

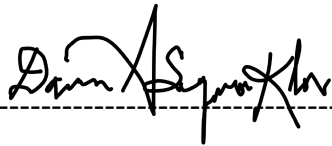
BIAS-CUT JUSTICE: THE LEGAL PURSUITS
OF ISOLDE PANTULF, HAWISE, COUNTESS
OF AUMALE, AND NICHOLAA DE LA HAYE
c. 1180-1216

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Declaration

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Dawn A. Seymour Klos

Summary

Isolde Pantulf, Hawise, countess of Aumale, and Nicholaa de la Haye were contemporaries navigating the justice system in thirteenth-century England primarily under the reign of King John. The following study traces key moments in their lives which allowed them the access to purchase rights, defend castles with deadly force, and pay for their personal freedoms. This thesis hence outlines tactics available to well-financed women who sought to control their own social, political, and financial affairs within the confines of English Common Law in the thirteenth century.

Each chapter considers a discrete thematic problem such as marriage, wardship, and free widowhood and compares how each woman approached and either succeeded in or fell short of obtaining a right or privilege through the court system. Ultimately, the thesis seeks to bolster the scholarship pertaining to women participating in social, political, and legal disputes by placing them in conversation. The thesis also suggests that women were not? inherently barred from obtaining rights and privileges through legal pursuit so long as they could pay. Yet, in the pursuit of justice, each woman paid radically different fees for the same right suggesting that access to justice may have been available but certainly was unfixed and unequal.

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Abbreviations

AR	<i>Rolls of the justices in eyre, being the rolls of pleas and assizes for Gloucestershire, Warwickshire, and Staffordshire, 1221-1222</i> , ed. D.M. Stenton (London, 1940)
Bracton	<i>Bracton on the laws and customs of England</i> , ed. G.E. Woodbine (4 vols., London, 1915)
CCR	<i>Calendar of close rolls, 1226-1516</i> (44 vols., London, 1903-27)
CDF	<i>Calendar of documents preserved in France 918-1206</i> , ed. J. Horace Round (London, 1899)
CDI	<i>Calendar of documents relating to Ireland</i> , ed. H.S. Sweetman and G.F. Handcock (5 vols., London, 1875-86)
CPR	<i>Calendar of patent rolls preserved in the public record office</i> (76 vols., London, 1881-1966)
CRR	<i>Curia regis rolls preserved in the public record office</i> (20 vols., London, 1835-1935)
ODNB	<i>Oxford Dictionary of National Biography</i>
PQW	<i>Placita de quo warranto temporibus Edw. I, II, & III in curia receptae scaccrij Westm. Asservata</i> , ed William Illingworth, (London, 1833)
PR	<i>The great roll of the pipe</i> (101 vols., London, 1833-2020)
ROF	<i>Rotuli de oblatiis et finibus in turri Londinensi asservati, tempore Regis Johanniass</i> , ed. Thomas Duffy Hardy (London, 1835)

Introduction

The border of bias

Gender

Over the course of the late twentieth century and beyond scholars of history have begun to embrace gender as not only a useful (or not) category for analysis, but also as a new field of study.¹ It is essential to include the experiences and often overlooked evidence of medieval women's participation as leaders or active participants in legal or political matters within their social context as much as possible. Feminist scholars have opened new lines of enquiry to the study of medieval women of all classes. The following study will build upon the existing scholarship by presenting the lives and legal manoeuvres of three elite women in the late twelfth and early thirteenth centuries as they navigated the legal processes of inheritance, marriage, widowhood, and wardships. Ultimately, the study seeks to determine *how* these women exercised legal agency by placing their actions in comparison in order to develop an impression of these specific noblewomen's relationship to English common law as it solidified and streamlined its procedural requirements.

The study of gender, particularly as it pertains to medieval women, remains in a constant dialogue with feminism. The work of

¹ For a full discussion of the theoretical framework of using gender in the study of history, see Joan W. Scott, "Gender: a useful category of historical analysis" in *The American Historical Review*, no. 5 (1986), pp. 1053-1075.

early feminist historians had to first explain the need for their approach. Judith Bennett addressed a sense of disdain for feminist histories in 1993 when she commented:

One of the most threatening aspects of feminist scholarship has been its assault on positivism, on the idea that any scholar can uncover the “truth” about the past. Revealing the male-centeredness of much so-called “objective” and “value-free” research, feminists have questioned the objectivity not only of past scholars but also of ourselves. We have argued that every scholar works within an inescapable framework of experience, attitudes, training, and politics, a framework that inevitably affects any final product. Given this inescapable context, “truth” is quite simply unattainable—a false god who has too often shielded prejudice and poor judgement.²

Bennett stressed the need for feminist medievalists to rely upon their training as interpreters of facts as they are found.³ She concluded that the work of any historian will inevitably reflect their own political views and influence their interpretation.⁴ Feminist histories should therefore not be considered radical simply because they openly disclose intention and potential bias.

Joan Wallach Scott, one of the most deeply influential feminist historians and theorist proclaimed that the work of feminist historians fundamentally changed academic pursuit:

Equating visibility with transparency made the feminist historian’s task simply the recovery of previously ignored facts. When the questions of why these facts had been ignored and how they were now to be understood were raised, history became more than a search for facts.⁵

² Judith M. Bennett, ‘Medievalism and Feminism’, *Speculum*, lxxviii, no. 2, (Apr. 1993), pp 309-31 at 319.

³ *Ibid.*, p. 322.

⁴ *Ibid.*

⁵ Joan W. Scott, ‘Introduction’ in Joan W. Scott (ed.), *Feminism and History* (Oxford, 1996), pp 1-16 at 3.

Scott's distinction between a classical approach to writing history and the process of interpretation of data through a feminist lens may at first glance appear automatic or even obvious. Feminism as a named construct had been politically active for the better part of a century at the time of her statement yet it was still necessary to put into print. The idea of an interpretive approach which allowed for cultural relativity and inconsistency rather than a measuring of change over time directly challenged institutional bias. Feminist history did not seek to replace 'great men's history' with women, it sought to dismantle the approach and replace it with one more suited to investigate the history of discourse rather than focus on individuals.

Writing about the lives of medieval women is in itself a political act of feminism. Denise Riley claimed that 'the volatility of "women" is so marked that it makes feminist alliances with other tendencies as difficult as they are inescapable.'⁶ While the category of 'woman' is unstable, it is not altogether unhelpful. The three subjects discussed in this thesis all would have likely identified as women and been viewed as women by their contemporaries. The Modern ideas of feminism call into question ideas of enfranchisement or equality which do not directly correlate to the medieval world. It is therefore understood, although not excusable, how certain audiences might find the idea of a feminist reading of

⁶ Denise Riley, 'Does sex have a history?' in Scott (ed.), *Feminism and History*, pp 17-33 at 20.

the Middle Ages to be not only reductive but perhaps even threatening. Many modern theorists and historians choose to reject ‘woman’ as a category for analysis citing its instability.⁷ Ultimately, gender, like any other chosen analytical category, is part of a larger societal superstructure. Feminism does not seek to change what occurred, it asks *why* situations do or do not display inconsistency between sexes in a specific context. Feminism is not a static concept. A feminist reading of a subject is simply another way of stating that a process is being observed.

Advocacy for a more complex impression of medieval women has often been met with resistance. While some scholars argue that a more three-dimensional portrait of a medieval woman cannot be constructed due to lack of sources, medieval authors have occasionally left behind rare glimpses into societal double standards which often read all too modern. The thirteenth-century poet Philippe de Rémi wrote of women:

If she speaks, someone says it is too much. If she is silent, she is reproached for not knowing how to greet people. If she is friendly and courteous, someone pretends it is for love. If on the other hand she does not put on a bright face, she passes for being too proud.⁸

It cannot be discerned whether Philippe wrote his impression of the impossible idealistic expectations placed upon women from his own life or as a reflection of a particular woman or group of women

⁷ Ibid. Also see Joan Kelly, *Women, history, and theory: the essays of Joan Kelly* (Chicago, 1984), pp. 19-50.

⁸ Charles-Victor Langlois, *La vie en France au Moyen Age, de la fin du XIIe au milieu du XIVe siècle, d'après des moralistes du temps* (Paris, 1925), p. 195.

found within French poetry. His assessment, however grim, depicts a kind of social cage in which women were expected to live. His observations of conflicting expectations are often missing from modern studies. Although his writing can be interpreted as evidence for the systemic, societal oppression of women, this would only represent an impression of a small fraction of the lived experiences which can be found in surviving legal sources for thirteenth-century women.

In 1893 Florence Griswold Buckstaff published a benchmark article addressing the property rights of married women under early English (previously termed Anglo-Saxon) and medieval English law. Buckstaff illustrated through primary source analysis the constant involvement of women in affairs relating to seisin of property. Buckstaff, who was among the first generation of female graduate students in Cambridge University, found herself already reacting to institutionalised misogyny regarding her study of medieval women's rights.⁹

Buckstaff also commented on specific inheritance requirements and restrictions placed upon widows regarding dower. Each of her examples stemmed directly from the work attributed to *Glanvill* and were published a full two years before the magisterial *History of English law before the time of Edward I* which was

⁹ Florence Griswold Buckstaff, 'Married women's property in Anglo-Saxon and Anglo-Norman law and the origin of the Common-Law dower' in *The Annals of the American Academy of Political and Social Science*, iv (1893), pp 33-64 at 34. Buckstaff responded directly to a contemporary scholar's interpretation of marriage.

printed in 1895. *History of English law* did not engage with Buckstaff's findings or conclusions. Her article clearly detailed married women's and eventually widows' rights to inheritance as found in *Glanvill* and the coronation charter of Henry I.¹⁰ Her work also revealed an often-overlooked aspect of widowhood, the woman without offspring, writing, 'the childless widow shall have her dower and maritagium, and shall not be given in marriage against her will'.¹¹ Buckstaff's conclusions, while deeply rooted in her own zeitgeist and desires as an activist for women's rights, arose from consideration of the medieval sources as well as her own agenda. Buckstaff ended her call to action by comparing the property rights of medieval women to those in her own time, citing the Married Women's Property Act of 1882 which allowed women to hold property without a trustee.¹² Her paper concluded that the sexes still remain unequal despite major steps in married women's ability to obtain and own property in their own right.

Half a century later, the historian Betty Bandel concluded that medieval authors did not possess the same vehement disdain for women that later (seventeenth, eighteenth, nineteenth, and early twentieth century) historians would exhibit. She claimed that 'it took only the seventeenth-century change from home to factory economy to leave so few women in positions in which they could demonstrate

¹⁰ Ibid, p. 54.

¹¹ Ibid, p. 56.

¹² 45 & 46 Vict., c. 75 [U.K.] (18 Aug 1882).

capabilities as administrators and leaders'.¹³ Her claims are supported by the eighteenth-century writer Samuel Johnson who commented, 'Sir, a woman preaching is like a dog's walking on his hind legs. It is not done well, but you are surprised to find it done at all'.¹⁴ Expressions such as Dr Johnson's continue through current academic discourse. Although Bandel's 1955 paper achieved publication, it is rarely discussed outside those who identify and pursue feminist history. Those within the field of gender history cite her work as a major turning point in women's history and it is heralded as the entrance of feminist historians into a 'golden age of heroic women'.¹⁵ Bandel was not the first woman to publish such statements, but she did enjoy the benefit of her work entering the discourse of English language authors after the coining of the term feminism in the early twentieth century. While she never uses the term 'feminist', her work clearly advocated for the importance of nuance and the need to separate post-industrial gender roles from modern interpretations and representations of medieval people.

Doris Mary Stenton's 1956 benchmark monograph, *The English Woman in History* offered one of the first comprehensive studies of women's rights, education, and societal expectations in England spanning nearly a millineum. Stenton's examination of

¹³ Betty Bandel, 'English chroniclers' attitudes towards women' in *Journal of the History of Ideas*, no. 1 (1955), pp 113-118 at 118.

¹⁴ James Boswell, *Life of Samuel Johnson*, vol. I, ed. John Wilson Croker (London, 1931), p. 474.

¹⁵ Paula M. Rieder, 'The uses and misuses of misogyny: a critical historiography of the language of medieval women's oppression' in *Historical Reflections/Réflexions Historiques*, xxxviii, no. 1 (Mar. 2012), pp 1-18 at 2.

cases discussed in *Bracton's Note-Book* problematised the rigid interpretations of her predecessors. She noted in direct response to Pollock and Maitland's *History of English Law*,

There seems to have been no legal basis for the idea of the perpetual guardianship of women, but the minor was in the guardianship of her father or lord and the wife in the guardianship of her husband...Nevertheless, although law and custom put the wife under her husband's power and gave her land, goods and money to him there are signs of an uneasy social conscience on this point.¹⁶

Stenton further demonstrated the complexities of women's participation in legal proceedings in the twelfth and thirteenth centuries by providing examples of women actively commissioning or responding to writs and other forms of legal documentation.¹⁷ Stenton's study exposed generations of women participating in nearly all aspects of public and private life, paving the way for future scholarship to engage in new questions concerning women, their rights to land, inheritance, wardships, and independence throughout the Middle Ages.

Modern Feminist Scholarship

The work of nineteenth and early twentieth-century female scholars was unfortunately subject to an institutionalised gender bias. Although Buckstaff and Bandel never specifically utilised the term, their work addressed one of the most polarising words in gender studies, misogyny. Gerda Lerner openly admitted that her scholarship was a product of her political agenda and relationship to

¹⁶ Doris Mary Stenton, *The English Woman in History*, (London, 1957), pp 30-1.

¹⁷ *Ibid*, esp. at chapter two, pp 29-74.

feminism.¹⁸ Lerner's ground-breaking piece of theory changed the landscape of gender studies in the late 1980s. For Lerner, patriarchy was the larger social structure in which misogyny blossomed. She defined patriarchy as 'the manifestation and institutionalisation of male dominance over women and children in the family and the extension of male dominance over women in society in general'.¹⁹ Misogyny has been defined by Howard Bloch as 'a speech act in which woman is the subject of the sentence and the predicate a more general term... This means that the contrary of misogyny is neither a corresponding negative generalisation about men... nor the love of all women... but something on the order of a perception of women as individuals'.²⁰ Bloch's visualisation of the concept is one in motion, rather than a standard definition. For Judith Bennett, misogyny requires a more holistic definition.

First, the standard definition of *misogyny* as 'hatred of women' encourages us to underestimate both misogynists and their effects. It is the assumption... and indeed the implication of much feminist research, that misogyny is not the ideology of an extreme few but rather a pervasive feature of Western culture. In other words, although only a few people might hate women outright, all Westerners share a culture that expresses hatred of women through such means as ridicule, belittlement, and marginalization, and all Western women experience the negative effects of this hatred.²¹

It is necessary to define both patriarchy and misogyny within a wider context as both ideas feature heavily in the present case

¹⁸ Gerda Lerner, *The creation of the patriarchy* (Oxford, 1986). Lerner's introduction to the book clearly demonstrates her entanglement with feminism.

¹⁹ *Ibid.*, p. 239.

²⁰ R. Howard Bloch, *Medieval misogyny and the invention of western romantic love* (Chicago, 1991), p. 5.

²¹ Judith Bennett, 'Misogyny, popular culture, and women's work' in *History Workshop*, xxxi, no. 1 (1991), pp 166-88 at 183.

study of Isolde Pantulf (c. 1170-1223), Hawise, countess of Aumale (d. 1214), and Nicholaa de la Haye (c. 1150-1230). Patriarchy and misogyny operated in Isolde's lifetime and remain arguably socially sanctioned institutionalisations. Due to their long tradition, both patriarchy and misogyny have living histories of their own resulting in conflicting definitions and interpretations. Considering the dynamism of feminism, misogyny, and patriarchy, it is necessary to consider the historiography of these ideas before presenting Isolde's case.

Feminism as a political movement, ideological construct, and theoretical tool for analysis has progressed through multiple waves, evolving its stance to reflect the wider struggles in pursuit of gender equality. The work of early feminist scholars such as Florence Griswold Buckstaff, Georgiana Hill, Eileen Power, and Betty Bandel, while of great importance, upheld the idea of a golden age for medieval women before the erosion of several rights in the later thirteenth century.²² The work of these women opened the door for future gender historians but also presented their findings on a gradual incline with a distinct end point. Simply put, they championed a narrative in which women living in and between the tenth and twelfth centuries experienced more freedoms and opportunities to exercise agency than before or after.²³ Their sentiments would be supported until the second wave of feminism took hold in the 1960s-

²² Georgiana Hill, *Women in English life from mediaeval to modern times* (London, 1896); Buckstaff, 'Married women's property'; Eileen Power, *Medieval English nunneries*, (Cambridge, 1922); Bandel, 'English chroniclers' attitudes'.

²³ This is particularly clear in Bandel's work.

1970s when a new theory emerged claiming women experienced a gradual loss of power and authority from the eleventh through the fifteenth centuries with a spike in the thirteenth century.²⁴ The focus on language utilised by writers, both in modern scholarship and medieval records, reveals an elegant but elusive point concerning continuity. Ideas are inextricably linked not only to the time of their creation but also to those who interpret them. These ideas are also malleable as they can and do change over time. The most basic concept in historical writing deserves explicit clarity. The reader, writer, and originating author all play equal parts in analysis.

Medieval historians have been meaningfully contributing to the topic of gender over the past fifty years. This study considers the role of gender within social and legal contexts throughout the life of Isolde Pantulf, Nicholaa de la Haye, and Hawise, countess of Aumale. The study does not present Isolde, Nicholaa, and Hawise as subjects simply because they are women, but to demonstrate yet another facet of the dynamic and fluid decisions of thirteenth-century courts. Their sex likely played an integral part both positively and negatively in their ability to achieve personal goals. It is of course of importance to clearly define how sex and gender will be utilised throughout the project.

As historians began to consider gender both as an analytical category and as an emerging field of study, published works began enquiring further into the categories of gender. In her benchmark

²⁴ Rieder, 'The Uses and Misuses', p. 2.

1977 essay Joan Kelly posed a new question to the field when she asked: did women have a renaissance? Although Kelly's primary concern was the problem of periodisation, she highlighted criteria used for gauging the difference of experiences between men and women from 1350 to 1530. Kelly examined:

the regulation of *female sexuality* as compared with male sexuality; women's economic and *political roles*... the *cultural roles* of women in shaping the outlook of their society, and access to the education and/or institutions necessary for this; and *ideology* about women.²⁵

Kelly's argument concluded that the Middle Ages produced 'a moment of progressive possibility for women that eventually would be negated by the domestic and cultural politics of the Renaissance'.²⁶ Kelly's work reflects a larger change within academia and socio-political thought concerning women and the study of gender. The focus turned from simply defining women's work to asking *how* access to rights ebbed and flowed over time. Additionally, Theresa Coletti proposed moving beyond the 'ideas of difference and dependence, rupture and continuity, in order to pursue diachronic - and dialogic - notions of repetition, reinvention, appropriation, renewal, revival, and reciprocity'.²⁷

Kelly's work was guided by the question of *how* rather than *why*. This type of reasoning reveals the study of process rather than a static answer of *why* a person or group made a decision. History is

²⁵ Kelly, *Women, history & theory*, p. 20.

²⁶ Theresa Coletti, "'Did women have a renaissance?'" A medievalist reads Joan Kelly and Amelia Lanyer' in *Early Modern Women: an Interdisciplinary Journal*, viii (2013), pp 249-59 at 250.

²⁷ *Ibid.*, p. 251.

limited to the written sources, material culture, and art left behind by the subject of study. In the case of medieval women, it is my belief that historians can only offer a perceived impression of *why* someone engaged in a specific activity as the outcomes of those decisions, particularly legal, were often documented. The process of *how* is present for men and women in the surviving source material.

In recent years, scholarship has exponentially expanded to include more critical studies of women's experiences with power including re-evaluating the family. Theresa Earenfight determined, 'Influenced and inspired by our own redefinition of the family, scholars now consider motherhood as a spectrum that includes biological motherhood but also a nurturing motherhood of children not born to a queen in the form of guardianship and tutelage'.²⁸ By examining the dynamics of guardianship, a more vivid picture of these three women can be ascertained as it offers glimpses into their personal relationships. The selling of wardships by mothers also provides another arena to witness these women exercising power within the confines of the law with their best interests in mind. Marie A. Kelleher argued that women, 'engaged with legal ideas and institutions out of self-interest, and so we say they are exercising agency within a male-dominated context. But I would argue they are also engaged in an exercise of power, because they set out with the

²⁸ Theresa Earenfight, "'Where do we go from here?'" Some thoughts on power and gender in the Middle Ages' in *Medieval Feminist Forum: A Journal of Gender and Sexuality*, li, no. 2 (2016), pp 116-131 at 121.

intention of affecting someone else'.²⁹ All three women examined in this study actively participated in litigation which affected not only their lives but also the lives of those around them. In essence, they were exercising both power and agency.

Agency

Certain words have transformed the field of medieval studies. The term agency has adopted many definitions and continues to spark debates which have created divides within the wider community of medievalists. Marie A. Kelleher broadly defined agency as 'the ability to take action that has the potential to affect one's own destiny.'³⁰ Martha Howell built upon Marx's definition of agency by suggesting scholars need to 'identify those moments when the expectations surrounding gender roles and gender identities were challenged or changed, and we need to clarify the part women themselves played in producing these disruptions.'³¹ The study of agency revolves around a clearly defined structure of power as it is necessary to disclose who is *exercising* agency from those who *grant* it. While the field remains divided on its definition and use as an analytical category, some scholars have suggested that 'agency often slips from being a conceptual tool or starting point to a concluding argument'.³² Thomas's critique of agency opens the wound of any

²⁹ Marie A. Kelleher, 'What do we mean by "women and power"?' in *Medieval Feminist Forum: A Journal of Gender and Sexuality*, li, no. 2 (2016), pp 104-115 at 111.

³⁰ Ibid, p. 110.

³¹ Martha Howell, 'The problem of women's agency in late medieval and early modern Europe' in Sarah Joan Moran and Amanda Pipkin (eds.) *Women and gender in the early modern low countries*, (Leiden ,2019), pp 21-32 at 22.

³² Lynn M. Thomas, 'Historicising agency' in *Gender & History*, xxviii, no. 2 (2016), pp 324-339 at 324.

politically or socially charged term in that it cannot be universally defined. Agency can be an experience, a choice, a piece of writing, and can transcend nearly any form of human action. Joan Scott penned a call to action when she insisted that agency should not be understood within modern cultural constructions of autonomous, enlightened individuals.³³ Walter Johnson has also suggested that the term has produced its own 'master trope'.³⁴ He further concluded that the term presented researchers with recycled nineteenth-century ideas due to its 'emphasis on independence and choice' which in turn constructed a posthumous divide between people.³⁵ The uneven structure of power creates a challenge to the study of agency as a verb rather than a static concept.

It is precisely because of differentiating power structures across time and geographical locations that the experience of exercising agency appears radically different from case to case. Gayatri Chakrovorty Spivak posed one of the most provocative questions regarding the use of agency as an analytical tool in her 1988 essay 'Can the Subaltern speak?'. Spivak concluded that those who were politically marginalised are incapable of truly expressing their own agency as their stories and voices are only constructed by the sources protected, read, and created by the hegemonic power.³⁶

³³ Scott, 'Gender', pp 1053-75.

³⁴ Walter Johnson, 'On agency' in *Journal of Social History*, xxxvii (2003), pp 113-124 at 114.

³⁵ Ibid., p. 115.

³⁶ Gayatri C. Spivak, 'Can the Subaltern speak?' in Cary Nelson and Lawrence Grossberg (eds.), *Marxism and the interpretation of culture* (Urbana, IL, 1988), pp 271-313.

The study of agency is therefore fundamentally shaped by the perceptions of the researcher as well as surviving historical evidence, and cultural institutions of the past. Agency therefore cannot be merely perceived as something to be argued, it is more dynamic. Agency is, ‘meaningful activity... which has consequences, intended or otherwise, which may be articulate or inarticulate, poetic or prosaic, verbal or visual or sensual’.³⁷ By framing agency as an action which can fluctuate over time, then it exists within a larger sphere—power.

Medievalists have a long tradition of exploring the concepts of power and agency. In 1973 Jo Ann McNamara and Suzanne Wemple concluded that women experienced a golden age in the ninth and tenth centuries but they could not institute any display of public power nor could they be administrators of their own estates.³⁸ Scholars have further claimed that the McNamara-Wemple thesis is ‘predicated upon a public/private law dichotomy... within their model, elite women who exercise lordship in the central and late medieval periods were exceptions to the “rule” of female exclusion from wielding power.’³⁹ McNamara revisited her initial claims in 2003 stating ‘families [were] intent on deploying all their human resources... including females to enhance or maintain status, wealth

³⁷ Jean Comaroff and John Comaroff, *Of revelation and revolution: the dialectics of modernity on a South African frontier*, ii (Chicago, 1997), p. 48.

³⁸ Jo Ann McNamara and Suzanne Wemple, ‘The power of women through the family in medieval Europe: 500-1100’ in *Feminist Studies*, i, no. ¾ (1973), pp 126-141 at 138.

³⁹ Heather J. Tanner, Laura L. Gathagan, and Lois L. Huneycutt, ‘Introduction’ in H. T. Tanner (ed.), *Medieval elite women and the exercise of power, 1100-1400: moving beyond the exceptionalist debate* (Cham, 2019), pp 1-18 at 5.

and power.’⁴⁰ Both the original piece and McNamara’s review have been met with the same critique: ‘neither work offered a clear definition of the word power or a method for measuring it’.⁴¹ Mary Erler and Maryanne Kowaleski defined power as ‘the ability to act effectively, to influence people or decisions, and to achieve goals’.⁴² Their broad definition allows for tangible output which can be measured and compared across a multitude of sources and situations. Applying Erler and Kowaleski’s framework of power to documented legal outputs of medieval women exposes new arguments which go beyond ‘exceptionalism’ or simply possessing ‘agency’. Women held, participated, and helped facilitate modalities of power. Martha Howell presented another view of agency as,

...it seems that “agency”, as understood in this conception of practice studies can be both conscious and unconscious. Agents can of course understand themselves as strategists, schemers, accommodators, or even resisters but they do not have to be so explicitly intentional. What matters is that they disturb, perhaps even permanently alter, the cultural, social, economic, or political system that constrains them.⁴³

In the years following the agency debate, feminist scholarship has come to categorically reject the notion of the ‘exceptional woman’. Amy Livingstone succinctly stated that ‘Thankfully, recent scholarship on aristocratic and royal women has abandoned the

⁴⁰ Jo Ann McNamara, ‘Women and power through the family revisited’ in M. Kowaleski and M. Erler (eds.), *Gendering the master narrative: women and power in the Middle Ages* (Ithaca, NY, 2003), pp 17-30 at 19.

⁴¹ RāGena C. DeAragon, ‘Power and agency in post-Conquest England: elite women and the transformations of the twelfth century’ in Tanner (ed.), *Medieval elite women* (Cham, 2019), pp 19-43 at 20.

⁴² Maryanne Kowaleski and Mary Erler, ‘Introduction’ in eadem (eds), *Women and power in the Middle Ages* (Athens, GA, 1988), pp 1-18 at 2.

⁴³ Martha Howell, ‘The problem of women’s agency in late medieval and early modern Europe’ in Sarah Joan Moran and Amanda Pipkin (eds.), *Women and Gender in the Early Modern Low Countries* (Leiden, 2019), pp 21-31 at 28.

equation of “Powerful woman = Extraordinary” and has proven beyond any reasonable doubt that elite women regularly, mundanely, and routinely, exercised power of all sorts’.⁴⁴ Teresa Earenfight supported Livingstone’s conclusion and offered a reconsideration of exceptional,

It is, safe to say that we have moved beyond women in power as exceptional. Once we disposed of the idea that there are hard-and-fast rules governing women and power, we stopped seeing powerful women as “the exception that proved the rule”. We redefined “exceptional” to mean exceptionally talented, exceptionally competent, exceptionally skilled at using guile in the game of power.⁴⁵

Heather J. Tanner asserted that ‘charters, writs, letters and other administrative instruments document women’s roles approximately 30% of the time’.⁴⁶ This statistic should not be misconstrued to suggest women did not participate in legal activities. In fact, *Bracton*, the Pipe Rolls, Curia Regis Rolls, and hundreds of surviving charters and their descriptions in chronicles among other documents demonstrate that women often took an active role in legal proceedings regarding land disputes, marital issues, and other miscellaneous cases.⁴⁷ Access to power and by default examples of

⁴⁴ Amy Livingstone, ‘Recalculating the equation: Powerful Woman = Extraordinary’ in *Medieval Feminist Forum: A Journal of Gender and Sexuality*, li, no. 2 (2016), pp 17-29 at 18.

⁴⁵ Theresa Earenfight, ‘Where do we go from here?’, p. 124.

⁴⁶ Tanner, ‘Women’s legal capacity’, pp. 81-96.

