Roman, is accused of a crime through suspicion, let him render oath, and let him swear with his wife and sons and twelve relatives: if indeed he does not have wife and sons and he has mother or father, let him complete the designated number with father and mother. But if he has neither father nor mother, let him complete the oath with twelve relatives. . . .

Let Burgundians and Romans Be Held Under the Same Condition in the Matter of Killing Slaves

1. If anyone kills a slave, barbarian by birth, a trained house servant or messenger, let him compound sixty solidi; moreover, let the amount of the fine be twelve solidi. If anyone kills another's slave, Roman or barbarian, either ploughman or swine-herd, let him pay thirty solidi.

2. Whoever kills a skilled goldsmith, let him pay two hundred solidi.

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[2] A legal case was called a *suit*. Our modern word *lawsuit* comes from this.

[3] A *solidus* was a silver coin. The plural form is *solidi*.

3. Whoever kills a silversmith, let him pay one hundred solidi.
4. Whoever kills a blacksmith, let him pay fifty solidi.
5. Whoever kills a carpenter, let him pay forty solidi.

Of Those Things Which Happen by Chance

1. If any animal by chance, or if any dog by bite, cause death to a man, we order that among Burgundians the ancient rule of blame be removed henceforth: because what happens by chance ought not to conduce to the loss or discomfiture of man. So that if among animals, a horse kills an ox, or a dog gnaws a dog, so that it is crippled, let the owner hand over the animal or dog through which the loss is seen to have been committed to him who suffers the loss.

2. In truth, if a lance or any kind of weapon shall have been thrown upon the ground or set there without intent to do harm, and if by accident a man or animal impales himself thereupon, we order that he to whom the weapon belongs shall pay nothing unless by chance he held the weapon in his own hands in such a manner that it could cause harm to a man. . . .

Of Injuries Which Are Suffered by Women

1. If any native freewoman has her hair cut off and is humiliated without cause [when innocent] by any native freeman in her home or on the road, and this can be proved with witnesses, let the doer of the deed pay her twelve solidi, and let the amount of the fine be twelve solidi.

2. If this was done to a freedwoman, let him pay her six solidi.

3. If this was done to a maidservant, let him pay her three solidi, and let the amount of the fine be three solidi.

4. If this injury [shame, disgrace] is inflicted by a slave on a native freewoman, let him receive two hundred blows; if a freedwoman, let him receive one hundred blows; if a maidservant, let him receive seventy-five blows.

Of Divorces

1. If any woman leaves [puts aside] her husband to whom she is legally married, let her be smothered in mire.

2. If anyone wishes to put away his wife without cause, let him give another payment such as he gave for her marriage price, and let the amount of the fine be twelve solidi.

5. Gregory of Tours, *The History of the Franks* (The Conversion of Clovis) (c. 592)

With the collapse of the Roman frontiers Germanic tribes poured over the borders into the lands of the old Roman Empire. One such people were the Franks, a loose confederation of tribes with shared customs and language who inhabited Gaul (modern-day France). One of the earliest leaders of the Franks was ***Clovis*** *(c.465-511) who was important for two reasons. First, he united all the Frankish tribes into a single kingdom and thus made them powerful enough to dominate much of western and central Europe. As a result he laid the base for Europe's first attempt at building an empire. Second, he converted Germanic tribes to Roman* ***Catholic*** *Christianity, which took its leadership from the Pope in Rome. Previous to this, many Germanic peoples, such as the Goths, believed in* ***Arian*** *Christianity, which differed in several respects from Catholic Christianity. For example, each calculated the date of the great feast day of Easter differently. But the greatest difference between the two was over the issue of the nature of the* ***Trinity****. Both recognized that the Christian God was made up of three aspects or persons, God the Father, God the Son (Jesus Christ) and God the Holy Spirit. Catholics believed that each aspect of God was equal to the other two. Arians, however, professed that God the Father and God the Holy Spirit must be superior to God the Son because Jesus Christ had become man and thus entered the material world. In Eastern Mediterranean philosophy spiritual things were considered to be superior or better than material or fleshly things. Thus, to the Arian way of thinking, Jesus Christ must be inferior to the other two aspects of God. As a result many of the native Roman clergy and laity considered Arians to be to be* ***heretics****, holders of improper religious beliefs, and worthy only of being shunned or punished.*

Clovis's Franks adopted the official faith of Roman society in the West, thereby becoming well-liked by the clergy of the Roman Catholic Church, the true shapers of opinion in the land of Gaul. Gregory of Tours (538-594), bishop of an important city in far western Gaul, was one of these opinion-shapers. He took it upon himself to tell the story of the Franks because they were such an important conquest by Christianity. His book shows us the process of cultural fusion occurring during the fifth and sixth centuries.

Please read the following selection and try to answer these questions:

1) *What does Clovis expect from his pagan gods?*
2) *Why does he ultimately convert to Christianity?*
3) *What role did his wife play in his conversion?*
4) *What impact does Clovis's conversion have on his tribe?*

[From Alfred J. Andrea, *The Medieval Record* (New York: Houghton Mifflin Co., 1997), 60-64.]

Childeric died and Clovis, his son, reigned in his stead. . . . At that time many churches were despoiled by Clovis's army, since he was as yet involved in heathen error. . . . He made many wars and gained many victories. . . .

He had a first-born son by queen Clotilda,[1] and as his wife wished to consecrate him in baptism, she tried unceasingly to persuade her husband, saying: “The gods you worship are nothing, and they will be unable to help themselves or anyone else. For they are graven out of stone or wood or some metal.... But he ought rather to be worshiped who created by his word heaven and earth, the sea and all that is in them out of a state of nothingness, who made the sun shine, and adorned the heavens with stars, who filled the waters with creeping things, the earth with living things and the air with creatures that fly, at whose nod the earth is decked with growing crops, the trees with fruit, the vines with grapes, by whose hand mankind was created, by whose generosity all that creation serves and helps man whom he created as his own.” But though the queen said this the spirit of the king was by no means moved to belief, and he said: “It was at the command of our gods that all things were created and came forth, and it is plain that your God has no power and, what is more, he is proven not to belong to the family of the gods.” Meantime the faithful queen made her son ready for baptism; she gave command to adorn the church with hangings and curtains, in order that he who could not be moved by persuasion might be urged to belief by this mystery. The boy, whom they named Ingomer, died after being baptized, still wearing the white garments in which he became regenerate. At this the king was violently angry, and reproached the queen harshly, saying “If the boy had been dedicated in the name of my gods he would certainly have lived; but as it is, since he was baptized in the name of your God, he could not live at all.” To this the queen said: “I give thanks to the omnipotent God, creator of all, who has judged me not wholly unworthy, that he should deign to take to his kingdom one born from my womb. My soul is not stricken with grief for his sake, because I know that, summoned from this world as he was in his baptismal garments, he will be fed by the vision of God.”

After this she bore another son, whom she named Chlodomer at baptism; and when he fell sick, the king said: “It is impossible that anything else should happen to him than happened to his brother, namely, that being baptized in the name of your Christ, he should die at once.” But through the prayers of his mother, and the Lord’s command, he became well.

The queen did not cease to urge him to recognize the true God and cease worshiping idols. But he could not be influenced in any way to this belief, until at last a war arose with the Alemanni, in which he was driven by necessity to confess what before he had of his free will denied. It came about that as the two armies were fighting fiercely, there was much slaughter, and Clovis’s army began to be in danger of destruction. He saw it and raised his eyes to heaven, and with remorse in his heart he burst into tears and cried: “Jesus Christ, whom Clotilda asserts to be the son of the living God, who art said to give aid to those in distress, and to bestow victory on those who hope in thee, I beseech the glory of thy aid, with the vow that if thou wilt grant me victory over these armies, and I shall know that power which she says that people dedicated in thy name have had from thee, I will believe in thee and be baptized in thy name. For I have invoked my own gods, but, as I find, they have withdrawn from aiding me; and therefore I believe that they possess no power, since they do not help those who obey them. I now call upon thee, I desire to believe thee, only let me be rescued from my adversaries.” And

[1] Clotilda was a Christian.

when he said this, the Alemanni turned their backs, and began to disperse in flight. And when they saw that their king was killed, they submitted to the dominion of Clovis. . . .

Then the queen asked Saint Remy, bishop of Rheims, to summon Clovis secretly, urging him to introduce the king to the word of salvation. And the bishop sent for him secretly and began to urge him to believe in the true God, maker of heaven and earth, and to cease worshiping idols, which could help neither themselves nor anyone else. But the king said: "I gladly hear you, most holy father, but there remains one thing: the people who follow me cannot endure to abandon their gods; but I shall go and speak to them according to your words."

He met with his followers, but before he could speak the power of God anticipated him, and all the people cried out together: "O pious king, we reject our mortal gods, and we are ready to follow the immortal God whom Remy preaches." This was reported to the bishop, who was greatly rejoiced, and bade them get ready the baptismal font. . . And so the king confessed all-powerful God in the Trinity, and was baptized in the name of the Father, Son and Holy Spirit, and was anointed with holy ointment with the sign of the cross of Christ. And of his army more than 3000 were baptized. . . .

6. Gregory of Tours, *History of the Franks*
(Germanic Judicial Ordeals)

Gregory of Tours also wrote of the customs of the Franks. All societies of the time had to deal with the difficult problem of keeping order and promoting law. Laws, like the ones we saw in the Burgundian Code, could be enforced if there were witnesses to crime. But what could be done if there were no witnesses. Among the Germans it was believed that their pagan gods witnessed all human activities and craved justice. As a result, the ***ordeal*** *developed. This was a physical test which would show the guilt or innocence of an individual suspected of a crime. There were many different examples of the ordeal. In some cases the suspect was forced to hold a red hot stone for a time. Then the injured hand would be wrapped for a week. When it was unwrapped, if the wound had festered, thus showing an infection, it was seen as a sign from the gods that the person was guilty. Another form of the ordeal involved the suspect being thrown into a pond or river. If he floated to the top then, it was believed, the water had rejected him as unclean, and he was guilty. If he sank beneath the water he was innocent. When the Germanic tribes began to convert to Christianity, the custom of the ordeal was brought along to the new religion. Now it was the Christian God who was showing his hand in the judgment of the ordeal.*

In the following selection pay attention to how the concept of the ordeal has been used to illustrate the struggle between Arian and Catholic Christians.

1) Which Christian faith does Gregory of Tours favor? What proof would you give?
2) How does he show that the Christian God influences the ordeal?
3) What message is Gregory of Tours trying to send in this story?

[From Lynn Hunt *et al*, *Connecting with the Past* (Lexington, Massachusetts: D.C. Heath and Company, 1995), 191.]

An Arian presbyter[1] disputing with a deacon[2] of our religion made venomous assertions against the Son of God and the Holy Ghost, as is the habit of that sect. But when the deacon had discoursed a long time concerning the reasonableness of our faith and the heretic, blinded by the fog of unbelief continued to reject the truth, according as it is written, "Wisdom shall not enter the mind of the wicked," the former said: "Why weary ourselves with long discussions? Let acts approve the truth; let a kettle be heated over the fire and someone's ring be thrown into the boiling water. Let him who shall take it from the heated liquid be approved as a follower of the truth, and afterwards let the other party be converted to the knowledge of this truth. And do thou also understand, O heretic, that this our party will fulfill the conditions with the aid of the Holy Ghost; thou shalt confess that there is no

[1] A priest.
[2] A clergyman next below a priest in rank.

discordance, no dissimilarity in the Holy Trinity." The heretic consented to the proposition and they separated after appointing the next morning for the trial.

But the fervor of faith in which the deacon had first made this suggestion began to cool through the instigation of the enemy. Rising with the dawn he bathed his arm in oil and smeared it with ointment. But nevertheless he made the round of the sacred places and called in prayer on the Lord. What more shall I say? About the third hour they met in the market place. The people came together to see the show. A fire was lighted, the kettle was placed upon it, and when it grew very hot the ring was thrown into the boiling water. The deacon invited the heretic to take it out of the water first. But he promptly refused, saying, "Thou who didst propose this trial art the one to take it out." The deacon all of a tremble bared his arm. And when the heretic presbyter saw it besmeared with ointment he cried out: "With magic arts thou hast thought to protect thyself, that thou hast made use of these salves, but what thou hast done will not avail."

While they were thus quarreling there came up a deacon from Ravenna[3] named Iacinthus and inquired what the trouble was about. When he learned the truth he drew he drew his arm out from under his robe at once and plunged his right hand into the kettle. Now the ring that had been thrown in was a little thing and very light so that it was thrown about by the water as chaff[4] would be blown about by the wind; and searching for it a long time he found it after about an hour. Meanwhile the flame beneath the kettle blazed up mightily so that the greater heat might make it difficult for the ring to be followed by the hand; but the deacon extracted it at length and suffered no harm, protesting rather that at the bottom the kettle was cold while at the top it was just pleasantly warm.

When the heretic beheld this he was greatly confused and audaciously thrust his hand into the kettle saying, "My faith will aid me." As soon as his hand had been thrust in all the flesh was boiled off the bones clear up to the elbow. And so the dispute ended.

[3] Ravenna was a town in northern Italy.
[4] *Chaff* was the refuse left over after grain was threshed.

Week Three Readings

(The Byzantine Empire)

7. Procopius, Secret History (A.D. 560s)

Justinian was the first emperor of the Byzantine (Eastern Roman) Empire. He was a man of very humble birth, who scandalized society by marrying a famous courtesan, Theodora. The two were very popular among the common people whom they understood and identified with. But the emperor and his wife were never really accepted by the Byzantine upper classes.

Procopius of Caesarea (c.500-c.565) was an aristocratic legal scholar who became the foremost historian of the early Byzantine Empire and our greatest source for the reign of the emperor Justinian. Procopius was raised and trained in the law in Palestine, but was able to travel and see the world when he became the legal advisor to General Belisarius, the most successful military leader of his day and the man whom Justinian sent to reconquer the Italian peninsula for the Empire. Belisarius became his patron, and as a result Procopius gained fame by writing accounts of all of the wars waged by Justinian, as well as a book praising the emperor's building projects throughout the Empire. On the surface Procopius seemed a supporter and apologist for Justinian, but hundreds of years after his death a manuscript of his was found which contained unpublished materials about Justinian, Theodora and even his patron Belisarius, which cast them all in a very unfavorable light. The writings became known as the Secret History *and depicted the cruelty, venality, coarseness, greed and immorality of the emperor and his court. Some sections about Empress Theodora were so graphic that they were only printed in the Latin language to avoid scandal.*

After reading the following selections on Justinian, try to answer these questions.

1) According to Procopius, what are Justinian's greatest failings?

2) How does Justinian deal with the barbarian peoples on the empire's borders? Why does Procopius dislike this policy?

3) How does he treat heretics? Why do you think he treats them in this way? Is it for religious reasons?

4) What does this section tell us about the power of the Byzantine emperor?

5) Can we completely trust that Procopius is telling us the truth in this selection? Why might he be biased?

[Procopius, *Secret History*, trans. Richard Atwater (Chicago: P. Covicii; New York: Covicii Friedal, 1927), reprinted by University of Michigan Press, 1961, with indication that 1927 copyright was expired.]

Chapter XI

As soon as Justinian came into power he turned everything upside down. Whatever had before been forbidden by law he now introduced into the government, while he revoked all established customs: as if he had been given the robes of an Emperor on the condition he would turn everything topsy-turvy. Existing offices he abolished, and invented new ones for the management of public affairs. He did the same thing to the laws and to the regulations of the army; and his reason was not any improvement of

justice or any advantage, but simply that everything might be new and named after himself. And whatever was beyond his power to abolish, he renamed after himself anyway.

Of the plundering of property or the murder of men, no weariness ever overtook him. As soon as he had looted all the houses of the wealthy, he looked around for others; meanwhile throwing away the spoils of his previous robberies in subsidies to barbarians or senseless building extravagances. And when he had ruined perhaps myriads in this mad looting, he immediately sat down to plan how he could do likewise to others in even greater number.

As the Romans were now at peace with all the world and he had no other means of satisfying his lust for slaughter, he set the barbarians all to fighting each other. And for no reason at all he sent for the Hun chieftains, and with idiotic magnanimity gave them large sums of money, alleging he did this to secure their friendship. These Huns, as soon as they had got this money, sent it together with their soldiers to others of their chieftains, with the word to make inroads into the land of the Emperor: so that they might collect further tribute from him, to buy them off in a second peace. Thus the Huns enslaved the Roman Empire, and were paid by the Emperor to keep on doing it.

This encouraged still others of them to rob the poor Romans; and after their pillaging, they too were further rewarded by the gracious Emperor. In this way all the Huns, for when it was not one tribe of them it was another, continuously overran and laid waste the Empire. For the barbarians were led by many different chieftains, and the war, thanks to Justinian's senseless generosity, was thus endlessly protracted. Consequently no place, mountain or cave, or any other spot in Roman territory, during this time remained uninjured; and many regions were pillaged more than five times. . . .

Moreover, while he was encouraging civil strife and frontier warfare to confound the Romans, with only one thought in his mind, that the earth should run red with human blood and he might acquire more and more booty, he invented a new means of murdering his subjects. Now among the Christians in the entire Roman Empire, there are many with dissenting doctrines, which are called heresies by the established church: such as those of the Montanists[1] and Sabbatians,[2] and whatever others cause the minds of men to wander from the true path. All of these beliefs he ordered to be abolished, and their place taken by the orthodox dogma: . . . Now the churches of these so-called heretics, especially those belonging to the Arian dissenters, were almost incredibly wealthy. Neither all the Senate put together nor the greatest unit of the Roman Empire, had anything in property comparable to that of these churches. For their gold and silver treasures, and stores of precious stones, were beyond telling or numbering: they owned mansions and whole villages, land all over the world, and everything else that is counted as wealth among men.

[1] Montanists were followers of the 2nd century religious figure Montanus who believed that the Holy Spirit sometimes gave revelatory visions which might supersede even the teachings of Jesus and St. Paul.
[2] Sabbatians were followers of Sabbatius, a heretic priest who believed that Christians should celebrate Easter and Passover at the same time that the Jews did.

As none of the previous Emperors had molested these churches, many men, even those of the orthodox faith, got their livelihood by working on their estates. But the Emperor Justinian, in confiscating these properties, at the same time, took away what for many people had been their only means of earning a living.

Agents were sent everywhere to force whomever they chanced upon to renounce the faith of their fathers. This, which seemed impious to rustic people, caused them to rebel against those who gave them such an order. Thus many perished at the hands of the persecuting faction, and others did away with themselves, foolishly thinking this the holier course of two evils; but most of them by far quitted the land of their fathers, and fled the country. The Montanists, who dwelt in Phrygia,[3] shut themselves up in their churches, set them on fire, and ascended to glory in the flames. And thenceforth the whole Roman Empire was a scene of massacre and flight. . . .

The country people, however, banded together and determined to take arms against the Emperor: choosing as their candidate for the throne a bandit named Julian, son of Sabarus. And for a time they held their own against the imperial troops; but finally, defeated in battle, were cut down, together with their leader. Ten myriads[4] of men are said to have perished in this engagement, and the most fertile country on earth thus became destitute of farmers. To the Christian owners of these lands, the affair brought great hardship: for while their profits from these properties were annihilated, they had to pay heavy annual taxes on them to the Emperor for the rest of their lives, and secured no remission of this burden. . . .

Consequently there was a constant stream of emigration not only to the land of the barbarians but to places farthest remote from the Romans; and in every country and city one could see crowds of foreigners. For in order to escape persecution, each would lightly exchange his native land for another, as if his own country had been taken by an enemy.

[3] Phrygia was a province in the middle of Anatolia (Asia Minor).
[4] In the ancient world a *myriad* was ten thousand. It has a modern generic meaning of "lots and lots."

8. Justinian's Code (529-565)

During the fourth century the Roman Empire was split into two halves, a western half centered on the city of Rome, which declined in power and authority over the centuries, and an eastern half, centered on the city of Constantinople, which remained rich and vigorous until the fifteenth century. The western empire withered away. Into the power vacuum rose various Western kingdoms, like those of the Franks, the Saxons, the Ostrogoths and the Lombards, which eventually developed a unique culture known as European civilization. The eastern empire took a different route of development, based on the Greek language and Greek customs and traditions. It became known as the **Byzantine Empire**. *Historians recognize the Emperor Justinian as the first of the Byzantine emperors. He was a great warrior who reconquered large areas of the old Roman empire, both in the East and the West. He was, however, known for more than just conquest, being especially noted for organizing and codifying (writing down) centuries of Roman law into a comprehensive system which covered almost all aspects of human life. His efforts were so successful that Roman law remained in use for the entirety of the Middle Ages in all parts of Europe. In fact, it is still in use today, forming the basis of many modern legal codes.*

1) Compare this law code with that of the Twelve Tables and the Burgundians. What similarities do you see?

2) What differences do you see between Justinian's Code and the two earlier law codes?

