

THE DOMAIN OF LORDLY WOMEN IN
FRANCE, CA. 1050-1250
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“**A**woman’s place is in the home.” Like all axioms, this one masks as much historical reality as it reveals. It certainly encapsulates normative views that have been widely held and underscores near ubiquitous identification of women with a domestic sphere, but it does little to describe women’s actual and changing activities or their impact on society as a whole.¹ The very positing of a distinctive place for women presupposes another one, a place construed, perhaps, as the primary domain of men. For feminists concerned about assessing women’s diverse and changing roles in, and contributions to, their societies, both the problems and the importance of a concept like “separate spheres” lie at the heuristic and descriptive levels alike. As explanatory or analytical categories, a “private sphere” distinct from, but co-relatively linked to, a “public sphere”—as the spheres could be named at their most generic level—has come to be construed in so many different ways that they increasingly cause misunderstanding among scholars.² Such conceptual confusion is only compounded when “the public” and “the private” come to embrace, or to be aligned with, any number of conceptually related contrastive binaries, such as the political *v.* the social, the state *v.* the family, the political community *v.* the domestic household, communal interests *v.* personal desires, the impersonal *v.* the intimate or familial, the official *v.* the unofficial, the formal *v.* the informal, the authoritative *v.* the merely influential, the masculine *v.* the feminine. Yet however clearly defined, the terms remain problematic at the descriptive level if they are treated as unchanging universals. For each historical situation, considerable care must be taken properly to describe not only the activities that were assigned to each sphere, but also how contemporaries construed the ways in which the spheres related to each other and to associated concepts. Only then can significant comparisons be made between women’s roles and how they were evaluated at

diverse times and places, or, indeed, within different social classes at any one time.

The purpose of this brief discussion is to suggest that the distinction between “public” and “private” spheres remains useful in understanding core differences between the political powers of modern and medieval women—at least those medieval women of noble birth married to men of the ruling aristocratic elite³—and, in consequence, in appreciating how politically active women would have been evaluated. This is the case for each of the two main ways the concept has been deployed; namely, either to encapsulate the contrast between sovereign states and society or to point to a realm of informed public opinion that is poised between government and domestic affairs. And the distinction remains useful in comparing “medieval” and “modern” views of women’s powers even if, for much of the patrimonial world of the Middle Ages, the distinction between the spheres virtually disappears, with much of the “public” sphere being subsumed into the “private.” The result, at the descriptive level, is that many activities of the aristocratic lordly elite that would be classed as “public” in a modern context—including those related to exercising jurisdiction or ruling over others—were effectively “private” or “domestic” matters in the middle ages.⁴ Hence, to the extent that female lords wielded the same powers as aristocratic men and performed the same lordly deeds, their authoritative powers could be considered equal to those of their male peers.⁵

In other words, at non-royal levels of lordship in particular, no qualitative difference was drawn between the authority with which noble women acted, or the legitimacy of their lordly powers, when compared to those of aristocratic men. It is thus anachronistic and inappropriate, when discussing the “feudal society” of France as twentieth-century French historians have construed that world, to view the lordly powers wielded by women as somehow of a lower order or of lesser legitimacy than those same powers when wielded by men. The domain of women of the lordly elite—the spheres in which they exercised dominion—included, in certain routinely occurring situations, the exercise of authoritative jurisdictional powers over lands and

men, and nothing struck contemporaries as extraordinary when women wielded those powers in those contexts. Like men's, the measures they took could displease as well as please articulate contemporaries, although, because women represented the marked gender and there were fewer female lords than male ones, lordly women's actions tended to attract exaggerated praise or blame. Still, however much such commendations or condemnations might be linked to other traits deemed particularly feminine, noblewomen's capacity to act with lordly authority was not denied.⁶ Since noblewomen came to lose their rights to "own" and control property and to exercise jurisdiction over tenants and others bound to them by the exchange of lands or rights and oaths of fidelity or homage, these comments support the notion that "modern" states were established at the expense of (some) women's rights.⁷ The failure of any woman to be accorded the same rights to participate in new political institutions of liberal or republican democratic states as fully as many men shows that the process of building "modern" states was integrally linked to a major reconceptualization both of "public" and "private" spheres and of men and women as gendered human beings.

The first widely used sense of the distinction between public and private spheres evoked above—that contrasting law and governance to households and families—has long been entrenched in historiographical traditions. It built on both the Aristotelian separation of the *oikos* from the *polis* and the distinctions in Roman law drawn between what pertains to particular individuals and to the community as a whole. It was used by generations of social theorists and historians to encapsulate the salient differences between the impersonal bureaucratic government of modern states, with their legally-defined institutions, officially-authorized agents, and monopolies on legitimate violence, and patrimonial societies that are structured largely by means of kinship ties, personal lord-client bonds, seigneurial (lordly) jurisdiction, and domestic or household-based economies.⁸

In this view, the "feudal" world is "private" by definition, with the rights and powers of medieval lords (*domini*) derived in part from the household roles and moral authority traditionally

accorded to those of noble status. To those were added many powers of command that “feudal” lords appropriated (not always violently), as “private” individuals, from the portfolio of “public powers” previously exercised for the common good by governments headed by emperors and kings.⁹ Generations of historians construed as “private law” the politically important privileges that lords granted individuals and corporate groups, and stressed the unofficial or uncertain legal standing of the informal written compilations of orally transmitted customs embodying the longstanding (though not immutable) traditions of folk communities. Then they contrasted such customs to statutory laws formally promulgated in writing and enforced by official state authorities.¹⁰ The vast majority of the documents known generically as charters—largely recording property exchanges among the aristocratic elite, from modest knights to counts and dukes as well as their clerical relations—continued to be classed as “private acts” distinct from the “public acts” of the royal governments of kings, even if they recorded transactions of fundamental economic importance or relating to the feudal relations between fief-giving lords and their men.¹¹

The familial feuds (*guerrae*) over inheritances and single combats or other forms of judicial self-help that played such prominent roles in processing disputes were lumped together and dismissed as mere “private war.” Like other family possessions, honors—those bundles of lands, rights, and titles that constituted the material base of the social prestige and political reach of the ruling chivalric elite—were acquired largely through inheritance, albeit according to distinctive rules, such as those governing the transmission of those peculiar goods called fiefs. Indeed, the integral link between one’s honor and one’s honors discloses the extent to which the public domain of the state had come to be subsumed into the domestic realm of dynastic families and lordly households.¹² With the exception of kings and a few major princes, the military, fiscal, and judicial activities of the lordly elite were deemed, in this view, to be sub-political: the self-interested affairs of “private persons” meriting consideration as meaningful, historically significant events only to the extent that they contributed to the formation of modern states.