⁴⁷ Francis Palgrave (ed.), *Rotuli curiae regis: rolls and records of the court held before the kings justiciars or justices from the sixth year of King Richard I to the accession of King John* (2 vols, London, 1835), i, 432-3; *Mon. Ang.*, iv, 222; *PR*, 2 *John*, p. 214; *PR*, 16 *John*, p. 263; F. W. Maitland (ed.), *Bracton's Note Book: a collection of cases decided in the king's courts during the reign of Henry the Third, annotated by a lawyer of that time, seemingly by Henry of Bratton* (3 vols, London, 1887), iii, 316-17, p. 628; *PR*, 13 *John*, p. 24; *PR*, 16 *John*, pp 113, 193, 263; *CRR*, 2 *John*, p. 214; *CRR*, 16 *John*, pp 111, 193, 263; *CRR*, 4 *Henry III*, p. 318; *CRR* 9-10 *Henry III*, pp 193, 263, 318, 432-3; *Mon. Ang.*, iii, 218; *Rot. Chart.*, p. 188; *PR*, 12 *Hen III*, p. 282; *ROF*, p. 105; *RLC*, 14 *John*, p. 177; *RLC*, 16 *John*, p. 172;

agency can be discerned by following the legal progression of an individual or small group of women in the Middle Ages.

Erler and Kowaleski concluded that ‘by the twelfth century, women were sufficiently restricted that they became largely powerless and thus marginalised, their actions seemingly inconsequential’.⁴⁸ This conclusion has been challenged by scholars employing interdisciplinary approaches. McNamara’s revisit of her original thesis contained one notable clarification: that ‘women’s power through the family should actually be understood as the power of women as wives and, eventually, as widows’.⁴⁹ This distinction regarding dynamics of power reveals another space in which to explore the influence, agency, and power utilised by women in the Middle Ages. Elisabeth van Houts stated that ‘Only in the absence of men did the patriarchy create a space for female agency, especially for widows’.⁵⁰ While widowhood certainly offered significantly more opportunities for women to exercise agency or legal autonomy, the following case study of Isolde Pantulf, Hawise, countess of Aumale, and Nicholaa de la Haye will build upon Linda Mitchell’s observation that a husband could (and often did) benefit from his wife’s status.⁵¹

Liber Feodorum v. 1, p. 14; Maitland, *Bracton's Note Bk.*, iii, 458; *AR* 1218-1219 pp 513, 520, 649; *RLC.*, 18 *John*, pp 224, 298, 568; *ROF*, pp. 511-12; *RLC*, 15 *John*, pp 224b, 298b; *ROF*, pp 500, 511-512; *CR* 1264-68, p. 111; *RLC.*, 15 *John*, pp 31, 38, 49; *RLP*, p. 51b, 72

⁴⁸ Kowaleski & Erler, ‘Introduction’, p. 2.

⁴⁹ McNamara, ‘Women and power revisited’, p. 25.

⁵⁰ Elisabeth van Houts, *Married life in the Middle Ages, 900-1300* (Oxford, 2019), p. 20.

⁵¹ Linda E. Mitchell, *Portraits of medieval women*, pp 15-16.

Linda Mitchell, among others, has continued to examine surviving records not only for the locating of women operating in the legal sphere but also advocated for further study of these sources.

She argued that,

Claims that women are ‘invisible’ in the sources of medieval public history, made by both traditionalists and revisionists, are nothing more than a blindness to the presence of women – both named and unnamed- because an equally blinkered acceptance of the cultural norms of traditional, post-Enlightenment history, which posits that women simply did not appear in such activities evidenced by these sources. In other words, women are invisible because historians have assumed they are not there.⁵²

The following study seeks to build upon the work of Stenton, Mitchell, and others who have argued that women were not only present at but were active participants to varying degrees in legal disputes. The following thesis places three women at the forefront to detail how their experiences with English common law differed from or mirrored one another due to their financial, social, and political status. Mitchell further stated that ‘What is not clear is the degree to which changes in the law actually benefited or disadvantaged women further’.⁵³ In placing Isolde, Hawise, and Nicholaa in direct comparison perhaps it may be possible to obtain a sketch of the discrepancies between judgements in similar cases.

A critical re-reading of medieval sources outside the context of modern commentary will produce a better and perhaps more nuanced view of the prescriptive ideas and customary practices

⁵² Linda E. Mitchell, *Portraits of medieval women: family, marriage, and politics in England 1225-1350* (New York, 2003), p. 4.

⁵³ *Ibid*, p. 126.

within a specific group operating in a larger society. Simply reading law, Icelandic sagas, or any piece of literature as a description of wider societal ideals will undoubtedly create many false dichotomies and barriers not experienced by medieval people as their conception of, practice of, and interaction with gender will not mirror our own or the ideas of eighteenth- to twentieth-century scholars writing in fairly absolutist language on the subject.

Women's stories have always been present in the historical record. Historians have responded to larger, global social movements in kind by producing studies aligning with contemporary social need. In a post-#MeToo society, historians are faced with an incredibly important task to find and amplify as many women's voices and documented experiences as possible. Providing a much-needed widening of the lens of popular and academic studies allows modern society to more fully embrace the complexities which were present in societies. Studies focusing on women, people of colour, and other underrepresented groups have an opportunity to participate in the changing social landscape of the western world as it slowly begins to reject the metanarrative of whiteness, heteronormativity, and other culturally constructed restrictions. Studies embracing or acknowledging the need for intersectionality tend to arrive at similar observations; law does not apply equally to all members of a given society. I propose the view that justice operates like cloth being cut on the bias in garment construction. The same size, shape, and fabric may be cut but when constructed the fabric will stretch so two

seemingly identical garments change and therefore hang differently on two separate bodies. In essence, the same general rules may ought to apply in most cases, but the outcomes can be manipulated by social status, finance, or other concerns to produce an unexpected result. In this view, no single person presented in these case studies will be viewed as exceptional, but rather a representative of the given circumstances of specific incidents leading to judgements.

Isolde, Nicholaa, and Hawise were not exceptional, but they appear as such due to the lack of secondary material considering sources within the contexts of the time, place, or person(s) being discussed. The study of Isolde, Nicholaa, and Hawise that follows is not being presented with the intention of upholding gender as a useful or stable category for analysis nor should it be interpreted as an argument for a streamlined legal experience for women of her class, wealth, or any other homogenising factor.

Gender has transformed into an imaginary frontier within historical analysis. Medieval sources, particularly institutional documents, present a world in which wealth and connection grant more civil liberty than sex or gender. Medieval people did not live in, work in, or uphold a homogenous society. Women participated in matters of property long before the thirteenth century.⁵⁴ Women were of particular importance as they were the primary caretakers of

⁵⁴ Smith, *Province & empire*, p. 39; at chapter four; Daniel Power, *The Norman frontier in the twelfth and early thirteenth centuries* (Cambridge, 2004); at chapter three; Paul Brand, *Kings, barons and justices: the making and enforcement of legislation in thirteenth-century England* (Cambridge, 2003); Lori A. Gates, 'Widows, property, and remarriage: lessons from Glastonbury's Deverill Manors' in *Albion*, xxviii, no. 1 (1996), pp. 19-35.

family memory.⁵⁵ As many cases discussed throughout *Glanvill* and *Bracton* focus on land disputes and rely upon untrained and unregulated justices, kinship structures whether biological or fictive played a major role in the practice of medieval justice.

Kinship structures were recognised by both canon and common law yet operated more as guidelines due to the ability to overtake a standard inheritance custom by producing a will or other officially documented means. Inheritance required legitimacy in some way, yet the author commonly referred to as *Bracton* openly wrote that ‘common opinion sometimes is preferred to truth’ particularly in matters relating to legitimate children.⁵⁶ Those who were able to pay for the privilege obtained an *arbor affinitatis* which conveyed the relationship between a person and the kin of someone they married or with whom they engaged in sexual relations.⁵⁷ The barrier of gender appeared to hold less weight than that of legitimacy as far as thirteenth-century legal commentators were concerned. Legitimacy and gender therefore act as the weft and waft of the cloth before being cut on the bias. Both aspects are present and necessary but do not stretch the same direction or percentage in every given circumstance.

Although the overwhelming majority of cases recorded involve male participants, it is important to note women were active

⁵⁵ Elisabeth van Houts, *Memory and gender in medieval Europe, 900-1200* (Basingstoke, 1999), see chapter four; Sam Worby, *Law and kinship in thirteenth-century England* (Woodbridge, 2010), p. 127.

⁵⁶ *Bracton de legibus et consuetudinibus Angliae*, ed. G. E. Woodbine (4 vols, London, 1915), ii, 186.

⁵⁷ Worby, *Law and kinship*, p. 17.

litigants with a functioning understanding of the legal system. Locating named women of differing social statuses offers new challenges for future research. The current case study focuses therefore on three individual women of noble status in comparison with one another rather than male counterparts. Placing Isolde, Hawise, and Nicholaa in conversation, albeit a constructed conversation, offers insight into a practical application of feminist legal history. Erika Rackley and Rosemary Achmuty posited, Legal historians, and the discipline of legal history itself, have been heavily invested in preserving the illusion of legal objectivity, neutrality, and inevitability; in maintaining a narrative characterised by progress and liberal incrementalism. The consequence of this pursuit of coherence is that the jumbled reality of law reform-the setbacks, compromises and failures-is lost.⁵⁸

They concluded the purpose of feminist legal history is ‘not simply to identify *what* happened, but also to ask *why* it did’.⁵⁹ To this end, the cases of all three women identified and examined will present the known parameters of each plea and ask *why* judgements (when disclosed) were doled out in each case as they were.

Cases involving marital disputes were often relegated to arguments of inheritance or seisin with legitimate claim. *Britton*, a foundational text of English law writing less than a century after *Bracton*, provides further clarification,

Sex, because the male is to be received and the female rejected, so long as there is a male heir apparent of the father by the same mother; but the daughter begotten on the first wife is to be preferred in the succession to the marriage

⁵⁸ Erika Rackley and Rosemary Auchmuty, ‘The case for feminist legal history’ in *Oxford Journal of Legal Studies* 58, no. 4 (2020), pp 878-904 at 882.

⁵⁹ *Ibid*, p. 894.

(settlement) granted with her mother to the male begotten by the same father on the second wife.⁶⁰

Thirteenth-century law was characterised by the struggle to find legitimacy in all matters. Property disputes exposed the quest for legitimacy regarding children and marriage, yet common law often owed no responsibility to determine the legitimacy of marriage. The Fourth Lateran Council held in 1215 placed on bishops the duty of proper pre-marital investigation for any cause of illegitimacy.⁶¹ The distinction of the limitations of law regarding the determination of legitimacy illuminates an important observation: canon law and common law coexisted and at times overlapped and influenced one another. These two systems did not operate in opposition to one another but rather provided support where its counterpart did not: creating a somewhat symbiotic relationship. Both common and canon law were beginning to develop aspects of a highly complex framework of documentation as well as functional practices.

Isolde, Hawise, and Nicholaa all initiated litigation in the late twelfth and early thirteenth centuries. J.H. Baker estimated, ‘As early as 1200 King John could speak, through the rolls of his Court, of “the custom of our Kingdom”; by 1300 the common law was a complete system, with its own judges, its own records, its own profession and its own literature’.⁶² The most influential treatises on

⁶⁰ Britton: *The French text carefully revised with an English translation, introduction, and notes*, ed. F. M. Nichols (2 vols, Oxford, 1865), ii, p. 313.

⁶¹ F. M. Powicke and C. R. Cheney (eds), *Councils and synods with other documents relating to the English Church*, vol. ii, 1205-1313 (2 parts, Oxford, 1964), pt 1, 34, 88, 89, 190, 197, 234, 377, 636, 644.

⁶² J.H. Baker, *An introduction to English legal history*, p. 19.

English common law were the works of *Bracton* and *Glanvill*. The work commonly referred to as *Glanvill* was compiled c. 1188 to explain individual case decisions and provide supporting precedential information for those seeking a more comprehensive treatise for knowledge relating to English law.⁶³ The text predated the professionalisation of attorneys which began rapidly developing between 1250 and 1350.⁶⁴ The generation of texts such as *Glanvill* and *Bracton* represents a larger cultural phenomenon than simply a desire to cater to a new profession.

Kinship and Law

The idea of law and the reality of civil justice differed by region and relationship of the litigants, judges, and in some cases a jury. These structures of kinship influenced and survived outside each documented case.⁶⁵ Ideas of kinship present in canon law would have been absorbed and integrated into public perception to varying degrees.⁶⁶ Local systems of kinship such as regional marriage practices to avoid consanguinities predated those of common law and were more widespread.⁶⁷ Most cases were examined by a justice. Kinship ties and the inherent gender bias engrained within them transcended any written law. Cases described by *Bracton* and

⁶³ Robin Frame, *Ireland and Britain, 1170-1450* (London, 1998), p. 134.

⁶⁴ Paul Brand, 'The early history of the legal profession of the Lordship of Ireland' in Daire Hogan and W. N. Osborough (eds), *Brehons, serjeants and attorneys: studies in the history of the Irish legal profession* (Dublin, 1991), pp 15-50 at 27-36.

⁶⁵ Worby, *Law and kinship*, p. 141.

⁶⁶ *Ibid.*, p. 68.

⁶⁷ *Ibid.*, p. 141.

Glanvill therefore represent active constructions of law rather than reflecting the practice of civil justice:

In practice, the interaction of litigants with rules, and thus with the two legal kinship systems, was more complicated than the books of either legal system suggested: canon law rules could not be applied completely, and the common law encompassed several senses of kinship. It is clear that neither the canon nor the common law kinship system was limited to the bookish sphere and that, to a greater or lesser extent, both applied in practice, and cannot be properly understood without this dimension (although the application of the law in court is by no means the whole picture of either.)⁶⁸

It is also prudent to remember that aspects of English common law were glossed and commentated on by many men with opposing views which leads to a complex interpretation of a heterogeneous system. Sam Worby argued that the author of *Glanvill* was possibly Master Godfrey de Lucy.⁶⁹ The text commonly referred to as *Bracton* was likely to have been written by John de Longeville, John de Solers, and Walter de Langton among several other documented justices who heard cases.⁷⁰ Although these texts are presented as the work of a single author it is perhaps even more helpful to recognise the variation of opinion and language used to describe the judicial process.

The focus of the justice system of the thirteenth century remained chiefly centred on issues involving property and criminal justice. At no point will this particular case study examine criminal law as neither Isolde, Hawise, nor Nicholaa was ever charged under

⁶⁸ Ibid., p. 92.

⁶⁹ Ibid., p. 50.

⁷⁰ Ibid., p. 64; for a full discussion on the many possible authors of *Bracton* please see J. L. Barton, 'The authorship of *Bracton*: again' in *The Journal of Legal History*, xxx, issue 2, (2009), pp. 117-174.

criminal law. The experience of the law was also inconsistent although heavily documented. This led Robin Frame (when speaking of Ireland) to conclude that the lordship of the thirteenth century resembled more of a patchwork of lordships, and that there was a very wide gap between how things were supposed to be as opposed to how they actually functioned, implying the presence of a feeble central government.⁷¹ Only a small fraction of the upper nobility, approximately a dozen earls, were actively participating in procedural justice at any one time in the thirteenth century.⁷² Focusing on the sparsity of those able to wield power over others and their location, alliances, and financial contribution is an integral factor in the push both for and against a more centralised legal system. These nobles were essentially in complete legal control over their territories. Within this situation, local custom was either preferred to or blended into English common law. Perhaps Frame's observation of English common law in Ireland is also applicable to certain aspects of this study.

Julia Smith examined how kinship and artificial ties were utilised in the Carolingian period to extend power and influence.⁷³ Her findings suggested that people in the early Middle Ages chose to foster relationships which proved more advantageous at a given time rather than uphold rigid ideas of kinship identity.⁷⁴ She examined the

⁷¹ Frame, *Ireland and Britain*, p. 191.

⁷² Margaret Wade Labarge, *A baronial household of the thirteenth century* (reprint, Brighton, 1980), p. 9.

⁷³ Smith, *Province and Empire*, pp 107-8.

⁷⁴ *Ibid.*, p. 104.

perceived physical and cultural Breton border for evidence of identity construction. Smith concluded that the Breton identity emerged as a reaction to the Carolingian presence and colonialist practices.⁷⁵ In essence, without the Carolingian need to create a frontier narrative for their own gain, the Breton identity would not have emerged as a defined entity separate from their Carolingian neighbours.

Although Smith's work focused on the early Middle Ages, her methodology and findings remain influential into the later period. Smith claimed that 'the issue for the Bretons was not the acceptance or rejection of Frankish hegemony; as with Frankish rebels, it was rather a matter of which Carolingian it was most advantageous to support'.⁷⁶ The key point within this statement is the idea that one outside of a system can decide which system of identity or governance is preferred for a specific situation. This phenomenon is described in detail in modern sociology as 'symbolic ethnicity or optional identity' or the ability to choose one ethnic identity over another for a specific purpose.⁷⁷ The use of optional identity as a framework demands that identity is not a static or fixed concept, but rather one which can be gained or shed when advantageous for the individual or group.⁷⁸ Women such as Isolde, Nicholaa, and Hawise were legally categorised as less than their husbands or fathers, placing them just outside of enfranchisement. By utilising aspects of

⁷⁵ Ibid., pp. 144, 176, 204.

⁷⁶ Ibid., p. 104.

⁷⁷ Waters, 'Optional Ethnicities', p. 444.

⁷⁸ Ibid., p. 445.

optional identity, they could access opportunities to purchase rights and foster connections with potential allies through the temporary adoption of a husband's surname in a specific region.

Actions such as witnessing a document, claiming seisin of land against a lord, or adopting another style of dress or language can all be utilised as evidence for the practice of optional identity.

Evidence of this practice can be found in the *Parliament of Ireland of 1297* in section xi,

Englishmen, also, who have become degenerate in recent times, dress themselves in Irish garments and having their heads half shaven, grow the hair from the back of the head, which they call the “culan”, conforming themselves in Irish garb.⁷⁹

Optional identity is a temporary action rather than a continuous process such as manner of dress or hairstyle which demonstrates a chosen bond between the practitioner and a person or group of people with whom they wish to gain or maintain support. Women practised optional identity visibly in their choice to style themselves when appearing in pleas or granting gifts to religious institutions. In 1217 Isolde granted gifts to Langley Priory in honour of her natal family and deceased husbands.⁸⁰ At this time, she would have been entering her third out of four widowhoods. Rather than using her married name of Biset, Isolde chose to be referred to as Isolde Pantulf with no mention of her husbands' surnames as they related to her.⁸¹ Without the presence of any legal threat to Isolde's gift, one

⁷⁹ ‘Parliament of Ireland of 1297’, *Irish Historical Documents*, p. 37.

⁸⁰ *Mon. Ang.*, iv, 222

⁸¹ *Ibid.*

may conclude that her decision to have her natal surname recorded rather than her married suggests a desire to maintain a connection with her natal family and their identity. Each time a person, particularly someone of her class, participated in this practice, it reaffirmed their connection with the larger aristocratic web of newcomers into English society. Isolde never lived in Normandy, but her family continued to financially contribute to their home church and marry into other families from their region of origin.

Maud de Kyme, like Isolde, Hawise, and Nicholaa negotiated the boundaries and challenges of lengthy and expensive litigation with masterful precision. Women not only understood the value of social and political alliances but also the growing need to have tangible, written documentation of conflict resolution for their own archives⁸² as attitudes and alliances of local lords could, and often did, shift. Maud likely contracted the marriages of her children in spite of the king's wishes.⁸³ Her refusal to bend to even the highest authority yet still maintain financial and political security is indicative of all three women explored in this case study. The collection of resolutions preserved by each party offers insight into not only the legal manoeuvres of the individuals, but also provides a window into perceptions of social control exhibited by those who achieved favourable judgements over those who did not. As Linda

⁸² Ibid, p. 22.

⁸³ Ibid, p. 24.

Mitchell succinctly stated concerning the Ferrars sisters, 'I contend the picture of this family may be unusual, but not unique'.⁸⁴

The participation of women within these localised courts reveals at least within these municipalities that women were not barred from the legal experience as one would expect if nineteenth- and early twentieth-century scholars such as Pollock and Maitland are to be believed at face value.⁸⁵ Women appeared, testified, and succeeded in suing against other women and men. Isabel de Warenne, countess of Arundel (c. 1226-c. 1282) regularly litigated and spoke against the king, (her relative) for his inability to adequately ensure consistent justice upon his barons.⁸⁶ Documented accounts of women speaking out against men in power are not only present in plea rolls but also are plentiful and detailed suggesting it is time to reconsider the idea the lack of an early form of feminism as it may relate to thirteenth-century society. A frontier cannot be explored without first identifying and naming it. This chapter has sought to demonstrate the artificial border of bias which scholars have spent the past two hundred years both identifying and dismantling in order to more appropriately represent the participation of women in English society in the Middle Ages. This study will also demonstrate that the breadth of evidence available for this study does not force a reliance upon modern ideology but will present, as much as possible, thirteenth-century women pleading their case the way

⁸⁴ Linda Mitchell, *Portraits of medieval women*, p. 27.

⁸⁵ Seabourne, *Women and the medieval common law*, pp 3-6.

⁸⁶ Matthew Paris, *Chronica Majora*: vol. 5, 1248-1259, ed. H. R. Luard (London, 1880), pp. 336-7.

they would have represented themselves (through the hiring of a representative such as a pleader, obtaining writs, etc.) in their own time. This study is an exercise in reflexivity and cultural relativity as it presents a feminist argument without forcing modern feminist ideas onto medieval people. I join in support of an argument started by Linda Mitchell, Rowena Archer, and Amy Livingstone among others that thirteenth-century English common law, regardless of intention by its creators, provided a space for wealthy women to attain justice with fewer barriers placed before them due to their sex.

Chapter One

Sketches of Three Lives: Family Histories of Isolde Pantulf, Nicholaa de la Haye, and Hawise, countess of Aumale

This chapter presents key individuals and moments directly related to the lives of Isolde Pantulf, Nicholaa de la Haye, and Hawise, countess of Aumale. As the larger objective of this thesis is to examine the legal disputes of these three women, the following pages provide brief sketches rather than exhaustive studies of each family. It is necessary to contextualise their familial ties and political connections. Each woman discussed belonged to a noble family with access to substantial financial assets. Although noble, each woman represents a different level within their class. Hawise, countess of Aumale would have had the highest social standing and the greatest financial holdings. Nicholaa de la Haye garnered the individual favour of the monarch as well as inheriting office and status. Isolde Pantulf rose to prominence from the lesser nobility and therefore would have relied upon assets gained from marriage to elevate her own status and wealth. Individual records and suits in which the three women are key will be discussed in the corresponding chapters.

The Pantulfs of Shropshire: The Barons of Wemme

The Pantulf family originated in Samella near Calvados, Normandy.⁸⁷ William Pantulf (d. c.1112) was a vassal of Roger de Montgomery in Seés prior to joining Roger in England in 1071.⁸⁸

⁸⁷ *CDF*, p. 209.

⁸⁸ Marie Fauroux (ed.), *Recueil des actes des ducs de Normandie, de 911 à 1066* (Caen, 1961), pp 214-16.

William married Lescelina whose parentage is unknown. They produced four sons: Philip, Robert, Ivo, and Arnulf.⁸⁹ Philip remained in Normandy. There is evidence to suggest William spent a significant amount of time outside Normandy with his fellow Calvados native, Earl Roger de Montgomery. William accompanied Roger on a journey to Shropshire where William was named as his lieutenant following his service in the conquest of England.⁹⁰ Given de Montgomery and William shared a common home region and maintained a longstanding socio-political alliance, it stands to reason the pair also shared mutual political affiliations. Their shared service under the Conqueror presented both families with new opportunities for upward social mobility as well as lands abroad. Roger granted William Pantulf lands in Shropshire which would later become the barony of Wemme.⁹¹

They were among the first barons of the Welsh marches placing them with some of the longest opportunities to develop alliances with their new Welsh neighbours. But evidence suggests the Pantulfs of Wemme did not foster any such connections either through political friendships or marriages. It can be inferred that the Pantulf family achieved their social rank swiftly following William's service. This, coupled with the absence of male heirs or fruitful marriages for their daughters, which would have ensured the survival of their name and legacy, placed the Pantulfs of Wemme in a

⁸⁹ Vitalis, *Historia*, iii, 160-1.

⁹⁰ Vitalis, *Historia*, ii, 262-3.

⁹¹ Ibid.

precarious situation. The Shropshire Pantulfs would not leave a lasting mark on the Welsh marches or survive the rise of other prominent families in their area such as the Corbets and FitzWarins. The Pantulfs of Wemme suffered socio-political asphyxiation on the Welsh frontier as their Norman neighbours adapted and thrived in the marches while the Pantulfs struggled to add new branches to their family tree. A highly detailed and extensive study into the Pantulf, Corbit, and FitzWarin families was carried out by Janet Meisel in 1980. Any research into the orbit of these three families owes a substantial debt to her work.

Amiria, sister of Hugh Pantulf, was an attendant and foster child (*domicilla et nutrita*)⁹² to Eleanor of Aquitaine.⁹³ Amiria remained with Eleanor throughout the queen's entire imprisonment. Amiria can be identified as serving Eleanor in Salisbury Castle as early as 1183 as she was mentioned by name as a handmaiden in the queen's service charged with special tasks such as carrying a saddle to Waltham at Eleanor's request.⁹⁴ Of the approximate twenty servants with the queen, Amiria is the only one personally mentioned in the pipe rolls.⁹⁵ In 1192 and 1199, Amiria gave half her lands in Winterslow to Fontevraud Abbey in Anjou.⁹⁶ The remaining half of

⁹² The use of foster child was first suggested by Ralph Turner in his study of the household of Eleanor of Aquitaine: R. V. Turner, 'The household of Eleanor of Aquitaine, Henry II's queen, 1155-1189', paper given at the Haskins Society 2007, (https://www.academia.edu/14133098/The_Household_of_Eleanor_of_Aquitaine_Henry_II's_Queen_1155_1189) (27 Mar. 2020), p. 16.

⁹³ R. B. Pugh and Elizabeth Crittall (eds), *A history of the County of Wiltshire*: iii, (London, 1956), pp 242-59 (<http://www.british-history.ac.uk/vch/wilts/vol3/pp242-259>) (2 Feb. 2019).

⁹⁴ *PR*, 33 *Henry II*, p. 40; *PR*, 30 *Henry II*, p. 217.

⁹⁵ *Ibid*.

⁹⁶ *CDF*, pp 372-94.

Winterslow was given to Amesbury, where she promised to take vows and spend the rest of her life in the convent.⁹⁷ Winterslow manor had been granted to Amiria by Eleanor for her years of service. Evidence does not specifically detail Amiria's entrance into Eleanor's service or her motivations for entering a life of religious service. It remains unknown how much of her life Amiria spent with Eleanor. Amiria disappears from the historical record after taking the veil at Amesbury Priory in 1199.⁹⁸ Her motivations for the gift remain unknown. It is possible Hugh's royal favour could have been, in part, related to his sister's service to the royal household. Evidence does not provide any narrative examples to display the motivation for the crown's sympathies towards and continued support of the Pantulf family.

Hugh's service to the sitting monarch proved fruitful. In 1202, Hugh did not pay the required scutage for the year by the express excusal of King John.⁹⁹ In addition to repeated pardon of debt payment, Hugh received a royal gift from King John in 1215 which could indicate Hugh's support of John during the course of the Barons' Revolt and the uncertainty following the sealing of Magna Carta.¹⁰⁰ The Pantulfs of Shropshire appear to have supported John throughout the crisis. An entry in 1215 concerns a William Pantulf who 'made peace with the king' and was not a son of Hugh, but rather his half-brother and patriarch of the cadet line in

⁹⁷ Pugh & Crittall (eds), *History*, pp. 242-59.

⁹⁸ Ibid.

⁹⁹ *PR*, 4 *John*, pp 44, 184.

¹⁰⁰ *RLC.*, vol. i, 190.

Leicestershire.¹⁰¹ Hugh's second half-brother, Norman, disappears from the historical record after his first mention. He likely did not survive into adulthood.

Hugh Pantulf died in his nineties in 1224.¹⁰² His son William, at approximately fifty years of age, inherited the barony of Wemme following his father's death for the fine of £100.¹⁰³ He died in 1233 without a son, so that his holdings transferred into the hands of his sister, Hawise, wife of Fulk Fitz Warin III.¹⁰⁴ William was the last Pantulf to be titled Baron of Wemme. The Shropshire Pantulfs fell into decline as no male heirs survived to inherit the barony.

The Leicestershire Pantulfs

The second marriage of Ivo Pantulf to Alicia de Verdun created a new cadet line through their children. While Hugh, from Ivo's first marriage, had inherited the barony of Wemme, his younger half-brother William, became the patriarch for the lords of Breedon. William Pantulf, son of Ivo, and his wife Burgia founded Langley Priory in Breedon-on-the-Hill, Leicestershire, circa 1150.¹⁰⁵ William gained lands in Leicestershire due to his marriage to Burgia de Stuteville. The Pantulf lands surrounding the priory included Somerby, Little Dalby, Langley, Tonge, Kettlebi, Wilson, and Wardley manor.¹⁰⁶

¹⁰¹ *RLP*, p. 39.