3) Why do you think this law code remained in effect for over 1000 years?

[From Harold Drake, ed., *Laws, Gods & Heroes*, 34-36.]

The imperial majesty should not only be made glorious by arms, but also strengthened by laws, that, alike in time of peace and in time of war, the state may be well governed, and that the emperor may not only be victorious in the field of battle, but also may by every legal means repel the iniquities of men who abuse the laws, and may at once religiously uphold justice and triumph over his conquered enemies.

1. By our incessant labors and great care, with the blessing of God, we have attained this double end. The barbarian nations reduced under our yoke know our efforts in war; to which also Africa and very many other provinces bear witness . . . All nations moreover are governed by laws which we have already either promulgated[1] or compiled.

2. When we had arranged and brought into perfect harmony the hitherto confused mass of imperial constitutions, we then extended our care to the vast volumes of ancient law; and sailing as it were across the mid-ocean, have now completed, through the favor of heaven, a work that once seemed beyond hope.

3. When by the blessing of God this task was accomplished, we summoned the most eminent... professors of law, all of whom have on many occasions proved to us their ability, legal knowledge, and obedience to our orders; and we have specially charged them to compose, under our authority and

[1] caused to be published or passed out.

advice, Institutes, so that you may no more learn the first elements of law from old and erroneous sources, but apprehend[2] them by the clear light of imperial wisdom; and that your minds and ears may receive nothing that is useless or misplaced, but only what obtains in actual practice. . . .

7. Receive, therefore, with eagerness, and study with cheerful diligence, these our laws, and show yourselves persons of such learning that you may conceive the flattering hope of yourselves being able, when your course of legal study is completed, to govern our empire in the different portions that may be entrusted to your care.

Given at Constantinople on the eleventh day of the calends of December, in the third consulate of the Emperor Justinian, ever August (533).

Book One

Justice is the constant and perpetual wish to render every one his due.

1. Jurisprudence is the knowledge of things divine and human; the science of the just and the unjust.

3. The maxims of law are these: to live honestly, to hurt no one, to give every one his due.

4. The study of law is divided into two branches; that of public and that of private law. Public law is that which regards the government of the Roman Empire; private law, that which concerns the interests of individuals. We are now to treat of the latter, which is composed of three elements, and consists of precepts belonging to natural law, to the law of nations, and to the civil law.

The law of nature is that law which nature teaches to all animals. For this law does not belong exclusively to the human race, but belongs to all animals, whether of the air, the earth, or the sea. Hence comes that yoking together of male and female, which we term matrimony; hence the procreation and bringing up of children. We see, indeed, that all the other animals besides man are considered as having knowledge of this law.

On natural law, law of nations & civil law

1. Civil law is thus distinguished from the law of nations. Every community governed by laws and customs uses partly its own law, partly laws common to all mankind. The law which a people makes for its own government belongs exclusively to that state, and is called the civil law, as being the law of a particular state. But the law which natural reason appoints for all mankind obtains equally among all nations, and is called the law of nations, because all nations make use of it. The people of Rome, then, are governed by the laws which are common to all mankind. . . .

2. . . . The law of nations is common to all mankind, for nations have established certain laws, as occasion and the necessities of human life required. Wars arose, and in their train followed captivity and then slavery, which is contrary to the law of nature; for by that law all men are originally born free. Further, from this law of nations almost all contracts were at first introduced, as, for instance, buying and selling, letting and hiring, partnership, deposits, loans returnable in kind, and very many others. . . .

[2] comprehend, understand.

6. That which seems good to the emperor has also the force of law; for the people, by the *lex regia*,[3] which is passed to confer on him his power, make over to him their whole power and authority. Therefore whatever the emperor ordains by rescript,[4] or decides in adjudging a cause, or lays down by edict,[5] is unquestionably law; and it is these enactments of the emperor that are called constitutions. . . .

Formation of Marriage[6]

Marriage is the union of a man and a woman, a partnership for life involving divine as well as human law.

Marriage cannot take place unless everyone involved consents, that is, those who are being united and those in whose power they are. . .

A girl who was less than twelve years old when she married will not be a lawful wife until she reaches that age while living with her husband. . .

When the relationship of brother and sister arises because of adoption, it is an impediment[7] to marriage while the adoption lasts. So I will be able to marry a girl whom my father adopted and then emancipated.[8] Similarly, if she is kept in his power and I am emancipated, we can be married. It is advisable, then, for someone who wishes to adopt his son-in-law to emancipate his daughter-in-law and for someone who wished to adopt his daughter-in-law to emancipate his son. We are not allowed to marry our paternal or maternal aunts or paternal or maternal great-aunts although paternal and maternal great-aunts are related in the fourth degree. Again, we are not allowed to marry a paternal aunt or great-aunt, even though they are related to us by adoption.

People who wrongfully prevent children in their power from marrying, or who refuse to provide a dowry for them can be forced by proconsuls[9] and provincial governors to arrange marriages and provide dowries for them. Those who do not try to arrange marriages are held to prevent them. . .

An emancipated son can marry without his father's consent, and any son he has will be his heir.

Women accused of adultery cannot marry during the lifetime of their husbands, even before conviction.

Divorces and Repudiations

Marriage is dissolved by the divorce, death, captivity, or other kind of slavery of either of the parties.

A true divorce does not take place unless an intention to remain apart permanently is present. So things said or done in anger are not effective until the parties show by their persistence that they are an

[3] literally, "the law of kings"
[4] by written word
[5] by proclamation
[6] The rest of this document is taken from Mark Kishlansky, ed., *Sources of the West*, vol.1, 3rd ed. (NY: Longman, 1998), 128-130.
[7] it prohibits the union of
[8] to free from his paternal authority
[9] a state official

indication of their considered opinion. So where repudiation takes place in anger and the wife returns shortly afterward, she is not held to have divorced her husband. . .

The wives of people who fall into enemy hands can still be considered married women only in that other men cannot marry them hastily. Generally, as long as it is certain that a husband who is in captivity is still alive, his wife does not have the right to contract another marriage, unless she herself has given some ground for repudiation. But if it is not certain whether the husband in captivity is alive or has died, then if five years have passed since his capture, his wife has the right to marry again so that the first marriage will be held to have been dissolved with the consent of the parties and each of the parties will have their rights withdrawn.

Week Four Readings

(The Carolingian Empire: Part I)

9. Isadore of Beja, The Battle of Tours (732)

Almost nothing is known of Isadore of Beja, a Christian who lived during the period when Muslims conquered and ruled over the Iberian Peninsula [present-day Spain and Portugal}. He may have been a Christian bishop. He is known for writing a chronicle of events from 611 to 754, which is one of the only sources for information on Europe in this period. One of the events he described was the Battle of Tours in 732 where Charles Martel, mayor of the palace for the Frankish kingdom of Austrasia decisively defeated an enormous army of Muslim horsemen bent on the conquest of Western Europe. Charles's victory ensured that the Christian West would develop its own unique civilization. His grandson, also named Charles, would become the creator of the Carolingian Empire.

1) How are the Muslims portrayed in this account?
2) According to this account, why does Charles win the battle?
3) What does this document show us about the sources we rely on for information about the past?

[From William Stearns Davis, ed., *Readings in Ancient History: Illustrative Extracts from the Sources*, v.2 (Boston: Allyn and Bacon, 1912-13), pp. 362-364. Found in the Medieval Internet Source Book at http://sourcebooks.fordham.edu/Halsall/source/732tours.asp.

Then Abderrahman,[1] seeing the land filled with the multitude of his army, crossed the Pyrenees, and traversed the defiles [in the mountains] and the plains, so that he penetrated ravaging and slaying clear into the lands of the Franks. He gave battle to Duke Eudes (of Aquitaine) beyond the Garonne and the Dordogne, and put him to flight---so utterly [was he beaten] that God alone knew the number of the slain and wounded. Whereupon Abderrahman set in pursuit of Eudes; he destroyed palaces, burned churches, and imagined he could pillage the basilica of St. Martin of Tours. It is then that he found himself face to face with the lord of Austrasia, Charles, a mighty warrior from his youth, and trained in all the occasions of arms.

For almost seven days the two armies watched one another, waiting anxiously the moment for joining the struggle. Finally they made ready for combat. And in the shock of the battle the men of the North seemed like North a sea that cannot be moved. Firmly they stood, one close to another, forming as it were a bulwark of ice; and with great blows of their swords they hewed down the Arabs. Drawn up in a band around their chief, the people of the Austrasians carried all before them. Their tireless hands drove their swords down to the breasts [of the foe].

At last night sundered the combatants. The Franks with misgivings lowered their blades, and beholding the numberless tents of the Arabs, prepared themselves for another battle the next day. Very early, when they issued from their retreat, the men of Europe saw the Arab tents ranged still in order, in the

[1] Abderrahman was the Muslim leader of Spain and commander of its military.

same place where they had set up their camp. Unaware that they were utterly empty, and fearful lest within the phalanxes[2] of the Saracens were drawn up for combat, they sent out spies to ascertain the facts. These spies discovered that all the squadrons of the "Ishmaelites"[3] had vanished. In fact, during the night they had fled with the greatest silence, seeking with all speed their home land. The Europeans, uncertain and fearful, lest they were merely hidden in order to come back [to fall upon them] by ambushments, sent scouting parties everywhere, but to their great amazement found nothing. Then without troubling to pursue the fugitives, they contented themselves with sharing the spoils and returned right gladly to their own country.

[2] military formations

[3] A reference to the descendants of Ishmael, the son of Abraham by Hagar. The Bible says that twelve princes descended from him, and Christian theologians believe these were rulers of the Arab peoples. By Isadore of Beja's time *Ishmaelite* was another word for Muslim.

10. An Anonymous Arab Author, The Battle of Tours (732)

Here we have another account of the Battle of Tours, but the author is an anonymous Arab writer who sent his account of the battle back to Damascus in order to explain the Muslim defeat.

1) How does this account agree with that of Isadore of Beja?
2) In what ways is it different?
3) How does this author account for the Muslim defeat?
4) What are the advantages of reading multiple accounts of the same event?

[From the Medieval Internet Source Book. Found at
http://sourcebooks.fordham.edu/Halsall/source/arab-poitiers732.asp]

The Moslems smote their enemies, and passed the river Garonne, and laid waste the country, and took captives without number. And that army went through all places like a desolating storm. Prosperity made those warriors insatiable. At the passage of the river, Abderrahman[1] overthrew the count, and the count retired into his stronghold, but the Moslems fought against it, and entered it by force, and slew the count; for everything gave way to their scimitars, which were the robbers of lives.

All the nations of the Franks trembled at that terrible army, and they betook them to their king Caldus [Charles Martel],[2] and told him of the havoc made by the Moslem horsemen, and how they rode at their will through all the land of Narbonne, Toulouse, and Bordeaux, and they told the king of the death of their count. Then the king bade them be of good cheer, and offered to aid them. . . . He mounted his horse, and he took with him a host that could not be numbered, and went against the Moslems. And he came upon them at the great city of Tours. And Abderrahman and other prudent cavaliers saw the disorder of the Moslem troops, who were loaded with spoil; but they did not venture to displease the soldiers by ordering them to abandon everything except their arms and war-horses. And Abderrahman trusted in the valor of his soldiers, and in the good fortune which had ever attended him. But such defect of discipline always is fatal to armies. So Abderrabman and his host attacked Tours to gain still more spoil, and they fought against it so fiercely that they stormed the city almost before the eyes of the army that came to save it; and the fury and the cruelty of the Moslems towards the inhabitants of the city were like the fury and cruelty of raging tigers. It was manifest that God's chastisement was sure to follow such excesses; and fortune thereupon turned her back upon the Moslems.

Near the river Owar [Loire], the two great hosts of the two languages and the two creeds were set in array against each other. The hearts of Abderrahman, his captains and his men were filled with wrath and pride, and they were the first to begin to fight. The Moslem horsemen dashed fierce and frequent

[1] The leader of the Muslims of Spain and commander of the army.
[2] The Latin word for "Charles" is *Carolus* and in the Frankish language was *Caldus*.

forward against the battalions of the Franks, who resisted manfully, and many fell dead on either side, until the going down of the sun. Night parted the two armies: but in the grey of the morning the Moslems returned to the battle. Their cavaliers had soon hewn their way into the center of the Christian host. But many of the Moslems were fearful for the safety of the spoil which they had stored in their tents, and a false cry arose in their ranks that some of the enemy were plundering the camp; whereupon several squadrons of the Moslem horsemen rode off to protect their tents. But it seemed as if they fled; and all the host was troubled. And while Abderrahman strove to check their tumult, and to lead them back to battle, the warriors of the Franks came around him, and he was pierced through with many spears, so that he died. Then all the host fled before the enemy, and many died in the flight. . . .

11. Capitulary of Charlemagne (802)

Charlemagne, or Charles the Great (742-814), united most of Europe together into the first empire since the time of the Romans. His Carolingian Empire (from the Latin word for Charles – Carolus*) is regarded as the first truly European empire, combining Roman, Germanic and Christian cultures. Charlemagne saw the old Roman empire as a model to be followed and consciously copied. Since one of Rome's greatest contributions was its code of laws, best exemplified by Justinian's Code, Charlemagne sought to be a lawgiver. The following document contains excerpts from one of his capitularies, a collection of laws and ordinances. It gives us an idea of the problems his empire faced and how the emperor tried to solve them.*

1) What role do oaths play in Charlemagne's empire?
2) What evidence do you see in these laws that Christianity is important in the empire?
3) What expectations does the emperor have of his clergy?
4) What does he expect from his noble lords, royal officials and judges?

[From E.F. Henderson, ed., Select Historical Documents of the Middle Ages (London, 1903), pp. 190-198.]

2. Concerning the fealty[1] to be promised to the Lord Emperor. And he ordained that every man in his whole kingdom -- ecclesiastic or layman, each according to his vow and calling -- who had previously promised fealty to him as king should now make this promise to him as emperor; and that those who had hitherto not made this promise should all, down to those under 12 years of age, do likewise. And he ordained that it should be publicly told to all -- so that each one should understand it -- what important things and how many things are comprehended in that oath: not alone, as many have hitherto believed, fidelity to the emperor as regards his life, or the not introducing an enemy into his kingdom for a hostile purpose, or the not consenting to the infidelity of another, or the not keeping silent about it. But all should know that the oath comprises in itself the following meaning:

3. Firstly, that every one of his own accord should strive, according to his intelligence and strength, wholly to keep himself in the holy service of God according to the precept of God and to his own promise -- inasmuch as the emperor cannot exhibit the necessary care and discipline to each man singly. . . .

5. That no one shall presume through fraud to plunder or do any injury to the holy churches of God, or to widows, orphans or strangers; for the emperor himself, after God and his saints, has been constituted their protector and defender. . . .

[1] *Fealty* was loyalty which one swore to a lord by means of an oath.

7. That no one shall presume to neglect a summons to arms of the emperor; and that no count be so presumptuous as to dare to release out of regard for any relationship, or on account of flattery or of any one's gift -- any one of those who owe military service. . . .

10. That bishops and priests should live according to the canons[2] and should teach others to do likewise.

11. That bishops, abbots and abbesses, who are placed in power over others, should strive to surpass in veneration and diligence those subject to them; that they should not oppress them with severe and tyrannous rule, but should carefully guard the flock committed to them, with simple love, with mercy and charity, and by the example of good works.

12. That abbots should live where the monks are, and wholly with the monks, according to the rule[3]; and that they should diligently teach and observe the canons; and that abbesses shall do the same. . . .

17. That the monks, moreover, shall live firmly and strictly according to the rule; since we know that whoever is lukewarm in carrying out His will, is displeasing to God. . . They shall on no account take upon themselves secular occupations. They shall not be permitted to go outside of the monastery unless great necessity compels them; and the bishop in whose diocese they are shall take great care that they do not gain the habit of wandering round outside of the monastery….

22. The secular clergy[4], moreover, ought to lead a completely canonical life, and be educated in the episcopal palace[5], or also in a monastery, with all diligence according to the discipline of the canons. They shall by no means be permitted to wander at large, but shall live altogether apart, not given to disgraceful gain, not fornicators, not thieves, not homicides, not ropers, not quarrelsome, not wrathful, not proud, not drunken; but chaste in heart and body, humble, modest, sober, merciful, peaceful. . . .

25. That counts and centenars[6] shall see to it that justice is done in full; and they shall have younger men in their service in whom they can securely trust, who will faithfully observe law and justice, and by no means oppress the poor; who will not, under any pretext, induced by reward or flattery, dare to conceal thieves, robbers, or murderers, adulterers, magicians and wizards or witches, or any godless men, but will rather give them up that they may be bettered and chastised by the law: so that, God permitting, all these evils may be removed from the Christian people.

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[2] Church laws were known as *canons*.
[3] Monks were supposed to live according to the Rule of St. Benedict.
[4] *Secular clergy* were those clergymen who worked with lay people. They included priests, bishops and archbishops.
[5] The palace of a bishop.
[6] a royal official

26. That judges shall judge justly, according to the written law, and not according to their own judgment.

27. We decree that throughout our whole realm that no one shall dare to deny hospitality to the rich, or to the poor, or to pilgrims: that is, no one shall refuse shelter and fire and water to pilgrims going through the land in God's service. . . .

32. With every kind of protestation we command that men leave off and shun murders, through which many of the Christian people perish. If God forbids hatred and enmity to his followers much more does he forbid murders.

12. General Capitulary about the *Missi* (802)

Charlemagne kept watch over his extensive empire by employing men known as the missi dominici *(envoys of the lord) who were sent into the various counties to make sure justice was carried out and order was kept. They had a wide range of powers, including propagating imperial laws, leading troops into battle, overseeing the running of churches and monasteries, and acting as Charlemagne's eyes and ears across his vast empire. The* missi *were assigned to regions in pairs, one layman and one churchman, and they were moved to a different region every few years so they could not build up ties with the local nobles. Killing one brought about a punishment of death or a triple wergeld payment.*

Please read the following document and answer these questions.

1) *What kind of men became missi dominici?*
2) *What duties did they have in the counties?*
3) *What challenges might they encounter?*

[From Oliver J. Thatcher & Edgar H. McNeal, eds., *A source book for medieval history* (New York: Charles Scribner's Sons, 1905), pp. 49-50.]

Concerning the representatives sent out by the emperor. The most serene and Christian emperor [Charlemagne], chose certain of the ablest and wisest men among his nobles, archbishops, bishops, abbots and pious laymen, and sent them out though his realm, and through these, his representatives, he gave his people rules to guide them in living justly. He ordered these men to investigate and to report to him any inequality or injustice that might appear in the law as then constituted, that he might undertake its correction. He ordered that no one should dare to change the prescribed law by any trickery or fraud, or to pervert the course of justice for his own ends, as many were wont to do, or to deal unjustly with the churches of God, with the poor or the widows and orphans, or with any Christian man. But he commanded all men to live righteously according to the precepts of God, and to remain each in his own station and calling; the regular clergy to observe the rules of monastic life without thought of gain, nuns to keep diligent watch over their lives, laymen to keep the law justly without fraud, and all, finally, to live together in perfect peace and charity.

And he ordered his *missi*, as they desired to win the favor of Almighty God and keep the faith which they had promised him, to inquire diligently into every case where any man complained that he had been dealt with unjustly by anyone, and in the fear of God to render justice to all, to the holy churches of God, to the poor, to widows and orphans, and to the whole people. And if any case arises which they cannot correct and bring to justice with the aid of the local counts, they are to make a clear report of it to the emperor. They are not to be hindered in the doing of justice by the flattery or bribery of anyone, by their partiality for their own friends, or by the fear of powerful men.

Week Five Readings

(The Carolingian Empire: Part II)

13. Annals of Xanten (845-846)

We have few written sources for the early middle ages (500-1000), which is one reason why this period is known as the European "dark ages." However, one type of record, called a ***chronicle*** *or* ***annals****, gives us tantalizing glimpses of the troubles which Europeans were experiencing as the Carolingian empire crumbled. Chronicles were books which recorded only the most significant events of a year, usually just one or two examples. The Abbey Church of Xanten, a town by the mouth of the Rhine river, kept one such chronicle.*

1) What were the big events of the years 845 and 846?
2) How did the leaders of society deal with the problems?
3) How effective were they? Did the monk who kept this chronicle approve of their strategy?

[From the Medieval Sourcebook, Fordham University at
http://www.fordham.edu/halsall/source/xanten1.html]

845 In the same year the heathen[1] broke in upon the Christians at many points, but more than twelve thousand of them were killed by the Frisians.[2] Another party of invaders devastated Gaul;[3] of these more than six hundred men perished. Yet owing to his indolence, Charles [the Bald, the rule of France] agreed to give them many thousands of pounds of gold and silver if they would leave Gaul, and this they did. Nevertheless the cloisters[4] of the most of the saints were destroyed, and many of the Christians were led away captive.