At the heart of understanding the implications of these views for noblewomen's powers in France lies a problem of translation: what English word best conveys to a modern audience—on both sides of the Atlantic—the sense of the word *domina* as understood in the eleventh to thirteenth centuries? *Domina*, the feminine form of *dominus*, is most frequently translated as “lady.” But does “lady” adequately convey the powers and jurisdictional authority of the consorts of medieval lords? Perhaps in the United Kingdom, where Lady is the title borne by female members of a constitutionally empowered House of Lords. But what are the authoritative powers of the wives of the hereditary peers in that body? Ladies they may be, but in that case the title refers to their elevated social status, not to any jurisdictional authority as might be exercised by their husbands. A lady may be deferred to, but not because of her lordly powers. Indeed, in many other English-speaking countries, if “lady” connotes anything specific, it is high social standing and perhaps adherence to a certain code of behavior.¹³ Powers of command over lands and people, such as wielded by medieval lords (*domini*), do not enter the mental picture at all.

Yet noblewomen married to men of the ruling aristocratic elite, in their roles as heads of households, consorts of lords, and mothers of heirs, could find themselves wielding the same lordly powers as their husbands and with the same wider-ranging political consequences. Whether commanding household cooks, household clerics, or household knights, the *domina*, or lady, of the castle, was as much a lord (*dominus*) as her husband. When she controlled lands, honors, and revenues in her own right (whether as inheritances or marital assigns or both), or when she acted as regent-guardian for an absent husband or minor son, her lordly powers and political impact would often expand.¹⁴ But because those activities, performed by wives as well as widows, took place in what was effectively a domestic domain writ large, they were viewed as natural extensions, not transgressions, of noblewomen's traditionally feminine and domestic social roles. Ample evidence for such attitudes is found, for example, in letters disclosing the manifold ways reforming clerics like Ivo of Chartres

and Peter Damian treated matter-of-factly with the female lords in their midst, or how a town like St Omer had written into its charter of liberties the rights of the castellan's wife to initiate certain judicial proceedings in her husband's stead.¹⁵ As Marc Bloch eloquently declared, women in "feudal society" were never deemed "incapable of exercising authority. No one was disturbed by the spectacle of the great lady presiding over the baronial court when her husband was away."¹⁶

Granted, women's rights to "own" or to hold real property—i.e., their legal capacity in modern terms—are distinct from their practical ability to dispose of it at will, but both theoretical rights and actual control are important in gauging women's activities and how they were judged. A woman disposing of property legally hers, or exercising customary jurisdiction over her tenants, fief-holding knights and servile peasants alike, can hardly be cast as a usurper of someone else's rights. Women in France during these centuries were never legally banned from inheriting real property, whether after their parents' death or before, in the form of dowries. Noble daughters might routinely be subordinated to their brothers in the inheritance of fiefs, becoming their fathers' principal heirs only when they had no living brothers at the time of their fathers' deaths. Yet they were not excluded from inheriting fiefs and their inheritance shares in non-feudal properties (i.e., allods) tended to be more equal to their brothers'.¹⁷ The vast majority of wives had dower properties from their husbands' estates assigned to them when they married and increasingly came to be endowed with dowries when they wed. Dowries never replaced dowers in eleventh-to-thirteenth century France, as they eventually would in some Mediterranean towns.¹⁸

Certainly, customs designed to protect women's rights from domineering men could be flouted, such as those prohibiting a husband from alienating his wife's property without her consent, or a son from evicting his mother from her dower estates. But such customs could not routinely be ignored, as is disclosed in the records of judicial actions taken by French women to reclaim their lands, which still await systematic study.¹⁹ At the same time, however, the charters documenting wives alienating

their own properties without reference to either their husbands or their inheriting sons discloses that any custom granting men sole control over women's lands—and there is no formal trace of one in French customary law of the eleventh to thirteenth centuries—could likewise be flouted; analogues of *coverture* as found in English Common Law developed unevenly and late in French customary codes.²⁰ Numerous, though not all, wives who alienated property were acting in their husbands' absence: the communications technology of the day, the mobility of the chivalric elite, and the size of many noble patrimonies regularly placed wives in the position of having to take decisions in their husbands' stead. In addition, widowed guardians for minor heirs were commonplace in most of the medieval French realm, where any rights of lords—kings included—to control wards and their fiefs never could be systematically enforced.²¹ At this time, when first wives tended to be younger than their spouses, and the fathers of their children suffered from the relatively high mortality rates of men devoted to military pursuits, widow-guardians featured routinely in the generational cycle of lordly families.²² Widows could command the people and revenues of all of their husbands' inherited estates, in addition to their dowers and dowries, and any joint property acquired by the couple. Medieval *dominae*, without deviating from their traditional domestic roles in aristocratic households, had ample opportunity to wield lordly powers.