¹⁰² *RF*, i, p. 123.

¹⁰³ *Ibid*.

¹⁰⁴ *RLC*, p. 184.

¹⁰⁵ *Mon. Ang.*, iv, 221.

¹⁰⁶ W. P. W. Phillimore (ed.), *Rotuli Hugonis de Welles* (3 vols, London, 1909), i, 269; *CPR*, 1340-3, p. 397; *Mon. Ang.*, iv, 222; *RF*, i, 105; *CRR*, 1211-31, p. 101.

They had two sons: Roger, and one also named William who inherited his father's estate upon his death.¹⁰⁷ The de Stuteville family had previously held Wardley. Although Wardley was not mentioned in Domesday Book, it appeared quickly after as an attachment to the barony of Oakham which was held for one-half of a knight's fee.¹⁰⁸ Prior to the lordship of the Pantulf family, it was held by the de Stuteville, Burgia's kin.¹⁰⁹ William Pantulf died in 1166.¹¹⁰

William Pantulf of Breedon (d. 1194), the son of William and Burgia, married first Joan de Crioill.¹¹¹ William held the lordship of Wardley for the duration of his life. The title passed to his grandson, Robert de Tateshall, upon his majority.¹¹² William Pantulf of Breedon, the son of William and Burgia, died in 1194 without male issue, leaving his entire estate to his one surviving daughter, Isolde.¹¹³

Isolde Pantulf

Isolde Pantulf (c.1170- c.1223) was born to William Pantulf (d. 1194) and Joan de Goldington, daughter of Piers de Goldington (d. ~1175) of Breedon-on-the-Hill.¹¹⁴ At the time of her birth, Isolde's

¹⁰⁷ *Rot. Hugonis de Welles.*, i, 263

¹⁰⁸ *AR.*, p. 613

¹⁰⁹ *Ibid.*

¹¹⁰ William Farrer and C. T. Clay (eds.), *Early Yorkshire charters: the Stuteville fee* vol. 9 (Cambridge, 1935), p. 24; Douglas Richardson and K. G. Everingham, *Royal ancestry: a study in colonial and medieval families* (Salt Lake City, 2013), p. 254.

¹¹¹ *Rot. Hugonis de Welles.*, i, 263.

¹¹² G. F. Farnham, *Leicestershire medieval village notes* (London, 1929), pp 169-70.

¹¹³ *AR.*, p. 613; *RF.*, i, p. 105; *CRR.*, 1211-31, p. 101.

¹¹⁴ *AR.*, p. 613

paternal family, held extensive lands in Shropshire on the Welsh frontier and occupied appointed offices in the royal government such as sheriff.¹¹⁵ Isolde's grandfather was the founding member of the of the cadet Pantulf family line in Leicestershire following his move away from Shropshire with his wife. Their son William (II), also Isolde's father, was the first Pantulf born in Leicestershire. William (II), along with his brothers Roger and Philip, and their parents William and Burgia, granted land to the abbey of St Andrew in their caput of Samella after leaving Normandy.¹¹⁶ This suggests they may have desired to maintain a lasting connection with their region of origin. Although separated from the barony of Wemme, Isolde's father still provided her with social connections to the vastly influential and wealthy de Verdun (paternal) and de Stuteville (maternal) names and socio-political allies.¹¹⁷ Both the de Stutevilles and the de Verduns would rise to be powerful barons in Shropshire following the fall of the barons of Wemme.

Isolde was named William Pantulf's heir upon his death in 1194.¹¹⁸ Isolde's designation as an heiress was not unique nor was she legally barred from inheriting her father's estate. William's wife Joan had died quickly after Isolde's birth leaving him without a son. William never remarried. By the time of William's death, Isolde had become a wealthy widow in her own right. By adding her father's

¹¹⁵ Meisel, *Barons of the Welsh frontier*, p. 25.

¹¹⁶ *CDF*, pp 190-217.

⁸⁴ *Early Yorkshire charters*, ix, 26.

¹¹⁸ Scott L. Waugh, *The lordship of England: royal wardships and marriages in English society and politics 1217-1327* (Princeton, NJ, 1988), p. 23.

land to her already growing wealth, Isolde cemented her status as a desirable heiress with close links to her paternal family. Isolde would have been extremely desirable for a member of the lesser nobility who wished to use his wife's status and inheritance to bolster his social and political profile.

William and Joan had a second daughter, Eustachia, who disappears from the historical record after 1199.¹¹⁹ It is unknown if Eustachia survived into adulthood or if she ever married. There is no surviving evidence for a Pantulf son. William Pantulf's daughters enjoyed wealth and status as members of the baronial class but did not enjoy the same financial comforts as the Barons of Wemme on the Welsh frontier of Shropshire. The Leicestershire Pantulfs appear to have remained socially separated from the barons of Wemme throughout Isolde's lifetime. Although they were closely related, Hugh and William do not appear in any documents together nor do any barons of Wemme intercede on Isolde's behalf at any time. While the dynamic between the family lines may never be known, the geographical distance between the two branches offers room for thought.¹²⁰ Isolde's natal connections remained limited to the Leicestershire Pantulf line.

Isolde married five times.¹²¹ Each marriage brought new wealth and status along with opportunities for Isolde to learn and

¹¹⁹ Francis Palgrave, (ed.), *Rotuli curiae regis: rolls and records of the court held before the kings justiciars or justices from the sixth year of King Richard I to the accession of King John*, i, (London, 1835), pp 432-3.

¹²⁰ Meisel, *Barons of the Welsh frontier*, pp 32-3

¹²¹ *Complete peerage*, xi, pp 295-296

assert legal and financial independence. Legal marrying age for girls of Isolde's lifetime was twelve.¹²² It is likely she married first Hugh Montpinçon while still a young girl as his death is recorded in 1186, rendering her an approximate sixteen-year-old widow if she was born in 1170.¹²³ Her mother, Joan de Goldington was confirmed deceased in 1175.¹²⁴ Joan was not mentioned in any documentation after Isolde's birth leading to the possibility that she could have died in childbirth or shortly after. Her son Ralph de St Amand would have been born when Isolde was approximately thirty-nine years of age which would have not been altogether uncommon considering other women giving birth into their forties such as Eleanor of Aquitaine.¹²⁵

Isolde made her first appearance in the chancery records in her second widowhood after the death of Robert de Tateshall. She would later sue the family of her first husband, Hugh Montpinçon, for unpaid dower in Sussex.¹²⁶ Isolde's first marriage to Hugh Montpinçon demonstrated the initial reach of the Leicestershire Pantulfs' wealth and social network in the Anglo-Norman gentry. Hugh and his family also originated in Calvados.¹²⁷ He held three

¹²² Pollock & Maitland, *History of English law*, ii, pp 390-1.

¹²³ L. C. Lloyd, *The origins of some Anglo-Norman families* (Leeds, 1951), p. 69.

¹²⁴ Meisel, *Barons of the Welsh frontier*, pp 32-3

¹²⁵ *Mon. Ang.*, iv, 222. Isolde gave alms to Langley Priory as a widow in 1217. Her final husband, Amaury de St. Amand outlived her. She would have still been in her free widowhood at the time of the transaction; For a detailed examination of Eleanor and her many experiences with childbirth see, Bonnie Wheeler and John Carmi Parsons (eds.), *Eleanor of Aquitaine, lord and lady*, (New York, 2003), esp. chapters 1, 4, 7, and 13.

¹²⁶ *PR*, 2 *John*, p. 214; *PR*, 16 *John*, p. 263

¹²⁷ F. M. Powicke, *The loss of Normandy, 1189-1204: studies in the history of the Angevin empire* (Manchester, 1961), p. 505.

knight's fees as well as retaining twelve knights in his service.¹²⁸ No further documentation regarding the Montpinçon marriage has been recovered. Isolde entered into a plea in 1214, a full twenty-eight years after the death of Hugh, for undelivered jointure.¹²⁹ She would continue fighting the Montpinçon family for the vill of Aningedon and Hingedon in Sussex until 1217 when her pleader, Robert de Kernec, secured justice for Isolde. The Montpinçon family were forced to release the proper one-third of her late husband's estate for her maintenance. Isolde held seisin of the lands the following spring of 1218.¹³⁰

The length of Isolde's legal disputes with the Montpinçon family could be attributed to the lack of a male heir. Hugh and Isolde never produced any children. It is possible Isolde was not old enough to bear children before Hugh's death. This opened Isolde's case to another form of scrutiny as the family could choose to argue that Isolde had not 'earned' her dower.¹³¹ Upon the death of Hugh's father, William Montpinçon, his surviving daughter Clemence became his legal heir and therefore the legal representative of the Montpinçon family in the suit.¹³² Clemence was a ward of the king at the time of her uncle's death in 1186. Following her marriage to

¹²⁸ Hubert Hall (ed.), *The Red Book of the Exchequer* (3 vols, London, 1896), ii, 628.

¹²⁹ *PR*, 2 *John*, p. 214, *PR*, 16 *John*, pp 193, 263

¹³⁰ *Bracton's Note Bk.* pp 316-17. The pursuit of the Montpinçon dower will be explored in chapter two.

¹³¹ For a full discussion on the concept of earning dower, see Paul Brand, "'Deserving" and "undeserving" wives: earning and forfeiting dower in medieval England' in *The Journal of Legal History*, xxii, no. 1 (2001), pp 1-20. The concept and its specific implications relating to Isolde's cases will be discussed in chapter three.

¹³² *PR*, 16 *John*, p. 263

Ralph Tyrrell she was sued by Isolde for dower owed in Sussex.¹³³

Bracton's note book reveals that neither Clemence or Ralph appeared in court to challenge Isolde's claim.¹³⁴ Clemence claimed not to have seisin of the dower land in question at the time of the suit. Isolde then sued Hubert de Merle, who seised the land from the Montpinçon family sometime between the death of Hugh and her claim.¹³⁵

Every Pantulf, whether the barons of Wemme or the Leicestershire cadet line, married individuals fostering ties to Calvados. Keats-Rohan suggested that contracting marriages within close geographical proximity to a family's point of origin reveals a glimpse into their political attitudes.¹³⁶ The de Courcy, Pantulf, and de Montgomery families all originated from the same region in Normandy. In nearly every documented case, Shropshire or Leicestershire barons with geopolitical ties to Calvados supported the king of England until the Barons' Revolt in 1215. The crown took special care to appease the barons of Shropshire as they could easily support the Welsh princes rather than an English king given how little control the latter had over their daily lives. Land law established by Henry II upheld the rights of lords to conduct business according to local custom with little royal involvement as the king

¹³³ *CRR*, 10 *Henry III*, 193, 263, 318.

¹³⁴ *Bracton*, 628.

¹³⁵ *CRR*, 5 *Henry III*, 318.

¹³⁶ K. S. B. Keats-Rohan, 'The Bretons and the Normans of England, 1066-1154' in *Nottingham Medieval Studies*, xxxvi (1992), pp 42-78.

regularly required the assistance of the barony in matters of law and order

In 1199, Isolde appeared in court following the death of her second husband, Walter de Tateshall. Her sister, Eustachia, accompanied her against her uncle, Roger Pantulf, in a land dispute over Ketelbi and Holewell in county Leicester.¹³⁷ Roger Pantulf was part of the barony of Wemme yet held lands in Leicestershire at Bilton, Newbold-Upon-Avon.¹³⁸

Isolde married Walter de Tateshall shortly following Hugh Montpinçon's death in 1189.¹³⁹ Walter was the son of Philip FitzRobert FitzHugh de Tateshall, sheriff of Berkshire and Lincolnshire and Elizabeth de Welle.¹⁴⁰ He died in Horncastle, Lincolnshire in 1199.¹⁴¹ His family held the barony of Tateshall in Lincolnshire which was granted to them by William the Conqueror.¹⁴² With Walter, Isolde produced her son and heir, Robert de Tateshall, before Walter's death in 1199 or shortly after in the early months of 1200.¹⁴³ Isolde's second marriage proved not only fruitful but lucrative. Her husband, as we have seen, was sheriff of Huntingdon and Cambridge, securing Isolde influence within the

¹³⁷ *CRR, 1 Richard* pp 432-3.

¹³⁸ F. C. Wellstood (ed.), *Feet of fines: Warwickshire*, xi (London, 1932), p. 390.

¹³⁹ *Complete peerage*, xi, 296.

¹⁴⁰ F. L. Weis, *The Magna Charta sureties, 1215: the barons named in the Magna Charta, 1215, and some of their descendants who settled in America during the early colonial years* (Baltimore, MD, 1991), p. 144.

¹⁴¹ *Complete peerage*, xi, 296.

¹⁴² John Burke, *A genealogical and heraldic dictionary of the landed gentry of Great Britain and Ireland*, ii (London, 1891), pp 1353-4.

¹⁴³ *Complete peerage*, xi, 648.

Tateshall barony of Lincoln along with her husband's royal contacts.¹⁴⁴

The wardship of Isolde's son, Robert de Tateshall, was granted to William d'Aubigny, earl of Arundel.¹⁴⁵ Robert married Matilda d'Aubigny, daughter of William d'Aubigny.¹⁴⁶ He would later marry Mary Neville, an heiress who held six fees in Middleham.¹⁴⁷ Robert was listed as the grandson of Kirkstead Abbey founder, Hugh Britto, the first Baron of Tateshall.¹⁴⁸ Robert and his family would continue to bestow gifts upon Kirkstead Abbey rather than his maternal religious house in Leicestershire, Langley. There are no records of Isolde providing financial support towards or visiting the Tateshall priory during or after her marriage to Walter.

The wardship and eventual marriage of Isolde's son secured social alliances between the Tateshall and d'Aubigny families, extending Isolde's social influence beyond Leicestershire and Sussex into Lincolnshire. Her son, Robert, would spend a large portion of his life in Lincolnshire as he inherited the Tateshall barony when he came of age.¹⁴⁹

The close of the twelfth century brought new challenges and riches for Isolde Pantulf. As we have seen, her father, William Pantulf, died in 1194, leaving Isolde (de Tateshall) as the sole

¹⁴⁴ Ibid., xi, 296.

¹⁴⁵ *Mon. Ang.*, iii, 218; *Rot. Chart.* p. 188.

¹⁴⁶ William Stubbs (ed.), *Annales Londonienses* (London, 1882), p. 126.

¹⁴⁷ William Brown (ed.), *Yorkshire inquisitions of the reign of Henry III and Edward I*, i (Yorkshire Archaeological and Topographical Association Record Series, xii, Worksop, 1892), pp 227-8.

¹⁴⁸ *Mon. Ang.*, vi, 418.

¹⁴⁹ *PR*, 7 *Henry III*, p. 216.

Pantulf heir.¹⁵⁰ By 1199, Isolde entered her second widowhood possessing both the Pantulf inheritance and her youth.¹⁵¹ Within the year, Isolde married Henry Biset, son of Manasser Biset of Kidderminster.¹⁵²

Henry Biset and his father Manasser had been faithful servants to King Henry II and John in matters relating to Scotland and Ireland. Manasser served as Henry II's steward until his 1156 retirement.¹⁵³ Henry granted Manasser Biset the barony of Kidderminster, located in Worcestershire, between 1156 and 1162 following his retirement.¹⁵⁴ Manasser died in 1186, leaving the barony of Kidderminster to his son, Henry.¹⁵⁵

Henry did not hold seisin of the land for some time. Geoffrey Fitz Piers held it due to Henry's £100 debt still being outstanding in 1201.¹⁵⁶ King John interceded on Henry's behalf, granting Kidderminster back to him providing that Henry pay 500 marks of the outstanding balance.¹⁵⁷ This agreement also gained Henry Biset the manor of Sandhurst in Hampshire. With Henry Biset's looming debts, marriage to a wealthy heiress would have been a desirable option. His continued service to King John as a steward secured him much needed royal favour to combat debt collection. Henry wasted

¹⁵⁰ Weis, *Magna Charta sureties*, p. 144.

¹⁵¹ Douglas Richardson, *Royal ancestry: a study in colonial and medieval families*, ii (Salt Lake City, 2013), p. 254.

¹⁵² William Anderson, *The Scottish nation; or the surnames, families, literatures, honours, and biographical history of the people of Scotland*, i (Edinburgh, 1867), p. 303.

¹⁵³ *Red Bk. of Exchequer*, ii, 656

¹⁵⁴ *PR, 13 Henry II*, p. 57.

¹⁵⁵ *Mon. Ang.*, vi, 644.

¹⁵⁶ *PR, 3 John*, p. 131.

¹⁵⁷ *ROF*, p.4.

no time following his marriage to Isolde to gain access to the income from her previous marriages. Immediately, Isolde and Henry sued Randolph de Amundeville who held seisin of her undelivered dower from her first marriage in Sussex.¹⁵⁸

Once married to Isolde, Henry Biset appears to have followed his father's example and led a life of royal service both in and outside England. The Biset family already possessed ties in Ulster as Hugh Biset was lord of Glenarm in what is now County Antrim.¹⁵⁹ Shortly after his marriage and dower suit with Isolde, Henry was dispatched by John to Ireland with Geoffrey Luttrell to ensure the successful instalment of David, the bishop-elect of Waterford.¹⁶⁰ The same year, Henry Biset served again in Ireland with Walter de Lacy. In 1207, Henry would receive the fosterage of Walter's nephew, Hugh, son of Robert de Lacy.¹⁶¹ This fosterage began Isolde and Henry's influence in Ireland. The de Lacy family were pillars of the Anglo-Norman aristocracy in Ireland. An agreement between the Biset and the de Lacy families meant the acquisition of powerful allies abroad and access to a wider social network.

As a second-generation baron serving the king outside of England, Henry's marriage to Isolde provided her with possible outlets to insert her influence on the royal house and other barons. This also meant Isolde may have had access to certain individuals

¹⁵⁸ *CRR, 1189-1201*, p. 214.

¹⁵⁹ Seán Duffy, 'The Anglo-Norman era in Scotland and Ireland: convergence and divergence' in T. M. Devine and J. F. McMillan (ed.), *Celebrating Columba: Irish-Scottish connections, 597-1997* (Edinburgh, 1999), p. 2.

¹⁶⁰ *RLP*, p. 48; *RLC*, i, 14b.

¹⁶¹ *CDI, 1171-1251*, p. 43.

associated with her husband's service to the king. It is likely that Isolde met John in some capacity or provided personal assistance to the king separately from any mentions in the surviving records. This is suggested by the fact that, in 1205, John le Warre was tasked to send a tun of wine (between 240-250 gallons) from Bristol to Henry Biset under the condition it be given to his wife.¹⁶² As a knight in the service of the king, Henry was entitled to a wine allowance.

In her third widowhood, Isolde recognised a valuable commodity aside from land: wardships. Isolde two heirs who survived into adulthood, Robert de Tateshall, and Ralph de St Amand. Isolde also sued for the wardship of her husband's child from a previous marriage. Isolde secured the wardship of Henry Biset's son and heir allowing her to broker his marriage contract. This transaction cost Isolde 1,000 marks.¹⁶³ Transactions relating to the purchasing of wardships, or free widowhood, were common during the reign of John as it was an easy way to generate revenue.

Control of Henry Biset's son meant Isolde also determined who would benefit most from his inheritance. She sealed a contract with William de Huntingfeld securing a marriage between William, the Biset heir, and de Huntingfeld's daughter, Sarah.¹⁶⁴ William de Huntingfeld marked yet another successful social move for Isolde as he had been the sheriff of Norfolk and Suffolk as well as the baron

¹⁶² *RLC*, i, 31.

¹⁶³ *PR*, 14 *John*, p. 177; *PR*, 16 *John*, p. 172.

¹⁶⁴ *PR*, 14 *John*, p. 177; *PR*, 16 *John*, p. 172; *Liber feodorum*, i, 141; Page & Willis-Bund (eds), *History*, pp 160-2.

who held Dover Castle for John in 1203.¹⁶⁵ Isolde incurred great debt to the crown as she continued to purchase rights for herself as well as further wardships. In exchange for the Biset inheritance, William de Huntingfeld agreed to pay a substantial amount of Isolde's debt.¹⁶⁶ William would change his political stance, as he supported and participated in the Barons' Revolt against John just two years after sealing this contract with Isolde. The Biset inheritance meant the de Huntingfeld family not only gained a strong ally within the aristocratic arena, but also lands throughout England, Scotland, and Ireland. By partnering with William de Huntingfeld, Isolde bartered part of her debt to the crown to another lord while expanding her familial web across England and deeper into King John's household.

Isolde appears only to have contracted agreements which were favourable to the crown. Although de Huntingfeld held Dover Castle, William openly opposed King John after 1213.¹⁶⁷ De Huntingfeld stood against John in 1215 in addition to fighting in favour of Louis of France.¹⁶⁸ The Bisets also supported the Barons' Revolt against the king. Following the betrayal of the Bisets of Kidderminster and William de Huntingfeld, who held seisin of the manor in 1215, the crown reclaimed seisin and granted the property

¹⁶⁵ R. V. Turner, 'Huntingfield, William of (d. in or before 1225)' in *ODNB* (<https://doi.org/10.1093/ref:odnb/14238>) (1 Feb. 2018).

¹⁶⁶ D. M. Stenton, (ed.), *Rolls of the justices in eyre, being the rolls of pleas and assizes for Gloucestershire, Warwickshire, and Staffordshire, 1221-1222* (Seldon Society, lix, London, 1940), pp 105-6.

¹⁶⁷ *Roger of Wendover's flowers of history: comprising the history of England from the descent of the Saxons to 1235, formerly ascribed to Matthew Paris*, trans. J. A. Giles (London, 1849), pp 297, 356, 371.

¹⁶⁸ *RLC*, i, 215b, 278b.

to Roger la Zouche.¹⁶⁹ Kidderminster was returned to the Biset family after the death of King John.¹⁷⁰ Isolde held Kidderminster as an individual rather than jointly with Biset. Upon William's death, his widow Sarah sued Isolde for her dower. Isolde and her husband at the time, Amaury de St Amand, held the entire manor in seisin. Sarah never received her rightful dower.¹⁷¹ The 1223 plea could have occurred after Isolde's death as her husband was recorded as having seisin of Kidderminster. Isolde's son, Robert de Tateshall, began to acquire his mother's lands claiming her death the same year.

Isolde's marriage to Henry Biset undoubtedly elevated her social status and net worth in the eyes of those who served in royal government but Isolde also nurtured relationships with barons ready to depose the king. With Henry regularly abroad, Isolde would have ensured the maintenance of their properties and social alliances. Following Henry's death in 1208, Isolde was once again available for suitors. Her third marriage left her incredibly desirable as she was still a young heiress. In accordance with law, Richard Neville made a fine of twenty palfreys to obtain the king's permission to ask for Isolde's hand in marriage.¹⁷² No documentation survives to reveal why Isolde declined his request.

¹⁶⁹ *RLC*, i, 237b.

¹⁷⁰ George Wrottesley, *Pedigrees from the plea rolls: collected from the pleadings in the various courts of law, A.D. 1200 to 1500, from the original rolls in the Public Record Office* (London, 1905), p. 481.

¹⁷¹ *Bracton's Note Bk.*, iii, 458; *AR*, p. 1021, m. 6; *RLC*, i, 568.

¹⁷² T. S. Hughes., *The history of England, by Hume and Smollett with a continuation of the accession of George III to 1835* (London, 1835), p. 103.

She married a fourth time to Walter de Baskerville sometime between 1211 and his death in 1213.¹⁷³ Walter was the son of Walter de Baskerville and held Greenstead Manor in Essex as well as lands in Hereford.¹⁷⁴ Walter was the last of the de Baskervilles to hold the manor of Stretton in Warwick.¹⁷⁵ Walter and his family enjoyed royal favour and were granted lands in Hereford by William the Conqueror.¹⁷⁶ The de Baskerville family held the office of sheriff in county Hereford twenty-one times.¹⁷⁷

At the time of her 1213 suit to reclaim her Irish property of ‘Maggurman’ or Gormanston, Walter de Baskerville, her fourth husband, died. Isolde reprised the process of suing for dower alone. Her marriage to Walter de Baskerville yielded no children and no further wardships. It is likely the marriage was brief as there is scant evidence connecting Isolde to Walter other than the 1213 suit where she was listed as his widow.¹⁷⁸ In 1211, Isolde continued her transaction with William de Huntingfield regarding the Biset heir in which she styled herself as ‘Ysolt Biset.’¹⁷⁹ Although Isolde utilised her deceased husband’s surname, she could have already been remarried. It would not have been uncommon for her to continue to

¹⁷³ *ROF*, pp 511-12; *RLC*, i, 224b, 298b.

¹⁷⁴ Charles Moor, *Knights of Edward I* (5 vols, Harleian Society, lxxx-lxxxiv, London, 1929-32), i, p. 50.

¹⁷⁵ L. F. Salzman (ed.), *A history of the county of Warwick*: vi, *Knightlow Hundred* (London, 1951), pp 240-1.

¹⁷⁶ John Burke, *A genealogical and heraldic history of the commoners of great Britain and Ireland enjoying territorial possessions or high official rank: but uninvested with heritable honours* (London, 1836), pp 87-8.

¹⁷⁷ *Ibid.*

¹⁷⁸ *ROF*, pp 511-12; *RLC*, i, 224b, 298b.

¹⁷⁹ *PR*, 13 *John*, p. 24.

use her previous husband's surname in matters involving the Biset family as widows could choose how they wished to style themselves.

Isolde continued to seek dower owed to her from her third husband, Henry. She paid 100 marks to have seisin of Gormanston after the crown took the land as payment for Henry's debts.¹⁸⁰ She gained the support of Geoffrey de Longchamps, Ranulf earl of Chester, Walter of Dunstanville, and Fulk Fitz Warin for the restoration of her dower.¹⁸¹ Throughout 1213 and 1214, Isolde continued to sue for dower owed by Clemence Montpinçon.¹⁸² The death of Walter de Baskerville could have encouraged Isolde to enter a plea for her free widowhood.

The average price for widow's rights during the reign of King Henry II was eighty-seven marks.¹⁸³ In 1214, Isolde once again made a fine to the Crown for 1000 marks and a palfrey to be free from the obligation of further marriage.¹⁸⁴ At first glance, Isolde's fine for her free widowhood appears excessively higher than the average for noble women of her status.¹⁸⁵ However, as an untitled widow, Isolde did not pose an immediate threat to the Crown. Isolde continuously proved her loyalty by only contracting marriages which posed no compromise to the king's interests. Her higher fee could be attributed to her aristocratic relationships and wealth in both England and Ireland as she held an estate at Gormanston, a profitable corn

¹⁸⁰ *ROF*, pp 511-12.

¹⁸¹ *Ibid*.

¹⁸² *PR, 16 John*, pp 193, 263

¹⁸³ Waugh, *Lordship of England*, p.161.

¹⁸⁴ *PR, 16 John*, p. 113.

¹⁸⁵ Waugh, *Lordship of England*, p.161.

exporter, and two carucates of land in Fingal. Gormanston would remain with her descendants until the mid-fourteenth century when it became the seat of the prominent Preston family.¹⁸⁶ Isolde also held lands in Leicestershire, Hampshire, Herefordshire, Staffordshire, Gloucestershire, Leicestershire, Sussex, Wiltshire, and Warwickshire.¹⁸⁷ Isolde continued to sue for dower lands owed as well as granted gifts to Langley Priory in the names of her deceased husbands.¹⁸⁸ Isolde's gift to Langley included the names of all prior husbands and recorded her son Robert de Tateshall from her second marriage as her heir.¹⁸⁹

Along with growing wealth from dower, Isolde also incurred extraordinary fees to gain seisin of the lands. By 1215, she paid on four separate occasions to gain properties owed to her from deceased husbands. By this time, Isolde already secured the financial respite of King John. In March 1215, he requested the sheriff of Nottinghamshire that she not be distrained of any debts due to the death of her fourth husband, Walter de Baskerville.¹⁹⁰ The same mandate restored most of her Irish properties.¹⁹¹ She would not see the restoration of her property in Fingal until 1217, after King John's surrender at Runnymede and the subsequent war.¹⁹²

¹⁸⁶ James Mills and M. J. McEnery (eds), *Calendar of the Gormanston register: from the original in the possession of the right honourable the viscount of Gormanston* (Dublin, 1916), p. 20

¹⁸⁷ *PR*, 16 John, p. 193; *RLC*, 18 John. vol. 1, m. 3, p. 286b; *PR*, 13 John, *De finibus et scutagiis pro passag' Ybernie*, p. 24; *PR*, 10 John, pp 198-9.

¹⁸⁸ *Mon. Ang.*, iv, 222

¹⁸⁹ *Ibid.*

¹⁹⁰ *RLC*, i, 224b, 298b.