846 According to their custom the Northmen plundered eastern and western Frisia and burned down the town of Dordrecht, with two other villages, before the eyes of Lothair [The Emperor],[5] who was then in the castle of Nimwegen, but could not punish the crime. The Northmen, with their boats filled with immense booty, including both men and goods, returned to their own country.

At this same time, as no one can mention or hear without great sadness, the mother of all the churches, the basilica of the apostle Peter [in Rome], was taken and plundered by the Moors, or Saracens, who had already occupied the region of Beneventum. The Saracens, moreover, slaughtered all the Christians whom they found outside the walls of Rome, either within or without this church. They also carried men and women away prisoners. They tore down, among many others, the altar of the blessed Peter, and their crimes from day to day bring sorrow to Christians. Pope Sergius departed life this year.

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[1] Vikings.
[2] Frisia was the region made up today by the Netherlands.
[3] Gaul was the Roman name of the region which became France.
[4] *Cloisters* were the covered walkways built into most monasteries so monks could get exercise even on rainy days. The term *cloister* came to be another term for a monastery or abbey.
[5] Charles the Bald and Lothair were two of the three grandsons of Charlemagne.

Week Six Readings

(Feudalism and Manorialism)

14. Dudo of San Quentin & William of Jumieges, *The Chronicle of St. Denis* (912)

The Viking invaders of the ninth and tenth centuries, called Northmen, waged war against the peoples of Europe because of population and political pressures in their own Scandinavian and Danish lands. Some Vikings were looking only for loot, while others wanted lands of their own to settle. One Viking leader, Rollo was raised in Denmark until he and his followers were expelled by its king. Rollo began to ravage the lands of the Angles (in what is today England) and the Franks (in what is today France), and his warriors were so fierce in battle that their opponents could not drive them away. Finally, in desperation, the king of the Franks, Charles the Simple, bought Rollo off and coopted him into the power structure of tenth century Francia. He offered to make Rollo a duke and give him the lands he had been attacking, as well as the hand of his daughter Gisela in marriage. Rollo accepted and became the count of Normandy (literally, the "land of the Northmen"). His descendants would conquer England in 1066 and become its kings.

In 911 Rollo and his men may have become part of the leadership of Francia, but that did not mean that they understood or respected its culture and traditions. However, they did realize that they needed to adapt to the customs of their new land or else risk a return to the endless fighting they had earlier endured. In the selection below we can see Rollo and his followers trying to adapt to the feudal system which was emerging at this time.

1) Why was the ceremony of kissing the king's foot so important for the Franks?
2) What do you think it symbolized?
3) What changes do Rollo and his men have to make in terms of religion?
4) Why would the Franks have insisted on this?
5) What does Rollo then do in his new lands? Is he acting like a "Northman" or a European by the end of this selection?

[From Frederic Austin Ogg, ed., *A Source Book of Mediaeval History: Documents Illustrative of European Life and Institutions from the German Invasions to the Renaissance* (New York, 1907, reprinted by Cooper Square Publishers (New York), 1972), 165-173.]

The king had at first wished to give to Rollo the province of Flanders, but the Norman rejected it as being too marshy. Rollo refused to kiss the foot of Charles when he received from him the duchy of Normandy. "He who receives such a gift," said the bishops to him, "ought to kiss the foot of the king." "Never," replied he, "will I bend the knee to anyone, or kiss anybody's foot." Nevertheless, impelled by the entreaties of the Franks, he ordered one of his warriors to perform the act in his stead. This man seized the foot of the king and lifted it to his lips, kissing it without bending and so causing the king to tumble over backwards. At that there was a loud burst of laughter and a great commotion in the crowd of onlookers. King Charles, Robert, Duke of the Franks, the counts and magnates, and the bishops and abbots, bound themselves by the oath of the Catholic faith to Rollo, swearing by their lives and their

bodies and by the honor of all the kingdom, that he might hold the land and transmit it to his heirs from generation to generation throughout all time to come. When these things had been satisfactorily performed, the king returned in good spirits into his dominion, and Rollo with Duke Robert set out for Rouen.

In the year of our Lord 912 Rollo was baptized in holy water in the name of the sacred Trinity by Franco, archbishop of Rouen. Duke Robert, who was his godfather, gave to him his name. Rollo devotedly honored God and the Holy Church with his gifts. . . . The pagans, seeing that their chieftain had become a Christian, abandoned their idols, received the name of Christ, and with one accord desired to be baptized. Meanwhile, the Norman duke made ready for a splendid wedding and married the daughter of the king [Gisela] according to Christian rites.

Rollo gave assurance of security to all those who wished to dwell in his country. The land he divided among his followers, and, as it had been a long time unused, he improved it by the construction of new buildings. It was peopled by the Norman warriors and by immigrants from outside regions. The duke established for his subjects certain inviolable rights and laws, confirmed and published by the will of the leading men, and he compelled all his people to live peaceably together. He rebuilt the churches, which had been entirely ruined; he restored the temples, which had been destroyed by the ravages of the pagans; he repaired and added to the walls and fortifications of the cities; he subdued the Britons who rebelled against him; and with the provisions obtained from them he supplied all the country that had been granted to him.

15. Homage and Fealty to the Count of Flanders (1127)

The upheavals caused by the invasions of the ninth and tenth centuries helped spur developments in certain institutions which had first appeared in the early middle ages. For example, the concept of ***vassalage*** *had been around since the time of Charlemagne, who had demanded that his noble subjects swear oaths of* ***fealty*** *(meaning "loyalty") to their superiors, from the lowest soldier to the greatest counts. However, over the years as the Vikings, Saracens and Magyars invaded Europe, lords bound their vassals to them with a combination of an oath and a gift of land, called a* ***fief*** *– in Latin* feodum. *The fief consisted of enough land, and the peasants to work it, to support one knight, so he could train as a warrior. One of the most important ceremonies in the High Middle Ages was the homage ceremony in which a vassal publicly swore fealty to his lord. The ceremony as performed at the court of Charles, Count of Flanders is described below.*

1) What symbolism do you see in this ceremony?
2) What role do oaths play in the ceremony?
3) Why did the count require oaths from his vassals?

[From From E.P. Cheyney, D.C. Munro, & J.H. Robinson, eds., *Translations and Reprints from the Original Sources of European History*, v.4, no.3. Philadelphia, Pennsylvania: University of Pennsylvania, Department of History, 1907), p. 18.]

Through the whole remaining part of the day those who had been previously enfeoffed[1] by the most pious count Charles, did homage to the count, taking up now again their fiefs and offices and whatever they had before rightfully and legitimately obtained. On Thursday the seventh of April, homages were again made to the count being completed in the following order of faith and security.

First they did their homage thus, the count asked if he was willing to become completely his man, and the other replied, "I am willing"; and with clasped hands, surrounded by the hands of the count, they were bound together by a kiss. Secondly, he who had done homage gave his fealty to the representative of the count in these words, "I promise on my faith that I will in future be faithful to count William, and will observe my homage to him completely against all persons in good faith and without deceit," and thirdly, he took his oath to this upon the relics of the saints. Afterward, with a little rod which the count held in his hand, he gave investitures[2] to all who by this agreement had given their security and homage and accompanying oath.

[1] To be *enfoeffed* meant to be given a fief.
[2] *Investiture* formally gave a vassal title to his fief or office. The vassal was said to be invested in the fief.

16. Grant of Abbot Faritius to Robert, a Knight

*A lord expected loyalty and various obligations, known as **knight's service**, from his vassal after the homage ceremony. And that lord might be an ecclesiastical lord, such as a bishop or an abbot. Like any lay lord they also held land from a king and owed loyalty and knight's service. Since they could not do the service themselves, ecclesiastical lords had to find fighting men to fulfill their obligations, and these men demanded a **grant** of land in return for their service. Grants were made in the form of a feudal contract which stated exactly what each side got from the relationship. One such contract follows below.*

1) According to the grant, what makes up "knight's service"?
2) Why would the abbot not have been able to fulfill this service on his own?
3) What does the vassal get according to this grant?

[From E.P. Cheyney, D.C. Munro, & J.H. Robinson, eds., *Translations and Reprints from the Original Sources of European History*, v.4, no.3. Philadelphia, Pennsylvania: University of Pennsylvania, Department of History, 1907), p.29.]

Abbot Faritius also granted to Robert, son of William Mauduit, the land of four hides[1] in Weston which his father had held[2] from the former's predecessor, to be held as a fief. And he should do this service for it, to wit[3]: that whenever the church of Abingdon should perform its knight's service he should do the service of half a knight[4] for the same church; that it to say, in castle ward,[5] in military service beyond and on this side of the sea, in giving money in proportion to the knights on the capture of the king,[6] and in the rest of the services which the other knights of the church perform. He also does homage to the same abbot.

[1] A *hide* was a unit of land equal to 120 acres.

[2] In the feudal system all land was technically owned by the monarch. When a vassal received a grant of land, he did not own it; rather he "held" it as long as he and his heirs lived up to their feudal obligations. In practice, however, vassals thought of their fiefs as being "theirs" and fought tenaciously to keep the land in their family.

[3] namely

[4] Service could be divided between multiple fighting men who did service at different times of the year.

[5] *Castle ward* meant guarding a castle.

[6] A knight was expected to help ransom his lord if he was captured in battle.

17. Laws of William the Conqueror (1066-1087)

The bond between a vassal and his lord was often a close one, based on trust. It was more than likely that the two had fought side-by-side on the battlefield. However, when a vassal died and his heir took over the fief, the lord had to deal with an unknown quantity. By law the heir could renew the feudal contract and retain the fief by paying to his lord some military equipment or a sum of money. This payment was known as a **relief**. *Under William the Conqueror, a particularly avaricious king of England, the amount of relief depended largely on the social status of the heir. William's vassals frequently groaned under the weight of his demands for money. The following selection is from* The Laws of William the Conqueror *in a twelfth century compilation.*

1) Why do you think the relief is paid in horses?
2) What evidence of hierarchy do you see in this document?
3) Why might William's vassals dislike this system of inheritance taxes?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 7.]

The relief of an earl, which comes to the king, is eight horses, of which four shall have saddles and bridles, and along with them four breastplates, four helmets, four lances, four shields, and four swords; and the other four horses are to be riding horses or hunting horses, with bridles and coverings.

The relief of a baron is four horses, of which two are to have saddles and bridles, and with them two breastplates, two shields, two helmets, two lances, and two swords; and of the other two horses one shall be a riding horse, the other a hunter, with bridles and coverings.

The relief of a vassal, which comes to his liege lord,[1] is the horse of his father, such as he had it on the day of his death, and a breastplate, helmet, shield, lance and sword. If perchance he did not have these, he shall be able to acquit himself of it[2] by paying a hundred shillings.[3]

[1] Vassals might accept fiefs from (and thus swear loyalty to) a number of different lords. The *liege lord* was that lord to whom the vassal owed primary loyalty and service. He absolutely could not fight against or injure his liege lord.
[2] make substitution
[3] A *shilling* was a small silver coin. There were twelve copper pennies to a shilling and twenty shillings to a pound sterling.

18. Raymond, Count of Toulouse (1249)

Central to the system of feudalism was the **feudal contract** *which was drawn up between a lord and a vassal. These were true legal contracts with each side getting some benefit and having certain responsibilities. Failure to uphold one's side of the bargain could cause the feudal contract to be rendered null and void by the injured party, be he the lord or the vassal. This document from France in the thirteenth century involves two noblemen, Raymond, the Count of Toulouse, and Arnold Atton, Viscount of Lomagne. There has been a dispute, and in this letter the lord is informing his vassal of the consequences. These kinds of disagreements between lord and vassal occurred in other European countries too.*

Please read the following selection and answer these questions.

1) Who is the lord and who is the vassal?
2) Why is the contract is being dissolved.
3) According to the letter, who is at fault?
4) How has the guilty party broken the contract?
5) How is the matter being resolved? What important concept does this illustrate?

[From Frederic Austin Ogg, ed., *A Source Book of Mediaeval History: Documents Illustrative of European Life and Institutions from the German Invasions to the Renaissance* (New York, 1907, reprinted by Cooper Square Publishers (New York), 1972), pp. 227-228.]

Raymond, by the grace of God count of Toulouse, marquis of Provence,[1] to the nobleman Arnold Atton, viscount of Lomagne, greeting:

Let it be known to your nobility by the tenor of these presents what has been done in the matter of the complaints which we have made about you before the court of Agen;[2] that you have not taken the trouble to keep or fulfill the agreements sworn by you to us, as is more fully contained in the instrument[3] drawn up there, sealed with our seal by the public notary; and that you have refused contemptuously to appear before the said court for the purpose of doing justice, and you have been frequently and grossly delinquent toward us in other matters. As your faults have required, the aforesaid court of Agen has unanimously and concordantly pronounced sentence against you, and for these matters have condemned you to hand over and restore to us the chateau[4] of Auvillars and all that land which you hold from us in feudal tenure to be had and held by us by right of the obligation by which you have bound it to us for fulfilling and keeping the said agreements.

[1] Both Toulouse and Provence are regions in southern France. In the hierarchy of rank in France a count outranked a marquis who in turn outranked a viscount.
[2] This was the feudal court of the count of Toulouse.
[3] The *instrument* was a separate document enclosed with Raymond's letter.
[4] A *chateau* was a walled manor house.

Likewise it has been declared that we are to be put into possession of the said land and that it is to be handed over to us, on account of your insolence, because you have not been willingly to appear before the same court on the days which were assigned to you. Moreover, it has been declared that you shall restore to us all the expenses which we have incurred, or the court itself has incurred, on those days which were assigned to you, or because of those days, and has condemned you to repay these to us. Likewise it has been declared that you shall set free that noble man Gerald of Armanhow whom you hold captive and send him a free man, to us. We demand that you free him by virtue of our right of lordship.

19. Alwalton Manor, Huntingdonshire, England (1279)

The feudal contract provided land -- the **fief** *-- to a vassal in return for loyalty and military service. This fief usually consisted of one or more* **manors**, *which may be thought of as villages where peasants lived and worked their own and their lord's fields. The lord lived in his manor house, which was usually fortified. Since the manor provided the income for a lord, his* **bailiff** *or steward carefully noted the manor's extent, the labor and economic obligations of the peasants and the production level of the agricultural goods, but it was not until the late twelfth and thirteenth centuries that this information was written down. The obligations of the peasants could be quite extensive, as can be seen in this document.*

1) What kinds of obligations do different kinds of peasants owe to their manorial lord?
2) What kind of hierarchy do you see among peasants?
3) What is inferior or superior status based on?

[From E.P. Cheyney, D.C. Munro, & J.H. Robinson, eds., *Translations and Reprints from the Original Sources of European History*, v.3, no.5 (Philadelphia, Pennsylvania: University of Pennsylvania, Department of History, 1907), pp. 4-6.]

The abbot of Peterborough holds[1] the manor of Alwalton and vill[age] from the lord king directly; which manor and vill with its appurtenances the lord Edward, formerly king of England gave to the said abbot and convent of that place in free, pure, and perpetual alms.[2] And the court of the said manor with its garden contains one half an acre. And to the whole of the said vill Alwalton belongs 5 hides and a half and 1 virgate[3] of land and a half; of which each hide contains 5 virgates of land and each virgate contains 25 acres. Of these hides the said abbot has in demesne 1 hide and a half of land and half a virgate which contain as above. Likewise he has there 8 acres of meadow. Also he has there separable pasture which contains 1 acre. Likewise he has there three water mills. Likewise he has there a common fish pond with a fish-weir[4] on the bank of the Nene, which begins at Wildlake and extends to the mill of Newton and contains in length 2 leagues.[5] Likewise he has there a ferry with a boat.

Free tenants. Thomas le Boteler holds a messuage with a court yard which contains 1 rood,[6] and 3 acres of land, by charter, paying thence yearly to the said abbot 14*s* [shillings].

Villeins. Hugh Miller holds 1 virgate of land in villeinage by paying thence to the said abbot 3s. 1d [pence]. Likewise the same Hugh works through the whole year except 1 week at Christmas, 1 week at

1 In theory all land belonged to the king, so vassals did not own it. Instead they "held" it.
2 This land required no rent or tax, except for prayers for the souls of the giver.
3 *Hides* and *virgates* were units of land.
4 A *fish-weir* was a trap set to collect fish in a stream, pond or river.
5 A *league* was about 2-1/2 miles.
6 A *messuage* was a house and all of its outbuildings. A *rood* was a unit of land equal to about a quarter of an acre.

Easter, and 1 at Whitsuntide, that is in each week 3 days, each with 1 man, and in autumn each day with 2 men, performing the said works at the will of the said abbot as in plowing and other work. Likewise he gives 1 bushel of wheat for benseed and 18 sheeves of oats for fodder-corn.[7] Likewise he gives 3 hens and 1 cock yearly and 5 eggs at Easter.

Likewise he does carrying[8] to Peterborough and to Jakele and no where else, at the will of the said abbot. Likewise if he sells a brood mare in his court yard for 10s. or more, he shall give nothing to the aforesaid. He gives also merchet and heriot, and is tallaged[9] at the feast of of St. Michael, at the will of the said abbot.

There are also 17 other villeins. . . each of whom holds 1 virgate of land in villeinage, paying and doing in all things, each for himself, to the said abbot yearly just as the said Hugh Miller. There are also 5 other villeins. . . each of whom holds half a virgate of land by paying and doing in all things half of the whole service which Hugh Miller pays and does.[10]

Cotters. Henry, son of the miller, holds a cottage with a croft which contains 1 rood, paying thence yearly to the said abbot 2s. Likewise at the will of the said abbot, each day with 1 man and in the autumn 1 day in cutting grain with 1 man.

7 *Fodder* was food fed to livestock. *Corn* was a generic term for grain. It did not mean corn-on-the-cob.
8 *Carrying* meant transportation by horse, wagon or cart.
9 *Merchet*, *heriot* and *tallage* were all specialized taxes which peasants had to pay. Merchet was a fine paid to the lord on the occasion of the marriage of a peasant's daughter. Heriot was an inheritance tax. Tallage was a land tax.
10 This refers to serfs known as half-villeins, since they hold half the land and owe half the normal obligations.

Week Seven Readings

(The Rise of Towns – Part I)

20. Aix-la-Chapelle Fair Charter (1166)

*As populations grew during the High Middle Ages, so too did economic activity. Royal, noble and ecclesiatical rulers began to issue **charters**, written contracts, for the holding of great fairs in order to take their share of the cash money which was reappearing and to keep order in their lands during the times of a fair. This charter shows two general things: first, the growing cooperation between merchants and princes; and secondly, the way merchants sought economic and legal privileges, known as **liberties**, which would promote business and commerce. As you read this document, try to understand what each side gets in this charter.*

1) Why would merchants want to attend fairs?

2) Why would the lord of a region want fairs to be held in his lands?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), pp. 21-22.]

In the name of the holy and indivisible Trinity, Frederick [Barbarossa][1] by the favor of divine clemency, Emperor Augustus of the Romans. We have. . . decreed that there should be held twice a year the solemn and universal fairs of Aix-la-Chapelle. And this we have done on the advice of the merchants. Moreover, we have preserved the rights of neighboring cities, so that these fairs may not only not be a hindrance to their fairs, but may rather increase their profits.

And so, on the advice of our nobles, we have given this liberty to all merchants -- that they may be quit and free[2] of all toll throughout the year at these fairs in this royal place, and may buy and sell goods freely, just as they wish.

No merchant, nor any other person, may take a merchant to court for the payment of any debt during these fairs, nor take him there for any business that was conducted before the fairs began; but if anything be done amiss during the fairs, let it be made good according to justice during the fairs.

Moreover, the first fair shall begin on Quadragesima Sunday, which is six weeks before Easter,[3] and it shall last for fifteen days. The second fair shall begin eight days before the feast of St. Michael [September 29] and shall continue for eight days after that feast. And all people coming to, staying at, or going from the fairs shall have peace for their persons and goods.

And lest the frequent changing of coins, which are sometimes light and sometimes heavy, should redound to the hurt of so glorious a place at any time in the future, on the advice of our court, we have

[1] Frederick Barbarossa ("Red Beard") was the Holy Roman Emperor, the ruler of the German speaking lands of central Europe.

[2] To be *quit and free* of a toll or fee meant that one did not have to pay it.

[3] In the Middle Ages dates were often denoted by the religious feast days they fell on rather than by the month and day.

ordered money to be struck there of the same purity, weight, and form, and in the same quantity, and to be kept to the same standard. Twenty-four solidi shall be struck from a mark,[4] always having the value of twelve solidi of Cologne, so that twelve Cologne solidi may always be made from twenty four of these solidi. . . .

And because the taking and exchanging of money, other than the money of Aix-la-Chapelle, has been condemned by an unjust law, we have decreed to the contrary, that all money shall be current in our city according to its quality, and it shall be accepted by everyone according to what it has been declared to be worth.

Moreover, we grant and confirm to the merchants of that city that they may have a mint and a house for exchanging their silver and money whenever they decide to go away on business.
Whoever out of boldness decides to oppose our decree, or by temerity to break it, shall be in our mercy and will pay a hundred pounds of gold to our court.

