Chapter Twenty-Seven

Localities

David E. Thornton

The Scandinavian incursions in Britain and Ireland from the late eighth to the tenth centuries mark a watershed in the history of these two islands. The demographic and political changes characteristic of this period had significant effects, both direct and indirect, from the upper echelons of Anglo-Saxon and Celtic societies down to the level of local communities. Beyond the obvious threat of the viking raids on many communities, the settlement of Norse-speaking peoples – notably in northern and eastern England, the Scottish Isles, and parts of Ireland – led to the emergence of new communities and new social and cultural structures. Furthermore, the conquest of the so-called Danelaw and Northumbria by the successors of Alfred the Great during the tenth century was accompanied by the imposition of new administrative patterns based on existing West Saxon models. The disappearance of the pre-viking "tribal units" and the development of a more centralized form of royal government affected the workings of local administration and justice.

Most communities in early medieval Britain and Ireland were and continued to be rural and agrarian in character, and consequently most people lived in small villages and estates. The high-status sites of the Celtic areas and the royal vills of England were the exception. From the ninth century onward, we see the gradual development of proto-urban and urban sites, notably in England, in the form of Alfredian and later boroughs, and in the Danelaw and the north, notably York. By the tenth century, there is evidence for the existence of borough courts, and in Ireland viking *longphoirt* were developing into proto-urban settlements, especially Dublin. Towns involved different social structures and different forms of organization.

The position of an individual within his or her community was in part determined by three interrelated factors: kinship, status, and, depending on location, ethnicity (see chapter 7). Local communities in early medieval Britain and Ireland were socially mixed, reflecting the social stratification of society at large. The role played by an individual within a community, and the ability to interact with others, were to a significant degree determined by his or her social status. Indeed, in later Welsh law, the value of a dog was partly a matter of its breed and age, but also depended upon the status of its owner, though a dog belonging to a *bilain* (literally "villein"), of whatever breed, was always valued at four pence.[1] A person's status was a matter of both kinship and economic standing. The most fundamental social distinction was between free

A Companion to the Early Middle Ages: Britain and Ireland, c.500–c.1100 Edited by Pauline Stafford
 ISBN: 978-1-405-10628-3

and unfree, and there is evidence of slavery and the manumission of slaves.[2] Most early medieval societies divided freemen into king, noble, and peasant, though each of these broad divisions could in turn be subdivided. For example, the Irish laws from the seventh and eighth centuries describe a highly graded system of social hierarchy (see chapter 7), though how far this operated in practice and to what extent the system survived to the tenth and eleventh centuries are unclear.

In England, the main term for a non-noble freeman was *ceorl*, and from the eleventh century, we gain an insight into the different categories of peasant from *Domesday Book* and a document know as *Rectitudines singularum personarum*.[3] Clearly, there existed a kind of hierarchy: at the top was the *geneat* ("companion") or, in *Domesday Book*, the *radman*; below was the cottager, called *kotsetla*, *cottarius*, and *bordarius*; and at the bottom the *gebur* or *colibertus*, many of whom were probably freed slaves. The status of most of these appears to have depended largely on economic circumstances, and indeed the *Norðleoda Laga* ("The Law of the North People") provides that an individual could increase his *wergild*, and by implication his status, if he were to acquire sufficient land. This included the *ceorl* and his offspring who could increase his *wergild* to the level of a thegn "if he has five hides of land on which he discharges the king's dues" (*EHD*, I, 469–70). On the other hand, in lowland Scotland descent was equally important. Thus, the *Leges inter Brettos et Scottos* ("Laws among/between the Britons and Scots") state that "all those who are lower in kinship [*bassiores in parentela*] are rustics, and have the rights of a rustic."[4] Status was not simply a matter of social standing and snobbery, but had a direct and practical influence on many aspects of an individual's life and therefore on his or her involvement within the community. In the Danelaw, there existed the *lahslit* (from Old Norse "breach of the law") which was a fine paid by an offender according to his own status: the higher his status, the more he was required to pay.[5]

Despite the modern preference for ethno-political terms such as "Anglo-Saxon England," the polities of early medieval Britain and Ireland were certainly not comprised of mutually exclusive "ethnic" populations, and this applies equally to the local communities. Indeed, the Scandinavian settlements added a further component to the ethnic melting pot in many areas. In the tenth century, English kings were very conscious that they ruled, or at least claimed to rule, over a variety of peoples, and by the eleventh century their successors recognized three prevailing "laws": those of Wessex, Mercia, and the "Danelaw." Ethnic concerns would have been particularly important in communities that lay along the border between different demographic or political areas, and thus a number of legal texts, such as the *Dunsæte Ordinance* and the *Leges inter Brettos et Scottos*, survive which specifically deal with regulating the interaction of different "ethnic" groups (see pp. 451–2). However, even in other areas, we might expect ethnically mixed communities. While the occurrence of the word *wealh* in English laws of the tenth and eleventh centuries probably refers to a slave rather than indicating the presence of Welshmen in southern England, the large parts of Britain and Ireland that were occupied by Scandinavian settlers during this period must have resulted in many mixed localities (see chapter 14). Indeed, recent DNA studies suggest that, whereas Shetland and the Orkneys experienced heavy Norwegian settlement during this period, areas that are also traditionally seen as Scandinavian in character, such as the Hebrides, underwent less settlement and that was predominantly by Scandinavian men.[6] Elsewhere, the degree of intermarriage with the indigenous popu-

lations must have also been high. On the other hand, similar studies in Ireland would suggest that the so-called "Ostman" towns came to be occupied largely by native Irish.[7]