Furthermore, when comparing or contrasting the powers of medieval lords and ladies it is too often forgotten that *dominus* was not a legally-defined title conferred by official authority; rather, it was a term of respectful address reflecting the deference accorded to those powerful *seniores* (elders, *seigneurs*, lords) of noble or common birth, who had come to constitute a ruling elite.²³ Freely bestowed upon them by their contemporaries, *dominus* is thus an honorific title, even as it encapsulates the powers over land and people—traditional and newly-acquired alike—those men wielded. The repeated exercise of any new powers, combined with the traditional rights of nobles, worked to convert any de facto powers seized by such *domini* and their knightly followers into socially-sanctioned, legitimate, customary

authority that was eventually systematized as customs came to be compiled in written form from the end of the twelfth century.²⁴

But if *dominus* was essentially an honorific title, why is *domina* so often dismissed as a “mere” honorific, with ladies conceived largely as more or less efficient household managers or “mere” ceremonial adjuncts of their powerful husbands? When a knight or castle lord sought the authorization of his *domina* to alienate fiefs he held from her, or sought judicial redress at his *domina*’s court for properties he claimed were unjustly taken from him, the *domina* he was addressing was his personal or feudal lord in precisely the same sense that a *dominus* would have been.²⁵ And when the *domina* consented to his grant or presided over the juridical proceedings whereby his goods were restored, or when she ordered him to join the offensive campaigns of her lord or directed him in the defense of her castle-residence, she was exercising commonplace lordly prerogatives that could have significant effects in the wider political community. For *domini* and *dominae* alike, such prerogatives were rooted in a “domestic domain” comprised of noble families and their inherited honors, along with their households (*familiae*), clienteles of sworn men (*fideles*), and other dependent tenants.

By the same token, it is too easy to forget that all titles, even those like viscount or count, were not routinely conferred on individuals by delegation from a higher authority (e.g., the king) in these centuries, when no kingdom-wide hierarchy of titles was defined in law.²⁶ Like *dominus*, they, too, could be as much traditional honorifics as badges of office. For example, count (*comes*) could be used interchangeably with duke (*dux*) in many contexts, even in relation to the dukes of Normandy. The title *comes* could be borne as a status indicator by groups of brothers, as was the case with the “counts of the Bretons,” even if only one would inherit the bulk of the family’s patrimony.²⁷ And, to note one example among many, Rotrou, lord of Nogent and Mortagne, sought the authorization of no higher authority—not the king of France, not either of his immediate lords, the count of Blois or the duke of Normandy—when he began to call himself “count of Perche” in the later eleventh century.²⁸ How then does the title

of countess differ from that of count? Both were honorifics and both denoted the lordly powers wielded by the title-bearer. And when countesses renounced privileges like the *jus spoli* (the right to control episcopal goods during vacancies), collected dues like the *droit de gîte* (hospitality), established markets, served monks as their advocate, swore to enforce the Lord's peace, ordered their knights to fight, received homages from their sworn men, or declared fiefs forfeit, they did so with the same authority as counts, even if countesses took such actions less often than did counts in France during the eleventh to thirteenth centuries.

Some of those and related lordly powers appear, in “common sense” terms, to be quite “public.” They concerned the disposition of landed estates, the allocation of economic resources, and feudal relations (in the strict sense of involving fiefs and the relations among fief-holders and their fief-giving lords). Authoritative measures taken by lordly women were often enacted openly before, or in conjunction with, leading laymen and clerics drawn from circles extending well beyond kin or residential groups. Without doubt, the lordly deeds of women could affect powerful men and have significant political effects in wider regional—or even regnal—communities. Indeed, some of the most important recent work in medieval women's history is the steady stream of studies that examine French noblewomen's surprisingly well-documented contributions to this extra-familial world of lords' courts, where disputes were settled, property transactions authorized, political favors dispensed, and oaths binding lords and followers exchanged.²⁹

Drawing attention to the domestic grounding of the powers of female lords is not meant to deny in any way the important public consequences of lordly women's deeds, when ‘public’ is understood in such a generic, common sense way.³⁰ Rather, it is to make two further observations. The first is to remind an academic readership that, however “public” the effects of noblewomen's lordly deeds, *dominae* performed them within their socially-ascribed roles in aristocratic households and with the same domestically-rooted, highly-personalized “traditional” authority as was perceived to legitimate the lordly deeds of

elite men. In other words, because of the central place of the aristocratic household in the structures of political power at this time, the powers of all medieval lords had a “private” domestic core as well as a “public” political-jurisdictional face. Any historian who posits a fundamental distinction between how power and authority were exercised in a fundamentally “private”—patrimonial medieval world from how they are construed in impersonal, “public”—bureaucratic states will have to define very carefully what he or she means by the “public powers” of any medieval lord—male or female.³¹ But since both male and female lords in the middle ages derived their authority from, and exercised their jurisdictional powers within, a common “domestic domain,” to argue that the socially-sanctioned powers of lords and ladies were qualitatively different in kind risks a fall into self-contradiction, even if male lords routinely exercised a wider range of such powers—most notably, in military pursuits—than did their female peers.

Furthermore, evocation of lords’ courts leads directly to the second technical sense in which a distinction between “public” and “private” spheres has been deployed. As articulated most prominently by Jürgen Habermas, the distinction refers to the historically-situated emergence of a realm of informed public opinion by non-noble, bourgeois members of society who could, as groups of “private” individuals, come together to influence the official actions of governing authorities in European monarchical states.³² Although medievalists could argue that many pre-existing conditions for the emergence of such a literate public sphere date from the mid-thirteenth century (if not before), their combination and particular force as motors of the social and political changes leading to the development of “democratic” states undeniably date to the late seventeenth and eighteenth centuries.³³ Habermas’ historically-sensitive understanding—extended by some feminist historians to embrace the women absent from his account while deemed inadequate to that task by others³⁴—does not negate the first sense of distinct “public” and “private” spheres, as discussed above, so much as it succeeds that conception in time, as the sphere of governmental authority in Europe became more depersonalized and bureaucratically complex.³⁵ Examination of

the “pre-modern” side of Habermas’ views discloses—as in the previously-discussed distinction—a homology between the ruling powers of women and men of the medieval aristocracy, with the implication that contemporaries did not conceive of the powers of non-royal lordly women as being any less authoritative or less legitimate than the powers of non-royal lordly men.