And in order that all things we have decreed may be accepted as genuine and be faithfully observed we have ordered this charter to be written and to be sealed by the impression of our seal.

[4] A *mark* was a gold coin, while a *solidus* was a smaller silver one.

21. Ipswich Town Charter (1200)

The High Middle Ages (1000-1300) saw a tremendous expansion of commercial activities across Europe. The end of the Viking and Saracen invasions brought a measure of peace and stability. Towns, known as ***boroughs*** *in England, began to grow in population. The merchants and craftsmen who lived there were called* ***burgesses****. Merchants were bringing new and costly luxury items, such as spices, silks and medicinal drugs, from the Near East and North Africa into Europe, and affluent families desired them greatly. Many noblemen were anxious to get their hands on cash in order to buy these luxuries, because merchants did not accept produce or livestock from buyers. Towns were situated on manorial land. The lords of these lands expected to exercise their power and authority over them and receive their customary services from the townspeople or be compensated for their loss. Since the standard labor obligations, which we saw in Document #18 (Alwalton Manor), would have seriously hampered the commercial activities of the burgesses, and because manorial courts were not held frequently enough to meet the needs of a town, the townspeople sought certain freedoms, called liberties. They usually paid a lump sum of money for these privileges, which were legally confirmed by a charter, such as this one issued by King John of England. Remember that both sides get benefits from an agreement which is confirmed by a charter.*

1) What benefits does the king get from issuing this charter?
2) What liberties (privileges) did merchants receive from this charter?
3) Which of these liberties seem to be particularly important? Why?
4) What does King John give up in order to get his benefits?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments,* 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 22-23.]

[1] John, by the grace of God king, etc. Know that we have granted and by our present charter have confirmed to our burgesses of Ipswich our borough of Ipswich,[1] with all appurtenances and with all its liberties and free customs, to be held of us and our heirs by them and their heirs in hereditary right, paying to our exchequer every year at Michaelmas term, by the hand of the reeve of Ipswich, the just and accustomed farm[2] and, at the same time, the increment of 100s. sterling . . . that they used to pay.

[2] We have also granted that all burgesses of Ipswich are to be quit of toll, stallage,[3] lastage, pontage, and all other customs throughout all our land and throughout the ports of the sea.

[1] A *borough* was originally a fortified town but became a town with rights of self-government granted by a royal charter, such as this document. An inhabitant of a borough was known as a burgher or a burgess.
[2] The *farm* was a fixed annual sum of money collected by the citizens themselves, a kind of tax, in order to insure political independence and economic privileges.
[3] *Stallage, lastage* and *pontage* were taxes collected respectively for the liberty to erect a booth (stall) in a fair or a market, to attend fairs or markets, and to use a bridge.

[3] We have granted to them that, with the exception of our officials, none of them shall be impleaded in any plea outside the borough of Ipswich, save only in pleas concerning foreign tenures.[4]

[4] And that they shall have their gild merchant.[5]

[5] That no one shall be lodged or shall take anything by force within the borough of Ipswich.

[6] That they shall justly have their lands and their pledges and all their debts, by whomsoever owed;

[7] That, with regard to their lands and tenures inside the borough of Ipswich, justice shall be assured them according to the custom of the borough of Ipswich and of our free boroughs.

[8] That, with regard to their debts established at Ipswich and their pledges made in the same place, the pleas shall be held at Ipswich; and that none of them shall be adjudged in mercy with respect to his chattells except according to the law of our free boroughs.[6]

[9] We also forbid any one in all our land, on pain of £10 forfeiture to us, to exact toll, stallage, or any other custom from the men of Ipswich.

[10] Wherefore we will and straightly command that the aforesaid burgesses shall have and hold the aforesaid liberties and free customs well and in peace, as they have been and are best and most freely enjoyed by the other burgesses of our free boroughs in England saving in all things to our citizens of London their liberties and free customs.

[11] Furthermore, we will and grant that our said burgesses, by the common counsel of their town, shall elect two of the more lawful and discreet men of their town and present them to our chief justice at our exchequer[7]; which men shall well and faithfully keep the reeveship[8] of our aforesaid borough of Ipswich. And so long as they well conduct themselves in that office, they shall not be removed except by the common counsel of the aforesaid burgesses.

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[4] A *plea* was a court case. To be *impleaded* meant to be taken to court. Citizens suspected of a crime could only be tried in an Ipswich court.

[5] The *gild merchant* was the original combination of merchants and craftsmen in a guild which governed the town. In the thirteenth century, separate guilds of craftsmen and merchants were created. The new merchant guild members gradually forced the craftsmen to the lower rungs of town government.

[6] To *be adjudged in mercy* meant to be fined. *Chattells* were one's movable property. Property could not be taken by a court unless by the laws of Ipswich.

[7] The *exchequer* was the king's treasury. It both collected taxes and kept accounts of all monies owed to the king.

[8] A lord's manorial lands were usually under the oversight of an official called a *bailiff* or a *reeve*. These men kept order and frequently acted as judges at the manorial courts. When towns were formed on manorial land, certain burgesses had to take over the responsibilities of the reeve. They were responsible for maintaining law and order in the town. Our modern word "sheriff" descends from this word.

[12] We also will that in the same borough, by the common counsel of the aforesaid burgesses, four of the more lawful and discreet men of the borough shall be elected to keep the pleas of the crown9 and other matters that pertain to us and to our crown in the same borough, and to see that the reeves of that borough justly treat both rich and poor.

9 To act as judges in the municipal courts.

Week Eight Readings

(The Rise of Towns – Part II)

22. The King's Command to Boutham

Environmental pollution is not new to the twenty-first century. Medieval cities and towns had their own problems with filthy living conditions. This excerpt is taken from an order sent by the king of England to the town of Boutham. It demands that the town rectify its pitiful physical conditions. The bailiffs mentioned here were officials of a lord who oversaw the running of a town. They kept the peace, arrested criminals, collected tolls, fees and taxes and performed whatever other tasks needed for the proper running of the town.

1) What serious problems does the town have?
2) What does the king order be done about them?
3) Why do you think the king bothered to get involved in these matters?

[From Jackson Spielvogel, *Western Civilization*, 3rd ed. (St. Paul, Minnesota: West Publishing, 1997) 316.]

To the bailiffs of the abbot of St. Mary's, York, at Boutham. Whereas it is sufficiently evident that the pavement of the said town of Boutham is so very greatly broke up that all and singular passing and going through that town sustain immoderate damages and grievances, and in addition the air is so corrupted and infected by the pigsties situated in the king's highways and in the lanes of that town and by the swine feeding and frequently wandering about in the streets and lanes and by dung and dunghills and many other foul things placed in the streets and lanes, that great repugnance overtakes the king's ministers staying in that town and also others there dwelling and passing through, the advantage of more wholesome air is impeded; the state of men is grievously injured, and other unbearable inconveniences and many other injuries are known to proceed from such corruption, to the nuisance of the king's ministers aforesaid and of others there dwelling and passing through, and to the peril of their lives. . . the king, being unwilling longer to tolerate such great and unbearable defects there, orders the bailiffs to cause the pavement to be suitably repaired within their liberty1 before [the feast day of] All Saints [November 1] next, and to cause the pigsties, aforesaid streets and lanes to be cleansed from all dung and dunghills, and to cause proclamation to be made throughout their bailiwick2 forbidding any one, under pain of grievous forfeiture, to cause or permit their swine to feed or wander outside his house in the king's streets or the lanes aforesaid.

1 Here *liberty* means the environs of the town, the area where the town has its own special laws and customs, which were called *liberties*.
2 A *bailiwick* was an area of a town under the control of a certain bailiff.

23. Archbishop vs. the People of Cologne (1074)

Medieval towns were the focus of many productive and creative activities, but the towns were also a source of disruptive forces. Remember, many towns had earned a small amount of self-government in exchange for money payments to a local lord. Not every member of the aristocracy favored the changes to the social order brought about by the rising economic and commercial importance of towns. For example, a runaway serf who fled to a town, gained employment and lived there for a year and a day, would become a free man. Many aristocrats regretted the fact that these upstart townspeople were beginning to defend their new rights and privileges, called liberties. Tensions between local lords and the citizens of towns arose for two main reasons: one, the townspeople's wealth and liberties were not customary, meaning that they were not part of either the feudal or manorial systems. Many local knights who were less wealthy than the most prosperous townspeople grew resentful. Two, towns seeking a charter for self-government were often involved in confrontations with their lord, whether lay or ecclesiastical, in order to defend their rights. This document is a case in point. Cologne was a prosperous town in the Holy Roman Empire on the Rhine river. For centuries it had been politically dominated by the Archbishop of Cologne, one of the most senior clergymen in the Empire. But in the eleventh century times were changing.

1) What are the sources of conflict in this document?

2) Why do you think the townspeople respond the way they do?

3) How far are the people of Cologne willing to go to defend their rights?

4) How does the rivalry with the nearby city of Worms influence the actions of the people in Cologne?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 28.]

The archbishop spent Easter in Cologne with his friend, the bishop of Munster, whom he had invited to celebrate this festival with him. When the bishop was ready to go home, the archbishop ordered his servants to get a suitable boat ready for him. They looked all about, and finally found a good boat which belonged to a rich merchant of the city, and demanded it for the archbishop's use. They ordered it to be got ready at once and threw out all the merchandise with which it was loaded. The merchant's servants, who had charge of the boat, resisted, but the archbishop's men threatened them with violence unless they immediately obeyed. The merchant's servants hastily ran to their lord and told him what had happened to the boat, and asked him what they should do.

The merchant had a son who was both bold and strong. He was related to the great families of the city, and because of his character, very popular. He hastily collected his servants and as many of the young men of the city as he could, rushed to the boat, ordered the servants of the archbishop to get out of it,

and violently ejected them from it. The advocate of the city[1] was called in, but his arrival only increased the tumult, and the merchant's son drove him off and put him to flight. The friends of both parties seized their arms and came to their aid, and it looked as if there was going to be a great battle fought in the city. The news of the struggle was carried to the archbishop, who immediately sent men to quell the riot, and being very angry, he threatened the rebellious young men with dire punishment in the next session of the court[2]. . . .

The riot in the city was finally quieted a little, but the young man, who was very angry as well as elated over his first success, kept on making all the disturbance he could. He went about the city making speeches to the people about the harsh government of the archbishop, and accused him of laying unjust burdens on the people, of depriving innocent persons of their property, and of insulting honorable citizens with his violent offensive words. . . .

It was not difficult for him to raise a mob. . . . Besides, they all regarded it as a great and glorious deed on the part of the people of Worms that they had driven out their bishop because he was governing them too rigidly.[3] And since they [the people of Cologne] were more numerous and wealthy than the people of Worms, and had arms, they disliked to have it thought that they were not the equal to the people of Worms in courage, and it seemed to them a disgrace to submit like women to the rule of the archbishop, who was governing them in a tyrannical manner. . . .

[1] One of Cologne's chief civic officials.
[2] Law courts did not meet year round but rather met only at certain times of the year.
[3] Worms was a city about 100 miles south of Cologne on the Rhine River.

24. Ordinances of the White Tawyers (Tanners) (1346)

Guilds were organized to protect the interests of craftspeople in particular trades. They regulated the work environment, quality control, production level and product pricing for the craft. The larger the town or city, the more guilds were represented. London, being the largest city in England, had over 100 different guilds. Not all craft guilds were treated equally. For example, the guilds which dealt in general merchandise, spices, wool and cloth, gold working, furs and clothing, just to name a few trades, were considered to be older and more illustrious than later or more specialized guilds. However, regardless of the status of the guild, all guild members could expect certain things due to their membership.

The following selection is a series of ordinances made for the guild of white tawyers, tanners who specialized in the making of white leather products, such as belts, pouches and other articles of clothing.

1) What kind of behaviors did the guild regulate?
2) What responsibilities did guild members have?
3) What benefits were there to being in a guild?

[From Henry T. Riley, *Memorials of London and London Life in the XIIIth, XIVth, and XVth Centuries* (London, 1868), pp. 232-233.]

[1.] In the first place,--they have ordained that they will find a wax candle, to burn before Our Lady in the Church of All Hallows, near London Wall.[4]

[2.] Also, that each person of the said trade shall put in the box[5] such sum as he shall think fit, in aid of maintaining the said candle.

[3.] Also, if by chance any one of the said trade shall fall into poverty, whether through old age, or because he cannot labor or work, and have nothing with which to help himself; he shall have every week from the said box 7d.[6] for his support, and if he be a man of good repute. And after his decease, if he have a wife, a woman of good repute, she shall have weekly for her support 7d. from the said box, so long as she shall behave herself well, and keep single.

[4.] And that no stranger[7] shall work in the said trade, or keep house [for the same] in the City, if he be not an apprentice. . . .

[4] All guilds showed their good citizenship by contributing good works to their town or city. Here the guild is sponsoring a candle to burn in a church.
[5] This is a reference to the *common box*, a repository for donations for the good of the guild.
[6] English coinage included twelve pennies (or pence) to a shilling and twenty shillings to a pound sterling.
[7] foreigner

[5.] And that no one shall take the serving-man of another to work with him, during his term, unless it be with the permission of his master.

[6.] And if anyone of the said trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him, that so the said work be not lost.

[7.] And if anyone of the trade shall depart this life, and have not wherewithal to be buried, he shall be buried at the expense of their common box; and when any one of the said trade shall die, all those of the said trade shall do to the Vigil,[8] and make offering on the morrow.

[8.] And if any serving-man shall conduct himself in any other manner than properly towards his master, and act rebelliously towards him, no one of the said trade shall set to work, until he shall have made amends before the Mayor and Aldermen. . . .

[9.] And that no one of the said trade shall behave himself the more thoughtlessly, in the way of speaking or acting amiss, by reason of the points aforesaid; and if any one shall do to the contrary thereof, he shall not follow the said trade until he shall have reasonably made amends.

[10.] And if any one of the trade shall do to the contrary of any point of the Ordinances aforesaid, and be convicted thereof by good men of the said trade, he shall pay to the Guildhall of London,[9] the first time 2s., the second time 40d., and the third time half a mark, and the fourth time 10s., and shall forswear the trade.

[11.] Also, that the good folks of the same trade shall once in the year be assembled in a certain place, convenient thereto, there to choose two men of the most loyal and befitting of the same trade, to be overseers of work and all other things touching the trade for that year. . . .

[15.] Also, that no one who has not been an apprentice, and has not finished his term of apprenticeship in the said trade, shall be made free of the same trade[10]; unless it be attested by the overseers for the time being, or by four persons of the same trade, that such person is able, and sufficiently skilled to be made free of the same.

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[8] A vigil was a gathering in a church the night before a funeral in order to keep company with the body of a deceased individual. It was a sign of respect.

[9] The Guildhall was a body of representatives of all the guilds in London. It was also a building where meetings of these representatives met.

[10] To *be made free* meant that one had demonstrated his skill in the craft to the level that he was free to practice it in the city. There was usually a ceremony at which the apprentice received an honor called the *freedom of the city*. This gave him the right to work in that craft for wages.

Week Nine Readings

(The Medieval Church:
Papal Monarchy)

25. Pope Nicholas II, Papal Election Decree (1059)

Before 1059 the Roman Catholic Church did not have a set way of choosing who was to be pope. Upon the death of a pope various important families or political factions fought for their candidate. Sometimes the people of Rome rose up and demanded that a certain favorite clergyman be chosen. At other times the aristocratic families of Rome battled in the streets to bring a family member to the seat of St. Peter. Still other times the Holy Roman Emperor, leader of the German-speaking states and much of northern Italy, appointed his own choices, backed up by the power of his army. As a result, the Church did not have control over the choice of its leader, and many corrupt and licentious men became pope, much to the shame of the Church.

In 1056 the Holy Roman Emperor Henry III, who had appointed three previous popes, died. Pope Nicholas II, with advice from the bishops, archbishops and cardinals of Rome, seized the moment and three years later in 1059, established a new set of rules for choosing the pope. Please read the following selection and answer these questions:

1) Who does Pope Nicholas establish as the electors of the pope?

2) How does he expect to enforce the Church's choice?

3) What does he say will happen to those who disregard the Church's election or try to interfere with the election?

4) How effective do you think these threats might have been at the time this document was written?

[From Ernest F. Henderson, trans., *Select Historical Documents of the Middle Ages* (London: George Bell and Sons, 1910), 361-364. Found in the Internet Medieval Source Book.]

In the name of the Lord God our Savior Jesus Christ, in the year of his incarnation 1059, in the month of April, . . . [the] venerable pontiff[1] [Nicholas II] decreeing by apostolic authority, spoke thus concerning the election of the supreme pontiff:

Ye know, most blessed and beloved fellow bishops and brothers -- nor has it been hidden from the lower members also -- how much adversity this apostolic chair, in which by God's will I serve, did endure at the death of our master and predecessor, [Pope] Stephen of blessed memory: to how many blows, indeed, and frequent wounds it was subjected by the traffickers in simoniacal[2] heresy. . . Wherefore, if it please ye brethren, we ought prudently to take measures for future cases, and to provide for the state of the church hereafter, lest -- which God forbid -- the same evils may revive and prevail. Therefore, strengthened by the authority of our predecessors and of the other holy fathers, we decree and establish.

[1] *Pontiff* was the Latin word for *priest*. The Supreme Pontiff was another name for the Pope.

[2] *Simony* was the religious crime of buying an ecclesiastical office. The name comes from the Acts of the Apostles in the Bible. Simon Magus was a man who tried to buy the power of healing the sick from the apostles but was rebuked for it.

1. That, when the Pontiff of this Roman universal church dies, the cardinal bishops,[3] after first conferring together with most diligent consideration, shall afterwards call in to themselves the cardinal clergy; and then the remaining clergy and the people shall approach and consent to the new election.

2. That -- lest the disease of venality creep in through any excuse whatever -- the men of the church shall be the leaders in carrying on the election of a pope, the others merely followers. . . . But since the apostolic chair is elevated above all the churches of the earth, and thus can have no metropolitan over it, the cardinal bishops perform beyond a doubt the functions of that metropolitan, when, namely, they raise their chosen pope to the apex of apostolic glory.

5. But, if the perversity of depraved and wicked men shall so prevail that a pure, sincere and free election cannot be held in Rome, the cardinal bishops, with the clergy of the church and the catholic laity, may have the right and power, even though few in numbers, of electing a pontiff for the apostolic see wherever it may seem to them most suitable.

6. It is to be clearly understood that if, after an election has been held, a time of war, or the endeavors of any man who is prompted by the spirit of malignity, shall prevent him who has been elected from being enthroned according to custom in the apostolic chair: nevertheless he who has been elected shall, as pope, have authority to rule the Holy Roman church and to have the disposal of all its resources; as we know the blessed Gregory to have done before his consecration.

But if any one, contrary to this our decree promulgated by a synodal[4] vote, shall, through sedition or presumption or any wile, be elected or even ordained and enthroned: by the authority of God and of the holy apostles Peter and Paul he shall be subjected, as Antichrist and invader and destroyer of all Christianity, to a perpetual anathema,[5] being cast out from the threshold of the holy church of God, together with his instigators, favorers and followers. … Whoever shall adhere to him or show any reverence to him, or shall presume in any way to defend him, shall be bound by a like sentence. Whoever, moreover, shall scorn the import of this our decree, and shall attempt contrary to this statute, presumptuously to confound and perturb the Roman church, shall be condemned with a perpetual anathema and excommunication[6] and shall be considered as among the impious who do not rise at the Judgment. He shall feel against him, namely, the wrath of Almighty God, the Father, the Son and the Holy Ghost . . . He shall be removed in wrath, and his sons shall go begging and shall be cast out of their habitations.

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[3] The term *cardinal* comes from the Latin word for *hinge*, and meant a chief or senior bishop. Originally they all came from important churches in and around Rome, and they were to make themselves available to the pope as advisors. During the period after a pope had died and before a new one had been chosen they ran the day-to-day affairs of the Church. Collectively these cardinals formed the College of Cardinals.

[4] A *synod* was a church council.

[5] The term anathema comes from Greek and means "one who is dedicated to evil." It came to mean to be cast out or exiled from a religious community.

[6] Excommunication was the process of being cast out of the Roman Catholic Church and denied access to the holy sacraments, which were necessary for cleansing the soul of sin so one could attain salvation after death.