Individual rural and urban settlements were not isolated communities but were part of wider collective localities and networks, and thus integrated into the existing administrative structures. The kingdoms of the tenth and eleventh centuries comprised hierarchies of administrative units, concerned with larger and smaller areas, paralleled by a hierarchy of courts for the administration of justice. The evidence is more abundant for late Anglo-Saxon England than for the contemporary Celtic regions, though some comments can be ventured. For England, the late ninth and tenth centuries seem to have been a period of change and development. The largest administrative division of late Anglo-Saxon England was the "shire," serving as a unit of local government for legislative, financial, and military purposes, and in turn subdivided into hundreds. The Old English word *scīr* meant a share or division, perhaps of people, originating as such in the pre-Viking period and continuing to represent forms of lordship in northern England and southern Scotland.[8] However, the later shires were clearly territorial in character.[9] The English system of shires was well established by the time of the *Domesday* survey and was probably more or less fixed by the reign of Æthelred the Unready (978–1016). However, the origin of individual shires probably followed the reconquest of England by the successors of Alfred the Great during the tenth century. The shires of Wessex – Somerset, Dorset, Wiltshire, and Hampshire – may have originated as early as the late seventh or eighth centuries, and were certainly in existence by the time of Alfred. The absorption by Wessex during the eighth and ninth centuries of the Brittonic kingdom of Dumnonia in the south-west and of old Anglo-Saxon kingdoms in the south-east led to the creation of the newer shires of Cornwall and Devon, and Kent, Sussex, Essex, and Surrey, respectively. Finally, during the tenth century, Alfred's successors seem to have imposed this "West Saxon" model on the reconquered Scandinavian areas, though it has also been suggested that the Mercian shires may have been established relatively late, during the reign of Æthelred, perhaps under the direction of the king's son-in-law, ealdorman Eadric Streona (1007–17).[10]

The names and sizes of individual shires reflect this varied origin of the system as a whole. The West Saxon shires took their names from the royal estates from which they were administered: Somerton, Dorchester, Wilton, and "Hamton" (Southampton). The later midlands shires were also named after the relevant centers, such as Chester, Stafford, Winchcombe (for "Winchcombshire," which was abolished by Eadric Streona), Nottingham, and so forth. Other shires took their names from existing "tribal" or political divisions, such as Norfolk and Suffolk, Devon, and Essex. The size of shires as recorded in *Domesday Book* and the so-called *County Hidage* varied (for example, 4,800 hides for Wiltshire and only 500 for Staffordshire), but in the case of the Mercian shires, the fairly regular assessment at 12,000 or 24,000 hides probably reflects their late and artificial origin. The Northumbrian shires, especially Yorkshire, were significantly larger than their southern equivalents, and were accordingly divided for administrative purposes (see below).

During the reign of Alfred, the West Saxon shires had been under the administration of an ealdorman (with two for Kent), and it was the ealdorman (later earl) and local bishop who presided over the shire court (*scirgemot*) in the mid-tenth century. By the late tenth century, however, the main administrative duties within the shire seem to have passed to one of the king's reeves known as the shire-reeve (*scirgerefa*)

or "sheriff." The position of the sheriff underlines the importance of the shire court as the main instrument of royal administration of the localities, but at heart the late Anglo-Saxon shire court remained a "folk court" rather than a royal court.[11] The shire court was to meet twice a year, around Easter and Michaelmas, though a law of Cnut adds that the court could meet more often if necessary. In theory, all freemen of the shire were expected to attend, but the court's main suitors, who declared the law, were probably of wealthy status. The fact that the shire court only met twice in a year meant that, for most Englishmen from the tenth until as late as the fourteenth century, the most important unit of local administration was rather the "hundred."[12]

The Old English word *hund-red* designated both a territorial division of the shire, in theory for taxation purposes assessed at 100 hides, and also a sphere of jurisdiction in the form of the hundred court. The model hundred is said to have comprised a royal vill, an assembly place, a minster, a market place, and a judicial execution cemetery.[13] As with the shire, the hundred in its developed form is thought to have originated in Wessex and to have been imposed by Alfred's successors during the following centuries. As a consequence, there was significant variation in the size of hundreds, especially those of Wessex. Hundreds usually took their names from the assembly place where the hundred court would meet – many being old meeting places, earlier than the tenth-century hundreds themselves – and contain references to prominent natural or man-made features such as trees, hillocks, river crossings, stones, and so forth, as well as boundaries. Examples include Mutlow (in Cambridgeshire and Sussex), meaning "moot or assembly hill"; Doddingtree (Worcestershire), "Dudda's tree"; and Ossulstone (Middlesex), "Oswulf's stone." Some such sites may also have had (pagan) religious significance, such as Thurstable in Essex, meaning "the pillar of Thunor."