The “Habermasian” sphere of public opinion resulting from the growth of social institutions for the open exchange of ideas among freely gathered groups of private individuals—what might be called civil society distinct from the apparatus of state—could not, by definition, exist in any meaningful way in the central Middle Ages (even as aspects of it did). And, as Habermas suggests, it might not continue to exist in the (post)modern west. Yet even as he cautions against a looming “refeudalization” of liberal democratic societies in the wake of the emergence of unfettered “private” media monopolies, Habermas reveals the continued conceptual importance of a contrast between “public” organs of government designed to ensure the common good and “private” parties (individuals and corporate groups), wielding powers over others for their own advantage.³⁶

In Habermas’ usage the sphere of public opinion is poised between the official apparatus of government and the domestic—or, family—life of free citizens, which is regulated by private law enforced in state courts. In historical terms, when considering how “governance” was organized, the operative contrast is between the impersonal institutions of modern states and the personal rule through royal or princely courts of earlier eras. In the medieval world, according to Habermas, the legitimate authority to rule others was displayed at court by those individuals—kings at first, followed by princes and leading lords—who were perceived, literally, to embody and re-present on earth the external and legitimating authority of the sacred realm.³⁷ In France, as kings’ powers faltered and local princes appropriated governing functions in their regions, leading churchmen increasingly deployed notions of Christian rulership traditionally used to authorize royal powers to legitimate the ruling powers of the foremost lords and princes of the realm. Enjoined to enforce justice and keep the peace in

their domains, local lords played essential governing roles at their level in the hierarchy of earthly authority established by God. Since their jurisdictional authority was held to flow from the same divine source as made kings, medieval lords imitated and adapted ceremonial practices used at royal courts to display their majestic, ruling dignity.³⁸

Within this schema, female lords unquestionably played important roles in the ceremonial representation of authoritative powers at lords' courts, such as have been eloquently evoked for twelfth-century France by Frederic Cheyette in his study of Ermengard, vicountess of Narbonne.³⁹ But women could also embody and re-present that very divinely-ordained authority itself—i.e., display “representative publicness” in Habermas' terms—when they wielded lordly powers in the absence of requisite men. A telling example of a female lord represented as embodying such ruling authority is the extensive, though often anachronistically interpreted, verse-epistle extolling the virtue of clemency that the poet-prelate Hildebert of Lavardin, when bishop of Le Mans, directed in the opening decade of the twelfth century to Adela, then ruling as countess of Blois, Chartres, and Meaux.

Hildebert opened by describing the widowed countess not only as a woman who ruled a county, but also as ruler who administered so capably on her own that she stood as an exemplar of all that he deemed necessary for governing a realm.⁴⁰ Attributing such praiseworthy qualities to God's grace rather than to her nature, Hildebert proceeded to use the countess' female gender to construct a series of anaphoric antitheses contrasting the personal virtue of chastity to the socio-political virtue of clemency, while accenting Adela's position as a ruler who embodied both:

You lay aside what is female when you cultivate
chastity in beauty; you restrain the countess when
you retain clemency in power. Chastity reconciles
one man to you; clemency, the people. Through
chastity you acquire a good name; through
clemency, favor and support.⁴¹

To Hildebert there was no doubt that clemency is the greater good because it benefits more people; in his words, “modesty

allows comely ones to look after themselves; mercy in ruling preserves the safety of the realm."⁴²

Clemency, however, is a virtue only of the powerful, who legitimately come to rule over others by the socially-acknowledged means of either inheritance, or selection, or the just use of force to assert rightful but contested claims. As Hildebert expounded upon his theme, clemency becomes a specifically human virtue because it depends on the exercise of reason and binds society together; it thus distinguishes persons from beasts and links rulers in the exercise of their judicial prerogatives to the wisdom and mercy of God. It is the most humane and glorious attribute of princes, as he demonstrated with a catena of quotations from classical authors. Acts of clemency, not cruelty, allow powerful princes to prosper.

In this erudite verse-epistle directed to Adela's court, the bishop of Le Mans presented a countess to his informed readership as the perfect embodiment of a divinely appointed ruler exercising power over self and others, in order to emphasize the benefits to social order of rational and clement rule by lords of any rank or gender. He may well have sketched an idealized portrait of Adela's lordly self-control (she is known to have inflicted harsh punishments and resorted to violence when angered),⁴³ but he was writing to a prince whose powers he freely acknowledged and whose behavior he—as a guardian of Christian morality and self-appointed advisor—hoped to moderate. Yet his comments have all too frequently been taken to imply that Hildebert regarded a ruling woman as somehow unnatural, since he asserted that the countess owed her lordly powers to divine grace rather than to her feminine nature. But do his comments really mean that, whereas it took divine intervention to make women rulers, men, in contrast, were natural rulers, as several modern commentators have claimed?⁴⁴

The antithesis of nature and grace was a commonplace to medieval theologians, and recourse to it almost a reflex to explain a variety of apparent paradoxes. Axiomatic was the acknowledgment that all human nature was vitiated by sin so that only an act of grace could save individual men and women. The

redeemed of both sexes, once sinful humans by nature, could be considered “gods by grace” as distinct from the one “God by nature.”⁴⁵ By the same token, the sin-free but human savior, “divine by nature,” could only be “human by grace,” as one of Hildebert’s neighbors expressed the miracle of the incarnation. But in medieval theological reflection, the nature/grace antithesis had one particular application: to explain the powers and special sacrosanctity of anointed rulers. Kings had by grace what Christ (the king) had by nature, and were thus empowered to act as God’s agents on earth.⁴⁶ Not all men were kings and it took an act of grace to make a king.

Adela, of course, was not an anointed lord, but neither was her husband, who, like many other French princes, claimed to exercise comital authority “by the grace of God.”⁴⁷ Significantly, Hildebert evoked the antithesis of nature and grace in the context of Adela’s ruling powers: it was her lordly, comital powers that were conferred by divine grace. Authoritative ruling powers were not hers—or any person’s, man or woman—by nature. That God also bestowed on Adela the power (*virtus*) that allowed her to remain chaste was perhaps an added bonus in Hildebert’s mind, but her chastity was a personal—if peculiarly feminine—virtue, distinct from, and of less importance than, her power to punish others (*potestas puniendi*), which this prelate clearly hoped the countess would not exercise unreasonably.