26. *Dictatus Papae* (1090)

The Church suffered from many problems at the beginning of the High Middle Ages, including ***pluralism*** *(the holding of multiple Church offices),* ***simony*** *(the buying and selling of Church offices), the ignorance of the lesser clergy, and the refusal of many clerics to remain* ***celibate****. Some Church reformers felt that the best way to correct these problems was to give the pope greater powers over both the Church and the secular world. In this way he could enforce solutions upon both clergy and the laity. This became known as the papal monarchy movement, and it resulted in increased friction between the papacy and the kings and emperors of Europe, who were also trying to expand their own power.*

The Dictatus Papae *(Dictates of the Pope) may have been written by Pope Gregory VII, who began a long fight, called the* ***Investiture Controversy****, with the Holy Roman Emperor Henry IV over who had the right to name bishops and invest them with the symbols of their office. Regardless of the true author, these dictates reflect a vision of the papacy which was held by the reformers who supported the papal monarchy movement.*

1) What powers does the pope claim for himself in this document?
2) How might a king or emperor feel about these claimed powers?
3) How could the pope enforce his claims to these powers?

[From Ernest F. Henderson, trans, *Select Historical Documents of the Middle Ages*, (London: George Bell and Sons, 1910), pp. 366-367.]

The Dictates of the Pope

1. That the Roman church was founded by God alone.
2. That the Roman pontiff alone can with right be called universal.
3. That he alone can depose or reinstate bishops.
4. That, among other things, we ought not to remain in the same house with those excommunicated by him.
5. That for him alone is it lawful, according to the needs of the time, to make new laws, to assemble together new congregations, to make an abbey of a canonry; and, on the other hand, to divide a rich bishopric and unite the poor ones.
6. That of the pope alone all princes shall kiss the feet.
7. That it may be permitted to him to depose emperors.
8. That no synod shall be called a general one without his order.
9. That no chapter and no book shall be considered canonical without his authority.
10. That a sentence passed by him may be retracted by no one; and that he himself, alone of all, may retract it.
11. That he himself may be judged by no one.
12. That the Roman church has never erred; nor will it err to all eternity, the Scripture bearing witness.
13. That he may depose and reinstate bishops without assembling a synod.
14. That he may absolve subjects from their fealty to wicked men.

27. Letter from Emperor Henry IV to Pope Gregory VII (1076)

One thing the reformers of the papal monarchy movement wanted was for the Church to gain control over the appointment of bishops throughout Europe. Bishops were not merely ecclesiastical leaders with religious duties; they were also important administrators for the Church who oversaw the collection of tithes and other monies, appointed lesser Church officials to positions of responsibility, and helped make religious policy. For centuries bishops had been appointed by secular rulers, going back to the days of Constantine the Great in the fourth century. Kings frequently chose men who would be sympathetic, if not downright friendly, to their aims and ambitions. Some of these royal appointees were men with little or no religious calling. By appointing friends kings were able to influence the Church in their kingdom and bend it to their will. The papal reformers were determined to end this practice.

Hildebrand Bonizi (c.1015-1085) was reportedly the son of a blacksmith, but entered the Church, perhaps as a monk, and received an education in Rome. He studied under men who rose to become important leaders of the Church, some of whom became popes. As a result of his connections Hildebrand became an important papal official and was intimately involved in the reform movement to keep the Holy Roman Emperors from appointing popes. In 1073 Hildebrand became Pope Gregory VII and began chastising the young Holy Roman Emperor Henry IV for his continued appointing of bishops. Gregory overturned some of these appointments and threatened to excommunicate the emperor. This would have been a serious matter because the vassals of an excommunicated king would have been released from their feudal vows. In retaliation Henry, with the support of his bishops and noblemen, issued this letter, thus beginning the ***Investiture Controversy****, so called because it was focused on who the right to invest bishops with the symbols of their office.*

1) What is Henry IV attempting to do to Gregory in this document?

2) What is his stated reason for doing it?

3) Why does he consider himself, as a king, to have similar authority from God to rule over the Church in his lands?

4) Is there any room for compromise in this dispute?

[From Ernest F. Henderson, trans., *Select Historical Documents of the Middle Ages*, (London: George Bell and Sons, 1910), 372. Found at Internet Medieval Source Book.

Henry, king not through usurpation but through the holy ordination of God, to Hildebrand, at present not pope but false monk.

Such greeting as this hast thou merited through thy disturbances, inasmuch as there is no grade in the church which thou hast omitted to make a partaker not of honor but of confusion, not of benediction but of malediction. For, to mention few and especial cases out of many, not only hast thou not feared to lay hands upon the rulers of the holy church, the anointed of the Lord--the archbishops, namely, bishops and priests--but thou hast trodden them under foot like slaves ignorant of what their master is

doing. Thou hast won favor from the common herd by crushing them; thou hast looked upon all of them as knowing nothing, upon thy sole self, moreover, as knowing all things. This knowledge, however, thou hast used not for edification but for destruction; so that with reason we believe that St. Gregory, whose name thou has usurped for thyself, was prophesying concerning thee when he said: "The pride of him who is in power increases the more, the greater the number of those subject to him; and he thinks that he himself can do more than all."

And we, indeed, have endured all this, being eager to guard the honor of the apostolic see; thou, however, has understood our humility to be fear, and hast not, accordingly, shunned to rise up against the royal power conferred upon us by God, daring to threaten to divest us of it. As if we had received our kingdom from thee! As if the kingdom and the empire were in thine and not in God's hand! And this although our Lord Jesus Christ did call us to the kingdom, did not, however, call thee to the priesthood.

For thou has ascended by the following steps. By wiles, namely, which the profession of monk abhors, thou has achieved money; by money, favor; by the sword, the throne of peace. And from the throne of peace thou hast disturbed peace, inasmuch as thou hast armed subjects against those in authority over them; inasmuch as thou, who wert not called, hast taught that our bishops called of God are to be despised; inasmuch as thou hast usurped for laymen and the ministry over their priests, allowing them to depose or condemn those whom they themselves had received as teachers from the hand of God through the laying on of hands of the bishops. On me also who, although unworthy to be among the anointed, have nevertheless been anointed to the kingdom, thou hast lain thy hand; me who as the tradition of the holy Fathers teaches, declaring that I am not to be deposed for any crime unless, which God forbid, I should have strayed from the faith-am subject to the judgment of God alone. For the wisdom of the holy fathers committed even Julian the apostate[1] not to themselves, but to God alone, to be judged and to be deposed. For himself the true pope, Peter, also exclaims: "Fear God, honor the king." But thou who does not fear God, dost dishonor in me his appointed one. Wherefore St. Paul, when he has not spared an angel of Heaven if he shall have preached otherwise, has not excepted thee also who dost teach other-wise upon earth. For he says: "If any one, either I or an angel from Heaven, should preach a gospel other than that which has been preached to you, he shall be damned."

Thou, therefore, damned by this curse and by the judgment of all our bishops and by our own, descend and relinquish the apostolic chair which thou has usurped. Let another ascend the throne of St. Peter, who shall not practice violence under the cloak of religion, but shall teach the sound doctrine of St. Peter. I, Henry, king by the grace of God, do say unto thee, together with all our bishops: Descend, descend, to be damned throughout the ages.

[1] Julian the Apostate was a Roman emperor from 361 to 363, who rejected Christianity and tried to restore pagan religious beliefs. Christian leaders did not actively oppose him or rebel against him during his reign, but rather waited for him to die and then influenced his successors to restore Christianity.

28. Fourth Lateran Council (1215)

No medieval pope was able to exercise more power than **Innocent III** *(1198-1216). Innocent ordered kings to do his will, excommunicated those who disobeyed him, proclaimed Crusades, established new religious houses, and, in short, flaunted his political and religious power as arrogantly as any king or emperor ever did. His crowning achievement was the Fourth Lateran Council in 1215. Ecclesiastical councils had long been a way of promoting institutional unity and order within the Church by defining* ***doctrine*** *and behavior through the issuance of church laws known as* ***canons****. The Church considered this body of* ***canon law*** *to have the same importance as the teachings of the Bible. Innocent's stated purpose in calling this council was to "extirpate vice and implant virtues, correct excesses and reform morals, eliminate heresies and strengthen the faith."*

1) What are the main problems which are being addressed in this document?
2) What solutions does the council order?
3) What seems to be the motivation for demanding changes in the behavior of the clergy?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 47-50.]

(Canon 1) We firmly believe and openly confess that there is only one true God, eternal and immense, omnipotent, unchangeable, incomprehensible, and ineffable, Father, Son, and Holy Ghost; three Persons indeed but one essence, substance, or nature absolutely simple; the Father [proceeding] from no one, but the Son from the Father only, and the Holy Ghost equally from both, always without beginning and end. . . . And finally, Jesus Christ, the only begotten Son of God made flesh by the entire Trinity, conceived with the co-operation of the Holy Ghost of Mary ever Virgin, made true man, composed of a rational soul and human flesh, one Person in two natures, pointed out more clearly the way of life. Who according to His divinity is immortal. . . . He will come at the end of the world to judge the living and the dead and will render to the reprobate and to the elect according to their works. . . . There is one Universal Church of the faithful, outside of which there is absolutely no salvation. . . .

(Canon 3) We excommunicate and anathematize every heresy that raises against the holy, orthodox and Catholic faith which we have above explained; condemning all heretics under whatever names they may be known. . . . Those condemned, being handed over to the secular rulers or their bailiffs, let them be abandoned, to be punished with due justice, clerics being first degraded from their orders[1]. . . . But those who are only suspected, due consideration being given to the nature of the suspicion and the character of the person, unless they prove their innocence by a proper defense, let them be anathematized and avoided by all until they have been under excommunication for one year, then let them be condemned as heretics. . . .

[1] To be *degraded* was to be stripped of one's position as a clergyman

But if a temporal ruler, after having been requested and admonished by the Church, should neglect to cleanse his territory of this heretical foulness, let him be excommunicated by the metropolitan[2] and other bishops of the province . . . .

(Canon 11) Since there are some who, on account of the lack of necessary means, are unable to acquire an education or to meet opportunities for perfecting themselves, the Third Lateran Council in a salutary decree provided that in every cathedral church a suitable benefice be assigned to a master who shall instruct gratis the clerics of that church and other poor students, by means of which benefice the material needs of the master might be relieved and to the students a way opened to knowledge. . . .

(Canon 15) All clerics shall carefully abstain from drunkenness. . . . Nor shall anyone be encouraged to drink, for drunkenness banishes reason and incites to lust. We decree, therefore, that that abuse be absolutely abolished. . . . Should anyone be culpable in this matter, unless he heeds the warning of the superior and makes suitable satisfaction, let him be suspended from his benefice or office. We forbid hunting and fowling to all clerics. . . .

(Canon 16) Clerics shall not hold secular offices or engage in secular, and above all, dishonest pursuits. They shall not attend the performances of mimics and buffoons, or theatrical representations. They shall not visit taverns except in case of necessity, namely, when on a journey. They are forbidden to play games of chance or be present at them. They must have a becoming crown and tonsure[3] and apply themselves diligently to the study of the divine offices and other useful subjects.... They are not to use red or green garments or curiously sewed together gloves, or beak-shaped shoes or gilded bridles, saddles, pectoral ornaments [for horses], spurs, or anything else indicative of superfluity. . . .

(Canon 18) No cleric may pronounce a sentence of death, or execute such a sentence, or be present at its execution. . . [or] write or dictate letters destined for the execution of such a sentence. . . . [or] practice that part of surgery involving burning or cutting. Neither shall anyone in judicial tests or ordeals by hot or cold water or hot iron bestow any blessing; the earlier prohibitions in regard to dueling remain in force. . . .

(Canon 27) Since the direction of souls is the art of arts, we strictly command that bishops, either themselves or through other qualified men, diligently prepare and instruct those to be elevated to the priesthood in the divine offices and in the proper administration of the sacraments of the Church. If in the future they presume to ordain ignorant and uninformed men (a defect that can easily be discovered), we decree that both those ordaining and those ordained be subject to severe punishment. In the ordination of priests especially, it is better to have a few good ministers than many who are no good. . . .

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[2] A *metropolitan* was an archbishop, so named because his cathedral was in a large city or metropolis.
[3] The *tonsure* was the special bowl-shaped haircut of the clergy.

29. Petrarch, Letter to a Friend (c.1340-1353)

The growing power and authority of the hierarchy of the Roman Catholic Church during the High Middle Ages led to many abuses. And it was not just heretics or troublemakers who voiced their objections to the behavior of the clergy. Even orthodox Christians were appalled by the opulent lifestyle of the leaders of the Christian Church, as we can see in this selection from a letter of the great Renaissance poet Francesco Petrarca (1304-1374), more commonly known as Petrarch. In it he is describing the pope's court in the French city of Avignon, where the papacy resided between 1309 and 1377. Petrarch grew up near Avignon, so he knew much about the lifestyle of the leaders of the Church. This letter was written to an unknown friend with the expectation that it would be handed around to a large audience.

1) What aspects of life in Avignon does Petrarch especially loathe?

2) What comparison does he make between Christ's apostles and the ecclesiastical leaders of his day?

3) What message is Petrarch sending through this letter?

[From J. H. Robinson, *Readings in European History* (Boston, 1904), 502.]

...Now I am living in France, in the Babylon of the West. The sun in its travels sees nothing more hideous than this place on the shores of the wild Rhone,[1]. . . Here reign the successors of the poor fishermen of Galilee;[2] they have strangely forgotten their origin. I am astounded, as I recall their predecessors, to see these men loaded with gold and clad in purple, boasting of the spoils of princes and nations; to see luxurious palaces and heights crowned with fortifications, instead of a boat turned downward for shelter.

We no longer find the simple nets which were once used to gain a frugal sustenance from the lake of Galilee, and with which, having labored all night and caught nothing, they took, at daybreak, a multitude of fishes, in the name of Jesus. One is stupefied nowadays to hear the lying tongues, and to see worthless parchments turned by a leaden seal[3] into nets which are used, in Christ's name, but by the arts of Belial, to catch hordes of unwary Christians. These fish, too, are dressed and laid on the burning coals of anxiety before they fill the insatiable maw of their captors.

Instead of holy solitude we find a criminal host and crowds of the most infamous satellites;[4] instead of soberness, licentious banquets; instead of pious pilgrimages, preternatural and foul sloth; instead of the bare feet of the apostles, the snowy coursers[5] of brigands fly past us, the horses decked in gold and fed on gold, soon to be shod with gold, if the Lord does not check this slavish luxury. In short, we seem to

1 The Rhone River flowed next to the city of Avignon.
2 The apostles of Jesus.
3 Official Church documents were authenticated by adding an impression from a ring in wax or lead.
4 *Satellites* were hangers-on at a court, often known for their greed.
5 *Coursers* were the powerful and expensive horses ridden by the rich and preferred by robbers for their speed.

be among the kings of the Persians or Parthians, before whom we must fall down and worship, and who cannot be approached except presents be offered. O ye unkempt and emaciated old men, is it for this you labored? Is it for this that you have sown the field of the Lord and watered it with your holy blood? But let us leave the subject.

I have been so depressed and overcome that the heaviness of my soul has passed into bodily affliction, so that I am really ill and can only give voice to sighs and groans.

Week Ten Readings

(The Medieval Church:

Monastic Reforms)

30. Foundation Charter of Cluny (910)

William I, Duke of Aquitaine (875-918), founded the Abbey Church of Cluny in 910 through a grant of land and a charter. Cluny went on to garner great fame through its strict interpretation of St. Benedict's Rule. The abbey became a model of monastic reform, with an expectation that its monks would adhere to a daily regimen of work and prayer which included service to the poor and sick. Other monasteries in France and England contacted the monks of Cluny asking to be reformed. The Cluniac reforms helped revitalize the monastic houses of Europe.

1) What is Duke William's reason for establishing the abbey? Is it completely altruistic?

2) What does he expect of the monks of this monastery?

3) How will the leader of the abbey be chosen?

4) What curse does he put upon those who might try to seize control of this monastery after his death?

[From A. Bruel in "Recueil des Chartes de L'Abbaye de Cluny" (Paris, 1876), in Ernest F. Henderson, trans., *Select Historical Documents of the Middle Ages*, (London: George Bell and Sons, 1910), 329-333. Found in the Medieval Internet Source Book.]

To all right thinkers it is clear that the providence of God has so provided for certain rich men that, by means of their transitory possessions, if they use them well, they may be able to merit everlasting rewards. . . I, William, count and duke by the grace of God, diligently pondering this, and desiring to provide for my own safety while I am still able, have considered it advisable -- nay, most necessary, that from the temporal goods which have been conferred upon me I should give some little portion for the gain of my soul. I do this indeed in order that I who have thus increased in wealth may not, per chance, at the last be accused of have having spent all in caring for my body, but rather may rejoice, when fate at last shall snatch all things away, in having reserved something for myself. Which end, indeed, seems attainable by no more suitable means than . . . I should support at my own expense a congregation of monks. And this is my trust, this is my hope, indeed, that although I myself am unable to despise all things, nevertheless by receiving despisers of this world, whom I believe to be righteous, I may receive the reward of the righteous.

Therefore be it known to all . . . I hand over from my own rule to the holy apostles, Peter, namely, and Paul, the possessions over which I hold sway, the town of Cluny, namely, with the court and demesne manor, and the church . . . together with all the things pertaining to it, the vills,[1] indeed, the chapels, the serfs of both sexes, the vines, the fields, the meadows, the woods, the waters and their outlets, the mills, the incomes and revenues, what is cultivated and what is not, all in their entirety. . .

[1] Villages.

I give, moreover, all these things to the aforesaid apostles -- I William and my wife Ingelberga -- first for the love of God; then . . . for the salvation, namely, of our souls and bodies; . . I give these things, moreover, with this understanding, that in Cluny a regular monastery shall be constructed in honor of the holy apostles Peter and Paul, and that there the monks shall congregate and live according to the rule of St. Benedict, and that they shall possess, hold, have and order these same things unto all time….

And let the monks themselves, together with all the aforesaid possessions, be under the power and dominion of the abbot Berno, who, as long as he shall live, shall preside over them regularly according to his knowledge and ability. But after his death, those same monks shall have power and permission to elect any one of their order whom they please as abbot and rector. . . .

We will, further, that . . . there shall daily, with the greatest zeal be performed there works of mercy towards the poor, the needy, strangers and pilgrims. It has pleased us also to insert in this document that, from this day, those same monks there congregated shall be subject neither to our yoke, nor to that of our relatives, nor to the sway of the royal might, nor to that of any earthly power. And, through God and all his saints, and by the awful day of judgment, I warn and abjure that no one of the secular princes, no count, no bishop whatever, not the pontiff of the aforesaid Roman see, shall invade the property of these servants of God, or alienate[2] it, or diminish it, or exchange it, or give it as a benefice to any one, or constitute any prelate over them against their will.

And that such an unhallowed act be more strictly prohibited to all rash and wicked men, I do adjure ye, oh holy apostles and glorious princes of the world, Peter and Paul, and thee, oh supreme pontiff, that, through the canonical and apostolical authority which ye received from God, ye do remove from participation in the holy Church and in eternal life, the robbers and invaders and alienators of these possessions which I do give to thee with joyful heart and ready will; and be ye protectors and defenders of the aforementioned place of Cluny and of the servants of God abiding there, and of all these possession . . . If anyone . . . no matter what his condition or power, should, through any kind of wile, attempt to do any act of violence contrary to this deed of gift which we have ordered to be drawn up . . . first indeed let him incur the wrath of almighty God; and let God remove him from the land of the living and wipe out his name from the book of life . . .; let him incur everlasting damnation. And being made a companion of Judas, let him be kept thrust down there with eternal tortures . . .

[2] To *alienate* property meant to sell it.

31. William of St. Thierry, A Description of Clairvaux c. 1143

Inspired by the Cluniac reforms certain monks longed for an even stricter monastic life. In 1098 they established a more ascetic order at the Abbey of Citeaux. From this mother house the Cistercian order soon spread all across Europe. Clairvaux Abbey was founded in 1115 by a Cistercian monk who became known for his scholarship -- St. Bernard of Clairvaux. Bernard and his brother Cistercians were admired for their work ethic and their determination to live a simple life of prayer and service. Even speaking out loud was to be kept to a minimum. These monks became inspirational figures to the people of the High Middle Ages because of their ability to turn away from the temptations of the flesh and their care for the sick and needy.

1) What strikes the writer most profoundly about his first visit to Clairvaux Abbey?
2) How do the monks of Clairvaux spend their time?
3) Why does William of St. Thierry find this admirable?

[From Frederic Austin Ogg, ed., *A Source Book of Mediaeval History: Documents Illustrative of European Life and Institutions from the German Invasions to the Renaissance,* (New York, 1907, repr. by Cooper Square Publishers (New York), 1972), 258-260.]

At the first glance as you entered Clairvaux by descending the hill you could see that it was a temple of God; and the still, silent valley bespoke, in the modest simplicity of its buildings, the unfeigned humility of Christ's poor. Moreover, in this valley full of men, where no one was permitted to be idle, where one and all were occupied with their allotted tasks, a silence deep as that of night prevailed. The sounds of labor, or the chants of the brethren in the choral service, were the only exceptions. The orderliness of this silence, and the report that went forth concerning it struck such a reverence even into secular persons that they dreaded breaking it---I will not say by idle or wicked conversation, but even by proper remarks. The solitude, also, of the place---between dense forests in a narrow gorge of neighboring hills--in a certain sense recalled the cave of our father St. Benedict, so that while they strove to imitate his life, they also had some similarity to him in their habitation and loneliness. . . .