The hundred was by far the most widespread administrative division of the shire in late Anglo-Saxon England, but it was not the only one. The Scandinavian conquests and settlements in the north and east resulted in the development of some new divisions. In the Danelaw and Yorkshire, the main unit was the wapentake (Old English *wǽpentæc* from Old Norse *vápnatak*, "a taking of weapons"), which functioned more or less like the hundred. In the larger shires of Yorkshire and Lincolnshire, there were ridings (literally "thirding" from Old Norse *þriðjungr*), which were larger than hundreds and wapentakes and, like the latter, were probably Scandinavian in origin. On the other hand, the so-called lathes of Kent, and perhaps the rapes of Sussex, probably originated much earlier as post-Roman territorial units, but had been more or less superseded by hundreds by the time of the *Domesday* survey.

We can trace the development of the hundred from tenth- and early eleventh-century royal legislation, including the short tract known as the *Hundred Ordinance* which was probably drawn up in the mid-tenth century and contains the earliest known reference to the hundred court (*hundredgemot*) and its major officer, the "hundredman." The *Hundred Ordinance* specifies that the court should meet every four weeks, that each man should do justice (*riht*) to another, and that specific days should be assigned for hearing individual cases (*EHD*, I, 430). Similar provisions occur in the laws of Edward the Elder earlier in the tenth century (II Edward 8),[14] and, although the "hundred" is not specified by name in the latter, it is likely that at least an embryonic hundred can be traced here. The *Hundred Ordinance* is primarily concerned with theft of property and the pursuit and bringing to justice of a thief and those who might aid him. It provides for following a trail into another hundred, in which case the local hundredman was to be informed and was expected to join in. The

Ordinance also refers to the "tithingman" who was in charge of a "tithing" (*teoþing*). From an earlier law of Æthelstan, we see tithings as groups of ten men organized into local "peace-guilds" (*friþgeld*), ten of which would constitute a "hundred" (VI Æthelstan; *EHD*, I, 424–5). The importance of the hundred court was reinforced in subsequent legislation, notably that of Æthelred and Cnut. Indeed, one law of Cnut specifies that no one could appeal to the king for justice, unless he had already failed to obtain it in his own hundred. The hundred thus came to be the main court for most Englishmen of the eleventh century, and was concerned with a wide variety of matters, including criminal and civil actions, as well as property transfer and disputes, and some ecclesiastical issues. Given the financial benefits attendant upon justice, it is not surprising that by 1086 many hundreds and wapentakes were in private hands.

Administrative hierarchies not dissimilar to the late Anglo-Saxon shire and hundred/wapentake pattern probably existed in other parts of the British Isles in the same period, though the sources from the Celtic-speaking areas are relatively meager in comparison to England. For Wales, for example, there is evidence of the *cantref* and *commote* as units of administration by the central Middle Ages, though how far they can be pushed back is not clear.[15] By the twelfth and thirteenth centuries, the basic unit was the *commote* (Welsh *cwmwd*, "neighborhood"). According to the somewhat idealized pattern in the much later law tracts, four *trefi* ("farmsteads, townships") comprised one *maenol* (large estate), and 50 *trefi* (that is, 12 *maenolau* plus two *trefi* reserved for the king's use) made up one *commote*. Furthermore, 2 *commotes* (100 *trefi*) made one *cantref*. The word *cantref* literally means "100 townships" (*cant* + *tref*) and is cognate with the Gaelic *cét treb*, "100 houses," which is found in early medieval Scottish Dál Riata. It is tempting to suggest some common form of socio-economic organization underlying these two related concepts. The "numerical" parallel between the Welsh *cantref* and the English hundred, as well as the Dalriadan *cét treb*, is interesting but generally the *cantrefi* were larger than the hundreds. Indeed, the *commote* was closer in size and function to the hundred. The center of the later medieval *commote* was the *maerdref* or royal township, which comprised the royal demesne plus a *llys* or court. The *llys* was the administrative and judicial center of the *commote*, as well as the focus for food render (*gwestfa*) and labor dues. The relationship between some English royal vills and hundreds offers an interesting parallel.[16]

Scattered evidence may support the view that the *cantref* existed in some Welsh kingdoms as an administrative and ecclesiastical division as early as the ninth century.[17] The names of most later medieval *cantrefi* and *commotes* combine a personal name with a territorial suffix, and it has been suggested that, as such, they represent a kind of place-name that had ceased to be coined by about 1100.[18] To what extent these pre-Conquest units were similar in organization and function to the later *cantrefi* and *commotes* is, of course, impossible to determine. Some of these names are attested in documents of the earlier period, but as minor kingdoms and sub-kingdoms, in some cases with their own dynasties. As in England, therefore, the absorption of small polities by larger kingdoms and their redefinition as administrative divisions would appear to account for some Welsh *cantrefi*. It has been suggested that, during the eleventh century, the *cantref* was gradually replaced by the *commote* as the basic unit of administration and justice in Wales. Indeed, we have reference to the "lost" *cantref* of Dunoding (probably an earlier minor kingdom) being "replaced" by the *commotes* of Eifionydd and Ardudwy.[19]