The antithesis of nature *v.* grace explained all princes’ powers, including Adela’s. Hildebert then artfully harnessed the antithesis of the feminine as personal and carnal *v.* the masculine as public and rational to suggest that princely clemency was a greater virtue for all legitimate rulers than was personal chastity.⁴⁸ Ruling a county, in his commonplace clerical view, depended as much on mental as on bodily endowments, and the human ability to reason allowed good princes both to control their emotions and to rule others as the merciful God would have them do. If the female Adela, represented as embodying all worldly goodness in moral and political terms alike, could control both self and others through reason, how much more powerful would be her example to her male peers?

Hildebert's letter shows that he took for granted the gender asymmetry of his era—women were not men's equals in his eyes—even as he freely acknowledged the lordly capacity and abilities of one noted, but far from unique, female ruler of his day.⁴⁹ God most frequently granted the capacity to rule others to male lords, although in certain regularly and naturally arising situations, he also granted it to princes who happened to be female. Even women could come to embody the sacred authority divinely conferred on rulers and to represent God's will in the temporal realm. Although, in Habermas' view, such "representative publicness" inhering in individual "feudal" lords did not constitute a fully public sphere of governance that could be distinguished from lords' personal status, attributes, and landed possessions, the ideological grounding of all lordly authority in the mind of a divine Lord who vowed to make the last first made ruling women a readily explicable phenomenon.⁵⁰

To conclude: feminists interested in assessing the powers of aristocratic women in eleventh- to thirteenth-century France and evaluating them as they would have been viewed by their male peers would do well to realize that the two most widespread ways in which historians have deployed a distinction between "public" and "private" spheres do not apply directly to the central Middle Ages. Yet understanding why they do not discloses certain key differences between the medieval and modern worlds. One distinguishing feature is the fundamental homology in the Middle Ages between the lordly powers of noblewomen and elite men that would disappear in the erection of modern, democratic states. Those lordly powers were wielded largely in a familial or domestic context by men and women alike, even as their exercise could have important consequences in wider political communities. At the same time they were ideologically grounded in a divine will that was believed to have established hierarchies of authority in which noblewomen ranked above most non-noble men. Male lords outnumbered female lords and usually exercised the prerogatives of lordly rule for longer periods of their lives. Nonetheless, the women who wielded lordly powers and controlled their own properties, either at certain regularly occurring phases in

the ‘natural’ life cycle of aristocratic families or in their absent husbands’ or sons’ stead, did so legitimately as active agents, not as placeholding ciphers passively transmitting lands and rights between men. Whether authoritatively ruling or “merely” participating alongside their husbands in court rituals designed to display lordly authority, noblewomen came to embody and re-present the sacred source of the powers they could both share with men and exercise legitimately independently of them.

Their customary rights to inherit and control real property, to exercise jurisdiction over feudal and servile tenants, and to serve as guardians and regents for minor heirs drew significant numbers of medieval French women directly and legitimately into the realms of politics and governance as construed in their day. Such “lordly powers” of French noblewomen are substantively different both from the “social powers” of the wives of England’s modern-day hereditary peers, and from the “official” voting rights and eligibility to hold elective offices that were long denied all women in modern democratic states. Medieval noblewomen and modern bourgeois women exercised important powers from within their domestic domains. The significant difference is that in medieval centuries the “domestic sphere” included many undertakings that today would be placed in the domain of governance and authoritative rule over lands and persons. In modern times such activities came to be defined in laws that formally denied all women direct and legitimate access to a separate, legally-enshrined, “public sphere” of official state government.

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END NOTES

1. Sherry B. Ortner, “Is Female to Male as Nature is to Culture?” rvsd. ed. in *Feminism, the Public and the Private*, ed. Joan B. Landes (Oxford: Oxford UP, 1998), pp. 21-44.
2. To cite but one relevant example: Nicholson’s misplaced criticism of McLaughlin’s discussion of the domestic base of the military powers of female lords. McLaughlin understood the domestic/public distinction in a precise, technical, sense (as discussed herein), while Nicholson used it in a more

generic, “common sense” way (even as she provides evidence for militarily-active women at a time when McLaughlin postulated that their numbers would decline); see Megan McLaughlin, “The Woman Warrior: Gender, Warfare and Society in Medieval Europe,” *Women’s Studies* 17 (1990): 193-209; and Helen Nicholson, “Women on the Third Crusade,” *Journal of Medieval History* 23 (1997): 335-49; pp. 345-6. For a more general discussion, pointing both to “confusions” among scholars of Old Regime France and to conclusions analogous to those presented in this article, see Dena Goodman, “Public Sphere and Private Life: Toward a Synthesis of Current Historiographical Approaches to the Old Regime,” *History and Theory* 31 (1992): 1-20.

3. Aristocracy is a broader concept than hereditary nobility. Even in the centuries when there was no legally-constituted nobility in France, a hereditary nobility was widely recognized and its members accorded the highest status, even as men of common birth could rise, more easily than women, to join the ranks of the ruling aristocratic elite, largely through military prowess and/or marriage to a woman of noble birth. See, for solid introductions to this topic: J. Martindale, “The French Aristocracy in the Early Middle Ages: A Reappraisal,” *Past and Present* 75 (1977): 5-45; Theodore Evergates, “Historiography and Sociology in Early Feudal Society: The Case of Hariulf and the *milites* of Saint-Riquier,” *Viator* 6 (1975): 35-49; Theodore Evergates, “Nobles and Knights in Twelfth-Century France,” in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson (Philadelphia: U of Pennsylvania P, 1995), pp. 11-35; and Constance B. Bouchard, “The Origins of the French Nobility,” rvsd. ed. in her “*Those of My Blood*”: *Constructing Noble Families in Medieval Francia* (Philadelphia: U of Pennsylvania P, 2001), pp. 13-38.