Glorious things are spoken of it, because the glorious and wonderful God therein works great marvels. There the insane recover their reason, and although their outward man is worn away, inwardly they are born again. There the proud are humbled, the rich are made poor, and the poor have the Gospel preached to them, and the darkness of sinners is changed into light. A large multitude of blessed poor from the ends of the earth have there assembled, yet have they one heart and one mind; justly, therefore, do all who dwell there rejoice with no empty joy. . .

For my part, the more attentively I watch them day by day, the more do I believe that they are perfect followers of Christ in all things. When they pray and speak to God in spirit and in truth, by their friendly and quiet speech to Him, as well as by their humbleness of demeanor, they are plainly seen to

be God's companions and friends. . . As I watch them, therefore, singing without fatigue from before midnight to the dawn of day, with only a brief interval, they appear a little less than the angels, but much more than men. . . .

As regards their manual labor, so patiently and placidly, with such quiet countenances, in such sweet and holy order, do they perform all things, that although they exercise themselves at many works, they never seem moved or burdened in anything, whatever the labor may be. Whence it is manifest that that Holy Spirit works in them who disposes of all things with sweetness, in whom they are refreshed, so that they rest even in their toil. Many of them, I hear, are bishops and earls, and many illustrious through their birth or knowledge; but now, by God's grace, all distinction of persons being dead among them, the greater anyone thought himself in the world, the more in this flock does he regard himself as less than the least. I see them in the garden with hoes, in the meadows with forks or rakes, in the fields with scythes, in the forest with axes. To judge from their outward appearance, their tools, their bad and disordered clothes, they appear a race of fools, without speech or sense. But a true thought in my mind tells me that their life in Christ is hidden in the heavens. Among them I see Godfrey of Peronne, Raynald of Picardy, William of St. Omer, Walter de Lisle, all of whom I knew formerly in the old man, whereof I now see no trace, by God's favor. I knew them proud and puffed up; I see them walking humbly under the merciful hand of God.

32. St. Francis of Assisi, *The Rule of the Order* (13th century)

St. Francis of Assisi (1182-1226) was the founder of the Franciscan Order of lay friars. The religious principles by which he required his followers to live were stated in the **Rule of the Order**, *which Pope Innocent III asked to be drawn up and which Pope Honorious III approved in 1223.*

1) What seems to be the chief principle of St. Francis's order?

2) How does this religious order seem to differ from the Cluniacs and Cistercians we have read about earlier?

[From Donald Kagan, et al, *The Western Heritage*, 5th ed. (Prentice Hall, 1995), 275.]

This is the rule and way of living of the Minorite brothers,[1] namely, to observe the holy Gospel of our Lord Jesus Christ, living in obedience, without personal possessions, and in chastity. Brother Francis promises obedience and reverence to our lord Pope Honorius, and to his successors who canonically enter upon their office, and to the Roman Church. And the other brothers shall be bound to obey Brother Francis and his successors.

I firmly command all the brothers by no means to receive coin or money, of themselves or through an intervening person. But for the needs of the sick and for clothing the other brothers, the ministers alone and the guardians shall provide through spiritual friends, as it may seem to them that necessity demands, according to time, place, and the coldness of the temperature. This one thing being always borne in mind, that, as has been said, they receive neither coin nor money.

Those brothers to whom God has given the ability to labor shall do so faithfully and devoutly, but in such manner that idleness, the enemy of the soul, being averted, they may not extinguish the spirit of holy prayer and devotion, to which other temporal things should be subservient. As a reward, moreover, for their labor, they may receive for themselves and their brothers the necessities of life, but not coin or money; and this humbly, as becomes the servants of God and the followers of most holy poverty.

The brothers shall appropriate nothing to themselves, neither a house, nor a place, nor anything, but as pilgrims and strangers in this world, in poverty and humility serving God, they shall confidently go seeking for alms. Nor need they be ashamed, for the Lord made Himself poor for us in this world.

[1] Francis's group was originally known as the Order of the Friars Minor, literally "the Little Brothers."

33. The Borough Court of London, Clergy and Prostitution (1385)

During the High and Late Middle Ages the reputation and image of many of the clergy was adversely effected by such events as the Black Death, the moving of the papacy to Avignon, and the Great Schism. But the everyday behavior of certain members of the clergy, including monks and friars, also made the clergy seem very worldly and sinful. The following court case from the city of London in the fourteenth century shows, almost by accident, some of the common perceptions of clergy and their relation to worldly vices.

1) In the document, what is the woman Elizabeth being charged with?
2) How are clergymen involved in her crime?
3) How is she punished?
4) What punishment falls on the clergymen involved with Elizabeth?

[From P.J.P. Goldberg, ed., *Women in England, c.1275-1525* (Manchester: Manchester UP, 1995), 214-215.]

. . . Elizabeth, the wife of Henry Moring was brought before the mayor, Nicholas Brembre, knight, the aldermen and sheriffs of London in the guildhall because, both on the information of diverse persons and on the acknowledgement and confession of one Joan, her servant, the same mayor, aldermen, and sheriffs were given to understand that the said Elizabeth, under cover of the craft of embroidery which she pretended to follow, took in and retained the same Joan and various other women as her apprentices, and bound them to serve her after the manner of apprentices in that craft, whereas the truth of the matter was that she did not follow that craft, but that, after so retaining them, she incited the same Joan and the other women who were with her and in her service to live a dishonorable life and to consort with friars, chaplains,[1] and other such men as desired to have their company both in her own house in the parish of All Hallows near the Wall, in the ward of Broad Street in London, and elsewhere.

She used to hire them out to the same friars, chaplains, and other men for such stipulated sum as they might agree upon, both in her own house and elsewhere, retaining the sum so agreed in her own possession. And in particular, on Thursday the 4th day of May last, by the contrivance and procuring of the said Elizabeth and of a certain chaplain, whose name is unknown, she sent the same Joan and ordered her to accompany the said chaplain at night that she might carry a lantern before him to his room. . . it being her intention of her own contriving that the said Joan should stay there the night with the chaplain, while the said Joan, as she says, was herself completely ignorant of it. She remained, however, with that chaplain there the whole of that night, and when she returned home to her mistress

[1] Chaplains were clergy who were attached to noble or otherwise affluent homes. Their name comes from the chapels they cared for in private homes or in large churches and cathedrals. They performed masses, prayed for and provided spiritual care to their patrons.

the next day, this Elizabeth asked her if she had brought anything with her for her labor that night, to which she replied that she had not. Thereupon the same Elizabeth used words of reproof to her and ordered her to return to the chaplain on the following night and take for her labor whatever she could lay hold of and bring it to her. Joan at her command accordingly went back the following night to the chaplain at his aforesaid room and again spent the night there, and the next day she got up very early in the morning and, bearing in mind the words of her mistress and fearful of returning without taking something to her said mistress, took a portable breviary[2] that belonged to the chaplain and carried it away. . . Afterwards the said Elizabeth pledged[3] this portable breviary for eight pence to a man whose name is not known. . . .

And because many scandals had befallen the said city through such women and like deeds, and that great peril might in future arise through such doings . . . it was ruled that the said Elizabeth should be taken from the aforesaid guildhall to Cornhill and put in the "thewe"[4] to remain there for one hour of the day, the reason thereof being proclaimed publicly and afterwards to be taken to some gate of the city[5]. . .

[2] A *breviary* is a prayerbook.
[3] *Pledged* in this case means *sold.*
[4] The *thewe* was a pillory.
[5] To be *taken to the gate of a city* meant to be expelled and barred from return.

Week Eleven Readings

(State Formation in the High Middle Ages)

34. The Assize of Clarendon (1166)

William the Conqueror's conquest of England ended Anglo-Saxon rule and brought feudalism to an already highly centralized country. William's descendants continued his efforts at centralization. In 1154, **Henry II***, a great-grandson of the Conqueror, came to the throne. He was not only the King of England and the Duke of Normandy, but also the Count of Anjou and Maine, two prosperous regions in northwestern France. Through marriage he also became ruler of the French regions of Aquitaine and Gascony. Thus Henry II ruled over a vast area, one which became known as the* **Angevin Empire** *(after Anjou, Henry's home county). It took a great deal of money to administer and protect such a large empire, and Henry II developed an impressive bureaucracy to collect all the revenues owed to him by both his English and French subjects. He discovered that a fair and equitable judicial system could bring him both great prestige and a substantial amount of money. In England he developed a new form of law,* **common law***, so-called because it was a set of royal laws and legal procedures which were common to all social classes. Common law cases were decided based on something called* **precedent***, which meant on the judgments of earlier cases. They were administered by judges, called justices, appointed by the king himself. One of the earliest proclamations of Henry II was the Assize of Clarendon of 1166 which widened the scope of royal justice to include the indictment and prosecution of major felons. The term* **assize** *meant a court session. The* **inquest jury** *mentioned in article 1 of this document is not the equivalent of a modern jury which determines guilt or innocence. Rather it was like a modern grand jury which determines whether there is enough evidence to indict someone for a crime and thus paves the way for a criminal trial.*

1) Why doesn't the king call this assize on his own? Why does he consult with others?
2) How do the justices determine if crimes have been committed?
3) How are oaths used in this system of justice?
4) What powers do sheriffs have?

[From Alfred J. Andrea, *The Medieval Record*, (NY: Houghton-Mifflin, 1997), 301-304.]

Here begins the Assize of Clarendon, made by king Henry II, with the approval of the archbishops, bishops, abbots, counts and barons of all England.

1. In the first place the aforesaid king Henry, by the counsel of all his barons, for the preservation of peace and the maintenance of justice, has decreed that an inquest shall be made for each county[1], and for each hundred[2] by twelve of the more lawful men of the hundred, and by four of the more lawful men of each vill,[3] upon oath that they will speak the truth: whether in their hundred or in their vill there is any man who, since the lord king has been king, has been charged or publicly exposed as being a

[1] The Anglo-Saxons divided the kingdom up into administrative units called *shires* which the Normans kept but renamed *counties*. Each was under the supervision of a *shire-reeve*, the sheriff.
[2] All shires or counties in England were divided up into smaller units called *hundreds*.
[3] A *vill* was an agricultural community, a village.

robber or murderer or thief; or any one who is a concealer of robbers or murderers or thieves. And let the justices[4] inquire into this before them, and the sheriffs before them.

2. And who is found through the oath of the aforesaid to have been charged or publicly exposed as being a robber or murderer or thief, or a concealer of them, since the lord king has been king, shall be seized and go to the ordeal of water, and shall swear that, to the value of five shillings,[5] so far as he knows, he was not a robber or murderer or thief or concealer of them since the lord king has been king….

4. And when a robber or murderer or thief, or concealers of them, has been seized through the aforesaid oath, if the justices have not come sufficiently quickly into that county where they have been taken, the sheriffs shall send word to the nearest justice through some knowledgeable man, that they have seized such men; and the justices shall send back word to the sheriffs where they wish those men to be conducted before them: and the sheriffs shall bring them before the justices. . . .

5. And in the case of those who were seized through the aforesaid oath of this assize, no one shall have court or justice or chattels save the lord king in his court before his justices;[6] and the lord king shall have all their chattels….[7]

6. And the sheriffs who seized them shall lead them before the justice without any other summons than they have then. And . . . they shall receive them immediately without delay.

7. And in those counties where there are no jails, let them be made in a borough[8] . . . in view of the king's servants; to the end that in them the sheriffs may have guarded those who have been seized, by the ministers and their servants who are used to doing this. . . .

9. And let there be no one inside or outside his castle, nor even in the honor of Wallingford,[9] who shall forbid the sheriffs to enter into his court or his land to take the view of frankpledge;[10] and let them all be under sureties: and let them be sent before the sheriffs under frankpledge. . . .

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[4] *Justices* were royal judges who travelled on a circuit throughout a set of shires on a regular schedule.
[5] A shilling was a small silver coin. There were twenty shillings to a pound sterling.
[6] The king's judges alone shall try them and confiscate their goods.
[7] *Chattels* are personal goods. So this phrase means that if they are found guilty or are exiled, only the king shall get their personal possessions.
[8] A *borough* was a town. A townsperson was known as a *burgher* or a *burgess*.
[9] A royal fief. This is an example which shows that not even royal lands were exempt from the assize.
[10] *Frankpledge* was a police and bail system established by the Normans whereby men of the lower classes were organized into groups of ten persons and took oaths to be mutually responsible for one another. If one of the ten was accused of a crime, the other nine were obligated to produce him or make good on the damage. Sheriffs were required to visit each village and borough twice a year to make sure that everyone who owed this obligation was duly sworn. Clerics, nobles, knights, free landholders, merchants, and other such people were exempt from *frankpledge*.

35. Magna Carta (1215)

No document has been more influential in the evolution of English (and, arguably, American, government than the Magna Carta (**The Great Charter**)*. It has been interpreted as the foundation of England's later constitutional monarchy. King John (r.1199-1216) had the misfortune to be on the throne at the same time that King Philip Augustus of France was reinvigorating the French monarchy by conquering the lands of the Angevin Empire. As a result of Philip's successful campaigns, John and most of his noblemen lost their lands in France which they had controlled since before the Norman Conquest. In order to win these lands back John began amassing large amounts of money so he could pay for a protracted war with the French. Unfortunately he did this by increasing the traditional rates of money payments. His earls and barons protested, but John ignored them. In the end they revolted against their king and John was soon fighting for his life. By 1215 John was desperate for a breathing spell in which he could amass more fighting men and political support. To buy himself some time he agreed to the terms which his nobles set forth in the Magna Carta and signed the document. John reneged on it almost immediately, went back to war with his nobles and died a year later. Thus in the short term the Magna Carta was a failure. However, rather unexpectedly, the document became a symbol that there were limits to royal power in England, and that not even the king himself was above the law. Later kings reissued the charter on different occasions, usually in order to prove that they valued the ancient laws of the land and thus were fit rulers.*

In the following selections try to analyze what the charter says about the problems which England is experiencing under King John.

1) In general, what is John agreeing to in this document?

2) Who are the people, groups or institutions who are important enough to get their problems solved, or their rights reaffirmed, by this charter?

3) Which of these articles have an impact on the common people of England?

4) What does John say his barons can do to him if he does not live up to this charter?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 61-63.]

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants and all bailiffs and his faithful people greeting.

1. In the first place we have granted God, and by this our present charter confirmed, for us and our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured; and we will that it thus be observed; which is considered to be most important and especially necessary to the English church, we, of our pure and spontaneous will, granted, and by our charter confirmed, before the contest between us and our barons had arisen; and obtained a

confirmation of it by the lord Pope Innocent III; which we will observe and which we will shall be observed in good faith by our heirs forever.

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

2. If any of our earls or barons, or any others holding [land] of us [as tenants] in chief by knight service shall die, and at his death his heir be full of age and owe relief, he shall have his inheritance on payment of the ancient relief,[1] namely the heir or heirs of an earl one hundred pounds for a whole earl's barony, the heir or heirs of a baron one hundred pounds for a whole barony, the heir or heirs of a knight 100s.[2] At most for a whole knight's fee; and anyone who owes less shall give less according to the ancient usage of fiefs.

4. The guardian of the land of such an heir who is under age [i.e., a ward] shall not take from the land more than the reasonable revenues, customary dues and services, and that without destruction and waste of men or goods.[3]

5. Moreover so long as the guardian has the wardship of the land, he shall maintain the houses, parks, preserves, fishponds, mills and the other things pertaining to the land from its revenues; and he shall restore to the heir when he comes of age all his land stocked with ploughs and wainage[4] such as the agricultural season demands and the revenues of the estate can reasonably bear.

7. After her husband's death, a widow shall have her marriage portion and her inheritance at once and without any hindrance; nor shall she pay anything for her dowry, her marriage portion, or her inheritance which she and her husband held on the day of her husband's death . . . .

8. No widow shall be compelled to marry so long as she wishes to live without a husband, provided that she gives security that she will not marry without our consent if she holds of us, or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs will seize any land or rent, for any reason so long as the chattels[5] of the debtor are sufficient for the payment of the debt. . . .

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[1] A *relief* was an inheritance tax. See Document #16 above.

[2] 100 shillings.

[3] When the heir of a fief was a minor, the king had the right to make the heir a *ward*. The king then ran his (or her) estates until the heir was eighteen. Often the king handed out *wardships* to his friends or officials as a reward. Sometimes the king or his appointed guardians were unscrupulously avaricious and looted the lands of their wards. They could leave a ward destitute.

[4] *Wainage* refers to the teams of horses and the wagons that belonged to a farmer.

[5] *Chattels* were personal possessions which were deemed as moveable, like furniture or tools.

12. No scutage[6] or aid[7] is to be levied in our realm except by the common counsel of our realm, unless it is for the ransom of our person, the knighting of our eldest son or the first marriage of our eldest daughter, and for these only a reasonable aid is to be levied. . . .

13. And the city of London is to have all its ancient liberties and free customs[8] both by land and water. Furthermore, we will and grant that all other cities, boroughs, towns and ports shall have all their liberties and free customs.

14. And to obtain the common counsel of the realm for the assessment of an aid (except in the three cases aforesaid [in Article 12]) or a scutage, we will have archbishops, bishops, abbots, earls and greater barons summoned individually by our letters; . . . . with at least forty days' notice, and at a fixed place; and in all letters of summons we will state the reason for the summons. . . .

21. Earls and barons shall only be fined by their peers, and only in proportion to their offense.

28. No constable or other bailiff of ours shall take anyone's grain or other chattels, without immediately paying for them in money, unless he is able to obtain a postponement at the good-will of the seller.

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay right of justice.

61. . . . For the improvement of our kingdom, and for the better quieting of the hostility sprung up lately between us and our barons, we have made all these concessions; . . . we make and concede to them the security described below; that is to say, that they shall elect twenty-five barons of the kingdom, whom they will, who ought with all their power to observe, hold, and cause to be observed, the peace and liberties which we have conceded to them and by this our present charter confirmed to them; in this manner, that if we or our justiciar, or our bailiffs, or any of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay. And if we shall not

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[6] *Scutage* literally meant "shield money." It was a money payment a vassal could make in lieu of personally serving in the king's army. The king often preferred scutage payments because he could use the money to hire a mercenary, a professional soldier. King John was infamous for charging high rates of scutage.

[7] A feudal *aid* was a "gift" a king could demand of his vassals for special events in the life of his family, like those mentioned in this particular article.

[8] *Liberties* and *free customs* were special privileges which the city had wrangled out of the king over the years.

have corrected the transgression or . . . if our justiciar shall not have corrected it within a period of forty days . . . the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and let these twenty-five barons with the whole community of the country distress and injure us in every way they can; that is to say by the seizure of our castles, lands, possessions, and in such other ways as they can until it shall have been corrected according to their judgment, saving our person and that of our queen, and those of our children; and when the correction has been made, let them devote themselves to us as they did before . . . and let the aforesaid twenty-five swear that they will observe faithfully all the things which are said above, and with all their ability cause them to be observed. . . .

36. Summons of Representatives of Shires and Towns to Parliament (1295)

King Henry III (r.1216-1272) tried to rule England without the advice of his earls and barons, and as a result his nobles led a rebellion against him which removed Henry from power for a time. During that period the nobles met together occasionally to talk about matters which were necessary for the good of the kingdom. These meetings became known as ***parliament****, (from the French,* parlez *, which means "you speak"), and even after Henry regained control of his government he continued the precedent of calling such meetings. In fact he expanded the meetings of parliament to include the representatives of wealthy commoners from the counties, cities and boroughs.*

Henry's son Edward I (r.1272-1307) regularized and formalized the calling of parliament, which came to meet in two houses: the ***House of Lords*** *representing the nobles and great clergymen, and the* ***House of Commons****, which represented the wealthy landowners and townspeople. Edward discovered that such consultations with the key men of his realm made it easier for him to get approval for collecting taxes and getting important laws passed. Laws which were passed by both houses of parliament and signed by the king became the highest law of the land –* ***statute law****. The members of parliament (MPs) were sometimes able to force the king to make concessions in order to get the taxes he needed, which gave them a genuine role in the governing of the kingdom.*

The following selection is from an official summons to parliament.

1) Why does the king say he is calling a meeting of parliament?
2) Who is responsible for holding elections for the representatives to the House of Commons?
3) Who gets representation in parliament?

[From E. P. Cheyney, trans., University of Pennsylvania, Dept. of History: *Translations and Reprints from the Original Sources of European history*, published for the Dept. of History of the University of Pennsylvania, (Philadelphia: University of Pennsylvania Press, [1897]), Vol. 1, No. 6, pp. 33-35. Found at the Internet Medieval Source Book.]