How were these communities and localities organized internally, and in what ways were the relations between individuals controlled? It is not easy to answer these questions in any detail, though some evidence is supplied by laws and accounts of lawsuits. For England, there is a notable gap between the four surviving law codes of the seventh century (see chapter 7) and the laws of Alfred the Great of Wessex from the end of the ninth century. Alfred seems to imply that Offa of Mercia was responsible for some laws, comparable to those of Ine and Æthelberht, but as they are no longer extant we cannot be certain of their content and character. From Alfred until Cnut, however, most English kings, with a few, minor exceptions, issued at least two law codes and some, such as Æthelred the Unready, issued a greater number which were very lengthy. In addition to such codes associated with kings, whether explicitly or otherwise, there are also a number of seemingly independent legal documents which contain laws directed at a specific problem or group. One example is the so-called *Dunsæte Ordinance* which seems to have regulated the interaction between the English and Welsh on either side of a river, probably the Wye in Archenfield, Herefordshire, during the early tenth century.[20] The surviving tenth- and eleventh-century English laws were mostly composed in Old English, though some survive only as Latin translations, especially in the twelfth-century compilation known as *Quadripartitus*, and they are usually less formal than the earlier codes. The historical interpretation of these later law codes is a somewhat difficult task since it is not entirely clear what the codes represent and why they were composed. On the one hand, they are royal legislation and as such may be interpreted as evidence of royal administration in action. Thus, historians have detected in these later codes the growing direct influence of royal government in areas traditionally within the scope of the customary law of local communities.[21] For example, crimes increasingly become injuries against society and not simply against the victim and his or her kindred: this trend may be detected in the payment of fines to the king for breach of his peace (*mund*) in addition to compensation to the kindred.[22] On the other hand, some scholars have argued otherwise.[23] For example, it may be significant that the provisions of law codes are never cited in any of the surviving early medieval English lawsuits. Accordingly, it could be argued that the law codes do not reflect the reality of late Anglo-Saxon society but are essentially ideological statements by monastic reformers, like Wulfstan archbishop of York and Worcester, who in many cases probably composed the codes on behalf of the kings whose names appear in the title. No doubt, each code should be treated individually, as a particular response to specific circumstances.

While there is certainly plenty of legal material surviving from late Anglo-Saxon England, the situation is less fruitful for the Celtic-speaking areas. In Ireland, the great period of redaction of the laws was the seventh and eighth centuries:[24] after c.800, no new laws were written down but instead the existing tracts were glossed and commentated on until the sixteenth century. Irish secular law was essentially oral tradition and, while it doubtless continued to develop and evolve, we have no surviving witnesses except the conservative and often enigmatic later glosses and commentaries. It is difficult, therefore, to be certain to what extent the provisions of the seventh- and eighth-century law tracts can be taken to describe Irish law in the tenth or eleventh centuries: doubtless some practices remained more or less constant but many would have changed over time, as we know from the laws themselves.

The situation for Wales is in some respects similar, in others inverse. There are no surviving law codes from the pre-Conquest period, but there are numerous legal texts in Welsh and Latin which are preserved in a series of great compilations from the twelfth and thirteenth centuries.[25] Like the Irish laws of the seventh and eighth centuries, these texts are not royal legislation as such, but the work of lawyers for lawyers. However, these law books begin with a prologue that attributes the collection and redaction of Welsh law to the tenth-century ruler Hywel Dda ("Howel the Good"), and consequently it is thus referred to as *Cyfraith Hywel*, the Law of Hywel. While this attribution has generally been rejected by historians and must be seen as an attempt in the twelfth century to give Welsh law a legitimacy and official authority it lacked,[26] this does not mean that the extant laws were composed *ab initio* in the post-Conquest period. It seems likely that medieval Welsh law, like its Irish cousin five centuries earlier, had been developing and changing long before it came to be written down and organized into thematic tractates by professional lawyers. For example, there are sufficient textual echoes of the early eighth-century Irish ecclesiastical legal compilation *Collectio canonum Hibernensis* to suggest that it had passed to Wales, perhaps directly from Ireland into Dyfed, and had been integrated into Welsh "law" sometime between c.750 and c.1050.[27] The relevant material then re-emerges in the twelfth-century texts, superficially no different from genuinely native Welsh law. Some provisions in medieval Welsh law make sense only in an earlier context and had apparently been transmitted orally before being written down by later jurists. Historians have also compared the extant Welsh laws with earlier documents, such as the *Dunsæte Ordinance* and the "customs" (*consuetudines*) in the Herefordshire part of *Domesday Book*, to detect evidence of pre-Conquest practices. The problem faced by the historian of medieval Wales is similar to that faced by his or her Irish colleague: whereas the latter must decide how much, if at all, the provisions of seventh-century legal tracts can be used to study later Irish law and society, the former must decide how far the twelfth- and thirteenth-century laws can be extrapolated backward. In both cases, arguments must be carefully hedged and remain provisional at best.

As for Wales, no substantial legal documents have been preserved from early medieval Scotland, though some provisions in the later medieval laws may date from the earlier period. One possible exception are the *Leges inter Brettos et Scottos* which survive in their earliest form as a French translation in a manuscript of the thirteenth century, but which are probably derived from an older but now lost Gaelic text, perhaps from the eleventh century.[28] The title as well as the mixture of Gaelic, English, and Brittonic terminology would suggest that these *Leges* originated in the Scottish lowlands, perhaps the old Brittonic kingdom of Strathclyde where they had a function similar to that of the *Dunsæte Ordinance*.