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

Isolde's free widowhood would be short-lived as she married a fifth and final time to the crusader Amaury de St Amand circa 1214.¹⁹³ Her marriage to Amaury again strengthened Isolde's ties to Ireland as he, like Henry Biset, served as a steward to the king in Ireland.¹⁹⁴ Amaury was the son of sir Almaric de St Amand and a daughter of Walter de Verdun.¹⁹⁵ Amaury was the first St Amand to obtain personalised mentions in royal records and, consequently, to gain an entry in the *Complete Peerage*. His family claimed to have held the Hundred of Bloxham before 1189.¹⁹⁶ Amaury was granted the title of lord of Liskeard in Cornwall by Henry III.¹⁹⁷ He also held Grendon manor in Ashendon Hundred which was the seat of the St Amand lordship and eventual barony for multiple generations.¹⁹⁸ He would also be styled as lord of East Ilsley in Berkshire.¹⁹⁹

Amaury entered the service of the king in March 1216.²⁰⁰ He was not limited to service in England. In 1226, he served the new king in Ireland and, in 1231, Amaury fought on overseas expeditions for Henry.²⁰¹ Amaury was recorded as a godfather to the future King Edward I indicating a strong relationship between Amaury and the

¹⁹³ *Complete peerage*, xi, 296

¹⁹⁴ Frame, *Ireland and Britain*, pp 39-40.

¹⁹⁵ *Complete peerage*, xi, 295.

¹⁹⁶ William Illingworth (ed.), *Placita de quo warranto temporibus Edward I, II, & III in curia receptae Scaccarij Westm. asservata* (London, 1818), p. 667.

¹⁹⁷ Ibid.

¹⁹⁸ Daniel Lysons and Samuel Lysons, *Magna Britannia: being a concise topographical account of the several counties of Great Britain* (6 vols, London, 1806-22), i, 565.

¹⁹⁹ William Page and P. H. Ditchfield (eds), *A history of the county of Berkshire*: iv (London, 1924), pp 24-31.

²⁰⁰ *Complete peerage*, xi, 295.

²⁰¹ Ibid.

king.²⁰² Amaury held the office of Warden of the Forest of Dean, in addition to his appointment as Constable of St Briavel's Castle from 1234-7.²⁰³ He appears to have spent his entire adult life in service to the crown. Henry III granted Amaury the wardship of the Fulgers the manor of Ipplepen, in Haytor.²⁰⁴

In 1231, Amaury visited Kidderminster, the seat of the Biset family, with King Henry III in order to assist the king with negotiations with the Welsh.²⁰⁵ Amaury was dispatched to mediate a truce with Llewelyn.²⁰⁶ The same year he was recorded as the joint constable of multiple castles in Pembrokeshire.²⁰⁷ During his evening devotions at Kidderminster, Amaury was attacked by an unknown would-be assassin. A lady by the name of Margaret (likely a Biset) saved his life.²⁰⁸ Amaury fostered multiple personal connections at Kidderminster following the incident. He would have shared a familial connection by marriage with the Bisets through his deceased wife.

Isolde ensured the future of their house when she purchased William Biset's wardship and secured his marriage to Sarah de Huntingfeld. The Pantulf family of Leicestershire married into other prominent Welsh marchers, giving Amaury a distinct advantage for negotiation on behalf of the crown. Amaury's marriage to Isolde

²⁰² Lysons & Lysons, *Magna Britannia*, i, 565.

²⁰³ *CPR, 1232-47*, pp 48, 55, 160, 175.

²⁰⁴ Lysons & Lysons, *Magna Britannia*, vi, 287-95.

²⁰⁵ *CPR 1225-32*, p. 453.

²⁰⁶ *CPR 1225-32*, pp 362, 437; *CR 1227-31*, pp 5, 503, 541; *Foedera*, i, p. 201.

²⁰⁷ *Ibid.*

²⁰⁸ Matthew Paris, *Annales monastici* (London, 1865), pp 380, 412-13.

Pantulf could have assisted him in gaining vital connections to other marcher families who continued to support Isolde, and her family, throughout her life. Amaury and Isolde held Kidderminster ten years prior to his visit as they held the land following William Biset's death. Amaury would utilise his marriage to Isolde to enrich himself and gain lordships. Eventually, he would become seneschal of the king and the godfather to Lord Edward before his death in 1241 on a crusade.²⁰⁹

Amaury joined the Magna Carta barons against King John in 1215 as did Isolde's ally William de Huntingfeld.²¹⁰ This would not mark the first blemish on Isolde's familial reputation, but he was the first and only direct relative to rebel against the Crown. Amaury later enjoyed the favour of King Henry III, as did his wife. They remained married until her death in 1222/3.

Amaury continued to utilise Gormanston and her Irish lands to his benefit. In 1220, he visited Ireland to confirm his tenure of the vill to the value of one knight's fee.²¹¹ He continued to export corn from Gormanston to England with the permission of the crown.²¹² The corn was sold at his Tuesday markets on the grounds of Keats Gore, a sub-parcel of East Ilsley in Berkshire.²¹³ This estate remained with the St Amand family, passing to Amaury and Isolde's

²⁰⁹ Frame, *Ireland and Britain*, p. 18.

²¹⁰ Page & Willis-Bund (eds), *History*, pp 158-73.

²¹¹ *CDI*, 1171-1251, no. 1772; *CCR*, 1227-31, pp 278-9; *CCR* 1234-37, p. 50; *RP*, 1225-32, p. 58; *RLC*, 1224-1227, p. 125.

²¹² *Gormanston Register*, p. 21.

²¹³ *AR*. p. 48, m. 39; *Hund. R.*, i, 18.

son, Ralph de St Amand.²¹⁴ Robert Preston purchased Gormanston in 1363 from a later Amaury (Almaricus) de St Amand. Isolde's descendants held Gormanston, which was assessed as four carucates of land originally called Le Ryn and was obtained from an Irishman named Ma[c] Gorman, for over 150 years.²¹⁵ Amaury died one year after leaving for crusade in the Holy Land between Easter and September 1241. He had accompanied Simon de Montfort and Richard, earl of Cornwall.²¹⁶ His son and heir was Ralph de St Amand.

Ralph de St. Amand was born of Isolde's fifth marriage to Amaury de St. Amand. He would marry once and have one son. Like his father, Ralph served the king beyond England. In 1242 and 1244 he travelled to Scotland and possibly Wales at the behest of the crown.²¹⁷ He married the daughter and heir of Joan d'Aubigny, Ascelina (sometimes styled as Asseline or Isabel) d'Aubigny, niece of Robert d'Aubigny, earl of Arundel, in June 1234.²¹⁸ Ascelina was one of three heirs to Robert, son of Robert D'Aubigny. Robert died without an heir, leaving the barony to be divided between his sisters as co-heiresses.²¹⁹ Ascelina's mother, Joan, was the last surviving sister. Ralph and Ascelina had one son who survived to the age of majority; Amaury, who inherited Millbrook, Ampthill, and Cotes

²¹⁴ *Gormanston Register*, p. 23.

²¹⁵ *Ibid.*, p. viii.

²¹⁶ Paris, *Chronica majora*, iv, 44; *ROF*, i, 374.

²¹⁷ *CPR*, 1232-47, pp 295, 443.

²¹⁸ *Testa de Nevill*, p. 250b.

²¹⁹ George Lipscomb, *The history and antiquities of the county Buckinghamshire* (London, 1847), p. 456.

manors in Bedfordshire upon Ralph's death in 1245.²²⁰ He also held the seat of the St Amand family at Grendon and Shipton Lee, although the only record corroborating the information was created posthumously.²²¹ The St. Amand family gained their baronial title by writ in 1299 for their loyal service to the crown.²²² Through his marriage to the d'Aubigny bride, Ralph gained the barony of Caynho.²²³

The status of Ralph and Ascelina's son, Amaury de St. Amand (d. 1285), illustrates how far the family rose to prominence when his wardship was sold to Paulinus de Peyvre for 1,000 marks.²²⁴ The transaction mirrored Isolde's contract with William de Huntingfeld for the marriage of William Biset to Sarah de Huntingfeld several years prior. Each of these matches demonstrates the new importance of Isolde and her family. While other wardships passed through the nobility at an average of 200-300 marks, the Montagu/Amand match required 1,000 marks.

Amaury's daughter, Hawise, would marry Simon de Montagu, the first Baron of Montagu.²²⁵ Marrying Hawise to Simon meant the elevation of a St. Amand to a baronial title through marriage. It is unknown whether Isolde Pantulf was Hawise's mother. Simon served the crown in Wales in 1277 and in 1282

²²⁰ CCR, 1279–88, p. 380; CCR, 1307–13, p. 284; *Feud. Aids*, i, 5, 18; Dugdale, *Baronage*, ii, p. 20.

²²¹ Lipscomb, *History*, p. 254.

²²² *Ibid.*, p. 297.

²²³ White Kennet, *Parochial antiquities attempted in the history of Ambrosden, Burcester, and other adjacent parts in the counties of Oxford and Bucks.* (Oxford, 1818), p. 321.

²²⁴ CPR, 1232-1247, p. 476; CCR, 1296-1302, pp 267, 385-6.

²²⁵ *Complete peerage*, ix, 76-80.

against Llywelyn ap Gruffudd.²²⁶ The match was easily arranged. Philip Basset initially held Simon's wardship as he wished to arrange a marriage for his sister, Aline. Alan Basset secured Aline's marriage to Drew Montagu by purchasing his wardship. Philip then sold Simon's wardship to Amaury who married Simon to his daughter, Hawise, in 1270.²²⁷ Amaury's youngest son, also named Amaury, would enter royal wardship in 1287. He was married to Marie de Pecquigny through the arrangement of Eleanor of Castile.²²⁸ Simon and Hawise married and had one child before her death in 1287.²²⁹ Simon would marry a second time after Hawise's death. Their son, William, would become Simon's heir and the second Baron of Montagu.²³⁰

The de la Haye Family

The de la Hayes originated in Normandy. Their name is derived from Haie-du-Puits.²³¹ Robert de la Haye (d. c. 1135) married Muriel. Robert's marriage to Muriel would prove to be advantageous as his land acquisitions in Lincoln were obtained through her inheritance.²³² Muriel was the daughter of Colswein, and sister to Picot, who previously held Lincoln castle and the

²²⁶ Ibid., ix, 80.

²²⁷ Ibid., xi 295-7; *CPR, 1266-1272*, pp 467, 469; *CCR, 1268-1272*: pp 299-300.

²²⁸ *Complete peerage*, ix, 82, 127-30; xi, 297-8.

²²⁹ Ibid., pp 78-80.

²³⁰ Ibid.

²³¹ C. Petit-Dutaillis, 'Une femme de guerre au xiii siècle : Nicole de la Haie, gardienne due château de Lincoln' in *Mélanges Julien Havet : recueil de travaux d'érudition dédiés à la mémoire de Julien Havet* (Paris, 1895), p. 369 ; Louise J. Wilkinson, *Women in thirteenth-century Lincolnshire* (Woodbridge, 2015), p. 14.

²³² J. Horace Round (ed.), *Calendar of documents preserved in France, illustrative of the history of Great Britain and Ireland, I, a.d. 918-1206*, (London, 1899), pp xlvi; 329.

surrounding lands later associated with the la Haye family.²³³ They had three children, Richard, Ralph, and Cecily. Robert was the son of Ranulf who had been seneschal of Robert count of Mortain.²³⁴ Henry I granted the honour of Hainaut to Robert in 1105.²³⁵ Robert retained royal favour as he remained constable of Lincoln castle under both Henry I and II.²³⁶

Richard de la Haye (d. c. 1169) held a fief in Lincolnshire to the value of twenty knights by 1166.²³⁷ By 1158, Henry II had granted Richard all lands previously held by his father, Robert, as well retaining the constablenesship of Lincoln castle.²³⁸ He married Matilda de Vernon, daughter of William de Vernon. Together they produced three daughters, Nicholaa, Julia, and Isabella. Upon Richard's death, Matilda held Swaton manor as her dower.²³⁹ The property was valued at £20 per year when assessed in 1219.²⁴⁰

²³³ Sir Francis Hill, *Medieval Lincoln*, (Cambridge, 1965), pp 87-88.

²³⁴ William Ferrar (ed.), *Honours and knights fees: an attempt to identify the component parts of certain honours and to trace the descent of the tenants of the same who held by knight's service or serjeanty from the eleventh to the fourteenth century*, v. 3, (London, 1925), p. 56.

²³⁵ Ibid.

²³⁶ J. Horace Round (ed.), *Ancient charters, royal and private prior to A.D. 1200, part I*, (London, 1888), p. 92.

²³⁷ J. Horace Round (ed.) *Rotuli de dominabus et pueris et puellis de xii comitatibus, 1185* (London, 1913), p. 12.

²³⁸ J. Horace Round (ed.), *Ancient charters*, p. 58-9.

²³⁹ Ibid.

²⁴⁰ *Liber feodorum, the book of fees commonly called Testa de Nevill reformed from the earliest manuscripts, Part I, A.D. 1198-1242*, (London, 1920), p. 285

*Nicholaa de la Haye*²⁴¹

Nicholaa de la Haye (c. 1150- c. 1230) was the eldest daughter of Richard de la Haye (d. c. 1169) and Matilda de Vernon. Nicholaa along with her two younger sisters Julia, and Isabella, inherited the barony of Brattleby in Lincolnshire upon the death of Richard.²⁴² Although the sisters were co-heiresses, an agreement was formally reached in Caen which stated that Nicholaa would inherit her father's lands in England and her sisters Julia and Isabella would divide the Norman properties.²⁴³

Nicholaa married twice, first to William, son of Erneis before 1185 and secondly to Gerard de Camville by 1189.²⁴⁴ Gerard and Nicholaa had one son and heir, Richard de Camville and a daughter, Nicholaa.²⁴⁵ As the heir of Richard, Nicholaa inherited the constablenesship of Lincoln castle and subsequently passed this title to her husbands.

Gerard de Camville (d. c. 1214) was the son of Richard de Camville, lord of Middleton Stoney in Oxfordshire.²⁴⁶ Richard

²⁴¹ Any work concerning Nicholaa de la Haye owes an incredible debt to the excellent publications of Dr Louise Wilkinson who has carefully pieced together key aspects of Nicholaa's life and familial connections. Her book *Women in thirteenth-century Lincolnshire* is an invaluable resource. For further details on Nicholaa not covered in this thesis, please see *Women in thirteenth-century Lincolnshire*, particularly chapter one.

²⁴² J. Horace Round (ed.) *Rotuli de dominabus et pueris et puellis*, p. 12 ; Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 14.

²⁴³ J. Horace Round, *Ancient charters*, pp. 92-3; *Bracton's Note-Book*, ii, p. 392.

²⁴⁴ Ferrar, *Honours and knights fees*, p. 56; Susan M. Johns, *Noblewomen, aristocracy and power in the twelfth-century Anglo-Norman world*, (Manchester, 2003), p. 160.

²⁴⁵ 'Gerard de Canville [Camville] (d. 1214)', Brian Golding (ed.), *Oxford Dictionary of National Biography*, online edition, <https://doi.org/10.1093/ref:odnb/4543>, (Oxford, 2006), Accessed 14 November 2022; John Burke, *A general and heraldic dictionary of the peerages of England, Ireland, and Scotland, extinct, dormant, and in abeyance*, (London, 1846), p. 107

²⁴⁶ Ibid.

founded Combe Abbey in Warwickshire during the reign of King Stephen.²⁴⁷ He also witnessed the accord between King Stephen and Henry, the duke of Normandy, which ensured Henry's succession as king of England following Stephen's death.²⁴⁸ He continued to serve King Henry abroad throughout his reign. Richard accompanied King Richard as an admiral on crusade.²⁴⁹ Richard de Camville also served as governor of Cyprus. He left for Acon without the permission of the king and was killed in the siege.²⁵⁰ He was a loyal servant of King Stephen, King Henry II, and King Richard until his fateful travels in 1176 which resulted in his death.²⁵¹ Gerard carried on his father's legacy of royal service. Richard was the lord of Midleton, a title which would pass to his son, Gerard after his death in 1191.²⁵²

Gerard was the eldest son of Richard and purchased the custody of Lincoln Castle from King Richard prior to his marriage to Nicholaa.²⁵³

Richard of Devizes wrote of Nicholaa and Gerard's actions following the infamous dispute between King Richard and his brother John while Richard was away on crusade. King Richard appointed William de Longchamp, bishop of Ely, chancellor and chief justiciar of England.²⁵⁴ Longchamp and John, brother to King Richard, were known to have disagreed on multiple occasions.

²⁴⁷ William Dugdale, *Baronage*, p. 3185.

²⁴⁸ Ibid.

²⁴⁹ Ibid, p. 3186.

²⁵⁰ John Burke, *A general and heraldic dictionary*, p. 107.

²⁵¹ Ibid.

²⁵² Ibid, p. 206.

²⁵³ William Dugdale, *Baronage*, p. 3187.

²⁵⁴ Ibid, p. 207.

During the absence of the king, John seized the moment to attack the strongholds of his brother's government by enlisting loyal members of the gentry to his bid to rule. Gerard and Nicholaa openly supported John. Upon Richard's return from crusade, William de Stuteville was appointed to replace Gerard as the sheriff of Lincoln and ordered to surrender the castle.²⁵⁵ Gerard had no intention of relinquishing control and sought assistance from John in the matter.²⁵⁶ The transition did not occur peacefully. Describing the event, Richard of Devizes wrote that Gerard was, 'a factious man, prodigal of his allegiance, [and] had done homage to Count John, the king's brother, for Lincoln Castle'.²⁵⁷

Gerard also attracted negative attention in 1191 for quarrelling with the Chancellor and Justiciar of England, William Longchamp.²⁵⁸ Ultimately, Gerard was charged with multiple crimes including taking Nottingham and Tickhill castles. He denied these charges but was stripped of his constableness of Lincoln castle and shrievalty. Due to his contempt of court, he lost the manor of Bentham in county Berkshire and Middleton until he paid a fine of two thousand marks.²⁵⁹ Gerard and Nicholaa would continue to support John throughout his reign. John responded to Gerard's

²⁵⁵ Ibid.

²⁵⁶ William Stubbs, *The early Plantagenets*, (London, 1876), pp 119-120

²⁵⁷ Richard of Devizes, *The Chronicle of Richard of Devizes of the time of King Richard the first*, ed. J. T. Appleby (London, 1963), p. 30.

²⁵⁸ Susan M. Johns, *Noblewomen*, p. 22.

²⁵⁹ John Dunkin, *Oxfordshire, the history and antiquities of the hundreds of Bullington and Ploughley, ii*, (London, 1823), p. 71.

loyalty in kind by appointing him keeper of the honour of Wallingford.

While en route home from crusade, King Richard was, took prisoner, and delivered to the emperor of Germany, from whom he was ransomed at one hundred thousand marks: and this year returned to England holding a parliament at Nottingham on the thirtieth of March. He did on that day disseize Gerard de Camvill, lord of Middleton of his castle and shrievalty of Lincoln, for adhering to the interest of count John, who, in the king's absence, had used all methods to usurp the crown, and offered money to prevent or retard his royal brother's return.²⁶⁰

Gerard and Nicholaa's political and socio-economic troubles continued following Richard's return.

Nicholaa proved to be an active participant in her legal and financial affairs. Following the death of Henry II in July 1189, she and Gerard, 'obtained from Richard I at Barfleur, without waiting for him to cross to England to be crowned, a charter confirming to them the inheritance in England and Normandy with the constablership of Lincoln Castle, as held by Nicholaa's father Richard and grandfather Robert'.²⁶¹ By 1190, Gerard held the shrievalty and castle for which he paid 700 marks.²⁶² Gerard died in January 1215.²⁶³ Their son, Richard died two years later in early 1217.²⁶⁴

Gerard and Nicholaa expanded their political network when they purchased the guardianship of Eustacia, daughter and heiress of Gilbert Bassett and widow of Thomas de Verdon for £1000.²⁶⁵ In

²⁶⁰ John Burke, *A general and heraldic dictionary*, pp 211-212.

²⁶¹ Hill, *Medieval Lincoln*, pp 88-89.

²⁶² *PR*, 2 *Richard*, p. 89.

²⁶³ Farrer, *Honours and knights' fees*, ii, p. 221.

²⁶⁴ *Ibid*.

²⁶⁵ John Dunkin, *Oxfordshire*, p. 71.

accordance with the agreement of her guardianship, Eustacia married Richard Camvill.²⁶⁶ Richard and Eustacia had one daughter, Idonea. She married William, son of William de Longspee, the earl of Salisbury.²⁶⁷ Richard gave two thousand marks and ten palfreys for his inheritance in 1205 which confirmed the death of his father.²⁶⁸

Nicholaa achieved political success in her own right. She was appointed sheriff of Lincoln jointly with Philip Marc by King John.²⁶⁹ Although Nicholaa was a consistent ally of John, her link to the shrievalty was hereditary and therefore it was not unusual or illegal for her to serve as a sheriff. Louise Wilkinson has suggested that male chroniclers struggled to describe her actions.

Nicholaa's assistance to the winning side in the civil war did not go unnoticed by male chroniclers. Yet their comments, although mostly favourable, reveal the essential paradox of her situation; she was a woman performing a man's traditional duties. No feminine vocabulary existed to express what she was doing and a certain amount of justification was required. Hence her portrayal in the Dunstable annals as a 'noble' woman (*noblis mulier*) who had behaved 'manfully' (*viriliter*).²⁷⁰

²⁶⁶ *Mon. Ang. i*, p. 486.

²⁶⁷ *Ibid.*

²⁶⁸ William Dugdale, *The baronage of England, or, a historical account of the lives and most memorable actions of our English nobility in the Saxons time to the Norman conquest, and from thence, of those who had their rise before the end of King Henry III's reign deduced from publick records, antient historians, and other authorities*, Oxford Text Archive, <http://hdl.handle.net/20.500.12024/A36794>, accessed 15 November 2022.

²⁶⁹ Farrer, *Honours and knights' fees*, ii, pp 221-222; Hill, *Medieval Lincoln*, p. 89.

²⁷⁰ Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, pp 13-14; Henry Richards Luard (ed.), *Annales monastici*, iii, (London, 1864), p. 49. Ubi cum Gilberto de Gaunt et aliis baronibus qui ibi fuerant, Lincolniae castrum obsederunt, in quo nobilis mulier, Nicola nomine, viriliter se defendit.

The 1191 siege of Lincoln castle would last around forty days.²⁷¹ She would defend the castle again in 1217. Nicholaa also attracted attention for her close relationship with King John.

It is either to John's February visit to Lincoln or to one made later in that year that it must be attributed to the story about John and the lady Nicholaa de la Haye, the constable of the castle. Her husband, Gerard de Camville, was dead. The story was told by the jurors, whose evidence is given in the Hundred Rolls 60 years later. They said that when John came to Lincoln, the Lady Nicholaa went out of the eastern gate of the castle to meet the king carrying the castle keys in her hands. She offered the keys to him as her lord, saying that she was a woman of great age, and unable to bear the burden of office any longer. Whereupon the king besought her, saying: "my beloved Nicholaa, I will that you keep the castle as hitherto, until I shall order otherwise." The jurors added that she retained it as long as John lived, and that after his death she kept it under King Henry III. Nicholaa resigned in 1226 and died before 20 November 1230.²⁷²

Nicholaa proved to have an accomplished political mind in addition to her wealth and military skills. Her time as sheriff appeared, for the most part, to be solely her responsibility rather than an unequal partnership with Philip Marc as he disappeared from any documentation associated with the office.²⁷³ He was replaced by Geoffrey de Serland, a household knight of King John.²⁷⁴ She would serve faithfully every aspect of her station until her dismissal in 1217.

Also in 1217, Nicholaa would once again defend Lincoln castle from sieges led by Gilbert de Gant and Prince Louis of France.

²⁷¹ *PR*, 3 & 4 *Richard I*, p.1.

²⁷² Sir Francis Hill, *Medieval Lincoln*, p. 199; *Rotuli hundredorum temp. Henry III & Edward I in turri Londinensi et in curia receptae scaccarij west. asservati*, i, (London, 1812), p. 309.

²⁷³ Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 20.

²⁷⁴ *Ibid*; *CPR*, 1216-25, p. 20 ('sub dilecta nobis domina Nicholaa de Haya').

Once again Nicholaa rose to the occasion. Although the city surrendered to the prince, Lincoln castle resisted.²⁷⁵ While Nicholaa did not fight, she did assume key supervisory roles in the defence. Louise Wilkinson further identified examples of Nicholaa's importance to the loyalist cause as well as her character as portrayed in the *History of William Marshal* where she was described as, “the good dame” (la boene dame), “whom God preserve both in body and in soul” (Que Dex garde en cors e [en] ame).²⁷⁶ Four days later, Nicholaa was replaced as sheriff of Lincoln by the earl of Salisbury, the uncle of Henry III.²⁷⁷ Strongly objecting to the order, Nicholaa pleaded her case directly to the king's court, reminding them of her years of faithful service. She was restored as sheriff and castellan in October.²⁷⁸ In December, Salisbury would succeed in gaining the county of Lincolnshire but would not separate Nicholaa from her claims to the castle and city of Lincoln.²⁷⁹

In 1218, Nicholaa engaged in a heated dispute with William de Huntingfeld, the same man who in 1212 would assume Isolde Pantulf's debts to the crown in a negotiation for his daughter, Sarah, to marry the Biset heir.²⁸⁰ Nicholaa was given temporary grants for

²⁷⁵ Sidney Painter, *William Marshal, knight-errant, baron, and Regent of England*, (Toronto, 1982), 6th ed., p. 209.

²⁷⁶ Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 22; *Histoire de Guillaume Le Maréchal*, ii, p. 228

²⁷⁷ *CPR, 1216-25*, p. 65.

²⁷⁸ *CPR, 1216-25*, p. 65.

²⁷⁹ Ibid, p. 130; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 23.

²⁸⁰ *PR, 14 John*, p. 177; *PR, 16 John*, p. 172; *Liber feodorum*, i, 141; Page & Willis-Bund (eds), *History*, pp 160-2.

all William's lands in her bailiwick.²⁸¹ Louise Wilkinson has suggested that Nicholaa's actions while in possession of the properties displayed her 'determination to derive the greatest financial advantage from them while they were in her possession'.²⁸² William sued Nicholaa for recovery of chattels valued at £273 8s. 6d.²⁸³ In spite of William's considerable wealth and influence in the region, he was not an equal match for Nicholaa. She would ultimately only pay him thirty marks and he 'quitclaimed to Nicholaa all the right and claim that he had against her'.²⁸⁴

Nicholaa's son, Richard died in 1217. His daughter Idonea became his heir. Idonea would also inherit her grandmother's estate as well as the Camville lands. To complicate matters, Idonea married William Longespee, son of the earl of Salisbury. The marriage could have prompted Salisbury to view Nicholaa as an unwelcome complication in his desire to grow his powerbase in Lincolnshire as Nicholaa was formidable and long-lived. The two continued to litigate against one another until Salisbury's death in 1226.²⁸⁵ Nicholaa enjoyed four years of peace as a free widow in possession of all her lands until her death in Swaton in 1230.²⁸⁶

²⁸¹ *RLC*, i, p. 249, 272; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 21.

²⁸² Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 21.

²⁸³ Doris Mary Stenton, (ed.), *Rolls of the justices in eyre being the rolls of pleas and assizes for Lincolnshire, 1218-19, and Worcester 1221*, (London, 1934), nos. 467, 495.

²⁸⁴ *Ibid*, no. 495; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 21.

²⁸⁵ *CPR*, 1225-32, p. 41.

²⁸⁶ *PR*, 14 Henry III, p. 309; *Rotuli hundredorum*, i, p. 309; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 24.

Stephen, count of Aumale (c. 1070-1127) was the son of Odo, count of Champagne and countess Adelaide, daughter of Robert I, Duke of Normandy, and sister of William the Conqueror.²⁸⁸ Aumale was Adelaide's dower from her first marriage to Enguerrand II, count of Ponthieu (d. 1053).²⁸⁹ She was tenant-in-chief of fourteen properties according to Domesday Book.²⁹⁰ Adelaide was thrice married. Her first marriage to Enguerrand II was annulled at the Council of Reims in 1049 due to consanguinity.²⁹¹ Prior to the dissolution of their marriage, Adelaide and Enguerrand had a daughter, Adelaide. Enguerrand was killed at Arque in 1053.²⁹² She married a second time to Lambert II, count of Lens (d. 1055) with whom she possibly produced one daughter, Judith of Lens.²⁹³ Her

²⁸⁷ Any research concerning the lords of Holderness is indebted to the scholarship of Dr Barbara English. Her monograph *The lords of Holderness, 1086-1260: a study in feudal society* is a detailed accounting of the family and should be consulted for any questions involving the lords which are not discussed in this thesis. The following section serves only as a brief sketch of key members and points in the life of Hawise. Her individual legal pursuits will be discussed in the following chapters.