The king [Edward I] to the sheriff of Northamptonshire. Since we intend to have a consultation and meeting with the earls, barons and other principal men of our kingdom with regard to providing remedies against the dangers which are in these days threatening the same kingdom; and on that account have commanded them to be with us on the Lord's day next after the feast of St. Martin in the approaching winter, at Westminster, to consider, ordain, and do as may be necessary for the avoidance of these dangers; we strictly require you to cause two knights from the aforesaid county, two citizens from each city in the same county, and two burgesses from each borough, of those who are especially discreet and capable of laboring, to be elected without delay, and to cause them to come to us at the aforesaid said time and place.

Moreover, the said knights are to have full and sufficient power[1] for themselves and for the community of the aforesaid county, and the said citizens and burgesses for themselves and the communities of the aforesaid cities and boroughs separately, then and there for doing what shall then be ordained according to the common counsel in the premises; so that the aforesaid business shall not remain unfinished in any way for defect of this power. And you shall have there the names of the knights, citizens and burgesses and this writ.

Witness the king at Canterbury on the third day of October.

[1] By *sufficient power* it is meant that the representatives had the authority to make laws which bound the people of the county.

Week Twelve Readings

(The Black Death –
Part I: Causes)

37. Johannes de Trokelowe, *The Famine of 1315*

When we think of the calamities of the fourteenth century we usually think of plague as the main killer. However, ten percent of the population of Europe (around 7.5 million people) may have died as a result of famine in the first two decades of that century. One example of why this was the case can be seen in the following document. The famine of 1315 struck most of Europe. Because the climate became colder and wetter, many crops failed or rotted on the plant, thus leaving Europe without enough food. Johannes de Trokelowe was a contemporary chronicler and in this document he describes the situation in England.

1) What does he see as the reason for the famine?

2) What evidence does he have that the famine was severe?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 70.]

In the year of our Lord 1315, in addition to the other distresses with which England was afflicted, famine grew in the land . . . . Meat began to run out and eggs began to disappear. Capons and fowl could scarcely be found; and sheep died from disease, pigs could not be fed because of the excessive price of fodder. A quarter of grain, beans, or peas sold for twenty shillings, and oats for ten shillings.[1] A quarter of salt generally sold for thirty-five shillings, which was unheard of in centuries past.

The land was so oppressed with want that when the king came to St. Albans on the feast of St. Laurence[2] it was scarcely possible to find bread on sale to sustain his immediate household. . . .

The famine began in the month of May and continued until the feast of the nativity of the Blessed [Virgin] Mary.[3] The summer rains were so heavy that grain could not ripen. It could scarcely be gathered and baked into bread for the said feast day unless it was first put in containers to dry. Toward the end of autumn, the famine was mitigated in part, but around the feast of the nativity of the Lord, it returned completely. . . . There can be no doubt that the poor were wasting away from hunger since even the rich were constantly hungry. . . .

Four pennies worth of coarse bread was not enough to feed a common man for one day. The usual kinds of meats . . . were exceedingly scarce; horse meat was precious; fat dogs were stolen. And, many claimed that in many places men and women secretly ate their own and even other peoples' children.

[1] The prices here quoted are up 400% since 1313.
[2] August 10.
[3] September 8.

38. Giovanni Boccaccio, *The Decameron*

The outbreak of bubonic and pneumonic plague viruses which struck Europe between the years 1347 to 1350 devastated European society and killed about one-third of the population. This particular bout of plague was so virulent that it became known as The Black Death. The introduction to the **Decameron** *of Boccaccio (1313-1375) is the most famous literary treatment of the Black Death. Boccaccio's observations about the progress of the disease in the human body come from firsthand experience. He was one of the rare individuals who caught the bubonic plague and actually survived it. He also witnessed how an outbreak of plague changed everyday life in a city.*

After reading Boccaccio's account of the Black Death on the city-state of Florence, try to answer the following questions:

1) How did medieval people account for the origin of the disease?
2) How did people try to prevent getting the plague?
3) Once the plague hit Florence how did everyday life change? How did people's behavior change?
4) How did civic officials deal with the mass deaths caused by the plague?
5) Did the plague affect the countryside differently from the city? How so?

[From Rosemary Horrox, ed., *The Black Death* (Manchester UP, 1994), 26-28.]

I say, then, that the sum of thirteen hundred and forty-eight years had elapsed since the fruitful Incarnation of the Son of God, when the noble city of Florence, which for its great beauty excels all others in Italy, was visited by the deadly pestilence. Some say that it descended upon the human race through the influence of the heavenly bodies, others that it was a punishment signifying God's righteous anger at our iniquitous way of life. But whatever its cause, it had originated some years earlier in the East,[1] where it had claimed countless lives before it unhappily spread westward, growing in strength as it swept relentlessly on from one place to the next.

In the face of its onrush, all the wisdom and ingenuity of man were unavailing. Large quantities of refuse were cleared out of the city by officials specially appointed for the purpose, all sick persons were forbidden entry, and numerous instructions were issued for safeguarding the people's health, but all to no avail. Nor were the countless petitions humbly directed to God by the pious, whether by means of formal processions or in any other guise, any less ineffectual. For in the early spring of the year we have mentioned, the plague began, in a terrifying and extraordinary manner, to make its disastrous effects apparent. It did not take the form it had assumed in the East, where if anyone bled from the nose it was an obvious portent of certain death. On the contrary, its earliest symptom, in men and women alike, was the appearance of certain swellings in the groin or the armpit, some of which were egg-shaped whilst others were roughly the size of the common apple. Sometimes the swellings

[1] Bubonic plague first appeared in the Eastern Mediterranean where it ravaged the Muslim a few years before its appearance in Europe.

were large, sometimes not so large, and they were referred to by the populous as *gavoccioli*.[2] From the two areas already mentioned, this deadly *gavocciolo* would begin to spread, and within a short time it would appear at random all over the body. Later on, the symptoms of the disease changed, and many people began to find dark blotches and bruises on their arms, thighs, and other parts of the body, sometimes large and few in number, at other times tiny and closely spaced. These, to anyone unfortunate enough to contract them, were just as infallible a sign that he would die as the *gavocciolo* had been earlier, and as indeed it still was.

Against these maladies, it seemed that all the advice of physicians and all the power of medicine were profitless and unavailing. Perhaps the nature of the illness was such that it allowed no remedy; or perhaps those people who were treating the illness (whose numbers had increased enormously because the ranks of the qualified were invaded by people, both men and women, who had never received any training in medicine), being ignorant of its causes, were not prescribing the appropriate cure. At all events, few of those who caught it ever recovered, and in most cases death occurred within three days from the appearance of the symptoms we have described, some people dying more rapidly than others, the majority without any fever or other complications.

But what made this pestilence even more severe was that whenever those suffering from it mixed with people who were still unaffected, it would rush upon these with the speed of a fire racing through dry or oily substances that happened to be placed within its reach. Nor was this the full extent of its evil, for not only did it infect healthy persons who conversed or had any dealings with the sick, making them ill or visiting an equally horrible death upon them, but it also seemed to transfer the sickness to anyone touching the clothes or other objects which had been handled or used by its victims. . . .

These things . . . caused various fears and fantasies to take root in the minds of those who were still alive and well. And almost without exception, they took a single and very inhuman precaution, namely to avoid or run away from the sick and their belongings, by which means they all thought that their own health would be preserved.

Some people were of the opinion that a sober and abstemious mode of living considerably reduced the risk of infection. They therefore formed themselves into groups and lived in isolation from everyone else. Having withdrawn to a comfortable abode where there were no sick persons, they locked themselves in and settled down to a peaceable existence, consuming modest quantities of delicate foods and precious wines and avoiding all excesses. They refrained from speaking to outsiders, refused to receive news of the dead or sick, and entertained themselves with music and whatever other amusements they were able to devise.

Others took the opposite view, and maintained that an infallible way of warding off this appalling evil was to drink heavily, enjoy life to the full, go round singing and merrymaking, gratify all of one's

[2] A *gavoccioli* was also known as a *bubo*, thus the name bubonic plague.

cravings whenever the opportunity offered, and shrug the whole thing off as one enormous joke. Moreover, they practiced what they preached to the best of their ability, for they would visit one tavern after another, drinking all day and night to immoderate excess; or alternatively (and this was their more frequent custom), they would do their drinking in various private houses, but only in the ones where the conversation was restricted to subjects that were pleasant or entertaining. Such places were easy to find, for people behaved as though their days were numbered, and treated their belongings and their own persons with equal abandon. Hence most houses had become common property, and any passing stranger could make himself at home as naturally as though he were the rightful owner. But for all their riotous manner of living, these people always took good care to avoid any contact with the sick.

In the face of so much affliction and misery, all respect for the laws of God and man had virtually broken down and been extinguished in our city. For like everybody else, those ministers and executors of the laws who were not either dead or ill were left with so few subordinates that they were unable to discharge any of their duties. Hence everyone was free to behave as he pleased. . . .

Some people, pursuing what was possibly the safer alternative, callously maintained that there was no better or more efficacious remedy against a plague than to run away from it. Swayed by this argument, and sparing no thought for anyone but themselves, large numbers of men and women abandoned their city, their homes, their relatives, their estates and their belongings, and headed for the countryside, either in Florentine territory or, better still, abroad. . .

It was not merely a question of one citizen avoiding another, and of people almost invariably neglecting their neighbors and rarely or never visiting their relatives, addressing them only from a distance; this scourge had implanted so great a terror in the hearts of men and women that brothers abandoned brothers, uncles their nephews, sisters their brothers, and in many cases wives deserted their husbands. But even worse, and almost incredible, was the fact that fathers and mothers refuse to nurse and assist their own children, as though they did not belong to them. . .

Whenever people died, their neighbors nearly always followed a single, set routine, prompted as much by their fear of being contaminated by the decaying corpse as by any charitable feelings they may have entertained towards the deceased. Either on their own, or with the assistance of bearers whenever these were to be had, they extracted the bodies of the dead from their houses and left them lying outside their front doors, where anybody going about the streets, especially in the early morning, could have observed countless numbers of them. Funeral biers[3] would then be sent for, upon which the dead were taken away, though there were some who, for lack of biers, were carried off on plain boards. . . And times without number it happened that two priests would be on their way to bury someone, holding a cross before them, only to find that bearers carrying three or four additional biers would fall in behind them; so that whereas the priests had thought that they had only one burial to attend to, they in fact had six or seven, and sometimes more. Even in these circumstances, however, there were no tears or

[3] A *bier* was a moveable stand on which a coffin or a body was placed to take it to the grave.

candles or mourners to honor the dead; in fact, no more respect was accorded to dead people than would nowadays be shown towards dead goats. For it was quite apparent that the one thing which, in normal times, no wise man had ever learned to accept with patient resignation (even though it struck so seldom and unobtrusively), had now been brought home to the feeble-minded as well, but the scale of the calamity caused them to regard it with indifference.

Such was the multitude of corpses (of which further consignments were arriving every day and almost by the hour at each of the churches), that there was not sufficient consecrated ground for them to be buried in, especially if each was to have its own plot in accordance with long-established custom. So when all the graves were full, huge trenches were excavated in the churchyards, into which new arrivals were placed in their hundreds, stowed tier upon tier like ships' cargo, each layer of corpses being covered over with a thin layer of soil till the trench was filled to the top.

But rather than describe in elaborate detail the calamities we experienced in the city at that time, I must mention that, whilst an ill wind was blowing through Florence itself, the surrounding region was no less badly affected. In the fortified towns, conditions were similar to those in the city itself on a minor scale; but in the scattered hamlets[4] and the countryside proper, the poor unfortunate peasants and their families had no physicians or servants whatever to assist them, and collapsed by the wayside, in their fields, and in their cottages at all hours of the day and night, dying more like animals than human beings. Like the townspeople, they too grew apathetic in their ways, disregarded their affairs, and neglected their possessions. Moreover, they all behaved as though each day was to be their last, and far from making provision for the future by tilling their lands, tending their flocks, and adding to their previous labors, they tried in every way they could think of to squander the assets already in their possession. Thus it came about that oxen, asses, sheep, goats, pigs, chickens, and even dogs (for all their deep fidelity to man) were driven away and allowed to roam freely through the fields, where the crops lay abandoned and had not even been reaped, let alone gathered in. And after a whole day's feasting, many of these animals, as though possessing the power of reason, would return glutted in the evening to their own quarters, without any shepherd to guide them.

But let us leave the countryside and return to the city. What more remains to be said, except that the cruelty of heaven (and possibly, in some measure, also that of man) was so immense and so devastating that between March and July [1348], what with the fury of the pestilence and the fact that so many of the sick were inadequately cared for or abandoned in their hour of need because the healthy were too terrified to approach them, it is reliably thought that over a hundred thousand human lives were extinguished with the walls of Florence. Yet before this lethal catastrophe fell upon the city, it is doubtful whether anyone would have guessed it contained so many inhabitants.

[4] Hamlets were small villages.

39. Agnolo di Tura, The Plague Strikes Siena (1348)

Agnolo di Tura was a shoemaker and minor civic official from Siena. His main importance to posterity lies in his account of the Black Death and its effects on his city. Like Boccaccio's description of the plague, di Tura does not simply explain how people died, but rather comments on how the massive amounts of death led to the breakdown of societal norms. He also focuses on the psychological trauma which this event inflicted upon the survivors.

1) How does his account of the spread of the plague agree with Boccaccio?
2) What symptoms does he see in the afflicted?
3) What evidence do you see that everyday society was breaking down?
4) How did the civic government try to cope with the situation?

[From Benjamin G. Kohl and Alison Andrews Smith, eds., *Major Problems in the History of the Italian Renaissance* (Lexington, Massachusetts: DC Heath, 1995), 49-50.]

The mortality began in Siena in May; it was a horrible and cruel matter, and I do not know where to begin to describe its cruelty and pitiless ways, which made almost all who saw it become stupefied with pain. And it is not possible to describe the horrible thing; indeed one can be called blessed who did not see such horribleness. And those struck died almost at once; they would swell beneath their armpits and in their groin, and fall dead while talking. Father abandoned son, wife her husband, and one brother the other; each one fled and left the other, since this disease seemed to strike through breath and the eyes. And thus people died, and no one could be found to bury the dead for money or out of friendship, so members of each household buried their own dead in a ditch, without a priest, without services, without the tolling of the death bell. And in many places in Siena great pits were dug and filled with the multitude of the dead. And they died by the hundreds both day and night, and each was thrown in those pits and each layer covered with dirt. And as soon as these pits were filled, more pits were dug.

And I, Agnolo di Tura, called the Fat, buried five of my children with my own hands. But there were also bodies that were so poorly covered with earth that dogs dragged them out and ate many bodies, all through the city. And no one lamented the death of others, since each one awaited his own death. And so many people died, that everyone thought that the end of the world had come. And no medicine nor any other remedy worked, and the more remedies were administered, the sooner the victims died. And the governors [of Siena] appointed three citizens who received one thousand gold florins from the commune of Siena, which they were supposed to spend on the sick poor people and use to bury the poor who had died. And it was so horrible that I, the author, do not want to think about it, and therefore, I will not talk about it any longer. And one finds that there died during this period in Siena 36,000 persons who were twenty years old or less. With the aged and others who died, this added up to a total of 52,000. In the suburbs of Siena died 28,000 persons, so that in all one finds that 80,000 persons died in the city and suburbs of Siena. And at this period there were left in Siena and its suburbs

about 30,000 persons, of whom there remained in the city fewer than 10,000 persons. And those who survived were filled with despair and almost devoid of feeling. And many enclosures and other places were abandoned, and all the mines of silver, gold and copper, which existed in [the territory of] Siena, were abandoned as one can see, because in the countryside many more people died, and many areas and villages were abandoned since no person lived there. I will not described the cruelty that happened in the countryside, how the wolves and other wild beasts devoured the badly buried bodies, and the other cruelties that would be too painful to read about.

40. *The Chronicle of Jean de Venette* (The Plague in France) (1348)

Jean de Venette (1307-1370) was a Carmelite friar who lived in France and wrote a famous chronicle of the years 1340 to 1368. His report for the plague years of 1348 and 1349 corroborates some of the account of Boccaccio but also brings up information which is new and unique. For example, De Venette offers an explanation for the coming of the disease which differs from other accounts, and talks a great deal about how the people of the time tried to understand why it effected so many people. Of great interest is his description of the treatment of Jews during these years and a peculiarity in the physiology of children born after the Black Death.

1) How did some people account for the coming of the plague?

2) Why were Jews persecuted after the plague broke out? Why does he believe that they were not guilty?

3) What important things does he say about births in the years directly after the Black Death?

4) In what ways is De Venette's account similar to Boccaccio's? In what ways is it different?

[From Richard A. Newhall, ed., Jean Birdsall, trans., *The Chronicle of Jean de Venette* (New York: Columbia University Press, 1953), pp. 48-51. Found at http://www.u.arizona.edu/%7Eafutrell/w%20civ%2002/plaguereadings.html.]

In 1348 C.E., the people of France and of almost the whole world were struck by a blow other than war. For in addition to the famine which I described in the beginning and to the wars which I described in the course of this narrative, pestilence and its attendant tribulations appeared again in various parts of the world. In the month of August, 1348, after Vespers[1] when the sun was beginning to set, a big and very bright star appeared above Paris, toward the west. It did not seem, as stars usually do, to be very high above our hemisphere but rather very near. As the sun set and night came on, this star did not seem to me or to many other friars who were watching it to move from one place. At length, when night had come, this big star, to the amazement of all of us who were watching, broke into many different rays and, as it shed these rays over Paris toward the east, totally disappeared and was completely annihilated. Whether it was a comet or not, whether it was composed of airy exhalations and was finally resolved into vapor, I leave to the decision of astronomers. It is, however, possible that it was a presage[2] of the amazing pestilence to come, which, in fact, followed very shortly in Paris and throughout France and elsewhere, as I shall tell.

All this year and the next, the mortality of men and women, of the young even more than of the old, in Paris and in the kingdom of France, and also, it is said, in other parts of the world, was so great that it was almost impossible to bury the dead. People lay ill little more than two or three days and died suddenly.... He who was well one day was dead the next and being carried to his grave. Swellings

[1] Vespers were prayers sung at sunset.

[2] A foretelling.

appeared suddenly in the armpit or in the groin -- in many cases both -- and they were infallible signs of death. This sickness or pestilence was called an epidemic by the doctors. Nothing like the great numbers who died in the years 1348 and 1349 had been heard of or seen or read of in times past. This plague and disease came from . . . association and contagion, for if a well man visited the sick he only rarely evaded the risk of death. Wherefore in many towns timid priests withdrew, leaving the exercise of their ministry to such of the religious as were more daring. In many places not two out of twenty remained alive….

Some said that this pestilence was caused by infection of the air and waters, since there was at this time no famine nor lack of food supplies, but on the contrary great abundance. As a result of this theory of infected water and air as the source of the plague, the Jews were suddenly and violently charged with infecting wells and water and corrupting the air. The whole world rose up against them cruelly on this account. In Germany and other parts of the world where Jews lived, they were massacred and slaughtered by Christians, and many thousands were burned everywhere, indiscriminately. The unshaken . . . constancy of the [Jewish] men and their wives was remarkable. For mothers hurled their children first into the fire that they might not be baptized and then leaped in after them to burn with their husbands and children.

It is said that many bad Christians were found who in a like manner put poison into wells. But in truth, such poisonings, granted that they actually were perpetrated, could not have caused so great a plague nor have infected so many people. There were other causes; for example, the will of God and the corrupt humors and evil inherent in air and earth. Perhaps the poisonings, if they actually took place in some localities, re-enforced these causes.

The plague lasted in France for the greater part of the years 1348 and 1349 and then ceased. Many country villages and many houses in good towns remained empty and deserted. Many houses, including some splendid dwellings, very soon fell into ruins. Even in Paris several houses were thus ruined, though fewer here than elsewhere.

After the cessation of the epidemic, pestilence, or plague, the men and women who survived married each other. There was no sterility among the men, but on the contrary fertility beyond the ordinary. Pregnant women were seen on every side. Many twins were born and even three children at once. But the most surprising fact is that children born after the plague, when they became of an age for teeth, had only twenty or twenty-two teeth, though before that time men commonly had thirty-two in their upper and lower jaws together. What this diminution in the number of teeth signified I wonder greatly, unless it be a new era resulting from the destruction of one human generation by the plague and its replacement by another.

Week Thirteen Readings

(The Black Death –

Part II: Effects)

41. A Shortage of Priests to Hear Confession (1349)

Most of this week's readings pertain to the impact which the Black Death had on European politics, religion and society. One impact of the Black Death was a change in some aspects of daily life. In England the Bishop of Bath and Wells wrote this letter to the clergy of his diocese in January 1349 as a response to a shortage of priests. Its purpose was to publicize the fact that in an emergency the sacrament of **confession** *(which was supposed to be made to an ordained priest) could be made to a layman.*

1) According to the bishop, why was there such a shortage of priests to hear confessions?

2) Was it just because many had died of the plague?

[From Rosemary Horrox, ed., *The Black Death* (Manchester UP, 1994), 271-272.]