In addition to law texts, lawsuits and other accounts of disputes can reveal much about the workings of communities. Again, for Anglo-Saxon England there is a relatively large amount of material surviving, though nothing comparable to that from the continent for the same period. The Celtic areas preserve very few reliable accounts of disputes, and it is therefore unclear to what extent we might generalize from the handful of disputes from Ireland and Scotland dating c.1100.[29] The case for Wales is similar but is complicated by the charters and other deeds preserved in the so-called *Book of Llandaff*, which purport to describe numerous disputes and feuds in south-east Wales dating back to the sixth century, but the authenticity and reliability of which is hotly debated by historians.[30] It is unlikely that these charters, and a handful

appended to the Latin *Life of St. Cadog*, describe genuine, historical conflicts, yet they may reflect the *kinds* of dispute that occurred in eleventh or twelfth-century Wales, and perhaps earlier too: a skilful forger would hardly fabricate narrations which would have seemed unrealistic or obviously fake to his contemporary audience. If we were to ignore this charter material, then there is only one genuine record of a dispute surviving from pre-Conquest Wales.[31]

Furthermore, the relatively more voluminous and reliable Anglo-Saxon material relates almost exclusively to disputes involving, and often settled in favor of, the church and has been preserved in documents copied by religious houses. It is not always clear therefore to what extent this material, like the Llandaff charters for Wales, is representative of the many disputes and lawsuits outside the ecclesiastical sphere that have not been preserved. For example, the majority of Anglo-Saxon cases are property disputes between a religious house or a member of the clergy and another party. The fact that the church was a major landholder and that the records of these disputes were preserved initially in ecclesiastical archives cannot be coincidental. A small minority of lawsuits dealt with other offences, including the theft of moveable property, murder, sexual offences, and one case of alleged witchcraft.[32] In contrast, most of the so-called narrations in the Llandaff charters do not describe property disputes, even though a land grant invariably constitutes an element in the resolution. Instead, we find a variety of other, repeated narrative frameworks. In some cases, for example, there is an argument between a layman and a member of the church of Llandaff which becomes violent and results in the death of the clergyman. Occasionally, violence occurs in the presence of the bishop. In other instances, a layman, usually a king, breaks a peace which he had previously made with another king over the altar and relics at Llandaff. Alternatively, there are a few examples where the sanctuary of the church of Llandaff is broken and violence ensues. In all cases, the bishop of Llandaff excommunicates the perpetrator who eventually shows penance and donates land to Llandaff as part of the resolution. Almost all of these narrations involve violent acts committed against or at Llandaff, and it is likely that the church's interest stems not simply from the fact of murder but that the victim was a member of the Llandaff community or the murder took place in the church. Furthermore, these disputes are resolved by the threat of eternal damnation and, while clearly demonstrating the ideological power of the church over wayward aristocrats and kings, these narrations do not indicate how disputes in early medieval Wales which lay outside ecclesiastical concerns were resolved. Narrative sources, such as the *Anglo-Saxon Chronicle* or the Irish annals also preserve accounts of disputes, though these often involve individuals of relatively high social status and political importance and so, as with the ecclesiastical charter material, may not be entirely representative.

The feud or blood-feud is a dispute between individuals or groups of individuals, often resulting from an initial homicide, which involves violence and further killing, or the threat thereof, as one possible means of resolution. For the tenth and eleventh centuries, the greater survival of primary sources means that there are many more recorded accounts of feuds. In most cases, a feud would focus on the kinsmen of the victim as well as those of the killer. The kinsmen in question could be immediate kin. For example, in the famous feud recorded in *De Obsessione Dunelmi*, Earl Uhtred, ruler of Bamburgh, having failed to fulfill a contract against his political rival Thurbrand Hold, was later killed by Thurbrand but avenged by his son Ealdred. Ealdred, in turn, was eventually killed by Thurbrand's son Carl, despite a period of

reconciliation.[33] The Irish annals specify instances of revenge (Old Irish *dígal*) being exacted by sons or brothers of murder victims. In 1007, the king of the Ulaid ("Ulster") Dub Tuinne mac Eochada, nicknamed *in Torc* ("the Boar"), was killed by Muiredach mac Matudáin *i ndighail a athar*, "in revenge for his father," and the annals do indeed record the killing of Muiredach's father, Matudán mac Domnaill, by Dub Tuinne in the same year (*AU*, I, 436–9). In both of these cases, it was the killer who became the victim of the revenge killing. Alternatively, it is possible that a killer's kinsmen could be considered valid targets by those of the victim. In the *De Obsessione Dunelmi*, many years after the death of Earl Ealdred at the hands of Carl son of Thurbrand, Ealdred's grandson, Earl Waltheof, exacted revenge by arranging for the killing of all but one of Carl's sons and all his grandsons. Here the feud had skipped a generation, and it was the descendants of the killer who were attacked. Similarly, the Irish annals record that Matudán mac Domnaill was in the church of St. Brigit at Downpatrick when he was killled by Dub Tuinne mac Eochada, and the fact that Matudán had previously killed Dub Tuinne's uncle Máel Ruanaid mac Ardgair implies that he had sought sanctuary there against possible revenge attacks. The victim's kinsmen were not the only people who could pursue a feud: a lord was expected to do so, and an eleventh-century document known as the *Cambridge Thegns' Guild* states that if the killer of a guild member refuses to pay compensation, then all members should avenge him and bear the feud (*EHD*, I, 604).