²⁸⁸ Cokayne, *Complete peerage*, i, p. 53; For a more detailed study of Adelaide, see Kathleen Thompson, 'Being the ducal sister: the role of Adelaide of Aumale' in David Crouch (ed.), *Normandy and its neighbours, 900-1250, essays for David Bates*, (Turnhout, 2011), pp 61-76.

²⁸⁹ Ibid, p. 54; *Gesta Normannorum Ducum of William of Jumièges, Orderic Vitalis and Robert of Torigni*, ii, Elisabeth Van Houts (ed.), (Oxford, 1995), p. 104.

²⁹⁰ 'Countess of Aumale (Adelaide)', Anna Powell-Smith, J.J.N. Palmer (eds.), *Open Domesday*, University of Hull, (2011), <https://opendomesday.org/name/countess-of-aumale-adelaide/>. Lands included Belstead, Suffolk; Borley, Essex; Boulge, Suffolk; Burgh, Suffolk; Chadacre, Suffolk; Charsfield, Suffolk; Clopton, Suffolk; Clopton, Suffolk; Debach, Suffolk; Gusford, Suffolk; Harkstead, Suffolk; Hemley, Suffolk; Monewden, Suffolk; Old Hall, Essex; Shimpling, Suffolk.

²⁹¹ Ibid; Kathleen Thompson, 'Being the ducal sister: the role of Adelaide of Aumale', in David Crouch (ed.), *Normandy and its Neighbours 900-1250: essays for David Bates*, (Turnhout, 2011), p. 68.

²⁹² Orderic Vitalis, *The ecclesiastical history of England and Normandy*, iv, Thomas Forester (ed.), (London, 1856), p. 20.

²⁹³ Cokayne, *Complete peerage*, i, p. 54.

second marriage came only three months into her first widowhood. Lambert would be killed at the siege of Lille in the summer of 1054.²⁹⁴ It is likely her daughter Judith was not conceived with her second husband. Kathleen Thompson and Pierre Bauduin have suggested that Enguerrand of Ponthieu was most likely the child's biological father in spite of her name.²⁹⁵ She married a third time to Odo, Count of Champagne (d. a. 1096).²⁹⁶ Odo was unable to retain favour with Adelaide's family. He left Champagne to participate in the Norman conquest of England but would not be granted any English lands (Holderness) until the reign of William Rufus.

Stephen, earl of Aumale, would become the heir to his mother's lands and title upon her death between 1090-6.²⁹⁷ He was in possession of Holderness in county Lincoln and styled as count of Aumale by 1096.²⁹⁸ He married Hawise, daughter of Ralph de Mortimer, before his death in 1127.²⁹⁹ The marriage to Hawise de Mortimer extended the holdings of Stephen with eight carucates of land in Lincolnshire including the manor of Thornton.³⁰⁰

Stephen led an eventful life. Until 1095, Stephen faithfully supported William Rufus against his brother Robert, duke of Normandy. In c. 1095 a plot to place Robert on the throne of

²⁹⁴ 'Gesta episocoporum Cameracensium', (ed.) Ludwig C. Bethmann in Georg Pertz (ed.), *Chronica et gesta aevi salici*, vii, MGH Scriptores, (Hahn, 1846), pp 393-525 at p. 494; Kathleen Thompson, 'Being the ducal sister', p. 69.

²⁹⁵ Kathleen Thompson, 'Being the ducal sister', p. 69; Pierre Bauduin, *La Première Normandie x-xi siècles : sur les frontières de la haute Normandie. Identité et construction d'une principauté*, (Caen, 2004), p. 313.

²⁹⁶ Barbara English, *The lords of Holderness*, p. 13.

²⁹⁷ Cokayne, *Complete peerage*, i, pp 54-55.

²⁹⁸ Ibid, p. 55.

²⁹⁹ Ibid.

³⁰⁰ *Early Yorkshire charters*, iii, p. 27.

England was led by his father and William, count of Eu.³⁰¹ The failed deposition resulted in Odo's imprisonment and loss of all lands. The lands of Holderness were granted to Arnulf de Montgomery following the revolt and would remain with him until c. 1102.³⁰² Stephen was not punished although it is possible he went on crusade to avoid any negative impact resulting from his actions.³⁰³ Stephen did indeed participate in the first crusade in 1096 and fought at Antioch in 1098.³⁰⁴ Additionally, he plotted against Henry I in favour of his elder brother Robert Curthose.³⁰⁵ Stephen was joined by Hugh of Gournay, Henry of Eu, and Helias of Saint-Saëns, along with other Norman magnates who supported Robert's claim to the throne.³⁰⁶ Orderic Vitalis wrote of Stephen's part in the failed cause with specific mention of his wife, Hawise's role in the incitation of violence.

Thereupon the king, who feared God and loved peace and justice, pardoned the offences of the suppliant barons, restored them to his favour with great kindness. Against Stephen, count d'Aumale, who still persisted in his rebellion, the king assembled an army, and began to construct a fortified camp at a place called Old Rouen; and he named it Mâte-Putain, which signifies, "the whore's match" meaning it as a slur on the Countess Havise; for it was at her instigation that the earl had taken arms against his kinsman and sovereign, and harbouring William, the late duke's heir, at Baldwin of Flanders in his castles, had long espoused their cause. But when he learned that the king was marching against him at the head of an army, he tendered him, by the advice of his friends, a humble apology, and, the king having

³⁰¹ *The Warene (Hyde) chronicle*, Elisabeth M. C. van Houts and Rosalind C. Love (eds.), (Oxford, 2013), pp 39, , 68-9, 82-5; Barbara English, *The lords of Holderness*, pp 14-5.

³⁰² Barbara English, *The lords of Holderness*, p. 15.

³⁰³ *Early Yorkshire charters*, iii, p. 28.

³⁰⁴ Cokayne, *Complete peerage*, i, p. 55.

³⁰⁵ *Ibid.*

³⁰⁶ *The Warene (Hyde) chronicle*, p. lvii.

pardoned him as well as all the rest, returned to peace and triumph.³⁰⁷

No other mention of Hawise's direct involvement and no attack on her character appears in any other chronicle.³⁰⁸ Stephen was succeeded by his son, William le Gros, by 1115.³⁰⁹

William le Gros, count of Aumale, (c. 1110- 1179) married Cecily, daughter of William Fitz Duncan, and Alice de Rumilly, and granddaughter of Duncan II of Scotland.³¹⁰ Cecily inherited Skipton and the title of Lady of Harewood through her mother's lineage by 1187.³¹¹ Their marriage was hostile. Barbara English commented on the ill-fated match,

It would appear the marriage between William le Gros and Cecily was not a success. Insults to Count William are included in the speech Henry of Huntingdon assigned to the earl of Gloucester before the battle of Lincoln in 1142, and it seems reasonable to suppose that the type of insult hurled against the leaders on both sides must have been suggested by current gossip, however exaggerated in the telling.

³⁰⁷ Orderic Vitalis, *Ecclesiastical history of England and Normandy*, iv, p. 20.

³⁰⁸ Orderic Vitalis, Marjorie Chibnall (ed.), *Ecclesiastical history of Orderic Vitalis*, vi, (Oxford, 1978), pp 278-80. 'Protinus ille qui Deum timebat, et pacis iusticiaeque cultor erat baronibus pro errore supplicibus pepercit, et indultis reatibus in amicitiam eos benigniter recepit. In Stephanum comitem de Albamarla qui solus adhuc resistebat exercitum rex aggregavit, et in loco qui Vetus Rotomagus dicitur castrum condere cepit quod Mata putenam id est 'deuincens meretricem' pro despectu Haduisae comitissae nuncupavit. Eius enim instinctu prefatus consul contra dominum cognatumque suum regem rebellavit et Guillelmum Clitonem atque Balduinum FLandritam in castris suis receptos diutius adiuvit. Qui postquam regem super se cum exercitu venire cognovit, prudentum consultu amicorum regi humiliter satisfacit et ille condonatis omnibus cum pace triumphans recessit'

³⁰⁹ *Early Yorkshire charters*, iii, p. 28.

³¹⁰ William Farrer and Charles Travis Clay (eds.), *Early Yorkshire charters, the honour of Skipton*, vii., (Cambridge, 2013), p. 19; Sir James Balfour Paul (ed.), *The Scots peerage founded on Wood's edition of Sir Robert Douglas's Peerage of Scotland containing an historical and genealogical account of the nobility of that kingdom*, i, (Edinburgh, 1904), pp 2-3.

³¹¹ *Early Yorkshire charters*, vii, p. 19; Barbara English, *The lords of Holderness, 1086-1260: a study in feudal society*, (Oxford, 1979), p. 17; Cokayne, *Complete peerage*, i, p. 55; Rev. James Wilson, (ed.), *The register of the priory of St. Bees*, (London, 1915), pp 44-7.

William is said in this speech to have been so revolting that even his own wife had left him for another earl.³¹²

William was granted the title of earl of Yorkshire by King Stephen following the Battle of the Standard in North Allerton in August 1138.³¹³ William would later be known as William le Gros due to his size.³¹⁴ He was raised in the court of King Henry I who chose Cecily as his bride.³¹⁵ William spent most of his life engaged in physical and legal disputes including the battle of Lincoln in February 1141.³¹⁶ He served King Stephen faithfully through the lengthy civil war until the king's death in 1154. William surrendered his title and lands granted by Stephen to King Henry II in 1155.³¹⁷ William issued two grants acknowledging his allegiance to Henry I. In both cases, he also expressed his wishes for the health and longevity of Henry II and his son.³¹⁸ He spent the final decade of his life on his Norman lands. In the summer of 1173, the Aumale lands suffered a rebellion in which William was captured. Following the

³¹² Barbara English, *The lords of Holderness*, p. 17; Henry of Huntingdon, Diana Greenway (ed.), *The history of the English people, 100-1154*, (Oxford, 2002), p. 77. 'The count of Aumale [William le Gros] appears, a man who is remarkably consistent in wrong-doing, swift to enlarge it, intransigent over giving it up, because of whose intolerable filthiness his wife left him and became a fugitive. That earl appears who stole the said count's wife, a manifest adulterer and distinguished lecher, a faithful follower of Bacchus, though unacquainted with Mars, smelling of wine, unaccustomed to warfare'.

³¹³ *Complete peerage*, i, p. 353; *Early Yorkshire charters*, vii, p. 19.

³¹⁴ Barbara English, *The lords of Holderness*, p. 17.

³¹⁵ Ibid; Rev. James Wilson, *The register of the priory of St. Bees*, (London, 1915), pp 494-95, 532; *Early Yorkshire charters*, iii, p. 38.

³¹⁶ Paul Dalton, 'William le Gros, count of Aumale and earl of York (c. 1110-1179)' in *Oxford dictionary of national biography, online edition*, (2004), <https://doi.org/10.1093/ref:odnb/47237>

³¹⁷ Ibid.

³¹⁸ *Early Yorkshire charters*, iii, pp 37-40. Charter 1308 (c. 1170) was a gift of land containing 500 sheep, 24 oxen of 3 ploughs, 6 bulls, 12 cows, 20 swine, 100 hens, 60 geese and a mill to the leper hospital at Newton. Charter 1309 (c. 1154) was to the nuns of Coton for toft of half an acre of Paull.

incident he ransomed himself. Earl William died c. 1179 and was buried in Thornton abbey, a religious house of his own establishment.³¹⁹ His heir was his daughter Hawise, named after her grandmother.

Given her extensive wealth and political value, it is curious William did not secure a betrothal for his daughter before his death. Barbara English has suggested that Hawise may have been ‘extremely unwilling’ to provide consent to any match.³²⁰ She would be compelled to marry just five months after her father’s death, at the request of King Henry, to William de Mandeville III (d. 1189) in January 1180.³²¹ William, was the second son of Geoffrey de Mandeville (of the anarchy), earl of Essex and Rohese de Vere.³²² William came of age in the court of Philip, the count of Flanders.³²³ He returned to England upon the death of his elder brother Geoffrey in 1166.

Hawise’s husband, William, like her father, was no stranger to rebellion; however, he would forge his own path by remaining loyal to one party for the duration of his life. From 1173-4, three of Henry II and Eleanor of Aquitaine’s sons (Henry, Richard, and Geoffrey) would gain support in mounting a rebellion against their

³¹⁹ Cokayne, *Complete peerage*, i, p. 55.

³²⁰ Barbara English, *The lords of Holderness*, pp 27-8.

³²¹ Ibid.

³²² For a full study on Geoffrey de Mandeville please see J. Horace Round, *Geoffrey de Mandeville: a study of the anarchy*, (London, 1892).

³²³ Daniel Power, ‘Henry, Duke of the Normans (1149/50-1189)’ in Christopher Harper-Bill and Nicholas Vincent (eds.), *Henry II: New Interpretations*, (Woodbridge, 2007), pp 85-128 at 93.

father.³²⁴ William de Mandeville stood with Henry II throughout the rebellion. In 1177 William accompanied Philip, count of Flanders, on crusade in Jerusalem.³²⁵ Hawise and William married on 14 January, 1180 at Plessy castle in Essex.³²⁶ Ralph of Diceto memorialised their nuptials in which William gained the title of count of Aumale through his marriage.³²⁷ The heavy involvement of King Henry II in the wedding arrangements offers a glimpse into the socio-political standing of both parties but also the personal relationship between the king and William de Mandeville. Most of William's time was spent outside of England on royal business. William would once again fight for the king against French forces in the last years of his life. In 1188, when a dispute between Philip Augustus of France and his cousin, Henry II, William Marshal and

³²⁴ For a full discussion including detailed context of the Young King's Revolt, see Matthew Strickland, *Henry the Young King, 1155-1183*, (New Haven, 2016) esp. chapters 7-9, pp 119-205.

³²⁵ William Stubbs (ed.), *Chronica magistri Rogeri de Houedene*, iii, (London, 1870), p. xiii; Ralph of Diceto, William Stubbs (ed.), *Radulfi de Diceto decani Lundeniensis opera historica*, ii, (London, 1876), p. 32.

³²⁶ George Poulson, *The histories and antiquities of the Seignory of Holderness, in the east-riding of the county of York including the abbies of Meaux and Swine, with the priories of Nunkeeling and Burstall; compiled from authentic charters, records, and the unpublished manuscripts of the Rev. William Dade, remaining in the library of Burton Constable: with numerous embellishments*, i, (Hull, 1840), p. 26.

³²⁷ *Radulfi de Diceto decani Lundeniensis opera historica*, ii, p. 2. 'Willelmus de Magnivilla comes Essexiæ, plan gratis regis Anglorum adeptus, in plenitude magna divitiarum et decliciarum sibi fœdere nuptiali conjunxit Hadewisam comitis Albermarlæ primogenitam. Dos igitur et donatio propter nuptias legis in pluribus, æquis passibus incedentes, hinc et inde sollempniter repromissæ sunt. Albermarlensis itaque comitatus ad tuendos Normanniæ fines ab antiquo statutus et nunc dotalibus instrumentis insertus, ne quid minus a munificentia regali descenderet, cum omnibus pertinentiis suis cismarinis et transmarinis, per internuntios regis est in dotem a rege collatus. Quia vero duorum comitatum, Essexiæ scilicet et Albermarlæ, geminati fasces in unam eandemque personam comitis Willelmus de Magnivilla magna fidei sponsione devinctus semper fidelius preserveret, abhinc, dum ad regis præsentiam accessurus seorsum a cæteris voce præconia requiretur ex nomine, jure comes censendus est Albermarlæ; feliciores eventus in tempora proventuros præsagio felici sufficienter commonitus, quia dies illa sollempnis, dies nuptialis, die plenæ lunæ, die festo beati Felicis illuxit. Acta sunt hæc apud castellum Pleiseiz in Essexia nono decimo kalendas Februarii'.

William de Mandeville served as the champions in a trial by combat.³²⁸ William's history with Philip proved valuable to Henry II as William was able to mitigate relations on a more regular basis from his lands in Normandy. After the death of Henry II, William was charged with carrying the crown at Richard I's coronation in 1189.³²⁹ William died on 14 November, 1189 and buried at the abbey of Mortimer near Aumale.³³⁰ He was the last of the Mandeville line as he and Hawise never had children.

Hawise's second marriage would not be an amicable one. Following the death of William de Mandeville, Hawise was not only an extremely wealthy heiress, she also benefitted from deep connections in both Normandy and England forged by herself and her late husband. Richard recognised the importance of marrying Hawise to a loyal ally to the crown. The king attempted to arrange Hawise's marriage within the first year of his reign with no success. The countess refused his choice of William de Forz (d. 1195), a Poitevin naval commander and friend who accompanied Richard I on crusade with little other notoriety.³³¹ Her initial refusal would have consequences. Richard, forcing her hand, sent in bailiffs resulting in

³²⁸ Thomas K. Keefe, 'Mandeville, Willieam de, third earl of Essex (d. 1189)', *Oxford Dictionary of National Biography*, online edition, (2004), <https://doi-org.elib.tcd.ie/10.1093/ref:odnb/17929>. (accessed 24 November 2022).

³²⁹ Ibid.

³³⁰ *Radulfi de Diceto decani Lundoniensis opera historica*, ii, p. 73; Richard of Devizes, John T. Appleby (ed.), *Chronicon Richardi Divisensis du tempore Regis Richardi Primi*, (London, 1963), p. 10; 'Mandeville, William, de, third earl of Essex', ODNB.

³³¹ Cokayne, *Complete peerage*, i, p. 55; Edward A. Bond (ed.), *Chronica monasterii de Melsa*, i, (London, 1866), p. 91; Barbara English, *The lords of Holderness*, p. 30; Barbara English, 'Hawisa, *suo jure* countess of Aumale, and countess of Essex (d. 1213/14)', ODNB, online edition, (2004), <https://doi-org.elib.tcd.ie/10.1093/ref:odnb/59591> (accessed 25 November 2022).

the selling of £115 of goods for the insult.³³² They married near the end of 1190 in Sicily.³³³ William spent the majority of his time outside of England. There is little evidence to display William's interest in Hawise or her English properties. His son and heir was William de Forz II.

Shortly after the death of William de Forz I in 1195, Hawise married for a third time in September 1195 to Baldwin de Béthune, (d. 1212) in Sées at the request of Richard I.³³⁴ Baldwin was the third son of Robert V of Béthune and Alice, daughter of Hugh III, Count of Saint-Pol.³³⁵ Baldwin had been a friend to William Marshal as well as Henry II, and his sons Richard I and John. In Before his death in 1189, King Henry II had agreed to arrange marriages for Baldwin and William.³³⁶ Richard I fulfilled his late father's promise by arranging the marriage with Hawise.

When Richard was captured abroad and ransomed, John implemented extortionate taxes and the removal of valuable items from monasteries to be minted into coinage to raise funds associated with the ransom and debts incurred by crusade.³³⁷ When the monks of Melsa in Holderness were not able to pay the debt in full, they

³³² *Chronica monasterii de Melsa*, i, p. 91; Cokayne, *Complete peerage*, i, p. 56; Barbara English, *The Lords of Holderness*, p. 30.

³³³ *PR*, 2 *Richard I*, pp 73, 110; Barbara English, *The lords of Holderness*, pp 31-2.

³³⁴ Thomas Stapleton (ed.), *Magni rotuli scaccarii Normanniæ sub regibus angliae*, (London, 1840), p. clvii; Lionel Landon (ed.), *The itinerary of King Richard I with studies on certain matters of interest connected with his reign*, (London, 1935), p. 104

³³⁵ *Histoire genealogique de la maison de Bethune, justifiée par chartes de diverses, eglises & abbayes, arrests du parlement, titres particuliers, epitaphes, chroniques, & autres bonnes preuues. Par Andre'du Chesne historiographe du Roy*, (Paris, 1629), p. 149

³³⁶ Barbara English, *The lords of Holderness*, p. 32.

³³⁷ *Chronica monasterii de Melsa*, i, pp 273-4.

were ordered to surrender their lands and enter prison until the debts were satisfied.³³⁸ Baldwin would not allow the monks to be reduced to extreme poverty. He welcomed them into Burstwick castle and cared for them.³³⁹ Although Baldwin had accompanied Richard on crusade and was captured, he escaped and returned to England in 1193. He continued to lobby for Richard's release before offering himself as a hostage to ensure Richard's safe passage home.³⁴⁰ This act further cemented Baldwin as a fiercely loyal and powerful ally to the crown.

War continued to play a major role in Baldwin and Hawise's life. In 1196 Aumale was taken by French forces due to Baldwin's allegiance to the English king.³⁴¹ King Richard paid 3,000 marks to King Philip for the return of Aumale to Baldwin in October of 1196.³⁴² Following his last brush with violence and politics in 1196, Baldwin developed extensive gout and was unable to move without assistance. He also expressed his extreme prejudice for those who kept open ties with both English and French kings. Barbara English concluded that 'He was scornful of those who wanted to keep their Norman lands as well as their English lands and serve two masters: he is supposed to have suggested to King John that such men should

³³⁸ *RLP, i, part i: 1201-1216*, p. 37, 328; *Ibid*, p. 28.

³³⁹ George Poulson, *The history of Holderness*, p. 29; *Chronicon monasterii de Melsa, i*, pp xxxv, 328.

³⁴⁰ Raphael Holinshed (ed.), *Holinshed's chronicles of England, Scotland, and Ireland: ii: England*, of xi vols. (London, 1807), p. 255; Barbara English, *The lords of Holderness*, p. 33; *Itinerary of Richard I*, pp 77, 99

³⁴¹ *Histoire genealogique de la maison de Bethune*, p. 152.

³⁴² *Ibid*; *Itinerary of Richard I*, p. 114. *Histoire genealogique de la maison de Bethune* quotes the price at 2000 marks where the *Itinerary* accounts for 3000.

be thrown into the privy'.³⁴³ In 1197 Baldwin attended the election of Otto IV, as Holy Roman Emperor at the request of Richard.³⁴⁴ In 1204, Hawise and Baldwin had a son, also named Baldwin, who died in infancy.³⁴⁵ Their daughter, Alice married William Marshal II in 1214.³⁴⁶ Baldwin died in October of 1212 and was buried at Meaux Abbey.³⁴⁷

Hawise made a fine with King John for 5,000 marks for the right to all her inheritance and to be distrained from future marriage.³⁴⁸ At long last, Hawise achieved respite from an action she appears to have truly reviled, marriage.³⁴⁹ The debt was still outstanding at the time of her death in c. 1214.³⁵⁰ Her son, William de Forz II would inherit all properties and titles associated with the countess.³⁵¹

William de Forz II's early life remains obscure. He did not spend any substantial amount of time with his mother as he was returned to his family in Poitou likely at the time of Hawise's marriage to Baldwin de Bethune in 1195.³⁵² William was likely in his early twenties when he was granted his mother's lands in 1215

³⁴³ Barbara English, *The lords of Holderness*, p. 35; Francisque Michel (ed.), *Histoire des Ducs de Normandie et des Rois d'Angleterre*, (Rouen, 1840), pp 99-100.

³⁴⁴ George Poulson, *The history of Holderness*, p. 27; *Itinerary of Richard I*, p. 99.

³⁴⁵ *Histoire geneologique de maison Bethune*, pp 155-6.

³⁴⁶ 'Hawisa, *suo jure* countess of Aumale, and countess of Essex', ODNB; *Histoire de ducs de Normandie*, pp 109-10.

³⁴⁷ *Early Yorkshire charters*, vii, p. 20; Cokayne, *Complete peerage*, i, p. 353.

³⁴⁸ *RC*, p. 189. This record will be discussed at length in chapter three.

³⁴⁹ Barbara English, *The lords of Holderness*, p. 37.

³⁵⁰ *RLC*, i, 141.

³⁵¹ For a detailed study of William de Forz II, see Ralph V. Turner, 'William de Forz, Count of Aumale: an early thirteenth-century English baron', *Proceedings of the American Philosophical Society*, vol. 115, no. 3 (June, 1971), pp 221-49.

³⁵² Barbara English, *The lords of Holderness*, p. 37; Ralph V. Turner, 'William de Forz', p. 224.

after serving John in a military campaign in Poitou.³⁵³ William's inheritance came with few strings attached as all debt associated with his parents was discharged and he was allowed to inherit without fines so long as William married someone of the John's choosing.³⁵⁴ John recognised the need to gain allies among the barony, especially in the north as his popularity left much to be desired. William married Aveline, ward of King John, and daughter of Richard de Montfichet, of Sansted, Essex in 1214.³⁵⁵ Following the marriage, William not only gained the title and lands inherited through his mother, but also access to his wife's large inheritance, the barony of Montfichet in Essex should her brother die without an heir.³⁵⁶

Given William's financial success, it would stand to reason he would continue to support King John. Interestingly, in 1215 (potentially as late as spring of 1216), he joined additional barons 'the northerners' who stood in opposition to the king.³⁵⁷ Barbara English suggested a potential reason why William may have strongly disliked John personally was due to a rumour his wife, Aveline was a mistress of the king and his financial gains were merely payment for her service rather than his.³⁵⁸ While his true motivations can never be known, William ultimately stood his ground and was one of the

³⁵³ *RLC*, i, pp 191, 227b, 519b.

³⁵⁴ *RLP*, p. 221b; *RLC*, i, pp 191, 227 b; Ralph V. Turner, 'William de Forz', p. 225.

³⁵⁵ Cokayne, *Complete peerage*, i, p. 56; *Chronici monasterii de Melsa*, pp 91-2.

³⁵⁶ *RC*, p. 189; *PR*, 14 *John*, p. 37; Ralph V. Turner, 'William de Forz', p. 225; Barbara English, *The lords of Holderness*, p. 38.

³⁵⁷ Ralph V. Turner, 'William de Forz', p. 229.

³⁵⁸ Barbara English, *The lords of Holderness*, p. 38; Sidney Painter, *The reign of King John*, (Baltimore, 1949), p. 235

twenty-five barons who witnessed Magna Carta in June 1215.³⁵⁹ Two months later, in August, William set aside his differences and returned to John's service. His change of heart was rewarded generously as William was granted all the lands of Robert de Ros.³⁶⁰ William continued to serve the crown under Henry III including assisting Nicholaa de la Haye with 400 knights to defend Lincoln castle from the French in May of 1217.³⁶¹

William would remain entrenched in controversy. Following the civil war he refused to return lands to barons who returned to the royal fold, resulting in multiple legal disputes.³⁶² In the summer of 1218 William was excommunicated for 'participating in a tournament at Brackley in spite of a royal prohibition'.³⁶³ This left William unable to appear in court. Also in 1218, William appears to have fallen out of favour with Henry III.³⁶⁴ By 1219, William was once again pleading through his steward to retain lands granted to him by John during the war, this time against William de Coleville.³⁶⁵ William de Forz's representative did not convince the council and Coleville's lands were returned and William de Forz was

³⁵⁹ George Poulson, *The history of Holderness*, p. 31.

³⁶⁰ Ibid, *RLC*, i, p. 246b.

³⁶¹ Roger of Wendover, *Chronica, sive flores historiarum*, iv, (London, 1849), pp 18-9.

³⁶² *RLP*, i, p. 93; Doris Mary Stenton (ed.), *Rolls of the justices in eyre for Lincolnshire, 1218-19, and Worcestershire, 1221*, pp li-iii; Ralph V. Turner, 'William de Forz', p. 235.

³⁶³ *RLP*, i, pp 194, 257; *RLC*, i, p. 434; Rev. Walter Waddington Shirley (ed.), *Royal and other historical letters illustrative of the reign of Henry III, from the originals in the public record office*, i, (London, 1862), p. 56.

³⁶⁴ *Royal historical letters*, pp 19-20, 56, 129, 168.

³⁶⁵ *Rolls for Lincolnshire*, no. 49, no. 712; *RLC*, i, p. 323; *RLP*, i, p. 119; *CRR*, viii, pp 163-4; Ralph V. Turner, 'William de Forz', p. 235

ordered to pay fifty marks in damages.³⁶⁶ In 1239, his wife Aveline died.³⁶⁷ William set off for crusade in 1241. He was unable to eat for eight days while at sea and starved to death.³⁶⁸ His son and heir was William de Forz III (d. 1260).³⁶⁹

Conclusion

Each family discussed in this chapter were contemporaries of each other. It is probable that some would have known, spoken to, or otherwise interacted with one another. Their lives, while different, remain intertwined by civil war, marriage, legal conflicts, and the royalist cause. This chapter has given brief sketches into the wider familiar sphere of Isolde Pantulf, Nicholaa de la Haye and Hawise, countess of Aumale in order to provide social and political context for the remaining discussions of their legal disputes.

³⁶⁶ Ibid.

³⁶⁷ Cokayne, *Complete peerage*, i, p. 56.

³⁶⁸ Ibid.

³⁶⁹ Barbara English, 'Forz [Fortibus], William de, count of Aumale (b. before 1216, d. 1260)' in *Oxford dictionary of national biography*, online edition, <https://doi-org.elib.tcd.ie/10.1093/ref:odnb/29480>, (accessed 27 November 2022).