4. Achille Luchaire, *Histoire des institutions monarchiques de la France sous les premiers capétiens (987-1180)*, 2nd ed., rpt. 2 vols. in 1 (Brussels: Culture et Civilisation, 1964; first published, Paris, 1891); Marc Bloch, *Feudal Society*, trans. L. A. Manyon (London: Routledge & Kegan Paul, 1961; first published in French, 1939), esp. pp. 408-37; Georges Duby, “The Evolution of Judicial Institutions: Burgundy in the Tenth and Eleventh Centuries,” in *The Chivalrous Society*, trans. Cynthia Postan (Berkeley: U of California P, 1977; first published in French, 1946-47), pp. 14-58; Dominique Barthélemy, “L’état contre le ‘lignage’: un thème à développer dans l’histoire des pouvoirs en France aux XIe, XIIe et XIIIe siècles,” *Médiévales* 10 (1986): 37-50, pp. 37-41; Janet L. Nelson, “The Problematic in the Private,” *Social History* 15 (1990): 355-66; Frederic L. Cheyette, *Ermengard of Narbonne and the World of the Troubadours* (Ithaca: Cornell UP, 2001), pp. 129-34; Kimberly A. LoPrete, “Historical Ironies in the Study of Capetian Women,” in *Capetian Women*, ed. Kathleen Nolan (New York: Palgrave-Macmillan, 2003), pp. 271-86; pp. 272-4, 280-82.

5. Luchaire, *Histoire*, 1:133-34, 149; Bloch, *Feudal Society*, pp. 200-201; Kimberly A. LoPrete, “Women, Gender and Lordship in France, c. 1050-1250,” *History Compass* 5 (2007): 1921-41.

6. See, in addition to the works cited in n. 5, the essays in Theodore Evergates, ed., *Aristocratic Women in Medieval France* (Philadelphia: U of Pennsylvania P, 1999); in Nolan, *Capetian Women*; and (New York: Palgrave-Macmillan, 2003); and Kimberly A. LoPrete, "The Gender of Lordly Women: The Case of Adela of Blois," in *Studies on Medieval and Early Modern Women: Pawns or Players?* ed. Christine Meek and Catherine Lawless (Dublin: Four Courts, 2003), pp. 90-110.
7. The date at which women lost, through enactments in positive law, all rights to control property varied across Europe. Their customary rights were increasingly circumscribed in most polities from the later thirteenth and fourteenth centuries, but in France noblewomen's rights were not completely eclipsed until after 1793 (see, for example, Goodman, "Public Sphere," p. 16, and the works cited in n. 17).
8. See works cited in n. 4, above; Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (London: Polity, 1989; first published in German, 1962); Leonard Krieger, "The Idea of Authority in the West," *American Historical Review* 92 (1977): 249-77, pp. 263-68; and Susan Reynolds, "The Historiography of the Medieval State," in *Companion to Historiography*, ed. Michael Bentley (London: Routledge, 1997), pp. 117-38; pp. 118-25.
9. For further discussion and literature, see LoPrete, "Women," pp. 1925, 1934-35; Krieger, "Authority," pp. 251-32, 257-63. As Cheyette notes, those powers derived from the public authority of states comprise what Duby and subsequent historians call banal lordship (*Ermengard*, pp. 129-30); see e.g., the passages from Duby's *La société aux XIe et XIIe siècles dans la région mâconnaise* (Paris: Colin, 1953) translated as "The Nobility of Eleventh- and Twelfth-Century Mâconnais," in *Lordship and Community in Medieval Europe: Selected Readings*, ed. Frederic L. Cheyette (New York: Holt, Rinehart, & Winston, 1968), pp. 137-155; pp. 137-9.
10. See the bibliographic overviews by Léopold Genicot, *La loi*, Typologie des sources du moyen âge occidental, no. 22 (Turnhout: Brepols, 1977; updated in 1985), pp. 12-13 for *lex privata*; John Gilissen, *La coutume*, Typologie des sources du moyen âge occidental, no. 41 (Turnhout: Brepols, 1982); Guido van Dievoet, *Les coutumiers, les styles, les formulaires et les "artes notariae"*, Typologie des sources du moyen âge occidental, no. 48 (Turnhout: Brepols, 1986).
11. See, for instance, Olivier Guyotjeannin, Jacques Pycke, and Benoît-Michel Tock, *Diplomatique médiévale*, 3rd ed. (Turnhout: Brepols, 2006), pp. 103-118.
12. Bloch, *Feudal Society*, pp. 176, 192, 368, 395-6; Barthélemy, "L'état," pp. 37-8.
13. See, for example, Emily James Putnam, *The Lady: Studies of Certain Significant Phases of her History* (Chicago: U of Chicago P, 1970; first published, 1910), pp. xxvii-xli.
14. Evergates, ed., *Aristocratic Women*, contains the most comprehensive set

of case studies of such *dominae* in France, with guides to further reading. It can be supplemented by Cheyette, *Ermengard*; Erin L. Jordan, *Women, Power, and Religious Patronage in the Middle Ages* (New York: Palgrave-Macmillan, 2006); Kimberly A. LoPrete, *Adela of Blois: Countess and Lord (c. 1067-1137)* (Dublin: Four Courts, 2007); and Theodore Evergates, *The Aristocracy in the County of Champagne, 1100-1300* (Philadelphia: U of Pennsylvania P, 2007).

15. For letters, see LoPrete, “The Gender of Lordly Women,” pp. 99-103, and Kimberly A. LoPrete, “Gendering Viragos: Medieval Perceptions of Powerful Women,” in *Studies of Medieval and Early Modern Women 4: Victims or Viragos?*, ed. Christine Meek and Catherine Lawless (Dublin: Four Courts, 2005), pp. 17-38; pp. 30-31. See also Georges Espinas, “Le privilège de Saint-Omer de 1127,” *Revue du Nord* 29 (1947): 43-49, p. 47; clause 20 opens: “If any foreigner attacks a burgher of Saint-Omer and inflicts insult or injury on him or violently robs him, avoids arrest, and gets away with his transgression, and afterwards he is summoned by the Castellan or his wife, or by his standard-bearer (*postmodum vocatus a castellano vel uxore eius seu ab eius dapifero*), and refuses or neglects to appear within three days to do satisfaction, the community of citizens shall avenge their brother’s injury.” Trans. Constantin Fasolt in *Readings in Western Civilization, Vol. 4: Medieval Europe*, ed. Julius Kirshner and Karl F. Morrison (Chicago: U of Chicago P, 1986), pp. 90-95; see further in LoPrete, “Women,” p. 1926.