The violent pursuit of a feud, as detailed in the examples above, represented one avenue for the victim's kinsmen. Alternatively, they could seek compensation from the killer and/or his kinsmen. Both have already been discussed (see chapter 7). The fuller sources of the tenth century, at least for England, often provide additional details, and in the process remind us of the continued vigor of this system. By the tenth century in England, the *wergild* was discharged by a series of distinct payments, each made 21 days apart, paid to the victim's kin and to other interested parties.[34] First, the *healsfang* was paid to the victim's immediate family, which appears to have comprised sons, brothers, and paternal uncles (Old English *fedran*; Latin *fratres patris*).[35] Then the *manbot*, or "compensation," was paid, in this case to the victim's lord rather than the kinsmen. Next, the *fihtwite* ("fine for fighting") was paid to the king due to breach of the peace, and, finally, the rest of the *wergild* in installments. Formal payments to the king and lord indicate that the mechanics of the feud was probably changing alongside late Anglo-Saxon society and administration. The payment of the *wergild* was bilateral; that is, it could fall on both the killer's paternal and also his maternal kin, but the former were obliged to pledge two-thirds of the amount due and were clearly more important.[36]

The Celtic sources, as discussed in chapter 7, distinguish between two kinds of compensation for murder: a basic *wergild* paid on account of the act of murder and an honor-price paid as a result of the insult caused by the murder to the "honor" of the victim's kin. The earlier Irish laws describe the *éraic* (*wergild*), sometimes called *cró* (literally "blood"). The Scottish *Leges inter Brettos et Scottos* also refer to a payment called *cro* which, however, was not fixed but depended on the status of the victim. In later Welsh law, the term *galanas* ("enmity") was used for both the feud and, more often, the ensuing compensation payment.[37] Here, the *galanas* was paid to both paternal and maternal kin, and the payment was divided by a relatively complex system of "thirding" among the killer and his immediate family (one-third) and then

among his paternal and maternal kinsmen (two-thirds between them, though, as in England, the paternal kinsmen paid a larger portion). The occurrence of the cognate *galnes* in the *Leges* may imply that the origins of the later medieval Welsh *galanas* could be traced to the earlier period.

In addition to the basic *wergild* payment, both the Irish and Welsh laws refer to an additional payment due to the loss of honor on the part of the victim's kin. In Ireland, this was the *log n-enech* ("value of a face"), sometimes *díre*, which, unlike the *éraic*, was determined by the status of the victim's kinsmen, and was paid bilaterally to both agnatic and cognatic kin (see chapter 7). The *Leges inter Brettos et Scottos* mention a payment called *enach*, though it is not stated explicitly whether this was a compensation for loss of honor. The equivalent in Wales was the *sarhaed* ("insult") which referred both to an insult, or injury implying insult, and to the compensation for the insult. Like the Irish *log n-enech*, the *sarhaed* was determined by the status of the victim's kinsmen. The law books have varying accounts of how the *sarhaed* was to be paid: for example, in some it was paid together with the *galanas*; in another it was divided among the victim's wife (one-third) and his brothers, cousins, and second-cousins (two-thirds); whereas in one account, it was paid to the victim's nuclear family only and was paid before the *galanas*.

In addition to issuing laws concerning *wergild* and similar payments, early medieval kings could in theory attempt to regulate the occurrence of the feud. Thus, the ninth- and tenth-century Anglo-Saxon kings issued a series of laws relating directly to feuding and, while their provisions certainly sought to control the course of a feud, no ruler went so far as to forbid the feud outright.[38] The implication may be that the feud continued to be seen by society as an acceptable, though violent, means of disputing. The kings were, however, clearly concerned to limit the spread of violence by imposing certain rules about how and when a feud could be legitimately pursued, and by reducing the necessary involvement of kinsmen. The laws of Alfred the Great, for example, state that a man cannot attack an opponent who is at home "before he asks for justice for himself" (*EHD*, I, 415). Even when justice has not been done by less violent methods, the opponent is permitted to be "besieged" in his home unmolested for seven days and, should he then surrender himself, must remain unharmed for a further 30 days. A man unable to besiege his opponent should seek the support of the ealdorman and, failing that, of the king before resorting to violence. Alfred also stressed that a man may fight on behalf of his lord or kinsman, or if his opponent has committed certain sexual offences, without incurring a vendetta (Alfred 42.5–7; *EHD*, I, 415). Later on, Æthelstan regulated that kindred could expel particularly troublesome members (III Æthelstan 6),[39] which may have served to reduce the obligations of kinsmen during feuds. This was certainly the aim of King Edmund (939–46) in his code on blood-feud.

Edmund's code opens by stating the king's desire for peace and concord within his dominions, and describing his distress at "the illegal [*unrihtlican*] and manifold conflicts [*gefeoht*]" which were occurring (*EHD*, I, 428). These conflicts were presumably not simply blood-feuds (*fæhþe*), as the code proceeds to regulate feuding and does not declare them "illegal" as such. Edmund states that a killer must carry (*wege*) a feud himself or pay compensation within 12 months, with the help of his kinsmen (*freond*). However, his kindred are permitted to abandon him and refuse to pay compensation, as long as they no longer harbor him, and they cannot be attacked

in revenge by the victim's kinsmen. As well as seeking thus to limit the outbreak and spread of a feud, this code, and the associated tract known as *Wer*,[40] also describe carefully the procedure for settling existing feuds, through mediation by the "leading men" (*witan*, probably not "council" in this context) with reference to the law (*folcriht*). It is interesting to note that the one certainly genuine Welsh dispute from the pre-Conquest period, preserved in the *Lichfield Gospels*, was resolved by the "goodmen" (*degion*).[41] This evidence highlights the role of local notables, rather than "professional" judges, in the settlement of disputes and feuds during this period.