Chapter Two

The pursuit of dower

In the case of Isolde Pantulf, her family originated in Calvados.¹ Her paternal relatives served Earl Roger de Montgomery and their entrance into England is due to Montgomery's gift of land to the first William Pantulf.² Following the death of his wife, Roger's friendship with William Pantulf ended as he was accused of orchestrating the murder of Mabel de Bellême.³ This ordeal would stain the Pantulf name and create a friction between the Pantulf and de Montgomery families which would last for generations. When Isolde married, her family would have sought a suitor with connections to Calvados to uphold their 'imagined community'⁴ of displaced Normans in England. Adherence to this custom suggests that Anglo-Normans, at least on the occasion of their first marriage, often married a person of their same class and with ties to the same region. Familial structure in Norman and Anglo-Norman societies are the heart of any social discussion. It is therefore of the utmost importance that this be considered in any consideration of marriage age.

Although Isolde's father and grandfather likely rarely if ever travelled to Normandy, they upheld the tradition of marrying nobles with the same regional heritage. While little is known of Isolde's first marriage to Hugh Montpinçon, he was recorded as a Norman knight from Calvados.⁵ William Pantulf secured a marriage for his daughter which maintained tradition. Isolde remarried quickly to Walter de Tateshall, an Anglo-Norman noble of higher

¹ J. H. Round ed., *Calendar of documents preserved in France, 918-1206* (London, 1899), p. 209.

² Marie Fauroux (ed.), *Recueil des actes des ducs de Normandie de 911 à 1066* (Caen, 1961), pp 214-16; Vitalis, *Historia*, iii, 160-1.

³ Vitalis, *Historia*, iii, 160-1.

⁴ Anderson, *Imagined communities*, p. 6.

⁵ L. C. Lloyd, *The origins of some Anglo-Norman families* (Leeds, 1951), p. 69.

social standing than she. Her first marriage served the Norman need to pay homage to the familial region, thereby freeing her to marry someone of another region or higher social class.

Isolde Pantulf's marriage agreement with Hugh Montpinçon⁶ has not survived, making it impossible to know her age at the time of the marriage. As discussed in chapter two, it is likely Isolde was born in 1175 coinciding with the death of her mother, Joan de Goldington.⁷ Few records have survived documenting Hugh's life. He held honours and knights in his service in 1172.⁸ This record means Hugh was likely to have been at least fifteen in 1172 and able to conduct his own affairs as there is no mention of his minority. This means Hugh was likely fifteen years Isolde's senior at the time of their marriage. The age gulf between the two would not have been regarded as socially unacceptable. He was capable of fathering children, maintained ties to Calvados, and belonged to the correct social class. Hugh would have been regarded as a satisfactory match for Isolde's marriage. Regardless of Isolde's age in 1172, she could not have provided legally binding consent at the time. It is possible Isolde's betrothal to Hugh was contracted at the time of her birth or shortly after to solidify an alliance between the two families. They were likely wed near 1186, the year of Hugh's death, making Isolde an eleven-year-old widow if born in 1175, and sixteen if born in 1170.⁹ If she were eleven, she would not be the youngest recorded widow in English common law but certainly among them.

⁶ Orderic Vitalis, *The ecclesiastical history of England and Normandy*, ii, pp 212-13. Hugh's family originated near Lisieux and Falaise and maintained a strong connection with the abbey of St. Evrault.

⁷ *AR, 1218-1221*, p. 613; *Abbrev. Plac.*, i, 27.

⁸ Hubert Hull (ed.), *The Red Book of the Exchequer* (3 vols, London, 1896), ii, 628.

⁹ Lloyd, *Origins*, p. 69.

If Pollock and Maitland are correct, her dower would have legally been mandated as she was at least nine years of age at the time of her husband's death.¹⁰ There is reason to believe that, by 1186, common law had not yet fully settled the issue of minimum age to earn dower as Isolde does not appear to have gained any benefit upon Hugh's death. Her young age could have played a major role in her inability to gain her proper dower if the argument was unsettled as the Montpinçon family refused to honour her legal right to her dower in Annington, Sussex.¹¹ It is exceedingly possible that Isolde entered marriage at a younger age than the average of her time. Although she married and was widowed at a tender age, she fulfilled all legal and social requirements to be considered a satisfactory Anglo-Norman wife. Isolde would spend the next twenty-eight years suing the Montpinçon family for undelivered dower.¹² It is impossible to know Isolde's thoughts regarding her first marriage. It is clear by her actions following the death of Hugh that she acquired an understanding of common law as it related to dower. This is further evidenced by her hiring of legal representatives such as pleaders to assist her in obtaining successful outcomes. At the very least, Isolde recognised the power of collaboration with legal professionals to be of paramount importance.¹³

Early widowhood

Isolde's age at the time of her marriage to Hugh Montpinçon, while young, would have been acceptable in the eyes of the church should anyone in Hugh's family try to have the marriage declared invalid. Her age at the time of Hugh's death offers a unique debate peppered with contemporary judgements. As

¹⁰ Pollock & Maitland, *History of English law*, ii, 388.

¹¹ *CRR*, 2 *John*, p. 214; 16 *John*, pp 193, 263, 318; *Bracton's note-book*, iii, pp 316-17.

¹² *PR*, 2 *John*, p. 214; *PR*, 16 *John*, pp. 193, 263.

¹³ For a discussion on women's use of legal mediation as collaboration see Tim Stretton, 'Women, legal records, and the problem of the lawyer's hand', in *Journal of British Studies*, lviii, issue iv, (Cambridge, 2019), pp 684-700 at 698.

previously stated, women were considered able to support a husband at twelve, ‘viri potens et posset virum sustinere’.¹⁴ Bracton did not specify what requirements must have been fulfilled for a wife to ‘support’ a man (by engaging in sexual intercourse).¹⁵ Joseph Biancalana supported this interpretation, further adding that a woman’s main purpose in life was to bear the pains and burdens of motherhood.¹⁶ While she would have been biologically capable of becoming pregnant and giving birth at menarche, typically well before the age of sixteen, there is no surviving record to support delivery of a child between Isolde and Hugh Montpinçon. It is possible the two did not consummate the marriage, assuming Isolde was approximately eleven at the time of his death. If the marriage was consummated, Isolde was not able to conceive and carry a child to term. This does not infer Isolde could not carry children but simply that in this case, she did not. It is possible Hugh was infertile or the two simply had not consummated their marriage before the time of his death due to any number of reasons. The lack of an heir presented Isolde with a problem as she possessed no physical evidence of a consummated marriage upon the death of her husband. Isolde’s arduous legal battle with the Montpinçon family in pursuit of her dower offers a view of practical application as the precedent for young widows under English common law developed.

Age at the time of widowhood played a major role in the length of legal battles for many women. The *Rotuli de dominabus et pueris et puellis* provides an excellent opportunity to observe the attitudes and enforcement of law

¹⁴ Bracton, ii, 252.

¹⁵ Paul Brand, ‘Earning and forfeiting dower in medieval England’ in *Legal History*, xxii, no. 1, (April 2001), pp 1-20 at 3.

¹⁶ Joseph Biancalana, ‘Widows at common law: the development of the common law dower’, *The Irish Jurist*, xxiii (1988), pp 255-329.

surrounding widows of all ages. While the roll is filled with widows averaging forty-five years of age at the time of gift to the king, entry 114, concerning Matilda de Bidun, merits further discussion.

As previously discussed, child marriage was not common practice amongst thirteenth-century English nobility. There are, however, a few glaring exceptions which deserve further examination. Matilda, daughter of Thomas fitz Bernard, was widowed in 1185 following the death of her husband John de Bidun the younger. She was ten years of age.¹⁷ Her age at the time of death calls into question the surviving medieval sources regarding enforcement of regulations relating to marriage age, as there remains no consensus among historians. While marriage age enforcement remains a debated question, Matilda's status as a ten-year-old widow worthy of earning dower appears to have been upheld without contest in Matilda's case. She held land in Kirby worth £6.¹⁸ Matilda is the youngest widow in the record. Although young, Matilda appears to have been fully recognised as John's widow and granted her proper dower. While not common, Matilda was able to prove she was in fact John's legal wife and fulfilled all requirements to obtain her share of his assets without further inquiry from the courts. Her acceptance into early widowhood acts as the antithesis to Isolde's experience.

Isolde did not begin to sue the Montpinçon family for her rightful dower until her fourth widowhood. It is possible she petitioned unsuccessfully for restitution prior to the 1214 suit. The discrepancy between Matilda and Isolde's entrance into early widowhood presents a challenge in framing modern perceptions of medieval customs. Evidence has been presented

¹⁷ Ibid., p. 75.

¹⁸ Ibid.

demonstrating a political and economic market which allowed and exploited profits from child marriage, yet it is perceived as uncommon. Profiteering from child marriage, particularly in the marriage of wards, became such a widespread issue that Magna Carta prohibited its continuance.¹⁹ While the profits springing from the marriage of underage wards were deemed illegal, the practice of marrying the wards was not. Cases such as Matilda's continued to be heard throughout the thirteenth century. Although Matilda's case represents the antithesis of written law, in practice, customs continued due to the inability or active choice on the judges' behalf to not issue punishment for the illegal action.

Bracton's case presentation displays the limitations of law as it was written to describe what 'ought to be' rather than the common practice. Judith Green warned against trying to, 'juggle the surviving pieces of the jigsaw to fit what is thought to have been the custom, when it is possible that the custom was less strictly defined than has been suggested'.²⁰ Case study analysis will produce evidence both supporting and refuting Bracton's commentary. Women who were fortunate in both remarriage and in wealth could purchase rights or have wealthy husbands plead their case for them. While Isolde was a noblewoman, she did not possess a significant amount of wealth at the time of her first widowhood. Above all, law in thirteenth-century England was developing and therefore unable to be uniformly enforced.

Other young widows successfully secured dower. In a 1268 Yorkshire case, a girl of twelve was deemed old enough to have successfully earned her dower.²¹ The case does not mention the girl's age at the time of marriage. Paul

¹⁹ Pollock & Maitland, *History of English law*, ii, 387.

²⁰ Judith Green, *The Aristocracy of Norman England* (Cambridge, 1997), p. 376.

²¹ *Bracton's Note Bk.*, ii, 251.

Brand surveyed cases of early dower finding a commonality of twelve to be of earning age. He also reported cases of girls as young as five suing for dower only to be denied due to inability to 'earn' their claims.²² As neither Bracton nor Glanvill offered a concrete meaning for the 'earning' of dower, the issue remains ambiguous although many modern scholars believe it to be linked to childbearing. These findings stand in direct conflict with the prescriptive views of Bracton that girls aged five should not have been allowed to marry as they were under the age of consent.

While dower and land disputes were not new problems at the turn of the century, the burden of proof and the formal institutionalisation of English common law made land disputes a more tedious and, most importantly, more documented process. Judges could declare that a widow would not receive her dower for any number of reasons, but the recording of those reasons would alter the solidification of land law and influence future pleas. Most information regarding actual cases, outcomes, and commentary regarding these kinds of disputes originates from writings attributed to Glanvill. Scholars regard Glanvill's writings to be one of the first textbooks of English common law.²³ The text attributed to Glanvill does not attempt to provide large sections of legal theory, but rather serves as a treatise on forms of action heard by the king's bench. While the text is referred to as the writings of Glanvill, it cannot be definitively identified to have been authored by Ranulf de Glanvill. The text was written between 1187 and 1189 with the earliest surviving copy dating to c. 1200.²⁴ Turner has suggested Michael Belet as a possible author of the text.²⁵

²² Brand, 'Earning and Forfeiting Dower', p. 4.

²³ H. G. Richardson and G. O. Sayles, *Law and legislation from Aethelberht to Magna Carta* (Edinburgh, 1966), p. 117.

²⁴ G. D. G. Hall, (ed.), *The treatise on the laws and customs of the realm of England commonly called Glanvill* (London, 1965), p. xxxi.

²⁵ Turner, *Judges*, p. 73.

The social and political leanings of judges in the twelfth and thirteenth centuries played a major role in the outcome of judgements. Twelfth century author Johannes Parvus (John of Salisbury c.1110-1180) commented on judges claiming they were ‘rather extortioners than judges’.²⁶ Local noble landholders who served as justices would not have experienced rigorous training, nor would they be expected to uphold an extensive code of conduct including impartiality.

In 1178, just twenty-two years prior to Isolde and Henry’s first case, Henry II ordered a judicial experiment. The outcome of this inquiry provided illuminating details into the social makeup and training of those who sat the bench. Five members of Henry’s household, two clerks, and three laymen heard pleas. The only requirement to be a professional justice was to serve at least ten terms at the Bench. Another inquiry under King John revealed of ninety judges, only eight held degrees.²⁷

Isolde Pantulf

Once a marriage contract was reached between two families, the custom was for the heir or heiress to reside with the future in-laws.²⁸ If Isolde followed this custom, she would have resided with Hugh’s family, likely allowing her sexual maturity to be observed. It is unlikely the Montpinçon family ever produced written documentation as to Isolde’s menstruation if she resided with them prior to her marriage. Given her young age at the time of widowhood, the family could argue that Isolde was unable to earn her dower if she were not capable of producing an heir.

²⁶ Salisbury, *Statesman’s book*, pp 114-45, 174-9; Turner, *English judiciary*, p. 3.

²⁷ Turner, *Judges*, p. 67.

²⁸ Phillipe Ariès, *Centuries of childhood*, trans. Robert Baldrick (London, 1962), pp 329, 332.

Hugh's surviving relative at the time of Isolde's dower suit was his sister, Clemence, a ward of the king. Isolde began suing Clemence for her dower lands in Sussex with her third husband, Henry Biset, in 1200.²⁹ After the death of the latter, Isolde continued to sue for the manor of Annington. In 1214 and 1215 she appeared once again to dispute Clemence for the property.³⁰ Clemence failed to appear. While the motivation behind Clemence's decision not to appear or to send a representative may never be known, she effectively prolonged Isolde's fight to obtain the land in question. This achieved multiple outcomes. Firstly, Clemence would have continued to benefit from the land if she held it in seisin. Second, the continued delay of property transfer would potentially drain Isolde of money. The practice of delaying litigation regarding property was widespread. Each time Isolde pursued Clemence for Annington, she needed to obtain a writ to go to court laying the financial burden on Isolde. The property was seized by the crown in 1214.³¹

Hugh's death in 1186 presented a conundrum. It could be argued that Isolde was not his legal widow regardless of her age. The marriage produced no children and appears to have been short-lived; however Isolde was capable of having children. It is unknown whether she secured a dower agreement at the church door prior to or during her marriage. Given her lengthy legal battle, her dower was most likely unassigned. Bracton declared that if a woman's dower was unassigned at the time of her husband's death, she must engage whomever holds seisin of the land independently.³²

Isolde pursued both Clemence Montpinçon, the sister and only surviving family member of her late husband, and the man who held

²⁹ *CRR*, 2 *John*, p. 214.

³⁰ *CRR*, 16 *John*, p. 263, 318.

³¹ *Ibid.*

³² *Bracton*, iii, 357.

Annington.³³ Dower could be denied for nearly any reason including invalid marriage, adultery, the woman being under the age of nine, having accepted other lands, committed a felony, or the dower lands never having been held in seisin by her late husband.³⁴ In order to claim unspecified dower, a woman had to fulfil several obligations. She must have appeared in court with her husband or hired a pleader to put forward her claim, prove she was the lawful wife of the deceased, prove wrongful deforcement of land, prove she was endowed at the church door or provide another form of sufficient endorsement.³⁵

In the case of Annington, Isolde completed nearly every task. She appeared in court alongside her current husband Henry Biset to plead her case. The legality of her marriage to the deceased was not disputed. Her inability to demonstrate wrongful deforcement of land or proof of a church door agreement appears to have stalled her ability to gain seisin of Annington in a timely manner. Isolde could have obtained a writ of *unde nichil habet* (of which she has nothing) which could have reduced her court proceedings and thus finally brought the dispute to an end. After thirty-one years of outstanding debt, Isolde succeeded in obtaining her dower from Clemence Montpinçon in 1218.³⁶ If such a writ was obtained, it has not survived. Isolde's pursuit of the Montpinçon dower ended in 1218, less than a year after Magna Carta was enshrined into an effective legal document protecting, among other items, certain widows' rights.³⁷ This is not to suggest Isolde was successful in her pursuit due to Magna Carta but rather to mark the event in her timeline

³³ *Bracton's Note Bk.*, ii, 316-17.

³⁴ Sue Sheridan Walker, 'Litigation as personal quest: suing for dower in the royal court, circa 1270-1350' in *Wife and widow in medieval England*, (ed.) Sue Sheridan Walker, (Ann Arbor, 1993), pp

³⁵ *Ibid.*, ii, p. 358.

³⁶ *Bracton's Note Bk.*, iii, 316-17.

³⁷ Nicholas Vincent, *Magna Carta: A very short introduction*, (Oxford, 2012), esp. ch. 5, pp 72-91.

contextually. Annington would remain part of Isolde's English properties until her death in c. 1223 when her estate passed to her son and heir, Robert de Tateshall.

In 1189, approximately three years after the death of Hugh Montpinçon, Isolde married Walter de Tateshall.³⁸ Isolde's marriage to Walter would ultimately prove fruitful. Walter was appointed sheriff of Huntingdon and Cambridge.³⁹ The two remained married until his death in 1199. Isolde gave birth to their son Robert de Tateshall shortly after Walter's death in early 1200.⁴⁰ The de Tateshall family were both politically active and wealthy landholders. The birth of a son and heir ensured Isolde's second widowhood would not resemble her first claim to dower.

Robert categorically changed Isolde's relationship with English common law. Although Walter died prior to Robert's birth, Isolde carried an heir leaving little room for contest to her rightful dower. With a marriage of approximately ten years and a legitimate child, the de Tateshall family could scarcely argue that Isolde did not 'earn' her dower. Bracton stated that 'dower is given because of the maintenance of the wife' and 'for the upbringing of children when they are born'.⁴¹ Isolde fulfilled both requirements as she was Walter de Tateshall's legitimate wife who outlived him and required financial security to ensure a proper upbringing for their son.

Isolde's status as an heiress made Isolde a highly sought-after commodity. Men relished the opportunity to marry an heiress as she brought wealth and often a higher status than the suitor.⁴² At the expiration of her

³⁸ Cokayne, *Complete Peerage*, xi, 296.

³⁹ Ibid.

⁴⁰ Ibid., p. 648.

⁴¹ Bracton, ii, p. 265.

⁴² Scott L. Waugh, *The lordship of England: royal wardships and marriages in English society and politics, 1217-1327* (Princeton, NJ, 1988), pp 196-7.

second marriage Isolde had become a mother, a widow, and an heiress in a time of immense political upheaval. Her status as a multiple widow allowed Isolde the opportunity to choose her own mate upon her next marriage.⁴³ This change granted Isolde a new set of rights and responsibilities seemingly overnight. Her relationship with English common law had already endured extreme stress due to her lengthy first dower battle.

Shortly after the death of Walter de Tateshall *c.* 1200, Isolde married Henry Biset (d. 1208).⁴⁴ It remains unknown exactly when the two married. In order to wed, Isolde would have been responsible for paying a fine to the crown for the privilege to remarry.⁴⁵ No documentation has been found to reveal how much, if at all, Isolde paid the crown for the right to marry Henry Biset. The remarriage fee was part of King John's sweeping thirteenth-century administrative reforms. Although John facilitated the introduction of formalised fees for remarriage among other rights, these fees were not fixed but rather varied from case to case. The first instance of regulated charges for this privilege appears in the early fifteenth century at approximately 200 marks.⁴⁶ During Isolde's lifetime, this fee would not be fixed. As Isolde incurred many fees from the crown, it is likely if she were charged, her status as a young heiress would have driven her cost substantially higher than the average.

⁴³ Rhoda L. Friedrichs, 'The remarriage of elite widows in the Middle Ages' in *Florilegium*, v. 23.1 (2006), p. 70.

⁴⁴ Cokayne, *Complete Peerage*, xi, 295-6; xii, pt 1, 648-9; *CRR*, i, 196, 214; vii, 185, 193, 263, 319; ix, 129-130, 324; *PR*, 10 *John*, pp 198-9; *PR*, 16 *John*, p. 113; *CPR*, 1216-1225, p. 131; *ROF*, pp 500, 511; *RLC*, i, 224, 289; *Book of Fees*, ii, 1337.

⁴⁵ Friedrichs, 'Remarriage', p. 76.

⁴⁶ *Ibid.*

Henry was the son of Manasser Biset, celebrated steward of Henry II who retired in 1166.⁴⁷ Manasser's reputation as a loyal servant to the Crown would set the stage for his ambitious son. For his service, Manasser was granted the livery of Kidderminster.⁴⁸ The property was granted to Henry upon his father's death c. 1187 as Henry was named heir to Kidderminster and paid £8 for the privilege in 1194.⁴⁹ Unlike his father, Henry did not secure wealth until his marriage to Isolde who brought with her substantial wealth in the form of her inheritance and previous dower lands.

Isolde and Henry first appear together in the summer of 1200 when they jointly sued Ralph Amundeville for Isolde's unpaid dower from her first marriage to Hugh Montpinçon.⁵⁰ Amundeville gained seisin of the manor of Annington from the Montpinçon family after Hugh's death. Isolde and Henry claimed Ralph held the land illegally. Although the matter began in 1200, it would not be resolved until long after Henry Biset's death. Several factors may have contributed to the lengthy land dispute. The Amundeville family is recorded as the hereditary stewards to the bishops of Lincoln.⁵¹ Succeeding in petitioning a member of the family who held such esteem within society would require a substantial amount of evidence or social influence. Isolde and Henry must have felt secure enough in their evidence or social position to challenge

⁴⁷ Henrietta Kaye, 'Serving the man that ruled: aspects of the domestic arrangements of the household of King John, 1199-1216' (PhD thesis, University of East Anglia, 2013), p. 74; J. Lally, 'Court and household of Henry II, 1154-1189' (PhD thesis, University of Liverpool, 1969), pp 44-8.

⁴⁸ William Page and J. W. Willis-Bund (eds), *A History of the County of Worcester: Volume 3* (London, 1913), pp 158-73 (<http://www.british-history.ac.uk/vch/worcs/vol3/pp158-173>) (26 Jan. 2019).

⁴⁹ Ibid.

⁵⁰ *PR*, 2 *John*, p. 214; *RLC*, i, 31, 38, 49; *RLC*, p. 51b.

⁵¹ Paul Brand, 'The rise and fall of the hereditary steward in English ecclesiastical institutions, 1066-1300' in Timothy Reuter (ed.), *Warriors and churchmen in the high Middle Ages: essays presented to Karl Leyser* (London, 1992), pp 145-62 at 146; C. T. Clay, 'The family of Amundeville' in *Lincolnshire Architectural and Archaeological Society Reports and Papers*, new series, iii (1948), pp 109-36.

such a family publicly and politically. It is also worth noting that Clemence Montpinçon, Hugh's sister and surviving relative, granted the property to Ralph Amundeville. This transaction can be viewed two ways. Either Clemence was unaware of the social and political ramifications of her actions, or more likely, she transferred the property to an individual who could maintain seisin in spite of Isolde's demands. Isolde's 1194 inheritance ensured her influence in Leicestershire but granting her dower in Lincoln would allow Isolde to further impose her will in Lincoln and possibly through her son. Robert remained with the de Tateshall family in Lincoln. If Clemence's property transfer is to be viewed as a calculated move, it reveals a possible glimpse into the political sphere of two families and the woman who bound them. Isolde continued to sue for her unpaid dower until the matter was settled in her favour in April of 1218.⁵²

Isolde's plea for Annington was layered. Not only was this a dispute regarding land, Isolde's case revolved around one of the most elusive sets of parameters in the legal arena; dower. Paul Brand argued that 'the death of a marriage partner created an automatic entitlement on the part of the surviving spouse to a lifetime share in the real property which had belonged to their deceased partner' but the widow and widower's share were not symmetrical.⁵³ Although Hugh was dead by 1186, the first appearance of Isolde's claim to the property does not come until 1200 and her marriage to Henry Biset. It is possible Isolde did not possess the necessary skills, information, or money to make a plea at the time of Hugh's death, particularly if she were still a young widow. Aside from Isolde's legal tenacity, it is also possible her case was not

⁵² *Bracton's Note Bk.*, iii, 316-17.

⁵³ Brand, 'Deserving and undeserving Wives', p. 1.

immediately heard. Most pleas involving very young widows do not appear regularly until c.1250. The change in frequency of dower pleas can be seen from two perspectives. Widows prior to 1250 did not claim dower as the transaction occurred more regularly outside of the legal domain. It may also be argued that the advent of 'earning' dower based on age and the production of an heir ushered in a completely new legal landscape regarding widows and their 'fair share'.⁵⁴

Isolde's case appeared fifty years before the uptick in pleas regarding dower. Her experience within the legal system at the turn of the century provides a glimpse into a system in flux. Each of her pleas occurred as John's administrative changes were implemented. According to the commentary of Henry de Bracton dower was given, 'because of the burden of matrimony and the future marriage' and 'for the maintenance of the wife if she survives him' of which Isolde could clearly prove yet she was alienated from her dower.⁵⁵ Isolde's marriage to Walter de Tateshall and the birth of her son Robert proved she was capable of producing children. Therefore, it must be acknowledged the most likely cause of Isolde's lengthy battle with Clemence Montpinçon was not a legal matter as much as a social one. Time after time Clemence was able to delay relinquishing Annington, therefore effectively alienating Isolde from her rightful dower through not appearing and finally claiming another individual held the land in seisin.⁵⁶ Although Isolde and Henry's 1200 plea was ultimately unsuccessful, it began the process of attempting to overturn the court's decision.

⁵⁴ Ibid., 7.

⁵⁵ Bracton, ii, 252.

⁵⁶ CRR, 2 John, p. 214; CRR, 16 John, pp 193, 263; Bracton's note-book, iii, pp 316-17.

Just as judges were highly susceptible to local and family politics within their decision making, so too were the claimants. As previously mentioned, Isolde held a personal tie to the royal household through her aunt Amira's service to Eleanor of Aquitaine. Manasser Biset, Isolde's new father-in-law, also possessed strong ties to the royal court. In addition to serving Henry II extensively, Manasser also served Eleanor on several occasions.⁵⁷ The possibility exists that Manasser's service and connections to the crown may have assisted in Isolde's plight.

The influence of men, while pervasive within scholarship of medieval history, is not the bedrock of this research. Legal historians have committed to the re-examination of the legal capacity of married women from the thirteenth to sixteenth centuries.⁵⁸ The Coronation Charter of Henry I (1100) stated that no baronial widow, with or without children, would be given to a husband unless it was 'in accordance with her wishes'.⁵⁹ Although the charter boasted such statements, it must be noted that widows, especially those of high rank, continued to be pressured into what may have been unwanted marriages. As Henry Biset was Isolde's third husband, she likely chose to accept his proposal rather than another family member or legal guardian. Widows were not legally bound to adhere to a male family member's influence when choosing a second or subsequent husbands.⁶⁰ Studies of other noblewomen demonstrate their active participation in statecraft, rebellion, and financial independence separate from the influence of their husbands, fathers, or brothers.⁶¹ Isolde's entrance

⁵⁷ *PR*, 4 *Henry II*, p. 171; *Accession of Henry II*, pp. 22, 163; Vincent, *Acta*, no. 11.

⁵⁸ Beattie & Stevens (eds.), *Married women*.

⁵⁹ Richard Sharpe (ed.), 'Henry I's coronation charter' (<http://www.earlyenglishlaws.ac.uk/laws/texts/hn-cor/view/#edition/translation-3>) (1 Feb. 2019).

⁶⁰ Friedrichs, 'Remarriage', p. 70.

⁶¹ Tanner (ed.), *Medieval elite women*.

into the legal system at the turn of the thirteenth century is but one example of a long tradition of women seizing responsibility. While she is not presented as an exceptional case, Isolde's legal disputes add another layer into the growing pile of evidence in favour of women's active participation beyond the domestic sphere.

In 1213, Isolde paid a fine of 100 marks and a palfrey to have seisin of Maggurman (Gormanston), Ireland.⁶² At the time, Maggurman was not in the hands of the Lacy family but rather had been seized by King John. The fine for Maggurman and the selling of William Biset's⁶³ (Henry Biset's heir) marriage boasted the same pledges in Geoffrey de Longchamps, Walter de Dunstanville, Fulk FitzWarin, and Ranulf, earl of Chester.⁶⁴ Each of these men were well connected not only to the crown, but also to other key members of the baronial class. Geoffrey de Longchamps was the brother of William, chancellor under King Richard. Each pledge stretched across county lines as Walter de Dunstanville held properties in Wiltshire, Shropshire, and Oxfordshire⁶⁵, Fulk FitzWarrin represented Shropshire and Leicestershire and lived near some of Isolde's dower land.⁶⁶ Ranulf, earl of Chester held estates in Shropshire, Yorkshire, and Lincolnshire as well as holding the title of the baron of Bolingbroke.⁶⁷ Isolde must have fostered each of these connections meticulously over the years in order to garner their support on more than one occasion. Her deep-rooted connections in the English nobility appear to have

⁶² *RLC*, i, 224, 298; *ROF*, pp 511-12; *CDI, 1171-1251* (London, 1875), pp 79, 99, 115, 121, 128.