The contagious pestilence, which is now spreading everywhere, has left many parish churches and other benefices[1] in our diocese without an incumbent, so that their inhabitants are bereft of a priest. And because priests cannot be found for love or money to take on the responsibility for those places and visit the sick and administer the sacraments of the church to them, perhaps because they fear that they will catch the disease themselves, we understand that many people are dying without the sacrament of penance, because they do not know what they ought to do in such an emergency and believe that even in an emergency confession of their sins is of no use or worth unless made to a priest having the power of the keys.[2] Therefore, desirous as we must be to provide for the salvation of souls and to call back the wanderers who have strayed from the way, we order and firmly enjoin you, upon your obedience, to make it known speedily and publicly (either in person or through someone else) to everybody, but particularly to those who have already fallen sick, that if when on the point of death they cannot secure the services of a properly ordained priest, they should make confession of their sins, according to the teaching of the apostle, to any lay person, even to a woman if a man is not available. Each rector, vicar or parish priest among you should publicize this within your church, and deans[3] should make themselves responsible for places within their deanery which have no incumbent. . . .

You should also let it be known that all those who confess their sins to a lay person in an emergency, and then recover, should confess the same sins again to their own parish priest. . . .

[1] A *benefice* was any paid position in the church.

[2] *The power of the keys* meant a priest who had been through the sacrament of ordination , and thus had the keys to the kingdom of heaven.

[3] A *dean* was the clergyman in charge of the operations of a cathedral or a college church.

42. The Statute of Laborers (1351)

The massive scale of the depopulation after the Black Death led to serious shortages of food and of agricultural labor. Peasants found that their food-raising skills were in high demand. Land was useless as a means of making wealth if it was not under the plow. As a result, all throughout Western Europe, peasants renegotiated their labor contracts with their local lords. Unfree peasants, like **serfs**, *demanded and received their freedom and became free tenants. All peasants had their rents lowered and daily labor rates raised, sometimes by two or three times what they had been before the Black Death, so desperate were landed lords for agricultural labor. If a lord was not willing to renegotiate, his peasants would simply flee in the night and ply their fortunes elsewhere. In towns the labor shortage led to a rise in wages for workers. In England landed lords in the countryside and employers in the cities struck back at this escalation in labor rates by getting legislation passed through Parliament which ordered wages back to pre-plague levels. One such law was called the* **Statute of Laborers**. *It did not work. Without labor a shop or a farm came to a standstill. Employers had to pay the going rate. This legislation is significant because it shows how the upper middle class and the nobility tried to reassert their control over an economic situation in which they had no control at all.*

1) In the following extract who is blamed for the high price of labor?
2) What justification is given by Parliament for passing this law?
3) What punishments were to be handed out for violators?

[From Rosemary Horrox, ed., *The Black Death* (Manchester UP, 1994), 312-314.]

It was lately ordained by our lord the king, with the assent of the prelates, nobles and others of his council against the malice of employees, who were idle and were not willing to take employment after the pestilence unless for outrageous wages, that such employees, both men and women, should be obliged to take employment for the salary and wages accustomed to be paid in the place where they were working in the 20th year of the king's reign [1346], or five or six years earlier; and that if the same employees refused to accept employment in such a manner they should be punished by imprisonment, as is more clearly contained in the said ordinance. Whereupon commissions were issued to various people in each county to make inquiry and punish all those offending against the ordinance. And now the king has been given to understand by a petition of the Commons in the present parliament that the said employees "having no regard to the said ordinance but rather to their own ease and exceptional greed" withdraw themselves to work for great men and others, unless they are paid livery[1] and wages double or treble what they were accustomed to receive in the said 20th year and earlier, to the great damage of the great men and the impoverishing of all the Commons, for which the said Commons pray for remedy. Wherefore, to restrain the malice of the said employees, the things below written have been ordained and established in the said parliament by the assent of the said prelates, earls, barons and other great men.

[1] *Livery* was a yearly clothing expense paid for by the employer.

First, that each carter, ploughman, plough-driver, shepherd, swine-herd, dairy maid and other employees shall take the liveries and wages accustomed in the said 20th year and four years previously. . . And that they be hired to serve for a whole year, or for other usual terms, and not by the day. And no one shall take more than 1*d* the day for weeding the fields or hay making; and mowers 5*d* an acre or 5*d* a day; and reapers of corn 2*d* [per day] in the first week of August, and 3*d* in the second week and so until the end of the month, and less in places where less used to be given; without food or other bonus being asked, given or taken. And that such workers bring the tools of their trade openly to market and there shall be hired in full view and not secretly. . . .

And that the employees shall be sworn twice a year before the lords, stewards, bailiffs and constables of every town that they shall uphold and observe these things. And that no one shall leave the town where he lives in the winter to work elsewhere in the summer if there is work for him in the same town, taking the wages abovesaid. . . And those who refuse to take such an oath, or to perform what they have sworn or bound themselves to do, shall be put in the stocks for three days or more by the said lords, stewards, bailiffs and constables of the towns, or sent to the nearest gaol,[2] there to remain until they submit themselves. And the stocks be made in each town for this purpose between now and Pentecost. . . .

Item, that the said stewards, bailiffs and constables of the said towns be sworn before the same justices that they will inquire diligently, by all the good ways they may, about all those who act contrary to the ordinance, and that they will certify their names to the justices whenever they come into the area to hold their sessions,[3] so that the said justices, having received the names of such rebels from the stewards, bailiffs and constables, may have them arrested to appear before the justices and answer for their offences, so that they may make a fine or ransom to the king if they are convicted, and over that let them be sent to prison, there to remain until they find surety that they will take employment and wages, and carry out their work, and sell goods, in the manner specified above. And if anyone is convicted of breaking his oath he shall be imprisoned for 40 days, and if he is convicted a second time, he shall be imprisoned for a quarter of a year, and thus each time he offends and is convicted the penalty is doubled. . . .

[2] A *gaol* was another name for a jail.
[3] Sessions refer to circuit court sessions. Judges traveled from community to community, usually twice a year, to hear local court cases.

43. Henry Knighton – The Black Death in England (1349-50)

Henry Knighton (d.1396) was a monk in an abbey in Leicester, England. He wrote a history of his times which included an account of the Black Death and the changes it brought to English society. It is worth remembering that the plague killed about one-third to one-half of the population of England between 1348 and 1350.

Please read the following selection and answer these questions:

1) How quickly did people die from the plague?
2) What problems did the high death rate cause the English Church?
3) What impact did the plague have on workers and landowners in the countryside?
4) How did working men and serfs seem to benefit from the plague?
5) How did the king get involved in the dispute between workers and landowners?

[From Albert B. White & Wallace Notestein, eds., *Source Problems in English History* (New York & London: Harper & brothers Publishers, 1915), pp.135-140]

Then [in 1349] the grievous plague penetrated the seacoasts from Southampton, and came to Bristol, and there almost the whole strength of the town died, struck as it were by sudden death. For there were few who kept their beds more than three days, or two days, or half a day. And after this the fell death broke forth on every side with the course of the sun. There died at Leicester in the small parish of St. Leonard more than 380; in the parish of Holy Cross more than 400; in the parish of St. Margaret of Leicester more than 700; and so in each parish a great number. Then the bishop of Lincoln sent through the whole bishopric, and gave general power to the priests each and all, both regular and secular,[1] to hear confessions, and absolve with full and entire episcopal authority except in matters of debt, in which case the dying man, if he could, should pay the debt while he lived, or others should certainly fulfil that duty from his property after his death. Likewise, the pope granted full remission of all sins to whoever was absolved in peril of death and granted that this power should last till next Easter, and every one could choose a confessor at his will.

In the same year there was a great plague of sheep everywhere in the realm, so that in one place there died in one pasturage more than 5000 sheep, and so rotted that neither beast nor bird would touch them. And there were small prices for everything on account of fear of death, for there were few who cared about riches or anything else. For a man could have a horse, which before was worth 40s., for 6s. 8d., a fat ox for 4s., a cow for 12d., . . . Sheep and cattle went wandering over fields and through crops, and there was no one to go and drive or gather them, so that the number cannot be reckoned which

[1] The regular clergy were the monks because they followed a *regula* (Latin for "rule"). Some monks underwent additional training and were ordained as priests which gave them the ability to say mass and hear confessions. The secular clergy were those who worked with the lay people, such as priests, bishops, cardinals and the pope.

perished in the ditches in every district, for lack of herdsmen. For there was such a lack of servants that no one knew what he ought to do. . . .

In the following autumn no one could get a reaper for less than 8d. with his food,[2] a mower for less than 12d. with his food. Wherefore many crops perished in the fields for want of someone to gather them; but in the pestilence year, as is above said of other things, there was such an abundance of all kinds of corn[3] that no one much troubled about it. . . .

Master Thomas of Bradwardine was consecrated by the pope archbishop of Canterbury, and when he returned to England he came to London, but within two days was dead. . . . At the same time priests were in such poverty everywhere that many churches were widowed and lacking the divine offices, masses, matins[4], vespers[5], sacraments, and other rites. A man could scarcely get a chaplain[6] under £10 or 10 marks[7] to minister to a church. And when a man could get a chaplain for five or four marks or even for two marks with his food when there was an abundance of priests before the pestilence, there was scarcely any one now who was willing to accept a vicarage for £20 or 20 marks; but within a short time a very great multitude of those whose wives had died in the pestilence flocked into the orders, of whom many were illiterate and little more than laymen, except so far as they knew how to read, although they could not understand.

. . . . Meanwhile the king sent proclamation into all the counties that reapers and other laborers should not take more than they had been accustomed to take,8 under penalty appointed by statute.[9] But the laborers were so lifted up and obstinate that they would not listen to the king's command, but if any one wished to have them he had to give them what they wanted, and either lose his fruit and crops, or satisfy the lofty and covetous wishes of the workmen.

And when it was known to the king that they had not observed his command, and had given greater wages to the laborers, he levied heavy fines upon abbots, priors, knights, greater and lesser, and other great folk and small folk of the realm, of some 100s., of some 40s., of some 20s., from each according to what he could give.

. . . And afterward the king had many laborers arrested, and sent them to prison. Many withdrew themselves and went into the forests and woods, and those who were taken were heavily fined. Their ringleaders were made to swear that they would not take daily wages beyond the ancient custom, and

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[2] With food provided for the laborer each day he worked.
[3] *Corn* was a generic word for any grain.
[4] Prayers said from midnight to dawn.
[5] Prayers said at sunset.
[6] A chaplain was a priest who looked after the chapel in a private home.
[7] A *mark* was 2/3 of a pound sterling.
[8] before the time of the Black Death
[9] Knighton is referring to the Statute of Laborers which made it a crime for workers and artisans to charge more for their labor than in the days before the Black Death. The statute was a response to the high wages for labor.

then were freed from prison. And in like manner was done with the other craftsmen in the boroughs and villages. . . .

After the aforesaid pestilence, many buildings, great and small, fell into ruins in every city, borough, and village for lack of inhabitants. Likewise many small villages and hamlets became desolate, not a house being left in them, all having died who dwelt there. And it was probable that many such villages would never be inhabited [again]. In the winter following there was such a want of servants in work of all kinds, that one would scarcely believe that in times past there had been such a lack. The cattle and flocks which a man had wandered about everywhere without pasture, and everything which a man had was without care. And so all necessaries became so much dearer that what in times past had been worth a penny was then worth 4d. or 5d.

Magnates and lesser lords of the realm who had tenants made abatements[10] of the rent in order that the tenants should not go away on account of the want of servants and the general dearness, some half rent, some more, some less, some for two years, some for three, some for one year, according as they could agree with them. Likewise, those who received of their tenants day work throughout the year, as is the practice with villeins,[11] had to give them more leisure, and remit such works, and entirely free them or give them an easier tenure at a small rent, so that homes should not be everywhere irrecoverably ruined, and the land everywhere remain entirely uncultivated. And all victuals[12] and necessities of every sort become very dear.

[10] Rents were lowered.
[11] *Villeins* were the most common kind of serf. They were technically unfree and tied to a piece of land, owing a lord a certain number of days of labor service per week. These labor obligations were called *day work*.
[12] *Victuals* was generic word for "food."

Week Fourteen Readings

(Hundred Years War)

44. Jean Froissart, "The Campaign of Crecy" from *Chronicles* (c.1410)

The Hundred Years' War was a conflict between England France which was fought between 1337 and 1453. It was not one long war, but rather a myriad of smaller raids, skirmishes and sieges, with a handful of full-scale battles thrown in. At first the English seemed to have the upper hand, as they won a number of famous victories (at Crecy in 1346 and Poitiers in 1356) with their new, innovative, and (most of all) cheap army, which mixed mounted knights, foot soldiers and longbowmen. This English army proved again and again to be a match for the French, whose army was made up largely of heavily armored mounted knights and a few crossbowmen. Even after successive defeats the French were loathe to change the composition of their army, an act which would have been unchivalric in their eyes. It took the bloody and humiliating loss at the Battle of Agincourt in 1415, which killed off the cream of French chivalry and almost put an English king on the throne of France, to get the French to try new tactics, weapons and army composition. The introduction of gunpowder weapons and a resurgent nationalism, the latter shown best by the efforts of a young woman named Joan of Arc, helped turn the tide of battle against the English. By 1453 the French had succeeded in pushing the English almost entirely out of France and could begin rebuilding royal authority which had suffered greatly during the war.

The most popular history of the Hundred Years' War was penned by Jean Froissart. The following selection pertains to the first great pitched battle between the English and French armies, where the French caught up to an outnumbered English force led by King Edward III and his son, the Prince of Wales.

1) What is Froissart's source for this battle?
2) Does this color the account he gives?
3) What reasons does Froissart give for both the English victory and the French defeat?
4) Why did so many French noblemen die at the battle of Crecy?

[From Jean Froissart, *Chronicles* (NY: Penguin Books, 1978), pp. 87-91.]

There is no one, even among those present on that day, who has been able to understand and relate the whole truth of the matter. This was especially so on the French side, where such confusion reigned. What I know about it comes chiefly from the English, who had a good understanding of their own battle-plan, and also from some of Sir John of Hainault's men, who were never far from the King of France.

The English, who were drawn up in their three divisions and sitting quietly on the ground, got up with perfect discipline when they saw the French approaching and formed their ranks, with the archers in a

harrow-formation[1] and the men-at-arms behind. The Prince of Wales's[2] division was in front. The second, commanded by the Earls of Northampton and Arundel, was on the wing, ready to support the Prince if the need arose.

It must be stressed that the French lords (kings, dukes, counts and barons) did not reach the spot together, but arrived one after another, in no kind of order. When King Philip came near the place where the English were and saw them, his blood boiled, for he hated them. Nothing could now stop him from giving battle. He said to his Marshals: "Send forward our Genoese and begin the battle, in the name of God and St. Denis.

He had with him about fifteen thousand Genoese bowmen who would sooner have gone to the devil than fight at that moment, for they had just marched over eighteen miles, in armor and carrying their crossbows. They told their commanders that they were not in a state to fight much of a battle just then. These words came to the ears of the Count of Alençon, who grew very angry and said: "What is the use of burdening ourselves with this rabble who give up just when they are needed!"

While this argument was going on and the Genoese were hanging back, a heavy storm of rain came on and there were loud claps of thunder, with lightning. Before the rain, huge flocks of crows had flown over both armies, making a deafening noise in the air. Some experienced knights said that this portended a great and murderous battle.

Then the sky began to clear and the sun shone out brightly. But the French had it straight in their eyes and the English at their backs. The Genoese, having been marshaled into proper order and made to advance, began to utter loud whoops to frighten the English. The English waited in silence and did not stir. The Genoese hulloa'd a second time and advanced a little farther, but the English still made no move. Then they raised a third shout, very loud and clear, leveled their crossbows and began to shoot.

At this the English archers took one pace forward and poured out their arrows on the Genoese so thickly and evenly that they fell like snow. When they felt those arrows piercing their arms, their heads, their faces, the Genoese, who had never met such archers before, were thrown into confusion. Many cut their bowstrings and some threw down their crossbows. They began to fall back.

Between them and the main body of the French there was a hedge of knights, splendidly mounted and armed, who had been watching their discomfiture and now cut off their retreat. For the King of France, seeing how miserably they had performed, called out in great anger: "Quick now, kill all that rabble. They are only getting in our way!" Thereupon the mounted men began to strike out at them on all sides and many staggered and fell, never to rise again. The English continued to shoot into the thickest part

[1] The archers probably formed hollow wedges pointed towards the enemy, at each end of a body of foot-soldiers and positioned slightly in front of these.

[2] The King of England's eldest son and heir.

of the crowd, wasting none of their arrows. They impaled or wounded horses and riders, who fell to the ground in great distress, unable to get up again without the help of several men. . . .

It is true that too few great feats of arms were performed that day, considering the vast number of fine soldiers and excellent knights who were with the King of France. But the battle began late and the French had had a long and heavy day before they arrived. Yet they still went forward and preferred death to a dishonorable flight. . . .

The King of France was in great distress when he saw his army being destroyed piecemeal by such a handful of men as the English were. He asked the opinion of Sir John of Hainault, who was at his side. "Well, sire," Sir John answered, "the only advice I can give you now is to withdraw to some place of safety, for I see no hope of recovery. Also, it will soon be dark and you might as easily fall in with your enemies and meet disaster as find yourself among friends.". . .

The lateness of the hour harmed the French cause as much as anything, for in the dark many of the men-at-arms lost their leaders and wandered about the field in disorder only to fall in with the English, who quickly overwhelmed and killed them. They took no prisoners and asked no ransoms, acting as they had decided among themselves in the morning when they were aware of the huge numbers of the enemy. . . .

It must be said that fearful losses had been inflicted on the French and that the kingdom of France was greatly weakened by the death of so many of her brave nobility. If the English had mounted a pursuit, as they did at Poitiers, they would have accounted for many more, including the King himself. . . .

. . . Among the English there were pillagers and irregulars, Welsh and Cornishmen armed with long knives, who went out after the French (their own men-at-arms and archers making way for them) and, when they found any in difficulty, whether they were counts, barons, knights or squires, they killed them without mercy. Because of this, many were slaughtered that evening, regardless of their rank. It was a great misfortune and the King of England was afterwards very angry that none had been taken for ransom, for the number of dead lords was very great.

45. The Good Parliament (1376)

The Hundred Years' War, a series of military engagements which occupied the English and the French for actually well over a century, had its official beginning in 1337, when King Edward III of England pressed his claim to the French throne by invading France. During the early years of the war the English forces were victorious, and the French king was captured at the Battle of Poitiers in 1356. After the initial glory of such triumphs as Poitiers had faded, the English found themselves bogged down in a war which accomplished little and cost much. The English king was forced to go to Parliament frequently and ask for ***extraordinary revenue****, which meant raising money through additional taxation. Fruitless campaigns, corruption, and a lack of leadership at home provoked both houses of Parliament to make demands of the king in return for funding the war abroad. Some of these demands were achieved, at least temporarily, in the session of 1376, known as the "Good Parliament."*

1) In the following selection what evidence do you see that the power of Parliament is growing?
2) What are they able to force the king to do in order to get funding for the war?
3) Who do they claim is at fault for the bad things happening in the realm?
4) Is the king blamed directly?

[From J. Sears McGee, et al, eds., *Kings, Saints and Parliaments*, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing, 1994), 73-74.]

In the year of grace 1376 . . . in the beginning of the month of May, King Edward caused a great parliament to be called at Westminster; at which, in accordance with his usual custom, he asked from the people that a certain subsidy[1] be granted to him for the defense of the kingdom. In replying to him they said that they were frequently worried in various ways by such impositions, and they said truly that they could not bear such burdens without the greatest loss. For it was clearly evident to them that the king had sufficient [resources] for the defense of his kingdom, if the kingdom were ruled prudently and faithfully, but as long as there was such government in the kingdom as was then being carried on by the wicked officials, the kingdom would never abound in resources or wealth. They offered to prove this clearly, and if after this proof it should be found that the king needed anything, they would aid him according to their ability. In the progress of events many things were said about the favorites of the king, his various other officers, and especially Lord Latimer, his chancellor,[2] who influenced the king in the worst way.

Wherefore the duke of Lancaster,[3] Lord Latimer, and several other officers of the king were removed and others substituted in their places. Likewise, at the petition of the community, it was ordained that

[1] A *subsidy* was a tax on both land and moveable wealth.
[2] The *chancellor* was one of the great officers of state and thus an important advisor of the king. He was the head of the Chancery, the chief writing office of the English government, in charge of royal correspondence and treaties.
[3] John of Gaunt, the fourth son of Edward III.

certain bishops and earls of praiseworthy lives should rule the king and kingdom for the rest. This had to be done, as the king was already verging on senility and needed helpers of this kind. But this change lasted scarcely three months, inasmuch as it was hindered by those who had been removed from the king, as was mentioned above.

Week Fifteen Readings

(No readings this week)