The tenth and eleventh centuries marked a period of transition in the organization and administration of Britain and Ireland, and this was apparent in the nature of local communities, especially in the development of new administrative hierarchies and the growing reach of royal government in the localities. On the other hand, we should not ignore the degree of continuity that was characteristic of this period: despite the claims of royal charters and laws, the persistence of violent disputing, indeed its acceptance in many law codes, indicates that for many people in pre-Conquest Britain and Ireland, many aspects of everyday life remained relatively stable.

Notes

1 Fletcher, *Latin Redaction A of the Law of Hywel*, pp. 66–7.
2 Pelteret, *Slavery*.
3 Liebermann (ed.), *Die Gesetze*, I, 444–53.
4 Seebohm, *Tribal Custom in Anglo-Saxon Law*, pp. 307–18.
5 Stenton, *Anglo-Saxon England*, p. 507.
6 Bowden et al., "Excavating past population structures"; Goodacre et al., "Genetic evidence."
7 McEvoy et al., "The scale and nature of Viking settlement."
8 Barrow, *Kingdom of the Scots*, pp. 7–68.
9 Cameron, *English Place Names*, p. 51.
10 Taylor, "The origin of the Mercian shires."
11 Wormald, "Charters, law and the settlement of disputes," p. 162.
12 Gelling, *Signposts to the Past*, p. 209; Loyn, "The hundred in the tenth and early eleventh centuries."
13 Reynolds, *Later Anglo-Saxon England*, pp. 75–81.
14 Liebermann (ed.), *Die Gesetze*, I, 144–5.
15 Davies, *Conquest, Coexistence and Change*, pp. 20–3.
16 Sawyer, "The royal *tun*," pp. 281–5.
17 Charles-Edwards, "The seven bishop-houses of Dyfed."
18 Richards, "Early Welsh territorial suffixes."
19 Jones and Jones (trans.), *The Mabinogion*, p. 68.
20 Gelling, *West Midlands in the Early Middle Ages*, pp. 113–14; Thorpe, *Ancient Laws and Institutes of England*, pp. 352–7, 518–20.
21 For example, the late Patrick Wormald in his *The Making of English Law*.
22 Stafford, "King and kin," pp. 22–5.
23 Hyams, "Feud and the state in late Anglo-Saxon England."
24 Charles-Edwards, "Early Irish law"; Kelly, *Guide to Early Irish Law*.
25 Charles-Edwards, *The Welsh Laws*.
26 Pryce, "The prologues to the Welsh lawbooks."
27 Pryce, "Early Irish canons."
28 Loth, "Persistance des institutions"; Seebohm, *Tribal Custom in Anglo-Saxon Law*, pp. 307–18; Woolf, *From Pictland to Alba*, pp. 346–9.

29 Sharpe, "Dispute settlement in medieval Ireland."
30 Maund, "Fact and narrative fiction."
31 Jenkins and Owen, "The Welsh marginalia . . . part 2."
32 Wormald, "A handlist of Anglo-Saxon lawsuits."
33 Morris, *Marriage and Murder*, pp. 2–4, 20–2.
34 *EHD*, I, 429; Liebermann (ed.), *Die Gesetze*, I, 392–3 (*Wer* 4, 6).
35 Liebermann (ed.), *Die Gesetze*, I, 392–3 (*Wer* 5).
36 Ibid. (*Wer* 3).
37 Charles-Edwards, *Early Irish and Welsh Kinship*, pp. 181–200.
38 Hyams, "Feud and the state"; Wormald, "Giving God and king their due."
39 Liebermann (ed.), *Die Gesetze*, I, 170.
40 Liebermann (ed.), *Die Gesetze*, I, 392–5.
41 Evans and Rhys (ed.), *Liber Landavensis*, p. xliii; Jenkins and Owen, "The Welsh marginalia . . . part 2."

Further Reading

For discussion of early medieval law, see T. M. Charles-Edwards, *The Welsh Laws*, Fergus Kelly, *A Guide to Early Irish Law*, and Patrick Wormald, *The Making of English Law*; also, T. M. Charles-Edwards, *Early Irish and Welsh Kinship*. On disputes and the blood-feud, see the papers in Wendy Davies and Paul Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), and, more recently, Paul Hyams, *Rancor and Reconciliation in Medieval England: Wrong and its Redress from the Tenth to Thirteenth Centuries* (Ithaca, 2003).