16. Bloch, *Feudal Society*, p. 200; Bloch’s views contrast with those of Duby, whose paradoxical formulations are discussed in LoPrete, “Women,” pp. 1924-26. Note also, regarding queens: “The governmental activity of the queen [as one member of a Capetian trinity] included all forms of rule. One swore fidelity to her as one did to the king. She, like him, had the right to issue safe conducts, and she exercised executive power with him” (Luchaire, *Histoire*, 1:149).

17. See, for overviews derived largely from significantly later customaries, John Gilissen, “Le privilège de masculinité dans le droit coutumier de la Belgique et du nord de la France,” *Revue du Nord* 43 (1961): 201-216; and Jean Yver, “Les caractères originaux du groupe de coutumes de l’ouest de la France,” *Revue historique de droit français et étranger*, 4th ser., 30 (1952): 18-79, who notes that prohibitions on daughters who had received a “pre-mortem” share of their fathers’ estates in the form of dowries from inheriting more emerged only in the thirteenth and fourteenth centuries and only in some regions. Sound regional summations include Cheyette, *Ermengard*, pp. 25-35, 370-71; Evergates, *Aristocracy*, pp. 82-139, 318-51. The so-called Salic Law, “invented” in the fourteenth-fifteenth centuries, applied only to kings’ daughters and left unchanged the inheritance rights of other noblewomen, even as it marked the growing tendency to conceptualize monarchs as heads of State (see LoPrete, “Historical Ironies,” p. 281, and LoPrete “Women,” pp. 1926-27).

18. In addition to the works cited in previous note, see discussion in LoPrete, *Adela*, pp. 53-4; and Diane Owen Hughes, “From Brideprice to Dowry in

- Mediterranean Europe,” *Journal of Family History* 3 (1978): 13-58, an article whose findings too often have been inappropriately overgeneralized.
19. For consent, see discussion in LoPrete, *Adela*, pp. 84-88; Evergates, *Aristocracy*, pp. 91-3, 110-11.
20. See examples in LoPrete, *Adela*, pp. 96-101, 133, 308-311; Evergates, *Aristocracy*, pp. 94-6, 106-7, 113-15. The first customary codes appeared in the closing decades of the twelfth century (van Dievoet, *Les coutumiers*, pp. 24-36; 47-58); see also the works cited in n. 17.
21. Yver, “Les caractères originaux,” pp. 40-41; Pierre Petot, “Le mariage des vassales,” *Revue historique de droit français et étranger* 4th ser., 56 (1978): 29-47; Evergates, *Aristocracy*, pp. 24-26, 37-42, 98-100, 156-7.
22. See LoPrete, *Adela*, p. 89; LoPrete, “Women,” pp. 1926-27; Evergates, *Aristocracy*, pp. 128-9, 140-66, 348, 351-56.
23. See Duby, *La société*, and the works cited in n. 3.
24. These customaries represent the legitimization of lords’ powers, but how they affected the authoritative rights of lordly women (compared to lordly men’s) is difficult to assess for several reasons. Of the two most important, one is the unofficial standing of most of the earliest compilations, which means that they cannot be read simply as guides to normative practices. The second is that it cannot be determined definitively which provisions reflected long-established “traditional” usages and which were of recent coinage, or even effectively new. In addition to the works cited in n. 10, the pathbreaking essays in Peter Classen, ed., *Recht und Schrift im Mittelalter*, Vorträge und Forschungen, no. 23 (Sigmaringen: Thorbecke, 1977) remain useful for understanding the relationship between oral and written legal traditions; for a magisterial discussion of recent work in the Frankish realms and post-Carolingian Europe see Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, vol. 1 (Oxford: Blackwell, 1999), pp. 29-92.
25. See, for example, Kimberly A. LoPrete, “Adela of Blois: Familial Alliances and Female Lordship,” in *Aristocratic Women*, pp. 27-29; Amy Livingstone, “Aristocratic Women in the Chartrain,” in *Aristocratic Women*, pp. 61-67.
26. Bloch, *Feudal Society*, p. 335; Walther Kienast, “Comes Francorum und Pfalzgraf von Frankreich,” in *Festgabe für Paul Kirn zum 70. Geburtstag*, ed. Ekkehard Kaufmann (Berlin: E. Schmidt, 1961), pp. 80-92.
27. See LoPrete, *Adela*, pp. 183-87; and pp. 65-66 for the title as used by members of the Thibaudian family that controlled the counties of Blois, Chartres, Meaux and Troyes.
28. Kathleen Thompson, *Power and Border Lordship in Medieval France: The County of the Perche, 1000-1226* (Woodbridge: Boydell, 2002), pp. 37-8; note also Robert, “count” of Braine and Dreux in the early thirteenth century, as cited by Theodore Evergates, ed. and tr., *Feudal Society in Medieval France: Documents from the County of Champagne* (Philadelphia: U of Pennsylvania P, 1993), p. 6.

29. See works cited in n. 14.

30. Note Goodman's revealing discussion of Philippe Ariès' realization that he, largely an amateur historian, had construed the public sphere in common sense terms as public spaces, while professional historians understood the public sphere as the apparatus of State ("Public Sphere," pp. 10-12).

31. For difficulties in conceptualizing the "public" powers of medieval lords in terms of such contrasts, see Habermas, *Structural Transformation*, pp. 3-7; and LoPrete, "Women," pp. 1924-26. Note also "[t]he powers of medieval noblewomen were those of lords. The extent to which lordly powers had a private domestic core as well as a public political face is the extent to which women as females could be viewed as legitimately wielding powers of command over others and intervening in public events without sinning against either the socio-political or the gender logic of their day" (LoPrete, "Gender," p. 110); Goodman reached analogous conclusions when conceptualizing men's and women's powers in the salon culture of eighteenth-century France ("Public Sphere," pp. 18-19).