⁶³ The selling of William Biset's marriage will be discussed in detail in the following chapter.

⁶⁴ *PR, 10 John*, pp 198-9; *ROF*, pp. 511-12.

⁶⁵ Kathleen Thompson, 'Dunstanville, de, family, (per. c. 1090- c. 1292)' in *ODNB* (<https://doi.org/10.1093/ref:odnb/54504>) (1 Feb. 2019).

⁶⁶ Frederick Suppe, 'Fitzwarine family (per. c. 1145-1315)' in *ODNB* (<https://doi.org/10.1093/ref:odnb/45482>) (1 Feb. 2019).

⁶⁷ Richard Eales, 'Ranulf (III) (Ranulf de Blundeville), sixth earl of Chester and first earl of Lincoln, (1170-1232)' in *ODNB* (<https://doi.org/10.1093/ref:odnb/2716>) (1 Feb. 2019).

transcend any concerns regarding her capabilities due to her sex, physical location, and natal familial influence.

The plea came some five years after the death of her husband. Yet again, the inconsistency of dower delivery demonstrates that while English common law developed a system for the distribution of dower, it often did not function as designed. Isolde made several pleas for this land. In 1213 Isolde was a thrice widowed woman and heiress. Once more, justices had to ascertain whether Isolde was entitled to her dower for reasons beyond her control. Isolde argued that Henry held the land lawfully at the time of his death. Justices presiding over Isolde's case disagreed and denied her request.⁶⁸ No cause for the rejection of Isolde's demands was given.

As previously mentioned, dower law was not concrete. Isolde's cases for her Montpinçon and Biset dower appeared to have been built on quicksand. Isolde may have believed her position as the widow of a steward of the king would have granted her an advantage in her claim. Although Henry served John, it was not until 1209 that John began placing his friends in positions of power rather than great barons.⁶⁹ Henry Biset's death in 1208 placed his service in a time before John's recalibration of servants. This approach also limits the autonomy of Isolde in her own right.

In order to fully explore the autonomy or agency of thirteenth-century noblewomen, one must consider *how* women were both using and being used in the legal system on the familial, local, and national levels. In many cases, men petitioned for wardships on their own behalf or jointly with their spouse. While women also secured wardships, their appearances in court records

⁶⁸ *PR, 10 John*, pp 198-9; *ROF*, pp. 511-12.

⁶⁹ Warren, *King John*, pp 105-11; Gerd Althoff, *Family, friends, and followers: political and social bonds in medieval Europe*, trans. Christopher Carroll (Cambridge, 2004), pp 102-35.

without any form of male assistance is significantly reduced. It is estimated, in the thirteenth-century England, women (and any discussion of their role) only appeared in charters, writs, letters, and other administrative documents approximately thirty percent of the time.⁷⁰ This percentage represents a vast amount of surveyed records demonstrating women were, in fact, extremely litigious. Although their opportunities to engage in litigation were limited, women regularly participated in the process resulting in a robust array of evidence, even if fragmentary. McNamara argued that ‘families were intent on deploying all their human resources, including females to enhance or maintain status, wealth, and power’.⁷¹ A woman’s ability to access public power through the legal system may have been limited by law but this does not mean she was barred from all forms of participation.⁷² According to medieval conduct literature, aristocratic women were encouraged to engage in politics.⁷³

The crown faced financial ruin in the early thirteenth century and relied upon the nobility for local control, tax collection, and military aid. This reliance upon the aristocracy forced practical changes to written law codes in order to reflect custom. This delicate balance of power reveals it was multi-dimensional and not a zero-sum game.⁷⁴ Both the crown and the aristocracy held power. In this case, power is symbiotic.

There is nothing mysterious or natural about authority. It is informed, irradiated, disseminated; it is instrumental, it is persuasive; it has status, it establishes canons of taste and value; it is virtually indistinguishable from certain ideas it dignifies as true, and from traditions, perceptions, and judgements it forms, transmits, reproduces. Above all, authority can, indeed must, be analysed.⁷⁵

⁷⁰ Tanner, ‘Women’s legal capacity’, pp. 81-96.

⁷¹ McNamara, ‘Women and power’, pp. 19-20; DeAragon, ‘Power and agency’, p. 19.

⁷² Wilkinson, ‘Women, Politics’, p. 2.

⁷³ Ibid., p. 3.

⁷⁴ DeAragon, ‘Power and agency’, p. 36.

⁷⁵ Edward W. Said, *Orientalism* (New York, 1994), pp 19-20.

If power is defined as ‘the ability to act effectively, to influence people or decisions, and to achieve goals’⁷⁶ then power is not, by definition, bound to gender. Perhaps one of the largest and most pervasive false divisions when studying the dynamics of power is gender. It is accepted that men rose and fell according to the whims of the company he kept, who sat on the throne, etc. Women, on the other hand, are often described as possessing temporary power at best. Noble women such as Hawise, countess of Aumale, Nicholaa de la Haye, and Isolde Pantulf all achieved considerable control over their affairs and often for extended periods of time.⁷⁷ Each of these women faced the same governing factors as their male contemporaries.

Women played a pivotal role in multiple economies. Not only were women regularly blocked from inheritance and dower, they also fuelled the memory and politics of the social economy. Ideas of kinship in practice and in memory were facilitated by guardians and instruments of history within the familial structure. Often the maintenance and transmission of family stories, feuds, and lineage fell to female members of the familial unit.⁷⁸ In this regard, Isolde represented a growing threat in her 1200 case as she had just begun to gain personal allies. By actively pursuing the Montpinçon dower in 1200 and appearing, Isolde displayed a specific kind of documented agency. She did not, even in the earlier case, allow herself to remain silent in the matter. Although her husband appeared with her, Isolde did not allow someone else to speak in her stead. She engaged with the land dispute as an equal with her husband.

⁷⁶ Erler & Kawaleski, *Women and power*, p. 2

⁷⁷ Turner, *English judiciary*, pp 52-63, 112-116; ‘Royal patronage in the form of marriages to heiresses provided an easy means for them and their relatives to rise in social status and wealth, while custodies of minor heirs and marriages to widows with dower estates offered temporary control of wide lands, and they took full advantage of the opportunities presented to them.’ idem, *Judges*, p. 14

⁷⁸ Van Houts, *Memory*, esp. pp 65-92.

The 1218 case stands in stark opposition from the cooperative marital team in 1200. While this could be an indication of Isolde obtaining more concrete evidence or the correct writ for her situation, it must also be noted that the 1218 case occurred after the death of John. At the time of the settling of the Montpinçon dower litigation, the regency council led by William Marshal would have instituted their desired changes and provide political stability during the regency of Henry III.⁷⁹

In the later case, Isolde sought a different, yet equivalent type of agency when she employed Robert Kernec as her representative.⁸⁰ The swift ability justices to rule in Isolde's favour following her multiple pleas for the dower lands could have been assured due to her connections with powerful allies such as Geoffrey de Longchamps, Walter de Dunstanville, Fulk FitzWarin, and Ranulf, earl of Chester.⁸¹ The 1218 case, while argued likely by a legal representative such as a pleader and therefore absent of her personal interjections, also did not mention her husband, Amaury de St Amand. This could have been a strategic choice on the part of Isolde as she would have likely chose to highlight her legal right to the dower rather than open herself up to any discussion of her husband's activities against the crown. Susan Johns has argued that women were not passive actors and typically supported the political activities of their husbands.⁸² If Isolde did support her husband's opposition to King John, she ensured her pleas for land would not reflect her marital connection to de St Amand, once again Isolde employed optional identity when advantageous in court.

⁷⁹ David Carpenter, *The minority of Henry III* (Berkeley, 1990), pp 13-17; 50-59.

⁸⁰ *Bracton's Note-Bk.*, iii, 316.

⁸¹ *PR*, 10 John, pp. 198-99; *ROF*, pp. 511-12.

⁸² Johns, *Noblewomen*, p. 17.

This small entry in *Bracton* reveals a few noteworthy changes in the pursuit of dower. Coupled with the use of a legal representative, the document presents a more detailed experience with the legal system. The document also does not reveal whether Isolde was present at the hearing. Previous entries and pleas involving Isolde allude to her agency in a given space or time by specifically naming her as present or present through the use of a representative. Within the context of this document, while she remains the plaintiff, Isolde does not feature as the primary actor nor is her identity alone enough to sway the decision in her favour.

The only legal requirement which should have been considered in the case of Isolde versus Clemence Montpinçon and others was the validity of her marriage to Hugh. At no point in the later pleas for the Sussex dower is her marriage to Hugh discussed. By 1218, Isolde was a wealthy widow and heiress with many connections within the social sphere of the gentry throughout England and Ireland. This stands as an example that law and lived experience of law will always be two separate entities. Isolde should have accessed her Sussex dower in 1186 following the death of her legitimate husband, and yet she did not. It would not be until after the death of King John and the instatement of Magna Carta, paired with her ability to amass financial and social support for her claims that she would gain her rightful seisin some thirty-two years later further supporting Paul Brand's claim that women 'earned' dower rather than were given it.⁸³

⁸³ Paul Brand, 'Earning and Forfeiting', esp. p. 4.

Nicholaa de la Haye, the baroness of Brattleby, survived two husbands. Her first husband, William fitz Erneis, died *c.* 1178.⁸⁴ No documentation has survived to determine any specific details of their union or Nicholaa's first experience with dower litigation. This could be due to specified dower with no contest or simply to a lack of surviving sources due to the timing of William's death. Her second marriage to Gerard de Camville ended in his death *c.* 1215. Nicholaa obtained her dower lands in Charlton and Henstridge, Somerset to the value of two knights' fees.⁸⁵

Given Nicholaa's perceived ease of access to her dower, Gerard clearly nominated the lands appropriately. Nicholaa also appears to have benefitted from no additional stressors such as stepchildren or other family members who would attempt to deprive Nicholaa of her right. Nicholaa's service to the crown, wealth, and vast social network likely galvanised her as an undesirable legal adversary. Nicholaa also benefitted from personal favour from the crown. Her grandfather and father held the office of castellan of Lincoln by royal grant beginning in 1155.⁸⁶ In 1189, Nicholaa gained her inherited lands as well as the constablenesship of the castle of Lincoln alongside her second husband, Gerard.⁸⁷ The 1189 charter reveals that Gerard substantially benefitted from the inheritance of his wife. Nicholaa's inheritance of Poupeville and Warreville were added to her extensive holdings.

⁸⁴ *PR*, 21 Henry II, p. 148; *PR*, 24 Henry II, p. 8 ; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 16.

⁸⁵ C. Roberts (ed.), *Excerpta e rotulis finium in Turri Londinensi asservatis, Henrico tertio rege, A.D. 1216-1272, i*, (London, 1835), p. 207

⁸⁶ J. H. Round (ed.), *Ancient charters: royal and private prior to A.C. 1200, part I*, (London, 1888), no. 36, pp 58-59.

⁸⁷ *Ibid*, no. 55, pp 91-93.

Following Gerard's death in 1215, Nicholaa entered the most publicly active phase of her life, widowhood. She obtained sole control of her inheritance and was appointed joint sheriff of Lincolnshire in October of 1216.⁸⁸ Nicholaa continued to grow her holdings by obtaining confiscated lands from rebels such as William de Huntingfeld.⁸⁹ She appears to have remained in sole control of her estates and affairs. Nicholaa never remarried and continued to serve the crown until her death.

*Hawise, countess of Aumale*⁹⁰

The countess of Aumale was given three times in marriage by the crown, and, in at least one case, against her will.⁹¹ Her marriages were all in quick succession following the death of the previous husband. Her first marriage to William de Mandeville ended at his death in 1189.⁹² Hawise married for the second time just a few months later to William de Forz, not then a baron of England, with a social station far beneath her own until his death in 1195.⁹³ She was given for a third time in matrimony by King Richard Baldwin de Béthune, a Fleming, low-ranking friend of the king in the same year.⁹⁴ Hawise appears to have held contempt for her second and third husbands. While it may never be known why she truly objected to the matches, in both cases, the man's status as an 'outsider' was noted.⁹⁵ Unlike Isolde and Nicholaa, Hawise did not benefit from aid from well-connected family members. She had no brothers,

⁸⁸ *RLP*, p. 199b.

⁸⁹ *RLC*, i, p. 249; *RLP*, p. 167; D. M. Stenton (ed.), *Rolls of the justices in eyre being the rolls of pleas and assizes for Lincolnshire, 1218-19, and Worcestershire 1221* (London, 1934), nos. 467, 495; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 21.

⁹⁰ For a comparison of Hawise and other dowager countesses see RaGena C. DeAragon, 'Dowager Countesses, 1069-1230' in Christopher Harper-Bill (ed.) *Anglo-Norman Studies XVII: Proceedings of the Battle Conference 1994* (Woodbridge, 1995), pp 87-100

⁹¹ *Chronicon monasterii de Melsa*, i, p. 91.

⁹² *Diceto*, ii, p. 3.

⁹³ *Chronica monasterii de Melsa*, i, p. 91.

⁹⁴ *Chronica magistri Rogeri de Houdene*, iii, p. 306.

⁹⁵ Philadelphia Ricketts, *High-ranking widows in medieval Iceland and Yorkshire: Property, power, marriage and identity in the twelfth and thirteenth centuries* (Leiden, 2010), pp 184-85.

and her extended family did not possess social standing as significant as her deceased father.⁹⁶

In October of 1212, Hawise made an agreement with King John regarding her inheritance and future marital status. Hawise agreed to pay 5,000 marks to freely obtain her inheritance and dower lands, conduct honourial court and be free from future marriage.⁹⁷ The fine was astronomical. Hawise's decision to assume the financial burden in exchange for her personal freedom offers a potential glimpse at her values. She continued to pay the debt until her death in 1214.⁹⁸ Given Hawise's high price for her free widowhood and her ability to escape harsh financial punishments by King John, it has been rumoured that she too was a mistress of the king.⁹⁹ No evidence can confirm or deny these rumours. During the two years in which Hawise enjoyed her free widowhood and her full inheritance including the entire county of Aumale and the honour of Skipton.¹⁰⁰ Her dower lands were unspecified.¹⁰¹

Conclusion

All three women presented in this chapter obtained dower lands following the death of a husband. While those lands may not always be known, they nevertheless participated in the same basic structure to obtain a desired outcome. Interestingly, all three women have also been alleged to have been mistresses to King John. While these accusations can never be put to rest, they have persisted through time. The struggle for dower in the cases of Isolde Pantulf were long and hard won in comparison to her counterparts. Her sheer

⁹⁶ Ibid, p. 185.

⁹⁷ RC, i, p. 189; *Early Yorkshire Charters*, vii, p. 21.

⁹⁸ RLC, i, p. 141.

⁹⁹ W. L. Warren, *King John*, (Berkeley, 1978), p. 189; Sidney Painter, *The reign of King John*, (Baltimore, 3rd ed., 2019), p. 233.

¹⁰⁰ *Diceto*, ii, p. 3.

¹⁰¹ Philadelphia Ricketts, *High-ranking widows in medieval Iceland and Yorkshire*, p. 340.

number of marriages inherently complicated her relationship with dower litigation as she faced more obstacles such as husbands, additional family members who would lay claim, and fulfilling the burden of proof.

Nicholaa de la Haye and Hawise, countess of Aumale represent one aspect of dower litigation as their claims were clear and uncontested or documentation has not survived to indicate any lengthy litigation. Isolde Pantulf demonstrates the opposite side of the same coin as her claims were regularly contested. In all cases, the ability to grease the wheels of justice with a financial contribution appears to have allowed the widows to buy their way towards a larger sense of freedom.

Chapter Three

Wardships, marriage, and other rights

Scholars of the medieval English legal system have radically shifted in their views on the agency of women. As more theoretical frameworks and critiques enter the field from other disciplines, historians are reconsidering long-standing pillars of received wisdom. Although the female voice is often absent from surviving documentation, their actions can be dissected to find evidence of some form of agency. The following chapter will examine the purchasing and selling of wardships, marriage contracts, and the purchase of other rights by Isolde Pantulf, Hawise, countess of Aumale, and Nicholaa de la Haye. Each of these transactions demonstrates a documented instance of each woman exercising her social and legal autonomy either for herself or for the benefit of her child.

The right to wardship was incredibly lucrative both for the appointed guardian, and the king. Whoever held legal guardianship of the heir was able to not only benefit from the heir's marriage, but also any lands associated with the heir while under the care of the guardian.¹⁰² The practice of securing financial profit from the selling of wardships was a large enterprise. The selling of wardships became such a lucrative practice that, in 1267, it became illegal to make a profit for oneself when selling the marriage of a ward.¹⁰³ Many guardians would purchase wardships and contract marriages which benefitted themselves more than the children in their care. Indeed, many surviving documents of wardship demonstrate a transaction that was more lucrative for the guardian than the ward. In the span of 100 years, marriage and

¹⁰² Sue Sheridan Walker, 'The feudal family and the common law courts: the pleas protecting rights of wardship and marriage, c. 1225-1375' in *Journal of Medieval History*, xiv (1988), pp 13-31 at 15.

¹⁰³ *Stat. Marl.* C. 17; Pollock & Maitland, *History of English law*, ii, 387.

guardianship would begin to not only be widely discussed, but documented and regulated by English common law in an effort to standardise the English legal system if only for royal profit.

As with other purchased rights, the right of wardship did not come at a fixed price. William de Stuteville paid 1000 marks for the wardship of Gilbert de Gant to prevent the boy from remaining with his mother.¹⁰⁴ Mothers were not always successful in their pleas to gain custody of their children following the death of a husband as seen in the above example. Although William's request was granted, his mother reserved the right to pay for the child's custody.

Records do not allude to specific causes of fluctuation in the valuation of wards among the same social standing. William de Stuteville's 1000 marks and Isolde's £1000 were granted for the entire minority of the ward in question. Other children were traded with a yearly financial commitment. Alice de Lacy successfully gained the wardship of her son Henry in 1258 so long as she agreed to pay £300 per year for the privilege.¹⁰⁵ Women were disproportionately paying higher fines for the same rights as men, yet they were nonetheless able to attain the rights.

The legal system, in its financial motivation, removed some barriers between the sexes. While this may not be indicative of the social climate or domestic functionality, within the legal structure of thirteenth-century English common law, women were competing as subjects with a fighting chance to challenge male counterparts. If a woman could pay the requested fee for rights involving their widowhood, wardships, inheritance, or dower, she would be

¹⁰⁴ *PR*, 9 *Richard I*, p. 62.

¹⁰⁵ Linda E. Mitchell, 'The lady is a lord: noble widows and land in thirteenth-century Britain' in *Historical Reflections*, xviii, no. 1 (Winter 1992), pp 71-97 at 90.

heard and given the option, no matter how unrealistic, to pay for her independence.

It remained in the best interest of the crown to allow women the ability to purchase wardships. John recognised the value in granting women more legal freedoms. If women were able to petition the court and purchase rights, they were also eligible to pay fines. John granted free widowhood on a perpetual and yearly basis without a fixed fine allowing him to charge widows who posed any threats to his authority higher fees. It is in this ever-changing schedule of fees one can gauge the possible political leanings of individuals in the baronial class of thirteenth century England.

A common thread amongst women purchasing rights or managing estates was their classification as heiresses. While the status of heiress was not necessary for women to enter the political sphere, it gave them several legal advantages. Women of the upper class participated in political strategy, even if their actions cannot be expressly seen in written documents. Not all women were passive. It is likely women of all classes often shared in or at least supported their husband's political activities.¹⁰⁶ Henry's position as a second-generation steward to the king of England likely influenced her political leanings. As long as she and her family remained in the good graces of the monarch, her land and wealth remained relatively secure. Noblewomen were typically consulted on the transfer of lands discussed in marriage contracts.¹⁰⁷ While Isolde's contract for the wardship of William Biset did not mention specific lands, she nevertheless took ownership of all lands attached to the Biset heir. The successful purchase of William Biset's wardship ensured

¹⁰⁶ Johns, *Noblewomen*, p. 17.

¹⁰⁷ Johns, *Noblewomen*, p. 131.

Isolde's ability to enjoy the benefits of the young man's inheritance until his age of majority.

According to Glanvill, 'land was heritable through burdens of nonfiduciary guardianship, in which until the heir came of age and was able to do homage and fealty for the lands of his father, both the land and the heir's person were at the disposal of the feudal guardian'.¹⁰⁸ Guardianship was also discussed by Bracton without specific mention of sex as, 'nonfiduciary guardianship (the feudal lord or assignee) as a guardian of the land enjoyed the whole profits of the estate, subject to the maintenance of the heir and wardship of the body carried the lucrative right to arrange the heir's marriage'.¹⁰⁹ Bracton and Glanvill represent a reflection of actual cases heard and therefore can adequately serve as a gauge of custom. The vagueness in their language regarding sex could signal the court's ambivalence toward women as executors of estates. In all cases, judges appear to be most concerned with obtaining the proper fee for the request rather than engage in a debate over a guardian's gender.

Isolde Pantulf

Isolde's second husband, Walter de Tateshall, died in Lincolnshire in 1199.¹¹⁰ During their short marriage, Isolde bore a son and heir, Robert de Tateshall.¹¹¹ His wardship was granted to William d'Aubigny, earl of Arundel.¹¹² It is likely Robert resided with the d'Aubigny family. There is no surviving evidence to support Robert's physical custody with his mother for a prolonged period of

¹⁰⁸ Hall (ed.), *Glanvill*, chps. 7, 9, 11; Walker, 'Widow and ward: the feudal law of child custody in medieval England' in *Feminist Studies*, iii, no. 3/4, (Spring-Summer 1976) pp 104-116 at 104.

¹⁰⁹ Woodbine (ed.), *Bracton*, ii, 86, 88-9.

¹¹⁰ Cokayne, *Complete Peerage*, ii, 296.

¹¹¹ *Ibid.*

¹¹² *Mon. Ang.*, iii, 218; *Rot. Chart.* p. 188.

time. Robert's status as the legal heir to the barony of Tateshall ensured his financial and social security. He assumed the title upon reaching the age of majority.¹¹³

The Wardship of William Biset

In the Michaelmas term, 1208, Isolde petitioned and agreed to pay £1000 to gain the wardship of William Biset.¹¹⁴ Walter de Lacy pledged £200 to assist Isolde in her cause.¹¹⁵ Isolde sued to maintain physical custody of the child in addition to gaining all financial gains on Biset lands and control over William's marriage. William was listed as the 'son of Henry Biset' which was all the necessary identifying information of the time. Isolde paid for the right to become William's legal guardian.

Throughout his reign, King John finely tuned the institution of wardship. He designed a system by which guardians could gain wardships as methods of payment or reward for their service to the crown.¹¹⁶ This solved John's inability to provide immediate funds for support or service. The slightly later document *Prerogativa regis* (c. 1322) reveals much about John's impact on the monetisation of wardship and royal consent. The document stated that heiresses who were betrothed before the death of a parent or ancestor became wards of the king while still below the valid age of consent, twelve.¹¹⁷ Upon the age of majority she could 'eligit' or choose to take her pre-arranged betrothal or have another assigned by the king.¹¹⁸ Although the choice

¹¹³ *PR*, 7 *Henry III*, p. 216.

¹¹⁴ *Ibid.*; *PR*, 14 *John*, p. 177; *PR*, 16 *John*, p. 172; *Liber feodorum*, i, p. 141; Page & Willis-Bund (eds), *History*, pp 160-2; Waugh, *Lordship of England*, p. 47.

¹¹⁵ *PR*, 10 *John*, pp 198-9.

¹¹⁶ Emma Mason, 'Maritagium and the changing law' in *Institute of Historical Research*, ii, 120, (1976), pp 286-9.

¹¹⁷ *Statutes of the Realm*, i, 225.

¹¹⁸ *Ibid.*

presented to young women in royal care does not appear to be one of great consideration, the girls were able to legally decline an offer forcing the crown to reconsider her match.

The document also named Peter, son of Herbert, or William de Cantelou, as guardians in the event of Isolde's death before the heir's age of majority.¹¹⁹ These men appear to have been appointed on behalf of the king and bear no immediate connection to Isolde. The crown also levied a £200 annual fee if Isolde remarried before the heir was married. Should she have wished to remarry during this time, she would have been required to obtain the permission of the king.¹²⁰ At the time of the plea, Isolde paid £100 toward the wardship. Her petition was witnessed by prominent landholders such as Walter de Lacy, John of Monmouth, Gilbert Talbot, Geoffrey de Longchamps, and Roger Corbet.¹²¹ Eight years later Isolde would barter her outstanding debt to the crown when she sold the marriage of William Biset to William de Huntingfield in 1214 although negotiations for the transaction began as early as 1212.¹²² It is possible de Huntingfield and Isolde reached their agreement prior to 1212; however no documentation has survived to support any previous negotiations.

Isolde's previous marriage to Walter de Tateshall provided her with lands and personal connections within Lincolnshire, Huntingdon, and Cambridge as her husband served as sheriff of these counties. Huntingfield also served as Sheriff of Norfolk and Suffolk from 1209-1210.¹²³ He was also an itinerant justice on the eastern circuit of the eyre of 1208-9 and sheriff of

¹¹⁹ *PR, 16 John*, p. 172.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *PR, 13 John*, p. 24; *PR, 14 John*, p. 177; *PR, 16 John*, p. 172.

¹²³ R. V. Turner, 'Huntingfield, William of (d. on or before 1225), landowner' in *ODNB* (<https://doi.org/10.1093/ref:odnb/14238>) (1 Feb. 2019).

Norfolk and Suffolk, 1209–10.¹²⁴ Isolde made a powerful ally in Huntingfield as his time as both a sheriff and justice would prove to be of great use to the widow.

Isolde styled herself as ‘Ysolt Biset’ rather than use her new marital surname at the time of Isolde de Baskerville.¹²⁵ This was a common practice and does not suggest in any way that Isolde did not acknowledge her fourth husband legally. In matters pertaining to Biset lands and wardships, Isolde utilised her previous surname as this created an easier point of reference for transactions regarding her connection to Henry Biset and her control over his estate.

Ralph Turner has argued that William was the biological son of Henry and Isolde yet there remains no supporting evidence for this claim.¹²⁶ While the possibility remains William could have been Isolde’s son, her later gifts to Langley Priory do not reflect his name among her children.¹²⁷ It is likely William was Henry’s son from a previous marriage due to the timing of his betrothal to Sarah de Huntingfield just three years later.¹²⁸ Isolde never petitioned for the physical custody or legal guardianship of her biological son, Robert de Tateshall. It can be argued perhaps that Isolde and William developed a close relationship and she desired to keep him in her care. Likewise, it is also possible Isolde pursued the legal right to broker William’s marriage so she remained in control of who would benefit from the Biset inheritance. No matter Isolde’s motivations, her action can be viewed through a political, legal, and emotional lens. William de Huntingfield was a prominent

¹²⁴ Ibid.

¹²⁵ *PR*, 14 *John*, p. 177.

¹²⁶ Turner, ‘Huntingfield’.

¹²⁷ *Mon. Ang.*, iv, 222.

¹²⁸ *PR*, 12 *John*, p. 80.

landholder who agreed to pay a substantial portion of Isolde's debts to the crown in exchange for the wardship.¹²⁹ Isolde chose an ally in Lincolnshire who would serve the needs of the baronial class over direct orders from the crown. While the betrayal of William de Huntingfield would cause great political injury to King John, his commitment to Isolde Pantulf survived the oncoming civil war.

While Isolde was technically William's stepmother, she was not guaranteed any parental rights to him upon the death of his father Henry Biset. Isolde could not simply adopt the boy. She pursued the most common route available to guardians to ensure the protection of a child; petitioning and paying a disclosed amount for his wardship. This did not guarantee that the petitioner would be granted physical custody of the child. Unless expressly mentioned within the original document, it cannot be confirmed who physically housed the child. Isolde, like many others, paid for the right to William's *legal* wardship. Her grant solidified her as William's legal guardian who could sell his marriage and manage lands on his behalf until he came of age.

William de Huntingfield secured the marriage of the Biset heir to his daughter, Sarah.¹³⁰ Isolde paid £1000 for the authority to contract the marriage.¹³¹ The document securing these rights was witnessed by other high-ranking royal officials such as Walter de Lacy who served in Ireland with Henry Biset.¹³² The presence of witnesses and pledges such as Lacy at first glance appears to demonstrate a company of lords and barons creating and

¹²⁹ *PR, 14 John*, p. 177; *PR, 16 John*, p. 172; *Liber Feodorum*, vol. I, p. 141; Page & Willis-Bund (eds), *History*, pp. 160-2; Waugh, *Lordship of England*, p. 47.