Bibliography

Barrow, G. W. S., *The Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century*, 2nd edn. (Edinburgh, 2003).
Bowden, G. R., Balaresque, P., King, T. E., et al., "Excavating past population structures by surname-based sampling: the genetic legacy of the Vikings in northwest England," *Molecular Biology and Evolution*, 25: 2 (2008), 301–9.
Cameron, K., *English Place Names* (London, 1996).
Charles-Edwards, T. M., "Early Irish law," in D. Ó Cróinín (ed.), *A New History of Ireland*, vol. 1: *Prehistoric and Early Ireland* (Oxford, 2005), pp. 331–70.
Charles-Edwards, T. M., *Early Irish and Welsh Kinship* (Oxford, 1993).
Charles-Edwards, T. M., "The seven bishop-houses of Dyfed," *Bulletin of the Board of Celtic Studies*, 24 (1970–2), 247–62.
Charles-Edwards, T. M., *The Welsh Laws* (Cardiff, 1989).
Cyril, H., *The Danelaw* (London, 1992).
Davies, R. R., *Conquest, Coexistence and Change: Wales 1063–1415* (Oxford, 1987).
Duncan, A. A. M., *Scotland: The Making of the Kingdom* (Edinburgh, 1975).
Evans, J. G. and Rhys, J. (eds.), *Liber Landavensis: The Text of the Book of Llan Dav* (Aberystwyth, 1979).
Fletcher, I. F., *Latin Redaction A of the Law of Hywel* (Aberystwyth, 1986).
Gelling, M., *Signposts to the Past: Place-names and the History of England* (London, 1978).
Gelling, M., *The West Midlands in the Early Middle Ages* (Leicester, 1992).
Goodacre, S., Helgason, A., Nicholson, J., et al., "Genetic evidence for a family-based Scandinavian settlement of Shetland and Orkney during the Viking periods," *Heredity*, 95 (2005), 129–35.
Hyams, P. R., "Feud and the state in late Anglo-Saxon England," *Journal of British Studies*, 40: 1 (2001), 1–43.
Jenkins, D. and Owen, M. E., "The Welsh marginalia in the Lichfield Gospels, part 2: the 'surexit' memorandum," *Cambridge Medieval Celtic Studies*, 7 (1984), 91–120.

Jones, G. and Jones, T. (trans.), *The Mabinogion* (London, 1974).
Kelly, F., *A Guide to Early Irish Law* (Dublin, 1988).
Liebermann, F. (ed.), *Die Gesetze der Angelsaschen*, 3 vols. (Halle, 1903–16).
Loth, J., "Persistance des institutions et de la langue des Brittons du Nord (ancien royaume de Stratclut), au 12e siècle," *Revue Celtique*, 47 (1930), 383–400.
Loyn, H. R., *The Governance of Anglo-Saxon England 500–1087* (London, 1984).
Loyn, H. R., "The hundred in the tenth and early eleventh centuries," in H. Hearder and H. R. Loyn (eds.), *British Government and Administration: Studies Presented to S. B. Chrimes* (Cardiff, 1974), pp. 1–15.
Mac Airt, S. and Mac Niocaill, G. (eds. and trans.), *The Annals of Ulster (to AD 1131)*, Part I: *Text and Translation* (Dublin, 1983).
McEvoy, B., Brady, C., Moore, L. T., et al., "The scale and nature of Viking settlement in Ireland from Y-chromosome admixture analysis," *European Journal of Human Genetics*, 14 (2006), 1288–94.
Maund, K. L., "Fact and narrative fiction in the Llandaff charters," *Studia Celtica*, 31 (1997), 173–93.
Morris, C. J., *Marriage and Murder in Eleventh-century Northumbria: A Study of "De Obsessione Dunelmi,"* University of York, Borthwick Paper, no. 82 (York, 1992).
Pelteret, D. A. E., *Slavery in Early Mediaeval England: From the Reign of Alfred until the Twelfth Century* (Woodbridge, 1995).
Pryce, H., "Early Irish canons and medieval Welsh law," *Peritia*, 5 (1986), 107–27.
Pryce, H., "The prologues to the Welsh lawbooks," *Bulletin of the Board of Celtic Studies*, 33 (1986), 151–87.
Reynolds, A., *Later Anglo-Saxon England: Life and Landscape* (Stroud, 1999).
Richards, M., "Early Welsh territorial suffixes," *Journal of the Royal Society of Anquities of Ireland*, 95 (1965), 205–12.
Sawyer, P. H., "The royal *tun* in pre-Conquest England," in P. Wormald, D. Bullough, and R. Collins (eds.), *Ideal and Reality in Frankish and Anglo-Saxon Society* (Oxford, 1983), pp. 273–99.
Seebohm, F., *Tribal Custom in Anglo-Saxon Law* (London, 1911).
Sharpe, R., "Dispute settlement in medieval Ireland: a preliminary inquiry," in W. Davies and P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), pp. 169–89.
Stafford, P., "King and kin, lord and community: England in the tenth and eleventh centuries," in P. Stafford (ed.), *Gender, Family and the Legitimation of Power: England from the Ninth to Early Twelfth Century* (Aldershot, 2006).
Stenton, F. M., *Anglo-Saxon England*, 3rd edn. (Oxford, 1971).
Taylor, C. S., "The origin of the Mercian shires," in H. R. P. Finberg (ed.), *Gloucestershire Studies* (Leicester, 1957), pp. 17–45.
Thorpe, B., *Ancient Laws and Institutes of England*, 2 vols. (London, 1840).
Whitelock, D. (ed. and trans.), *English Historical Documents*, vol. I: *c.500–1042*, 2nd edn. (London, 1979).
Woolf, A., *From Pictland to Alba 789–1070* (Edinburgh, 2007).
Wormald, P., "Charters, law and the settlement of disputes in Anglo-Saxon England," in W. Davies and P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), pp. 149–68.
Wormald, P., "Giving God and king their due: conflict and its resolution in the early English state," *Settimane di studio del centro italiano di studi sull'alto medioevo*, 44 (1997), 549–90.
Wormald, P., "A handlist of Anglo-Saxon lawsuits," *Anglo-Saxon England*, 17 (1988), 247–81.
Wormald, P., *The Making of English Law: King Alfred to the Twelfth Century, vol. I: Legislation and its Limits* (Oxford, 1999).