32. Habermas, *Structural Transformation*, e.g., pp. 14-26.

33. See, for example, Janet Coleman, "Structural Realities of Power: The Theory and Practice of Monarchies and Republics in Relation to Personal and Collective Reality," in *The Propagation of Power in the Medieval West*, ed. Martin Grosman, Arjo Vanderjagt, and Jan Veenstra (Groningen: E. Forsten, 1997), pp. 207-230, pp. 213-26, and literature cited. Also suggestive are articles by Cary J. Nederman in his *Medieval Aristotelianism and its Limits: Classical Traditions in Moral and Political Philosophy, 12th-15th Centuries* (Aldershot: Ashgate, 1997); and Brian Tierney in his *Rights, Laws and Infallibility in Medieval Thought* (Aldershot: Ashgate, 1997).

34. Joan B. Landes, "Introduction," in *Feminism*, pp. 1-17; Joan B. Landes, "The Public and the Private Sphere: A Feminist Reconsideration," rpt. in *Feminism*, pp. 135-63 (first published, 1995); Dorinda Outram, "Revolution, Domesticity and Feminism: Women in France after 1789," *The Historical Journal* 32 (1989): 971-79; pp. 977-79; Dena Goodman, "More than Paradoxes to Offer: Feminist History as Critical Practice," *History and Theory* 36 (1997): 392-405; p. 402.

35. Habermas, *Structural Transformation*, pp. 18-19; Goodman, "Public Sphere," pp. 10-14; 18-19.

36. Jürgen Habermas, "The Public Sphere: An Encyclopedia Article (1964)," trans. Sara and Frank Lennox, *New German Critique* 3 (1974): 49-55, p. 54.

37. Habermas, *Structural Transformation*, pp. 5-9.

38. Bloch, *Feudal Society*, pp. 408-20; Karl F. Werner, "Kingdom and Principality in Twelfth-Century France," in *The Medieval Nobility*, ed. and trans. Timothy Reuter (Amsterdam: North Holland, 1978; first published in German, 1968), pp. 243-90; pp. 252-56; Olivier Guillot, "Le concept d'autorité dans l'ordre politique français issue de l'an mil," in *La notion d'autorité au*

Moyen Age: Islam, Byzance, Occident, ed. George Makdisi, et al (Paris: PUF, 1982), pp. 127-140; pp. 129-34; John van Engen, "Sacred Sanctions for Lordship," in *Cultures of Power*, ed. Bisson, pp. 203-30. Geoffrey Koziol presents perhaps the most sustained and accessible discussion of what he terms theophanic (distinct from theocratic) rulership in his *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca: Cornell UP, 1992), esp. pp. 78-103.

39. Cheyette, *Ermengard*, pp. 187-98; 220-32.

40. Hildebert, ep. 1³, ed. *PL*, 171:144-45 (rpt. in Peter von Moos, *Hildebert von Lavardin, 1056-1133: Humanitas an der Schwelle des höfischen Zeitalters*, Pariser historische Studien, no. 3 [Stuttgart: Hiersemann, 1965], pp. 341-43); the opening sections have been reprinted and translated by Gerald A. Bond in *The Loving Subject: Desire, Eloquence, and Power in Romanesque France* (Philadelphia: U of Pennsylvania P, 1995), pp. 202-05. All paraphrases and quotations are from this edition, with my own translations, which vary from Bond's largely in order to reflect more closely Hildebert's rhetorical figures. The letter was most likely written in 1102-3, 1107, or 1109; see further discussion in LoPrete, *Adela*, pp. 181-82.

41. I see no need for Bond's suggested emendation of *feminam* for *feminae*. Hildebert could have intended the "man" (*vir*) to mean "everyman," or perhaps "husband" as preferred by Bond here and earlier (and in spite of Hildebert's unambiguous *maritum* in the opening line), because he believes—mistakenly in my opinion—that the letter was written before the count's death (1102); see previous note.

42. See n. 40.

43. See LoPrete, *Adela*, pp. 465, no. 43; p. 480 no. 68; p. 486-7 no. 79.

44. Georges Duby, "Women and Power," in *Cultures of Power*, pp. 69-85; p. 77; Thérèse de Hemptinne, "Women as Mediators between Powers of *Comitatus* and *Sacerdotium*: Two Countesses of Flanders in the Eleventh and Twelfth Centuries," in *Propagation of Power*, pp. 287-99; pp. 287-8. Bond does not explicitly draw out that conclusion but argues—unpersuasively in my opinion—that Adela requested this letter from Hildebert in order to have the prelate justify her ruling authority to her contemporaries, who viewed her powers largely as illegitimate (*Loving Subject*, pp. 152-53).

45. Ernst H. Kantorowicz, "*Deus per naturum, Deus per Gratiam*: A note on Mediaeval Political Theology," *Harvard Theological Review* 45 (1952): 253-77.

46. George H. Williams, *The Norman Anonymous of 1100 A.D.*, Harvard Theological Studies, no. 18 (Cambridge: Harvard UP, 1951), pp. 55-60; Kantorowicz, "*Deus per naturum*," pp. 253-77; Hugh of Fleury, another of Adela's correspondents, espoused similar views in his *Liber de regia potestate et sacerdotali dignitate* (ed. E. Sackur, *MGH, Libelli de Lite*, 2:465-94).

47. For references to documents of her father-in-law and her husband, see LoPrete, *Adela*, pp. 180 n. 47, 442, n. 5, 564 and n. 21; with further discussion

in LoPrete, "Historical Ironies," pp. 276-77; and Koziol, *Begging Pardon*, pp. 27-49; 81-85. One of Mathilda of Tuscany's standard subscriptions included the motto-like *Dei gratia si quid est*, best discussed by Werner Goetz, "*Matilda Dei gratia si quid est: Die Urkunden-Unterfertigung der Burgherrin von Canossa*," *Deutsches Archiv* 47 (1991): 379-94.

48. Hildebert's own sexual activity almost cost him his episcopal promotion and he was a well-known supporter of Adela's brother, Henry I of England, notorious for the number of his illegitimate children (LoPrete, *Adela*, pp. 179-80 and n. 41).

49. For some of her contemporaries, see LoPrete, *Adela*, pp. 436-38.

50. See also LoPrete, "Women," p. 1930.