¹³⁰ *PR, 14 John*, p. 177; *PR, 16 John*, p. 172; *Liber Feodorum*, i, p. 141; Page & Willis-Bund (eds), *History*, pp 160-2.

¹³¹ *PR, 10 John*, pp 198-9.

¹³² *Ibid.*

upholding contracts which support and provide further security to the Crown. It is important to note that Walter de Lacy outranked Henry Biset and was Henry's overlord for Gormanston, the Biset property in Ireland.

Until the 1208 marriage contract, Isolde aligned herself with men who unwaveringly supported one political ideology. William de Huntingfield represents the first wildcard in Isolde's socio-political life. Although a wealthy heiress and widow, Isolde incurred great debts securing rights for herself and her wards. The extent to which Isolde and William discussed or even understood the personal and political stances of one another can never be known. William defended Dover Castle for John in 1203 placing him firmly within the loyalist sphere among the English barons, certainly at that early stage of the reign.¹³³ William also held enough wealth to successfully alleviate a substantial amount of Isolde's debts to the Crown. After sealing the contract, William de Huntingfield would however stand in direct opposition to King John. William was one of twenty-five barons appointed under the terms of clause sixty-one of Magna Carta to monitor the king's conduct.¹³⁴

If Isolde was aware of William de Huntingfield's shifting allegiance, this would place her firmly within the realm of conscious decision making regarding the changing political landscape. King John all but bled the people of England dry to finance his continuing wars. In 1204 he would lose control of his Norman lands. The backdrop of John's campaign to maintain Normandy from the time of his ascension to the throne in 1199 until the final 1204 loss signals a larger cultural loss than simply land. Many families among the nobility maintained close ties with their native areas in Normandy and, as

¹³³ Turner, 'Huntingfield, William of'.

¹³⁴ BL, Harley MS 746, f. 64; Holt, *Magna Carta*, pp 478-80

previously discussed in chapter three, upheld systems of marriage which paid homage to those natal communities. It is therefore possible to suggest that, four years after the loss of Normandy, a contract between two members of the nobility who weathered the storm of John's cultural, financial, and military drain may indicate individuals who joined forces out of a new shared goal, one which may not have been in the favour of the monarch.

During John's wars, Isolde would be disseised of lands and therefore unable to reap the benefits of those properties. Isolde created an alliance with a baron who possessed enough wealth to erase debts and who may, by the time of the contract, have been actively participating in conversations relating to the events which would unfold in 1215. Isolde's decision to align her socio-political interests by entering a contract with William de Huntingfield, who may, as early as 1208, have held a less than favourable view of the monarch and his abuse of power. She recognised that the world around her was changing. She lost land and wealth due to the changing political landscape and, in an effort to tip the scales, she aligned with a man diametrically opposed to her outwardly displayed worldview.

Free widowhood

In 1214, Isolde sued for her free widowhood. Her liberty from marriage was one without a time clause, meaning she was free to remain a widow for the rest of her life if she chose to do so.¹³⁵ Given the extreme financial strain Isolde placed upon herself by securing this freedom, it is curious that she consented to marriage quickly after gaining the legal authority to abstain. It is also significant that Isolde married Amaury de St Amand, an established servant of

¹³⁵ PR, 16 John, p. 113.

the royal household just short of the confrontation at Runnymede where he would stand in open opposition to the monarch.

In 1211, Richard Neville, gave twenty palfreys to obtain the king's permission to pursue Isolde as a wife.¹³⁶ It is not possible to definitively state that Isolde rejected his proposal as Neville died later that year.¹³⁷ Isolde's status as an eligible marriage partner indicates that her match with Walter de Baskerville lasted a mere two years as his death was recorded in 1213. Even if Isolde did not reject Richard Neville and had intended to marry him instead of Walter de Baskerville, just two years later she sued for her legal emancipation from the institution of marriage with the intention of a long widowhood. Most proffers for free widowhood contain restrictions upon the woman's purchased independence. At the time of Richard Neville's fine of twenty palfreys, Isolde had survived three husbands and carried substantial dower lands from each match. It is therefore sound to conclude that both Isolde and the king developed a concept of her socio-political worth in addition to her financial holdings.

Isolde's choice to sue for free widowhood in 1213 amidst the backdrop of a gentry in financial crisis demonstrates an adept political mind. Her marital freedom combined with her knowledge of the political leanings of the previously outlined allies within the social sphere of the gentry, Isolde properly braced herself for the oncoming political fracture. Her choice to consent to a fifth marriage in spite of her hard-won freedom represents yet another possible layer of her growing agency regarding her political and legal identity. Her chosen partner, Amaury de St Amand, worked closely with King John as well

¹³⁶ *PR, 12 John*, p. 80.

¹³⁷ *Ibid.*, p. 98.

as the Magna Carta barons. It is also possible Isolde may have found herself in a position in which refusing the marriage was not advantageous financially or politically. Without additional information, Isolde's motivations will never be known and it is therefore necessary to consider multiple angles when examining the match.

The pair appear to have curated a situation in which they could weather nearly every possible outcome. Should King John have succeeded in stifling the disgruntled nobles, Amaury and his wife would have legally been free to carry on their financial affairs with little to no negative impact. As John would have still required a steady stream of income, the couple may have paid a fine similar to Nicholaa and her husband for their act of disloyalty but otherwise remain employed and unharmed. Given the known outcome of John's submission to the barons, Isolde and Amaury also secured their social standing with the previously divided gentry. Galvanised with a new common enemy, the pair joined the ranks of a group of lords who would attempt to establish restrictions on royal authority, paving the way for the further development of English common law.

Social sphere

Some witnesses appear to have continued to endorse Isolde's legal pursuits throughout her life. Geoffrey de Longchamps aided her causes in her 1208 plea to obtain the rights to the Biset heir and lands.¹³⁸ Geoffrey's participation in the transaction required a financial contribution which he provided.¹³⁹ Walter de Lacy also appeared as a pledge on the document, offering a security of 200 marks.¹⁴⁰ Isolde secured the right to arrange

¹³⁸ *PR, 10 John*, pp 198-9.

¹³⁹ *Ibid.* Geoffrey Longchamps accounted for ten marks of Isolde's overall debt of £1000 to secure the right.

¹⁴⁰ *Ibid.*

marriages for the Biset heir and to have seisin of the properties of her deceased third husband, Henry Biset, with the assistance of several prominent barons including John of Munemue, Gilbert Talbot, Roger Corbet, and John de Baalun.¹⁴¹

The presence of Roger Corbet in Isolde's 1208 plea offers support for Keats-Rohan's theory that Anglo-Norman families created and maintained strong connections with Normandy by marrying other nobles who hailed from the same region as they were likely to share political and cultural beliefs.¹⁴² Isolde's natal family, the Pantulfs of Shropshire, remained linked with the Corbets due to their close physical and social proximity on the Welsh frontier in Shropshire. It is distinctly possible that Isolde maintained at least a tenuous connection with members of the nobility who married into the cadet line of her family. Although the Pantulf line in Shropshire faded into obscurity toward the end of her life, Isolde's relatives just a short distance away may have taken an interest in her successful social climb.¹⁴³

The previous year, in 1207, Isolde and Henry Biset forged a lasting bond with the de Lacy family when Hugh, son of Robert de Lacy, was taken into Henry Biset's custody in Ireland.¹⁴⁴ The de Lacy family had a vested interest in the baronial class which controlled most aspects of Irish affairs due to their participation in the colonisation of Ireland. The taking of Hugh into royal custody formed an enduring bond between Isolde and the de Lacy family as they would continue to assist her Irish causes through the years. No documentation has survived to offer explicit insight into why these individuals

¹⁴¹ Ibid., p. 199.

¹⁴² K.S.B. Keats-Rohan, *Family Trees and the Roots of Politics*, (Woodbridge, 1997), p. 147.

¹⁴³ For a full discussion on the connections between the Shropshire Pantulf line and the Corbets, see Chapter Two, above.

¹⁴⁴ *RLP*, p. 72.

continued to support one another. It is possible the hostageship began a friendship or simply continued to bear mutually advantageous opportunities.

Geoffrey de Longchamps, brother of William de Longchamps, also pledged multiple times in Isolde's favour. Geoffrey supported her initial pursuit of the Biset lands in 1208 and again in 1210.¹⁴⁵ Isolde's desire to gain control over the Gormanston property appears to have established at least two alliances among the gentry which transcended the changing political landscape and geopolitical borders. Geoffrey marked a close connection with the crown as his brother had been chancellor under King Richard.¹⁴⁶ Other witnesses to the 1208 document offer insight to the individual political leanings of elites as they formed financial anchors to other members of the gentry. Walter de Dunstanville also represents another lasting connection to Shropshire and the Welsh frontier as he held lands in Wiltshire, Oxfordshire, and Shropshire.¹⁴⁷ Isolde also maintained social connections in all three locations making Geoffrey a strong and connected ally as well as a regular fixture in her social sphere.

Isolde's social sphere was also not limited to the nobility of Leicestershire. Her long-time ally and eventual partner in rebellion, William de Huntingfield, conducted most of his business in Lincolnshire and Worcestershire.¹⁴⁸ Isolde's reach into the social arena and, indeed, the physical landscape would continue to widen following her 1208 and 1210 fines for legal rights. While Isolde certainly litigated more as a widow, as previously indicated, by her plea frequency while married to Henry Biset prior to 1208,

¹⁴⁵ *PR*, 10 John, pp 198-99; *ROF*, p. 500; *PR*, 12 John, p. 80.

¹⁴⁶ Holt, *Magna Carta*, pp 184, 222.

¹⁴⁷ Thompson, 'Dunstanville'.

¹⁴⁸ *PR*, 14 John, p. 177; *PR*, 16 John, p. 172; *Liber Feodorum*, i, p. 141; Page & Willis-Bund (eds), *History*, pp 160-2; Waugh, *Lordship of England*, p. 47.

she was also a litigious wife. Examining the requests and fines associated with each purchased right, access to funds whether through the credit of other nobles, or through movable goods and/or land, what surfaces is not a system suppressing women due to their marital status, but rather by their access to financing for their cause.

Tensions among the baronial class regarding taxation continued to rise following John's loss of Normandy in 1204. Isolde was perfectly positioned to translate grumblings from within the elite social arena due to the occupation of her previous husband. Her second spouse, Walter de Tateshall, had served as sheriff of Huntingdon and Cambridge prior to John's ascension.¹⁴⁹ Her fourth husband, Walter de Baskerville, followed in familial tradition as he became one of the twenty-one Baskerville appointees to the office in Hereford.¹⁵⁰ Isolde experienced life under a royal tax collector both before and after the depletion of the country due to conquest and crusade. Between these two men, Isolde solidified a multi-year financial relationship with yet another sheriff, William de Huntingfield, sheriff of Norfolk and Suffolk.¹⁵¹

Isolde's growing debt to the crown experienced a substantial rise between 1210 and 1216. Within the timespan Isolde inherited debts associated with the deaths of Henry Biset and Walter de Baskerville in addition to her purchase of William Biset's wardship and her acquisition of her free widowhood in 1214.¹⁵² Regardless of individual political leanings, each

¹⁴⁹ Cokayne, *Complete Peerage*, xi, 296.

¹⁵⁰ John Burke, *A genealogical and heraldic history of the Commoners of Great Britain and Ireland enjoying territorial possessions or high official rank: but uninvested with heritable honours* (2 vols, 1st ed., London, 1836), pp 87-8.

¹⁵¹ Turner, 'Huntingfield, William of'.

¹⁵² *RLC, 1204-1224*, pp 224b, 298b; *ROF*, pp 488, 500; *PR, 16 John*, pp 193, 263; *PR, 18 John*, p. 286b; *De finibus et scutagiis pro passag' Ybernie*, p. 24; *PR, 10 John*, pp. 198-199; *ROF*, pp 511-512; John Nichols, *The history and antiquities of the County of Leicester* (4 vols, London, 1800), iii, 866; *CRR 1203-1205*, p. 196; *RLC 1204-1224*, p. 568.

member of the gentry listed as witnesses or pledges on Isolde's various pleas experienced the negative effects of increased taxation. Communication and organisation can be found in viewing who pledged support for whom in these documented financial exchanges. Alliances such as William de Huntingfield, and Isolde may not at first appear relevant to a larger event such as the 1215 conflict between King John and the barons but his frequent transactions with a woman who married yet another rebel baron (Amaury de St Amand) could point to a deliberate effort on behalf of certain members of the gentry organised in advance of Runnymede creating alliances among themselves.

John established a tribunal, which travelled with his household, in an attempt to preserve 'familiar' or household governments between 1209 and 1214 during his suspension of the Bench in Westminster.¹⁵³ His unsuccessful attempt to garner individual relationships with the barons by bringing the system of justice to their home areas exposed the cracks in the foundation. Barons argued that common law protected the rights of the tenant more so than the tenants-in-chief (the barons) who were subject to arbitrary disseisins.¹⁵⁴ While many moving parts motivated the twenty-five barons to stand in opposition to royal authority and impose Magna Carta upon King John, it is perhaps the request for 'lawful judgement of peers between barons for baronies before the king as lord'.¹⁵⁵ which transformed the legal process of the early thirteenth century. Considering this singular request, once again the language of what would become law reflects the culture responsible for its creation as well as the desired outcome of the individuals producing the document.

¹⁵³ Ibid., p. 319.

¹⁵⁴ L. J. Downer (ed.), *Leges Henrici Primi* (Oxford, 1972), p. 102; Turner, 'John and justice', p. 320.

¹⁵⁵ J.C. Holt, *Magna Carta*, p. 331; see clauses 52, 55, 56 of Magna Carta.

Certain members of the gentry posed a legitimate threat to John's authority. Ranulf, earl of Chester, an executor of John's will, was among the few men whom the king did not wish to offend.¹⁵⁶ The earl served as a pledge and witness for Isolde following the death of her third husband, Henry Biset, in 1208.¹⁵⁷ He supported her once more in 1213 when she sued for the seisin of Maggurman (Gormanston) in Ireland.¹⁵⁸ Ranulf appeared a third time in favour of Isolde's claims when she made a plea to marry her ward, William Biset, to William de Huntingfield's daughter, Sarah.¹⁵⁹ Isolde's ability to maintain an ally who not only survived the whims of the monarch, but who could sway justice in his favour due to social influence and landholdings displays her political prowess. Her other long-time ally, William de Huntingfield, branded himself an enemy of the king resulting in less access to justice.¹⁶⁰

Through the purchasing of William Biset's wardship, brokering of his marriage, and the purchase of her free widowhood, Isolde Pantulf established herself as a savvy and capable woman. She engaged in litigation both as a wife and widow when advantageous. Isolde's ability to align herself with spouses and notable allies cemented her ability to play a major role in the legal and social trajectory of her life.

Nicholaa de la Haye

Nicholaa de la Haye, like Isolde Pantulf, played a significant and active role in her legal and political life. She also secured her financial future and that of her daughter through the purchasing of rights. In 1191, Nicholaa and her second husband, Gerard de Camville, engaged in a dispute between William

¹⁵⁶ Turner, 'John and justice', p. 321; *CRR*, i, 392

¹⁵⁷ *ROF*, pp 511-12.

¹⁵⁸ *RLC 1204-1224*, pp 224, 298; *ROF*, pp. 511-12; H. Sweetman (ed.), *CDI, 1171-1251* (London, 1875), pp 79, 99, 115, 121, 128.

¹⁵⁹ *PR, 10 John*, pp 198-9; *ROF*, pp. 511-12.

¹⁶⁰ Turner, 'John and justice', p. 325.

Longchamp, the bishop of Ely and chancellor of Richard I, and John, King Richard's brother. William sought to replace Gerard as the sheriff of Lincolnshire. The situation festered ultimately resulting in a violent attack on Lincoln castle.¹⁶¹ Upon Richard's return from crusade, he reprimanded the couple for their actions by depriving Gerard of his shrievalty for the remainder of Richard's reign. In 1194 Gerard was also fined and paid 2,000 marks to regain his lands and return to the favour of the king.¹⁶² Although the financial strain to regain their forfeited lands and social standing likely would have impacted their ability to purchase additional rights, Nicholaa took immediate action to safeguard her daughter's future prospects.

Immediately following Gerard's payment of 2,000 marks, Nicholaa proffered 300 marks to safeguard her daughter's right to marry whomever she pleased.¹⁶³ Gerard is only mentioned in the record as the husband of Nicholaa and does not appear to have participated in the purchasing of the right. Louise Wilkinson has suggested that the unnamed daughter could have been from Nicholaa's first marriage to William FitzErneis.¹⁶⁴ Even though Nicholaa's daughter may not have enjoyed the Camville name and family, she was still a desirable link to the de la Haye family. Although Nicholaa's motivations can never be truly known, she stood to profit from the selling of her daughter's marriage or simply to safeguard her future matches from the scandal of her stepfather's temporary political ruin.

Although Nicholaa was grouped with her husband in initial reports relating to the act of disloyalty, she not only avoided the crippling 2,000 mark

¹⁶¹ *The chronicle of Richard of Devizes of the time of King Richard the First*, (ed. and trans.) J.T. Appleby, (London, 1963), p. 30.

¹⁶² *PR, 6 Richard*, p. 118; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 18.

¹⁶³ *PR, 6 Richard*, p. 119.

¹⁶⁴ Louise Wilkinson, *Thirteenth-century women in Lincolnshire*, (PhD Thesis, King's College London, 1999) p. 30.

fine but quickly ascended to the status of a trusted confidant to the king.¹⁶⁵

Nicholaa paid 300 marks to ensure that her daughter's marriage would be brokered without any legal ramifications due to the actions of her husband, and if coverture is to be followed, herself as well.

It is curious that Nicholaa's fine for control of her daughter's marriage was a mere 300 marks compared to Isolde's proffer which cost more than twice that at 1,000 marks. Perhaps the inconsistencies discovered when comparing the financial burden of the pursuit of rights for women uncover a less tangible but well known political tactic: the creation of artificial ties and boundaries to extend the hegemonic power.¹⁶⁶ Reading evidence in formulaic documents such as the pipe rolls creates a sanitised view of medieval society. Isolde's significantly higher fine for the same right as Nicholaa demonstrates that royal government acted upon threats to power in kind. Nicholaa may have been directly involved in an open act of disloyalty but the act was concealed from her immediate household. Isolde conversely communicated her unsteady relationship with royal authority. Not only was her household actively involved in open rebellion against the king, but she also sealed a contract with another known rebel to secure both financial respite and a noble marriage for her ward.

Nicholaa and Gerard's son, Richard, (c. 1178-1226) was married to Eustachia Basset, daughter of Gilbert Basset, and widow of Thomas de Verdun c. 1200.¹⁶⁷ Their only child, Idonea, would be his heiress upon Richard's death in 1217.¹⁶⁸ Idonea married William Longespée (c. 1209-1250), son of the earl of Salisbury between 1226-1230. The marriage had been arranged in April

¹⁶⁵ *PR*, 6 *Richard, I*, pp 118-19; Wilkinson, *Women*, p. 18.

¹⁶⁶ For a discussion of how artificial barriers and ties were utilised, see Smith, *Province and empire*, esp. pp 108-10.

¹⁶⁷ Cokayne, *Complete Peerage*, i, p. 338.

¹⁶⁸ *RLC*, i, p.299.

1216.¹⁶⁹ Idonea's marriage contract generated considerable hardship for her grandmother, Nicholaa de la Haye. The marriage was agreed in 1216 just before the death of Idonea's father. Idonea stood to inherit her father's (Camville) lands as well as Nicholaa's barony. Due to Idonea's age, Salisbury would assume control of her inheritance should Nicholaa die. This sparked a multi-year power struggle between Nicholaa and William.

As previously discussed, Nicholaa established herself as an impressively capable and loyal asset to King John through her defences of Lincoln castle and service as sheriff of Lincolnshire. Nicholaa and John maintained familiarity with each other so much so that he entrusted her with these tasks and personally appeared to meet with her on multiple occasions. It is likely John would not willingly make political moves which would harm Nicholaa as he required her continued support. While she cemented herself as a loyalist, John died in 1216 leaving Nicholaa open to the whims of a new monarch. Salisbury was the uncle of Henry III. Henry's regency council was led by William Marshal, a loyalist who often feuded with John.¹⁷⁰ Without John's personal interest in Nicholaa, her offices and lands were called into question. In 1217, shortly following her defence of Lincoln castle, she was dismissed from her office as sheriff and replaced by Salisbury.¹⁷¹ Nicholaa regained her office and Lincoln castle after travelling to London to petition for their return.¹⁷² Two months later, Salisbury succeeded in regaining the office from Nicholaa once again.¹⁷³ In 1219, Salisbury attacked Lincoln castle

¹⁶⁹ *RLC*, i, p. 265.

¹⁷⁰ For a full discussion of William Marshal and his relationship with John see Crouch, David, *William Marshal: knighthood, war and chivalry, 1147-1219* (London, 2014) esp. chapter 4, pp 97-138.

¹⁷¹ *CPR, 1216-1225*, p. 65.

¹⁷² *Ibid*, pp 117-18.

¹⁷³ *Ibid*, p. 130.

prompting him to receive a mandate not to harm Nicholaa, her land, interests, or meddle in her affairs.¹⁷⁴ Fawkes de Breauté was assigned by Justiciar Hubert de Burgh to assist Nicholaa in defending the castle from Salisbury.¹⁷⁵ Nicholaa succeeded in maintaining her guardianship of Lincoln castle and recovered her inherited lands.¹⁷⁶

Nicholaa's transactions, while brief compared to Isolde Pantulf's, demonstrate a shared interest in the protecting of children whether they be biological or stepchildren. Nicholaa safeguarded her daughter's future by paying for the privilege. Conversely, Nicholaa faced different challenges in that she was engaged in violent disputes requiring the direct assistance of King John. Nicholaa's transactions expose a noblewoman engaged in multiple types of disputes and not just those relating to inheritance or child custody.

Hawise, countess of Aumale

Unlike Isolde and Nicholaa, Hawise's refusal to consent to matrimony until coerced highlights the volatility of the marriage negotiations between the king and the baronial class. King Richard arranged for Hawise to marry his friend and long-time military companion, William de Forz.¹⁷⁷ Hawise refused the match. Outraged by her reaction to the proposal, Richard sold her movable goods which were valued at £115.¹⁷⁸ Given that the primary concern of the Church regarding marriage was consent,¹⁷⁹ Richard and those involved in the arrangement must have viewed their actions as necessary to achieve their desired outcome. While coercion was technically a violation of Church law, the

¹⁷⁴ Ibid, pp 200-201.

¹⁷⁵ *Royal and other historical letters illustrative of the reign of Henry III, i*, (ed.) Walter Waddington Shirley, (London, 1862), p. 73.

¹⁷⁶ *PR, 14 Henry III*, p. 309; Louise Wilkinson, *Women in thirteenth-century Lincolnshire*, p. 24.

¹⁷⁷ *PR, 6 Richard*, p. 163.

¹⁷⁸ Ibid.

¹⁷⁹ Elisabeth Van Houts, *Married life in the Middle Ages, 900-1300*, (Oxford, 2019), pp 8-10.

practice continued due to its difficulty to disprove.¹⁸⁰ Hawise's refusal, while unwelcome, provided Richard an unexpected opportunity. By selling her movable goods, he lined his own pockets whilst rendering the countess unable to obtain quick money from her liquid assets. Essentially, this action forced Hawise into consent as she would not have been able to financially outmanoeuvre the king of England. The two married in 1190.

Following the death of her third husband, Baldwin de Béthune, in late 1212, Hawise petitioned for her free widowhood. She agreed to pay 5,000 marks to have full control of her dower lands and to not be distrained to marry.¹⁸¹ Sidney Painter noted it was the highest amount proffered for free widowhood and dower access during King John's reign.¹⁸² In order to raise enough funds to purchase her rights, Hawise gave her steward, Fulk de Oyry, the manor of Wymering and a pair of gilt spurs along with additional rights in Holderness such as freedom from suits, tolls, and space for his greyhounds to hunt.¹⁸³ The extortionate amount offered by Hawise once again illuminates a clue into her values. Years earlier, King Richard forcibly took and sold her goods to coerce her to marry. Now, in her third widowhood, Hawise willingly consented to the amount in order to avoid the ordeal of marriage and to have the rights associated with her properties of her own volition. She died less than a year later.

The countess clearly valued her independence both financially and personally. Although she produced a son and heir with her second husband,

¹⁸⁰ For three case studies of coercion see Sara M. Butler, "'I will never consent to be wedded with you!': coerced marriage in the courts of medieval England' in *Canadian journal of history*, xxxix, (2004), pp 247-270.

¹⁸¹ *RC*, i, p. 189.

¹⁸² Sidney Painter, *The reign of King John*, (Baltimore, 1949), p. 219.

¹⁸³ *RLC*, i, p. 141; Barbara English, 'The counts of Aumale and Holderness, 1086-1260', PhD Thesis, (University of St. Andrews, 1977), p. 122.

Hawise does not appear to have played any major role in her son's life. She never petitioned for any form of custody, nor did she engage in marriage negotiations on his behalf. The countess never purchased wardships. Hawise's interests appear to have been solely focused on the administration of Holderness, Skipton, and Aumale.

Conclusion

Isolde, Nicholaa, and Hawise all engaged in the pursuit of rights in some form. Isolde recognised and capitalised on the valuable wardship market when she purchased her stepson's legal wardship in 1208. Her ability to contract his marriage allowed Isolde to foster deep connections among the baronial class and assume legal control over an aspect of her financial affairs. Conversely, Nicholaa de la Haye safeguarded her daughter by securing her free marriage rights following Nicholaa and Gerard de Camville's revolt against King Richard in favour of his brother John. Both women ensured the future of their children's marriages through the purchasing of rights. Although their motivations can never be known, it is clear women purchased rights as both aggressive and defensive manoeuvres.

Hawise on the other hand, did not engage in the purchase of wardship or marital rights for her son. While Hawise's attitude towards marriage has been documented by chroniclers, her relationship with her son remains a mystery. Instead of securing his future marriage, Hawise waited and sued for her own freedom. Her free widowhood allowed Hawise to hold her inheritance and dower until her death.

All three women purchased their free widowhood though no two would pay the same price. Hawise's extortionate proffer illuminates her perceived political value as determined by the crown but also demonstrates the lengths to

which she would go to obtain her freedom from marriage and ability to hold her property in her own right. Each familial situation differed yet all three women eventually achieved legal and financial independence after surviving multiple husbands.

Conclusion

This thesis has explored key aspects of the lives of Isolde Pantulf, Hawise, countess of Aumale, and Nicholaa de la Haye in order to demonstrate how three noblewomen navigated the purchasing of rights under thirteenth-century English Common Law. Placing these three women in conversation has allowed patterns of behaviour on the part of justices concerning the ability of women to access control over marriage contracts, the purchasing of wardships, and the pursuance of dower among the baronial class.

The introductory chapter examined current research trends relating to women in thirteenth-century England and legal practice. The chapter argued that a feminist reading of each case could produce new ways to interpret medieval legal records. The chapter also featured a brief history of gender and its role in the scope of the study of Isolde, Hawise, and Nicholaa. Agency and power concluded the overview of expository discussion.

Chapter one traced key members of each family leading up to the lives of each subject. Each family history explored relatives who were instrumental in forming the worldview of Isolde, Hawise, and Nicholaa. Each woman's life was discussed chronologically in order to situate the reader before discussing individual legal pursuits. All marriages, children, property acquisition, and military campaigns were first introduced in this chapter ahead of their larger examinations in the later chapters.

Chapter two specifically examined each instance of dower litigation. Isolde Pantulf featured heavily in this chapter as she outlived four husbands juxtaposed to her contemporaries who married less frequently. The chapter explored not only the cases themselves but also the circumstances under which each woman sought to obtain her dower. Ultimately, it was determined of the

three women explored, that no trend in linking litigation with life cycle could be definitively established as cases were heard, won, and lost at all stages of each woman's life regardless of her marital status. While more women did seek to obtain their dower as widows, many also sued while single or after remarriage.

Chapter three scrutinised evidence concerning the purchasing of other rights such as wardships, marriage contracts, and free widowhood. Specific attention to the wardship and marriage of William Biset, Isolde Pantulf's stepson from her marriage to Henry Biset, was considered. Isolde paid a large sum to first obtain the wardship and then to contract his marriage. The transaction was extremely lucrative for Isolde, but it must be considered she felt a personal attachment to the boy as Isolde never pursued the wardship or custody of her biological son.

Conversely, Nicholaa de la Haye purchased her daughter's marital rights in order to safeguard her from an undesirable match following the dispute of Nicholaa and her husband, Gerard de Camville, with William Longchamps. Nicholaa's fine was substantially less than Isolde's for the same privilege indicating once again that fines were not fixed and affected those who sought them differently.

Hawise, countess of Aumale used her financial security to assert her refusal at every turn. She openly refused marriage proposals and sought to solely control the affairs of her estate. While discussions of Isolde and Nicholaa focus on action and their willing consent, Hawise stands as an example of open defiance. Women could and did refuse to comply.

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